

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

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**In the Matter of:**

**Case No.: 13-RC-198325**

**UNIVERSITY OF CHICAGO  
Employer**

**And**

**GRADUATE STUDENTS UNITED  
Petitioner**

**Place: Chicago, IL  
Date: 05/25/17  
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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13

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

The above-entitled matter came on for hearing pursuant to notice, before CHRISTINA MOLS, Hearing Officer, at 219 South Dearborn Street, Eighth Floor, Chicago, Illinois, on Thursday, May 25, 2017, at 9:00 a.m.

A P P E A R A N C E S

On behalf of the Employer:

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EXHIBIT IDENTIFIED RECEIVED

Table with 3 columns: EXHIBIT, IDENTIFIED, RECEIVED. Rows 1-25 listing exhibit numbers and corresponding page numbers.

I N D E X

Table with 2 columns: Description, PAGE. Includes entries for WITNESS: MIRANDA SWANSON and WITNESS: WILLIAM KONG.

EXHIBIT IDENTIFIED IN EVIDENCE

Table with 3 columns: Exhibit, IDENTIFIED, IN EVIDENCE. Lists exhibits 15 A, 49, 50, and 29 with their respective page numbers.

HEARING OFFICER MOLS: On the record.
MR. WEITZMAN: The University of Chicago
calls as its next witness Miranda Swanson.
(He witness was duly sworn.)
HEARING OFFICER MOLS: Please have a seat.
Would you please state and spell your name
for the record.
THE WITNESS: Miranda Swanson. Miranda,
M-i-r-a-n-d-a. Swanson, S-w-a-n-s-o-n.
HEARING OFFICER MOLS: Thank you.
MIRANDA SWANSON
having been first duly sworn, was examined and
testified as follows:
DIRECT EXAMINATION
BY MR. WEITZMAN:
Q. Good morning, Ms. Swanson.
A. Good morning.
Q. By whom are you employed?
A. The University of Chicago.
Q. When did you begin working at the
University of Chicago?
A. 2001.
Q. What is your current job title at the
University of Chicago?
A. Dean of Student of the Physical Sciences

1 Division.  
 2 Q. Approximately how long have you been a Dean  
 3 of Students in the Physical Sciences Division?  
 4 A. Five years this September.  
 5 Q. Have you held any other positions while at  
 6 the university?  
 7 A. Yes.  
 8 Q. What positions?  
 9 A. Program Coordinator for the Master's of  
 10 Arts Program in Humanities.  
 11 Q. Is that the first position you held when  
 12 you came to the University of Chicago?  
 13 A. Yes.  
 14 Q. When did you hold that position?  
 15 A. Three years.  
 16 Q. So, that would be from 2001 until  
 17 approximately sometime in 2004?  
 18 A. Yes.  
 19 Q. What position did you hold next?  
 20 A. Assistant Dean of Students in the Division  
 21 of the Humanities.  
 22 Q. How long did you hold that position?  
 23 A. Three years.  
 24 Q. So, that would be sometime from 2004 to  
 25 2007?

1 A. Yes.  
 2 Q. What was your next position?  
 3 A. Associate Dean of Students in the Division  
 4 of the Humanities.  
 5 Q. How long did you hold that position?  
 6 A. Four years.  
 7 Q. 2007 to 2011?  
 8 A. Yes.  
 9 Q. Does that get us to your current position?  
 10 A. I was Deputy Dean Students in the Division  
 11 of the Humanities from 2011 until 2012.  
 12 Q. And you became the Dean in --  
 13 A. The Dean of Students in Physical Sciences  
 14 in 2012.  
 15 Q. Good. What is your educational background?  
 16 A. I have a Bachelor's of Fine Arts and a  
 17 Master's Degree.  
 18 Q. Your Bachelor's of Fine Arts was received  
 19 from what educational institution?  
 20 A. The University of Nebraska at Omaha.  
 21 Q. And you received your MA from?  
 22 A. The University of Chicago.  
 23 Q. Do you have any other credentials?  
 24 A. I am completed a certificate program at the  
 25 Booth School of Business at the University of

1 Chicago. It was an Executive Education Program For  
 2 Emerging Leaders.  
 3 Q. What are your responsibilities as the Dean  
 4 of Students of the Physical Science Division, which  
 5 we're going to refer to from time to time as PSD?  
 6 A. The portfolio includes admissions and  
 7 recruitment, administration of financial aid,  
 8 registration, and the records. Convocation, student  
 9 crisis management. Administration of students'  
 10 disabilities. Accommodations and student  
 11 discipline, conduct. Also student programming at  
 12 the divisional level.  
 13 Q. How many academic departments does PSD  
 14 have?  
 15 A. Seven.  
 16 Q. Can you tell us what these seven  
 17 departments are?  
 18 A. Astronomy and Astrophysics.  
 19 Q. Is one?  
 20 A. One. Chemistry, Computer Science  
 21 Geophysical Sciences, Mathematics, Physics,  
 22 Statistics.  
 23 Q. How many academic programs does PDS (sic)  
 24 have?  
 25 A. PSD has nine Ph.D. programs and four

1 Master's programs.  
 2 Q. The Master's programs consist of the seven  
 3 departments?  
 4 A. They are affiliated with departments, but  
 5 they are stand-alone programs.  
 6 MR. WEITZMAN: I'm going to withdraw that  
 7 question.  
 8 HEARING OFFICER MOLS: Okay.  
 9 BY MR. WEITZMAN:  
 10 Q. I meant to ask you about the Ph.D. program.  
 11 A. The two -- yes. The seven Ph.D. -- seven  
 12 of the nine Ph.D. programs are affiliated with the  
 13 seven departments.  
 14 Q. And there are nine all together; the two  
 15 others are?  
 16 A. Biophysical Sciences and a new program,  
 17 Computational Applied Mathematics.  
 18 Q. The Biophysical Science Program is a joint  
 19 program?  
 20 A. It's academically joint between the  
 21 Biological Sciences and the Physical Sciences, but  
 22 administered by the Physical Science Division.  
 23 Q. Approximately how many members, faculty  
 24 members does PSD have?  
 25 A. Just under 200.

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1 Q. Does PSD have an undergraduate program?  
2 A. Yes.  
3 Q. And who is that for?  
4 A. Undergraduates in the college who take  
5 majors from the departments.  
6 Q. Are there Master's programs in PSD?  
7 A. Yes.  
8 Q. How many?  
9 A. Four.  
10 Q. Could you name them, please?  
11 A. The Master's of Science program in -- the  
12 Master's Program in Computer Science, the Master's  
13 of Science Program in Financial Mathematics, the  
14 Master's of Science program in the Physical Sciences  
15 Division, and the Master's of Science in Statistics.  
16 Q. Looking at the programs that you just  
17 mentioned in your Master's program, is the Computer  
18 Science Program for Master's somehow different from  
19 the Ph.D. program?  
20 A. Yes.  
21 Q. In what ways?  
22 A. It is a professional Master's program that  
23 accommodates a number of part-time students. And  
24 it's a -- it terminates in a Master's degree.  
25 Q. The program in Financial Mathematics for

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1 Master's is not a program offered for Ph.D.s,  
2 correct?  
3 A. It is not.  
4 Q. A Master's in the Division of Physical  
5 Sciences is not a program offered for Ph.D.s,  
6 correct?  
7 A. It is not.  
8 Q. Does the Statistics Master Program differ  
9 from the Ph.D. Master Program?  
10 A. Yes.  
11 Q. How?  
12 A. It terminates in a Master's degree, and it  
13 does not have a dissertation and other doctoral  
14 requirements.  
15 Q. Typically called a terminal degree?  
16 A. It's a terminal degree.  
17 Q. Thank you.  
18 Could you tell us approximately how many  
19 undergraduate students have declared majors within  
20 one of PSD's departments?  
21 A. The last statistics I saw on this were from  
22 2015-'16, and there were approximately 1,300 majors.  
23 Q. Approximately how many Ph.D. students are  
24 enrolled in PSD?  
25 A. Approximately 750.

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1 HEARING OFFICER MOLS: Is that for this  
2 most recent academic year?  
3 THE WITNESS: Yes.  
4 HEARING OFFICER MOLS: Thank you.  
5 BY MR. WEITZMAN:  
6 Q. Approximately how many Master's students  
7 are enrolled in PSD?  
8 A. It varies from quarter to quarter, between  
9 450 and 550.  
10 Q. Is there a time limit for students to  
11 obtain their Ph.D. if they are in the Ph.D. program?  
12 A. Yes.  
13 Q. What is that?  
14 A. For students who matriculated prior to  
15 summer, 2016, by university rules the time limit is  
16 12 years.  
17 For students who matriculated in the summer  
18 of 2016 and after, by university rule the time limit  
19 is nine years. However, in that new rule, leaves of  
20 absence stop the clock, and there was an expanded  
21 leave of absence policy put into place for doctoral  
22 students, again at the university level.  
23 Q. Does the responsibility for administering  
24 leaves of absence that would stop the clock fall  
25 under your office's jurisdiction?

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1 A. Yes.  
2 Q. Do you know the reason why the time for  
3 Ph.D. students to complete their degrees was changed  
4 from 12 to nine with the additional change to the  
5 leave of absence policy?  
6 A. There was faculty committee convened in the  
7 late winter and spring of last year who looked at  
8 data on time to degree in the departments across the  
9 university as well as peer policies on the issue,  
10 and it was determined that the university was an  
11 outlier in terms of how peers handled this. And  
12 with the complete -- with many changes to the  
13 overall doctoral residents system including the  
14 addition of more options for leave -- an expanded  
15 leave of absence policy, it was determined by the  
16 faculty to be appropriate at nine years.  
17 HEARING OFFICER MOLS: When you refer to  
18 peers, are you referring to other higher educational  
19 institutions?  
20 THE WITNESS: Yes.  
21 HEARING OFFICER MOLS: Thank you.  
22 BY MR. WEITZMAN:  
23 Q. Do you know the statistics on the average  
24 number of years it takes a student in PSD to  
25 complete his or her Ph.D. degree?

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1 A. When we looked at the statistics from the  
2 last five years, the average across the division was  
3 5.88 years.  
4 Q. Is that the number -- is the same number  
5 for each of the nine programs?  
6 A. It will vary by program.  
7 Q. Some will be more and some will be less?  
8 A. Yes.  
9 Q. How many years does it typically take a  
10 student to complete a Master's degree?  
11 A. It varies by program.  
12 Q. So, give me the minimum.  
13 A. The minimum would be three quarters. And  
14 the --  
15 Q. Maximum?  
16 A. Two years for a full-time student.  
17 Q. Why do you say, for a full-time student?  
18 A. Part-time students might take longer  
19 because they are completing the program one class  
20 per quarter or taking quarters off.  
21 Q. Is there a time limit as to when students  
22 must obtain their Master's degree?  
23 A. Not at the divisional level. Programs can  
24 set time limits.  
25 Q. Why does the Master's program take a

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1 shorter amount of time than a Ph.D. program?  
2 A. In the two mainly professional programs it  
3 is exclusively course work that meets the  
4 requirements for the Master's degree. The -- a  
5 doctoral program in addition to course work requires  
6 potentially exams, other milestones to meet  
7 candidacy, and there is a production of a  
8 dissertation.  
9 Q. Thank you for that background. Now I'm  
10 going to talk to you about teaching assistantships.  
11 Do PSD Ph.D. students have a divisional  
12 teaching requirement?  
13 A. There is no divisional teaching requirement  
14 in PSD.  
15 Q. Do the PSD programs have teaching  
16 requirements?  
17 A. PSD programs have teaching requirements.  
18 Q. So, you have in front of you on this easel  
19 part of Employer's Exhibit 15 that we've been using  
20 as a demonstrative exhibit, so that as  
21 representatives from the various divisions testify,  
22 they can look at what's listed on this exhibit as --  
23 for teaching requirements, and then testify as to  
24 the accuracy of what's on there.  
25 So, let me walk you through it. Do you see

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1 the heading about a third of the way down, Physical  
2 Sciences Division?  
3 A. I do.  
4 Q. In the left-hand column it has a heading  
5 for Divisional Teaching Requirements. Are those all  
6 the programs within PSD?  
7 A. Yes.  
8 Q. Okay. And then moving across, we see  
9 Teaching Requirements. So, you've already testified  
10 that there is no divisional retirements, but that  
11 the programs have divisions. So, walk us through  
12 the teaching requirements for each of the  
13 departments as represented on this demonstrative,  
14 and tell us whether it's accurate or not.  
15 A. Astronomy and Astrophysics has a  
16 two-quarter teaching requirement.  
17 Biophysical Sciences has a two-quarter  
18 teaching requirement.  
19 Chemistry has a three-quarter teaching  
20 requirement.  
21 Computational and Applied Mathematics is a  
22 new program, and the requirement is still under  
23 development.  
24 Computer Science does not have a teaching  
25 requirement.

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1 Geophysical Sciences does not have a  
2 teaching requirement, but TA training is required of  
3 all entering students.  
4 Mathematics has a three-quarter teaching  
5 requirement.  
6 Physics does not have a teaching  
7 requirement, but TA training is required of all  
8 entering students.  
9 Statistics has a teaching requirement.  
10 This is accurate.  
11 MR. WEITZMAN: May I?  
12 HEARING OFFICER MOLS: Yes.  
13 MR. WEITZMAN: This will be 15 A.  
14 (Employer Exhibit Number 15 A was  
15 marked for identification.)  
16 HEARING OFFICER MOLS: Okay. Thank you.  
17 BY MR. WEITZMAN:  
18 Q. Let me direct your attention to the last  
19 page of 15 A. 15 A differs from the demonstrative  
20 which is on the table in that 15 A has a fourth  
21 footnote. Would you look at that footnote and tell  
22 us what it says and tell us whether it's accurate?  
23 A. Astronomy and Astrophysics, ANA. Students  
24 may fulfill the teaching requirement through an  
25 exposure to teaching rather than a teaching

1 assistantship. Examples include developing lab  
2 projects off line from the course in which it will  
3 be used, do an outreach work at Adler Planetarium,  
4 and doing outreach work with the Kavli Institute for  
5 Cosmological Physics.

6 Q. Is that an accurate statement as to the  
7 alternatives that the Astronomy and Astrophysics  
8 program allows for its Ph.D. students to fulfill the  
9 two-quarter teaching requirement?

10 A. Yes.

11 MR. WEITZMAN: Madam Hearing Officer, now  
12 that all the component parts of --

13 HEARING OFFICER MOLS: Have we had somebody  
14 from the Social Service Administration?

15 MS. AUERBACH: No.

16 HEARING OFFICER MOLS: I think that's the  
17 only one that's missing.

18 MR. WEITZMAN: So, this will just sit there  
19 as 15 A.

20 HEARING OFFICER MOLS: We'll wait.

21 MR. WEITZMAN: I jumped the gun.

22 BY MR. WEITZMAN:

23 Q. Other than the Ph.D. graduate students who  
24 are in the Astronomy and Astrophysics program who  
25 elected to take an alternate way of satisfying the

1 teaching requirements, how do PSD students satisfy  
2 the teaching requirement?

3 A. Typically through TA-ships or instructor/  
4 lecturer position.

5 Q. And the instructor/lecturer position would  
6 be in which program?

7 A. Mathematics and Statistics.  
8 (Court Reporter requested that the Witness  
9 repeat the last answer.)  
10 And Statistics.

11 May I also note that Biophysical Sciences  
12 follows the Biological Sciences Division model, so  
13 they allow for alternate teaching requirements as  
14 noted in Note 1.

15 Q. So, a PSD student who is in the joint  
16 Biophysical Science Program is governed by the "in  
17 lieu of" opportunity that's afforded for BSD  
18 students?

19 A. That is correct.

20 Q. What is a lecturer, Ms. Swanson?

21 A. It's a stand-alone teaching opportunity.

22 Q. Can students be stopped from graduating  
23 with their Ph.D. degree if they do not fulfill the  
24 TA requirement of their program as set forth on this  
25 demonstrative that you've identified?

1 A. Yes.

2 Q. What students do PSD Ph.D. students TA for?

3 A. Undergraduates and, in less common cases,  
4 Master's students.

5 Q. Does PSD provide an orientation or other  
6 introductory training for its Ph.D. students prior  
7 to their TA-ship?

8 A. There is not a training at the divisional  
9 level, but the programs offer TA training.

10 Q. What is the Collaborative Institutional  
11 Training Initiative?

12 A. CITI is responsible conduct of research  
13 training that our students complete, our doctoral  
14 student complete.

15 Q. When you say our, you're talking about the  
16 Division --

17 A. Physical Sciences Division.

18 Q. In what format is this training presented?

19 A. It's an online training.

20 Q. Is it customizable?

21 A. Yes. It's customized by program. And I  
22 should mention that students in Biophysical Sciences  
23 complete the -- instead of the CITI training, they  
24 complete that requirement through a course that's  
25 offered the same as Biological Sciences.

1 MR. WEITZMAN: This will be Employer's  
2 Exhibit Number 49 for identification.

3 (Employer Exhibit Number 49 was  
4 marked for identification.)

5 BY MR. WEITZMAN:

6 Q. Ms. Swanson, can you identify Employer  
7 Exhibit 49 for the record?

8 A. This is the matrix of the CITI training and  
9 which modules are required or optional or not  
10 included by academic program.

11 Q. Let's look at the line that goes across the  
12 top horizontally. Authorship, Conflicts of  
13 Interest, Data Management, Peer Review, Research  
14 Misconduct, Mentoring, Collaborative Research, Who's  
15 an Author, Collaboration between Academics, and Case  
16 Study Data Management. What are those?

17 A. Those are the modules in the CITI training.

18 Q. And then vertically down in the first  
19 column on the left, what do we see?

20 A. We see graduate programs, undergraduates,  
21 and post doc affiliations.

22 Q. For the record, please explain the color  
23 coding of this document.

24 A. Green indicates required modules. Yellow  
25 indicates optional modules. And red indicates

1 modules that are not included.  
 2 Q. Let me use Chemistry as an example, which  
 3 is about a third of the way down from the left-hand  
 4 column.  
 5 If I'm a Ph.D. student in the chemistry  
 6 program, as I understood your testimony it's  
 7 optional for me to take the authorship module,  
 8 correct?  
 9 A. Correct.  
 10 Q. It's required that I take Conflict of  
 11 Interest in Data Management, correct?  
 12 A. Correct.  
 13 Q. Peer Review would be optional for me?  
 14 A. Correct.  
 15 Q. Research is required?  
 16 A. Correct.  
 17 Q. Mentoring is not included. What does that  
 18 mean, not included?  
 19 A. The student completing the module would not  
 20 have that as an option.  
 21 Q. And that would be an option -- and it's the  
 22 Chemistry --  
 23 A. The Chemistry doctoral students who are  
 24 completing the CITI training program.  
 25 Q. And that's because the Chemistry Department

1 decided that it wasn't required for its Ph.D.  
 2 students to take the mentoring module?  
 3 A. That is correct.  
 4 Q. The next line across is Collaborative  
 5 Research is optional for me as a Chemistry Ph.D.  
 6 student, correct?  
 7 A. Correct.  
 8 Q. Also, Who's an Author is an optional  
 9 program for me?  
 10 A. Correct.  
 11 Q. And the last two are Collaboration Between  
 12 Academics and Case Study Data Management; that is  
 13 also not included within my modules as a Ph.D.  
 14 student in the Chemistry Department, correct?  
 15 A. Correct.  
 16 Q. And I won't go through all of those. Is  
 17 that the same way it works for the rest of the  
 18 programs that are set forth in the left-hand column?  
 19 A. Yes.  
 20 MR. WEITZMAN: The Employer offers Exhibit  
 21 49.  
 22 MS. AUERBACH: No objection.  
 23 HEARING OFFICER MOLS: Employer Exhibit 49  
 24 is received.  
 25 (Employer Exhibit Number 49 was

1 received in evidence.)  
 2 BY MR. WEITZMAN:  
 3 Q. When are the Ph.D. students expected to  
 4 complete the student program?  
 5 A. They are expected to complete it during the  
 6 summer before they matriculate.  
 7 Q. Define matriculate, please.  
 8 A. That would be the quarter in which they  
 9 first register as a doctoral student.  
 10 Q. I'll now focus on funding.  
 11 A. Okay.  
 12 Q. Are you familiar with the financial package  
 13 available to Ph.D. graduate students in PSD?  
 14 A. Yes.  
 15 Q. What do PSD doctoral students receive as  
 16 financial aid?  
 17 A. Full tuition coverage, health insurance  
 18 coverage under the University Student Health  
 19 Insurance Plan, known as USHIP. Coverage of the  
 20 clinic portion of the Student Life fee, and  
 21 quarterly stipend.  
 22 Q. Subject to making satisfactory progress  
 23 toward their degree, for how long is the financial  
 24 aid guaranteed?  
 25 A. It would typically be until they graduate.

1 MR. WEITZMAN: May I?  
 2 HEARING OFFICER MOLS: Yes.  
 3 MR. WEITZMAN: This will be Employer's  
 4 Exhibit 50 for identification.  
 5 (Employer Exhibit Number 50 was  
 6 marked for identification.)  
 7 BY MR. WEITZMAN:  
 8 Q. Ms. Swanson, can you identify Employer's  
 9 Exhibit Number 50 for us, please?  
 10 A. It's a table of the doctoral programs in  
 11 the Physical Sciences Division and their financial  
 12 aid packages in 2016 and '17.  
 13 Q. So, the column in the -- the left-hand  
 14 column lists the doctoral programs, correct?  
 15 A. Yes.  
 16 Q. The second column is the nine-month  
 17 stipend?  
 18 A. The second column is the 12-month stipend  
 19 except for the programs in Computer Science,  
 20 Mathematics and Statistics. That is the nine-month  
 21 stipend. And then the summer stipend is indicated  
 22 in the Summer Financial Aid column.  
 23 Q. And then you totalled Column B, two middle  
 24 columns, and set that forth in the column on the far  
 25 right-hand side, correct?



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1 A. That's correct.  
2 MR. WEITZMAN: And the Employer offers  
3 Exhibit 50 into evidence.  
4 MS. AUERBACH: No objection.  
5 HEARING OFFICER MOLS: Employer Exhibit 50  
6 is received.  
7 (Employer Exhibit Number 50 was  
8 received in evidence.)  
9 BY MR. WEITZMAN:  
10 Q. Does PSD offer a financial aid package to  
11 Master's students that is similar to the financial  
12 aid that Ph.D. students receive?  
13 A. No.  
14 Q. To your knowledge, are there non-lab  
15 research assistants in PSD?  
16 A. Can --  
17 Q. Do you even know what they are?  
18 A. No.  
19 Q. Are there workshop coordinators in PSD?  
20 A. No.  
21 MR. WEITZMAN: Can we have a moment off the  
22 record, please?  
23 HEARING OFFICER MOLS: Sure. Off the  
24 record.  
25 (There was a discussion

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1 held off the record.)  
2 HEARING OFFICER MOLS: On the record.  
3 MR. WEITZMAN: The Employer has no further  
4 questions of Ms. Swanson.  
5 We pass the witness.  
6 MS. AUERBACH: I would like a few minutes  
7 off the record.  
8 HEARING OFFICER MOLS: Sure. Off the  
9 record.  
10 (There was a discussion held  
11 off the record.)  
12 HEARING OFFICER MOLS: Petitioner can  
13 proceed with its questions for the witness.  
14 CROSS-EXAMINATION  
15 BY MS. AUERBACH:  
16 Q. With respect to Employer Exhibit 15 A, the  
17 Physical Science Division department teaching  
18 requirements that you discussed, do you know if it's  
19 correct that in the Computer Science Department,  
20 students every quarter are assigned either as a TA  
21 or an RA?  
22 A. Students in Computer Science TA, RA, and  
23 also have quarters of fellowship. So, stipends from  
24 multiple sources.  
25 Q. Is it accurate that the students in

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1 Computer Science, in any one quarter about half of  
2 those students in the department are serving as a  
3 TA?  
4 A. I don't know.  
5 Q. You don't know?  
6 A. I don't know.  
7 Q. Do you know if it's accurate that if a  
8 student in Computer Science does not have outside  
9 funding and if the person's faculty advisor does not  
10 have research funding, then the student is assigned  
11 as a TA?  
12 MR. WEITZMAN: Objection, hypothetical.  
13 MS. AUERBACH: No. It's not hypothetical.  
14 I'm asking if she knows if that's accurate.  
15 HEARING OFFICER MOLS: If this is an  
16 incident that occurs. Do you know if that occurs?  
17 THE WITNESS: They may be assigned to a  
18 TA-ship. There are also quarters of courses of a  
19 department that are not TA.  
20 BY MS. AUERBACH:  
21 Q. Are you aware of the fact that currently in  
22 the Computer Science Department in Course CMSC 15400  
23 there is a Master's student serving as a TA?  
24 A. Yes.  
25 Q. And that Master's student is fulfilling

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1 the same responsibilities as a Ph.D. student who TAs  
2 in that class?  
3 A. I do not know.  
4 Q. And do you know that the Master's student  
5 is being paid for TA'ing that class?  
6 A. I assume. But I don't know.  
7 Q. You assume?  
8 A. That there is a pay, but I do not know what  
9 the amount is.  
10 Q. Is it true that in the math department  
11 after the required teaching requirements of three  
12 quarters are completed, a student who does not have  
13 outside funding is assigned to be a stand-alone  
14 instructor every quarter for the rest -- towards  
15 degree except for one quarter?  
16 A. I believe that there are students that also  
17 serve as research assistants in quarters.  
18 Q. In the math department?  
19 A. In the math department.  
20 Q. So, they are assigned for the fall, winter  
21 and spring quarters either as a stand-alone  
22 instructor or as a research assistant?  
23 A. Or with a fellowship.  
24 Q. So, if they don't have an outside  
25 fellowship they are assigned to either be an

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1 instructor or research assistant?  
2 A. That would be the typical model.  
3 Q. And they are required to do that as a  
4 condition of receiving their stipend, correct?  
5 A. Yes.  
6 Q. And is it correct that in the math  
7 department in the 130s Calculus Sequence, all of the  
8 stand-alone instructors for the course for the  
9 sections of that course are graduate students?  
10 A. I do not know.  
11 Q. Do you know whether there are courses in  
12 the math department for which only graduate students  
13 are instructors of record for the course?  
14 A. I do not know.  
15 Q. And in the other departments in the  
16 Physical Science Division besides math and computer  
17 science, in most cases students are assigned either  
18 to be a TA instructor or an RA?  
19 MR. WEITZMAN: Objection. Vague.  
20 HEARING OFFICER MOLS: Which program? Just  
21 any program?  
22 MS. AUERBACH: All the other ones that I  
23 didn't discuss.  
24 MR. WEITZMAN: Compound.  
25 MS. AUERBACH: In Physical Science. I'm

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1 asking if they are assigned to one or the other.  
2 HEARING OFFICER MOLS: Just generally?  
3 MS. AUERBACH: Yes.  
4 MR. WEITZMAN: Can I please ask to have the  
5 question read back, please?  
6 (The requested portion of the  
7 record was read.)  
8 MR. WEITZMAN: Objection. Time frame.  
9 MS. AUERBACH: Every quarter.  
10 HEARING OFFICER MOLS: You can --  
11 THE WITNESS: The funding varies by  
12 program, and so it depends on the program. There  
13 are TA assignments. There are RA assignments.  
14 There are also quarters where a student is not a TA  
15 or an RA, and the models are really program-  
16 specific.  
17 BY MS. AUERBACH:  
18 Q. And where these students are assigned as an  
19 RA or TA, fulfilling those assignments is a  
20 condition of receiving their stipends, correct?  
21 A. It's a condition of receiving their  
22 degrees. Fulfilling the academic requirements for  
23 their programs.  
24 Q. And it's also a condition of receiving  
25 their funding?

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1 A. That's the source of the funding in those  
2 cases.  
3 Q. So, is the answer yes?  
4 A. If I understand, I think I don't --  
5 Q. I said is fulfilling the assignment as a TA  
6 or an RA a condition of receiving their funding?  
7 MR. WEITZMAN: Asked and answered.  
8 MS. AUERBACH: No, it wasn't.  
9 HEARING OFFICER MOLS: So, that question  
10 was asked, and the answer was, it's a condition of  
11 getting their degree. And then the followup  
12 question was, is it then, if I'm remembering  
13 correctly, a condition of their funding.  
14 So, completing those requirements and  
15 progressing to the -- in the academic requirements  
16 for the degree of which RA, TA or occasionally  
17 lectureships are part of the requirement, meeting  
18 those requirements, are they a condition of  
19 receiving the funding?  
20 THE WITNESS: The funding source would be  
21 the research assistantship or the TA assistantship  
22 in the quarters in which a student was a research  
23 assistant or a teaching assistant or a lecturer,  
24 yes.  
25 HEARING OFFICER MOLS: Does that answer

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1 your question?  
2 BY MS. AUERBACH:  
3 Q. And so, therefore, to receive that, if the  
4 funding source is a research assistantship in a  
5 quarter that a student has to fulfill the research  
6 assistantship requirements in order to receive that  
7 funding, correct?  
8 A. Yes. The funding source in that case would  
9 be a faculty member's grant.  
10 Q. And if a student is receiving teaching  
11 assistantship funding in a quarter the student has  
12 to fulfill the teaching assistantship requirements  
13 to receive the funding in that quarter, correct?  
14 A. Yes. The source of the funding would be  
15 the teaching assistantship.  
16 Q. And if the source of a funding is a  
17 lectureship in that quarter, the student has to  
18 fulfill the requirement of the lectureship to  
19 receive the funding that quarter?  
20 A. Yes. Again, the source of the funding  
21 would be the lectureship.  
22 Q. With respect to Employer Exhibit 15, which  
23 is the chart of financial aid packages, the first  
24 column where it says, base financial aid package,  
25 that includes not only the stipend but also the

1 health insurance and the Student Life fee?  
 2 A. The clinic portion of the Student Life fee.  
 3 Q. What is the Student Life fee?  
 4 A. It is the -- is the question what is the  
 5 amount?  
 6 Q. No. What is a Student Life fee?  
 7 A. The Student Life fee has components to it,  
 8 one of which is the clinic portion, which works in  
 9 conjunction with the health insurance and covers  
 10 student access to the student health clinic, student  
 11 counseling services, and also resources provided  
 12 through health promotion and wellness. And then  
 13 there is what used to be called -- they were two  
 14 separate fees. An activity fee, which covers a  
 15 range of resources at the university.  
 16 Q. Okay. And do you know what the amount of  
 17 the clinic portion of the Student Life fee is?  
 18 A. In 2016-17, \$295 a quarter.  
 19 Q. And do you know how much the amount of the  
 20 health insurance that's included in the first column  
 21 is?  
 22 A. The premium is \$1,205 per quarter, charged  
 23 over three quarters for an academic year.  
 24 Q. And so the first column would be those two  
 25 amounts plus the stipend amount?

1 medical leave, for example. And in those cases --  
 2 or a medical difficulty. Not a true leave. In  
 3 those cases, I have seen departments change the  
 4 source of funding for the student so that the  
 5 student still receives the stipend for the quarter,  
 6 but the source is not a grant or a teaching or a  
 7 lecturer position. So, the source comes from  
 8 departmental funds.  
 9 Q. So, an occasional accommodation is made for  
 10 a medical, someone who has a medical problem?  
 11 A. Yes.  
 12 Q. But that's not the typical case?  
 13 A. That's not the typical.  
 14 Q. Going to Employer Exhibit 49, the  
 15 color-coded chart, is the CITI training given only  
 16 to doctoral students, or is it also given to post  
 17 docs and undergrads?  
 18 A. Yes. There are -- the chart indicates post  
 19 docs and undergrads that are working in labs.  
 20 Q. Where are the undergraduates?  
 21 A. They are the middle row, Between graduate  
 22 statistics and above post doc, Astronomy  
 23 Astrophysics.  
 24 Q. Okay. And is this a training that's given  
 25 only before the first time the graduate students,

1 A. Across the quarters. So, 1,205 multiplied  
 2 by three. 295 multiplied by four or three,  
 3 depending on the -- whether we're looking at a  
 4 nine-month or 12-month package in that column.  
 5 Q. And the summer financial aid column, isn't  
 6 it true that in some cases not all students receive  
 7 that summer financial aid?  
 8 A. There are instances, and computer science  
 9 would be the most likely example where a student may  
 10 not register in the summer quarter in order to  
 11 pursue an internship. And so they are not  
 12 fulfilling their academic work that quarter but  
 13 are -- but are working for an employer off campus,  
 14 and so their funding for the summer is coming from  
 15 that employer.  
 16 Q. And so then -- then those students don't  
 17 get that summer activity fee?  
 18 A. That's correct. They are not registered in  
 19 pursuing their academic degree in that summer  
 20 quarter.  
 21 May I add some information to an earlier  
 22 question, about source of funding, and if a TA or  
 23 RA? There are instances that I can recall where a  
 24 student may need to -- may be unable to fulfill that  
 25 teaching or research requirement. I can think of

1 post docs and undergrads are assigned to work in a  
 2 lab, or is this given annually?  
 3 A. This training is given to -- so I can only  
 4 speak to the doctoral students, but it's given to  
 5 all incoming doctoral students, regardless of  
 6 whether they will work in a lab or when they will  
 7 work in a lab.  
 8 Q. And you said this was online training?  
 9 A. Yes.  
 10 Q. Do you know approximately how long it takes  
 11 to complete it?  
 12 A. I don't.  
 13 HEARING OFFICER MOLS: Before your next  
 14 question, you had said that the CITI training is  
 15 typically done before the student registers for the  
 16 first semester; is that correct?  
 17 THE WITNESS: Yes.  
 18 HEARING OFFICER MOLS: Do you know if the  
 19 training must be fully completed before  
 20 matriculation?  
 21 THE WITNESS: We -- there is no hard stop  
 22 on registration that is put into place. Rather, the  
 23 students are harassed until they complete their  
 24 training with the goal of having them all completed  
 25 by the end of that first quarter at the latest.

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1 HEARING OFFICER MOLS: Okay. Thank you.  
2 BY MS. AUERBACH:  
3 Q. And you were asked whether Ph.D. students  
4 are given funding until they graduate if there is  
5 satisfactory progress. What are the components of  
6 satisfactory progress?  
7 A. Those are determined by the faculty in each  
8 program.  
9 Q. The stipend and health insurance given to  
10 Ph.D. students -- let me correct that.  
11 The university withholds taxes from the  
12 stipends and health insurance paid to graduate  
13 students in the division, correct?  
14 A. It depends on the source of the funding.  
15 So, if it is run through the academic information  
16 system, taxes are not withheld, and students need to  
17 file quarterly tax reports. If they are run through  
18 the Workday system, then taxes are withheld.  
19 Q. And what determines what's run through the  
20 Workday system and what's not?  
21 A. The TA and RA stipends are run through the  
22 Workday system in most cases. Summer stipends in  
23 math and computer science may be run through the  
24 academic information system. I would need to verify  
25 that.

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1 Q. And what is the Workday system?  
2 A. It's the university's system of Human  
3 Resources. I've think it's the Human Resources  
4 payroll system. I'm not actually a user of that  
5 system.  
6 MS. AUERBACH: Do you have -- can you show  
7 the witness Petitioner's Exhibit Number 22?  
8 HEARING OFFICER MOLS: This one?  
9 MS. AUERBACH: Yes.  
10 BY MS. AUERBACH:  
11 Q. Do you see admission letters that go out  
12 from the Physical Sciences Division?  
13 A. My office administers the system through  
14 which these letters go to students. To administer.  
15 Q. So, do you know whether this letter is an  
16 accurate version of the letter that went out in the  
17 fall of 2015 to students in Physical Sciences  
18 Division?  
19 A. I would have to look in the Slate admission  
20 system to verify that it was an accurate letter.  
21 MS. AUERBACH: Those are all the questions  
22 I have.  
23 MR. WEITZMAN: We need a break, please.  
24 HEARING OFFICER MOLS: Off the record.  
25 (There was a discussion held

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1 off the record.)  
2 HEARING OFFICER MOLS: On record.  
3 So, before the Employer proceeds with any  
4 of his redirect questions, I just have one  
5 clarifying question for you, Ms. Swanson. You had  
6 said that for the CITI modules as far as they should  
7 be completed before the end of the student's first  
8 quarter, and if they are -- if they are not finished  
9 before matriculation they are, in your words,  
10 harassed?  
11 THE WITNESS: We email them.  
12 HEARING OFFICER MOLS: Your office emails  
13 them?  
14 THE WITNESS: They get emails from our  
15 office initially to prompt them to complete the  
16 training, but after that it's managed by the  
17 departments.  
18 HEARING OFFICER MOLS: That was my only  
19 question. Proceed.  
20 REDIRECT EXAMINATION  
21 BY MR. WEITZMAN:  
22 Q. Thank you.  
23 So, the harassment consists of e-mail  
24 reminder?  
25 A. Yes.

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1 Q. And nothing else?  
2 A. Correct.  
3 Q. You were asked various questions whether  
4 fulfilling an assignment was a condition of funding.  
5 Was it your understanding that the funding that  
6 counsel was referring to was the stipend and not the  
7 tuition or the help?  
8 A. Yes.  
9 Q. In Math and Computer Science, being a TA or  
10 RA beyond the requirement does not apply to students  
11 who are receiving fellowship or other outside  
12 funding, correct?  
13 A. Correct.  
14 Q. With regard to the one out of 450 Master's  
15 students, who is TA'ing --  
16 MS. AUERBACH: Objection. There is --  
17 MR. WEITZMAN: I didn't finish my question.  
18 HEARING OFFICER MOLS: Okay. Finish your  
19 question, Counsel.  
20 BY MR. WEITZMAN:  
21 Q. With respect to the one out of 450 Master's  
22 students who is TA'ing, is he receiving free  
23 tuition?  
24 MS. AUERBACH: Objection.  
25 HEARING OFFICER MOLS: Grounds?

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1 MS. AUERBACH: There is nothing in the  
2 record that says that one out of 450 Master's TA.  
3 She was simply asked about a particular Master's  
4 student.  
5 BY MR. WEITZMAN:  
6 Q. How many Master's students, to your  
7 knowledge are TA'ing?  
8 A. In the spring quarter?  
9 Q. Yes.  
10 A. One.  
11 Q. With respect to the one out of 450 Master's  
12 students who is teaching in the spring quarter, is  
13 that Master's student receiving free tuition?  
14 A. I don't know.  
15 Q. Is he or she receiving health insurance  
16 coverage?  
17 A. I don't know.  
18 Q. Or the student health fee?  
19 A. I don't know.  
20 HEARING OFFICER MOLS: I'm sorry, Counsel.  
21 Did you mean the Student Life fee?  
22 MR. WEITZMAN: I'm sorry. I can't read my  
23 own handwriting. Thank you.  
24 BY MR. WEITZMAN:  
25 Q. Is it an academic requirement?

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1 A. No.  
2 Q. Is it done voluntarily?  
3 A. Yes.  
4 MR. WEITZMAN: No further questions.  
5 HEARING OFFICER MOLS: Petitioner, any  
6 further questions for the witness?  
7 RE-CROSS-EXAMINATION  
8 BY MS. AUERBACH:  
9 Q. Right. Just to clarify on the last  
10 question. Voluntarily, but for pay, correct?  
11 A. I don't know.  
12 Q. You don't know whether the person is paid  
13 or the not?  
14 A. I could only assume.  
15 HEARING OFFICER MOLS: So, you don't know  
16 for certain?  
17 THE WITNESS: Uh-huh.  
18 MS. AUERBACH: I don't have anything else.  
19 HEARING OFFICER MOLS: Any further  
20 questions?  
21 MR. WEITZMAN: I am done.  
22 HEARING OFFICER MOLS: You are excused.  
23 Thank you.  
24 (Witness excused.)  
25 MR. WEITZMAN: Thank you.

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1 MR. FASMAN: Madam Hearing Officer, we have  
2 one additional witness who, unfortunately, has a  
3 family health emergency and is not available today.  
4 He can be here tomorrow afternoon. And during an  
5 off-the-record discussion that we had with  
6 Petitioner's counsel, it was sort of left up in the  
7 air as to whether it was going to work out with  
8 Petitioner's witnesses for him to come tomorrow  
9 afternoon or next week. I haven't inquired about  
10 next week, but I'm happy to do that. But he's  
11 not -- he's not here today for that reason.  
12 HEARING OFFICER MOLS: Okay. So --  
13 MS. AUERBACH: Do you want to discuss on  
14 the record?  
15 HEARING OFFICER MOLS: Let's talk off the  
16 record and then we can clarify on the record.  
17 Off the record.  
18 (There was a discussion held  
19 off the record.)  
20 HEARING OFFICER MOLS: On the record.  
21 So, the parties in an off-the-record  
22 discussion covered the possible order of witnesses  
23 to proceed from here on out. Because of a personal  
24 emergency, the Employer's final witness is unable to  
25 be here today as originally planned. Therefore, the

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1 Petitioner is going to endeavor to have its first  
2 witness prepared to give testimony this afternoon.  
3 In the meantime, we are going to take a recess, and  
4 the parties are going to discuss possible document  
5 stipulations that may be entered into the record  
6 following the stipulation. And it's my  
7 understanding the parties have also prepared a  
8 stipulation with regard to a correction to  
9 Dr. Prince's testimony; is that correct?  
10 MR. WEITZMAN: That's correct. The parties  
11 have stipulated that if Dr. Victoria Price came here  
12 and testified again she would testify as follows,  
13 Quote: My prior testimony needs to be corrected to  
14 the extent it does not state that the Department of  
15 Education GAANN, spelled G-A-A-N-N: Training in  
16 Quantitative Ecology Grant has a teaching component  
17 that requires BSD Ph.D. graduate students funded by  
18 this grant to complete an additional teaching  
19 assistantship beyond the two quarters required by  
20 BSD. Close quote.  
21 HEARING OFFICER MOLS: Will the parties  
22 prefer to leave the oral change into the record, or  
23 do you want to enter the written document into the  
24 record?  
25 MR. WEITZMAN: I'm satisfied that if

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1 Counsel says so stipulated, based on what I just  
2 said, we're done.  
3 MS. AUERBACH: The Union stipulates to --  
4 agrees to that stipulation to the correction of  
5 Dr. Prince's testimony.  
6 HEARING OFFICER MOLS: So with that, the  
7 stipulation is received.  
8 Off the record.  
9 (Luncheon recess.)  
10 (Petitioner Exhibits 29 through 61 were  
11 marked for identification.)  
12 HEARING OFFICER MOLS: On the record.  
13 So, during the recess the Petitioner, it's  
14 my understanding, prepared a number of documents  
15 that are going to be marked for identification.  
16 Petitioner would like to go through its  
17 documents?  
18 MS. AUERBACH: Yes. Petitioner Exhibit 29  
19 is from the University of Chicago's website for the  
20 page from UChicagoGRAD Doctoral.  
21 Petitioner Exhibit 30 is from the  
22 university's University Research Administration  
23 website for the proposal budget development.  
24 Petitioner Exhibit 31 is from the  
25 university's University Research Administration

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1 page, Direct and Indirect Costs.  
2 Petitioner Exhibit 32 is from the  
3 university's University Research Administration  
4 Page, Modified Total Costs on Federally Funded  
5 Projects.  
6 MR. FASMAN: Hang on one second. Let me  
7 make sure I have that. I don't know that I have 32.  
8 Here it is.  
9 MR. PORZIO: Got it.  
10 MS. AUERBACH: Petitioner Exhibit 33 is  
11 from the university's University Research  
12 Administration Page, Fringe Benefit Rates.  
13 Petitioner Exhibit 34 is from the  
14 university's University Research Administration  
15 page, Award Management.  
16 HEARING OFFICER MOLS: For the record, so I  
17 see for most if not all of these documents have a  
18 date in the upper left-hand corner. Is that the  
19 date that they were taken from these respective  
20 websites?  
21 MS. AUERBACH: Yes.  
22 HEARING OFFICER MOLS: Thank you.  
23 MS. AUERBACH: Petitioner Exhibit 35 is the  
24 university's University Research Administration page  
25 for Principal Investigator Eligibility.

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1 HEARING OFFICER MOLS: I'm sorry. Did we  
2 cover Exhibit 34?  
3 MR. PORZIO: Yes. Award Management.  
4 HEARING OFFICER MOLS: Thank you. Sorry.  
5 MS. AUERBACH: Petitioner Exhibit 36 is  
6 from the university's University Research  
7 Administration web page for Patents and Software.  
8 Petitioner Exhibit 37 is from the  
9 university's Human Resources Page 1004-Inventions.  
10 Petitioner Exhibit 38 is from the  
11 university's Social Services Administration web page  
12 for Financial Support.  
13 Petitioner Exhibit 39 is from the  
14 university's Department of Mathematics web page,  
15 Information For Current Graduate Students.  
16 Petitioner Exhibit 40 is the University of  
17 Chicago, Department of Chemistry, A Guide, document  
18 dated September, 2015, which is the version of this  
19 document currently posted on the university's  
20 Chemistry Department website.  
21 Petitioner Exhibit 41 is from the  
22 university's Department of Classics web page for  
23 Classics Teaching Opportunity.  
24 Petitioner Exhibit 42 is from the  
25 university's Department of Classics web page for

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1 Other Teaching Opportunities.  
2 Petitioner Exhibit 43 is from the  
3 university's Department of English Language and  
4 Literature web page for Teaching Opportunities.  
5 Petitioner Exhibit 44 is from the  
6 university's Department of Linguistics web page for  
7 Funding and Aid in the First Five Years.  
8 Petitioner Exhibit 45 is the Department of  
9 Linguistics Graduate Student Handbook dated  
10 November 4th, 2016, and it is the version of the  
11 handbook currently posted on the university's  
12 Department of Linguistics website.  
13 Petitioner Exhibit 46 is the University of  
14 Chicago's Department of Music Graduate Study web  
15 page.  
16 Petitioner Exhibit 47 is the university's  
17 Department of Cinema and Media Studies Graduate  
18 Student Handbook dated 2014 to 2015, and it is the  
19 version of the handbook currently posted on the  
20 Department of Cinema and Media Studies web page. Or  
21 website.  
22 Petitioner Exhibit 48 is the university's  
23 Department of Romance Languages and Literature  
24 Graduate Student Handbook for 2016 to 2017, and is  
25 the version of the handbook currently posted on the

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1 Department of Romance Languages and Literature's  
2 website.  
3 Petitioner Exhibit 49 is the university's  
4 Division of Humanities Department of Philosophy  
5 Graduate Program web page for Teaching Requirements.  
6 Petitioner Exhibit 50 is the university's  
7 Department of Philosophy Prospective Students web  
8 page for Teaching Opportunities.  
9 Petitioner Exhibit 51 is the university's  
10 Department Near Eastern Languages and Civilizations  
11 web page, Rules and Regulations for the Graduate  
12 Program.  
13 Petitioner Exhibit 52 is from the  
14 university's South Asian Languages and Civilizations  
15 web page for Teaching Requirements.  
16 Petitioner Exhibit 53 is from the  
17 university's Department of Comparative Literature  
18 web page for Teaching Requirements.  
19 Petitioner Exhibit 54 is from the  
20 university's Department of History web page,  
21 Teaching Assistantships.  
22 Petitioner Exhibit 55 is from the  
23 university's Department of History web page,  
24 Lectureships.  
25 Petitioner Exhibit 56 is from the

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1 Department of Art History's web page, Department  
2 Handbook for the Graduate Program.  
3 Petitioner Exhibit 57 --  
4 HEARING OFFICER MOLS: Before we move on,  
5 for Petitioner Exhibit 56, so as with the other  
6 ones, this one, it says last dated October 5th,  
7 2015. Is this the one that's currently on the  
8 website?  
9 MS. AUERBACH: It is. And this one is  
10 actually a web page even though it's a handbook, so  
11 the website is shown at the bottom of the page and  
12 it was printed out on 5-15-2017.  
13 HEARING OFFICER MOLS: Thank you.  
14 MS. AUERBACH: Petitioner Exhibit 57 is the  
15 university's Department of Organismal Biology and  
16 Anatomy Graduate Program in Integrative Biology  
17 Graduate Student Handbook for 2016 to 2017, and is  
18 the version of that handbook currently posted on the  
19 university's Department of Organismal Biology and  
20 Anatomy's website.  
21 Petitioner Exhibit 58 is the university's  
22 Writing Program web page, Working As a Writing  
23 Intern.  
24 Petitioner Exhibit 59 is the university's  
25 Writing Program web page, working as a Lector in

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1 Academic and Professional Writing.  
2 Petitioner Exhibit 60 is the university's  
3 Writing Program Job Application Packet, 2017 to 2018  
4 academic year, and is the most recent version of  
5 this document posted on the writing program website.  
6 Petitioner Exhibit 61 is the university's  
7 Division of the Social Sciences web page, Preceptors  
8 in MAPSS and CIR.  
9 MR. PORZIO: Attorney Auerbach, just one  
10 question. I wasn't listening a hundred percent at  
11 the beginning. Did you reference Petitioner Exhibit  
12 29? I didn't hear it. But I just wanted to make  
13 sure you did.  
14 HEARING OFFICER MOLS: Yes.  
15 MS. AUERBACH: Yes.  
16 MR. PORZIO: Okay.  
17 To be clear, Madam Hearing Officer, while  
18 we've -- in off-the-record conversations the  
19 University has stipulated to the authenticity of  
20 these documents, and we'll double check because  
21 we've been handed them all in on one package today,  
22 so we'll double check that. But it's our  
23 understanding that these exhibits will not be  
24 admitted unless a witness does not appear on behalf  
25 of the Petitioner to put these in through.

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1 HEARING OFFICER MOLS: Okay. I think that  
2 was a bit different, though, than what was discussed  
3 off the record.  
4 MR. PORZIO: So, to be clear, in the event  
5 that a Petitioner witness is called that can testify  
6 to these documents, then our position is that the  
7 Petitioner should put the documents in through that  
8 witness, as we've done with all of our witnesses.  
9 In the event, in the interest of streamlining this  
10 hearing, in the event that the Petitioner does not  
11 call a witness and it still thinks that documents  
12 are necessary to its case, then we would agree to  
13 admit them into the record without admitting the  
14 relevance or to the content, but to help the  
15 Petitioner.  
16 MR. FASMAN: For the reader of the record,  
17 let me make clear and some of these documents, I was  
18 just looking at them, some of these documents are  
19 rated prior. For example, Number 37 is a 2005  
20 document from Human Resources talking about two  
21 former employees about the University's rights to  
22 intellectual property, created by employees as part  
23 of their jobs.  
24 Absent testimony, there is no tie-up to why  
25 that makes any difference to graduate students,

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1 teaching assistants, the people who were covered by  
2 the petition.  
3 Same thing on Petitioner's Exhibit 46,  
4 which is something on graduate study in the  
5 Department of Music and Composition at the  
6 Musicology. Absent some testimony -- we agree these  
7 come off the website, but absent some testimony,  
8 this one, too, how that relates to anything that's  
9 going on in this case remains to be seen.  
10 So, while we have no objection to these  
11 being deemed authentic, and if Petitioner wants to  
12 put them in, that's fine, but absent some testimony  
13 on something to establish that some of these  
14 policies apply to people whose -- who are at issue  
15 in this hearing, then they are irrelevant, but we're  
16 not going to object. I just wanted to make that  
17 statement for the record.  
18 HEARING OFFICER MOLS: Understood. As with  
19 all the evidence entered in during these  
20 proceedings, they will be duly considered and given  
21 the appropriate weight as deemed necessary by the  
22 Regional Director at the time of the decision.  
23 MS. AUERBACH: I just wanted to also add  
24 the comment that among the items in the Petitioner's  
25 subpoena, to which the Employer has not yet

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1 responded and has until tomorrow to file a petition  
2 to revoke, among the things requested were  
3 department handbooks applicable to the petition for  
4 employees, documents with descriptions outlining the  
5 responsibilities of teaching assistants and research  
6 assistants, and documents related to research,  
7 grants, applications and funding. And since none of  
8 those documents have yet been produced, I attempted  
9 to find what documents that I could that were  
10 publically available on the university's website to  
11 expedite the process of getting evidence into the  
12 record at this hearing, and that's what these  
13 documents are.  
14 MR. PORZIO: And just so that the record is  
15 clear, not to be argumentative, but the  
16 university -- it's not the case that the university  
17 has not yet responded to the subpoena. We have  
18 responded in part, as I believe it was on Monday we  
19 produced over 400 pages. We have not responded in  
20 full, and we have until tomorrow based on your  
21 ruling to do so.  
22 MS. AUERBACH: I would just note the  
23 documents produced earlier in the week were all  
24 documents available on the university's website, and  
25 what the Petitioner achieved did not fall within --

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1 to the answer to any of the items in the subpoena,  
2 but I would agree that these were some pages given  
3 but I have not asked to introduce any of those into  
4 evidence.  
5 HEARING OFFICER MOLS: So, before we move  
6 on, is Petitioner prepared to move forward, or would  
7 you like to take some time?  
8 MS. AUERBACH: We need to go off the  
9 record.  
10 HEARING OFFICER MOLS: Off the record.  
11 (There was a discussion  
12 held off the record.)  
13 HEARING OFFICER MOLS: On the record.  
14 So, the Employer has not yet rested its  
15 case, but given the current availability of  
16 witnesses, we are going to proceed with the  
17 Petitioner's witnesses at this time. So, if the  
18 Petitioner would like to call its first witness.  
19 MS. AUERBACH: Petitioner calls William  
20 Kong.  
21 (The witness was duly sworn.)  
22 HEARING OFFICER MOLS: Have a seat.  
23 Please state and spell your name.  
24 THE WITNESS: I'm Will Kong. W-i-l-l,  
25 K-o-n-g.

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1 HEARING OFFICER MOLS: Thank you.  
2 Please speak up so the court reporter can  
3 hear you.  
4 THE WITNESS: Oh, yeah. I'm always real  
5 bad at that.  
6 WILLIAM KONG  
7 having been first duly sworn, was examined and  
8 testified as follows:  
9 DIRECT EXAMINATION  
10 BY MS. AUERBACH:  
11 Q. Are you currently a graduate student at the  
12 University of Chicago?  
13 A. Yes.  
14 Q. And in what division?  
15 A. Computer Science. Rather, Computer Science  
16 Program of the Physical Sciences Division.  
17 Q. And when did you begin your graduate  
18 studies at -- in that Computer Science Department in  
19 the University of Chicago?  
20 A. Fall of 2014.  
21 (Petitioner Exhibit Numbers 62 through 68  
22 were marked for identification.)  
23 Q. I'm handing you a document marked for  
24 identification as Petitioner Exhibit 62. Can you  
25 identify what this is?



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1 A. Yes. This is the admission letter that I  
2 received from my department.  
3 MR. FASMAN: Counsel, before you ask  
4 questions, can we take a minute and just read it,  
5 please? Thank you.  
6 (There was a discussion held  
7 off the record.)  
8 MR. FASMAN: Thank you, Counsel.  
9 BY MS. AUERBACH:  
10 Q. And was this sent to you by email?  
11 A. Yes.  
12 Q. And was it sent on about the date that it's  
13 dated, April 1st, 2014?  
14 A. Yes.  
15 MS. AUERBACH: I move to admit Petitioner's  
16 Exhibit 62.  
17 MR. FASMAN: Voir dire, please.  
18 HEARING OFFICER MOLS: Yes.  
19 VOIR DIRE EXAMINATION  
20 BY MR. FASMAN:  
21 Q. Mr. Kong, it appears that there were  
22 attachments to this letter?  
23 A. It's possible.  
24 Q. Is that correct?  
25 A. As far as I'm aware, no, but I still have

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1 the original emails. I'm pretty sure there wasn't  
2 any attachment.  
3 Q. There were no attachments? It doesn't  
4 appear that this was -- is this the complete series  
5 of messages?  
6 A. Yes.  
7 Q. Nothing on top of it?  
8 A. I just forwarded it to myself.  
9 (Court reporter requested that the  
10 Witness repeat his answer.)  
11 I just forwarded it to myself from my UCSC  
12 email address.  
13 Q. Where is the header for the bottom email?  
14 MS. AUERBACH: I think --  
15 MR. FASMAN: It appears that there had to  
16 be --  
17 MS. AUERBACH: I think that might be my  
18 copying job.  
19 THE WITNESS: Well, it's not a separate  
20 email. That is the -- like basically that's the  
21 letter written by the department, so, and Anne  
22 Rogers, so on and so forth, that was forwarded by  
23 their administrative staff.  
24 BY MR. FASMAN:  
25 Q. I see. So, this represents the actual

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1 document that was forwarded to you? Is that what  
2 you're saying?  
3 A. Yes. Just one email. Yes.  
4 MR. FASMAN: No objection.  
5 HEARING OFFICER MOLS: Petitioner Exhibit  
6 62 is received.  
7 (Petitioner Exhibit Number 62  
8 was received in evidence.)  
9 BY MS. AUERBACH:  
10 Q. Just to clarify, in the email on the second  
11 page there are three things that look like they are  
12 underlined. Were those links in the original email  
13 that could lead you to other pages?  
14 A. Yes. Although I believe -- the first one  
15 is the email address from my advisor, which is still  
16 active.  
17 The second one was the former director of  
18 admissions, I believe that's now Professor Janos.  
19 But the third link on that page is definitely  
20 inactive, I believe.  
21 MR. FASMAN: Definitely what?  
22 THE WITNESS: Inactive. I don't think I  
23 could go on there and log in.  
24 BY MS. AUERBACH:  
25 Q. At the time you received it, that was the

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1 link that led you to a page. It says, please claim  
2 your application status. So did that -- that was  
3 the page by which you were supposed to go to reply  
4 to the admission?  
5 A. Roughly the same letter but just within --  
6 (Court reporter requested that the  
7 Roughly the same letter but just with an  
8 acceptance box or an opportunity change or decline  
9 if you so wanted.  
10 MR. FASMAN: I didn't hear that last part.  
11 THE WITNESS: The opportunity to decline.  
12 MR. FASMAN: Or?  
13 HEARING OFFICER MOLS: If you so wanted?  
14 THE WITNESS: Yes.  
15 MR. WEITZMAN: Thank you.  
16 BY MS. AUERBACH:  
17 Q. So, at the time you received the email the  
18 link was -- took you to a page where you could  
19 accept or decline?  
20 A. Uh-huh.  
21 Q. Yes?  
22 A. Yes.  
23 Q. And you said you started in the fall of  
24 2014. Did you -- have you spent any quarters where  
25 you have been assigned to be a TA?

1 A. Yes. So, my first year I have this, you  
 2 know, fellowship --  
 3 (Court reporter requested that the  
 4 Witness repeat his answer.)  
 5 I'm sorry. Fellowship you can see in this  
 6 letter. However, my second year I was only covered  
 7 under RA funding for the first quarter, and so I did  
 8 teach the second and third quarters, or rather be a  
 9 teaching assistant.  
 10 Q. Okay. So, let's start with you said you  
 11 were covered as an RA the first quarter. What does  
 12 that mean?  
 13 A. So, that means that my advisor had had  
 14 research funding available. You know, from a grant  
 15 that roughly described area of research that I was  
 16 doing. So, he was allowed to award me some -- like  
 17 basically pay me from that grant to do research.  
 18 Q. And so that first quarter of your second  
 19 year were you an RA?  
 20 A. Yes. I was a research assistant.  
 21 Q. And you did research in your -- under your  
 22 advisor's grant?  
 23 A. Yes. That's true.  
 24 HEARING OFFICER MOLs: Who was your advisor  
 25 at that time?

1 THE WITNESS: The same as now, Professor  
 2 Hank Hoffmann. His email address is listed here.  
 3 MS. AUERBACH: Try to speak up.  
 4 THE WITNESS: Sorry. I'm always --  
 5 MR. FASMAN: For the purpose of this  
 6 hearing we really need to hear you.  
 7 THE WITNESS: I'll put on my shouting  
 8 voice.  
 9 MR. FASMAN: That would be great.  
 10 HEARING OFFICER MOLs: So the court  
 11 reporter can hear you.  
 12 MR. FASMAN: She's the important one.  
 13 THE WITNESS: In this direction.  
 14 BY MS. AUERBACH:  
 15 Q. And then after that first quarter, when did  
 16 you first -- in which quarter were you first  
 17 assigned as a teaching assistant?  
 18 A. Winter quarter of, I believe, 2016.  
 19 Q. And how were you assigned? Did you choose  
 20 the class or was it told to you?  
 21 A. No. I was basically told, this is the  
 22 class I'm TA'ing. Because my advisor was teaching  
 23 the course incidentally, he just told me like, you  
 24 know, a week before I had the TA, hey, this is the  
 25 course you're TA'ing. You know, be glad it's me and

1 not someone else.  
 2 Q. And what was the course?  
 3 A. Parallel Computing. Or Introduction to  
 4 Parallel Computing.  
 5 Q. And was there one TA? Were you the only  
 6 TA, or were there other TAs?  
 7 A. There was another TA.  
 8 Q. And what were your -- how many days a week  
 9 did that course meet?  
 10 A. I believe it met three times a week. But I  
 11 wasn't -- I wasn't required to show up to those.  
 12 Q. You did not have to show up to the classes?  
 13 A. No. Well, sort of. My advisor would  
 14 basically send me emails, maybe a little curt, maybe  
 15 a little frustrated if I didn't show up but, you  
 16 know, if I was busy, couldn't really stop me from  
 17 not showing up.  
 18 Q. So, what were your responsibilities as a TA  
 19 in that sense?  
 20 A. So, generally to attend the lectures so I'm  
 21 up-to-date on the material that the students are  
 22 learning at any given time. Grade their projects  
 23 and their homework assignments, and also host office  
 24 hours and, I believe, lab hours as well to basically  
 25 help them out with any projects that they might be

1 working on.  
 2 Q. And before you started lab hours -- how  
 3 often were the labs held?  
 4 A. I want to say at least two times a week,  
 5 but I could be wrong.  
 6 Q. And who else held labs besides you?  
 7 A. The other graduate student that was in the  
 8 course.  
 9 Q. Did the professor hold any of the labs?  
 10 A. I believe he would have office hours but  
 11 not as often as we would have them. He would maybe  
 12 have an hour of office hours.  
 13 Q. Is the lab separate from the office hours?  
 14 A. Yes.  
 15 Q. Did he conduct any of the labs?  
 16 A. No.  
 17 Q. So, do you remember about how many hours at  
 18 a time the labs met?  
 19 A. Probably about two hours, typically.  
 20 Q. And did the professor show you what to do  
 21 or tell you what to do in the labs?  
 22 A. No.  
 23 HEARING OFFICER MOLs: When we're talking  
 24 about the time for the labs and time for office  
 25 house, is this in a given week?

1 THE WITNESS: I think in a given week there  
2 would be a total of about four hours, and office  
3 hours were counted separately or would be counted  
4 separately.  
5 HEARING OFFICER MOLS: So, when you said  
6 that your -- Professor Hoffmann would conduct for  
7 about an hour, is that in a week?  
8 THE WITNESS: Yes. Yes. Sorry. Yes.  
9 Probably one hour a week, unless there was some, you  
10 know, really urgent like emergency or something like  
11 the student needed the extra attention.  
12 HEARING OFFICER MOLS: Thank you.  
13 BY MS. AUERBACH:  
14 Q. And you oversaw lab for four hours per  
15 week?  
16 A. Yes.  
17 Q. And so what did you do in the lab?  
18 A. I basically -- so -- sorry. Just -- it  
19 involved teaching like the concepts to the students  
20 if they didn't get it first time around in the  
21 lecture. Resolving any technical issues they might  
22 be having with their projects, maybe like reading  
23 through all their code to help them out if they  
24 didn't know exactly what they were looking for  
25 doing. That's really common. And just offering

1 advice in general how to work on these kinds of  
2 projects and -- you know.  
3 Q. And did the professor ever come and observe  
4 you in the lab sessions?  
5 A. No. That would be --  
6 (Court reporter requested that the  
7 Witness repeat his answer.)  
8 That would be unusual.  
9 Q. And did you -- you said the students did  
10 project. Was -- did you have responsibilities to  
11 grade the projects?  
12 A. Yes.  
13 Q. Did the professor give you a rubric for  
14 grading the projects?  
15 A. I believe --  
16 MR. FASMAN: Objection. What does that  
17 mean?  
18 MS. AUERBACH: A grading rubric. There has  
19 been a lot of testimony from the Employer's case  
20 about grading rubrics.  
21 HEARING OFFICER MOLS: About rubrics that  
22 would be used.  
23 THE WITNESS: Yes. So, he gave us like a  
24 rubric that roughly outlined how we should grade  
25 their projects, but we were given a lot of, I guess,

1 like freedom as TAs to interpret them more or less  
2 generously because a lot of the times like when  
3 you're coding the projects, you might have a partial  
4 solution that doesn't add up to like, you know, full  
5 solutions, so a lot of stuff goes on when you're on  
6 this program, but a lot of what you've already done  
7 as a student, I should be saying, is relevant so I  
8 always would typically go in, you know, try to fix  
9 their coding. Give them the benefit of the doubt.  
10 And that was all you left up to me.  
11 Q. Did the professor review your grading of  
12 the project?  
13 A. No. He trusted us to grade them, you know,  
14 fairly. So, basically unless there was an  
15 administrative decision to be made or a student  
16 complained about their grade, he wouldn't get  
17 involved.  
18 Q. What did you mean by an administrative  
19 decision to be made?  
20 A. So, you know, I wouldn't be able to say  
21 something like, you know, yeah, go ahead and share a  
22 code with your classmates. That would be something  
23 that would be left up to him. Because that would  
24 involve like academic policies that he would be  
25 ultimately responsible for.

1 Q. Did the grades you gave students on  
2 projects count toward their final grades in that  
3 course?  
4 A. Yes.  
5 Q. And did you ever get observed or evaluated  
6 by a student on how you conducted the labs?  
7 A. No. Not --  
8 (Court reporter requested that the  
9 Witness repeat his answer.)  
10 Not even by the student. I wasn't  
11 evaluated by the student.  
12 Q. And you weren't evaluated by the professor?  
13 A. No.  
14 Q. And did you also do any grading of exams in  
15 that class?  
16 A. Yes. We would grade the -- I think we  
17 graded -- sorry. I should specify. The professor,  
18 the other TA and I would grade the mid term and  
19 final exams together. I think we had two interns,  
20 possibly.  
21 Q. When you say together, were you all in a  
22 room together?  
23 A. No. He just, for that class it was a  
24 little unusual. He just gave us the rubric and  
25 trusted us to grade like some subset of the total

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1 amount of exams. So I think for like one of the  
2 exams he like basically didn't touch the grading at  
3 all except maybe to put the scores into the computer  
4 at the end.  
5 Q. So, he gave you a rubric to use for grading  
6 the exam?  
7 A. Yes. But again, like the program, it's a  
8 very rough sketch of what he thought would be a good  
9 answer, and then, you know, we were allowed to  
10 interpret or, you know, add our own knowledge or  
11 expertise. Especially my fellow TA for that course,  
12 because his specialty was Parallel Computing.  
13 Q. So, did the grades that you gave the  
14 students on their exams count as their grades --  
15 A. Yes.  
16 Q. -- in those exams?  
17 A. Yes.  
18 Q. And you talked about holding office hours.  
19 How many hours a week were you expected to hold  
20 office hours?  
21 A. I think for that course just two. Because  
22 we had labs hours as well.  
23 Q. And what did you do during office hours?  
24 A. Basically the same thing as lab hours.  
25 They are just -- they are both, you know, basically

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1 just ways for students to get extra instruction but  
2 like tailored to their needs. You know, for  
3 whatever they didn't get out of the lecture or what  
4 divisions they might have in the courses.  
5 Q. Did the professor give you any guidance on  
6 what to do during your office hours?  
7 A. No.  
8 Q. Did the professor ever sit in on any parts  
9 of your office hours?  
10 A. No.  
11 Q. Did the professor review your performance  
12 in the office hours in any way?  
13 A. No.  
14 Q. And approximately how many students were in  
15 the lab that you oversaw in that course?  
16 A. So, that varied based on how many students  
17 were having trouble with, you know, a project or  
18 homework assignment at a given point in time. Or it  
19 was like an around exam period. Like basically  
20 everyone would show up. So, ultimately it came to  
21 about -- I want to say 30 to 40 students. A lot of  
22 students dropped out of the course. Like, you know,  
23 throughout the quarter, and I think we ended up with  
24 like 25 at end. So, it was variable, but typically  
25 around five to ten people would show up per session.

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1 Q. Per lab session?  
2 A. Yes. Unless there was an emergency. Like  
3 any time.  
4 HEARING OFFICER MOLS: So, attendance  
5 wasn't required at these lab sessions?  
6 THE WITNESS: No.  
7 HEARING OFFICER MOLS: They were voluntary?  
8 THE WITNESS: Yes.  
9 HEARING OFFICER MOLS: Thank you.  
10 BY MS. AUERBACH:  
11 Q. And then when did you TA a second class?  
12 A. The quarter immediately after that, so that  
13 must have been spring of 2016.  
14 Q. And how -- what class was that?  
15 A. That was, I believe it's called  
16 Introduction to Computer Systems. I only know it by  
17 the course number, which is CMSC154000.  
18 Q. And how did you get assigned to TA that  
19 class?  
20 A. Seemingly arbitrarily. The department  
21 decided, I believe.  
22 HEARING OFFICER MOLS: Who communicated the  
23 decision to you, gave the assignment to you?  
24 THE WITNESS: So, every quarter the  
25 department sets up like a little table on a web page

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1 that's open to the public, and we're just given the  
2 link to it, and that's how we find out which course  
3 we've been assigned.  
4 HEARING OFFICER MOLS: Are you emailed the  
5 link?  
6 THE WITNESS: Yes.  
7 BY MS. AUERBACH:  
8 Q. So, to follow up, I've handed you what's  
9 been marked for identification as Petitioner Exhibit  
10 Number 63. What is that?  
11 A. That's the aforementioned site. Yeah.  
12 MR. FASMAN: Give us just a minute, please.  
13 BY MS. AUERBACH:  
14 Q. So, with respect to Petitioner Exhibit  
15 Number 63, how did you receive this?  
16 A. They just sent us a link via email. They  
17 are like, hey, guys and gals, you know, here are the  
18 assignments for the RA tables. RA assignments for  
19 next quarter.  
20 Q. Who did the email come from?  
21 A. So, they've had a change in the -- like the  
22 head of the grad division, so I think typically it  
23 would come from Anne Rogers, but I think this one  
24 might have come from Janos Simon or someone.  
25 Q. You have to talk up.

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1 A. Janos Simon or -- Simon. S-i-m-o-n.  
2 Q. Who are they?  
3 A. Both of them are basically the -- well,  
4 Anne Rogers was the former like kind of grad head in  
5 our department, and Janos is the new one. Or the  
6 current one, I should say.  
7 Q. And then the email contained a link to this  
8 page?  
9 A. Yes.  
10 Q. And this chart says, Graduate Student  
11 Support Autumn, 2016?  
12 A. Yes.  
13 Q. So this was for this -- for that quarter?  
14 A. Yes.  
15 Q. And are these sent out every quarter?  
16 A. Yes.  
17 Q. And then there is on the -- near the top it  
18 says: View TAs by course. Does that take you to a  
19 link to another page?  
20 A. Yeah. But that would be just a subset of  
21 the table that we're looking at right now. It would  
22 just list the TAs, the TA assignments, and not any  
23 of the RA assignments.  
24 Q. So, I'm handing you documents as a stack.  
25 So, Petitioner Exhibit 54 through 58.

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1 So, Petitioner Exhibit Number 54, is that  
2 the page that you get to from the link to Petitioner  
3 Exhibit 63 that says, TA by course?  
4 A. Yes. I think I said it was a subset but it  
5 lists the number of graders --  
6 (Court reporter requested that the  
7 Witness repeat his answer.)  
8 I'm sorry. It lists the number of graders  
9 who are typically undergrads.  
10 Q. So, on the right-hand page -- right-hand  
11 side of Petitioner Exhibit 64 where it says,  
12 graders, those are undergraduates who do that?  
13 A. Yes. But otherwise this is a subset of  
14 documents.  
15 Q. And on Petitioner Exhibit 63, next to some  
16 of the names it says RA?  
17 A. Yes.  
18 Q. Is that research assistants?  
19 A. Yes.  
20 Q. And next to others it says TA, and those  
21 are teaching assistants?  
22 A. Yes.  
23 Q. And the teaching assistants lists the  
24 course that you -- that the students is assigned to  
25 TA?

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1 A. Yes. That's correct.  
2 Q. And Petitioner Exhibit 65 and 66, are those  
3 the same two documents? Petitioner Exhibit 65 says,  
4 Graduate Students Support Winter 2017. Is that the  
5 same document as Petitioner Exhibit 16 but for the  
6 winter, 2017, quarter?  
7 A. Yes. That's correct. That's the same but  
8 just one quarter ahead.  
9 Q. How about Petitioner Exhibit 66?  
10 A. Yes. Yes. The same but two quarters ahead  
11 of the document 63.  
12 Q. So, is Exhibit 66 the link to TAs by course  
13 for winter, 2017?  
14 A. That's correct.  
15 Q. And so Petitioner Exhibit 65, does that  
16 show which students are RA and which students are TA  
17 for winter, 2017, quarter?  
18 A. Yes.  
19 Q. And then for the TAs it shows what course  
20 they are assigned to TA?  
21 A. Yes.  
22 Q. And then how about Petitioner Exhibit 67?  
23 A. Yes. Same thing. 67 is, once again, a  
24 list of the RA and TA assignments. 68 is a list of  
25 the TA assignments. Actually, well, 68 seems to be

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1 a duplicate of 66.  
2 MS. AUERBACH: Did I do the wrong one?  
3 HEARING OFFICER MOLS: Same for me.  
4 Instead of spring, 2017, it's winter 2017 again.  
5 MR. PORZIO: Our 68 is spring, 2017.  
6 MS. AUERBACH: You're right. Let me have  
7 the ones that are bad.  
8 HEARING OFFICER MOLS: Do you know what UU  
9 stands for?  
10 THE WITNESS: Yes. I think it's like a  
11 fellowship that the university itself awards to -- I  
12 believe it's just Ph.D. students, but I could be  
13 wrong.  
14 HEARING OFFICER MOLS: Petitioner, while  
15 you're marking I've got a question.  
16 So, on these tables, whenever it has the  
17 assignment of RA there appears to be names in  
18 parentheses next to that assignment. Is that the  
19 individual's faculty advisor?  
20 THE WITNESS: Almost always. It's pretty  
21 much like -- I can almost guarantee that anyone who  
22 is giving full funding is likely to be your advisor.  
23 HEARING OFFICER MOLS: So, I just want to  
24 make sure I'm clear. So, it may be -- so when the  
25 name is listed in parentheses, it may be the faculty

1 advisor, but it's always the source of the research  
 2 funding?  
 3 THE WITNESS: Yes.  
 4 HEARING OFFICER MOLLS: Thank you.  
 5 MS. AUERBACH: Could we go off the record a  
 6 second?  
 7 HEARING OFFICER MOLLS: Sure. Off the  
 8 record.  
 9 (There was a discussion held  
 10 off the record.)  
 11 HEARING OFFICER MOLLS: On the record.  
 12 BY MS. AUERBACH:  
 13 Q. Okay. So, I think we've straightened out  
 14 the exhibits. So, Petitioner Exhibit 67, what is  
 15 that?  
 16 A. 67 is, once again, the list of RA, TA  
 17 assignments for spring, 2017.  
 18 Q. And if you -- and then what is Petitioner  
 19 Exhibit 68?  
 20 A. 68 is just the TA assignments alone.  
 21 (Court reporter requested that the  
 22 Witness repeat his answer.)  
 23 TA assignments alone for spring, 2017.  
 24 Q. And do each of these documents list all of  
 25 the graduate students in the department?

1 A. Introduction to Computer Systems.  
 2 Q. And for what faculty member was that?  
 3 A. Three faculty members. So, last year it  
 4 was taught by my advisor, Professor Hank Hoffmann.  
 5 Another systems professor, Professor Haryadi Gunawi.  
 6 I can spell that.  
 7 THE COURT REPORTER: Please.  
 8 THE WITNESS: H-a-r-y-a-d-i, G-u-n-a-w-i.  
 9 And I believe it was also an adjunct faculty member  
 10 or a lecturer, but I -- when I say I believe, I just  
 11 mean I don't remember his name, which I feel a  
 12 little bit bad about. Yes.  
 13 BY MS. AUERBACH:  
 14 Q. And how many TAs were assigned to the  
 15 course?  
 16 A. Last year we had five.  
 17 Q. Were they all Ph.D. students?  
 18 A. Yes.  
 19 Q. And what were your responsibilities in that  
 20 course?  
 21 A. Largely very similar to Parallel Computing.  
 22 So, we graded homework assignments. We graded  
 23 projects. We were each assigned a project that we  
 24 were in charge of.  
 25 We administered office hours and lab hours,

1 A. Yes. Or I should say these list all the  
 2 graduate students that are in the Ph.D. program.  
 3 Q. Okay. So, each of these list -- there are  
 4 some Master's students in the program, in the  
 5 department?  
 6 A. Yes. So, on Page 68 --  
 7 MR. WEITZMAN: Speak up. Sorry. Madam  
 8 Hearing Officer, would you please ask the witness to  
 9 speak up.  
 10 HEARING OFFICER MOLLS: We need to hear you.  
 11 THE WITNESS: My bad. So on page --  
 12 BY MS. AUERBACH:  
 13 Q. Petitioner Exhibit 68?  
 14 A. Yes. On Petitioner Exhibit 68 it doesn't  
 15 list any of the Master's students, just the Ph.D.  
 16 students. Yes. It does not list the Master's  
 17 students.  
 18 Q. Are all the Ph.D. students listed on these  
 19 documents?  
 20 A. Yes.  
 21 Q. So, every quarter, all the Ph.D. students  
 22 are assigned either as an RA or TA?  
 23 A. Yes.  
 24 Q. Going back to your second time that you  
 25 TA'd, you said that was in the --

1 and we basically made corrections or modifications  
 2 to projects and homework assignments if they were  
 3 necessary.  
 4 Q. And were the number of hours that you held  
 5 labs and office hours the same as in the prior  
 6 course?  
 7 A. No. So, in this course -- this an intro  
 8 course. It's taught by three professors because  
 9 there are typically about 150 students. That number  
 10 grows every year because computer science has become  
 11 a very popular field and a lot of undergraduates  
 12 want to major in. They have to take this course.  
 13 It's like a gateway course. So, no. For this  
 14 course we held, I think that quarter we held about  
 15 six hours of office hours per week, and then two  
 16 hours of lab hours per week. That doesn't include  
 17 any of the --  
 18 Q. So, when you say we, how many office hours  
 19 per week were you responsible for holding?  
 20 A. The amount I just specified. So, each of  
 21 the five TAs was responsible for, I believe, six  
 22 hours of office hours and two hours of lab hours and  
 23 it would have been eight hours --  
 24 Q. That's per week?  
 25 A. Yes. Per week. And it would have been

1 eight hours of office hours a week, but I raised a  
 2 fuss.  
 3 Q. You have to speak up.  
 4 A. I raised a fuss and they backed off and  
 5 they gave us six hours instead of eight.  
 6 Q. And what -- did the professor tell you what  
 7 to do in the labs?  
 8 A. No.  
 9 Q. Did the professor tell you what to do in  
 10 the office hours?  
 11 A. No.  
 12 Q. Did the professor come and observe you in  
 13 the labs?  
 14 A. No.  
 15 Q. Did the professor -- any instructor observe  
 16 you in the lab?  
 17 A. No.  
 18 Q. Did any of the instructors in the course  
 19 observe you during the office hours?  
 20 A. No.  
 21 Q. And what did you do in the labs?  
 22 A. Yes, so largely very similar things to what  
 23 I did in Parallel Computing -- which is to say --  
 24 MR. FASMAN: Madam Hearing Officer --  
 25 THE WITNESS: I'm sorry. Largely what I

1 did in Parallel Computing, which is to say I taught,  
 2 you know, the students the materials, materials they  
 3 didn't know or that they didn't pick up in lecture.  
 4 So usually that involved going back through slides  
 5 with them or textbook with them.  
 6 I would help them with their projects and  
 7 walk them through anything they did not understand,  
 8 debug their programs and occasionally give them  
 9 advice about what courses they should take in the  
 10 future.  
 11 BY MS. AUERBACH:  
 12 Q. And what did you do in the office hours?  
 13 A. Same thing. I should also add that because  
 14 this is an introductory course, it was like a little  
 15 bit more demanding than the Parallel Computing  
 16 course, because that's an upper division course,  
 17 whereas this one is one of the first three courses  
 18 that undergrads take. So, yeah, hence the extra  
 19 hours.  
 20 Q. So, how many students normally came to a  
 21 lab session?  
 22 A. If there was a project due, maybe about  
 23 like 30 to 40 of them. If not, maybe about five to  
 24 ten.  
 25 Q. And how often were projects due?

1 A. Once every two weeks, I believe, although  
 2 for some of the simpler projects maybe once like a  
 3 week. There were five projects.  
 4 Q. And during a six-hour office -- well,  
 5 office hours were how many hours did you hold at a  
 6 time, the office hours?  
 7 A. I want to say we held three at a time, but  
 8 it might have been split up in a weird way because  
 9 computer scientists have a weird idea of what is  
 10 fair. So we were assigned random days of the week  
 11 such that we would all TA the same amount of hours  
 12 by the end of the quarter, but that meant that like  
 13 occasionally I would be like, you know, required to  
 14 TA for, say, like four hours on a given day as  
 15 opposed to three, and maybe two on another day,  
 16 depending on how the professor saw fit to  
 17 distribute.  
 18 Q. So, the specific office hours were assigned  
 19 to you?  
 20 A. No. We just had to do a certain amount of  
 21 hours per day that could not overlap with the other  
 22 TAs for that day, which may make it a little --  
 23 MR. FASMAN: A little?  
 24 THE WITNESS: Restricted.  
 25 HEARING OFFICER MOLS: You have to speak

1 up.  
 2 BY MS. AUERBACH:  
 3 Q. And during an office hour session,  
 4 approximately how many students would come see you?  
 5 A. Same amount. So, if there was something  
 6 urgent they would, you know, storm the office hours.  
 7 Occasionally it would go upwards to 50 or 60  
 8 students if I was the last TA and the deadline was  
 9 coming up, but typically, you know, 30 to 40 if  
 10 there was a deadline and five to ten if there was  
 11 not.  
 12 Q. And did you grade projects in that class?  
 13 A. Yes.  
 14 Q. And did any of the instructors in the class  
 15 review your grading?  
 16 A. No. Again, only if there was some kind of  
 17 administrative concern. Like, so if I found some  
 18 cheating I would, you know, delegate that, or I  
 19 should say I would pass that on to them.  
 20 Q. Did that ever happen?  
 21 A. Once. I think. We found code that a  
 22 student had acquired from previous student.  
 23 Q. And so you referred that to the instructor?  
 24 A. Yes.  
 25 Q. And other than that, did the grades you

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1 give on the project, they were the final grade they  
2 would see?  
3 A. Yes.  
4 Q. And did you grade exams in that class?  
5 A. Yes.  
6 Q. And how did that occur in that class?  
7 A. So, I think we handed out one to two  
8 midterms and one final exam, and basically what  
9 grading consisted of was sitting in a room with the  
10 five other TAs and two to three of the professors  
11 that taught the course, and we basically divvied up  
12 the exams into subsets.  
13 It's always so complicated with Computer  
14 scientists. So, I might grade, say, Problem 1 for,  
15 you know, some set of exams, and then I would pass  
16 it off to, you know, a professor or another TA so  
17 they could grade Problem 2 and I would receive  
18 someone else's set so we could make sure that any  
19 biases or whatever inherent in our grading would be  
20 smoothed out by the process of randomization.  
21 Q. So, after you graded Problem 1 in the  
22 example you gave, did any of the instructors in your  
23 class review your grade to Problem 1?  
24 A. No.  
25 Q. What was the answer?

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1 A. No. But just like with the projects, if we  
2 disagreed with any of the answers on the rubric, we  
3 could just, you know, bring it up. They almost  
4 always trust our judgment on those. Defer to us.  
5 So --  
6 Q. So, whatever you grade, however you grade  
7 the problems that you graded, that was the grade  
8 that the student receive on exam?  
9 A. Yes. They didn't double check them after  
10 we're done grading.  
11 Q. So, did somebody then tally up for each  
12 exam all the grading for all problems?  
13 A. Yeah. We broke up into pairs of two. Like  
14 one TA was paired with a professor, but the rest  
15 were -- so we had like four sets of people, two TAs.  
16 In sorry, two TAs in two of the sets or three of the  
17 sets, and then two professors in one of the sets and  
18 then a professor and TA in the last set.  
19 Q. What did you do in those pairings?  
20 A. We just simply read the numbers off and had  
21 the other person punch them into the computer.  
22 Q. To tally up the grades on the exam?  
23 A. Yes.  
24 Q. And did you get any evaluations for TA?  
25 A. No.

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1 Q. And then when did you TA your third class?  
2 A. I'm actually TA'ing it right now, this  
3 quarter.  
4 HEARING OFFICER MOLS: Before we move on, I  
5 just have a couple of questions about that course  
6 that we were just discussing.  
7 So, the three professors that you  
8 mentioned, so, is this a course that is multiple  
9 sections of the same course?  
10 THE WITNESS: No. This is just one course.  
11 HEARING OFFICER MOLS: Okay. So, the three  
12 professors would be each listed as instructor of  
13 record for that course?  
14 THE WITNESS: Yes.  
15 HEARING OFFICER MOLS: Okay. All of the  
16 students that you were all together overseeing were  
17 all just one course, one section of one course?  
18 THE WITNESS: Yes. For the purposes, you  
19 know, of the university's accounting or whatever, it  
20 was one course.  
21 HEARING OFFICER MOLS: Okay. And how many  
22 lectures were there a week in this course?  
23 THE WITNESS: That is actually a little bit  
24 harder. I believe that the way the professors split  
25 up the lectures was by, you know, like weeks. So,

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1 one professor would, you know, do the first maybe  
2 three or four weeks. So on and so forth. But I  
3 believe each professor lectured maybe two times a  
4 day for like three days a week. Yeah.  
5 HEARING OFFICER MOLS: Thank you.  
6 BY MS. AUERBACH:  
7 Q. And do you know what the undergraduate  
8 student enrollment was in that class?  
9 A. Probably at least a hundred students. That  
10 class, this class is always --  
11 Q. I didn't ask the first class you TA'd for.  
12 Do you have an estimate of what the undergraduate TA  
13 number was in that class?  
14 A. I believe it began around 40, maybe like 35  
15 to 40, and it ended up being around 20 to 25.  
16 Q. You said you were TA'ing your third class  
17 now?  
18 A. Yes.  
19 Q. What course is that?  
20 A. Same course I just described the CMSC15400,  
21 Introduction to Computer Systems.  
22 Q. Are your responsibilities, since this is  
23 the same course, similar to what you just described?  
24 A. Yes, except this quarter we have some  
25 undergraduate graders, so some of the duties of



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1 grading homework assignments have been relieved a  
2 bit, although we are still responsible for verifying  
3 the, you know, validity of the homework questions  
4 and the projects that we're assigned.  
5 Q. And how many TAs are assigned to that  
6 class?  
7 A. Five.  
8 Q. Are they all Ph.D. students?  
9 A. No.  
10 Q. How many are Ph.D. students?  
11 A. So, there are four Ph.D. students. Myself  
12 included.  
13 Q. And then what is the fifth TA?  
14 A. The fifth TA is a Master's student who is  
15 in the Master's program in Computer Science, I  
16 believe.  
17 Q. And is the Master's student fulfilling the  
18 same TA responsibilities that you and the other  
19 Ph.D. students are fulfilling?  
20 A. Yes. He does the same work we do.  
21 Q. And does that include overseeing labs?  
22 A. Yes.  
23 Q. And does that include holding office hours?  
24 A. Yes.  
25 Q. Does that include -- so, are the graduate

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1 students still grading since they are undergraduate  
2 graders?  
3 A. Yes.  
4 Q. So, does that include grading?  
5 A. Yes. Well, it includes grading exams. I  
6 believe we have some say over the homework scores.  
7 We review the grades that the graders pass back to  
8 us, but that's about it.  
9 MS. AUERBACH: I move to introduce  
10 Petitioner's Exhibits 63, 64, 65, 66, 67 and 68 into  
11 evidence.  
12 MR. FASMAN: Voir dire, please.  
13 HEARING OFFICER MOLS: Yes.  
14 VOIR DIRE EXAMINATION  
15 BY MR. FASMAN:  
16 Q. Mr. Kong, looking at these exhibits, you  
17 are listed on several, and maybe I didn't understand  
18 your testimony, but you are listed on several as an  
19 RA?  
20 A. Yes. That's correct.  
21 Q. And then there is a paren that says  
22 Hoffmann, who I gather is your professor?  
23 A. Yes. My advisor.  
24 Q. And then there is something that says  
25 CERES. C-E-R-E-S. What is that?

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1 A. That's just the moniker for the systems  
2 research group in our department. So, there are  
3 professors that do theoretical computer science,  
4 which is more akin to math than programming, and  
5 there are professors that work on systems. That's  
6 what I do.  
7 Q. What does CERES mean?  
8 A. I believe it's the Center For Resilient  
9 Computing. I don't remember all the acronyms.  
10 Q. So, just so I understand, I was just trying  
11 to understand some of these notations.  
12 A. It's a little bit --  
13 Q. I mean there is something that says, Honors  
14 Discrete Mathematics. What is that?  
15 A. I believe that's a course -- which page?  
16 Or which --  
17 HEARING OFFICER MOLS: Where are you  
18 referring?  
19 BY MR. FASMAN:  
20 Q. This is Document 63, Page 3 of 4. The  
21 third line from the bottom there is one that says  
22 Honors Discrete Mathematics --  
23 A. Yes.  
24 Q. -- and one a little bit further up that  
25 says Discrete Mathematics?

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1 A. Yes.  
2 Q. What do all of these notations mean?  
3 A. So, those are two separate courses. I  
4 believe the Honors Discrete Mathematics course is  
5 for the more advanced undergrads.  
6 Q. I see. And then further up it says GAANN?  
7 A. Yes.  
8 Q. That's the fellowship that you originally  
9 had?  
10 A. Yes. It's the Department of Education  
11 Fellowship.  
12 Q. And UU. I know you answered this in  
13 response to the Hearing Officer's question. I think  
14 you did. What is it?  
15 A. It's basically -- I don't remember what the  
16 acronym stands for, but it's basically a university  
17 fellowship as opposed to funding from the department  
18 or a particular advisor.  
19 Q. Okay. So, looking at Number 64, there is  
20 something that says, number of graders, on the  
21 right-hand column?  
22 A. Yes.  
23 Q. Does that -- what does that refer to, sir?  
24 A. That typically refers to undergraduate  
25 graders, although it's very possible that there are

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1 graduate students, whether Master's students or  
2 Ph.D. students, that have signed up for extra  
3 grading to make some extra money. I believe I've  
4 received emails in the past about, you know, some of  
5 the positions.  
6 Q. Okay. We'll get back to that.  
7 So, if this says -- I see again, Winter,  
8 2017, this is Exhibit 65, Page 2 of 4. You're  
9 listed as an RA with Professor Hoffmann?  
10 A. That's correct.  
11 Q. Right? So, I take it you did not TA during  
12 that quarter?  
13 A. No.  
14 Q. Right?  
15 A. No.  
16 Q. And then spring, 2017. You're listed as a  
17 TA in Intro Computer Systems, correct?  
18 A. That's correct.  
19 Q. So, as I look at these documents, it  
20 appears -- it appears there are only two TAs. Was  
21 there a third? You testified to three.  
22 A. Two TAs where?  
23 Q. Pardon me?  
24 A. Two TAs where?  
25 MS. AUERBACH: Is this cross or is this

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1 voir dire?  
2 HEARING OFFICER MOLS: Let's just stick to  
3 the content of the document.  
4 MR. FASMAN: Okay. Thank you. No  
5 objection.  
6 HEARING OFFICER MOLS: Petitioner's  
7 Exhibits 63, 64, 65, 66, 67 and 68 are received.  
8 (Petitioner Exhibits 63 through 68 were  
9 received in evidence.)  
10 BY MS. AUERBACH:  
11 Q. So, just so it's clear, these documents  
12 don't reflect all of the TA-ships that you've held,  
13 correct?  
14 A. No. These are just the ones for the --  
15 well, these are all the RA and TA assignments for  
16 the current academic year, but they don't reflect  
17 the two previous years.  
18 Q. So your first TA assignments were in the --  
19 MR. FASMAN: I'm going to object on  
20 leading, and I really have held my tongue for a long  
21 time, but I really think started a lot of questions  
22 and a lot of them have been very leading.  
23 BY MS. AUERBACH:  
24 Q. Your first two TA assignments were in which  
25 academic year?

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1 A. The academic year covering the fall of, I  
2 want to say 2015 to the spring of 2016.  
3 Q. And do you have an understanding as to  
4 whether you have to be assigned as either an RA or  
5 TA each quarter?  
6 A. Yeah. If you're not given RA funding by  
7 your advisor or another professor, you know, for  
8 some reason would take you -- even though you are  
9 not their student, you have to TA.  
10 Q. Do you have a preference as to whether  
11 you're assigned as a TA or an RA?  
12 A. Although I enjoy the company and being able  
13 to mentor and teach undergraduate students, I much  
14 prefer being an RA so that I can work on my  
15 research.  
16 Q. When did you first become affiliated with  
17 the research advisor?  
18 A. So, I think, as you can see in the exhibit  
19 that was my -- Exhibit 62, I've basically been  
20 affiliated with my advisor since even before  
21 accepting a position in the department.  
22 Q. So, since before you began graduate studies  
23 at the university?  
24 A. That's correct.  
25 Q. And did you -- were you required to take

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1 any online training with respect to research?  
2 A. Yes. Oh, no. Well, sort of. We were  
3 forced to take online training courses, I believe  
4 everyone was forced to take it, regardless of  
5 whether they were an RA or TA, on how to handle like  
6 Title 9 kind of issues and complaints and stuff like  
7 that, and also I believe there was a fire safety  
8 course we had to take and possibly even like a lab  
9 safety course and maybe like a chemical safety  
10 course.  
11 HEARING OFFICER MOLS: When you say we, who  
12 are you referring to?  
13 THE WITNESS: Sorry. All Ph.D. students in  
14 my program.  
15 HEARING OFFICER MOLS: Thank you.  
16 BY MS. AUERBACH:  
17 Q. And how do you receive -- how often do you  
18 receive payment of your funding?  
19 A. So, my first year when I was on the  
20 fellowship I received it quarterly, so at the start  
21 of the quarter I would receive my entire stipend for  
22 that quarter.  
23 My second year I was no longer on the  
24 fellowship, so I received monthly paychecks. And  
25 this year they've changed the pay system once again,

25 (Pages 1154 to 1157)

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1 so now I receive biweekly paychecks which they are  
2 planning on changing back again next year, so I'll  
3 be receiving monthly paychecks again.  
4 MR. FASMAN: Objection.  
5 HEARING OFFICER MOLS: Grounds?  
6 MR. FASMAN: Foundation.  
7 HEARING OFFICER MOLS: How do you know they  
8 are changing the payroll system?  
9 THE WITNESS: They sent us emails.  
10 BY MS. AUERBACH:  
11 Q. Who is they?  
12 A. I believe it was Margaret Jaffe, who is  
13 the -- I guess she's like one of the administrative  
14 staff members in our department.  
15 Q. And do you have taxes withheld from your  
16 paychecks?  
17 A. Yes.  
18 MR. FASMAN: I'm sorry I didn't hear the  
19 answer.  
20 THE WITNESS: Yes.  
21 HEARING OFFICER MOLS: Yes.  
22 BY MS. AUERBACH:  
23 Q. Do you receive a W-2 form?  
24 A. Yes.  
25 Q. From the university?

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1 A. Yes.  
2 Q. Are you familiar with the term Workday?  
3 A. Yes.  
4 Q. And what is that?  
5 A. So, this is just from for my experience of  
6 having used it. It's basically HR software that  
7 allows you to take a look at our W-2s, any tax forms  
8 we might have, we might need to file our taxes with  
9 and -- yes.  
10 HEARING OFFICER MOLS: Who is we?  
11 THE WITNESS: Sorry. Graduate students.  
12 Although I presume that professors probably use it  
13 as well.  
14 MR. FASMAN: Objection. No foundation.  
15 BY MS. AUERBACH:  
16 Q. Do you know whether professors use it?  
17 A. I wouldn't have any reason to believe  
18 otherwise.  
19 MR. FASMAN: Objection.  
20 HEARING OFFICER MOLS: To his answer?  
21 MR. FASMAN: Yes. I wouldn't have any  
22 reason to believe otherwise. He doesn't now. He  
23 admitted he had no knowledge and then said -- and  
24 then affirmed it. He affirmed an answer that I  
25 objected to for lack of foundation.

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1 MS. AUERBACH: Objecting to an answer.  
2 HEARING OFFICER MOLS: I mean he said he  
3 doesn't know. I've permitted a question from  
4 Employer counsel about whether or not they had any  
5 reason to doubt information that they had had from  
6 other sources. I don't see how this is that  
7 different. I mean the quality of evidence will be  
8 considered at the time of the decision.  
9 You can proceed with your next question,  
10 Counsel.  
11 BY MS. AUERBACH:  
12 Q. And how were you first introduced to using  
13 the Workday system?  
14 A. So, I believe we acquired an HR person. By  
15 we in this case -- I should specify. I believe the  
16 Computer Science Department acquired an HR person  
17 sometime last year because previously we hadn't been  
18 using Workday or I'd never been emailed by the HR  
19 nor had most of my coworkers, peers.  
20 So, yes. I received an email sometime last  
21 year I believe at the start of the year, requesting  
22 that I sign up for the service and I had to bring in  
23 my passport, I think a driver's license, my Social  
24 Security card. Things like that for a scan, and  
25 then input those into the system. Yes. It was

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1 mandatory.  
2 Q. And the Master's student who is TA in the  
3 class you're currently a TA in, is that Master's  
4 student being paid to do that?  
5 A. I would assume so. It's possible.  
6 MR. FASMAN: Move to strike.  
7 BY MS. AUERBACH:  
8 Q. Do you know?  
9 HEARING OFFICER MOLS: Do you know?  
10 BY MS. AUERBACH:  
11 Q. If you know. If you don't know you don't  
12 know.  
13 A. No. I can't guarantee is -- might be  
14 encouraged for all I know.  
15 HEARING OFFICER MOLS: So you don't know?  
16 THE WITNESS: No. I cannot guarantee that  
17 she's being paid.  
18 BY MS. AUERBACH:  
19 Q. Are you -- have you started doing research?  
20 A. Yes.  
21 Q. And how did you -- how was your research  
22 topic determined?  
23 A. So, I started doing research my first year.  
24 And back then my advisor, you know, he's fairly  
25 like -- broad interest, I would say, so he kind of

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1 allows us to choose research topics we're interested  
2 in.  
3 However, because I was a first-year student  
4 he basically showed me a list of projects that he  
5 was working on. And I got to choose one of them  
6 and -- yeah, but the project I'm working on right  
7 now for my Master's thesis is a project that I  
8 conceived of.  
9 Q. So, the first year you worked on a project  
10 from a list of projects he gave you?  
11 A. Yes.  
12 Q. And the project that you're working on now,  
13 is there a plan to publish a paper based on that?  
14 A. Yes.  
15 Q. And will anybody be a co-author of that  
16 paper?  
17 A. Would just be my advisor.  
18 Q. You and your advisor?  
19 A. Yes.  
20 Q. And is your advisor a tenured professor?  
21 A. No. He's currently on the tenure track. I  
22 believe from conversations with him he's said that  
23 they've renewed his contract for now, but he's no  
24 certain he'll get tenured.  
25 MR. FASMAN: Just so the record is clear,

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1 is this Hoffmann?  
2 THE WITNESS: Yes. This is Hank Hoffmann.  
3 MR. FASMAN: Thank you.  
4 HEARING OFFICER MOLS: Just so we're clear,  
5 have you had any other faculty advisors during your  
6 tenure at the University of Chicago?  
7 THE WITNESS: No.  
8 HEARING OFFICER MOLS: Thanks.  
9 MS. AUERBACH: Those are all the questions  
10 I have.  
11 MR. FASMAN: May I have a few minutes to  
12 take a look at this?  
13 HEARING OFFICER MOLS: Sure.  
14 MR. FASMAN: Thank you.  
15 HEARING OFFICER MOLS: Off the record.  
16 (There was a discussion  
17 held off the record.)  
18 HEARING OFFICER MOLS: On the record.  
19 The Employer can proceed with its  
20 questioning of the witness.  
21 CROSS-EXAMINATION  
22 BY MR. FASMAN:  
23 Q. Mr. Kong, looking at Petitioner's Exhibit  
24 62, which appears to be an admission offer to you?  
25 A. Yes.

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1 Q. This says it's a revised offer. What was  
2 the original offer?  
3 A. So, the original offer, I have the letters  
4 as well, but the original offer was basically the  
5 same offer but minus the DOE GAANN fellowship. They  
6 had yet to decide which students in the department  
7 to award it to.  
8 MR. FASMAN: I see. May I ask that the  
9 original offer be produced? If he has it. He said  
10 he has it.  
11 MS. AUERBACH: Do you still have it?  
12 THE WITNESS: Yes. I can do that.  
13 MS. AUERBACH: Okay.  
14 MR. FASMAN: That would be nice.  
15 MS. AUERBACH: You'll give it to me.  
16 THE WITNESS: Okay.  
17 BY MR. FASMAN:  
18 Q. That's fine. Thank you very much.  
19 So, the GAANN fellowship you had for your  
20 first year, right?  
21 A. Yes.  
22 Q. And did that run out?  
23 A. Sort of. It's a one-year fellowship, so  
24 they can basically choose whichever students they  
25 want in the department to give it to. My

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1 understanding is that it's typically handed to  
2 first-year students, so they have priority.  
3 Q. Were you -- did you ask to have it renewed?  
4 A. No.  
5 Q. Did anyone approach you with regard to  
6 having it renewed?  
7 A. No. I don't believe so.  
8 Q. But you never even asked about continued  
9 funding?  
10 A. No.  
11 Q. I see. Throughout all of these quarters  
12 where you're TA'ing or RA'ing or whatever you're  
13 doing, you're still getting throughout of this  
14 tuition remission, right? You're not paying  
15 tuition?  
16 A. Right. Definitely not.  
17 HEARING OFFICER MOLS: Be sure to speak up.  
18 THE WITNESS: That would be a large amount  
19 of money.  
20 BY MR. FASMAN:  
21 Q. And you're also covered by the student  
22 health plan?  
23 A. I have to pay for it.  
24 Q. Why do have you to pay for it, sir?  
25 A. I'm not exactly sure how it works. So, my

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1 first year it was covered under the fellowship as it  
2 describes in this letter, but since then it's been a  
3 payroll deduction and I get taxed on it and  
4 everything.  
5 Q. So, you're saying you do not get the  
6 premiums for the USHIP? You do not -- those are not  
7 paid?  
8 A. They are not automatically removed from  
9 paychecks, no. So, if we receive a paycheck and we  
10 don't -- we are not enrolled in payroll deductions,  
11 we just have pay the money ourselves.  
12 Q. I see. So, do you get extra, extra money  
13 in your paychecks to allow you to pay for the  
14 premiums?  
15 A. That is hard to define. So, if you look at  
16 the same letter that you're referring to, the  
17 Exhibit 62 it says, after your first year you'll be  
18 supported as an RA or TA at the standard rate, 2,500  
19 per month. And they don't really specify whether or  
20 not that includes the insurance premiums or not.  
21 Like my understanding, you know, from  
22 before I accepted from this school and others was  
23 that typically, you know, that's included -- or  
24 rather not included in the stipend, although it's  
25 very possible in this case it is.

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1 Q. So, you just don't know?  
2 A. Yeah. I don't know.  
3 Q. Where were you an undergraduate?  
4 A. University of California. The Santa Cruz  
5 campus.  
6 Q. I see. And what was your major?  
7 A. So, I did Economics and Electrical  
8 Engineering.  
9 Q. And Electrical Engineering. Do you have a  
10 Computer Science background?  
11 A. No. Well, yes. I ended up -- well, so  
12 I've been, you know, obviously like programming  
13 since I was in middle school, but I also ended up  
14 working in a research lab -- computer science  
15 research lab as well as in a -- or at a national lab  
16 as a research assistant.  
17 Q. Where is that, sir?  
18 A. Sandia National Laboratory.  
19 THE COURT REPORTER: San Diego?  
20 THE WITNESS: I'm sorry. S-a-n-d-i-a.  
21 That was where they made the nuclear bomb.  
22 BY MR. FASMAN:  
23 Q. And when did you do that, sir?  
24 A. I did that in the summer between my junior  
25 and senior years as an undergrad.

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1 Q. I see. And you came straight to the  
2 University of Chicago after graduating from college?  
3 A. Uh-huh.  
4 MR. FASMAN: Is that correct?  
5 HEARING OFFICER MOLS: You need to say it.  
6 THE WITNESS: That's correct.  
7 BY MR. FASMAN:  
8 Q. Thank you. And I note that this says  
9 that -- this being Petitioner's 62, says that your  
10 faculty contact is Professor Hank Hoffmann?  
11 A. That's correct.  
12 Q. Correct? He was one of the people who you  
13 were interested in studying with, correct?  
14 A. Here?  
15 Q. Yes. In Chicago.  
16 A. Yes.  
17 Q. And you had applications at other  
18 institutions of higher learning?  
19 A. Yes.  
20 Q. Where else did you apply?  
21 A. I applied here. The -- for the  
22 aspirational ones, MIT, UC Berkley, Carnegie Mellon,  
23 and I think the University of Washington. And then  
24 also UC San Diego, I think. Forgive me my memory is  
25 a little faulty at well. Just around the country.

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1 Q. Professor Hoffmann was someone you wanted  
2 to work with, though, right?  
3 A. Yes.  
4 Q. And how did you -- did you know him before  
5 you came to the University of Chicago?  
6 A. No.  
7 Q. When did you first meet him?  
8 A. I met him during the visiting weekend which  
9 occurred, I want to say in March or April of my  
10 senior year in college, which would have been 2014.  
11 Q. And this was a -- this was a trip that was  
12 paid for -- it was paid for by the university to  
13 allow people to come to campus and meet people?  
14 A. We could get reimbursements, yes. Flights  
15 and so forth.  
16 Q. And you accepted the university's offer by  
17 that time?  
18 A. No.  
19 Q. Were you accepted in any of the other  
20 programs you spoke about?  
21 A. Yes. So, I got into UC Davis as well.  
22 Q. And did you -- let's go back. I asked you  
23 a question about when you met Professor Hoffmann.  
24 You met him during this weekend in 2014; is that  
25 right?

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1 A. Yes.  
2 Q. And in what context did you meet him?  
3 A. It was a roughly kind of informal gathering  
4 at the house of Anne Rogers. Well, Professor Anne  
5 Rogers and Professor John Reppy.  
6 Q. And when you met Mr. Hoffmann or Professor  
7 Hoffmann, did you discuss coming to this school,  
8 working with him, things along those lines?  
9 A. Yeah. Probably the usual stuff. Like  
10 asking him what it's like. I already knew what kind  
11 of research he did.  
12 Q. How did you know that?  
13 A. His website. So, before I applied to any  
14 of these universities I looked at the professors  
15 doing research in each department, and then I  
16 figured out what their recent papers were and what  
17 the publications records looked like so I wasn't  
18 like -- I wouldn't end up with an advisor that was  
19 no longer actively pursuing research.  
20 Q. What was it about Professor Hoffmann's  
21 research that interested you?  
22 A. So, his Ph.D. dissertation was roughly  
23 based on feedback controls, like a feedback control  
24 system which is in some ways like a subfield of math  
25 that allows you to regulate the behavior of a system

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1 automatically. And that's something that I had  
2 taken a graduate course on as an undergrad, so it  
3 looked interesting.  
4 The other professor that I was interested  
5 in working with, to save you some time, was Ian  
6 Foster, who is also a professor here.  
7 Q. Yes. You did mention that. But you were  
8 not unhappy to have Professor Hoffmann as your  
9 faculty contact, were you?  
10 A. It was fine. Didn't feel any way about it.  
11 Q. And he is your faculty advisor now?  
12 A. Yes.  
13 Q. Is he your thesis advisor?  
14 A. Yes.  
15 Q. Are you actively working on a Ph.D. thesis?  
16 A. Yes. Well, no. I am currently working on  
17 my Master's thesis, which is something we all have  
18 to do en route to our Ph.D. candidacy exam which,  
19 you know, God willing we pass that, we can go on to  
20 work on our Ph.D. thesis.  
21 Q. And there is a candidacy exam, right?  
22 A. Yes.  
23 Q. And when is that, sir?  
24 A. That is up to basically, you know, my  
25 advisor and I to schedule after I've defended my

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1 Master's thesis but not before we've agreed on some  
2 project that I'm going to undertake for my Ph.D.  
3 thesis.  
4 Q. I see. And you have not selected a project  
5 for your Ph.D. thesis yet?  
6 A. No.  
7 Q. What's your Master's thesis in?  
8 A. Okay. I apologize. It's going to be a  
9 little bit of a longwinded one.  
10 Q. That's okay.  
11 A. Roughly I am applying feedback -- or rather  
12 not feedback. I'm applying control theory,  
13 specifically states base control theory, which is  
14 involved in Algebra. To --  
15 Q. You better slow down.  
16 A. Sorry. I always forget. I'm in my own  
17 world here. But to a invented system which includes  
18 mobile devices, you know, small chips that you might  
19 have at a -- running a power plant or, you know,  
20 maybe even that projector there.  
21 Q. And -- go ahead.  
22 A. And my goals are to basically improve the  
23 performance of these invented systems while reducing  
24 the energy usage, and that could involve a number  
25 of, you know, hardware and software manipulations.

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1 Q. And --  
2 A. Which I can describe if you need to.  
3 Q. No. I think you've lost us all.  
4 A. Sorry.  
5 Q. That's okay. No problem. That's not a  
6 problem. You're talking to a roomful of lawyers.  
7 You began your research, I think you said  
8 you started in your first year?  
9 A. Yes.  
10 Q. Correct?  
11 A. That's correct.  
12 Q. And that Professor Hoffmann gave you a list  
13 of projects he was working on?  
14 A. That he was interested in working on.  
15 Nobody had been working on them, but he was  
16 basically looking for students with the right sets  
17 of skills to work on them.  
18 Q. I see. He gave you a list of topics?  
19 A. A list of -- yeah. Roughly.  
20 Q. His research interests?  
21 A. Yes.  
22 Q. And said, why don't you pick one of these?  
23 A. Yeah.  
24 Q. All right. And then now you've gone a  
25 different direction, correct?

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1 A. That's correct.  
2 Q. And that was in -- I think I have down here  
3 this is a project of your own devising, correct?  
4 A. Yes.  
5 Q. How did you come up with this project?  
6 A. So, okay. So -- this is really stupid.  
7 You know how sometimes you're going along on a car  
8 trip, and your cell phone battery just dies in the  
9 middle of like, you know, you using the GPS to  
10 navigate to some far-off destination. That's  
11 happened to me a million times. I'm sure it's  
12 happened to some of guys and gals.  
13 So, after that happened like and kind of  
14 left me stranded, at one point I decided that I  
15 wanted to work on it. And I knew that it would be  
16 possible to apply what I knew about control theory  
17 and computer systems in general to make that happen.  
18 Q. Now, did you discuss this topic with  
19 Professor Hoffmann at one point?  
20 A. Yes.  
21 Q. How many times?  
22 A. I -- when I proposed it to him basically I  
23 knew that he was, you know, interested in like  
24 applying more of the math-y aspects of control  
25 theory to some kind of research project. I guess

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1 he's interested in and he has grants for it. But he  
2 doesn't really have enough of a background in  
3 control theory to make that happen. So --  
4 Q. And you do?  
5 A. Yes.  
6 Q. So, and I think you said that you and he  
7 were going to publish a paper on it?  
8 A. Yes.  
9 Q. And will that be your Master's thesis? Is  
10 that the idea?  
11 A. So, I'll be publishing a Master's. Rather,  
12 I'll be writing my Master's thesis on this project,  
13 but we will also be trying to publish a paper in an  
14 academic conference.  
15 Q. And that's significant, if you publish a  
16 paper in -- an academic paper as a Ph.D. student,  
17 right?  
18 A. Questionable. If you want to go into  
19 academia, then you want to publish sort of as much  
20 as possible, but really you're looking for high  
21 impact publications. But if you're not interested  
22 in academia, you can pretty much graduate without  
23 ever having published in any academic conference as  
24 long as your advisors and committee are okay with  
25 it, and you can very easily get a job at a company

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1 somewhere doing, you know, maybe research, maybe  
2 software engineering.  
3 Q. What is your career goal?  
4 A. That's a good question. I'm -- I haven't  
5 ruled anything out yet, but I'm not particularly  
6 interested in academia.  
7 Q. I see. So, you would want to do something  
8 other than teach?  
9 A. Maybe I'll teach at a community college or  
10 something for fun.  
11 Q. I see. You don't think the company that  
12 you might apply to would be interested in a high  
13 impact study of the sort you described?  
14 A. So, they would be if they were interested  
15 in the area of research that I'm pursuing, but  
16 because my area of research is a relatively -- there  
17 is no -- I don't -- I'm not saying it to be  
18 arrogant. It's a relatively new area, so there  
19 aren't very many people doing what I'm doing.  
20 So, it's very unlikely that one of the  
21 metrics for, you know, employment or getting a job  
22 from one of these companies would be that they were  
23 directly interested in my research.  
24 Q. Do you meet frequently with Professor  
25 Hoffmann?

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1 A. We meet about -- we used to meet about once  
2 a week, and now we just meet when, you know, I want  
3 to talk to him.  
4 Q. I see. When did you stop meeting with him  
5 once a week?  
6 A. I want to say roughly around last summer.  
7 Q. Last summer. So, you would have met with  
8 him once a week from the time of your admission  
9 until the summer of 2016?  
10 A. Maybe point seven or point six times a  
11 week. So, some weeks we just wouldn't meet.  
12 Q. I see. So, maybe not once a week but  
13 once --  
14 A. Maybe like once every two weeks.  
15 Q. But some --  
16 A. On and off.  
17 Q. But sometimes more frequently?  
18 A. Yes.  
19 Q. Because you were a TA in some of his  
20 courses?  
21 A. Yes. Precisely.  
22 Q. And because he's your faculty advisor?  
23 A. Yes.  
24 Q. So, during this time, and when you met,  
25 what did you talk about?

1 A. If I made progress on a project or --  
2 whichever project I happened to be working on, I  
3 would tell him. He might have comment for it. He  
4 might not. Typically we just end up talking about  
5 politics.

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

8 A. Yes.

9 Q. You did?

10 A. Yes.

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

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

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

24 A. Well, we tried to keep our -- basically our  
25 meetings about research and our meetings about

1 teaching separate. So, for the course I'm teaching  
2 right now, for example, we have weekly TA meetings  
3 where all of the TAs get together with some -- maybe  
4 all three, but maybe some subset of the professors  
5 who teach the course, and that is where we would  
6 discuss any issues that are going on in the course.

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

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

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

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

18 A. Yes.

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

21 A. Okay. So, that's typically to discuss  
22 logistical issues. If anyone had missed some office  
23 hours or if the students -- one problem I get a lot  
24 is the student aren't able to identify me as their  
25 TA, so I get a lot of angry emails that where they

1 don't realize that I'm sitting in the same room as  
2 them helping another student out.

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

5 A. Yeah. A little bit.

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

10 A. No.

11 Q. No?

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

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

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

25 Q. Or you could pick up the phone and ask

1 Professor Hoffmann?

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

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

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

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

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

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

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

22 A. Yes.

23 Q. But there are others who he is covering?

24 A. Yes.

25 Q. I see. And are you making progress toward



1 your degree?  
 2 A. Yes. I would say so. I mean like it  
 3 basically comes down to finishing a Master's thesis  
 4 roughly ideally by the end of the third year. It  
 5 might poke into the summer a bit, but that's fine.  
 6 I've got an internship lined up this summer. Seems  
 7 reasonable.

8 So, I should say that in my conversations  
 9 with the Dean of Students, Miranda Swanson, she  
 10 said, it seems like you're doing well.

11 Q. Seems like you're doing well. Have you  
 12 ever received any letters indicating that you not  
 13 doing well?

14 A. Yes.

15 Q. When did you receive those and what did  
 16 they say?

17 A. I received one of those last year. They  
 18 were -- so, at a time I was working on a different  
 19 project and they wanted to see more progress in that  
 20 project.

21 HEARING OFFICER MOLS: Who is they?

22 THE WITNESS: Sorry. I believe this was  
 23 the graduate committee, which changes every year.  
 24 They don't really tell us who is exactly is on it,  
 25 but typically it's some subset of Professor Anne

1 Rogers, I think Professor Janos Simon, and I believe  
 2 Professor John Lafferty, but that might change or be  
 3 different in any given -- but that decision, I mean  
 4 basically the way that works is you show up to your  
 5 advisor's office and ask them, you know, do we have  
 6 a working draft? And Hank's answer was no. Because  
 7 Hank has a certain style of advising where he  
 8 prefers that we don't start writing until we've  
 9 settled all the results.

10 As a result of that, I have to kind of  
 11 manage upwards a bit in the sense that, you know,  
 12 I'll start writing up some stuff, some of the  
 13 results I have, and then later on down the line I'm  
 14 not being you held up, you know, by that.

15 Q. I'm not sure I understand. I mean you said  
 16 Ms. Swanson -- Dean Swanson said you were doing just  
 17 fine?

18 A. Yes.

19 Q. But she's not -- she's not an academic,  
 20 right? She's not a faculty member?

21 A. No.

22 Q. In fact, faculty members apparently have  
 23 told you that that may not be the case?

24 A. Yes. But never my advisor is the one that  
 25 makes the ultimate determination on that, as I said.

1 Q. That's Professor Hoffmann?

2 A. Yes. They show up, you know, they talk to  
 3 him, and -- but what they asked him for is, is there  
 4 like a draft or some piece of paper that exists, and  
 5 of course his answer is always, you know, typically  
 6 no. Up until like very recently. But even now, he  
 7 still wants me to collect the final set of results  
 8 before he, you know, will acknowledge that I have a  
 9 draft that exists.

10 HEARING OFFICER MOLS: Are you present when  
 11 these conversations go on between Professor Hoffmann  
 12 and the graduate committee?

13 THE WITNESS: No.

14 HEARING OFFICER MOLS: So, how did you hear  
 15 about them?

16 THE WITNESS: My advisor. Professor  
 17 Hoffmann tells me.

18 BY MR. FASMAN:

19 Q. So, Professor Hoffmann was also the one  
 20 that was sending you, and I'm going to quote what  
 21 you said, curt emails about not coming to his  
 22 lectures?

23 A. For Parallel Computing.

24 Q. That's correct.

25 A. But --

1 Q. What did those -- what did those curt  
 2 emails say?

3 A. Basically just, you know, I think this is  
 4 really important. You know, please, you know, show  
 5 up. Like -- you know, in case you need like a  
 6 refresher or whatever.

7 Q. And you chose not to show up?

8 A. Yeah. But we've always -- we've had  
 9 conversations about it. Or we had conversations  
 10 about it. You know, basically I told him I was  
 11 working on research and he understood.

12 Q. And he understood. But he did not -- he  
 13 didn't pursue it further?

14 A. No.

15 Q. And you were never disciplined for not  
 16 showing up?

17 A. No. No.

18 Q. You were never told you're not going to get  
 19 your stipend if you don't show up?

20 A. No.

21 Q. And --

22 A. At least not for that course.

23 Q. I'm sorry?

24 A. Not for that course.

25 Q. Not for that course. This was --

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1 A. Parallel Computing.  
2 Q. What year was that in, 2015?  
3 A. That was 2016. The winter of 2016.  
4 Q. Winter of 2016. Now, do I have that here?  
5 A. I believe so. No, you don't. This is only  
6 for the current academic year.  
7 Q. So I have one -- I see. So, I have autumn,  
8 2016. Then I have winter, 2017. Do you have the  
9 other documents from the period between that?  
10 A. It might be possible to retrieve them,  
11 although --  
12 Q. Why did you retrieve these? I presume you  
13 retrieved them?  
14 A. Yes. These were the most readily  
15 accessible. The previous ones involved digging back  
16 through literally thousands of emails to maybe find  
17 a link that might be dead. Because they've changed  
18 up the -- like this system.  
19 Q. I don't understand. I have autumn, 2016,  
20 but I don't --  
21 HEARING OFFICER MOLS: He said winter of  
22 2016.  
23 THE WITNESS: It's a previous academic  
24 year. It's just kind of a stupid system.  
25 BY MR. FASMAN:

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1 Q. I see. Then I have the winter of 2017?  
2 These are consecutive?  
3 A. Yes.  
4 Q. Is that what you're saying?  
5 A. Yes.  
6 Q. Okay. Thank you. But it was your decision  
7 not to attend the lectures in Parallel Computing,  
8 right?  
9 A. Yes.  
10 Q. And you did not attend the lectures in the  
11 other two courses you TA'd, right?  
12 A. Those we are not we're not required to  
13 attend.  
14 Q. You are?  
15 A. We are not required to attend.  
16 Q. You are not required to attend?  
17 A. We proctor the exams.  
18 Q. I see. Had you had experience in grading  
19 projects?  
20 A. Prior to?  
21 Q. For exams prior to the first time you TA'd?  
22 A. Here?  
23 Q. Anywhere.  
24 A. Yes.  
25 Q. Where?

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1 A. Prior to TA'ing here. Yes.  
2 Q. Where?  
3 A. As undergrad to, you know, make my -- pay  
4 the rent and whatnot I basically -- I believe the  
5 official title was tutor, but I roughly had the same  
6 duties that I have now, which is to say I taught  
7 other undergrads, you know, how to, you know, work  
8 on projects. I explained concepts to them.  
9 Provided mentorship. I, at times, ran lab sections.  
10 So on and so forth.  
11 Q. This is UC Santa Cruz?  
12 A. Yes.  
13 Q. And how long did you do that, sir?  
14 A. I think I -- I believe I did it for the  
15 last two years of college. So, junior year and  
16 senior year.  
17 Q. So, and Professor Hoffmann knew this? You  
18 must have told him this?  
19 A. I don't remember if I included it in my  
20 application or not, because for grad school they are  
21 typically more interested in hearing about the type  
22 of research that you want to do. I don't think it's  
23 a teaching statement. They just ask for a research  
24 statement.  
25 Q. I'm asking some different. Did you ever

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1 tell Professor Hoffmann, I've already graded papers?  
2 A. No. At least not prior to coming here.  
3 Q. No. I'm talking about when -- let's talk  
4 about in the context of the first course. Parallel  
5 Computing.  
6 A. Yes.  
7 Q. Did you tell him, no, I've already graded  
8 papers I know how to do this?  
9 A. I mean, no, but he assumed, you know, I'm  
10 like a competent computer scientist. Would  
11 understand how to do that.  
12 Q. You would understand how to grade papers?  
13 A. Yes. Like, well, so, first of all, we  
14 don't really grade papers per se. We grade  
15 projects, which are just large spaces of computer  
16 code.  
17 HEARING OFFICER MOLS: Speak up, please.  
18 THE WITNESS: Yes. We grade projects which  
19 are large spaces of computer codes, and then  
20 occasionally we'll grade homework assignments which  
21 is typically as the PSD Dean said, one right answer.  
22 BY MR. FASMAN:  
23 Q. So, papers in your field are projects? Is  
24 that what you're saying?  
25 A. They are analogous, yes. In the

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1 meticulousness and the -- a lot of more detail is  
2 generally required.  
3 Q. I see. I see. And, so, how do you grade  
4 them?  
5 A. So, it differs from course to course. So,  
6 for this course --  
7 Q. Which course?  
8 A. Sorry. The course I'm talking right now,  
9 which is Intro to Computer Systems.  
10 Q. Yes.  
11 A. We are expected to produce our own  
12 solutions, and that may differ from the solutions  
13 the students provide, but we have ways of comparing  
14 their output to our outputs, and then if they don't  
15 meet -- if they don't pass the test that we have set  
16 for them, which we hand to them before they start  
17 the project, then I would have to go in manually and  
18 look at the code, and either, as I said, I tend to  
19 be a generous TA. I try to fix it and give them the  
20 most points as possible, or I read through it and  
21 try to get a sense of whether or not they understood  
22 it, partially supplemented by my knowledge of what  
23 that student knows, you know, my interactions with  
24 them.  
25 Q. It sounds to me like you have -- you have a

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1 lot of experience than perhaps someone comparable in  
2 your position would not have. Is that a fair  
3 statement?  
4 A. I would disagree. My roommate is -- I  
5 think came into the program equally competent, if  
6 not more competent than me in some -- many aspects  
7 of TA.  
8 Q. I see.  
9 A. And as, you know, I would say the same  
10 about most, to be honest.  
11 Q. How about the Master's student?  
12 A. She knows pretty much everything that I do  
13 minus some esoteric details of the clinics'  
14 operating systems.  
15 Q. I see. You don't know, by the way, whether  
16 she's paying tuition or not, do you?  
17 A. The Master's program does actually -- I  
18 believe you have to pay either 30 to \$50,000 of  
19 tuition per year. And I mean she might not be  
20 paying that as a result of her teaching.  
21 Q. You don't know, do you?  
22 A. I'm sure I couldn't verify it.  
23 HEARING OFFICER MOLS: Do you know, yes or  
24 no?  
25 BY MR. FASMAN:

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1 Q. Do you know? Thank you.  
2 HEARING OFFICER MOLS: Do you know?  
3 THE WITNESS: No.  
4 BY MR. FASMAN:  
5 Q. You say she grades exams the same way you  
6 do in this undergraduate course?  
7 A. Yes.  
8 Q. Do you know if she's received any training  
9 in how to grade exams prior to grading them?  
10 A. That is not something I would know.  
11 Q. Does she sit in these -- you mentioned  
12 weekly sessions with the professors who teach this  
13 course?  
14 A. Yes.  
15 Q. Does she sit in on those?  
16 A. I think she makes most of them. Sometimes  
17 she's not there. Sometimes I'm not there. So on  
18 and so forth. They are very -- they are not -- they  
19 are loosely attended, I would say. Ph.D. students  
20 and I presume Master's students are typically very  
21 busy. We have very hectic schedules, and for this  
22 course our TA duties are, as I mentioned earlier,  
23 randomly assigned computer algorithm so people might  
24 be TA'ing during the meetings.  
25 Q. So, I wanted to ask about that. So, when

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1 you say you TA during those meetings -- during -- in  
2 connection with this course, that means being  
3 available?  
4 A. It means hosting office hours or lab hours.  
5 Q. Correct.  
6 A. Or answering questions on this online forum  
7 software called Piazza. We are each, again,  
8 randomly assigned days where we have to monitor  
9 Piazza and respond to any questions the student  
10 might have ideally within an hour, which is what  
11 we're told.  
12 Q. How did you find out about this computer  
13 program? Were you told this as well?  
14 A. Piazza?  
15 Q. Yes.  
16 A. It's fairly commonly used in the computer  
17 science field, so I had used it previously in my  
18 capacity as an undergraduate tutoring.  
19 Q. I see. And if there is a question that you  
20 have about the course, that is, Intro to Computing  
21 course, when you have these weekly meetings can you  
22 raise it?  
23 A. Could you clarify? Like do you mean in  
24 questions about the material of the course, or  
25 questions about the administrative side of the

1 course?  
 2 Q. Let's start either way. How about  
 3 questions about the material?  
 4 A. Is going to sound super-arrogant, but never  
 5 have questions about the materials. I've done every  
 6 single project.  
 7 Q. How about administrative?  
 8 A. Occasionally, but we resolved this via  
 9 email. So, some student will post on Piazza or  
 10 comes during office hours and says, hey, I feel like  
 11 I didn't get fairly graded in this. Could you pass  
 12 this on to one of the other TAs? And they look at  
 13 it, and if they can't make a determination -- or  
 14 rather I should say, if it's a question that  
 15 involves, you know, something to do with like the  
 16 administration of the course, i.e., you know,  
 17 cheating or the grading script is wrong or, you  
 18 know, whatever, then we will contact the professors,  
 19 but otherwise we try to resolve those ourselves  
 20 because each TA is assigned responsibility for one  
 21 project, and I believe some subset of the homework  
 22 assignments.  
 23 Q. So, you never have -- you never have a  
 24 question about whether a particular homework  
 25 assignment -- what the answer should be? The

1 answers are just yes and no?  
 2 A. Typically no.  
 3 Q. One or zero?  
 4 A. Well, so, for the homework assignments  
 5 which I typically don't grade, at least I haven't  
 6 graded this quarter because we have more  
 7 undergraduate graders this year. No. I mean they  
 8 are fairly basic questions that anyone that's  
 9 competent, in this case, computer systems, would  
 10 know, and I've TA'd an upper division course -- or  
 11 rather I should correct myself.  
 12 I tutored an analogous upper division  
 13 course as well as an analogous lower division course  
 14 as an undergraduate.  
 15 Q. I see.  
 16 A. I'm fairly familiar with the material.  
 17 Q. Upper level course meaning college course?  
 18 A. Yes.  
 19 Q. Or graduate course?  
 20 A. College course. I'm sorry. When I say  
 21 upper level I mean that it was the called  
 22 Introduction to Operating Systems, and it was  
 23 basically a much more in-depth version of this  
 24 course.  
 25 Q. I want to go back to Parallel Computing for

1 a minute and ask you about the first time you were  
 2 grading. I think you said there were a couple of  
 3 mid terms and a final in that one?  
 4 A. Yes.  
 5 Q. Is that right?  
 6 A. Yes.  
 7 Q. And I think you said that Professor  
 8 Hoffmann -- it's Professor Hoffmann's course, right?  
 9 A. Yes. Well, he teaches it occasionally. I  
 10 believe that course passes hands once in a while.  
 11 Q. But the time you TA'd in that one I think  
 12 you even said --  
 13 A. Yes.  
 14 Q. He told you --  
 15 A. Yes.  
 16 Q. He told you, be happy it's my course?  
 17 A. Yes.  
 18 Q. What did you understand him to mean by  
 19 that?  
 20 A. So, he said that because, you know, it's a  
 21 common understanding, a mutual understanding that  
 22 having to TA a course means extra work on top of  
 23 fulfilling your, you know, academic requirements as  
 24 a researcher, and it takes away time from doing your  
 25 research. So, that was his way of saying, since

1 it's my course, you know, it won't be as bad as say,  
 2 you know, TA'ing Introductory Computer Systems,  
 3 which involves between 10 to I want to say 15, but  
 4 for the sake of, you know, accuracy, you know, maybe  
 5 about like 14.5 or 14 hours of work every week,  
 6 which is a substantial amount of time. Not to  
 7 factor in the fatigue from interacting with  
 8 sometimes tens of students within a  
 9 two-to-three-hour period.  
 10 Q. I see. They come in and ask you questions  
 11 about a project? Is that the idea?  
 12 A. Questions about projects. Questions about  
 13 concepts in general. Sometimes they are, you know,  
 14 at University of Chicago we have very bright  
 15 undergraduate students. They'll ask questions that  
 16 lay outside of scope of the course, or maybe rather  
 17 touch on course material in a much more advanced  
 18 way.  
 19 Q. So, if you were -- if you have office hours  
 20 and students don't show up, what do you do?  
 21 A. I basically sit there and wait for them to  
 22 show up. I browse the Internet.  
 23 Q. You don't work on your research?  
 24 A. No. There is not enough time to -- or  
 25 rather, it's too difficult to contact switch

1 between doing my research and -- which requires  
 2 focus. Pretty intense focus, I should say, and also  
 3 helping students out with their projects, because  
 4 each one of their projects might be solved in  
 5 slightly -- well, we present them with a problem,  
 6 and they might solve that problem in slightly  
 7 different ways. And when I say slightly, I mean  
 8 oftentimes one student's project looks nothing like  
 9 another student's project except for the code that  
 10 we hand. Them so it's just a heavy amount of  
 11 context switching that it's kind of a waste of time  
 12 to try to do research.

13 Q. Got you. Do you do your research in a lab?  
 14 A. Yes.  
 15 Q. Where is the lab?  
 16 A. The lab is on the fourth floor of Ryerson,  
 17 but as a computer scientist, the lab could be, you  
 18 know, like my bedroom. My kitchen. It could be a  
 19 cafe somewhere. I typically work in a campus cafe.  
 20 Q. You don't work, then, in the lab?  
 21 A. I do both. Like if I'll -- I'll be in the  
 22 lab if I know, for example, that someone might come  
 23 looking for me or if I need to use some resource  
 24 that they have.  
 25 Q. How would you know if someone was going to

1 come looking for you? Just as a matter of logic?  
 2 A. Yes.  
 3 Q. You wouldn't know that?  
 4 A. Yes, well, someone emails you and says, I'm  
 5 trying to meet you at the fourth floor or whatever.  
 6 Q. Okay. All right. But you're not  
 7 required -- you don't have office hours that are  
 8 required in the lab, right?  
 9 A. Could you specify?  
 10 Q. Well, I mean you can come and go in the  
 11 lab. You can do your research when you want to?  
 12 A. Yes. Yes. I thought you were referring to  
 13 office hours that I hold for these courses.  
 14 Q. No, no. No, for your lab. For your  
 15 research you do what you want, right?  
 16 A. I have no fixed amount of hours that I can  
 17 put into the lab, although that is where Professor  
 18 Hoffmann would look for any of us if he needed to  
 19 talk to us.  
 20 Q. Well, he'd look for you in the lab, and  
 21 then he has your phone number, presumably?  
 22 A. Yes.  
 23 Q. And he would call your cell phone and find  
 24 you?  
 25 A. Yeah. Probably, or send a text.

1 Q. Exactly. So, let's go back. I want to go  
 2 back to Parallel Computing. I started to ask you a  
 3 question about grading. He gave you a rubric for  
 4 grading?  
 5 A. Yes.  
 6 Q. In that course?  
 7 A. Yes.  
 8 Q. Did you and he discuss it?  
 9 A. Not really. Like he -- like I said, one of  
 10 the other TAs for the course, one of his students  
 11 that works on this kind of parallel computing stuff  
 12 for his own research, and, you know, typically if I  
 13 had a questions it was easy enough to just walk to  
 14 his desk. This is back when I spent a lot more time  
 15 in the office/lab proper, I just ask him a question  
 16 about it and this is not to -- you know, this is not  
 17 to like insult my advisor or anything like that, but  
 18 this peer of mine, Zhixuan, knows a considerable bit  
 19 more about parallel computing than my advisor.  
 20 HEARING OFFICER MOLS: Can you spell that  
 21 name, please, if you know.  
 22 THE WITNESS: Damn. He's going to be mad.  
 23 Z-h-i-x-u-a-n. I always forget his last name. We  
 24 just go on a first-name basis.  
 25 HEARING OFFICER MOLS: Thank you.

1 BY MR. FASMAN:  
 2 Q. I find it a little hard to understand how  
 3 Professor Hoffmann gave you a rubric and said, do a  
 4 good job, and didn't give you any further  
 5 instructions. Is that what you're testifying to?  
 6 A. Yes. Because typically with Professor  
 7 Hoffmann or Professor Haryadi and this quarter  
 8 Professor Li, Yanjing Li. Y-a-n-j-i-n-g. Last name  
 9 L-i.  
 10 HEARING OFFICER MOLS: Thank you.  
 11 THE WITNESS: They trust us to exercise  
 12 good judgment. If we, you know, turn back -- if we  
 13 like return some assignment the students are not  
 14 happy with, you know, regarding the score or  
 15 whatever, they'll typically -- they are told to  
 16 email us first or whoever, which -- they are  
 17 basically told to email the TA that's in charge and  
 18 talk to them about it first before attempting to ask  
 19 the -- to the actual instructors of record.  
 20 BY MR. FASMAN:  
 21 Q. So, have you ever -- excuse me -- have you  
 22 ever complained about a lack of support for when  
 23 you've acted as a TA?  
 24 A. No.  
 25 Q. You never felt you needed it?

1 A. I mean I've only ever complained about  
2 perhaps, you know, excessive hours. And by  
3 excessive I mean hours that, you know, working hours  
4 as a TA that would breach the university's, I guess,  
5 legal threshold or mandated threshold, which I think  
6 I want to say 15 hours or 14.5 hours. But other  
7 than that, no, not really.

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

10 A. No.

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

13 A. Yes.

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

16 A. Yes. Sure. Of course.

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

19 A. Yes. I would say so.

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

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

24 Q. So, let me ask you about that. The  
25 computer labs you're talking about, these were

1 voluntary labs, right, not mandatory?

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

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

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

15 HEARING OFFICER MOLS: Speak up, please.

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

20 BY MR. FASMAN:

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

23 A. Yes.

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

1 right?

2 A. Yes.

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

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

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

10 A. No. I think those were around two hours.  
11 I mean they -- sometimes student need more help and  
12 you don't -- you're obviously not required to do  
13 this, but I like to make sure that all of my  
14 students succeed in their courses, at the very least  
15 that they understand the concept that they've been  
16 given to master, so I'll typically stay a little  
17 later than I have to help them out.

18 Q. That's voluntary?

19 A. Yes.

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

22 A. Yes.

23 Q. And how frequently have you missed lab  
24 sessions?

25 A. I think I've only missed one in my time

1 here. And that was this quarter.

2 Q. I see. And --

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

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

8 A. There is no reason to.

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

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

12 Q. I see.

13 HEARING OFFICER MOLS: Speak up.

14 THE WITNESS: Yes. Sorry.

15 BY MR. FASMAN:

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

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

25 Q. But it kept --

1 A. Kept me busy.  
 2 Q. Incredible shrinking class?  
 3 A. Yes. It's a very difficult course. A lot  
 4 of people just -- yeah. Say it's not worth it and  
 5 they just leave.  
 6 MR. FASMAN: Can we have a break? I think  
 7 I've got most of my stuff.  
 8 HEARING OFFICER MOLS: Sure. Off the  
 9 record.  
 10 (There was a discussion held  
 11 off the record.)  
 12 HEARING OFFICER MOLS: On the record.  
 13 BY MR. FASMAN:  
 14 Q. Mr. Kong, why did you stop meeting with  
 15 Professor Hoffmann once a week?  
 16 MS. AUERBACH: Objection. He didn't say he  
 17 met once a week. He had clarified that already.  
 18 MR. FASMAN: He said 1.6 or 1.7.  
 19 HEARING OFFICER MOLS: Why did you stop  
 20 meeting with him as frequently as you previously  
 21 were?  
 22 MR. FASMAN: Thank you.  
 23 THE WITNESS: I didn't need his technical  
 24 advice after, you know, basically -- I mean for --  
 25 with this project basically I don't need his

1 technical advice.  
 2 HEARING OFFICER MOLS: Which project are  
 3 you referring to?  
 4 THE WITNESS: I'm sorry. My Master's  
 5 project, although I enjoy talking to him I don't  
 6 want to waste --  
 7 (Court reporter requested that the Witness  
 8 repeat his answer.)  
 9 He's got meetings, grants, other students  
 10 to work with. So, just seems more efficient. It's  
 11 basically an agreement we've come to.  
 12 BY MR. FASMAN:  
 13 Q. An agreement?  
 14 A. Yes.  
 15 Q. You've come to with Professor Hoffmann?  
 16 A. Yes.  
 17 Q. What's the nature of the agreement, don't  
 18 bother me?  
 19 A. No. But basically before he had the  
 20 expectation that all of his students met with him  
 21 once a week if possible, but most of us are fairly  
 22 independent, and after a while I just realized I  
 23 don't want to block up a half hour to an hour of his  
 24 time, which is a lot of time for him just to, you  
 25 know, talk politics. And -- you know.

1 Q. You didn't have to talk about politics; I  
 2 mean you if had a concern about what was going on in  
 3 your program or with your classes --  
 4 A. Yes.  
 5 Q. -- you could certainly talk to him about  
 6 it?  
 7 A. Yes, definitely.  
 8 Q. And did you do that from time to time?  
 9 A. Yeah. Maybe like earlier in the course of  
 10 my -- my first year and second year.  
 11 Q. What did you talk about?  
 12 A. Typically, you know, which course should I  
 13 take or, you know, do you have any advice for this  
 14 course that you might have taken before. Or, you  
 15 know, just general advice, stuff like that.  
 16 Q. And if you had questions about TA'ing or  
 17 anything else you were doing you would go to him  
 18 with those?  
 19 A. Yes. Of course.  
 20 Q. And can you say that you did or didn't? Do  
 21 you recall whether you did go to him with questions  
 22 you had about being a TA?  
 23 A. Only administrative ones. Like I said,  
 24 pretty much every one of the TAs is either competent  
 25 with, you know, material because it's typically

1 introductory courses. Like Computer Sciences, you  
 2 should know this stuff, or if not, you know, you  
 3 brush up on your own.  
 4 So, largely any time we bother him, it's  
 5 about administrative issues or academic misconduct.  
 6 You know, problems with the structure of the course  
 7 itself.  
 8 Q. I'm not sure -- what do you mean by that?  
 9 A. Basically -- I guess could you rephrase  
 10 that the question?  
 11 Q. You said it. I'm just asking what you  
 12 meant by your answer.  
 13 A. Okay. So, unless it involves something --  
 14 Q. You were talking about the structure of the  
 15 course. That was the comment.  
 16 A. Right. When I say structure of the course,  
 17 I mean something wrong with like you know maybe a  
 18 student has to have an exception made to have extra  
 19 time on the exam because they have a learning  
 20 disability or, you know, a mental condition or, you  
 21 know, the aforementioned academic misconduct or  
 22 issues with -- personally issues with the amount of  
 23 hours that a course is requiring, you know, out of  
 24 my own personal time, but typically that would only  
 25 come up if I feel I am very easily approaching or

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1 surpassing the university's -- I think it's legally  
2 mandated or whatever, amount of hours.  
3 Q. I see. So you had -- but you complained  
4 initially, I think you said, that there were going  
5 to be eight required hours in the courses that  
6 you're doing now, and you said, no, that's too many?  
7 A. No. There were eight required office lab  
8 hours, but that does not include, you know, the  
9 amount of time it takes to prep for these courses  
10 and so on and so forth. You know, with grading and  
11 whatnot.  
12 I went through the first week or two, added  
13 up the amount of hours I did and talked to the TAs,  
14 had them add up their hours, and it was approaching  
15 but not surpassing the maximum amount of hours. So,  
16 I raised the concern we would surpass the amount of  
17 hours, and the professors got together and said,  
18 okay, well, you know, your office hours are office  
19 hours.  
20 Q. Who did you raise this with?  
21 A. I raised this concern at one of the TA  
22 meetings with Professor Haryadi.  
23 Q. And when was this, sir?  
24 A. This was spring of last year. So, spring  
25 of 2016.

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1 Q. 2016. And you were, at the time you were  
2 TA'ing the Intro to Computer Science course?  
3 A. Computer Systems.  
4 Q. Computer Systems. And that's an  
5 undergraduate course?  
6 A. Yes.  
7 Q. One level or two level?  
8 A. One level.  
9 Q. One level. Okay. And there was an  
10 immediate agreement to say, let's have fewer office  
11 hours?  
12 A. Actually, no. That is when Professor  
13 Haryadi suggested that we, you know, start a formal,  
14 according to him, more formal accounting of our  
15 hours using the Google Docs that we used to organize  
16 the course. And then I think once he saw the amount  
17 of hours that we were putting in, he realized that,  
18 well, it was a little bit unreasonable, and it was  
19 very possible for us to surpass the university's  
20 mandate or whatever on the number of -- maximum  
21 number of TA hours per week, and so he lowered the  
22 amount of hours. Some extra clarification.  
23 Q. Well, Mr. Kong, you mentioned a bunch of  
24 times the university's mandated number of TA hours  
25 per week?

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1 A. Yes.  
2 Q. Is that set forth in any written form that  
3 you're aware of?  
4 A. I believe it is, but I wouldn't know where  
5 to find it right off the top of my head. I would  
6 probably have to search or to go through something.  
7 Q. Do you know what the limit is?  
8 A. It's either 14.5 or 15 hours.  
9 Q. 14.5 or 15 hours?  
10 A. Yes.  
11 Q. Of TA'ing a week?  
12 A. Yes.  
13 Q. I see. Is that a departmental policy or a  
14 university-wide policy?  
15 A. I believe it's a university-wide policy, to  
16 the best of my knowledge.  
17 Q. All right. Hang on just one second.  
18 You said several times that the grades that  
19 you gave, the final grades that you gave were, in  
20 fact, the student's final grades?  
21 A. Yes.  
22 Q. How do you know that? Did you go back and  
23 check?  
24 A. I mean I have no way to access that  
25 information.

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1 Q. So, you don't know that to be a fact?  
2 A. Sure. Yeah. I mean, so, if you're asking  
3 about the final grade of the course that they  
4 received?  
5 Q. Yes.  
6 A. Then I cannot say. If you're talking about  
7 the final grade for any given assignment, then I  
8 know what -- the grades that I've assigned are the  
9 final grades.  
10 Q. How do you know that?  
11 A. Well, because, you know, for Parallel  
12 Computing, for example, every single time I've  
13 taught one of these courses, Hank, my advisor,  
14 Professor Hoffmann, is the one who -- well, for  
15 Parallel Computing course he has no choice. He's  
16 the instructor.  
17 For Intro to Computer Systems, the  
18 condition to breaking up the lectures is to, you  
19 know into three blocks throughout the quarter. One  
20 is assigned to the professor. They also take like I  
21 guess, sub-roles within the course, and Hank is  
22 typically the one who assigns final grades.  
23 So, I've seen in the sheets that he does  
24 that with -- and really the only thing that he does  
25 when he assigns these final grades is to basically



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1 assign different weightings to the various projects  
2 and exams so that the students -- so the students  
3 don't get a, you know, a poor grade because they  
4 lacked in one or another area of like the course,  
5 whether that be like their total project score or  
6 their exam scores and so on and so forth.  
7 So, I've seen that exact process occur.  
8 When I say I don't know what their final grades are,  
9 that means I don't know how generous Hank is going  
10 to be.  
11 Q. But he's responsible for the final grades,  
12 right?  
13 A. Yes.  
14 Q. And he may decide to be more lenient than  
15 you were?  
16 A. He, from sitting through the -- you know,  
17 the process with him, he tries to give the highest  
18 grade possible to each student because he doesn't  
19 believe in punitive measures for the education.  
20 Q. I see.  
21 A. Which is my practice as well.  
22 Q. Did you have training -- I didn't  
23 understand your comments about online training.  
24 Didn't you have training in Responsible Conduct of  
25 Research? Wasn't that one of the online courses you

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1 had to take?  
2 A. That was probably one of them, yes.  
3 Q. And I think you said all Ph.D. students in  
4 the program had to take them? You don't know that,  
5 do you?  
6 A. To the best of my knowledge. I think so.  
7 Q. In fact, all of your testimony is to the  
8 best of your knowledge, right?  
9 A. Of course.  
10 Q. Thank you. And you don't know as well that  
11 Workday is a system that professors used? You don't  
12 know that for a fact, do you?  
13 A. No.  
14 Q. You talk about taxes being withheld from  
15 your checks?  
16 A. Yes.  
17 Q. There is no -- there are no taxes being  
18 withheld from the amount of your stipend that's not  
19 allocated to TA, right?  
20 A. Would you ask that again?  
21 Q. Sure. If you are not required to TA during  
22 a semester -- or a quarter, sorry, and you're just  
23 acting as an RA on the grant, there is no taxes  
24 withheld from that, right?  
25 A. There are.

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1 Q. There are?  
2 A. It's the same tax withholding.  
3 HEARING OFFICER MOLS: I want to clarify.  
4 I just want to be clear. For the RA, I believe you  
5 said you are distributed the money at the beginning  
6 of the quarter?  
7 THE WITNESS: No. Sorry. Okay. So, my  
8 first year here at the Department of Education  
9 fellowship, and that is when I received my funding  
10 during the quarter, so I received, I believe, four  
11 paychecks that academic year including summer, but  
12 since then that's not been the case, and I received  
13 the -- what most other students that are not in  
14 special fellowships get, which is either a monthly  
15 fellowship in the event of last year, or a biweekly  
16 paycheck in the event of this year. And I mean  
17 academic years.  
18 BY MR. FASMAN:  
19 Q. So, in your first year you received the  
20 GAANN payments were \$7,500 a quarter, weren't they?  
21 A. Yes.  
22 Q. Without withholding?  
23 A. Yes.  
24 Q. Thank you. Don't you also have a tax  
25 reporting requirement for tuition remission?

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1 A. Yes. I believe so. We get a -- I want to  
2 say a 10-98T.  
3 Q. And what is that for?  
4 A. It basically sums up the -- again, I'm not  
5 a tax expert, but it looks like it sums up the  
6 tuition, I guess, that the school covers for us.  
7 I mean it's a strange form because  
8 occasionally the tuition from like future quarters  
9 is placed on there, so that like basically some  
10 students have gotten -- have had to pay more taxes  
11 than they ought to have because --  
12 Q. But you're not a tax expert so you don't  
13 actually know that, do you?  
14 A. I mean I know that people have had to pay  
15 extra taxes that they shouldn't have.  
16 Q. You have not reviewed their tax returns,  
17 have you?  
18 A. No. Of course not.  
19 Q. And you're not -- let's limit it to  
20 Computer Science, okay?  
21 A. Yes.  
22 MR. FASMAN: Thank you. Give me one  
23 minute.  
24 HEARING OFFICER MOLS: Off the record.  
25 (There was a discussion held

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1 off the record.)  
2 HEARING OFFICER MOLS: On the record.  
3 BY MR. FASMAN:  
4 Q. How many academic -- how many Ph.D.  
5 students are advised by Professor Hoffmann now?  
6 A. I believe eight or nine. If you want to  
7 give me a moment.  
8 Q. Eight or nine, that's okay. You've been on  
9 the stand for a while. Eight or nine is okay.  
10 A. I appreciate it.  
11 Q. I think you said that Professor Hoffmann  
12 would -- that there was some connection between  
13 Professor Hoffmann's way of doing business and your  
14 being told that you were not making academic  
15 progress?  
16 A. Yes.  
17 Q. That's roughly right?  
18 MS. AUERBACH: Objection. I don't think he  
19 said he didn't -- wasn't making academic progress.  
20 MR. FASMAN: That's just a proffer.  
21 MS. AUERBACH: I'm just objecting because  
22 it misstates what's in evidence.  
23 MR. FASMAN: I think the witness just said  
24 yes.  
25 HEARING OFFICER MOLS: We can continue.

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1 BY MR. FASMAN:  
2 Q. Thank you. My question is whether that's  
3 true for the other eight or nine advisees, if you  
4 know?  
5 A. Whether he had the same standards for them?  
6 Q. No. Whether they, because of his  
7 standards, have been told that they are not making  
8 the academic progress?  
9 A. That's something I wouldn't know.  
10 MR. FASMAN: All right. I have no further  
11 questions right now.  
12 Tender the witness.  
13 HEARING OFFICER MOLS: I have some  
14 questions before redirect.  
15 So, using the example of when you were a TA  
16 for Introduction to Computer Systems, I want you to  
17 paint me a word picture. So, for the lab hours that  
18 you conduct --  
19 MR. PORZIO: Madam Hearing Officer, just to  
20 clarify, is this the first time TA or second time?  
21 HEARING OFFICER MOLS: Okay. Thank you.  
22 Let's talk about most recently.  
23 THE WITNESS: Sure.  
24 HEARING OFFICER MOLS: When you are  
25 conducting the lab hours, are you in a room on your

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1 own waiting for students to show up? Or how does  
2 that work?  
3 THE WITNESS: So, for lab hours  
4 specifically, there are almost always students --  
5 so, strike that it. I should back up.  
6 When we host -- or when I host lab hours, I  
7 should say, we are expected to show up to the -- I  
8 always forget the full, you know, name, but it's the  
9 Cecil Computer Lab. I believe it's Computer Science  
10 Construction Lab in the Crerar Library where there  
11 are like -- because of the students are so  
12 hard-working, there are almost always students in  
13 there.  
14 HEARING OFFICER MOLS: So, it's a lab  
15 that's openly available to any students?  
16 THE WITNESS: Yes.  
17 HEARING OFFICER MOLS: So, how are the lab  
18 hours advertised to the undergraduate students?  
19 THE WITNESS: So, for the lab hours, unlike  
20 the office hours which are randomly assigned, the  
21 lab hours happen every Tuesday. So, I think with a  
22 couple of exceptions due to one of my fellow TAs  
23 missing for maybe a conference or travel or  
24 whatever, we basically have fixed hours that we are  
25 known to be present.

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1 HEARING OFFICER MOLS: So, what are your  
2 hours?  
3 THE WITNESS: 4:30 to about 5:50, I think.  
4 HEARING OFFICER MOLS: Every Tuesday?  
5 THE WITNESS: Yes. Every Tuesday.  
6 HEARING OFFICER MOLS: For this spring,  
7 2017, quarter?  
8 THE WITNESS: Yes. That's correct.  
9 HEARING OFFICER MOLS: So, for the projects  
10 that the students in this course that we're  
11 discussing, that they do, so you mentioned that they  
12 are, let's say one project, they are given code?  
13 THE WITNESS: Yes.  
14 HEARING OFFICER MOLS: And they are  
15 expected to write additional code to reach a certain  
16 outcome?  
17 THE WITNESS: Yes.  
18 HEARING OFFICER MOLS: So, then I mean my  
19 knowledge of computer science is very limited. So,  
20 if I understand correctly how it works, their code  
21 will either produce that outcome or it will not?  
22 THE WITNESS: It's not so binary in this  
23 case. That's a bad pun.  
24 It's -- they are like a series of tests of  
25 escalating difficulty that, you know, they can try

1 to score points on, and, you know, typically most of  
2 them will make it through the easier ones and  
3 struggle a bit with the more difficult ones.

4 HEARING OFFICER MOLS: And for those  
5 projects and the codes that they are writing, for  
6 the project that you are assigned to you, you alone  
7 grade that code?

8 THE WITNESS: Yes.

9 HEARING OFFICER MOLS: And I think you may  
10 have covered this on cross, and I apologize if you  
11 did. So, you had mentioned that at one period you  
12 were told that if you can't RA, you have to TA. Is  
13 that correct? Who told you that?

14 THE WITNESS: Yes. So, I should probably  
15 explain that a little bit better. So, it's kind of  
16 in on Exhibit 62, I guess, where it says like  
17 generally, we continue to fund students through  
18 their sixth year of study. Usually TAs -- as long  
19 as they make satisfactory progress toward their  
20 degree and meet the obligations -- but I guess  
21 what's unstated there is that if your advisor does  
22 not have RA funding for you, you have to TA.

23 HEARING OFFICER MOLS: So, when your RA  
24 funding under Professor Hoffmann ran out, did he  
25 tell you that you had to become a TA?

1 THE WITNESS: He's like, well, you know,  
2 this is like basically the funding for this type of  
3 project, you know, ran out, so you'll be TA'ing  
4 the next quarter, and I'm like, oh.

5 HEARING OFFICER MOLS: That's what he said  
6 to you?

7 THE WITNESS: Yes.

8 HEARING OFFICER MOLS: So, when you were an  
9 RA for Professor Hoffmann, was there a certain  
10 number of hours that you were expected to dedicate  
11 to that research?

12 THE WITNESS: No. I don't think so.

13 HEARING OFFICER MOLS: I think that's all  
14 of my questions for now, but I may have more after  
15 redirect.

16 REDIRECT EXAMINATION

17 BY MS. AUERBACH:

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

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

24 HEARING OFFICER MOLS: Or RA --

25 THE WITNESS: As long as they continue to

1 make satisfactory progress toward their degree and  
2 meet the obligations for their support and still be  
3 funded. So, that's all I can say about that.

4 MS. AUERBACH: I don't have any other  
5 questions.

6 HEARING OFFICER MOLS: Okay.

7 MR. FASMAN: Couple.

8 RECROSS-EXAMINATION

9 BY MR. FASMAN:

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

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

20 So, it was never -- I've never gotten a  
21 letter that said I was not making satisfactory  
22 academic progress. I've gotten letters that said --  
23 well, one letter I should say, that said, you know,  
24 roughly we appreciate the work you do as a TA, but  
25 speed it up. Speed up your research.

1 Q. Speed up your research?

2 A. Yes.

3 Q. And that's all it said?

4 A. Roughly, yes. Basically, you know, we'll  
5 check back in, you know, I think by the end of the  
6 summer or whatever, and good luck.

7 Q. What's the rough date of this letter?

8 A. I would not know. I don't remember.

9 Q. If we went back and looked at your academic  
10 file we would find that letter?

11 A. You might. I'm not exactly certain how  
12 those letters work, because, so, how they work, they  
13 basically -- we write a self-evaluation of how we  
14 think we're doing. What the progress we've made.  
15 How we feel about our TA obligations, or so on and  
16 so forth, and that gets reviewed by the CS grant  
17 council, I guess it's called, or I don't know the  
18 exact name. And then they write back to us.

19 I'm not exactly sure if there are other  
20 copies that exist. I just know that I get a letter.  
21 That's it.

22 Q. And you can't remember getting a letter  
23 that said that you were not making satisfactory  
24 academic progress?

25 A. I haven't seen one, no.

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1 Q. That's under oath, right?  
2 A. Yes.  
3 Q. Thank you.  
4 Professor Hoffmann has -- I think you said  
5 he had a number of grants, right? This is only in  
6 response to the Hearing Officer's question.  
7 A. Yes. I believe he has several grants.  
8 Q. And when he told you that you were not  
9 going to be on one of those grants the next quarter,  
10 right, he rotates those -- who he's going to cover  
11 on the grants among his -- his advisees; isn't that  
12 correct?  
13 A. Sort of. He is bound by the terms of the  
14 grant, which kind of limit the type of work that can  
15 be done under that grant. And by work I mean  
16 research. But I -- yeah, I guess I can't speculate  
17 on how he manages the funding, whether or not he  
18 tries to, you know, alleviate students of  
19 teaching or, you know --  
20 Q. But you're covered from time to time?  
21 A. Yes.  
22 Q. Right. Some quarters you are, some  
23 quarters you aren't?  
24 A. Yes.  
25 Q. And to the best of your knowledge that's

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1 his decision?  
2 A. Yes. Yes.  
3 MR. FASMAN: Okay. I have nothing further.  
4 HEARING OFFICER MOLS: Okay.  
5 FURTHER REDIRECT EXAMINATION  
6 BY MS. AUERBACH:  
7 Q. When you're saying he's bound by the terms  
8 of the grant, do you know whether or not he  
9 currently has a grant that relates to your research?  
10 A. I believe he does not.  
11 MS. AUERBACH: I don't have anything.  
12 HEARING OFFICER MOLS: Okay. I think I  
13 have a question.  
14 So, it may be on the witness stand, it may  
15 not be. I'll hand you my copy.  
16 I'm looking at Employer Exhibit 49, which  
17 covers -- well, first off, have you ever seen  
18 anything like this chart before?  
19 THE WITNESS: No.  
20 HEARING OFFICER MOLS: Okay. So, can you  
21 look at the left-hand column titled, Group?  
22 THE WITNESS: Yes.  
23 HEARING OFFICER MOLS: Do you recognize  
24 those titles that are listed under that column?  
25 THE WITNESS: Yes.

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1 HEARING OFFICER MOLS: Do you know what  
2 they are?  
3 THE WITNESS: They say Groups, but it looks  
4 like they are referring to departments and subsets  
5 of the departments.  
6 HEARING OFFICER MOLS: Okay. Your  
7 departments in your division?  
8 THE WITNESS: Yes.  
9 HEARING OFFICER MOLS: Can you look at the  
10 headings along the top of the chart?  
11 THE WITNESS: Yes.  
12 HEARING OFFICER MOLS: So, do you recognize  
13 any of those headings? Do you know what they may be  
14 referring to?  
15 THE WITNESS: Oh, yes of course.  
16 HEARING OFFICER MOLS: What are they  
17 referring to?  
18 THE WITNESS: So, Authorship, refers to  
19 likely the authorship of academic papers.  
20 Conflicts of Interest refers to when --  
21 typically when sources of funding might cause some  
22 research to be biased toward some type of result.  
23 Data Management, this one could mean a lot  
24 of things, but I think typically it involves the  
25 secure storage of sensitive data when you're doing

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1 research.  
2 Peer Review, obviously the process by which  
3 academic papers are reviewed by professors that have  
4 expertise in, you know, which are papers being  
5 reviewed.  
6 HEARING OFFICER MOLS: I'll stop you there.  
7 So, the -- some of the titles that you have listed  
8 as well as the other ones listed along the top, in  
9 your personal time at the University of Chicago have  
10 you ever been required to complete any training in  
11 any of these topics listed?  
12 THE WITNESS: To be honest, it's difficult  
13 to remember. I don't believe I've been trained in  
14 mentoring. There might have been online courses,  
15 but I'd have to look back in my email to find out if  
16 I had ever done those.  
17 HEARING OFFICER MOLS: So, you may have  
18 done online courses but you don't -- along these  
19 lines, but you don't recall?  
20 THE WITNESS: Yes. It's possible, but I  
21 don't recall.  
22 HEARING OFFICER MOLS: I have no further  
23 questions.  
24 MS. AUERBACH: Nothing.  
25 FURTHER RECROSS-EXAMINATION

1 BY MR. FASMAN:  
 2 Q. I have one question.  
 3 Do you know if these are modules of the  
 4 responsible conduct of research training that you  
 5 receive?  
 6 THE WITNESS: That's possible. Yeah. We  
 7 receive a lot of online training courses.  
 8 MR. FASMAN: That's all I have.  
 9 HEARING OFFICER MOLS: Mr. Kong, you are  
 10 excused.  
 11 (Witness excused.)  
 12 THE WITNESS: Thank you.  
 13 HEARING OFFICER MOLS: So, with that, I  
 14 think it's the appropriate time to adjourn for the  
 15 day. I will see everybody tomorrow morning at 9:00  
 16 a.m. Thank you.  
 17 Off the record.  
 18 (Hearing adjourned at 5:59 p.m.)  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 CERTIFICATION  
 2 This is to certify that the attached  
 3 proceedings before the National Labor Relations  
 4 Board (NLRB), Region 13, in the matter of UNIVERSITY  
 5 OF CHICAGO and GRADUATE STUDENTS UNITED, Case  
 6 13-RC-198325, at Chicago, Illinois, on May 25, 2017,  
 7 was held according to the record, and that this is  
 8 the original, complete, and true and accurate  
 9 transcript that has been given compared to the  
 10 recording, at the hearing, that the exhibits are  
 11 complete and no exhibits received in evidence or in  
 12 the rejected exhibit files are missing.  
 13  
 14  
 15  
 16 \_\_\_\_\_  
 17 Jeanine Watkins, CSR  
 18 Licence 084-001629  
 19  
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