

COMMONWEALTH OF PENNSYLVANIA

LABOR RELATIONS BOARD

* * * * *

U.S. STEEL, PAPER AND FORESTRY, *

RUBBER, MANUFACTURING, ENERGY, * No. PERA R-17-355-W

ALLIED-INDUSTRIAL AND *

SERVICE WORKERS *

INTERNATIONAL UNION AFL-CIO *

CLC, *

Petitioner *

-vs- *

UNIVERSITY OF PITTSBURGH, *

Respondent *

* * * * *

HEARING TRANSCRIPT

* * * * *

BEFORE: Stephen A. Helmerich,

Hearing Examiner

HEARING: Monday, October 1, 2018

9:05 a.m.

Reporter: Valerie B. Gregory

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1 LOCATION: Hilton Garden Inn
2 3454 Forbes Avenue
3 Pittsburgh, PA 15213
4 WITNESSES: Maria Somma; Tyler Bickford, PA; Timothy
5 Barr; Trevor Wilson; Benjamin Case;
6 Shelby Brewster; Mark Azic
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*EXHIBITS NOT ATTACHED

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*EXHIBITS NOT ATTACHED

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*EXHIBITS NOT ATTACHED

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*EXHIBITS NOT ATTACHED

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HEARING EXAMINER: We're on the record,
then, in University of Pittsburgh PERA R-17-355-W.

My name is Stephen Helmerich. I'm the
Hearing Examiner appointed by the Board to hear this
matter.

Counsel for the - the moving - United
Steel, Paper and Forestry, Rubber, Manufacturing,
Energy, Allied-Industrial Service Workers International
Union AFL-CIO, CLC, which I'll refer to as Union,
identify yourself, please.

ATTORNEY HEALEY: Michael Healey, with
the firm Healey, Block & Hornack, in Pittsburgh,
Pennsylvania.

ATTORNEY MANZOLILLO: Brad Manzolillo
with United Steelworkers.

ATTORNEY SHARMA: Maneesh Sharma, United
Steelworkers.

ATTORNEY KILBERT: Nathan Kilbert,
United Steelworkers.

HEARING EXAMINER: And Counsel for the
University of Pittsburgh?

ATTORNEY FARMER: Shannon Farmer,
Ballard Spahr.

1 ATTORNEY DANTE: Meredith Dante, Ballard
2 Spahr.

3 ATTORNEY FARMER: And our colleague,
4 Sadé Calin, Ballard Spahr.

5 HEARING EXAMINER: As an initial matter,
6 I've been presented for hearing a joint stipulation
7 executed by the parties.

8 I will keep this with the file. And I
9 don't think I'm going to make it an exhibit at this
10 time, unless any party moves to make it an exhibit.

11 Should we make it a joint exhibit?

12 ATTORNEY FARMER: Probably, so it's in
13 the record if there's an issue.

14 HEARING EXAMINER: So I'm entering into
15 the record, Joint Exhibit 1.

16 ---

17 (Whereupon, Joint Exhibit 1, Stipulation Dated
18 10/1/18, was marked for identification and
19 Admitted.)

20 ---

21 HEARING EXAMINER: Which is a joint
22 stipulation, dated today, October 1st, 2018, and
23 executed by the parties.

24 The only other prehearing issue I see in
25 the record here is last Friday, on September 21st,

1 2018, the University filed a motion to partially quash
2 a subpoena issued by the Board on August 2000 -
3 August 29th, 2018, which was requested by the Union.

4 The motion to quash, asked to quash
5 three specific document requests. I deferred the
6 ruling on that motion. And I directed the University
7 to make available to the Union witnesses with direct
8 knowledge of graduate student discipline injuries and
9 safety-related incidents.

10 Did you do so?

11 ATTORNEY FARMER: The Union has not made
12 a specific request.

13 HEARING EXAMINER: All right.

14 ATTORNEY FARMER: As we have explained
15 to the Union - and we had numerous conversations about
16 narrowing the subpoena before we filed a motion. There
17 is not an individual who would have knowledge of all
18 the discipline-related incidents. They are handled at
19 the departmental level. So are the injuries.

20 We've turned over the policies as part
21 of the subpoena request. But individual student
22 records, there is not an individual. There will be
23 witnesses who testify, who the Union could ask, you
24 know, general questions about it. And they could
25 certainly ask about individual departments. But there

1 isn't a person who could answer that.

2 HEARING EXAMINER: Mr. Healey?

3 ATTORNEY HEALEY: I've got to defer to
4 Brad.

5 ATTORNEY MANZOLILLO: Okay.

6 We still believe that that's relevant to
7 our case to handle that, to have any records to respond
8 if somebody can present something on that.

9 HEARING EXAMINER: Well, let's hear some
10 witnesses and bring it back up on Wednesday and then
11 see where we are.

12 Does that sound okay?

13 ATTORNEY MANZOLILLO: Yeah.

14 We - we actually - it may be more
15 productive to have it briefly off the record. But we
16 have another issue - subpoena issue. I don't know if
17 it's an issue, but we need some clarification.

18 HEARING EXAMINER: Are you requesting to
19 go off the record?

20 ATTORNEY MANZOLILLO: Yes.

21 HEARING EXAMINER: Okay.

22 We're off the record.

23 ---

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

25 ---

1 HEARING EXAMINER: Back on the record.

2 We just had a brief discussion about
3 some issues regarding some employees who may or - may
4 be outside the scope of the petition.

5 Is that fair -?

6 ATTORNEY HEALEY: Yes.

7 HEARING EXAMINER: Okay.

8 With regards to the deferred motion to
9 quash, my intent is to see how the evidence plays out
10 and then revisit it at a later date.

11 Does that sound fair to the parties?

12 ATTORNEY FARMER: Yes.

13 ATTORNEY HEALEY: Yes.

14 HEARING EXAMINER: Okay.

15 So do the parties agree and stipulate
16 that the University of Pittsburgh is a public employer?

17 ATTORNEY FARMER: Yes.

18 ATTORNEY HEALEY: Yes.

19 HEARING EXAMINER: And you're not going
20 to agree that they're an employee representative.

21 Correct?

22 ATTORNEY FARMER: No, we will.

23 HEARING EXAMINER: You will?

24 ATTORNEY FARMER: Uh-huh (yes).

25 HEARING EXAMINER: Do the parties agree

1 to stipulate that the Union is an employee
2 representative?

3 ATTORNEY HEALEY: Yes.

4 HEARING EXAMINER: Okay.

5 The burden in the first instance in this
6 case is on the Union to show, A, an identifiable
7 community of interest.

8 And so you can make your opening
9 statement on your entire case or just on that - that
10 sliver of your case now.

11 So you can go ahead and do what you
12 want.

13 ATTORNEY HEALEY: With your permission,
14 we'll do an opening statement on our entire case at
15 this point.

16 HEARING EXAMINER: Okay.

17 ATTORNEY HEALEY: United Steelworkers
18 had filed an amended petition to represent a profession
19 unit of graduate employees at the University of
20 Pittsburgh, which consists, as you might suspect, of
21 many schools and many divisions. And you'll see
22 documents from many of these schools and divisions.

23 The unit identified in the petition
24 includes teaching assistants, teaching fellows,
25 graduate student assistants and graduate student

1 researches - researchers.

2 Teaching assistants you will find in
3 exhibits we'll present.

4 Union Exhibit 1 talks about teaching
5 assistants holding a teaching or teaching-related
6 appointment in accord with University regulations.

7 ---

8 (Whereupon, Union Exhibit 1, Handbook, was marked
9 for identification.)

10 ---

11 ATTORNEY HEALEY: Teaching fellows are
12 the same as teaching assistants, but they are more
13 qualified.

14 The unit also hosts graduate student
15 researchers and graduate student assistants, which are
16 discussed in detail in Union Exhibits 2 and 3.

17 ---

18 (Whereupon, Union Exhibit 2, Policy Statement, was
19 marked for identification.)

20 (Whereupon, Union Exhibit 3, Policy, was marked for
21 identification.)

22 ---

23 ATTORNEY HEALEY: The proposed unit is
24 appropriate under the Pennsylvania statutes,
25 specifically 43 PA purdon's statute Section 1101.604.

1 First, the University of Pittsburgh is a
2 public employer. Second, Steelworkers is a labor
3 organization, which does and has represented public
4 employees.

5 The individuals in the unit share an
6 identifiable community of interest, which we'll address
7 in a moment.

8 The petitions for a unit satisfies the
9 PLRB's concern over fragmentation. And indeed is a
10 unit, according to our numbers, of approximately 2,000
11 employees who are principally on the open campus.

12 The PLRB has approved substantially
13 identical units at Temple. And also this Hearing
14 Officer approved a - a substantially identical one at
15 Penn State.

16 Looking at the community of interest
17 factors as petition for in the - in the particular
18 unit. The - the type of the work performed by the
19 student employees includes teaching courses, writing
20 and grading exams, tutoring and performing research.

21 The educational background and skills
22 required to do this work. These employees have
23 undergraduate degrees, BAs or other degrees. And their
24 work is principally of an intellectual nature with a
25 good deal of exercise and discussion.

1 The structure of the work requirements,
2 and the compensation and benefits are as follows.
3 Specifically, these graduate employees are offered
4 funding to do work that the University needs to get
5 done. It's offered through employment letters and is
6 driven by the needs of the University, principally, and
7 - and not the educational needs of the particular
8 employees.

9 The typical example in much of the unit
10 it could be teaching, teaching assistants and teaching
11 fellows, when teaching actually performs the same
12 functions as adjunct faculty. Graduate student
13 researchers and graduate student assistants perform
14 research functions.

15 They - student employees in unit work up
16 to 20 hours per week. They do not receive academic
17 credit for the work they're doing for the University.
18 They are not required to do the work to meet their
19 degree requirements.

20 They receive salaries. They are taxed.
21 And they receive W-2 forms. They receive and are
22 provided health benefits. They receive tuition
23 remission and they perform their services for the above
24 benefit from anywhere from three to five years,
25 depending on the department and depending on the nature

1 of the program they're in.

2 The petition for a unit consists of
3 persons who are, in fact, employees. Pitt's argument
4 to the contract at this point we believe are premature
5 and incorrect under case law.

6 Now, on - in an off the record
7 conversation, we discussed an issue of what we call
8 trainees. We have in the excluded - excluded from the
9 unit are trainees, because they do not share a
10 community of interest.

11 Graduate students funded through
12 traineeships are not employees under the statutes. And
13 they do not share community interest with the petition
14 for a unit. The differences show why the petition for
15 a unit is appropriate.

16 One, the trainees do not have specific
17 work requirements. We'll be referring you to Union
18 Exhibit 2, which specifically says in regard to
19 traineeships, quote - this is a University of
20 Pittsburgh document - usually there is no service
21 requirement.

22 The traineeships are generally funded
23 through outside government agencies for - for specific
24 training purposes, as defined by the funding agency.

25 The University does not withhold taxes

1 nor provide W-2 forms for these positions. And only a
2 small percentage of trainees even receive tuition
3 waiver scholarships. The vast majority of those
4 scholarships are funded by the National Institutes of
5 Health, NIH. NIH sets the stipend level.

6 It's not subject to what Pitt wishes to
7 do. And presumably because of an NIH mandate, it
8 wouldn't be subject to bargaining if a unit is
9 certified.

10 Trainees do not receive health insurance
11 benefits as part of their compensation. The majority
12 of graduate students designated as trainees simply
13 receive small scholarships of a few thousand dollars or
14 less.

15 There are no work or service
16 requirements for the University for these trainees.
17 Some and many of these trainees are undergraduates or
18 are completely unfunded. And most are on Master's
19 programs.

20 But all trainees are clearly not
21 employees of the University, even by some definition.
22 Any considerations of trainees into a bargaining unit
23 should be limited to graduate students and traineeships
24 like NIH-funded T32s, T99 and certain other
25 traineeships that provide stipends similar to salaries

1 received by the petition for a unit.

2 Predoctoral fellows we're also seeking
3 to exclude. The evidence will show that the graduate
4 students designated as predoctoral fellows are not
5 employees, share no community of interest with the
6 petition for a unit. These predoctoral fellows are
7 funded through external fellowships as well as
8 University fellowships.

9 While some doc - predoc fellowships do
10 receive tuition scholarships, they do not, one, provide
11 health insurance. Two, they are not taxed on what they
12 receive. Three, they are not provided with W-2 forms.
13 And four, most fellowships require no work other than
14 taking a full academic course load and making academic
15 progress.

16 Following the hearing and the briefing,
17 the Union will request that an election be directed on
18 the unit petition for either Union - we think that the
19 record will show, the facts will show, as well as prior
20 case law, that, in fact, to the extent the University
21 raises this argument, these graduate student employees
22 are employees under the relevant state statutes.

23 Thank you.

24 HEARING EXAMINER: Thank you.

25 Would you like to make your statement

1 now or defer?

2 ATTORNEY FARMER: I'd like to defer.

3 I just want to raise one issue. And I
4 did not want to interrupt the - Mr. Healey's opening.

5 But to the extent that the Union intends
6 to rely on the Order directing submission of an
7 eligibility list in Penn State, that is not
8 precedential. It is not a final Order of the PLRB.

9 And in fact, the PLRB, in pleadings
10 before the Commonwealth Court in that case, to which
11 the University was not a party in the Commonwealth
12 Court action, but the PLRB itself made clear, that that
13 decision did not have any going-forward effect, because
14 it moved to dismiss a third-party appeal related to
15 that as moot, on the basis that there was no Order that
16 could impact that individual.

17 HEARING EXAMINER: You'd agree, though,
18 that a high level of legal scholarship makes a
19 persuasive authority?

20 ATTORNEY FARMER: Well, the high level
21 of legal scholarship might, in fact, be impressive. We
22 don't believe that it - that, it - in fact, it's a
23 nullity, because -

24 HEARING EXAMINER: I understand.

25 ATTORNEY FARMER: - it's not a binding

1 order.

2 HEARING EXAMINER: I know. We're back
3 on a clean slate?

4 ATTORNEY FARMER: Yep.

5 HEARING EXAMINER: I understand.

6 ATTORNEY FARMER: Brilliant, but
7 wrong, -

8 HEARING EXAMINER: Yeah.

9 ATTORNEY FARMER: - as it might have
10 been.

11 HEARING EXAMINER: Understood. All
12 right.

13 First witness for the Union?

14 ATTORNEY HEALEY: We have - to represent
15 the first witness, we have three binders with exhibits
16 in them. I'd like to give them to -.

17 HEARING EXAMINER: We'll go off the
18 record and sort out the exhibits. Off the record and
19 take a break to -.

20 ---

21 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

22 ---

23 HEARING EXAMINER: Got a witness?

24 ATTORNEY MANZOLILLO: Yes, we're ready
25 to go.

1 HEARING EXAMINER: All right.

2 ATTORNEY MANZOLILLO: Call Maria Somma.

3 HEARING EXAMINER: Raise your right hand
4 for me.

5 ---

6 MARIA SOMMA,
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 the court reporter.

13 THE WITNESS: Maria, M-A-R-I-A, Somma,
14 S as in Sam, O-M-M-A.

15 HEARING EXAMINER: What was your last
16 name?

17 THE WITNESS: Somma, S-O-M-M-A.

18 ATTORNEY MANZOLILLO: Your Honor, one
19 order of business we forgot to - before she goes on. A
20 - we would make a motion to sequester witnesses.

21 HEARING EXAMINER: Oh, boy.
22 What's the grounds for your motion?

23 ATTORNEY MANZOLILLO: We think it could
24 potentially influence the testimony of future
25 witnesses.

1 You know, obviously we would - except
2 having a designated representative for each side. But
3 anybody - and anybody who's an anticipated witness who
4 hasn't testified yet, we would ask that they not be
5 allowed in the room.

6 HEARING EXAMINER: University?

7 ATTORNEY FARMER: No, that would be
8 incredibly prejudicial. I mean, we've got - we have
9 representatives of the University. We've got, you
10 know, 2,600 or something in this - something like that.
11 2,000 in this proposed unit. Representatives of the
12 University are necessary for us.

13 HEARING EXAMINER: But Brad or Mr.
14 Manzolillo, here's what I'm thinking. Usually I only
15 sequester witnesses when we have issues of
16 intimidation. Which I can't see being in this case any
17 issues of witness intimidation.

18 And also when you have cases - like in a
19 discrimination case or where the - the case comes down
20 to exactly what happened in an incident. So you don't
21 want one witness to hear what the other witness says,
22 because it builds credibility that when the - the facts
23 of the case are turning on exactly what happened that
24 they didn't hear.

25 Since this case is just basically about

1 exhibits, and I think we can probably predict almost
2 what every witness is going to say, I don't think
3 sequestration is - is appropriate right now. Beyond
4 the logistical hurdles of it, because I want to get
5 this hearing done in five days.

6 And putting sequestration on top of
7 everything will just increase the logistical issues.
8 Even if it takes an extra two minutes to get a witness,
9 that adds up over time.

10 So I'm going to deny your motion.

11 ATTORNEY MANZOLILLO: All right.

12 We'll just put our objections on the
13 record.

14 HEARING EXAMINER: That's fine.

15 ATTORNEY MANZOLILLO: All right. In
16 that case -.

17 ---

18 DIRECT EXAMINATION

19 ---

20 BY ATTORNEY MANZOLILLO:

21 Q. Ms. Somma, can you tell us where you work?

22 A. I work at United Steelworkers.

23 Q. And what's your title?

24 A. I am the Director of Organizing.

25 Q. And what - can you tell us a little bit

1 about that job?

2 A. Sure.

3 I oversee the organizing for the
4 international union, which encompasses the United
5 States and Canada. I oversee all of our organizing in
6 both countries.

7 Q. Do you oversee the Pitt grad campaign
8 specifically?

9 A. I do.

10 Q. And - and do you recall how the campaign got
11 started?

12 A. We had been organizing adjunct faculty in
13 the City of Pittsburgh. And through that, our - there
14 were a lot of publicity. We had been receiving calls
15 from different universities, along with graduate
16 employees from several universities, including the
17 University of Pittsburgh.

18 So we received a call, I believe it was in
19 early 2015, around February or March of 2015, from
20 graduate employees at Pitt who requested a meeting and
21 - and wanted to talk about unionization.

22 Q. Okay.

23 And were you part of that meeting?

24 A. I was.

25 Q. And what - can you give us just a brief

1 description of the conversation?

2 A. Sure. The graduate employees were
3 interested in figuring out if unionization was a
4 process that they would be interested in. They were
5 looking to deal with issues - workplace issues, that
6 they wanted to see if a union contract would address.

7 Issues, you know, at that meeting, there
8 were conversation about typical things that we talk
9 about, job security, wages and benefits, transparency
10 at work, other things like that.

11 Q. And obviously we decided to take on the
12 campaign, why? What was your reason?

13 A. We have an evaluation process that we
14 typically go through. We have an intake process, where
15 lots of different places - we get calls or - or
16 internet requests or people stopping by the office
17 quite a bit.

18 So we - we really like to have a process in
19 place that really identifies workplace issues. We try
20 to figure out if a union contract is the answer that
21 would address some of those - excuse me, some of those
22 issues.

23 And so through that - using that process,
24 after the conversation with the graduate employees, we
25 decided that absolutely a union contract would be

1 something that would benefit these workers.

2 Q. And were you aware of other graduate -
3 graduate employees being unionized?

4 A. Yes, I was. There's the University of
5 Wisconsin. You've got, certainly, Columbia, Yale.
6 You've got lots of students in New York University. I
7 have Yale graduate students organized.

8 Q. Okay.

9 And just asking, do you - do you recall when
10 - around when the campaign went public?

11 A. We had a kickoff probably in the fall,
12 winter of 2016 is when we went public with it.

13 Q. I'm going to give you an exhibit here.

14 A. Okay. Thank you.

15 Q. Does this refresh your recollection?

16 A. Yes, it does. Yes. Thank you very much.

17 Q. So with that, can you read us the date on
18 there?

19 A. Yes, January 26, 2016. It was - it was
20 winter. Yes, this would be accurate.

21 Q. So that's when the campaign went public?

22 A. Yes, sir.

23 ATTORNEY MANZOLILLO: Okay.

24 I would move for admission of Union
25 Exhibit 148.

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(Whereupon, Union Exhibit 148, Document, was marked
for identification.)

HEARING EXAMINER: Any objections?

ATTORNEY FARMER: No.

HEARING EXAMINER: Admitted.

(Whereupon, Union Exhibit 148, Petition, was
admitted.)

BY ATTORNEY MANZOLILLO:

Q. And do you remember when we filed the
petition?

A. December of 2017.

ATTORNEY MANZOLILLO: Just to make sure
it's in the record.

HEARING EXAMINER: This is part of the
public record. So this is admitted as 149.

(Whereupon, Union Exhibit 149, Filing of Petition,
was marked for identification and admitted.)

ATTORNEY MANZOLILLO: Similarly, we will
introduce the amended petition.

1 THE WITNESS: Thank you.

2 BY ATTORNEY MANZOLILLO:

3 Q. Do you recognize those as the - our petition
4 and our amended petition?

5 A. I - I do.

6 ATTORNEY MANZOLILLO: Okay.

7 To the extent there needs to be any
8 further admission, I believe they're admitted.

9 HEARING EXAMINER: Any objections to
10 150?

11 ATTORNEY FARMER: No.

12 HEARING EXAMINER: Admitted.

13 ---

14 (Whereupon, Union Exhibit 150, Amended Petition,
15 was marked for identification and admitted into
16 evidence.)

17 ---

18 HEARING EXAMINER: I didn't - I've never
19 seen 150.

20 Go ahead.

21 ATTORNEY FARMER: It was served by the -
22 by the Board as the amended petition.

23 HEARING EXAMINER: Okay.

24 BY ATTORNEY MANZOLILLO:

25 Q. Okay.

1 And how - how many staff do you have working
2 on the campaign?

3 A. I have five staff on it.

4 Q. And you oversee them?

5 A. I do.

6 Q. And if this group were to unionize, would
7 they be integrated into USW International?

8 A. Yes, they would be.

9 Q. And we have - there's - there's already been
10 a stipulation to us being a public employer, but - a
11 public union. But for the record, do we have other
12 public employees in PA?

13 A. We do.

14 Q. Do we represent them with contracts?

15 A. We do.

16 Q. What type of issues do we -?

17 A. Typical workplace issues. We've got job
18 security, wages and benefits, other working conditions,
19 health and safety.

20 ATTORNEY MANZOLILLO: Okay.

21 That's all I have for this witness.

22 HEARING EXAMINER: Cross Examination?

23 ATTORNEY FARMER: Just five minutes,
24 please?

25 HEARING EXAMINER: Off the record for

1 five minutes.

2 You may step down a minute.

3 ATTORNEY FARMER: Thank you.

4 ---

5 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

6 ---

7 HEARING EXAMINER: On the record.

8 Go ahead, continue with Cross.

9 ---

10 CROSS EXAMINATION

11 ---

12 BY ATTORNEY FARMER:

13 Q. You mentioned that there were graduate
14 students that were unionized at some other universities
15 nationwide.

16 Right?

17 A. Yes, ma'am.

18 Q. Okay.

19 And of all of those that you mentioned, are
20 under different labor laws, -

21 A. No.

22 Q. - whether or not the PLRB - there's specific
23 ones that you mentioned, like Wisconsin, NYU, Yale,
24 Columbia? They're not under Act 195.

25 Right?

1 A. The Pennsylvania Labor Act.

2 Q. Right.

3 None of those would be under the
4 Pennsylvania law that applies here?

5 Right?

6 A. The ones I mentioned, yes.

7 Q. They are not under that.

8 Correct?

9 A. Yes.

10 Q. Okay.

11 Are you familiar with Temple University -

12 A. I am.

13 Q. - and their graduate student union?

14 A. Yes, I am.

15 Q. Okay.

16 And the unit that exists at Temple is
17 different than the union that's being petitioned for
18 here.

19 Right?

20 A. I believe it is.

21 Q. And it excludes any student who receives a
22 direct academic benefit for what they're doing.

23 Right?

24 A. I'm not quite sure of the specifics of the
25 unit. I haven't looked at it. I'll be honest.

1 Q. Okay.

2 A. So I can't answer that one.

3 Q. I got you.

4 And the Wisconsin you mentioned, that's
5 called the Teaching Assistant Association, right, the
6 name of their union?

7 A. I believe it is, yes.

8 Q. And at NYU, students who are doing research
9 in the stem fields are excluded.

10 Right?

11 A. I'm not quite sure of the bargaining unit,
12 but I believe you are correct.

13 Q. And NYU also excludes certain students past
14 their seventh year.

15 Doesn't it?

16 A. It does.

17 Q. Now, you mentioned that when you were
18 talking to the students about this, and determining
19 whether this would be suitable for bargaining, that one
20 of the issues you talked about was job security.

21 Right?

22 A. Yes.

23 Q. How would - if the graduate students were
24 found to be employees, how would the Union be able to
25 address job security?

1 ATTORNEY MANZOLILLO: Objection. That's
2 speculation. She's not -.

3 HEARING EXAMINER: What was the
4 question?

5 ATTORNEY FARMER: How would a union be
6 able to address job security for graduate students?

7 It was her testimony that job security
8 was something -.

9 HEARING EXAMINER: Overruled. Go ahead.

10 THE WITNESS: So when we look at a union
11 contract, right, one of the things we do during the
12 bargaining process is to really look at the labor
13 relations.

14 What is the appointment relationship
15 like with their employer? How does it - are
16 individuals signed as an individual agreement? How are
17 they hired? That whole process.

18 And so part of the labor agreement or
19 labor bargaining process is to - to see and explore
20 ways in which you can bring not only transparency, but
21 figure out how you can create longer term job security.

22 Let me give you an example, if I may.

23 So when we represented the University -
24 the adjunct professors at Robert Morris University, for
25 example, there their contract was semester to semester.

1 Now, for 30, 40 years that's how the
2 adjunct profession was. When we came in and bargained,
3 what we looked at and said, is there a way for us to
4 extend that agreement? So we offered more job security
5 prior to just being one semester agreement with that
6 employer.

7 So we, in our contract, developed lots
8 of different ways. One was to make sure that - one
9 part of the agreement was to make sure that the - the
10 professors that were there longer term were given first
11 preference for openings - job openings.

12 We looked at longer term notice for the
13 employer to give them notice, whether they were going
14 to get job contract or extension of their job contract.
15 We looked at lots of different ways.

16 So at the University of Pittsburgh and
17 looking at other contracts, what we can do is take a
18 look at and say, well, if a graduate student doesn't
19 receive a teaching assignment or research assignment
20 next semester, what happens?

21 How do we ensure that they have an
22 ability to be able to know farther in advance what's
23 going to happen with their employment with the
24 University? If there's a way to secure that employment
25 with the University.

1 So part of this is hard to answer,
2 because I don't know the process for every school and
3 how that works. But what we look at in the bargaining
4 agreement is looking at those processes and ways for us
5 to ensure that there's more job security for those
6 employees.

7 It's a long answer, because it's
8 difficult for me to say. As you've said, a lot of - a
9 lot of schools have different processes and procedures.
10 And we need to look at each and every one of those.

11 BY ATTORNEY FARMER:

12 Q. The Steelworkers are also trying to organize
13 the adjunct faculty here at the University.

14 Is that right?

15 A. We're trying to organize all the faculty at
16 the University.

17 HEARING EXAMINER: Is there a petition
18 filed?

19 ATTORNEY FARMER: No.

20 HEARING EXAMINER: Go ahead.

21 ATTORNEY FARMER: It's - it however, has
22 been public.

23 HEARING EXAMINER: Yeah.

24 BY ATTORNEY FARMER:

25 Q. And faculty at the University teach as well.

1 Right?

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

3 Q. And faculty at the University do research?

4 A. And research, yes.

5 ATTORNEY FARMER: I have nothing
6 further.

7 HEARING EXAMINER: Redirect?

8 ---

9 REDIRECT EXAMINATION

10 ---

11 BY ATTORNEY MANZOLILLO:

12 Q. The unit we're petitioning for here is
13 specifically graduate employees.

14 Correct?

15 A. Yes, sir.

16 ATTORNEY MANZOLILLO: Nothing further.

17 HEARING EXAMINER: You may step down,
18 ma'am.

19 Thank you for testifying.

20 Next witness.

21 ATTORNEY HEALEY: Dr. Bickford.

22 HEARING EXAMINER: Raise your right
23 hand.

24 ---

25 TYLER BICKFORD, PA,

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

4 ---

5 HEARING EXAMINER: Spell your name for
6 us.

7 THE WITNESS: My name is Tyler Bickford.
8 First name, T-Y-L-E-R. My last name is B, as in boy,
9 I-C-K, F as in Frank, O-R-D.

10 HEARING EXAMINER: Thank you, sir. Go
11 ahead.

12 ---

13 DIRECT EXAMINATION

14 ---

15 BY ATTORNEY HEALEY:

16 Q. Could you state your name and your business
17 address, please?

18 A. My name is Tyler Bickford. My business
19 address is 509J Cathedral of Learning, 4200 5th Avenue,
20 Pittsburgh, Pennsylvania.

21 Q. And you're here pursuant to a subpoena that
22 was served on you.

23 Are you not?

24 A. That's correct.

25 Q. What is your job and job title at the

1 University of Pittsburgh?

2 A. I'm an Associate Professor of English. And
3 I'm also the Director of Graduate Studies for the
4 English Department.

5 Q. And within the English Department,
6 approximately how many graduate student employees are
7 there?

8 A. We have around a hundred graduate students.
9 And I - I would say the number is between 50 or 60
10 people who are employed as teachers or graduate student
11 assistants.

12 Q. When you say teachers, are they sometimes
13 referred to as teaching assistants?

14 A. Yes.

15 Q. And are others referred to as teaching
16 fellows?

17 A. Yes.

18 Q. Could you look at Volume 1, the notebook in
19 front of you, and just turn to Union Exhibit 2?

20 Do you see the document in front of you?

21 A. Yes.

22 Q. And just for the record, what is that
23 document?

24 A. It's the Policy Statement for teaching
25 assistants, teaching fellows and graduate student

1 assistants.

2 Q. And - and to the best of your understanding,
3 is that the Policy Statement for those job titles at
4 the University of Pittsburgh?

5 A. Yes.

6 Q. And we'll deal with the English Department
7 in - in a moment. But is it your understanding this is
8 the overall policy and different departments have
9 slight differences from time to time?

10 A. I believe all departments are required to
11 conform with the policy here. Within these guidelines
12 departments have some room to vary.

13 Q. Okay.

14 Now, within the - and we'll get to how - how
15 they're done. Within the English Department, how are
16 teaching appointments done?

17 A. In our department, our Ph.D. students enter
18 with a guarantee of five years of funding. Our MFA
19 students enter with a guarantee of three years of
20 funding. That funding is divided up between
21 fellowships, which are 12-month appointments that have
22 no teaching or other responsibilities associated with
23 them.

24 And then TA and TF are teaching assistant
25 and teaching fellow appointments, which require that

1 the graduate students teach one - one class a semester
2 or some other work that's the equivalent.

3 So our Ph.D. students are - receive their
4 five years of guaranteed funding. One of those years
5 is a fellowship that doesn't require any work. And
6 then four of those years they'll serve as TAs or TFs.

7 With our MFA students, so the Master's Fine
8 Art students, they - most of them have one year of
9 fellowship and then two years of - of TA, TF
10 appointments. Some of them are service TAs or TFs for
11 three years.

12 Yeah, go ahead.

13 Q. And within the English Department, do - do
14 you have graduate student assistants?

15 A. We do.

16 Q. And what function do graduate student
17 assistants perform in the department?

18 A. So individual faculty or programs, such as
19 the Center for African American Poetry & Poetics, or
20 faculty who may be editing a scholarly journal or a
21 journal of creative writing or something.

22 Individual faculty and programs are -
23 receive GSA lines that they can then use to hire
24 graduate students to do work for those programs or
25 those journals or to support that faculty and their

1 research in some way.

2 I think the English Department has a total
3 of about seven full time equivalent GSAs.

4 Q. And approximately how many full time or
5 equivalent teaching assistants are there?

6 A. I think this year we have 54 TA, TF lines.

7 HEARING EXAMINER: Are we talking the
8 English - English Department?

9 THE WITNESS: English Department.

10 BY ATTORNEY HEALEY:

11 Q. And how many teaching fellows at this time?

12 A. Well, I'm sorry, 54 was the combination of
13 TA and TF. That distinction is not a significant one.
14 So our students are those TAs, or their first two years
15 as teachers and then as TFs for the second two years.

16 The - the shift is automatic.

17 Q. And when - teaching assistants, they receive
18 appointment letters.

19 Is that correct?

20 A. Yes.

21 Q. And what's your understanding as to how
22 those appointment letters operate within the English
23 Department?

24 A. Could you ask me that question again?

25 Q. Yeah.

1 The people receive appointment letters for -
2 for their assignments.

3 Is that correct?

4 A. Yes.

5 Q. So how are the assignments determined within
6 the English Department?

7 A. Okay.

8 So I - in - in the English Department, in
9 general we separate the funding source from the actual
10 work that the TA or TF is doing.

11 So students receive appointment letters that
12 say you're appointed to a position as a TA or TF, and
13 you are eligible for this salary and these benefit.

14 In a separate process, students who are
15 appointed to those positions are then assigned to
16 different types of work, mostly teaching their own
17 classes.

18 Q. Okay.

19 So in regard to teaching classes, is there a
20 particular class that takes up a good deal of teaching
21 assistants?

22 A. Yes.

23 So the English Department, we run a large
24 number of sections of a class called Seminar in
25 Composition. That's a first year writing class that

1 all students - all entering first year undergraduate
2 students in arts and sciences and in some other schools
3 are required to take.

4 And - and all of our teaching assistants in
5 their first year of teaching teach Seminar in
6 Composition for two semesters.

7 Q. And approximately how many entering
8 undergraduate students are there from year to year?

9 A. My understanding is that the first year
10 class this year at the University of Pittsburgh was
11 4,100 students. That's across all of the schools.
12 Arts and sciences is the largest school by far.

13 Q. And is that the principal course that
14 teaching assistants are assigned to address?

15 A. Yes.

16 Q. How many - how is that course organized, in
17 terms of lectures or different sessions?

18 A. In that course every session of that course
19 is taught by an independent primary instructor. So our
20 graduate students who were teaching Seminar in
21 Composition are the teachers of record for that course.
22 And they teach that course independently.

23 Q. And do you know approximately how many
24 sections are in that course at a given time?

25 A. I don't have a specific number. But my

1 understanding is that it's around a hundred courses a
2 semester.

3 Q. Okay.

4 So there's 54 teaching assistants -

5 A. That's right.

6 Q. - or teaching fellows, approximately?

7 Can they fill all the sections in that
8 course?

9 A. No, they can't. We - we also - that course
10 is also taught by some full-time faculty, a very small
11 number of tenure to tenure stream faculty, many
12 full-time nontenure stream professors - lecturers is
13 their title - teach - teach that course.

14 And then we also hire a large number of
15 part-time instructors to teach seminar -.

16 HEARING EXAMINER: And tenure stream is
17 that tenure track?

18 THE WITNESS: For some reason Pitt uses
19 the term tenure stream -

20 HEARING EXAMINER: Tenure stream?

21 THE WITNESS: - throughout the industry.

22 So tenure stream means tenure track.

23 That's right.

24 BY ATTORNEY HEALEY:

25 Q. The teaching assistants and teaching fellows

1 that - that teach this course, do they receive academic
2 credit for their teaching duties?

3 A. They don't.

4 Q. And how is it determined - I'm - I'm a
5 student from Pitt, and I've got a TA or - a teaching
6 assistantship or a teaching fellow. How is it
7 determined what course I teach?

8 A. So the first year that you're teaching,
9 which would be your second year in the program, you
10 would be automatically assigned to teach them a
11 composition.

12 Beyond that, graduate students can request
13 different assignments. So a student in - and then
14 there's a range of classes. So students may request
15 specific classes or they may request the opportunity to
16 teach a literature class.

17 And they make those requests in basically
18 the same way that any other teacher in the department
19 makes the request, usually in the fall or the - the
20 following year the department sends out a request for
21 people to give their preference for teaching.

22 And then the directors of the undergraduate
23 programs then assemble a roster of teachers. They
24 assemble the schedule. And they do their best to
25 accommodate people's preference. And - and sometimes

1 individual grad students are able to have their
2 preference - teaching preferences accommodated and
3 other times they aren't.

4 Q. And the - the decisions, in terms of
5 assigning students to that class, is it based on what
6 the University of Pittsburgh needs in terms of teachers
7 or is it based on the - the degree requirements that
8 the student is involved in?

9 A. I think the answer is that we have classes
10 that we need to teach. And the students are available
11 as teachers. And so we - we - we fill them according -
12 we sort them according to their preferences as best we
13 can.

14 I can't think of a situation where we would
15 have created a class or something like that for an
16 individual student because their educational - or
17 degree needs, you know, motivated them.

18 Q. The teaching assistants and the teaching
19 fellows, they're paid.

20 Are they not?

21 A. They are.

22 Q. And are they taxed on their income?

23 A. To my knowledge, they are.

24 Q. And do you know if they receive W-2 forms?

25 A. I believe they do.

1 Q. What is the work requirement or the limit on
2 the work requirement in terms of hours per week?

3 A. So the policy, which I believe is in this
4 document is that -.

5 HEARING EXAMINER: Why don't you look -
6 look at it and see if can find it?

7 THE WITNESS: I - you know, this is a
8 long document and I'm not familiar with every detail of
9 it. So I -.

10 HEARING EXAMINER: Take your time.

11 THE WITNESS: Sure. Okay.

12 I can search through this.

13 BY ATTORNEY HEALEY:

14 Q. Look to page four at the top.

15 A. Yeah.

16 So on page four at the top, the policy says
17 the departmental assignments, with consideration for
18 adequate preparation time, should not exceed an average
19 of 20 hours per week for any full appointment.

20 HEARING EXAMINER: And then you - in
21 your experience, that is the policy that's actually
22 enforced?

23 THE WITNESS: That's the policy that is
24 - yes, that's the policy.

25 HEARING EXAMINER: Go ahead.

1 THE WITNESS: I don't have significant
2 experience of it actually being enforced. That's the
3 policy that's discussed. That was the best policy.

4 HEARING EXAMINER: Well, that was my
5 question.

6 So I - we see what that says in the page
7 there.

8 What actually happens?

9 THE WITNESS: So in my experience in the
10 English Department, there's not - to my knowledge,
11 there's not an effort made to keep track of the actual
12 hours that TAs and TFs are working.

13 HEARING EXAMINER: So is it more or
14 less, in your experience?

15 THE WITNESS: I think that would be a
16 question for the individual teachers.

17 HEARING EXAMINER: Go ahead.

18 BY ATTORNEY HEALEY:

19 Q. Within the English Department, if I'm a TA
20 or TF, do I have ability to go take a job elsewhere?

21 A. No. Sometimes students can request an
22 exemption from that policy. They file what's called an
23 Overload Request. And that Overload Request has to be
24 approved by - by me, by the department, and then also
25 approved by the Dean's Office.

1 And normally Overload Requests beyond ten
2 hours, to my knowledge, are not approved.

3 Q. Okay.

4 I think I forgot this question.

5 Do you know whether or not TAs and TFs
6 receive subsidized health insurance from the University
7 of Pittsburgh?

8 A. They do.

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

11 HEARING EXAMINER: Five minutes,
12 Mrs. Farmer?

13 ATTORNEY DANTE: Yes, please.

14 HEARING EXAMINER: Off the record.
15 Step down, sir.

16 THE WITNESS: Sure.

17 ---

18 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

19 ---

20 HEARING EXAMINER: Back on the record.
21 Cross Examination.

22 ATTORNEY HEALEY: Sir, just a couple
23 more questions.

24 HEARING EXAMINER: Oh, we're back to
25 Direct?

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

3 HEARING EXAMINER: Any objections to
4 151?

5 ATTORNEY FARMER: No.

6 HEARING EXAMINER: Admitted.

7 ---

8 (Whereupon, Union Exhibit 151, Graduate Handbook
9 for Department of English, was admitted.)

10 ---

11 HEARING EXAMINER: Cross Examination.

12 ATTORNEY DANTE: Yes.

13 ---

14 CROSS EXAMINATION

15 ---

16 BY ATTORNEY DANTE:

17 Q. Good morning, Dr. Bickford.

18 A. Good morning.

19 Q. Where did you receive your Undergraduate
20 degree?

21 A. At Simon's Rock College in Great Barrington,
22 Massachusetts.

23 Q. And how about your Graduate degree?

24 A. At Columbia University.

25 Q. Why did you decide to pursue a Ph.D.?

1 A. I was a pastry cook. And that was a
2 dead-end job and I was looking for something else.

3 Q. Why did you ultimately choose to attend
4 Columbia?

5 A. I was admitted to their program in
6 ethnomusicology.

7 Q. How did you decide to pursue English (sic)
8 as a Ph.D.?

9 A. My Ph.D. is in music.

10 Q. Music?

11 A. I am - I work in the English Department, but
12 my Ph.D. is in music.

13 Q. Music? Got it.

14 How did you choose that?

15 A. Again, I was a pastry cook. It was a
16 dead-end job. I was looking for something to do. I
17 got accepted to grad school in music.

18 HEARING EXAMINER: She's asking you why
19 music? Of all - of all things you could have chosen,
20 why music?

21 THE WITNESS: I had the background in
22 it. I could convincingly argue that they should accept
23 me.

24 BY ATTORNEY DANTE:

25 Q. Fair enough.

1 In addition to being a professor in the
2 Department of English, you also hold some other
3 service-related roles.

4 Right?

5 A. I'm the Director of Graduate Studies in
6 English and a few others.

7 Q. Okay.

8 Let's start there. What are your
9 responsibilities as the Director of Graduate Studies?

10 A. So I oversee the three graduate programs.
11 There's a Master's degree, a Master's in Fine Arts and
12 a Ph.D. I'm responsible for overseeing the process of
13 admitting new students.

14 I oversee the assessment and program
15 according to the Deans and - and - and to the
16 Department Chair.

17 I am - primarily, I would say the core of
18 the job is overseeing the individual students, progress
19 to the degree, and keeping track of their completion of
20 requirements.

21 And then also I'm responsible for modifying
22 and adjusting the policies. So what's in the handbook,
23 working with a committee called the Graduate Procedures
24 Committee and the department to ensure that our
25 policies, our degree requirements and whatever else are

1 working as well as possible.

2 Q. Okay.

3 Do you also have a role in graduate student
4 appointment assignments?

5 A. I have a role in negotiating with the
6 Graduate Dean's Office, so the Associate Dean for
7 Graduate Studies in Arts and Sciences, how - sort of
8 how many TA, TF or fellowship lines that we'll have
9 that I can then distribute to our students.

10 I do not have a role in specifically
11 assigning individual graduate students to their
12 teaching appointments or whatever else.

13 So - so if that graduate student is teaching
14 Seminar in Composition or if a graduate student is
15 teaching a course like Introduction - Imagining Social
16 Justice, which is a course that they sometimes teach,
17 it's not my job to assign them to those individual
18 assignments.

19 The Directors of Undergraduate Studies - so
20 in the English Department those are directors of the
21 Literature Program, the Composition Program and the
22 Writing Program. Those people are responsible for
23 assigning graduate students -.

24 So I'm sort of responsible for securing
25 funding for those students. But then once they are

1 funded, then they're assigned based on what the
2 Undergraduate Program Directors need or what - you
3 know, what - what their staffing needs are.

4 So I - I think the one situation where that
5 is not - where there is exceptions to that, is the GSA
6 appointments. Which are ultimately decided by either
7 the programs or the individual faculty members who
8 control those GSA appointments.

9 My office is often involved in trying to
10 sort of find students who might be interested in those
11 positions. And I - I kind of - I may help mediate that
12 process.

13 Q. All right.

14 As the Director of Graduate Studies, do you
15 also interact with students if they have concerns about
16 the program?

17 A. Yes.

18 Q. And also hopefully potentially resolve some
19 of those concerns, -

20 A. Yes.

21 Q. - if you're able to?

22 You mentioned the Graduate Procedures
23 Committee.

24 Can you tell us a little bit about what that
25 committee does?

1 A. So that committee is - is responsible for
2 the handbook. So that committee will make and approve
3 changes to the handbook.

4 Normally what would happen is that I would
5 draft some changes and then bring it to the committee.
6 And then that committee also - we have some - we -
7 there are some fellowships that graduate students can
8 apply for.

9 And we often need - so there's school-level
10 fellowships. And the Department has to send rankings
11 of our candidates. So that committee will rank our
12 internal candidates.

13 We also have a couple fellowships that we
14 control internally. And so that committee decides who
15 - who to give those fellowships to.

16 And that committee also sometimes is
17 involved in assessment processes, so - you know, so
18 we're responsible every year for assessing our program,
19 right, so that - the learning outcomes or whatever else
20 the students are doing.

21 So when we're assessing things like our
22 Ph.D. project papers or Master's research papers, I'll
23 - I'll bring those to the committee, and they'll read
24 them and - and evaluate them based on the report.

25 Q. And what is - what has your specific role

1 been on the committee? Is there something you've been
2 particularly focused in?

3 A. So as the Director of Graduate Studies, I
4 Chair the committee.

5 Q. Okay.

6 A. When - in the past, before I was the
7 Director of Graduate Student Studies, I was a member of
8 the committee.

9 Q. Okay.

10 And in terms of your recommendations on
11 certain policies or procedures, you mentioned you
12 present those to the Associate Dean.

13 Is that right?

14 A. I'm not sure -.

15 So in terms of recommendations about the
16 graduate handbook itself, -

17 Q. Uh-huh (yes).

18 A. - that would normally be that I would
19 identify maybe some drafting errors or some problems or
20 - that students are encountering. And I would
21 recommend changes to the Graduate Procedures
22 Committee, -

23 Q. Okay.

24 A. - who would then approve that committee.

25 Q. Okay.

1 And that committee then is -?

2 A. That committee is appointed by the Chair -
3 the Department Chair.

4 Q. Okay. Got it. Thank you for that
5 clarification.

6 Are you also a member on the Graduate
7 Council?

8 A. I am.

9 Q. Can you explain a little bit about what that
10 does?

11 A. Well, I've only attended one meeting. I was
12 - my predecessor on the committee was elected by the
13 faculty of the Dietrich School. She's now on leave.

14 And so - so the Associate Dean for Graduate
15 Studies asked me to serve - I think maybe my Chair
16 might have nominated me to fill that position. And
17 then the committee itself appointed me to that.

18 So my understanding is that the Graduate
19 Council is responsible for approving new programs. In
20 particular I think that's its main role. It's also
21 involved in - I think it has an annual process of
22 evaluating the TA training in different departments on
23 a - on a sort of cycle.

24 Q. And that is the Graduate Council that's
25 within the Dietrich School of Arts & Sciences.

1 Right?

2 A. Correct. So there are members from many
3 department in the School of Arts & Sciences - of the
4 Dietrich School and then also student members.

5 Q. Okay.

6 Do you also have a role in the University
7 senate?

8 A. I do.

9 Q. Can you tell us about?

10 A. I am elected by the faculty assembly to the
11 Budget Policies Committee. And then the members of the
12 Budget Policies Committee elected me as secretary of
13 that committee.

14 Q. What does that committee do?

15 A. So - is it okay to ask the relevance? Is
16 that - I'm just curious.

17 HEARING EXAMINER: Nope.

18 THE WITNESS: I mean, I'm happy to - I -
19 I - it's really interesting for me -.

20 BY ATTORNEY DANTE:

21 Q. Your job is just to answer the questions.

22 ATTORNEY HEALEY: I actually didn't hear
23 the question.

24 HEARING EXAMINER: Hold on. Just please
25 stop talking.

1 THE WITNESS: Sure.

2 HEARING EXAMINER: Repeat the question
3 for Mr. Healey.

4 ATTORNEY DANTE: I asked what the
5 committee that he sits on does.

6 HEARING EXAMINER: The Senate -

7 ATTORNEY DANTE: Correct.

8 HEARING EXAMINER: - the Senate
9 Committee?

10 ATTORNEY HEALEY: I'm actually at this
11 point going to ask the relevance to this line of
12 questioning.

13 It's beyond the scope of Direct. I'm
14 not sure it's germane to the issues.

15 HEARING EXAMINER: What's the relevance?

16 ATTORNEY DANTE: The relevance is his
17 involvement in various service components. That
18 they're arguing that graduate students are employed at
19 the University. We have a right to probe what faculty
20 at the University do in the course of their job
21 responsibilities.

22 I have three more questions. I'll be
23 brief.

24 HEARING EXAMINER: Deferred on
25 relevance. Continue.

1 ATTORNEY DANTE: Thank you.

2 BY ATTORNEY DANTE:

3 Q. What does the Senate Budget Policies
4 Committee do?

5 A. The Senate Budget Policies Committee -.

6 ATTORNEY HEALEY: Just - just to be
7 safe, I'll note a continuing objections.

8 HEARING EXAMINER: Yeah, I know. Defer.
9 Go ahead.

10 THE WITNESS: The Senate Budget Policies
11 Committee, to which I volunteered, along with the
12 Graduate Council, to which I volunteered, and which is
13 not a normal required part of my job, is great.

14 We - we are responsible in part for
15 hearing reports from the University about budgetary
16 matters. We - we are charged by the University's
17 Planning and Budgeting System document with oversight
18 of the Individual Planning and Budget Committees across
19 the University. And so we're involved in some of those
20 oversight efforts.

21 We also - so we get reports about -
22 about things like - like faculty salaries. But also
23 about things like the status of the regional campuses
24 which have been, you know, Titusville - the Titusville
25 campus has been undergoing some changes.

1 We got reports about things like the
2 facilities master plan and other topics related to
3 overall sort of budgetary issues.

4 It's - it's a really interesting and -
5 and good committee. And I enjoy it very much. Which
6 is why I volunteer extensive amounts of time to
7 participate in it.

8 BY ATTORNEY DANTE:

9 Q. You're a tenured faculty member.

10 Right?

11 A. Yes.

12 Q. Is service a component of being a tenured
13 faculty member?

14 A. Yes.

15 Q. And you would agree with me that serving on
16 university committees is - fulfills part of that
17 service obligation.

18 Right?

19 A. So I - my understanding is that within the
20 English Department normally there's an expectation of
21 serving on about two internal departmental committees
22 in - in a year.

23 And so I'm not - I'm honestly not sure. I
24 have a lot of colleagues who have tenure who don't
25 serve on University-level committees. I would say all

1 of my colleagues do some service in serving on
2 committees in the department.

3 And importantly, I think to your question,
4 tenured faculty, nontenure and tenure stream faculty,
5 full-time nontenure stream faculty and also graduate
6 students all serve on an internal department basis.

7 Q. Right.

8 So you would agree with me that serving on
9 committees in general is a service to the University.
10 Right?

11 A. Absolutely, yes.

12 Q. Okay.

13 And that Senate Budget Policies Committee
14 also makes recommendations on University budgeting.
15 Right?

16 A. Well, that's a good question. So the
17 University Planning and Budget Committee, which is a
18 separate committee, which is the University-level
19 committee, makes recommendations for the budgets and -
20 in like May or June of each year.

21 And we are usually told of what those
22 recommendations are so that the Senate Budget Committee
23 and - and the committee, I think, has historically
24 sometimes chosen to sort of vote to approve or to
25 disapprove of those recommendations. But nothing else

1 finer grains than that.

2 Q. Okay.

3 On Direct Examination you talked a little
4 bit about others who teach the first year Seminar in
5 Composition.

6 Right?

7 A. Yes.

8 Q. And I think you mentioned that there were
9 nontenure stream lecturers.

10 Right?

11 A. So full-time faculty, I'll say, yeah.

12 Q. Full-time faculty and also maybe - and
13 part-time faculty as well?

14 A. Yes.

15 Q. And part-time faculty also might be referred
16 to or known as adjunct faculty?

17 A. That's right. My understanding is that the
18 University is very cautious about that term. So I
19 think part-time instructors is the term of art.

20 Q. Uh-huh (yes).

21 A. But adjunct is the term that would be used
22 in sort of normal diction, let's say.

23 Q. So a number of different kinds of faculty
24 need to also teach that first year Seminar in
25 Composition course.

1 Right?

2 A. Or may be assigned it.

3 Q. Or may be assigned it.

4 Right.

5 And the University, in fact, could switch
6 all of the recitation sessions to any number of those
7 different types of faculty, from the graduate students.

8 Right?

9 A. Can you say that again?

10 Q. The University could choose to switch having
11 graduate students teach those intro courses to adjunct
12 faculty.

13 Right?

14 A. I - I - so you said the first time
15 recitation sessions. That's - I - I should ignore
16 that?

17 Q. Let's talk about the Seminar in Composition.

18 A. Yeah, yeah. Right.

19 Q. Those - those intro courses.

20 A. Right. The first year writing course. The
21 first year writing course. That's right.

22 Q. The first year writing courses, that you
23 said tenure - tenure faculty teach, nontenure faculty
24 teach, part-time instructors teach -

25 A. That's right.

1 Q. - and graduate students teach.

2 A. Right.

3 Q. The University could not have gradate
4 students teach that class and instead have an adjunct
5 faculty member teach that class.

6 Right?

7 ATTORNEY HEALEY: Objection,
8 speculation.

9 THE WITNESS: So at -.

10 HEARING EXAMINER: Hold on, sir.

11 There's an objection.

12 Repeat the question.

13 BY ATTORNEY DANTE:

14 Q. The University could have adjunct faculty
15 teach that class instead of graduate students?

16 Right?

17 HEARING EXAMINER: Overruled.

18 Go ahead.

19 You can answer that question. Go ahead.

20 THE WITNESS: I don't - I don't - I
21 don't think I know. I think - so if - if that - a
22 decision like that were made, then we would have to
23 find other work for the TA, people who are - who are
24 appointed to a TA and TF class.

25 So a graduate student receives an

1 appointment letter, right, which says you're appointed
2 to a TA or TF line. And so then the department is on
3 the hook for assigning them to some sort of staffing
4 position.

5 So I think that's right. So if the
6 University decided that no TAs or TFs would teach
7 Seminar in Composition, then they would teach something
8 else. I think that's right.

9 BY ATTORNEY DANTE:

10 Q. Do you know how much adjunct or part-time
11 instructors are paid to teach the intro seminar
12 courses?

13 A. I don't.

14 Q. So still staying with the Seminar in
15 Composition course.

16 Only English students in their second year
17 of their Ph.D. program teach that course.

18 Right?

19 A. No. English students in their second year
20 are - all teach that course.

21 Q. Uh-huh (yes).

22 A. And then English students in their third,
23 fourth and fifth and sometimes beyond, if they're able
24 to secure funding, may also teach that course.

25 Q. After the second year of their program,

1 students are allowed to express interest in teaching
2 other courses.

3 Right?

4 A. Yes.

5 Q. And can move on to the instructor of record.
6 Right?

7 A. When they're teaching Seminar in
8 Composition, they are also instructor of record.

9 Q. Okay.
10 And they might -?

11 A. And those aren't in sections or recitation
12 sessions with the full-time faculty member, who - they
13 are the instructor of record in there.

14 So you say, move on. I want to make sure
15 that I'm not agreeing that they were not previously
16 instructors of record.

17 Q. So they could express either interest in
18 teaching another course that might be more aligned with
19 their research interest?

20 A. Absolutely.

21 Q. Do students do that?

22 A. Absolutely.

23 Q. The English Department requires all of its
24 Ph.D. students to teach two terms as part of their
25 academic requirement.

1 Right?

2 A. So that's the language in the handbook. To
3 my knowledge, that's never actually been at issue.
4 Because students almost always teach significantly more
5 than that.

6 Q. So you're agreeing that -?

7 A. Yes, yes, to - that's in the handbook.

8 Q. Okay.

9 And you're also aware that the English
10 Department requires all of its Ph.D. students to take
11 ENGLIT 2500, which is the Seminar in Pedagogy.

12 Right?

13 A. Yes.

14 Q. And students who are enrolled in that course
15 are appointed on either a TA or TF during that time
16 period.

17 Right?

18 A. So students normally take Seminar in
19 Pedagogy in the spring of their second year, with - at
20 which time they would be appointed to a TA or TF line.
21 That's correct.

22 Q. And they get academic credit for that
23 course.

24 Correct?

25 A. Yeah, they do. It's a regular graduate

1 seminar.

2 Q. Okay.

3 Do they also get a letter grade for that
4 course?

5 A. I believe so, yes. So they - and I say
6 that, because students may sometimes take things for
7 like pass, fail. But I'm pretty sure that in that - in
8 - for the required courses they're not allowed to take
9 pass, fail. So they should get a letter grade for that
10 course.

11 Q. We're going to be showing you what we'll
12 mark as Respondent 1 or R-1.

13 ---

14 (Whereupon, Respondent Exhibit 1, Sample of Seminar
15 in Pedagogy Syllabus, was marked for
16 identification.)

17 ---

18 HEARING EXAMINER: I'm calling it
19 University 1.

20 ATTORNEY DANTE: You can call it
21 University 1.

22 HEARING EXAMINER: Thank you.

23 ATTORNEY DANTE: Although, for
24 abbreviation, that would make it another U.

25 HEARING EXAMINER: Oh, -

1 ATTORNEY DANTE: Yeah.

2 HEARING EXAMINER: - okay. R-1, -

3 ATTORNEY DANTE: R-1.

4 HEARING EXAMINER: - I think.

5 ATTORNEY HEALEY: You put 2 on this one,
6 Your Honor.

7 Is this a 1 or -?

8 ATTORNEY FARMER: It's a 1. I believe
9 that Ms. Dante's handwriting is just confusing. It's a
10 1.

11 HEARING EXAMINER: Who knows. R-1.

12 BY ATTORNEY DANTE:

13 Q. Dr. Bickford, this is a sample of that
14 Seminar in Pedagogy syllabus.

15 Right?

16 A. Yes, that's what it looks like.

17 Q. And if you look down at the second
18 paragraph, there's reference to a teaching portfolio.

19 A. Uh-huh (yes).

20 Q. Do you see that?

21 A. I do.

22 Q. Can you explain what a teaching portfolio
23 is?

24 A. Well, here it says that the portfolio
25 consists of a statement of teaching philosophy, a

1 sample assignment, a self-designed syllabus and an end
2 of semester reflection piece.

3 Q. And you would agree that that in general is
4 what a teaching portfolio is?

5 A. I would say a teaching portfolio would be a
6 collection of materials related to teaching.

7 Q. How does a student go about developing a
8 teaching portfolio?

9 A. Could you ask the question again?

10 Q. How does a student go about developing their
11 teaching portfolio?

12 A. So in - I haven't looked at this syllabus.
13 This syllabus seems to have some structured assignments
14 to develop a teaching portfolio.

15 I'm more familiar with the teaching
16 portfolio as part of a job application dossier. And in
17 that case it would normally include - a teaching
18 portfolio would normally include materials from an
19 individual's record as a teacher.

20 Q. Is that important for students who go out on
21 the job market and seek academic positions?

22 A. Some positions at some - some jobs ask for
23 it, yeah.

24 Q. Okay.

25 And as far as a teaching philosophy, what -

1 how does someone develop their own teaching philosophy?

2 A. Well, I - you would reflect on your sort of
3 values as a teacher and your practices as a teacher.
4 And then you would write about those.

5 Q. So presumably in order to develop a teaching
6 portfolio and a teaching philosophy statement, you'd
7 have to actually teach.

8 Right?

9 A. Oh, sure, normally, yeah. I'm not sure that
10 the syllabus requires that. And it's possible to take
11 Seminar in Pedagogy without having taught. So I
12 believe you could take a course like Seminar in
13 Pedagogy in which you might develop a teaching
14 philosophy.

15 So at least in principal it's - it's
16 possible to develop a teaching philosophy without
17 having to teach it.

18 Q. And I think that you mentioned earlier that
19 most of the English Ph.D. students take this course
20 when they're TAing for the -

21 A. Yes, correct.

22 Q. - first time in their second year.

23 Right?

24 A. Yes.

25 We've had conversations about whether it

1 would make more sense to have Seminar in Pedagogy run
2 in a student's first year. Precisely because the
3 question is, does it make more sense to sort of take a
4 class, you know, that's about the sort of theory and
5 scholarship of teaching before you taught, right, as
6 preparation or does it make more sense, you know, as it
7 is now, to have it, you know, happen - coincide with
8 teaching?

9 And so in that - so we never implemented
10 that. But you know, it's on the table that one could
11 have a class like this, in which you'd be developing
12 these materials and developing syllabuses without
13 having that experience.

14 Q. And I think you mentioned, because maybe
15 there's a school of thought, that training students or
16 having students be provided with some of these
17 resources before they go into a classroom might be also
18 beneficial for them.

19 Right?

20 A. Sure.

21 Q. Have you worked with students in your role
22 as a faculty member at the University?

23 A. Yes.

24 Q. Have you worked with any teaching assistants
25 or teaching fellows?

1 A. Yeah.

2 In what capacity do you mean work with?

3 Q. Have you had one assigned to one of the
4 courses that you teach?

5 A. Yes. So I teach one of the few courses in
6 the English Department that has recitation instructors.
7 So most courses in English, and we teach a large number
8 of them, are taught by instructors of record.

9 I often teach a course called Children and
10 Culture which is a lecture class usually with around a
11 hundred undergraduate students. And that course
12 usually has two recitation instructors.

13 I think the only other course that commonly
14 runs in English, that has recitation instructors, is a
15 lecture in film studies. I'm not sure exactly the
16 title.

17 But otherwise - yes, so I have been in a
18 situation of teaching a course that has recitation
19 instructors. So I would be collaborating with TAs and
20 TFs on teaching the course. That's right.

21 Q. Can you tell us a little bit about what that
22 collaboration would look like?

23 A. Sure.

24 So I'm usually responsible for developing
25 the syllabus. The course that I'm teaching right now,

1 Children and Culture has - I - I tell students I think
2 of it as having three streams. I give a lecture once a
3 week.

4 I - and I assign readings that - that are -
5 that the - the students do - the students also write
6 their own sort of weekly blog posts. I'm a big
7 believer in kind of regular low-stakes writing.

8 And then in the recitation - in the
9 recitation sessions, the recitation instructors, I - I
10 feel that they have a lot of autonomy in how they run
11 their recitation sessions.

12 Currently one of the recitation instructors
13 from my course is a TA. And one of the recitation
14 instructors is a part-time instructor. And - and that
15 person is an expert in the philosophy of gender.

16 And - and the TA who's - who's working in
17 the class does really interesting ethnographic work
18 with housing-insecure children in Atlanta.

19 And so I encourage both of them to bring
20 their kind of, you know, special knowledge and
21 expertise and skills to - into the recitations.

22 I think commonly what happens in the
23 recitations is that the recitation instructors discuss
24 the - discuss with the students the readings that were
25 assigned that week.

1 And also sometimes they'll talk about the
2 students blog posts. The recitation instructors are
3 responsible for grading the written work, the students'
4 blog posts. And then I take on responsibility for
5 administering and grading their exams.

6 Q. Do you encourage your graduate student and
7 teaching assistant to attend your lecture classes?

8 A. Yes.

9 Q. And in addition to the Seminar in Pedagogy,
10 are students in the - in Arts and Sciences required to
11 take the schoolwide training before they TA or TF in a
12 particular course?

13 A. They're not. We get an exemption from that.
14 So we do that inhouse in the English Department.

15 And so I think just last year we had to
16 renew the exemption. And so we send - the School of
17 Arts and Sciences, I think, is the associated team for
18 graduate studies.

19 We send them material related to our inhouse
20 teacher training and request that exemption. And we're
21 normally granted it. I think our teaching - teacher in
22 training is - is pretty intensive, comparatively.

23 Q. So in addition to the Seminar in Pedagogy
24 that we talked about earlier, are there any other
25 components of that teacher training that you think is

1 pretty robust?

2 A. Yeah, I would actually say that Seminar in
3 Pedagogy is less directly related to teacher in
4 training, that teacher in training, that course is - is
5 more of sort of a theoretical and philosophical course
6 about the scholarship of teaching.

7 And - and my department believes that
8 scholarship and teaching is an important part of
9 English studies. And so that's an important thing that
10 - that professionals in English studies should - should
11 know.

12 The more directly related supports for
13 teachers would be a two credit practical course called
14 Introduction to Composition Pedagogy. And that
15 normally runs in the fall of a student's second year.

16 So our starting teachers will enroll in
17 Introduction to Composition Pedagogy. And so during
18 their first semester as teachers they'll also be
19 supported with this kind of training process, which
20 is -.

21 And that course is much more directly
22 related to the actual ins and outs of teaching Seminar
23 in Composition, specifically where Seminar in Pedagogy
24 is a much, again, broader sort of more theoretical
25 course.

1 And then in addition to Introduction to
2 Composition in Pedagogy, throughout their first year as
3 teachers, students are - so first year teachers are
4 assigned to a mentor, which is usually another graduate
5 teacher, who has, you know, significant experience and
6 who applied for this position.

7 And I don't normally administer or run this
8 - this program. So I don't know the details. But my
9 understanding, to best of my knowledge, is that those
10 mentors will - should I keep talking or shouldn't I?

11 Q. Yeah. Yeah, of course.

12 A. Okay.

13 Yeah. But those mentors will - is that
14 those mentors will sit in on a couple of meetings of
15 the students' class in the spring. So they take
16 Introduction to Composition in Pedagogy in the fall.

17 And in the - in the spring they work closely
18 with the mentor, who will come to their classes and who
19 will also meet with them on a regular basis.

20 And so we have a pretty intensive sort of
21 yearlong process of support for - for new teachers.

22 Q. Okay.

23 And in - for that Intro to Composition in
24 Pedagogy, do you - do students get any sort of course
25 credit for that?

1 A. So - yes. And that's a new thing. So
2 previous to a couple years ago, there was something
3 C-E-A-T, CEAT, which was the Committee for the
4 Evaluation and Assessment of Teaching, which did all of
5 that work, and - that I was just discussing for - for
6 first year students.

7 And so a couple of years ago there was - as
8 we were revamping our curriculum, there was an effort
9 made to create a two-credit practicum. So Introduction
10 to Composition in Pedagogy is a two-credit course.

11 And that was to - and so then that counts
12 toward their overall course requirements. And that was
13 partly to sort of, you know, lessen the work that first
14 year students had, which is that they were required to
15 take a number of courses, and to take - to do this
16 training.

17 So importantly, I think to that question,
18 Introduction Composition in Pedagogy is a two-credit
19 course in the fall. In the spring, students are still
20 undergoing intensive training as teachers, for which
21 they did not receive course credit.

22 So they're working with - I believe the
23 Committee for Evaluation and Assessment of Teaching
24 still exists. And now part of its work is that - is
25 that course.

1 But then that also continues to happen in -
2 in the spring when they work with their mentors and -
3 and do not receive academic credit for that.

4 Q. You mentioned earlier that in relation to
5 that Seminar in Pedagogy that scholarship and other
6 things related to that type of theoretical - which are
7 important to the Department.

8 Right?

9 A. Yeah. We care a lot about teaching, so
10 yeah.

11 Q. Why - why is that?

12 A. I think most of my colleagues agree that -
13 that - that good thoughtful teaching is an important
14 part of being a professor, of being a scholar. And
15 that English studies in particular - so the field of
16 English broadly -.

17 In my department, that includes writing and
18 field studies and composition and literary studies.
19 That English in particular is a field in which teaching
20 is an important part of what it means to be a
21 well-rounded scholar.

22 And so - so that's true for all of us.
23 Yeah.

24 Q. And -?

25 A. And so - and so we have - my colleagues are

1 invested in the idea that Seminar in Pedagogy, unlike
2 Introduction to Composition in Pedagogy, is not a
3 narrow kind of, you know, course devoted to training
4 specific teachers or - you know, in the - in the
5 department. But rather is a scholarly course that's
6 about - that is sort of a theory in practice of
7 teaching.

8 Q. Okay.

9 What is the overall mission of the Graduate
10 Program in your department?

11 A. We - we may have a mission statement written
12 somewhere. I would not want to - I would have to make
13 that up on the fly.

14 HEARING EXAMINER: Why don't you say in
15 your own words what you think the mission of the
16 English Department is.

17 THE WITNESS: Of the Graduate Program in
18 the - in the English Department.

19 HEARING EXAMINER: Graduate Program.
20 Correct.

21 THE WITNESS: Well, we have three
22 Graduate Programs. The - I believe that the Creative
23 Writing Program identifies its mission as training
24 working writers.

25 The Ph.D. Program, we - we train future

1 scholars. We - we - yeah. I mean - okay.

2 I guess that's the answer.

3 The Master Program is -.

4 HEARING EXAMINER: That's fine. That's
5 what - that's what we're looking for. So that's fine.

6 THE WITNESS: Okay.

7 BY ATTORNEY DANTE:

8 Q. That's fine.

9 A. And - and the Master's Program is - is an
10 interesting kind of complicated situation. Some of our
11 students in the Master's Program are current employees
12 at Pitt who are taking - who are doing the MA part
13 time.

14 And we have a very small number of full-time
15 MA students, most of whom are planning to apply for
16 funded Ph.D. programs.

17 And so it would make sense to say that one
18 of the missions of the Master's Program is to support
19 students who are seeking to be admitted to the Ph.D.
20 Program.

21 HEARING EXAMINER: And you don't have
22 any professional Master's? You don't have anyone
23 coming to English just for a Master's degree?

24 THE WITNESS: We do have people coming
25 to English just for the Master's degree.

1 HEARING EXAMINER: Do they teach?

2 THE WITNESS: They do not teach. So the
3 Master's is unfunded. As suspected, they take this -.

4 HEARING EXAMINER: Well, so they're not
5 paid salary, -

6 THE WITNESS: That's correct.

7 HEARING EXAMINER: - using their terms?

8 THE WITNESS: Yeah.

9 HEARING EXAMINER: Okay. Go ahead.

10 BY ATTORNEY DANTE:

11 Q. The - the MFAs are different, though.
12 Right?

13 A. Different from?

14 Q. From the Master students who submit -?

15 A. Correct.

16 So there's an MA, a Master's of Arts.

17 Q. Right.

18 A. Right?

19 There's an MFA. The MFA is funded.

20 Q. Right.

21 That's the terminal degree for that - or -
22 or considered to be the terminal degree in that
23 particular discipline.

24 A. Yes, absolutely.

25 Q. Right?

1 A. Yeah.

2 Q. Okay.

3 So in that sense, those are more similar to
4 the English Ph.D.s and other Ph.D.s we were just
5 speaking about?

6 A. Oh, absolutely, yes.

7 Q. Okay.

8 Just for clarification.

9 You also talked about the - on Direct
10 Examination about the ability to work outside of the
11 20-hour-per-week requirement.

12 Right?

13 A. Students can request an exception for that,
14 right. So they can fill out an Overload Request form
15 that needs to be approved at multiple levels.

16 Q. Right.

17 And that's because in general someone who's
18 appointed as a TA or TF has a restriction on their
19 ability to work outside of that particular appointment.

20 Right?

21 A. Yeah.

22 Q. And that's also true for individuals on
23 fellowship, that they're also similarly prohibited from
24 working or doing anything for outside employment.

25 Right?

1 A. And my understanding is that no exceptions
2 to that are approved. So folks on TA and TF can have
3 Overload Requests approved. Folks on fellowship are
4 expected to be committed full time to their studies and
5 should not be working at all.

6 And no exceptions to that. That's my
7 understanding.

8 Q. And you would agree with me that those
9 restrictions are in place so that students can't - you
10 can ensure that students are focusing on their studies.

11 Right?

12 A. Yes.

13 ATTORNEY DANTE: I have nothing further.

14 HEARING EXAMINER: Redirect?

15 ATTORNEY HEALEY: Just before I start, I
16 would like to reraise the objection on relevancy
17 grounds, the line of questioning concerning graduate -.

18 HEARING EXAMINER: Yeah, we'll address
19 it in an off-the-record discussion.

20 ATTORNEY HEALEY: Okay.

21 Can I have just two minutes?

22 HEARING EXAMINER: You may. Off the
23 record.

24 ---

25 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

1 ---

2 ATTORNEY HEALEY: Subject to the
3 objection, motion to strike, Your Honor, I have a few
4 questions on the testimony that I think should be
5 stricken. But without waiving that right -.

6 ---

7 REDIRECT EXAMINATION

8 ---

9 BY ATTORNEY HEALEY:

10 Q. There was a good deal of discussion on Cross
11 about different committees that you participated on.

12 A. (Indicates yes).

13 Q. You - you have to say yes or no.

14 A. Yes, there was.

15 Q. Okay.

16 And within the Department, do you have
17 service requirements?

18 A. Yes.

19 Q. And what's the nature of those service
20 requirements?

21 A. So full-time faculty. So continuous stream
22 and continuing faculty are expected to serve the
23 Department in various ways. And the - we're a very
24 large department.

25 And there are a number of, in particular,

1 committees. But also positions like mine, Director of
2 Graduate Studies or the Program Director in Literature
3 and Composition. There are Assistant Program
4 Directors. There are roles like Internship
5 Coordinator.

6 So there are a large number of roles where -
7 that - that full-time faculty might fill. And there
8 are also a number of committees that either do work
9 related to those programs or make sort of policy
10 decisions related to various programs.

11 And there's no firm number. But the norm
12 for full-time faculty is an expectation that people
13 serve on - around two committees a year.

14 And so I think that - so my job, you know,
15 is a combination of teaching, research and service.
16 I'm expected to teach four courses a year. That's two
17 courses a semester. And then also produce research.
18 And then also serve on committees and do service.

19 My NTS faculty colleagues, the lecturers
20 teach three courses a semester, are not expected to do
21 any research; have been - also have similar service
22 expectations as me.

23 Part-time instructors don't have any service
24 expectation, because they only - they are only hired to
25 teach individual courses.

1 And graduate students are - I think graduate
2 students could choose never to participate in
3 committees. But our graduate students are very active
4 in our department and commonly do serve on committees.

5 So for example, the Graduate Procedures
6 Committee that I mentioned always has a graduate
7 student representative on it.

8 Q. You talked about service expectations. And
9 you're on a number of committees.

10 Is that correct?

11 A. That is correct.

12 Q. Are these committees you volunteer for?

13 A. So the departmental ones I don't volunteer
14 for. I'm appointed to that. So the two Departmental
15 Committees that I serve on are the Graduate Procedures
16 Committee and the Graduate Admissions Committee. I
17 Chair both of those in my role as Director of Graduate
18 Studies.

19 The committees outside the Department - so
20 the Graduate Council and the Budget Policies Committee,
21 those I could say no to. I - so I do volunteer for
22 those.

23 Q. So I want to go through a number of issues.

24 We talked about MAs and MFAs -

25 A. Uh-huh (yes).

1 Q. - within the Department.

2 So do the MAs teach?

3 A. The MAs do not teach.

4 Q. And you mentioned they're not funded.

5 Is that correct?

6 A. That's correct.

7 Q. And so they have no service requirements,
8 they're not funded.

9 They don't receive appointment letters
10 providing them funding?

11 A. That's exactly right. The MA is a paid
12 tuition to take classes. That's right.

13 Q. The MFAs do teach?

14 A. Yes.

15 Q. And the Ph.D.s do teach?

16 A. Yes.

17 Q. Is that correct?

18 So earlier in your testimony you indicated
19 that in regard to positions that might be open for T -
20 TAs and TFs can express interest in certain courses?

21 A. Yes.

22 Q. Is their interest always considered or is -
23 is their interest always like granted? Do they always
24 get what they want?

25 A. They don't. Sometimes the courses aren't

1 available for them to take.

2 Q. Now, we talked about two, for lack of a
3 better word, teaching courses, two current courses,
4 Introduction to Teaching Pedagogy and I believe
5 Composition in Pedagogy.

6 Is that correct?

7 A. Yes.

8 Q. The students that take that course, they
9 receive academic credit for taking those courses.

10 Is that correct?

11 A. They do.

12 Q. Did - the students who take those courses,
13 do they get paid for taking those courses?

14 A. No, they do not.

15 Q. There's a work requirement in the nature of
16 20 hours per hour - 20 hours per week. Do they credit
17 their time in that course to that 20 hours per week?

18 A. No, they do not.

19 Q. So just in terms of the - the course
20 requirements, what are TAs and - some of those are TA
21 and TF.

22 What - how many credits per semester do they
23 have to take?

24 A. All students are required to take - to be
25 registered for a minimum of nine credits to remain

1 full-time students. So they have to be enrolled as
2 full-time students.

3 Q. Okay.

4 And unfunded students, is there any
5 difference in the number of credits they've got to
6 take?

7 A. So unfunded students, I think it's possible
8 to be a part-time student rather than a full-time
9 student. So the funded students are required to be
10 full time.

11 Q. Okay.

12 And the nine credits is something - they -
13 they take courses, they're not paid for the teaching,
14 they're - they're - they're paid for it; they don't get
15 credit?

16 A. That's exactly right.

17 ATTORNEY FARMER: Objections, leading.

18 HEARING EXAMINER: Overruled.

19 THE WITNESS: Those are the words that I
20 would use.

21 ATTORNEY FARMER: Of course it is. But
22 that's not the point.

23 HEARING EXAMINER: I can tell you right
24 now, Mr. Healey, I don't - I don't think I really am
25 interested in - in unfunded students.

1 ATTORNEY HEALEY: Okay.

2 We're not either.

3 HEARING EXAMINER: Yeah, I don't think
4 you need to spend too much time on that.

5 BY ATTORNEY HEALEY:

6 Q. Now, you mentioned a course that you teach -
7 and we'll just call it the recitations.

8 A. So -

9 Q. What - what was that?

10 A. - so large lecture courses, of which there
11 are a few in the English Department - there are more
12 in other departments.

13 Large lecture courses sometimes are staffed
14 by a primary instructor and recitation instructors.

15 So my students in Children and Culture, they
16 - my undergraduate students, they attend a weekly
17 lecture. And then they also attend a weekly
18 recitation.

19 Normally the lectures are led by me and the
20 recitations are led by the recitation instructors.

21 Q. And the recitation instructors are either
22 TAs or TFs?

23 A. Or sometimes they're visiting instructors,
24 or visiting lecturers or lecturers or part-time
25 instructors.

1 Q. But the - if they're TAs or TFs, they're -
2 they're paid - that's part of their paid work, their
3 funded work?

4 A. That's correct. So in my course right
5 now -

6 Q. And they don't -

7 A. - sorry.

8 Q. - they don't get academic credit for that
9 work.

10 Is that correct?

11 A. That's exactly right.

12 Q. The - if you could look at Union Exhibit 2
13 in - in the notebook. If it helps, it's Tab 2, Policy
14 Statement for TAs, TFs and GSAs.

15 A. Yes.

16 Q. Look - go to page two, under Employment
17 Guidelines. And under Employment Guidelines go to the
18 last paragraph.

19 And could you just read that to yourself
20 first?

21 ---

22 (WHEREUPON, WITNESS COMPLIES.)

23 ---

24 THE WITNESS: Okay.

25 BY ATTORNEY HEALEY:

1 Q. We talked a few moments ago about the nine
2 credits that the TAs and TFs are expected to - to keep
3 up.

4 Is that correct?

5 A. Uh-huh (yes).

6 Q. Is this basically the policy that describes
7 what that is?

8 A. Yes.

9 ATTORNEY HEALEY: No more questions.

10 HEARING EXAMINER: I think - in this
11 hearing, I think I am going to enforce limited Recross
12 to keep it moving.

13 Can we work with that?

14 ATTORNEY DANTE: Absolutely.

15 HEARING EXAMINER: Counsel for -

16 ATTORNEY HEALEY: Yes, we can work with
17 that.

18 HEARING EXAMINER: - broad - broad
19 Cross, but limited Recross to whatever was brought up
20 on Redirect.

21 Does that sound okay?

22 ATTORNEY HEALEY: That's fine. That's
23 the Rules of Evidence, I think.

24 HEARING EXAMINER: Well, -.

25 ATTORNEY MANZOLILLO: Actually, -

1 ATTORNEY FARMER: It's not.

2 ATTORNEY MANZOLILLO: - Cross would be
3 limited to scope.

4 HEARING EXAMINER: - we don't - we don't
5 have prehearing discovery or deposition. So I always
6 let people go quite broad on Cross.

7 But I think in order to move the hearing
8 along, I'm going to enforce it, generally.

9 Obviously as context comes up, we'll
10 address it. But I expect to generally enforce limited
11 Recross (sic) and limited Recross.

12 ATTORNEY DANTE: You'll be happy to
13 hear, I have nothing further of this witness.

14 HEARING EXAMINER: All right.

15 Sir - so your graduate students - and
16 we're just talking Department of English. You have GAS
17 - or TAs, TFs and GSAs?

18 THE WITNESS: That's correct.

19 HEARING EXAMINER: Okay.

20 And that - does that encompass all of
21 the Ph.D.-seeking students in the Graduate - in the
22 English Program?

23 THE WITNESS: Some students are also on
24 fellowships, where they are not required to teach.

25 HEARING EXAMINER: These students, are

1 they assigned office space -

2 THE WITNESS: Yes.

3 HEARING EXAMINER: - by the University?

4 And where are those offices?

5 THE WITNESS: There are some cubicles in
6 one of the wings on the fifth floor. And I think also
7 in one of the wings on the sixth floor of the Cathedral
8 of Learning.

9 HEARING EXAMINER: Okay.

10 And who else is - have you seen these
11 office spaces?

12 THE WITNESS: Yes.

13 HEARING EXAMINER: Okay.

14 Who else is around them? What other
15 employees or students are - are there?

16 THE WITNESS: So in the wing of the
17 fifth floor of the cathedral, the offices around the
18 outside are full-time faculty. And the cubicles in the
19 middle are mostly TAs and TFs.

20 HEARING EXAMINER: And obviously when
21 they're teaching, they're in the classroom?

22 THE WITNESS: Yes.

23 HEARING EXAMINER: And have you seen
24 them working or studying anywhere else besides their
25 office and the classroom?

1 Do they work in the library at all?

2 THE WITNESS: I - I believe they may.

3 HEARING EXAMINER: And then obviously
4 normal working hours are 9:00 to 5:00 or so?

5 THE WITNESS: Our courses can be
6 scheduled I think as early as 8:00 in the morning. And
7 they can run as late as 9:00 in the evening.

8 HEARING EXAMINER: Okay.

9 Do they have office hours?

10 THE WITNESS: Yes.

11 HEARING EXAMINER: Can you explain that?

12 THE WITNESS: So all teachers at Pitt
13 are required to publicly post their office hours, which
14 are weekly times for which they'll be available for
15 drop-in meetings with their students.

16 HEARING EXAMINER: Do TAs and TFs have
17 that?

18 THE WITNESS: Yes.

19 HEARING EXAMINER: But not the GFs?

20 THE WITNESS: Right. Because they don't
21 - they're not employees.

22 HEARING EXAMINER: And then the fellows
23 that are teaching also have that?

24 THE WITNESS: Can you say that again?

25 HEARING EXAMINER: The fellows -?

1 THE WITNESS: The TFs, the teaching
2 fellows?

3 HEARING EXAMINER: You said besides the
4 TAs and TFs are also the people on fellowship?

5 THE WITNESS: The people on fellowship
6 are - when they're on fellowships, they're not
7 teaching.

8 HEARING EXAMINER: Okay. I understand.
9 You have to understand that I'm learning
10 some new terminology here.

11 THE WITNESS: No, please -.

12 HEARING EXAMINER: Any other questions?

13 ATTORNEY HEALEY: No questions.

14 ATTORNEY DANTE: Nothing further.

15 HEARING EXAMINER: Okay.

16 You can step down, sir.

17 THE WITNESS: Thank you.

18 HEARING EXAMINER: All right.

19 Next witness?

20 ATTORNEY FARMER: Can we have a quick
21 break, please?

22 HEARING EXAMINER: Yes.

23 Off the record.

24 ATTORNEY FARMER: Thank you.

25 ---

1 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

2 ---

3 HEARING EXAMINER: We're back on the
4 record.

5 I have two - two issues that I can think
6 of.

7 First of all, Counsel for the
8 Steelworkers, you've looked through the voluminous
9 production from the University.

10 Correct?

11 ATTORNEY HEALEY: Yes, we have.

12 HEARING EXAMINER: Do you think there's
13 any issue at all in here of any substantial changes to
14 the - anything at issue post petition?

15 ATTORNEY HEALEY: We don't believe so.
16 That was part of the reason for our subpoena request.

17 HEARING EXAMINER: Right.

18 So as we go forward, I think - and the
19 parties agree, that that's not going to be an issue as
20 - when to - I don't have to interrupt every witness to
21 say, are the policies you're talking about
22 substantially similar before and after the petition?

23 ATTORNEY HEALEY: Yeah, I - I think
24 they're substantially similar.

25 So - so, for example, I think Union

1 Exhibits 2 and 3 are the overall policies.

2 Some departments have issued new
3 handbooks in the last year. They don't appear to vary
4 from -.

5 ATTORNEY MANZOLILLO: We had - initially
6 had a concern with one handbook, but found nothing.

7 ATTORNEY FARMER: The Union asked for -
8 if they had changed, they asked for like the 2017 and
9 the 2018 edition. And we provided them where they were
10 different, so -.

11 HEARING EXAMINER: All right.

12 So I'm going to put it on the Union to -
13 you tell me when you see something that you think has
14 substantially changed post petition.

15 Otherwise, when I do my Findings of
16 Fact, I'm just going to treat pre and post-petition
17 evidence the same.

18 Okay. Now, to go back to your relevancy
19 objection.

20 Ms. Dante, do you remember the questions
21 you were asking that they objected to?

22 ATTORNEY DANTE: In a general sense,
23 yes.

24 HEARING EXAMINER: Why don't you tell me
25 why you think they were relevant, please?

1 ATTORNEY DANTE: The Union's petitioning
2 - petitioning for a group of graduate students that
3 they claim to be covered by the Pennsylvania Employee
4 Relations Act as employees.

5 And at the University there's no
6 question that there are other employees, other
7 employees who teach, other employees who conduct the
8 research, other employees who provide what the Union
9 would characterize as service to the University.

10 So in determining whether or not the
11 employees at issue in this petition are subject to that
12 same statute, we have a right to question the - the
13 sole faculty member that they called about whether that
14 individual engages in certain activities. And what
15 those look like and whether or not they look similar to
16 or different from the unit that the Union purports to
17 claim as appropriate.

18 HEARING EXAMINER: And your ultimate
19 goal is to show what?

20 ATTORNEY DANTE: I'd have to see where
21 the facts went. You stopped me cold by asking me a
22 question.

23 HEARING EXAMINER: Well, you don't -.

24 ATTORNEY DANTE: The conclusions that we
25 draw may change based on the testimony that we're going

1 to hear from the Union's witnesses.

2 HEARING EXAMINER: All right.

3 Because that had - I would need to make
4 a guess on what your ultimate goal would be.

5 Do you want me to say what I think your
6 goal may be?

7 ATTORNEY DANTE: Sure.

8 HEARING EXAMINER: I think your goal may
9 be to say that the - you know, the appropriate unit is
10 all professional employees of the University.

11 Is that correct?

12 ATTORNEY DANTE: If there are facts to
13 substantiate that conclusion, that might be a position
14 that the University would take.

15 HEARING EXAMINER: And those questions
16 that you ask, would those possibly lead to supporting
17 that argument? Is that one of the reasons you're
18 asking it?

19 ATTORNEY DANTE: That is one of the
20 reasons that we asked those questions.

21 HEARING EXAMINER: Is that - Union?

22 ATTORNEY HEALEY: Respectfully, I don't
23 think that was the purpose of - of my questioning. The
24 questioning was just directed towards this particular
25 faculty member. What committees are you on? What do

1 you individually do?

2 And I think it had to do with
3 establishing his status in some other proceeding. It
4 had nothing to do with this case.

5 HEARING EXAMINER: Oh, really?

6 ATTORNEY HEALEY: Yes.

7 ATTORNEY MANZOLILLO: We'd also question
8 what relevance his role with the University committee
9 plays in determining whether graduate employees or
10 graduate assistants are, in fact, employees of PERA.

11 And we also - we have a record and - and
12 past case law to distinguish graduate employees based
13 on their simultaneous role of having to be enrolled
14 with graduate students that's clear in this - and this
15 - the record - the exhibits made clear that's the
16 requirement here.

17 HEARING EXAMINER: Well, I'm confused,
18 then.

19 I don't understand, what - what was the
20 issue with this particular witness that you're asking
21 about?

22 ATTORNEY HEALEY: Well, first of all, we
23 don't - don't think that - that that particular line of
24 questioning, the particular committees -

25 HEARING EXAMINER: Yeah.

1 ATTORNEY HEALEY: - and his activities
2 in regards to those committees was - was relevant for
3 this petition in - in this proceeding was directed
4 toward what did he personally do on those committees.

5 HEARING EXAMINER: Right.

6 ATTORNEY MANZOLILLO: I'll be more blunt
7 about it.

8 HEARING EXAMINER: Yeah.

9 ATTORNEY MANZOLILLO: We're not
10 interested in - in litigating SEIU or supervising the
11 status of the faculty.

12 HEARING EXAMINER: Yeah, neither am I,
13 right now.

14 That was going to be my ultimate
15 response. It's - going forward we're here to discuss
16 pre-Ph.D. alleged employees.

17 I understand your point of view
18 regarding the post-Ph.D. professional employees.

19 Whatever Order that comes with it, Order
20 and dismissal or the Order to correct the submission of
21 eligibility lists, it's going to be limited to the
22 pre-Ph.D. employees.

23 You have you two ways you can handle it.
24 You can file exceptions to the final Order to say that
25 the appropriate union is all professional employees.

1 But I don't think you need much evidence to show that
2 there's other professional employees. I think they
3 will agree that the professors are professional
4 employees right now.

5 So then you can say the appropriate unit
6 is all professional employees. I don't think we need
7 to spend a lot of the time proving that.

8 And then you can also file, if there is
9 a unit of graduate students - I find an appropriate
10 Unit Order, and eligibility list, and there's an
11 election and they win, you can file unit clarification
12 as well.

13 So I think going forward I will limit
14 questions that get into that line of questioning.
15 Whether the appropriate unit is all professional
16 employees, I think we're going to limit that question.

17 The idiosyncratic objections of
18 relevancy of - of that particular witness, I still
19 don't understand that. So that is overruled.

20 But going forward, this hearing is going
21 to be about graduate students. It's not going to be
22 about the other professional employees.

23 If we have to have a hearing about that
24 in the future, that's either going to be on remand or
25 it's going to be on a unit - unit clarification.

1 Okay?

2 ATTORNEY DANTE: Understood.

3 ATTORNEY FARMER: Yep.

4 HEARING EXAMINER: Is that okay with - I
5 assume that's okay with you?

6 ATTORNEY HEALEY: That's fine.

7 ATTORNEY MANZOLILLO: I would just - we
8 would just request, again, that that - those questions,
9 those responses be stricken.

10 HEARING EXAMINER: Oh, no, not stricken.

11 Okay. Next witness?

12 ATTORNEY SHARMA: Union calls Tim Barr.

13 HEARING EXAMINER: I mean, if you have -
14 if - if you think those are privileged responses, then
15 that - or something - if there's a - if there's some
16 other legal proceeding going on, then make me aware of
17 it.

18 ATTORNEY MANZOLILLO: No, no, it's just
19 anticipation of legal proceedings and trying to - the
20 ticket - concern that there's an attempt to create a
21 record for future - future petitions or cases.

22 HEARING EXAMINER: Right.

23 And I think I just addressed that.

24 ATTORNEY MANZOLILLO: Okay.

25 ATTORNEY DANTE: We don't have any

1 intention of putting on witnesses to talk about those
2 topics.

3 HEARING EXAMINER: Okay.

4 ATTORNEY DANTE: But there was a faculty
5 member up there. And so we are permitted to cross
6 examine him.

7 HEARING EXAMINER: Yeah, that's fine.

8 All right.

9 Sir, would you raise your right hand for
10 me?

11 ---

12 TIMOTHY BARR,
13 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
14 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
15 FOLLOWS:

16 ---

17 HEARING EXAMINER: Spell your name for
18 us.

19 THE WITNESS: T-I-M-O-T-H-Y, B-A-R-R.

20 HEARING EXAMINER: B-A-R-R?

21 THE WITNESS: Yes.

22 HEARING EXAMINER: Okay. Go ahead.

23 ---

24 DIRECT EXAMINATION

25 ---

1 BY ATTORNEY SHARMA:

2 Q. Are you currently enrolled at the University
3 of Pittsburgh?

4 A. Yes.

5 ATTORNEY FARMER: Just one second.

6 For the - for the record, just that the
7 student has signed a FERPA waiver.

8 HEARING EXAMINER: Okay.

9 Why don't you just tell me when anything
10 hasn't been signed -

11 ATTORNEY FARMER: Okay.

12 HEARING EXAMINER: - and we'll go -
13 we'll do it that way.

14 ATTORNEY FARMER: Okay.

15 HEARING EXAMINER: Go ahead.

16 BY ATTORNEY SHARMA:

17 Q. Okay.

18 Is it all right if I call you Tim?

19 A. Yes.

20 Q. Tim, are you currently enrolled at the
21 University of Pittsburgh?

22 A. I am.

23 Q. All right.

24 What kind of degree are you working towards?

25 A. Ph.D.

1 Q. What department are you in?

2 A. Department of Communication.

3 Q. And when did you enroll in the Ph.D. Program
4 Department of Communication?

5 A. The academic term 2012 to 2013 academic
6 year.

7 Q. Can you tell us what the requirements to
8 obtain a Ph.D. in the Communications Department are?

9 A. Yes. There are several milestones for the
10 Ph.D. I was admitted without MA. So I had some
11 additional milestones in order to also receive the
12 Master of Arts degree.

13 For the Master of Arts degree, it's required
14 that you take a certain number of course hours, that
15 you pass a comprehensive exam, that you have a plan of
16 study, pass a comprehensives exam, written an oral
17 component. And then you're awarded the Master's
18 degree.

19 For the Ph.D. degree, it's very similar.
20 You are required to also take a certain number of
21 academic course hours and seminars, complete a plan of
22 study, complete successful oral and written
23 comprehensive exams.

24 And then in addition to that, after forming
25 a committee for your dissertation, to write and

1 successfully defend a dissertation.

2 Q. I'm going to provide you what has been
3 marked Union Exhibit 152.

4 ---

5 (Whereupon, Union Exhibit 152, Guiding Documents
6 for the Department of Communication, was marked for
7 identification.)

8 ---

9 BY ATTORNEY SHARMA:

10 Q. Do you recognize that document?

11 A. I do.

12 Q. Can you tell us what that is?

13 A. These are the guiding documents for the
14 University of Pittsburgh, Dietrich School of Arts and
15 Sciences for the Department of Communication.

16 Q. All right.

17 And the academic requirements of a Ph.D.
18 that you just described, are those within this
19 document?

20 A. Yes.

21 ATTORNEY SHARMA: I'd move to admit
22 Union Exhibit 152.

23 HEARING EXAMINER: Any objections?

24 ATTORNEY FARMER: No.

25 HEARING EXAMINER: Admitted.

1 ---

2 (Whereupon, Union Exhibit 152, Guiding Documents
3 for the Department of Communication, was admitted.)

4 ---

5 BY ATTORNEY SHARMA:

6 Q. Is there any requirement that you provided
7 service to the University to obtain your Ph.D.?

8 A. Can you clarify what you mean by services?

9 Q. To serve as either a teaching assistant,
10 teaching fellow, graduate student assistant or graduate
11 student researcher.

12 A. No.

13 Q. And have you served in any of those
14 positions while you've been enrolled in the Ph.D.
15 Program?

16 A. Yes.

17 Q. And which positions have you served in?

18 A. I have served as a TA and TF.

19 Q. I'm going to hand you what's marked Union
20 Exhibits 153 through 159.

21 ---

22 (Whereupon, Union Exhibit 153, Offer Letter to Mr.
23 Barr Dated 5/28/13, was marked for
24 identification.)

25 (Whereupon, Union Exhibit 154, Offer Letter to Mr.

1 Barr Dated 5/1/14, was marked for identification.)
2 (Whereupon, Union Exhibit 155, Offer Letter to Mr.
3 Barr Dated 4/20/14, was marked for identification.)
4 (Whereupon, Union Exhibit 156, Offer Letter to Mr.
5 Barr Dated 5/11/15, was marked for identification.)
6 (Whereupon, Union Exhibit 157, Offer Letter to Mr.
7 Barr Dated 5/2/16, was marked for identification.)
8 (Whereupon, Union Exhibit 158, Offer Letter to Mr.
9 Barr Dated 3/14/16, was marked for identification.)
10 (Whereupon, Union Exhibit 159, Offer Letter to Mr.
11 Barr Dated 5/7/18, was marked for identification.)

12 ---

13 BY ATTORNEY SHARMA:

14 Q. Can you take a look at those documents -

15 A. Yes.

16 Q. - and then tell me if you recognize them?

17 A. These are my offer letters for various
18 teaching appointments I've had in the Department of
19 Communication.

20 Q. And just to clarify, none of these letters
21 were signed. But did you sign a copy and return it to
22 the Department?

23 A. I did.

24 ATTORNEY SHARMA: Okay.

25 I'm going to move to admit these.

1 HEARING EXAMINER: Do you need a moment,
2 Ms. Farmer?

3 ATTORNEY FARMER: Yes, please.

4 HEARING EXAMINER: All right.

5 Take your time.

6 ---

7 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

8 ---

9 ATTORNEY FARMER: No objections.

10 HEARING EXAMINER: All right.

11 BY ATTORNEY SHARMA:

12 Q. Okay.

13 So taking the first one you made -.

14 HEARING EXAMINER: Hold on, sir. Hold
15 on.

16 ATTORNEY SHARMA: Oh, I'm sorry.

17 HEARING EXAMINER: 153, where's the date
18 on this? Oh, there it is?

19 Is May 28, 2013 letter to Mr. Barr.
20 That's admitted.

21 ---

22 (Whereupon, Union Exhibit 153, Offer Letter to Mr.
23 Barr Dated 5/28/13, was admitted.)

24 ---

25 HEARING EXAMINER: 154 is a May 1st 2014

1 letter to Mr. Barr, from the University of Pittsburgh.
2 That is admitted.

3 ---

4 (Whereupon, Union Exhibit 154, Offer Letter to Mr.
5 Barr Dated 5/1/14, was admitted.)

6 ---

7 HEARING EXAMINER: 155 is an April 20th
8 2015 letter to Mr. Barr, also from the University of
9 Pittsburgh. That's admitted.

10 ---

11 (Whereupon, Union Exhibit 155, Offer Letter to Mr.
12 Barr Dated 4/20/15, was admitted.)

13 ---

14 HEARING EXAMINER: 156. May 11th, 2015
15 letter to Mr. Barr from the University of Pittsburgh.
16 That's admitted.

17 ---

18 (Whereupon, Union Exhibit 156, Offer Letter to Mr.
19 Barr Dated 5/11/15, was admitted.)

20 ---

21 HEARING EXAMINER: 157. May 2nd, 2016
22 letter to Mr. Barr. That's admitted.

23 ---

24 (Whereupon, Union Exhibit 157, Offer Letter to Mr.
25 Barr Dated 5/2/16, was admitted.)

1 ---

2 HEARING EXAMINER: 158 is the May (sic)
3 14th, 2016 letter to Mr. Barr.

4 ATTORNEY SHARMA: March 14th.

5 HEARING EXAMINER: March 14th. Thank
6 you. That's admitted.

7 ---

8 (Whereupon, Union Exhibit 158, Offer Letter to Mr.
9 Barr Dated 3/14/16, was admitted.)

10 ---

11 HEARING EXAMINER: And then 159 is the
12 May 7th, 2018 letter to Mr. Barr from Pittsburgh.
13 That's admitted.

14 ---

15 (Whereupon, Union Exhibit 159, Offer Letter to Mr.
16 Barr Dated 5/7/18, was admitted.)

17 ---

18 HEARING EXAMINER: Thank you.

19 ATTORNEY SHARMA: Thank you.

20 BY ATTORNEY SHARMA:

21 Q. So looking at the first one, Union Exhibit
22 153. It looks like the first appointment was for the
23 academic year 2013 to 2014.

24 Is that correct?

25 A. Yes.

1 Q. And what was your appointment that year?

2 A. I was a teaching - I - I taught - I was the
3 instructor of record, I should say, for two courses.
4 One in the first semester in the fall term, was Public
5 Speaking. And then the second term was a course called
6 Debate.

7 And during that year I also served as a
8 Public Debate Graduate Assistant, for which I got a
9 course reduction.

10 Q. So you say the first semester you served as
11 an instructor of record for Public Speaking?

12 A. Yes.

13 Q. All right.

14 Let's take that - so here it says - just to
15 clarify in the letter, it says TA.

16 Do you know what TA stands for?

17 A. Yes. This is something I have to - I may
18 have to clarify. Because according to the University
19 payroll, I was a TA in my appointment, because I was
20 not yet awarded a Master's degree.

21 So in my letters you'll see at that - at the
22 point that I was awarded a Master's degree, I become a
23 teaching fellow. But colloquially, in the department
24 we use that same distinction to mean if someone is a
25 TA, that they are teaching recitation sessions.

1 Whereas we say someone is a teaching fellow if they are
2 the instructor of record.

3 Q. Okay.

4 So for Public Speaking you would have
5 described yourself as serving as a teaching fellow?

6 A. Yes.

7 Q. Okay. Okay.

8 And you - how were you assigned to Public
9 Speaking that first semester?

10 A. I was assigned by the Department. I filled
11 out a list of, you know, my top three choices. And
12 then they send me a course assignment based on that and
13 the availability of courses that they had.

14 Q. Okay.

15 And was that an undergraduate or
16 graduate-level course?

17 A. Undergraduate.

18 Q. Was there more than one session of Public
19 Speaking that was offered that semester, that you
20 recall?

21 A. Yes.

22 Q. Do you know about how many?

23 A. I don't know about how many. But certainly
24 more than a dozen.

25 Q. Okay.

1 Do you know why there are so many Public
2 Speaking sessions offered?

3 A. I - I believe it is a required course for
4 all students within the Arts and Sciences, and perhaps
5 in other colleges of the University.

6 Q. And are all of those sessions taught by
7 teaching fellows?

8 A. No.

9 Q. Who else teaches sessions of Public
10 Speaking?

11 A. Full-time faculty, part-time faculty,
12 lecturers.

13 Q. What duties do you perform as teaching
14 fellow for the Public Speaking course?

15 A. I create the assignments for the course.
16 And in the syllabus, I, of course, come to the
17 appointed meeting times. We work through the
18 assignments. We work through - we have class
19 discussions about the readings.

20 I assign assignment grades and final grades
21 for the courses.

22 Q. Did you receive any academic credit for
23 teaching that course?

24 A. No.

25 Q. And to your knowledge, did the full-time

1 faculty and adjuncts that taught other sessions of
2 Public Speaking perform the same duties as you?

3 A. Yes.

4 Q. Does the Department provide guidance for
5 those teaching Public Speaking as it relates to like
6 developing syllabi or multi-course requirements that
7 you described?

8 A. There is a committee within the Department
9 about the basic course, which is the Public Speaking
10 course. And one of the guidelines that was sent the -
11 guidelines are - had been updated since the time that I
12 taught this.

13 But there is a guideline that every Public
14 Speaking course should have three speeches. And you
15 know - and recently one of the updates was, there
16 should be a certain number of ungraded speeches that
17 happen before the first graded speech. And that
18 applies to all sections of Public Speaking.

19 Q. And you mentioned this earlier. But you
20 have served as a teaching fellow at - in other
21 semesters while you were you in your Ph.D. Program?

22 A. Yes.

23 Q. Do you recall which other courses you've
24 served as a teaching fellow for?

25 A. I've taught courses titled Argument and

1 Discussion, in addition to Debate and Public Speaking.

2 Q. And do you recall how many times you've
3 taught Public Speaking?

4 A. I'm currently teaching it for my sixth time.

5 Q. And how about Debate? Have you taught that
6 multiple times?

7 A. Just once. I've taught Argument five times.

8 Q. Okay.

9 And were your duties for serving as a
10 teaching fellow in those courses substantially similar
11 to the ones you described for the Public Speaking
12 class?

13 A. Yes. So there - there was no guidelines
14 about the - as there are for the Public Speaking
15 course, the number of assignments, the - there were no
16 specific guidelines for those courses.

17 Q. Okay.

18 And you described the difference between the
19 teaching fellow and teaching assistant. Have you
20 served as a teaching assistant?

21 A. Yes.

22 Q. And do you recall the first time you served
23 as a teaching assistant?

24 A. It was in my second year.

25 Q. Okay.

1 And so if we turn to Union Exhibit 154. Is
2 that the appointment that's provided there?

3 A. Yes.

4 Q. And did you serve as - or in your - in the
5 fall semester, were you assigned to a specific course?

6 A. In the fall semester of 2014?

7 Q. 2014, that's correct.

8 A. I was assigned as a teaching assistant to
9 Communication Process.

10 Q. Okay.

11 And was that the same for the spring
12 semester?

13 A. Yes.

14 Q. Is that undergraduate, graduate-level
15 course?

16 A. Undergraduate.

17 Q. And how were you assigned a TA in that
18 course?

19 A. I was assigned, again, by the Department.
20 This time, you know, we - I was, again, given kind of
21 options I could choose from. But this was not my top
22 three.

23 So I was assigned this course, I assume, on
24 the basis of their need to fill the recitation
25 sessions.

1 Q. And can you describe the duties that you
2 perform as a TA in that course?

3 A. The overall lecture was run by Jack Gareis.
4 And he created the assignments for the recitation
5 session, so -. He's been teaching the course for, you
6 know, 20 - 20 plus years.

7 So he has some assignments that we would
8 administer in the recitation sessions. We would go
9 over the material from lecture for students if they had
10 a question. And we would grade their assignments.

11 The tests were mostly mechanically-graded.
12 But there was a - an allowance for them to correct
13 answers from those tests. And we would fix the grades
14 on the basis of those corrections as well.

15 Q. Were there any other TAs for that course,
16 those semesters?

17 A. Yes.

18 HEARING EXAMINER: All right.

19 When you said we, you meant you and the
20 other TAs?

21 THE WITNESS: Yes.

22 BY ATTORNEY SHARMA:

23 Q. And about how many other TAs?

24 Do you remember?

25 A. Just one.

1 Q. And how many students did you have in each
2 recitation?

3 A. Each recitation is - is 20 students. And we
4 had four recitation sessions in each.

5 Q. And just going back, when you talk Public
6 Speaking, that first semester about how many students
7 did you have in that class?

8 A. Public Speaking is capped at 19 students.

9 HEARING EXAMINER: You've been teacher
10 of record?

11 THE WITNESS: Yes.

12 HEARING EXAMINER: And you've been
13 recitation TA?

14 THE WITNESS: Yes.

15 HEARING EXAMINER: Can you explain the
16 difference in responsibilities between the two?

17 THE WITNESS: Yeah. As an instructor of
18 the record, my responsibilities are to create the
19 course, more or less, create a syllabus for the course.
20 And - and all that is attended upon that. So that
21 means, you know, creating readings for the courses,
22 creating the assignments, disseminating grades.

23 Whereas, when I was a recitation session
24 leader, the course was already created by the
25 instructor of record. And my assignment was to clarify

1 the material for students after the lecture in the
2 small breakout recitation sessions.

3 The lecture, you know, is 162. So these
4 are smaller sessions, students are allowed to ask
5 questions. And then the assignments from the course,
6 which are designed by someone else, we explain
7 administering a grade.

8 HEARING EXAMINER: Going back to teacher
9 of record. How many classes have you been a teacher of
10 record of, give or take?

11 THE WITNESS: I've taught four - four
12 different classes. But the number of sessions that
13 I've taught of those classes as instructor of record, I
14 believe, is 11 or 12.

15 HEARING EXAMINER: All right.

16 And you create your own syllabus?

17 THE WITNESS: Yes.

18 HEARING EXAMINER: Are you given by -
19 what department are you in?

20 THE WITNESS: Communication.

21 HEARING EXAMINER: Are you given, by the
22 department, a list of approved materials?

23 THE WITNESS: Graduate students share
24 earlier materials in a box folder. This is - the
25 department will let you know about this in an e-mail.

1 It's somewhat informal. But beyond that, you know,
2 you -.

3 HEARING EXAMINER: It's informal?

4 THE WITNESS: Yes.

5 HEARING EXAMINER: And do they tell you
6 what assessments that you're going to use in a class?

7 THE WITNESS: No.

8 HEARING EXAMINER: How about with your
9 own assessments?

10 THE WITNESS: Yes.

11 HEARING EXAMINER: And do they give you
12 rubrics to grade the assessments or do you come up with
13 how to grade them?

14 THE WITNESS: I come up with how to
15 grade my assessments or my - yeah, assignments.

16 HEARING EXAMINER: And then obviously
17 you grade them?

18 THE WITNESS: Yes.

19 HEARING EXAMINER: Who enters the grades
20 into - is there a universitywide grading software? Do
21 you enter grades into some kind of software?

22 THE WITNESS: Yeah, I use CourseWeb.

23 HEARING EXAMINER: What is that?

24 THE WITNESS: CourseWeb is an online
25 course-management software that the University uses.

1 So I use that to -.

2 HEARING EXAMINER: Web, W-E-B?

3 THE WITNESS: Yeah, WebCT is within a
4 WebCT platform.

5 HEARING EXAMINER: And then - so you
6 grade their performances or their papers or whatnot and
7 then you enter those grades into CourseWeb?

8 THE WITNESS: Yes.

9 HEARING EXAMINER: Does anyone challenge
10 those grades?

11 THE WITNESS: What the students are
12 allowed to -.

13 HEARING EXAMINER: I mean, does anybody
14 - does your mentor, does the Department Chair?

15 THE WITNESS: No. As far as I know, no
16 one - no one ever looks at those grades, -

17 HEARING EXAMINER: All right.

18 THE WITNESS: - from the department.

19 HEARING EXAMINER: And then as you said,
20 recitation TA, it's somewhat different. And I think
21 you've talked about that.

22 All right. Go ahead.

23 BY ATTORNEY SHARMA:

24 Q. Just to complete on the TA position.

25 Did you receive any academic credit for that

1 TA position?

2 A. No.

3 Q. Did you - did you receive compensation for
4 performing the teaching duties that you're appointed
5 to?

6 A. Yes.

7 Q. And what was that compensation?

8 A. It's the compensation that is listed in
9 these letters. As you can see, it varies across the
10 various years.

11 In the first one it was per semester -
12 \$8,150 is a stipend. It also included a tuition waiver
13 and health benefits.

14 Q. Did you receive a W-2 from the University?

15 A. Yes.

16 HEARING EXAMINER: 160.

17 ATTORNEY SHARMA: 160.

18 ---

19 (Whereupon, Union Exhibit 160, Mr. Barr's 2017 W-2,
20 was marked for identification.)

21 ---

22 BY ATTORNEY SHARMA:

23 Q. I'm showing you Union Exhibit 160.

24 Do you recognize that?

25 A. Yes. This is my 2017 W-2.

1 Q. And does it show that you had federal, state
2 and local income taxes - that you paid federal, state
3 and local income taxes from your compensation that you
4 received that year?

5 A. Yes.

6 ATTORNEY SHARMA: I'm going to move to
7 admit.

8 HEARING EXAMINER: Any objections?

9 ATTORNEY FARMER: Other than the fact
10 that it's difficult to read, no.

11 HEARING EXAMINER: Let me look at it.
12 It has obviously been redacted, too?

13 ATTORNEY FARMER: Yes.

14 HEARING EXAMINER: I think I can read it
15 pretty well.

16 Is there any numbers you can't read?

17 ATTORNEY FARMER: It's actually reading
18 the box - the - the words in the boxes.

19 ATTORNEY SHARMA: Yeah.

20 ATTORNEY FARMER: And the various
21 categories I can't read.

22 ATTORNEY SHARMA: It's pretty standard.

23 HEARING EXAMINER: I direct you to the
24 IRS website.

25 Okay. Next.

1 It's admitted.

2 ---

3 (Whereupon, Union Exhibit 160, Mr. Barr's 2017 W-2,
4 was admitted.)

5 ---

6 HEARING EXAMINER: Next.

7 BY ATTORNEY SHARMA:

8 Q. And just to be clear, the other W-2s that
9 you received over time, enrolled in the Ph.D. Program,
10 essentially look like this?

11 A. Yes.

12 Q. Were you allowed to do any other jobs while
13 you held the teaching appointment?

14 A. No.

15 Q. If you turned down your teaching
16 appointment, who would be responsible for paying your
17 tuition?

18 A. I would.

19 Q. Can I ask you, are you working on a
20 dissertation?

21 A. Yes.

22 Q. Can I ask you what your dissertation topic
23 is?

24 A. It is about Melancholia in the Renaissance
25 Era.

1 Q. Is there a direct relationship between your
2 TA and TF positions and your dissertation topics?

3 A. No.

4 Q. Are there any academic years where you did
5 not have either a TA or TF position?

6 A. Yes.

7 Q. When was that?

8 A. Last year.

9 Q. Did you have any funding from the University
10 that year?

11 A. I did. I was a Mellon fellow.

12 Q. Is that an internal university fellowship or
13 did you apply as an external organization?

14 A. That - that's an internal fellowship at the
15 University history. It's the Mellon Foundation. It is
16 broader than the University, yeah.

17 HEARING EXAMINER: M-E-L-L-O-N?

18 THE WITNESS: Yes.

19 BY ATTORNEY SHARMA:

20 Q. Did that fellowship require you to perform
21 any services for the University, as in teaching or
22 researching?

23 A. No. In fact, it barred me from doing so.

24 Q. Did you have health insurance through the
25 University when you were on the fellowship?

1 A. I did.

2 Q. Did you have to pay to maintain that health
3 insurance?

4 A. I did.

5 Q. And just to clarify for those periods in
6 which you held the teaching appointment.

7 Did you have to pay for your health
8 insurance?

9 A. I did. But with a significantly lower
10 premium of my - for my health insurance - for overall
11 health insurance coverage, which I currently have,
12 there's no monthly payment for the health part.

13 And there's a small payment for dental and
14 vision. There was - I - I can't - I don't want to give
15 you an exact number. But there was a very significant
16 increase in my premium - my monthly payment, I should
17 say, when I was on the fellowship. It was no longer
18 subsidized.

19 Q. And I think you answered this before, but do
20 you currently hold an appointment?

21 A. Yes.

22 Q. And what is that?

23 A. I am a teaching fellow, an instructor of
24 record for a Public Speaking course, which I have to
25 teach tonight.

1 Q. Are you guaranteed funding for your time in
2 the Ph.D. Program in the Communications Department?

3 A. We are guaranteed funding - I was guaranteed
4 funding in my initial acceptance to the program for
5 five years. And - but that does not guarantee that
6 you'll be funded to the completion of your degree.

7 Q. And you are a path finder?

8 A. Correct.

9 Q. So how is it that the department had an
10 appointment available for you?

11 A. So I applied in - I applied for a visiting
12 instructor position, which is frequently a position
13 that graduate students who have passed the time of
14 their funding could apply for.

15 I was not awarded that position. I was also
16 applying to other jobs at the time and was awarded a
17 job in Beijing for a company called ENREACH. I was
18 going to be a Debate instructor in Beijing.

19 I received an e-mail from the department
20 that said, you know, wait, there might be - there might
21 be something for you. But they weren't sure yet.

22 And as it came down pretty close to the
23 wire, I did receive an e-mail that said they would
24 extend to me another year as a TA, TF. That this would
25 count as an extension of my funding.

1 But it was - it was to be - it was
2 determined, as I understand, on the basis of the
3 availability of the courses that they had to fill.

4 Q. Do you know if there's a medical leave
5 policy provided for Ph.D. candidates in the
6 Communication Department, who are either teaching or -
7 who either have a teaching or a research appointment?

8 A. Yes.

9 Q. And what is that policy?

10 A. For medical leave, you - if it is approved
11 by the - by a physician, my understanding is your -
12 both your stipend and your health benefits are
13 maintained in the program while you are on medical
14 leave.

15 I'm not sure how long that is allowed for,
16 because I've never been on medical leave. And there's
17 also a personal leave of absence in which your position
18 in the program is held, but you did not receive your
19 stipend or retain medical benefits.

20 Q. How did you learn about that policy?

21 A. I inquired about this at - in the summer, as
22 I was considering options relating to an ongoing family
23 problem. And the - the department secretary at the
24 time sent me an e-mail with this - containing this
25 information.

1 Q. And who is the department secretary?

2 A. Mary Hamler.

3 Q. I'm handing you what's been marked Union
4 Exhibit 161.

5 ---

6 (Whereupon, Union Exhibit 161, E-mail, was marked
7 for identification.)

8 ---

9 BY ATTORNEY SHARMA:

10 Q. Do you recognize that?

11 A. Yes.

12 Q. And what is that?

13 A. This is the e-mail I just spoke about.

14 ATTORNEY SHARMA: I'd move to admit 161.

15 HEARING EXAMINER: Any objection?

16 ATTORNEY FARMER: Give me a moment,
17 please.

18 HEARING EXAMINER: Yes, ma'am.

19 ---

20 (WHEREUPON, A PAUSE IN THE RECORD IS HELD.)

21 ---

22 ATTORNEY FARMER: No objections.

23 HEARING EXAMINER: Admitted.

24 ---

25 (Whereupon, Union Exhibit 161, E-mail, was

1 admitted.)

2 ---

3 ATTORNEY SHARMA: If I could just have a
4 minute?

5 HEARING EXAMINER: Yes, sir.

6 ---

7 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

8 ---

9 ATTORNEY SHARMA: I have a couple more.

10 HEARING EXAMINER: Go ahead.

11 ATTORNEY SHARMA: You know what,
12 actually I don't. Never mind.

13 HEARING EXAMINER: Do you need some
14 time?

15 ATTORNEY FARMER: Yes.

16 HEARING EXAMINER: Off the record.

17 ATTORNEY FARMER: Thanks.

18 ---

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

20 ---

21 HEARING EXAMINER: Go back on the
22 record.

23 THE WITNESS: I believe I - I misspoke.
24 I said that my first year was 2012-2013. I graduated
25 in the summer of 2012. And I misspoke. It was 2013 to

1 2014.

2 I think I just made an error there.

3 HEARING EXAMINER: That's fine.

4 Off the record.

5 ATTORNEY FARMER: First year - just to
6 be clear, first year in the Master's for Ph.D.?

7 THE WITNESS: In the Master's.

8 ATTORNEY FARMER: Okay. Thank you.

9 HEARING EXAMINER: Off the record.

10 ---

11 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

12 ---

13 HEARING EXAMINER: Okay.

14 Cross Examination.

15 ---

16 CROSS EXAMINATION

17 ---

18 BY ATTORNEY FARMER:

19 Q. Mr. Barr, I just want to start by clarifying
20 this issue of the timing.

21 You enrolled at Pitt in the Graduate Program
22 for the 2012-2013 academic year?

23 Right?

24 A. I'm getting confused, just because the
25 academic year is different. But I - my - am I getting

1 - I'm getting this wrong. I'm - I'm confused myself
2 about it. I think that -.

3 HEARING EXAMINER: What was your
4 question, Ms. Farmer?

5 THE WITNESS: Yeah.

6 ATTORNEY FARMER: When he first
7 enrolled.

8 THE WITNESS: Yeah. Okay. I'm sorry.

9 I - I was - I thought I was confused.
10 And I was right the first time.

11 BY ATTORNEY FARMER:

12 Q. Right.

13 A. Yes, 2012-2013.

14 Q. You got your BA in 2012 and then started
15 here -

16 A. And then immediately started here, -

17 Q. - in '12.

18 A. - yes.

19 I'm sorry. I'm sorry.

20 Q. I just wanted to clarify that, because we
21 were a little confused.

22 Why did you decide to pursue a Ph.D.?

23 A. I thought that I - I was interested in the
24 subject matter, which I had studied in undergraduate.
25 And wanted to continue my studies of rhetoric and the

1 history of rhetoric.

2 Q. And why did you choose to come to Pitt?

3 A. I applied to several programs. And Pitt
4 made me a - the offer for five years. Which I thought
5 was - since most other places didn't have an MA Ph.D.
6 Program, that was attractive to me. And also my mentor
7 in undergraduate had gone to Pitt and so I knew
8 something about what the program was like.

9 Q. So when you came, you knew that you were
10 guaranteed five years of funding?

11 A. Correct.

12 Q. And you're now in your - if I did the math
13 correctly, this is the start of your seventh year?

14 A. Correct.

15 Q. And you've been funded the entire time?

16 A. I have - I have been funded through separate
17 streams the entire time. Because as I mentioned in my
18 Direct testimony, last year I was on Mellon fellowship.

19 So typically when we say that someone is
20 funded, we mean through the department. And that
21 wouldn't count as being funded through the department,
22 so I didn't -.

23 HEARING EXAMINER: I understand. Go
24 ahead.

25 BY ATTORNEY FARMER:

1 Q. The - the Mellon fellowship just was -
2 that's University funds?

3 A. Yes.

4 Q. And during this time period, including the
5 seventh year, you're not paying tuition during any of
6 that time.

7 Is that correct?

8 A. Correct.

9 Q. While you've been at Pitt, have you
10 published?

11 A. Yes.

12 Q. What kind of things have you published?

13 A. I published a book chapter, a book review
14 and, forthcoming, a comprehensive book review.

15 Q. Have you also given conference
16 presentations?

17 A. Yes.

18 Q. And on topics - what kind of topics?

19 A. A variety of topics that I was researching
20 at the time.

21 Q. During the time that you've been here, you
22 took a course called Number 3384. That's a teaching
23 practicum.

24 A. Yes.

25 Q. Is that right?

1 A. Yes.

2 Q. And that's required of all students?

3 A. Yes, all graduate students.

4 Q. And as part of that course, you learned how
5 to teach at a University level.

6 Right?

7 A. That's in the course description.

8 HEARING EXAMINER: What kind of answer
9 is that?

10 I don't think that answered it.

11 THE WITNESS: Well, it says - the course
12 says that they teach you at the University level. The
13 success of the course I - you know, I think is up to
14 the judgment of, you know, someone other than -.

15 HEARING EXAMINER: Well, what's your
16 opinion?

17 THE WITNESS: My - my judgment is
18 actually that the course was very theoretical. And I
19 was teaching during my - I was already teaching when
20 the course began.

21 So the practical questions that came up
22 about teaching were not - were not very closely
23 addressed in the course.

24 BY ATTORNEY FARMER:

25 Q. And that's something that's - that's a

1 required course?

2 A. Yes.

3 Q. Do you get a grade for it?

4 A. Yes.

5 Q. And you said you took it at the time that
6 you were teaching?

7 A. Correct.

8 Q. And the grade, I'm sorry, that was a letter
9 grade?

10 A. Yes.

11 Q. And so you testified that you had the
12 opportunity to be an independent instructor of record
13 on a number of occasions.

14 Right?

15 A. Yes.

16 Q. And that lets you design the syllabus and
17 the reading materials and the topics.

18 Right?

19 A. It requires me to do so.

20 Q. And is that something that you want to do?

21 A. Yes.

22 Q. And you said that for the teaching
23 assignments, you get to put in requests.

24 Right?

25 A. We get to list our preferences.

1 Q. Okay.

2 And you testified that you have taught I
3 believe it what Public Speaking and Argument on a
4 number of different occasions?

5 A. Correct.

6 Q. Okay.

7 And have you put in preferences to teach
8 them?

9 A. Yes.

10 Q. As a part of the request form, where you put
11 in your preferences for what you're teaching, it asks
12 you for your research competencies.

13 Right?

14 A. I'm speaking from memory here. But from
15 what I recall is just a list of the courses. And put
16 down one, two, three. Based on the courses that are
17 listed there, that's - that's the extent of the
18 preference sheet.

19 Q. And when you've taught, you've been observed
20 by faculty and gotten feedback on that.

21 Right?

22 A. Only - only in the - while I was in the
23 teaching practicum was I observed. And then a couple
24 weeks ago, because I am currently - I was observed by
25 my advisor, because I requested that.

1 Q. Okay.

2 A. But it's not a standard - I had - I had to -
3 in fact, at some point I requested to - to have my
4 teaching looked at. And my requests were not met.

5 Q. And do you recall being observed in the
6 spring of 2015?

7 A. In the spring of 2015? I believe in the
8 spring of 2015, what I did is I asked for my - if I'm
9 remembering the date correctly, I asked for my courses
10 to be - to be reviewed.

11 The faculty members said that they couldn't
12 show to the - show up to the courses. So I filmed my
13 own courses, so that they can be reviewed remotely.

14 Q. And when that happened, did you then get
15 feedback on how you were doing in teaching?

16 A. The - what that was used for was an
17 evaluation. As far as I understand, was an evaluation
18 for my - for a letter of recommendation, which was
19 confidential. So I actually didn't receive direct
20 feedback from those evaluations.

21 Q. I see.

22 And this was a letter of recommendation that
23 you were planning on using for the job market or for a
24 fellowship?

25 A. I think that one was - that was before I was

1 on the job market. So that one was probably for a
2 fellowship, yeah.

3 Q. Okay.

4 And you also did an independent study in
5 2015.

6 Do you recall that?

7 A. Yes.

8 Q. That was fall 2015, I believe?

9 A. I'll take your word for it.

10 Q. Okay.

11 With Professor Mitchell. Is that who -?

12 A. No, Professor David Marshall.

13 Q. Okay.

14 It was a professional development
15 independent study that you did a proposal for?

16 A. Oh, I'm sorry - I'm sorry. So there's - we
17 - we make a distinction between professional
18 developments and independent studies in our department.

19 Q. I see. I'm sorry. I confused things.

20 A. Yeah.

21 So professional developments are courses
22 that - yeah.

23 Okay.

24 So I - I did professional development yes.

25 Q. So that was a - you did a course proposal to

1 have a Professional Development course where you could
2 record lectures for your Argument class to be used in a
3 flipped classroom?

4 A. Yeah.

5 Q. Okay.

6 So why did you do that?

7 A. Frankly one of the reasons why is that we
8 needed to have a certain number of course hours. And
9 it's common knowledge that the Professional Development
10 courses take - give you the course hours without
11 requiring significant burdens of seminar work. So it's
12 one of reasons I did.

13 Also, I'm very committed to teaching, and to
14 kind of innovations of teaching, so I thought I'd try
15 something out. And I knew that Dr. Gordon Mitchell was
16 - is interested in various kind of innovations in
17 teaching. So I thought he would be someone who would
18 be interested in seeing what I was coming up with in my
19 classes.

20 Q. And did you get credit for that class?

21 A. I did.

22 Q. And the materials that you developed as part
23 of that class, did you use them in the Argument class
24 that you were teaching?

25 A. It was the Argument class that I was - that

1 I was teaching. So these happened concurrently.

2 Q. Okay.

3 You also mentioned there's an independent
4 study you said you took. What's the - what's the
5 independent study?

6 A. The independent study was related to my
7 dissertation topic.

8 Q. Have you done a teaching portfolio?

9 A. Yes.

10 Q. Can you talk about the kind of things that
11 are in your teaching portfolio?

12 A. My teaching portfolio contains teaching
13 philosophy. It contains my student evaluations, which
14 are - come through the University's Office of - OMET -
15 the OMET - the Office of - I don't remember what all
16 letters stand for.

17 It contains the syllabuses that I've created
18 for the courses in which I was the instructor of
19 record. And that's pretty much what is in my teaching
20 credentials.

21 Q. Does it also contain your teaching
22 philosophy -?

23 A. Yes. As I mentioned, it contains my
24 teaching philosophy.

25 Q. And how did you develop your teaching

1 philosophy?

2 A. I just recently rewrote it. So the first
3 time I wrote the teaching philosophy was in the
4 Teaching Practicum class. But I subsequently reviewed
5 it and realized that it was inadequate for what I would
6 have to do for the job market.

7 So I recently rewrote it. And in my rewrite
8 of the teaching philosophy, I reflected upon my course
9 practices and what I - how - I would kind of see what
10 the through line of those practices were.

11 And so I formulated a two-page reflection on
12 the basis of my experiences and memories of teaching.

13 Q. Why was the one that you had done in the
14 teaching practicum inadequate, do you think?

15 A. I think, again, this kind of goes back to
16 the question about the effectiveness of the teaching
17 practicum. Because at that point there were others who
18 weren't teaching at all who were writing teaching
19 philosophies in that course.

20 I was. I was - couldn't really reflect on
21 my experiences. I had really only begun teaching at
22 the University level, so -.

23 You know, what I had come up with at the
24 time really didn't - didn't - wouldn't reflect a kind
25 of professional - what would be required for a

1 professional portfolio.

2 Q. Are you on the job market now?

3 A. I am, yes.

4 Q. And do you believe that the experiences that
5 you've gotten in teaching are going to help you on the
6 job market?

7 A. Certainly, yeah. When I - when they ask for
8 previous job experience, I, of course, list my graduate
9 employment as part of that.

10 Q. Have you used any of the resources provided
11 by the Center for Teaching and Learning?

12 A. That's a good question. I - I use classroom
13 services a lot, which provides kind of technical
14 equipment. I don't think I've ever specifically used
15 CT - CT Services, but -.

16 Q. And you're aware that there are services
17 that exist specifically for graduate students?

18 A. I am, yes.

19 ATTORNEY FARMER: I have nothing
20 further.

21 HEARING EXAMINER: Redirect, Mr. Sharma?

22 ATTORNEY SHARMA: Yeah, I have some
23 Redirect. If I could have two minutes?

24 ---

25 (WHEREUPON, A PAUSE IN THE RECORD IS HELD.)

1 ---

2 REDIRECT EXAMINATION

3 ---

4 BY ATTORNEY SHARMA:

5 Q. Tim, as far as the teaching practicum, I
6 think you mentioned this.

7 Do you recall what semester you took
8 that?

9 A. That was my first semester, fall. As you
10 can see, dates in August - but my first fall semester,
11 yeah.

12 Q. And did you say you were teaching at that
13 time?

14 A. Yes.

15 Q. And what course were you teaching at that
16 time?

17 A. The Public Speaking course.

18 Q. And so the University asked you to teach a
19 course at the same time they asked you to take a
20 teaching practicum about a teaching course?

21 A. Yes.

22 And to - to be clear, the - the department -
23 it's a requirement within the department - and everyone
24 took it in their first semester. So yeah, it was the
25 only time I could take the course.

1 Q. But did everybody in the class - was
2 everybody in the class also teaching -

3 A. No, they were not.

4 Q. - that semester?

5 A. Yeah, some of them were barred from
6 teaching, because they were on fellowship.

7 Q. And is developing a syllabus one of the
8 things that you do in that class?

9 A. Yeah, everyone was required to create a
10 Public Speaking syllabus.

11 Q. And had you already developed a Public
12 Teaching syllabus for the course that you were teaching
13 concurrently?

14 A. Yes. Which made that assignment very easy.

15 Q. The Professional Development course that you
16 mentioned, you received credit for that course.

17 Is that right?

18 A. Yes.

19 Q. Did you receive compensation for that
20 course?

21 A. No, I didn't receive compensation for it.
22 Well, no, I didn't receive compensation for the course.

23 Q. And you said you were on the job market now.
24 Are the only positions you're applying to related to
25 teaching?

1 A. All of them have some teaching component.
2 But there are some jobs that very heavily emphasize
3 research over teaching.

4 Q. So do you have that different application
5 that you send those positions?

6 A. My - my cover letter very significantly - I
7 have a template cover letter for teaching-focused
8 positions and a template for research positions.

9 Q. How does it vary?

10 A. Partly it varies in the kind of in - depth
11 in which I go into my research and the relevant depth
12 in which I go into my - my teaching experiences. And
13 it also varies on the basis of, you know, just what is
14 - what comes first in the letter.

15 ATTORNEY SHARMA: That's all I have.

16 HEARING EXAMINER: Limited Recross?

17 ATTORNEY FARMER: I have nothing.

18 HEARING EXAMINER: All right.

19 Sir, you may step down.

20 Anything else you would like to bring to
21 my attention before lunch?

22 Does 1:30 sound good for everybody?

23 ATTORNEY FARMER: That's fine.

24 HEARING EXAMINER: Okay.

25 We're off the record until 1:30.

1 ---
2 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

3 ---
4 ATTORNEY MANZOLILLO: Trevor Wilson.
5 HEARING EXAMINER: All right.
6 Back on the record.
7 Raise your right hand.

8 ---
9 TREVOR WILSON,
10 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
11 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
12 FOLLOWS:

13 ---
14 HEARING EXAMINER: Spell your name for
15 us.

16 THE WITNESS: T-R-E-V-O-R, W-I-L-S-O-N.

17 HEARING EXAMINER: Trevor Wilson?

18 THE WITNESS: Yes, that's correct.

19 HEARING EXAMINER: Go ahead.

20 ---
21 DIRECT EXAMINATION

22 ---
23 BY ATTORNEY MANZOLILLO:

24 Q. Trevor, I guess let me ask you first, are
25 you a graduate student at the University of Pittsburgh?

1 A. Yes, I am.

2 Q. And what program are you in?

3 A. I'm in the Slavic Program.

4 Q. When did you start?

5 A. I started academic year 2012-'13.

6 Q. And can you give us a - sort of a brief
7 overview of what the program requirements are?

8 A. Sure.

9 So it's a combination of course credits, as
10 well as language competency, as well as at various
11 stages we take examinations.

12 HEARING EXAMINER: 162?

13 ---

14 (Whereupon, Union Exhibit 162, Department
15 Requirements, was marked for identification.)

16 ---

17 ATTORNEY MANZOLILLO: Yes.

18 BY ATTORNEY MANZOLILLO:

19 Q. Do you recognize this?

20 A. Yes, I do.

21 Q. Can you tell us what it is?

22 A. It's the department's requirements for both
23 admission, which is the first part, as well as the
24 actual Ph.D. Program itself.

25 Q. And this is printed off of the website -

1 the -

2 A. Right.

3 Q. - from the University's website?

4 A. Yes, that's correct.

5 ATTORNEY MANZOLILLO: Okay.

6 I would move for the admission of 162.

7 HEARING EXAMINER: Any objection?

8 ATTORNEY FARMER: Nope.

9 HEARING EXAMINER: Admitted.

10 ---

11 (Whereupon, Union Exhibit 162, Department
12 Requirements, was admitted.)

13 ---

14 BY ATTORNEY MANZOLILLO:

15 Q. In this - in the handbook, is there any
16 requirement that the student serve as a TA, TF, GSR or
17 GSA to complete their Ph.D.?

18 A. No, there isn't.

19 Q. Are you aware of any requirement?

20 A. No, I'm not.

21 Q. Can a student complete the program being
22 funded entirely through fellowships or their own
23 funding?

24 A. Theoretically, yeah.

25 Q. Not common practice, I assume?

1 A. No, you have to be really lucky, probably.

2 Q. How about you? How were you funded for your
3 first year of the program?

4 A. So my first year I was funded through what's
5 called a FLAS, Foreign Language Area Studies
6 fellowship. It's awarded to various area studies
7 programs, such as Russia, and also Arabic, Chinese and
8 so forth.

9 And so for my first year I received a - a
10 FLAS fellowship.

11 Q. Okay.

12 And I know I asked you if you could track
13 down any of the old appointment letters. And you
14 haven't been able to find them.

15 A. No.

16 Q. Do you recall, what the stipend - what the
17 stipend range was or was it comparable to TA, TF
18 positions?

19 A. Yeah. I don't remember what the exact
20 amount was. But it was comparable to a TA, TF
21 position.

22 Q. Was there a tuition waiver involved?

23 A. Yes, there was.

24 Q. How about health insurance?

25 A. We were allowed to purchase health

1 insurance, but it was not provided.

2 Q. And were there any work requirements for
3 this fellowship?

4 A. No. The requirements were courses. So we
5 had to take one region course, obviously, to Russia, as
6 well as a language course, again, to Russia.

7 Q. Okay.

8 So fairly academic course environment? And
9 how were you funded your second year?

10 A. I was also funded my second year from a
11 FLAS, which had the same requirements.

12 Q. Okay.

13 So the same type of scholarship?

14 A. Yeah.

15 Q. What is your dissertation topic?

16 A. So my dissertation topic is on a group of
17 Russian intellectuals that fled the Soviet Union in the
18 1920s and set up in Western Europe.

19 Q. Now, do you recall for your - going back to
20 your - your FLAS for a second - sorry, I forgot my
21 question again.

22 Did you receive a W-2 from the University
23 for any of this?

24 A. No, I do not.

25 Q. And do you recall if taxes were deducted

1 from your paycheck?

2 A. I do not believe so.

3 Q. Were you funded through a fellowship at any
4 other time when you were in the program?

5 A. Yes. So I received a Mellon fellowship -
6 I'm sorry, give me one second - 2016-'17 academic year.
7 And 2017-2018 I received I received full grade, -

8 Q. Okay.

9 A. - which is an external fellowship.

10 ATTORNEY MANZOLILLO: Another exhibit.

11 HEARING EXAMINER: 163?

12 ATTORNEY MANZOLILLO: This is 163.

13 ---

14 (Whereupon, Union Exhibit 163, Mellon Fellowship
15 Letter, was marked for identification.)

16 ---

17 BY ATTORNEY MANZOLILLO:

18 Q. Have you - is this a copy of your Mellon
19 fellowship letter?

20 A. Yes, it is.

21 Q. Okay.

22 And I see the - the marker marked off areas.
23 That - that's - is that just a redaction of your
24 address?

25 A. Yes, that's correct.

1 Q. And take a moment to read the letter.

2 ---

3 (WHEREUPON, A PAUSE IN THE RECORD IS HELD.)

4 ---

5 THE WITNESS: Uh-huh (yes).

6 BY ATTORNEY MANZOLILLO:

7 Q. Does this reflect your recollection of the
8 stipend you received?

9 A. Yeah, it does.

10 Q. And does this reflect - so you received the
11 tuition waiver as well with this?

12 A. Yes.

13 Q. How about health insurance?

14 A. We had to purchase health insurance. So
15 it's not provided.

16 Q. And was there any work requirement with this
17 fellowship?

18 A. No, there was not.

19 Q. In fact, were you allowed to take on any
20 other work?

21 A. No, we were expressly forbidden to.

22 Q. So what was the directive for this
23 fellowship unit? Just focus on academic work or what
24 did you have to do?

25 A. Yeah. So at this stage I'm pretty sure -

1 yeah, I'm - I'm sure at this stage I was - we're just
2 working on my dissertation. So it was progress towards
3 researching and writing my dissertation.

4 ATTORNEY MANZOLILLO: I'd move for
5 admission of 163.

6 HEARING EXAMINER: Any objection?

7 ATTORNEY FARMER: Nope.

8 HEARING EXAMINER: Admitted.

9 ---

10 (Whereupon, Union Exhibit 163, Mellon Fellowship
11 Letter, was admitted.)

12 BY ATTORNEY MANZOLILLO:

13 Q. So were you a TA or TF at any point in your
14 program?

15 A. Yes, I was 2014-'15 academic year, as well
16 as 2015-'16 academic year.

17 Q. Do you remember the course that you took?

18 A. So the first year I taught Elementary
19 Russian I and then II. And then the second academic
20 year I taught Russian Short Story Class, as well as a
21 19th Century Russian Literature course.

22 Q. And were you the - were you the presenter or
23 were you the sole person in these courses?

24 A. Yes, that's correct.

25 ---

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

2 ---

3 BY ATTORNEY MANZOLILLO:

4 Q. Did you - so can you tell us a little bit
5 about your basic sort of workweek with these courses?

6 A. Sure. So it's remarkably different from
7 language versus literature. So I'll start with the
8 language.

9 Language is a five-day-a-week class. So it
10 involves lesson planning, deciding what grammatical
11 topics we're going to discuss, what activities in class
12 we would be doing to improve competency, preparing
13 examinations, lots and lots of homework grading, so on
14 and so forth.

15 Q. Now, do you recall whether your workweek was
16 - what your average workweek number of hours was?

17 A. I could not say with precision. But I would
18 say certainly above 20.

19 Q. All right.

20 And were you required to be enrolled as a
21 full-time graduate when you had these appointments?

22 A. Uh-huh (yes).

23 COURT REPORTER: Is that a yes?

24 THE WITNESS: Yes. Sorry.

25 COURT REPORTER: Thank you.

1 BY ATTORNEY MANZOLILLO:

2 Q. I'll show you this. This is Exhibit 164.

3 ---

4 (Whereupon, Union Exhibit 164, Letter, was marked
5 for identification.)

6 ---

7 BY ATTORNEY MANZOLILLO:

8 Q. Do you recognize that letter?

9 A. Yes, I do.

10 Q. And the redaction, again, is that just your
11 address?

12 A. Yeah, that's my mailing address.

13 Q. And can you tell us what this letter is?

14 A. Sure.

15 So this is the letter for my appointment for
16 this academic year '18-'19.

17 Q. What course are you teaching? This - this
18 is -?

19 A. So right now I'm teaching Early Russian
20 Culture.

21 Q. So Russian seems like a popular theme with
22 you?

23 A. Yeah, that's all really I've been teaching.

24 Q. Okay.

25 So look being at this - at this letter. Is

1 this a similar letter to what you recall receiving for
2 your other positions?

3 A. Yes, it is.

4 Q. I know you couldn't - you couldn't find
5 them.

6 And then the - the stipend, is that the
7 approximate salary you received - you're receiving this
8 year?

9 A. I'm sorry, can you repeat the question?

10 Q. The stipend or the salary below on this, you
11 see about halfway down the page -

12 A. Yes, yes, yes, that is.

13 Q. - \$75,900, that -

14 A. Yes, -

15 Q. - that is about the salary you're receiving?

16 A. - yes.

17 Q. And are you receiving health insurance
18 benefits?

19 A. I am.

20 Q. Tuition waiver?

21 A. Yes.

22 Q. And I guess are you enrolled full time as a
23 graduate student?

24 A. Yes, that's correct.

25 ATTORNEY MANZOLILLO: I would move for

1 admission of 164.

2 HEARING EXAMINER: Any objection?

3 ATTORNEY FARMER: No objection.

4 HEARING EXAMINER: Admitted.

5 ---

6 (Whereupon, Union Exhibit 164, Letter, was
7 admitted.)

8 ---

9 BY ATTORNEY MANZOLILLO:

10 Q. Have - have taxes been withheld from your
11 paychecks in regard to your assistant position?

12 A. Yes.

13 Q. Do you receive W-2 forms for those?

14 A. Yes, I do.

15 Q. And what was your - what's your - I - I
16 should ask, are any of these courses directly related
17 to your dissertation?

18 A. No, other than the fact that it's Russia.

19 HEARING EXAMINER: You said your
20 dissertation was 1920s Expatriates?

21 THE WITNESS: Yes, that's correct.

22 HEARING EXAMINER: Go ahead.

23 BY ATTORNEY MANZOLILLO:

24 Q. And are there any - are there always enough
25 TAs or TFs for teaching?

1 A. No.

2 Q. And who teaches the courses when there
3 aren't enough TAs or TFs?

4 A. Full-time faculty, part-time faculty,
5 adjuncts, whoever they can find who has competency.

6 Q. And to your knowledge is their - their work
7 requirement the same as yours in teaching those
8 courses?

9 A. Yes, it is the same.

10 ATTORNEY MANZOLILLO: That is all I have
11 for this witness.

12 HEARING EXAMINER: Let me just ask a
13 couple of questions. Because it's kind of like Direct.
14 Do you have an office, assigned
15 workspace?

16 THE WITNESS: I have -?

17 HEARING EXAMINER: Assigned workspace.

18 THE WITNESS: I'm sorry, can you say
19 that again?

20 HEARING EXAMINER: Assigned workspace.

21 THE WITNESS: Yes, I do have an assigned
22 workspace.

23 HEARING EXAMINER: Office may be too
24 grand of a term?

25 THE WITNESS: Yeah, I would not call it

1 an office.

2 HEARING EXAMINER: Where is it?

3 THE WITNESS: It's in the Slavic
4 Department.

5 HEARING EXAMINER: On campus?

6 THE WITNESS: Yes.

7 HEARING EXAMINER: Do you sit near
8 anyone else?

9 THE WITNESS: Yes, I do.

10 HEARING EXAMINER: Who?

11 THE WITNESS: I sit next to graduate
12 students, adjuncts and part-time faculty.

13 HEARING EXAMINER: Are you familiar with
14 other graduate students in the Department of Arts and
15 Sciences.

16 THE WITNESS: Yes, I am.

17 HEARING EXAMINER: Do they - are they
18 also assigned office space or workspace by the
19 University?

20 THE WITNESS: Yeah, they are.

21 HEARING EXAMINER: Okay.

22 And then you were awarded - was it a
23 Mellon fellowship?

24 Well, no, go back, F-L-A-S, is that -?

25 THE WITNESS: Yeah, F-L-A-S.

1 HEARING EXAMINER: Okay.

2 What is that again?

3 THE WITNESS: It stands for Foreign
4 Language Area Studies. And so you basically are
5 awarded them to study both a course that is related to
6 a region as well as the language tied to that region.

7 HEARING EXAMINER: Is that a fellowship?

8 THE WITNESS: Yes, it was.

9 HEARING EXAMINER: Who awards that?

10 THE WITNESS: So they're awarded by the
11 University.

12 HEARING EXAMINER: Okay.

13 THE WITNESS: Okay.

14 HEARING EXAMINER: And then the Mellon
15 fellowship is also a University -?

16 THE WITNESS: Yes, that's correct.

17 HEARING EXAMINER: Now, the why - do you
18 have to apply for those?

19 THE WITNESS: Yes, you do.

20 HEARING EXAMINER: Why do you apply for
21 them?

22 It sounds like a dumb question.

23 Instead of - why don't you just be a TA
24 or a TF?

25 THE WITNESS: To devote more time to my

1 studies and research.

2 HEARING EXAMINER: Okay.

3 Cross Examination?

4 ATTORNEY FARMER: Give me one second.

5 HEARING EXAMINER: Yep.

6 ---

7 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

8 ---

9 CROSS EXAMINATION

10 ---

11 BY ATTORNEY FARMER:

12 Q. So you - I believe you said that your
13 research interest is in Russian Philosophy?

14 A. Uh-huh (yes).

15 Q. Is that right?

16 COURT REPORTER: I didn't hear your
17 answer.

18 THE WITNESS: Yes.

19 COURT REPORTER: Thank you.

20 THE WITNESS: I'm sorry. Yes.

21 HEARING EXAMINER: Two.

22 ATTORNEY FARMER: Two.

23 ---

24 (Whereupon, Respondent Exhibit 2, Web Page for
25 Slavic Department, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Do you recognize this?

A. I do.

Q. Is this your web page for the Slavic
Department?

A. Yes, that's correct.

Q. And this reflects the different awards that
you've gotten?

A. Yes.

Q. Okay.

This is something that you put together and
maintain, right, as opposed to the Department? Like
you give the information?

A. Yes, I do.

Q. And you said, I'm sorry, your dissertation
is on these Russian émigrés, basically?

A. Uh-huh (yes). Yes.

Q. When did you start doing the research that's
for your dissertation?

A. I would say - okay. Let's see, I started
academic 2013 - '12-'13. Probably my second year -
second.

Q. So like 2013?

A. Yeah, 2013 or fall - spring 2014, maybe.

1 Q. Okay.

2 And at that time - I just want not make sure
3 at the time - so at that point you were on the FLAS
4 fellowship for the second time?

5 A. Yes, that's correct.

6 Q. And then when do you predict that you're
7 going to finish your dissertation?

8 A. Hopefully in June or May of next year.

9 HEARING EXAMINER: Aspirational.

10 THE WITNESS: Yes.

11 BY ATTORNEY FARMER:

12 Q. So 2019 -

13 A. Yes, that's correct -

14 Q. - of this academic year?

15 A. - that's correct, yes.

16 Q. What do you imagine doing when you finish
17 your dissertation?

18 A. So I have several options. I am applying
19 for professor positions or post-docs through
20 universities. I'm also thinking about doing something
21 - I mean, it's early - I'm still deciding, because I
22 haven't just done it yet. But possibly something in
23 the State Department or some sort of area studies,
24 nonprofit sector thereof.

25 Q. That would use your Russian expertise?

1 A. Yeah. Uh-huh (yes).

2 Q. Okay.

3 So during those times that you have these
4 fellowships, you've been doing the research
5 continuously, right, for the - towards your
6 dissertation?

7 A. Yes.

8 Q. And that would include the time periods
9 where you've had fellowships and the time periods where
10 you've been on TA, TF.

11 Right?

12 A. That's correct.

13 Q. And the research that you were doing wasn't
14 different between when you were on a fellowship and
15 when you were on a TA, TF.

16 Was it?

17 A. No. I mean, it - it would change
18 chronologically as I developed. But not between the
19 distinction of the two.

20 Q. And you said you were on a Fulbright last
21 year.

22 Right?

23 A. That's correct.

24 Q. And that's an external fellowship?

25 A. Yes, that's external.

1 Q. You had also applied for a Lawler fellowship
2 for that and were awarded that for that same year.

3 Is that right?

4 A. Yes, that's correct.

5 Q. And you turned it down because you got the
6 Fulbright?

7 A. Yes.

8 Q. When you applied for the Lawler fellowship,
9 that required you to submit both a teaching statement
10 and a research statement as part of the application.

11 Correct?

12 A. Yes, that's correct.

13 Q. And the teaching statement that you did
14 reflected the experience that you've had teaching at
15 Pitt.

16 Right?

17 A. Yeah. Yes, it has.

18 Q. And in that you talked about the different
19 kinds of experience that you had teaching different
20 types of classes.

21 Right?

22 A. Yes.

23 Q. So one set of skills that you developed in
24 teaching those language classes, a different set of
25 skills and experiences you developed by teaching the

1 literature classes.

2 Is that right?

3 A. Yes, that's correct.

4 Q. You also took a - a teaching practicum while
5 you were - had been at Pitt.

6 Is that right?

7 A. Yeah, I took - Faculty Development is what
8 it was called.

9 Q. Right.

10 And that's something that's required of
11 anybody who's going to teach.

12 Is that right?

13 A. Do you mean in my department it's required
14 or -?

15 Q. Or by the University.

16 A. No, actually I know that in certain language
17 and literature programs it's optional. But our
18 department decides that we should do it.

19 Q. Okay.

20 And that's a class that you took for a
21 grade?

22 A. I think so, yeah.

23 Q. In fact, do you recall you got a letter
24 grade in it?

25 A. I think so. It was like a one-credit

1 course. So I don't remember too much about it.

2 Q. Do you remember what kind of things you did
3 in that course?

4 A. We talked about how students learn. So I
5 guess like ways in which - like shaping lesson plans
6 around how students best learn material.

7 Q. Where in your - where in your graduate
8 studies did you take that? Do you remember when you
9 took it?

10 A. Sorry, just give me one second. Let me just
11 think. It's been a while.

12 I believe it was maybe the second year of
13 grad school. I can't be certain about it. I'm sorry.

14 Q. At the time that you took it, had you had
15 experience teaching independently?

16 A. No, not in - like in a paid position, no.

17 Q. So currently you're teaching you said Early
18 Russian Culture.

19 Is that right?

20 A. Yes, that's correct.

21 Q. And you're teaching that independently?

22 A. Yes, that's correct.

23 Q. So you've gotten to design the syllabus and
24 the assignments and all of those things?

25 A. Yes, that's correct.

1 Q. Is that something that you wanted to do, to
2 teach that course?

3 A. I'm not - I was not opposed to teaching it.
4 I actually like the subject material. But it was part
5 of sort of department needs when they assigned the
6 courses, who would teach what, that I was given that
7 course.

8 Q. Did you get to express preferences on what
9 you would teach?

10 A. I did, yes. I'm sorry. I did get to say -
11 rank my top three courses.

12 Q. And was this one of the ones that you wanted
13 to teach?

14 A. I think it was like second or third.

15 Q. Okay.

16 So the positions that you mentioned that you
17 are looking at - so some of them are University
18 positions?

19 A. Yes, that's correct.

20 Q. Oh, I actually have another question before
21 we talk about that.

22 I think you said at some point you were
23 maybe a teaching assistant, other times you were a
24 teaching fellow.

25 Is there - in your department, what - is

1 there a distinction?

2 A. I'll be honest, I - that has never been made
3 a very transparent decision - or distinction to me. So
4 I can't really speak with confidence about one or the
5 other.

6 Q. So if we can just look at the first exhibit
7 that you put in, which is the printout from R-2 - no.
8 There we go. Sorry.

9 ATTORNEY DANTE: Union.

10 BY ATTORNEY FARMER:

11 Q. Union 162, -

12 A. Okay.

13 Q. - the printout of the requirements for the
14 program.

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

16 Q. So in looking at this, it doesn't make any
17 reference to doing research or a dissertation. Is it
18 fair to say that those are required as well, for the
19 Ph.D.?

20 A. Yes, yes. Yeah. Yes.

21 Q. I just - I noticed this. And it talks about
22 what courses you have to take. And it talks about a
23 qualifying exam. And then it stops and doesn't
24 actually talk about -.

25 A. Yeah, that's a fair point.

1 Q. Okay.

2 So I just wanted to -.

3 A. Sure.

4 Q. You talked about when you bid on the TA or -
5 or TF assignments, that you've gotten health insurance
6 - subsidized health insurance as part of your
7 appointment.

8 Is that right?

9 A. Yes, yes.

10 Q. And that's been in the student health plan.

11 Is that right?

12 A. Yes.

13 Q. Okay.

14 And when you were on a fellowship, that was
15 the same health plan that you were in.

16 Right?

17 A. You mean when I - I purchased my insurance?

18 Q. Right. It what is in the same health plan?

19 A. It was. However, Pitt has a general student
20 plan and a graduate student plan.

21 Q. Okay.

22 A. And the graduate student plan, I believe, is
23 the one that we are given - that we get subsidized as TA,
24 TFs.

25 Q. Okay.

1 A. And on the fellowship I always purchased the
2 general student one, because it's cheaper.

3 Q. And you could - you had a choice regarding
4 fellowships?

5 A. I could choose between the two of those.

6 Q. Okay.

7 A. Yes, that's correct.

8 Q. You also testified about having taxes taken
9 out?

10 A. Uh-huh (yes).

11 Q. What - is FICA tax taken out of your
12 statement?

13 A. I'm not sure.

14 Q. I'm going to show you -.

15 HEARING EXAMINER: Just for the record
16 F-I-C-A.

17 ATTORNEY FARMER: Yes, thank you.

18 This will be 3.

19 ---

20 (Whereupon, Respondent Exhibit 3, Summary of
21 Awards, was marked for identification.)

22 ---

23 HEARING EXAMINER: Did you move 2 in
24 yet?

25 ATTORNEY FARMER: I was going to do it

1 at the end.

2 HEARING EXAMINER: Okay.

3 ATTORNEY FARMER: I don't even think we
4 moved 1 in either.

5 HEARING EXAMINER: Thank you.

6 BY ATTORNEY FARMER:

7 Q. I'm showing you what we've marked as Exhibit
8 3.

9 Have you ever seen this before?

10 A. I think so.

11 Q. Is this from the web page -

12 A. The web - yeah.

13 Q. - of your Department?

14 A. Yeah. So it's definitely - yeah, it's -
15 sorry. It's from the - the web page from the
16 Department, yes.

17 Q. Okay.

18 And this is a summary of how the Department
19 awards assistantships and other types of awards?

20 A. Yes, it looks to be so.

21 Q. Okay.

22 Have you done that teaching portfolio?

23 A. Yes, I did.

24 Q. What kind of information is included?

25 A. Syllabi that I've made, sample lesson plans,

1 a teaching statement is included. I think that's most
2 of it.

3 Q. And are those all things that have been
4 developed as a result of the experience that you've
5 gained in teaching at Pitt?

6 A. Yeah, in - in a sense that they've come from
7 classes that I've taught at Pitt, yes.

8 Q. And your teaching statement has been
9 developed as a result of the experience that you've had
10 teaching?

11 A. Yes, I would say so.

12 Q. And is your teaching portfolio part of what
13 you're using to apply for University jobs?

14 A. It - it will be, -

15 Q. When you enter -

16 A. - when I apply -

17 Q. - fully enter the job market?

18 A. - it will be there, sure.

19 Q. Okay.

20 So you're in your - you're in your seventh
21 year, if I did that math correctly?

22 A. Wait. This is the sixth. Is it my sixth?
23 I started in 2012. This is 2018, six?

24 Q. Seven.

25 A. Oh, seven?

1 Oh, sorry.

2 Q. I just added with my fingers, so -.

3 A. Time flies.

4 Q. And your - your appointment is for this year
5 through the end of spring semester.

6 Is that right?

7 A. Oh, yes, that's correct.

8 Q. And you don't have any guarantee of funding
9 after that.

10 Is that right?

11 A. That's correct.

12 ATTORNEY FARMER: Just one second.

13 BY ATTORNEY FARMER:

14 Q. When you were on the various fellowships
15 that you've been on, you were still getting your
16 tuition paid by the University.

17 Is that right?

18 A. That's correct. Except for the Fulbright,
19 which is the external fellowship.

20 Q. And then the Fulbright paid the tuition?

21 A. Well, so - sorry. Some convoluted -. So
22 the - I applied for a fellowship that's a, sort of,
23 minor fellowship that just waives the cost of the
24 full-time dissertation study, I think, -

25 Q. Okay.

1 A. - under - under the Fulbright.

2 Q. Got you.

3 So you were not paying your tuition?

4 A. Yes. Yeah, I was not paying my tuition.

5 Q. Okay.

6 And while you were on these various
7 fellowships, you were still taking classes or in -
8 otherwise enrolled in dissertation credit?

9 A. Yes, that's correct. So later on it's
10 called full-time dissertation study, yeah.

11 Q. And -?

12 HEARING EXAMINER: Do you know if it's -
13 do you know what course number that is?

14 ATTORNEY FARMER: The full-time
15 dissertation?

16 HEARING EXAMINER: I'm asking either of
17 you.

18 ATTORNEY FARMER: I can tell you.

19 THE WITNESS: Yeah, -

20 BY ATTORNEY FARMER:

21 Q. Do you know what it is?

22 A. - I don't know off the top of my head,
23 sorry.

24 Q. I was going to say, I can actually look it
25 up.

1 A. It's listed as -.

2 HEARING EXAMINER: We have 601?

3 ATTORNEY FARMER: No, it is FTDA. It is
4 3999.

5 HEARING EXAMINER: Oh, okay.

6 ATTORNEY FARMER: I know.

7 HEARING EXAMINER: 399?

8 ATTORNEY FARMER: 3999.

9 HEARING EXAMINER: Oh, my gosh. Four.
10 Okay. Go ahead.

11 BY ATTORNEY FARMER:

12 Q. And the - taking classes for full-time
13 dissertation study, depending on the time is the same
14 as what you were doing when you were on a TA or TF
15 appointment.

16 Right?

17 A. Yes, that's correct.

18 ATTORNEY FARMER: I have nothing else.

19 HEARING EXAMINER: Redirect?

20 ---

21 REDIRECT EXAMINATION

22 ---

23 BY ATTORNEY MANZOLILLO:

24 Q. So when you were - you talked about the -
25 doing research, both when you a teaching assistant and

1 a fellowship?

2 A. Uh-huh (yes).

3 Q. Did the fellowship require that you put in
4 20 hours of teaching course at the same time a week?

5 A. No.

6 Q. So your teaching assistant duties were above
7 and beyond your course research - courses and research?

8 A. Yes.

9 Q. Can you tell us what - what you did - so the
10 Faculty Development course was one credit?

11 A. Yes, that's correct.

12 Q. So it's one hour a week?

13 A. I don't even think it's that. It's like
14 every other week or maybe a month. It was - it was a
15 very, very small number of hours per month, I know
16 that.

17 Q. Do you remember what all you did in there?
18 Were - were there things other than what you described
19 so far?

20 A. It was a lot of - we read things about how
21 students learn and different - I guess a pyramid, like
22 how you - you move kids up a pyramid, in terms of what
23 they know.

24 And we also talked a little bit about sort
25 of how you set course objectives and things like that.

1 I don't know if that's different than what I said
2 earlier.

3 Q. Okay.

4 And the courses you taught, are they - do
5 any of those meet non-major undergraduate requirements?

6 A. Yes, they are. So the language one Pitt's -
7 the general education requirements, I believe, have
8 changed since I've been here. So I can't speak with
9 certainty.

10 But a lot of my students who take language
11 classes - the Russian classes are for a language
12 requirement. And then my Culture and Literature
13 classes are for Nonwestern Culture. Nonwestern Culture
14 class is a requirement.

15 Q. Okay.

16 And so these classes are - have undergrads
17 from various departments in them?

18 A. Yes, that's correct.

19 Q. Is it your understanding these students are
20 paying tuition?

21 A. Yes.

22 Q. And who are they paying that to?

23 A. To the University.

24 Q. And let me ask - so when you teach these
25 courses, what - what are some of your duties again?

1 A. Planning the lessons for the day, planning
2 the syllabi even before that. Deciding what books
3 we're going to read, what translations of books, what
4 history books, sitting in office hours with students,
5 grading their homework, their written assignments.

6 A lot of my literature and culture classes
7 were writing intensive courses. So it fulfills the
8 writing requirement for Undergrad degrees. And so I
9 had to grade lots of papers.

10 Q. These types of duties, if you were an
11 adjunct teaching these course, would you have the same
12 work requirements?

13 A. Yes, I would.

14 ATTORNEY MANZOLILLO: Nothing further.

15 ATTORNEY FARMER: I have two -

16 HEARING EXAMINER: Redirect -

17 ATTORNEY FARMER: - very limited.

18 HEARING EXAMINER: - Recross.

19 ---

20 RE CROSS EXAMINATION

21 ---

22 BY ATTORNEY FARMER:

23 Q. There was testimony about this - this
24 practicum -

25 A. Uh-huh (yes).

1 Q. - on University teaching.

2 I know you said you believed it was one
3 credit. If I - I don't really want to put this - the
4 document in the record. But if I told you that your
5 transcript reflects that it's three credits, would you
6 have reason to doubt that?

7 A. No, I would believe that it's three.

8 Q. Okay.

9 A. I would believe that.

10 Q. The other thing is, how many Ph.D. students
11 are there in your program?

12 A. You mean all together, not with my year?

13 Q. In - in the -

14 A. In the whole.

15 Q. - who are full time.

16 A. I would say, at the risk of missing someone,
17 maybe six.

18 ATTORNEY FARMER: I have nothing
19 further.

20 HEARING EXAMINER: You can step down,
21 sir.

22 Thank you for your testimony.

23 Just leave that stuff.

24 THE WITNESS: Oh, leave them?

25 Okay.

1 HEARING EXAMINER: Should we take a
2 break before our next witness?

3 ATTORNEY FARMER: Yeah, we need a break,
4 with that said.

5 HEARING EXAMINER: All right.
6 Off the record for five minutes.
7 Also, do you move for admission of your
8 documents?

9 ---

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

11 ---

12 HEARING EXAMINER: Back on the record.

13 ATTORNEY FARMER: Sorry.

14 HEARING EXAMINER: First of all, 164, if
15 it hasn't been previously admitted, it's admitted.

16 ATTORNEY FARMER: Yes.

17 HEARING EXAMINER: And then -

18 ATTORNEY FARMER: One through 3.

19 HEARING EXAMINER: - 1 through 3, any
20 objection?

21 ATTORNEY MANZOLILLO: No?

22 HEARING EXAMINER: Respondent's 1
23 through 3 are admitted.

24 ---

25 (Whereupon, Respondent Exhibit 1, Sample of Seminar

1 in Pedagogy Syllabus, was admitted.)

2 (Whereupon, Respondent Exhibit 2, Web Page for
3 Slavic Department, was admitted.)

4 (Whereupon, Respondent Exhibit 3, Summary of
5 Awards, was admitted.)

6 ---

7 HEARING EXAMINER: You can step down
8 sir.

9 ATTORNEY FARMER: We need - we need him
10 to sign.

11 HEARING EXAMINER: Now, we're off the
12 record.

13 ---

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

15 ---

16 HEARING EXAMINER: All right.

17 Back on the record.

18 Continue with your case in chief.

19 Call whomever you want.

20 ATTORNEY SHARMA: We call Ben Case.

21 Ben has executed a FERPA waiver. I'm
22 providing to Respondent's Counsel now.

23 HEARING EXAMINER: Do you want to raise
24 your right hand for me?

25 ---

1 BENJAMIN CASE,
2 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
3 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
4 FOLLOWS:

5 ---

6 HEARING EXAMINER: Spell your name for
7 us.

8 THE WITNESS: B-E-N-J-A-M-I-N. Last
9 name, C-A-S-E.

10 HEARING EXAMINER: C-A-S-E?

11 THE WITNESS: Case. Uh-huh (yes).

12 HEARING EXAMINER: Your witness, sir.

13 ---

14 DIRECT EXAMINATION

15 ---

16 BY ATTORNEY SHARMA:

17 Q. Is it all right if I call you Ben?

18 A. Yes, please.

19 Q. Ben, are you currently enrolled at the
20 University of Pittsburgh?

21 A. Yes, I am.

22 Q. What kind of degree are you working towards?

23 A. A Ph.D.

24 Q. And what department are you enrolled in?

25 A. Sociology.

1 Q. How long have you been in enrolled in the
2 Ph.D. Program?

3 A. I'm in my sixth year. My first semester was
4 fall of 2013.

5 Q. Can you tell us what the requirements are to
6 obtain a Ph.D. in the Sociology Department?

7 HEARING EXAMINER: Is Sociology Arts and
8 Sciences still?

9 BY ATTORNEY SHARMA:

10 Q. This is just Sociology.
11 Correct?

12 HEARING EXAMINER: Is it in - is it
13 Arts?

14 THE WITNESS: Yes, it is.

15 ATTORNEY FARMER: Yes.

16 THE WITNESS: Uh-huh (yes).

17 HEARING EXAMINER: Okay.

18 THE WITNESS: I believe 72 credits of
19 coursework, a Master's thesis requirement, if you're
20 admitted without a Master's already and comprehensive
21 exams. And a dissertation requirement.

22 HEARING EXAMINER: Are we going to have
23 engineering students?

24 ATTORNEY MANZOLILLO: We may have one
25 tomorrow. I'm not sure.

1 HEARING EXAMINER: Okay.

2 Separate school?

3 ATTORNEY FARMER: Yeah.

4 ---

5 (Whereupon, Union Exhibit 165, Handbook for
6 Graduate Students in Sociology Department, was
7 marked for identification.)

8 ---

9 BY ATTORNEY SHARMA:

10 Q. I'm handing you what's been marked Union
11 Exhibit 165.

12 Do you recognize that?

13 A. Yes, I do.

14 Q. Can you tell me what it is?

15 A. It's the - the Handbook for Graduate
16 Students in Sociology Department.

17 Q. And the Ph.D. academic requirements you just
18 described, are those found in this handbook?

19 A. Yes.

20 Q. Is there any requirement that you provide
21 services to the University to obtain your Ph.D.?

22 And by services, I'm talking about teaching,
23 assistantships, teaching fellowships, graduate student
24 assistantships, graduate researchers.

25 A. No.

1 Q. Have you served in any of those positions
2 while you've been enrolled in the Ph.D. Program?

3 A. Yes, I have.

4 Q. Okay.

5 And which of those positions have you held?

6 A. Teaching assistant and teaching fellow.

7 HEARING EXAMINER: Why don't you ask him
8 what the difference is between those?

9 BY ATTORNEY SHARMA:

10 Q. Can you describe the difference -?

11 ATTORNEY SHARMA: I was going to go -
12 I'm actually going to go through that.

13 HEARING EXAMINER: Okay.

14 Then take your time, then.

15 ATTORNEY SHARMA: All right.

16 He'll describe the duties that he's
17 performed for each of those.

18 HEARING EXAMINER: Oh, we have a
19 promotion, it seems.

20 BY ATTORNEY SHARMA:

21 Q. So I'm handing you what's been marked Union
22 Exhibit 166 through 169.

23 ---

24 (Whereupon, Union Exhibit 166, March 2014
25 Appointment Letter, was marked for identification.)

1 (Whereupon, Union Exhibit 167, April 2015
2 Appointment Letter, was marked for identification.)
3 (Whereupon, Union Exhibit 168, March 2016
4 Appointment Letter, was marked for identification.)
5 (Whereupon, Union Exhibit 169, June 2017
6 Appointment Letter, was marked for identification.)

7 ---

8 HEARING EXAMINER: And just for your
9 benefit, I'm looking at page 24 there.

10 You're on 166 now?

11 ATTORNEY SHARMA: 166 to 169.

12 HEARING EXAMINER: Okay.

13 BY ATTORNEY SHARMA:

14 Q. Do you recognize those?

15 A. Yes, I do.

16 Q. Can you tell me - can you tell me what they
17 are?

18 A. These look like appointment letters for my
19 teaching positions.

20 Q. Okay.

21 And just to clarify, none of these letters,
22 I believe, have been signed.

23 But did you sign a copy of this and return
24 it to your department?

25 A. Yes. I returned it to one of those Graduate

1 Offices on Forbes.

2 Q. Okay.

3 ATTORNEY SHARMA: And so I'm going to
4 move to admit all four of these.

5 HEARING EXAMINER: All right.

6 And 165, too?

7 ATTORNEY SHARMA: Oh, yes.

8 And 165 also.

9 HEARING EXAMINER: Any objection?

10 ATTORNEY FARMER: Nope.

11 HEARING EXAMINER: So 166 is the March
12 2014 letter. 167 is the April 2015 letter. 168 is the
13 March 2016 letter. And 169 is the June 2017 letter.

14 All of those are admitted. 165 to 169.

15 ---

16 (Whereupon, Union Exhibit 165, Handbook for
17 Graduate Students in Sociology Department, was
18 admitted.)

19 (Whereupon, Union Exhibit 166, March 2014
20 Appointment Letter, was admitted.)

21 (Whereupon, Union Exhibit 167, April 2015
22 Appointment Letter, was admitted.)

23 (Whereupon, Union Exhibit 168, March 2016
24 Appointment Letter, was admitted.)

25 (Whereupon, Union Exhibit 169, June 2017

1 Appointment Letter, was admitted.)

2 ---

3 BY ATTORNEY SHARMA:

4 Q. And do you recall if you've held any other
5 appointments to teaching or research positions other
6 than ones that are in these letters?

7 A. It's - I'm having a little - hard time with
8 the math. But I - I taught for 2014-'15, '15-'16,
9 '16-'17, '17-'18 and once during the summer of 2016.
10 So there might be one missing in here.

11 Q. Okay.

12 That's - I was just wondering if we were
13 missing any.

14 So it's possible - it sounds like it's
15 possible we're missing a record?

16 A. It looks like '16-'17 I think I'm missing.

17 Q. Okay.

18 So just looking at the top one University -
19 I'm sorry, Union Exhibit 166, is this the first
20 teaching position you were appointed to?

21 A. Looking at the one that's dated March
22 31st, -

23 Q. That's right, -

24 A. - 2014?

25 Q. - 2014.

1 A. Yes, it is.

2 Q. And it suggests that you served as a
3 teaching assistant that academic year.

4 Is that correct?

5 A. That's correct.

6 Q. And what course - did you TA the same course
7 both of those semesters or different course?

8 A. No, different courses.

9 Q. Okay.

10 So let's go with the fall.

11 Do you remember what course you TAd in the
12 fall?

13 A. If my recollection serves, I - I TAd for a
14 class called Deviance and Social Control.

15 Q. Okay.

16 And is that an Undergrad or Graduate course?

17 A. Undergraduate.

18 Q. And how were you assigned to TA that course?

19 A. I was informed by the department that I was
20 TAing that course.

21 Q. Did you have any input in selecting the
22 course?

23 A. We fill out a - the department asks us to
24 fill out a preference - a preference sheet. We rank
25 one, two and three preferences.

1 Q. And can you describe the duties you perform
2 as a TA for that course?

3 A. Yes.

4 My primary duties were to teach the
5 recitation sessions. There were four recitation
6 sessions. Each of them once a week.

7 And I would grade assignments and hold
8 office hours. Those were the main -.

9 Q. About how many students you were in each
10 recitation session.

11 Do you recall?

12 A. About 25.

13 Q. Do you remember who the lecturer for that
14 course was?

15 A. Yes, Dan Romesberg.

16 Q. Do you know who assigns what was to be
17 covered or assigned in those recitations?

18 A. So Dr. Romesberg is a TA and can vary based
19 on the professor you're working with in this regard.
20 And Dr. Romesberg has a pretty structured recitation
21 schedule.

22 So for many of the recitations it was pretty
23 set what - what we would be doing. And then for some
24 of them I would have some autonomy and leeway to
25 structure it.

1 Q. Did you receive any academic credit for that
2 TA position?

3 A. No.

4 Q. And do you recall what you TAd that spring?

5 A. Yes, I believe Introduction to Statistics.

6 Q. Is Intro to Statistics a course that's
7 offered by the Sociology Department?

8 A. No.

9 Q. What department is that in?

10 A. The Statistic Department.

11 Q. Do you know how you ended up TAing that -
12 that class in a different department?

13 A. No, I was just assigned a class the same as
14 every other -.

15 Q. Do you recall who the lecturer was for that
16 class?

17 A. Yes, Nancy Pfenning, P-F -.

18 HEARING EXAMINER: P-F-E-N-N-I-G?

19 THE WITNESS: I-N-G.

20 HEARING EXAMINER: I-N-G.

21 BY ATTORNEY SHARMA:

22 Q. And were the duties for TA for that Stats
23 course similar to the duties you described as the TA
24 duties you described for the control course?

25 A. In that case, Dr. Pfenning has a very

1 prestructured system. So at the beginning of the
2 semester she handed me a - a box full of the materials
3 that would be covered each - each session. And I - you
4 know, taught what was - what was expected for that
5 particular session, in terms of material.

6 HEARING EXAMINER: Stats is not in
7 Sociology?

8 THE WITNESS: That's correct.

9 HEARING EXAMINER: What - what
10 department is it in?

11 THE WITNESS: Statistics. I think it's
12 its own department.

13 HEARING EXAMINER: Is it an Arts and
14 Sciences school -?

15 THE WITNESS: To my knowledge, it is.

16 HEARING EXAMINER: What kind of Stats is
17 it?

18 THE WITNESS: That was an Intro to Stats
19 class. So it's basic introduction level - level
20 things.

21 HEARING EXAMINER: Is it - so it's a
22 general - it's a general ed class?

23 THE WITNESS: That's my understanding.

24 HEARING EXAMINER: Okay.

25 BY ATTORNEY SHARMA:

1 Q. And just to clarify, that was a class for
2 undergraduates or graduate students?

3 A. Undergraduates.

4 Q. So looking at the next exhibit, which was
5 Union Exhibit 167.

6 Looks like that's the following academic
7 year?

8 A. Yes.

9 Q. And does that indicate that you were
10 appointed to a teaching fellow position for that
11 academic year?

12 A. Yes, it does.

13 Q. And do you recall the second fall semester
14 what course you were assigned to as a teaching fellow
15 to?

16 A. Yes, I believe it was Political Sociology.

17 Q. All right.

18 And did you select that course?

19 A. I don't recall the ranking that I - that
20 I -.

21 Q. When you say ranking, I guess -

22 A. So each year they give us -.

23 Q. - how is this input?

24 A. Yeah. So each year they - they would give
25 us a - a paper and ask us to rank the courses we'd

1 prefer to teach. I don't remember how I ranked them.

2 Q. And is that an undergrad or graduate-level
3 course?

4 A. Undergraduate.

5 Q. And can you describe the duties that you
6 perform as a teaching fellow for the Political
7 Sociology course?

8 A. So - again, just so - just to clarify,
9 there's some ambiguity about the - the labels. So
10 teaching assistant and teaching fellow can describe job
11 assignments. But they also describe pay - a pay rate.
12 So that's a - that's just a - the - there can be some
13 confusion there.

14 But colloquially TA usually refers to
15 teaching recitations. But we don't usually refer to
16 people at TFA, that's sort of a pay grade.

17 We usually refer to people as being
18 instructors.

19 But in any case, I was the - I was the
20 instructor for this course. So I constructed a
21 syllabus, lesson plans, ran class sessions, held office
22 hours, met with students, graded assignments,
23 constructed exams, graded exams and submitted -
24 submitted final grades.

25 Q. Did you receive any academic credit for

1 teaching that course?

2 A. No.

3 Q. Were you - looking at the - at the
4 appointment letters, it looks like the remainder of
5 your appointments were as a teaching fellow.

6 Is that - would that be accurate?

7 A. Yes.

8 Q. And do you recall the other courses that you
9 served as the instructor for?

10 A. Yes.

11 Q. And what are those courses?

12 A. I was the instructor for Political Sociology
13 for four semesters. I was also instructor for a class
14 called Societies. And I was - so again - so
15 technically I'm a TF.

16 But I also served as a TA, in terms of the
17 job responsibilities, for two additional semesters as
18 well, for - also in that class called Societies.

19 Q. And would it be fair to say that the duties
20 you performed in those positions were some of those
21 duties you've already described?

22 A. Yes.

23 Q. Did you receive compensation for performing
24 the teaching duties you were appointed to?

25 A. Yes.

1 Q. And what was that compensation?

2 A. Well, as it's listed here, it varies a
3 little bit from semester to semester. But again, I can
4 - I can read from here, if you'd like?

5 So the first - the first year that I was a
6 TA, I received \$8,355 a semester, plus tuition
7 remission and healthcare.

8 Q. Did you receive a W-2 from the University in
9 the years that you've held appointments?

10 A. Yes.

11 ATTORNEY SHARMA: I have what's marked
12 Union Exhibit 170.

13 ---

14 (Whereupon, Union Exhibit 170, W-2 for 2016, was
15 marked for identification.)

16 ---

17 BY ATTORNEY SHARMA:

18 Q. Do you recognize that document?

19 A. Yes, I do.

20 Q. And what is that?

21 A. This is my W-2 for 2016.

22 Q. Does that indicate you paid federal, state
23 and local income tax in compensation you received for
24 your teaching duties?

25 A. Yes.

1 ATTORNEY SHARMA: I'd move to admit
2 Exhibit 170.

3 HEARING EXAMINER: Any objection?

4 ATTORNEY FARMER: No objections.

5 HEARING EXAMINER: Wait.

6 This is - this is what year, 2016?

7 THE WITNESS: Yes.

8 HEARING EXAMINER: So that would be -
9 wait. So that would the combination, then, of two
10 academic years?

11 ATTORNEY FARMER: Yes.

12 HEARING EXAMINER: So if we look at -
13 would this then relate to Exhibit 167 and 168?

14 ATTORNEY SHARMA: Yep.

15 HEARING EXAMINER: Witness?

16 THE WITNESS: Yes.

17 HEARING EXAMINER: So now - so in 2015
18 it looks like you got \$8,900 for the spring of 2016?

19 So looking at 167, right, it says spring
20 \$8,900?

21 THE WITNESS: Yes.

22 HEARING EXAMINER: Would that be the
23 spring of 2016?

24 THE WITNESS: Yes, that's correct.

25 HEARING EXAMINER: And then in 168,

1 that's different.

2 Isn't it? What's that?

3 It says you get \$2,463 as a stipend.

4 Why is there only one column?

5 ATTORNEY SHARMA: Because it's summer.

6 ATTORNEY FARMER: Summer.

7 HEARING EXAMINER: Summer?

8 Oh, my gosh.

9 Okay.

10 So in the fall of 2016, did you have an
11 appointment?

12 THE WITNESS: Yes.

13 HEARING EXAMINER: Where is that letter?

14 THE WITNESS: I think I'm missing one.

15 I think I'm missing 2016-'17. So it's fall of 2016, -

16 HEARING EXAMINER: All right.

17 THE WITNESS: - spring of 2017 I'm
18 missing.

19 HEARING EXAMINER: So then that W-2

20 would be the \$8,900 from 167. The \$6,843 from 168.

21 And then the exhibit we don't have, which would have
22 been in the fall of 2016?

23 THE WITNESS: I suppose so.

24 HEARING EXAMINER: Does that - do you
25 know if that - that number in box 125278, does that

1 include your tuition reimbursement?

2 THE WITNESS: I don't honestly remember
3 how I calculated my taxes for 2016.

4 HEARING EXAMINER: Oh, this was the -
5 this was you recording this?

6 THE WITNESS: Yes. I don't - I don't -
7 I don't remember, honestly.

8 HEARING EXAMINER: W-2, I think the
9 employer -?

10 THE WITNESS: Yeah, they - they give it
11 to me. But I don't know how it's calculated.

12 HEARING EXAMINER: Do you know if this
13 includes the tuition?

14 ATTORNEY SHARMA: It can't, it's
15 \$25,000. Tuition itself can only be about that.

16 ATTORNEY FARMER: No, tuition -.

17 HEARING EXAMINER: Will I have a witness
18 on that from the University?

19 ATTORNEY FARMER: Sure.

20 HEARING EXAMINER: Okay.

21 All right. Go ahead.

22 BY ATTORNEY SHARMA:

23 Q. Were you allowed to do any other jobs while
24 you held your teaching appointment?

25 A. No.

1 Q. Do any graduate students in the Sociology
2 Department hold graduate student research positions?

3 A. Yes.

4 Q. Have you ever held one?

5 A. No.

6 Q. Do you know why some students get research
7 assistantships and others don't?

8 A. No, the - the decision making processes are
9 pretty opaque to me.

10 Q. Did you have a desire to receive a research
11 assistantship at some point during your Ph.D.?

12 A. Yes, definitely.

13 Q. Why is that?

14 A. Generally research positions, I need to work
15 more closely with the professor on research and often
16 allow more opportunities for publishing, which is more
17 desirable for a CV for the types of jobs that I'm
18 looking for.

19 Q. If you'd have turned down your teaching
20 appointments, who would have been responsible for
21 paying your tuition?

22 A. I suppose I would.

23 Q. Can I ask you what your dissertation topic
24 is?

25 A. Yes, I study riots and protestor violence

1 and - and its effect on social movements.

2 Q. You say there was a direct relationship
3 between the TA and TF positions you've held, courses
4 you've taught with your dissertation topic?

5 A. Not a direct relationship.

6 Q. Do you currently hold a teaching or research
7 appointment?

8 A. No.

9 Q. Are you receiving funding from the
10 University?

11 A. Yes, I'm on a Mellon fellowship this year.

12 Q. And does that fellowship require you to
13 perform services for the University, as in teaching and
14 researching -

15 A. No.

16 Q. - for the University?

17 A. No, it does not.

18 Q. And do you have health insurance through the
19 University?

20 A. I have to purchase health insurance while
21 I'm on a Mellon.

22 Q. And just to be clear, in the time that you
23 held one of those teaching appointments, did you have
24 to purchase your health insurance?

25 A. No.

1 the topic of my research.

2 Q. And can you remind us what that topic is?

3 A. Yeah - yes, I study violence and nonviolence
4 in social movements.

5 Q. Okay.

6 And why did you choose to stay at Pitt for
7 your Doctoral education?

8 A. To stay?

9 Like why - why didn't I - why haven't I
10 left?

11 I ask myself that all the time.

12 HEARING EXAMINER: Where did you go to
13 undergrad?

14 THE WITNESS: I actually came to Pitt as
15 a previous area of my life for undergrad.

16 BY ATTORNEY DANTE:

17 Q. You came to Pitt -?

18 A. I was - I - I went to Pitt for undergrad, I
19 believe 2002 to 2006.

20 Q. Okay.

21 A. And I completed the Master's in Public
22 Administration at NYU. And now I'm here.

23 Q. Okay.

24 So come back to Pitt for your Doctoral
25 education. I'll rephrase.

1 A. Okay. Okay.

2 The department - the Sociology Department at
3 Pitt focuses on social movement studies. And there was
4 a particular professor that I was interested in working
5 with.

6 Q. Have you worked with that professor?

7 A. He was my advisor for my Master's thesis.

8 Q. Okay.

9 A. And he's currently on my Dissertation
10 Committee.

11 Q. Okay.

12 And if you could turn to page nine, please,
13 of the Union Exhibit 165, which is the handbook.

14 A. Uh-huh (yes).

15 Q. And I'll direct your attention to Section
16 3.9 Financial Support.

17 A. Uh-huh (yes).

18 Q. And you're - it's correct that the Sociology
19 Program guarantees five years of funding.

20 Right?

21 A. That's correct now. When I was admitted, I
22 was promised four years of funding.

23 Q. Okay.

24 And the - the guaranteed funding can be
25 through a variety of funding sources.

1 Right?

2 A. Yes.

3 Q. So you talked a little bit about teaching
4 assistantships and teaching fellowships. And then it
5 could also be through fellowships as well.

6 Correct?

7 A. That's correct. And then there are some
8 others.

9 Q. Okay.

10 And in fact, you've received a teaching
11 assistantship, a teaching fellowship and other
12 fellowships as well.

13 Right?

14 A. This is the first year - well, that's - my
15 first year in the department. I'm - I'm an internal
16 fellowship. That's true. And then this year I'm an
17 external fellowship.

18 Q. Okay.

19 And is the external fellowship external to
20 the school or just to the department?

21 A. To the department.

22 Q. Okay.

23 A. The - the Mellon fellowship is - I mean, I
24 suppose it comes from the Mellon Foundation. But it's
25 through Pitt.

1 Q. Through Pitt?

2 Okay.

3 And you're currently in your sixth year at
4 the program.

5 Right?

6 A. Yes.

7 Q. And so you have no expectation of funding
8 next year.

9 Correct?

10 A. I'm currently applying for fellowships.

11 Q. When do you expect to defend?

12 A. I hope and expect to defend in the spring of
13 2020.

14 Q. Okay.

15 What are your career goals?

16 A. I plan on going on an academic market next
17 summer, summer of 2019.

18 Q. Okay.

19 And by academic market, you mean applying
20 for jobs to be a professor?

21 A. I - well, I anticipate applying for faculty
22 positions and postdoctoral fellowships.

23 Q. Okay.

24 During your time in the Ph.D. Program, I
25 think you talked about some of the teaching experience

1 you've gained.

2 Right?

3 A. Yeah, I think so.

4 Q. And in order to teach independently, you
5 were required to take a course called FACDEV 2200,
6 which is a teaching practicum.

7 Right?

8 A. Yes.

9 Q. And you received academic credit for that
10 course.

11 Correct?

12 A. I think so.

13 Q. And you also received a grade for that
14 course.

15 Right?

16 A. I believe so.

17 Q. Have you developed a teaching statement?

18 A. It was part of the requirement for the
19 Faculty Development course, as I remember is a sample
20 teaching portfolio, which included a - some type of
21 teaching statement.

22 Q. Are you planning on revisiting that
23 portfolio before going on the job market?

24 A. I mean, I - I certainly plan on updating it
25 and revising it, if that's what you mean?

1 Q. Yes.

2 And so what kind of things would you add to
3 the teaching portfolio since you've taken FACDEV 2200?

4 A. Well, since I've taught a number of - a
5 number of semesters since then, I would have - I guess
6 I would revise it, based on - based on experience I've
7 had since then.

8 Q. Okay.

9 Have you published while at Pitt?

10 A. Yes.

11 Q. And were those publications related to your
12 research interests?

13 A. Some of them.

14 Q. Why did you seek to publish in the first
15 place?

16 A. I think it's important to get - to get
17 certain ideas out into the world. And also it's - it's
18 an important aspect of - of the CV to get an academic
19 job.

20 Q. Did you continue to conduct that research
21 while you were teaching?

22 A. Yes.

23 Q. Have you have any experience in presenting
24 that research?

25 A. I present at conferences.

1 Q. Why did you choose to present at
2 conferences?

3 A. It's an important way to get feedback on
4 research. And again, also it's - it's important for
5 our CV.

6 Q. Have you worked with your faculty advisor or
7 anyone on your Dissertation Committee in connection
8 with these publications?

9 Have you sought out their advice or
10 feedback -

11 A. Yes, -

12 Q. - as to your publishing?

13 A. - yes.

14 Q. What kind of support did they provided to
15 you?

16 A. Some of them have edited papers that I've
17 written. And I've also - some of them have given me
18 verbal feedback and advice.

19 Q. You also get an annual letter that reviews
20 your academic progress towards your degree.

21 Right?

22 A. Yes.

23 Q. And in that letter that discusses your
24 coursework, right, when you were taking courses?

25 A. I believe so.

1 Q. And it also discusses publication.

2 Right?

3 A. Yes, I think so.

4 Q. And it discusses your dissertation and the
5 progress toward degree.

6 Right?

7 A. I believe so.

8 Q. And it also references your teaching
9 experience.

10 Right?

11 A. It might. I can't - I can't remember the
12 specific wording of those letters. I think so.

13 Q. And on occasion, have you received feedback
14 from faculty on your teaching?

15 A. On one occasion I did.

16 Q. And on that occasion, did the faculty
17 provide you with feedback based on observing you in the
18 classroom?

19 A. Yes, I was observed once by a faculty
20 member.

21 Q. And in that evaluation, the faculty member
22 provided you with some feedback on the strengths of
23 your performance in the classroom.

24 Right?

25 A. Yes.

1 Q. And the faculty member also provided you
2 with some recommendations on how you might improve in
3 some areas.

4 Right?

5 A. I think so.

6 ATTORNEY DANTE: I have nothing further.

7 HEARING EXAMINER: Redirect?

8 ---

9 REDIRECT EXAMINATION

10 ---

11 BY ATTORNEY SHARMA:

12 Q. The FACDEV class that you took, did you
13 receive compensation during - while - toward taking
14 that class?

15 A. Not for taking that class, no.

16 ATTORNEY FARMER: I'm sorry, could you -
17 just one second, could you repeat what that - what your
18 question was?

19 ATTORNEY SHARMA: Yeah.

20 Did you receive compensation for taking
21 the FACDEV class?

22 BY ATTORNEY SHARMA:

23 Q. What type of jobs are you interested in
24 applying to for after you graduate - or after - during
25 your Ph.D.?

1 A. Like I said, I - I anticipate applying for
2 postdoctoral fellowships and for faculty positions
3 ideally in - in the research positions.

4 Q. And so your application material, are you
5 going to emphasize your teaching experience or research
6 experience?

7 A. I'll definitely emphasize my research
8 experience.

9 Q. Have you been advised to emphasize your
10 research experience?

11 A. Yes, the - the advice I've received is that
12 there's, broadly speaking, teaching tracks and research
13 tracks in sociology. And that it can hurt your chances
14 of getting a research position if you overemphasize
15 your teaching experience.

16 So certainly I would want to emphasize my -
17 my research, my publication record.

18 Q. Are you encouraged to seek fellowship
19 funding by faculty in your department?

20 A. Yes.

21 Q. And why is that?

22 A. Being on fellowship allows you a lot more
23 time to do - to do your work to do research and - and
24 grading.

25 Q. And turning back to the Union Exhibit 165.

1 Counsel pointed you to page nine, -

2 A. Uh-huh (yes).

3 Q. - where they talked about the five years of
4 financial support -

5 A. Uh-huh (yes).

6 Q. - and how you received various funding on
7 page ten.

8 A. Uh-huh (yes).

9 Q. Turn the page. So down about two
10 paragraphs.

11 Does it talk specifically about the
12 financial support? And that paragraph starts with the
13 Department of Financial Support. About the financial
14 support you received as a TA and TF.

15 Do you see that?

16 A. Yes, I see it.

17 Q. And is that different financial support than
18 you receive in your fellowship?

19 A. Yes.

20 Q. And that's because you received that as an
21 employee at the University of Pittsburgh.

22 Is that why?

23 ATTORNEY DANTE: Objection.

24 HEARING EXAMINER: Why don't you just
25 ask him why it is that he receives it?

1 BY ATTORNEY SHARMA:

2 Q. Why is it that you receive it, as described
3 in the handbook itself?

4 A. Why I receive this -?

5 Q. This form of funding.

6 A. This form of funding was in compensation for
7 the work I did as a TA or instructor.

8 ATTORNEY SHARMA: I have no further
9 questions.

10 HEARING EXAMINER: Redirect - I mean,
11 Recross. Excuse me.

12 ---

13 RECROSS EXAMINATION

14 ---

15 BY ATTORNEY DANTE:

16 Q. When you are - you're currently on the
17 Mellon fellowship.

18 Right?

19 A. Yes.

20 Q. Is your stipend level the same as it was
21 when you were on a teaching fellowship?

22 A. No.

23 Q. It was different?

24 A. Yes.

25 Q. You still have your tuition waived.

1 Correct?

2 A. Yes.

3 Q. And if you look back right on page ten,
4 where you were before, if you look down to the
5 following paragraph, you'll see that financial support
6 depends on students making satisfactory progress in the
7 Graduate Program.

8 Correct?

9 A. Yes, I see where it says that.

10 ATTORNEY DANTE: I have no further
11 questions.

12 HEARING EXAMINER: You may step down,
13 sir.

14 Thank you very much for testifying.
15 Any further witnesses?

16 ATTORNEY MANZOLILLO: We will, if we can
17 just have a minute?

18 HEARING EXAMINER: Off the record.

19 ---

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

21 ---

22 HEARING EXAMINER: Back on the record.

23 It looks like the Union is calling
24 another witness here?

25 ATTORNEY MANZOLILLO: Yes.

1 We're calling Shelby Brewster.

2 HEARING EXAMINER: Please raise your
3 right hand for me, miss.

4 ---

5 SHELBY BREWSTER,
6 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
7 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
8 FOLLOWS:

9 ---

10 HEARING EXAMINER: Spell your name for
11 us.

12 THE WITNESS: S-H-E-L-B-Y
13 B-R-E-W-S-T-E-R.

14 HEARING EXAMINER: Your witness.

15 ---

16 DIRECT EXAMINATION

17 ---

18 BY ATTORNEY MANZOLILLO:

19 Q. Ms. Brewster, are you a graduate student at
20 the University of Pittsburgh?

21 A. I am.

22 Q. What program are you in?

23 A. I'm getting my Ph.D. in Theatre and
24 Performance Studies.

25 Q. When did you begin the program?

1 A. Fall of 2015.

2 Q. Did you come in with a Master's degree?

3 A. I did.

4 Q. And can you give a short overview of
5 program requirements?

6 A. Yes.

7 So we have coursework requirements,
8 preliminary exam at the end of our first year,
9 comprehensive exams, perspectives and dissertation.
10 And there's a language proficiency requirement as well.

11 ATTORNEY MANZOLILLO: Union Exhibit 171.

12 ---

13 (Whereupon, Union Exhibit 171, Graduate Student
14 Handbook of Theater and Performance Studies for
15 2015-16, was marked for identification.)

16 ---

17 HEARING EXAMINER: Thank you.

18 BY ATTORNEY MANZOLILLO:

19 Q. And this is the - can you tell us what this
20 is?

21 A. Sure.

22 It's the graduate student handbook for my
23 department for the year 2015-'16.

24 Q. Is it your understanding this would apply to
25 you in terms of program requirements?

1 A. Yes.

2 Q. Okay.

3 And just to complete the record, Union 172
4 and 173 are two updated guides -.

5 ---

6 (Whereupon, Union Exhibit 172, Graduate Student
7 Handbook of Theatre and Performance Studies for
8 2016-17, was marked for identification.)

9 (Whereupon, Union Exhibit 173, Graduate Student
10 Handbook of Theatre and Performance Studies for
11 2017-18, was marked for identification.)

12 ---

13 BY ATTORNEY MANZOLILLO:

14 Q. Well, actually why don't you tell us what
15 those are?

16 A. Sure.

17 So I have here also the graduate student
18 handbook from 2016-'17 and 2017-'18.

19 Q. And these would be updated for students
20 coming in for those years?

21 A. That's correct.

22 ATTORNEY MANZOLILLO: I would move to
23 admit Union Exhibits 171, 172 and 173.

24 ATTORNEY FARMER: Just give us one
25 second.

1 HEARING EXAMINER: Yep.

2 ---

3 (WHEREUPON, A PAUSE IN THE RECORD IS HELD.)

4 ---

5 ATTORNEY FARMER: I don't have any
6 objections to - to the - to - I guess what my objection
7 would be, that the ones that predate the filing of the
8 petition, which would be 171 and 172 would not have any
9 relevance.

10 HEARING EXAMINER: That's the opposite.

11 ATTORNEY FARMER: No, I mean there's
12 years before. Like they're not even the year of.

13 So the petition was filed in December of
14 '17, which would have been during the '17-'18 school
15 year. But this is two years before that.

16 HEARING EXAMINER: It seems relevant to
17 me.

18 ATTORNEY MANZOLILLO: I think we just
19 had testimony that her - this is the one that applies
20 to her.

21 HEARING EXAMINER: Admitted - 171
22 through 173 are admitted.

23 ---

24 (Whereupon, Union Exhibit 171, Graduate Student
25 Handbook of Theatre and Performance Studies for

1 2015-16, was admitted.)

2 (Whereupon, Union Exhibit 172, Graduate Student
3 Handbook of Theatre and Performance Studies for
4 2016-17, was admitted.)

5 (Whereupon, Union Exhibit 173, Graduate Student
6 Handbook of Theatre and Performance Studies for
7 2017-18, was admitted.)

8 HEARING EXAMINER: And you had relevancy
9 objections to - to 172 - no, you had relevancy
10 objections to 171 and 172.

11 Correct?

12 ATTORNEY FARMER: Right.

13 To the extent - I actually don't know if
14 they're any different. But to the extent they're
15 different - the one that would matter is the one that
16 was at the time of the petition.

17 HEARING EXAMINER: It's on the record.
18 Go ahead.

19 ATTORNEY FARMER: Yeah.

20 BY ATTORNEY MANZOLILLO:

21 Q. And is there any requirement in your
22 department for students to serve as a TA, TF, TSR or
23 TSA to complete a Ph.D.?

24 A. No.

25 Q. Anything listed in the handbook to that

1 effect, to the best of your knowledge?

2 A. I don't believe so.

3 Q. Could a student theoretically complete the
4 program based entirely through fellowship funding or
5 through their own resources?

6 A. Sure.

7 Q. Okay.

8 So why don't you tell us how you were funded
9 for the first year?

10 A. My first year, 2015-'16, I received the
11 Provost Humanities Predoctoral Fellowship.

12 Q. Handing you Exhibit 174.

13 ---

14 (Whereupon, Union Exhibit 174, March 2015 Award
15 Letter, was marked for identification.)

16 ---

17 BY ATTORNEY MANZOLILLO:

18 Q. And can you tell us what this letter is?

19 A. Sure.

20 This is my award letter notifying me that I
21 have received that fellowship.

22 Q. And this is the stipend list on here. Is
23 that what you received for that year?

24 A. To my recollection, yes.

25 Q. Okay.

1 And so you were - you were funded your first
2 year through the scholarship?

3 A. Yes.

4 Q. Were you allowed to have any other work
5 appointment?

6 A. No. The letter explicitly states I'm
7 required to devote full time to Doctoral study during
8 the time of fellowship.

9 Q. So were there any work requirements?

10 A. No.

11 Q. And did you - in addition to that, did you
12 receive a tuition waiver?

13 A. I did.

14 Q. And was health insurance provided as part of
15 this?

16 A. No.

17 Q. And did you purchase your own health
18 insurance?

19 A. I did.

20 Q. And where did you purchase it?

21 A. I purchased a UPMC plan through the
22 Marketplace.

23 Q. When you say Marketplace, you mean the - the
24 Store?

25 A. The State exchange, yeah.

1 Q. So it wasn't a University plan?

2 A. Correct.

3 Q. And did you receive any W-2 when you were
4 doing that?

5 A. I did not.

6 Q. Were taxes deducted from your stipend
7 payments?

8 A. No.

9 Q. Were you ever a TA or a TF at any point in
10 the Department?

11 A. Yes, since the 2016-'17 school year, up to
12 and including this semester.

13 Q. I'm giving you Exhibit 175.

14 ---

15 (Whereupon, Union Exhibit 175, May 2016 Appointment
16 Letter, was marked for identification.)

17 ---

18 BY ATTORNEY MANZOLILLO:

19 Q. Can you tell us what this is?

20 A. Sure.

21 This is my appointment letter for the
22 academic year 2016-'17.

23 Q. And can you tell us what courses you taught
24 that year?

25 A. Sure.

1 In the fall I served as instructor for two
2 sections of Introduction to Performance. And then in
3 the spring I was a teaching assistant for a class
4 called Enjoy Performances.

5 Q. And can you tell us a little bit about the
6 work and courses?

7 A. Uh-huh (yes).

8 So Intro to Performance, the class I taught
9 in the fall is an intro level acting class. We get
10 both theater majors and non-majors in that class.

11 So it's our most common class in terms of
12 sections. So I wrote my own syllabus within the
13 structure of the Master syllabus set out by the
14 Department.

15 I lesson-planned every class, designed
16 assignments, graded assignments, held office hours, met
17 with students, et cetera.

18 Q. Okay.

19 And so the first semester you were teaching
20 class yourself?

21 A. Yes.

22 Q. How about - and what were the - referring to
23 your letter.

24 A. Uh-huh (yes).

25 Q. Referring to the appointment letter. So

1 you're a teaching fellow?

2 A. Yeah.

3 Q. Why was that?

4 A. I'm not sure.

5 Q. Okay.

6 So you can't - you're not sure if that's
7 because you do Master's or not?

8 A. Yeah, I don't know.

9 Q. Okay.

10 And is that the salary you received, the
11 stipend appointment -

12 A. Yes.

13 Q. - that we went through?

14 And were you enrolled full time as a
15 graduate student?

16 A. Yes.

17 Q. To your understanding, that's a requirement
18 of the appointment?

19 A. Yes.

20 Q. I think about the - a little less than
21 midway down here I see an hours per week?

22 A. Uh-huh (yes).

23 Q. Can you tell us what that is?

24 A. Sure.

25 So that is the expectation or work

1 requirement for this appointment.

2 Q. Was that - in your experience, was that
3 about the average - average per week?

4 A. Yeah. It's hard to say. And it varies
5 based on which class you're responsible for and what
6 you're doing.

7 Q. Any fluctuation across the semester?

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

9 Q. This would be more of an average.

10 A. Yes.

11 Q. Did you - did you receive any W-2 payments
12 for this semester -

13 A. I did.

14 Q. - of your statement?

15 And did you have taxes deducted by the
16 University?

17 A. I did.

18 Q. I'm giving you Exhibit 176.

19 ---

20 (Whereupon, Union Exhibit 176, W-2 for 2016, was
21 marked for identification.)

22 ---

23 BY ATTORNEY MANZOLILLO:

24 Q. Can you tell us what that is?

25 A. This is my W-2 from the year 2016.

1 HEARING EXAMINER: There you go, Ms.
2 Farmer.

3 ATTORNEY FARMER: I know. I just said
4 that. I was just like, this is so much better for
5 middle-aged eyes. Because the other one is ridiculous.

6 HEARING EXAMINER: All right.

7 BY ATTORNEY MANZOLILLO:

8 Q. And does this - does this show federal,
9 state and local income tax taken out?

10 A. Yes.

11 Q. And were - these courses that you taught,
12 were they part of a - did they meet any kind of
13 undergraduate degree requirements?

14 A. Yes, a number of our courses meet several
15 different gen ed requirements for your graduates across
16 the University, as well as requirements for either
17 major and minor students.

18 Q. Would that include the courses you taught
19 those - those two semesters?

20 A. Yes.

21 Q. And how about the following year? Did you
22 teach?

23 A. I did. So in the fall of 2017, I served as
24 instructor for Enjoy Performances, which is the class I
25 had TAd the previous semester.

1 And then in spring of 2018 I taught a course
2 called Contemporary Global Stages.

3 Q. Okay.

4 And at - two points. From spring of '17 to
5 fall of '17, is that a normal sequence in the
6 Department?

7 A. Yes, it's fairly - it's fairly common for
8 graduate students to serve as a TA and then instructor.
9 In fact, no one, to my knowledge, has been the
10 instructor without being a TA first.

11 Q. Have people been the TA without being
12 instructor?

13 A. I think so. But I couldn't speak with
14 certainty.

15 Q. Were the duties in those courses similar to
16 what you - you had the first year of your - of
17 teaching?

18 A. Yes and no. When I was serving as TA for
19 the class, my primary responsibilities were grading
20 assignments, supporting the instructor, who was the one
21 who designed everything, being available for students.
22 But primarily grading was my responsibility.

23 HEARING EXAMINER: Let me interrupt you,
24 Mr. Manzolillo.

25 Ma'am, can you look at 171, -

1 THE WITNESS: Yes.

2 HEARING EXAMINER: - page 40?

3 THE WITNESS: Forty (40)?

4 HEARING EXAMINER: Yes.

5 The first slide says all TAs, TFs, GSAs
6 required to fill out a weekly work log.

7 I'm going to take a stab in the dark and
8 - and assume that you've never done that?

9 THE WITNESS: That's correct, in that -
10 yeah, I've never done that.

11 HEARING EXAMINER: Do you know if
12 anybody has ever filled out a weekly work log that -?

13 THE WITNESS: I'm sorry.

14 HEARING EXAMINER: Go ahead.

15 THE WITNESS: At one point in our
16 department we did have research positions. That's no
17 longer.

18 I believe - I never held one. But I
19 believe when students were holding research positions,
20 that they were required to fill out work logs.

21 HEARING EXAMINER: You never heard of a
22 TA or a TF filling out a work log?

23 THE WITNESS: No. I keep track of my
24 hours just for my own -.

25 HEARING EXAMINER: How do you keep track

1 of them?

2 THE WITNESS: I use a spreadsheet.

3 HEARING EXAMINER: Do you have it with
4 you?

5 THE WITNESS: Not in hard copy.

6 HEARING EXAMINER: Go ahead.

7 Thank you, ma'am.

8 ATTORNEY MANZOLILLO: Union Exhibit 177.

9 ---

10 (Whereupon, Union Exhibit 177, Appointment Letter
11 for 4/3/17, was marked for identification.)

12 ---

13 BY ATTORNEY MANZOLILLO:

14 Q. Can you tell us what this is?

15 A. Sure.

16 This is my appointment letter for the
17 academic year 2017-2018.

18 Q. And again, does that - TF is for teaching
19 fellow?

20 A. Yes.

21 Q. And you're enrolled as a full-time graduate
22 student -

23 A. Correct.

24 Q. - in that appointment?

25 Did you once again receive the stipend

1 listed on the - the second line?

2 A. Yes.

3 Q. And did you receive health insurance with
4 this appointment?

5 A. I did.

6 Q. Was that provided by the University?

7 A. Yes.

8 Q. And you received a tuition waiver?

9 A. Yes.

10 Q. Do you recall if you received a W-2
11 statement for this year?

12 A. I did.

13 Q. And were taxes withheld by the University?

14 A. Yes.

15 Q. And Exhibit 178.

16 ---

17 (Whereupon, Union Exhibit 178, W-2 for 2017, was
18 marked for identification.)

19 ---

20 BY ATTORNEY MANZOLILLO:

21 Q. Can you tell us what that is?

22 A. That's my W-2 from the year 2017.

23 Q. Okay.

24 And were federal, state and local taxes
25 taken out?

1 A. Yes.

2 Q. And are you funded this year?

3 A. Yes, I have a TF line again this year.

4 Q. What course are you teaching this year?

5 A. Currently I'm serving as the teaching
6 assistant for our World Theatre History 1 class.

7 Q. And are the duties in that class any
8 different than the previous ones?

9 A. Again, I'm primarily responsible for
10 grading.

11 Q. Okay.

12 And Exhibit 179.

13 ---

14 (Whereupon, Union Exhibit 179, Appointment Letter
15 for March 2018, was marked for identification.)

16 ---

17 BY ATTORNEY MANZOLILLO:

18 Q. And can you tell us what this is?

19 A. This is my appointment letter for this
20 current academic year 2018-'19.

21 Q. And again, is that the stipend you received
22 listed?

23 A. Yes.

24 Q. And did you receive health insurance from
25 the University?

1 A. Yes.

2 Q. Tuition waiver?

3 A. Yes.

4 Q. So each year you received fellowship -
5 insurance from the University while you were teaching
6 fellows?

7 A. Yes.

8 ATTORNEY MANZOLILLO: I'd move for
9 admission - admission of Exhibits 174 through 179.

10 ATTORNEY FARMER: No objections.

11 HEARING EXAMINER: 175 - 174 -

12 ATTORNEY MANZOLILLO: I think 171
13 through 3 were the -

14 HEARING EXAMINER: Yeah.

15 ATTORNEY FARMER: Yeah.

16 ATTORNEY MANZOLILLO: - manuals.

17 HEARING EXAMINER: 174 is the March 2015
18 letter.

19 ATTORNEY MANZOLILLO: That's the
20 fellowship letter.

21 HEARING EXAMINER: Seventy-five (75) was
22 May of 2016. Seventy-six (76) is W-2. Seventy-seven
23 (77) is April 3rd, 2017.

24 ATTORNEY MANZOLILLO: That should be
25 sequential.

1 HEARING EXAMINER: 178 is W-2.

2 ATTORNEY MANZOLILLO: Yes.

3 HEARING EXAMINER: And 179 is March 2019

4 ATTORNEY FARMER: '18.

5 HEARING EXAMINER: '18. They're all
6 admitted.

7 ---

8 (Whereupon, Union Exhibit 174, March 2015 Award
9 Letter, was admitted.)

10 (Whereupon, Union Exhibit 175, May 2016 Appointment
11 Letter, was admitted.)

12 (Whereupon, Union Exhibit 176, W-2 for 2016, was
13 admitted.)

14 (Whereupon, Union Exhibit 177, Appointment Letter
15 for 4/3/17, was admitted.)

16 (Whereupon, Union Exhibit 178, W-2 for 2017, was
17 admitted.)

18 (Whereupon, Union Exhibit 179, Appointment Letter
19 for March 2018, was admitted.)

20 ---

21 HEARING EXAMINER: Anything else?

22 ATTORNEY MANZOLILLO: Yeah, I got a few
23 more questions, Your Honor.

24 BY ATTORNEY MANZOLILLO:

25 Q. Are there always enough TFs and TAs to meet

1 the Department teaching needs?

2 A. No.

3 Q. And who else teaches the courses?

4 A. Full-time faculty. We also have a couple of
5 teaching artist lines in our department, part-time
6 faculty adjuncts and visiting professors.

7 Q. And they're teaching the same course that
8 you teach?

9 A. Sometimes, yes.

10 Q. Same work expectations, to your knowledge?

11 A. Yes.

12 Q. Okay.

13 A couple last questions. Let me just ask
14 you, what are your - what are your professional goals?

15 A. Sure.

16 So I anticipate completing my degree in May
17 2020. And then I am interested in applying for all-dec
18 careers in Arts Programming, and Performance and Museum
19 Curation, Public Humanities.

20 Q. So you're not planning on becoming a
21 university professor?

22 A. Not at this point.

23 Q. Not planning on university teaching?

24 A. No.

25 Q. Looking at the - Union Exhibit 171.

1 Are you aware whether there's any department
2 guidelines for staying - for being removed from the
3 program?

4 A. Yes.

5 Q. Can you read through page 10 of - 10 and 11
6 of the guide?

7 HEARING EXAMINER: Do we have that
8 policy?

9 I'm sorry. Go ahead, ma'am.

10 I'm looking on the wrong page.

11 THE WITNESS: Yes. So you - on - page
12 ten of the handbook discusses policy for students who
13 don't maintain appropriate academic progress, as well
14 as procedures for termination - oh, that's further -
15 evaluation of graduate students. Page 13 includes
16 termination procedures.

17 BY ATTORNEY MANZOLILLO:

18 Q. Let me stop you there for a second.

19 A. Yes.

20 Q. So if - looking at page 11 through 13.

21 A. Yes.

22 Q. What are those?

23 A. Yeah. So that section includes procedures
24 for the evaluation, termination and grievance or
25 appeals process for graduate assistants, teaching

1 assistants and teaching fellows.

2 Q. And to your knowledge, do the later guides
3 have the same description or procedures?

4 A. The same or similar, yes.

5 ATTORNEY MANZOLILLO: I have nothing
6 further.

7 HEARING EXAMINER: Do you have - does
8 anybody have that policy on page 15 hyperlinked?

9 ATTORNEY MANZOLILLO: What was that?

10 ATTORNEY FARMER: Page 15.

11 HEARING EXAMINER: It's hyperlinked on
12 page 15.

13 ATTORNEY FARMER: The Financial Graduate
14 Study.

15 HEARING EXAMINER: Oh, I'm sorry. I'm
16 on the wrong page. My bad.

17 Page 13, Hyperlinks policy.

18 ATTORNEY FARMER: The policy statement
19 that's referenced there?

20 HEARING EXAMINER: Yeah.

21 ATTORNEY FARMER: It's - I believe it's
22 Union Exhibit 2.

23 ATTORNEY MANZOLILLO: Yes, it's Union
24 Exhibit -.

25 HEARING EXAMINER: Oh, it is?

1 ATTORNEY MANZOLILLO: For the Assistant
2 Guidelines for the TAs, TFs and the TSAs.

3 HEARING EXAMINER: Oh, they're in here.

4 ATTORNEY HEALEY: Oh, it's in another -
5 it's in another binder.

6 HEARING EXAMINER: Good Lord.

7 ATTORNEY HEALEY: We'll find it.

8 HEARING EXAMINER: All right.

9 Oh, look at that. There it is.

10 Okay. Wait.

11 Where's termination?

12 I don't see termination -.

13 ATTORNEY MANZOLILLO: It's in the bottom
14 of five - page five.

15 ATTORNEY HEALEY: Under Grievance
16 Situations.

17 HEARING EXAMINER: What format do you
18 have your work logs, that are in the spreadsheet.

19 Do you know?

20 THE WITNESS: It's in Excel. It's just
21 from this semester.

22 HEARING EXAMINER: Do you have it on a
23 laptop over there?

24 THE WITNESS: Uh-huh (yes).

25 HEARING EXAMINER: Okay.

1 Go off the record.

2 May I see them?

3 ---

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

5 ---

6 HEARING EXAMINER: All right.

7 We're back on Direct Examination.

8 I directed the witness to produce her
9 schedule that she mentioned in her testimony. She has
10 done so.

11 Your witness.

12 BY ATTORNEY MANZOLILLO:

13 Q. Ms. Brewster, can you tell us what the -
14 what this document is?

15 A. Sure.

16 This is a spreadsheet that reflects some of
17 my hours towards my teaching assistantship this
18 semester. The instructor asked me to keep a record for
19 myself in case there were ever to be a point where I
20 wasn't able to complete grading, for example, without
21 exceeding my time.

22 So I have not shown this to anyone else
23 before just now.

24 Q. Have you ever been asked to fill one of
25 these out before in the past?

1 A. No.

2 Q. Ever been given any indication that this is
3 a requirement?

4 A. No.

5 Q. And I'm looking at that. What - what was
6 the course again?

7 A. This is for World Theatre History 1.

8 Q. And you're a - what's your role in that
9 course?

10 A. I'm a teaching assistant.

11 Q. By teaching assistant, do you mean you're -
12 you're meeting your clients?

13 A. Yes.

14 Q. So what are your primary responsibilities?

15 A. So primarily, I attend all classes. I hold
16 office hours for students. I grade all assignments -
17 undergraduate assignments, I should clarify.

18 Q. And I assume there have not been a lot of
19 assignments this early in the semester?

20 A. Correct.

21 Also, this does not reflect all of my
22 assignments, all of my time. I also read all of the
23 course materials the undergraduates are reading, to -
24 to do what they are doing.

25 It doesn't reflect time spent answering

1 e-mails from students, for example.

2 Q. So this - this just reflects your hours in
3 the - in the University towards that?

4 A. Mostly. As well as before the semester
5 started, when the instructor requested a meeting with
6 me to discuss this semester.

7 Q. So this does not reflect all the hours you
8 worked?

9 A. Correct.

10 Q. Would you expect your hours to fluctuate
11 over the course of a semester?

12 A. Yes.

13 Q. Is it your understanding that by your
14 appointment letters, that you're expected to work an
15 average of 20 hours a per week per semester?

16 A. Yes.

17 HEARING EXAMINER: Is this the only
18 class you're a TA for?

19 THE WITNESS: This semester, yes.

20 BY ATTORNEY MANZOLILLO:

21 Q. So would you expect your hours to increase
22 some weeks?

23 A. Yes.

24 Q. And why didn't you include your - the hours
25 of reading assignments or e-mails - or e-mails from -?

1 A. I don't remember all of the time to write it
2 down, because I have too much going on.

3 Q. So how accurate would you reflect in this
4 copy?

5 A. I don't know. Like for example, there on
6 week two there's nothing listed for Monday and
7 Wednesday. But our class meets Monday, Wednesday,
8 Friday.

9 So I was in class during those days, working
10 hours those dates, but did not record it on the
11 spreadsheet.

12 Q. And why is that?

13 A. I forgot.

14 Q. Okay.

15 A. And again, I don't show this to - I've never
16 shown this to anyone else. It's just for my own
17 record.

18 Q. Is this something that can be updated over
19 the course of a semester?

20 A. Yes. It lives in a Google Drive doc.

21 Q. And are there a - do you have a final in
22 this course?

23 A. There's a final research assignment the
24 undergraduates will write, yes.

25 Q. It will be a substantial number of grading

1 hours -

2 A. Yes.

3 Q. - for those students?

4 How many hours would you anticipate that you
5 think you work on an average as you - reading or
6 reading course materials? Several hours a week?

7 A. Yeah, it - it depends. It really depends.

8 ATTORNEY MANZOLILLO: All right.

9 I don't have anything else.

10 ATTORNEY DANTE: If I can have a few
11 minutes?

12 HEARING EXAMINER: Yes, ma'am.

13 They did not offer it. So if you want
14 it in the record, you should offer it.

15 ATTORNEY FARMER: Yeah. Thank you.

16 Thanks.

17 HEARING EXAMINER: Uh-huh (yes).

18 ---

19 (WHEREUPON, A PAUSE IN RECORD WAS HELD.)

20 ---

21 ATTORNEY DANTE: Okay.

22 We can go back on the record.

23 HEARING EXAMINER: We were never off it.

24 ATTORNEY DANTE: Oh. Even better.

25 HEARING EXAMINER: Yeah. Go ahead.

1 ATTORNEY DANTE: Great.

2 Okay.

3 We would like to mark this as R-4, -

4 ---

5 (Whereupon, Respondent Exhibit 4, Brewster
6 Spreadsheet, was marked for identification.)

7 ---

8 HEARING EXAMINER: All right.

9 ATTORNEY DANTE: - the spreadsheet.

10 HEARING EXAMINER: We'll call it
11 Brewster Spreadsheet.

12 ATTORNEY DANTE: That works.

13 And in light of the questioning, Union
14 Counsel we don't plan to ask any questions. But we
15 would like it in the record.

16 HEARING EXAMINER: Any objection?

17 ATTORNEY MANZOLILLO: We would object.

18 I think the testimony establishes
19 inaccurate representation of the hours.

20 HEARING EXAMINER: Overruled.

21 It's admitted.

22 ---

23 (Whereupon, Respondent Exhibit 4, Brewster
24 Spreadsheet, was admitted.)

25 ---

1 ATTORNEY DANTE: Thank you.

2 BY ATTORNEY DANTE:

3 Q. Dr. Brewster, about how many -?

4 A. I'm not a doctor.

5 Q. Oh, almost. Sorry. Miss. Soon enough.

6 How many Ph.D.s are in the Theatre

7 Department?

8 A. At this point, 12, maybe, people active.

9 Q. Okay.

10 What are your research interests, broadly
11 speaking?

12 A. Sure.

13 I'm currently working on my dissertation
14 proposal. That will be about contemporary performance
15 and climate change.

16 Q. Can you explain what research, if any,
17 you've done so far on that topic?

18 A. Sure.

19 I've presented at several conferences with
20 papers about different artists and their work related
21 to this.

22 Q. Have you published anything?

23 A. I have.

24 Q. What have you published?

25 A. I have published an article in the Journal

1 of American Drama and Theatre and - as well as an
2 article in Foundation, the science fiction journal.

3 Q. Did you seek out the opportunity to publish
4 and attend conferences?

5 A. I did.

6 Q. Why?

7 A. Because I enjoy research.

8 Q. When did you start the - this research that
9 we just talked about?

10 A. Which research?

11 Q. When did you start researching anything that
12 has anything to do with the proposal that you just
13 mentioned?

14 A. For my dissertation?

15 Q. Yes.

16 A. I would say in earnest, in my second year.

17 Q. Your second?

18 Did you do any research in your first year?

19 A. What do you mean by research?

20 HEARING EXAMINER: Research towards your
21 current dissertation topic.

22 THE WITNESS: At that point it was not
23 solidly decided. So I can't say for sure.

24 BY ATTORNEY DANTE:

25 Q. Did you do anything in your first year that

1 enabled you to have a sense of what your proposal might
2 be?

3 A. I went to a number of conferences. I took a
4 bunch of classes. So I was working towards it, I
5 think.

6 Q. If you could take a look at page ten. I
7 think that you had Union Exhibit 171 open.

8 A. Yep.

9 Q. Pages 10 through 11.

10 A. Uh-huh (yes).

11 Q. Okay.

12 And if you look at the bottom of page ten
13 and then onto page 11.

14 A. Yes.

15 Q. It says that students are not eligible for
16 financial support if they're not making satisfactory
17 progress toward their degree.

18 Right?

19 A. Yes.

20 Q. And that would include that they're not
21 eligible for a teaching assistantship or a fellowship.

22 Correct?

23 A. I believe so.

24 Q. And you've held both of those appointments.
25 Right?

1 A. I've held the University fellowship and a TF
2 line, yes.

3 Q. And if you could turn to page 21 of that
4 document, please. Actually, the pages are different
5 for different handbooks.

6 Can you turn to you Union Exhibit 173?

7 A. Yes.

8 The same page?

9 Q. Page 21, -

10 A. Okay.

11 Q. - please.

12 Thank you.

13 And if you turn your attention to the
14 teaching requirement.

15 A. Uh-huh (yes).

16 ATTORNEY MANZOLILLO: I'm going to
17 object. This handbook does not apply to her. She
18 already testified that her requirements are based in
19 Union Exhibit 171, 15 and 16, which is admitted.

20 ATTORNEY DANTE: It's the current
21 handbook in effect for all Ph.D.s in the program.

22 HEARING EXAMINER: Yeah. Hold on.

23 Does it - what does that mean, sir?

24 ATTORNEY MANZOLILLO: That means if
25 you're admitted in a certain year, you would have a -

1 then you would go along through your program
2 progressing under the guidelines of - of what your
3 requirements are at that time. They're not going to
4 change the requirements on you -

5 HEARING EXAMINER: Is that true?

6 ATTORNEY MANZOLILLO: - in the program.

7 THE WITNESS: That's my understanding.

8 HEARING EXAMINER: Well, ask her the -

9 ATTORNEY DANTE: Well, we can turn to -

10 HEARING EXAMINER: - just hold on.

11 ATTORNEY DANTE: - page 27 of the other
12 one. It's the same.

13 HEARING EXAMINER: Hold on one second.
14 Hold on a second. I'm going to defer ruling on your
15 objection until I hear the full question and full
16 answer.

17 ATTORNEY DANTE: Okay.

18 HEARING EXAMINER: Go ahead.

19 ATTORNEY DANTE: I mean, we can make it
20 easier and turn to Union's 171, page 27.

21 HEARING EXAMINER: Okay.

22 Twenty-seven (27).

23 ATTORNEY DANTE: Yes.

24 BY ATTORNEY DANTE:

25 Q. Are you there?

1 A. Yes.

2 Q. Okay.

3 And if you look at the first sentence. All
4 Ph.D. students in your program are required to be
5 educated as teachers.

6 Correct?

7 A. I'm sorry.

8 Which page are you on?

9 Q. Twenty-seven (27).

10 A. Of 171?

11 Q. Yes.

12 Under the Teaching Requirement heading.

13 A. Oh, I'm sorry. You started in the middle of
14 the sentence. That's why I was confused.

15 Wait. Can you repeat your question, please?

16 Q. Sure.

17 All Ph.D. students in the Theatre Program
18 are required to be educated as teachers in Theatre and
19 Performance subjects.

20 Correct?

21 A. I don't see where you are on the page.

22 HEARING EXAMINER: You can go up and
23 point to her.

24 BY ATTORNEY DANTE:

25 Q. It's - the first sentence under teaching

1 requirement, it says, and I quote, some students who
2 receive the Ph.D. normally anticipate -.

3 A. Okay.

4 There we go.

5 Q. Okay.

6 A. There we are. Yep.

7 Q. Perfect.

8 A. What's the question?

9 Q. Okay.

10 I'll ask it again.

11 Students in the Ph.D. Program at the Theatre
12 Department are required to be educated as teachers in
13 the areas of Theatre and Performance subjects.

14 Correct?

15 A. According to this handbook, yes.

16 Q. And in fact, students in the Theatre
17 Department are educated in teaching.

18 Correct?

19 A. Through our FACDEV course.

20 Q. Okay.

21 Let's talk about the FACDEV course.

22 That's referenced in the second paragraph.

23 Right?

24 A. Uh-huh (yes).

25 Q. And that is a course that is taught - called

1 Theatre Pedagogy and Professionalism (sic).

2 Correct?

3 A. Yes.

4 Q. And that's a course that you taught - you
5 took.

6 Right?

7 A. That's correct, yes.

8 Q. And you received academic credit for that
9 course.

10 Correct?

11 A. Yes.

12 Q. And - and you also received a grade.

13 Correct?

14 A. Yes.

15 Q. And you took that in the fall of 2016.

16 Right?

17 A. Yes.

18 Q. And that was the first time you were
19 teaching as a teaching fellow.

20 Correct?

21 A. Here at the University of Pittsburgh, yes.

22 Q. Show you what I've marked as R-5?

23 ---

24 (Whereupon, Respondent Exhibit 5, Sample Syllabus
25 for Teaching Seminar FACDEV, was marked for

1 identification.)

2 ---

3 BY ATTORNEY DANTE:

4 Q. That's a sample syllabus for the teaching
5 seminar FACDEV that you just referenced.

6 Right?

7 A. Uh-huh (yes).

8 Q. Yes?

9 HEARING EXAMINER: You have to say yes.

10 THE WITNESS: Yes. I'm sorry, yes, yes.

11 BY ATTORNEY DANTE:

12 Q. And students usually take this as a course
13 before they teach a standalone course.

14 Correct?

15 A. Usually, it - you take it the first semester
16 you're teaching.

17 Q. And if we look back at page 27 of the
18 handbook, it discusses that students will be educated
19 in how to teach. And that it will be accomplished as
20 part of the student's assistantship.

21 Correct?

22 A. That's what the handbook says, yes.

23 Q. And in the fall of 2016, when you were
24 taking the Faculty Development course and receiving
25 course credit, you were also on your teaching

1 fellowship.

2 Correct?

3 A. Yes.

4 Q. You were also observed by faculty when you
5 were engaged in teaching.

6 Correct?

7 A. Yes.

8 Q. And that included feedback on what you were
9 doing well.

10 Right?

11 A. Yes.

12 Q. And it also included some areas for
13 potential improvement.

14 Right?

15 A. Yes.

16 ATTORNEY DANTE: Nothing further.

17 HEARING EXAMINER: Redirect?

18 ATTORNEY MANZOLILLO: Yes.

19 ---

20 REDIRECT EXAMINATION

21 ---

22 BY ATTORNEY MANZOLILLO:

23 Q. Can you just tell us briefly, what exactly
24 do you recall doing in this developing course, the Arts
25 Development Faculty - Faculty Development course?

1 A. Yeah. So the class included things like
2 preparing sample job materials. We did a practice job
3 interview.

4 We discussed pedagogy. We wrote - we did
5 work on our CVs and other professional development-type
6 things as well.

7 Q. And that's - that's it?

8 A. Uh-huh (yes).

9 Q. And in your teaching assignments, again,
10 what type of work do you do?

11 A. I have - do you mean this semester, -

12 Q. I mean any -

13 A. - any semester?

14 Q. - that's all - all semesters.

15 A. Sure.

16 I designed syllabi. I created assignments,
17 graded assignments, created assessments and - like
18 exams, graded exams, held office hours. Met with
19 students, answered e-mails.

20 Q. Is this the same type of work that the
21 adjunct faculty would have to do?

22 A. Yes.

23 Q. And again, adjunct faculty and full-time
24 faculty teach the same courses?

25 A. Yes.

1 Q. There are undergraduate students in these
2 courses?

3 A. Yes.

4 Q. As you dispute - testified earlier, that, in
5 fact, there are a number of students from nonmajors?

6 A. Oh, yes. Very many, yes.

7 Q. Your understanding, these students pay
8 tuition to the University?

9 A. Yes.

10 ATTORNEY MANZOLILLO: I have no other -.

11 HEARING EXAMINER: Recross, limited?

12 ATTORNEY DANTE: Nothing further.

13 HEARING EXAMINER: You may step down,
14 ma'am.

15 I just want to thank you for producing
16 that document for us.

17 Last witness for today?

18 ATTORNEY KILBERT: Union calls Mark
19 Azic.

20 ATTORNEY FARMER: Can we have a few
21 minutes?

22 HEARING EXAMINER: Oh, yeah.

23 ---

24 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.

25 ---

1 ATTORNEY KILBERT: The Union calls Mark
2 Azic to the stand.

3 He has a FERPA waiver, too, Counsel, for
4 the University.

5 ---

6 MARK AZIC,
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: Have a seat.

12 Spell your name for us.

13 THE WITNESS: Sure.

14 My name is Mark, M-A-R-K. Last name,
15 A-Z-I-C.

16 HEARING EXAMINER: A-Z-I-C?

17 THE WITNESS: Yes.

18 Apple, zucchini, igloo, Charlie.

19 HEARING EXAMINER: Thank you.

20 Your witness, sir.

21 ---

22 DIRECT EXAMINATION

23 ---

24 BY ATTORNEY KILBERT:

25 Q. So Mr. Azic, is it all right if I call you

1 Mark?

2 A. Sure.

3 Q. What is your affiliation with the University
4 of Pittsburgh?

5 A. I'm a Ph.D. student in the Economics
6 Department. I'm in my sixth year.

7 Q. And what is your area of scholarly focus?

8 A. Broadly, it's Applied Microeconomics. More
9 particularly, I do work on Labor Economics and
10 Industrial Organization.

11 Q. So when did you first become a student at
12 the University?

13 A. Fall - well, August 2013.

14 Q. And so you said this is your sixth year?

15 A. Yes.

16 Q. So let's talk about your academic program
17 first. What are the requirements for obtaining a Ph.D.
18 in the Economics Department?

19 A. Sure.

20 So the first year everybody in the
21 department takes the exact same courses. At the end of
22 your first year everybody has to pass two examinations,
23 one in Microeconomics, one in Macroeconomics.

24 If you pass on your first try, you're good.
25 If you fail on your second try (sic), you get a second

1 try - sorry, if you fail your first try, you get a
2 second try. If you - as long as you pass by the second
3 try you're good, you can continue in the program.

4 Starting your second year you start
5 specializing; you take elective classes. You have to
6 reach a total of I think 72 credit before you - before
7 you can reach full-time dissertation status.

8 After you've taken all your electives, you
9 can then form an overview at that - you - you can do
10 your overview, excuse me.

11 At that point, you form a committee. So you
12 have your Chair and a few other members of the
13 committee. They sit in front of you. You present to
14 them, this is the work I've been doing so far
15 throughout graduate school. And you tell them, I want
16 to complete X, Y and Z.

17 And they say, okay, if you complete - and
18 they agree that if you complete it in a satisfactory
19 manner, they'll grant you the Ph.D.

20 And then the last step is you have to defend
21 your dissertation.

22 Q. All right.

23 So I'm going to hand you a couple of
24 documents that are marked Union Exhibit 180 and Union
25 Exhibit 181.

1 ---

2 (Whereupon, Union Exhibit 180, Timeline, was marked
3 for identification.)

4 (Whereupon, Union Exhibit 181, Graduate Handbook
5 for Economics Department, was marked for
6 identification.)

7 ---

8 BY ATTORNEY KILBERT:

9 Q. So take a look at both of those and let me
10 know when you're ready for a question.

11 ---

12 (WHEREUPON, WITNESS COMPLIES.)

13 ---

14 THE WITNESS: Okay. Ready.

15 BY ATTORNEY KILBERT:

16 Q. All right.

17 So looking first at Union Exhibit 180.

18 What is that document?

19 A. This is a timeline for completion of the
20 Ph.D. in our department.

21 Q. And does it accurately lay out the
22 requirements for obtaining a Ph.D. in your department?

23 A. Yes.

24 Q. Is it possible to take more time than the
25 timeline specified here?

1 A. Yes. I would say most people take more than
2 five years.

3 ATTORNEY KILBERT: Union moves 180.

4 HEARING EXAMINER: Any objection?

5 ATTORNEY FARMER: No.

6 ATTORNEY DANTE: No.

7 HEARING EXAMINER: Admitted.

8 ---

9 (Whereupon, Union Exhibit 180, Timeline, was
10 admitted.)

11 ---

12 BY ATTORNEY KILBERT:

13 Q. Okay.

14 Turning to 181.

15 What is this document?

16 A. This is our department handbook for graduate
17 students.

18 Q. In your experience, does it accurately
19 reflect how the Economics Department works?

20 A. Yes.

21 ATTORNEY KILBERT: Union moves 181.

22 HEARING EXAMINER: Any objection?

23 ATTORNEY FARMER: No.

24 ATTORNEY DANTE: No.

25 HEARING EXAMINER: Now, one of you said

1 no and one of you said yes.

2 ATTORNEY FARMER: No.

3 HEARING EXAMINER: Admitted.

4 ---

5 (Whereupon, Union Exhibit 181, Graduate Handbook
6 for Economics Department, was admitted.)

7 ---

8 BY ATTORNEY KILBERT:

9 Q. Mr. Azic - or I'm sorry, Mark, is it
10 possible to obtain a degree from the University in
11 Economics without working for the University as a TA,
12 or a TF or a GSA or a GSR?

13 A. Yes.

14 Q. Does your coursework, as part of your Ph.D.
15 include any classes about teaching?

16 A. Yes. The first semester - or the fall
17 semester of my second year we're required to take a
18 class called Teaching Economics. I think it's still
19 called Teaching Economics.

20 Q. And what did you do in that course?

21 A. We met maybe - we met - we did meet three
22 times. The most substantial thing we did in that class
23 is that everybody had to present a - a lesson for ten
24 minutes. It was filmed.

25 And then it was - you had to go to Education

1 Services or Teaching Services, I can't remember where
2 in the department - in the University. And you would
3 sit with an expert, who would go through your work and
4 critique your teaching.

5 Q. All right.

6 So I'm going to hand everybody, including
7 you, a document marked Union Exhibit 182.

8 ---

9 (Whereupon, Union Exhibit 182, Acceptance Letter,
10 was marked for identification.)

11 ---

12 BY ATTORNEY KILBERT:

13 Q. If you could please take a look at this
14 document.

15 ATTORNEY KILBERT: Note it is
16 double-sided.

17 BY ATTORNEY KILBERT:

18 Q. And could you please tell us what this
19 document is?

20 A. Sure.

21 So this is my acceptance letter to the Ph.D.
22 Program.

23 Q. And the document mentions in the second
24 paragraph an Arts and Sciences Graduate fellowship.

25 Did you accept that fellowship?

1 A. Yes.

2 ATTORNEY KILBERT: Before I forget,
3 Union moves 182.

4 HEARING EXAMINER: Any objection?

5 ATTORNEY FARMER: No.

6 HEARING EXAMINER: Admitted.

7 ---

8 (Whereupon, Union Exhibit 182, Acceptance Letter,
9 was admitted.)

10 ---

11 BY ATTORNEY KILBERT:

12 Q. Okay.

13 And what is the length of that fellowship?

14 A. It covered me for the 2013-2014 school year.

15 Q. And is this an internal University
16 fellowship or is it externally funded?

17 A. It's internal.

18 Q. During that fellowship, did you receive the
19 stipend referenced in Union Exhibit 182?

20 A. Yes.

21 Q. And during that fellowship, were you
22 enrolled in a University-sponsored health insurance
23 plan?

24 A. Yes. I had to purchase it myself.

25 Q. During that fellowship, did you perform any

1 teaching or grading work?

2 A. No, I was exempt from that.

3 Q. Were you required to do any work at all?

4 A. No.

5 Q. So what did you do during your fellowship
6 year?

7 A. I just focused on my studies.

8 Q. Did you pay any tuition during this year?

9 A. No.

10 Q. Have you ever paid tuition at the
11 University?

12 A. No.

13 ATTORNEY KILBERT: I'm handing folks a
14 set of documents marked Union Exhibit 183.

15 ---

16 (Whereupon, Union Exhibit 183, Funding Document,
17 was marked for identification.)

18 ---

19 BY ATTORNEY KILBERT:

20 Q. If you could please take a look at these.
21 So Mark, what are these documents?

22 A. They detail my funding for the 2014-'15,
23 2015-'16 and '16-'17 school years.

24 Q. And did you accept the appointments that
25 they described?

1 A. Yes, I accepted all three.

2 Q. And did you receive the compensation
3 outlined on those letters?

4 A. Yes.

5 Q. So the 2014-'15 document, the first page
6 indicates that you were a TA during the fall term and a
7 TF during the spring term.

8 Did your duties differ between those two
9 terms?

10 A. No.

11 Q. What's your understanding of the difference
12 between being a TA and TF in the Economics Department?

13 A. The only difference, from what I'm told, is
14 that once you accumulate a certain amount of credits
15 then the University considers you a teaching fellow
16 instead of a teaching assistant.

17 But other than that, the duties are the
18 same.

19 Q. So just for ease of reference. And I
20 referred to TA for all of those duties during these
21 appointments. You'll understand that depending on the
22 specific time, I'm talking about either a TA or a TF
23 appointment?

24 A. Yes.

25 Q. So what classes did you TA for in these

1 years?

2 A. I have TAd for Introduction of
3 Microeconomics. That's the only class I TAd for. So
4 I've TAd for - I TAd for year '14 - in '14-'15,
5 '15-'16, and '16-'17.

6 Q. And so for all of these classes, each term
7 how many classes did you TA for?

8 A. So you would be assigned one instructor.
9 For that instructor as a TA you would do four
10 recitation sessions a week.

11 Q. And so you said this was Introduction to
12 Microeconomics?

13 A. Yes.

14 Q. Is that an undergraduate or a graduate
15 class?

16 A. It's an undergrad class.

17 Q. Is it required by students - for students by
18 the University or the department?

19 A. So if you're an Economics major or minor,
20 it's required. A lot of students will also take a
21 business elective.

22 Q. Do you know how many students take ECON 100
23 in a given semester?

24 A. I know that over the course of a year over
25 1,500 students will take ECON 100.

1 Q. Is it fair to call ECON 100 a basic course?

2 A. I'm sorry, what do you mean by basic?

3 What's the -?

4 Q. Introductory?

5 A. Yeah, absolutely.

6 Q. And so how many students would be in each of
7 the larger instructor-led courses of ECON 100?

8 A. The instructor section would have about 270
9 people in the lecture. And then in - yeah, sorry,
10 that's what it is there.

11 Q. And so what were your duties as a TA for
12 ECON 100?

13 A. For a - as a TA for ECON 100, it depended on
14 which instructor you were assigned. But for all
15 instructors you had to hold recitations. So it's only
16 four recitation sessions a week.

17 In addition to that, I would have to hold at
18 - a minimum of two office hours a week. You'd also
19 have to do grading. There's an exam.

20 And depending - again, depending on the
21 instructor, sometimes you had different amounts of
22 grading.

23 And some instructors would also ask you for
24 advice on coming up with a test, proofreading material
25 for the class. But it depends on the instructor.

1 Q. What about assignments or problem sets?

2 A. Again - yeah, so some professors did have
3 assignments that we had to grade by hand, yeah.

4 Q. And so you said there were four recitations
5 per week?

6 A. Uh-huh (yes).

7 Q. How long is each recitation?

8 A. Each recitation is 50 minutes.

9 Q. And how many students in each recitation?

10 A. Thirty-three (33) - 30 to 33.

11 Q. And about how many hours a week did you work
12 as a TA for ECON 100?

13 A. Again, that depends on who the instructor
14 is. Sometimes it would be eight hours a week. One
15 semester I can remember going 20 hours a week.

16 ATTORNEY KILBERT: All right.

17 Union moves 183.

18 HEARING EXAMINER: Any objection?

19 ATTORNEY FARMER: No.

20 HEARING EXAMINER: Admitted.

21 ---

22 (Whereupon, Union Exhibit 183, Funding Document,
23 was admitted.)

24 ---

25 BY ATTORNEY KILBERT:

1 Q. I'm going to hand out what has been marked
2 Union Exhibit 184.

3 ---

4 (Whereupon, Union Exhibit 184, Letters, was marked
5 for identification.)

6 ---

7 BY ATTORNEY KILBERT:

8 Q. Please take a look at these documents.

9 What are these documents?

10 A. These documents are letters for - are - are
11 documents detailing that I've been assigned a teaching
12 position for the summers in 2016, 2017, 2018. And do I
13 accept these appointments.

14 Q. And - and did you, in fact, accept all those
15 appointments?

16 A. Yes, I did.

17 Q. And did you receive the compensation listed
18 on the letters for those appointments?

19 A. Yes.

20 Q. So you indicated that you were appointed as
21 an instructor?

22 A. Yes.

23 Q. Even though you were listed as a TF, your
24 duties were different than your duties as - for ECON
25 100?

1 A. Yes.

2 Q. So what were your duties as an instructor?

3 A. Sure.

4 So as an instructor I had come up with the
5 entire course.

6 So to first time I taught it - I taught, it
7 was for ECON 100. For that course I was assigned a
8 teaching assistant, which was another graduate student
9 in the program. The second and third time I taught, I
10 was the instructor and I didn't have a teaching
11 assistant.

12 For the first time - for all three sessions
13 I had to come up with a syllabus, design the course,
14 hold office hours, of course, give the lecture, design
15 exams, grade exams.

16 The first time when I taught I had - some of
17 the grading I assigned as - some of the grading and
18 problem sets I assigned to the teaching assistant that
19 I was assigned. For second and third time I was
20 teaching Intro -.

21 HEARING EXAMINER: As a teaching
22 assistant, you were assigned undergrad or grad student?

23 THE WITNESS: I believe it was a
24 graduate student.

25 For the second and third time that I

1 taught, it was Introduction to Econometrics, Writing-
2 Intensive. And so that class also has a lot of writing
3 and creative writing assignments.

4 Q. So you mentioned that the second course you
5 taught was Intro to Econometrics.

6 Is that right?

7 A. Yes.

8 Q. And is this an undergraduate or
9 graduate-level course?

10 A. Undergraduate.

11 Q. And who takes Introduction to Econometrics?

12 A. It depends. So it's a - it counts as an
13 elective, if you're an economics major or an economics
14 minor. It also counts as a writing-intensive class.

15 The University - and I think depending on
16 what the - what field you're in, requires so many -
17 undergraduates to take so many writing-intensive
18 classes.

19 And so when I taught the class this past
20 year, everyone who - all but two students who were
21 enrolled were engineering majors.

22 The year before when I taught it, it was a
23 majority of economics majors. And the majority of the
24 students were juniors and seniors, upperclassmen.

25 Q. And so you indicated you taught Introduction

1 to Econometrics.

2 And then was there a third course that you
3 taught?

4 A. So right now I'm an instructor.

5 Q. Okay.

6 We'll talk about that later, I guess.

7 A. Okay.

8 Q. So how many students were in each class in
9 your Introduction to Econometrics courses?

10 A. Introduction to Econometrics, each course
11 enrollment was capped at 16, this semester - this past
12 summer I had 16 students. The summer before probably
13 12 or 14. Less than 16.

14 Q. And how many students were in the class when
15 you taught Intro to - ECON 100?

16 A. Thirty (30).

17 Q. And so how many hours per week were you
18 working during these summer appointments as an
19 instructor?

20 A. If I had to estimate it, I'd say close to
21 40. It was -.

22 Q. And for how many weeks?

23 A. Six or seven weeks. I'm not sure exactly
24 how long a session lasts.

25 Q. So has Introduction to Microeconomics been

1 taught by faculty members?

2 A. Yes.

3 Q. Do you know if it's taught by tenure stream,
4 or tenured faculty or by part-time faculty or by
5 instructors?

6 A. It's taught by lecturers in our departments.

7 Q. What about Introduction to Econometrics?
8 Has that been taught by individuals who are not
9 graduate students?

10 A. Yes. So the last person who taught it was
11 an associate professor in our department. She's since
12 retired.

13 Q. And when these faculty members teach these
14 courses, are they responsible for the same things that
15 you were responsible for when you taught the courses?

16 A. Yes.

17 Q. As an instructor, did you pay for health
18 insurance or was it provided free of charge?

19 A. It was provided.

20 Q. And when you were a TA, did you pay for
21 health insurance or was it provided free of charge?

22 A. It was provided.

23 ATTORNEY KILBERT: Union moves 184.

24 HEARING EXAMINER: Objection?

25 ATTORNEY FARMER: No.

1 HEARING EXAMINER: Admitted.

2 ---

3 (Whereupon, Union Exhibit 184, Letters, was
4 admitted.)

5 ---

6 BY ATTORNEY KILBERT:

7 Q. I'm passing out what's been marked as Union
8 Exhibit 185.

9 ---

10 (Whereupon, Union Exhibit 185, Mr. Azic's 2017
11 Summer Teaching Assignments, was marked for
12 identification.)

13 ---

14 ATTORNEY KILBERT: Note that it is
15 double-sided.

16 BY ATTORNEY KILBERT:

17 Q. Mark, could you identify this document?

18 A. Sure.

19 So this is from the Director of Graduate
20 Studies in our departments. It gives my 2017 summer
21 teaching assignments.

22 Q. So the third paragraph of this memorandum
23 contains a description of the process for allocating
24 teaching appointments for the summer term.

25 So far as you're aware, is this description

1 accurate for summer term appointments?

2 A. Yes.

3 Q. Do you know if it also accurately states the
4 process for assigning instructional duties in other
5 terms?

6 A. As far as I understand.

7 ATTORNEY KILBERT: Union moves 185.

8 HEARING EXAMINER: Objection?

9 ATTORNEY FARMER: No.

10 HEARING EXAMINER: Admitted.

11 ---

12 (Whereupon, Union Exhibit 185, Mr. Azic's 2017
13 Summer Teaching Assignments, was marked for
14 identification.)

15 ---

16 BY ATTORNEY KILBERT:

17 Q. This letter mentions child protection
18 clearances in the fourth paragraph - in the fifth
19 paragraph.

20 Did you obtain a child protection clearance?

21 A. Yes, I did.

22 Q. Was it your understanding that a child
23 protection clearance was required for teaching
24 appointments at Pitt?

25 A. Yes.

1 Q. I'm distributing what's been marked Union
2 Exhibit 186.

3 ---

4 (Whereupon, Union Exhibit 186, Letter, was marked
5 for identification.)

6 ---

7 BY ATTORNEY KILBERT:

8 Q. Please take that look at this document.
9 What is this letter?

10 A. This is a notice that I won the Social
11 Science Doctoral Dissertation fellowship.

12 Q. And what is the Social Science Doctoral
13 Dissertation fellowship? Is it internal at the
14 University or externally funded?

15 A. Internal.

16 Q. And did you apply for this fellowship?

17 A. Yes.

18 Q. Why did you apply for this fellowship?

19 A. Because I wanted to get to teaching work.

20 Q. Any other reason?

21 A. It also looks good on your CV to win a
22 fellowship.

23 Q. And did you ultimately accept the
24 fellowship?

25 A. Yes.

1 Q. What did you do during the fellowship?

2 A. In terms of work or duties?

3 Q. Yeah.

4 A. I just worked on my own research.

5 Q. Were you required to do any work for the
6 University?

7 A. No.

8 Q. Did you teach for the University during the
9 fellowship?

10 A. No.

11 Q. Were you working on research directed by a
12 faculty member?

13 A. Under - that is their own work or that is
14 mine my own?

15 Q. Their work.

16 A. No.

17 Q. During this fellowship, did you pay for
18 health insurance or did the University pay for it?

19 A. I paid for health insurance.

20 Q. And how was your tuition handled while you
21 were on this fellowship?

22 A. I didn't have tuition during this
23 fellowship.

24 ATTORNEY KILBERT: The Union moves 186.

25 HEARING EXAMINER: Objection?

HEARING EXAMINER: Admitted.

(Whereupon, Union Exhibit 186, Letter, was marked for identification.)

BY ATTORNEY KILBERT:

— — —

— — —

BY ATTORNEY KILBERT:

Q. Mark, can you tell us what this document is.

A. Sure.

So this is my funding appointment for the 2018-2019 school year.

Q. And did you accept this appointment?

A. Yes.

Q. Are you working under this appointment presently?

A. Yes.

Q. Is your compensation as this letter

1 outlines?

2 A. Yes.

3 ATTORNEY KILBERT: Union moves 187.

4 HEARING EXAMINER: Objection?

5 ATTORNEY FARMER: No.

6 HEARING EXAMINER: Admitted.

7 ---

8 (Whereupon, Union Exhibit 187, Funding Appointment
9 for 2018-2019 School Year, was admitted.)

10 ---

11 BY ATTORNEY KILBERT:

12 Q. So it indicates you're a TF.

13 What are you doing this semester?

14 A. This semester I'm working as an instructor
15 for a class, ECON 150, Quantitative Methods for
16 Economics.

17 Q. And is that an undergraduate or graduate
18 course?

19 A. It's an undergraduate class.

20 Q. Who takes this class?

21 A. It counts - so it counts as mostly economics
22 majors or economics minors. It counts as an elective
23 course. If you're rotating - if you're seeking a BA in
24 economics for the - from the Department, then starting
25 next semester it becomes a mandatory course.

1 But right now it's just an elective course.

2 Q. And how many students are in your class?

3 A. My class has an enrollment of 62 right now.

4 Q. How did you come to be assigned to teach
5 Quantitative Methods for Economics this semester?

6 A. I was originally assigned to be a teaching
7 assisting or a grader this semester. And then during
8 the - the summer our Director of Graduate Studies
9 approached me and said that the person who they hired
10 to teach - to teach this course as the instructor
11 dropped out at the last minute, and would I be willing
12 to work as the instructor for the course.

13 Q. And was - the other person who had been
14 hired, was that a faculty person or a -?

15 A. It was an adjunct faculty member. That's
16 what the Codirector of Undergraduate Program told me -
17 our Undergraduate Program, sorry.

18 Q. Understood.

19 Do - are there any other Quantitative
20 Methods for Economics sessions being offered presently?

21 A. There's one other.

22 Q. Who's teaching it?

23 A. A tenure faculty member, our Vice Chair.

24 Q. So what are your duties in terms of
25 instructions for this course this semester?

1 A. They're similar to what they were in the
2 summer when I was - the summers when I was an
3 instructor. I give lecture, I come up with the - I
4 design, of course, the syllabus. I offer material for
5 the course.

6 A lot of the material I do borrow from the
7 Vice Chair of our department, who is teaching the other
8 session. And we work together to design tests. We
9 also do the grading for the course.

10 Q. So thinking not just about your work as an
11 instructor, but including your work at - both as an
12 instructor and as a TA, have you received academic
13 credit for the degree requirements for that work?

14 A. No. Outside of the teaching economics
15 course.

16 Q. Sure.

17 A. Yeah.

18 Q. And for your work as a TA or an instructor,
19 have you been issued W-2s by the University?

20 A. Yes.

21 Q. And when you were working as a TA or as an
22 instructor, have taxes been withheld from your pay?

23 A. Yes.

24 Q. How many Ph.D. students are there in the
25 Economics Department presently?

1 A. Between 55 and 65.

2 Q. And do you have an assigned office or
3 workspace?

4 A. Yes.

5 Q. And where is that located?

6 A. 4518 Posvar Hall.

7 Q. Do you share that workspace with anybody
8 else?

9 A. I share it with three other graduate
10 students.

11 Q. What is located nearby?

12 A. Graduate student and faculty offices.

13 ATTORNEY KILBERT: No further questions.

14 HEARING EXAMINER: All right.

15 Cross?

16 ATTORNEY FARMER: Few minutes?

17 HEARING EXAMINER: Sure.

18 ---

19 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

20 ---

21 ATTORNEY FARMER: I'm ready.

22 HEARING EXAMINER: Go ahead.

23 ---

24 CROSS EXAMINATION

25 ---

1 BY ATTORNEY FARMER:

2 Q. Okay.

3 Mr. Azic, why did you decide to get a Ph.D.?

4 A. I enjoyed all of my economic classes in
5 undergraduate. I think I would enjoy pursuing academia
6 further. And I enjoy research.

7 Q. And why did you choose Pitt?

8 A. They accepted me. They gave me - funding
9 also was a big part of it. And I visited the
10 department. And Pitt had a visit day. And when I
11 visited, I really liked the department.

12 Q. What are your research interests?

13 A. Applied Microeconomics, broadly. And then
14 more particularly Labor Economics, Industrial
15 Organization.

16 Q. Have you selected a dissertation topic yet?

17 A. Yes.

18 Q. What is that?

19 A. It's on Subjectivity and Labor Markets.

20 Q. And what kind of research have you done so
21 far on that?

22 A. So I have two - my dissertation's comprised
23 of three chapters. Two of the chapters are nearing
24 completion. The third is halfway.

25 Q. When did you start doing the research that

1 you're using towards your dissertation?

2 A. Well, it was a long - it was a drawn-out
3 process. I would - when I really picked this field, I
4 would say a year and a half ago.

5 Q. So that was - I'm sorry, I have to do math -
6 so that -

7 A. So that would be my -.

8 Q. - would be two years in?

9 A. No, -

10 Q. No?

11 A. - that would be - so I'm a sixth year
12 student now. So that would be midway through my third
13 year.

14 Q. Okay.

15 And were you doing research before that?

16 A. Yes.

17 Q. And how did that research come about?

18 A. Interest throughout my coursework that I
19 picked up.

20 Q. So the research that you're doing towards
21 your dissertation, is that done in conjunction with
22 faculty members?

23 A. No, it's my own project. Each part of my
24 dissertation is my own project. And then I have one
25 project that's with another graduate student.

1 Q. And do you consult with your faculty advisor
2 on your research?

3 A. Yes.

4 Q. Can you explain what that looks like?

5 A. Sure.

6 So my faculty - my main advisor puts up a
7 signup sheet every Wednesday for his advisees to sign
8 up to me. But then I'll meet with him - I wouldn't say
9 I go every week, maybe every other week I'd go meet
10 with him now and then we discuss redevelopment's
11 network.

12 Q. When you were doing research that you
13 described before you started your dissertation
14 research, was that in coordination with faculty?

15 A. Yes, it was under the guidance of faculty.
16 Is that what you mean by in coordination?

17 Q. Yes.

18 A. Yeah.

19 Q. And you said you have a - a dissertation
20 fellowship - or had a dissertation fellowship last
21 year.

22 Is that right?

23 A. Correct.

24 Q. Okay.

25 During that time you were doing research on

1 your dissertation?

2 A. Correct.

3 Q. And while you're funded on TFs, you're also
4 doing research on your dissertation.

5 Is that right?

6 A. Yes.

7 Q. Have you published while you've been at
8 Pitt?

9 A. I have not.

10 Q. Have you done, you know, things at
11 conference presentations?

12 A. I have not gone to any conferences.

13 Q. Have you worked on a teaching statement?

14 A. Yes.

15 Q. Can you tell us about that?

16 A. Sure.

17 So I wrote it just - well, I wrote a draft
18 of it just two weeks ago.

19 It has - in - in the beginning it lists all
20 of the courses that I've taught while I was at the
21 University.

22 In addition, it lists courses that I think
23 I'm qualified to teach at other universities. And then
24 it has an outline of my teaching philosophy, things
25 that are important to me in any class I teach.

1 Q. How did you develop a teaching philosophy?

2 A. I - just through trial and error. I didn't
3 know I had a philosophy until I had to write it down.
4 And I realized these are things that are important to
5 me.

6 ATTORNEY DANTE: This is going to be 6.
7 Right?

8 ---

9 (Whereupon, Respondent Exhibit 6, Web Page, was
10 marked for identification.)

11 ---

12 ATTORNEY DANTE: And as an item of
13 housekeeping, can we also move R-5?

14 HEARING EXAMINER: Any objections to 5?

15 ATTORNEY KILBERT: No.

16 HEARING EXAMINER: Admitted.

17 ---

18 (Whereupon, Respondent Exhibit 5, Sample Syllabus
19 for Teaching Seminar FACDEV, was admitted.)

20 ---

21 HEARING EXAMINER: Five was Faculty
22 Development syllabus, I think.

23 ATTORNEY FARMER: This is 6.

24 ---

25 (Whereupon, Respondent Exhibit 6, Web Page, was

1 marked for identification.)

2 BY ATTORNEY FARMER:

3 Q. I'm showing you what we've marked as R-6.

4 Have you ever seen this before?

5 A. Not maybe this exact web page. But
6 everything here looks new.

7 Q. So this looks consistent with your
8 understanding of the general timeline for the Ph.D. in
9 economics?

10 A. I don't think - the majority of students do
11 not finish in five years.

12 Q. Okay.

13 A. So other than that part, everything here
14 looks pretty consistent, yes.

15 HEARING EXAMINER: I'm going to stop
16 you, miss.

17 Everyone we've heard from today has been
18 from the Dietrich School.

19 Right?

20 ATTORNEY FARMER: Yes.

21 HEARING EXAMINER: Okay. Go ahead.

22 ATTORNEY FARMER: Yes.

23 BY ATTORNEY FRAMER:

24 Q. In the - but where - and under the section
25 on fifth year, -

1 A. Uh-huh (yes).

2 Q. - it talks about - it talks about doing job
3 market presentations and participating in mock
4 interviews.

5 Do you see that?

6 A. Yes.

7 Q. Have you done that?

8 A. I'm doing it on Wednesday.

9 Q. Oh, great.

10 A. Yeah.

11 Q. It also - it also at the bottom says fifth
12 year students staying in the sixth year should continue
13 presenting papers at external conferences and
14 submitting papers for publication?

15 A. Yes.

16 Q. So that's this - that's - you're in the
17 sixth year.

18 Right?

19 A. Correct.

20 Q. So - and you would have been nominated for a
21 teaching award during your time at Pitt.

22 Is that right?

23 A. Yes.

24 Q. Was that as a result of a specific course or
25 the body of the teaching that you've done?

1 A. So I was once nominated - well, there's two
2 different instances. Once I was nominated for a
3 teaching award. And that was - I didn't win either.

4 But that was for undergraduate teaching.
5 And undergraduate had to nominate you. And that was
6 called a Baranger Vice, I think.

7 And then the second time I won it was a
8 Department award. And that time I did win. And that
9 was when I was an instructor.

10 So the first time was when I was a teaching
11 assistant. The second time as an instructor.

12 Q. And those times that you were an instructor
13 were over the summer that -?

14 A. Yes. And then currently right now I'm an
15 instructor.

16 Q. For the summer appointment, was that
17 something that you sought out?

18 A. Yes.

19 Q. And that gave you the opportunity to teach
20 as Instructor of Record?

21 A. Instructor of Record, you just mean, -

22 Q. As the instructor as listed, -

23 A. - listed as the instructor?

24 Q. - yes.

25 A. Yes.

1 Q. Is that something you were looking for?

2 A. Yeah. And the pay also I wanted.

3 Q. What are you interested in doing when you
4 finish your Ph.D.?

5 A. I hope to stay in academia.

6 Q. Teaching experience is important for
7 academic jobs.

8 Is it not?

9 A. Yeah, I hope so. My lead is, too, so -.

10 Q. Good.

11 Now, in your department, in addition to
12 students being appointed as TAs and - and TFs and
13 fellows, are there also students who are on GSA
14 appointments?

15 A. GSA being?

16 Q. Graduate student assistant appointments?

17 A. So that's a - is that a research assistant
18 position? I'm - I'm not familiar with that. I've
19 always served as a TA or - when I was a - or as a - as
20 fellowship.

21 Q. Are there students - do you know whether
22 there are students who are on research assistant
23 positions?

24 A. Yes, there are.

25 Q. And do you know how those are assigned?

1 A. As I understand it, it depends on - usually
2 the - the research assisting position is attached to
3 the faculty members. So the faculty will have
4 something like a grant. And then they'll - they'll
5 approach students and say, would you like - want to be
6 - work as my research assistant?

7 Q. And you made a reference, too, in - there
8 was a question that was asked about - in Union Exhibit
9 185, where it makes reference to the child protection
10 clearances -

11 A. Yes.

12 Q. - being required?

13 Do you see that?

14 A. Yes.

15 Q. And those clearances are required for
16 anybody who's going to have contact with minors.

17 Is that right?

18 A. That's how I understand it.

19 Q. All right.

20 So even if it - people are volunteers, for
21 example?

22 A. Okay.

23 Maybe. I don't know.

24 ATTORNEY FARMER: I have nothing else.

25 ATTORNEY DANTE: Oh, wait.

1 HEARING EXAMINER: Redirect?

2 ATTORNEY FARMER: Oh, actually, I'm
3 sorry - I'm sorry.

4 HEARING EXAMINER: Back to Cross.

5 ATTORNEY FARMER: Sorry. Sorry.

6 HEARING EXAMINER: Go ahead.

7 ATTORNEY FARMER: Yeah.

8 BY ATTORNEY FARMER:

9 Q. You receive an annual progress report on
10 your academic progress.

11 Is that right?

12 A. We give a progress report. We don't receive
13 one, we give one. And it's signed off on by your
14 advisor.

15 Q. Okay.

16 A. And it goes to the Director of Graduate
17 Studies in our departments. And he or she will look it
18 over.

19 Q. And they're making sure that you're making
20 progress towards the degree?

21 A. Yes, that's it.

22 Q. And as part of that, you - there's an update
23 or your research progress, is that right, -

24 A. Correct.

25 Q. - and publications, -

1 A. Yes.

2 Q. - and teaching experience?

3 A. Yes.

4 Q. You took an independent study -

5 A. Uh-huh (yes).

6 Q. - during, I think it was one of the summers.

7 A. Sure, -

8 Q. Do you recall that?

9 A. - yeah.

10 Q. What was the purpose of taking independent
11 study?

12 A. Do you know what summer it was, I think I've
13 done it - I might have done it more than once?

14 HEARING EXAMINER: You tell us.

15 THE WITNESS: I don't know my own
16 transcript on that. The one time it was to work on
17 something called my Second Year Paper, so -. I - I
18 think I mentioned this when we went over the timeline
19 of completion for our department.

20 You've - you work on a project your
21 second year - your second going into third year. Maybe
22 I didn't say this, apologies, if I didn't.

23 Your second going into your third year.
24 For that you have two faculty members who oversee you.
25 You write it over the - over the summer of your second

1 - the summer after your second year going into your
2 third year.

3 And then in the beginning of your third
4 year you present it. And you have your two faculty
5 members who are overseeing it sign off on it. So that
6 might be it.

7 BY ATTORNEY FARMER:

8 Q. Can you also take independent study and get
9 credit for being an instructor?

10 A. No.

11 So - well, it depends. So to be an
12 instructor in the Arts Department - and I'm not sure,
13 maybe this is true in this school more generally, you
14 have to be registered for something in the University.

15 And so it's kind of - a lot of times when
16 you're - if you're - if you're an instructor in the
17 summer -.

18 So I think this past summer, I was - I - did
19 sign up for recredit independent study or I registered
20 - sorry, this past summer I registered for full-time
21 dissertation study, which I was able - eligible to do
22 because I had enough credits.

23 And so in that cases I registered for
24 full-time dissertation study. I received credits,
25 which I didn't need at that point over that period.

1 And then also I was able to - I was eligible to be an
2 instructor.

3 Q. And so if you had chosen - let's say you
4 were in, at the time, a full-time dissertation study -

5 A. Uh-huh (yes).

6 Q. - you - and were you an instructor in
7 summer, you could have registered for independent
8 study -

9 A. Right to -.

10 Q. - and gotten credit for - let me just finish
11 the question -

12 A. Yeah, sorry.

13 Q. - and gotten credit for the time you were
14 spending being an instructor?

15 A. Yes. But you wouldn't fill out the
16 independent study form or at least no one that I know
17 in the Department would fill it out saying I am
18 teaching.

19 You would fill it out as independent, saying
20 I'm working on my research over the summer. And
21 usually the Director of Graduate Studies or advisor
22 would be okay, that's fine.

23 HEARING EXAMINER: You said that was -
24 because in order to be a TA, you had to be registered
25 for something?

REDIRECT EXAMINATION

BY ATTORNEY KILBERT:

Q. So over the summer, -

A. Uh-huh (yes).

Q. - could one register for an independent
study without being assigned to be an instructor?

A. Yes.

Q. And would one receive the same credits that
you receive?

A. Yes.

ATTORNEY KILBERT: Nothing further.

ATTORNEY FARMER: No questions.

HEARING EXAMINER: All right.

We're done for today.

Thank you.

THE WITNESS: Thanks.

* * * * *


HEARING CONCLUDED AT 4:45 P.M.

* * * * *

CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Stephen A. Hemerich, Hearing Examiner, was reported by me on 10-01-18 and that I, Valerie Beth Gregory, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 22nd day of October, 2018


Court Reporter
Valerie Beth Gregory