

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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1 WITNESSES: Lawrence Kane, Ph.D.
2 Caitlin Schroering
3 Rahul Amruthapuri
4 David McCoy
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A P P E A R A N C E S

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1	I N D E X	
2		
3	DISCUSSION AMONG PARTIES	1799
4	<u>WITNESS</u> : LAWRENCE KANE, PH.D.	
5	DIRECT EXAMINATION	
6	By Attorney Dante	1799 - 1832
7	CROSS EXAMINATION	
8	By Attorney Sharma	1832 - 1848
9	REDIRECT EXAMINATION	
10	By Attorney Dante	1849 - 1852
11	DISCUSSION AMONG PARTIES	1852 - 1860
12	<u>WITNESS</u> : CAITLIN SCHROERING	
13	DIRECT EXAMINATION	
14	By Attorney Kilbert	1860 - 1876
15	DISCUSSION AMONG PARTIES	1876 - 1878
16	CROSS EXAMINATION	
17	By Attorney Farmer	1878 - 1894
18	DISCUSSION AMONG PARTIES	1894 - 1895
19	<u>WITNESS</u> : RAHUL AMRUTHAPRUI	
20	DIRECT EXAMINATION	
21	By Attorney Healey	1896 - 1906
22	CROSS EXAMINATION	
23	By Attorney Dante	1907 - 1920
24	DISCUSSION AMONG PARTIES	1920 - 1923
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I N D E X (cont.)

WITNESS: DAVID MCCOY

DIRECT EXAMINATION

By Attorney Kilbert 1923 - 1941

CROSS EXAMINATION

By Attorney Farmer 1942 - 1961

DISCUSSION AMONG PARTIES 1961 - 1993

* E X H I B I T S *

Respondent's Exhibits:

			Page	Page
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6	123	Webpage	1854	1967
7	124	Handbook	1854	1967
8	125	Document	1854	1968
9	126	Document	1854	1968
10	127	Document	1855	1968
11	128	Document	1855	1968
12	129	Document	1855	1968
13	130	Document	1855	1969
14	131	Document	1855	--
15	132	Document	1855	--
16	133	Document	1855	1972
17	134	Document	1855	1973
18	135	Evaluation Letter	1855	1973
19	136	Document	1855	1973
20	137	Document	1855	1973
21	138	Document	1855	1974
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23	140	Document	1856	1974
24	141	Document	1856	1974
25	142	Document	1856	1974

* E X H I B I T S (cont.) *

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			Page	Page
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4				
5	143	Document	1856	1975
6	144	Document	1856	1975
7	145	Document	1856	1975
8	146	Document	1856	1975
9	147	Document	1856	1975
10	148	Document	1856	1976
11	149	Document	1856	1976
12	150	Document	1856	1976
13	151	Document	1856	1976
14	152	Document	1857	1976
15	153	Document	1857	1976
16	154	Document	1857	1976
17	155	Document	1857	1977
18	156	Document	1857	1977
19	157	Document	1857	--
20	158	Document	1857	--
21	159	Document	1857	1977
22	160	Document	1857	1977
23	161	Document	1857	1977
24	162	Document	1857	1977
25	163	Document	1857	1977

* E X H I B I T S (cont.) *

Respondent's Exhibits:

			Page	Page
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5	164	Document	1857	1977
6	165	Document	1858	1978
7	166	Document	1858	--
8	167	Document	1858	--
9	168	Document	1858	--
10	169	Document	1858	--
11	170	Document	1858	--
12	171	Document	1858	--
13	172	Document	1858	--
14	173	Document	1858	--
15	174	Document	1858	--
16	175	Document	1858	--
17	176	Document	1858	--
18	177	Document	1859	--
19	178	Document	1859	--
20	179	Document	1859	--
21	180	Document	1859	--
22	181	Document	1859	--
23	182	Document	1859	--
24	183	Graduate Program Overview	1801	1853
25	184	Program Requirements	1804	1853

* E X H I B I T S (cont.) *

Respondent's Exhibits:

		Page	Page
<u>Number</u>	<u>Description</u>	<u>Identified</u>	<u>Admitted</u>
185	Graduate Program Overview	1806	1853
186	Schedule Overview	1810	1853
187	Syllabus	1813	1853
188	Publication	1820	1853
189	Thesis Pages	1821	1853
190	Facilities List	1827	1853
191	Website Printout	1908	1921
192	Appointment Letter	1818	1921
193	Appointment Letter	1918	1921
194	Document	1919	1921

Petitioner's Exhibits:

		Page	Page
<u>Number</u>	<u>Description</u>	<u>Identified</u>	<u>Admitted</u>
252	Letter	1836	1847
253	Fact Book	1839	1847
254	Webpage	1841	1848
255	Bio Page	1842	1848
256	Grant Summary	1844	1848
257	Funded Publications	1845	1848
258	PubMed Search	1846	1848

* E X H I B I T S (cont.) *

Petitioner's Exhibits:

			Page	Page
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5	259	Fellowship Appointment	1861	1862
6	260	Appointment Letter	1864	1864
7	261	Appointment Letter	1870	1872
8	262	Appointment Letter	1870	1872
9	263	Appointment Letter	1897	1921
10	264	Appointment Letter	1899	1921
11	265	TA Appointment	1902	1922
12	266	Handbook Excerpts	1904	1922
13	267	Handbook	1915	1922
14	268	Appointment Letter	1925	1927
15	269	Appointment Letter	1925	1927
16	270	Appointment Letter	1925	1927
17	271	Appointment Letter	1933	1935
18	272	Appointment Letter	1939	1939
19	273	Document	1988	1988
20	274	Document	1988	1988
21	275	Document	1988	1989

*Exhibits Not Attached

P R O C E E D I N G S

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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.
L-A-W-R-E-N-C-E, Kane, K-A-N-E.

HEARING EXAMINER: Go ahead, ma'am.

ATTORNEY DANTE: Thank you.

DIRECT EXAMINATION

BY ATTORNEY DANTE:

1 Q. Dr. Kane, where are you currently
2 employed?

3 A. The University of Pittsburgh.

4 Q. How long have you been employed by the
5 University?

6 A. Fifteen (15) years.

7 Q. And in what capacity are you employed by
8 the University?

9 A. I am a professor of epidemiology in the
10 School of Medicine.

11 Q. And do you hold any other position within
12 the department?

13 A. Yes.

14 I'm also the Vice Chair for education for
15 the department.

16 Q. What do the responsibilities of Vice
17 Chair entail?

18 A. To help oversee and coordinate the
19 various teaching efforts of the department between
20 graduate students and medical students.

21 Q. Can you tell us a little bit about your
22 educational background?

23 A. Yeah.

24 So I got my undergraduate degree at the
25 Boston College. I received my PhD from the

1 University of California San Diego. And then did
2 post-Doctoral training at UC San Francisco.

3 Q. Okay.

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

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

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

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

17 Q. Okay.

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

20 A. Yes.

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

23

24 (Whereupon, Respondent's Exhibit 183, Graduate
25 Program Overview, was marked for identification.)

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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.

1 Q. Let's talk a little bit about admissions
2 into the program. Is supporting undergraduate
3 education a factor in the PhD program admissions?

4 A. No.

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

7 A. Yes.

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

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

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

17 A. Sure.

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

24 Q. Do students often move back and forth
25 between funding sources?

1 A. Yes. It's common.

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

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

7 Q. Okay.

8 What is that funding contingent upon?

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

12 Q. Okay.

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

16 A. Yeah, yes.

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

18 ---

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

21 ---

22 BY ATTORNEY DANTE:

23 Q. Do you recognize this document?

24 A. Yes.

25 Q. Can you explain what it is?

1 A. Sure.

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

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

7 A. Sure.

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

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

23 Q. And if you look at the - on the first
24 page under general overview the last sentence. It
25 says the remaining years are dedicated to research

1 in their mentor's laboratory?

2 A. Yes.

3 Q. What does that mean?

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

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

10 A. No.

11 Q. Does your program have a handbook?

12 A. Yes.

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

15 ---

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

18 ---

19 BY ATTORNEY DANTE:

20 Q. Do you recognize that document?

21 A. Yes.

22 Q. What is it?

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

25 Q. Okay.

1 I'm going to direct your attention to
2 page eight. Are you there?

3 A. Yes.

4 Q. Okay.

5 Can you -?

6 HEARING EXAMINER: Sorry. What page
7 is that?

8 ATTORNEY DANTE: Page eight.

9 BY ATTORNEY DANTE:

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

12 A. Sure.

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

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

20 A. Yes.

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

25 Q. And what are students doing during these

1 rotations?

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

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

9 A. Yes.

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

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

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

1 A. Yeah.

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

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

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

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

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

19 Q. Okay.

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

22 A. Yes, they get two credits for rotation.

23 Q. Do they get a grade?

24 A. Yes.

25 Q. And if we look back on page eight under

1 D-3 in the research section. There is mention of a
2 rotation report.

3 A. Uh-huh (yes).

4 Q. What's the rotation report?

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

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

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

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

19 ---

20 (Whereupon, Respondent's Exhibit 186, Schedule
21 Overview, was marked for identification.)

22 ---

23 BY ATTORNEY DANTE:

24 Q. Do you recognize that document?

25 A. Yes.

1 Q. Can you explain what it is?

2 A. Yeah.

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

6 Q. And does it talk a little bit about the
7 rotational report that you were just testifying
8 about?

9 A. Yes.

10 Q. Are students evaluated on their
11 performance of the rotation?

12 A. Yes.

13 Q. And if we could look at page 22 of the
14 handbook?

15 A. Okay.

16 Q. Do you recognize that document?

17 A. Yes.

18 Q. And can you explain what that is?

19 A. Yes.

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

25 Q. And would any of what you just described

1 regarding a rotation change based on how the student
2 was funded in that first year?

3 A. No.

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

6 A. Uh-huh (yes).

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

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

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

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

18 HEARING EXAMINER: Go ahead.

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

23 ATTORNEY DANTE: Okay.

24 BY ATTORNEY DANTE:

25 Q. And are they funded during this time?

1 A. Yes.

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

4 A. No.

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

7 ---

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

10 ---

11 BY ATTORNEY DANTE:

12 Q. Do you recognize that document?

13 A. Yes.

14 Q. What is it?

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

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

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

23 Q. Okay.

24 So going back to page eight of the
25 handbook, a very useful chart.

1 A. Okay.

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

4 A. Yeah.

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

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

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

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

19 A. They can be.

20 Q. Could they be funded on a training grant?

21 A. Yes, they could be.

22 Q. Is it possible they could receive a
23 fellowship?

24 A. Yes.

25 Q. Okay.

1 Would the research that you just
2 described change -?

3 HEARING EXAMINER: And a fellowship
4 means a GSR.

5 Right?

6 ATTORNEY DANTE: No.

7 HEARING EXAMINER: What do you mean
8 fellowship?

9 THE WITNESS: Do you want me to -?

10 ATTORNEY DANTE: Yeah.

11 Why don't you explain what that is?

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

15 HEARING EXAMINER: I got confused with
16 teaching fellowship.

17 THE WITNESS: Yeah. Yeah. It's a
18 loosely used term sometimes.

19 ATTORNEY DANTE: Pre-Doctoral fellow.

20 HEARING EXAMINER: Go ahead.

21 ATTORNEY DANTE: Okay.

22 BY ATTORNEY DANTE:

23 Q. And would students have to conduct the
24 research that you just described, regardless of how
25 they were funded?

1 A. Yes.

2 Q. Okay.

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

6 A. Yes.

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

11 Q. Okay.

12 And is the research the same research
13 that you just described during the Fall semester?

14 A. Yes.

15 Q. So why do you have the teaching
16 requirement?

17 A. So most of our students will end up
18 getting positions eventually where they're doing
19 some teaching, whether at a medical school or in an
20 undergraduate setting. And so it's important for
21 them to have some experience doing some teaching.
22 That's essentially why it's a requirement.

23 Q. So what are they teaching when they're
24 satisfying this academic requirement?

25 A. Yeah.

1 So this is a lab course that the medical
2 students are required to take. And they're helping
3 to teach the students. They essentially help teach
4 the medical students this lab and oversee them in
5 performing that lab.

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

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

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

14 A. They do, yes.

15 Q. Do they get a grade?

16 A. No.

17 They get credit but they do not get a
18 grade.

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

21 A. Yes, yes. Sorry.

22 Q. Thank you.

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

25 A. Yes.

1 Q. All right.

2 Let's go onto year three.

3 A. Okay.

4 Q. So in the Fall of year three, what are
5 they - what are they doing?

6 A. They're spending most of their time doing
7 research in their mentor's lab.

8 Q. And what about the Spring if year three?

9 A. So research, but then they also have to
10 do one more round of TA-ing the same microbiology
11 class.

12 Q. And under the same conditions that you
13 just described?

14 A. Yes.

15 Q. Okay.

16 So let's talk a little bit about - so
17 after year three then, then what are they doing?

18 A. They're spending most of their time doing
19 research in their mentor's lab.

20 Q. Do students need to conduct research to
21 get their PhD?

22 A. Yes.

23 Q. Can you give us some examples of what the
24 research looks like in your program?

25 A. So most of the research in the program is

1 what we would consider basic science. The students
2 are trying to discover new pathways by which to
3 manipulate the immune response or by which pathogens
4 infect or affect pathology. So most of that
5 research like I said is at the basic level. Which
6 means we're just trying to discover new things, not
7 necessarily apply them in a clinic, which would be
8 more translational research.

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

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

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

19 A. So it's done between the student and the
20 mentor. The student and the mentor is for as the
21 student gets started in the lab usually they talk
22 about different projects that are ongoing in the
23 lab. And usually it's something that the student is
24 also interested in that they want to, you know, do
25 further research on.

1 Q. Is publishing a requirement?

2 A. Yes.

3 Q. Of the degree?

4 A. Yes.

5 Q. Why?

6 A. So we think it's important that
7 students - well I guess there's a couple reasons.
8 So the dissemination of scientific knowledge is done
9 through published papers, peer reviewed papers. And
10 the other reason is that it also gives the student
11 sort of - sort of like I said a heads-up as to
12 finish their degree and go out to look for another
13 position. Whether that now be a position as a post
14 doc or whether they want to go into the industry or
15 go teach. And having publications is key to having
16 a strong CV.

17 Q. Have you published with your students?

18 A. Yes.

19 Q. And have those publications ended up in
20 student's dissertations?

21 A. Yes.

22 Q. I'm going to show you what I've marked as
23 R-188 and R-189.

24 ---

25 (Whereupon, Respondent's Exhibit 188,

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

4 ---

5 BY ATTORNEY DANTE:

6 Q. Starting with R-188, do you recognize
7 this document?

8 A. Yes.

9 Q. What is it?

10 A. It's a publication that a student and I
11 authored earlier this year.

12 Q. And were you her faculty advisor?

13 A. Yes.

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

16 A. Yes.

17 Q. It talks about author contributions?

18 A. Yes.

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

21 A. Sure.

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

25 HEARING EXAMINER: This paper doesn't

1 indicate that she was a grad student.

2 Right?

3 THE WITNESS: Yes.

4 So if you look at - sorry. If you
5 look at superscript by her name -

6 HEARING EXAMINER: Yeah.

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

12 HEARING EXAMINER: All right.

13 So she is a grad student?

14 THE WITNESS: Correct.

15 HEARING EXAMINER: Okay. Go ahead.

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

22 BY ATTORNEY DANTE:

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

25 A. Yes.

1 Q. Why is that?

2 A. Well, students come in, you know, with a
3 background, hopefully a strong background in
4 science. And - but they're not yet qualified to be
5 independent researchers. They require further
6 training and specialization essentially. And at
7 this point it's self-discipline.

8 Q. How long approximately did the research
9 that ultimately resulted in this publication take to
10 perform?

11 A. Quite a while. Three or four years for
12 this project, yeah.

13 Q. Is there significance to being a first
14 author for a student?

15 A. Yes.

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

19 Q. Is that important for students?

20 A. Yes.

21 Q. Why?

22 A. Well, it's important that they
23 demonstrate that they're on their way to develop
24 more independence and that they're not just sort of
25 a cog in the big wheel.

1 HEARING EXAMINER: So it shows that
2 this person has the ability and skills to perform
3 research that is publishable?

4 THE WITNESS: Yes.

5 BY ATTORNEY DANTE:

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

7 A. Yes.

8 Q. Was the student funded while she was
9 doing this - this research?

10 A. Yes.

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

13 A. Yes.

14 Q. Did what she was doing on the project
15 changed when the funding source changed?

16 A. No.

17 Q. Do you remember what combination of
18 funding sources she was on?

19 A. It was several. So she was funded
20 through the school for her first year. She was on a
21 training grant for a couple of years. I think we
22 had a side fellowship for one year. And then I
23 think the rest of it was my - one of my research
24 grants.

25 HEARING EXAMINER: Who pays your

1 salary?

2 THE WITNESS: The University.

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

5 THE WITNESS: That's a good question.
6 My paycheck comes from FID. But a certain
7 percentage of my salary is derived from grants.

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

10 THE WITNESS: Staff are funded
11 entirely off my grants.

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

14 THE WITNESS: They are also employees
15 of the University.

16 HEARING EXAMINER: Go ahead, ma'am.

17 ATTORNEY DANTE: Okay.

18 BY ATTORNEY DANTE:

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

22 A. Yes.

23 Q. Okay. All right.

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

1 A. Yes.

2 Q. And what is it?

3 A. It's the front pages from my student's
4 thesis. The same student from the paper.

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

6 A. Yes.

7 Q. Is what you described in terms of the
8 publications and the publications ending up in the
9 dissertation -?

10 A. Yes.

11 Q. And when publications end up being part
12 of the dissertation, does how a student was funded
13 impact whether or not that can happen or not?

14 A. No.

15 Q. Do students get academic credit for the
16 research that you just described?

17 A. Yes. They get research credits.

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

21 A. Yes.

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

24 Q. And the credits for the research that
25 they're getting is the same research that may result

1 in a publication and a dissertation?

2 A. Yes.

3 Q. Do you track the hours that the students
4 spend performing research?

5 A. No.

6 Q. Is the research that's done toward a
7 student's dissertation separate from the research
8 that's done on the faculty grant?

9 A. No.

10 Q. When we talk about this research, is this
11 something that students could do without faculty
12 mentorship?

13 A. No.

14 Q. Is it something that students could do
15 without the resources that are provided by the
16 university and either funded entirely or in part by
17 grants?

18 A. No.

19 Q. Let me show you what I've marked as
20 R-190.

21 ---

22 (Whereupon, Respondent's Exhibit 190, Facilities
23 List, was marked for identification.)

24 ---

25 BY ATTORNEY DANTE:

1 Q. Do you recognize this document?

2 A. Yes.

3 Q. Can you explain what it is?

4 A. Yes.

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

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

9 A. Yes.

10 Q. Do they need these resources to be able
11 to conduct the research?

12 A. Yes.

13 Q. And if a student is on various sources of
14 funding, does the funding always cover the cost of
15 doing research?

16 A. No, no. The funding provided to the
17 students does not cover the cost of research.

18 Q. If I were to walk into your lab, would I
19 be able - would I be able to tell who is supported
20 by a fellowship, a traineeship or a GSR?

21 A. No.

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

24 A. Yes.

25 Q. And conducting research side by side

1 together?

2 A. Yes.

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

5 A. Yes.

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

8 A. Uh-huh (yes). Okay.

9 Q. Can you explain what that is?

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

13 Q. And then what about the following page?
14 Which doesn't seem to be numbered, but we'll call it
15 27.

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

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

22 A. Yes.

23 Q. Why is that part of this evaluation?

24 A. Because publication is a requirement for
25 completion of the PhD.

1 Q. And is that something that students do as
2 part of their GSR?

3 A. Yes.

4 Q. When they're funded as a GSR?

5 A. Yes.

6 Q. Do they also satisfy that requirement
7 when they're funded on training grants?

8 A. Yes.

9 Q. And on fellowships?

10 A. Yes. All students.

11 Q. And then if we turn to the back of page
12 27, which is 28.

13 A. Right.

14 Q. What - what is this form?

15 A. So then this is the evaluation that the
16 mentor themselves fills out each year for the - for
17 the same student.

18 Q. Okay.

19 Do you need graduate students to conduct
20 the research for you?

21 A. No.

22 I also have post-Doctoral fellows and
23 staff students who do the research.

24 Q. Well, why do you choose to mentor
25 graduate students?

1 A. So one of the reasons I stayed in
2 academia is that I wanted the opportunity to train
3 graduate students.

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

6 A. Yes.

7 Q. Can you give us some examples?

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

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

16 A. Yeah.

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

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

25 A. No. They do not. Otherwise they

1 wouldn't be going for a PhD.

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

5 A. Yes.

6 ATTORNEY DANTE: I don't have anything
7 further.

8 HEARING EXAMINER: What do you want to
9 do?

10 ATTORNEY SHARMA: Can we have 15 or 20
11 minutes?

12 HEARING EXAMINER: All right.
13 Off the record.

14 ---

15 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

16 ---

17 HEARING EXAMINER: We're back on the
18 record.

19 Cross Examination.

20 ---

21 CROSS EXAMINATION

22 ---

23 BY ATTORNEY SHARMA:

24 Q. Okay.

25 Dr. Kane, my name is Maneesh Sharma. I

1 am an attorney with the Steelworkers. I am going to
2 ask you some questions.

3 A. Okay.

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

6 A. For the graduate program.

7 Q. Okay.

8 How long has that existed?

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

11 Q. Okay.

12 And how was that formed?

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

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

23 Q. Okay.

24 So it collapsed those departments into
25 a -?

1 A. Into a new program. Right.

2 Q. And you testified that there is - you
3 think that there is 60 to 70 PhDs in the program?

4 A. Yeah.

5 And again it's sort of a moving target.

6 Q. Yeah.

7 A. But it's around that.

8 Q. Okay.

9 Because when I looked at the website I
10 thought it listed 49 students?

11 A. No, it's more than that. That's not
12 updated.

13 Q. So that's not accurate?

14 A. Yeah. It's not updated.

15 Q. How long does it typically take to
16 complete the PhD program, the PMI program?

17 A. The current average is between five and
18 five and a half years.

19 Q. Okay.

20 How long could - how long could it
21 possibly take?

22 A. The University has a time limit. And I
23 honestly can't remember what that is. I want to say
24 it's long, somewhere around eight years. The
25 University sort of at the provost level has a limit

1 on that. But I can't remember the exact number of
2 years.

3 Q. Okay.

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

6 A. Yes.

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

9 A. Yes. Okay.

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

12 A. Yes.

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

16 Is that correct?

17 A. Yes.

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

21 A. Yes.

22 Q. There's a second sentence, the timing.
23 And then there's a comma and then it says this will
24 usually require approximately 20 to 25 hours spread
25 over the span of one month per year?

1 A. Yes.

2 Q. Is that the total extent of the teacher
3 requirement?

4 A. Well, I haven't actually participated in
5 this course that the students teach in. But that
6 sounds about right.

7 Q. Okay.

8 And so they do that twice -

9 A. Correct.

10 Q. - is your understanding?

11 A. Yes.

12 Q. Okay.

13 I'm handing you what's been marked as
14 Union Exhibit 252.

15 A. Okay.

16 ---

17 (Whereupon, Petitioner's Exhibit 252, Appointment
18 Letter, was marked for identification.)

19 ---

20 BY ATTORNEY SHARMA:

21 Q. Do you recognize that?

22 A. Yes.

23 Q. And what is that document?

24 A. It's a graduate student appointment
25 letter.

1 Q. And looking at the back it's signed by
2 Robert Finder?

3 A. Finder (corrects pronunciation).

4 Q. Finder. Okay.

5 And that's the director of the PMI
6 graduate program?

7 A. Correct.

8 Q. And then next to it is a professor of
9 immunology. Do you know what that is?

10 A. This would be the mentor in his lab. The
11 student is conducting the research.

12 Q. Okay.

13 A. That's what that space would be for.

14 Q. I see.

15 A. Conducting here.

16 Q. Because you're in - you're appointed to
17 the department of immunology?

18 A. No.

19 Q. You're not?

20 A. So you're not actually appointed to the
21 department. This is a distinction. But you're
22 actually - you are - the letter is generated by the
23 department in which your PhD mentor resides. You
24 are a member of the graduate program.

25 Q. Okay.

1 A. But, yeah, sorry.

2 Q. I was actually asking about your
3 appointment.

4 A. My appointment?

5 Q. Yeah, as a professor.

6 A. My appointment as a professor in the
7 department of immunology.

8 Q. Okay.

9 And that is something that still - I
10 guess I'm confused as to how that relates to the
11 PMI. Does that still exist?

12 A. Yes.

13 So the graduate programs are not
14 departments. The graduate programs are sort of a
15 coordinated effort to teach and train students. And
16 they can do that training in various faculty
17 member's labs, which includes multiple departments.

18 Q. So just to - let me see if I get this.
19 So the PMI is the graduate program?

20 A. Correct.

21 Q. Is it sort of like a Venn diagram where
22 you've got different departments and then the PMI
23 kind of overlaps through the departments with the
24 grads, and then the grad students can go and they
25 sort of work with -

1 A. Yes.

2 Q. - and go into -?

3 A. Yes. They can reside in different
4 departments while they're conducting their research.

5 Q. But they're always in the PMI program?

6 A. Correct.

7 Q. Okay.

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

10 ---

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

13 ---

14 BY ATTORNEY SHARMA:

15 Q. Do you recognize that - that front cover?

16 A. Yes.

17 Q. And what is that from?

18 A. It's - I don't know how to describe it.
19 It's sort of a summary of the state of the School of
20 Medicine of this year.

21 Q. Okay.

22 Is it sometimes referred to as a fact
23 book?

24 A. Yeah. Yeah.

25 Q. Okay.

1 And then turning to the - and this is an
2 excerpt. But the page here. This talks about NIH
3 funding was brought it.

4 A. You're talking about page -?

5 Q. The second - the document -

6 A. Okay.

7 Q. - page 13 of the fact book?

8 A. Yes.

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

12 Is that right?

13 A. Yes.

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

16 A. Yes.

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

19 A. Correct.

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

22 Is that correct?

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

25 Q. Okay.

1 A. It's my webpage from the department.

2 Q. Okay.

3 And does this show the - at least at some
4 point it shows the people who were personnel in your
5 lab?

6 A. Yes. Yes.

7 Q. And Dr. Avery was listed there?

8 A. That is correct. Yes.

9 Q. And she is identified as a graduate
10 student researcher?

11 A. Yes.

12 Q. And I'm now going to hand you what's
13 marked Union Exhibit 255.

14 A. Okay.

15

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

18

19 BY ATTORNEY SHARMA:

20 Q. Tell me if you recognize that. Do you
21 recognize that?

22 A. Yeah.

23 It's another page from the website I
24 guess. Yes.

25 Q. And is this essentially your Bio page?

1 A. Yes.

2 Q. Okay.

3 And turning to the second page of that
4 document under selected publications?

5 A. Yeah.

6 Q. Is that first one listed, the article we
7 were just talking about?

8 A. Yes.

9 Q. Any other articles on here that you
10 co-authored with graduate students?

11 A. Yes.

12 HEARING EXAMINER: Has an undergrad
13 ever published a paper in your field?

14 THE WITNESS: Yes.

15 HEARING EXAMINER: How many times?

16 THE WITNESS: In the overall - in my
17 lab? For my laboratory?

18 HEARING EXAMINER: Yeah.

19 As first author?

20 THE WITNESS: No. I have not had an
21 undergraduate as a first author.

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

24 THE WITNESS: Okay. That's - yeah.

25 So the answer to that question is no.

1 HEARING EXAMINER: Okay.

2 BY ATTORNEY SHARMA:

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

5 A. Okay.

6

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

9

10 BY ATTORNEY SHARMA:

11 Q. Do you recognize that?

12 A. Yes.

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

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

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

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

21 Is that correct?

22 A. Correct.

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

25 Is that -?

1 A. Yes. Yes. Correct.

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

4 Is that right?

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

7 ATTORNEY SHARMA: Correct.

8 HEARING EXAMINER: Okay.

9 ATTORNEY SHARMA: I am now
10 distributing Union Exhibit 258.

11 THE WITNESS: Okay.

12 ---

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

15 ---

16 BY ATTORNEY SHARMA:

17 Q. And do you recognize that?

18 A. Yes.

19 Q. What is that?

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

22 Q. Okay.

23 And if you'd turn to the second page.
24 Sorry. The third page.

25 A. The third page?

1 Q. It lists the grant support.

2 Is that correct?

3 A. Correct.

4 Q. And that grant that we've just been
5 looking at is the R01 grant that's listed here.

6 Is that correct?

7 A. The second one, yes.

8 Q. And this indicates that there was also
9 grant support that came from R03?

10 A. Uh-huh (yes).

11 Q. And a B30, correct?

12 A. Yes.

13 Q. None of those are training grants.
14 Right?

15 A. They are not training grants. No.

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

18 ATTORNEY DANTE: No objection.

19 HEARING EXAMINER: No objection?

20 ATTORNEY DANTE: No.

21 HEARING EXAMINER: They're admitted.

22 ---

23 (Whereupon, Petitioner's Exhibit 252, Appointment
24 Letter, was admitted.)

25 (Whereupon, Petitioner's Exhibit 253, Fact Book,

1 was admitted.)

2 (Whereupon, Petitioner's Exhibit 254, Webpage,
3 was admitted.)

4 (Whereupon, Petitioner's Exhibit 255, Bio Page,
5 was admitted.)

6 (Whereupon, Petitioner's Exhibit 256, Grant
7 Summary, was admitted.)

8 (Whereupon, Petitioner's Exhibit 257, Funded
9 Publications, was admitted.)

10 (Whereupon, Petitioner's Exhibit 258, PubMed
11 Search, was admitted.)

12 ---

13 ATTORNEY SHARMA: No further
14 questions.

15 HEARING EXAMINER: Well the -.

16 ATTORNEY DANTE: Just five minutes.

17 HEARING EXAMINER: The NIH - the NIH
18 ones are hearsay. But you don't have any problems
19 with it.

20 Right?

21 ATTORNEY DANTE: You can give it the
22 weight that you believe is appropriate.

23 HEARING EXAMINER: We've had a couple
24 hearsays.

25 All right. Redirect.

1 ATTORNEY DANTE: Can I have five
2 minutes?

3 HEARING EXAMINER: Yes.
4 Off the record.

5 ATTORNEY SHARMA: Thank you.

6 ---

7 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

8 ---

9 HEARING EXAMINER: All right. Back on
10 the record.

11 Redirect?

12 ---

13 REDIRECT EXAMINATION

14 ---

15 BY ATTORNEY DANTE:

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

20 A. Oh, yes.

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

23 A. No.

24 Q. Do all faculty - research faculty have
25 graduate students in their labs?

1 A. No.

2 Q. Are those faculty able to obtain funding
3 to conduct research without graduate students?

4 A. Yes.

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

7 A. Yes.

8 Q. When students are satisfying the teaching
9 requirement are they called TAs?

10 A. No. I mean their appointment is the
11 same.

12 Q. And that appointment could be as a
13 fellow?

14 A. It could be.

15 Q. It could be as a trainee?

16 A. Yes.

17 Q. It could be as a GSR?

18 A. Yes.

19 Q. And during that time during their -
20 they're teaching, are in a lab with students
21 learning instruction?

22 A. Yes, yes.

23 Q. And are they working with - are they with
24 a faculty in learning how to instruct in the course?

25 A. Yes.

1 Q. What other kinds of things are they doing
2 as part of that teaching assignment?

3 A. They're - they're helping the medical
4 students troubleshoot the lab. And we interpret the
5 results that they obtain in the lab class.

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

11 A. Yes.

12 Q. And that - did that include a training
13 grant?

14 A. At one point it did, yes.

15 Q. And so you were shown Union Exhibit U-58
16 - sorry, Union 258.

17 A. Yes.

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

21 A. Yeah.

22 At the time the paper was published she
23 was not funded on the training grant at that time.
24 She had that earlier. So it wouldn't have been
25 appropriate to include that. But it would be

1 included with the - with the annual update on that
2 training grant that was NIH.

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

6 A. Some of it was, yes.

7 Q. Okay.

8 ATTORNEY DANTE: I have nothing
9 further.

10 ATTORNEY SHARMA: No questions.

11 HEARING EXAMINER: All right.

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

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

16 ---

17 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

18 ---

19 HEARING EXAMINER: Back on the record.

20 ATTORNEY DANTE: Okay.

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

23 HEARING EXAMINER: Any objection?

24 ATTORNEY MANTOLILLO: No objection.

25 HEARING EXAMINER: Admitted.

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(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.

1 HEARING EXAMINER: All right.

2 We'll go of the record to - well, go
3 on.

4 ---

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

6 ---

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

15 HEARING EXAMINER: 123 through 182?

16 ATTORNEY FARMER: Yes.

17 ---

18 (Whereupon, Respondent's Exhibit 123, Webpage,
19 was marked for identification.)

20 (Whereupon, Respondent's Exhibit 124, Document,
21 was marked for identification.)

22 (Whereupon, Respondent's Exhibit 125, Document,
23 was marked for identification.)

24 (Whereupon, Respondent's Exhibit 126, Document,
25 was marked for identification.)

1 (Whereupon, Respondent's Exhibit 127, Document,
2 was marked for identification.)

3 (Whereupon, Respondent's Exhibit 128, Document,
4 was marked for identification.)

5 (Whereupon, Respondent's Exhibit 129, Document,
6 was marked for identification.)

7 (Whereupon, Respondent's Exhibit 130, Document,
8 was marked for identification.)

9 (Whereupon, Respondent's Exhibit 131, Document,
10 was marked for identification.)

11 (Whereupon, Respondent's Exhibit 132, Document,
12 was marked for identification.)

13 (Whereupon, Respondent's Exhibit 133, Document,
14 was marked for identification.)

15 (Whereupon, Respondent's Exhibit 134, Document,
16 was marked for identification.)

17 (Whereupon, Respondent's Exhibit 135, Document,
18 was marked for identification.)

19 (Whereupon, Respondent's Exhibit 136, Document,
20 was marked for identification.)

21 (Whereupon, Respondent's Exhibit 137, Document,
22 was marked for identification.)

23 (Whereupon, Respondent's Exhibit 138, Document,
24 was marked for identification.)

25 (Whereupon, Respondent's Exhibit 139, Document,

1 was marked for identification.)
2 (Whereupon, Respondent's Exhibit 140, Document,
3 was marked for identification.)
4 (Whereupon, Respondent's Exhibit 141, Document,
5 was marked for identification.)
6 (Whereupon, Respondent's Exhibit 142, Document,
7 was marked for identification.)
8 (Whereupon, Respondent's Exhibit 143, Document,
9 was marked for identification.)
10 (Whereupon, Respondent's Exhibit 144, Document,
11 was marked for identification.)
12 (Whereupon, Respondent's Exhibit 145, Document,
13 was marked for identification.)
14 (Whereupon, Respondent's Exhibit 146, Document,
15 was marked for identification.)
16 (Whereupon, Respondent's Exhibit 147, INSERT, was
17 marked for identification.)
18 (Whereupon, Respondent's Exhibit 148, Document,
19 was marked for identification.)
20 (Whereupon, Respondent's Exhibit 149, Document,
21 was marked for identification.)
22 (Whereupon, Respondent's Exhibit 150, Document,
23 was marked for identification.)
24 (Whereupon, Respondent's Exhibit 151, Document,
25 was marked for identification.)

1 (Whereupon, Respondent's Exhibit 152, Document,
2 was marked for identification.)

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

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

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

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

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

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

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

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

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

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

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

25 (Whereupon, Respondent's Exhibit 164, Document,

1 was marked for identification.)
2 (Whereupon, Respondent's Exhibit 165, Document,
3 was marked for identification.)
4 (Whereupon, Respondent's Exhibit 166, Document,
5 was marked for identification.)
6 (Whereupon, Respondent's Exhibit 167, Document,
7 was marked for identification.)
8 (Whereupon, Respondent's Exhibit 168, Document,
9 was marked for identification.)
10 (Whereupon, Respondent's Exhibit 169, Document,
11 was marked for identification.)
12 (Whereupon, Respondent's Exhibit 170, Document,
13 was marked for identification.)
14 (Whereupon, Respondent's Exhibit 171, INSERT, was
15 marked for identification.)
16 (Whereupon, Respondent's Exhibit 172, Document,
17 was marked for identification.)
18 (Whereupon, Respondent's Exhibit 173, Document,
19 was marked for identification.)
20 (Whereupon, Respondent's Exhibit 174, Document,
21 was marked for identification.)
22 (Whereupon, Respondent's Exhibit 175, Document,
23 was marked for identification.)
24 (Whereupon, Respondent's Exhibit 176, Document,
25 was marked for identification.)

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

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

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

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

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

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

13

14 HEARING EXAMINER: All right.

15 So the next witness - are you resting
16 then?

17 ATTORNEY FARMER: So then, yes.

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

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

22 ATTORNEY FARMER: Right.

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

25 HEARING EXAMINER: The next witness?

1 ATTORNEY KILBERT: The Union calls
2 Caitlin Schroering.

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

5

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

10

11 HEARING EXAMINER: Spell your name for
12 us?

13 THE WITNESS: Caitlin, C-A-I-T-L-I-N.
14 Schroering, S-C-H-R-O-E-R-I-N-G.

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

17

18 DIRECT EXAMINATION

19

20 BY ATTORNEY KILBERT:

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

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

25 Q. And what is your particular area of

1 scholarly focus?

2 A. Social events and the environmental
3 sociology.

4 Q. And what is the topic of your
5 dissertation?

6 A. Right to water movements in Brazil and
7 the United States.

8 Q. When did you first become a student at
9 the University?

10 A. In the Fall of 2015.

11 Q. So what year are you in now?

12 A. My fourth year.

13 Q. Okay.

14 I am going to hand you what's been marked
15 as Union Exhibit 259.

16 ---

17 (Whereupon, Petitioner's Exhibit 259, Fellowship
18 Appointment, was marked for identification.)

19 ---

20 BY ATTORNEY KILBERT:

21 Q. Can you please identify this document?

22 A. Yes.

23 It was my appointment - fellowship
24 appointment for my first year, 2015 to 2016.

25 ATTORNEY KILBERT: Union moves 259.

1 ATTORNEY FARMER: No objection.

2 HEARING EXAMINER: Admitted.

3 ---

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

6 ---

7 BY ATTORNEY KILBERT:

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

10 A. Yes.

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

13 A. Yes.

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

17 A. Yes. But I paid for it.

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

20 A. No.

21 Q. Did you perform any work for the
22 University?

23 A. No.

24 Q. What did you do during the fellowship?

25 A. I took core classes and studied.

1 Q. And did you pay any tuition during this
2 period?

3 A. No.

4 Q. Have you paid any tuition at the
5 University at any time during your program?

6 A. No.

7 Q. So I am going to -.

8 HEARING EXAMINER: Did the witness say
9 scholarship, Counselor, or fellowship? Oh, there it
10 is. Graduate fellow, in the first line?

11 ATTORNEY KILBERT: That is where it
12 says it, yes.

13 HEARING EXAMINER: This is for me when
14 I read this in two months.

15 ATTORNEY KILBERT: And -.

16 HEARING EXAMINER: I'm trying to tell
17 myself where it was.

18 ATTORNEY KILBERT: There are
19 references in the bottom part of the letter as well,
20 of arts and sciences graduate fellows, please
21 respond to this offer of fellowship.

22 HEARING EXAMINER: Okay.

23 So these aren't teaching fellows?

24 ATTORNEY KILBERT: That's correct.

25 HEARING EXAMINER: Okay. Go ahead.

1 BY ATTORNEY KILBERT:

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

4 ---

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

7 ---

8 BY ATTORNEY KILBERT:

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

11 A. Yes.

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

14 Q. And does it indicate in the Spring of
15 2017 you were being appointment as a GSA?

16 A. Yes.

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

19 A. Yes, I did.

20 ATTORNEY KILBERT: Union moves 260.

21 ATTORNEY FARMER: No objection.

22 HEARING EXAMINER: Admitted.

23 ---

24 (Whereupon, Petitioner's Exhibit 260, Appointment
25 Letter, was admitted.)

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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.

1 Jackie Smith is currently the editor. So I assisted
2 with everything from determining whether or not an
3 article was appropriate content-wise thematically
4 for the journal.

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

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

14 Q. What was involved in the publicity?

15 A. Mostly creating cards to hand out at the
16 American Physiological Association, as well as some
17 emails.

18 Q. During this assignment where did you work
19 physically?

20 A. There is a journal - an office - a shared
21 office in the department. I worked there.

22 Q. And who did you share the office with?

23 A. At the time it was another managing
24 editor for another journal that's housed in our
25 department.

1 Q. Was that person also a graduate - a GSA?

2 A. Yes.

3 Q. And you indicated that this office was
4 located in department of sociology. Are there other
5 offices nearby?

6 A. Yes, there are.

7 Q. Who's in those offices?

8 A. The closest ones? Faculty.

9 Q. So if you could walk me through a typical
10 day of your GSA work on this project? Where would
11 you go, what would you do, who would you interaction
12 with?

13 A. Well, I interact a lot with Dr. Smith.
14 There was a lot of back and forth communication that
15 needed to be done. A lot of times it was helpful to
16 have a double screen. So I'd work in the journal
17 office.

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

24 Q. So you indicated you were making sure
25 that people were getting things in as they were

1 supposed to. What did that process actually look
2 like in terms of what you did?

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

6 Q. And these are authors and reviewers?

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

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

12 A. Not at Pitt. Other institutions.

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

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

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

19 A. No.

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

23 A. Yes, I did.

24 Q. And what did that independent work
25 consist of?

1 A. At that stage it was still a lot of
2 course work and review writing. But I also did some
3 field work at a local group as well around
4 Bridgewater.

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

8 A. No.

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

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

14 HEARING EXAMINER: And were you
15 instructor of record?

16 THE WITNESS: I was.

17 BY ATTORNEY KILBERT:

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

21 A. Yes.

22 Q. How were you compensated?

23 A. It was through funding that Dr. Smith
24 found through the American Sociological Association.
25 So external to the University.

1 Q. Were you paid on an hourly basis or on a
2 salary basis?

3 A. It was not hourly.

4 HEARING EXAMINER: Did you get a
5 paycheck?

6 THE WITNESS: I did. And I got a W-2.

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

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

11 HEARING EXAMINER: Okay. Go ahead.

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

15

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

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

20

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

1 Is that right?

2 THE WITNESS: That is correct.

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

6 HEARING EXAMINER: To the best of your
7 knowledge?

8 THE WITNESS: To the best of my
9 knowledge. And that also applies to the summer
10 before as well. So summer of 2015 and summer of
11 2017 for the journal.

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

14 THE WITNESS: I was not.

15 HEARING EXAMINER: Go ahead, sir.

16 Thank you.

17 BY ATTORNEY KILBERT:

18 Q. Okay.

19 So could you please identify Union
20 Exhibit 261 or 261?

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

24 Q. So did you accept both of there
25 appointments?

1 A. Yes, I did.

2 ATTORNEY KILBERT: Union moves 261 and
3 262.

4 ATTORNEY FARMER: No objection.

5 HEARING EXAMINER: Admitted.

6 ---

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

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

11 ---

12 BY ATTORNEY KILBERT:

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

15 A. Dr. Suzanne Staggenborg.

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

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

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

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

24 Q. And continuing through the present?

25 A. Right, right.

1 Q. And so what have you primarily worked on
2 with Dr. Staggenborg?

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

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

11 A. Dr. Staggenborg.

12 Q. Will you be listed as an author?

13 A. No.

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

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

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

23 A. In this case, no.

24 Q. Right.

25 Understanding that in other appointments

1 you might have had.

2 A. Correct.

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

5 A. Yes.

6 Q. And what courses did you assist her with?

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

10 Q. Were these undergraduate or graduate
11 courses?

12 A. Undergraduate.

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

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

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

20 A. No, it's a different office.

21 Q. Are there other offices around this
22 office?

23 A. Yes.

24 Q. Who occupies those offices?

25 A. In one direction, faculty. And in other

1 direction post-Docs and grad students.

2 Q. So what are you doing for Dr. Staggenborg
3 presently?

4 A. Well, I'm continuing to work with TA type
5 work. And there will be some more work with the
6 book manuscript, with appendices, references, et
7 cetera. And then we recently have started on a
8 paper project.

9 Q. And when did you start on this paper
10 project?

11 A. This semester.

12 Q. And whose idea was this paper project?

13 A. Dr. Staggenborg.

14 Q. And what are you doing for this paper
15 project?

16 A. So she has a lot of data from the book
17 project on a particular case that wasn't included.
18 And so I'm looking through that for what would be
19 applicable for our project. It's going to be a
20 comparative case. So I'm also doing some fieldwork
21 of my own for the other case. And it will be
22 those - those two that are included.

23 Q. So on average over the course of the time
24 that you've been working as a GSA for Dr.
25 Staggenborg, about how many hours per week have you

1 been working on your GSA duties?

2 A. About an average of 12 to 15 hours.

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

5 A. No.

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

10 A. Yes, I have.

11 Q. And what has that work consisted off?

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

16 ATTORNEY KILBERT: Nothing further.

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

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

21 HEARING EXAMINER: Okay.

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

24 ATTORNEY FARMER: Yes.

25 HEARING EXAMINER: All right.

1 Off the record. We'll get you out of
2 here by then.

3 THE WITNESS: Thank you. I appreciate
4 it.

5

6 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

7

8 HEARING EXAMINER: We're back on the
9 record.

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

12 THE WITNESS: I was a TF the summer of
13 2017.

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

16 THE WITNESS: Correct.

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

19 HEARING EXAMINER: Yeah.

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

23 HEARING EXAMINER: But it was in a
24 similar form to those other letters that have been
25 presented?

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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.

1 Q. Okay.

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

4 Is that right?

5 A. Yes.

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

8 A. Yes.

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

12 A. Yes.

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

17 Q. What course did you teach?

18 A. Globalization.

19 Q. And what was globalization about?

20 A. It was a very comprehensive, broad
21 general course. So there's vary definitions of
22 globalization and ways of understanding it. And we
23 studied all of those from a sociological
24 perspective. And studied concepts around
25 globalization and respective of globalization from

1 countries outside of the U.S. as well.

2 Q. How did that course that you taught get
3 selected?

4 A. I honestly don't know.

5 Q. Did you express a preference or anything
6 like that?

7 A. I believe that they gave us a sheet with
8 various courses. And we could give a preference.
9 But we weren't guaranteed to get our preference.

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

13 A. Yes.

14 Q. Who was that?

15 A. Melanie Hughes.

16 Q. And she's the director of graduate
17 studies for the department?

18 A. Yes.

19 Q. And what interactions did you have with
20 her related to your teaching?

21 A. We met at the beginning before I started
22 teaching. She reviewed my service. And on the last
23 day of class she observed me.

24 Q. And you get evaluated every year for your
25 progress in the program.

1 Is that right?

2 A. Yes.

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

6 Is that right?

7 A. Yes. In my most recent evaluation.

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

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

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

14 Right?

15 A. Yes.

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

18 A. No.

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

21 A. Yes.

22 Q. So teaching would be part of that.

23 Right?

24 A. Yes, in most cases.

25 Q. And when you go on the job market for an

1 academic job in sociology, showing that you have
2 teaching experience will be important.

3 Right?

4 A. It depends.

5 Q. So what does it depend on?

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

10 Q. But some teaching experience would be
11 important.

12 Right?

13 A. Yes, in some situations.

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

16 A. Yes.

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

19 A. Of course.

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

22 Q. Okay.

23 It takes a while?

24 HEARING EXAMINER: So - I'm sorry.

25 ATTORNEY FARMER: Go ahead.

1 HEARING EXAMINER: Under review means
2 it's been submitted to a journal?

3 THE WITNESS: Correct.

4 HEARING EXAMINER: Okay. Go ahead.

5 BY ATTORNEY FARMER:

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

8 A. Correct.

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

11 A. Yes.

12 Q. Have you presented at conferences?

13 A. Yes, I have.

14 Q. In fact, you did two in 2018.

15 Is that right?

16 A. That sounds right.

17 It might have been three.

18 Q. Okay.

19 And in one of those conferences you
20 presented with Dr. Smith and Dr. Hughes.

21 Is that right?

22 A. On that paper, yes.

23 Q. Okay.

24 How did that come about?

25 A. I was asked by them if I was interested

1 in joining this collaborative project. There's
2 other grad students on it as well. And I said yes,
3 and had been added on it as the fifth research
4 person.

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

8 Is that the way it works?

9 A. Generally speaking.

10 Q. Okay.

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

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

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

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

20 A. No.

21 Q. Are you getting academic credit?

22 A. No.

23 Q. And what is the topic?

24 A. It's transnational social movement.

25 Q. So is that something - is this paper

1 going to make its way into your dissertation?

2 A. No, it will not.

3 Q. And you said you presented - and oh,
4 actually before I do that. How did you get to the
5 conference?

6 A. This year? I drove.

7 Q. And where was that conference where you
8 presented that paper?

9 A. Philadelphia.

10 Q. And you said you presented at one or two
11 others this year as well?

12 A. Correct.

13 Q. And where were they?

14 A. I presented at a conference in Lexington,
15 Kentucky. And I presented at a conference in Santa
16 Barbara, California. And at a conference in San
17 Diego, California. But it was not - that was solo
18 authored work.

19 Q. And how - how did you get funding to get
20 to those conferences?

21 A. Different sources.

22 Q. Meaning through the department?

23 A. In two cases, yes. But in one case the
24 conference I was presenting at, they provided
25 funding.

1 Q. Okay.

2 And so one of those you said was in San
3 Diego?

4 A. Correct.

5 Q. Is that right?

6 That was in - or I'm sorry, Santa
7 Barbara. That was in March?

8 A. Yes.

9 Q. Is that right?

10 And what did you present on?

11 A. I presented on kind of the beginning of
12 the overview for my dissertation. So broadly
13 speaking looking at the right to water movements in
14 Brazil and the U.S. And I honestly don't remember
15 the specific title.

16 Q. That's fine.

17 Why did you present at these conferences?

18 A. Again, to get feedback on work and
19 interact with scholars from outside of the
20 department.

21 Q. Is it also important for your CV, to show
22 that you've been doing these kinds of presentations?

23 A. Yeah, it can be.

24 Q. So let's talk about the GSAs. You said
25 in the Spring of 2017 and it sounded like some

1 summers you are involved with this Journal of Worlds
2 Systems, you said?

3 A. Yes.

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

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

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

16 A. Yes.

17 Although you can look at things
18 transnational without a world systems lens.

19 Q. Okay.

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

22 A. Well, Dr. Smith needed someone and
23 approached me. I believe she also knew that I had
24 some work in - in a journal from before in my time
25 here at Pitt. So I have some expertise in that.

1 And it would be useful.

2 Q. Okay.

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

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

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

8 A. I don't believe so.

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

13 A. Sure.

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

17 Right?

18 A. Yes.

19 Q. Communicate with authors?

20 A. Yes.

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

23 A. Yes.

24 Q. So all of that is helpful when you're
25 preparing your own publications for peer review,

1 isn't it?

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

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

7 Right?

8 A. Yes.

9 Q. Okay.

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

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

14 Q. Okay.

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

17 A. Yes.

18 Q. All right.

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

22 A. Yes.

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

25 Is that right?

1 A. Correct.

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

5 A. Not a book manuscript.

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

8 A. Maybe.

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

14 A. Yes.

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

17 A. Correct.

18 Q. - on this?

19 What's the case study about?

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

22 Q. Just generally.

23 A. It's two environmental groups.

24 Q. Okay.

25 So one that you've been doing fieldwork

1 with and one that she did fieldwork with?

2 A. Yes.

3 Q. Okay.

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

7 Is that right?

8 A. Correct.

9 Q. Okay.

10 And then you'll be drafting the
11 publication together?

12 A. Correct.

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

15 A. Yes.

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

18 A. I believe that is our plan.

19 Q. Do you have a faculty advisor?

20 A. Yes.

21 Q. Who is that?

22 A. It is Dr. Staggenborg.

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

25 A. At the moment, yes.

1 Q. Okay.

2 When did she become your faculty advisor?

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

4 Q. Okay.

5 How did that come about?

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

9 Q. Uh-huh (yes).

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

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

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

18 Q. Okay.

19 So what kinds of things do you discuss
20 with her?

21 A. In the context of my GSA or -?

22 Q. In the context of her being your advisor?

23 A. Well, we discuss supervised feedback on
24 my overview. And we discuss, you know, the
25 checklist on that. But it's pretty much self-

1 motivated in that particular area.

2 Q. Do you discuss your career goals with
3 her?

4 A. Not really.

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

7 A. I assume so.

8 Q. Just one second.

9 ATTORNEY FARMER: I have nothing
10 further. Thank you.

11 HEARING EXAMINER: Redirect?

12 ATTORNEY KILBERT: One moment.

13 Nothing from us.

14 HEARING EXAMINER: All right.

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

17 THE WITNESS: Am I free to leave here?

18 HEARING EXAMINER: Yes.

19 Another witness?

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

23 HEARING EXAMINER: Yeah.

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

25 ATTORNEY HEALEY: Okay.

1 HEARING EXAMINER: Unless anyone
2 needs, really, lunch. Does anyone need to go eat
3 lunch?

4 ATTORNEY HEALEY: No.
5 Can I just have a two minute break?

6 HEARING EXAMINER: Off the record.

7 ---

8 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

9 ---

10 HEARING EXAMINER: We're back on the
11 record.

12 Raise your right hand for me, sir.

13 ---

14 RAHUL AMRUTHAPURI,
15 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
16 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
17 FOLLOWS:

18 ---

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

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

25 HEARING EXAMINER: We're moving quick.

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DIRECT EXAMINATION

BY ATTORNEY HEALEY:

Q. Could you state your name please?

A. Rahul Amruthapuri. R-A-H-U-L,
A-M-R-U-T-H-A-P-U-R-I.

Q. Okay.

And do you mind if I call you Rahul?

A. Yeah. That's fine.

Q. Thank you.

Where are you currently enrolled?

A. I am enrolled in the department of rehab
sciences.

Q. Okay.

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.

1 Now what I'd like to do is go through
2 your different appointments and appointment letters.

3 A. Uh-huh (yes).

4 Q. I'm going to show you what's been marked
5 as Union Exhibit 263.

6

7 (Whereupon, Petitioner's Exhibit 263, Appointment
8 Letter, was marked for identification.)

9

10 BY ATTORNEY HEALEY:

11 Q. And could you tell us what Union Exhibit
12 263 is?

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

15 Q. Okay.

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

18 A. Yes, I did.

19 Q. Okay.

20 A. I believe I did.

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

23 A. Yes.

24 Q. Okay.

25 So - and this appointment letter, what

1 was your appointment as? What were you?

2 A. I was appointed as a graduate student
3 researcher.

4 Q. Okay.

5 And it provided some tuition coverage?

6 A. Yes.

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

10 Q. Okay.

11 And did you also receive health insurance
12 coverage.

13 A. Yes, I did.

14 Q. Okay.

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

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

20 Q. Okay.

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

23 A. So the journal club is a space for people
24 from the University to discuss an issue. So it
25 specifically was people came and presented an

1 article, it generated a discussion based on that.

2 Q. Okay.

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

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

7 Q. Okay.

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

10 ---

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

13 ---

14 BY ATTORNEY HEALEY:

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

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

20 Q. Okay.

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

23 A. Uh-huh (yes).

24 Q. What is that document?

25 A. So that is my appointment letter for the

1 Spring of 2018.

2 Q. And it references a Dr. Noble Maseru.

3 A. Uh-huh (yes).

4 Q. What work were you doing with him?

5 A. So I continued organizing all the journal
6 clubs. And also that was - and also I was
7 contributing to the side interview, which is
8 mentioned in here.

9 Q. Is that in the first paragraph?

10 A. Yes, it is.

11 Q. Okay.

12 And it indicates documental course,
13 introduction to applied research?

14 A. Yes.

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

19 Q. Okay.

20 And let's go to -.

21 HEARING EXAMINER: Just wait one
22 minute for her to catch up. You're good? Okay.

23 ATTORNEY HEALEY: Do you need to catch
24 up?

25 HEARING EXAMINER: No. I'm good.

1 ATTORNEY HEALEY: Okay.

2 BY ATTORNEY HEALEY:

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

5 A. Uh-huh (yes).

6 Q. That describes the GSR assignments in
7 general.

8 Is that correct?

9 A. Yes, it does.

10 Q. Okay.

11 It references at one point whether - it
12 talks about whether your GSR assignments is integral
13 to your dissertation - or not related to the
14 dissertation - what the requirements are.

15 Do you see that?

16 A. Uh-huh (yes).

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

19 A. No, it wasn't.

20 Q. Okay.

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

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

25 Q. And in this academic year do you recall

1 approximately how many hours you were working on the
2 journal club and also the course with the professor?

3 A. Close to 20 hours per week.

4 Q. Okay.

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

8 A. No.

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

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

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

16 ---

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

19 ---

20 BY ATTORNEY HEALEY:

21 Q. And could you tell us what Union Exhibit
22 265 is for the record, please?

23 A. It is the teaching appointment - teaching
24 assistant appointment for this term of the Fall of
25 2018.

1 Q. Okay.

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

4 Is that correct?

5 A. That's true.

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

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

17 Q. Okay.

18 And you indicate you hold office hours?

19 A. Uh-huh (yes).

20 Q. Where do you hold office hours?

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

25 Q. Okay.

1 Q. And it's part of the handbook.

2 Is that correct?

3 A. Yes, it is.

4 Q. Okay.

5 And just - just for the record do these
6 excerpts from the handbook starting on page 64, deal
7 with graduate student researchers?

8 A. Yes, it does.

9 Q. Now sir, I want to come back to a couple
10 of other things. How long has the program here?

11 A. Five years.

12 Q. Okay.

13 And for how long do you have guaranteed
14 funding in the program?

15 A. For two years.

16 Q. Okay.

17 And you had the guaranteed funding for
18 the first two years.

19 Is that correct?

20 A. Yes.

21 Q. So how did you secure the TA appointment?

22 A. So there is a professor who was looking
23 out for a student teaching assistant. She had
24 reached out to me, asking if I would be interested.
25 And I expressed my interest. And that's how I

1 became to be appointed as a teaching assistant.

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

5 A. We currently have a manuscript under
6 review.

7 Q. Okay.

8 And when you say we, who's we?

9 A. My advisor, Dr. Patricia Documet.

10 Q. Okay.

11 What's your advisor's name again?

12 A. Patricia Documet.

13 Q. Okay.

14 And what is the topic of that
15 publication?

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

18 Q. Okay.

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

21 A. No, it doesn't.

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

24 HEARING EXAMINER: All right.

25 We'll go off the record.

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(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.

1 Q. Okay.

2 A. I think there are presently three.

3 Q. And there are differences between a DRPH
4 program and PhD program.

5 Is that right?

6 A. Yes.

7 Q. I'm going to show you what I've marked as
8 R-191 from the program's website.

9 ---

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

12 ---

13 BY ATTORNEY DANTE:

14 Q. Are you familiar with this document?

15 A. Could you tell me what is the source of
16 this document?

17 Q. It's from your program's website.

18 A. Okay.

19 Q. So there are differences between the two
20 degrees.

21 Right?

22 A. Uh-huh (yes).

23 Q. Why did you choose to pursue a DRPH
24 instead of a PhD?

25 A. Because I am more interested in public

1 health practice.

2 Q. So what does that mean in terms of what
3 you want to do when you graduate?

4 A. My plan is to go back to India and work
5 there. So most likely I would work with a
6 non-profit there.

7 Q. On Direct Examination, you mentioned that
8 there are only two years of guaranteed funding?

9 A. Uh-huh (yes).

10 Q. Do you remember that?

11 A. Yes.

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

14 Right?

15 A. True.

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

19 Do you recall that? That's not in front
20 of you.

21 A. Okay.

22 Q. Your admission letter into the program.

23 A. Yes. Uh-huh (yes).

24 Q. And it told you that you should have
25 other funding in place. Do you remember that?

1 A. Probably. I would have to look into it.

2 Q. Okay.

3 You submitted a personal statement with
4 your application into the program.

5 Right?

6 A. Uh-huh (yes).

7 Q. And in that personal statement you
8 described your passions as teaching research and
9 working with the community.

10 Right?

11 A. True.

12 Q. And you came to Pitt to conduct research.

13 Right?

14 A. As part of my program, yes.

15 Q. And as part of your program, you also
16 came to Pitt to teach.

17 Right?

18 A. Not necessarily.

19 Q. And - but you mentioned that teaching is
20 one of your passions.

21 Right?

22 A. Yes.

23 But teaching not in the context of an
24 academic setting. Before I came here, I was working
25 with a non-profit in India where we were training

1 people outside of an academy setting. So that was
2 mainly for as practice nurses. So once I go back to
3 India, I will probably be involved in something like
4 that as well, not in an academic setting.

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

8 Right?

9 A. Yes.

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

12 Right?

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

16 Q. Okay.

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

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

1 think two students from the school of law.

2 Q. Okay.

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

6 Right?

7 A. Yeah.

8 Q. Okay.

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

12 A. Uh-huh (yes).

13 Q. And faculty such as Dr. Documet.

14 Right?

15 A. Uh-huh (yes).

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

18 A. Yes.

19 Q. Okay.

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

22 Right?

23 A. Yes.

24 Q. And Dr. Documet is your advisor.

25 Right?

1 A. Sure.

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

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

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

10 Correct?

11 A. Uh-huh (yes).

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

15 Right?

16 A. Yes.

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

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

24 Q. Okay.

25 And you were not paid to do what you just

1 described.

2 Right?

3 A. No. Not in the typical sense.

4 Q. What do you mean by that?

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

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

8 A. Uh-huh (yes).

9 Q. And that - when did you do this work?

10 A. Over the course of Spring - probably Fall
11 of 2017 and Spring 2018.

12 Q. Okay.

13 And that is when you were appointed as a
14 GSR?

15 A. Uh-huh (yes).

16 Q. Okay.

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

19 HEARING EXAMINER: Off the record.

20 ---

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

22 ---

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

25 ---

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

3 ---

4 ATTORNEY FARMER: And we have one.

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

8 ATTORNEY HEALEY: Oh I thought -.

9 ATTORNEY FARMER: She said she was on.

10 HEARING EXAMINER: Oh?

11 ATTORNEY FARMER: Right?

12 COURT REPORTER: Yes.

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

15 HEARING EXAMINER: Well, I'm glad.

16 BY ATTORNEY DANTE:

17 Q. Okay.

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

21 A. Sure.

22 Q. Let me know once you're there.

23 Are you there?

24 A. Uh-huh (yes).

25 Q. Under number one, I see core competencies

1 for the DRHD. Do you see that?

2 A. Yes.

3 Q. And you're hoping to achieve these
4 competencies throughout the course of your program.

5 Right?

6 A. Yes.

7 Q. And if you could turn to page 23 of the
8 handbook. At the top there is a category, title
9 communications. Do you see that?

10 A. Yes.

11 Q. And so you're aware that the development
12 of communications is also a fundamental component of
13 the DRPH program.

14 A. Yes.

15 Q. And that's also something that you're
16 hoping to accomplish during the course of your
17 program here.

18 Right?

19 A. Yes.

20 Q. Have you selected your dissertation topic
21 yet?

22 A. Not at the present time.

23 Q. Have you started to conduct some research
24 that you hope will turn into your dissertation?

25 A. No.

1 I would be - I am currently preparing for
2 my competency examination.

3 Q. Okay.

4 A. And I have received a scholarship from
5 the University, which is for international students.

6 And I plan to go to India to conduct my
7 dissertation research.

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

11 A. That's right.

12 Q. What's that?

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

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

18 A. That's true.

19 Q. And then conduct the analysis of the
20 data?

21 A. Uh-huh (yes).

22 Q. And then hopefully maybe publish on that
23 data?

24 A. Probably.

25 Q. And then ultimately drop your

1 dissertation based on that research?

2 A. That's true.

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

6 A. Yes.

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

10 A. Uh-huh (yes).

11 Q. - for the other. Do you remember that?

12 Let me show you what I've marked as R-192
13 and R-193.

14 A. Uh-huh (yes).

15 ---

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

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

20 ---

21 BY ATTORNEY DANTE:

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

24 A. Yes, I do.

25 Q. And are those - this is the complete set

1 of your appointment letters for those terms?

2 A. That should be it.

3 Q. Okay.

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

7 A. Yes.

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

9 ---

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

12 ---

13 BY ATTORNEY DANTE:

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

16 A. Yes, I do.

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

19 A. 263?

20 Q. Yeah.

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

23 A. Yes.

24 Q. Okay.

25 Do you have both of those in front of

1 you?

2 A. Yes, I do.

3 Q. And so R-193, which is dated on August
4 5th, superseded Union Exhibit 263.

5 Right?

6 A. Yes.

7 ATTORNEY DANTE: I have nothing
8 further.

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

11 ATTORNEY HEALEY: Just give me a
12 minute.

13 HEARING EXAMINER: Off the record.

14 ---

15 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

16 ---

17 HEARING EXAMINER: Sir, you may step
18 down.

19 Any motions?

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

22 ATTORNEY HEALEY: And I would like to
23 move -.

24 HEARING EXAMINER: Hold on.

25 ATTORNEY HEALEY: Okay. I'm sorry.

1 Letter, was admitted.)

2 (Whereupon, Petitioner's Exhibit 265, TA

3 Appointment, was admitted.)

4 (Whereupon, Petitioner's Exhibit 266, Handbook

5 Excerpts, was admitted.)

6 (Whereupon, Petitioner's Exhibit 267, Handbook,
7 was admitted.)

8 ---

9 HEARING EXAMINER: 123 through 182,
10 have you looked at them yet?

11 ATTORNEY MANTOLILLO: No, we're going
12 to have to take a break.

13 HEARING EXAMINER: Okay.

14 We're off the record.

15 ---

16 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

17 ---

18 HEARING EXAMINER: Back on the record.

19 Call your next witness?

20 ATTORNEY KILBERT: Union calls David
21 McCoy. The Union calls David McCoy.

22 ATTORNEY FARMER: This is why you
23 can't take lunch breaks. Everyone loses focus.

24 HEARING EXAMINER: Raise your right
25 hand for me.

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DAVID MCCOY,
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.

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

HEARING EXAMINER: Go ahead, sir.

DIRECT EXAMINATION

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?

1 A. My fourth year.

2 Q. Have you had a stipend and fellowship
3 while a PhD student at Pitt?

4 A. Yes.

5 Q. And when did you receive a stipend and
6 fellowship?

7 A. In the first year of my PhD.

8 Q. And what was the length of that
9 fellowship?

10 A. Two semesters.

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

13 A. Yes.

14 Q. And during that fellowship, were you
15 enrolled in the university-sponsored health
16 insurance plan?

17 A. No.

18 Q. And during that fellowship, did you
19 perform teaching or grading work for the University?

20 A. No.

21 Q. Did you perform any other work for the
22 University?

23 A. No.

24 Q. What did you do during that fellowship?

25 A. I took four classes per semester.

1 Q. And did you pay any tuition during that
2 year?

3 A. No.

4 Q. Have you ever paid tuition for the
5 University?

6 A. No.

7 Q. I am going to come around with a series
8 of documents marked Union 268, 269 and 270.

9

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

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

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

16

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

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

21 ATTORNEY FARMER: Okay.

22 BY ATTORNEY KILBERT:

23 Q. Mr. McCoy, could you take a look at these
24 documents and identify them for us please?

25 A. These are my contracts for my research

1 assistantship from Fall 2016 through the Spring -
2 I'm sorry, Fall 2017.

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

5 A. This is for Fall of 2016.

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

8 Is that correct?

9 A. No, that's a typo.

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

12 A. Yes.

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

15 A. Yes.

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

18 A. Yes.

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

21 A. Yes.

22 Q. Return to Union Exhibit 270.

23 What semester was that for?

24 A. This is for Fall of 2017.

25 Q. So the dates at the top, August 4th,

1 2016, is that date correct?

2 A. Yeah.

3 Q. Did you accept the GSA appointment
4 described in Union 270?

5 A. Yes.

6 Q. Did you receive the benefits and
7 compensation described in that letter?

8 A. Yes.

9 ATTORNEY KILBERT: Union moves 268,
10 269 and 270.

11 ATTORNEY FARMER: No objection.

12 HEARING EXAMINER: Admitted.

13 ---

14 (Whereupon, Petitioner's Exhibit 268, Appointment
15 Letter, was admitted.)

16 (Whereupon, Petitioner's Exhibit 269, Appointment
17 Letter, was admitted.)

18 (Whereupon, Petitioner's Exhibit 270, Appointment
19 Letter, was admitted.)

20 ---

21 BY ATTORNEY KILBERT:

22 Q. Who did you work with these appointments?

23 A. It was I worked with Perez-Linan and the
24 Latin American research review.

25 Q. And who is Mr. Linan - or Dr. Linan?

1 A. He - he was a professor in the political
2 science department. He has since been moved to -.

3 Q. And you mentioned the Latin American
4 Research Review, is that abbreviated LARR?

5 A. Correct.

6 Q. Now what is the Latin American Research
7 Review?

8 A. It's an academic journal - an
9 interdisciplinary academic journal that produces
10 research on topics in Latin America.

11 Q. And who is it published by?

12 A. The University of Pittsburgh.

13 Q. And I see that both 270 and 268 talk
14 about the Center for Latin American studies in that
15 first bullet point. Do you see that?

16 A. Yes.

17 Q. What is the Center for Latin American
18 Studies?

19 A. It's an institution on Pitt campus that
20 brings together scholarly research from different
21 disciplines related to Latin America.

22 Q. And what is Professor Linan's role or
23 what was it with LARR?

24 A. Editor chief.

25 Q. And what were your duties in general

1 during the period of the GSA appointments described
2 in these letters?

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

11 Q. So what other duties did you commonly
12 perform?

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

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

23 A. Yes.

24 Q. On Union Exhibit 268 and 270?

25 A. Yes. The log editor's blog.

1 Q. Okay.

2 What did you do with the blog?

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

10 Q. Did you write any blog entries yourself?

11 A. No.

12 Q. So turning to the second bullet point on
13 268 and 270. What did you do to help with identify
14 potential reviewers?

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

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

21 A. Correct.

22 Q. Who were the section editors?

23 A. These are professors at universities
24 around Latin America who are the editors of the
25 economic section, the sociology section of the

1 journal, for example.

2 Q. So after you passed the list, then would
3 you do anything further in that process?

4 A. No.

5 Q. They did something with the list,
6 presumably?

7 A. They would send it off and ask --- they
8 would invite the reviewers to review the manuscript.

9 Q. And looking at the third bullet point,
10 which is actually on the second page of 268 and 270,
11 what statistics did you compile for the journal?

12 A. I think this is referring to that report
13 that I would produce every week that would tell Dr.
14 Linan which manuscripts were behind schedule.

15 Q. And so looking at the fourth bullet point
16 you --- that indicates that you were supposed to
17 provide additional research assistants for Dr.
18 Perez-Linan.

19 Is that correct?

20 A. Correct.

21 Q. And what research assistance did you
22 provide?

23 A. So just a few times - probably three or
24 four times during this whole period he would ask me
25 to produce a literature view on a topic. For

1 example, electoral compensation or something that he
2 was working on.

3 Q. And what were those literature reviews
4 used for?

5 A. He used them, presumably. I never - I
6 never found out what they were used for. But I
7 assumed that he used them for the research projects
8 that he was working on.

9 Q. Did you utilize them for any of your own
10 research?

11 A. No.

12 Q. During this assignment where were you
13 physically located when you were working?

14 A. For the most part I just did this at
15 distance. So I'd usually be at the library or my
16 house. Just wherever I wanted, basically.

17 Q. And on average over the course of these
18 appointments about how many hours per week were you
19 working on GSDA duties?

20 A. I would say usually between 15 and 20
21 hours per week.

22 Q. And in addition to Dr. Perez-Linan and
23 the section editors who you referred to, were you
24 working with anybody else?

25 A. No.

1 Q. Did these duties during these
2 appointments result in your name being included as
3 an author on any publications?

4 A. No.

5 Q. Were these duties related to your
6 dissertation?

7 A. No.

8 Q. Are these duties related to other
9 publications that you worked on as an author?

10 A. No.

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

14 A. Yes.

15 Q. And what did that work consist of?

16 A. Just kind of preparing these three papers
17 that I intend to use for my dissertation. And you
18 know, just preparing the research. And I've
19 presented some at conferences.

20 Q. All right.

21 I am going to hand out a document that's
22 been marked Union Exhibit 271.

23 ---

24 (Whereupon, Petitioner's Exhibit 271, Appointment
25 Letter, was marked for identification.)

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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.

THE WITNESS: Right, right. Sorry. 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.

1 Q. And did this work relate to your
2 dissertation?

3 A. No, not really.

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

5 THE WITNESS: Correct.

6 HEARING EXAMINER: Thank you.

7 BY ATTORNEY KILBERT:

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

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

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

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

23 A. So a part of it was - so for example, for
24 the Morgenstern it was - it would be we would find a
25 paper and it was similar to the paper that we were

1 working on. And then we would go and find the data
2 that they used. And I would put it in spreadsheets
3 and I would try to run the same statistical analysis
4 that they did.

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

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

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

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

23 A. Correct.

24 Q. And where physically were you working
25 during the semester on these duties?

1 A. Usually at - just at my house and the
2 library.

3 Q. And did these duties result in your name
4 being included as an author on any publications?

5 A. No.

6 Q. Approximately how many hours per week
7 were you working on average on these duties during
8 the term of the GSA appointment?

9 A. Between 15 and 20 hours per week.

10 Q. And you may have already addressed this
11 just to be clear so the record is clear. Were these
12 duties related to your dissertation work?

13 A. No.

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

17 A. Yes.

18 Q. What did that work consist of?

19 A. I continued to work on these three paper
20 topics and related to my dissertation. And
21 presented I think a couple of them in conferences.

22 Q. All right.

23 I am going to distribute what has marked
24 as Union Exhibit 272.

25

1 (Whereupon, Petitioner's Exhibit 272, Appointment
2 Letter, was marked for identification.)

3 ---

4 BY ATTORNEY KILBERT:

5 Q. So please review that document and
6 identify it if you can.

7 A. So this is the contract for my research
8 assistantship in the Fall of 2018. And my teaching
9 in the Spring of 2019.

10 Q. So you are currently a GSA?

11 A. Correct.

12 Q. Did you accept this - these appointments?

13 A. Yes.

14 Q. And was your compensation and benefits as
15 described in the letter.

16 A. Yes.

17 ATTORNEY KILBERT: Union moves 272.

18 ATTORNEY FARMER: No objection.

19 HEARING EXAMINER: Admitted.

20 ---

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

23 ---

24 BY ATTORNEY KILBERT:

25 Q. So what is your assignment as a GSA in

1 the Fall of 2018 semester?

2 A. I work with two professors.

3 Q. What two professors?

4 A. Michael MacKenzie and Ron Linden.

5 Q. So this is the same Professor MacKenzie
6 you had worked for previously?

7 A. Correct.

8 Q. What are you doing for Professor
9 MacKenzie this semester?

10 A. Some of the same work. So I am helping
11 him with a research project of his that looks at
12 Canadian legislatures and the quality of
13 deliberation. And then I continued to be putting in
14 these hundreds of references in the software.

15 Q. And Professor Linden?

16 A. Uh-huh (yes).

17 Q. What were you doing for Professor Linden?

18 A. He's working on a project that is
19 investigating Chinese foreign direct investment in
20 European countries. And so, you know, I just kind
21 of help him compile data and produce sort of charts
22 and things that he'll use in his research.

23 Q. And where are you getting the data that
24 you're compiling?

25 A. They come from usually economic

1 institutions. Data that they have collected and
2 made public.

3 Q. And during this assignment where have you
4 been working?

5 A. At - at home, in the library mostly.

6 Q. And about how many hours per week have
7 you been working on GSA duties this semester?

8 A. About 20 hours a week.

9 Q. Will these duties result in your name
10 being included as an author on any publication?

11 A. I don't think so.

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

14 A. Yes.

15 Q. Independent of your GSA duties?

16 A. Correct.

17 Q. And what does that work presently consist
18 of?

19 A. So I'm kind of moving forward with those
20 - the topics that are relevant to my dissertation.
21 And now I'm preparing my dissertation review.

22 ATTORNEY KILBERT: Nothing further.

23 HEARING EXAMINER: Would you like some
24 time?

25 ATTORNEY FARMER: Yes, please.

1 HEARING EXAMINER: Off the record.

2 ---

3 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

4 ---

5 HEARING EXAMINER: Back on the record
6 with Cross Examination.

7 ATTORNEY FARMER: Thank you.

8 ---

9 CROSS EXAMINATION

10 ---

11 BY ATTORNEY FARMER:

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

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

16 Q. So you want to be an academic?

17 A. Yes.

18 Q. At a research institution like Pitt?

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

20 Q. Okay.

21 Why did you choose Pitt?

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

25 Q. Good reason.

1 So you're at - your area of interest is
2 Latin American politics.

3 Is that right?

4 A. So actually I would say --- the research
5 is in Brazil because they have these local
6 participatory institutions.

7 Q. Okay.

8 A. But it's more - it's more related to
9 these like local participatory institutions than it
10 is to Latin American politics generally.

11 Q. Okay.

12 Did you get a Master's degree before you
13 came to Pitt?

14 A. Yes.

15 Q. Where was that?

16 A. That was in Duke.

17 Q. And what was it in?

18 A. In Latin American studies.

19 Q. And have you passed your comprehensive
20 exam?

21 A. Yes.

22 Q. And when was that?

23 A. In August.

24 Q. Of this year?

25 A. Uh-huh (yes).

1 Q. Congratulations.

2 A. Thanks.

3 Q. So you said you're working your
4 dissertation overview.

5 Is that right?

6 A. Correct.

7 Q. Can you explain what that is?

8 A. So before - before on all the
9 dissertation.

10 Q. Uh-huh (yes).

11 A. The next step is to have this
12 dissertation overview approved. So I - basically I
13 just outline the project under the advice of my - of
14 some advisors. And then I put it into like a paper
15 format and then they approve it. And I defend it
16 when they approve.

17 Q. And at that point you're just basically
18 what people approach as ABD, all the dissertation,
19 just working on your dissertation?

20 A. Correct.

21 Q. Okay.

22 So when do you anticipate having the
23 defense of your overview?

24 A. Potentially some - I'm not sure, to be
25 honest. But potentially, I don't know, maybe the

1 beginning of next semester.

2 Q. Meaning the Spring of '19?

3 A. Right.

4 Q. Okay.

5 A. Hopefully.

6 Q. So do you have a projected graduation
7 date at this point?

8 A. Not really. I mean, no.

9 Q. Okay.

10 A. No specific date.

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

15 A. Yes.

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

24 Q. And are those the three papers that you
25 mentioned that you've been working on?

1 A. Uh-huh (yes).

2 Q. One of them addressing each of those
3 areas, basically?

4 A. Yes.

5 Q. Okay.

6 A. At least one area.

7 But yeah, sort of three separate ideas at
8 least that it would be part of.

9 Q. And so these papers are they something
10 that's been submitted for publication?

11 A. Not yet.

12 Q. Okay.

13 And when did you start working on these
14 papers?

15 A. So I would guess Spring of 2016 probably.

16 Q. And you said you presented on this paper
17 conferences?

18 A. Correct.

19 Q. Why have you gone to conferences to
20 present on these papers?

21 A. To get feedback on topics.

22 Q. Are these presentations that you've made
23 alone or with other, you know, with faculty, with
24 undergraduate students?

25 A. So one was with faculty. And probably

1 six or so were alone.

2 Q. Who was the faculty person?

3 A. Scott Morgenstern.

4 Q. Okay.

5 Is he your advisor?

6 A. No.

7 Q. How did it come about that you did a
8 presentation with Dr. Morgenstern at a conference?

9 A. The paper on the FARC Columbian
10 Referendum, we presented that data.

11 Q. So that was the paper that you were
12 working on with him as part of your GSA?

13 A. Correct.

14 Q. Okay.

15 Is that the one that you explain that you
16 took another paper and you basically replicated the
17 research?

18 A. Correct.

19 Q. Okay.

20 And then you two went and presented on
21 that?

22 A. Correct.

23 Q. Okay.

24 And I know it's different among different
25 disciplines. So when you do conference

1 presentations within political science, are there
2 papers or are there presentations? What's the form
3 that it says?

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

8 Q. Okay.

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

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

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

16 Q. Okay.

17 A. It was more on the preliminary side.

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

20 A. Uh-huh (yes). Yes.

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

23 A. Either through the Center of Latin
24 American Studies, let's see - I think all of them if
25 I'm not mistaken. No, it's most of them were with

1 the Center of Latin American Studies. And some were
2 through the local science department.

3 Q. Okay.

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

6 A. Yes.

7 Q. Okay.

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

10 A. Yes.

11 Q. Where did you do that?

12 A. In Brazil.

13 Q. And did you get funding to do that?

14 A. Yes.

15 Q. Where did that come from?

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

18 Q. Who is your advisor?

19 A. Barry Ames.

20 Q. Okay.

21 How did you get paired up with Dr. Ames?

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

1 Q. Okay.

2 Have you two done any publications
3 together?

4 A. No.

5 Q. When did he start being your advisor?

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

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

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

14 Q. Okay.

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

20 A. No.

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

25 Right?

1 A. Correct.

2 Q. Okay.

3 And then the second year, in the Fall of
4 2016 you had the GSA that was under UCIS.

5 Is that right?

6 A. Correct.

7 Q. Okay.

8 A. The Center for Latin American Studies.

9 Q. Okay.

10 And your appointment letter, just looking
11 at 268.

12 A. Uh-huh (yes).

13 Q. So that appointment letter actually came
14 from the University Center for International Studies
15 rather than from the Dietrich School of Arts and
16 Sciences.

17 Right? I'm just looking at the first
18 page -

19 A. Right.

20 Q. - in the letterhead.

21 A. Oh, right. Uh-huh (yes). Yes.

22 Q. Okay.

23 And like comparing that to like 272, for
24 example which is from Arts and Sciences?

25 A. Correct.

1 Q. Okay.

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

5 Right?

6 A. Yes.

7 Q. And then that was the same for Fall of
8 2017.

9 Is that right?

10 A. Yes.

11 Q. What were you doing in the Spring of
12 2017?

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

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

17 A. With LARR.

18 Q. Okay.

19 So you did that for three semesters?

20 A. Correct.

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

24 A. Correct.

25 Q. And then Spring of '18 was when you were

1 involved with Dr. MacKenzie and Dr. Morgenstern?

2 A. Correct.

3 Q. And you scheduled to be starting as a TA
4 for next semester?

5 A. Correct.

6 Q. That would be the first time that you're
7 getting teaching experience at Pitt?

8 A. Yes.

9 Q. And that's required for the PhD, that you
10 get teaching experience.

11 Right?

12 A. I'm not sure about that.

13 Q. Do you think it's important that you get
14 teaching experience?

15 A. Yes, I do.

16 Q. Because you want to be a professor?

17 A. Uh-huh (yes).

18 Q. You do just have to say yes or no for our
19 court reporter.

20 A. Yes.

21 Q. So are you - and this semester you're
22 taking the practicum on university teaching, that
23 effective 2,200.

24 Right?

25 A. Yes.

1 Q. And that's something that you're required
2 to do?

3 A. I'm required to do that if I want to
4 teach my own classes.

5 Q. Do you want to teach your own classes?

6 A. I believe so.

7 Q. Why is that?

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

12 Q. And is that something that you get the
13 opportunity to do within the program, to design your
14 own class?

15 A. It's not for sure, but a lot of people
16 do.

17 Q. Okay.

18 A. If I can design one that they approve.

19 Q. And why do you think it would be valuable
20 to design your own class and teach it?

21 A. Well, I mean, it would be valuable - one
22 it would be valuable to have that experience. But
23 two, it would literally be, like, better money. I
24 would make a lot more money in a given year if I'm
25 able to do that.

1 Q. And if you're able to design your own
2 class and teach it, do you think that would be
3 helpful on your CV for being on the job market?

4 A. Yes.

5 Q. What's - what's PoliSci 2905, the course?

6 A. 2905? I don't know. Do you know - do
7 you have the title?

8 Q. Teaching and research in political
9 science.

10 A. Oh.

11 That's - I believe that is kind of like -
12 I'm not really sure how to describe it. It's kind
13 of like a placeholder credit or something. So yeah.

14 Q. So it's a course that you take every
15 semester that gives you credits.

16 Right?

17 A. It's not really a course. It is on my
18 like course listing or whatever.

19 Q. Oh, in your transcript?

20 A. Right, yes. On the transcript.

21 Q. Okay.

22 A. It's not - yeah, it's not really a
23 course.

24 Q. So let's just make sure we break that
25 down. It's on your transcript, each semester, for

1 three credits.

2 Right?

3 A. Uh-huh (yes).

4 Q. And just say it for the court reporter.

5 A. Oh, yes.

6 Q. Yeah.

7 And it counts towards the credits that
8 you need, the 72 that you need to graduate.

9 Right?

10 A. I would say, yes.

11 Q. But you don't have to do any work for it.
12 Is that right?

13 A. Correct.

14 Q. Okay.

15 So whether you are doing research, you're
16 a GSA, teaching, you can take that course. But you
17 don't have to any course like classroom component of
18 it.

19 Right?

20 A. Correct.

21 Q. And in addition to that, you get credit
22 for the research that you're doing towards your
23 dissertation.

24 Right?

25 A. I don't know. I don't think so.

1 HEARING EXAMINER: It's fine to say
2 you don't know.

3 THE WITNESS: All right.

4 ATTORNEY FARMER: Okay.

5 BY ATTORNEY FARMER:

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

10 Right?

11 A. Correct.

12 Q. Okay.

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

15 A. Faculty development.

16 Q. That's three credits.

17 Right?

18 A. Yeah.

19 Q. Okay.

20 A. And then teaching and researcher.

21 Q. 2905. Okay.

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

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

1 overview?

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

6 Q. While you work on your dissertation?

7 A. Yes.

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

11 Is that right?

12 A. Yes.

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

15 A. I'm not sure.

16 Q. Okay.

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

22 What's a lit review?

23 A. So basically the professor would provide
24 a topic that they're interested in. And I just go
25 and find - I see what the research looks like on a

1 topic. I try to give them a sense of what has been
2 done, how they did it. And also a sense of what
3 hasn't been done on it.

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

8 A. Yes.

9 Q. Why?

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

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

20 In a simplified version, obviously.

21 A. I mean, to be honest, that's just
22 slightly splitting hairs. It wasn't a pure
23 replication because we - we didn't just hit the
24 button on what they did and produced the same
25 output.

1 Q. Okay.

2 A. We wanted to see if it holds up under
3 slightly different parameters, essentially.

4 Q. And is doing that kind of a method where
5 you look at research that other people have done and
6 taking the data and saying does it hold up if we do
7 these slightly different things. Is that common
8 within the field of political science?

9 A. I think so, yes.

10 Q. You also testified that part of what
11 you've been doing on the GSA is putting in sites
12 into a program you said is called End Note?

13 A. Uh-huh (yes).

14 Q. Okay.

15 Is that a program that's used typically
16 when people are creating academic papers?

17 A. Yes, very common.

18 Q. So when you've been working on your own
19 academic papers, do you use End Note?

20 A. I have sort of begun to use it. I have -
21 I don't use it very - I don't always use it. I use
22 it sometimes.

23 Q. But it's something that's commonly used
24 for academic publications?

25 A. Yes.

1 ATTORNEY FARMER: I have nothing
2 further.

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

5 HEARING EXAMINER: Off the record.

6 ---

7 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

8 ---

9 HEARING EXAMINER: Back on the record.

10 ATTORNEY KILBERT: We don't have
11 anything.

12 HEARING EXAMINER: Sir, you can step
13 down.

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

16 ATTORNEY FARMER: Sounds good.

17 ATTORNEY MANTOLILLO: Yeah.

18 We need a little break to continue
19 finish reading the exhibits.

20 ATTORNEY FARMER: Okay.

21 HEARING EXAMINER: All right.

22 We're off the record.

23 ---

24 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

25 ---

1 HEARING EXAMINER: All right.

2 So did you guys look at University 123
3 through 182?

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

12 HEARING EXAMINER: Anything else?

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

22 Further, Exhibit 124 is the biological
23 sciences handbook. The Union called a witness who
24 could have been asked about that or who would have
25 had an opportunity to answer questions about that.

1 Nicki Forrester who was a witness in the engineering
2 program who could have been through which 137 and
3 138 could have been admitted. We had a variety of
4 witnesses who were present through which 141 and 142
5 could have been admitted.

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

10 HEARING EXAMINER: What Collective
11 Bargaining Agreements are there?

12 ATTORNEY FARMER: From other
13 universities.

14 HEARING EXAMINER: Oh.

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

18 Further, we specifically object to 182
19 and we note that the University in its opening
20 statement intended or evinced an intention to make
21 an argument that the operation of the Collective
22 Bargaining Agreement that the Union at Temple is
23 somehow inappropriate. We had no testimony at all
24 over the course of the eight days of hearing with
25 respect to that issue. We don't believe it is

1 appropriate to admit this and subsequently make
2 arguments in the brief of the basis of it.

3 HEARING EXAMINER: What is it again,
4 Counsel?

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

7 HEARING EXAMINER: Okay.

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

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

19 ATTORNEY FARMER: Can I respond for
20 the record?

21 HEARING EXAMINER: Yeah.

22 ATTORNEY FARMER: Okay.

23 So in terms of - setting aside the
24 other universities CBAs for a second. In terms of
25 the other documents, what we have put in are either

1 webpages or a document that has been produced to the
2 Union or are publically available documents very
3 similar to the three binders of documents that the
4 Union put in without witnesses. And in some cases
5 just because for example Dr. Kane who was a witness
6 from the program, they don't come out of his office.
7 So the details of those letters - Dr. Binder signs
8 them, not anyone else.

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

18 HEARING EXAMINER: They - sorry, go
19 ahead.

20 ATTORNEY FARMER: - we've made
21 available to the Union if they're interested the
22 full document. But the fact that the Union has made
23 arguments on this record about the fact that there
24 are unionized graduate students in other places, it
25 is relevant what the scope of those units are.

1 HEARING EXAMINER: May I ask a
2 question that might short circuit this?

3 ATTORNEY FARMER: Yes.

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

7 ATTORNEY FARMER: Correct.

8 HEARING EXAMINER: So that
9 certification clause is publically available?

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

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

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

23 HEARING EXAMINER: Yeah.

24 ATTORNEY FARMER: Which as you are
25 well aware, that in Temple the question of direct

1 academic benefit, which is in the certification but
2 wasn't defined by the Board -

3 HEARING EXAMINER: Yeah.

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

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

8 ATTORNEY FARMER: Yes.

9 HEARING EXAMINER: Okay.
10 123 is the grad students webpage,
11 that's publically available?

12 ATTORNEY FARMER: Yes.

13 HEARING EXAMINER: That's admitted.

14 ---

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

17 ---

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

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

23 HEARING EXAMINER: That's admitted.

24 ---

25 (Whereupon, Respondent's Exhibit 124, Handbook,

1 was admitted.)

2 ---

3 ATTORNEY KILBERT: 125 is admitted.

4 ---

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

7 ---

8 HEARING EXAMINER: 126 is admitted.

9 ---

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

12 ---

13 HEARING EXAMINER: 127 is admitted.

14 ---

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

17 ---

18 HEARING EXAMINER: 128 is admitted.

19 ---

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

22 ---

23 HEARING EXAMINER: 129 is admitted.

24 ---

25 (Whereupon, Respondent's Exhibit 129, Document,

1 was admitted.)

2 ---

3 HEARING EXAMINER: 130 is admitted.

4 ---

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

7 ---

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

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

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

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

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

21 HEARING EXAMINER: An offer of proof
22 for 131?

23 ATTORNEY FARMER: Yeah, it's 131 - 131
24 is - we found it by Googling. But yes,
25 unfortunately because of timing we didn't think it

1 was worth frankly trying to do a deposition. We
2 intended to have a faculty member from the physics
3 department. But unfortunately the Director of
4 Graduate Studies wasn't available. And we would
5 have just basically put these documents. So it's a
6 paper and an excerpt and a dissertation, no
7 different than what we have otherwise. But they are
8 both publically available.

9 ATTORNEY KILBERT: If I might respond?

10 HEARING EXAMINER: Yeah.

11 ATTORNEY KILBERT: This is a paper and
12 this is apparently also a portion of the
13 dissertation or perhaps the entire dissertation in
14 132, that are highly technical. Certainly I don't
15 have the ability to understand them without
16 testimony from a witness. So -.

17 HEARING EXAMINER: 131 and 132 are not
18 admitted.

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

1 admissibility.

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

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

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

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

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

17 ATTORNEY KILBERT: That's my
18 understanding, yes.

19 HEARING EXAMINER: Okay.

20 Last word, Ms. Farmer?

21 ATTORNEY FARMER: I think in substance
22 there is nothing different about these two than all
23 of the other documents that were admitted. You can
24 see that Dr. Xander, who was the chair of her
25 committee on the dissertation, is the co-author in

1 this publication. There's substantively no
2 difference.

3 HEARING EXAMINER: Why don't you give
4 me an actual rule of evidence to deny them?

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

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

13 ATTORNEY KILBERT: I would note that
14 the same arguments I think would apply for exhibits
15 157 and 158.

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

20 133 is admitted.

21

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

24

25 HEARING EXAMINER: 134 is admitted.

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(Whereupon, Respondent's Exhibit 134, Document,
was admitted.)

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.

(Whereupon, Respondent's Exhibit 135, Evaluation
Letter, was admitted.)

HEARING EXAMINER: 136 admitted.

(Whereupon, Respondent's Exhibit 136, Document,
was admitted.)

HEARING EXAMINER: 137 admitted.

(Whereupon, Respondent's Exhibit 137, Document,
was admitted.)

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HEARING EXAMINER: 138 is admitted.

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

HEARING EXAMINER: 139 is admitted.

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

HEARING EXAMINER: 140 is admitted.

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

HEARING EXAMINER: 141 admitted.

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

HEARING EXAMINER: 142 is admitted.

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

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HEARING EXAMINER: 143 is admitted.

(Whereupon, Respondent's Exhibit 143, Document,
was admitted.)

HEARING EXAMINER: 144 is admitted.

(Whereupon, Respondent's Exhibit 144, Document,
was admitted.)

HEARING EXAMINER: 145 is admitted.

(Whereupon, Respondent's Exhibit 145, Document,
was admitted.)

HEARING EXAMINER: 146 is admitted.

(Whereupon, Respondent's Exhibit 146, Document,
was admitted.)

HEARING EXAMINER: 147 is admitted.

(Whereupon, Respondent's Exhibit 147, Document,
was admitted.)

1 HEARING EXAMINER: 148 is admitted.

2 ---

3 (Whereupon, Respondent's Exhibit 148, Document,
4 was admitted.)

5 ---

6 HEARING EXAMINER: 149 is admitted.

7 ---

8 (Whereupon, Respondent's Exhibit 149, Document,
9 was admitted.)

10 ---

11 HEARING EXAMINER: 150 is admitted.

12 ---

13 (Whereupon, Respondent's Exhibit 150, Document,
14 was admitted.)

15 ---

16 HEARING EXAMINER: 151, 152, 153, 154,
17 155, 156 is admitted.

18 ---

19 (Whereupon, Respondent's Exhibit 151, Document,
20 was admitted.)

21 (Whereupon, Respondent's Exhibit 152, Document,
22 was admitted.)

23 (Whereupon, Respondent's Exhibit 153, Document,
24 was admitted.)

25 (Whereupon, Respondent's Exhibit 154, Document,

1 was admitted.)

2 (Whereupon, Respondent's Exhibit 155, Document,
3 was admitted.)

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

6 ---

7 HEARING EXAMINER: 157, 158, deferred
8 ruling. 159 is admitted.

9 ---

10 (Whereupon, Respondent's Exhibit 159, Document,
11 was admitted.)

12 ---

13 HEARING EXAMINER: 160, 161, 162, 163,
14 164, 165 is admitted.

15 ---

16 (Whereupon, Respondent's Exhibit 160, Document,
17 was admitted.)

18 (Whereupon, Respondent's Exhibit 161, Document,
19 was admitted.)

20 (Whereupon, Respondent's Exhibit 162, Document,
21 was admitted.)

22 (Whereupon, Respondent's Exhibit 163, Document,
23 was admitted.)

24 (Whereupon, Respondent's Exhibit 164, Document,
25 was admitted.)

1 (Whereupon, Respondent's Exhibit 165, Document,
2 was admitted.)

3

4 HEARING EXAMINER: 166 is not
5 admitted. 167 is not admitted. 168 is not
6 admitted. 169 is not admitted. 170 is not
7 admitted. 171 is not admitted. 172 is not
8 admitted. 173 is not admitted. 174 is not
9 admitted. 175, 176, 177, 178, 179, 180, 181 and 182
10 not admitted.

11 ATTORNEY FARMER: Can you please state
12 the basis for that on the record?

13 HEARING EXAMINER: Hearsay, relevancy.

14 ATTORNEY FARMER: So are you striking
15 from the record the testimony that was permitted
16 about the fact that there are graduate student
17 Unions at other public universities?

18 HEARING EXAMINER: You can use all
19 these documents.

20 ATTORNEY FARMER: How?

21 HEARING EXAMINER: In your - in your
22 brief.

23 ATTORNEY FARMER: No, I can't.

24 HEARING EXAMINER: They don't have to
25 be admitted as part of record.

1 ATTORNEY FARMER: Because there's PLRB
2 case law that if - that if they are not considered
3 to be on the record and cannot be considered on
4 appeal if they're not admitted. Including in a
5 Philadelphia case where the city charter was not
6 marked as an exhibit and the PLRB held that it was
7 not - it couldn't take judicial notice of the
8 Philadelphia City charter, although it is a legal
9 decision, it's a law. And that it couldn't be
10 considered. So having faced that, we can't -.

11 HEARING EXAMINER: That doesn't sound
12 right to me.

13 ATTORNEY FARMER: I mean, there's case
14 law on it. That a PLRB has held that. So in an
15 abundance of caution.

16 HEARING EXAMINER: I would have
17 taken - before you said that I would have taken
18 judicial notice of all of those.

19 ATTORNEY FARMER: I mean, that's our -
20 that's our concern. That if they're not in the
21 record. But given there have been arguments made
22 about there being other graduate student unions, we
23 think it's extremely relevant that they contain
24 research assistants, for example.

25 ATTORNEY KILBERT: The Union would

1 stipulate to the references to other graduate
2 student unions in the testimony be stricken if that
3 would solve this issue.

4 HEARING EXAMINER: I mean, I don't - I
5 don't - it's not important to me what other students
6 do. I understand it may be important to the Board
7 and to the Commonwealth Court.

8 ATTORNEY FARMER: Correct.

9 Because we know that the PLRB -.

10 HEARING EXAMINER: But there's no - I
11 don't know where these are from. I don't know if
12 they're correct. I don't know - I don't have
13 testimony on them. I mean, you would have to call
14 the representatives of Chicago University from
15 Illinois, Chicago -

16 ATTORNEY FARMER: I mean -.

17 HEARING EXAMINER: - to come testify
18 about it.

19 ATTORNEY FARMER: But these are the
20 documents that are on their website. I mean, I
21 don't think that's different than all these other
22 documents that have been admitted without
23 authentication.

24 HEARING EXAMINER: But even if it's a
25 CBA, that doesn't mean that that's actually what

1 happens in the real world.

2 ATTORNEY KILBERT: And that's a
3 particular concern with respect to Temple.

4 HEARING EXAMINER: Yeah.

5 ATTORNEY KILBERT: You know, there's
6 been no testimony about how it actually works.

7 ATTORNEY FARMER: Again we're - the
8 CBA states what it states about this issue.

9 HEARING EXAMINER: 181 is - that's a
10 PLRB document.

11 ATTORNEY FARMER: Correct.

12 HEARING EXAMINER: All right. So
13 let's go back. What did I say wasn't admitted?

14 ATTORNEY FARMER: 166 down.

15 HEARING EXAMINER: All right.

16 So 166 to 180, deferred ruling. 181
17 is out. It doesn't need to be in because it's part
18 of the PLRB. And then so 166 to 180 deferred
19 ruling. You can brief me on why those should be
20 part of the hearing. And the Union can tell me why
21 they should not be part of it as part of your
22 briefs. I can't figure that out right now.

23 The Temple University CBA, how is that
24 not hearsay?

25 ATTORNEY FARMER: It's the same thing

1 as all of the other ones. But particularly given
2 that the - I mean -.

3 HEARING EXAMINER: How are these to
4 same?

5 ATTORNEY FARMER: You are likely to be
6 ruling on how - how this case does or does not
7 follow the PLRB's decision in Temple. And where you
8 have an issue about what a direct academic benefit
9 means or doesn't mean, and whether it's the proper
10 standard. It's highly relevant how the parties
11 define direct academic benefit.

12 ATTORNEY KILBERT: We actually don't
13 know how they defined it.

14 ATTORNEY FARMER: It's in the CBA.

15 ATTORNEY KILBERT: Well -.

16 ATTORNEY FARMER: It's specifically
17 defined. We're not making argument, we're just
18 putting in what the CBA says.

19 HEARING EXAMINER: Right. We'll
20 include that in the deferred part.

21 ATTORNEY MANTOLILLO: Well, statute
22 jurisdiction proves that -.

23 ATTORNEY FARMER: That's a whole
24 separate issue.

25 HEARING EXAMINER: All right.

1 So let's just go back. Everything has
2 been admitted except 131, 132, 157, 158, 166 through
3 180, and 182. And I'm deferring ruling. Brief that
4 point and give me some laws or some cases to look
5 at. Because you mentioned some PLRB cases which I
6 didn't - that I didn't know about. Regarding
7 judicial notice and you can tell me why they are or
8 aren't relevant. And I'll make a decision.

9 Let's look. Well, I'll make a
10 decision as soon as I get - all right. So you moved
11 - you moved these in?

12 ATTORNEY FARMER: Uh-huh (yes).

13 HEARING EXAMINER: And then you - who
14 has the burden?

15 ATTORNEY FARMER: Do you want separate
16 briefs on this or do you want them addressed in the
17 post-hearing briefs?

18 HEARING EXAMINER: I think it would be
19 better if we addressed it before the post-hearing
20 briefs, don't you think?

21 ATTORNEY FARMER: That's fine.

22 HEARING EXAMINER: Who has the burden,
23 the accepting party or the moving party?

24 ATTORNEY FARMER: The objecting party.

25 ATTORNEY KILBERT: Maybe we can

1 address that issue as well.

2 HEARING EXAMINER: Huh?

3 ATTORNEY KILBERT: Maybe we can
4 address that issue as well.

5 ATTORNEY FARMER: I think he was
6 talking logistically who briefs first.

7 HEARING EXAMINER: Yeah. Who briefs
8 first?

9 ATTORNEY FARMER: I think it would
10 make more sense for the Union to brief first,
11 because it's their objections that we would be
12 responding to.

13 ATTORNEY MANTOLILLO: We also have
14 another logistical issue in that on the chance these
15 are admitted. We would have some other CBAs that we
16 would put in.

17 ATTORNEY FARMER: Right. Which - you
18 know, and we're not going to object to those. We
19 can just put them all in.

20 ATTORNEY MANTOLILLO: We would -.

21 ATTORNEY FARMER: And we can argue
22 about the weeds.

23 ATTORNEY MANTOLILLO: Yeah. We would
24 only be putting them in as an offer of proof should
25 the others be admitted.

1 HEARING EXAMINER: Let me see what you
2 have.

3 ATTORNEY FARMER: It's in the folder.
4 We talked about it today.

5 HEARING EXAMINER: Off the record.

6 ---

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

8 ---

9 HEARING EXAMINER: We're back on the
10 record.

11 I'm going to state again just one more
12 time so it's all straightened out. 131, 132, 157,
13 158, 166 through 182, deferring ruling. The parties
14 can present email arguments to support by next
15 Friday and I'll make a decision. I'll think about
16 it and talk to Chief Counsel.

17 ATTORNEY HEALEY: November 9th?

18 HEARING EXAMINER: Yeah.

19 And then that way I'll get you a
20 ruling quickly. And then you can have - you can
21 know what you want to do. I'll hold onto these.
22 We're not going to close the record. If you want to
23 offer them you can.

24 All right. Can everyone do email
25 letter briefs by next Friday to support their

1 positions? And I especially want to see that case
2 you're citing about judicial notice.

3 ATTORNEY FARMER: Yep.

4 HEARING EXAMINER: Okay?

5 And then you can reply to the other
6 person's email on the same day if you want.

7 ATTORNEY MANTOLILLO: And if you rule
8 admission on that can we -?

9 HEARING EXAMINER: Yeah.

10 We're not closing the record to -.

11 ATTORNEY FARMER: Wait. So are we
12 doing this simultaneously or responsive?

13 HEARING EXAMINER: Just send me
14 emails.

15 ATTORNEY FARMER: On next Friday,
16 letter briefs.

17 HEARING EXAMINER: Right.

18 And if there's something crazy you
19 want to respond to, go ahead and do a response.

20 ATTORNEY FARMER: Can we have until
21 Monday to respond?

22 HEARING EXAMINER: That's fine.

23 ATTORNEY FARMER: Because depending on
24 what time we send.

25 HEARING EXAMINER: That's fine.

1 Because I won't be ruling on it on Friday.

2 ATTORNEY FARMER: Okay.

3 HEARING EXAMINER: Because of the -
4 we're not going to close the record until the 21st.

5 Okay? The Union's motion to quash
6 your subpoena with regard to those two particular
7 questions is granted. We've had plenty of -.

8 ATTORNEY FARMER: It was our motion to
9 quash the portion of their subpoena.

10 HEARING EXAMINER: Yeah.

11 ATTORNEY FARMER: Just for the record.

12 HEARING EXAMINER: We've had plenty of
13 opportunity to ask those questions. I don't even
14 know - I don't think the health and safety stuff is
15 relevant. And with the discipline we've have 13
16 witnesses from the University up here.

17 ATTORNEY MANTOLILLO: We would note
18 our objection -

19 HEARING EXAMINER: Yeah, go ahead.

20 ATTORNEY MANTOLILLO: - to that for
21 the information. We think it's impossible for us to
22 know what's going on across the universities. And
23 we don't think it's appropriate and it should be
24 denied and redacted documents being used.

25 HEARING EXAMINER: Anything else? Any

1 other issues?

2 ATTORNEY FARMER: I think just a small
3 thing. Before we took the break or during the break
4 the Union handed us the Union Exhibits 273 through
5 275. But I don't actually think they got marked on
6 the record. And we do not have any objections.

7 ATTORNEY KILBERT: If we could just go
8 off for a second?

9 HEARING EXAMINER: Off the record.

10 ---

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

12 ---

13 HEARING EXAMINER: Back on the record.

14 ATTORNEY KILBERT: The Counsel for the
15 University already has these. I'm offering them to
16 you.

17 HEARING EXAMINER: Thank you.

18 ATTORNEY KILBERT: These are marked
19 273, 274, 275.

20 ---

21 (Whereupon, Petitioner's Exhibit 273, Document,
22 was marked for identification.)

23 (Whereupon, Petitioner's Exhibit 274, Document,
24 was marked for identification.)

25 (Whereupon, Petitioner's Exhibit 275, Document,

1 was marked for identification.)

2 ---

3 ATTORNEY KILBERT: They are documents
4 that are accessible on the internet relating to the
5 survey of Doctorates, regarding which there was some
6 testimony, and which I think also relates to the
7 Union Exhibits 19 and 20.

8 HEARING EXAMINER: Any objection?

9 ATTORNEY FARMER: No.

10 HEARING EXAMINER: Admitted.

11 ---

12 (Whereupon, Petitioner's Exhibit 273, Document,
13 was admitted.)

14 (Whereupon, Petitioner's Exhibit 274, Document,
15 was admitted.)

16 (Whereupon, Petitioner's Exhibit 275, Document,
17 was admitted.)

18 ---

19 HEARING EXAMINER: So we have those
20 email letter arguments on the exhibits that I
21 mentioned. And that is due Friday. If you want to
22 respond, respond Monday. Record closes on November
23 21st. Union's brief due 12/21. The University's
24 brief due January 18th, 2019. Reply brief, if any,
25 from the Union due February 1st. And I don't expect

1 you'll be allowed to file a reply brief except for
2 extraordinary cause.

3 ATTORNEY FARMER: Yep.

4 HEARING EXAMINER: Which I can't
5 predict. I'll write an opinion of proposed decision
6 and order dismissing your petition in 20 days from
7 the date on which I sign it. You can file
8 exceptions for the rules. If I do find appropriate
9 unit, the University, as you well know, you cannot
10 file exceptions to my order - oh, you're back.

11 ATTORNEY DANTE: Did you not notice
12 for the past 20 minutes?

13 ATTORNEY FARMER: We've been caught up
14 in an evidentiary issue.

15 ATTORNEY DANTE: I won't take offense
16 to that.

17 HEARING EXAMINER: Sorry.

18 Order directing the submission of an
19 eligibility list will come out. And as the
20 University knows you cannot file exceptions to
21 those. There is an order directing the submission
22 of an eligibility list.

23 The university will have some time to
24 give the eligibility list to the lecture
25 representative, Lassie. Lassie will then do an

1 election order. There will be an election. And
2 then at that time after this election there will be
3 a final order. That is the final time the
4 University will file exceptions to whatever we do.

5 Any other questions?

6 ATTORNEY HEALEY: Just - just one.

7 HEARING EXAMINER: Yeah?

8 ATTORNEY HEALEY: In terms of the
9 briefs, you mentioned you want it in the format of
10 Proposed Findings of Fact?

11 HEARING EXAMINER: Sorry?

12 ATTORNEY HEALEY: In terms of the
13 briefs we're going to do, do you want them in the
14 form of Proposed Findings of Fact and then the legal
15 argument?

16 HEARING EXAMINER: I'm going to do my
17 own Findings of Fact. I'm not going to document
18 those. But it is helpful to see what you all think
19 should be the Findings of Fact.

20 ATTORNEY HEALEY: Okay.

21 HEARING EXAMINER: And I think I said
22 two weeks ago I wasn't happy with the Findings of
23 Fact in the Penn State case. For this case I'm
24 going to aim to do less findings, with hopefully
25 more - better findings.

1 ATTORNEY HEALEY: More substance with
2 each individual finding.

3 HEARING EXAMINER: And then the Union
4 definitely should tell me what you think the
5 proposal should be. That should definitely be in
6 your brief. And I'd ask the University to do it,
7 but they won't, so -.

8 ATTORNEY FARMER: We - we can very
9 comfortably tell you what the proposed unit should
10 be, none.

11 HEARING EXAMINER: Yeah. Even in the
12 alternative?

13 ATTORNEY DANTE: We have on the record
14 stated that.

15 HEARING EXAMINER: What?

16 ATTORNEY DANTE: In the alternative.

17 HEARING EXAMINER: In the alternative,
18 what should be the proposal? If - if they are
19 public employees?

20 ATTORNEY FARMER: We'll adjust that in
21 our brief then, yes.

22 HEARING EXAMINER: All right.

23 ATTORNEY HEALEY: In one line?

24 ATTORNEY FARMER: A very short brief.

25 HEARING EXAMINER: And again I think

1 you are going to be writing your briefs not
2 necessarily to me. So you know better than me what
3 you should put in there.

4 Okay. Any other questions?

5 All right. Thank you very much. Off
6 the record.

7 ATTORNEY FARMER: Thank you.

8 * * * * *

9 HEARING CONCLUDED AT 3:35 P.M.

10 * * * * *

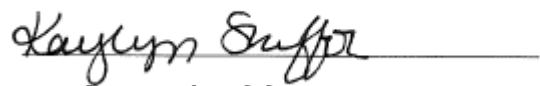
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CERTIFICATE

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