

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

In the Matter of:

Case No.: 13-RC-198325

**UNIVERSITY OF CHICAGO
Employer**

And

**GRADUATE STUDENTS UNITED
Petitioner**

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

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

The above-entitled matter came on for
hearing pursuant to notice, before CHRISTINA MOLLS,
Hearing Officer, at 219 South Dearborn Street,
Eighth Floor, Chicago, Illinois, on Tuesday,
May 30, 2017, at the hour of 9:00 a.m.

1 APPEARANCES
2 On behalf of the Employer:
3 PROSKAUER ROSE, LLP
4 BY: MR. ZACHARY D. FASMAN
5 MR. ALLAN H. WEITZMAN
6 MR. STEVEN J. PORZIO
7 MR. PAUL SALVATORE
8 MR. STEVEN PEARLMAN
9 Eleven Times Square
10 New York, New York 10036
11 (212) 969-3440
12 zfasman@proskauer.com
13
14 On behalf of the Petitioner:
15 DOWD BLOCH BENNETT CERVONE
16 AUERBACH & YOKICH
17 BY: MS. MELISSA J. AUERBACH
18 8 South Michigan Avenue
19 Suite 19th Floor
20 Chicago, Illinois 60603
21 (312) 372-1361
22 mauerbach@dbb-law.com
23 and
24 AMERICAN FEDERATION OF TEACHERS
25 BY: MS. CHANNING COOPER
555 New Jersey Avenue NW
Washington, D.C. 20001
(202) 879-4400
ccooper@gmail.com

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ANTON FORD,
 called as a witness herein, having been first duly
 sworn, was examined and testified as follows:
 DIRECT EXAMINATION
 BY MS. AUERBACH:
 Q. Are you currently employed?
 A. Yes.
 Q. Where?
 A. University of Chicago.
 Q. And what's your position?
 A. I'm an associate professor and director of
 undergraduate studies in the philosophy department.
 Q. And how long have you been associate
 professor of philosophy?
 A. Since last December. Before that I was an
 assistant professor.
 Q. And are you a tenured -- currently
 tenured?
 A. Yes.
 Q. And how long have you been tenured?
 A. Since I was promoted to associate, so a
 year ago December.
 Q. So December 2015?
 A. Yes.
 Q. And did you hold prior positions at the

HEARING OFFICER MOLS: On the record.
 So in an off the record discussion the
 parties covered the order of witnesses according to
 their availability. The witness who we covered the
 direct questioning with on Friday is not available
 this morning but will return this afternoon for
 cross, so as to not delay the proceedings
 unnecessarily, we are proceeding with the
 Petitioner's next witness. So if Petitioner would
 like to call its next witness.
 MS. AUERBACH: Petitioner calls Professor Anton
 Ford.
 (WHEREUPON, the witness was
 duly sworn.)
 HEARING OFFICER MOLS: Can you state and spell
 your name for the record.
 THE WITNESS: Anton Ford, A-n-t-o-n, F-o-r-d.
 HEARING OFFICER MOLS: Thank you.
 MR. PORZIO: Madame Hearing Officer, can we go
 off the record for a moment?
 HEARING OFFICER MOLS: Off the record.
 (WHEREUPON, a discussion was had
 off the record.)
 HEARING OFFICER MOLS: On the record.

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university?
 A. Prior to being an assistant professor?
 Q. Prior to being the associate professor.
 A. I was an assistant professor.
 Q. Beginning when?
 A. 2008.
 Q. And as an associate professor of
 philosophy do you teach undergraduates and
 graduates?
 A. Yes.
 Q. And have you taught courses in which
 course assistants or teaching assistants were used?
 A. Yes.
 Q. And what courses have those been?
 A. Introduction to ethics, a course called
 justice, most recently a course called racial
 injustice, last term a course on marks.
 Q. And are those -- what -- how are those
 courses taught? Are they lectures or --
 A. Yes. I give the lectures for the courses.
 These are courses with at least 35, sometimes as
 many as 60, students. I give the lectures. And
 the course assistants run the discussion sections
 which are sections of about 15 students. So one
 course assistant usually teaches two of those. And

1 those are courses in which -- those are parts of
2 the course in which students can talk to one
3 another.

4 The course assistants have typically done
5 the grading of the assignments. They have
6 typically held office hours. I've also held office
7 hours, and I've talked with the course assistants
8 about the grading.

9 Q. And do the course assistants also grade
10 exams or just assignments?

11 A. I don't typically have exams in a
12 philosophy course. There are take-home exams for
13 one course that I've taught, and when that happened
14 the graduate student and I -- the graduate student
15 did most of the grading, but I graded alongside in
16 the sense that we would talk about what would be a
17 good answer to each of the questions. And then
18 there was back and forth in adjusting the grades.

19 Q. And so the assignments that the graduate
20 student CAs grade, are those written papers?

21 A. Normally they are papers, yes.

22 Q. And normally about how many of those are
23 there during a quarter?

24 A. It's hard to generalize. But if there is
25 a course assistant, then there's going to be at

1 discussion sections for the undergraduate students.

2 Q. And then at the beginning of the course,
3 have you spent time explaining to the CA what the
4 responsibilities are with respect to discussion
5 sections and grading?

6 A. A little bit of time, but it's people --
7 the CAs normally know. And I don't have unusual
8 expectations, and so I think those -- generally
9 speaking people know what kind of job is required
10 as a CA.

11 Q. And approximately how many hours a week do
12 the -- are the course assistants expected to devote
13 to course assistant responsibilities?

14 A. Well, officially I think they're not --
15 they're expected not to spend more than 15 hours
16 per week. I do think -- I do think it varies how
17 much they have to spend because different -- it's
18 always the prerogative of a professor to do all the
19 grading. Now, I don't believe anybody in the
20 department -- philosophy department does that,
21 so -- and it's the prerogative of the professor to
22 take on as much of the CA's work as he or she wants
23 to do, but . . .

24 Q. In the courses that you've taught with the
25 use of CAs, who benefitted from the

1 least -- at least 30 that each course assistant's
2 going to do. Normal you don't get assigned a
3 course assistant unless you have more than 30.

4 Q. And how many hours a week are the
5 discussion sections?

6 A. Each discussion section of 15 students or
7 so is an hour, and so one course assistant normally
8 has two of those in the department. So two hours
9 of discussion sections.

10 Q. And how many hours of office hours per
11 week do the course assistants hold?

12 A. One. I'm sorry. There's no hard and fast
13 rule. I'm just describing from my --

14 Q. From what you've taught?

15 A. Exactly.

16 Q. And the courses you've taught that use
17 course assistants, do you also lead discussion
18 groups or are those only led by the course
19 assistant?

20 A. If they are graduate students in those
21 courses, I run a discussion group with the graduate
22 students. So some courses are mixed upper level
23 undergraduate and graduate students. And in those
24 cases I do the discussion for the graduate
25 students, and the graduate student CA does the

1 responsibilities carried out by the CAs?

2 A. Well, I benefitted because the CA was
3 doing grading and meeting with students and leading
4 discussions that otherwise I would be responsible
5 for doing, so it saves me a tremendous amount of
6 time.

7 The graduate student benefits I suppose in
8 the sense that they, you know, learn by -- you
9 know, one good way to learn material is to try to
10 teach it. But the main beneficiary I would say is
11 the undergraduates who they're teaching.

12 Q. And after the course assistants grade the
13 assignments, have you looked over their grading?

14 A. Yes. And also while they're grading. I
15 mean, the way it sometimes works is the graduate
16 students -- a graduate student CA will look at the
17 papers, will put some provisional marks on them,
18 will show those provisional marks to me or say a
19 low one, a middle one, a high one; and we will talk
20 about what sorts of grades to give to these and
21 what sorts of comments, and we'll sometimes discuss
22 the comments. So that happens before the final
23 grade is assigned.

24 Q. How does the philosophy department --
25 well, do you know approximately how many majors --

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1 undergraduate majors the philosophy department
2 currently has?
3 A. Approximately 150.
4 Q. Do you know approximately how many
5 graduate students, Ph.D. students the department
6 currently has?
7 A. If I had to guess, I would say around 50.
8 I'm unsure.
9 Q. And do you know how the philosophy
10 department ranks in humanities in terms of the
11 number of majors?
12 A. I believe we're second to the English
13 department in number of majors, so it's a very
14 large major.
15 Q. And has there been any difficulty in
16 finding enough course assistants among the graduate
17 students in the department?
18 A. Yes. Increasingly it's been difficult to
19 staff these positions because the undergraduate
20 population is growing and the graduate student
21 population is not growing. If anything, it's
22 getting slightly smaller. And so we have in recent
23 years had a regular difficulty finding enough CAs
24 to staff these large --
25 Q. And if you don't have enough graduate

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1 students within the department to staff the CA
2 slots, what has happened?
3 A. Let me say, it is not responsibility as
4 DUS, so I'm not sure about all the details, but I
5 do know that they're drawn from other departments.
6 I believe there are sometime -- if it gets -- if
7 the situation gets desperate enough, they may even
8 be drawn from other universities in the area. I'm
9 not sure about that last, but I know for sure from
10 other departments.
11 Q. For how long a period of time are the
12 graduate students fully funded in the philosophy
13 department?
14 A. Five years.
15 Q. And do most of the Ph.D. students obtain
16 their Ph.D. within five years?
17 A. Almost no one does.
18 Q. Do graduate students in the philosophy
19 department serve as instructors and preceptors?
20 A. Yes.
21 Q. And have you had any role with respect to
22 selecting graduate students who serve as
23 instructors and preceptors?
24 A. Yes. As the director of undergraduate
25 studies, it's my responsibility to choose -- to

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1 hire the instructors who teach tutorials for our
2 majors and the preceptors who run the writing
3 workshops for undergraduates finishing their
4 undergraduate thesis.
5 Q. And what is a tutorial?
6 A. The tutorial is a small seminar on a
7 special topic for our juniors and seniors in the
8 major. It is taught by a graduate student. And we
9 normally have about five of those per year on a
10 variety of different topics.
11 Q. And are all those tutorials taught by
12 graduate students?
13 A. Yes.
14 Q. And do all of the philosophy graduate
15 students typically teach tutorials?
16 A. Yes. It's normal for a graduate student
17 to teach a tutorial.
18 Q. And in what year do the graduate students
19 typically --
20 A. Normally in the fifth.
21 Q. And do graduate students beyond the fifth
22 year also teach tutorials?
23 A. Yes.
24 Q. And if they do that beyond their fifth
25 year, do they get paid an additional amount for

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1 doing that?
2 A. Yes.
3 Q. And what does the instructor over a
4 tutorial have -- what responsibilities does that
5 person have?
6 A. They have the normal -- they have the full
7 responsibilities. They're the instructors of
8 record, so they have whatever responsibilities a
9 professor would have if they were teaching a
10 course. So they design the syllabus. They teach
11 the course. They make up the assignments. They
12 grade the assignments, and they assign the grades.
13 They deliver the grades to the registrar.
14 Q. And how do you go about selecting the
15 instructors for the tutorials?
16 A. We solicit applications which -- to all
17 the graduate students and request that they send us
18 a CV, a syllabus, a completely finished syllabus
19 down to the assignments, the reading assignments,
20 and a description of the course. And then having
21 solicited those applications, the director of
22 graduate students and the director of undergraduate
23 students look at all of the applications and select
24 the five or so that look like they'll be the best
25 courses giving some priority to the people in the

1 fifth year.
 2 HEARING OFFICER MOLS: Just a quick question,
 3 when this call is put out and applications are
 4 solicited, is there any kind of set framework for
 5 the courses the department must offer or are the
 6 courses all of the undergrad student's own design.
 7 THE WITNESS: They're entirely the graduate
 8 student's own design. There are no parameters.
 9 HEARING OFFICER MOLS: Thank you.
 10 THE WITNESS: Often the courses suggested by
 11 graduate students are in some way related to their
 12 dissertations, so it's . . .
 13 HEARING OFFICER MOLS: Okay.
 14 BY MS. AUERBACH:
 15 Q. And in reviewing the course design, do you
 16 pick ones to ensure that it's within the goals of
 17 the department in terms of the undergraduate
 18 education?
 19 A. Yeah. So the reason that I am apart of
 20 the selection process is because I'm responsible
 21 for making sure that the curriculum offered to the
 22 undergraduates covers the necessary basis. There's
 23 not too much overlapping class. There are classes
 24 at different levels.
 25 And so part of what I'm thinking about is

1 seminars.
 2 Q. Do faculty members teach -- do they teach
 3 any of these tutorials?
 4 A. There is a junior tutorial that's taught
 5 by a faculty member for some of our majors.
 6 There's one.
 7 Q. And is that taught in a similar fashion to
 8 the ones taught by the graduate students?
 9 A. Yes.
 10 Q. And what do preceptors do in the
 11 philosophy department?
 12 A. Preceptors run a thesis writing workshop
 13 for the seniors who are writing a BA thesis. They
 14 meet with the group they're responsible for three
 15 times in the automatic, couple times in the winter,
 16 once at the very beginning of the spring. And
 17 they -- they provide additional support above and
 18 beyond that which the student's main advisor can
 19 provide.
 20 Q. The main advisor is the faculty member?
 21 A. That's right. So each student BA writer
 22 has a faculty advisor, but, you know, between
 23 meetings with the faculty advisor which may be
 24 rare, they're meeting on a much more regular basis
 25 with the graduate student preceptor.

1 not merely the quality of the course proposed in
 2 absolute terms, but how it fits into the overall
 3 curriculum.
 4 Q. And once the instructors are chosen, do
 5 they then teach this fourth quarter?
 6 A. Yes.
 7 Q. And if Ph.D. students serve as instructors
 8 in tutorials beyond their fifth year, are they
 9 performing the same function as those grad students
 10 who are in their fifth year --
 11 A. Yes.
 12 Q. -- who are performing that function?
 13 A. Yes.
 14 Q. And the graduate students who serve as
 15 instructors for tutorials benefit whom by that
 16 work?
 17 A. Well, they benefit the undergraduates who
 18 don't normally have the opportunity to have a
 19 small, focused seminar with other majors. And I
 20 guess they benefit the undergraduate program in
 21 that we don't have enough faculty. We don't have
 22 enough faculty to teach those classes as well as
 23 the big lecture courses that we're responsible for
 24 doing. So if it weren't for these graduate
 25 students, the majors would not have access to small

1 Q. And who is responsible for their final
 2 grade given the seniors on their thesis?
 3 A. Two people. The first person, the first
 4 reader is that student's advisor; and then the
 5 director of undergraduate studies, in this case
 6 currently me, assigns a second reader, also a
 7 faculty member. Those two people discuss the grade
 8 and assign the grade. And the grade given for the
 9 final paper is then applied to the workshop. So
 10 the preceptors do not give grades.
 11 Q. And do faculty members ever serve as
 12 preceptors?
 13 A. Yes. It's normal for the director of
 14 undergraduate studies to run one these workshops
 15 alongside the graduate students.
 16 Q. And have you done that?
 17 A. Yes.
 18 Q. And when you did that, how many graduate
 19 students were also running the workshops?
 20 A. Two others like . . .
 21 Q. So two graduate students plus you?
 22 A. Yes, yes.
 23 Q. And how did the work that the graduate
 24 students did as preceptors compare to what you did
 25 as a preceptor?

1 A. It was the same. We discussed together.
2 Together we decided on the schedule and carried it
3 out.

4 Q. And do you know about how many hours a
5 weak or over the quarter the preceptors expected to
6 devote to preceptor responsibilities? Is there
7 a --

8 A. I don't know.

9 Q. Do preceptors get paid for doing
10 preceptor --

11 A. Yes.

12 Q. -- duties?

13 And who benefits from the responsibilities
14 carried out by the graduate students as preceptors?

15 A. The undergraduate thesis writers as well
16 as, I should say, as well as the faculty advisors
17 who would have to spend a lot more time working
18 with the undergraduates as the graduate students
19 weren't supplying the kind of regular feedback that
20 they are doing.

21 Q. And how are graduate students selected to
22 be preceptors?

23 A. On the basis of their previous teaching
24 experience at the university and a cover letter.

25 Q. Has the department awarded teaching awards

1 to graduate students?

2 A. Yes.

3 Q. And how are the winners of those awards
4 selected?

5 A. We send e-mails out to the undergraduates
6 soliciting nominations. After collecting those
7 nominations, the chair, the director of graduate
8 studies and the director of undergraduate studies
9 look them over and decide on a student on the basis
10 of those -- the testimonials provided -- sorry.

11 It's not just nominations, but the students then
12 write something talking about the work that these
13 graduate students have done for them. And on the
14 basis of reading all those, we give an award to one
15 of the graduate student instructors.

16 (WHEREUPON, Petitioner's Exhibit
17 No. 72 was marked for
18 identification.)

19 BY MS. AUERBACH:

20 Q. I'm handing you a document identified as
21 Petitioner's Exhibit 72. 72.

22 Can you identify this document?

23 A. Yes. This is a report on the provost's
24 website that outlines the job descriptions and work
25 expectations for lecturers and other graduate

1 student instructor positions.

2 Q. And is this currently on the Provost
3 website?

4 A. Yes.

5 Q. And it's dated in 2009. Was it brought to
6 your attention sometime nearer to the time that it
7 was written?

8 A. Yes.

9 Q. And how was that?

10 A. In a faculty meeting it was brought to
11 our -- a colleague who, I believe, was then the
12 director of graduate studies brought it to our
13 attention.

14 MS. AUERBACH: I move to introduce Exhibit 72.

15 MR. FASMAN: We need to read it and then
16 voir dire if we choose to do so.

17 MR. PORZIO: So we haven't seen this document
18 before. And I think before we can agree to it
19 being accepted into the record, we would like to
20 see if this is the most recent version that's on
21 the website. We just haven't seen it. We can't
22 determine based on just reading it whether it's the
23 most recent and authentic version.

24 HEARING OFFICER MOLS: We'll just -- does the
25 witness know if this is the most recent version of

1 this document that is maintained on the university
2 website?

3 THE WITNESS: Yes, it's on -- this is on the
4 website now.

5 MR. FASMAN: That wasn't quite what was asked.

6 HEARING OFFICER MOLS: I know.

7 THE WITNESS: I'm sorry. Is it the most
8 recent? True. Well, I'm sorry. Could you ask the
9 question again, please, so I can answer precisely?

10 HEARING OFFICER MOLS: So you had testified
11 this was brought to your attention around the time
12 that it was written, that it was maintained on the
13 university's website or the office of the provost
14 website. Do you know if this is the same one
15 that's still kept on the office of the provost
16 website or this is the most -- first off, answer
17 that question.

18 THE WITNESS: Yes, yes, I know that.

19 HEARING OFFICER MOLS: And do you know if there
20 are anymore recent versions that are in use?

21 THE WITNESS: I do not know that.

22 HEARING OFFICER MOLS: Okay. Are you going to
23 wait? Are you going to defer to wait or --

24 MR. PORZIO: At this point we would like to
25 object to it, and I guess pending our review of the

1 website, we can then come back to it.
 2 HEARING OFFICER MOLS: Okay.
 3 MS. AUERBACH: This is currently on the website
 4 and the only version of it on the website.
 5 MR. FASMAN: Well, we should at least be able
 6 to look at that. I would note that Mr. Rosenbaum
 7 is no longer the provost. I mean, this was eight
 8 years ago. So I think we ought to be afforded the
 9 opportunity to look at it at least. If anything,
 10 if there's a new version, this would be a
 11 historical document.
 12 MS. AUERBACH: Well, I would just note that the
 13 Employer has put in documents that were a few years
 14 old from prior people who held positions that they
 15 no longer held, too.
 16 MR. FASMAN: Well, we have because we've been
 17 able to then say this is the most recent version.
 18 We've done that uniformly.
 19 HEARING OFFICER MOLS: So the witness has given
 20 his knowledge of the document. At this moment it
 21 may be possible that there is potentially a more
 22 recent version out there, but, you know, the
 23 witness has testified that this is still maintained
 24 on the university website. So I'm going to receive
 25 it into evidence.

1 If the Employer at a later time finds
 2 evidence that there is a more recent document, we
 3 can discuss it further. But for now Exhibit 72 is
 4 received.
 5 (WHEREUPON, Petitioner
 6 Exhibit No. 72 was received into
 7 evidence.)
 8 MR. FASMAN: Thank you.
 9 MS. AUERBACH: Those are all the questions I
 10 have.
 11 MR. FASMAN: Can we take a couple minutes,
 12 please?
 13 HEARING OFFICER MOLS: Off the record.
 14 (WHEREUPON, a short recess was
 15 taken.)
 16 HEARING OFFICER MOLS: On the record.
 17 Employer can proceed with his questions
 18 for the witness.
 19 MR. FASMAN: Thank you, Madame Hearing Officer.
 20 CROSS-EXAMINATION
 21 BY MR. FASMAN:
 22 Q. Professor Ford, good morning.
 23 A. Good morning.
 24 Q. You were tenured in December of 2015?
 25 A. [Nodding].

1 Q. You have to answer.
 2 A. Yes. Sorry.
 3 Q. Now, when did that become effective, sir?
 4 A. July 1 is when my -- you find out on
 5 December 15 and the following July 1st.
 6 Q. Got it. Let me go back and ask you just a
 7 couple of questions for clarification of the
 8 record.
 9 I believe you testified that for
 10 instructors and preceptors as the director of
 11 undergraduate education in the philosophy
 12 department, it's your responsibility to choose
 13 these people --
 14 A. That's right.
 15 Q. -- correct?
 16 And --
 17 A. Although, let me clarify. With
 18 instructors I also discuss with the director of
 19 graduate studies.
 20 Q. Correct.
 21 A. It's not entirely my responsibility.
 22 Q. And with regard to -- those are the
 23 instructors and preceptors. And you also work
 24 directly with CAs who are assigned to your courses?
 25 A. That's right.

1 Q. Do you instruct them what to do from time
 2 to time?
 3 A. Yes.
 4 Q. And how would you define your role as the
 5 director of undergraduate studies? What does that
 6 entail, sir?
 7 A. I'm responsible for the undergraduate
 8 program, for the major basically. So I'm
 9 responsible for making sure that there's a
 10 sufficient number and variety of courses that meet
 11 the requirements for our undergraduate majors. I
 12 have -- there's an assistant director of
 13 undergraduate studies who's employed to help me
 14 with mostly meeting with graduate students,
 15 answering technical questions about what applies
 16 for what, dealing with transfer credit, things like
 17 that. But my special domain is the undergraduate
 18 program.
 19 Q. Okay. And is it fair to say that you
 20 would also be dealing with if there were complaints
 21 about a course assistant or course instructor --
 22 A. Yes.
 23 Q. -- that they would come to you?
 24 A. Yes.
 25 Q. And same for instructors and preceptors --

1 A. Yes.
 2 Q. -- correct?
 3 Have such complaints occurred?
 4 A. Undergraduates complaining about the
 5 course instructor?
 6 Q. Yeah, I don't like Fasman --
 7 A. What's that?
 8 Q. I don't like Fasman, he doesn't know what
 9 he's doing, something like that?
 10 A. No. I have not ever had a complaint from
 11 a student about a CA.
 12 Q. Okay. Now, you are a -- strike that.
 13 Do you know what is involved in union
 14 organizing, sir?
 15 MS. AUERBACH: Objection, relevance.
 16 MR. FASMAN: I'll connect it.
 17 MS. AUERBACH: Well, I have an objection,
 18 relevance.
 19 MR. FASMAN: Not yet. I am entitled to ask a
 20 few questions and then connect it up.
 21 MS. AUERBACH: Well, don't agree. I think
 22 it -- there's an objection pending.
 23 HEARING OFFICER MOLS: Can you give a little
 24 background?
 25 MR. FASMAN: Not without doing something I

1 MR. FASMAN: Certainly. Let the record
 2 reflect, though, that I merely asked him what was
 3 involved in union organizing. It was a much more
 4 generic question than you've just said. But, look,
 5 our position is quite simple.
 6 Professor Ford has testified that he is
 7 the director of undergraduate education and
 8 philosophy department. As such, he selects or is
 9 materially involved in selection of graduate
 10 students for becoming instructors of record,
 11 preceptors, both positions that would presumably be
 12 of interest in support to them and perhaps
 13 compensation. He's also testified that he is an
 14 overall supervisory role over the education of
 15 undergraduate students in the philosophy department
 16 which are precisely the people who are being taught
 17 by the individuals who are at issue here.
 18 If allowed to continue this line of
 19 questioning, we would establish the following, that
 20 Professor Ford has supervisory responsibilities
 21 over the individuals that the union is seeking to
 22 organize, number one. Number two, that he is the
 23 founding member of the AAUP Advocacy Chapter and
 24 its current secretary, that he has appeared at
 25 various forums and spoken at various forums in

1 don't want to do in front of the witness. If you
 2 would like to excuse the witness and the people in
 3 the room, I'm happy to explain.
 4 HEARING OFFICER MOLS: Can we go off the
 5 record?
 6 (WHEREUPON, a discussion was had
 7 off the record.)
 8 HEARING OFFICER MOLS: On the record.
 9 MR. FASMAN: May we have the witness step
 10 outside while we do this?
 11 HEARING OFFICER MOLS: Give me just a minute.
 12 Off the record.
 13 (WHEREUPON, a short recess was
 14 taken.)
 15 HEARING OFFICER MOLS: On the record.
 16 So before we went off the record, the
 17 Employer asked the question of the witness
 18 concerning any involvement or his knowledge of the
 19 unionization effort. The Petitioner raised an
 20 objection concerned to relevance. In an off the
 21 record discussion, the parties raised their
 22 positions on the matter.
 23 So now I would like the parties to state
 24 their respective positions for the record.
 25 Employer?

1 favoring of graduate student unionization that was
 2 run -- that have been run by the union. And I
 3 would like to ask him as well whether he has
 4 solicited any cards on behalf of the union in
 5 connection with those roles. I think -- thank you.
 6 As a tenured faculty member, I think he is
 7 also managerial under the Sheva decision, but I
 8 think he's gone further than that. Under the Sheva
 9 decision, he's a tenured faculty member as a member
 10 of management, and I think we're entitled to
 11 establish that there is supervisory taint with
 12 regard to this petition and perhaps an unfair labor
 13 practice involved as well. I think I'm entitled to
 14 establish that on the record.
 15 HEARING OFFICER MOLS: What is the Petitioner's
 16 position?
 17 MS. AUERBACH: The Petitioner's position is,
 18 first of all, that the line of questioning is
 19 irrelevant to this preelection hearing and, second,
 20 that he under very clear board policy allegations
 21 regarding the shown of interest are not subject to
 22 litigation in a representation hearing, but are a
 23 matter of administrative determination by the
 24 regional director.
 25 Further, even if it were subject to

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1 litigation, there's no showing that this person is
2 a supervisor, and there's also no showing that he
3 has solicited cards for the union. And with
4 respect to the Sheva case does not find that all
5 tenured faculty are supervisory. There have been a
6 number of U.S. court of Appeal decisions after
7 Sheva finding that tenured faculty were not
8 supervisory.
9 But, in any case, primarily that the
10 issues raised by the Employer are not relevant to
11 this hearing and this shown of interest is not
12 subject to litigation in this proceeding.
13 HEARING OFFICER MOLS: So having considered the
14 parties' arguments as well as an in camera review
15 of some documents raised by the Employer, you know,
16 in consultation with the regional director, the
17 region is not going to permit this line of
18 questioning. It is well-established that showing
19 of interest is a not litigable issue, is subject to
20 administrative review. If there is a possibility
21 of supervisory taint in the organizing activity,
22 that is a matter left for the unfair labor practice
23 proceedings and not for representation proceedings
24 such as this.
25 So if there is a question the Employer has

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1 with regards to the potential supervisory role of
2 the witness in overseeing the grad students and
3 those questions that may get to the heart of the
4 matter is raised in the Employer's offer proof on
5 the matters being considered in these proceedings,
6 I will allow those questions. But to the extent
7 that as it relates to the organizing activities or
8 the showing of interest, I am not going to permit
9 those questions.
10 MR. FASMAN: All right. I would like to mark
11 three exhibits then, and you can reject them if you
12 wish.
13 MS. AUERBACH: Which are you marking? Okay.
14 (WHEREUPON, Employer Exhibit
15 Nos. 52, 53 and 54 were marked
16 for identification.)
17 MR. FASMAN: Are we still on the record?
18 HEARING OFFICER MOLS: Yes.
19 MR. FASMAN: I would like to offer in evidence
20 three documents, Employer's Exhibit 52, 53 and 54,
21 all of which deal with efforts by, pardon me, the
22 AAUP Advocacy Chapter to publicize its views in
23 favor of unionization. And I would note that on
24 Number 52, on the bottom, not only the officers of
25 this group not only include Professor Ford, but

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1 they include Professor Hirschfeldt who we heard
2 from last week.
3 Employer 53 discusses a forum that was
4 held by the AAUP Advocacy Chapter in connection --
5 with in collaboration with the GSU. This panel of
6 speakers was presented by Professor Ford who we've
7 already heard is the director of undergraduate
8 education in the philosophy department and an
9 officer. And 53 also discusses in detail a speech
10 that was made by Professor Hirschfeldt at that
11 forum.
12 Finally, 54 is a statement from the AAUP
13 Chapter with regard to unionization events at the
14 university, signed again by Professor Hirschfeldt,
15 the chapter vice president, and by Professor Ford
16 as the chapter secretary.
17 MS. AUERBACH: The union objects to receiving
18 into evidence these documents for the same reasons
19 as the objection to the testimony.
20 HEARING OFFICER MOLS: So as with the testimony
21 as these primarily deal to the Employer entering
22 these in regards to a matter that I am not going to
23 permit questioning on, I'm going to reject
24 Employer's Exhibits 52, 53 and 54.
25

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1 (WHEREUPON, Employer's Exhibit
2 Nos. 52, 53 and 54 were
3 rejected.)
4 MR. FASMAN: I would like those placed in the
5 rejected exhibits files.
6 HEARING OFFICER MOLS: They will be.
7 MR. FASMAN: Thank you.
8 HEARING OFFICER MOLS: I believe they're the
9 only ones so far.
10 Okay. So are there any other further
11 matters before I go collect the witness?
12 MR. FASMAN: Not from our side.
13 HEARING OFFICER MOLS: Okay. Off the record.
14 (WHEREUPON, a short recess was
15 taken.)
16 HEARING OFFICER MOLS: On the record.
17 Employer can proceed with his questions
18 for the witness.
19 MR. FASMAN: Thank you. I would like to ask
20 Professor Ford two questions along the lines of
21 what we were just discussing.
22 BY MR. FASMAN:
23 Q. Professor Ford, have you ever solicited a
24 union authorization card on behalf of the
25 Petitioner?

1 MS. AUERBACH: Objection.
 2 HEARING OFFICER MOLS: Objection sustained. Do
 3 not answer, Dr. -- or Professor Ford.
 4 BY MR. FASMAN:
 5 Q. Have you ever been in the presence of
 6 anyone where a union authorization card was
 7 solicited?
 8 MS. AUERBACH: Objection.
 9 HEARING OFFICER MOLS: Objection sustained.
 10 MR. FASMAN: Thank you.
 11 BY MR. FASMAN:
 12 Q. Professor Ford, you were talking earlier,
 13 you testified earlier about when CAs are involved
 14 in -- let me go back to something else here.
 15 With regard to instructors and preceptors,
 16 you were asked questions about who benefits from
 17 the activities of instructors and preceptors. Do
 18 you remember those questions?
 19 A. Yes.
 20 Q. Do you remember your answers?
 21 A. Yes.
 22 Q. The one group of people you didn't mention
 23 as benefitting from this were the graduate
 24 instructors and the graduate preceptors, and I
 25 don't understand how you can skip those. You're a

1 professor of philosophy, truth, justice. I mean,
 2 they benefit from this clearly, don't they?
 3 A. I think if you check the record, you'll
 4 see that I did mention them.
 5 Q. You didn't with regard to the last two. I
 6 guess that's why I'm asking the question.
 7 A. With the last two what?
 8 Q. Instructors and preceptors, they were
 9 conspicuously absent from your answer.
 10 A. No. I believe I said something to the
 11 effect of -- and I started with the faculty, then I
 12 said the graduate students themselves benefit. And
 13 I said something to this effect because, you know,
 14 it's an important way to learn, to teach, something
 15 like that. I don't remember. We can ask the court
 16 reporter to --
 17 Q. Yeah.
 18 A. And then I mentioned the undergraduates.
 19 Q. Well, actually that's what you testified
 20 to with regard to course assistants, and I wrote
 21 that down very clearly. And then when we talked
 22 about the other categories --
 23 A. Oh.
 24 Q. -- you did not mention that.
 25 So I guess that's what I'm asking.

1 A. I see. I'm sorry.
 2 Q. No. That's fine. I do --
 3 A. Of course what I said about them goes for
 4 these others as well. I -- if that's what's at
 5 issue, then sure, of course.
 6 Q. It's not just that they benefit by
 7 teaching and learning the material, though. They
 8 learn how to teach when they teach, right?
 9 A. Yes, of course.
 10 Q. If I'm an instructor in a class, an
 11 instructor designs the class, right?
 12 A. Yes.
 13 Q. This is a significant honor, isn't it?
 14 A. Well, it's a significant responsibility I
 15 would say.
 16 Q. Well, it's a competitive process, I
 17 presume?
 18 A. Yes.
 19 Q. You entertain applications?
 20 A. Yes.
 21 Q. Even submit the whole --
 22 A. Yes.
 23 Q. -- syllabus down to the work assignments?
 24 A. Yes.
 25 Q. And so getting chosen --

1 A. Yes.
 2 Q. -- is a benefit to the individual?
 3 A. Well, as getting hired for any job is.
 4 Q. Yeah. Well, but they -- they're learning.
 5 They're actually taking over a class --
 6 A. Yes.
 7 Q. -- right?
 8 And they would be entitled to put that on
 9 their resume when they go to apply for a teaching
 10 position?
 11 A. Sure, just like any job.
 12 Q. Yeah. And so that would be a big benefit
 13 to them?
 14 A. Yeah. Work experience helps.
 15 Q. Yeah. Okay. Of course you're not looking
 16 for -- these are not job applications. You're
 17 actually looking for scholars, right?
 18 A. Well, they're job applicants. I would say
 19 they were job applicants.
 20 Q. You would. Do they -- but you don't take
 21 applications from outside the university, do you?
 22 A. No.
 23 Q. To be an instructor of record in the
 24 philosophy department --
 25 A. No.

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1 Q. -- at the university of Chicago, I'd have
2 to be a graduate student --
3 A. That's right.
4 Q. -- at the University of Chicago. Okay.
5 And the same thing with regard to
6 preceptors --
7 A. That's right.
8 Q. -- if they're involved, they're helping --
9 preceptors are working with undergraduate
10 philosophy majors?
11 A. Yes.
12 Q. And helping them to put together their
13 thesis in the best possible fashion --
14 A. That's right.
15 Q. -- correct?
16 And these are people who work within the
17 philosophy department, correct?
18 A. Yes.
19 Q. They're not in the writing program?
20 A. That's correct.
21 Q. Okay. But I would learn as a preceptor,
22 presumably I would learn something about
23 pedagogy --
24 A. Yes.
25 Q. -- by helping these --

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1 A. Of course.
2 Q. -- undergraduates?
3 A. Certainly.
4 Q. Are they required to take any training,
5 sir?
6 A. To be a preceptor, no.
7 Q. When you interview them --
8 A. Uh-huh.
9 Q. -- I think, I may have misquoted you, but
10 what do you look for when you go to choose them?
11 A. Previous teaching experience primarily.
12 Q. Okay. Why do you choose previous teaching
13 experience?
14 A. Because like anything else, the more you
15 teach, the better you get. And we want somebody
16 who's good at it.
17 Q. Yeah. And the same thing with regard to
18 instructors, right?
19 A. Yes.
20 Q. Or is it more complex?
21 A. It's a little more complex there because
22 there we're judging a syllabus, and just because
23 you've been a CA doesn't mean you've put together a
24 good syllabus. And we're also looking at how the
25 syllabus fits into the curriculum.

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1 Q. Right.
2 A. So there -- so it's slightly more
3 complicated.
4 Q. So you could as the director of
5 undergraduate education, you review whether a
6 course that I propose or a grad student proposes to
7 teach as an instructor of record --
8 A. Yes.
9 Q. -- is consistent with the overall
10 curriculum being offered?
11 A. Yes.
12 Q. And presumably you -- well, let me ask you
13 this.
14 By yourself could you say, no, it's not,
15 and you can't teach it?
16 A. Well, the decision is made with the
17 director of graduate students. So if I had a
18 strong objection to it, I mean, I don't think that
19 DGS is going to overrule it. I mean, the reason
20 that the DGS is involved is because they're
21 graduate students. The reason I'm involved is
22 because they're graduate students teaching
23 undergrads. So if I say --
24 Q. Right.
25 A. -- this doesn't work, we have a class -- a

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1 faculty member is already teaching a class on this
2 subject, we don't need this class, liken the
3 argument --
4 Q. Yeah, you could effectively say, we're not
5 doing that?
6 A. That's right.
7 Q. Okay. Are the grant students in the
8 philosophy department in general looking for
9 teaching positions?
10 A. At a certain stage in their career, they
11 are. Before I think their third year, they're not.
12 But after that, they -- they are.
13 Q. And how would -- why do you split it
14 between third and then thereafter?
15 A. Well, I should say that this is not
16 strictly my purview because that's the director of
17 graduate studies, but my understanding of the
18 reason that it works that way is because in the
19 first couple years the graduate students focus on
20 taking classes.
21 Q. I see. I see.
22 A. So that they can concentrate on taking
23 classes.
24 Q. But thereafter they're basically looking
25 forward and to becoming a member of the academy is

1 what I would presume you do with a Ph.D.?
 2 A. Right.
 3 Q. Just as you did?
 4 A. That's right.
 5 Q. Okay. And in teaching -- teaching award
 6 is something that you mentioned at the end of your
 7 direct testimony. There's an e-mail -- I think you
 8 testified there's an e-mail that goes around for
 9 nominations?
 10 A. Uh-huh.
 11 Q. And the chair of the department, the
 12 director of graduate studies and yourself decide
 13 who gets the teaching awards, correct?
 14 A. [Nodding].
 15 HEARING OFFICER MOLS: Can you say?
 16 THE WITNESS: Yes. I'm sorry, sorry. Yes.
 17 BY MR. FASMAN:
 18 Q. Thank you.
 19 So what criteria do you use to decide
 20 whether someone's going to get a teaching award?
 21 A. The number of nominations that they get,
 22 the credibility of the nominations they get, the
 23 sorts of things that students say about them in
 24 those nominations. Also, we hold on to the
 25 nominations over a course of years, so we don't

1 just throw them away each year. So if somebody
 2 gets one every year, that's significant even if
 3 they never get two in any particular area, things
 4 like that.
 5 Q. That might inform the recommendation that
 6 you could write, right?
 7 A. Right. Yes, it would indeed.
 8 Q. Okay. What do I get as a teaching award?
 9 Do you get any financial --
 10 A. No.
 11 Q. Is there a financial --
 12 A. I don't believe there is.
 13 Q. Okay. Presumably the student would put it
 14 on his or her resume of course?
 15 A. That's right.
 16 Q. Okay. Just a couple of other questions.
 17 You mentioned that preceptors and instructors
 18 receive compensation for that, correct?
 19 A. Correct.
 20 Q. But they also receive another benefit,
 21 don't they? They get GAI points?
 22 A. I don't -- I don't under -- I don't doubt
 23 it, but it's not my -- I really don't know how GAI
 24 points work. I've never been the director of
 25 graduate studies, and it's never been my

1 administrative concern.
 2 Q. You do know, though, that in order to get
 3 a Ph.D. degree from the University of Chicago
 4 department of philosophy, you have to have
 5 satisfied your GAI point requirement, correct?
 6 A. Yes. But how they're distributed, I don't
 7 know.
 8 Q. No, I understand that.
 9 A. Uh-huh, yes.
 10 Q. Presumably these -- being a CA, being an
 11 instructor, being a preceptor, all --
 12 A. Count towards that.
 13 Q. -- count towards some --
 14 A. In some way other.
 15 Q. Yes?
 16 A. Yes.
 17 Q. And those are academic requirements?
 18 A. I don't know. I don't understand. I
 19 don't understand the system well, that part of it,
 20 well enough to say.
 21 Q. Well, you can -- let me see if I can ask
 22 it in a more simple fashion. You can't get your --
 23 A. A Ph.D.
 24 Q. -- Ph.D. --
 25 A. That's right.

1 Q. -- without five points --
 2 A. Yes.
 3 Q. -- right?
 4 A. Correct.
 5 Q. So presumably that's not related to --
 6 A. Okay. Yes.
 7 Q. -- to compensation?
 8 A. Yes, yes.
 9 Q. That's all I was asking.
 10 A. Yes, yes, yes.
 11 MR. FASMAN: Okay. I think I'm finished with
 12 my cross. Thank you.
 13 HEARING OFFICER MOLS: Okay. Petitioner, any
 14 further questions for the witness?
 15 MS. AUERBACH: Just a couple.
 16 HEARING OFFICER MOLS: Actually, I think I have
 17 of a couple. Just give me a few minutes.
 18 EXAMINATION
 19 BY HEARING OFFICER MOLS:
 20 Q. So referring to the quarter that we're
 21 currently in, spring 2017, do you know how many
 22 graduate students in the philosophy department are
 23 currently acting as CAs, instructors and
 24 preceptors?
 25 A. I do not because I'm not in charge of CAs,

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1 so I don't have a sense of that.
2 Q. Okay. Do you know how many instructors of
3 record there are this quarter that are grad
4 students?
5 A. I believe there are two instructors of
6 record, but I may be wrong about that. I would
7 have to have look it up. And there are two
8 preceptors, I'm sure about that.
9 Q. Currently how many faculty does the
10 department of philosophy employ?
11 A. I believe it's about 18. I'm not sure.
12 Q. Do you know how many courses,
13 undergraduate courses the department is offering
14 this quarter?
15 A. Off the top of my head, no. Certainly not
16 more than -- not more than eight right now. You're
17 asking about this term?
18 Q. Yes, this quarter.
19 A. No. Sorry. That can't be right. I'm
20 sorry. It may be more than that. I'm not sure.
21 It's on the department website.
22 Q. Yeah, if you don't know --
23 A. We can look it up. I don't know. Let me
24 say I don't know.
25 Q. Okay.

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1 A. I don't know.
2 Q. We can look it up.
3 A. I don't know.
4 Q. I don't know is always an acceptable
5 answer.
6 A. Okay. I don't know.
7 Q. Do you know if there's a particular
8 undergraduate to instructor ratio that the
9 department of philosophy strives for?
10 A. An undergraduate to instructor ratio, no,
11 there is no such ratio.
12 HEARING OFFICER MOLS: That's all of my
13 questions.
14 REDIRECT EXAMINATION
15 BY MS. AUERBACH:
16 Q. With respect to being an instructor, you
17 mentioned how many -- you were asked how many
18 instructors this quarter. Is -- does it happen
19 that a graduate student may serve as an instructor
20 one quarter but then not serve as an instructor the
21 next quarter?
22 A. Yes.
23 Q. And then again serve as an instructor
24 another quarter after that?
25 A. Yes. They're typically not twice in a

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1 year.
2 Q. But they may do it one quarter one year
3 and then another quarter the next year?
4 A. That's possible.
5 Q. With respect to the fifth year graduate
6 students who were serving as instructors, do you
7 know whether or not those grad students have
8 already fulfilled their GAI requirements or not
9 when they reach their fifth year?
10 A. I don't know. I don't know.
11 Q. As director of undergraduate studies, is
12 your focus on the undergraduate curriculum?
13 A. Yes.
14 Q. Is that a position a permanent position or
15 is that a position that's rotated?
16 A. It's rotated.
17 Q. And how does that work?
18 A. It's like the other committee assignments
19 and administrative positions within the department.
20 Every three or so years somebody new is asked to do
21 this position -- to do the director -- to be the
22 director of undergraduate studies asked by the
23 chair. And then once they've done three, they're
24 considered to have done their tour.
25 HEARING OFFICER MOLS: The chair of the

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1 department of philosophy.
2 THE WITNESS: The chair of the department of
3 philosophy.
4 HEARING OFFICER MOLS: Okay. Thank you.
5 MS. AUERBACH: That's all I have.
6 RECROSS-EXAMINATION
7 BY MR. FASMAN:
8 Q. Just a couple of questions. I meant to
9 ask this earlier, and I apologize.
10 You said that with regard to instructors
11 of record, in your decisional process you give
12 priority to people in their fifth year of studies?
13 A. Uh-huh.
14 Q. Why is that so? Why is that the case,
15 sir?
16 A. Because it is part of the graduate
17 education that they do this. So we want -- so it
18 is -- it is important that they do this before
19 finishing their requirements, that they have a turn
20 to do this if possible. So people in their sixth
21 year have already had their chance and . . .
22 Q. Okay. And how about third and fourth
23 year?
24 A. They are -- they don't -- sorry. What is
25 the question? Why don't they --

1 Q. I mean, why not --
 2 A. Oh.
 3 Q. I mean --
 4 A. I see.
 5 Q. -- I come up with the greatest course in
 6 the history of --
 7 A. I see. I see.
 8 Q. -- the philosophy department.
 9 A. I see.
 10 HEARING OFFICER MOLS: I'm sorry. You guys are
 11 talking over each other.
 12 MR. FASMAN: Sorry.
 13 THE WITNESS: Well, they don't -- third years
 14 and fourth years also don't have teaching
 15 experience until the fifth year.
 16 BY MR. FASMAN:
 17 Q. I see. I see. So you want to have --
 18 your preference, the department's preference is to
 19 have individuals in their fifth year of studies
 20 have the opportunity to teach their own class?
 21 A. Yes.
 22 Q. And that's because that will instruct them
 23 better how to teach?
 24 A. Both because it will -- well, because they
 25 will be in a better position to teach and because

1 meeting to select, but have not announced, six.
 2 BY MR. FASMAN:
 3 Q. Six?
 4 A. And they will be distributed over three
 5 terms.
 6 Q. So two and two or something?
 7 A. It could, I mean, necessarily turn out
 8 that way, but on average it will be two.
 9 Q. Were all of these students in the fifth
 10 year?
 11 A. No.
 12 Q. Was there someone older or younger?
 13 A. Older.
 14 Q. Older?
 15 A. Yes.
 16 Q. How many years up?
 17 A. How many years --
 18 Q. How many --
 19 A. Oh, past the fifth year, I don't really
 20 know. A couple, not more than two or maybe three
 21 at the most. We had a very small fifth year class.
 22 Q. I see. But normally you would expect all
 23 the instructors to be in their fifth year?
 24 A. You would, yes. Yeah, you would.
 25 MR. FASMAN: All right. Nothing further, thank

1 they should have the opportunity to do that before
 2 leaving, both of those.
 3 Q. I see. I see. And do you give the same
 4 opportunity to preceptors or is that different?
 5 A. No. Preceptors are different. That's
 6 a -- that's a different sort of . . .
 7 Q. So if I'm chosen as an instructor in my
 8 fifth year --
 9 A. Uh-huh.
 10 Q. What's the time to Ph.D. in your
 11 department?
 12 A. I don't know and the problem is it varies.
 13 It varies in the policies about how long you can
 14 stay in graduate school. It varies. So averages
 15 aren't very interesting. I think these days it's
 16 around eight, but this is not based on any -- me
 17 looking into it. That's my sense.
 18 Q. And how many instructors of record are
 19 chosen per quarter? Did you answer that? Two this
 20 quarter?
 21 HEARING OFFICER MOLS: He said there were
 22 two --
 23 THE WITNESS: I said two. So, for example, I
 24 can be more confident about next year because I
 25 just selected. We just selected -- we had the

1 you.
 2 HEARING OFFICER MOLS: Petitioner, do you have
 3 anything further?
 4 REDIRECT EXAMINATION
 5 BY MS. AUERBACH:
 6 Q. Do you know who set the policy that
 7 instructors should be either fifth year or beyond?
 8 A. No.
 9 Q. That's not something that you set?
 10 A. No.
 11 MS. AUERBACH: That's all I have.
 12 HEARING OFFICER MOLS: Okay. All right. I
 13 have no further questions. So, Professor Ford, you
 14 are excused.
 15 (Witness excused.)
 16 HEARING OFFICER MOLS: Can we go off the
 17 record?
 18 (WHEREUPON, a short recess was
 19 taken.)
 20 HEARING OFFICER MOLS: The Petitioner can
 21 proceed with its next witness.
 22 MS. AUERBACH: Petitioner calls Matthew
 23 Vanderpoel.
 24 (WHEREUPON, the witness was
 25 duly sworn.)

1 HEARING OFFICER MOLS: Please state and spell
 2 your name for the record.
 3 THE WITNESS: Matthew Vanderpoel,
 4 M-a-t-t-h-e-w, and my surname, V-a-n-d-e-r-p-o-e-l.
 5 HEARING OFFICER MOLS: Thank you.
 6 MATTHEW VANDERPOEL,
 7 called as a witness herein, having been first duly
 8 sworn, was examined and testified as follows:
 9 DIRECT EXAMINATION
 10 BY MS. AUERBACH:
 11 Q. Are you currently a Ph.D. graduate student
 12 at the University of Chicago?
 13 A. Yes, I am.
 14 Q. And in what school or division?
 15 A. I'm Ph.D. candidate in the Divinity
 16 School.
 17 Q. And when did you start the Ph.D. program
 18 at the Divinity School?
 19 A. I entered the Ph.D. program in the fall of
 20 2012.
 21 Q. And were you awarded a five-year stipend
 22 as a Ph.D. student?
 23 A. Yes.
 24 Q. And have you had occasion to serve as a
 25 teaching assistant?

1 A. Yes. I've served as a teaching assistant
 2 on three occasions.
 3 Q. And which quarters of which years have you
 4 done that?
 5 A. I served as a TA in the fall quarter of
 6 2014, the spring quarter of 2015, and then again in
 7 the spring quarter of 2016.
 8 Q. And on the occasions when you served as a
 9 teaching assistant, did you still receive the same
 10 stipend or were you paid separately for the
 11 teaching assistant role?
 12 A. So the way it works within the Divinity
 13 School is we are paid quarterly for our stipend,
 14 and then the amount for our TAsip is deducted.
 15 And then we receive a separate paycheck which
 16 already has payroll taxes withheld for our TAsip
 17 and the relevant quarter. And that is supposed to
 18 arrive that quarter, but sometimes they're late.
 19 Q. When you say the TAsip -- the amount from
 20 the TAsip is deducted, you mean deducted off the
 21 amount of the stipend?
 22 A. Yes.
 23 MR. PEARLMAN: Objection, leading.
 24 MS. AUERBACH: Well, just trying to clarify
 25 what he said.

1 HEARING OFFICER MOLS: He's already answered,
 2 so let's move on.
 3 BY MS. AUERBACH:
 4 Q. And then the amount you receive separately
 5 for the TAsip before taxes are withheld, is that
 6 the same amount as the amount that's deducted from
 7 the stipend?
 8 A. That is correct.
 9 Q. And the taxes are withheld from just the
 10 part for the TAsip?
 11 A. Yes.
 12 MR. PEARLMAN: Objection, leading.
 13 HEARING OFFICER MOLS: I mean, it's already
 14 been answered, so I'll permit it so we can move on
 15 to the next question.
 16 BY MS. AUERBACH:
 17 Q. And how do you go about applying -- when
 18 you applied for your TAsips, how did you go about
 19 applying for them?
 20 A. So the case for all three of those TAsips
 21 is to my knowledge standard practice in the
 22 Divinity School, the dean of students circulates
 23 that a professor is looking for one or more TAs for
 24 a given course. And then we are to submit a cover
 25 letter expressing our qualifications and interest

1 for the post and a CV to the dean of students who
 2 passes it along to the professor who are then
 3 subsequently notified.
 4 Q. And what were the courses in which you
 5 served as TA?
 6 A. The first one fall of 2014, I was a
 7 teaching assistant for History of Christian
 8 Thought One. In the spring of 2015, I was a
 9 teaching assistant for History of Christian
 10 Thought Three. And then in the spring of 2016, I
 11 was a teaching assistant for a course. So I might
 12 have like the second part of the title slightly off
 13 from the exact catalogue wording, but Suffering,
 14 colon, History of the Interpretation of the Book of
 15 Job.
 16 Q. Okay. And going to the first of those
 17 courses, what were your responsibilities as a
 18 teaching assistant?
 19 A. For the first of those courses?
 20 Q. Right, so the History of Christian
 21 Thought One?
 22 A. So in the History of Christian
 23 Thought One, I was responsible for attending all of
 24 the lectures. I was responsible for holding a
 25 discussion section. I was responsible for holding

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1 office hours by appointment. And I was responsible
2 for delivering one lecture. I also then -- so the
3 assignment structure for that course is a take-home
4 midterm and a take-home final. So I was serving
5 with another TA, and we were -- we were the primary
6 graders and markers for all the master's students
7 in the course. So for the midterm and the final,
8 my fellow TA and I divided up those grading
9 assignments.

10 Q. So were there students in the course a
11 combination of master's students and others?

12 A. Yeah, I believe there may -- so this
13 course was about 40 to 50 people or about 50. And
14 there were about 10 Ph.D. students, about 40
15 master's students, and there probably were one or
16 two college students mixed in.

17 Q. So did you do any of the grading for the
18 other Ph.D. students?

19 A. No.

20 Q. And in that course did the -- what, if
21 any, guidance or instruction did you receive from
22 the faculty member for teaching a course with
23 respect to your discussion sections and grading?

24 A. So with respect to the discussion
25 sections, I had a meeting with the professor

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1 wherein I asked what the expectations were. The
2 instructor was rather generous and said, I sort of
3 trust you to do what you want. If you have
4 specific questions as it's going along, feel free
5 to talk to me. I asked if the instructor wanted
6 regular feedback as to how the discussion sections
7 were going or attendance or things like that, and I
8 was told that was not necessary.

9 As for grading, we were involved in the
10 creation. We being the two TAs. We were involved
11 in the creation of the exams. So we would meet
12 prior. And so there usually ended up being four or
13 five questions on the exams, and each of us TAs
14 wrote one or two for each of those. So we had sort
15 of discussed on that thing which questions would be
16 there. We had a sense of generally what we were
17 looking for.

18 And then when we provided grading and
19 commenting on all of our papers, they were
20 submitted then to the instructor who looked them
21 over before submitting them as the grades of
22 record. So I know, for instance, the only feedback
23 I got on one was I was told that the instructor was
24 going to raise one grade I had given because the
25 student had met with the professor extensively

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1 outside of class, and the professor felt that
2 deserved some reflection in the grade.

3 Q. And about -- do you know about how many
4 hours per week you devoted to being a TA for that
5 course?

6 A. It would have been three hours a week for
7 the lectures, one hour a week every week for the
8 discussion section. I probably prepped between
9 readings and then to be ready for discussion
10 section probably two to three hours a week for
11 that. On average probably a half hour of
12 appointments with students. Grading then would
13 have been two rounds of about 15 hours of work.
14 And preparing my lecture was probably 20 hours of
15 prep. I was maybe a little overzealous on that
16 point.

17 Q. And then with respect to the second course
18 in which you TA'd History of Christian
19 Thought Two --

20 A. Three actually.

21 Q. Oh, Three, right. Were there any -- were
22 your responsibilities similar or were they
23 different?

24 A. So in that course the only differences
25 that were notable were there were times where the

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1 instructor was -- I do not recall if it was illness
2 or the instructor being out of town, but I was
3 asked to sort of provide the main teaching
4 instruction without a professor present for a
5 course or for like one day of that class. So that
6 was unique.

7 It was also a much smaller class.
8 Enrollment was unusually low. I believe there were
9 eight students. So the professor opted to do the
10 grading for that course primarily.

11 Q. And how about the third one you TA'd, the
12 one about the Book of Job?

13 A. That one was similar, and I was involved
14 in grading. I was involved in -- I was also
15 involved somewhat in course planning for that as I
16 have language skills that were helpful for
17 translating and compiling some documents the
18 professor wanted to use. And then I also served as
19 the lecturer in class when the professor was out of
20 town for that course.

21 Q. Okay. And did you also hold discussion
22 sections for that course?

23 A. I did.

24 Q. With respect to discussion sections and
25 grading, what, if any, instruction and feedback did

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1 you receive from the faculty member?
2 A. I received no instruction beyond, you know
3 what to do, you've done courses with me, I trust
4 you.
5 Q. So is this the same faculty member who
6 taught one of the prior courses you TA'd?
7 A. The same instructor of -- it was the same
8 professor for both History of Christian
9 Thought Three and Suffering.
10 Q. And do you know whether any graduate
11 students outside the Divinity School have TA'd any
12 classes in the Divinity School?
13 A. Yes.
14 MR. PEARLMAN: Foundation.
15 THE WITNESS: The first course that I --
16 HEARING OFFICER MOLS: Hold on one second. So
17 she asked him if he knew, so you do -- have you
18 heard of such things occurring?
19 THE WITNESS: Yes, in the courses I served as a
20 TA.
21 BY MS. AUERBACH:
22 Q. Okay. What experience did you have in
23 serving as a TA?
24 A. So the first course I mentioned, History
25 of Christian Thought One in which I served as a TA,

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1 my fellow TA was a Ph.D. candidate in history and
2 social sciences.
3 Q. Have you served as a research assistant?
4 A. Yes.
5 Q. And when have you done that?
6 A. So I was appointed as one in January of
7 2016. I don't believe I was entered into payroll
8 for a couple months, and I'm still continuing in
9 that role.
10 Q. And to who -- with whom are you working as
11 research assistant?
12 A. I work as a research assistant with one of
13 my advisors, Professor Susan Schreiner, in the
14 Divinity School.
15 Q. And approximately how many hours a week do
16 you do that?
17 A. Ten.
18 Q. And are you paid on an hourly basis?
19 A. Yes.
20 Q. And how much are you paid for that?
21 A. I believe it's \$10 or \$11. There was a
22 raise that kicked in recently. I'm not sure if
23 testify affected me.
24 Q. And over what -- how do you -- over what
25 time period do you get paid then?

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1 A. I get biweekly paychecks for that.
2 Q. And are there tax withholdings from those?
3 A. Yes.
4 Q. What are your responsibilities as a
5 research assistant?
6 A. So they're fairly varied. Some of it is
7 administrative tasks. A good bit of it is sort of
8 class prep for this professor, so I will help
9 compile book lists, put things on reserve at the
10 library, correspond with the book shops to order
11 them.
12 I do some language work for languages she
13 doesn't enjoy working in. Sort of if she's like
14 find this, I search through sources and compile
15 that set -- those sets of information for her. I
16 gather articles and books for her. It's pretty
17 varied, but I feel like research assisting is a
18 good summary of what I do.
19 Q. And when you refer to languages she
20 doesn't like to work with, what languages are
21 those?
22 A. Specifically in this case with this
23 professor, it's Latin and Middle French.
24 Q. And what do you do with respect to those
25 languages?

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1 A. She'll say, for instance, so it'll often
2 be a source that she hasn't worked with in a while,
3 and I will remember -- so to give a concrete
4 example, oh, here are John Calvin's sermons on this
5 topic. I remember there's something about like
6 Aristotelian determinations of providence in here.
7 Can you spend some time running through it and see
8 what's there. I'll run through those texts because
9 we don't all have reliable English editions of
10 these, unfortunately. You should all get involved
11 as early modernists and correct those. And, yeah,
12 but I'll go through, find those instances, and give
13 her like citation information so she can follow up
14 with them as she sees appropriate.
15 Q. And so you're reviewing the texts in
16 the --
17 A. Middle French.
18 Q. -- languages -- okay.
19 Have you also worked as a workshop
20 coordinator?
21 A. I have.
22 Q. And when have you done that?
23 A. In the 2014 to 2015 academic year, I was a
24 co-coordinator for the Medieval Studies workshop.
25 Q. And what is the Medieval studies workshop?

1 A. So the Medieval studies workshop is one of
2 the workshops through the council on advance
3 studies. And it's a very interdisciplinary
4 workshop, so it has regular attendance from
5 students in divinity, humanities and social
6 sciences. Both faculty and graduate students and
7 basically we meet regularly to discuss papers.

8 Q. And what have been or what were your
9 responsibilities as a workshop coordinator?

10 A. So I'd say there were kind of three main
11 areas. The first and most basic was just making
12 sure there was a room to meet in, scheduling,
13 announcing it, making sure there was coffee.
14 Second then we would coordinate visiting scholars
15 to come. So the year I did it we had a total of
16 four visiting scholars come to our workshop, two of
17 them were international.

18 So we would work with the council of
19 advance studies office to coordinate airfare,
20 lodging. We would speak with these professors
21 before they came to talk about the expectations,
22 sort of the intellectual culture of the workshop,
23 what sort of angles we were hoping to get out of
24 their works, what we thought they contributed. And
25 that was probably like the largest bit of time.

1 And then sort of the final element was my
2 fellow coordinator and I were sort of in charge of
3 crafting a set of intellectual themes that tied
4 together our investigations of discussions over the
5 course of the year. So we had a voice along with
6 the faculty advisors in selecting those visiting
7 scholars, but then we would sort of determine, you
8 know, laterally which student papers we would read,
9 who would serve as respondents to sort of set these
10 tones of conversation. And as part of that we were
11 responsible for reading and reviewing all these
12 papers and documentation and being ready to guide
13 discussion.

14 Q. And what did being ready to guide
15 discussion involve?

16 A. Simply to have read the paper, have a few
17 questions ready, to have made sure that a
18 respondent had been selected and knew that they
19 were sort of on call for the first couple of
20 questions. And if there were any lulls, my
21 co-coordinator and I would make contact and
22 basically try to gauge which one of us wanted to
23 ask a question.

24 Q. And then did you and your co-coordinator
25 ask questions?

1 A. Yes. One of us would do so invariably
2 every session, and sometimes both of us would need
3 to.

4 Q. And how many times during the year did the
5 workshop meet?

6 A. So for regular sessions we would have five
7 meetings a quarter. I would also say we'd average
8 one or two special sections a quarter on top of
9 that that be cosponsored with another workshop.
10 And then another element of the workshop is we
11 coordinate a panel at our professional society, so
12 then there would have been like an event at the
13 international congress for Medieval studies in May
14 of 2015 that we also coordinated.

15 Q. And were you compensated for being a
16 workshop coordinator?

17 A. Yes.

18 Q. And how much?

19 A. So this was before -- I believe this is no
20 longer the current pay structure in practice, but
21 there was \$500 stipend given to me and my
22 co-coordinator for entire year, I believe.

23 HEARING OFFICER MOLS: Was that each or to be
24 split between the two of you?

25 THE WITNESS: It was to be split between the

1 two of us.

2 MS. AUERBACH: Those are all the questions I
3 have.

4 MR. PEARLMAN: May we go off the record?

5 HEARING OFFICER MOLS: Sure. Off the record.
6 (WHEREUPON, a short recess was
7 taken.)

8 HEARING OFFICER MOLS: On the record.

9 Employer can proceed with his questions
10 for the witness.

11 MR. PEARLMAN: Thank you, Madame Hearing
12 Officer.

13 CROSS-EXAMINATION

14 BY MR. PEARLMAN:

15 Q. Mr. Vanderpoel, am I pronouncing that
16 correctly?

17 A. Vanderpoel.

18 Q. Okay. Thanks.

19 What's your career goal?

20 A. I would like to be a professor.

21 Q. Do you know where you want to be a
22 professor?

23 A. I think I would prefer to be a professor
24 at a R1k research institution, but with the job
25 market as it is that may not be in the cards for

1 me.
 2 Q. What would you like to be a professor of?
 3 A. As somebody who works -- probably a
 4 professor of religious studies.
 5 Q. I apologize. Did you say religious
 6 studies?
 7 A. Yes.
 8 Q. Let's start with a document that's in the
 9 record. It's identified as Employer Exhibit 45?
 10 HEARING OFFICER MOLS: Which one is that?
 11 MR. PEARLMAN: That's a research letter dated
 12 August 2016.
 13 HEARING OFFICER MOLS: This one?
 14 MR. PEARLMAN: Yes, ma'am.
 15 (WHEREUPON, previously marked
 16 Employer Exhibit No. 45 was
 17 introduced for the record.)
 18 BY MR. PEARLMAN:
 19 Q. Mr. Vanderpoel, if you could take a moment
 20 to read that document, please?
 21 A. Of course.
 22 Q. Okay. Have you had an opportunity to the
 23 read that document?
 24 A. I have.
 25 Q. Did you read this upon receipt from Teresa

1 be interested in applying for that position. I
 2 said I would be. And then she had me submit, I
 3 believe, it was a CV soliciting my desire to be a
 4 research assistant for Professor Schreiner.
 5 Q. Do you know why she asked you in
 6 particular?
 7 A. She and I -- she's one of my advisors, so
 8 we have a degree of rapport. She feels comfortable
 9 with me I would gather. I also know that I have
 10 sort of -- as I indicated earlier, she asked in
 11 that conversation to confirm that I have all the
 12 Middle French skills and Latin skills which she has
 13 as well but she prefers working with Spanish and
 14 German given the option.
 15 Q. So what are the languages with which you
 16 are proficient?
 17 A. So proficiency is somewhat of a sliding
 18 scale, and I would want like a little more clarity.
 19 I would say I've been determined by faculties at
 20 the University of Chicago to be expert in Latin and
 21 Old and Middle French. That's not my
 22 determination.
 23 Then I also claim functional research
 24 knowledge, though I am not active in these, in
 25 Ancient Greek. And I have sort of reading

1 Owens?
 2 A. I don't believe that I was somebody who
 3 actually received this at this time. I believe it
 4 probably was more limited circulation, probably
 5 incoming students last fall, and I had been here a
 6 bit, but I received information at my orientation
 7 fall 2012.
 8 Q. And you just read it here today?
 9 A. I did.
 10 Q. Do you believe everything stated in here
 11 is true and correct?
 12 A. To my knowledge.
 13 Q. Okay. I want to first start focusing on
 14 the non-lab RA position that you held, okay?
 15 A. Yes.
 16 Q. Okay. You assisted Professor Schreiner?
 17 A. Schreiner.
 18 Q. S-c-h-e-i-n-e-r?
 19 A. Yes.
 20 Q. How did you come to work for
 21 Professor Schreiner?
 22 A. She told me in January of 2016 that she
 23 was considering starting a new project and was
 24 approved to have funding to hire a research
 25 assistant if she so desired and asked me if I would

1 qualifications from the University of Chicago in
 2 French -- Modern French and German.
 3 Q. Based on your testimony I'll ask you what
 4 are the languages that you handle that
 5 Professor Schreiner doesn't like?
 6 A. To clarify, doesn't like is -- she finds
 7 it an inefficient use of her time to spend to work
 8 with them, like I am not inclining she's not expert
 9 in them as well, but Middle French and Latin
 10 particularly.
 11 Q. And what did you do with respect to using
 12 those language skills vis-a-vis your work with
 13 Susan Schreiner?
 14 A. So as I indicated before, she would give
 15 me a set of texts and does so with some regularity.
 16 Be on the lookout for this topic, this theme, if
 17 this gets mentioned. I'll run through the
 18 documents quickly and then let her know this sermon
 19 or this page number depending on how that given
 20 text is divided up. It seems to be references to
 21 what you're interested in here or there.
 22 Most of these documents are not digitized.
 23 They're difficult to search with. And in a lot of
 24 ways the scholars in other time periods are not
 25 used to just the process of searching through them

1 to see what the content is.
 2 Q. What's your dissertation topic?
 3 A. How much detail do you want?
 4 Q. Just a sentence or two.
 5 A. My dissertation focuses on debates of the
 6 role of language in the -- of Paris and 14th and
 7 15th centuries.
 8 Q. Did those texts that you looked through in
 9 connection with this non-lab RA position with Susan
 10 Schreiner relate in any way to that?
 11 A. The only overlap would be use of similar
 12 languages, but they are centuries apart, different
 13 figures. They're not related other than the sheer
 14 fact of I use French and Latin in my dissertation.
 15 Q. These are texts you hadn't previously
 16 read?
 17 A. Texts that Professor Schreiner's looked
 18 at?
 19 Q. Yes, sir.
 20 A. In at least one instance it was a text I
 21 had previously read for coursework, but typically,
 22 no.
 23 Q. You also worked on class preparation.
 24 What did that involve?
 25 A. So in those instances, it would be I want

1 to have a selection from this -- so this is
 2 something that was from that course, Suffering. I
 3 want to have a selection from equinus on the
 4 syllabus. These are sort of the themes I'm
 5 interested in. Where do you think that would be?
 6 Good. And so I've found a couple relevant
 7 sections, suggested them to her, and then they
 8 appear in the syllabus.
 9 Q. You created book lists as well. What did
 10 that involve?
 11 A. So the book lists would be like that was a
 12 little more lower level administrative stuff where
 13 she said these are the texts I want to teach for
 14 the course, can you find out what the current
 15 decisions are. And then I would get them the
 16 numbers to approve and submit that to the seminary
 17 co-op to order textbooks and also to the library to
 18 put on reserve for students.
 19 Q. What is Susan Schreiner's new topic?
 20 A. She's actually between a couple new topics
 21 right now, and I don't know to what extent this is
 22 public knowledge. I don't want to reveal trade
 23 secrets on behalf of her, but I can say that it is
 24 at least the century, if not, later than the time
 25 period I work in, on principally geographically and

1 other periods where I work.
 2 Q. How does that relate to your course of
 3 study?
 4 A. Her research expertise or my -- sorry, I
 5 don't understand the antecedent.
 6 Q. Well, her new courses --
 7 A. Uh-huh, oh, to my course of study?
 8 Q. Yes.
 9 A. So in the Divinity School we have to -- in
 10 the area of study in which I am, History of
 11 Christian Thought Three, we have to be -- we have
 12 to pass exams in three separate like time periods.
 13 And so even though all my research thus far has
 14 fallen within the Medieval time period as divided
 15 within my subfield, I've also prepared for exams
 16 and passed my exams in ancient and early Modern
 17 Christianity. So I have -- so there's overlap
 18 between Professor Schreiner's research interests
 19 and my like training as an early modernist as like
 20 a side field.
 21 Q. I appreciate the clarification.
 22 A. You're welcome.
 23 Q. Have you taken any courses by -- is it
 24 Dr. Schreiner?
 25 A. Yes.

1 Q. Okay. Thank you.
 2 Have you taken any courses from
 3 Dr. Schreiner before?
 4 A. Yes.
 5 Q. What courses are those?
 6 A. Many, it could take me a little bit to
 7 sort of walk through them and list them, especially
 8 if you're asking me to say when. But would you
 9 like me to try to --
 10 Q. Let's hold off on the question. I want to
 11 make it a little easier for you. If you could just
 12 tell the courses?
 13 A. To my knowledge, I might forget the odd
 14 one, Calvin's Institutes, Early Modern Catholicism,
 15 History of Christian Thought Three which I took
 16 prior to TA'ing it, Renaissance and Reformation,
 17 Readings in Luther, a seminar on idolatry. And I
 18 believe those are the only courses I have taken
 19 with her. There might be . . .
 20 Q. Okay. And taking a step back and getting
 21 back into the language related focus that you
 22 mentioned before that there's certain areas that
 23 you're more facile, shall we say --
 24 A. Okay.
 25 Q. In that it is self colloquial. She didn't

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1 focus on it as much. You're not denigrating?
2 A. Yeah.
3 Q. I get that. That helped hone in your --
4 polish your language skills, didn't it?
5 A. Insofar as using languages in any capacity
6 does, it -- yeah, that seems the case.
7 Q. So the work that you did for
8 Professor Schreiner gave you more insight into the
9 subject that you and Professor Schreiner were
10 focusing on, correct?
11 A. Insight into the area she works on, yes.
12 Q. And it assisted you with respect to your
13 course of study?
14 A. So I only began being her research
15 assistant after I completed my examinations, so it
16 does not seem to be the case to me that it assisted
17 me with my course of study, unless I'm
18 misunderstanding your use of the term course of
19 study.
20 Q. Did the research you did with
21 Professor Schreiner overlap with any areas that you
22 yourself were studying? Schreiner (pronunciation),
23 I apologize.
24 A. No, because at that point I entered into
25 candidacy and have been in my own research in my

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1 own topic, so there hasn't been overlap in my
2 research assisting work with her and dissertation
3 research.
4 Q. You said that you were asked to take on
5 this non-lab RA position, correct?
6 A. She asked if I was interested in it, yes.
7 Q. Okay. She didn't tell you that you had to
8 take on this position, correct?
9 A. She did not.
10 Q. No one told you you had to. You did it
11 voluntarily, correct?
12 A. Yeah. I wanted the money.
13 Q. Had you ever done a literature review in
14 the past?
15 A. A literature review in the past, yes.
16 That's been a regular part of my academic training.
17 Q. How many times have you done literature
18 reviews like you were doing with this professor?
19 A. So I worked as a research assistant to a
20 professor in undergraduate where I prepared a
21 number of research like literature reviews on
22 specific topics. I -- I had already completed like
23 a preliminary research review for my dissertation.
24 My dissertation topic changed, so I previously
25 prepared one of my previous ideas, and many ways to

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1 writing a course paper involves some form of
2 literature review, unless you mean it more
3 particular.
4 HEARING OFFICER MOLS: Where did you complete
5 your undergraduate degree?
6 THE WITNESS: I received my bachelor of arts in
7 art history and history out in Wheaton College out
8 in the burbs.
9 HEARING OFFICER MOLS: Thanks.
10 BY MR. PEARLMAN:
11 Q. In working in this non-lab RA position,
12 this was not an academic requirement. This wasn't
13 part of your academic requirement, right?
14 A. No. Yes. That is correct.
15 Q. Let's talk about the various occasions you
16 had to be a teaching assistant. You indicated that
17 you had to apply to be a teaching assistant,
18 correct?
19 A. Correct.
20 Q. Okay. And you indicated that you needed
21 to submit a cover letter and a CV, and that was
22 passed on to a professor. That helps you prepare
23 for the same responsibilities that you'd need when
24 you ultimately get a job or seek a job in academia,
25 correct?

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1 A. Presumably to some extent, though, I
2 imagine the genre of cover letter is different and
3 I maintain an updated CV independently, but I can
4 see how.
5 Q. You said that there are three courses that
6 you TA'd?
7 A. Correct.
8 Q. History of Christian Thought One,
9 Thought Three and then Suffering, Book of Job, do I
10 have those --
11 A. Yep.
12 Q. Were there any others?
13 A. Those are the only course I've TA'd at the
14 University of Chicago.
15 Q. So what year of graduate student life were
16 you in when you TA'd? I'll break it down --
17 A. Yeah.
18 Q. -- just to keep it easy, but for history
19 of Christian Thought One --
20 A. So far that was the -- doing the math,
21 that was the end of my third year of world study.
22 I should clarify, though, to explain that within
23 the different -- no one's previously testified. We
24 are required to hold an MA prior to entering it.
25 So I had two years of master's coursework at the

1 University of Chicago Divinity, so my third/fifth
 2 year.
 3 Q. Okay. Same question with respect to
 4 History of Christian Thought Two?
 5 A. Three.
 6 Q. I apologize. Right, you said Three.
 7 A. I'm sorry. I'm just a little sore of that
 8 because Two is my main area of study, and I haven't
 9 gotten to teach it yet. That would have been my --
 10 fall of my -- or spring of my fourth year.
 11 Actually, no. I got confused on my dates here. I
 12 apologize for the mistake.
 13 Q. That's okay.
 14 A. Fall of 2014, spring of 2015 when I did
 15 HC1, and HC3 would have been my fourth/fifth year
 16 of graduate study.
 17 Q. How about Suffering?
 18 A. The subsequent year then would have
 19 been -- math is really -- no, I'm really bad at
 20 math which is the reason I'm in humanities.
 21 Q. Take your time. I see you trying.
 22 A. The -- okay. So this is my fifth year.
 23 Let's work back. So last spring that would have
 24 been my end of fourth year for Job, and the others
 25 would have been in my third year.

1 A. That is correct.
 2 Q. And you said on direct examination that
 3 your professor told you that she trusts you, and
 4 she was the same professor that you had in the
 5 past?
 6 A. Uh-huh.
 7 Q. So is it fair to say that you had built up
 8 her confidence in you after History of Christian
 9 Thought Three after you served as the TA in that
 10 course?
 11 A. So I had to my knowledge -- I'm trying to
 12 remember the order of testimony. I think the way I
 13 described the preparation for the Suffering class
 14 would also be accurate as she sort of indicated the
 15 similar degree of trust which I understood to be
 16 based on the fact that I've taken coursework with
 17 her as I previously outlined with you, and she's
 18 seen my work and interacted with her and, I
 19 imagine, also saw my CV and my teaching history on
 20 it.
 21 So I -- I don't -- I truly do not feel
 22 there was -- I was not treated differently as a TA
 23 between History of Christian Thought Three and
 24 Suffering, Book of Job, course.
 25 Q. Do you believe that you had built up a

1 Q. Okay. Now, you were given more latitude
 2 from your faculty professor as you went through
 3 these courses as a TA, correct?
 4 A. The first course I did was with a separate
 5 professor. The two other ones had a high degree of
 6 latitude, and I understood those to be based on the
 7 different sort of temperaments of the professors
 8 and how they interacted with students. So the two
 9 I had was with the same professor, HC3, Christian
 10 Thought Three. And Suffering, I did not notice a
 11 real difference in the expectations or the
 12 communications he received about my TA
 13 responsibilities there.
 14 Q. Who was your professor for History of
 15 Christian Thought One?
 16 A. Professor Willemien Hoffman.
 17 Q. Professor for History of Christian
 18 Thought Three?
 19 A. Professor Susan Schreiner.
 20 Q. Was she also your professor for Suffering,
 21 Book of Job?
 22 A. That is correct.
 23 Q. Okay. You said that was -- that the
 24 progression in which you TA'd these courses, it was
 25 Thought One, Thought Three, then Suffering?

1 strong relationship with Professor Schreiner?
 2 A. I believe I had had a really strong
 3 relationship with Professor Schreiner, yeah, for
 4 sometime now.
 5 Q. Do you believe Professor Schreiner is
 6 familiar with your skill set as a TA?
 7 A. Insofar as she's observed it, yes.
 8 Q. Did she observe it when you were teaching
 9 History of Christian Thought Three?
 10 A. She was not present for discussion
 11 sections. She was not present for office hours.
 12 She was not present at the time I lectured,
 13 so . . .
 14 Q. Did she observe any of your performance?
 15 A. Yeah, I guess not.
 16 Q. Did she write a performance evaluation for
 17 you?
 18 A. If she did, I did not receive it or know
 19 of its existence.
 20 Q. So she may have and you're not aware of
 21 it?
 22 A. Yeah, I . . .
 23 Q. She is on your dissertation committee,
 24 correct?
 25 A. Yes. She's one of my two advisors.

1 Q. Is Otten on your dissertation committee as
 2 well?
 3 A. Indeed. She is my other co-advisor.
 4 W-i-l-l-e-m-i-e-n, and then O-t-t-e-n.
 5 HEARING OFFICER MOLLS: Thank you.
 6 BY MR. PEARLMAN:
 7 Q. Did you take the courses, History of
 8 Christian Thought One and Three and Suffering
 9 before you TA'd them?
 10 A. I had taken History of Christian
 11 Thought One and Three prior. Suffering was like a
 12 one-off topic course, so it is -- it had not been
 13 offered before. It's not been offered since.
 14 Q. Schreiner taught it?
 15 A. Yes.
 16 Q. Did she teach Three?
 17 A. Was she the instructor of record when I
 18 TA'd?
 19 Q. Yes.
 20 A. Yes.
 21 Q. But before that when you took it as a
 22 student, did she also?
 23 A. Yes, she taught that.
 24 Q. And you had interaction with her in that
 25 capacity, correct?

1 A. Yes.
 2 Q. Okay. You did not have the ultimate
 3 authority to issue the grade in that course,
 4 correct?
 5 A. No. So I did not submit grades to the
 6 registrar. What I meant by primary is insofar as I
 7 assigned the number grade to the exams I was told
 8 to grade. I also provided comments. And then the
 9 way it was set up is that so we comment on Word
 10 documents, and professor made it exclusive. So
 11 we'd be aware in advance, so my name appears on all
 12 the comments the students received.
 13 Q. But ultimately you didn't issue the grade,
 14 correct?
 15 A. No. That is correct. I did not
 16 ultimately input the grade.
 17 Q. So your professor may have agreed with the
 18 comments that you made and grades that you
 19 suggested; and they may have ultimately been given,
 20 but that doesn't mean that you issued the grade?
 21 A. I concede the semantic distinction you're
 22 drawing, that is correct.
 23 Q. Okay. But it's not just semantics, right?
 24 Substantively, you didn't issue the final grade?
 25 A. I did not issue the final grade

1 A. Yes, as a student in that course.
 2 Q. What was your grade?
 3 A. Oh, for HCT3, I -- I believe I got an
 4 A-minus on that. I really don't know off the top
 5 of my head, though.
 6 Q. In History of Christian Thought One, you
 7 delivered one lecture, correct?
 8 A. That is correct.
 9 Q. Was that opportunity offered or required?
 10 A. I believe the way it was framed to me was
 11 Professor Otten said, this is an expectation, what
 12 topic do you want to lecture on, so . . .
 13 Q. You were told that it was a requirement
 14 that you lecture?
 15 A. I believe the word used was expectation,
 16 but I understood it to be a sort of requirement
 17 where this is how she runs it.
 18 Q. Did you ask for clarification?
 19 A. No, I don't believe I did.
 20 Q. You also said with respect to History of
 21 Christian Thought One, you used the words, and
 22 correct me if I'm wrong, that you were a primary
 23 grader and marker --
 24 A. Yeah.
 25 Q. -- is that correct?

1 substantively, but I'm the one who read -- the way
 2 it was put to me is the professor would use the
 3 language, you are grading this for me. So that is
 4 the mode in which I'm speaking, but I'm not the
 5 primary or final issuer of a grade.
 6 Q. A grade got changed that you suggested?
 7 A. Yes.
 8 Q. Why did that get changed?
 9 A. So this student had a -- had in my
 10 assessment a very poor exam. I marked it poorly.
 11 I commented on it. And when I submitted it to the
 12 professor, it was sort of within the range of -- it
 13 was a grade so low that it was sort of like an
 14 explanation, I felt, was warranted.
 15 And so I said, hey, so-and-so student -- I
 16 probably said hey in my e-mails to professor --
 17 so-and-so had this low score. I think the exams
 18 stands by it. And then she ended up responding, I
 19 think you marked that fairly and that was correct.
 20 This student had been regularly meeting with me
 21 hopefully to try and improve their performance, so
 22 I'm inclined to give them a few more points to sort
 23 of reflect that, but -- so to my knowledge that
 24 grade was changed.
 25 Q. And that reflects that you were grading

1 tougher than the professor was grading overall?
 2 A. No. I believe the professor was explicit
 3 that she was taking into account factors external
 4 to the actual written performance on the exam
 5 itself in the giving of the grade which is what she
 6 told me, saying the student had been meeting with
 7 me regularly and I wanted to have that reflect in
 8 the grade.

9 Q. You didn't challenge the professor's
 10 determination in this grade as well, correct?

11 A. No, I did not.

12 Q. Did you ask the professor questions
 13 relating to grading at all?

14 A. I guess this instance of saying this grade
 15 seems particularly low was some sort of informal
 16 query wanting affirmation that that was okay.

17 Q. And you learned something from this
 18 experience, right?

19 A. Of course.

20 Q. You learned better grading techniques and
 21 better ideas on how you're going to grade or how
 22 grading is done?

23 A. Yes, like doing anything. Yeah.

24 Q. That's a skill set that you will benefit
 25 from when you become a professor yourself, correct?

1 A. Likely, as I probably won't get the
 2 research gig, but . . .

3 Q. Now, the professor changed a grade in this
 4 one instance. There had been other instances that
 5 the professor has changed the grade as well,
 6 correct?

7 A. None to my knowledge for things I have
 8 graded.

9 Q. It's possible that this was done more
 10 frequently with other Ph.D. students, and you're
 11 just not aware of that, correct?

12 A. I have not spoken with other TAs about
 13 their grading practices with this professor. I
 14 cannot answer that.

15 Q. So it's possible. You just don't know?

16 A. It's very possible. I do, in fact, not
 17 know.

18 Q. Now, with respect to History of Christian
 19 Thought Three, you indicated that there was an
 20 occasion when the professor was out of town, so you
 21 provided a lecture. Do I have that ave right?

22 A. It was either out of town or illness. I
 23 can't recall which.

24 Q. And that happened one day, correct?

25 A. Yes. So it was near the end of the term,

1 and it was before the final class meeting I was
 2 notified. So it was a Monday morning class, and I
 3 believe it was like the Friday prior.

4 Q. And that was Professor Schreiner?

5 A. Professor Schreiner let me know that she
 6 would be unable to be in class and asked that I
 7 cover a certain set of material that was going to
 8 be on the exam that she had already circulated to
 9 the students. She uses a take-home exam format and
 10 wanted there to be he instruction on this one
 11 element of the exam.

12 Q. And that happened once, correct?

13 A. In that course, yes.

14 Q. Remind me how many students were in that
 15 course?

16 A. That was the small course. I can't recall
 17 exactly. I would say around ten.

18 Q. This was an easy thing for you to do to
 19 give that lecture on that one occasion, correct?

20 A. It required a degree of preparation and --
 21 but it was within my skill set.

22 Q. Now, let's talk about the Suffering
 23 course. There's only eight students in that
 24 course?

25 A. No. That was a larger course. If I

1 misspoke --

2 Q. That was the larger course?

3 A. Yeah. That one numbered -- because
 4 initially it was supposed to be a 15-person
 5 seminar, and then there was demand. And I remember
 6 enrollments jumped around a bit, and I believe it
 7 settled 28 to 30 students.

8 Q. With respect to History Three, that's the
 9 one you were saying was just 8?

10 A. It was 8 or 10, around there.

11 Q. And aren't there a minimum number of
 12 students that need to be in a course in order for
 13 there to be a TA?

14 A. In Divinity it's my understanding there
 15 are those. It's also my understanding the faculty
 16 can petition to have those waived.

17 Q. And that's what happened in this instance,
 18 correct?

19 A. I presume so. I don't know for a fact to
 20 what extent Professor Schreiner needed to jump
 21 through extra hoops.

22 Q. But Professor Schreiner needed to jump
 23 through extra hoops to get you a position where you
 24 could TA for only eight folks?

25 A. If my understand -- understanding of the

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1 policies is correct, that seems to be the case.
2 Q. So she created this opportunity for you?
3 A. Presumably. I also -- I'm speculating
4 now. It could be the enrollment was higher and
5 dropped within the course, I don't know how this --
6 Q. But that would be a tremendous drop,
7 wouldn't it? Going from what, 24 to 8? Isn't it
8 more realistic that she created this opportunity
9 for you?
10 A. It is possible.
11 HEARING OFFICER MOLS: If you know.
12 THE WITNESS: I don't know.
13 BY MR. PEARLMAN:
14 Q. Did you discuss that with her?
15 A. No. Like so the conversation, she had
16 mentioned that she was looking for a TA for that
17 course and asked me to like be sure to apply if I
18 wanted it, and that was a couple weeks before the
19 end of the term prior to that course. But that was
20 the only conversation we had had about TA'ing prior
21 to it.
22 Q. And since there were only eight students,
23 that was a relatively small course for you to TA,
24 wasn't it?
25 A. In terms of grading responsibilities,

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1 absolutely, yes. That sort of time responsibility
2 is for like discussion section and discussions
3 comparable, so overall is significantly easier
4 course to TA. Yes, of course.
5 Q. You discussed that with
6 Professor Schreiner in a meeting relating to your
7 dissertation, correct?
8 A. I suggest --
9 HEARING OFFICER MOLS: Discussed what?
10 BY MR. PEARLMAN:
11 Q. The requirements of the course as a TA?
12 HEARING OFFICER MOLS: For which course?
13 MR. PEARLMAN: For Suffering -- I'm sorry. For
14 Three, the last course.
15 MS. AUERBACH: I don't understand the question.
16 HEARING OFFICER MOLS: Are you referring to the
17 lecture that he gave when she was out did they
18 discuss that particular topic? I'm confused.
19 MR. PEARLMAN: Right. Just to clarify, the
20 topic is Mr. Vanderpoel being chosen to TA this
21 small course with eight folks in Three.
22 HEARING OFFICER MOLS: Okay.
23 BY MR. PEARLMAN:
24 Q. Did you discuss that with
25 Professor Schreiner in connection with your

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1 dissertation?
2 A. So I had never discussed the low amount of
3 students with her. The conversation I indicated a
4 couple weeks before the end of the term when she
5 was like, oh, are you interested, like I'm looking
6 for a TA so be sure to apply if you are. That
7 would have been in the context of meeting with her
8 during exam preparation.
9 So I took my exams, fall of 2015. And so
10 we would have been -- I imagine she would have just
11 raised that after we concluded discussion of my
12 book list.
13 Q. That was your qualifying exams for your
14 Ph.D., right?
15 A. That is correct.
16 Q. Now, you talked about an instance where
17 there was a Ph.D. student who was outside of the
18 Divinity School who served as a TA in a divinity
19 course. Do you recall that?
20 A. Yeah. So I TA for History of Christian
21 Thought One with Otten. My co-TA was a candidate
22 in history.
23 Q. In history, that's a course that's
24 cross-listed between the history department and
25 divinity, correct?

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1 A. I have no knowledge -- I have no idea how
2 it's listed. I know it's cross-listed between
3 History of Christian and Theology of Divinity, but
4 beyond that I take your word for it.
5 (WHEREUPON, Employer Exhibit
6 No. 55 was marked for
7 identification.)
8 BY MR. PEARLMAN:
9 Q. Handing you a document that we'll mark for
10 identification purposes as Employer 55.
11 A. Thank you.
12 (WHEREUPON, Employer Exhibit
13 No. 56 was marked for
14 identification.)
15 BY MR. PEARLMAN:
16 Q. Are you familiar with these documents?
17 A. I've seen this one before from looking at
18 the Divinity School website about course listings.
19 I have not seen this before, but it appears to be a
20 time schedule thing drawn from the department of
21 history.
22 HEARING OFFICER MOLS: So the first one you
23 referred to is Employer 55, and the second one you
24 referred to is Employer 56?
25 THE WITNESS: Yes.

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1 HEARING OFFICER MOLS: Sorry, the record can't
2 see what we're looking at.
3 BY MR. PEARLMAN:
4 Q. I'll represent to you that you'll see at
5 the bottom of 56 that this was printed out from the
6 website of the university and maintained in the
7 ordinary course of business.
8 Does this show you that this course that
9 you've referenced is cross-listed in history and
10 divinity?
11 A. The text does appear so speak for itself
12 in this case, yes.
13 Q. So it would make sense that a Ph.D.
14 student who had co-TA'd this course with you would
15 be co-TA'ing this particular course because he's a
16 history Ph.D., correct?
17 A. It makes sense that he was a co-TA in the
18 course insofar as he's a historian and insofar as
19 he has the expertise related to that area of study
20 insofar as I trust Professor Otten's decision to
21 hire him as a TA.
22 Q. What is his area of expertise?
23 A. Broadly I believe he works on episcopal
24 politics in sort of the early Byzantine periods.
25 Q. What is that? What does that mean?

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1 A. He's very interested in the changing role
2 of bishops and how they interact with imperial
3 authority sort of after the Roman empire is
4 dividing between east and west. So he focuses on
5 the Greek east and changing dynamics of secular and
6 episcopal authorities within that. I believe he
7 works on case studies involving doctrinal
8 controversy, but I can't go into any more detail
9 about his work than that.
10 Q. So he's qualified and well-qualified to
11 teach History of Christian Thought One, correct?
12 A. Absolutely.
13 Q. And clearly related to his course of
14 study?
15 A. Yeah. He and I have comparable skill sets
16 as scholars and certainly qualified.
17 Q. You're not aware of any other instances
18 where a graduate student outside of divinity served
19 as a TA for divinity course, correct?
20 A. I'm aware of other instances in which -- I
21 am aware of an instance in which a historian TA'd
22 for another course.
23 Q. Do you know what that course was?
24 A. So I believe it was a history student who
25 TA'd for History of Christian Thought Two, similar

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1 cross-list. I know this individual. They're also
2 qualified of course.
3 Q. Okay.
4 A. And distinction of a historian of
5 Christianity and a historian is a pretty nominal
6 distinction, I find.
7 Q. Prior to serving as a TA for the first
8 time, you were required to take training courses,
9 correct?
10 A. Not to my knowledge, I did not take
11 training courses.
12 Q. You've not taken any training courses?
13 A. I have attended a couple voluntary
14 sessions of the craft of teaching thing in the
15 Divinity School.
16 Q. How courses in your craft of teaching?
17 A. So they're not offered in a course format.
18 It'll be, oh, today so-and-so will be talking about
19 this topic, so it will usually be something like --
20 thinking of an instance that comes to mind, like
21 the visiting professor will be discussing syllabus
22 design. And during my third year, so sort of I was
23 a little bit more active, and I probably went to
24 two of those events a quarter.
25 And it only started up around then. It

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1 wasn't available when I started. And subsequent to
2 then, I go maybe the year after that, my fourth
3 year, I probably went once a quarter. And I think
4 I've gone to one this year. After the craft of
5 teaching, I haven't done any training with the
6 Chicago Center For Teaching.
7 Q. Do you intend to seek a craft of teaching
8 certificate?
9 A. I would like to. I'm not sure that I will
10 be able to complete it given the logistical
11 constraints of my ongoing research and geographic
12 considerations.
13 MR. PEARLMAN: I apologize. Let me pause for
14 one moment as a housekeeping matter. I move to
15 admit Exhibits 55 and 56.
16 MS. AUERBACH: I don't have any objection.
17 HEARING OFFICER MOLS: Employer Exhibits 55 and
18 56 are received.
19 (WHEREUPON, Employer Exhibit
20 Nos. 55 and 56 were admitted for
21 the record.)
22 BY MR. PEARLMAN:
23 Q. I apologize for taking the step back.
24 In terms of craft teaching, why did you
25 take those courses?

1 A. Combination of factors. Some desire to be
 2 more self-reflexive about my own pedagogy and
 3 things like that --
 4 Q. What was the word you used? More self --
 5 A. I said self-reflexive, so take your pick
 6 with my hyperbole, self-reflexive, self-reflective.
 7 I wanted to be more intentional and thoughtful as
 8 myself in pedagogy in taking those courses. At
 9 that point I was hoping to receive the
 10 certification which would provide some sort of boon
 11 in the job market, and also, frankly, the free
 12 lunches provided at many of those events.
 13 Q. That was a consideration of yours in
 14 taking courses in craft of teaching?
 15 A. In like -- so they're not courses. It'll
 16 be like a one-and-a-half hour session, and that is
 17 absolutely a consideration of mine in attending a
 18 one-and-a-half-hour education.
 19 Q. Now, you benefitted in with respect to
 20 your teaching skills as a result of taking the
 21 craft of teaching courses, correct?
 22 A. Again, they're not courses. So I don't
 23 want to --
 24 Q. What would you characterize them?
 25 A. They'll be called a session or event.

1 teaching certificate?
 2 A. So as I indicated before, I will like to
 3 if it's feasible. A lot of the requirements for
 4 that are only offered at very specific times of the
 5 year, and I'm sure if I'm on campus to complete the
 6 requirements. So hopefully, but it's a
 7 wait-and-see situation.
 8 Q. You want to do that as a credentialing
 9 opportunity?
 10 A. Yeah, to have a credential for my CV in
 11 that regard.
 12 Q. And also to grow and learn as a teacher,
 13 correct?
 14 A. The primary interest I think it's truthful
 15 to say, yes, is that I would want the credential on
 16 my CV. And if I get some learning along the way,
 17 which I have thus far, that would be beneficial.
 18 But at this point the decision to complete it would
 19 be based on whether or not I want a credential.
 20 Q. Has Dr. Schreiner encouraged you to seek
 21 out craft of teaching course?
 22 A. No, she never has.
 23 Q. Has anyone else in the divinity division?
 24 School, excuse me.
 25 A. To me personally, the only people who have

1 Q. Let's call it a session. Same question
 2 and substitute in session.
 3 A. I would say to the extent I found them
 4 helpful is highly variable, but on the whole
 5 they're helpful.
 6 HEARING OFFICER MOLS: Do you recall which
 7 topics you took when you attended these sessions?
 8 THE WITNESS: I can recall a few here and
 9 there. So like one, for instance, was how do you
 10 design a syllabus for intro to religious studies
 11 which is a very -- sort of a question that likely
 12 many of us would have to address at some point
 13 professionally. There was one on syllabus designs
 14 typically within History of Christianity which I
 15 believe was more helpful, right up my alley.
 16 Some of them will be things teaching
 17 theology in the classroom which is less helpful for
 18 me insofar as hopefully I'm not required to teach
 19 that. So it somewhat overlaps with my purview. So
 20 other things I've gone to some like managing
 21 classroom presence, how to project authority, the
 22 role of humor in the classroom, these sorts of
 23 things. But they all kind of run together frankly.
 24 BY MR. PEARLMAN:
 25 Q. Are you seeking to obtain a craft of

1 asked me to attend events are the students who
 2 coordinate it because they want to keep attendance
 3 numbers up. Generally deans and large gathering
 4 settings will talk it up and encourage us to
 5 attend, but no professors in my work for TA work
 6 have encouraged me.
 7 Q. You have benefitted from going to the
 8 craft of teaching courses with respect to your
 9 teaching abilities?
 10 A. I believe I have benefitted through
 11 attending sessions through the craft of teaching as
 12 to my pedagogy.
 13 Q. Let's turn back to some of the other
 14 things that you did as a TA.
 15 A. Uh-huh.
 16 Q. With respect to grading, did you find it
 17 easier to grade papers the first time that you did
 18 so? Let me strike that and ask a better question.
 19 Did you find it easier to grade papers
 20 after the first time of doing so?
 21 A. Yes. I have graded papers prior to any of
 22 my teaching experience at University of Chicago.
 23 So there was somewhat diminishing returns there.
 24 But it's fair to say the grading has gotten easier
 25 TA'ing in University of Chicago, as well.

1 Q. In any of the three courses that you had
 2 identified, One, Three and Suffering, did you
 3 prepare exam questions?
 4 A. Yes. So for one I wrote both -- I wrote
 5 exam questions both for the midterm and final.
 6 Q. Was that -- did you do that for any other
 7 courses?
 8 A. No. So Professor Schreiner for Three has
 9 a set group of questions that -- who knows the last
 10 time that changed, and the Suffering course she
 11 prepared the questions on her own.
 12 Q. So it was just in one that you prepared
 13 questions. Is that your testimony?
 14 A. Yes. That is the case.
 15 Q. Did you prepare those questions on your
 16 own or working with a professor?
 17 A. So the professor contacted me and my
 18 fellow TA and said, let's meet briefly this day
 19 after class to finalize midterm questions and
 20 somewhere for the final exam, have a couple
 21 questions ready to propose or pitch, and then we'll
 22 see how it shakes out.
 23 So we came with sort of questions
 24 prewritten. The professor sort of has her typical
 25 pool that she draws from, and we sort of gave ours.

1 are relevant when giving topics. So I know some of
 2 my work for that was reflected in the specific
 3 readings assigned, like specific page ranges not is
 4 this what you're going to or not going to be in on
 5 the syllabus. That was the case for Suffering.
 6 But that was not in my capacity as a TA that I did
 7 that.
 8 Q. Okay. But professor assigns the reading.
 9 You don't assign the reading, correct?
 10 A. So I -- assigns in the sense of puts it on
 11 the syllabus, yes.
 12 Q. The professor assigns meaning they
 13 exercise their own independent judgment to
 14 determine whether or not it should go on the
 15 syllabus; is that a fair statement?
 16 A. Of course.
 17 Q. Okay. The professor does the lectures
 18 except for that one instance that you mentioned?
 19 A. Well, so I delivered a lecture in every
 20 course I've TA'd, but yes.
 21 Q. Other than that one instance, was the
 22 professor present?
 23 A. No. So also when I TA'd for Suffering,
 24 Professor Schreiner was not present in that class.
 25 Q. Did you discuss the lecture with

1 She said which one sounded interesting to hers, and
 2 we sort of mutually agreed upon one from her
 3 standing pool to fill out the rest to make sure
 4 that there's good spread for students who want to
 5 write on like Topic X rather than Y to give them a
 6 little bit of choice.
 7 Q. You learn from the professor in the
 8 process of preparing these exam questions
 9 interactively with the professor?
 10 A. In a small way. It was a pretty -- it
 11 was a -- yes, but it wasn't a cloud parting moment.
 12 Q. Now, the professor formulates the syllabus
 13 for the courses. And when I've been talking about
 14 courses, I'm talking about the three that you TA'd.
 15 A. Yes. So the one like -- so in some of my
 16 work as a research assistant, I actually did some
 17 of the prep for which readings ended up on the
 18 syllabus for the Suffering course, but that was not
 19 in my role as a TA.
 20 Q. I'm sorry. I just want to make sure I
 21 caught what you said. You said you did some of the
 22 prep for the --
 23 A. So as I testified earlier as a research
 24 assistant, I've done some help in course prep for
 25 Professor Schreiner by identifying which readings

1 Professor Schreiner?
 2 A. So it was a verbal conversation a couple
 3 weeks prior. She called me up after class and
 4 said, I will be out of town on this day, can you be
 5 prepared to lead class. I would appreciate it if
 6 you can deal with -- at that point we were
 7 comparing and contrasting philosophical models of
 8 Myron Menard -- she asked I hold lecture.
 9 Q. That's something you were already
 10 well-familiar with, correct?
 11 A. Well-familiar with, there's figures with
 12 whom I was familiar, the sort of -- I will admit I
 13 was not at that point familiar with like the
 14 technicalities of Providence.
 15 Q. Did you feel you were ready to do what you
 16 were being asked to do?
 17 A. Absolutely. I have -- part of being a
 18 graduate student is knowing how to know something
 19 even if you don't know it at the moment. So I felt
 20 very well-equipped to learn those topics, and I
 21 felt I had a firm mastery on them by the time I
 22 presented on the material.
 23 Q. Did you have the opportunity to ask any
 24 questions to professor that you may need to ask
 25 before delivering a lecture?

1 A. I would always feel -- reach out to Dr. --
 2 Professor Schreiner if I had a question.
 3 Q. With respect to these three courses we've
 4 been discussing, did you lead any discussion
 5 sections as a TA?
 6 A. Yes.
 7 Q. Okay. Did you do that in each of the
 8 three courses?
 9 A. Yes. It was not weekly in the Suffering
 10 course. They were biweekly discussion sections
 11 because that's what Professor Schreiner told me to
 12 do.
 13 Q. How many discussions were in the
 14 discussion sections?
 15 A. So it was like the -- sort of smaller
 16 class for the Three. And then for when I did
 17 History of Christian Thought One, it was not a
 18 mandatory discussion section. So instead of like a
 19 full half of a class, only like 10 to 15 showed up
 20 any given week. And then it also was not mandatory
 21 in the Suffering course, and I had, say, 10 to 15
 22 show up any given week.
 23 Q. You discussed what would occur in this
 24 discussion sections with the professors, correct?
 25 A. So professor Schreiner and I didn't have

1 question, yeah.
 2 Q. In serving -- doing the discussion
 3 sections helped you advance as a teacher, correct?
 4 A. Yeah, in some general way. Particularly
 5 for the History of Christian Thought One, it was
 6 kind of -- kind of a boring experience for me,
 7 but . . .
 8 Q. All right. To clarify, you took History
 9 of Christian Thought One before you TA'd; is that
 10 correct?
 11 A. That is correct.
 12 Q. Was that with Professor Otten?
 13 A. Yes. That would have been when I was a
 14 wee master's student.
 15 Q. Okay. And what's -- what grade did you
 16 get?
 17 A. I only got an A-minus in that one.
 18 Q. What sort of interaction did you have with
 19 Professor Otten in that regard?
 20 A. That was my very first quarter as a
 21 master's student. I had no interaction with her
 22 about the course besides turning in assignments and
 23 receiving grades.
 24 Q. As a TA for these three courses, you also
 25 held office hours, correct?

1 discussion beyond her saying, if you have
 2 questions, talk to me. Professor --
 3 Professor Otten for History Thought One told me to
 4 let her know if I have any questions, but generally
 5 to lead it how I wanted, and she was sure it would
 6 be good. Gave me sort of a washing that many
 7 students who take History of Christian Thought One
 8 have no prior training in Christianity.
 9 So to the extent much of the discussion
 10 section is not so much to be on course material,
 11 but introductory knowledge about Christianity, that
 12 would be necessary to engage in the graduate level
 13 course they're on.
 14 Q. Did you ever take Professor Schreiner or
 15 Professor Otten up on their offers to you to raise
 16 any questions to them or interact with them about
 17 conducting discussion sections?
 18 A. I never felt I reached a point in my
 19 discussion sections where I needed help or was
 20 uncertain about what I was doing, so I have not
 21 talked with them or asked them questions about
 22 that.
 23 Q. But you believe if you did, they'd be
 24 available to you?
 25 A. I am confident that they would answer my

1 A. Yes, by appointment.
 2 Q. And you spoke with Professor Schreiner and
 3 Otten about how to hold office hours, correct?
 4 A. It amounted to what, both of the
 5 conversations, where they said be ready to answer
 6 questions of whatever sort. It was a very sort of
 7 informal, you know what to do, the implied, we're
 8 here to answer questions.
 9 Q. Were they available to answer questions of
 10 yours?
 11 A. I'm confident if I had, they would be
 12 available.
 13 Q. But you didn't have any questions of
 14 them --
 15 A. No.
 16 Q. -- with respect to conducting office
 17 hours?
 18 A. Yeah. I . . .
 19 Q. When you said that office hours would be
 20 by appointment, what does that mean?
 21 A. So in the Divinity School, we don't have
 22 like physical offices or space of any given sort.
 23 So students are required to reach out if they want
 24 to meet to discuss anything, that was verbalized
 25 and said sort of -- so it's like verbally stated

1 every class like if you have further questions,
2 e-mail the TA or one of the TAs to meet with them
3 during office hours. And then there's also the
4 expectation that I stay around after class to
5 answer questions. So that's typically like a
6 50-minute stretch.

7 Q. And it was infrequent that students
8 reached out to you with requests for office hour
9 appointments, correct?

10 A. It varies heavily by course.

11 Q. Can you break it down with respect to --

12 A. Yeah.

13 Q. I think that's what you were going to do.
14 If you could break it down with those three
15 courses?

16 A. I would say I average a half hour,
17 20 minutes to a half hour of meeting with students
18 for History of Christian Thought One. History of
19 Christian Thought Three was more infrequent if we
20 would have averaged it out of 10 to 15 minutes a
21 week. The Suffering course had a number of highly
22 invested students, so I probably spent at least an
23 hour every week meeting with students within office
24 hours discussing course material and background.

25 Q. Okay. Where did you hold these office

1 hours sessions?

2 A. So it would vary a little bit appointment
3 to appointment. Usually I would try to find a
4 vacant class within the Divinity School because
5 that was convenient. I believe I held one in the
6 student lounge. I've held discussions in the
7 student lounge of the Divinity School as well.

8 Q. Did you anywhere else? Did you do any by
9 telephone?

10 A. No. I've never conducted by telephone.
11 I've answered questions extensively in e-mail in
12 cases where that seems to be sufficient. So I
13 guess anywhere I open my laptop.

14 Q. So on some occasions you would answer
15 by -- questions by e-mail in lieu of conducting a
16 physical sit-down office hour?

17 A. So it would sort of depend on the inquiry
18 I received. So in one instance you might get a
19 question like, oh, I'm really interested in time,
20 what's a good text for me to look at. You can just
21 write back, oh, wow, I'm so delighted for your
22 enthusiasm for the course. Check out the latter of
23 our earlier discussion or I'm having difficulty
24 unpacking this concept or I wasn't totally clear on
25 what proof so-and-so was saying on this day. That

1 would be a situation. Great, what's your
2 availability; I'm free to meet, and we can talk
3 through it at length.

4 Q. Did you ever meet with students anywhere
5 outside of a formal setting outside of like a
6 classroom instead like in a coffee shop?

7 A. Like the student lounge I've met with
8 students, the Divinity School.

9 Q. You don't believe a coffee shop?

10 A. I don't believe I ever did in a coffee
11 shop because the coffee shop only recently got
12 seating in the Divinity School.

13 Q. In a restaurant?

14 A. No. I only met with students in the
15 Divinity School in that capacity.

16 Q. Anywhere else?

17 A. No, not to my knowledge.

18 Q. Have you taught in excess of your
19 requirements?

20 A. So on paper, no, I have not. You -- so in
21 the Divinity School --

22 Q. Can you help me understand that? I
23 apologize for interrupting. You said on paper you
24 haven't. Can you help me understand what you mean
25 by that?

1 A. Yeah. So in the Divinity School we're
2 required to get five GAI points, and they're
3 apportioned in the similar divisions amply
4 testified here. The operative differences are
5 we're -- I'm not sure if this pertains to other
6 divisions. It may. We're allowed to get one
7 teaching point for teaching externally outside of
8 the university as a whole, and -- but that's capped
9 at one. And I am led to believe this is a
10 concession for us having fewer TA responsibilities
11 within the Divinity School.

12 Often in many cases we are able to
13 petition sort of have the GAI requirements waived.
14 I know a number of friends who have done this for
15 graduation. If we can demonstrate that we have an
16 outside teaching experience or in some cases people
17 have tried to TA more within the Divinity School,
18 but have been unable to secure appointments.

19 Q. Have you petitioned for a waiver?

20 A. No, because I've not petitioned to
21 graduate. I've not submitted my application. I
22 don't intend to for a couple years.

23 Q. And who in particular told you that you
24 could petition for a waiver at some point?

25 A. So I had at one point expressed concern

1 about teaching points, I believe, to
 2 Professor Otten. She sort of indicated, don't
 3 worry about it. They never hold anyone back on the
 4 basis of that. You're making an effort. Don't
 5 worry about it.
 6 Subsequent to that, I knew of some friends
 7 who graduated without five GAI teaching points. I
 8 sort of asked them, oh, how did that go; oh, I
 9 submitted a petition to Dean Owens, the dean of
 10 students, and I showed that I had had some outside
 11 teaching experience that was more than commensurate
 12 with the GAI points I was missing despite the exam
 13 on that, and had made an effort to TA as I could
 14 within the Divinity School. And these students
 15 characterized it to me as a pretty perfunctory sort
 16 of thing. It wasn't a difficult process.
 17 Q. You don't know this personally. You're
 18 just taking their word for it?
 19 A. That is correct.
 20 Q. You haven't seen any documents that
 21 corroborate that or negate that one way or the
 22 other?
 23 A. That is correct.
 24 Q. How many GAI points do you currently have?
 25 A. So I have three or four points, so I have

1 four points from these TAs. I submitted to
 2 certainly a teaching point. I qualify for a fourth
 3 point, but I haven't received confirmation from the
 4 Divinity School that that has processed.
 5 Q. To come full circle?
 6 A. Correct.
 7 Q. At present you have not exceeded your
 8 teaching appointments?
 9 A. No, I have not.
 10 MR. PEARLMAN: If I could have a moment?
 11 HEARING OFFICER MOLS: Off the record.
 12 (WHEREUPON, a discussion was had
 13 off the record.)
 14 HEARING OFFICER MOLS: On the record.
 15 MR. PEARLMAN: Thank you very much,
 16 Mr. Vanderpoel. I have no further questions at
 17 this time.
 18 HEARING OFFICER MOLS: Okay.
 19 EXAMINATION
 20 BY HEARING OFFICER MOLS:
 21 Q. So I believe you said, correct me if I'm
 22 wrong, that you TA'd the Suffering course in this
 23 spring of 2016; is that correct?
 24 A. That is correct.
 25 Q. So then with you TA'ing that course at the

1 same time you were an RA for Professor Schreiner?
 2 A. Yes.
 3 Q. So you had said that you received biweekly
 4 paychecks for your role as an RA for
 5 Professor Schreiner. With regard to the money, I
 6 don't know if your stipend for the TA appointment,
 7 were you paid via separate checks for those
 8 different roles or was it in one check?
 9 A. So the RA shift?
 10 Q. Yes.
 11 A. The TA shift checks within the Divinity
 12 School then. I don't know if this changed our
 13 disbursement like a one lump sum payment for the
 14 quarter, and I received the RA payment separately
 15 biweekly.
 16 Q. Okay. And did you then also receive a
 17 separate check for the -- when you were workshop
 18 coordinator or were you ever a workshop coordinator
 19 at the same time you were a TA or RA?
 20 A. I would have been, yes, and that was
 21 separate. And also to give a little detail on
 22 that, this has changed now; but the year I did it,
 23 the council for advance study due to logistical
 24 limitations, they could only have one of the two
 25 co-coordinators actually receive the paycheck. So

1 the paycheck was only written to my co-coordinator,
 2 who then wrote a check to me for half of it. And
 3 then I had to go back to the council for advance
 4 studies for tax guidance on reporting that.
 5 Q. Did you receive that have guidance?
 6 A. Yes. Counsel of advance studies was
 7 helpful.
 8 Q. So do you for each of these -- and if
 9 they're different, let me know.
 10 Do you receive a physical check or is it
 11 direct deposit?
 12 A. So direct deposit only began, I believe,
 13 this academic year in the Divinity School. So I
 14 received physical checks for the stipend and TA
 15 payments up to this point. This year I received my
 16 stipend payments electronically, but RA hours were
 17 through the Workday system. So I received those
 18 via direct deposit from the beginning.
 19 Q. Okay. And so for the RA position, you
 20 said you worked about ten hours per week. You'd
 21 log those into the Workday system?
 22 A. Yes. So I log on the University of
 23 Chicago website and have a little clock on button
 24 that I click.
 25 HEARING OFFICER MOLS: Okay. I think that's

1 all my questions.
 2 REDIRECT EXAMINATION
 3 BY MS. AUERBACH:
 4 Q. Did Professor Schreiner ever refer to your
 5 research assistant as a non-lab research assistant
 6 position?
 7 A. No, I've only heard that term used within
 8 the ambience of these proceedings. We say research
 9 assistant or RA.
 10 MS. AUERBACH: I don't have anything else.
 11 HEARING OFFICER MOLS: Does Employer have any
 12 further questions?
 13 RECROSS-EXAMINATION
 14 BY MR. PEARLMAN:
 15 Q. Just quickly, Mr. Vanderpoel, you've been
 16 attending almost all of these sessions, correct?
 17 A. Which sessions? These hearing sessions?
 18 Q. These hearing sessions.
 19 A. I've been to about half of them.
 20 Q. It's been more than half of them that
 21 you've been at, correct?
 22 A. Let me do math which you know is a fraught
 23 endeavor. I guess prior to this, I was at four of
 24 the seven, so, yeah, more than half.
 25 Q. You've been Tweeting from these sessions?

1 Petitioner exhibit?
 2 HEARING OFFICER MOLS: Yeah, since that's what
 3 we've been doing it.
 4 (WHEREUPON, Petitioner Exhibit
 5 No. 73 was marked for
 6 identification.)
 7 HEARING OFFICER MOLS: This will be 73. And
 8 then we'll mark the mark the subpoena itself as an
 9 Employer exhibit as well. So I will take this,
 10 review it. And Employer can review it, and then
 11 I'll have the parties state their positions into
 12 the record before we proceed after the lunch break.
 13 So let's resume, say, 1:45.
 14 MR. SALVATORE: Can we have until 2:00?
 15 HEARING OFFICER MOLS: How long does the
 16 Employer want -- I want to count for time because
 17 we still have the next witness, Mr. Porzio's
 18 argument on the eligibility mechanics, and as well
 19 as the cross-examination for the final witness.
 20 And I do intend to keep us through the end of that
 21 witness, so just be mindful of time. Do you think
 22 that's -- do you think this will allow enough time?
 23 MR. FASMAN: Yeah.
 24 HEARING OFFICER MOLS: We'll resume then at
 25 2:00 with the Employer's final witness.

1 A. Indeed I have.
 2 Q. From all of the sessions you've been
 3 present?
 4 MS. AUERBACH: Objection, relevance.
 5 MR. PEARLMAN: I think he answered.
 6 HEARING OFFICER MOLS: He answered, but before
 7 we proceed with the next question, I think it's
 8 appropriate to cover.
 9 MR. PEARLMAN: I don't have any other
 10 questions.
 11 HEARING OFFICER MOLS: Okay. So, with that,
 12 Mr. Vanderpoel, you are excused.
 13 THE WITNESS: Thank you very much.
 14 (Witness excused.)
 15 HEARING OFFICER MOLS: Okay. So I know the
 16 Employer has its next witness scheduled for 1:00.
 17 It's past 1:00. How about we do just a short lunch
 18 break, maybe, say, a half an hour, come back, and
 19 proceed with the Employer's final witness, all
 20 right?
 21 MS. AUERBACH: Before we break, I'd also like
 22 to -- I have a petition to revoke subpoena. I want
 23 to file it and serve it right now.
 24 HEARING OFFICER MOLS: Okay.
 25 MR. PORZIO: Are you going to mark this as

1 Off the record.
 2 (WHEREUPON, a short recess was
 3 taken.)
 4 HEARING OFFICER MOLS: On the record.
 5 So before the recess, the Petitioner
 6 submitted a petition to revoke subpoena duces
 7 tecum, so since we've been doing this with the
 8 prior subpoenas to revoke, I have marked this
 9 document as Petitioner Exhibit 73 and the actual
 10 subpoena as Employer Exhibit 57. I move to receive
 11 them at this time. Is there any objections?
 12 MS. AUERBACH: No objection.
 13 MR. PORZIO: No objection.
 14 (WHEREUPON, Petitioner Exhibit
 15 No. 73 was received into
 16 evidence.)
 17 (WHEREUPON, Employer Exhibit
 18 No. 57 was marked for
 19 identification and received into
 20 evidence.)
 21 HEARING OFFICER MOLS: Petitioner Exhibit 73
 22 and Employer Exhibit 57 are received.
 23 So before we proceed with the next
 24 witness, I would like the parties to state their
 25 respective positions into the record with regards

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1 to the petition to revoke. Petitioner, if you
2 would like to state your position.
3 MS. AUERBACH: Yes. So the second subpoena
4 served on the Union is substantially the same as
5 the first subpoena, the Petitioner's motion --
6 petition to revoke the first subpoena was granted.
7 The second subpoena is also overly broad and unduly
8 burdensome and beyond the scope of a proper
9 subpoena. It's more in the range of a broad
10 discovery request. It includes 9 of the
11 11 requests of the original subpoena with only
12 minor changes.
13 Some of the words all was taken out of
14 before documents, but that doesn't change the
15 nature of any of the individual requests. They
16 still broadly request documents going to issues in
17 the case. All of the -- as seen by the documents
18 already put in evidence by the Petitioner, all the
19 documents put in evidence by the Petitioner are
20 documents within the control of the Employer either
21 on the Employer's website or documents given to
22 individual students by the Employer. So all the
23 documents requested are within the Employer's
24 control, and just in the nature of a discovery
25 request to the extent it asks for documents which

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1 the, you know, the Union may use as exhibits at the
2 hearing or may show that individuals are employees
3 or may shows that individuals are students and not
4 employees.
5 The subpoena requests advance notice of
6 documents the Union may introduce as exhibits by
7 asking that question which goes beyond the proper
8 scope of the subpoena. There's no right to list of
9 exhibits in the hearing. And to the extent the
10 subpoena seeks any affidavits or witness statement
11 that were provided to the board, such documents are
12 irrelevant. But prior to service of this second
13 subpoena on the Union, the Union did notify the
14 Employer that the Union did not provide any
15 affidavits or witness statements to the region. So
16 I'm not in support of this petition, so I'm not
17 sure why that request was even included anyway.
18 But then the subpoena is overly broad to
19 the extent it seeks documents in the possession of
20 Union members who are not agents of the Union. So
21 for those reasons we ask that the subpoena be
22 revoked. I mean, yes, that the subpoena be
23 revoked.
24 HEARING OFFICER MOLS: What is the Employer's
25 position?

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1 MR. PORZIO: Sure, a few things. So hearing
2 Miss Auerbach's characterization of the subpoena, I
3 think on the record just recently she said
4 substantially the same, but in the petition to
5 revoke it's drafted as almost identical, our first
6 subpoena as compared to our second. And I just
7 want to make very clear that they are not
8 identical, not almost identical. In fact, the rest
9 of her paragraph, it gives several reasons why
10 they're not almost identical and that 2 of the
11 11 provisions were removed entirely.
12 One of the requests were changed
13 significantly in terms of the wording, and a number
14 of them including, I think I would say, probably
15 nine had the word any removed which is based on the
16 hearing officer's ruling was the grounds in which
17 the hearing officer granted the petition to revoke
18 our initial subpoena. So I disagree with the
19 characterization within the petition to revoke
20 which essentially states a legal conclusion that
21 the omission of the word all does not alter the
22 overbroad scope or unduly burdensome nature of the
23 request because I don't think that's the case as a
24 matter of fact or law.
25 Number 2, just to be clear, we're not

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1 looking -- and I believe I made this representation
2 to the Union off the record on at least a couple of
3 occasions. We're not looking for documents in any
4 of these requests that are available on the
5 university's public websites. We're not asking the
6 Union to go do the research on our websites. But
7 the fact that the Union characterizes them as all
8 being within the control of university, I don't
9 think that's necessarily true. And indeed in the
10 initial petition to revoke which I noticed has the
11 wordings no longer in this subpoena says to a large
12 extent or words to that effect, the documents would
13 be within the university's control. I agree with
14 the way the Union initially phrased it and that
15 there are some documents that would be responsive
16 to and probative to this hearing that might not be
17 within the university's control, at least given the
18 fact of the significant decentralization within the
19 university.
20 So as indicated, we're not looking for
21 documents that are on publicly available websites.
22 We're looking for documents in the Union's
23 possession that would be responsive to 2 that are
24 not on those websites.
25 Similar comments for Number 3.

1 With respect to Number 4 about the
 2 Employer seeking advance notice of the documents
 3 Union seeks to introduce as exhibits, just because
 4 the fact that the Union says, and I agree, that
 5 there's no provision in board rules requiring the
 6 Union to do this, that's not the standard for -- in
 7 which a subpoena or a petition to revoke is
 8 analyzed. It's whether the information is relevant
 9 to this hearing. And clearly given the fact that
 10 they're going to be introduced as Petitioner
 11 exhibits, they're clearly going to be relevant to
 12 this proceeding.

13 Number 5, to the extent our request says
 14 all documents including affidavits or witness
 15 statements, the Union provided to the National
 16 Labor Relations Board in support of or as part of
 17 the Board's investigation of the petition. The
 18 Petitioner's counsel is correct. She did make the
 19 representation to me off the record that no such
 20 documents were provided to the board. And if the
 21 Petitioner's counsel is willing to state on the
 22 record right now that no documents including
 23 affidavits or witness statements were provided to
 24 the labor board as part of the investigation of
 25 this petition, then we're satisfied. If they're

1 under Attorney Auerbach's signature, it says,
 2 attorneys for the charging party here, I think this
 3 was for ULPN client --

4 MS. AUERBACH: Yeah, different.

5 MR. PORZIO: So let's just clear that up. I
 6 think for the record it should say attorneys for
 7 Petitioner and, you know, GSUA.

8 MS. AUERBACH: That's correct. That was my
 9 mistake.

10 HEARING OFFICER MOLS: Okay. So then it should
 11 be attorneys for charging party, Graduate Students
 12 United, correct?

13 MS. AUERBACH: Petitioner it should be.

14 HEARING OFFICER MOLS: I'm sorry. Is that
 15 correct?

16 MS. AUERBACH: Yes, that's correct. I did
 17 borrow my signature from a document.

18 HEARING OFFICER MOLS: So then --

19 MS. AUERBACH: It should be Petitioner.

20 HEARING OFFICER MOLS: So considering item
 21 Number 9 in the subpoena duces tecum to be
 22 satisfied, so then Items 1 through 8 are
 23 outstanding.

24 MR. PORZIO: Correct.

25 HEARING OFFICER MOLS: Okay. So as I

1 willing to make that representation, then we're
 2 happy with that.

3 So I guess I ask Attorney Auerbach if
 4 she's willing to make that representation.

5 MS. AUERBACH: So just to alleviate confusion
 6 over Number 9, the Union did not submit to the
 7 region with the petition any affidavits or witness
 8 statements and did not submit any documents other
 9 than those required to be filed with the petition
 10 such as documents related to the showing of
 11 interest.

12 MR. PORZIO: And I just want to make sure that
 13 I'm clearly understanding because I think you said
 14 the Union submit any documents with the petition --

15 MS. AUERBACH: Or in support of the petition.

16 MR. PORZIO: Okay. So essentially what you're
 17 saying is the only documents you submitted with the
 18 petition, documents that would be necessary to
 19 support the showing of interest.

20 MS. AUERBACH: Correct.

21 MR. PORZIO: Thank you. With that being said,
 22 we're satisfied with Number 9. We can strike that.

23 As a housekeeping note, I think there's a
 24 typographical error. I just don't want to have
 25 there to be confusion on the record, but on Page 3

1 represented to the parties in off the record
 2 discussion, I have not had an opportunity to
 3 consult with regional director on this matter. He
 4 is given an opportunity to review these documents.
 5 So in order to not unnecessarily delay these
 6 proceedings, my understanding we have some witness
 7 scheduled for these times. So while the regional
 8 director has the opportunity to review this matter,
 9 let's proceed with the Employer's next witness.

10 MR. PORZIO: That's fine with the understanding
 11 that we'd like depending on when we hear back from
 12 the regional director given the state of the
 13 hearing which I think is coming to a close at some
 14 point soon, we'd like to call for production of
 15 these documents in the request 1 through 8 as of
 16 now pending the regional director's decision.

17 HEARING OFFICER MOLS: Okay.

18 MR. PORZIO: Thank you.

19 HEARING OFFICER MOLS: I don't think it would
 20 be a problem to get -- I should have a ruling for
 21 you on this matter today.

22 MR. PORZIO: Thank you.

23 MS. AUERBACH: And I'll note that I actually
 24 filed the petition to revoke a day early. It
 25 wasn't due until tomorrow, so I did it partly

1 because we're nearing the end of the hearing even
 2 though it wasn't due yet.
 3 MR. PORZIO: Well, I think today is the fifth
 4 day.
 5 MS. AUERBACH: No, because the holiday of
 6 yesterday.
 7 MR. PORZIO: I didn't count the holiday. I
 8 filed this on the 22nd, the petition.
 9 MS. AUERBACH: Right, so counting five days, it
 10 would be tomorrow.
 11 MR. PORZIO: I'll double check. Let me check
 12 one more time. I, too, am not incredibly great
 13 with math. No. Today is the fifth day.
 14 MS. AUERBACH: All right.
 15 HEARING OFFICER MOLS: Well, so that's noted
 16 for the record. I should have a ruling for you all
 17 today.
 18 MR. PORZIO: Thank you. I appreciate it.
 19 HEARING OFFICER MOLS: So then if the Employer
 20 would like to call its next witness.
 21 MR. PORZIO: One final thing, just a request,
 22 Attorney Auerbach and Attorney Cooper, do you have
 23 a sense or can you give us a sense of how many
 24 additional witnesses you have beyond the witness
 25 we're going to cross-examine today in terms of

1 planning purposes?
 2 MS. AUERBACH: About six or seven.
 3 MR. PORZIO: Okay.
 4 HEARING OFFICER MOLS: Okay.
 5 MS. AUERBACH: I mean, the direct on all is
 6 fairly short, so I think realistically it might go
 7 into Thursday morning. I don't think it should
 8 take a whole day on Thursday.
 9 MR. PORZIO: Thank you.
 10 MR. FASMAN: Thank you.
 11 HEARING OFFICER MOLS: Any other housekeeping
 12 matters before we proceed with testimony?
 13 No, okay. So the Employer can call its
 14 next witness.
 15 MR. FASMAN: University of Chicago calls
 16 Lawrence McEnerney to the stand.
 17 (WHEREUPON, the witness was
 18 duly sworn.)
 19 HEARING OFFICER MOLS: Can you please state and
 20 spell your name for the record?
 21 THE WITNESS: Lawrence McEnerney,
 22 L-a-w-r-e-n-c-e, M-c-E-n-e-r-n-e-y.
 23
 24
 25

1 LAWRENCE McENERNEY,
 2 called as a witness herein, having been first duly
 3 sworn, was examined and testified as follows:
 4 DIRECT EXAMINATION
 5 BY MR. FASMAN:
 6 Q. Mr. McEnerney, by whom are you employed?
 7 A. The University of Chicago.
 8 Q. And what is your job title?
 9 A. The director of the writing program.
 10 Q. How long have you held that job title,
 11 sir?
 12 A. About 25 years.
 13 Q. Do you hold any other positions at the
 14 University of Chicago, sir?
 15 A. I do. My wife and I are the resident
 16 masters of the Renee Granville-Grossman East
 17 dormitory.
 18 Q. What does that entail, sir?
 19 A. We're the -- I'm the faculty -- resident
 20 faculty for the dorm. We live in the dorm,
 21 organize social events, interact with students,
 22 enjoy them.
 23 Q. Can you give us a brief summary of your
 24 educational background, sir?
 25 A. I have a bachelor's degree in English and

1 history from the college of -- I have a bachelor's
 2 from the College of William and Mary in English and
 3 history and a master's in English from the
 4 University of Chicago.
 5 Q. Let's talk for a moment about the writing
 6 program at the University of Chicago. When and how
 7 was it begun, sir?
 8 A. About 40 years ago, late '70s, early '80s,
 9 but three faculty members, Joseph Williams, Greg
 10 Cologne and Kenneth Dam. Joe was a linguist and a
 11 member of the English department, and he was
 12 interested in the writing program -- writing
 13 problems that arise for people who are advanced
 14 writers in the field. He began doing research in
 15 that field and then created a writing program, a
 16 single course, that has now grown into a
 17 substantial program.
 18 Q. Now, does the writing program specialize
 19 in any particular type of writing?
 20 A. Yes. We actually have a very narrow
 21 specialty. Our specialty is what we call expert
 22 writing. That's confusing to people because they
 23 think we're talking about people who are experts at
 24 writing. What we mean is that people who have
 25 expert knowledge of the field, and then they have

1 to deploy that knowledge in writing. We believe
2 they face a very different set of writing
3 challenges than other people do. And it's a
4 separate field of writing because most people think
5 of writing as a basic skill, something you learn in
6 grammar school, high school, college even. And we
7 take -- we look at particular difficulties in
8 writing that don't even emerge until later on in
9 someone's career.

10 Q. Is this different than journalism?

11 A. It is. The main difference is that
12 typically we're working with people who are using
13 their writing process to create new ideas. We work
14 with people for whom they're thinking about things
15 that are complicated enough, difficult enough that
16 they have to use their writing process to figure
17 out what it is they themselves think. And our
18 specialty is helping them take that draft and
19 convert it for readers. Typically, although
20 there's certainly exceptions, journalists don't do
21 that. Journalists aren't using their writing
22 process to create ideas that they haven't thought
23 of before.

24 Q. And is it different than creative writing?

25 A. Yes. We work with almost exclusively with

1 mostly with the college. The college provides our
2 space and computers and things like that. But
3 administratively, we actually have a -- kind of
4 float free.

5 Q. Do you have relationships with other
6 departments, schools and divisions within the
7 university?

8 A. Yes. We have individual agreements with
9 different schools, divisions, even departments to
10 provide services for them. So an individual
11 department or division might contact us and say
12 they'd like our help with a particular writing task
13 done in their division, and so we would make an
14 individual agreement with them on how to provide
15 those services.

16 Q. Okay. Can you explain for the record
17 briefly the full-time staff in the writing program?
18 You're the director. Who else is in the full-time
19 staff?

20 A. Yes. I'm the director. Katherine
21 Cochrane, my long time colleague, is the deputy
22 director. Tracy Whiner is the senior associate
23 director. Linda Smith is an assistant director.
24 Or, excuse me, I take that back, an associate
25 director. There are two assistant directors,

1 writers who are creating text that are going to be
2 read inside a profession. So the text typically
3 don't have the function of entertaining. They're
4 typically not imaginative or creative. They
5 typically have to serve professional functions like
6 persuading, informing, explaining inside of a given
7 profession.

8 Q. Is this program unique in major
9 universities?

10 A. We believe it is. We don't believe that
11 there's any other university using our very narrow
12 focus. There are certainly places that use some
13 aspects of what we do. But University of Chicago
14 is a distinctive place that has this extreme focus
15 on expert writing. Most other schools in the
16 country have to attend to different kinds of
17 writing, and so they don't use this program.

18 Q. Where -- within the university
19 administrative, where is the writing program
20 housed?

21 A. It's confusing because we kind of float
22 around separately administratively. We are not
23 part of any department or any of division. We are
24 not part of a school. Because most of our work is
25 done budgetarily through the college, we work

1 Ashley Lyons and Meg Mass. And Margaret Fink is
2 our program coordinator.

3 Q. Okay. Let's turn to some of the programs
4 of the writing program. Is there a writing program
5 in the humanities core?

6 A. Yes. So one of our programs is what we
7 call a writing intern program, and what that
8 program does is provide teaching support to the
9 humanities common core. All first year
10 undergraduates are required to take at least two
11 quarters, sometimes three, in the humanities core.
12 And the writing program is charged to provide a
13 writing intern for each section of the humanities
14 core.

15 Q. How many sections of the humanities core
16 will it be in a given quarter?

17 A. It's been changing quickly with the size
18 of the college, but I think this year in the fall
19 and the winter we had about 90 sections. This
20 quarter I think we're down to about 50 or 60.

21 Q. And there's a writing intern in each one?

22 A. That's correct.

23 Q. Are the writing interns all graduate
24 students?

25 A. No. There's actually a greater demand for

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1 writing interns than graduate students can meet, so
2 we have several interns who come who are not active
3 graduate students including what are called mentors
4 in the master's of humanity program. We have
5 people who are not students at the university at
6 all and including people, members of the staff. My
7 colleagues and I very often teach in the -- as
8 writing interns.
9 MR. FASMAN: Okay. Let me mark this. What is
10 it?
11 HEARING OFFICER MOLS: 58.
12 (WHEREUPON, Employer Exhibit
13 No. 58 was marked for
14 identification.)
15 BY MR. FASMAN:
16 Q. Mr. McEnerney, let me show you a document
17 that we've marked for identification as Employer
18 Exhibit 58, ask you if you can identify it for us.
19 A. Yes. It's a description of the writing
20 intern position, I assume, from our website.
21 Q. It is indeed from the website. Are you
22 familiar with this document?
23 A. Yes.
24 Q. Are you satisfied that it's an accurate
25 description?

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1 A. Yes. It -- I think it does. The only
2 thing I hesitate is about because the interning
3 position is often quite varied, I think this gives
4 a good account of the typical work of the writing
5 intern.
6 Q. Okay. Well, let's -- we're going to talk
7 about that.
8 MR. FASMAN: I move for the admission of
9 Employer's Exhibit 58, please.
10 HEARING OFFICER MOLS: If you'll recall,
11 Petitioner 58 --
12 MS. AUERBACH: Yeah, I think it's essentially
13 the same as what was previously marked as
14 Petitioner Exhibit 58, but not yet introduced, but
15 I don't have an objection to it.
16 HEARING OFFICER MOLS: So then --
17 MS. AUERBACH: Just noting that.
18 HEARING OFFICER MOLS: Employer Exhibit 58 is
19 received.
20 (WHEREUPON, Employer Exhibit
21 No. 58 was received into the
22 record.)
23 MR. FASMAN: Thank you.
24 BY MR. FASMAN:
25 Q. So let's assume I'm a graduate student at

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1 the University of Chicago, and I want to become a
2 writing intern. What's the application process?
3 A. The application process will ask you for
4 some basic information about you. We'll ask for a
5 sample of your writing. And we'll ask you to --
6 give you a student paper and ask you to comment on
7 that paper, and then we would interview you.
8 Q. And everyone gets interviewed?
9 A. I think so.
10 Q. What's the purpose of the interview, sir?
11 A. Well, the interview, we're looking
12 primarily for the graduate student's ability to
13 interact well with undergrads and particularly to
14 see whether they're interested in working with
15 undergrads.
16 Q. Are you looking for someone who's
17 interested in the pedagogy of writing?
18 A. We certainly prefer that. We are in the
19 training process, and in their work pedagogy is
20 crucial. So of course it's helpful if they're
21 interested in that exclusively.
22 Q. Do you expect a writing intern to have a
23 particular substantive background, an English
24 major, history major, chemistry major?
25 A. No. In fact, we're quite eager to draw

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1 interns from throughout the university.
2 Q. And how about do you look at prior
3 accomplishments as a writer?
4 A. What we mostly are looking for is to make
5 sure they understand the function of writing at a
6 research university. As I said, our program has
7 quite a narrow focus, and so it's important that
8 graduate students working with us understand the
9 role of writing especially in this process of
10 creating new knowledge, people thinking new
11 thoughts. We make sure -- we need to make sure
12 people understand how writing can be used that way.
13 Q. So is it fair to say this is pedagogy of
14 writing as a creator of knowledge?
15 A. Yes. The -- both formally, I mean, the
16 university is a creator of knowledge. It's a
17 research university. That's what we do. But even
18 when people, a particular person isn't creating
19 knowledge in the formal sense, they're still using
20 their writing process to create knowledge as they
21 go for themselves and for their readers. And so we
22 need to make sure that people who work in this
23 program understand writing can be used in that way.
24 Q. Okay. If I'm accepted as a writing
25 intern, are there courses I have to take?

1 A. Well, there's a training program that
 2 you're required to take that you can register for
 3 as a course. Some numbers of interns do take it as
 4 a course, but even if they don't, they have to
 5 complete the training program.
 6 Q. Tell us about the training program. What
 7 is it?
 8 A. It's a ten-week program. It's ten weeks
 9 long because it is designed also to be a course,
 10 and the university is on the quarter system. So
 11 our courses are ten weeks long. So it's a ten-week
 12 equivalent of a ten-week course. It is a ten-week
 13 course. It requires three hours a week in class
 14 and then some number of hours outside of class that
 15 can be taken for a grade or taken simply as
 16 training.
 17 Q. And this is -- strike that.
 18 Who teaches this course?
 19 A. The course currently is being taught by my
 20 colleagues Katherine Cochrane, Tracy Whiner, and
 21 they will be working with Ashley Lyons and Meg Mass
 22 and I believe Margaret Fink as well in teaching the
 23 course.
 24 Q. Am I correct in assuming that you've
 25 taught this course in the past?

1 Q. -- or practical application?
 2 How does that work?
 3 A. Yes. Usually -- well, the course includes
 4 some straight lecturing where we're explaining to
 5 the students the diagnostics, the analytics that we
 6 use of readers, but then we break into workshops
 7 that are trying to replicate the workshop
 8 environment that the graduate students will be
 9 leading when they are teaching. And they are also
 10 doing continual comments on student papers, giving
 11 us those comments. So that we can help them in two
 12 different ways.
 13 One is we want to make sure that they're
 14 using the analytic in a useful way for students,
 15 but we're also helping them for basic
 16 pedagogical practices in how to comment on student
 17 papers.
 18 Q. When is the course given?
 19 A. The course is given in the spring, summer
 20 and fall of most years.
 21 Q. And you said it was a course or a training
 22 program. Is it taken pass/fail or are there grades
 23 given?
 24 A. For those students who register for the
 25 course, they typically will take it pass/fail.

1 A. Yes, I have.
 2 Q. A few times?
 3 A. A few times.
 4 Q. Tell us what the overall subject of the
 5 course is.
 6 A. The course is, it's called, pedagogies of
 7 writing. And it's, first of all, introducing the
 8 students to our particular approach to writing, our
 9 particular pedagogies of it, our particular
 10 analysis of writing, this whole notion of being
 11 able to take a first draft that a writer created
 12 for the writer's own thinking and then turning it
 13 into an effective work for readers.
 14 We spend a lot of time in this course
 15 talking about analytics of readers, training the
 16 graduate students in how to think more effectively
 17 about the readers of the prose. So part of the
 18 course is about these analytics of readers.
 19 Another part of the course is pedagogical practice,
 20 running writing seminars, responding to student
 21 papers, looking at prompts, how they work, so
 22 forth.
 23 Q. And do the students in the course actually
 24 have that type of practicum --
 25 A. Yes.

1 Q. So there's no final exam?
 2 A. No.
 3 Q. So I get through my ten weeks of the
 4 course. How do you decide that I'm ready to teach
 5 writing in the humanities course? Is there a
 6 process for that?
 7 A. Well, certainly you've been working with
 8 members of the writing staff for the whole ten
 9 weeks, and it's very much a part of our
 10 responsibility to make sure that you're ready to do
 11 that.
 12 Q. Okay. Let's assume that you and your
 13 staff think I am ready to do this. When do the
 14 interns actually teach?
 15 A. Well, if interns have trained in the
 16 spring or summer, then they will typically begin
 17 teaching in the fall quarter.
 18 Q. Okay. And are the interns assigned to
 19 particular sections of the humanities core?
 20 A. Yes. There are currently, I believe,
 21 seven different courses that constitute the
 22 humanities core. Each of these courses has
 23 multiple sections, so we will be assigning an
 24 intern into every section. It's a very complicated
 25 process getting people into 90 different sections.

1 We ask interns about their preferences. We ask
 2 faculty about their preferences. And we try to
 3 make the best matches we can.
 4 Q. Okay. We'll leave it at that. That could
 5 go on for a while.
 6 A. That could go on.
 7 Q. So once assigned to a section, who is the
 8 writing intern responsible to?
 9 A. Very much the instructor of that section.
 10 We will have trained the intern. We like to think
 11 that we're giving them, adding to their ability to
 12 analyze writing, adding to their ability to teach.
 13 But once they are assigned to the section, the
 14 instructor of that section will set the goals and
 15 the outcomes and the assessment for that section.
 16 Q. And are the faculty members supposed to
 17 mentor the writing intern?
 18 A. That's a -- we hope so. And some faculty
 19 members certainly do. But that's a -- it's a
 20 complicated issue. Some faculty members are --
 21 writing is very important to them. Other faculty
 22 members it's less so, and they're more willing to
 23 give their writing interns much more independence.
 24 Q. So, let's say, I'm a writing intern. I'm
 25 fresh from your course. I come into one of the

1 is whether or not my professor is going to use what
 2 I've taught --
 3 A. Right.
 4 Q. -- or something else.
 5 Do the writing interns attend the lectures
 6 in the class?
 7 A. Yes. And they're not lectures. Well, in
 8 one case they're lectures. But most of these
 9 classes are discussion-based classes. So there'll
 10 be typically 18 or 19 undergraduates in a class.
 11 And the interns will attend those classes, will
 12 read the text that the instructor is teaching and
 13 will attend the classes.
 14 Q. Would you expect them to lead a discussion
 15 section?
 16 A. This is very much up to the discretion of
 17 both the intern and the instructor. There are some
 18 instructors who encourage interns to teach these
 19 plenary sessions. There are other instructors who
 20 are not comfortable with that. And there are
 21 interns who want to and there are some interns who
 22 don't want to.
 23 Q. What would the writing intern's focus be
 24 in this class? Would it be on writing?
 25 A. Well, it's almost exclusively writing.

1 humanity core sequences in the fall. I have all of
 2 my materials. I've thought about them. Do I use
 3 them -- use the materials I've created? I presume
 4 I've created materials in your --
 5 A. Right.
 6 Q. -- in the pedagogy course?
 7 A. Of course.
 8 Q. And how does that work? Maybe we should
 9 explain that.
 10 A. It's important to us that interns be able
 11 to provide their students, the undergraduate
 12 students, with materials to help their learning.
 13 But we also are encouraging the interns to make
 14 these materials their own. We want them to put
 15 them in their own words, finding their own examples
 16 that work for them. But whether or not they would
 17 use those materials also again goes back to the
 18 instructor. And the instructor can say, I'm not
 19 interested in what the writing program does. I
 20 want you to work on other aspects of writing in
 21 which case the interns will often come back to us,
 22 and we'll try to help them develop other materials
 23 to serve that particular instructor.
 24 Q. Okay. So for, let's say, I'm a writing
 25 intern and I get over my little first hurdle which

1 Now, it isn't exclusively writing. This gets to be
 2 a complicated question and again varies from
 3 section to section and course to course. There are
 4 some courses where the writing interns are very
 5 much not experienced in the substantive material of
 6 the course. There are other sections where they
 7 are very experienced in that substantive --
 8 substance and material.
 9 And there are some faculty who want the
 10 writing interns to say nothing except writing
 11 issues. There are other faculty who encourage
 12 interns to dig into more substantive aspects of
 13 student writing.
 14 Q. Would you expect all of the writing
 15 interns to comment or critique student papers?
 16 A. Yes.
 17 Q. How does -- in what way, sir? How does
 18 that work?
 19 A. Well, so take a typical, if there is such
 20 a thing, a typical humanities section. For one
 21 quarter the students might write three or four
 22 papers. So you have 18 or 19 students in the
 23 section. Faculty member might say to an intern, on
 24 the first paper I'll comment on half the paper, you
 25 comment on half the papers. And then the second

1 paper they would swap those papers.
 2 Other faculty prefer the writing interns
 3 to comment on writing aspects of all of the papers,
 4 and the faculty member comes along and comments on,
 5 the faculty member would say, substantive aspects
 6 of the paper.
 7 Q. Would you expect the writing interns to
 8 produce provisional comments or provisional grades
 9 in this process?
 10 A. Typically, especially at the beginning,
 11 the interns should be providing on any paper that
 12 they're commenting on, the instructors typically
 13 want them to be suggesting a grade to the
 14 instructor. So writing intern says, I think it's a
 15 B-plus, I think it's an A-minus. Some instructors
 16 are very confident in the interns and they say, you
 17 don't need to -- you don't need to pass this by me,
 18 just go ahead and give the grade. But it is
 19 ultimately the instructor's responsibility to take
 20 responsibility for those grades.
 21 Q. Faculty is responsible for grading, right?
 22 A. Yes.
 23 Q. How many quarters would an intern be
 24 expected to serve?
 25 A. Well, we'd like them to teach for a year.

1 Now, that's often just two quarters, an autumn
 2 quarter and winter quarter, because the third
 3 quarter there are fewer sections and there's a much
 4 less demand for interns. But if an intern -- if an
 5 intern starts with us and then gets a fellowship
 6 offer or something so they can't teach in a
 7 quarter, that's certainly fine.
 8 Q. Okay. Do interns receive GAI points for
 9 their service?
 10 A. Most of them do.
 11 Q. Okay. Do interns ever repeat; that is,
 12 work for more than a year?
 13 A. Yes indeed.
 14 Q. How frequent is that?
 15 A. Oh, I would guess a quarter or a third. A
 16 third I would think teach for more than one year.
 17 Q. Okay. And that's out of a total number of
 18 how many, 90?
 19 A. Well, there are 90 sections, but in any
 20 given year there would be 50 or 60 interns. And
 21 I'm not even -- it varies year to year because some
 22 interns are teaching more than one section, and
 23 again there are many people teaching these sections
 24 working as interns who are not graduate students at
 25 all.

1 Q. Okay. Is it possible to earn all of a
 2 student's required GAI points through being a
 3 writing intern?
 4 A. I don't know. I don't know.
 5 Q. Okay. To your knowledge do writing
 6 interns ever work beyond their GAI points?
 7 A. Oh, yes.
 8 Q. How frequent is that?
 9 A. I would, off the top of my head, I would
 10 say maybe 5 to 10 percent of them do that.
 11 Q. And if I'm a writing intern who has taught
 12 before, do I get preference in the next year's
 13 selection as a writing intern? How does that work?
 14 A. Well, in the past, at least in the past
 15 10 or 15 years, there hasn't been an issue of
 16 preference because we've had more sections to fill
 17 than we've had interns to fill them. So that
 18 really hasn't been an issue.
 19 Q. You're happy to have more?
 20 A. Oh, we are so happy.
 21 Q. What's a writing tutor? Let's change
 22 subjects. What's a writing tutor?
 23 A. A writing tutor is someone who works on a
 24 drop-in basis with a student from humanities core
 25 or other course, I believe, who wants help with a

1 particular paper. And they just arrive at our
 2 location and sign up and work with that tutor.
 3 Q. Students are the ones dropping in?
 4 A. Students are the ones dropping in.
 5 Q. Not the tutors?
 6 A. Not the tutors.
 7 MR. FASMAN: Let me mark 59.
 8 (WHEREUPON, Employer Exhibit
 9 No. 59 was marked for
 10 identification.)
 11 BY MR. FASMAN:
 12 Q. Let me show you what's now been marked as
 13 Employer Exhibit 59 for identification and ask you
 14 if you know what that is, sir.
 15 A. Yes. I believe it's the description of
 16 the tutoring position from our website.
 17 Q. And you're familiar with this, sir?
 18 A. Yes.
 19 MR. FASMAN: And I will note that the URL at
 20 the bottom left page is where we took it from, and
 21 I would move for its admission.
 22 MS. AUERBACH: No objection.
 23 HEARING OFFICER MOLS: Employer Exhibit 59 is
 24 received.
 25 MR. FASMAN: Thank you.

1 (WHEREUPON, Employer Exhibit
 2 No. 59 was received into
 3 evidence.)
 4 BY MR. FASMAN:
 5 Q. Let me ask you some of the same questions
 6 that I've already asked you about the writing
 7 interns.
 8 A. Uh-huh.
 9 Q. What's the process for my being appointed
 10 writing tutor?
 11 A. The application process is similar,
 12 background information about you, a sample of
 13 writing and commenting on a sample student paper
 14 and an interview.
 15 Q. And when you interview the applicant, not
 16 you, when the writing program interviews the
 17 applicant, what's looked for?
 18 A. We're very eager to look at their ability
 19 to communicate, in this case communicate quickly
 20 with students because the drop in -- the drop in
 21 tutor -- student is dropping in. The tutor has to
 22 respond quite quickly, looking for their interest
 23 in working with undergraduates, working -- looking
 24 for their interest in writing and the teaching of
 25 writing.

1 A. Well, it's generally seen as that the
 2 progression is -- and I'm not sure that we're right
 3 in this, but it's generally seeing that it's easier
 4 to be a tutor in the sense of working with somebody
 5 one on one than managing a writing workshop. I'm
 6 not sure that's right, but that's again the
 7 culture. So people tend to, once they're interns,
 8 they tend to stay as interns or lectors in the
 9 writing course.
 10 Q. Okay. How many quarters would I be
 11 expected to work as a writing tutor?
 12 A. I think we would like people to do three
 13 quarters or one academic year.
 14 Q. And does that happen?
 15 A. Yes. Although, again, there's -- autumn
 16 and winter tend to be more heavily needed. And so
 17 sometimes people might work two quarters and not
 18 with the third quarter.
 19 Q. Okay. Let's talk about another program
 20 with the best aim in the university. What's the
 21 Little Red Schoolhouse?
 22 A. Little Red Schoolhouse is the advanced
 23 writing course that we teach to graduate students
 24 and to undergraduates. It's a one-quarter course,
 25 ten weeks, requires eight writing assignments

1 Q. Okay. And I take it there are no
 2 particular substantive fields here either?
 3 A. No. Again, we're eager to get a wide
 4 range of students.
 5 Q. And what course or courses, if any, do I
 6 have to take to become a writing tutor?
 7 A. The training -- there's also the training
 8 process for tutors which is some of the same
 9 materials, some of the same sessions as for the
 10 writing intern, but also some different pedagogy
 11 because the pedagogies are different working with
 12 someone individually as working with a workshop.
 13 Q. Can you give us just a general example of
 14 that for the record, sir?
 15 A. Well, so rather than having the tutors
 16 work with workshops and imagining, helping them
 17 participate in workshops, advancing their skills at
 18 managing a conversation, much more of an issue of
 19 one on one if a student comes in, imagining a
 20 student paper, working with a tutor to look at it
 21 and say, the student needs this kind of help, how
 22 do I provide that help for them.
 23 Q. Do you select from prior writing interns?
 24 A. That can happen, but it's not common.
 25 Q. Why not?

1 during the course. And it is really in the center
 2 of our expertise, our focus on expert writing.
 3 Q. How long has this course been in
 4 existence?
 5 A. I believe the first time it was taught was
 6 in 1980, so it's been around about almost 40 years.
 7 Q. Have you taught it?
 8 A. Many times.
 9 Q. What department is it in?
 10 A. It's offered primarily through the English
 11 department, although, for some years it was offered
 12 through business school.
 13 Q. Okay. You say you've taught it. Who
 14 else, if anyone, teaches it?
 15 A. My colleagues Kathy Cochrane and Tracy
 16 Whiner and I are the lecturers for it. But then it
 17 is -- it's taught primarily by the lectors, the
 18 graduate student lectors who are running the
 19 workshops.
 20 Q. What's the focus of the course?
 21 A. The course is on this process of
 22 converting a text that a writer has created to
 23 develop her own thinking and to make it a text
 24 that's effective for her professional readers. So
 25 it's about, we say, it's called a writing course,

1 but much of it is actually about reading. It's
 2 about trying to train writers to predict how
 3 readers are going to process their work so they can
 4 get the results from those readers that they want.
 5 Q. Is there a limitation on the types of
 6 people, types of students who can take this course?
 7 A. Graduate students -- I believe any
 8 graduate student in the university can take it.
 9 Undergraduates, only third and fourth years can
 10 take it.
 11 MR. FASMAN: Okay. Let me show you a document
 12 that I've marked as Employer Exhibit 60.
 13 (WHEREUPON, Employer Exhibit
 14 No. 60 was marked for
 15 identification.)
 16 BY MR. FASMAN:
 17 Q. You may have two of them there, but what
 18 is this, sir?
 19 A. The description -- it looks to be the
 20 description of the school house course from our
 21 website.
 22 MR. FASMAN: And indeed the URL shows where
 23 this was taken, and I move for its admission.
 24 MS. AUERBACH: No objection.
 25 HEARING OFFICER MOLS: Employer Exhibit 60 is

1 two. All right. My own confusion.
 2 MR. FASMAN: Give me just a minute, please.
 3 HEARING OFFICER MOLS: Sure.
 4 MR. FASMAN: I think I've got these backwards,
 5 but let's put this in anyhow.
 6 (WHEREUPON, Employer Exhibit
 7 No. 61 was marked for
 8 identification.)
 9 MR. FASMAN: This is Employer 61.
 10 BY MR. FASMAN:
 11 Q. Tells us what that is, sir.
 12 A. Yes. This is a description of the lector
 13 position, and the lectors are the graduate students
 14 and others who teach in the academic and
 15 professional writing course.
 16 MR. FASMAN: Okay. I move for the admission of
 17 Employer's Exhibit 60, please. 61, sorry.
 18 MS. AUERBACH: I note that it's the same as
 19 Petitioner Exhibit 59, but I have no objection.
 20 HEARING OFFICER MOLS: Employer's Exhibit 61 is
 21 received.
 22 (WHEREUPON, Employer Exhibit
 23 No. 61 was received into
 24 evidence.)
 25

1 received.
 2 (WHEREUPON, Employer Exhibit
 3 No. 60 was received into
 4 evidence.)
 5 MR. FASMAN: Just because I'm getting
 6 forgetful, we moved the other two, 58 and 59 into
 7 evidence?
 8 HEARING OFFICER MOLS: Uh-huh.
 9 MR. FASMAN: Thank you.
 10 BY MR. FASMAN:
 11 Q. Now, let me ask you, sir, if, speaking
 12 generally, this is an accurate picture of what
 13 lectors in the Little Red Schoolhouse do?
 14 A. It is accurate.
 15 Q. So I note in the last paragraph on the
 16 bottom of the first page which starts out,
 17 additional teaching opportunities for lectors, do
 18 you see that, sir?
 19 A. No. The last --
 20 Q. Last paragraph, Page 1?
 21 A. Paragraph begins but when your draft comes
 22 back -- no.
 23 Q. No. I may be looking at something
 24 different. Oh, sorry, sorry. We're getting ahead
 25 of ourselves here. I think I may have given you

1 BY MR. FASMAN:
 2 Q. So now let me direct your attention to the
 3 bottom of the last paragraph of 61, sir?
 4 A. Yes.
 5 Q. And ask you this one -- this one actually
 6 does say additional teaching opportunities for
 7 lectors?
 8 A. Yeah.
 9 Q. Are there lectors for undergraduate and
 10 graduate sections of this course?
 11 A. Yes.
 12 Q. How does that work?
 13 A. Well, typically, when a lector is new,
 14 teaching in the schoolhouse, they will teach
 15 undergraduate sections. Once they have done that
 16 successfully, we would love to have them teach
 17 graduate students. So then it becomes graduate
 18 students teaching graduate students.
 19 Q. And this is -- the undergraduates would be
 20 third and fourth year undergraduates?
 21 A. That's correct.
 22 Q. Senior level?
 23 A. Yes.
 24 Q. Okay. So same question about becoming a
 25 lector, how do I become a lector? What's the

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1 process?
2 A. Same process, the application process
3 requires background information, a writing sample,
4 commenting on a sample student paper and interview.
5 Q. Okay. And is it also true that you are
6 looking for people interested in the pedagogy of
7 writing?
8 A. Yes, indeed. And people who are
9 interested in working with writers.
10 Q. Does the -- in becoming a lector, does the
11 program sometimes select individuals with prior
12 experience in other writing program activities?
13 A. Certainly.
14 Q. Why?
15 A. Well, if you mean experience within our
16 program -- and actually I think that, I'm not sure
17 of this, but I think if a graduate student has
18 already taught, for example, as an intern, we don't
19 go through the application process for them to
20 become a lector. We already know what they can do.
21 But if you mean experience in teaching in other
22 kinds of writing programs, we're certainly
23 interested in that as well.
24 Q. So, let's say, I'm qualified. I pass
25 throughout interviews. Is there any training that

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1 I have to take?
2 A. The same training, the same quarter-long
3 course. It's -- I shouldn't say it's exactly the
4 same because the schoolhouse is a different
5 teaching -- teaching responsibilities in the
6 schoolhouse is different from teaching in the
7 humanities core, but we also -- we will do the same
8 training in the principles of diagnostic, I would
9 say, the analytics of our program, and then
10 pedagogical techniques for commenting on paper and
11 pedagogical techniques for running writing
12 workshops.
13 Q. So what -- tell me what I do as a lector.
14 If you and I were ever sitting down and saying,
15 Mr. McEnerney, what -- if I become a lector, what
16 am I going to be doing next semester in this
17 course?
18 A. Sure. What lectors do is, I would say,
19 the bulk of the teaching in the writing course.
20 The way the course is organized, the first week
21 there are lectures in both of the sessions. We
22 meet on Tuesdays and Thursdays. But after the
23 first, week one session each week is a writing
24 workshop. So after the first week, half of the
25 sessions in the course are writing workshops which

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1 are led by are lectors. So we do the lectures. We
2 do the easy part. We do the explaining concepts
3 and we hope motivating students to take this
4 seriously.
5 The students will then write a paper after
6 every lecture, so they're writing eight papers
7 during the quarter. They're submitting those
8 papers to their seminar group by -- typically by
9 Monday night, and then on Tuesday they're come in a
10 writing workshop led by the lectors where the real
11 learning in the courses happens.
12 Q. And does the lector critique the paper?
13 A. Yes. The lector will first prepare the
14 papers the night before the seminar to be able to
15 run that writing seminar and then give written
16 comments on each paper.
17 Q. And is there a discussion in the -- in
18 this in the workshop?
19 A. Yeah. The discussion is -- it's more a
20 matter of practicing the analytics. It's not a
21 discussion of an exchange of ideas about the paper.
22 The students aren't reading each others papers and
23 saying I disagree or agree with the argument here.
24 What they're doing is we've given them in each
25 lecture a particular diagnostic or analytic to

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1 apply to the writing, and the students are applying
2 that analytic. And lector's there to help them to
3 make sure they're using that the analytic usefully.
4 Q. I apologize if I didn't ask you this, but
5 to the lectors have to attend the lectures?
6 A. Well, the first time they teach, we
7 certainly want them to attend the lectures. But
8 after they've taught it once, they don't because
9 the lectures are -- tend to be repetitive in
10 previous quarters.
11 Q. How about as a first time lector, would
12 you expect me to have interaction with the writing
13 program staff in my performance?
14 A. Typically. What we typically do is
15 physical someone is lectoring for the first time,
16 they will submit their comments to their students
17 to the writing program staff, and it would
18 typically be Ashley or Meg who would be looking at
19 those comments and making sure that they're using
20 our analytics the way we hope we believe are useful
21 for students. And they might also observe one of
22 the workshops during the quarter.
23 Q. Okay. And there would be feedback from
24 the observation?
25 A. Yes.

1 Q. Okay. Do lectors work more than one
 2 quarter?
 3 A. We hope so. They can act -- they can work
 4 in multiple quarters and, say, we encourage them
 5 from going from teaching undergrads to teaching
 6 graduate students.
 7 Q. How many -- strike that.
 8 Is the Little Red Schoolhouse course
 9 taught on a pass/fail or grade basis?
 10 A. It's optional. It's up to most students,
 11 not every student has the choice; but most students
 12 can choose to take it either for a quality grade or
 13 for a pass/fail depending on what the student's own
 14 goals are for the course and the program they're in
 15 might have restrictions on that.
 16 Q. Meaning what, there might be a school that
 17 says you need to take this --
 18 A. A school or department or degree program
 19 might say you have to have a certain -- you can
 20 only have a certain number of courses with
 21 pass/fail or they might say specifically our course
 22 you have to take for a letter grade versus a
 23 pass/fail. Students are coming to the schoolhouse
 24 for many programs and departments across the
 25 university, and they have different rules.

1 consultant?
 2 A. A graduate writing consultant is a -- it's
 3 not really like a writing tutor, but it's closer to
 4 a writing tutor than to a lector or an intern
 5 because a consultant is working individually with a
 6 graduate student, helping them prepare sometimes
 7 course papers, but very often grant proposals,
 8 conference papers or even articles for publication.
 9 Q. And how do they -- how do they typically
 10 do that?
 11 A. Well, it's a -- it requires -- it
 12 certainly requires more advanced understanding of,
 13 I would call it, the function of this writing. So
 14 a writing -- a graduate writing consultant needs to
 15 understand the difference between the job of a
 16 piece of writing inside the class and the job for a
 17 professional audience.
 18 These are mostly texts that the graduate
 19 students are needing to demonstrate as -- to
 20 execute as part of their profession, and the
 21 graduate writing consultants are there to help them
 22 execute that successfully. There -- this is
 23 becoming similar to some of the work that we do
 24 with faculty.
 25 Q. So this is, for example, writing for a

1 Q. Okay. Let me ask you finally to take a
 2 look at one other document.
 3 (WHEREUPON, Employer Exhibit
 4 No. 62 was marked for
 5 identification.)
 6 BY MR. FASMAN:
 7 Q. This is a document I've marked for
 8 identification as Employer Exhibit Number 62. I'm
 9 wondering if you can identify that for us?
 10 A. Yes. The description of the graduate
 11 writing consultants or consultations. This, I
 12 believe, is addressed to people who would not
 13 become consultants, but who would seek their help.
 14 MR. FASMAN: I see. And I will represent that
 15 this is from the University of Chicago's website
 16 taken at the time of the URL on the lower left
 17 corner, and I move for its introduction.
 18 MS. AUERBACH: No objection.
 19 HEARING OFFICER MOLS: Employer Exhibit 62 is
 20 received.
 21 (WHEREUPON, Employer Exhibit
 22 No. 62 was received into
 23 evidence.)
 24 BY MR. FASMAN:
 25 Q. Mr. McEnerney, what is a graduate writing

1 medical journal --
 2 A. Yes.
 3 Q. -- or a low review article?
 4 A. Yes.
 5 Q. Would they have to know how those
 6 documents are written?
 7 A. Well, yes. They have to know and again
 8 written for us is very important because typically
 9 the early drafts of a text like this is the writer
 10 working out her own thinking. So they have to
 11 understand the way the writer is using language to
 12 help herself think. And one of our specialties is
 13 when experts are using writing to help themselves
 14 think, they use in particular patterns. The
 15 patterns are different from the way people read.
 16 And so being able to take something that
 17 you've written for your own thinking and adapt it
 18 for your readers is what the graduate writing
 19 consultants are doing. They need to understand the
 20 writing process. They need to understand the
 21 reading process, and they need to be able to adapt
 22 to different professional fields.
 23 Q. How do you get that background?
 24 A. I hope that that's what he we do.
 25 Q. Is there a training requirement for a

1 writing consultant?
 2 A. There's not -- there's not a separate
 3 training requirement. The writing consultants are,
 4 as far as I know in every case, people -- graduate
 5 students who have done -- have extensive experience
 6 teaching in the writing program.
 7 Q. Okay. How many of them typically are
 8 there?
 9 A. I don't know. I don't know.
 10 Q. Would you say that successful writing
 11 consultants are interested in the pedagogy of
 12 writing?
 13 A. Yes. I would be confident that they are.
 14 Q. Indeed for all of these positions; is that
 15 right?
 16 A. Yes, yes.
 17 Q. They're all interested in pedagogy of
 18 writing?
 19 A. There's -- when they -- when graduate
 20 students get into this program, we certainly count
 21 on them being interested in the pedagogies of
 22 writing. And for 40 years we've seen it over and
 23 over and over again.
 24 Q. These are -- all of these positions we've
 25 talked about are voluntary positions, aren't they?

1 roles in many different kinds of fields.
 2 MR. FASMAN: I have no further questions on
 3 direct examination.
 4 MS. AUERBACH: Could we have a break?
 5 HEARING OFFICER MOLs: Sure. Off the record.
 6 (WHEREUPON, a short recess was
 7 taken.)
 8 HEARING OFFICER MOLs: On the record.
 9 Petitioner can proceed with its questions
 10 for the witness.
 11 CROSS-EXAMINATION
 12 BY MS. AUERBACH:
 13 Q. You said that not all of the writing
 14 interns are graduate students. Is it true that
 15 some of the interns already have their Ph.D.'s, but
 16 worked previously in the writing program?
 17 A. Yes.
 18 Q. So do you know approximately out of the
 19 90 interns you need in the fall quarter, about how
 20 many of those are graduate students?
 21 A. Well, first of all, it's 90 sections, but
 22 there's probably only about 65 or 70 people who are
 23 teaching those 90 sections.
 24 Q. So 65 interns in the fall?
 25 A. Well, but then, yes, 65 interns. But how

1 A. I'm not sure what you mean by voluntary.
 2 Q. Well, I don't have to become a writing
 3 intern or a lector?
 4 A. No. That's correct.
 5 Q. You have to apply for that?
 6 A. Yes.
 7 Q. So people apply for that voluntarily?
 8 A. Yes.
 9 Q. And they're not required to stay in that
 10 program for any given period of time?
 11 A. No.
 12 Q. Any of these programs?
 13 A. No.
 14 Q. It's all voluntary?
 15 A. Yes.
 16 Q. Do individuals who become writing interns,
 17 consultants, lectors, do they have any career path
 18 that you've ever noticed?
 19 A. We -- Chicago doesn't have a program of
 20 explicitly training people to be writing teachers.
 21 We don't have -- we don't have that goal, but it's
 22 certainly been the case that many people who have
 23 come up through the program have gone on either to
 24 be explicitly writing teachers or to include
 25 writing pedagogy as part of their professional

1 many of them are graduate students off the top of
 2 my head, I would say 50 perhaps.
 3 Q. And then the others are -- other than
 4 people who already have their Ph.D.s, are there
 5 other people who work as interns?
 6 A. Yes. For example, there are three people
 7 who work in the master's of arts program in the
 8 humanities. They're called MAPH mentors, and each
 9 of them has two sections. They work -- part of
 10 their job is to be writing interns and another is
 11 to work for the math program. But there's also
 12 people who both with Ph.D.'s and without, for
 13 example, me. I don't have one, and I was teaching
 14 last fall. I was teaching three of them myself.
 15 HEARING OFFICER MOLs: So when you say MAPH,
 16 that's M-A-P-H.
 17 THE WITNESS: M-A-P-H, I'm sorry. Yes.
 18 HEARING OFFICER MOLs: Thank you.
 19 BY MS. AUERBACH:
 20 Q. And do all of the interns fulfill
 21 essentially the same responsibilities whether
 22 they're Ph.D. students or one of the other
 23 categories of people you talked about?
 24 A. Yes.
 25 Q. And you said that it's complicated getting

1 interns in to 90 sections. Why is it complicated?
 2 A. Well, first of all, there are 90 sections
 3 and only 60 or 65 interns. So simply having people
 4 doing multiple sections is scheduling, it's
 5 scheduling complicated. But there are also
 6 complications because some instructs do want an
 7 intern who has some experience with the readings in
 8 that field. Other instructors don't. Then we have
 9 issues of interns who don't want to work with
 10 particular faculty members and so the complication
 11 is trying to get that whole jigsaw puzzle to fit
 12 together.

13 Q. So since you have 65 interns and
 14 90 sections, does that mean some of the interns are
 15 placed in more than one section?

16 A. Yes.

17 Q. So all 90 sections have an intern
 18 assigned?

19 A. Yes.

20 Q. And so the seven courses in the humanities
 21 core are always taught with a writing intern
 22 assigned to each section?

23 A. That's correct.

24 Q. Do you know what percentage of the Ph.D.
 25 students who are writing interns receive GAI points

1 for their service?

2 A. I'm afraid I don't, no.

3 Q. And do you know each year approximately
 4 how many Ph.D. students intern in the fall and
 5 winter but not in the spring quarter?

6 A. No. I don't.

7 Q. Are there some who intern in the fall and
 8 the winter but do not intern in the spring?

9 A. Yes. The students -- the first year
 10 undergraduates are not required to take a third
 11 quarter of the humanities core. So there are --
 12 there are many of the sections basically shut down
 13 in the spring. And so there are many, many --
 14 there are some interns who will work autumn and
 15 winter but not spring.

16 Q. And that happens every year?

17 A. Yes.

18 Q. And are the same -- are there typically
 19 the same amount of interns in the fall and winter
 20 quarters?

21 A. Typically very close. Might be a two or
 22 three difference.

23 Q. And do you know -- have you done
 24 calculations as to what percentage of Ph.D.
 25 students serve as interns after they've already

1 finished their GAI points?

2 A. I have not. I don't know.

3 Q. Do you have any involvement in determining
 4 the GAI -- whether the intern fulfills the GAI
 5 points or not?

6 A. No.

7 Q. And do all the interns have the same
 8 responsibility regardless of whether they're
 9 getting GAI points or not, for example?

10 A. Yes.

11 Q. If a writing tutor has previously served
 12 as a writing tutor and therefore taken the quarter
 13 training course, that person does not need to
 14 retake the course to get lector, right?

15 A. I believe that's correct. I'm sorry.
 16 Here were three titles there, and, I'm sorry, the
 17 intern, the lector and tutors.

18 Q. I was just talking about the intern and
 19 lector?

20 A. So the intern and lectors, yes, they do
 21 not retake the training program.

22 Q. And some people who have served as interns
 23 go on to then serve as lectors?

24 A. Yes.

25 Q. But some people become lectors without

1 having been interns?

2 A. Yes.

3 Q. And you talked about the program staff
 4 reviewing the lectors' comments on student writing.
 5 That happens the first couple weeks of the quarter,
 6 not the entire quarter, correct?

7 A. It can happen throughout the quarter.
 8 Especially if the -- if the staff thinks it would
 9 be useful to do that.

10 Q. But it doesn't always happen throughout
 11 the quarter?

12 A. No, it does not always happen.

13 Q. And lectors are not always observed by
 14 members of the writing program staff?

15 A. They certainly -- if by -- if you mean is
 16 every lector observed or do you mean is every
 17 lector observed in every session?

18 Q. Well, let's start is every lector
 19 observed?

20 A. I'm quite sure we try to make sure that
 21 everyone is observed.

22 Q. And how frequently is that?

23 A. Once or twice a quarter.

24 Q. How much are the interns paid?

25 A. I think interns are paid either 3,000 or I

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1 want to say possibly 3,600. I think there are
2 actually different rates.
3 Q. That's for the quarter?
4 A. For the quarter.
5 Q. And how much are lectors paid?
6 A. I think it's the same.
7 Q. The interns and lectors prepare their own
8 lesson materials?
9 A. Yes.
10 MS. AUERBACH: Can you show him Petitioner
11 Exhibit 60?
12 (WHEREUPON, Petitioner Exhibit
13 No. 60 was introduced.)
14 THE WITNESS: Is this part of it?
15 HEARING OFFICER MOLS: Oh, I think I gave you
16 extra.
17 BY MS. AUERBACH:
18 Q. Is that the job application packet from
19 the university's website for the writing program?
20 A. Yes, I think so.
21 MS. AUERBACH: I move to introduce Petitioner's
22 Exhibit 60.
23 HEARING OFFICER MOLS: Petitioner's Exhibit 60
24 is received.
25

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1 (WHEREUPON, Petitioner Exhibit
2 No. 60 was received into
3 evidence.)
4 MS. AUERBACH: That's all I have.
5 EXAMINATION
6 BY HEARING OFFICER MOLS:
7 Q. I just want to make sure I understand.
8 This could be confusion on my part, so I apologize
9 in advance.
10 So for the writing lectors for the Little
11 Red Schoolhouse course, when they are a lector for
12 one of those courses, would they be the instructor
13 of record?
14 A. No.
15 Q. Okay. So they would be working with
16 essentially a faculty member who would be the
17 instructor of record or someone from the writing
18 program?
19 A. For the Little Red Schoolhouse course, for
20 the English course, the instructor of record is me
21 and my colleagues, Kathy Cochrane and Tracy Whiner.
22 We are the instructors of record.
23 Q. Thank you.
24 So I know you said that that course can be
25 either pass/fail or a letter grade, depending on

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1 the program the student's coming from. So for
2 those students, I guess, you know, for both the
3 pass/fail students and the letter grade students,
4 do the writing lectors ever grade assignments that
5 would be used in determining the final grade for
6 this unit? Does that make sense?
7 A. No, I'm not sure. So the lectors are
8 grading the students' weekly assignments.
9 Q. And are those grades then used to
10 determine the final grade --
11 A. Yes.
12 Q. -- that is submitted to the registrar?
13 A. Oh, yes.
14 HEARING OFFICER MOLS: That's all of my
15 questions.
16 REDIRECT EXAMINATION
17 BY MR. FASMAN:
18 Q. Two more questions, Mr. McEnerney, we --
19 about grades. The lectors are not the final
20 arbiters of the grade?
21 A. No. The grades are the responsibility for
22 the Little Red Schoolhouse, the three of us who are
23 the instructors for the course.
24 Q. What happens if there's a difference of
25 opinion about the paper I do. Lector says one, you

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1 say something else. How is that worked out or is
2 it worked out?
3 A. Well, I mean, the student has to get a
4 grade. So the process is the process that a
5 student would have if they were appealing a grade
6 which I'm afraid is fairly hierarchical, and the
7 instructor would make the decision.
8 Q. Okay. I didn't understand one of your
9 answers. Isn't it true that all interns receive
10 GAI points? I mean, there's no top limit on GAI
11 points, right?
12 A. I don't know. I mean --
13 Q. When somebody acts as a writing intern --
14 A. Uh-huh.
15 Q. -- even if they're past the five GAI
16 points, there's no limit on that. That is, they
17 can just tote them up. They're more?
18 A. Well, for example, when I worked as an
19 intern, I didn't get GAI points. So someone who's
20 a MAPH mentor, they wouldn't get those points. I
21 don't actually know how it would work for someone
22 who is still a graduate student.
23 Q. Yeah. I guess I was asking you -- you
24 were unsure about whether grad students receive GAI
25 points for their service as a writing intern. My

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1 only point was they continue to get them beyond the
2 GAI points; that is, you could have five or six or
3 nine or whatever you have?
4 A. I don't know that.
5 Q. Okay. That's fine. I won't ask any
6 further?
7 MR. FASMAN: I have no further questions.
8 HEARING OFFICER MOLS: Petitioner, any further
9 questions?
10 MS. AUERBACH: No.
11 HEARING OFFICER MOLS: All right. You are
12 excused. Thank you.
13 (Witness excused.)
14 HEARING OFFICER MOLS: Off the record.
15 (WHEREUPON, a short recess was
16 taken.)
17 HEARING OFFICER MOLS: On the record.
18 So it's my understanding that the Employer
19 has concluded with the testimony it wishes to enter
20 into the record with regards to the witnesses. So
21 before we move on, it's my understanding Employer
22 is going to move to enter a final exhibit into the
23 record; is that correct?
24 MR. PORZIO: That's correct, two exhibits to be
25 exact, Employer Exhibit 15 and 15A. We move to

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1 have those received in evidence.
2 MS. AUERBACH: So the Union objects to the
3 portion of 15, Employer's 15 and 15A with respect
4 to school social service administration because
5 there has been no testimony put on to corroborate
6 the veracity of the information in those exhibits
7 pertaining to that school.
8 HEARING OFFICER MOLS: Okay. So the objection
9 is noted. Employer's Exhibit 15 and 15A are
10 received into evidence and will be given the
11 appropriate weight at the time of the decision with
12 regards to the extent that the information
13 contained within has been authenticated.
14 (WHEREUPON, Employer Exhibit
15 Nos. 15 and 15A were received
16 into evidence.)
17 HEARING OFFICER MOLS: Before we move on to the
18 cross-examination for the witness that we began on
19 Friday afternoon, it's my understanding that the
20 Employer wishes to state for the record its
21 position concerning the appropriate eligibility
22 formula to be used should the regional director set
23 an election in this matter and the mechanics of the
24 election should an election be set in this matter;
25 is that correct?

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1 MR. PORZIO: Yeah, all the mechanics, date,
2 time.
3 HEARING OFFICER MOLS: Yes. So if the Employer
4 would like to state its position for the record.
5 MR. PORZIO: Sure. Thank you.
6 I'd like to start with the mechanics of
7 the election in terms of how it's to be conducted.
8 The university's goal regarding an election if one
9 were to be directed in this case is to provide
10 eligible graduate students with the greatest
11 opportunity to cast a ballot on this very
12 significant issue of unionization. It's for this
13 reason that the university strenuously opposes the
14 Union's proposal to conduct this selection if one
15 is to occur by mail ballot.
16 For the reasons I'll elaborate on in a
17 moment, a mailed ballot election should not be
18 ordered in this case since doing so would, one be
19 contrary to board law and procedure; two,
20 disenfranchise voters; and, three, unnecessarily
21 increase the chance for voter irregularities such
22 as voter fraud or voter intimidation.
23 Madame Hearing Officer, as you know, the
24 board has a strong preference for manual ballot
25 elections. Indeed, Section 11301.2 of the National

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1 Labor Relations Board Case Handling Manual for our
2 cases states that, "the board's longstanding policy
3 is that representation elections should be as a
4 general rule be conducted manually."
5 Similarly, other NLRB decisions also apply
6 presumption in favor of manual ballot elections.
7 See Nuvo Elevator Industries,
8 Case Site 326 NLRB 470, and Pin Site 470 and 471.
9 And there, "under board precedent and policy, the
10 applicable presumption favors a manual not mail
11 ballot election."
12 In fact, conducting an election by mail
13 ballot is a rare exception. In Section 22-110 of
14 the NLRB's outline of law and procedure in
15 representation cases states that the mail ballot
16 election -- mail ballots are to be utilized only in
17 "unusual circumstances."
18 So even with regard to the relatively
19 recent phenomena of graduate student organization
20 cases, we've conducted extensive research that
21 identify all such cases where an election was
22 ordered. We found 11 such cases; 8 of those
23 resulted in elections being conducted by manual
24 ballot. Only 3 were conducted by mail ballot.
25

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1 (WHEREUPON, Employer Exhibit
2 No. 63 was marked for
3 identification.)
4 MR. PORZIO: So I'd like to show you what we've
5 marked Employer's Exhibit Number 63. So on this
6 list, Madame Hearing Officer, you can see a list of
7 12 decisions in higher education universities where
8 graduate students have filed a petition to
9 organize. And you'll see a few things, one, the
10 name of the case. So, for example, number one, New
11 York University, you'll see next to that the NLRB
12 case number, that case, and then in small Roman
13 numeral or small letter A, you'll see the election
14 procedure. And it'll say either manual ballot or
15 mail ballot. And then, B, you'll see a link to
16 either the notice of election and/or decision and
17 direction of election applicable to that case.
18 Some of them -- some of these cases, for example,
19 Harvard was -- the election was conducted pursuant
20 to a stipulated election agreement so there was no
21 DD&E.
22 And as you can see, only three cases were
23 decided. The elections were conducted by mail-in
24 ballot. Of particular note, Number 12, Boston
25 College which is the most recent decision, the

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1 direction of election issue that came out on May 17
2 earlier this month, and the regional director for
3 Region 1 stated, "the election will be held in a
4 manner and on a date, time and place to be
5 determined."
6 And, importantly, in a footnote the RD
7 stated, "the spring semester at Boston College has
8 now ended and the Employer stated at the hearing
9 that students may leave campus for the summer."
10 And we believe a reasonable interpretation of this
11 portion of the DD&E, the regional director did not
12 want to direct an election over the summer for fear
13 of disenfranchising voters.
14 In fact, at Duke University which is one
15 of the three case on this exhibit where a mail
16 Ballot was ordered, upon review of the RD's
17 decision directing a mail ballot election, current
18 chair of the NLRB, Phillip McNamara in dicta stated
19 he believes, "substantial questions are raised
20 regarding the appropriateness of the regional
21 director's use of a mailed ballot election since a
22 board rule that favors manual elections, and the
23 facts suggest that a manual election would have
24 reasonably permitted participation by eligible
25 voters. You can find that quote in NLRB order

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1 dated February 23, 2017, in
2 Case Number 10-RC-187957.
3 So I'd like to move Employer
4 Exhibit Number 63 into evidence L.
5 HEARING OFFICER MOLLS: Petitioner could state
6 its position for the record.
7 MS. AUERBACH: Well, I mean --
8 MR. PORZIO: Just one note, I'm sorry,
9 Attorney Auerbach. George Washington University, I
10 neglected to mention that while it's not for
11 graduate students, per se, it's for resident
12 advisors.
13 MR. SALVATORE: Resident hall advisors, dorm
14 advisors.
15 HEARING OFFICER MOLLS: Thank you.
16 MS. AUERBACH: I mean, I don't know if it's
17 appropriate. I have no objection to it being
18 admitted as the Employer's argument essentially.
19 I'm not stipulating that what's on here is true,
20 but to the extent they want to introduce it for
21 their argument. I don't know if it's appropriately
22 an exhibit.
23 HEARING OFFICER MOLLS: Yeah. So that's, I
24 mean --
25 MR. PORZIO: So I'm prepared to introduce -- I

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1 have with me the DD&E's from each of these 12 cases
2 or the notice of election for those that there
3 wasn't a DD&E. I didn't want to have the record
4 bogged down with documents, 90 percent of which are
5 irrelevant to this case. So this is really a
6 summary of those documents.
7 So rather than introduce 12 separate
8 DD&E's, I thought this would be -- I made sure that
9 I limited -- was careful in the wording, wanted to
10 be completely factual, so I thought this was a good
11 way to do that as opposed to introducing all 12.
12 MS. AUERBACH: I think all I was saying was I'm
13 not objecting to the Employer submitting a written
14 document with case sites. I just don't know that
15 it should be an exhibit.
16 HEARING OFFICER MOLLS: Yeah. So my thought is,
17 you know, in the original ruling at the open of
18 these proceedings that we would permit evidence on
19 the eligibility formula but not with regards to the
20 specific mechanics of the election, so mail versus
21 manual would fall under that umbrella.
22 MR. PORZIO: Well, I believe the ruling was we
23 wouldn't be permitted to have live testimony, and
24 this is not live testimony. This is really just
25 summary argument. And Attorney Auerbach is

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1 correct, you know, this is part of our argument
2 section. So I think it's entirely appropriate for
3 this to be an Employer exhibit.
4 MR. SALVATORE: We want it to be part of the
5 record, however, so that it doesn't get lost in the
6 sauce.
7 MS. AUERBACH: Right, but I think the typical
8 ruling is that there won't be any evidence taken on
9 mechanics. So that's why I'm saying is if it's a
10 written part of your argument, I think as
11 Employer's argument, it's appropriate, but not as
12 an exhibit.
13 HEARING OFFICER MOLS: Okay.
14 MR. PORZIO: So we've done this in other cases
15 where we've been told we cannot have live testimony
16 on this issue, but that we were permitted to
17 introduce documentary evidence in support of our
18 argument. And I think it's important in this case
19 to help the reader of the record to understand our
20 argument.
21 HEARING OFFICER MOLS: We'll go off the record
22 for a moment.
23 (WHEREUPON, a short recess was
24 taken.)
25 HEARING OFFICER MOLS: On the record.

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1 So the Employer has moved for the
2 admission of Employer's Exhibit 63. The Petitioner
3 has stated its position on the document. After
4 consultation with the regional director, it is true
5 that we said we would not permit testimony in the
6 manner -- in the matter concerning the mechanics of
7 the election, but the region will permit the
8 document. So Employer Exhibit 63 is received.
9 (WHEREUPON, Employer Exhibit
10 No. 63 was marked for
11 identification.)
12 MR. PORZIO: Appreciate it. Thank you, Madame
13 Hearing Officer. San Diego Gas and Electric cite
14 325 NLRB 1143 which is a 1998 case is a seminal
15 case for assessing the appropriateness of a mailed
16 ballot election. There the board established the
17 following three affective tests for regional
18 directors to consider if mail ballot election is
19 appropriate. The three factors are answered in the
20 affirmative finding militates towards determining
21 that a mail ballot election is appropriate.
22 The three questions are as follows. Are
23 eligible voters both scattered because of their job
24 duties over a wide geographic area; two, are
25 eligible voters scattered in the sense that their

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1 work schedule vary so significantly that they are
2 not present at that common location in common time;
3 and, finally, three, is there a strike, lock out or
4 picketing in progress. None of these three factors
5 can be answered in the affirmative in this case.
6 First, eligible voters are not scattered
7 based on job duties performed over a wide
8 geographic area. The graduate students here
9 satisfy their teaching and/or research requirements
10 on or very near to the university's campus in
11 Chicago, Illinois.
12 Second, eligible voters are not scattered;
13 i.e., where individuals are not present
14 contemporaneously at that common location. Here
15 while graduate students may have slightly different
16 class schedule, they are all on similar academic
17 schedules and would all be available to participate
18 in a manual ballot election if one was necessary
19 and conduct it on the university's campus with
20 various polling periods on the polling day or days.
21 Third, clearly there is no strike, lockout
22 or picketing in progress. Given that not even one
23 of the three prongs of San Diego Gas and Electric
24 is met in this case, a mailed ballot cannot be
25 squared with NLRB policies and procedures.

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1 Notwithstanding, assuming arguendo this regional
2 director find for students are, quote, scattered as
3 defined in San Diego Gas and Electric, a mailed
4 ballot election should still not be.
5 Section 11301.2 of the case handling
6 manual for representation cases instructs that if
7 any of the San Diego Gas and Electric factors is
8 satisfied, the regional director should also
9 consider, one, the desires of the parties; two, the
10 likely ability of voters to read and understand
11 mailed ballots; and, three, the availability of
12 addresses for employees. I am going to address
13 numbers one and three because I don't think there's
14 any dispute as to the ability of graduate students
15 to read and understand the ballots.
16 First, the desires of the parties, here at
17 the university as made and continues to make it
18 abundantly clear that if an election were directed,
19 its strong preference is for a manual ballot
20 election. Second, the availability of addresses,
21 if the mailed ballot election is ordered during the
22 rapidly approaching summer break, the university
23 has serious doubts that the ballots would actually
24 be received by all eligible voters for three
25 primary reasons. One, that many of the addresses

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1 on the university's systems are outdated; and, two,
2 many students have multiple address on file without
3 giving any indication as to which address the
4 student actually resides.
5 Here the Union has asked for a mailed
6 ballot election to be conducted between May 30 and
7 June 20. Classes for the spring 2017 early quarter
8 end tomorrow on May 31, literally one day before
9 the Union proposes that the ballots be sent out.
10 Scott Campbell, the university registrar for the
11 university, provided us with an affidavit regarding
12 his concerns with the contact information the
13 university has for the petition for students as it
14 relates to a mailed ballot.
15 (WHEREUPON, Employer Exhibit
16 No. 64 was marked for
17 identification.)
18 MR. PORZIO: Madame Hearing Officer, I am
19 showing you what's been marked Employer Exhibit 64.
20 As described, this is an affidavit of Scott
21 Campbell who as I mentioned is the registrar for
22 the University of Chicago. As you can see, it's
23 signed and dated. Let me go through some of the
24 more important points in this.
25 First, Mr. Campbell notes in his affidavit

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1 that many, many students after the close of the
2 spring quarter, which is taking place in a few
3 days, are, in effect, on summer vacation and leave
4 for parts unknown until resumption of classes for
5 the coming quarter which starts on September 25,
6 2017.
7 As you can see from Exhibit B on
8 Mr. Campbell's affidavit which is attached, the
9 overwhelming majority of the petition for students,
10 in fact, about 96 percent of them, have multiple
11 addresses on file. Some have as many as four
12 addresses on file. So just so I can explain this
13 chart very briefly which is Exhibit B on Employer
14 Exhibit 64, on the left-hand column you'll see the
15 number of addresses the university student
16 information system has for the petitioned-for
17 students, 80 students or 3.5 percent have one
18 address. And for four addresses you'll see further
19 down 48 students or 17.96 percent have four
20 addresses. So where I give you that figure it's
21 adding two addresses, three addresses and four
22 addresses, you'll get to 2,163 or 96.39 percent of
23 the petitioned-for bargaining unit.
24 Since there are multiple addresses on file
25 for almost the entire petitioned-for unit and no

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1 indication as to which address is the proper
2 address used. The university would not know which
3 addresses to provide to the NLRB in the event that
4 a decision of direction of election was issued to
5 ensure that the ballots are received by the
6 students that are intended to receive them. Thus,
7 if a mailed ballot election is ordered, the
8 university would be left to guess which addresses
9 to use for 96 percent of the petitioned-for unit.
10 To make matters worse, Mr. Campbell's
11 affidavit also states in his experience, student
12 addresses -- student address information that is
13 two or more years old is unreliable given the
14 frequency with which students move from place to
15 place. As you can see in Exhibit A of
16 Mr. Campbell's affidavit, more than 48 percent of
17 the addresses the university has on file are more
18 than two -- are two or more years old. So as you
19 can see on Exhibit A on the column on the left, it
20 says, students with physical addresses from 2015 or
21 prior, that's 1,095 or 48.8 percent. Students with
22 no physical address in the system meaning they just
23 haven't provided one is 450 students or
24 20.05 percent. And students with no physical
25 address on the system or an address from prior from

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1 2015 or prior is 1,545 or 68.85 percent of the
2 petitioned for unit. Taken as a whole, it's clear
3 that there is a lack of accurate address
4 information in this case to that prong as described
5 in the manual.
6 Third, Mr. Campbell's affidavit makes it
7 clear that the university rarely communicates with
8 graduate students by U.S. mail. Instead
9 Mr. Campbell indicated that the primary mode of
10 communication between the university and the
11 graduate students is e-mail. Thus, it's apparent
12 that mailed ballot election would be problematic at
13 any point during the academic year, but even more
14 so over the summer recess when students leave the
15 campus and Chicago area. Importantly, students are
16 not required to provide the university with their
17 summer contact information. As such, university --
18 the university may not have knowledge of each
19 student's whereabouts until their return to the
20 campus on September 25 for start of the autumn
21 quarter.
22 The result is that between quarters, it
23 would be nearly impossible for the university to
24 determine with any accuracy the proper address
25 used. As such, it's highly likely that ballots

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1 would be mailed for elections where students would
2 not be present to receive them with the result that
3 ballots would not be cast in a timely manner
4 causing disenfranchisement. Undoubtedly, many
5 students spend the summer doing research in the
6 field studying elsewhere, with family on vacation
7 or traveling, given the considerable likelihood of
8 that, there would not be a representative showing
9 in the event of an over the summer mailed ballot
10 election, directing one basically would not
11 effectuate the purposes of the act.
12 In fact, we have reason to believe that
13 international students which make up a significant
14 portion of the petitioned-for unit would be
15 disproportionately disenfranchised if a mailed
16 ballot election were conducted in this case over
17 the summer because a great number of these students
18 leave the country for the summer to return to their
19 home city or country. Even if the university has a
20 good address for these individuals, between the
21 time it takes for the ballot to be mailed by
22 international mail, be received by the student at
23 the address, filled out and returned by
24 international mail, many students' ballots may not
25 make it back in time to be counted.

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1 The general counsel's memo on
2 representation cases which is GC Memo 15-06 sets
3 forth general guidance for when regional directors
4 should schedule elections. In the memo the general
5 counsel says where there's choice, the regional
6 director should avoid scheduling the election on
7 dates which all or part of the facility will be
8 closed in which past experience indicates that the
9 rate of absenteeism will be high or on days that
10 many persons will be away from the facility on
11 company business or on vacation. Days immediately
12 proceeding or following holidays should be --
13 should also be avoided as the rate of absenteeism
14 is likely to be high.
15 Based on this reading, it's clear that
16 general counsel wants to maximize voter turnout,
17 and as indicated in my argument and in the
18 affidavit that's Employer Exhibit 64, it would be
19 clear that if a mailed ballot election would be
20 ordered over the summer, that's exactly what would
21 happen, and that would militate towards a finding
22 that a manual ballot not over the summer would be
23 appropriate.
24 Therefore, for the reasons discussed above
25 in particularly at this late date with the spring

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1 2017 quarter quickly coming to an end, the
2 university submits that any election that may be
3 directed in this case be conducted appropriate time
4 and appropriate date after September 25, the start
5 of the autumn 2017 quarter and be done so by manual
6 ballot.
7 The university's request to hold the
8 election after September 25 is fully consistent
9 with board decisions. See Tuscaloosa College site
10 199 NLRB 28, there the board moved the date of the
11 election beginning of the fall semester to ensure
12 that a representative complement to the
13 petitioned-for faculty would have an opportunity to
14 express their wishes.
15 And, therefore, we would argue for all the
16 above-mentioned reasons that if an election were
17 conducted in this case, it be conducted by manual
18 ballot at a number of locations around the campus
19 which we can discuss further with the Union and
20 with the board over the course of one or two days
21 after September 25, 2017, the start of the autumn
22 quarter.
23 HEARING OFFICER MOLS: Are you going to move
24 for the admission of Employer 64?
25 MR. PORZIO: Yes. We hereby move Employer --

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1 what's been marked for identification as Employer's
2 Exhibit 64 into evidence.
3 MS. AUERBACH: I mean, I object for the same
4 reasons previously, but there should be no evidence
5 taken on the mechanics.
6 HEARING OFFICER MOLS: Okay. So the
7 Petitioner's objection is noted for the record.
8 However, I am going to receive Employer Exhibit 64
9 in evidence.
10 (WHEREUPON, Employer Exhibit
11 No. 64 was received into
12 evidence.)
13 HEARING OFFICER MOLS: So I just want to state
14 I ask the parties for their positions on more
15 specifics concerning appropriate hours for a manual
16 election as well as dates and locations. Whether
17 we do that now or later, is fine, just as long as
18 we get that into the record.
19 MR. WEITZMAN: We're prepared to put ours in
20 now.
21 HEARING OFFICER MOLS: Okay. You can proceed.
22 MR. PORZIO: So, Madame Hearing Officer, if you
23 refer to, I forget the exhibit number now, I think
24 it's Board Exhibit 3, which is Employer's statement
25 of position.

1 HEARING OFFICER MOLS: You can proceed.
 2 MR. PORZIO: If you don't have it -- that's
 3 fine.
 4 HEARING OFFICER MOLS: You can proceed.
 5 MR. PORZIO: As indicated in the Employer's
 6 statement of position which was filed prior to the
 7 start of this hearing, it gives some additional
 8 detail in terms of the actual timing of the
 9 election and the locations. So as you can see
 10 we're proposing a start time of 9:00 a.m. and going
 11 12 hours through 9:00 p.m. We do believe it can be
 12 conducted in one day. And we would be amenable to
 13 discussing an hour break or so at some point in the
 14 middle of the day to provide the board agents with
 15 a time to take a lunch break, but I think 11 to
 16 12 hours would be sufficient to get people before
 17 classes and/or after class.
 18 HEARING OFFICER MOLS: At multiple locations.
 19 MR. PORZIO: Yes, and I am about to get to
 20 that.
 21 HEARING OFFICER MOLS: Okay.
 22 MR. PORZIO: So the locations that the
 23 university has identified are as follows. One
 24 would be a location within Stuart Hall, and again
 25 given that we don't know a date of the election,

1 it's difficult to give you an exact room number,
 2 but a room within Stuart Hall, address 5835 South
 3 Greenwood Avenue. The second would be in the
 4 Biological Sciences Learning Center, and that's on
 5 924 East 57th Street, and, third, a room within
 6 Kent Chemical Laboratory, which is at 1020-24 East
 7 50th Street.
 8 And if the Union, if Union wanted to have
 9 the election conducted over two days, I -- by
 10 manual ballot, we would be certainly willing to
 11 entertain that. And if they propose opening ballot
 12 sooner and closing later, we similarly would be
 13 willing to discuss it as well.
 14 HEARING OFFICER MOLS: Does the Employer have
 15 any position with regard to particular days of the
 16 week?
 17 MR. PORZIO: So it doesn't have -- it doesn't
 18 as long as, you know, it's not on the holiday and
 19 it's not during, you know, a reading period or
 20 something like that. Just to be clear, depending
 21 on what happens, while the autumn term starts on
 22 September 25 which is a Monday, I think, you know,
 23 to make sure students may not have classes that
 24 don't start exactly on the 25th, so maybe a day or
 25 two in the next week would be fine to make sure a

1 sufficient number of students can return to campus.
 2 HEARING OFFICER MOLS: So then before we move
 3 on to the eligibility, does the Employer have
 4 anything further in regards to its position
 5 regarding the mechanics of the election?
 6 MR. PORZIO: It does not unless the Madame
 7 Hearing Officer has any questions on our position,
 8 I'm happy to answer them.
 9 HEARING OFFICER MOLS: So should the regional
 10 director set an election in this matter and should
 11 he decide that a manual election is appropriate, we
 12 are dealing with a very -- potentially very large
 13 unit. So even with three locations operating
 14 simultaneously, it is possible that there would be
 15 a very high volume of individuals waiting to vote
 16 at a particular time. So given that, what is the
 17 Employer's position concerning the number of
 18 observers that may be used in a manual election at
 19 a given location?
 20 MR. PORZIO: So depending on how the board
 21 wanted to conduct this, if they wanted to have two
 22 tables running concurrently within any one of the
 23 three locations that we identified, our position
 24 would be that an equal number of observers for each
 25 side should be at each table. So if we have two

1 tables running within the room, one Union observer,
 2 one university observer at each table with the
 3 board agent. So if you got two, then two
 4 university observers within that room.
 5 HEARING OFFICER MOLS: Okay. At each location.
 6 MR. PORZIO: At each location. And, like I
 7 said, we're very amenable to discussing, you know,
 8 how to make that work for the board and for the
 9 Petitioner if that's the case.
 10 MR. SALVATORE: And have made it work at other
 11 universities.
 12 HEARING OFFICER MOLS: Okay. I think that's
 13 all of my questions for the moment. I may have
 14 more --
 15 MR. PORZIO: That's fine.
 16 HEARING OFFICER MOLS: -- once we continue.
 17 So with that you can proceed with your
 18 argument concerning eligibility formula.
 19 MR. PORZIO: Thank you. So as indicated in
 20 Employer -- or Board Exhibit 3, our statement of
 21 position, we've maintained that the appropriate
 22 eligibility formula to use in this case is a
 23 standard eligibility formula which the board
 24 defines as those students who would be eligible to
 25 vote within the petitioned-for classifications who

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1 are on the Employer's payroll and working as of the
2 close of the pay period immediately preceding
3 either the issuance of a DD&E or the approval of a
4 stipulated election agreement.
5 And that's -- you can look for that
6 language in Plymouth Towing 178 NLRB 651. What the
7 Union's asked for in this case is nonstandard
8 formula. They've asked for a one-year, one
9 academic year lookback which is a variation from
10 the board's standard eligibility formula which
11 we've asked for which would only include those
12 students within the petitioned-for classification
13 within the spring 2017 quarter.
14 The board has held that when parties
15 disagree on the appropriate eligibility formula to
16 use, which is the case here, unless "the evidence
17 adduced at the hearing supports a deviation from
18 our usual eligibility requirements, eligibility
19 will be determined by the usual payroll periods."
20 That site is B-W Construction Company,
21 161 NLRB 1600. That's at Note4.
22 Here it's clear that the parties disagree
23 on the formula to use, and the Union has failed its
24 burden to prove that a deviation from the standard
25 eligibility formula is necessary. Because the

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1 Union is seeking this eligibility formula other
2 than the standard, the burden is on the Union to
3 present evidence demonstrating that a one academic
4 year lookback is more appropriate and that the --
5 than the -- than the strong presumption in favor of
6 the standard eligibility formula has been rebutted.
7 The evidence the Union would have to
8 establish is that the petitioned-for students have
9 a "continuing interest in the terms and conditions
10 of employment of the unit beyond the spring 2017
11 quarter." And this is what was discussed in the
12 Columbia case which is at 364 NLRB Number 90 slip
13 opinion at Page 21.
14 Here the unit has failed to support its
15 position that a deviation from the standard formula
16 is necessary. On the contrary, the university set
17 forth evidence that teaching and research
18 expectations vary widely by department, school, and
19 based on degree requirements in that it's unusual
20 for students to teach beyond the required amount.
21 Additional university witnesses have presented
22 uncontroverted evidence that students who have met
23 their academic requirements are "discouraged" from
24 going beyond their academic requirement.
25 As a result, there is no indication that

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1 graduate students within the petitioned-for unit
2 will be appointed again. Beth Niestat, the
3 executive director of U-Grant, testified that
4 various divisions of school set back the academic
5 requirements of the graduate programming, and that
6 as a result the university's very decentralized.
7 David Nuremberg, dean of social sciences,
8 testified that students in social science division
9 must obtain five teaching points during their Ph.D.
10 program. Teaching points are generally obtained in
11 social sciences in years three through five. He
12 also testified that he discourages students from
13 teaching beyond their teaching.
14 Christopher Wild, collegiate master of the
15 humanities collegiate division, testified that the
16 students in dramatic studies must obtain 12
17 teaching points. Dr. Wild also noted that dramatic
18 study students usually obtain their teaching points
19 in years two, three and five of the program.
20 Dr. Wild further testified that he
21 discourages students from teaching in excess of the
22 teaching requirement.
23 Dr. Victoria Prince, dean of the division
24 of biological sciences testified that BSD requires
25 two quarters of teaching. Dr. Prince testified

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1 that she discourages students from teaching after
2 they've completed their teaching requirement.
3 As a result, it's not been shown, let
4 alone proven, that the graduate students who held a
5 covered position in the past have a necessary
6 continuing interest in the terms and conditions of
7 employment to justify their participation in any
8 election if one is directed.
9 (WHEREUPON, Employer Exhibit
10 No. 65 was marked for
11 identification.)
12 MR. PORZIO: I've handed you what's been marked
13 Employer's Exhibit 65. And just to point out what
14 was just recently received into evidence by the
15 Madame Hearing Officer, Employer Exhibit 15 and
16 15A, each division, each school within the
17 petitioned-for unit, the academic requirements and
18 the years in which they're supposed to fulfill
19 those requirements are listed for each of those
20 divisions. So that's already in 15 and 15A, but I
21 pointed out some of the key testimony on those
22 points.
23 So back to Employer Exhibit 65 which I've
24 handed you, similar to Employer Exhibit 63, we
25 prepared a chart that tracks the same

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1 12 universities that have -- that have been subject
2 to a graduate student representation petition. And
3 for each one we've identified the name, the NLRB
4 case number, and then in small letter A, we've
5 given you the eligibility formula that was applied
6 in that case by the regional director for that
7 region. So, for example, in Number 4, Yale
8 University, the eligibility formula that was
9 applied was a standard eligibility formula, and in
10 B you'll see a link to the decision and direction
11 of election where you can find that.

12 A couple things to note, a nonstandard
13 voter eligibility formula has only been applied in
14 3 of the 12 cases. The other 9 have had a standard
15 voter eligibility formula. On those three that --
16 where a nonstandard eligibility period was used,
17 Duke University was one. There the regional
18 director approved the Union's request to apply
19 one-year lookback formula, but the board upon
20 reviewing the regional director's decision found
21 that the NLRB has "not passed on the appropriate
22 eligibility format for graduate students employer
23 representation elections following its decision in
24 Columbia. The university should have been allowed
25 to litigate the propriety of the Union's proposal

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1 back eligibility formula at the preelection
2 hearing.

3 Prior to the university being permitted to
4 litigate this issue, the eligibility formula, the
5 Union withdrew its petition. Thus, while the
6 regional director in Duke initially approved the
7 lookback eligibility formula, it's not clear
8 whether such formula would have been deemed to be
9 the appropriate formula had the petition not been
10 withdrawn and that issue was actually litigated.

11 Second point to note, at Cornell which as
12 you can see by the asterics, was not processed by
13 the NLRB, but there at the AFT the same Union
14 involved here agreed to the standard eligibility
15 formula. And in Loyola University, the only other
16 graduate student case to be heard by this region,
17 Region 13, the regional director applied a standard
18 eligibility formula.

19 So taking Duke out of the equation for a
20 moment for the reasons discussed earlier, the only
21 two cases where a nonstandard eligibility formula
22 was used was Columbia and New School. Both come
23 out of the same region, Region 2, and decided by
24 the same regional director, Karen Fernbach. In
25 other words, no other region, no other regional

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1 director has applied an eligibility formula other
2 than the standard eligibility formula in grad
3 student cases.

4 This demonstrates that the mere fact that
5 this is a graduate student organizing campaign does
6 not weigh in favor of deviation from the board's
7 standard eligibility formula. So I would like to
8 move what's been marked for identification as
9 Employer's 65 into evidence.

10 MS. AUERBACH: I object for the same reason.

11 HEARING OFFICER MOLS: Okay. So for the same
12 reason as the prior exhibits, I am going to receive
13 Employer Exhibit 65 in evidence.

14 MR. PORZIO: Thank you.
15 (WHEREUPON, Employer Exhibit
16 No. 65 was received into
17 evidence.)

18 MR. PORZIO: So for all the aforementioned
19 reasons, the Union failed to carry its burden of
20 proving that deviation from the board's standard
21 eligibility formula is warranted. Thus, the
22 board's standard eligibility formula should be
23 applied. And if it an election is ordered in this
24 case, the only students who should be deemed
25 eligible to vote are those who held a covered

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1 positioned in the spring 2017 quarter.

2 HEARING OFFICER MOLS: And just for clarity
3 sake, since we've had a number of individuals
4 discuss about the different payment methods, that's
5 correct for the entire quarter, correct?

6 MR. PORZIO: That's correct. If an easier way
7 to answer that question is if you go back to Board
8 Exhibit 3A, with the updated list, it'll be anyone
9 within our petition -- the appropriate unit that
10 we've set. I believe it's Attachment D.

11 HEARING OFFICER MOLS: It's one of the
12 attachments in the --

13 MR. PORZIO: Yeah, one of the attachments.

14 HEARING OFFICER MOLS: Okay. Does the Employer
15 have anything further it wishes to add with regards
16 to eligibility?

17 MR. PORZIO: Not at this time.

18 HEARING OFFICER MOLS: So it's my understanding
19 then that the Petitioner will state its position on
20 the eligibility -- appropriate eligibility formula
21 and the mechanics of the election closer to the
22 close of the hearing. So we will take your
23 position at that time.

24 MS. AUERBACH: That's correct.

25 HEARING OFFICER MOLS: Before we move on to the

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1 cross-examination of the Petitioner's witness, I do
2 have a ruling on the petition to revoke. So after
3 consultation with the regional director, the region
4 has decided to grant the petition to revoke for the
5 reasons outlined in the petition to revoke which is
6 Petitioner Exhibit 73. That's granted in whole.
7 MR. PORZIO: So I understand, you're granting
8 the petition to revoke on all parts?
9 HEARING OFFICER MOLS: Yes, for the reasons
10 outlined in Petitioner Exhibit 73.
11 MR. PORZIO: Thank you.
12 HEARING OFFICER MOLS: So is the Employer ready
13 for cross-examination?
14 MR. WEITZMAN: Five-minute recess.
15 HEARING OFFICER MOLS: Off the record.
16 (WHEREUPON, a short recess was
17 taken.)
18 HEARING OFFICER MOLS: On the record.
19 So now we are going to proceed with the
20 Employer's cross-examination of witness Kamil
21 Asham.
22
23
24
25

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1 KAMIL ASHAM,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 CROSS-EXAMINATION
5 BY MR. WEITZMAN:
6 Q. Good afternoon, Mr. Asham. I want to
7 start by asking you some questions about your first
8 TA experience in the department.
9 A. Uh-huh.
10 Q. The first course in which TA'd in the
11 winter of 2014 was DVBI36400, correct?
12 A. I don't remember the code, so I can't
13 confirm it.
14 Q. The course title was, developmental
15 mechanisms, correct?
16 A. Correct.
17 Q. The stenographer can't take down both of
18 us if we talk at the same time.
19 A. Okay. Correct.
20 Q. Thank you.
21 Developmental mechanisms is a course for
22 graduate students, correct?
23 A. Correct. However, undergraduate students,
24 senior undergraduate students were in that class.
25 Q. There were two professors in that course,

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1 correct?
2 A. Correct.
3 Q. One was Dr. Rick Fehon, F-e-h-o-n --
4 A. Correct.
5 Q. -- correct.
6 And other was Dr. Chip Ferguson?
7 A. Edwin Ferguson, Chip is a nickname, but
8 yes.
9 Q. Everyone calls him Chip, right?
10 A. Yes. Everyone calls him Chip.
11 Q. Dr. Prince was not a professor in
12 developmental mechanisms in the winter of 2014,
13 correct?
14 A. No.
15 Q. Correct?
16 A. Correct. Yes. That is correct.
17 Q. Okay. Therefore, the experience that you
18 described as your TA experience with Dr. Fehon and
19 Dr. Ferguson was not intended to contradict
20 Dr. Pierce's testimony on how she mentors TAs when
21 she is the exclusive course director, correct?
22 HEARING OFFICER MOLS: Dr. Prince, maybe I
23 misheard. You said Dr. Pierce.
24 THE WITNESS: I heard Pierce as well.
25 MS. AUERBACH: Well, objection to --

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1 MR. WEITZMAN: I'm going to start all over so
2 we have it correct.
3 BY MR. WEITZMAN:
4 Q. Therefore, the experience you described in
5 your direct examination regarding Dr. Fehon and
6 Dr. Ferguson and your interaction with them as a TA
7 was not intended to contradict any of Dr. Prince's
8 testimony on how she mentors her TAs in courses
9 where she is exclusively the course director,
10 correct?
11 MS. AUERBACH: Objection to the question as
12 argumentative and, I mean, the witness was --
13 answered questions he was asked on direct. So
14 there was no intention on the witness's part except
15 to have the questions he was asked. Otherwise,
16 it's argumentative whether it contradicts or
17 doesn't contradict.
18 HEARING OFFICER MOLS: I'm going to sustain the
19 objection. I mean, the testimony is what it is to
20 the -- he can testify about his experience in that
21 course under those professors and to what extent it
22 may have differed from Dr., you know, when he
23 worked with Dr. Prince, but whether or not what his
24 intention was with regards to the testimony is for
25 argument from the parties.

1 BY MR. WEITZMAN:
 2 Q. Your experience in that case was based
 3 exclusively on your interaction with Dr. Fehon and
 4 Dr. Ferguson, correct?
 5 A. Correct.
 6 Q. Have you ever been a TA in Dr. Prince's
 7 course in the AP5 sequence which is the course she
 8 described during her testimony?
 9 HEARING OFFICER MOLS: First off, do you know
 10 what the AP5 sequence is?
 11 THE WITNESS: I do. I am aware of it, but --
 12 and I have TA'd a course in which Dr. Prince is one
 13 of the instructors, but I do not believe it is part
 14 of the AP5 sequence. It is also a graduate level
 15 course, but I do not believe it's --
 16 BY MR. WEITZMAN:
 17 Q. The course you're referring to is the
 18 second TA experience, correct?
 19 A. Correct.
 20 Q. And we will get to that.
 21 With regard to Dr. Fehon and Dr. Ferguson,
 22 when you testified that they didn't train you for
 23 discussion sections "particularly," is it your
 24 testimony that there was no training whatsoever?
 25 A. To say there was no training would imply

1 A. Correct.
 2 Q. The purpose of the discussion section was
 3 to go over points in the paper that should be
 4 understood and addressed and in the critique,
 5 correct?
 6 A. Correct.
 7 Q. To enable for you to go over the points
 8 with the students, Dr. Ferguson gave you a written
 9 summary of the papers, correct?
 10 A. A written summary of the paper, I do not
 11 recollect that, no.
 12 Q. So you don't deny it either?
 13 A. I mean, unless I have developed senility
 14 over the last few years, I cannot imagine what I
 15 must be missing. But, no, I do not believe I
 16 was -- I ever received a written summary of the
 17 paper.
 18 Q. You don't believe so?
 19 A. No.
 20 Q. Good.
 21 If Dr. Ferguson is called as a rebuttal
 22 witness, he's going to testify that he had a
 23 one-hour meeting with you prior to each discussion
 24 section. Do you recall that?
 25 A. I recall having a one -- so here's how the

1 that they never said anything to me at all about my
 2 TA experience which is almost exclusive -- which is
 3 almost never the case. I was given positive
 4 feedback. I was given positive affirmation I would
 5 say because feedback implies I should fix
 6 something, but I was told that I was doing really
 7 well. Students seemed to like me. And that was in
 8 the first discussion section where Dr. Richard
 9 Fehon sat in on, and that to my recollection is all
 10 of affirmation I got.
 11 Q. Well, my question wasn't about
 12 affirmation. My question was about training you
 13 for discussion sections.
 14 A. Okay.
 15 Q. So with regard to training you for
 16 discussion sections, is it your testimony that you
 17 received no training for discussion sections
 18 whatsoever?
 19 A. Not particularly, no.
 20 Q. So let me see if I can refresh your
 21 recollection on what in particular Dr. Ferguson did
 22 to prepare you for discussion sections. So this
 23 was a class in which students had to read certain
 24 papers, discuss them in the section that you led
 25 and prepare critique of those papers, correct?

1 course worked. The first half of the course --
 2 Q. Well --
 3 A. Let me --
 4 HEARING OFFICER MOLS: First off.
 5 THE WITNESS: It will be pertinent to this
 6 question.
 7
 8 BY MR. WEITZMAN:
 9 Q. That's a yes or no question.
 10 A. No, but it is pertinent because Dr. Edwin
 11 Ferguson didn't actually come into the course until
 12 the second half of the quarter. So it's not
 13 possible for him t have discussed every single
 14 discussion section with me because that would have
 15 been like all ten weeks. And he wasn't actually
 16 supervising until the last five weeks of the
 17 quarter.
 18 HEARING OFFICER MOLS: So was the course split
 19 in half between the two --
 20 THE WITNESS: Yes, it was.
 21 HEARING OFFICER MOLS: -- professors?
 22 BY MR. WEITZMAN:
 23 Q. For the session that Dr. Ferguson was
 24 teaching, did he meet with you an hour prior to the
 25 discussion section?

1 A. Not for all the discussion section, no.
 2 Q. Any?
 3 A. One, I believe, yes.
 4 Q. Does it refresh your recollection if I
 5 tell you that Dr. Ferguson's written summaries of
 6 the papers also contained the points that he wanted
 7 you to go over during the discussion section?
 8 A. I believe if -- again, like I said, I do
 9 not recollect a written summary. But I believe if
 10 Dr. Ferguson had those points, he would have
 11 communicated them to me verbally in the session
 12 that he spent with me.
 13 We have -- I want to reiterate something
 14 that I said last time which was that I had taken
 15 this course before in the year before. So I was
 16 very familiar with the material, and some of the
 17 papers had changed from the last year when I took
 18 the course but the large majority of them had not.
 19 And so, therefore, there was I think -- I believe
 20 only discussion of the changes were made because I
 21 was very familiar with the course. And having
 22 gotten an A in the course, Dr. Ferguson was, to my
 23 recollection, very confident in my ability to
 24 convey the material.
 25 Q. Are you sure you got an A?

1 lack of recollection of seeing them to me indicates
 2 that I, in fact, did not actually see them.
 3 Q. As to the student critiques, Dr. Ferguson
 4 also provided you with a written guideline on how
 5 to grade a critique, correct?
 6 A. I do not believe so, no.
 7 Q. Okay. You're not denying, correct?
 8 A. I -- I am denying it.
 9 Q. The discussion section in which one of the
 10 professors sat in, that was Dr. Fehon?
 11 A. Correct.
 12 Q. The purpose of Dr. Fehon sitting in on
 13 your first discussion section was to observe you,
 14 correct?
 15 A. Correct.
 16 Q. Afterwards he gave feedback that your
 17 session was good. You already testified to that,
 18 correct?
 19 A. Correct.
 20 Q. Because Dr. Fehon told you that your
 21 section was good, you really didn't expect him to
 22 return for further observation, did you?
 23 A. I didn't have any expectations actually.
 24 I expected -- because when I took the course the
 25 year before, I do remember Rick and Chip attending

1 A. I did, yes. Yes.
 2 Q. Could it have been A-minus?
 3 A. No. I think it was an A.
 4 Q. You think? You think?
 5 A. I -- yes. It was an A.
 6 HEARING OFFICER MOLS: Next question.
 7
 8 BY MR. WEITZMAN:
 9 Q. So if Dr. Ferguson comes as a rebuttal
 10 witness and brings his summaries in point, are you
 11 saying that you don't remember seeing them or are
 12 you saying that he'd be making those up?
 13 A. Can you rephrase that question, I don't --
 14 Q. Sure. If Dr. Ferguson brings in the
 15 summaries and the summaries have the points that he
 16 wanted you to go over --
 17 A. Uh-huh.
 18 Q. -- would your testimony be that you don't
 19 remember seeing them or would your testimony be
 20 that he made them up for the purpose of this
 21 hearing?
 22 A. I wouldn't want to attribute any, you
 23 know, wrongful intention to Dr. Ferguson. So,
 24 yeah, my testimony -- yes, my testimony would be
 25 that I do not recollect seeing them. However, my

1 multiple sessions. And the time that I TA'd, I was
 2 surprised to not see them as often as I had seen
 3 them when I had taken the course.
 4 Q. You don't know why they attended
 5 discussion sections when they were taught by other
 6 TA's, correct?
 7 A. I cannot say with a hundred degree of
 8 certainty. But I believe that when Dr. Fehon gave
 9 me his positive feedback, I took it to mean that I
 10 was doing really well and that they didn't need to
 11 sit in on further sections.
 12 Q. Good.
 13 The instructor of record when you took the
 14 course previously was Dr. Fehon, correct?
 15 A. Correct.
 16 Q. Exclusively, right?
 17 A. No. I believe it was both.
 18 Q. Both, okay.
 19 And not only did you take the class, but
 20 you also had attended discussion sections?
 21 A. Correct.
 22 Q. You saw how they were run?
 23 A. Correct.
 24 Q. You were familiar with what went on in a
 25 discussion section in that course, correct?

1 A. Correct.
 2 Q. If you needed any further direction about
 3 how to discuss -- how to lead a discussion section
 4 in that course, you could have asked, correct?
 5 A. Correct.
 6 Q. Let's turn now to grading in that course.
 7 Do you agree that one way to teach a teaching
 8 assistant about grading is to give the teaching
 9 assistant a rough rubric and challenge the teaching
 10 assistant to see if he can approve it?
 11 A. Sure, yeah.
 12 Q. You testified that you were given a rough
 13 rubric, and you did make changes to that rubric,
 14 correct?
 15 A. Correct.
 16 Q. And then Dr. Fehon gave you feedback on
 17 the rubric, correct? Or was it Dr. Ferguson?
 18 A. So both -- so let me -- because these
 19 questions are so specific, please let me give a
 20 comprehensive answer.
 21 There was a midterm that was supervised by
 22 Dr. Fehon, and then the final was supervised by
 23 Dr. Ferguson. The way they approached the midterm
 24 and final was very different. Dr. Fehon gave me a
 25 rough rubric. Dr. Ferguson gave me a -- well, a

1 feedback on the rubric aspect of the grading. But
 2 other than that, does that answer your question
 3 about the fleshing out the rubric?
 4 Q. If I understand your answer, Dr. Fehon
 5 gave less mentoring on the rubric because he liked
 6 the way you did it?
 7 A. Correct.
 8 Q. Okay.
 9 A. Although, I would say that's to some
 10 degree speculation because he actually never --
 11 well, he said I did it well, but --
 12 Q. That's what you testified?
 13 A. Yeah.
 14 Q. Which of the professors was the one that
 15 changed the A you had given because he said you
 16 gave too many As?
 17 A. Dr. Ferguson.
 18 Q. And in changing that A to a lower grade,
 19 Dr. Ferguson was teaching you about his philosophy
 20 on grade distribution, correct?
 21 A. No, I do not believe that was the
 22 intention at all. The intention was demanding a
 23 certain consistency and standardization within the
 24 class. It may have been, you know, a byproduct of
 25 it that he thought that I needed to be hasher in my

1 more fleshed-out rubric.
 2 However, in both cases, I felt even though
 3 I was not asked to do it, that I needed a portion,
 4 you know, exactly what phrases went down as certain
 5 point, for instance, right. So a question about
 6 drosophila imaginal discs, pardon me for the
 7 jargon, the rough rubric would not let me know
 8 whether I was supposed to give two out of five
 9 points or four out of five points or three out of
 10 five points. So I had to design a rubric that
 11 would allow me to apportion points accordingly.
 12 And when I graded those papers according
 13 to that rubric and handed the papers back to
 14 Dr. Fehon, I provided him that rubric. So when I
 15 showed it to him, he said -- he -- he said, yes,
 16 this looks good to me. And my grades were as they
 17 were, I believe.
 18 And with Dr. Ferguson, it was slightly
 19 different because he had given me a more
 20 fleshed-out rubric. I had only -- I needed to
 21 clarify and flesh out some things, but not others.
 22 And so when I handed the papers back to him, he
 23 said, oh, yeah, good, I'm glad that you got that,
 24 or, hmm, maybe you're being a little too hard on
 25 this one. So Dr. Ferguson gave a little bit more

1 grading. But the primary objective of it was that
 2 he felt that the students needed grades that they
 3 were absolutely deserving of, and giving too many
 4 grades in this particular course was not something
 5 that he was comfortable with doing.
 6 Q. And he explained that to you?
 7 A. Yeah, he did actually.
 8 Q. Good. So now let's talk about office
 9 hours.
 10 You testified that the faculty did not sit
 11 in on office hours, correct?
 12 A. Correct.
 13 Q. Office hours gives students the
 14 opportunity to tell the TA what the student finds
 15 confusing about the professor's lecture, correct?
 16 A. Correct.
 17 Q. Office hours provides students with an
 18 opportunity to ask that question without the
 19 professor being present, correct?
 20 A. Correct.
 21 Q. Therefore, if a professor sat in on office
 22 hours, it would inhibit one of the purposes of
 23 office hours, correct?
 24 A. Well, if they -- if a professor sat in on
 25 one of the discussion sections, so students are

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1 free to discuss with the -- with their TA in
2 discussion sections as well. And, as I testified,
3 the professors were not present for nine of the
4 discussion sections that I presented, and they were
5 free to talk to me during the discussion sections.
6 I do not believe they were inhibited more
7 or less in office hours as compared to the
8 discussion sections because in both cases
9 professors were not present, but I do not see that
10 as the function of office hours, no.
11 Q. But it's one of the things that students
12 use office hours for, correct?
13 A. Correct.
14 Q. Asking you questions that they don't want
15 to ask in front of the professor, correct?
16 A. Not always. Again --
17 Q. I didn't say always. I said is it a
18 function?
19 A. It is a function, but --
20 Q. Thank you.
21 A. Can I respond to that a little bit more?
22 Q. You just did. It was a yes or no
23 question.
24 A. All right.
25 Q. Let's talk about your second TA

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1 experience. That course was DVBI36200, correct?
2 A. I don't know the code.
3 Q. The title of that course was, stem cells
4 and regeneration, correct?
5 A. Correct.
6 Q. The year in which you TA'd that course,
7 there were 11 undergraduates and one graduate
8 student correct?
9 A. That sounds to me about right, yeah.
10 Q. And there were five professors assigned to
11 stem-cell and regeneration that quarter, correct?
12 A. Correct. But I believe Dr. Prince and
13 Dr. Edwin Ferguson were the main professors --
14 Q. Correct.
15 A. -- leading the course.
16 Q. I agree.
17 A. Yeah.
18 Q. So you had taken the same course the year
19 before, correct?
20 A. Correct.
21 Q. And can we assume that you did well when
22 you took that course?
23 A. Yes. In this particular case, I cannot
24 remember if I got an A or an A-minus, but I think
25 it was one of the two.

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1 Q. All right. So that class started with
2 four lectures by the professors, Dr. Prince and
3 Dr. Ferguson, correct?
4 A. Correct.
5 Q. And then the latter part of course had the
6 format where there would be a lecture by a
7 professor followed by a student presentation on a
8 paper, correct?
9 A. I believe the structure of the course was
10 actually not former or latter. Student
11 presentations were preferred pretty much throughout
12 course, and they started, I believe, in the second
13 week or the third week. The second week I gave a
14 presentation, and then the third week student
15 presentations began. And they continued all the
16 way to tenth week, and every week students -- there
17 were two students who gave presentations --
18 Q. Okay. So let's see --
19 A. -- former or the latter.
20 Q. I say we talk about the same page.
21 A. Sure.
22 Q. First four lectures by Dr. Ferguson and
23 Dr. Prince, correct?
24 A. Yes, so that's the first two weeks, yes.
25 Q. Okay. Two weeks?

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1 A. Two weeks, and then the first lecture of
2 the third week.
3 Q. That was followed by a paper presentation
4 by you, correct?
5 A. So the first three lectures and then a
6 paper presentation by me and then another lecture,
7 that would be the order that I remember.
8 Q. Wasn't there another student who made a
9 presentation immediately after you?
10 A. Yes, there was. Yes, you're right.
11 Q. Okay. So you did a good job, right?
12 A. I believe so. Dr. Ferguson told me that
13 he really liked it.
14 Q. When you made your presentation, you were
15 observed by both Dr. Prince and Dr. Ferguson,
16 correct?
17 A. Correct.
18 Q. And afterwards, in addition to what
19 Dr. Ferguson told you, Dr. Prince also told you it
20 was a good presentation, correct?
21 A. Correct. Dr. Prince never fails to give
22 me positive feedback.
23 Q. Good. So after that, the format of the
24 class was lecture and then two student
25 presentations on paper, correct?

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1 A. Correct.
2 Q. And it was in those subsequent weeks when
3 other faculty would lecture the class on the team
4 basis, correct?
5 A. Correct.
6 Q. And you were the only one who saw all the
7 presentations, correct?
8 A. Correct.
9 Q. And you were told at the outset of the
10 class that part of your role was to bring
11 continuity to the course, correct?
12 A. Correct.
13 Q. In this course, there were no discussion
14 sections as we were referred to them in the
15 previous TA experience, correct?
16 A. Correct.
17 Q. The discussions in this class took place
18 as discussions on the paper that was presented,
19 correct?
20 A. Correct.
21 Q. And when those discussions took place, it
22 was the professor who would lead the class
23 discussions that followed the student's
24 presentation of a paper, correct?
25 A. Can you rephrase that question, please?

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1 Q. Sure.
2 The student would make a presentation on a
3 paper, correct?
4 A. Correct.
5 Q. And after the student's presentation,
6 there would be a class discussion, correct?
7 A. Correct.
8 Q. The person who led the discussion
9 following the presentation of the paper was the
10 professor, correct?
11 A. I see, yes, correct.
12 Q. Okay. Also, in the stem cells and
13 regeneration class, there were no office hours in
14 the usual sense of those words, correct?
15 A. No. That is correct.
16 Q. Okay. But you did meet one on one with
17 each student to help them prepare their
18 presentation, correct?
19 A. That is correct.
20 Q. In that class, if you remember, the
21 grading was 25 percent paper presentation,
22 15 percent critiques, 30 percent midterm and
23 30 percent final?
24 A. That sounds about right.
25 Q. And you had input on the 25 percent paper

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1 presentation because of your continuity, correct?
2 A. Correct.
3 Q. And first you gave your impression on the
4 presentation either that day or shortly thereafter
5 while it was fresh in everybody's memory, correct?
6 A. Correct. And there was some especially
7 after all the presentations were complete, there
8 was some evaluation and talk about each of the
9 presentations with Dr. Prince and with
10 Dr. Ferguson.
11 Q. And during those subsequent discussions at
12 the end of the course that you just described, you
13 would also be asked for your input on the grades
14 that the students should be given, correct?
15 A. I was -- I never -- I don't believe I
16 assigned them grades. I believe I assigned them a
17 number score out of ten. I was not responsible for
18 grading any component of that course. And the
19 midterms and finals were also exclusively graded by
20 the professors. So I believe I ranked them in a
21 one to ten scale, and that rank I assume was done
22 to the grades.
23 Q. Did you ever have any input on the grades?
24 A. Not on the -- so insofar as giving that
25 ranking system translated into grades, yes; but

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1 insofar as actually assigning letter grades, no.
2 Q. I want to move on to your selection of the
3 Prince lab which you currently do your research?
4 A. Correct.
5 Q. You said that you did three rotations, but
6 really Dr. Prince's lab was the fourth rotation,
7 correct?
8 A. Correct.
9 Q. You started with the first rotation in the
10 fall of 2012 with Dr. Neil Shubin, correct?
11 A. Correct.
12 Q. In the winter of 2013, you had a rotation
13 with Dr. Otten, correct?
14 A. Correct.
15 Q. And then in spring of 2013, you had a
16 rotation with Dr. Rick Fehon, correct?
17 A. Correct.
18 Q. The fourth was in the summer of 2013 with
19 Dr. Prince?
20 A. Correct.
21 Q. The normal number of rotations is three,
22 correct?
23 A. Correct.
24 Q. And you had four?
25 A. Correct.

1 Q. I understand your plans after you receive
2 your Ph.D. include the option of getting a
3 fellowship from Harvard to write a book, correct?
4 A. That is one of the things that I'm looking
5 into, yes.
6 Q. And when you testified that you selected
7 Dr. Prince because of her mentoring style, were you
8 referring in part to the fact that of the four labs
9 you had rotated in, Dr. Prince would be the one who
10 would be the most supportive of your ultimate
11 career goals even if they were outside of research?
12 A. I didn't know about outside of my -- so,
13 correct, insofar as, yes, I believe that Dr. Prince
14 was by far the best mentor I believed in my mind.
15 As a first year, I didn't really consider my career
16 prospects at the time. And it is only over the
17 years in Dr. Prince's lab that I've really
18 developed those ideas about what I'm going to do
19 after graduate school.
20 And a lot of this is also to the credit of
21 Dr. Prince herself who collaborates and brainstorms
22 with me about what I could possibly do and supports
23 me in my endeavors.
24 Q. What were the mentoring skills that
25 attracted you to Dr. Prince's lab when you went

1 through your rotation there?
2 A. I think the mentoring skills -- this is a
3 hard one especially in her presence, but I think
4 the mentoring skills that Dr. Prince exhibited at
5 the time and still continues to exhibit is
6 forthrightness, for one. She is very forthright
7 about how she feels about how you're doing. Her
8 feedback is meaningful and often very positive.
9 She is very encouraging. She gives credit
10 where credit's due. And she is, you know, despite
11 being the dean of students, one would think she's
12 very, very busy person, she is; however, she always
13 makes herself available whenever you need her
14 really to talk. And that for a first year student
15 is -- are all very appealing attributes in a
16 mentor.
17 Q. For the record, the current subject of
18 your dissertation research is the role of prickle
19 molecules in neurocrest migration, correct?
20 A. Correct.
21 Q. But when you discussed joining
22 Dr. Prince's lab with Dr. Prince, what you
23 discussed as your interest was an interest in
24 planar cell polarity, correct?
25 A. Planar cell polarity, yes.

1 Q. Also known as PCP, correct?
2 A. Correct.
3 Q. Prickle is a molecule involved in PCP,
4 correct?
5 A. Correct.
6 Q. The Prince lab has -- had previously
7 studied prickle, correct?
8 A. Correct.
9 Q. The Prince lab's research on prickle has
10 been in the context of the migration of neurons,
11 correct?
12 A. Correct.
13 MR. WEITZMAN: Could you show the witness
14 Exhibit 18, please?
15 HEARING OFFICER MOLLS: Employer 18?
16 MR. WEITZMAN: Petitioner 18.
17 BY MR. WEITZMAN:
18 Q. I want you to look at Petitioner
19 Exhibit 18. We're going to go through it to see if
20 your current interest in prickle and neurocrest are
21 consistent with Dr. Prince's previous research
22 interests.
23 A. Okay.
24 Q. So first let's turn to the first page.
25 The second article from the bottom where the first

1 author is Mapp, M-a-p-p?
2 A. Yes.
3 Q. That dealt with prickle 1B, correct?
4 A. Correct.
5 Q. And then on the next page, the second one
6 down is another article where Mapp is the first
7 author, and it also he dealt with prickle 1B,
8 correct?
9 A. Correct.
10 Q. Lower on that page, in fact, next to the
11 last article by Rosch Schneider also dealt with
12 prickle 1B, correct?
13 A. Correct.
14 Q. And then if we look on the bottom of
15 Page 3 of 5, there's an article where the next
16 author is Hunter, and where it talks about the
17 second pharyngeal arch, that is populated by
18 neurocrest cells, correct?
19 A. Pharyngeal, and correct.
20 Q. Good. Thank you for correcting me.
21 In the middle of the fourth of five pages
22 where Schilling is the first author, one of the
23 subjects discussed is neurocrest, correct?
24 A. Correct.
25 Q. And on the last page, there are two

1 articles, one is where Gail is the first author and
 2 that dealt with neurocrest, correct?
 3 A. Correct.
 4 Q. And the one right underneath that,
 5 Dr. Prince is the first author, and it also dealt
 6 with neurocrest?
 7 A. Correct.
 8 Q. And that article that we just referred to
 9 by Dr. Prince goes back to a 1994 interest that --
 10 where Dr. Prince developed her interest in
 11 neurocrest, correct?
 12 A. Correct.
 13 Q. Based on this review of Dr. Prince's
 14 publications, is it fair to say that your current
 15 dissertation topic is a merger of two of
 16 Dr. Prince's interests regarding prickle molecules
 17 neurocrest?
 18 A. That is correct. And that is not -- that
 19 is generally the norm for any graduate student in a
 20 lab to work within the ambit of the lab's focus.
 21 Q. Your current dissertation topic is not the
 22 same as your original dissertation topic, correct?
 23 A. Correct.
 24 Q. In your original proposed thesis, you
 25 proposed to work on cell migration both in the

1 good for grants. However, that would have been
 2 rendered moot if I had had no research results
 3 pertinent to that, right. So to some degree I had
 4 to convince my thesis committee of the worthiness
 5 to work on that project.
 6 Q. And the findings that you made are what
 7 subsequently led to a 2016 grant by the Chicago
 8 Biomedical Consortium, correct?
 9 A. Correct.
 10 Q. Do you agree that it's perfectly normal
 11 for a PI to write research grants based on findings
 12 of the grad students so that the PI can support the
 13 students' research?
 14 A. That is absolutely correct. He has right
 15 grounds for support for the lab in general, not
 16 just the graduate students, but, yes, graduate
 17 students are integral to the lab, so yes.
 18 Q. You testified that you have trained
 19 others, but it's a fact that you are not the only
 20 one in the lab who mentors junior students and
 21 technicians, correct?
 22 A. Oh, correct. Absolutely.
 23 Q. In fact, the two undergraduate seniors who
 24 will graduate next week completed their senior
 25 research thesis in the Prince lab, and you were not

1 context of neurons and neurocrest, correct?
 2 A. Correct.
 3 Q. And what you've done is narrowed the scope
 4 just to neurocrest?
 5 A. Correct.
 6 Q. You talked about a research grant in your
 7 prior testimony?
 8 A. Uh-huh, correct.
 9 Q. The research grant that you referred to in
 10 your testimony was a research grant for the
 11 Chicago -- from the Chicago Biomedical Consortium,
 12 correct?
 13 A. When referring to that grant, I was not
 14 actually referring to the Chicago Biomedical
 15 Consortium even though that is a grant that I
 16 was -- that we have. What I was talking about in
 17 that context was how I was able to convince my
 18 thesis committee to let me work on neurocrest
 19 cells.
 20 And what I said was that in addition to
 21 the expectation that I would be producing data, you
 22 know, in that area, it was also brought up in my --
 23 one of my these thesis committees that neurocrest
 24 cells are indeed a very hot area, and, you know,
 25 would be very -- would be very possibly be very

1 one of the two primary mentors of those two
 2 students, correct?
 3 A. Correct.
 4 Q. You -- so, again, it's perfectly normal
 5 for graduate students and even technicians to train
 6 more junior people in the lab, correct?
 7 A. Yeah. It's the norm.
 8 Q. Do you agree that getting a Ph.D. means
 9 that the Ph.D. is the foremost expert in the
 10 focused topic of his dissertation in which no one
 11 else has the same level of expertise?
 12 A. I would say that that is correct, yeah.
 13 That is correct.
 14 Q. So when you train someone in an area in
 15 which you are writing your dissertation, you would
 16 expect that your unique expertise would make you
 17 the logical choice to do that training, correct?
 18 A. That is correct. However, I am going to
 19 segue to another -- sorry --
 20 Q. You answered the question?
 21 A. But no -- what is pertinent is that --
 22 Q. Segues --
 23 A. This question implies that graduate
 24 students all lead to training when it pertains to
 25 their dissertation research. Graduate students and

1 all the undergraduate students and technicians
2 train others when even it's not pertinent to the
3 dissertation research. And, in fact, there are
4 examples from all graduate students in the lab
5 where they have trained others, and it has been to
6 no benefit of their other than dissertation
7 research at all. So it is not exclusively to the
8 benefit of the graduate students for dissertation
9 research that they train first.

10 MR. FASMAN: That wasn't my question, move to
11 strike.

12 HEARING OFFICER MOLLS: I likely would have
13 followed up with a further clarification, so I'm
14 going to permanent the testimony.

15 BY MR. WEITZMAN:

16 Q. Let me ask my yes or no question again
17 because it didn't relate to a benefit issue.

18 My question was whether -- is when you
19 train someone in an area in which you are writing a
20 dissertation, you would expect that your unique
21 expertise would make you the logical choice for
22 that training, correct?

23 A. Correct.

24 Q. Good. Based on your expertise, you have
25 trained students, correct?

1 A. Correct.

2 Q. But you have not yet published a
3 dissertation in your area of expertise, correct?

4 A. Correct.

5 Q. Nor have you published the required -- let
6 me start that question all over.

7 Nor have you published the degree
8 requirement peer reviewed paper, correct?

9 A. No. I'm hoping to later this year, hoping
10 to submit.

11 Q. So the answer to that question is you have
12 not?

13 A. No.

14 Q. You are fifth year?

15 A. You are correct.

16 Q. You are fifth year, and you have not
17 published that peer reviewed paper?

18 A. Correct.

19 Q. And you haven't finished your
20 dissertation?

21 A. That is correct.

22 Q. The research that you do in the Prince lab
23 is exclusively for your dissertation topic,
24 correct?

25 A. Almost exclusively.

1 Q. What other research do you do?

2 A. So I -- so my dissertation as you
3 mentioned is about the role of prickle genes in
4 neurocrest development. There are always side
5 projects that the research, the technician who
6 works under my tutelage may want to, you know,
7 develop and work on independently.

8 It involves a protein called rest and
9 other graduate student may also want to follow up
10 on that project. I have some preliminary data on
11 that project, but it does not pertain to my
12 dissertation. And if we were to make it connect to
13 my dissertation -- actually we have no expectation
14 or desire to make it connect to my current research
15 topic. So, no, not all research experiments that I
16 do are relating to my dissertation.

17 Q. Mr. Asham, isn't it a fact that your
18 thesis committee considers rest as part of your
19 thesis?

20 A. I don't believe they do at the moment, no.

21 Q. Did they at one time?

22 A. At one point, yes.

23 Q. What percentage of your time do you spend
24 on researching rest which at one point your thesis
25 committee considered part of your thesis?

1 A. I don't know what percentage of my time is
2 spent researching rest. I don't know how to
3 apportion my research time in my head with
4 percentages. I would say my thesis committee was
5 very adamant that I do not study rest actually
6 which is why the percentage of time that I spent
7 working on it has fallen dramatically. Now maybe
8 5 to 10 percent of my time is studying rest. At
9 some -- at an earlier point it may have been closer
10 to 20 percent.

11 Q. Your research on rest was a branch of your
12 thesis topic that you thought would lead to some
13 positive results, correct?

14 A. Correct.

15 Q. One moment, please.

16 There was some testimony on direct about
17 Dr. Prince's publications. As far as you know,
18 there is no requirement to be listed as an author
19 on a paper that the person must do what the Union's
20 lawyer called "primary research," correct?

21 A. I'm not sure I understand the question.

22 Q. Okay. Is there any requirement that to be
23 listed on a paper one must perform what the Union
24 called "primary research?"

25 A. No, I do not believe in publication

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1 requirements that is an absolute requirement. And
2 I think what you mean by research is actual
3 experimental work. Interpretation of data is also
4 considered worthy of an authorship, and that is
5 predominantly why principal investigators, advisors
6 are the senior corresponding authors on papers.
7 That's norm.
8 Q. In fact, there's several ways to be listed
9 on a paper, provided if the person makes an
10 intellectual contribution to the publication,
11 correct?
12 A. Correct.
13 Q. And as far as you know, Dr. Prince has
14 made an intellectual contribution to all the
15 publications in which she is listed as an author
16 during the time that you have been in the Prince
17 lab, correct?
18 A. Absolutely.
19 Q. You testified about some experiments that
20 Dr. Prince did in connection with the Love article.
21 Do you recall that testimony?
22 A. Correct.
23 Q. She performed those experiments following
24 peer review of the Love article, correct?
25 A. Correct.

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1 Q. In addition to those experiments, you are
2 aware that Dr. Prince also collaborates with grad
3 students on their experience -- experiments as a
4 team, correct?
5 A. Are you -- is there a question referring
6 to actual experiments being conducted?
7 Q. Yes.
8 A. Yes, I believe she does.
9 Q. Okay. You've seen Dr. Prince sit next to
10 the two more junior grad students in a lab and help
11 them with their experiments?
12 A. Yeah. She helped me when I was a more
13 junior student as well.
14 Q. When you testified that you meet with
15 Dr. Prince one hour each week, that's the formal
16 time of your meetings with her, correct?
17 A. Yeah. It changes around a bit, but yes.
18 Q. And you didn't want to give the impression
19 to the hearing officer that that one hour was the
20 only time that you speak with Dr. Prince during the
21 week, did you?
22 A. Oh, absolutely. We talk -- Dr. Prince
23 makes herself available whenever I ask her to be
24 available, and that is one of the reasons why I
25 have repeatedly said she is an ideal mentor and

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1 continues to be.
2 Q. When you have your meetings, the one-hour
3 meeting, the two of you discuss what's going on
4 with your experiments, correct?
5 A. Correct.
6 Q. You discuss the interpretation of the
7 data, correct?
8 A. Correct.
9 Q. Do you discuss your plans towards the
10 ultimate publication of your study, correct?
11 A. Correct.
12 Q. You discuss your career plans?
13 A. Correct.
14 Q. What else do you discuss?
15 A. We discuss a lot of things. We --
16 Dr. Prince and I have a very, in my view, a very
17 supportive personal relationship. So we talk
18 about, you know, personal stuff as well. We talk
19 about -- we, in my mind, have transitioned from a
20 relationship where Dr. Prince is an expert, and I
21 am just soaking up a lot of information from her
22 because she is just a fountain of knowledge.
23 We have transitioned from that
24 relationship to something which is much more
25 collaborative. You know, we talk and there are

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1 occasions when I disagree, for instance, with
2 Dr. Prince. And then I reason with her, and she
3 agrees or disagrees with me. And then she says
4 something, and I agree or disagree. It's a very
5 collaborative relationship. I actually feel that
6 it's -- you know, there's a -- I don't think any of
7 it can be parceled into one, you know, particular
8 facet of, you know, conversation.
9 Q. The transition from one kind of a
10 relationship to the next kind of relationship that
11 you described, that's the way it should be, right?
12 A. Correct.
13 Q. And the next step will be for you to be an
14 independent scientist?
15 A. I believe I already am to a very, very
16 large degree an independent scientist. So I think
17 one of the assumptions inherent in that question is
18 that we are only independent scientists once we
19 absolutely graduate with our Ph.D.s, and I do not
20 believe that's true. We are independent scientists
21 and do work -- we are independent scientists well
22 before we graduate, and we do work throughout our
23 graduate degree.
24 Q. With respect to the research you do in the
25 lab, does anyone prescribe what your duties are?

1 A. Well, Dr. Prince and I have a running list
 2 of experiments I need to complete before we submit
 3 my manuscript for publication, so what's prescribed
 4 for me are things that Dr. Prince and I have
 5 decided that are critical for my dissertation
 6 research.
 7 Q. Does anyone tell you on a daily or weekly
 8 basis what you're to do?
 9 A. No. In fact, Dr. Prince asks us every
 10 week on -- we have this online platform called Base
 11 Camp where we put our weekly plans up. And we
 12 don't always do that, but we try hard to do that
 13 because that allows both Dr. Prince and all of the
 14 graduate students to be following what we're doing
 15 on a daily basis.
 16 Q. You are the one who decides what your
 17 weekly plans will be, correct?
 18 A. Correct. But if there is an experiment
 19 that Dr. Prince told me to do a week or two
 20 earlier, I will prioritize that.
 21 HEARING OFFICER MOLLS: What was the name of
 22 that platform again?
 23 THE WITNESS: Base Camp, it's a fun online tool
 24 everyone should check out.
 25 BY MR. WEITZMAN:

1 A. Correct.
 2 Q. And then you had to be interviewed by the
 3 writing program personnel before you were invited
 4 to participate, correct?
 5 A. Correct.
 6 Q. Little Red Schoolhouse is itself a course.
 7 It's called English 33000, correct?
 8 A. I don't know the code.
 9 Q. It's an English course?
 10 A. That is what the course is.
 11 Q. Lectors initially participate in the
 12 undergraduate version of the course and then can
 13 progress to the graduate version, correct?
 14 A. Yes. The first quarter I teach
 15 undergrads, and the second quarter I taught
 16 undergrads. However, I do at least know one lecturer
 17 who taught graduate opportunities in her first
 18 quarter.
 19 Q. Being a lecturer in the writing program is
 20 not the same as being a TA in a biology course,
 21 correct?
 22 A. No, but work is work.
 23 Q. Well, let's talk about the differences
 24 between the kind of course that you TA'd in and the
 25 writing program. The writing course can be taken

1 Q. It's a way that you learn time management
 2 tools by making a plan and sticking to it?
 3 A. It's a lab organization software, yeah.
 4 Q. Let me now talk to you about your lecturer
 5 experience, moving away from the lab, moving away
 6 from Dr. Prince.
 7 You're a lecturer in the Little Red
 8 Schoolhouse, right?
 9 A. Correct. Not currently, not presently.
 10 Q. Not presently, but you were?
 11 A. I was.
 12 Q. And that's the writing program designed to
 13 improve writing by undergraduate and graduate
 14 students, correct?
 15 A. Correct.
 16 Q. To be a lecturer, you were required to take
 17 training in English 50300, a full quarter-long
 18 writing course taught by members of the writing
 19 program, correct?
 20 A. Correct.
 21 Q. In addition to taking a full quarter's
 22 worth of graduate training before joining the
 23 writing program and being a lecturer, you also had to
 24 qualify by submitting an application including one
 25 or more of your papers, correct?

1 pass/fail, correct?
 2 A. It can be taken -- not for all students.
 3 So in my first quarter the undergraduate students
 4 all took it -- I think to my recollection, perhaps
 5 one or two of them took it pass/fail, but a large
 6 portion of them, if not all of them took it for a
 7 letter grade. The graduate students in the second
 8 quarter I lectored all took a pass/fail.
 9 Q. And when somebody takes the course
 10 pass/fail, there's less emphasis on the exactitude
 11 for grading, correct?
 12 A. Well, that's not entirely true. So for
 13 one, many of these students didn't decide that they
 14 wanted to take a pass/fail until well into the
 15 course. So when I was lecturing the graduate
 16 students, they told me in the fifth week that they
 17 were going to take a pass/fail. And up until then
 18 I had been assigning them letter grades.
 19 And assigning letter grades is still
 20 important because for graduate students. Unlike
 21 undergraduate students, they have to maintain a
 22 letter grade average in order to maintain good
 23 standing in their program. So it really mattered
 24 what I was grading them for in order for the pass
 25 or the fail. Does that make sense?

1 Q. You can grade them pass/fail without
 2 giving them a letter grade, correct?
 3 A. Yes. That's eventually what happened.
 4 Q. Right. Unlike being a TA in a biology
 5 class, the subject matter in the writing project is
 6 divorced from substance, correct?
 7 A. Divorced from substance, divorced from
 8 substance would mean that we are not dealing with
 9 the substance in its actual form, and I actually
 10 think that we are. We don't deal with the actual
 11 content in terms of the arguments presented. We do
 12 not engage with them on their own terms. We engage
 13 with them the way a rhetorician would, for
 14 instance, or the way a craftsman would. And we try
 15 to craft those arguments and writing in order to
 16 suit, as Mr. McEnerney testified, in order to suit
 17 the audiences that the writers are writing for.
 18 Q. So you can have literature majors, physics
 19 majors, music majors or any other combination of
 20 divergent substantive interests in your writing
 21 class, right?
 22 A. Absolutely.
 23 Q. And they come together in the Little Red
 24 Schoolhouse based on their mutual desire to learn
 25 how to be better writers, correct?

1 staff of the writing program deliver lectures, as
 2 Mr. McEnerney testified earlier today. And largely
 3 graduate students are lectors, and they lead
 4 discussion sections themselves without any outside
 5 or external help.
 6 Q. Are there midterms?
 7 A. No.
 8 Q. Are there finals?
 9 A. No.
 10 MR. WEITZMAN: May we go off the record please.
 11 HEARING OFFICER MOLS: Off the record.
 12 (WHEREUPON, a short recess was
 13 taken.)
 14 HEARING OFFICER MOLS: On the record.
 15 MR. WEITZMAN: We have no other questions for
 16 the witness.
 17 HEARING OFFICER MOLS: Okay. I think I have
 18 one or two.
 19 EXAMINATION
 20 BY HEARING OFFICER MOLS:
 21 Q. So when you were discussing your time as a
 22 writing lector, you said that writing lectors do
 23 hold discussion sections. Can you tell me what you
 24 said the instructors hold lectures and writing
 25 lectors do the discussion sections. How many

1 A. Correct.
 2 Q. As a lector in the writing program, you
 3 work with students on their papers and
 4 presentations. That's what the writing course is
 5 about, correct?
 6 A. Students don't present papers in the
 7 writing program.
 8 Q. Okay. So you work with them on their
 9 papers?
 10 A. Yes.
 11 Q. You do not give substantive matter
 12 lectures in the writing course, correct?
 13 A. Correct.
 14 Q. You do not lead discussion sections,
 15 correct?
 16 A. I do lead discussion sections.
 17 Q. That's what you do?
 18 A. Yes.
 19 Q. You don't teach. You don't lead a
 20 discussion section which is separate and apart from
 21 what the faculty member is teaching. You are the
 22 faculty?
 23 A. In the discussion section?
 24 Q. In the writing program.
 25 A. In the writing program, the faculty and

1 discussion sections are there in a given week for
 2 the Little Red Schoolhouse course?
 3 A. One per week.
 4 Q. One per week?
 5 A. Uh-huh.
 6 Q. And in the discussion sections that you
 7 personally conducted, were you the only writing
 8 lector present?
 9 A. Yes. Every -- one writing lector for
 10 every discussion section.
 11 Q. Do you recall how many students there were
 12 in your group?
 13 A. It varies. The first time I think I had
 14 seven and second time I had five. So it's
 15 somewhere between five to seven, maybe sometimes
 16 eight, but, yeah, I think they try to keep it
 17 between five and eight.
 18 Q. Have you -- when you were a writing
 19 lector, have you -- did you -- sorry, let me
 20 rephrase.
 21 In your time as a writing lector, were you
 22 only ever responsible for one section at a time
 23 or --
 24 A. Yes.
 25 Q. Okay. Thank you.

1 So I see here from my notes, you were a
 2 writing lector in the winter of 2015 or the winter
 3 or spring of 2016?
 4 A. No, the spring of 2015.
 5 Q. Oh, I'm sorry.
 6 A. Fall, I'm sorry.
 7 Q. Oh, I see that. Sorry, my mistake.
 8 Were you ever a TA during the same quarter
 9 when you were a writing -- also a writing lector?
 10 A. No. To apply for the writing lector or
 11 intern positions, you have to be -- you have to
 12 have completed your TA requirements from your home
 13 program, at least for BSD.
 14 HEARING OFFICER MOLS: I think that's all of my
 15 questions.
 16 MS. AUERBACH: I have a few.
 17 REDIRECT EXAMINATION
 18 BY MS. AUERBACH:
 19 Q. So with respect to the writing lector
 20 position, is there a deadline by which in the
 21 quarter by when students have to declare if they
 22 want to take the course pass/fail?
 23 A. I think it is the fifth week. That is
 24 somewhere middle of the quarter, but I am not
 25 exactly sure.

1 A. Actually in my experience, students mostly
 2 came to office hours -- I mean, yes, one of the
 3 purposes of office hours is for students to clarify
 4 things that, you know, didn't understand in
 5 lectures, but one of the -- mostly what I found was
 6 students coming to me to ask rationale for grades
 7 on assignments and to see where they could, you
 8 know, get feedback from me really. So especially
 9 in my first quarter of TA'ing, that was my
 10 experience. The office hours were mostly used to
 11 get feedback, what did I do wrong, what did I do
 12 well, so I would give that feedback.
 13 Q. Have you given training to others in the
 14 lab that did not specifically relate to
 15 dissertation?
 16 A. Yes.
 17 MR. WEITZMAN: Objection, leading.
 18 HEARING OFFICER MOLS: He's already answered
 19 the question, so you can proceed with the next
 20 question.
 21 BY MS. AUERBACH:
 22 Q. Can you give an examples of that?
 23 A. So I came in to graduate school with a
 24 background in computational biology which is not
 25 the focus of our lab. Our lab is very much a

1 Q. And so did that happen that students did
 2 not declare until the middle of the quarter that
 3 they wanted to take the course pass/fail?
 4 A. Yeah.
 5 Q. Even if the students take the course
 6 pass/fail, do you still have to write comments on
 7 their papers?
 8 A. Oh, yeah, everything else remains the
 9 same.
 10 Q. You have to write a whole page of
 11 comments --
 12 A. Yes.
 13 Q. -- on each paper?
 14 A. Or more.
 15 Q. Or more?
 16 A. Yeah.
 17 Q. And that you have to do regardless of
 18 whether they're going for letter grade or
 19 pass/fail?
 20 A. Yes, yes.
 21 Q. Did students -- going back to when you
 22 held office hours when you were a TA, did students
 23 use office hours for things other than asking you
 24 about things they didn't understand from the
 25 professors?

1 developmental embryological lab. One instance
 2 would be a workshop I gave on Mac lab which is a
 3 coding software to those in my lab who did not know
 4 how to code. That was an instance of, you know, me
 5 giving them something which I wasn't working on,
 6 but they potentially could be working on them. And
 7 another graduate student is actually using Mac lab.
 8 HEARING OFFICER MOLS: When did that workshop
 9 occur?
 10 THE WITNESS: I believe sometime either late
 11 last year or early this year, very recently.
 12 BY MS. AUERBACH:
 13 Q. Do you have plans to publish a peer
 14 reviewed paper?
 15 A. Yes. Hopefully later this summer, if not,
 16 later this year.
 17 Q. You talked about the online platform where
 18 you put your weekly plans up. Is that an
 19 expectation of Dr. Prince that you do that?
 20 A. It was something that was suggested by
 21 Dr. Prince, something that we should try out as,
 22 you know, you know, a lab management thing. And
 23 she explicitly said if it doesn't work out, it
 24 doesn't work out. We revert back to our old
 25 methods of manage.

1 As it turns out it has really helped all
 2 of us keep ourselves to our own schedules because
 3 previously we would have our own schedules, and
 4 they would be private and nobody else would know,
 5 you know, except for Dr. Prince. But now it's much
 6 more centralized. Everyone can see it. So it's
 7 very effective we found.
 8 Q. When you say all of us, who are you
 9 referring to?
 10 A. All the graduate students in the lab, and
 11 I believe the technician also does upload her
 12 weekly plans.
 13 Q. And when you talk about plans, what's
 14 included in that?
 15 A. So the experiments that anybody has
 16 planned for the week on a day-to-day basis. Yeah,
 17 primarily the experimental work goes into those
 18 plans.
 19 Q. Does that include the timing or just what
 20 you're going to do?
 21 A. I break it down by day of the week, so
 22 Monday I'll do this, Tuesday I'll do this,
 23 et cetera.
 24 Q. And approximately how many hours a week do
 25 you currently spend in the week?

1 CERTIFICATION
 2
 3 This is to certify that the attached
 4 proceedings before the National Labor Relations
 5 Board (NLRB), Region 13, in the matter of
 6 UNIVERSITY OF CHICAGO and GRADUATE STUDENTS UNITED,
 7 Case Number 13-RC-198325, at Chicago, Illinois, on
 8 May 30, 2017, was held according to the record, and
 9 that this is the original, complete, and true and
 10 accurate transcript that has been given compared to
 11 the recording, at the hearing, that the exhibits
 12 are complete and no exhibits received in evidence
 13 or in the rejected exhibit files are missing.
 14
 15
 16 Raelene Stamm, CSR
 17 License No. 084-004445
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 25

1 A. That's hard to estimate because it does
 2 fluctuate. So I don't -- I don't really know the
 3 answer to that. It could be somewhere between
 4 30 and 50, I have no idea.
 5 MS. AUERBACH: That's all I have.
 6 HEARING OFFICER MOLS: Does Employer have any
 7 further questions for the witness?
 8 MR. WEITZMAN: Let me just check. May I go off
 9 the record for no more than five minutes?
 10 HEARING OFFICER MOLS: Off the record.
 11 (WHEREUPON, a short recess was
 12 taken.)
 13 HEARING OFFICER MOLS: On the record.
 14 Does Employer have any further questions
 15 for the witness?
 16 MR. WEITZMAN: We do not.
 17 HEARING OFFICER MOLS: Thank you. You are
 18 excused.
 19 (Witness excused.)
 20 HEARING OFFICER MOLS: I think it's an
 21 appropriate time to adjourn for today. We will
 22 resume proceedings to tomorrow morning at 9:00 a.m.
 23 Off the record.
 24 (WHEREUPON, the hearing was
 25 adjourned at 4:15 p.m.)

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