COMMONWEALTH OF PENNSYLVANIA
LABOR RELATIONS BOARD

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U.S. STEEL, PAPER AND FORESTRY,*
RUBBER, MANUFACTURING, ENERGY, *
ALLIED-INDUSTRIAL AND SERVICE *
WORKERS INTERNATIONAL UNION *
AFL-CIO CLC, *
    Petitioner *
    No.: PERA-R-17-355-W
~vs~ *
UNIVERSITY OF PITTSBURGH, *
    Respondent *

* * * * * * * * *
HEARING TRANSCRIPT
* * * * * * * * *
BEFORE: STEPHEN HELMERICH, Hearing Examiner
HEARING: Thursday, November 1, 2018
         9:16 a.m.
LOCATION: Hilton Garden Inn
         Pittsburgh University Place
         3454 Forbes Avenue
         Pittsburgh, PA 15213
         Reporter: Kaylyn Shaffer

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   Caitlin Schroering
   Rahul Amruthapuri
   David McCoy
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DISCUSSION AMONG PARTIES

WITNESS: LAWRENCE KANE, PH.D.

DIRECT EXAMINATION
By Attorney Dante 1799 - 1832

CROSS EXAMINATION
By Attorney Sharma 1832 - 1848

REDIRECT EXAMINATION
By Attorney Dante 1849 - 1852

DISCUSSION AMONG PARTIES 1852 - 1860

WITNESS: CAITLIN SCHROERING

DIRECT EXAMINATION
By Attorney Kilbert 1860 - 1876

DISCUSSION AMONG PARTIES 1876 - 1878

CROSS EXAMINATION
By Attorney Farmer 1878 - 1894

DISCUSSION AMONG PARTIES 1894 - 1895

WITNESS: RAHUL AMRUTHAPRUI

DIRECT EXAMINATION
By Attorney Healey 1896 - 1906

CROSS EXAMINATION
By Attorney Dante 1907 - 1920

DISCUSSION AMONG PARTIES 1920 - 1923
INDEX (cont.)

WITNESS: DAVID MCCOY

DIRECT EXAMINATION
   By Attorney Kilbert 1923 - 1941

CROSS EXAMINATION
   By Attorney Farmer 1942 - 1961

DISCUSSION AMONG PARTIES 1961 - 1993
* Exhibits *

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*Exhibits Not Attached*
HEARING EXAMINER: All right.

We are on the record in the 8th and penultimate day of hearing. And we are back to the University's Defense.

ATTORNEY DANTE: Dr. Kane.

HEARING EXAMINER: Raise your right hand.

---

LAWRENCE KANE, PH.D., CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

---

HEARING EXAMINER: Say your name and spell your name for us?

THE WITNESS: Lawrence Kane.


HEARING EXAMINER: Go ahead, ma'am.

ATTORNEY DANTE: Thank you.

---

DIRECT EXAMINATION

---

BY ATTORNEY DANTE:
Q. Dr. Kane, where are you currently employed?
A. The University of Pittsburgh.
Q. How long have you been employed by the University?
A. Fifteen (15) years.
Q. And in what capacity are you employed by the University?
A. I am a professor of epidemiology in the School of Medicine.
Q. And do you hold any other position within the department?
A. Yes.
I'm also the Vice Chair for education for the department.
Q. What do the responsibilities of Vice Chair entail?
A. To help oversee and coordinate the various teaching efforts of the department between graduate students and medical students.
Q. Can you tell us a little bit about your educational background?
A. Yeah.
So I got my undergraduate degree at the Boston College. I received my PhD from the
University of California San Diego. And then did post-Doctoral training at UC San Francisco.

Q. Okay.

Let's talk a little bit about your education in microbiology and immunology. What types of degrees does the program offer?

A. So the only degree that people are expressly admitted for is a PhD. On a rare occasion students can obtain a Master's degree if they're unable to complete the program. But we don't admit students expressly for that purpose.

Q. Approximately how many PhD students do you have in the program?

A. It's sort of a moving target. But there is approximately 60 to 70 total students in the program right now.

Q. Okay.

And does the program have information about its graduate program online?

A. Yes.

Q. I'm going to show you what I've marked as R-183.

---

(Whereupon, Respondent's Exhibit 183, Graduate Program Overview, was marked for identification.)
BY ATTORNEY DANTE:

Q. Do you recognize this document?
A. Yes.

Q. What is it?
A. This is an overview of our graduate program.

Q. And can you explain some of the key features of the program?
A. So the program has several features. So there is a didactic feature, state courses, laboratory rotations, where students try to match their laboratory mentor. There is a – there is a TA component in a couple of the semesters. And a majority of the time the students are in the program conducting researching and a lab with a PhD advisor.

Q. In general, why do your students come to the graduate program?
A. The students come because they want to learn the skills to be independent scientific researchers. That’s sort of the core goal of obtaining a PhD in biology or related sciences.

Q. Do they come to the program to earn a living?
A. No.
Q. Let's talk a little bit about admissions into the program. Is supporting undergraduate education a factor in the PhD program admissions?

A. No.

Q. Does the department offer funding to support its students?

A. Yes.

Q. And what's the purpose of funding students?

A. The purpose of funding students is so that they can focus their attentions on - on doing the research and getting trained and doing research in immunology and microbiology.

Q. What are some of the different kinds of funding that may be offered to students during the course of the program?

A. Sure. So during the first year most students are supported by the Dean's Office of the School of Medicine. After that time they may be supported by a research grant, their mentor's lab or often a NIH sponsored training grant. Or they may obtain an outside fellowship of their own.

Q. Do students often move back and forth between funding sources?
A. Yes. It's common.

Q. Is there a change when - in what students are doing on a day-to-day basis if they change funding sources?

A. No, no. Their day-to-day duties don't change at all.

Q. Okay.

What is that funding contingent upon?

A. The funding is contingent upon continuing satisfactory performance in the program. As evaluated yearly by the program.

Q. Okay.

Does the department have information on its website about some of the components of the curriculum in the program?

A. Yeah, yes.

Q. I'll show you what's marked as R-184.

---

(Whereupon, Respondent's Exhibit 184, Program Requirements, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Do you recognize this document?

A. Yes.

Q. Can you explain what it is?
A. Sure.

It's an overview of requirements of the program for students who enter.

Q. Can you give us kind of a high level explanation of each of these components? We'll delve into some of it in a bit more detail in a bit.

A. Sure.

So I mean, like as I indicated before, there is a didactic requirements where students take courses to help beef up their background knowledge of the field. And then they also are doing rotations in several faculty members' labs where they try to find a match placement and continue to do their research.

The other - the other component that's on here is the comprehensive exam, which is sometimes called - called the qualifying exam in some programs where students have to demonstrate that they've really obtained sufficient knowledge from the coursework and are able to sort of formulate some original ideas that they can defend and then go on and continue their research.

Q. And if you look at the - on the first page under general overview the last sentence. It says the remaining years are dedicated to research
in their mentor's laboratory?

A. Yes.

Q. What does that mean?

A. That means after completing the required coursework and the comprehensive exam, they're spending almost all of their time doing research towards the goal of obtaining a PhD.

Q. And does that requirement differ depending on how that student is funded?

A. No.

Q. Does your program have a handbook?

A. Yes.

Q. Do you recognize - I'm showing you what I've marked as R-185.

---

(Whereupon, Respondent's Exhibit 185, Graduate Program Overview, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Do you recognize that document?

A. Yes.

Q. What is it?

A. It's an overview of the graduate program, like biology and immunology.

Q. Okay.
I'm going to direct your attention to page eight. Are you there?

A. Yes.

Q. Okay.

Can you -?

HEARING EXAMINER: Sorry. What page is that?

ATTORNEY DANTE: Page eight.

BY ATTORNEY DANTE:

Q. Can you walk us through what an average student's first year in the program looks like?

A. Sure.

The first year they take some coursework, they do laboratory rotations. And that's - that accounts for most of the first year.

Q. And for the laboratory rotations, if you could turn to page 20. Is this something that is required to be filled out as part of those rotations?

A. Yes.

This is just - this is a record-keeping thing where students have to indicate that they're rotating so that we can track everybody has found a rotation home for each rotation period.

Q. And what are students doing during these
rotations?

A. So during rotations they're doing some bench science and research, almost always in conjunction with a senior graduate student or a post-Doctoral fellow in the lab who is helping teach them.

Q. So they're working in a faculty member's lab?

A. Yes.

Q. And what's the purpose of having these students do these rotations?

A. So the main purpose of the rotation is to help the student find a match with a mentor, that they think would be an appropriate mentor for them. And it also gives the mentor a chance to evaluate the student, see if they can work with the student. And - and give the student a little bit of flavor of the research that's going on and maybe learn a technique or two during rotation. But the main purpose is to find that appropriate fit.

Q. And when students are conducting the research in the faculty member's lab and working with other graduate students, is that research that's being performed on that faculty member's grant?
A. Yeah.

So whatever research is going on in the lab supplies, et cetera, would be supported in part by the faculty member. So independent grants it may have.

Q. And the graduate, the first year graduate student that's working alongside some - I think you mentioned another graduate student, maybe multiple graduate students. How is that first year graduate student funded at the time?

A. So first year students are funded by the Dean's Office from the School of Medicine.

Q. And what are they called when they're funded by the Dean's Office?

A. That's a good question. I mean, I refer to them as first year graduate students. And I honestly can't remember what the official university title is. But yeah, that's -.

Q. Okay.

And do they get academic credit for those that they're doing?

A. Yes, they get two credits for rotation.

Q. Do they get a grade?

A. Yes.

Q. And if we look back on page eight under
D-3 in the research section. There is mention of a rotation report.

A. Uh-huh (yes).

Q. What's the rotation report?

A. So the rotation report is a short report concerning the format that you might write a scientific paper. But to give some background on the project that you're working on in the lab, any results that you might have obtained during rotation. And then a little bit of discussion about putting it in context and, yeah, that's the format.

Q. Why do you - do you have students complete a rotation report?

A. So it's part of the education of a first year so they can demonstrate that they've learned something in the rotation about that particular lab's research.

Q. I'll show you what I've marked as R-185.

---

(Whereupon, Respondent's Exhibit 18, Schedule Overview, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Do you recognize that document?

A. Yes.
Q. Can you explain what it is?
A. Yeah.

This is just an overview of the schedule for the first year of rotational students, their start and end dates.

Q. And does it talk a little bit about the rotational report that you were just testifying about?
A. Yes.

Q. Are students evaluated on their performance of the rotation?
A. Yes.

Q. And if we could look at page 22 of the handbook?
A. Okay.

Q. Do you recognize that document?
A. Yes.

Q. And can you explain what that is?
A. Yes.

This is the evaluation that the rotation mentor fills out at the end of rotation. As you know, when they're sort of evaluating a student in different categories and giving them a final grade for the rotation.

Q. And would any of what you just described
regarding a rotation change based on how the student was funded in that first year?

A.  No.

Q.  So if we could go back to page eight? And look at the summer after the first year.

A.  Uh-huh (yes).

Q.  Can you explain what students are doing that summer?

A.  So in the summer after the funds year most of the students will have joined a lab by that - by that point. And then they also have a few small classes that they have to take, including the NIH mandated ethics class.

HEARING EXAMINER:  How many PhD students do you have new each year? First years.

THE WITNESS:  In each new program? Ten to 15.

HEARING EXAMINER:  Go ahead.

THE WITNESS:  So they also then take a course in statistics as well as a course in scientific writing. But they're also conducting research in the lab that they've now joined.

ATTORNEY DANTE:  Okay.

BY ATTORNEY DANTE:

Q.  And are they funded during this time?
A. Yes.

Q. Would anything that they're doing change depending on how they were funded?

A. No.

Q. I'm showing you what I've marked as Exhibit R-187.

---

(Whereupon, Respondent's Exhibit 187, Syllabus, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Do you recognize that document?

A. Yes.

Q. What is it?

A. It's a brief syllabus for the writing course the students take.

Q. Why do your students take this kind of course?

A. So one of the really important parts of the training is to ensure the students can communicate their science to other people. And that includes writing.

Q. Okay.

So going back to page eight of the handbook, a very useful chart.
A. Okay.

Q. Can you talk about what students are doing then in the Fall of their second year?

A. Yeah.

So in the Fall of the second year they have a little bit more coursework electives that they will take. And then they're doing full-time research in their mentor's lab at that point, continuing what they started during the summer.

Q. And what is the goal of the research that they're doing in their mentor's lab at that point?

A. Well, the goal is to try and develop and independent research project that can lead to a PhD and contribute some new scientific knowledge to the field.

Q. And during the time that they're conducting this research, at this point are they funded off of a faculty member's grant?

A. They can be.

Q. Could they be funded on a training grant?

A. Yes, they could be.

Q. Is it possible they could receive a fellowship?

A. Yes.

Q. Okay.
Would the research that you just described change?

HEARING EXAMINER: And a fellowship means a GSR.

Right?

ATTORNEY DANTE: No.

HEARING EXAMINER: What do you mean fellowship?

THE WITNESS: Do you want me to -?

ATTORNEY DANTE: Yeah.

Why don't you explain what that is?

THE WITNESS: So when we say fellowship in that context, we usually mean from an outside funding source such as NIH or -.

HEARING EXAMINER: I got confused with teaching fellowship.


ATTORNEY DANTE: Pre-Doctoral fellow.

HEARING EXAMINER: Go ahead.

ATTORNEY DANTE: Okay.

Q. And would students have to conduct the research that you just described, regardless of how they were funded?
A. Yes.
Q. Okay.

And if we go to the Spring term of year two. Can you explain what they're doing in the Spring term of year two?
A. Yes.

So most students will also take another elective. They're - they also are required to TA in this medical microbiology course for the medical school and they are doing research.
Q. Okay.

And is the research the same research that you just described during the Fall semester?
A. Yes.
Q. So why do you have the teaching requirement?
A. So most of our students will end up getting positions eventually where they're doing some teaching, whether at a medical school or in an undergraduate setting. And so it's important for them to have some experience doing some teaching. That's essentially why it's a requirement.
Q. So what are they teaching when they're satisfying this academic requirement?
A. Yeah.
So this is a lab course that the medical students are required to take. And they're helping to teach the students. They essentially help teach the medical students this lab and oversee them in performing that lab.

Q. What kind of interaction do they have with the faculty instructor of the course?

A. The faculty instructor is the one who helps the TAs themselves learn the lab if they haven't done it before. And to instruct them on how to - essentially how to - how to, you know, teach the medical students.

Q. Do they get academic credit for TA-ing?

A. They do, yes.

Q. Do they get a grade?

A. No.

They get credit but they do not get a grade.

Q. And then does that credit count towards the 72 credits?

A. Yes, yes. Sorry.

Q. Thank you.

Would a student still have to TA if they were self-funded?

A. Yes.
Q. All right.
   Let's go onto year three.
A. Okay.
Q. So in the Fall of year three, what are they - what are they doing?
A. They're spending most of their time doing research in their mentor's lab.
Q. And what about the Spring if year three?
A. So research, but then they also have to do one more round of TA-ing the same microbiology class.
Q. And under the same conditions that you just described?
A. Yes.
Q. Okay.
So let's talk a little bit about - so after year three then, then what are they doing?
A. They're spending most of their time doing research in their mentor's lab.
Q. Do students need to conduct research to get their PhD?
A. Yes.
Q. Can you give us some examples of what the research looks like in your program?
A. So most of the research in the program is
what we would consider basic science. The students are trying to discover new pathways by which to manipulate the immune response or by which pathogens infect or affect pathology. So most of that research like I said is at the basic level. Which means we're just trying to discover new things, not necessarily apply them in a clinic, which would be more translational research.

Q. What role do faculty play in the students' research?

A. The faculty are key for - for providing feedback on the work that they're doing. Helping to guide them in sort of the next steps and evaluating them on a yearly basis as to how they're - how they're progressing in that regard to become more independent.

Q. What is the process for selecting a dissertation topic?

A. So it's done between the student and the mentor. The student and the mentor is for as the student gets started in the lab usually they talk about different projects that are ongoing in the lab. And usually it's something that the student is also interested in that they want to, you know, do further research on.
Q. Is publishing a requirement?
A. Yes.
Q. Of the degree?
A. Yes.
Q. Why?
A. So we think it's important that students - well I guess there's a couple reasons. So the dissemination of scientific knowledge is done through published papers, peer reviewed papers. And the other reason is that it also gives the student sort of - sort of like I said a heads-up as to finish their degree and go out to look for another position. Whether that now be a position as a post doc or whether they want to go into the industry or go teach. And having publications is key to having a strong CV.

Q. Have you published with your students?
A. Yes.
Q. And have those publications ended up in student's dissertations?
A. Yes.
Q. I'm going to show you what I've marked as R-188 and R-189.

---

(Whereupon, Respondent's Exhibit 188,
Publication, was marked for identification.)
(Whereupon, Respondent's Exhibit 189, Thesis
Pages, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Starting with R-188, do you recognize
this document?
A. Yes.

Q. What is it?
A. It's a publication that a student and I
authored earlier this year.

Q. And were you her faculty advisor?
A. Yes.

Q. And if we look at the bottom right, very,
very, small print, under the significance block.
A. Yes.

Q. It talks about author contributions?
A. Yes.

Q. Can you explain the roles of the - your
role and your student's role?
A. Sure.

So I mean, as I indicated, I helped to
design the research project, although my student was
also key in that regard.

HEARING EXAMINER: This paper doesn't
indicate that she was a grad student.

Right?

THE WITNESS: Yes.

So if you look at — sorry. If you look at superscript by her name —

HEARING EXAMINER: Yeah.

THE WITNESS: — that's the infectious disease and microbiology program. The student was not in the same program, the handbook is — so she was in a different graduate program in the school. And then the second other was in the PMI program.

HEARING EXAMINER: All right.

So she is a grad student?

THE WITNESS: Correct.

HEARING EXAMINER: Okay. Go ahead.

THE WITNESS: So we designed a project together. She performed most of the experiments that ended up in the paper. She along with me analyzed that data and tried to interpret it. And then she also wrote with me. She wrote the paper and we both worked on it together.

BY ATTORNEY DANTE:

Q. Do graduate students need guidance in shaping the research?

A. Yes.
Q. Why is that?
A. Well, students come in, you know, with a background, hopefully a strong background in science. And - but they're not yet qualified to be independent researchers. They require further training and specialization essentially. And at this point it's self-discipline.

Q. How long approximately did the research that ultimately resulted in this publication take to perform?
A. Quite a while. Three or four years for this project, yeah.

Q. Is there significance to being a first author for a student?
A. Yes.

So in our field the first author is the person who has driven the research forward and performed a lot of the research themselves.

Q. Is that important for students?
A. Yes.

Q. Why?
A. Well, it's important that they demonstrate that they're on their way to develop more independence and that they're not just sort of a cog in the big wheel.
HEARING EXAMINER: So it shows that this person has the ability and skills to perform research that is publishable?

THE WITNESS: Yes.

BY ATTORNEY DANTE:

Q. And is that the ultimate goal of a PhD?
   A. Yes.

Q. Was the student funded while she was doing this - this research?
   A. Yes.

Q. Did her funding source change over the time that she was conducting the research?
   A. Yes.

Q. Did what she was doing on the project changed when the funding source changed?
   A. No.

Q. Do you remember what combination of funding sources she was on?
   A. It was several. So she was funded through the school for her first year. She was on a training grant for a couple of years. I think we had a side fellowship for one year. And then I think the rest of it was my - one of my research grants.

HEARING EXAMINER: Who pays your
salary?

THE WITNESS: The University.

HEARING EXAMINER: You're never funded off a grant?

THE WITNESS: That's a good question.

My paycheck comes from FID. But a certain percentage of my salary is derived from grants.

HEARING EXAMINER: What about your staff? Including your grad students.

THE WITNESS: Staff are funded entirely off my grants.

HEARING EXAMINER: But they're employees of the University?

THE WITNESS: They are also employees of the University.

HEARING EXAMINER: Go ahead, ma'am.

ATTORNEY DANTE: Okay.

BY ATTORNEY DANTE:

Q. So throughout the course of your student performing this research, the research remained the same?

A. Yes.

Q. Okay. All right.

Let's talk then about R-189. Do you recognize this document?
A. Yes.

Q. And what is it?
A. It's the front pages from my student's thesis. The same student from the paper.

Q. And did R-188 end up being part of R-189?
A. Yes.

Q. Is what you described in terms of the publications and the publications ending up in the dissertation -?
A. Yes.

Q. And when publications end up being part of the dissertation, does how a student was funded impact whether or not that can happen or not?
A. No.

Q. Do students get academic credit for the research that you just described?
A. Yes. They get research credits.

Q. And do they get those research credits whether they're funded as a GSR or trainee or a fellow?
A. Yes.

It doesn't change. Students in the program get the same credits.

Q. And the credits for the research that they're getting is the same research that may result
in a publication and a dissertation?
   A. Yes.
   Q. Do you track the hours that the students spend performing research?
   A. No.
   Q. Is the research that's done toward a student's dissertation separate from the research that's done on the faculty grant?
   A. No.
   Q. When we talk about this research, is this something that students could do without faculty mentorship?
   A. No.
   Q. Is it something that students could do without the resources that are provided by the university and either funded entirely or in part by grants?
   A. No.
   Q. Let me show you what I've marked as R-190.
   ---
   (Whereupon, Respondent's Exhibit 190, Facilities List, was marked for identification.)
   ---

BY ATTORNEY DANTE:
Q. Do you recognize this document?
A. Yes.

Q. Can you explain what it is?
A. Yes.

It's a list from the website of the various core facilities available.

Q. And can you explain - so do graduate students take advantage of some of these resources?
A. Yes.

Q. Do they need these resources to be able to conduct the research?
A. Yes.

Q. And if a student is on various sources of funding, does the funding always cover the cost of doing research?
A. No, no. The funding provided to the students does not cover the cost of research.

Q. If I were to walk into your lab, would I be able - would I be able to tell who is supported by a fellowship, a traineeship or a GSR?
A. No.

Q. Have you had students in your lab funded by multiple sources at the same time?
A. Yes.

Q. And conducting research side by side
together?

A. Yes.

Q. Are students evaluated on the progress toward their degree?

A. Yes.

Q. If you could take a look back at R-185, which is the handbook? On page 26.

A. Uh-huh (yes). Okay.

Q. Can you explain what that is?

A. It's a - it's a form that's used to by the program to indicate whether the students are making progress each year.

Q. And then what about the following page? Which doesn't seem to be numbered, but we'll call It 27.

A. So these - excuse me. These next two pages are essentially what lead to page 26. Page 27 is the student does a self-evaluation or report of their activities in the last year.

Q. And I see that number nine talks about publications?

A. Yes.

Q. Why is that part of this evaluation?

A. Because publication is a requirement for completion of the PhD.
Q. And is that something that students do as part of their GSR?
A. Yes.
Q. When they're funded as a GSR?
A. Yes.
Q. Do they also satisfy that requirement when they're funded on training grants?
A. Yes.
Q. And on fellowships?
A. Yes. All students.
Q. And then if we turn to the back of page 27, which is 28.
A. Right.
Q. What - what is this form?
A. So then this is the evaluation that the mentor themselves fills out each year for the - for the same student.
Q. Okay.
Do you need graduate students to conduct the research for you?
A. No.
I also have post-Doctoral fellows and staff students who do the research.
Q. Well, why do you choose to mentor graduate students?
A. So one of the reasons I stayed in academia is that I wanted the opportunity to train graduate students.

Q. Does the program offer graduate students any professional development opportunities?

A. Yes.

Q. Can you give us some examples?

A. I guess the most commonly used they would be our seminars, given by people who come in to give the students an idea of different career paths that they can have, that they can use their degree for essentially.

Q. And that there are other types of career services that are provided by the medical school in addition to the program?

A. Yeah.

That the school has other resources available for the graduate office.

Q. So we talked a lot about the research and the training that the department provides as part of the curriculum. When students arrive to the program, do they already have the skills and knowledge to be an independent researcher in the field?

A. No. They do not. Otherwise they
wouldn't be going for a PhD.

Q. And are the experiences that you've discussed today and the components of a curriculum an integral part of that academic training?

A. Yes.

ATTORNEY DANTE: I don't have anything further.

HEARING EXAMINER: What do you want to do?

ATTORNEY SHARMA: Can we have 15 or 20 minutes?

HEARING EXAMINER: All right.

Off the record.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

HEARING EXAMINER: We're back on the record.

Cross Examination.

---

CROSS EXAMINATION

---

BY ATTORNEY SHARMA:

Q. Okay.

Dr. Kane, my name is Maneesh Sharma. I
am an attorney with the Steelworkers. I am going to ask you some questions.

A. Okay.

Q. First of all, the PMI, is that the acronym for the department?

A. For the graduate program.

Q. Okay.

How long has that existed?

A. It's existed about two years, give or take.

Q. Okay.

And how was that formed?

A. Right. So the - going back about 20 years there was an umbrella graduate program that was created here that sort of encompassed six sub-programs. Two of which were immunology and another was microbiology - or I'm sorry, molecular virology and microbiology or MBM.

A couple of years ago there was an effort that was involved to reform the immunology and micro programs and take them out of the umbrella program and put them into a - into a new graduate program.

Q. Okay.

So it collapsed those departments into a -?
A. Into a new program. Right.
Q. And you testified that there is - you think that there is 60 to 70 PhDs in the program?
A. Yeah.
And again it's sort of a moving target.
Q. Yeah.
A. But it's around that.
Q. Okay.
Because when I looked at the website I thought it listed 49 students?
A. No, it's more than that. That's not updated.
Q. So that's not accurate?
A. Yeah. It's not updated.
Q. How long does it typically take to complete the PhD program, the PMI program?
A. The current average is between five and five and a half years.
Q. Okay.
How long could - how long could it possibly take?
A. The University has a time limit. And I honestly can't remember what that is. I want to say it's long, somewhere around eight years. The University sort of at the provost level has a limit
on that. But I can't remember the exact number of years.

Q. Okay.
And I wanted to ask you just a couple of questions on the teaching requirement.

A. Yes.

Q. So if you look at Respondent 184, which is the curriculum?

A. Yes. Okay.

Q. So if you turn to the back, to the teaching requirement?

A. Yes.

Q. When students are fulfilling this requirement, they're not appointed to a teaching assistant position.

Is that correct?

A. Yes.

Q. And this - in the second paragraph, the paragraph that starts all students in the PMI will be required to teach?

A. Yes.

Q. There's a second sentence, the timing. And then there's a comma and then it says this will usually require approximately 20 to 25 hours spread over the span of one month per year?
A. Yes.
Q. Is that the total extent of the teacher requirement?
A. Well, I haven't actually participated in this course that the students teach in. But that sounds about right.
Q. Okay.
And so they do that twice -
A. Correct.
Q. - is your understanding?
A. Yes.
Q. Okay.
I'm handing you what's been marked as Union Exhibit 252.
A. Okay.
---
(Whereupon, Petitioner's Exhibit 252, Appointment Letter, was marked for identification.)
---
BY ATTORNEY SHARMA:
Q. Do you recognize that?
A. Yes.
Q. And what is that document?
A. It's a graduate student appointment letter.
Q. And looking at the back it's signed by Robert Finder?
   A. Finder (corrects pronunciation).
   Q. Finder. Okay.
   And that's the director of the PMI graduate program?
   A. Correct.
   Q. And then next to it is a professor of immunology. Do you know what that is?
   A. This would be the mentor in his lab. The student is conducting the research.
   Q. Okay.
   A. That's what that space would be for.
   Q. I see.
   A. Conducting here.
   Q. Because you're in - you're appointed to the department of immunology?
   A. No.
   Q. You're not?
   A. So you're not actually appointed to the department. This is a distinction. But you're actually - you are - the letter is generated by the department in which your PhD mentor resides. You are a member of the graduate program.
   Q. Okay.
A. But, yeah, sorry.
Q. I was actually asking about your appointment.
A. My appointment?
Q. Yeah, as a professor.
A. My appointment as a professor in the department of immunology.
Q. Okay.
And that is something that still - I guess I'm confused as to how that relates to the PMI. Does that still exist?
A. Yes.
So the graduate programs are not departments. The graduate programs are sort of a coordinated effort to teach and train students. And they can do that training in various faculty member's labs, which includes multiple departments.
Q. So just to - let me see if I get this. So the PMI is the graduate program?
A. Correct.
Q. Is it sort of like a Venn diagram where you've got different departments and then the PMI kind of overlaps through the departments with the grads, and then the grad students can go and they sort of work with -
A. Yes.
Q. - and go into -?
A. Yes. They can reside in different departments while they're conducting their research.
Q. But they're always in the PMI program?
A. Correct.
Q. Okay.

I think I've got it. I'm going to show you what I've marked as Union Exhibit 253.

---

(Whereupon, Petitioner's Exhibit 253, Fact Book, was marked for identification.)

---

BY ATTORNEY SHARMA:
Q. Do you recognize that - that front cover?
A. Yes.
Q. And what is that from?
A. It's - I don't know how to describe it. It's sort of a summary of the state of the School of Medicine of this year.
Q. Okay.
Q. Is it sometimes referred to as a fact book?
A. Yeah. Yeah.
Q. Okay.
And then turning to the - and this is an excerpt. But the page here. This talks about NIH funding was brought it.

A. You're talking about page -?

Q. The second - the document -

A. Okay.

Q. - page 13 of the fact book?

A. Yes.

Q. And it refers to NIH funding as the benchmark of overall stature among research intensive academic health centers.

Is that right?

A. Yes.

Q. And in fact the University of Pittsburgh brings in a lot of NIH funding?

A. Yes.

Q. And specifically the Med School accounts for a large portion of that NIH funding?

A. Correct.

Q. And that's - it's important to bring in that NIH funding.

Is that correct?

A. It's what supports the research that we do. Yes.

Q. Okay.
Looking at Respondent's 188, this was the article by - the first author was -.

A. Oh, right. Yes.

Q. And so Lindsey Avery is now a doctor. Is that right?

A. Correct.

Q. She defended last April. Is that right?

A. That sounds right, yes. It was earlier this year, yes.

Q. And she was a GSR in your lab. Correct?

A. She was a grad student in my lab. Yes.

Q. Okay.

I'm handing you what's marked Union Exhibit 254.

A. Okay.

---

(Whereupon, Petitioner's Exhibit 254, Webpage, was marked for identification.)

---

BY ATTORNEY SHARMA:

Q. Do you recognize that?

A. Yes.

Q. What is that?
A. It's my webpage from the department.
Q. Okay.

And does this show the - at least at some point it shows the people who were personnel in your lab?
A. Yes. Yes.
Q. And Dr. Avery was listed there?
A. That is correct. Yes.
Q. And she is identified as a graduate student researcher?
A. Yes.
Q. And I'm now going to hand you what's marked Union Exhibit 255.
A. Okay.

---

(Whereupon, Petitioner's Exhibit 255, Bio Page, was marked for identification.)
---

BY ATTORNEY SHARMA:
Q. Tell me if you recognize that. Do you recognize that?
A. Yeah.

It's another page from the website I guess. Yes.
Q. And is this essentially your Bio page?
A. Yes.
Q. Okay.

And turning to the second page of that document under selected publications?
A. Yeah.
Q. Is that first one listed, the article we were just talking about?
A. Yes.
Q. Any other articles on here that you co-authored with graduate students?
A. Yes.

HEARING EXAMINER: Has an undergrad ever published a paper in your field?
THE WITNESS: Yes.

HEARING EXAMINER: How many times?
THE WITNESS: In the overall - in my lab? For my laboratory?

HEARING EXAMINER: Yeah.
As first author?
THE WITNESS: No. I have not had an undergraduate as a first author.

HEARING EXAMINER: So I'm going to ask that question.

So the answer to that question is no.
HEARING EXAMINER: Okay.

BY ATTORNEY SHARMA:

Q. I'm now handing you what's been marked Union Exhibit 256.

A. Okay.

---

(Whereupon, Petitioner's Exhibit 256, Grant Summary, was marked for identification.)

---

BY ATTORNEY SHARMA:

Q. Do you recognize that?

A. Yes.

It's a - it's a summary of a grant that's funded by NIH.

Q. Is this a grant that you are one of the PIs for?

A. Yes. I'm the co-PI.

Q. And looking at this document, if you flip to the second page, it looks like this is a multi-year grant.

Is that correct?

A. Correct.

Q. It looks like the funds have been distributed since 2016.

Is that -?
A. Yes. Uh-huh (yes).

HEARING EXAMINER: I like the term cross-topic. Everything is so technical that it's cross-topic.

ATTORNEY SHARMA: Okay.

I'm now distributing what's marked Union Exhibit 257.

---

(Whereupon, Petitioner's Exhibit 257, Publications, was marked for identification.)

---

BY ATTORNEY SHARMA:

Q. Do you recognize this?

A. Yes.

So it's from the same NIH site. It's publications that have been funded at least in part by this grant.

Q. Right.

In fact this is when - you see how its description detailed results history sub-project at the top of that?

A. Right. Right. Right. Right.

Q. When you click on results, this is what you find.

Right?
A. Yes. Yes. Correct.

Q. And if you go one, two, three down, you find that same article being discussed.

Is that right?

HEARING EXAMINER: So this is the NIH website, Counselor?

ATTORNEY SHARMA: Correct.

HEARING EXAMINER: Okay.

ATTORNEY SHARMA: I am now distributing Union Exhibit 258.

THE WITNESS: Okay.

---

(Whereupon, Petitioner's Exhibit 258, PubMed Search, was marked for identification.)

---

BY ATTORNEY SHARMA:

Q. And do you recognize that?

A. Yes.

Q. What is that?

A. That is a PubMed search result for the same paper that we're talking about.

Q. Okay.

And if you'd turn to the second page.

Sorry. The third page.

A. The third page?
Q. It lists the grant support. Is that correct?
A. Correct.
Q. And that grant that we've just been looking at is the R01 grant that's listed here. Is that correct?
A. The second one, yes.
Q. And this indicates that there was also grant support that came from RO3?
A. Uh-huh (yes).
Q. And a B30, correct?
A. Yes.
Q. None of those are training grants. Right?
A. They are not training grants. No.

ATTORNEY SHARMA: Union moves to admit exhibits 252 to 258.

ATTORNEY DANTE: No objection.
HEARING EXAMINER: No objection?
ATTORNEY DANTE: No.
HEARING EXAMINER: They're admitted.
---
(Whereupon, Petitioner's Exhibit 252, Appointment Letter, was admitted.)
(Whereupon, Petitioner's Exhibit 253, Fact Book,
was admitted.)
(Whereupon, Petitioner's Exhibit 254, Webpage, was admitted.)
(Whereupon, Petitioner's Exhibit 255, Bio Page, was admitted.)
(Whereupon, Petitioner's Exhibit 256, Grant Summary, was admitted.)
(Whereupon, Petitioner's Exhibit 257, Funded Publications, was admitted.)
(Whereupon, Petitioner's Exhibit 258, PubMed Search, was admitted.)
---
ATTORNEY SHARMA: No further questions.
HEARING EXAMINER: Well the -.
ATTORNEY DANTE: Just five minutes.
HEARING EXAMINER: The NIH - the NIH ones are hearsay. But you don't have any problems with it.
Right?
ATTORNEY DANTE: You can give it the weight that you believe is appropriate.
HEARING EXAMINER: We've had a couple hearsays.
All right. Redirect.
ATTORNEY DANTE: Can I have five minutes?

HEARING EXAMINER: Yes.
Off the record.

ATTORNEY SHARMA: Thank you.
---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)
---

HEARING EXAMINER: All right. Back on the record.
Redirect?
---

REDIRECT EXAMINATION
---

BY ATTORNEY DANTE:

Q. Dr. Kane, there was some discussion, and you were shown Union Exhibit - you were shown Union Exhibit 253, which is one page from the School of Medicine fact book?

A. Oh, yes.

Q. Does the NIH funding cover the full cost to the University to conduct research?

A. No.

Q. Do all faculty - research faculty have graduate students in their labs?
Q. Are those faculty able to obtain funding to conduct research without graduate students?
A. Yes.

Q. There was also some discussion about the teaching requirement. Do you recall that?
A. Yes.

Q. When students are satisfying the teaching requirement are they called TAs?
A. No. I mean their appointment is the same.

Q. And that appointment could be as a fellow?
A. It could be.

Q. It could be as a trainee?
A. Yes.

Q. It could be as a GSR?
A. Yes.

Q. And during that time during their - they're teaching, are in a lab with students learning instruction?
A. Yes, yes.

Q. And are they working with - are they with a faculty in learning how to instruct in the course?
A. Yes.
Q. What other kinds of things are they doing as part of that teaching assignment?
A. They're - they're helping the medical students troubleshoot the lab. And we interpret the results that they obtain in the lab class.

Q. There was also some discussion about Dr. Avery. When Dr. Avery was conducting the research that ultimately culminated in her dissertation, I think you mentioned she was funded on multiple sources?
A. Yes.

Q. And that - did that include a training grant?
A. At one point it did, yes.

Q. And so you were shown Union Exhibit U-58 - sorry, Union 258.
A. Yes.

Q. Is there a reason why the - the training grant would not be listed for this particular composition?
A. Yeah.

At the time the paper was published she was not funded on the training grant at that time. She had that earlier. So it wouldn't have been appropriate to include that. But it would be
included with the - with the annual update on that training grant that was NIH.

Q. So some of the research that she performed that resulted in that publication was performed on the training grant?

A. Some of it was, yes.

Q. Okay.

ATTORNEY DANTE: I have nothing further.

ATTORNEY SHARMA: No questions.

HEARING EXAMINER: All right.

Sir, you can step down. Thank you very much for your testimony.

We're off the record to prepare for whoever's next.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

HEARING EXAMINER: Back on the record.

ATTORNEY DANTE: Okay.

I would like to move for admission of my exhibits, 183 through 190, please.

HEARING EXAMINER: Any objection?

ATTORNEY MANTOLILLO: No objection.

HEARING EXAMINER: Admitted.
(Whereupon, Respondent's Exhibit 183, Graduate Program Overview, was admitted.)
(Whereupon, Respondent's Exhibit 184, Program Requirements, was admitted.)
(Whereupon, Respondent's Exhibit 185, Graduate Program Overview, was admitted.)
(Whereupon, Respondent's Exhibit 186, Schedule Overview, as admitted.)
(Whereupon, Respondent's Exhibit 187, Syllabus, was admitted.)
(Whereupon, Respondent's Exhibit 188, Publication, was admitted.)
(Whereupon, Respondent's Exhibit 189, Thesis Pages, was admitted.)
(Whereupon, Respondent's Exhibit 190, Facilities List, was admitted.)

---

ATTORNEY FARMER: All right.
And before we close our case-in-chief, we have some additional exhibits which we want to move in. We're including an exhibit list with it. So that we don't have to individual mark and do this on the record. Similar to what the Union did with the binder.
HEARING EXAMINER: All right.
We'll go of the record to - well, go on.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)
---

ATTORNEY FARMER: So we're going to -
so we're going to move in. And we've already agreed
with the Union that they are going to review them
when there is a natural break. There is a witness
that they need to get on and get off and get out for
travel reasons. And so they'll review them and then respond. So we're going to move in 123 through 182 inclusive.

HEARING EXAMINER: 123 through 182?
ATTORNEY FARMER: Yes.
---

(Whereupon, Respondent's Exhibit 123, Webpage,
was marked for identification.)
(Whereupon, Respondent's Exhibit 124, Document,
was marked for identification.)
(Whereupon, Respondent's Exhibit 125, Document,
was marked for identification.)
(Whereupon, Respondent's Exhibit 126, Document,
was marked for identification.)
(Whereupon, Respondent's Exhibit 127, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 128, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 129, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 130, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 131, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 132, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 133, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 134, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 135, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 136, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 137, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 138, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 139, Document,
1 (Whereupon, Respondent's Exhibit 140, Document, was marked for identification.)
2 (Whereupon, Respondent's Exhibit 141, Document, was marked for identification.)
3 (Whereupon, Respondent's Exhibit 142, Document, was marked for identification.)
4 (Whereupon, Respondent's Exhibit 143, Document, was marked for identification.)
5 (Whereupon, Respondent's Exhibit 144, Document, was marked for identification.)
6 (Whereupon, Respondent's Exhibit 145, Document, was marked for identification.)
7 (Whereupon, Respondent's Exhibit 146, Document, was marked for identification.)
8 (Whereupon, Respondent's Exhibit 147, INSERT, was marked for identification.)
9 (Whereupon, Respondent's Exhibit 148, Document, was marked for identification.)
10 (Whereupon, Respondent's Exhibit 149, Document, was marked for identification.)
11 (Whereupon, Respondent's Exhibit 150, Document, was marked for identification.)
12 (Whereupon, Respondent's Exhibit 151, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 152, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 153, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 154, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 155, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 156, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 157, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 158, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 159, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 160, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 161, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 162, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 163, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 164, Document,
(Whereupon, Respondent's Exhibit 165, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 166, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 167, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 168, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 169, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 170, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 171, INSERT, was marked for identification.)

(Whereupon, Respondent's Exhibit 172, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 173, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 174, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 175, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 176, Document, was marked for identification.)
(Whereupon, Respondent's Exhibit 177, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 178, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 179, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 180, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 181, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 182, Document, was marked for identification.)

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HEARING EXAMINER: All right.

So the next witness - are you resting then?

ATTORNEY FARMER: So then, yes.

Subject to any, obviously, rebuttal. But we rest.

ATTORNEY HEALEY: And we'll reserve any potential objections until we get a chance to review these on break.

ATTORNEY FARMER: Right.

ATTORNEY HEALEY: We're not going to, yet.

HEARING EXAMINER: The next witness?
ATTORNEY KILBERT: The Union calls Caitlin Schroering.

HEARING EXAMINER: This is a continuation of the previously started rebuttal.

CAITLIN SCHROERING,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

---

HEARING EXAMINER: Spell your name for us?


HEARING EXAMINER: Thank you, miss. Go ahead, sir.

---

DIRECT EXAMINATION

---

BY ATTORNEY KILBERT:

Q. Ms. Schroering, what is your affiliation with the University of Pittsburgh?

A. I am a graduate student employee in the department sociology.

Q. And what is your particular area of
scholarly focus?
   A. Social events and the environmental sociology.
   Q. And what is the topic of your dissertation?
   A. Right to water movements in Brazil and the United States.
   Q. When did you first become a student at the University?
   A. In the Fall of 2015.
   Q. So what year are you in now?
   A. My fourth year.
   Q. Okay.

   I am going to hand you what's been marked as Union Exhibit 259.
   ---
   (Whereupon, Petitioner's Exhibit 259, Fellowship Appointment, was marked for identification.)
   ---

BY ATTORNEY KILBERT:
   Q. Can you please identify this document?
   A. Yes.
   It was my appointment - fellowship appointment for my first year, 2015 to 2016.

ATTORNEY KILBERT: Union moves 259.
ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

---

(Whereupon, Petitioner's Exhibit 259, Fellowship Appointment, was admitted.)

---

BY ATTORNEY KILBERT:

Q. So you testified that you had a fellowship for your first year in the program?

A. Yes.

Q. And during that fellowship, did you receive a stipend from the University?

A. Yes.

Q. And during the term of that fellowship, were you enrolled in the university-sponsored health insurance plan?

A. Yes. But I paid for it.

Q. And during that fellowship, did you perform any teaching or grading?

A. No.

Q. Did you perform any work for the University?

A. No.

Q. What did you do during the fellowship?

A. I took core classes and studied.
Q. And did you pay any tuition during this period?
   A. No.
Q. Have you paid any tuition at the University at any time during your program?
   A. No.
Q. So I am going to -.

HEARING EXAMINER: Did the witness say scholarship, Counselor, or fellowship? Oh, there it is. Graduate fellow, in the first line?
ATTORNEY KILBERT: That is where it says it, yes.
HEARING EXAMINER: This is for me when I read this in two months.
ATTORNEY KILBERT: And -.
HEARING EXAMINER: I'm trying to tell myself where it was.
ATTORNEY KILBERT: There are references in the bottom part of the letter as well, of arts and sciences graduate fellows, please respond to this offer of fellowship.
HEARING EXAMINER: Okay. So these aren't teaching fellows?
ATTORNEY KILBERT: That's correct.
HEARING EXAMINER: Okay. Go ahead.
BY ATTORNEY KILBERT:

Q. I'm going to show you what's marked as Union Exhibit 260.

---

(Whereupon, Petitioner's Exhibit 260, Appointment Letter, was marked for identification.)

---

BY ATTORNEY KILBERT:

Q. Ms. Schroering, could you identify this document?

A. Yes.

It is my appointment letter for my second year in the program.

Q. And does it indicate in the Spring of 2017 you were being appointment as a GSA?

A. Yes.

Q. And do you accept the appointments offered in this letter?

A. Yes, I did.

ATTORNEY KILBERT: Union moves 260.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

---

(Whereupon, Petitioner's Exhibit 260, Appointment Letter, was admitted.)
BY ATTORNEY KILBERT:

Q. So who do you work with as the GSA in the Spring of 2017?
A. I worked with Dr. Jackie Smith.

Q. And what is her affiliation with the University?
A. She is a professor in the department of sociology.

Q. And what projects did you work on for Professor Smith?
A. I served as managing editor for the Journal of World Systems Research.

Q. And what is the Journal of World Systems Research?
A. It is - World Systems Research is a sub-field of sociology. And it is the official journal of that sub-field of the American Sociological Association.

Q. So what were your duties in this project?
A. I did everything related to the journal.

Q. So what specifically would that encompass?
A. So it was typical in some ways. But as managing editor it is essentially a two-person team.
Jackie Smith is currently the editor. So I assisted with everything from determining whether or not an article was appropriate content-wise thematically for the journal.

And if so, with finding peer reviewers, sending it off for review, sending reminders to get reviews back in, as well as corresponding with our authors around revisions.

And when it came to production time, all the copy editing work and dealing with the template and format and layout for the book review editor and publisher to publish the final issue and then publicity of the issue.

Q. What was involved in the publicity?
A. Mostly creating cards to hand out at the American Physiological Association, as well as some emails.

Q. During this assignment where did you work physically?
A. There is a journal - an office - a shared office in the department. I worked there.

Q. And who did you share the office with?
A. At the time it was another managing editor for another journal that's housed in our department.
Q. Was that person also a graduate – a GSA?
A. Yes.

Q. And you indicated that this office was located in department of sociology. Are there other offices nearby?
A. Yes, there are.

Q. Who's in those offices?
A. The closest ones? Faculty.

Q. So if you could walk me through a typical day of your GSA work on this project? Where would you go, what would you do, who would you interaction with?
A. Well, I interact a lot with Dr. Smith. There was a lot of back and forth communication that needed to be done. A lot of times it was helpful to have a double screen. So I'd work in the journal office.

And my day-to-day activities were similar to what I described as my duties. So I'd follow-up reviewing articles, making sure turned in as they needed to. And then all of the kind of editing - actual editing work, layout work, getting it published.

Q. So you indicated you were making sure that people were getting things in as they were
supposed to. What did that process actually look like in terms of what you did?

A. A lot of sending - that particular process? A lot of sending emails, sometimes phone calls. But typically emails.

Q. And these are authors and reviewers?

A. Authors and reviewers. And then the book review editor or in some cases special issue editors as well.

Q. Are these faculty members at Pitt or other institutions or who are they?

A. Not at Pitt. Other institutions.

Q. On average over the course of the time you were working for this appointment, about how many hours were you working on these GSA duties?

A. On average? Thirty (30) hours a week.

Q. Did these duties result in your name being included as an author on any publications?

A. No.

Q. During this period, did you perform work on the dissertation of your own research interests, independent of your GSA duties?

A. Yes, I did.

Q. And what did that independent work consist of?
A. At that stage it was still a lot of course work and review writing. But I also did some field work at a local group as well around Bridgewater.

Q. So would you say that your duties on this GSA assignment were related to your work on the dissertation?

A. No.

Q. What did you do the summer after Spring of 2017?

A. That summer I continued to work for the journal. And I also served as a teaching fellow. I taught a course.

HEARING EXAMINER: And were you instructor of record?

THE WITNESS: I was.

BY ATTORNEY KILBERT:

Q. When you were continuing your work for the journal that summer were you compensated for that work?

A. Yes.

Q. How were you compensated?

A. It was through funding that Dr. Smith found through the American Sociological Association. So external to the University.
Q. Were you paid on an hourly basis or on a salary basis?

A. It was not hourly.

HEARING EXAMINER: Did you get a paycheck?


HEARING EXAMINER: Who was on the payee to payee, or payer? Excuse me.

THE WITNESS: I believe that it was ASA, American Sociological Association.

HEARING EXAMINER: Okay. Go ahead.

ATTORNEY KILBERT: So I am going to mark what was - sorry. I'm going to distribute what has been marked as Union Exhibit 261 and 262.

---

(Whereupon, Petitioner's Exhibit 261, Appointment Letter, was marked for identification.)

(Whereupon, Petitioner's Exhibit 262, Appointment Letter, was marked for identification.)

---

HEARING EXAMINER: So in the summer you had a TF position - a summer TF position, paid by the University or your instructor of record. And then you believe you were also paid by another party, ASA, to continue your work on the journal.
Is that right?

THE WITNESS: That is correct.

I don't believe that I was paid - I know that I was paid. I just want to be cautious, I believe it was ASA.

HEARING EXAMINER: To the best of your knowledge?

THE WITNESS: To the best of my knowledge. And that also applies to the summer before as well. So summer of 2015 and summer of 2017 for the journal.

HEARING EXAMINER: So you weren't a TF personally?

THE WITNESS: I was not.

HEARING EXAMINER: Go ahead, sir.

Thank you.

BY ATTORNEY KILBERT:

Q. Okay.

So could you please identify Union Exhibit 261 or 261?

A. Yes. So 261 is my appointment letter for this current year. And 262 was my appointment letter for last year.

Q. So did you accept both of there appointments?
A. Yes, I did.

ATTORNEY KILBERT: Union moves 261 and 262.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

---

(Whereupon, Petitioner's Exhibit 261, Appointment Letter, was admitted.)

(Whereupon, Petitioner's Exhibit 262, Appointment Letter, was admitted.)

---

BY ATTORNEY KILBERT:

Q. So who were you working for as the GSA under these appointment letters?

A. Dr. Suzanne Staggenborg.

Q. And what is Dr. Staggenborg's affiliation with the University?

A. Both a professor in the department of sociology and departmental Chair.

Q. And so when have you been working for Dr. Staggenborg?

A. I have been working with her since the Fall of 2017.

Q. And continuing through the present?

A. Right, right.
Q. And so what have you primarily worked on with Dr. Staggenborg?

A. Up until this point the two main projects that I worked on were assisting her with editing her manuscript - different manuscripts. And also TA type duties for two undergraduate courses that she was instructing.

Q. So let's take those one at a time. So first with the book manuscript. Who will be listed as an author in that book?

A. Dr. Staggenborg.

Q. Will you be listed as an author?

A. No.

Q. And turning to the TA type duties. What specifically have you been doing for Dr. Staggenborg?

A. Specifically I have graded student work and papers. And provided feedback and assistance, and as well as compile the content of the course, the syllabi, for the courses.

Q. Have you actually been in front of any students, led any recitations?

A. In this case, no.

Q. Right.

Understanding that in other appointments
you might have had.

A. Correct.

Q. So these were Dr. Staggenborg's courses that you were instructor of record?

A. Yes.

Q. And what courses did you assist her with?

A. I believe the title of the first is simply social movements. And then a social problems course.

Q. Were these undergraduate or graduate courses?

A. Undergraduate.

Q. So during this GSA assignment, where have you been working?

A. I have an office in the department. And I do work there. And at times I also work from home.

Q. Is this the same office you were talking about in your work with the journal?

A. No, it's a different office.

Q. Are there other offices around this office?

A. Yes.

Q. Who occupies those offices?

A. In one direction, faculty. And in other
Q. So what are you doing for Dr. Staggenborg presently?
A. Well, I'm continuing to work with TA type work. And there will be some more work with the book manuscript, with appendices, references, et cetera. And then we recently have started on a paper project.
Q. And when did you start on this paper project?
A. This semester.
Q. And whose idea was this paper project?
A. Dr. Staggenborg.
Q. And what are you doing for this paper project?
A. So she has a lot of data from the book project on a particular case that wasn't included. And so I'm looking through that for what would be applicable for our project. It's going to be a comparative case. So I'm also doing some fieldwork of my own for the other case. And it will be those - those two that are included.
Q. So on average over the course of the time that you've been working as a GSA for Dr. Staggenborg, about how many hours per week have you
been working on your GSA duties?

A. About an average of 12 to 15 hours.

Q. Is this paper that you referred to going to be a part of your dissertation?

A. No.

Q. During the period that you've had this GSA appointment with Dr. Staggenborg, have you been working on your dissertation separate from your work with Dr. Staggenborg?

A. Yes, I have.

Q. And what has that work consisted off?

A. Well, this summer I was in Brazil for six weeks doing fieldwork. And then I've also been doing fieldwork with an organization locally. As well as writing of course.

ATTORNEY KILBERT: Nothing further.

HEARING EXAMINER: What time do you have to leave, ma'am?

THE WITNESS: It would be ideal to be out of here by noon, but -. 

HEARING EXAMINER: Okay.

That's plenty of time. Fifteen minutes (15)?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: All right.
Off the record. We'll get you out of here by then.

THE WITNESS: Thank you. I appreciate it.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

HEARING EXAMINER: We're back on the record.

Ma'am, you mentioned to me off the record that you got - when you were TF what summer?

THE WITNESS: I was a TF the summer of 2017.

HEARING EXAMINER: And you got a letter similar to 261 and 262 for that?

THE WITNESS: Correct.

An appointment letter. It came up when you asked me to clarify -

HEARING EXAMINER: Yeah.

THE WITNESS: - for the record. And I said yes, and I realized I forgot to submit that appointment letter. So it was just -.

HEARING EXAMINER: But it was in a similar form to those other letters that have been presented?
THE WITNESS: Yes.

Except it was only for the summer. It wasn't a teaching fellow appointment.

HEARING EXAMINER: TF?

THE WITNESS: TF, correct.

HEARING EXAMINER: And in your opinion what is the difference between a TF and a TA?

THE WITNESS: Well, a TF, you're the instructor of record. So I mean, in our department it's as if - I'm the instructor of record. So I'm teaching my own course just like a faculty person. Whereas a TA, I'm in charge of recitation sessions under a faculty person.

HEARING EXAMINER: Counsel, I don't think we need to have her produce that, do you?

ATTORNEY FARMER: No.

HEARING EXAMINER: All right.

ATTORNEY FARMER: There's no dispute about it.

THE WITNESS: Okay.

HEARING EXAMINER: Go ahead with the Cross Examination.

ATTORNEY FARMER: Yeah. Okay.

---

CROSS EXAMINATION
BY ATTORNEY FARMER:

Q. Why did you decide to pursue a PhD?
A. After undergrad, I worked in the non-profit world doing organizing work. And after four years of that I decided to return to grad school. I completed a Master's degree. And after that experience, I decided I wanted to further pursue academia to earn a PhD have a career in research and teaching.

Q. What are you hoping to do when you complete your PhD?
A. I hope to get a job at a university as a professor.

Q. Why did you choose to come to Pitt?
A. There are various factors. But the main one is that the sociology department is known for its strengthened social movements, which is what I study.

Q. Okay.
So you moved that you had the opportunity to teach your own course as instructor of record. And that was in - which summer was that?
A. That would have been the summer of 2017. The summer of 2017.
Q. Okay.

Before you did that, you were required to the effective 22 teaching practicum.

Is that right?

A. Yes.

Q. And you got a grade for that? It was a letter grade?

A. Yes.

Q. And the teaching your own course during the summer of 2017. Is that something that you sought out to do?

A. Yes.

I mean, there's - there's limited opportunities in our department for funding during the summer. And one of them is to apply for summer teaching. I did and was able to teach.

Q. What course did you teach?

A. Globalization.

Q. And what was globalization about?

A. It was a very comprehensive, broad general course. So there's vary definitions of globalization and ways of understanding it. And we studied all of those from a sociological perspective. And studied concepts around globalization and respective of globalization from
countries outside of the U.S. as well.

Q. How did that course that you taught get selected?
A. I honestly don't know.

Q. Did you express a preference or anything like that?
A. I believe that they gave us a sheet with various courses. And we could give a preference. But we weren't guaranteed to get our preference.

Q. When you were doing this, teaching as the instructor of record, did you have a faculty mentor assigned?
A. Yes.

Q. Who was that?
A. Melanie Hughes.

Q. And she's the director of graduate studies for the department?
A. Yes.

Q. And what interactions did you have with her related to your teaching?
A. We met at the beginning before I started teaching. She reviewed my service. And on the last day of class she observed me.

Q. And you get evaluated every year for your progress in the program.
Is that right?

A. Yes.

Q. And your teaching experience as teaching the globalization course was included in your most recent evaluation.

Is that right?

A. Yes. In my most recent evaluation.

Q. Because that was the - that covered the academic year in which you did the time. Do you have a teaching statement?

A. Part of that is to craft one. So, yes.

Q. And did your - so you crafted that before you had the experience teaching your own course. Right?

A. Yes.

Q. Did teaching your own course influence how you view the teaching experience?

A. No.

Q. And you said you were hoping to have an academic job when you graduate?

A. Yes.

Q. So teaching would be part of that. Right?

A. Yes, in most cases.

Q. And when you go on the job market for an
academic job in sociology, showing that you have teaching experience will be important. Right?

A. It depends.

Q. So what does it depend on?

A. Well, in many cases too much teaching experience is actually a detriment. Because research experience and publications are what matter more.

Q. But some teaching experience would be important. Right?

A. Yes, in some situations.

Q. And so you mentioned publications. Have you published while you've been at Pitt?

A. Yes.

Q. So you sound like you're hesitating. Can you explain?

A. Of course.

So I've published a book review. Everything else is in process or under review.

Q. Okay.

It takes a while?

HEARING EXAMINER: So - I'm sorry.

ATTORNEY FARMER: Go ahead.
HEARING EXAMINER: Under review means it's been submitted to a journal?

THE WITNESS: Correct.

HEARING EXAMINER: Okay. Go ahead.

BY ATTORNEY FARMER:

Q. Because it takes a while to get things through the process of publication?

A. Correct.

Q. And the things that you've submitted, are those to be published in peer reviewed journals?

A. Yes.

Q. Have you presented at conferences?

A. Yes, I have.

Q. In fact, you did two in 2018. Is that right?

A. That sounds right.

It might have been three.

Q. Okay.

And in one of those conferences you presented with Dr. Smith and Dr. Hughes. Is that right?

A. On that paper, yes.

Q. Okay.

How did that come about?

A. I was asked by them if I was interested
in joining this collaborative project. There's other grad students on it as well. And I said yes, and had been added on it as the fifth research person.

Q. So, just so I understand, so you write a paper together first and then you present that paper at the conference.

Is that the way it works?

A. Generally speaking.

Q. Okay.

A. To some extent at a conference it may be, you know, it's a draft paper. It's research that's in progress. And you're presenting that.

Q. And what's the purpose in doing that?

A. It's to get feedback on your work from other scholars.

Q. So you said that you were asked by these faculty members to participate in it. Were you paid to do that?

A. No.

Q. Are you getting academic credit?

A. No.

Q. And what is the topic?

A. It's transnational social movement.

Q. So is that something - is this paper
going to make its way into your dissertation?
   A. No, it will not.
   Q. And you said you presented - and oh, actually before I do that. How did you get to the conference?
   A. This year? I drove.
   Q. And where was that conference where you presented that paper?
   A. Philadelphia.
   Q. And you said you presented at one or two others this year as well?
   A. Correct.
   Q. And where were they?
   A. I presented at a conference in Lexington, Kentucky. And I presented at a conference in Santa Barbara, California. And at a conference in San Diego, California. But it was not - that was solo authored work.
   Q. And how - how did you get funding to get to those conferences?
   A. Different sources.
   Q. Meaning through the department?
   A. In two cases, yes. But in one case the conference I was presenting at, they provided funding.
Q. Okay.
And so one of those you said was in San Diego?
A. Correct.
Q. Is that right?
That was in - or I'm sorry, Santa Barbara. That was in March?
A. Yes.
Q. Is that right?
And what did you present on?
A. I presented on kind of the beginning of the overview for my dissertation. So broadly speaking looking at the right to water movements in Brazil and the U.S. And I honestly don't remember the specific title.
Q. That's fine.
Why did you present at these conferences?
A. Again, to get feedback on work and interact with scholars from outside of the department.
Q. Is it also important for your CV, to show that you've been doing these kinds of presentations?
A. Yeah, it can be.
Q. So let's talk about the GSAs. You said in the Spring of 2017 and it sounded like some
summers you are involved with this Journal of Worlds Systems, you said?

A. Yes.

Q. Now what is the journal focused on? What does that mean, world systems?

A. Well, so World Systems Analysis is a sub-field for the official sub-field of sociology. So a short summary would be it's looking at the political, economic system of the world. The unit analysis, rather something more local or individual or the nation state. And so this is the official journal of that subsection. And therefore, it publishes work related to that subfield.

Q. So looking at things transnationally would be a layman's way of saying that?

A. Yes. Although you can look at things transnational without a world systems lens.

Q. Okay.

How did it come about that you had a GSA appointment as the managing editor of this journal?

A. Well, Dr. Smith needed someone and approached me. I believe she also knew that I had some work in - in a journal from before in my time here at Pitt. So I have some expertise in that.
And it would be useful.

Q. Okay.

Is that something that you wanted to do, be the managing editor of this journal?

A. I mean, yes, I wanted a position, so -.

Q. So in the Spring of 2017, have you submitted publications for peer review at that time?

A. I don’t believe so.

Q. And in the time that you spent at the journal, you got to see the process from sort of the inside of how a journal takes a submission and gets it through peer review and to publication.

A. Sure.

Q. And you got to meet peer review - or communicate with. I don't mean meet face to face. But communicate with peer reviewers.

Right?

A. Yes.

Q. Communicate with authors?

A. Yes.

Q. And you got to see how authors get feedback from peer reviewers and revise submissions?

A. Yes.

Q. So all of that is helpful when you're preparing your own publications for peer review,
isn't it?

A. In a sense it is. Journals have their different criteria in different instances. But in some cases, it is helpful.

Q. And then since then time you've been a GSA for the chair of the department.

Right?

A. Yes.

Q. Okay.

And then are you the only person who is a GSA for the chair?

A. Yes. She only has - at the moment I am, yes.

Q. Okay.

And that's been true throughout the time that you've been the GSA with her?

A. Yes.

Q. All right.

So I believe that you said that one of the things that you've been doing is helping her get a book manuscript ready for publication?

A. Yes.

Q. And that has included reviewing and providing substantive comments to her.

Is that right?
A. Correct.

Q. Have you ever before been involved in the process of preparing a book manuscript for publication?

A. Not a book manuscript.

Q. And in your goal to become a faculty, do you hope to publish book manuscripts at some point?

A. Maybe.

Q. And you also mentioned that you are starting to work with her on a publication where you're taking some of her research and some research you're doing and doing a comparative case study I think you described it?

A. Yes.

Q. And the intention is that you're going to co-author a publication -

A. Correct.

Q. - on this?

What's the case study about?

A. I don't want to speak in too specific terms.

Q. Just generally.

A. It's two environmental groups.

Q. Okay.

So one that you've been doing fieldwork
with and one that she did fieldwork with?

A. Yes.

Q. Okay.

And so as part of that you're getting to review the data - collect the data and review the data.

Is that right?

A. Correct.

Q. Okay.

And then you'll be drafting the publication together?

A. Correct.

Q. And you'll be a co-author on that publication?

A. Yes.

Q. And do you also plan to present that together at a conference?

A. I believe that is our plan.

Q. Do you have a faculty advisor?

A. Yes.

Q. Who is that?

A. It is Dr. Staggenborg.

Q. So the person that you're doing the JSA with?

A. At the moment, yes.
Q. Okay.

When did she become your faculty advisor?

A. I think at the end of my first year.

Q. Okay.

How did that come about?

A. I study – well, I took a course with her working with a default advisor who is the grad director in respect to finding someone.

Q. Uh-huh (yes).

A. Usually it's someone you take a course with in your first year. I took a course with her and she also was studying environmental movements. And so I – I chose her.

Q. You chose her because your research interests are similar?

A. They are the most similar that is in the department.

Q. Okay.

So what kinds of things do you discuss with her?

A. In the context of my GSA or -?

Q. In the context of her being your advisor?

A. Well, we discuss supervised feedback on my overview. And we discuss, you know, the checklist on that. But it's pretty much self-
motivated in that particular area.

Q. Do you discuss your career goals with her?

A. Not really.

Q. Does she know that you would like a career in academia?

A. I assume so.

Q. Just one second.

ATTORNEY FARMER: I have nothing further. Thank you.

HEARING EXAMINER: Redirect?

ATTORNEY KILBERT: One moment.

Nothing from us.

HEARING EXAMINER: All right.

Ma'am, you may go travel. Thank you very much.

THE WITNESS: Am I free to leave here?

HEARING EXAMINER: Yes.

Another witness?

ATTORNEY HEALEY: We have two more witnesses. If we could take one witness out of order?

HEARING EXAMINER: Yeah.

Let's - if someone's here let's go.

ATTORNEY HEALEY: Okay.
HEARING EXAMINER: Unless anyone needs, really, lunch. Does anyone need to go eat lunch?

ATTORNEY HEALEY: No.

Can I just have a two minute break?

HEARING EXAMINER: Off the record.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

HEARING EXAMINER: We're back on the record.

Raise your right hand for me, sir.

---

RAHUL AMRUTHAPURI, called as a witness in the following proceeding, and having first been duly sworn, testified and said as follows:

---

HEARING EXAMINER: I believe we have your spelling of your name. Do you have it? Go ahead and call your witness. He's been already sworn in.

ATTORNEY FARMER: Now that you've heard that you get to go home today.

HEARING EXAMINER: We're moving quick.
Q. Could you state your name please?
Q. Okay.
A. Yeah. That's fine.
Q. Thank you.
Q. And do you mind if I call you Rahul?
A. Yeah. That's fine.
Q. Thank you.
Q. Where are you currently enrolled?
A. I am enrolled in the department of rehab sciences.
Q. Okay.
Q. And generally describe briefly what the nature of that program is.
A. So I'm in the Doctoral public health program that's within this department. So it's a five year Doctoral program, with typically two years of coursework and three years of recitation work.
Q. And what year are you in at the present time?
A. I'm in my third year.
Q. Okay.
Now what I'd like to do is go through your different appointments and appointment letters.

A. Uh-huh (yes).

Q. I'm going to show you what's been marked as Union Exhibit 263.
---
(Whereupon, Petitioner's Exhibit 263, Appointment Letter, was marked for identification.)
---

BY ATTORNEY HEALEY:

Q. And could you tell us what Union Exhibit 263 is?

A. This is my appointment letter for the Fall of 2016.

Q. Okay.

And the - for the Fall of 2016, did you also have another appointment letter?

A. Yes, I did.

Q. Okay.

A. I believe I did.

Q. For the record, we couldn't find that for the purposes of this hearing?

A. Yes.

Q. Okay.

So - and this appointment letter, what
was your appointment as? What were you?

A. I was appointed as a graduate student researcher.

Q. Okay.

And it provided some tuition coverage?

A. Yes.

So between this and my appointment from Center of Health, I was getting a tuition commission.

Q. Okay.

And did you also receive health insurance coverage.

A. Yes, I did.

Q. Okay.

Now while you were - in the Fall of 2016, can you describe to us what your duties were?

A. So I was primarily working with the Center for Health. So my main responsibilities included organizing the monthly journal club.

Q. Okay.

And for the record, what is the journal club? What is that?

A. So the journal club is a space for people from the University to discuss an issue. So it specifically was people came and presented an
article, it generated a discussion based on that.

Q. Okay.

And approximately how many hours per week, if you can recall, were you working that day?

A. It varied from week to week. But typically probably close to 15 hours.

Q. Okay.

Sir, I'm going to show you what's been marked as Union Exhibit 264.

---

(Whereupon, Petitioner's Exhibit 264, Appointment Letter, was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. And by the way, in terms of the journal club, what types of topics were dealt with in the journal club?

A. So typically the President chose the topics. And then we get assigned a topic.

Q. Okay.

Please look at Union Exhibit 264, a letter dated November 2017. Do you see that?

A. Uh-huh (yes).

Q. What is that document?

A. So that is my appointment letter for the
Spring of 2018.

Q. And it references a Dr. Noble Maseru.
A. Uh-huh (yes).
Q. What work were you doing with him?
A. So I continued organizing all the journal clubs. And also that was - and also I was contributing to the side interview, which is mentioned in here.
Q. Is that in the first paragraph?
A. Yes, it is.
Q. Okay.

And it indicates documental course, introduction to applied research?
A. Yes.

So I was also - I was working partially with the Center of Health ten hours a week. And the rest of the ten hours, I was a teaching assistant for the introduction of such course.
Q. Okay.

And let's go to -.

HEARING EXAMINER: Just wait one minute for her to catch up. You're good? Okay.
ATTORNEY HEALEY: Do you need to catch up?

HEARING EXAMINER: No. I'm good.
ATTORNEY HEALEY: Okay.

BY ATTORNEY HEALEY:

Q. Could we go to the second paragraph of Union Exhibit 264?

A. Uh-huh (yes).

Q. That describes the GSR assignments in general. Is that correct?

A. Yes, it does.

Q. Okay.

It references at one point whether – it talks about whether your GSR assignments is integral to your dissertation – or not related to the dissertation – what the requirements are. Do you see that?

A. Uh-huh (yes).

Q. Was your GSR assignment this year related to your dissertation?

A. No, it wasn't.

Q. Okay.

Could you describe to the Hearing Officer what your dissertation is, or was?

A. So my dissertation topic is on the rights of migrant workers in India.

Q. And in this academic year do you recall
approximately how many hours you were working on the
journal club and also the course with the professor?

A. Close to 20 hours per week.

Q. Okay.

And in regard to working with the
professor and introduction to applied research, do
they have any relation to your dissertation topic?

A. No.

Q. And in terms of your appointment through
this letter what benefits did you get through the
appointment?

A. So I got tuition omission and also I got
health insurance.

Q. Sir, I'd like to show you what's been
marked as Union Exhibit 265.

---

(Whereupon, Petitioner's Exhibit 265, TA
Appointment, was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. And could you tell us what Union Exhibit
265 is for the record, please?

A. It is the teaching appointment - teaching
assistant appointment for this term of the Fall of
2018.
Q. Okay.

So you're working as a TA this time. At the present time.

Is that correct?

A. That's true.

Q. Paragraph one talks about duties required as a TA. Could you describe what your duties are as a TA at the present time?

A. So initially I worked with the teaching instructor in updating the syllabus. And beyond that I have been involved in the day-to-day activities of the class. That includes grading student's work, providing feedback, organizing the class, setting up the laptop and other things. And also I hold office hours for students during the week.

Q. Okay.

And you indicate you hold office hours?

A. Uh-huh (yes).

Q. Where do you hold office hours?

A. I have an office space within the department. But unfortunately that's a silent workspace. So I typically hold them in the public health common.

Q. Okay.
And when you say it is an office space, is it a cubicle or -?

A. It's a cubicle.

Q. It's not a standalone office?

A. No, it's not.

Q. And within the cubicles are there other grad students that have space there?

A. It's mainly just a rental place that you're assigned once you get an appointment.

Q. Sir, I'm going to show you what's been marked as Union Exhibit 266.

---

(Whereupon, Petitioner's Exhibit 266, Handbook Excerpts, was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. I'll represent for the record this is excerpts of the larger document. I've indicated to Counsel we'll put in the whole document if they would like.

For the record I've handed you what's been marked as Union Exhibit 266. What is that document?

A. That is the handbook for Doctoral students in human sciences.
Q. And it's part of the handbook. Is that correct?
A. Yes, it is.
Q. Okay.
And just - just for the record do these excerpts from the handbook starting on page 64, deal with graduate student researchers?
A. Yes, it does.
Q. Now sir, I want to come back to a couple of other things. How long has the program here?
A. Five years.
Q. Okay.
And for how long do you have guaranteed funding in the program?
A. For two years.
Q. Okay.
And you had the guaranteed funding for the first two years. Is that correct?
A. Yes.
Q. So how did you secure the TA appointment?
A. So there is a professor who was looking out for a student teaching assistant. She had reached out to me, asking if I would be interested. And I expressed my interest. And that's how I
became to be appointed as a teaching assistant.

Q. Now have - in the course of your duties as a GSR, have you been involved in publication of papers?

A. We currently have a manuscript under review.

Q. Okay.

And when you say we, who's we?

A. My advisor, Dr. Patricia Documet.

Q. Okay.

What's your advisor's name again?

A. Patricia Documet.

Q. Okay.

And what is the topic of that publication?

A. It is on healthcare access among Latino immigrants in Pittsburgh.

Q. Okay.

That doesn't relate to your dissertation topic, does it?

A. No, it doesn't.

ATTORNEY HEALEY: That's all I have on Direct Examination.

HEARING EXAMINER: All right.

We'll go off the record.
(WHEREUPON, SHORT BREAK WAS TAKEN.)

HEARING EXAMINER: Back on the record.

Cross Examination.

CROSS EXAMINATION

BY ATTORNEY DANTE:

Q. Do you mind if I call you Rahul?
A. Yes, that's fine.
Q. Great. Thank you.
You're in the DRPH program.
Right?
A. That's right.
Q. And that's different from the PhD program.
Right?
A. Uh-huh (yes).
Q. And there's only two students in the DRPH program.
Right?
A. At present I'm the only one in my batch. And probably there's one after me. There's one student.
Q. Okay.
A. I think there are presently three.
Q. And there are differences between a DRPH program and PhD program.
A. Yes.
Q. I'm going to show you what I've marked as R-191 from the program's website.

---

(Whereupon, Respondent's Exhibit 191, Website Printout, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Are you familiar with this document?
A. Could you tell me what is the source of this document?
Q. It's from your program's website.
A. Okay.
Q. So there are differences between the two degrees.
A. Uh-huh (yes).
Q. Why did you choose to pursue a DRPH instead of a PhD?
A. Because I am more interested in public
health practice.

Q. So what does that mean in terms of what you want to do when you graduate?
A. My plan is to go back to India and work there. So most likely I would work with a non-profit there.

Q. On Direct Examination, you mentioned that there are only two years of guaranteed funding?
A. Uh-huh (yes).

Q. Do you remember that?
A. Yes.

Q. So there's no expectation of future funding after the second year.

Right?
A. True.

Q. And in fact in your admission letter it stated that funding wasn't guaranteed even in the first two years.

Do you recall that? That's not in front of you.
A. Okay.

Q. Your admission letter into the program.
A. Yes. Uh-huh (yes).

Q. And it told you that you should have other funding in place. Do you remember that?
A. Probably. I would have to look into it.

Q. Okay.

You submitted a personal statement with your application into the program. Right?

A. Uh-huh (yes).

Q. And in that personal statement you described your passions as teaching research and working with the community. Right?

A. True.

Q. And you came to Pitt to conduct research. Right?

A. As part of my program, yes.

Q. And as part of your program, you also came to Pitt to teach. Right?

A. Not necessarily.

Q. And - but you mentioned that teaching is one of your passions. Right?

A. Yes.

But teaching not in the context of an academic setting. Before I came here, I was working with a non-profit in India where we were training
people outside of an academy setting. So that was mainly for as practice nurses. So once I go back to India, I will probably be involved in something like that as well, not in an academic setting.

Q. And when you do that, you're communicating important information to people about public health.

Right?

A. Yes.

Q. And you've had the opportunity to teach while you've been at Pitt.

Right?

A. Two classes. When I was TA for the interaction for research, I did one class for each semester, like one TA session.

Q. Okay.

And the second course, social and behavioral sciences. Can you tell us a little bit about what that course is about?

A. That is a school-wide core course. So that course is required to be taken by anyone who is admitted into the School of Public Health. So presently we have students from infectious diseases and microbiology, epidemiology and also students from exercise science and anything - probably I
think two students from the school of law.

Q. Okay.

And when you talk about required core course students you're talking about graduate students.

Right?

A. Yeah.

Q. Okay.

And in the personal statement you also said that you came to Pitt because of the presence of the Center for equity - Health Equity?

A. Uh-huh (yes).

Q. And faculty such as Dr. Documet. Right?

A. Uh-huh (yes).

Q. Is that a yes? Sorry, the court reporter needs a yes.

A. Yes.

Q. Okay.

And you had the opportunity to gain experience at the Center for Health Equity.

Right?

A. Yes.

Q. And Dr. Documet is your advisor.

Right?
A. Sure.

Q. And you mentioned that you have a manuscript under review. What would — I missed the title of that. What is it about?

A. It is about healthcare access for the Latino immigrant men in Pittsburgh.

Q. And in your personal statement you mentioned that one of your interests is health issues as it pertains to migrant workers. Correct?

A. Uh-huh (yes).

Q. And this manuscript that's under review, that's something that you worked on with your advisor.

Right?

A. Yes.

Q. And what did you have to do to create that manuscript?

A. I was involved in the manuscript at a much later stage. So by the time I got involved, my advisor was doing the data analysis. So I helped with that and I also helped with editing the manuscript.

Q. Okay.

And you were not paid to do what you just
described.

Right?

A. No. Not in the typical sense.

Q. What do you mean by that?

A. I mean, it is a part of my GSR work.

Q. You did the manuscript as part of your GSR work?

A. Uh-huh (yes).

Q. And that – when did you do this work?

A. Over the course of Spring – probably Fall of 2017 and Spring 2018.

Q. Okay.

And that is when you were appointed as a GSR?

A. Uh-huh (yes).

Q. Okay.

ATTORNEY FARMER: Can we go off the record for a second?

HEARING EXAMINER: Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

ATTORNEY HEALEY: I'll hand the witness 267, which is the full copy of the handbook.

---
(Whereupon, Petitioner's Exhibit 267, Handbook, was marked for identification.)

---

ATTORNEY FARMER: And we have one.

HEARING EXAMINER: Thank you for that explanation. But it wasn't on the record. So we'll go back on the record.

ATTORNEY HEALEY: Oh I thought -.

ATTORNEY FARMER: She said she was on.

HEARING EXAMINER: Oh?

ATTORNEY FARMER: Right?

COURT REPORTER: Yes.

ATTORNEY FARMER: She's more on top of it than we are, so.

HEARING EXAMINER: Well, I'm glad.

BY ATTORNEY DANTE:

Q. Okay.

So in the document that's just been handed to you, marked as Union 267. Can you please turn to page 17?

A. Sure.

Q. Let me know once you're there.

Are you there?

A. Uh-huh (yes).

Q. Under number one, I see core competencies
for the DRHD. Do you see that?
   A. Yes.
   Q. And you're hoping to achieve these competencies throughout the course of your program. Right?
   A. Yes.
   Q. And if you could turn to page 23 of the handbook. At the top there is a category, title communications. Do you see that?
   A. Yes.
   Q. And so you're aware that the development of communications is also a fundamental component of the DRPH program.
   A. Yes.
   Q. And that's also something that you're hoping to accomplish during the course of your program here.
   Right?
   A. Yes.
   Q. Have you selected your dissertation topic yet?
   A. Not at the present time.
   Q. Have you started to conduct some research that you hope will turn into your dissertation?
   A. No.
I would be - I am currently preparing for my competency examination.

Q. Okay.

A. And I have received a scholarship from the University, which is for international students. And I plan to go to India to conduct my dissertation research.

Q. So it sounds like you at least have some idea as to what kind of research you might want to do for your dissertation?

A. That's right.

Q. What's that?

A. It would be on - I do not have the exact dissertation. But it would be on the rights of migrant workers in India.

Q. And when you go to India, you hope to conduct field research there?

A. That's true.

Q. And then conduct the analysis of the data?

A. Uh-huh (yes).

Q. And then hopefully maybe publish on that data?

A. Probably.

Q. And then ultimately drop your
dissertation based on that research?

A. That's true.

Q. On Direct Examination, you were asked about some of your appointment letters. Do you remember that?

A. Yes.

Q. And do you recall you got a second appointment letter for one of the terms and that you didn't have one of the appointment letters –

A. Uh-huh (yes).

Q. - for the other. Do you remember that? Let me show you what I've marked as R-192 and R-193.

A. Uh-huh (yes).

---

(Whereupon, Respondent's Exhibit 192, Appointment Letter, was marked for identification.)

(Whereupon, Respondent's Exhibit 193, Appointment Letter, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. If you could take a moment and let me know if you recognize those documents?

A. Yes, I do.

Q. And are those - this is the complete set
of your appointment letters for those terms?

A. That should be it.

Q. Okay.

And I asked you some questions on Cross Examination about your admissions letter. Do you remember that?

A. Yes.

Q. I'll show you what I've marked as R-194.

---

(Whereupon, Respondent's Exhibit 194, Document, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Can you take a minute and let me know if you recognize that document?

A. Yes, I do.

Q. If you could take a quick look at R-193 and then Union 263?

A. 263?

Q. Yeah.

It's your - the appointment letter that was titled - that was dated April 12th, 2016.

A. Yes.

Q. Okay.

Do you have both of those in front of
you?

A. Yes, I do.

Q. And so R-193, which is dated on August 5th, superseded Union Exhibit 263.

Right?

A. Yes.

ATTOURNEY DANTE: I have nothing further.

HEARING EXAMINER: Would you like some time to prepare Redirect?

ATTOURNEY HEALEY: Just give me a minute.

HEARING EXAMINER: Off the record.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: Sir, you may step down.

Any motions?

ATTOURNEY DANTE: Yes, please. I'd like to move R-190 through R-194.

ATTOURNEY HEALEY: And I would like to move -.

HEARING EXAMINER: Hold on.

ATTOURNEY HEALEY: Okay. I'm sorry.
HEARING EXAMINER: 190?
ATTORNEY DANTE: Oh, sorry. 191.
HEARING EXAMINER: Yeah. They're admitted.

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(Whereupon, Respondent's Exhibit 191, Website Printout, was admitted.)
(Whereupon, Respondent's Exhibit 192, Appointment Letter, was admitted.)
(Whereupon, Respondent's Exhibit 193, Appointment Letter, was admitted.)
(Whereupon, Respondent's Exhibit 194, Document, was admitted.)

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ATTORNEY HEALEY: And the Union would move exhibits 263, 264, 265, 266 and 267.
HEARING EXAMINER: Admitted.
ATTORNEY DANTE: No objection.
ATTORNEY HEALEY: Huh?
ATTORNEY DANTE: I said no objection. But he had already admitted them.

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(Whereupon, Petitioner's Exhibit 263, Appointment Letter, was admitted.)
(Whereupon, Petitioner's Exhibit 264, Appointment
Letter, was admitted.)
(Whereupon, Petitioner's Exhibit 265, TA Appointment, was admitted.)
(Whereupon, Petitioner's Exhibit 266, Handbook Excerpts, was admitted.)
(Whereupon, Petitioner's Exhibit 267, Handbook, was admitted.)

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HEARING EXAMINER: 123 through 182, have you looked at them yet?
ATTORNEY MANTOLILLO: No, we're going to have to take a break.
HEARING EXAMINER: Okay. We're off the record.
---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)
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HEARING EXAMINER: Back on the record. Call your next witness?
ATTORNEY KILBERT: Union calls David McCoy. The Union calls David McCoy.
ATTORNEY FARMER: This is why you can't take lunch breaks. Everyone loses focus.
HEARING EXAMINER: Raise your right hand for me.
---

DAVID MCCOY,

CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS FOLLOWS:

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HEARING EXAMINER: Spell your name for us.

THE WITNESS: D-A-V-I-D, M-C-C-O-Y.

HEARING EXAMINER: Go ahead, sir.

---

DIRECT EXAMINATION

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BY ATTORNEY KILBERT:

Q. Mr. McCoy, what is your affiliation with the University of Pittsburgh?

A. I am a Ph.D. student in the department of political science.

Q. And what is your area of scholarly focus?

A. I study local Brazilian politics and civil society and participatory institutions.

Q. And when did you first become a student at the University?

A. Fall of 2015.

Q. And so what year are you in now?
A. My fourth year.
Q. Have you had a stipend and fellowship while a PhD student at Pitt?
   A. Yes.
   Q. And when did you receive a stipend and fellowship?
   A. In the first year of my PhD.
   Q. And what was the length of that fellowship?
   A. Two semesters.
   Q. And during that fellowship, did you receive the stipend from the University?
   A. Yes.
   Q. And during that fellowship, were you enrolled in the university-sponsored health insurance plan?
   A. No.
Q. And during that fellowship, did you perform teaching or grading work for the University?
   A. No.
   Q. Did you perform any other work for the University?
   A. No.
Q. What did you do during that fellowship?
   A. I took four classes per semester.
Q. And did you pay any tuition during that year?
A. No.
Q. Have you ever paid tuition for the University?
A. No.
Q. I am going to come around with a series of documents marked Union 268, 269 and 270.

(Whereupon, Petitioner's Exhibit 268, Appointment Letter, was marked for identification.)
(Whereupon, Petitioner's Exhibit 269, Appointment Letter, was marked for identification.)
(Whereupon, Petitioner's Exhibit 270, Appointment Letter, was marked for identification.)

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ATTORNEY FARMER: 268 and 270 appear to be the same thing.

ATTORNEY KILBERT: Well, we'll get to it.

ATTORNEY FARMER: Okay.

BY ATTORNEY KILBERT:
Q. Mr. McCoy, could you take a look at these documents and identify them for us please?
A. These are my contracts for my research
assistantship from Fall 2016 through the Spring -
I'm sorry, Fall 2017.

Q. So let's look first at Union 268. What
semester is that for?

A. This is for Fall of 2016.

Q. So the dates at the very bottom of the
first paragraph, August 29, 2015.

Is that correct?

A. No, that's a typo.

Q. So did you accept the appointment as a
GSA described in Union 268?

A. Yes.

Q. And did you receive the compensation
benefits described in that letter?

A. Yes.

Q. Turning to Union 269. Did you accept the
appointment as a GSA as described in that letter?

A. Yes.

Q. Did you receive the compensation benefits
described in the letter?

A. Yes.

Q. Return to Union Exhibit 270.

What semester was that for?

A. This is for Fall of 2017.

Q. So the dates at the top, August 4th,
2016, is that date correct?
   A. Yeah.
   Q. Did you accept the GSA appointment described in Union 270?
   A. Yes.
   Q. Did you receive the benefits and compensation described in that letter?
   A. Yes.

ATTORNEY KILBERT: Union moves 268, 269 and 270.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

(Whereupon, Petitioner's Exhibit 268, Appointment Letter, was admitted.)
(Whereupon, Petitioner's Exhibit 269, Appointment Letter, was admitted.)
(Whereupon, Petitioner's Exhibit 270, Appointment Letter, was admitted.)

BY ATTORNEY KILBERT:

Q. Who did you work with these appointments?
A. It was I worked with Perez-Linan and the Latin American research review.

Q. And who is Mr. Linan - or Dr. Linan?
A. He - he was a professor in the political science department. He has since been moved to -.
Q. And you mentioned the Latin American Research Review, is that abbreviated LARR?
A. Correct.
Q. Now what is the Latin American Research Review?
A. It's an academic journal - an interdisciplinary academic journal that produces research on topics in Latin America.
Q. And who is it published by?
A. The University of Pittsburgh.
Q. And I see that both 270 and 268 talk about the Center for Latin American studies in that first bullet point. Do you see that?
A. Yes.
Q. What is the Center for Latin American Studies?
A. It's an institution on Pitt campus that brings together scholarly research from different disciplines related to Latin America.
Q. And what is Professor Linan's role or what was it with LARR?
A. Editor chief.
Q. And what were your duties in general
during the period of the GSA appointments described in these letters?

A. So the most common duty that I did every week was I would go into the publication software and I would read this report that puts out and describes which manuscripts are at which stage in the publication process. And I would kind of compile this data and produce a report for Dr. Linan to let him know which manuscripts are behind schedule.

Q. So what other duties did you commonly perform?

A. So another one was after we would receive a manuscript that was not rejected by the section editors, the next step is to find reviewers for this manuscript. And so I would go on Google Scholar or do searches on academic sites and find scholars that had expertise on this topic. And then I would compile lists for the section editors. And another was the blog. So after the authors -. 

Q. This was the blog that you mentioned in the first bullet point?

A. Yes.

Q. On Union Exhibit 268 and 270?

A. Yes. The log editor's blog.
Q. Okay.

What did you do with the blog?

A. After we accepted a manuscript for publication, we would give an invitation to those authors to produce a more public oriented short blog post about their topic. And I would just edit it and oftentimes find a picture that would be appropriate to accompany it. And then put it into the --- into the blog site.

Q. Did you write any blog entries yourself?

A. No.

Q. So turning to the second bullet point on 268 and 270. What did you to help with identify potential reviewers?

A. So I just wanted --- I would read through a paper. And then I would go onto Google Scholar and try to find researchers that were appropriate to review that, spoke the same language and stuff.

Q. And you mentioned passing that list onto the section editors?

A. Correct.

Q. Who were the section editors?

A. These are professors at universities around Latin America who are the editors of the economic section, the sociology section of the
journal, for example.

Q. So after you passed the list, then would you do anything further in that process?
A. No.

Q. They did something with the list, presumably?
A. They would send it off and ask --- they would invite the reviewers to review the manuscript.

Q. And looking at the third bullet point, which is actually on the second page of 268 and 270, what statistics did you compile for the journal?
A. I think this is referring to that report that I would produce every week that would tell Dr. Linan which manuscripts were behind schedule.

Q. And so looking at the fourth bullet point you --- that indicates that you were supposed to provide additional research assistants for Dr. Perez-Linan. Is that correct?
A. Correct.

Q. And what research assistance did you provide?
A. So just a few times - probably three or four times during this whole period he would ask me to produce a literature view on a topic. For
example, electoral compensation or something that he was working on.

Q. And what were those literature reviews used for?
   A. He used them, presumably. I never - I never found out what they were used for. But I assumed that he used them for the research projects that he was working on.

Q. Did you utilize them for any of your own research?
   A. No.

Q. During this assignment where were you physically located when you were working?
   A. For the most part I just did this at distance. So I'd usually be at the library or my house. Just wherever I wanted, basically.

Q. And on average over the course of these appointments about how many hours per week were you working on GSDA duties?
   A. I would say usually between 15 and 20 hours per week.

Q. And in addition to Dr. Perez-Linan and the section editors who you referred to, were you working with anybody else?
   A. No.
Q. Did these duties during these appointments result in your name being included as an author on any publications?
A. No.

Q. Were these duties related to your dissertation?
A. No.

Q. Are these duties related to other publications that you worked on as an author?
A. No.

Q. During this period did you perform work on your dissertation or your own research interests independent of your GSA duties?
A. Yes.

Q. And what did that work consist of?
A. Just kind of preparing these three papers that I intend to use for my dissertation. And you know, just preparing the research. And I've presented some at conferences.

Q. All right.

I am going to hand out a document that's been marked Union Exhibit 271.
---
(Whereupon, Petitioner's Exhibit 271, Appointment Letter, was marked for identification.)
BY ATTORNEY KILBERT:

Q. Could you please take a look at that document and identify it, if you can?
A. This is my research assistantship contract for it looks like Spring 2017.
Q. Spring of 2017? I thought that was 270. What -?

HEARING EXAMINER: That's Spring of 2018.


ATTORNEY KILBERT: So -.

HEARING EXAMINER: I testified for him.

BY ATTORNEY KILBERT:

Q. What semester does Union Exhibit 271 represent an appointment letter for?
A. Spring of 2018.
Q. And did you accept the appointment offered in the letter?
A. Yes.
Q. And do you receive the compensation benefits outlined in the letter?
A. Yes.
ATTORNEY KILBERT: Union moves 271.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

---

(Whereupon, Petitioner's Exhibit 271, Appointment Letter, was admitted.)

---

BY ATTORNEY KILBERT:

Q. What was your assignment as a GSA in the Spring of the '18 semester?

A. I worked for two professors half-time, so ten hours each.

Q. So what were the two professors that you worked for?

A. Michael MacKenzie and Scott Morgenstern.

Q. So were these professors in the political science department?

A. Yes.

Q. Let's talk first about your work for Professor Morgenstern. What work were you doing for him?

A. We were --- so I was preparing literature reviews. And sort of collecting data and replicating research on projects related to the Columbian FARC referendum.
Q. And did this work relate to your dissertation?

A. No, not really.

HEARING EXAMINER: F-A-R-C, right?

THE WITNESS: Correct.

HEARING EXAMINER: Thank you.

BY ATTORNEY KILBERT:

Q. Professor MacKenzie - what did you do for Professor MacKenzie?

A. He - he is working on book projects. So I prepared some literature reviews on topics related to his book projects, on deliberation and - political deliberation basically. And so that was part of it.

And the other part, probably half was preparing his bibliography for the book. So it input hundreds of videographic entries into a new software in order to help him build this reference, build the references when he was done.

Q. So a couple of different points you indicated from both these individuals that you were collecting data. What was that process like?

A. So a part of it was - so for example, for the Morgenstern it was - it would be we would find a paper and it was similar to the paper that we were
working on. And then we would go and find the data that they used. And I would put it in spreadsheets and I would try to run the same statistical analysis that they did.

And for MacKenzie it was just basically reading on a topic. So one of the things that I produced a literature review on - what was it called - Norwegian Sovereign Well Funds. And I just kind of produced - just found all the information that was relevant that we could use in this project.

Q. And you mentioned also for Professor MacKenzie that you were entering certain information in a piece of software. Could you explain what that piece of software is?

A. So in there is just bibliographic software. And you basically take like, you know, a book or a work that is cited in a work. And then you can just check buttons and very quickly produce a reference list that you need for whatever the project is.

Q. So is this producing a reference to be used in Professor MacKenzie's book?

A. Correct.

Q. And where physically were you working during the semester on these duties?
A. Usually at - just at my house and the library.
Q. And did these duties result in your name being included as an author on any publications?
A. No.
Q. Approximately how many hours per week were you working on average on these duties during the term of the GSA appointment?
A. Between 15 and 20 hours per week.
Q. And you may have already addressed this just to be clear so the record is clear. Were these duties related to your dissertation work?
A. No.
Q. During this period, did you perform work on your dissertation or your own research interests independent of your GSA duties?
A. Yes.
Q. What did that work consist of?
A. I continued to work on these three paper topics and related to my dissertation. And presented I think a couple of them in conferences.
Q. All right.
I am going to distribute what has marked as Union Exhibit 272.
---
(Whereupon, Petitioner's Exhibit 272, Appointment Letter, was marked for identification.)

---

BY ATTORNEY KILBERT:

Q. So please review that document and identify it if you can.
A. So this is the contract for my research assistantship in the Fall of 2018. And my teaching in the Spring of 2019.

Q. So you are currently a GSA?
A. Correct.

Q. Did you accept this - these appointments?
A. Yes.

Q. And was your compensation and benefits as described in the letter.
A. Yes.

ATTORNEY KILBERT: Union moves 272.
ATTORNEY FARMER: No objection.
HEARING EXAMINER: Admitted.

---

(Whereupon, Petitioner's Exhibit 272, Appointment Letter, was admitted.)

---

BY ATTORNEY KILBERT:

Q. So what is your assignment as a GSA in
the Fall of 2018 semester?
   A. I work with two professors.
   Q. What two professors?
   A. Michael MacKenzie and Ron Linden.
   Q. So this is the same Professor MacKenzie you had worked for previously?
   A. Correct.
   Q. What are you doing for Professor MacKenzie this semester?
   A. Some of the same work. So I am helping him with a research project of his that looks at Canadian legislatures and the quality of deliberation. And then I continued to be putting in these hundreds of references in the software.
   Q. And Professor Linden?
   A. Uh-huh (yes).
   Q. What were you doing for Professor Linden?
   A. He's working on a project that is investigating Chinese foreign direct investment in European countries. And so, you know, I just kind of help him compile data and produce sort of charts and things that he'll use in his research.
   Q. And where are you getting the data that you're compiling?
   A. They come from usually economic
institutions. Data that they have collected and made public.

Q. And during this assignment where have you been working?
A. At - at home, in the library mostly.

Q. And about how many hours per week have you been working on GSA duties this semester?
A. About 20 hours a week.

Q. Will these duties result in your name being included as an author on any publication?
A. I don't think so.

Q. And during this period, are you continuing to work on your dissertation?
A. Yes.

Q. Independent of your GSA duties?
A. Correct.

Q. And what does that work presently consist of?
A. So I'm kind of moving forward with those - the topics that are relevant to my dissertation. And now I'm preparing my dissertation review.

ATTORNEY KILBERT: Nothing further.

HEARING EXAMINER: Would you like some time?

ATTORNEY FARMER: Yes, please.
HEARING EXAMINER: Off the record.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: Back on the record with Cross Examination.

ATTORNEY FARMER: Thank you.

---

CROSS EXAMINATION

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BY ATTORNEY FARMER:

Q. Mr. McCoy, why did you decide to get a PhD?

A. I want to be a professor of political science.

Q. So you want to be an academic?

A. Yes.

Q. At a research institution like Pitt?

A. Ideally, yes. I'd say so.

Q. Okay. Why did you choose Pitt?

A. Well, I applied to actually eight programs. And Pitt was actually the only one that accepted me.

Q. Good reason.
So you're at – your area of interest is Latin American politics.
Is that right?
A. So actually I would say –– the research is in Brazil because they have these local participatory institutions.
Q. Okay.
A. But it's more – it's more related to these like local participatory institutions than it is to Latin American politics generally.
Q. Okay.
Did you get a Master's degree before you came to Pitt?
A. Yes.
Q. Where was that?
A. That was in Duke.
Q. And what was it in?
A. In Latin American studies.
Q. And have you passed your comprehensive exam?
A. Yes.
Q. And when was that?
A. In August.
Q. Of this year?
A. Uh-huh (yes).
Q. Congratulations.
A. Thanks.
Q. So you said you're working your dissertation overview.
   Is that right?
A. Correct.
Q. Can you explain what that is?
A. So before - before on all the dissertation.
Q. Uh-huh (yes).
A. The next step is to have this dissertation overview approved. So I - basically I just outline the project under the advice of my - of some advisors. And then I put it into like a paper format and then they approve it. And I defend it when they approve.
Q. And at that point you're just basically what people approach as ABD, all the dissertation, just working on your dissertation?
A. Correct.
Q. Okay.
   So when do you anticipate having the defense of your overview?
A. Potentially some - I'm not sure, to be honest. But potentially, I don't know, maybe the
beginning of next semester.

Q. Meaning the Spring of '19?
A. Right.

Q. Okay.
A. Hopefully.

Q. So do you have a projected graduation date at this point?
A. Not really. I mean, no.

Q. Okay.
A. No specific date.

Q. So you're working on the topic on your dissertation. Can you tell us what that is? I know it's not - it's not been approved yet. But can you give us a little more information about it?
A. Yes.

So they're - in Brazil there are several of these local, what we call participatory institutions where they invite leaders of civil society to have more input on local politics. And so my project - and I have sort of three areas that I could go into immense details about. But basically I have three sort of looking at about participatory institutions.

Q. And are those the three papers that you mentioned that you've been working on?
A. Uh-huh (yes).
Q. One of them addressing each of those areas, basically?
A. Yes.
Q. Okay.
A. At least one area.
But yeah, sort of three separate ideas at least that it would be part of.
Q. And so these papers are they something that's been submitted for publication?
A. Not yet.
Q. Okay.
And when did you start working on these papers?
A. So I would guess Spring of 2016 probably.
Q. And you said you presented on this paper conferences?
A. Correct.
Q. Why have you gone to conferences to present on these papers?
A. To get feedback on topics.
Q. Are these presentations that you've made alone or with other, you know, with faculty, with undergraduate students?
A. So one was with faculty. And probably
six or so were alone.

Q. Who was the faculty person?
A. Scott Morgenstern.
Q. Okay.

Is he your advisor?
A. No.

Q. How did it come about that you did a presentation with Dr. Morgenstern at a conference?
A. The paper on the FARC Columbian Referendum, we presented that data.

Q. So that was the paper that you were working on with him as part of your GSA?
A. Correct.
Q. Okay.

Is that the one that you explain that you took another paper and you basically replicated the research?
A. Correct.
Q. Okay.

And then you two went and presented on that?
A. Correct.
Q. Okay.

And I know it's different among different disciplines. So when you do conference
presentations within political science, are there papers or are there presentations? What's the form that it says?

A. So it varies. But the form - yeah, generally you have a continued paper. So it can range - that's what ranges actually, is the stage of the paper.

Q. Okay.

A. So sometimes the paper was more or less complete. At other times it was pretty preliminary.

Q. And the presentation that you did with Dr. Morgenstern, can you talk about what stage that was in?

A. I would say it was fairly preliminary. So it's definitely not a finished paper.

Q. Okay.

A. It was more on the preliminary side.

Q. And you were a co-author on that with him?

A. Uh-huh (yes). Yes.

Q. When you've gone to these conferences, how were you funded to do that?

A. Either through the Center of Latin American Studies, let's see - I think all of them if I'm not mistaken. No, it's most of them were with
the Center of Latin American Studies. And some were through the local science department.

Q. Okay.

And the Center for Latin American Studies is a center within Pitt?

A. Yes.

Q. Okay.

You - have you done any field work for your dissertation?

A. Yes.

Q. Where did you do that?

A. In Brazil.

Q. And did you get funding to do that?

A. Yes.

Q. Where did that come from?

A. From the Center for Latin American Studies and the political science department.

Q. Who is your advisor?

A. Barry Ames.

Q. Okay.

How did you get paired up with Dr. Ames?

A. So I mean I applied. He was one of the people that I was speaking to when I applied to this department. He's written on this - he's written a paper on this local institution in Brazil.
Q. Okay.

Have you two done any publications together?

A. No.

Q. When did he start being your advisor?

A. So I guess it was formalized probably near the end of my second year.

Q. So would that be - so in 2016, 2017?

A. So that would be - let's see. So he was - he was the advisor on my MA paper, which was like the first role as advisor and he sort of stayed on as my advisor since then. So that was formalized I believe in Fall of 2016.

Q. Okay.

So I know that you said that the papers that you're working on, on the topic of your dissertation have not yet been submitted for publication. Have you submitted any other papers for publication?

A. No.

Q. I just want to make sure that I understand the timeline. So in your first year when you were at Pitt in the program you were on a fellowship.

Right?
A. Correct.
Q. Okay.

And then the second year, in the Fall of 2016 you had the GSA that was under UCIS. Is that right?
A. Correct.
Q. Okay.
A. The Center for Latin American Studies.
Q. Okay.

And your appointment letter, just looking at 268.
A. Uh-huh (yes).
Q. So that appointment letter actually came from the University Center for International Studies rather than from the Dietrich School of Arts and Sciences. Right? I'm just looking at the first page -
A. Right.
Q. - in the letterhead.
A. Oh, right. Uh-huh (yes). Yes.
Q. Okay.

And like comparing that to like 272, for example which is from Arts and Sciences?
A. Correct.
Q. Okay.

And at this time in Fall of 2016 when you were involved with this LARR journal, you were the only person who was doing that. Right?

A. Yes.

Q. And then that was the same for Fall of 2017. Is that right?

A. Yes.

Q. What were you doing in the Spring of 2017?

A. The same as to the - the Spring of 2017? Yeah, it was the same thing.

Q. I'm sorry. Which --- with the journal and LARR or the professors?

A. With LARR.

Q. Okay.

So you did that for three semesters?

A. Correct.

Q. So it was Fall of --- Fall of '16, Spring of '17 and then Fall of '17? Do I have that timing right?

A. Correct.

Q. And then Spring of '18 was when you were
involved with Dr. MacKenzie and Dr. Morgenstern?
   A. Correct.
   Q. And you scheduled to be starting as a TA for next semester?
   A. Correct.
   Q. That would be the first time that you're getting teaching experience at Pitt?
   A. Yes.
   Q. And that's required for the PhD, that you get teaching experience.
   Right?
   A. I'm not sure about that.
   Q. Do you think it's important that you get teaching experience?
   A. Yes, I do.
   Q. Because you want to be a professor?
   A. Uh-huh (yes).
   Q. You do just have to say yes or no for our court reporter.
   A. Yes.
   Q. So are you - and this semester you're taking the practicum on university teaching, that effective 2,200.
   Right?
   A. Yes.
Q. And that's something that you're required to do?
A. I'm required to do that if I want to teach my own classes.

Q. Do you want to teach your own classes?
A. I believe so.

Q. Why is that?
A. It pays more, for one. And so for example we can teach in the summer and it pays more than TA-ing. But also I would like to design my own classes and teach. Just because I want to do that.

Q. And is that something that you get the opportunity to do within the program, to design your own class?
A. It's not for sure, but a lot of people do.

Q. Okay.
A. If I can design one that they approve.

Q. And why do you think it would be valuable to design your own class and teach it?
A. Well, I mean, it would be valuable - one it would be valuable to have that experience. But two, it would literally be, like, better money. I would make a lot more money in a given year if I'm able to do that.
Q. And if you're able to design your own class and teach it, do you think that would be helpful on your CV for being on the job market?
A. Yes.
Q. What's - what's PoliSci 2905, the course?
A. 2905? I don't know. Do you know - do you have the title?
Q. Teaching and research in political science.
A. Oh.
That's - I believe that is kind of like - I'm not really sure how to describe it. It's kind of like a placeholder credit or something. So yeah.
Q. So it's a course that you take every semester that gives you credits.
Right?
A. It's not really a course. It is on my like course listing or whatever.
Q. Oh, in your transcript?
A. Right, yes. On the transcript.
Q. Okay.
A. It's not - yeah, it's not really a course.
Q. So let's just make sure we break that down. It's on your transcript, each semester, for
three credits.
Right?
A. Uh-huh (yes).
Q. And just say it for the court reporter.
A. Oh, yes.
Q. Yeah.
And it counts towards the credits that you need, the 72 that you need to graduate.
Right?
A. I would say, yes.
Q. But you don't have to do any work for it. Is that right?
A. Correct.
Q. Okay.
So whether you are doing research, you're a GSA, teaching, you can take that course. But you don't have to any course like classroom component of it.
Right?
A. Correct.
Q. And in addition to that, you get credit for the research that you're doing towards your dissertation.
Right?
A. I don't know. I don't think so.
HEARING EXAMINER: It's fine to say you don't know.

THE WITNESS: All right.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. So you have to be --- in order to be considered a full-time student and be eligible for appointing you have to be enrolled for nine credits every - every Fall, Spring semester. Right?

A. Correct.

Q. Okay.

So let's take this semester. What are your nine credits?

A. Faculty development.

Q. That's three credits.

Right?

A. Yeah.

Q. Okay.

A. And then teaching and researcher.

Q. 2905. Okay.

A. And then I think there's one called dissertation and overview or something?

Q. It's to - you're correct. And it's 2904 just for the record. What is that dissertation
overview?

A. So it's just - it's the same thing as the teaching and research. And it's - I think it's a course that, you know, signifies basically like a placeholder to get to nine credits on my transcript.

Q. While you work on your dissertation?

A. Yes.

Q. And then once your overview is accepted then you'll move onto full-time dissertation research.

Is that right?

A. Yes.

Q. And that's just another course number which people refer to, like MTVR credits?

A. I'm not sure.

Q. Okay.

The - you testified earlier that when you were working with Dr. McKenzie and Dr. Morgenstern one of the things that you were doing, and I believe some of the stuff you're doing with LARR too a few times. You were doing lit reviews.

What's a lit review?

A. So basically the professor would provide a topic that they're interested in. And I just go and find - I see what the research looks like on a
topic. I try to give them a sense of what has been
done, how they did it. And also a sense of what
hasn't been done on it.

Q. And in working on the papers that will be
the basis of your dissertation, did you do lit
reviews in the areas that you're going to write
about as well?

A. Yes.

Q. Why?

A. For essentially just to know where sort
of gaps are in research. To get ideas about methods
and to kind of - yeah. Get ideas on methods and
data. And just kind of understanding what's already
been done.

Q. The paper that you're working on with Dr.
Morgenstern that you did the presentation. So you
took a publication and basically tried to replicate
the results by going back to the underlying data.
Do I have that right?

In a simplified version, obviously.

A. I mean, to be honest, that's just
slightly splitting hairs. It wasn't a pure
replication because we - we didn't just hit the
button on what they did and produced the same
output.
Q. Okay.
A. We wanted to see if it holds up under slightly different parameters, essentially.
Q. And is doing that kind of a method where you look at research that other people have done and taking the data and saying does it hold up if we do these slightly different things. Is that common within the field of political science?
A. I think so, yes.
Q. You also testified that part of what you've been doing on the GSA is putting in sites into a program you said is called End Note?
A. Uh-huh (yes).
Q. Okay.
Is that a program that's used typically when people are creating academic papers?
A. Yes, very common.
Q. So when you've been working on your own academic papers, do you use End Note?
A. I have sort of begun to use it. I have - I don't use it very - I don't always use it. I use it sometimes.
Q. But it's something that's commonly used for academic publications?
A. Yes.
ATTORNEY FARMER: I have nothing further.

ATTORNEY KILBERT: If we can have just a couple of minutes?

HEARING EXAMINER: Off the record.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: Back on the record.

ATTORNEY KILBERT: We don't have anything.

HEARING EXAMINER: Sir, you can step down.

Why don't we take a break before we do final crossing of T's and dotting of I's?

ATTORNEY FARMER: Sounds good.

ATTORNEY MANTOLILLO: Yeah. We need a little break to continue finish reading the exhibits.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: All right. We're off the record.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---
HEARING EXAMINER: All right.
So did you guys look at University 123 through 182?

ATTORNEY KILBERT: Yes, we did. We have a number of objections. We object in general to the admission of documents which are incomplete and which are being introduced without an opportunity for the Union to cross-examine witnesses as to the content of the document, whether the document is in effect. So I'd like to note an objection of that sort.

HEARING EXAMINER: Anything else?

ATTORNEY KILBERT: Further, a number of these documents relate directly to witnesses who were actually called by the University. Professor Kane, who was called this morning, is in the PMI program. Exhibits 148 and 150 are PMI documents, that if they had been offered through his testimony we would have cross-examined him about. I note that Exhibit 149 is a document that the Union introduced and cross-examined him about.

Further, Exhibit 124 is the biological sciences handbook. The Union called a witness who could have been asked about that or who would have had an opportunity to answer questions about that.
Nicki Forrester who was a witness in the engineering program who could have been through which 137 and 138 could have been admitted. We had a variety of witnesses who were present through which 141 and 142 could have been admitted.

Further, with respect to what appeared to be a variety of incomplete Collective Bargaining Agreements that the University is attempting to enter, we believe these are irrelevant.

HEARING EXAMINER: What Collective Bargaining Agreements are there?

ATTORNEY FARMER: From other universities.

HEARING EXAMINER: Oh.

ATTORNEY KILBERT: Under other collective bargaining statutes. In addition 173 is itself a collective bargaining statute.

Further, we specifically object to 182 and we note that the University in its opening statement intended or evinced an intention to make an argument that the operation of the Collective Bargaining Agreement that the Union at Temple is somehow inappropriate. We had no testimony at all over the course of the eight days of hearing with respect to that issue. We don't believe it is
appropriate to admit this and subsequently make
arguments in the brief of the basis of it.

HEARING EXAMINER: What is it again, Counsel?

ATTORNEY KILBERT: 182 is an excerpt from the 2018-2022 Temple University CBA.

HEARING EXAMINER: Okay.

ATTORNEY KILBERT: We'll note that the Temple University is not a party to this hearing. We'll note that the Union represented workers in that CBA is not a part of this hearing. If the Temple University or anybody else wishes to challenge the appropriateness of that unit, there are procedures for doing so. This is not that procedure.

HEARING EXAMINER: Counselor, would you like to say anything on the record or would you like to do a reference?

ATTORNEY FARMER: Can I respond for the record?

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: Okay.

So in terms of - setting aside the other universities CBAs for a second. In terms of the other documents, what we have put in are either
webpages or a document that has been produced to the
Union or are publically available documents very
similar to the three binders of documents that the
Union put in without witnesses. And in some cases
just because for example Dr. Kane who was a witness
from the program, they don't come out of his office.
So the details of those letters - Dr. Binder signs
them, not anyone else.

In terms of the other universities,
the Union asked multiple witnesses, both its own and
on Cross Examination about whether there were
unionized graduate students at other universities.
And so therefore what we have done - and those
questions were permitted and are part of the record.
What we did is we put in four of these - a number of
these other universities. They are the recognition
clauses of the CBAs -

HEARING EXAMINER: They - sorry, go
ahead.

ATTORNEY FARMER: - we've made
available to the Union if they're interested the
full document. But the fact that the Union has made
arguments on this record about the fact that there
are unionized graduate students in other places, it
is relevant what the scope of those units are.
HEARING EXAMINER: May I ask a question that might short circuit this?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Those recognition clauses, are those part of publically certified units?

ATTORNEY FARMER: Correct.

HEARING EXAMINER: So that certification clause is publically available?

ATTORNEY FARMER: I don't know that in every case. Some of them - I think some of them might be. But they're State Labor Boards. They're all -.

HEARING EXAMINER: Well, you can call the Illinois Labor Board and say what's the certification class for this?

ATTORNEY FARMER: I don't - I don't know. These are all publically available though. I mean we got them off of websites. We weren't calling up the universities, so - and Temple is the same - I mean, it is an excerpt showing the definition of what's included in the unit.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: Which as you are well aware, that in Temple the question of direct
academic benefit, which is in the certification but wasn’t defined by the Board -

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: - is defined in the CBA. And therefore that's relevant.

HEARING EXAMINER: May I see the index for some of them, please?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Okay.

123 is the grad students webpage, that's publically available?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: That's admitted.

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(Whereupon, Respondent's Exhibit 123, Webpage, was admitted.)

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HEARING EXAMINER: Biological science handbook, is that publically available?

ATTORNEY FARMER: I believe so. It was also produced to the Union in response to the subpoena.

HEARING EXAMINER: That's admitted.

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(Whereupon, Respondent's Exhibit 124, Handbook,
was admitted.)

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ATTORNEY KILBERT: 125 is admitted.

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(Whereupon, Respondent's Exhibit 125, Document, was admitted.)

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HEARING EXAMINER: 126 is admitted.

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(Whereupon, Respondent's Exhibit 126, Document, was admitted.)

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HEARING EXAMINER: 127 is admitted.

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(Whereupon, Respondent's Exhibit 127, Document, was admitted.)

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HEARING EXAMINER: 128 is admitted.

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(Whereupon, Respondent's Exhibit 128, Document, was admitted.)

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HEARING EXAMINER: 129 is admitted.

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(Whereupon, Respondent's Exhibit 129, Document,
was admitted.)

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HEARING EXAMINER: 130 is admitted.

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(Whereupon, Respondent's Exhibit 130, Document, was admitted.)

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ATTORNEY KILBERT: With respect to 131 I wonder if I might be heard.

HEARING EXAMINER: Can you show it to me, please?

ATTORNEY KILBERT: 131 is this document. It appears to be a paper - an academic paper in the field of astronomy.

HEARING EXAMINER: Yeah. I was looking at that. Go ahead.

ATTORNEY KILBERT: I think that it may possibly be correct that that is somewhere available on the internet. But it seems quite different from the documents that have already been admitted.

HEARING EXAMINER: An offer of proof for 131?

ATTORNEY FARMER: Yeah, it's 131 - 131 is - we found it by Googling. But yes, unfortunately because of timing we didn't think it
was worth frankly trying to do a deposition. We intended to have a faculty member from the physics department. But unfortunately the Director of Graduate Studies wasn't available. And we would have just basically put these documents. So it's a paper and an excerpt and a dissertation, no different than what we have otherwise. But they are both publically available.

ATTORNEY KILBERT: If I might respond?
HEARING EXAMINER: Yeah.
ATTORNEY KILBERT: This is a paper and this is apparently also a portion of the dissertation or perhaps the entire dissertation in 132, that are highly technical. Certainly I don't have the ability to understand them without testimony from a witness. So -.

HEARING EXAMINER: 131 and 132 are not admitted.

ATTORNEY FARMER: Doesn't that go - excuse me. But doesn’t that go to the weight as opposed to their admissibility? I mean, they're not any different than every other dissertation and publication. You could decide because you don’t have a faculty member saying this is what they are. That goes to the weight and not to the
ADMISSIBILITY.

ATTORNEY KILBERT: If I might be heard on that end?

With respect to several such similar exhibits that were actually admitted through witnesses. The - the Union had the opportunity cross-examine the witness with respect to the source.

HEARING EXAMINER: Yeah. We had an author for all of them. Did we have an author for all of them? At least a co-author, right?

ATTORNEY KILBERT: I believe they were all authors or co-authors.

HEARING EXAMINER: And then for the dissertation parts we had a mentor who could speak knowledgably about it?

ATTORNEY KILBERT: That's my understanding, yes.

HEARING EXAMINER: Okay.

Last word, Ms. Farmer?

ATTORNEY FARMER: I think in substance there is nothing different about these two than all of the other documents that were admitted. You can see that Dr. Xander, who was the chair of her committee on the dissertation, is the co-author in
HEARING EXAMINER: Why don't you give me an actual rule of evidence to deny them?

ATTORNEY KILBERT: I would state the general rule that witnesses need to be able to authenticate documents unless there's a learned treatise. I don't know that this is a learned treatise.

HEARING EXAMINER: If you can give me a hearsay exception, Ms. Farmer, we'll put them in. I'll just defer ruling on those.

ATTORNEY KILBERT: I would note that the same arguments I think would apply for exhibits 157 and 158.

HEARING EXAMINER: We're not there yet. Defer ruling on 131 and 132. You can address them in yours briefs. 133 - to the extent that 131 and 132 are substantially material or relevant.

133 is admitted.

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(Whereupon, Respondent's Exhibit 133, Document, was admitted.)

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HEARING EXAMINER: 134 is admitted.
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(Whereupon, Respondent's Exhibit 134, Document, was admitted.)
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HEARING EXAMINER: What's 135? Does anybody have a copy of it?

ATTORNEY FARMER: Yeah.

It's a - it's an evaluation letter that was produced to the Union in response -.

HEARING EXAMINER: All right. That's admitted.
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(Whereupon, Respondent's Exhibit 135, Evaluation Letter, was admitted.)
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HEARING EXAMINER: 136 admitted.
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(Whereupon, Respondent's Exhibit 136, Document, was admitted.)
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HEARING EXAMINER: 137 admitted.
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(Whereupon, Respondent's Exhibit 137, Document, was admitted.)
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HEARING EXAMINER: 138 is admitted.

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(Whereupon, Respondent's Exhibit 138, Document, was admitted.)

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HEARING EXAMINER: 139 is admitted.

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(Whereupon, Respondent's Exhibit 139, Document, was admitted.)

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HEARING EXAMINER: 140 is admitted.

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(Whereupon, Respondent's Exhibit 140, Document, was admitted.)

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HEARING EXAMINER: 141 admitted.

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(Whereupon, Respondent's Exhibit 141, Document, was admitted.)

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HEARING EXAMINER: 142 is admitted.

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(Whereupon, Respondent's Exhibit 142, Document, was admitted.)

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HEARING EXAMINER: 143 is admitted.
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(Whereupon, Respondent's Exhibit 143, Document, was admitted.)
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HEARING EXAMINER: 144 is admitted.
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(Whereupon, Respondent's Exhibit 144, Document, was admitted.)
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HEARING EXAMINER: 145 is admitted.
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(Whereupon, Respondent's Exhibit 145, Document, was admitted.)
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HEARING EXAMINER: 146 is admitted.
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(Whereupon, Respondent's Exhibit 146, Document, was admitted.)
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HEARING EXAMINER: 147 is admitted.
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(Whereupon, Respondent's Exhibit 147, Document, was admitted.)
HEARING EXAMINER: 148 is admitted.
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(Whereupon, Respondent's Exhibit 148, Document, was admitted.)
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HEARING EXAMINER: 149 is admitted.
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(Whereupon, Respondent's Exhibit 149, Document, was admitted.)
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HEARING EXAMINER: 150 is admitted.
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(Whereupon, Respondent's Exhibit 150, Document, was admitted.)
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HEARING EXAMINER: 151, 152, 153, 154, 155, 156 is admitted.
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(Whereupon, Respondent's Exhibit 151, Document, was admitted.)
(Whereupon, Respondent's Exhibit 152, Document, was admitted.)
(Whereupon, Respondent's Exhibit 153, Document, was admitted.)
(Whereupon, Respondent's Exhibit 154, Document,}
(Whereupon, Respondent's Exhibit 155, Document, was admitted.)

(Whereupon, Respondent's Exhibit 156, Document, was admitted.)

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HEARING EXAMINER: 157, 158, deferred ruling. 159 is admitted.

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(Whereupon, Respondent's Exhibit 159, Document, was admitted.)

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HEARING EXAMINER: 160, 161, 162, 163, 164, 165 is admitted.

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(Whereupon, Respondent's Exhibit 160, Document, was admitted.)

(Whereupon, Respondent's Exhibit 161, Document, was admitted.)

(Whereupon, Respondent's Exhibit 162, Document, was admitted.)

(Whereupon, Respondent's Exhibit 163, Document, was admitted.)

(Whereupon, Respondent's Exhibit 164, Document, was admitted.)
(Whereupon, Respondent's Exhibit 165, Document, was admitted.)

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HEARING EXAMINER: 166 is not admitted. 167 is not admitted. 168 is not admitted. 169 is not admitted. 170 is not admitted. 171 is not admitted. 172 is not admitted. 173 is not admitted. 174 is not admitted. 175, 176, 177, 178, 179, 180, 181 and 182 not admitted.

ATTORNEY FARMER: Can you please state the basis for that on the record?

HEARING EXAMINER: Hearsay, relevancy.

ATTORNEY FARMER: So are you striking from the record the testimony that was permitted about the fact that there are graduate student Unions at other public universities?

HEARING EXAMINER: You can use all these documents.

ATTORNEY FARMER: How?

HEARING EXAMINER: In your — in your brief.

ATTORNEY FARMER: No, I can't.

HEARING EXAMINER: They don’t have to be admitted as part of record.
ATTORNEY FARMER: Because there's PLRB case law that if - that if they are not considered to be on the record and cannot be considered on appeal if they're not admitted. Including in a Philadelphia case where the city charter was not marked as an exhibit and the PLRB held that it was not - it couldn't take judicial notice of the Philadelphia City charter, although it is a legal decision, it's a law. And that it couldn't be considered. So having faced that, we can't -.

HEARING EXAMINER: That doesn't sound right to me.

ATTORNEY FARMER: I mean, there's case law on it. That a PLRB has held that. So in an abundance of caution.

HEARING EXAMINER: I would have taken - before you said that I would have taken judicial notice of all of those.

ATTORNEY FARMER: I mean, that's our - that's our concern. That if they're not in the record. But given there have been arguments made about there being other graduate student unions, we think it's extremely relevant that they contain research assistants, for example.

ATTORNEY KILBERT: The Union would
stipulate to the references to other graduate student unions in the testimony be stricken if that would solve this issue.

HEARING EXAMINER: I mean, I don't - I don't - it's not important to me what other students do. I understand it may be important to the Board and to the Commonwealth Court.

ATTORNEY FARMER: Correct.

Because we know that the PLRB -.

HEARING EXAMINER: But there's no - I don't know where these are from. I don't know if they're correct. I don't know - I don't have testimony on them. I mean, you would have to call the representatives of Chicago University from Illinois, Chicago -

ATTORNEY FARMER: I mean -.

HEARING EXAMINER: - to come testify about it.

ATTORNEY FARMER: But these are the documents that are on their website. I mean, I don't think that's different than all these other documents that have been admitted without authentication.

HEARING EXAMINER: But even if it's a CBA, that doesn't mean that that's actually what
happens in the real world.

ATTORNEY KILBERT: And that's a particular concern with respect to Temple.

HEARING EXAMINER: Yeah.

ATTORNEY KILBERT: You know, there's been no testimony about how it actually works.

ATTORNEY FARMER: Again we're - the CBA states what it states about this issue.

HEARING EXAMINER: 181 is - that's a PLRB document.

ATTORNEY FARMER: Correct.

HEARING EXAMINER: All right. So let's go back. What did I say wasn't admitted?

ATTORNEY FARMER: 166 down.

HEARING EXAMINER: All right.

So 166 to 180, deferred ruling. 181 is out. It doesn't need to be in because it's part of the PLRB. And then so 166 to 180 deferred ruling. You can brief me on why those should be part of the hearing. And the Union can tell me why they should not be part of it as part of your briefs. I can't figure that out right now.

The Temple University CBA, how is that not hearsay?

ATTORNEY FARMER: It's the same thing
as all of the other ones. But particularly given that the - I mean -.

HEARING EXAMINER: How are these to same?

ATTORNEY FARMER: You are likely to be ruling on how - how this case does or does not follow the PLRB's decision in Temple. And where you have an issue about what a direct academic benefit means or doesn't mean, and whether it's he proper standard. It's highly relevant how the parties define direct academic benefit.

ATTORNEY KILBERT: We actually don't know how they defined it.

ATTORNEY FARMER: It's in the CBA.

ATTORNEY KILBERT: Well -.

ATTORNEY FARMER: It's specifically defined. We're not making argument, we're just putting in what the CBA says.

HEARING EXAMINER: Right. We'll include that in the deferred part.

ATTORNEY MANTOLILLO: Well, statute jurisdiction proves that -.

ATTORNEY FARMER: That's a whole separate issue.

HEARING EXAMINER: All right.
So let's just go back. Everything has been admitted except 131, 132, 157, 158, 166 through 180, and 182. And I'm deferring ruling. Brief that point and give me some laws or some cases to look at. Because you mentioned some PLRB cases which I didn't - that I didn't know about. Regarding judicial notice and you can tell me why they are or aren't relevant. And I'll make a decision.

Let's look. Well, I'll make a decision as soon as I get - all right. So you moved - you moved these in?

ATTORNEY FARMER: Uh-huh (yes).

HEARING EXAMINER: And then you - who has the burden?

ATTORNEY FARMER: Do you want separate briefs on this or do you want them addressed in the post-hearing briefs?

HEARING EXAMINER: I think it would be better if we addressed it before the post-hearing briefs, don't you think?

ATTORNEY FARMER: That's fine.

HEARING EXAMINER: Who has the burden, the accepting party or the moving party?

ATTORNEY FARMER: The objecting party.

ATTORNEY KILBERT: Maybe we can
address that issue as well.

HEARING EXAMINER: Huh?

ATTORNEY KILBERT: Maybe we can

address that issue as well.

ATTORNEY FARMER: I think he was
talking logistically who briefs first.

HEARING EXAMINER: Yeah. Who briefs
first?

ATTORNEY FARMER: I think it would
make more sense for the Union to brief first,
because it's their objections that we would be
responding to.

ATTORNEY MANTOLILLO: We also have
another logistical issue in that on the chance these
are admitted. We would have some other CBAs that we
would put in.

ATTORNEY FARMER: Right. Which - you
know, and we're not going to object to those. We
can just put them all in.

ATTORNEY MANTOLILLO: We would -.  
ATTORNEY FARMER: And we can argue
about the weeds.

ATTORNEY MANTOLILLO: Yeah. We would
only be putting them in as an offer of proof should
the others be admitted.
HEARING EXAMINER: Let me see what you have.

ATTORNEY FARMER: It's in the folder. We talked about it today.

HEARING EXAMINER: Off the record.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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HEARING EXAMINER: We're back on the record.

I'm going to state again just one more time so it's all straightened out. 131, 132, 157, 158, 166 through 182, deferring ruling. The parties can present email arguments to support by next Friday and I'll make a decision. I'll think about it and talk to Chief Counsel.

ATTORNEY HEALEY: November 9th?

HEARING EXAMINER: Yeah.

And then that way I'll get you a ruling quickly. And then you can have - you can know what you want to do. I'll hold onto these. We're not going to close the record. If you want to offer them you can.

All right. Can everyone do email letter briefs by next Friday to support their
positions? And I especially want to see that case you're citing about judicial notice.

ATTORNEY FARMER: Yep.

HEARING EXAMINER: Okay?

And then you can reply to the other person's email on the same day if you want.

ATTORNEY MANTOLILLO: And if you rule admission on that can we -?

HEARING EXAMINER: Yeah.

We're not closing the record to -. ATTORNEY FARMER: Wait. So are we doing this simultaneously or responsive?

HEARING EXAMINER: Just send me emails.

ATTORNEY FARMER: On next Friday, letter briefs.

HEARING EXAMINER: Right.

And if there's something crazy you want to respond to, go ahead and do a response.

ATTORNEY FARMER: Can we have until Monday to respond?

HEARING EXAMINER: That's fine.

ATTORNEY FARMER: Because depending on what time we send.

HEARING EXAMINER: That's fine.
Because I won't be ruling on it on Friday.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Because of the - we're not going to close the record until the 21st. Okay? The Union's motion to quash your subpoena with regard to those two particular questions is granted. We've had plenty of -.

ATTORNEY FARMER: It was our motion to quash the portion of their subpoena.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: Just for the record.

HEARING EXAMINER: We've had plenty of opportunity to ask those questions. I don't even know - I don't think the health and safety stuff is relevant. And with the discipline we've have 13 witnesses from the University up here.

ATTORNEY MANTOLILLO: We would note our objection -

HEARING EXAMINER: Yeah, go ahead.

ATTORNEY MANTOLILLO: - to that for the information. We think it's impossible for us to know what's going on across the universities. And we don't think it's appropriate and it should be denied and redacted documents being used.

HEARING EXAMINER: Anything else? Any
other issues?

ATTORNEY FARMER: I think just a small thing. Before we took the break or during the break the Union handed us the Union Exhibits 273 through 275. But I don't actually think they got marked on the record. And we do not have any objections.

ATTORNEY KILBERT: If we could just go off for a second?

HEARING EXAMINER: Off the record.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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HEARING EXAMINER: Back on the record.

ATTORNEY KILBERT: The Counsel for the University already has these. I'm offering them to you.

HEARING EXAMINER: Thank you.

ATTORNEY KILBERT: These are marked 273, 274, 275.

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(Whereupon, Petitioner's Exhibit 273, Document, was marked for identification.)

(Whereupon, Petitioner's Exhibit 274, Document, was marked for identification.)

(Whereupon, Petitioner's Exhibit 275, Document,
ATTORNEY KILBERT: They are documents that are accessible on the internet relating to the survey of Doctorates, regarding which there was some testimony, and which I think also relates to the Union Exhibits 19 and 20.

HEARING EXAMINER: Any objection?

ATTORNEY FARMER: No.

HEARING EXAMINER: Admitted.

(Whereupon, Petitioner's Exhibit 273, Document, was admitted.)

(Whereupon, Petitioner's Exhibit 274, Document, was admitted.)

(Whereupon, Petitioner's Exhibit 275, Document, was admitted.)

HEARING EXAMINER: So we have those email letter arguments on the exhibits that I mentioned. And that is due Friday. If you want to respond, respond Monday. Record closes on November 21st. Union's brief due 12/21. The University's brief due January 18th, 2019. Reply brief, if any, from the Union due February 1st. And I don't expect
you'll be allowed to file a reply brief except for extraordinary cause.

ATTORNEY FARMER: Yep.

HEARING EXAMINER: Which I can't predict. I'll write an opinion of proposed decision and order dismissing your petition in 20 days from the date on which I sign it. You can file exceptions for the rules. If I do find appropriate unit, the University, as you well know, you cannot file exceptions to my order - oh, you're back.

ATTORNEY DANTE: Did you not notice for the past 20 minutes?

ATTORNEY FARMER: We've been caught up in an evidentiary issue.

ATTORNEY DANTE: I won't take offense to that.

HEARING EXAMINER: Sorry.

Order directing the submission of an eligibility list will come out. And as the University knows you cannot file exceptions to those. There is an order directing the submission of an eligibility list.

The university will have some time to give the eligibility list to the lecture representative, Lassie. Lassie will then do an
election order. There will be an election. And then at that time after this election there will be a final order. That is the final time the University will file exceptions to whatever we do.

Any other questions?

ATTORNEY HEALEY: Just - just one.

HEARING EXAMINER: Yeah?

ATTORNEY HEALEY: In terms of the briefs, you mentioned you want it in the format of Proposed Findings of Fact?

HEARING EXAMINER: Sorry?

ATTORNEY HEALEY: In terms of the briefs we're going to do, do you want them in the form of Proposed Findings of Fact and then the legal argument?

HEARING EXAMINER: I'm going to do my own Findings of Fact. I'm not going to document those. But it is helpful to see what you all think should be the Findings of Fact.

ATTORNEY HEALEY: Okay.

HEARING EXAMINER: And I think I said two weeks ago I wasn't happy with the Findings of Fact in the Penn State case. For this case I'm going to aim to do less findings, with hopefully more - better findings.
ATTORNEY HEALEY: More substance with each individual finding.

HEARING EXAMINER: And then the Union definitely should tell me what you think the proposal should be. That should definitely be in your brief. And I'd ask the University to do it, but they won't, so -.

ATTORNEY FARMER: We - we can very comfortably tell you what the proposed unit should be, none.

HEARING EXAMINER: Yeah. Even in the alternative?

ATTORNEY DANTE: We have on the record stated that.

HEARING EXAMINER: What?

ATTORNEY DANTE: In the alternative.

HEARING EXAMINER: In the alternative, what should be the proposal? If - if they are public employees?

ATTORNEY FARMER: We'll adjust that in our brief then, yes.

HEARING EXAMINER: All right.

ATTORNEY HEALEY: In one line?

ATTORNEY FARMER: A very short brief.

HEARING EXAMINER: And again I think
you are going to be writing your briefs not necessarily to me. So you know better than me what you should put in there.

Okay. Any other questions?
All right. Thank you very much. Off the record.

ATTORNEY FARMER: Thank you.

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HEARING CONCLUDED AT 3:35 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Judge Helmerich, was reported by me on 11-01-18 and that I, Kaylyn Shaffer, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 3rd day of December, 2018

Kaylyn Shaffer,
Court Reporter