

**SUBPOENA DUCES TECUM****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Custodian of records for Graduate Students UnitedAs requested by The University of Chicago, through counsel Proskauer Rose LLPwhose address is 5801 South Ellis Avenue Chicago IL 60637  
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at National Labor Relations Board, Dirksen Federal Building, 219 South Dearborn St, Suite 808in the City of Chicago, ILon May 23, 2017 at 9:00 AM or any adjournedor rescheduled date to testify in University of Chicago  
13-RC-198325  
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

**SEE ATTACHMENT**

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

**B-1-WP1JMH**

Issued at

Dated:



*Philip A. Miscimano*  
Chairman, National Labor Relations Board

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

**RETURN OF SERVICE**

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- by person
- by certified mail
- by registered mail
- by telegraph
- (Check method used.)  by leaving copy at principal office or place of business at

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on the named person on

\_\_\_\_\_

(Month, day, and year)

\_\_\_\_\_

(Name of person making service)

\_\_\_\_\_

(Official title, if any)

**CERTIFICATION OF SERVICE**

I certify that named person was in attendance as a witness at

\_\_\_\_\_

on

(Month, day or days, and year)

\_\_\_\_\_

(Name of person certifying)

\_\_\_\_\_

(Official title)

**Attachment to Subpoena Duces Tecum No. B-1-WP1JMH**

Case No. 13-RC-198325

Definitions and Instructions

In responding to the Subpoena, all designated documents in your possession, custody, or control are to be produced, including, but not limited to, documents in the possession, custody or control of your agents, attorneys, investigators (including Union members), or any third party or parties to whom you have surrendered possession, custody or control, or who, upon your request, would surrender possession, custody or control.

As used in this Attachment to Subpoena, the term “Petition” refers to the amended representation petition (and its original petition) filed by the Graduate Students United, IFT, AFT, AAUP, AFL-CIO (the “Union”) in the above-referenced matter, on May 17, 2017.

As used in this Attachment to Subpoena, the term “Petitioned-for Graduate Students” includes any individuals holding positions within the petitioned for unit described in the Petition.

As used in this Attachment to Subpoena, the term “document” has its broadest possible meaning, including but not limited to communications (electronic or otherwise), statistics, analysis, notes, internal documents, postings, affidavits, notices, etc.

As used in this Attachment to Subpoena, the terms “you,” “your” or “Union” refer to the Union and any of its representatives or agents.

As used in this Attachment to Subpoena, the term University refers to the University of Chicago.

This Subpoena does not seek documents covered by the attorney-client privilege and/or the attorney work-product doctrine.

This Subpoena does not seek documents that require the Union to produce documents that explicitly identify Petitioned-for-Graduate Students and whether they have engaged in protected concerted activity.

This Subpoena does not seek documents that are publicly available on University of Chicago public websites.

This Subpoena does not seek documents created before May 8, 2016.

This request is continuing in character and if additional responsive documents come to the Union’s attention following the date of production, such documents must be promptly produced.

The following subpoenaed documents should be produced, excluding any items provided to the Union by the University in response to any subpoena from the Union:

1. Documents related to instructional or research services rendered to the University by Petitioned-for Graduate Students, which the Union believes reflect or do reflect the

payment of tangible and/or material compensation for such services or the exercise of control by the University over performance of such services.

2. Documents that the Union believes show or do show Petitioned-for Graduate Students receive tangible and/or material compensation as *quid pro quo* for instructional or research services rendered to the University.
3. Documents related to the evaluation of teaching or research performed by Petitioned-for Graduate Students in the academic departments identified in the Petition, whether issued by a department, or any other unit of the University.
4. Documents that show a relationship between the University's evaluation of teaching or research performed by Petitioned-for Graduate Students and the amount of stipend the Petitioned-for Graduate Students receive.
5. Documents that show that the Petitioned-for Graduate Students are students to the exclusion of being "employees" as defined by the National Labor Relations Act.
6. Documents showing discipline of Petitioned-for Graduate Students based on teaching or research performed by Petitioned-for Graduate Students in the academic departments identified in the Petition, whether issued by a department, or any other unit of the University.
7. Documents the Union intends to or will use as exhibits in the pre-election hearing in this matter, excluding (by redaction, if necessary) the identity of union supporters.
8. Documents the Union believes show or do show that Petitioned-for Graduate Students are "employees" as defined by the National Labor Relations Act.
9. All documents, including affidavits or witness statements the Union provided to the National Labor Relations Board in support of or as part of the Board's investigation of the Petition.