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GOVERNOR

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
BUREAU OF EMPLOYMENT RELATIONS
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DATE:	10/31/11	TOTAL PAGES (Including Cover):	27
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MESSAGE:

Re: Local Request
Regents of U of M, R11 D-034
(first batch)

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ORIGINAL

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

UNIVERSITY OF MICHIGAN,
Public Employer,

-and-

Case No. R11 D-034

GRADUATE EMPLOYEES ORGANIZATION/AFT MI, AFT, AFL-CIO
Petitioner-Labor Organization

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RESPONSE TO PETITIONER'S MOTION FOR RECONSIDERATION

A. Introduction

The Respondent University of Michigan (hereinafter "University") offers the following response to the Motion for Reconsideration and Brief In Support of Motion for Reconsideration (hereinafter, "2011 Brief In Support") filed by the Graduate Employees Organization, AFT-MI, AFT, AFL-CIO (hereinafter "Union") in the above-captioned matter.

B. Procedural History

On April 27, 2011, the Union filed a Petition for Representation Proceedings seeking an election to become certified as the exclusive representative of graduate student research

assistants (GSRAs) under the Public Employment Relations Act ("PERA"), MCL 423.201 *et seq.* On September 14, 2011, the Commission issued its Decision and Order dismissing the Union's petition. Thereafter, the Union filed a Motion for Reconsideration.

On May 19, 2011, the Regents of the University of Michigan voted 6-2 to pass the following resolution:

Resolved, that consistent with the University of Michigan's proud history of strong, positive, and mutually productive labor relations, the Board of Regents supports the rights of University Graduate Student Research Assistants, whom we recognize as employees, to determine for themselves whether they choose to organize.

The Union and the University then worked toward a consent election agreement which was submitted to the Commission for approval on August 4, 2011. The parties' agreement was predicated on their belief that any election and certification would be under PERA, and as noted in Item #10 of the proposed Consent Election Agreement, "The University and GEO specifically agree that the terms outlined in this Consent Election Agreement are each dependent upon one another. If MERC rejects any of the terms as set forth above, MERC will be deemed to have rejected the entire agreement, and the parties will reconvene to negotiate a new agreement."

In *Regents of the University of Michigan*, 1981 MERC Lab Op 777 (hereinafter, the "1981 Decision"), the Commission adopted Administrative Law Judge Sperka's Supplemental Decision and Recommended Order, holding that GSRAs are not "employees" under PERA. In dismissing the current representation petition, the Commission addressed the jurisdictional issue raised by the Union's petition. Having already determined that GSRAs are not "employees" under PERA,

the Commission held that "absent a showing of a substantial and material change of circumstance," It was bound by its previous decision.

C. 1981 Decision Concluded that GSRAS at the University are not Employees Under PERA

As the Commission summarized in its September 14, 2011, Decision and Order, the 1981 Decision "reviewed the nature of the employment of each of the three types of graduate student assistants... [and] concluded that the TAs and SAs were employees under PERA, but the RAs were not,"¹ (p. 3). In 1981, the Commission held:

The nature of RA work is determined by the research grant secured because of the interests of particular faculty members and/or by the student's own academic interest. They are individually recruited and/or apply for the RA position because of their interest in the nature of the work under the particular grant. Unlike the TA's who are subject to regular control over the details of their work performance, RA's are not subject to detailed day-to-day control. RA's are frequently evaluated on their research by their academic advisors and their progress in their appointments is equivalent to their academic progress. Nor does the research product they provide further the University's goal of producing research in the direct manner that the TA's and SA's fulfill by their services. Although the value of the RA's research to the University is real it is clearly also more indirect than that of teaching 30% of the undergraduate courses. RA's...are working for themselves. 1981 MERC Lab Op at 785-786.

Administrative Law Judge Sperka's Supplemental Decision and Recommended Order contained a thorough review of the facts and circumstances presented during the hearings and the evidence that supported the Commission's legal conclusion that GSRAs are not employees under PERA. Despite the existence of indicia of employment for other purposes, the Commission held that the nature of the work performed by GSRAs was determinative with respect to their status under PERA. The following sections report on the current status of research and GSRAs at the University.

¹ The term "RA" and "GSRAs" are used interchangeably in this document.

D. The GSRA Relationship – 1981² and 2011

The 1981 ruling that GSRA's are not employees under PERA rested heavily on the evidence presented by the parties of the nature of GSRA work and its relationship to the graduate student's academic pursuits.

1. The Board of Regents' May, 2011 Resolution

Shortly after the Union filed its Representation Election Petition, the Board of Regents took a vote related to the status of GSRA's. At its May, 2011, meeting, the Board voted 6-2 to pass the resolution quoted above. The resolution stated that the Board of Regents "supports the rights of University Graduate Student Research Assistants, whom we recognize as employees, to determine for themselves whether they choose to organize."

2. The University Is a Major Research University

The University of Michigan is a major research institution. While the total dollars expended on research increased between 1981 and today, the mission-central role of research has not changed. For example, in 1981 the University ranked #5 among all universities in the country in terms of total research expenditures; in 2009, it ranked #2. (*NSF WebCASPAR Integrated Science and Engineering Resource Data System, available at <https://webcaspar.nsf.gov/TableBuilder>*). The Union has acknowledged the importance of research to the University's mission. Compare "...research is now a principle product of the institution" (*2011 Brief in Support at 2*) with "[the Union] argues that since research is one of the primary missions of Respondent..." *1981 MERC Lab Op at 802*. The ALJ made specific findings on the role of research at the University:

² While the legal proceedings that resulted in the 1981 Decision spanned several years, in order to simplify the presentation of information, both the July 14, 1980 ALJ Supplemental Decision and Recommended Order and the August 27, 1981 Commission Decision and Order are referred to as the "1981 Decision."

The record indicates the broad scope of grant research. A large number of grant sources contribute very large sums to research efforts conducted within the context of the University. Some funds provide for fellowships and other unconditional grants. Others support research assistants through grants to prime researchers, including funds to be used to support graduate students. Obligations attach to this process. The obligation may be no more than to pursue a line of research to determine if it is fruitful. Here, no results or poor results may be an answer. The size of this funding equals a significant fraction of the Respondent's budget. The availability of this funding eases the burden of the University since faculty research is one of the missions of a research university, as well as a vital professional activity of the individual faculty members. The availability of these outside funds to support research within the university has led to the growth of the university as a major research center. This growth includes faculty research and the independent research centers outside the academic departments or schools. *1981 MERC Lab Op at 808.*

3. External Funding Supports the Large Majority of GSRA Appointments

External funding, including funding through external grants, remains an important component of the University's research enterprise. In fiscal year 2010, the University's total research volume exceeded \$1.14 billion. (<http://research.umich.edu/quick-facts/>) Of this amount, \$751 million came from federal sources. *Id.* Grants, including federal research grants, are essential to the funding of GSRA's. For example, in the College of Engineering, which appoints approximately 1,000 GSRA's in any given fall or winter semester, approximately 89% of GSRA funding comes from sponsored funds. *Munson Affidavit (Tab A)*. In the College of Literature, Science and the Arts ("LSA"), which appoints approximately 350 GSRA's in a given fall or winter semester, approximately 84% of GSRA funding is from sponsored funds. *McDonald Affidavit (Tab B)*. On the Ann Arbor campus, approximately 81% of GSRA appointments during the Winter 2011 semester were supported by sponsored funds. *McDonald Affidavit*. In 1981, the ALJ found that the "RA assistantships are based entirely on funds coming from outside the University....The majority are federal funds." *1981 MERC Lab Op at 797.*

Since most GSRA appointments are funded by sponsored funds, there is an expectation that the work performed by such GSRA's is relevant to the purposes of the grant or other external funding. For example, in LSA, laboratory science faculty are expected to maintain the external funding necessary to support their research; similar expectations apply to faculty in statistics, mathematics, and the social sciences if their research requires significant support for personnel or supplies. *McDonald Affidavit*. Similarly, in the College of Engineering, faculty members are expected to raise enough funding to support a group of students, other laboratory personnel (if applicable), and associated laboratory/facilities (if the work is laboratory-based) to build and maintain a cutting-edge research program. *Munson Affidavit*. Such funding allows the faculty member to pursue new lines of research and to support the education of graduate students, including through GSRA appointments.

The relationship between outside funds and the subject matter of research performed by the faculty who receive such funding and the students they support is consistent with 1981 practices. In 1981, the ALJ stated that

[t]he vehicle which brings these funds to the University campus is the individual faculty member, not the University as such. These funds come from federal government agencies, private foundations, and other sources....These agencies and foundations make available substantial amounts of money to researchers pursuing areas of research of interest to the funding source. *1981 MERC Lab Op at 797*.

In its 2011 Brief in Support, the Union stressed that "the grant was awarded because the funding entity wanted the research performed....In short, the funder pays for a product; the University – with the help of the Research Assistant – provides it." (p. 6). The Union also noted the relationship between the terms of a grant and a GSRA appointment in arguing its position in 1981: "...Charging Party stresses that every RA appointment is issued pursuant to the

conditions of a grant by an outside funding source. The grant is based on the principal researcher's proposal to conduct certain research, and the granting agency awards its funds on that premise. No matter what relationship the research may have to the thesis of an individual graduate student appointed as an RA, the student assistant is assisting the prime researcher in fulfilling his obligation to the granting source." The University agrees with the Union that this relationship between a granting agency, funded research, the faculty researcher, and the GSRAs he or she supports remains much as it was in 1981. While the role of external funding is important, "it is the nature of the work, and not the source of the funding that distinguishes [GSRAs] from other GSAs." *1981 MERC Lab Op at 811.*

4. GSRA Appointments Result from a "Matching Process" Between Faculty and Graduate Students

The University of Michigan, as a nationally and internationally recognized research institution, competes with the world's top universities for the very best graduate students. When selecting an institution for graduate study, many prospective graduate students carefully consider the program's faculty. Students consider the areas of research being undertaken by faculty at a particular institution when deciding where to apply, and they explore the possibility of working with particular faculty before selecting a graduate institution. For example, in the College of Engineering, it is common for prospective graduate students to visit their department of choice, partly to meet with the faculty and assess the potential match of student research interests with those of the faculty. *Munson Affidavit.*

Given the importance of the match between faculty and graduate student research interests, many faculty members view GSRA appointments³ as an important support mechanism for their graduate students. The GSRA appointment that results from this match between faculty mentor and student mentee is an important codification of the faculty member's commitment to the student with respect to providing both research opportunities and financial support for that research. As a result, many faculty actively and specifically seek external funding for GSRA's. Further, funding packages, which are often predicated on external funding, are important to recruitment of graduate students. For example, in the College of Literature, Science and the Arts, admitted graduate students receive a guarantee of full funding for five years. *McDonald Affidavit*. Similarly, in the College of Engineering, entering Ph.D. students are typically guaranteed full funding for their four to five years of study. *Munson Affidavit*. The availability of such funding makes a particular faculty member, a program, and a university more competitive in the recruitment and retention of top graduate students.

The ALJ described the matching and selection relationship in 1981 as follows:

RA appointments rarely partake of the fairly routine selection of candidates and mechanical assignment of sections characteristic of TA assignments in the larger departments. Usually the RA appointment grows out of a relationship between a graduate student and a faculty member....A graduate student will often seek out that faculty member whose area of concentration most closely coincides with the student's interest. Sometimes the student will have come to the University of Michigan for the specific purpose of studying with a particular member of the faculty. RA appointments may develop from this relationship. The student's interest may change due to his earlier years of graduate study, and he may shift from one professor to another for access to specific guidance in his studies. However, a large number of RA appointments have a more prosaic origin. Graduate students are aware of current research within their department

³ Although other support mechanisms are also used to support graduate students, they are not relevant to the current discussion.

or discipline. The student may shape his thesis to conform to available grants.
1981 MERC Lab Op at 796-797.

Graduate student support through GSRA appointments is based on a shared interest in the nature of the research, and a shared passion for exploration of a line of inquiry. In many cases, the available funding shapes the nature of the work performed, both as a student and as a GSRA.

5. GSRA Appointments Are Academically Relevant to the Student's Graduate Studies

The matching process described above demonstrates the relationship between a graduate student's academic pursuits and appointment as a GSRA. As the AU noted, the process of matching a graduate student and his or her research to financial and academic support by the faculty can take many forms. *Id. at 798-799.* However, "[a]ll of these activities are...academically relevant to the graduate student to some degree." *Id. at 799.* The AU recognized, however, that relevance cannot be so narrowly defined as to mean only directly related to a student's dissertation.

At an institution as large and decentralized as the University of Michigan, not every GSRA appointment will be identical in terms of its origin or relevance to the dissertation. For example,

[a] graduate student may join a research project as an RA in order to use the data developed with a totally different application. He may work on it to develop a technique or a skill, or because of his interest in the area, although his own thesis may be unrelated. Often the graduate student receiving an RA appointment has not selected his thesis....At the other extreme, the student may persuade a professor to incorporate his proposed thesis subject into a related grant proposal.... *Id. at 799.*

This is due, in part, to the fact that academic relevance is not constrained to the four corners of a dissertation. Rather, academic relevance extends to the acquisition of research skills both in

and out of a laboratory, exposure to the grant-writing process, learning to work collaboratively with colleagues on research activities, developing the skills necessary to succeed in a research team, etc. GSRA appointments support all of these activities. In the College of Engineering, for example, Ph.D. programs are designed to teach students *how* to do research. *Munson Affidavit*. While it is the norm that all or nearly all research conducted by a GSRA is related to his or her dissertation, the development of research skills, the acquisition and utilization of collaborative skills, etc. are also an important part of the educational process that is often supported through a GSRA appointment. *Id.* The same is true in the College of Literature, Science, and the Arts. *McDonald Affidavit*.

In 1981, the ALJ also noted that a "newly appointed RA may spend a greater time learning than he will in producing valuable knowledge." *1981 MERC Lab Op at 800-801*. As a research university, education of future faculty members and other researchers is an important component of our mission. Faculty and departments choose to appoint GSRA's in support of their studies, even when hiring an experienced researcher would be more cost-effective, in recognition and support of our educational mission. *Munson Affidavit*.

The Union has noted that not all GSRA appointments are directly related to the student's academic interests. *See Jokisaari Affidavit, #12*. The Union made a similar argument in 1981: "Charging Party's witnesses were as enthusiastic in declaring the academic irrelevancy of their RA appointments as Respondent's cross-examination and witnesses were confident of the relevancy in every case. Despite this conflict of testimony, it is clear that in virtually all cases, the RA appointment reflects and closely tracks the student's academic discipline and interests." *1981 MERC Lab Op at 801*. As discussed above, academic relevance is broader than

a narrow dissertation topic. Nonetheless, most GSRA's are appointed to perform research that is directly or indirectly related to the dissertation topic. Such work often results in important scholarly publications for the student; such publications remain an important asset to graduating Ph.D. students entering the job market. *McDonald Affidavit.*

6. Evaluation of GSRA Performance is Intertwined with Academic Evaluation as a Graduate Student

The vast majority of GSRA appointments arise from a shared scholarly interest between faculty member and graduate student. The nature of GSRA appointments discussed above makes it nearly impossible to separate evaluation of an individual's performance as a graduate student researcher and his or her performance as a GSRA. For example, in the College of Engineering, faculty evaluation of a Ph.D. student considers progress toward degree or progress in research; no separate evaluation is undertaken of performance as a GSRA, as in nearly every case, there is no performance separate from that of a student. *Munson affidavit.*

In 1981, the ALJ stated that "[e]valuation of the work of the RA will, in most cases, be indistinguishable from evaluation of his progress as a student since the quality of this research work will relate to his progress towards or on his thesis." *1981 MERC Lab Op at 800.* As the ALJ concluded:

Research carried on as part of a course of study is often identical with the research assigned as part of the 'work' of the RA. In this situation study and work are identical. The concerns of the department or professor with the work of the graduate student as a 'student' and with his 'production' as an 'employee' are one. Evaluating the quality of the work will permit no distinction between evaluation of the student in his progress as a degree candidate and as an employee carrying out research. This is true for the majority of research assistants, not only for those whose thesis work is identical with the research appointment. *Id. at 809.*

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October 17, 2011



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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
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AFFIDAVIT OF DAVID C. MUNSON, JR.

STATE OF MICHIGAN)
)ss
COUNTY OF WASHTENAW)

Being duly sworn I, David C. Munson, Jr., state the following:

1. I am the Robert J. Vlasic Dean of Engineering and tenured Professor of Electrical Engineering and Computer Science at the University of Michigan. I have served as Dean since 2006.
2. Pursuant to Regents' Bylaw 5.06, as Dean I am appointed by the University of Michigan Board of Regents to act as executive officer of the College of Engineering.
3. Prior to serving as Dean, I served as Chair of the Electrical Engineering and Computer Science Department from 2003-2006.

4. I received my B.S. degree from the University of Delaware in 1975, and M.S., M.A. and Ph.D degrees in 1978, 1978, and 1979, respectively, from Princeton University.
5. I served on the faculty of the University of Illinois from 1979 – 2003, where I was the Robert MacClinchie Distinguished Professor of Electrical and Computer Engineering.
6. I conduct research in the area of signal and image processing, with a specialty in synthetic aperture radar. I am a Fellow of the IEEE, a past president of the IEEE Signal Processing Society, founding editor-in-chief of the IEEE Transactions on Image Processing, and co-founder of the IEEE International Conference on Image Processing. In addition to multiple teaching awards and other honors, I was presented the Society Award of the IEEE Signal Processing Society and I was the Texas Instruments Distinguished Visiting Professor at Rice University.
7. I am coauthor of multiple textbooks, including "Engineering Our Digital Future," which is introducing engineering into hundreds of high schools nationwide via the Infinity Project.
8. The College of Engineering's mission statement is as follows: "To be the place of choice for engineering education and research...A Michigan institution that challenges its students, faculty and staff to learn, to grow, to achieve and to serve the needs of society...A place where excellence, excitement, innovation and impact define the style and substance of its activities."
9. The College of Engineering's key goals are: "(1) To provide a continuously improving educational and research environment in which faculty, administrators, students and staff work together to educate our students to lead, to have impact, and to make significant contributions to their professions, industry, government, academia and society; (2) To attract diverse, outstanding students, and to motivate and educate them to reach their full potential as leaders in engineering professions."
10. The College of Engineering comprises 12 departments and divisions. The College has approximately 365 tenured and tenure-track faculty, and approximately 100 research-track

faculty. The College enrolls approximately 5,650 undergraduate students, 1,750 master's degree students, and 1,500 doctoral students.

11. The College of Engineering's departments are highly ranked and have strong reputations for excellence. *U.S. News & World Report*, 2011, ranked the College's graduate programs as follows:

<u>Program</u>	<u>Graduate Ranking</u>
Aerospace Engineering	5
Biomedical Engineering	12
Chemical Engineering	13
Civil Engineering	8
Computer Engineering	7
Electrical Engineering	7
Environmental Engineering	6
Industrial and Operations Engineering	2
Materials Science and Engineering	7
Mechanical Engineering	5
Nuclear Engineering and Radiological Sciences	1

*U.S. News does not rate Atmospheric, Oceanic and Space Sciences or Naval Architecture and Marine Engineering.

12. In fiscal year 2011, the College of Engineering had total research expenditures of \$179 million.
13. Faculty in the College of Engineering are expected to secure external financial support for their research. This expectation extends to securing funding for graduate students, other laboratory personnel (if applicable), and associated laboratory/facilities space as applicable. The purpose of this funding is to establish and maintain cutting-edge research programs and to educate students.

14. In a given fall or winter semester, the College of Engineering appoints approximately 1,000 Graduate Student Research Assistants (GSRAs). In the Winter 2011 semester, the College appointed 1,011 GSRAs.
15. During the Winter 2011 semester, approximately 89% of funding for GSRAs in the College of Engineering came from external funding sources, including grants, contracts and gifts (together, "sponsored funds").
16. The College of Engineering recruits the best graduate students from across the nation and the world. It is common for prospective graduate students to visit their department of choice, partly to meet with the faculty and assess the potential match of student research interests with those of the faculty. This matching process has a long history; I made the same type of visits when I was selecting a graduate school in 1975.
17. The College of Engineering supports our Ph.D. students through a number of mechanisms, including fellowships, GSRA appointments, and Graduate Student Instructor (GSI) appointments. Ordinarily, the College does not accept a Ph.D. student unless we can guarantee full funding for their four-to-five years of study at the University. The College sees the guarantee of full funding as an advantage when recruiting graduate students, and it is made possible in part by external funding received by faculty for this purpose.
18. Ph.D. programs in the College of Engineering are designed to teach graduate students how to become researchers. This includes how to design a research project, how to conduct research, how to work collaboratively as part of a laboratory or research team, how to secure external funding, how to write academic papers and seek their publication, and how to become a member of the global research community.
19. The College of Engineering appoints GSRAs to undertake research, even as the graduate students are developing the skills necessary to conduct research. In most cases, a faculty

member's research program would progress more quickly if post doctoral research fellows, research scientists, etc. were utilized to conduct the research instead of GSRAS because such individuals are already trained to do research and have deep expertise. However, the College of Engineering favors supporting graduate students as they acquire research skills, and takes seriously its mission to educate future researchers; this is reflected in the College's utilization of approximately 1,000 GSRAs each fall and winter semester.

20. In the College of Engineering, graduate students are evaluated in terms of progress toward degree and progress in research. This review is undertaken on an annual basis, and focuses on academic progress as a student. No separate evaluation is conducted to assess performance as a GSRA.

21. If I am called to testify at a hearing in this matter, I have personal knowledge of the facts I have stated above and would be competent to give such testimony.

David C. Munson, Jr.
DAVID C. MUNSON, JR.

Subscribed and sworn before me on this 13th day of October 2011.

Kathleen J. Boblitt
Notary Public
Washtenaw County, Michigan
My commission expires on:
6/23/2015
Acting in Washtenaw County

KATHLEEN J. BOBLITT
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires June 23, 2015
Acting in the county of Washtenaw

B

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

UNIVERSITY OF MICHIGAN,
Public Employer,

-and-

Case No. R11 D-034

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AFFIDAVIT OF TERRENCE J. MCDONALD

STATE OF MICHIGAN)
)ss
COUNTY OF WASHTENAW)

Being duly sworn I, Terrence J. McDonald, state the following:

1. I am the Dean of the College of Literature, Science, and the Arts ("LSA") at the University of Michigan. I have served as Dean since 2003. I am also a tenured Professor of History and an Arthur F. Thurnau Professor.

2. Pursuant to Regents' Bylaw 5.06, as Dean I am appointed by the University of Michigan Board of Regents to act as executive officer of the College of Literature, Science, and the Arts.
3. Prior to serving as Dean, I served as Assistant Professor, Associate Professor with Tenure, and Professor with tenure in the Department of History at the University.
4. I received my B.A. degree from Marquette University in 1971, and my Ph.D. from Stanford University in 1979.
5. I taught for two years – 1978-1980 -- as a Mellon Postdoctoral Instructor at the California Institute of Technology (Caltech) in Pasadena
6. I am the author or editor of four books and numerous articles.
7. At the University, I have received the Ruth M. Sinclair Award for Student Counseling (1983), the Faculty Recognition Award for Outstanding Contributions to Teaching, Scholarship, and Service (1988), the Amoco Foundation Good Teaching Award (1991), and a State of Michigan Teaching Excellence Award (1991). I was appointed an Arthur F. Thurnau Professor for my contributions to undergraduate education in 1993.
8. I have been recognized for my work in American urban political history with prizes from the Social Science History Association and the California Historical Society. I have been a Guggenheim Fellow and have received other fellowships from the National Endowment for the Humanities and the University of Michigan Humanities Institute. I have served on the editorial boards of the journals *Social Science History*, *Historical Methods*, and *Studies in American Political Development*.

9. The College of Literature, Science, and the Arts' mission statement is as follows: "To achieve pre-eminence in creating, preserving and applying knowledge and academic values, to enrich the lives of students, and to transform them into leaders and citizens who challenge the present and illuminate the future."
10. According to the 2010 rankings issued by *U.S. News & World Report* and the 2010 National Research Council rankings, LSA has 85 departments, programs, and fields of study within departments and programs in the top 25 in the nation, including 9 ranked number 1, as well as 44 in the top five, and 67 in the top 10.
11. LSA has approximately 860 tenured and tenure-track faculty. The College enrolls approximately 17,000 undergraduate students, 255 master's degree students, and 2076 doctoral students.
12. In fiscal year 2010, LSA had total sponsored research expenditures of \$64,908,338.
13. In LSA, laboratory science faculty are expected to maintain the external funding necessary to support their research; similar expectations apply to faculty in statistics, mathematics, and the social sciences if their research requires significant support for personnel or supplies. This includes an expectation that faculty secure external funding to support graduate students.
14. In a given fall or winter semester, LSA appoints approximately 350 Graduate Student Research Assistants (GSRAs). In the Winter 2011 semester, LSA appointed 350 GSRAs; approximately 92% were appointed in the natural sciences.

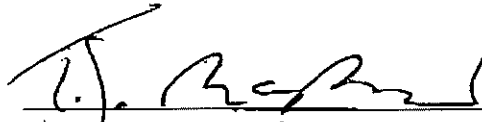
15. During the Winter 2011 semester, approximately 84% of funding for GSRA's in LSA came from external funding sources, including grants, contracts and gifts (together, "sponsored funds").
16. Based on my review of campus-level data for the Ann Arbor campus, approximately 81% of Winter 2011 GSRA appointments were funded with sponsored funds.
17. In LSA, all graduate students are admitted with a guarantee of full funding for five years. Across the sciences, close to half of the funding that is committed in these full-funding plans is expected to come from GSRA support. For example, the fraction of support that comes from GSRA appointments is as high as 60-70% in departments such as Physics, Astronomy, and Molecular, Cellular, and Developmental Biology. LSA believes that the guarantee of full funding is important to the recruitment of top graduate students, and the GSRA component of such funding guarantees in the sciences is made possible in large part by external funding received by faculty for this purpose.
18. Ph.D. programs in LSA, particularly in the sciences, are designed to teach graduate students how to become researchers. This includes how to construct a research project, how to conduct research, how to work collaboratively as part of a laboratory or research team, how to secure external funding, how to write academic papers and seek their publication, etc.
19. LSA appoints GSRA's to undertake research, even as the graduate students are developing the skills necessary to conduct research. In most cases, a faculty member's research program would progress more quickly if post doctoral research fellows, research scientists, etc. were utilized to conduct the research instead of GSRA's because

such individuals are already trained to do research and have deep expertise. However, LSA favors supporting graduate students as they acquire research skills, and takes seriously its mission to educate future researchers.

20. It is not possible to predict in advance which research projects will ultimately be included in a thesis; if research outcomes were that predictable, there would be little point to doing the research. Nevertheless, it is the hope that virtually all graduate student research undertaken as a GSRA will ultimately be incorporated into the student's thesis.
21. Recent surveys of University Ph.D. graduates in Physical Sciences and Engineering reveal that over 90% have submitted at least one paper, and 84% have published one or more papers during their graduate career. These percentages have increased significantly over time, reflecting the increased pressure to publish. For example, as recently as 2002-2006, the publication rate – 78% with at least one published paper – was significantly lower than it is today. This trend reflects the fact that experience with writing and publishing papers, and a substantial publication record, is part of the training that graduate students need if they are to be successful in seeking employment after graduation. Virtually all of these papers include research conducted by GSRA's that are co-authors on the paper.
22. Aside from the extremely rare instances of misconduct (theft, workplace violence, sexual harassment, etc.) there are essentially no conditions that could lead to a negative GSRA performance evaluation that are not related to a graduate student making poor progress on their research. Furthermore, unlike staff employed for the purpose of


conducting research (e.g. postdoctoral research fellows, assistant research scientists),
evaluation of GSRA performance is directly related to academic progress.

- 23. If I am called to testify at a hearing in this matter, I have personal knowledge of the facts I have stated above and would be competent to give such testimony.



 Terrence J. McDonald

Subscribed and sworn before me on
this 14th day of October 2011.



 Notary Public
 Washtenaw County, Michigan
 My commission expires on:
9-25-2013
 Acting in Washtenaw County

E. HUMPERT
 Notary Public, State of Michigan
 County of Washtenaw
 My Commission Expires Sep. 25, 2013
 Acting in the County: Washtenaw

ORIGINAL

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

UNIVERSITY OF MICHIGAN,
Public Employer,

-and-

Case No. R11 D-034

GRADUATE EMPLOYEES ORGANIZATION/AFT MI, AFT, AFL-CIO
Petitioner-Labor Organization

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PROOF OF SERVICE

State of Michigan)
) ss
County of Washtenaw)

Elizabeth B. Humpert, being duly sworn, deposes and says that on the 17th day of October, 2011 she served a copy of the University of Michigan's RESPONSE TO PETITIONER'S MOTION FOR RECONSIDERATION upon the GRADUATE EMPLOYEE ORGANIZATION/AFT-MI, AFT, AFL-CIO, Mark Cousens, counsel for the Graduate Employee Organization, by enclosing said document in an envelope addressed to his office at 2621 Evergreen Road, Suite 110, Southfield, MI, 48076, and by depositing the same with UPS for overnight delivery.

E. Humpert

Elizabeth B. Humpert

Subscribed and sworn before me this
17th day of October, 2011.

Denise M. Truesdell

Notary Public, Washtenaw County, MI

Acting in Washtenaw County, MI

My Commission Expires: 12-1-15

<p>DENISE M. TRUESDELL Notary Public, State of Michigan County of Washtenaw My Commission Expires Dec. 01, 2015 Acting in the County of <i>Washtenaw</i></p>
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