

COMMONWEALTH OF PENNSYLVANIA

LABOR RELATIONS BOARD

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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: Tuesday, October 2, 2018  
          9:03 a.m.

Reporter: Kaylyn Shaffer

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1 LOCATION: Hilton Garden Inn  
2 3454 Forbes Avenue  
3 Pittsburgh, PA 15213  
4 WITNESSES: Julie Vangyzen, Jeffrey Shook, Golnar  
5 Yamohammad Touski, Alexander Howard, Nicole  
6 Forrester, Kimberly Garrett, C. Elizabeth Shaaban

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A P P E A R A N C E S

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## P R O C E E D I N G S

1  
2 -----  
3 JULIE VANGYZEN,  
4 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
5 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
6 FOLLOWS:

7 ---

8 HEARING EXAMINER: Spell your name for  
9 us.

10 THE WITNESS: Julie, J-U-L-I-E,  
11 Vangyzen, V, as in victory, A-N-G, as in George, Y  
12 as in yellow, Z as in zero, E-N.

13 HEARING EXAMINER: G-Y-Z-E-N?

14 THE WITNESS: Correct.

15 HEARING EXAMINER: Is there a space in  
16 between -?

17 THE WITNESS: I - I don't leave a  
18 space. It does not matter though.

19 HEARING EXAMINER: Go ahead.

20 ---

## D I R E C T E X A M I N A T I O N

22 ---

23 BY ATTORNEY HEALEY:

24 Q. Can you state your name, please?

25 A. Julie Vangyzen.

1 Q. And what's your current address?

2 A. 50 Pilgrim Ave, Number 1, in Worcester,  
3 Massachusetts.

4 Q. Okay.

5 Now, we'll go thing - through things year  
6 by year in a little bit. But what are you working  
7 on currently in relationship to the university?

8 A. Currently I'm on my fellowship year. I'm  
9 working on my dissertation. Which I hope to defend  
10 in April of next year.

11 Q. And generally what is your dissertation  
12 on?

13 A. My dissertation is on music and  
14 resistance in Nazi occupied Paris.

15 Q. And what was your focus as you went  
16 through the program at the University of Pittsburgh?

17 A. As far as my research interest goes?

18 Q. Your research interest.

19 A. All right.

20 French women composers was a big research  
21 interest of mine. As I continued to go through the  
22 program and I got to take a lot of different  
23 classes, social movements became more and more of a  
24 focus in my interest, so - especially resistance  
25 movements.

1 Q. And during the course of your term at the  
2 University - and we'll go through year by year in a  
3 moment. Did you serve in the capacity as a TA or a  
4 TF at different times?

5 A. I was a teaching fellow for three years.

6 Q. Okay.

7 As a teaching fellow, what was your -  
8 were your general duties and responsibilities?

9 A. My general duties was teaching either a  
10 class on my own with two recitations. That was in  
11 my first year. Or two sections of a class called  
12 Beginning Class Piano.

13 Q. And the - just for the record. We've  
14 heard this term a lot in the court here. What is a  
15 recitation?

16 A. A recitation is part of a larger lecture  
17 in which the larger lecture breaks off into  
18 different sections -.

19 HEARING EXAMINER: I know what a  
20 recitation is.

21 ATTORNEY HEALEY: Okay.

22 BY ATTORNEY HEALEY:

23 Q. I'm going to hand you what's been marked  
24 as Union Exhibit 188, a two page document. I'd like  
25 you to take a look at it.

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(Whereupon, Union Exhibit 188, Fellowship Letter,  
was marked for identification.)

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HEARING EXAMINER: Thank you.

BY ATTORNEY HEALEY:

Q. What is that document?

A. So the one on top is a letter informing  
me that I had received an Arts and Sciences  
Fellowship for my first year at the University of  
Pittsburgh. And then the second letter is my  
acceptance letter.

Q. Okay.

And the - the fellowship you received for  
the first year, did that have any teaching duties  
associated with it?

A. It did not.

Q. And the fellowship, I assume you received  
a stipend as well?

A. I did.

Q. Did you receive W-2 forms from the  
University of Pittsburgh?

A. I did not.

Q. I'm going to show you what's been marked  
as Union Exhibit 189.

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(Whereupon, Union Exhibit 189, Stipend Letter,  
was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. And could you identify that for the  
record, please?

A. This is my letter telling me - sorry.

Q. Okay.

The date in the right - upper right hand  
corner is May 5, 2015.

A. Correct.

Q. Is that correct?

A. Yes. And this letter is informing me  
what my stipend is as a teaching fellow for the  
years 2015 through 2016.

Q. Does the letter say teaching assistant or  
teaching fellow? And is there a difference in the  
name -?

A. It says teaching assistant. That is not  
a correct indication. I was a teaching fellow.

Q. And as a teaching fellow in that academic  
year can you describe what your duties and  
responsibilities were?

A. Sure. For the entire year I taught two



1 recitations for Introduction to Western Art and  
2 Music. And alongside that in the fall I taught a  
3 standalone class, Fundamentals of Music Theory. And  
4 in the spring I taught Beginning Class Piano.

5 Q. Now, Beginning Class Piano. Is that  
6 something you specialized in?

7 A. No.

8 Q. Okay.

9 And this is an undergraduate class.

10 Is that correct?

11 A. Correct.

12 Q. How did you - how did you receive, when  
13 you were there, your appointments from year to year?

14 A. Basically we were to receive - or I  
15 received an e-mail in about May or June, sometimes  
16 later, before the upcoming school year indicating  
17 what classes I could expect to be teaching the next  
18 year.

19 Q. Now, before you received the e-mail  
20 saying what classes you were going to be teaching,  
21 were you asked for your preferences or did you fill  
22 out any kind of a survey, my preferences are one,  
23 two, three?

24 A. No.

25 Q. You just received the appointment?

1 A. Correct.

2 Q. Piano is not your focus, though.

3 Is that correct?

4 A. It's not.

5 Q. When you started teaching that class, did  
6 you have to take any special steps to prepare  
7 yourself to teach that class?

8 A. I had to reteach myself how to play piano  
9 and practiced a lot to be able to effectively teach  
10 piano to my students.

11 Q. The hours per week. What's your  
12 understanding of up to how many hours per week you  
13 were to work?

14 A. So we are expected to work 20 hours per  
15 week. I would say that in my case that would be  
16 accurate as to what I worked.

17 Q. And you received a stipend?

18 A. Yes.

19 Q. What other benefits did you receive?

20 A. I received health insurance and tuition  
21 waiver.

22 Q. I want to show you what's been marked as  
23 Union Exhibit 190. For the record, a document dated  
24 April 25, 2016.

25

---

1 (Whereupon, Union Exhibit 190, Letter dated  
2 4/25/16, was marked for identification.)

3 ---

4 BY ATTORNEY HEALEY:

5 Q. What is Exhibit 190, please?

6 A. So this is my appointment letter. What I  
7 was struggling to remember earlier. My appointment  
8 letter for the years 2016-2017.

9 Q. And what was your appointment for?

10 A. This was for a full appointmentship in  
11 which I taught two sections of Classic Piano in the  
12 fall and in the spring.

13 Q. Did you teach - you taught the basic  
14 piano class?

15 A. Yes.

16 Q. Okay.

17 Did you teach any other classes?

18 A. No.

19 Q. Did you receive the same - we'll go  
20 through the benefits in - in more detail in a little  
21 bit. Did you receive the same benefits that you did  
22 the prior year?

23 A. Yes.

24 Q. Did you receive any academic credit for  
25 the teaching you were doing?

1 A. No.

2 Q. I'm going to show you what's been marked  
3 as Union Exhibit 191.

4 ---

5 (Whereupon, Union Exhibit 191, Appointment Letter  
6 2017-2018, was marked for identification.)

7 ---

8 BY ATTORNEY HEALEY:

9 Q. And can you take a look at that and for  
10 the record tell us what that document is?

11 A. This is my appointment letter for the  
12 year 2017-2018.

13 Q. And what was the appointment for?

14 A. This is to teach two sections of Classic  
15 Piano in the fall and then again in the spring.

16 Q. And at the same terms and conditions as  
17 the prior -

18 A. Yes.

19 Q. - exhibits, 189 and 190?

20 A. Yes.

21 Q. And did you have any choice in the  
22 appointment or these assignments?

23 A. I did not.

24 Q. And were these assignments you were  
25 looking for?

1 A. No.

2 Q. I'm going to show you what's been marked  
3 as Union Exhibit 192.

4 ---

5 (Whereupon, Union Exhibit 192, Andrew Mellon  
6 Predoctoral Fellowship Letter, was marked for  
7 identification.)

8 ---

9 BY ATTORNEY HEALEY:

10 Q. Can you take a look at that and tell us  
11 what Exhibit 192 is, please?

12 A. This is a letter informing me that I was  
13 awarded for this academic year the Andrew Mellon  
14 Predoctoral Fellowship.

15 Q. And what are - what are you doing for the  
16 fellowship funding?

17 A. So basically I receive this fellowship  
18 money to just write and finish my dissertation.

19 Q. Are you doing any teaching for the  
20 university?

21 A. I am not.

22 Q. Are you performing any other services for  
23 the university?

24 A. I am not.

25 Q. Do you receive any health insurance from

1 the university?

2 A. I do not.

3 Q. To the best of your knowledge - I don't  
4 know if you've received them yet. Did you receive  
5 any W-2 form - or will you receive W-2 forms, if you  
6 know?

7 A. I should not.

8 Q. Okay.

9 I'm going to show you what's been marked  
10 as Union Exhibit 193.

11 ATTORNEY HEALEY: And for the record  
12 it's a three page exhibit.

13 HEARING EXAMINER: We don't have to  
14 keep doing numbers W-2s.

15 ATTORNEY HEALEY: Pardon?

16 HEARING EXAMINER: We don't - we don't  
17 have to keep doing W-2s. I'm sure that they'll  
18 stipulate that they received them.

19 ATTORNEY HEALEY: Is that an issue?

20 ATTORNEY FARMER: That the students  
21 who are on academic appointments receive W-2s?

22 ATTORNEY HEALEY: Yeah.

23 ATTORNEY FARMER: No.

24 HEARING EXAMINER: We have enough for  
25 the record, I think.

1                    ATTORNEY HEALEY:    Okay.

2                    ATTORNEY FARMER:    Take that up with  
3 the IRS.

4                    ATTORNEY HEALEY:    All right.

5                    HEARING EXAMINER:    You just - make  
6 sure to ask her if she got them or not.

7                    ATTORNEY HEALEY:    Okay.

8 BY ATTORNEY HEALEY:

9                    Q.        During the years - academic years for  
10 2015-'16, 2016-'17 -.

11                    ATTORNEY FARMER:    Can I just interrupt  
12 for a minute?    Can I suggest that we redact the  
13 student's address before it's in the record?

14                    HEARING EXAMINER:    Which one are you  
15 looking at?

16                    ATTORNEY FARMER:    On the bottom of  
17 them, the addresses.    I just don't think we really  
18 want -.

19                    HEARING EXAMINER:    Which number?

20                    ATTORNEY FARMER:    As long as we do the  
21 first page.

22                    ATTORNEY HEALEY:    Well, we're not  
23 putting them in the record, so I'm going to keep  
24 them.

25                    HEARING EXAMINER:    I said -.

1                    ATTORNEY FARMER: So you're taking  
2 back -?

3                    ATTORNEY HEALEY: We're taking them  
4 back. Yeah. He said there's enough in the record.

5                    ATTORNEY FARMER: Okay.

6                    HEARING EXAMINER: I mean there's  
7 no -.

8                    ATTORNEY FARMER: No, no. It's fine.  
9 I just didn't want admitted really - I just didn't  
10 really want a document with a student's home address  
11 in the record.

12                   HEARING EXAMINER: Well, hold on. My  
13 brain is still warming up here. There's no  
14 controversy -

15                   ATTORNEY FARMER: No.

16                   HEARING EXAMINER: - that they  
17 received W-2s.

18                   ATTORNEY HEALEY: Okay. I just have  
19 one brief question.

20                   HEARING EXAMINER: Go ahead.

21 BY ATTORNEY HEALEY:

22                   Q. Are the years 2015-'16, 2017, were these  
23 - received W-2 forms for services you performed as  
24 either a TA or a TF for the University?

25                   A. I did.



1 Q. I'm going to show you what has been  
2 marked as - should I mark this one 193 or 194?

3 HEARING EXAMINER: Three. Thank you.

4 ---

5 (Whereupon, Union Exhibit 193, Graduate Student  
6 Handbook, was marked for identification.)

7 ---

8 BY ATTORNEY HEALEY:

9 Q. It's been marked as Union Exhibit 193.  
10 And just for the record, could you identify this  
11 document, please?

12 A. This is our Graduate Student Handbook for  
13 the Department of Music.

14 Q. So just a few more questions. When you  
15 were on a TA or a TF at the University, did you  
16 receive any academic credit for teaching?

17 A. I did not.

18 Q. When you were on a TA or a TF at the  
19 University, were you provided office space?

20 A. Yes.

21 Q. And you smiled. What office space were  
22 you provided?

23 A. So the graduate students have a small  
24 office with four desks and one piano in it in which  
25 we are to hold our office hours and do our own work.

1 But there are -.

2 HEARING EXAMINER: The piano is in the  
3 office?

4 THE WITNESS: There is - there is one  
5 piano in the office.

6 HEARING EXAMINER: That doesn't - well  
7 how can you have office hours with a piano?

8 THE WITNESS: Well, the - if I'm - if  
9 I'm doing office hours for Classic Piano -

10 HEARING EXAMINER: Yeah.

11 THE WITNESS: - I need the piano there  
12 to help.

13 HEARING EXAMINER: All right. That  
14 makes sense.

15 THE WITNESS: Yeah. Unfortunately,  
16 there are 30 students in the music department, and  
17 we all use this - this space.

18 BY ATTORNEY HEALEY:

19 Q. Were you - were you - did you keep office  
20 hours?

21 A. I did.

22 Q. And did students sometimes come to your  
23 office?

24 A. They did.

25 Q. And the piano in the office, you

1 sometimes used that in the course of your office  
2 hours?

3 A. Yes. Often.

4 Q. Were you required to teach these courses  
5 to get a degree from the Music Department?

6 A. No.

7 Q. Now, we talked about the music - basic  
8 music class. How many students typically took that  
9 class in a year or a semester?

10 A. Every semester in every class it's  
11 usually a full 20 students.

12 Q. Okay.

13 And how many sections of the class?

14 A. In one case I can remember there was up  
15 to 12 sections.

16 ATTORNEY HEALEY: That's all the  
17 questions I have on Direct.

18 HEARING EXAMINER: I think go off the  
19 record so she can prepare Cross.

20 ---

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

22 ---

23 HEARING EXAMINER: Back on the record.  
24 Cross Examination.

25 ATTORNEY FARMER: Thank you.

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CROSS EXAMINATION

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BY ATTORNEY FARMER:

Q. Ms. Vangyzen, when did you enroll at Pitt?

A. In the fall of 2014.

Q. Why did you decide to get a Ph.D.?

A. I decided to get a Ph.D. because in Undergrad I majored in Clarinet Performance. And by the end of that I figured I probably was not going to actually find a career in Clarinet performance. So I was - but I thought I was pretty good at music history and writing. And I was encouraged by my professors at the time to pursue a Ph.D.

Q. Why did you decide to come to Pitt?

A. I came to Pitt for a variety of reasons. I think number one because they accepted me and they gave me funding, which at the time when I was applying to schools in the summer during the - our small depression, in which it was actually very rare or difficult to obtain a position in music that had any funding attached to it. Another reason is because my now husband has family here. So I have connections. And I - I liked the faculty and the

1 department.

2 Q. You said that - you said that when you -  
3 at Pitt they offer - the music department offered  
4 funding. How much funding was offered?

5 A. We get four years guaranteed funding.

6 Q. And - I'm sorry. This is your fifth year  
7 in the program?

8 A. This is my fifth.

9 Q. Did I do the math right? Okay.

10 A. Correct.

11 Q. And you said - when you said you're  
12 planning on defending your dissertation next year,  
13 does that mean next academic year or next calendar  
14 year?

15 A. Next calendar year.

16 Q. So -?

17 A. So April of 2019.

18 Q. Okay.

19 So the end of this academic year?

20 A. Correct.

21 Q. What are you planning to do afterward?

22 A. Afterward I would really like to get a  
23 post-doc or a teaching position doing music history.

24 Q. And the Music Department is in the School  
25 of Arts and Sciences.

1 Right?

2 A. Yes.

3 Q. So you mentioned that your research  
4 interests were in basically music as it relates to  
5 resistance movements?

6 A. Correct.

7 Q. And you said you're interested in  
8 teaching music history?

9 A. Yes.

10 Q. When did you start doing the research  
11 that is leading to your dissertation?

12 A. I started doing the research - I guess  
13 that would be three summers ago. I was able to go  
14 to Paris and do research in the archives of  
15 Bibliotheque Nationale de France. That was really  
16 great.

17 Q. Did you get funding to do that research?

18 A. I applied for -.

19 HEARING EXAMINER: Did you say that  
20 was the National Library of France?

21 THE WITNESS: Yes. The National  
22 Library of France. Correct. Yes. I applied for  
23 funding for an Arts and Sciences summer fellowship.

24 BY ATTORNEY FARMER:

25 Q. So that's internal to the School of Arts

1 and Sciences -

2 A. Yes.

3 Q. - funding? Okay.

4 So you started doing that in Paris and  
5 then you continued to work on that while you've been  
6 back in residence at the University?

7 A. Yes.

8 Q. And you were doing that while you were a  
9 teaching fellow?

10 A. Yes.

11 Q. And also now while you're on a fellowship  
12 for this year?

13 A. Yes.

14 Q. Have you published while you've been  
15 here?

16 A. I have not.

17 Q. Have you presented at conferences?

18 A. I have.

19 Q. On what kinds of topics?

20 A. Mostly topics pertaining to my  
21 dissertation. So for instance last year I did a big  
22 conference in which I presented at - I presented  
23 some of my findings from the National Library. A  
24 set of 82 letters from a female French composer from  
25 during the occupation to her friend in the - the

1 free Southern zone during the occupation of France.

2 Q. And why did you want to present at the  
3 conference?

4 A. I felt it was important for people to  
5 know this composer's story, Elsa Barraine.  
6 Unfortunately - not to go too much into it, but in  
7 the field of music women's voices are generally not  
8 heard. And Elsa Barraine, for being as important as  
9 she was to the French resistance is - has largely  
10 been forgotten.

11 HEARING EXAMINER: I think she was  
12 asking you is presenting at conferences important  
13 for your potential future career?

14 THE WITNESS: Yes. Of course.

15 ATTORNEY FARMER: That was going to be  
16 my next question.

17 HEARING EXAMINER: Yeah.

18 ATTORNEY FARMER: But it's totally  
19 fine if you want to ask it.

20 BY ATTORNEY FARMER:

21 Q. So when you first taught as a teaching  
22 fellow, you also took a practicum on university  
23 teaching?

24 A. Yes.

25 Q. Okay.



1                   And that was required?

2           A.       Yes.

3           Q.       And did you receive credit for that?

4           A.       Yes.

5           Q.       A letter grade?

6           A.       Yes.

7           Q.       And have you started working on a  
8 teaching statement?

9           A.       No.

10          Q.       Have you - so you said you plan to defend  
11 in April. Are you on the job market now?

12          A.       I should be. I just got married, so I'm  
13 getting back into the swing of - of things. Yes.

14          Q.       That can be a distraction.

15          A.       Right.

16          Q.       What kinds - so have you started thinking  
17 about what your teaching portfolio is going to look  
18 like?

19          A.       Yes.

20          Q.       Okay.

21                   What kind of things are going to go into  
22 it?

23          A.       Approaches to how I would teach music  
24 history. Which would go with a teaching statement  
25 and a teaching philosophy. I want it to be an

1 intersectional, diverse history of music rather than  
2 what is being taught now. And the different types  
3 of activities I would try to do to impart this onto  
4 my students.

5 Q. Does the experience that you've had in  
6 the classroom help to inform what's going to go into  
7 your teaching statement?

8 A. That's a hard - that's a hard question.  
9 Because most of my experience here at Pitt has been  
10 teaching piano. In which I - I have really good  
11 student reviews, this is true. But as far as  
12 informing me how to teach music history classes,  
13 there's not really a big connect there.

14 Q. Does it inform your - your feelings about  
15 how it is to interact, for example, with  
16 undergraduate students, though?

17 A. Sure.

18 Q. Now, I think you said that you didn't ask  
19 to teach these piano classes.

20 Is that right?

21 A. Correct.

22 Q. Did you ask to teach any other class?

23 A. No.

24 Q. Are you aware that other students put in  
25 preferences about what they want to teach?

1           A.       Only recently.

2                    HEARING EXAMINER:   You mean as part of  
3 this hearing you learned about it?

4                    THE WITNESS:   No.   Within the past  
5 year.

6 BY ATTORNEY FARMER:

7           Q.       Did you then put in a request to teach  
8 something different?

9           A.       No.   Because by that point I've already  
10 been appointed and it was my last year teaching.

11          Q.       Did you ever ask to design your own  
12 class?

13          A.       No.

14          Q.       While you were teaching you've gotten  
15 evaluations of your teaching at various times.

16                    Is that right?

17          A.       I should have.   But on file I only have  
18 evaluations from my very first semester teaching.

19          Q.       That would be in 2015?

20          A.       Yes.   Fall of 2015.

21          Q.       You don't recall getting an evaluation  
22 teaching in 2016 as well?

23          A.       According to my file I did not get any  
24 other evaluations.

25          Q.       So let's talk about that 2015 evaluation.

1 Do you recall receiving that one?

2 A. Yes.

3 Q. And it talked about what you were doing  
4 well.

5 A. Yes.

6 Q. Right?

7 And it also made some recommendations for  
8 areas where you could improve?

9 A. It's been a little bit since I looked at  
10 them. I assume so. Yes.

11 Q. Okay.

12 Do you recall that one of the things that  
13 it addressed was being more comfortable at the  
14 piano?

15 A. I don't recall that.

16 Q. Do you have any reason to doubt that  
17 that's the case?

18 A. I wasn't teaching piano in that semester.

19 Q. You were teaching -?

20 A. Fundamentals of Music Theory.

21 Q. And was there any use of piano in that  
22 course?

23 A. Yes.

24 Q. So I'm going to read a statement. You  
25 can tell me if you doubt that it's - I mean if

1 there's a dispute I can print it out, but it'd be  
2 more efficient not to.

3 A. Okay.

4 Q. So perhaps the overriding suggestion I  
5 have is to overcome your unease at the piano. Play  
6 chords slowly, starting from bass up to soprano,  
7 rather than the opposite. It is never a problem to  
8 play slowly when demonstrating a theoretical idea.

9 Does that sound familiar at all?

10 A. Again, it's been a very long time since I  
11 read the evaluation, but it seemed to be -.

12 Q. Do you have any reason to doubt that I'm  
13 reading that accurately?

14 A. No.

15 ATTORNEY FARMER: Okay. I have no  
16 further questions. I can take the time to go put it  
17 in the record if there's a dispute -.

18 ATTORNEY HEALEY: It took awhile  
19 yesterday to print things.

20 ATTORNEY FARMER: Right.

21 HEARING EXAMINER: Redirect?

22 ATTORNEY HEALEY: Just a - just a  
23 couple questions.

24 ---

25 REDIRECT EXAMINATION

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BY ATTORNEY HEALEY:

Q. You were asked about a teaching practicum. That was a course that you took to learn better teaching methods and other issues.

Is that correct?

A. Correct.

Q. What else was dealt with - what was dealt with in that course?

A. Things like how to talk to international students was big. Trying to come up with activities you could do in class. Trying to create a critical, multiple choice question is in that class. I didn't find any use for that particular question, but -.

Q. And you - you got academic credit for that course?

A. Academic credit. Correct.

Q. And there's a question about designing classes or courses. If you were appointed to teach a course, particularly the basic piano course, what did you have to do to prepare in terms of materials or anything like that?

A. In order to thoroughly prepare for the class, so what we are given to teach this class is a barebone syllabus. And also a textbook written by

1 one of the professors. For me, I often found that I  
2 had to supplement the textbook with a lot of outside  
3 sources to match the level of piano playing that my  
4 students actually had. I also had to make my own  
5 syllabus, and I had to create all of my own  
6 evaluation materials for my students, including  
7 rubrics, sometimes quizzes, projects, so on and so  
8 forth.

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

11 HEARING EXAMINER: Recross?

12 ATTORNEY FARMER: Very briefly.

13 ---

14 RE CROSS EXAMINATION

15 ---

16 BY ATTORNEY FARMER:

17 Q. The rubrics and quizzes and projects that  
18 you created these evaluation materials, did - have  
19 they changed substantially from the first time you  
20 took - you taught the class?

21 A. Yes.

22 Q. So you change them every time you teach  
23 it?

24 A. To correct mistakes that I may have made  
25 the first time, to make directions more clear. Yes.

1 I would change them every semester.

2 ATTORNEY FARMER: Nothing further.

3 HEARING EXAMINER: You can step down,  
4 ma'am. Thank you very much for testifying. Good  
5 luck. Any objections to Union 188 through 193?

6 ATTORNEY FARMER: No.

7 HEARING EXAMINER: They're admitted.  
8 witness?

9 ATTORNEY HEALEY: Jeff Shook.

10

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11

JEFFREY SHOOK,

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

15

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16 HEARING EXAMINER: Spell your name for  
17 us.

18 THE WITNESS: J-E-F-F-R-E-Y. Last  
19 name, Shook. S-H-O-O-K.

20 HEARING EXAMINER: All right, sir.  
21 Your witness.

22

---

23

DIRECT EXAMINATION

24

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25 BY ATTORNEY HEALEY:



1 Q. Could you state your name, please?

2 A. Jeffrey Shook.

3 Q. And you're appearing here pursuant to  
4 subpoena?

5 A. I am.

6 Q. Do you presently work for the University  
7 of Pittsburgh?

8 A. I do.

9 Q. What is your job title at the University?

10 A. I'm Associate Professor in the School of  
11 Social Work and Doctoral Program Director.

12 Q. And can you in general terms describe  
13 what the School of Social Work is briefly?

14 A. We have Bachelor's, Master's, Ph.D.  
15 program. We train social workers to go out and do a  
16 variety of - of activities, from direct therapy,  
17 working in child welfare system, macropractice,  
18 policy practice, community organizing.

19 Q. And in regard to the students in the  
20 program, what - what are your general duties and  
21 responsibilities?

22 A. I teach across both the Master's and  
23 Ph.D. program. And I administer the Ph.D. program  
24 and I conduct research and service to the school -  
25 University.

1 Q. Now, within the Ph.D. program  
2 approximately how many tenured professors are there?

3 A. Our faculty - I believe we're at 17  
4 tenured, tenure track faculty members. Could be  
5 off. We've had people join and leave.

6 Q. And within your program are there  
7 graduate students assistants?

8 A. Yes. Within the Ph.D. program we have  
9 graduate student assistants.

10 Q. And approximately how many graduate  
11 student assistants are there?

12 A. Currently right now we have 14 GSAs,  
13 graduate student assistants.

14 Q. And in a general sense what do these  
15 graduate student assistants do?

16 A. They work with a faculty member and they  
17 assist that faculty member on their research  
18 projects.

19 Q. Now, when you say the GSAs are assistant  
20 faculty member and research projects, are these  
21 faculty members' research projects, not the  
22 students' research project?

23 A. Faculty member research.

24 Q. Now, are there also teaching assistants  
25 within the School of Social Work?



1 binders.

2 Do you have that in front of you?

3 A. Yes, I do.

4 Q. And what is Exhibit 35?

5 A. It's the Ph.D. Program Handbook -

6 Q. And -?

7 A. - for the School of Social Work.

8 Q. Okay.

9 And for clarity, the GSAs and TAs and TFs  
10 that we've talked about, they're coming for the  
11 Ph.D. program.

12 Is that correct?

13 A. Yes.

14 Q. The - Exhibit 35 is a handbook dated  
15 2018-2019.

16 Do you see that?

17 A. It's dated 2017-2018 in this binder.

18 Q. Do - is your understanding that there  
19 have not been significant changes in the -?

20 A. There haven't been material changes.

21 Q. Okay.

22 Can you - can you go towards the end of  
23 the handbook under appendixes. Where it starts  
24 talking about graduate student assistants and -.

25 HEARING EXAMINER: It's got a page

1 number down there.

2 ATTORNEY HEALEY: Bates number 4425,  
3 if that helps.

4 HEARING EXAMINER: We're in the -  
5 we're in the 6,000s here. 6,453.

6 ATTORNEY HEALEY: I'm sorry. We have  
7 duplicates of the -.

8 HEARING EXAMINER: That's okay.

9 ATTORNEY HEALEY: I apologize.

10 HEARING EXAMINER: What page is it on  
11 the upper right page?

12 ATTORNEY FARMER: Seventy-five (75).

13 HEARING EXAMINER: Seventy-five (75)?

14 ATTORNEY HEALEY: The upper right is  
15 75.

16 HEARING EXAMINER: Thank you.

17 BY ATTORNEY HEALEY:

18 Q. Do you have that?

19 A. I do.

20 Q. These appendices talk about - if you go  
21 down - the first page talk about graduate student  
22 assistants.

23 Is that correct?

24 A. Yes.

25 Q. Those are the GSAs we talked about a few

1 moments ago.

2 Is that correct?

3 A. Yes.

4 Q. If you look under GSA appointments.

5 A. Yes.

6 Q. And so, when - when someone gets  
7 appointed, what's the process for that? Can you  
8 describe that within the School of Social Work?

9 A. Yes. So we generally have our first and  
10 second year students are GSAs. Sometimes we have a  
11 third year student who is a GSA. So what we're  
12 looking at is school faculty needs. So what  
13 assistants do our faculty need in terms of carrying  
14 out projects. We look at faculty who have GSAs or  
15 TAs and then those who don't. And so we try to  
16 figure out who - who requires one with regard to  
17 their work.

18 We - then we're looking at student  
19 interests and needs and trying to make matches with  
20 faculty members who are in their areas who could  
21 guide them, whether it's substantive areas,  
22 methodological areas. So we - we take a number of  
23 school, faculty, and individual student needs into  
24 account.

25 Q. And if you could look towards the bottom

1 of - in the manual, it's page 75. Right under GSA  
2 appointment. You reference faculty needs. Does  
3 that first paragraph there indicate that the School  
4 of Social Work appointments are guided by the  
5 faculty staffing needs?

6 A. Yes. I mean, I think this captures what  
7 I - I discussed in terms of we look at the faculty  
8 staffing needs and try to match mentors who have  
9 common areas of interest and research.

10 Q. The people on GSAs within the School of  
11 Social Work, what do they receive in return for the  
12 services they provide to the Department?

13 A. Tuition, healthcare, and a stipend. They  
14 work 20 hours a week. We do have GSAs, so we have a  
15 joint MSW Ph.D. program. And students who are in  
16 that have an extra year. And so in the first year  
17 they work 10 hours a week. So they get half  
18 tuition, healthcare, and then they work 10 hours a  
19 week.

20 Q. And if you're - the students in the  
21 School of Social Work that perform services as GSAs,  
22 do they receive academic credit for that work?

23 A. No.

24 Q. Within the School of Social Work, are  
25 they required to perform work as GSAs in order to

1 get a degree?

2 A. No.

3 Q. Now within the School of Social Work, and  
4 I believe the document you have in front of you  
5 discusses it, is there a teaching course requirement  
6 on how to teach?

7 A. Yes. We teach - well, it's a - it's a  
8 seminar on social work education, and it is designed  
9 to look at the history of the profession and really  
10 make sure that students understand a profession and  
11 what the profession does. It talks about syllabus  
12 development, course development. Students do - then  
13 they're required towards the end of the semester to  
14 connect with a faculty member and do a 45 minute to  
15 one hour lecture in a course that's filmed and it's  
16 supposed to be reviewed with the student and the  
17 instructor in that course.

18 Q. And when they take that course they  
19 receive academic course for that course.

20 Is that correct?

21 A. Three credits.

22 Q. Now, you indicated in terms of  
23 assignments of GSAs and TAs that the needs of the  
24 school are looked at first, but students needs are  
25 considered.



1 A. Yes.

2 Q. Is that correct?

3 A. Yeah.

4 Q. How are student needs - how does the  
5 school become aware of the student's desires and  
6 interest?

7 A. We - through the admissions process we  
8 get a lot of information and we - you know, we see  
9 what their areas of interest are. So we do know - I  
10 speak to them in the spring and summer after they  
11 commit to coming to think about what good  
12 appointments will be. So we - we use a variety -  
13 and then we talk as a doctoral faculty and as  
14 faculty, we discuss sort of what we - how we should  
15 appoint students.

16 Q. Now, within the School of Social Work,  
17 are there people who have received fellowship and/or  
18 college trainings?

19 A. Within the School of Social Work?

20 Q. Within the School of Social Work.

21 A. So there are several. We - and here I'll  
22 speak about the Ph.D. program. So we do provide  
23 students - following their third and fourth year we  
24 provide them with pre-doctoral summer fellowships to  
25 work on their dissertation. So, whereas after the

1 first and second year we generally - they work as  
2 GSAs in the summer, it's a different funding  
3 arrangement. They don't make quite as much as they  
4 make during the academic semester, but - or the  
5 academic year. But - so we have that mechanism  
6 where we have these pre-doctoral fellows.

7 We also in the school - and I don't  
8 administer these programs. But we have training  
9 grants that we've received where students will - as  
10 part of that training grant they may receive a  
11 stipend or a scholarship. And the goal of those  
12 programs is generally coursework around specific  
13 areas, and then their field placement. All our  
14 Master students and Bachelor students do field  
15 placements. And so -.

16 Q. So for example when you say field  
17 placement, are they working for nonprofits and -

18 A. Yeah.

19 Q. - things like that?

20 A. Nonprofits, government institutions. In  
21 limited cases they can work for for profits if  
22 they're doing mental health, and - but they're  
23 placed - we have a field office that oversees that  
24 process. So they're working to gain specific skills  
25 and to get specific training.

1 Q. And they're not performing services in  
2 the School of Social Work as such when they're on  
3 those grants.

4 Is that correct?

5 A. It's differentiated from the GSA and TA  
6 appointments.

7 Q. Are you aware of people in some of these  
8 grants getting any tuition waivers?

9 A. Not to my knowledge.

10 Q. Do people in these fellowships or grants  
11 receive health benefits - paid health benefits from  
12 the University, to your knowledge?

13 A. Not to my knowledge.

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

16 HEARING EXAMINER: We'll go off the  
17 record.

18 ---

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

20 ---

21 HEARING EXAMINER: Cross Examination?

22 ATTORNEY FARMER: Yes. Thank you.

23 ---

24 CROSS EXAMINATION

25 ---

1 BY ATTORNEY FARMER:

2 Q. Dr. Shook, do you have any role in the  
3 administration of the MSW program?

4 A. I do not.

5 Q. Okay.

6 So the testimony that you are giving  
7 about how the trainees work in the MSW is not  
8 something that's under your jurisdiction.

9 Right?

10 A. It's not.

11 Q. So you don't know for sure whether they  
12 got tuition or not?

13 A. To my knowledge, they don't, but I don't  
14 know to a 100 percent certainty.

15 Q. And the Ph.D. students are not trainees.  
16 Is that right? In your program?

17 A. They're GSAs and TAs.

18 Q. And TAs?

19 A. Sometimes a TF.

20 Q. Okay.

21 Can you take a look at the last page of  
22 that tab?

23 HEARING EXAMINER: Thirty-five (35)?

24 Tab 35?

25 ATTORNEY FARMER: Yes. I'm sorry.

1                   THE WITNESS:    So 6495?

2                   ATTORNEY FARMER:   Yes.

3                   THE WITNESS:    Yes.

4   BY ATTORNEY FARMER:

5           Q.       Okay.

6                   When is this used?

7           A.       I have not seen this particular piece  
8 used in our program.

9           Q.       Okay.

10                   So it's in your handbook, but you don't  
11 actually use it?

12           A.       I haven't seen - I mean, they complete  
13 the GA orientation. I mean, they complete an  
14 orientation with social work education class, but I  
15 have not seen this particular piece used.

16           Q.       So the things that are listed under the  
17 practicum responsibilities, is that consistent with  
18 your understanding of what students do in the  
19 practicum class?

20           A.       In the practicum class? Not all these  
21 things. They won't do all these things in the - you  
22 mean the social work and education course?

23           Q.       Well, I'm just looking at the document  
24 which is in your handbook which says teaching  
25 practicum agreement. Is there a different practicum

1 other than that class?

2 A. We have the social work and education  
3 course.

4 Q. Okay.

5 A. The teaching practicum agreement I have  
6 not seen used.

7 Q. Okay.

8 Are you involved - as the Director of the  
9 Doctoral Program, are they involved in the creation  
10 of the Ph.D. program handbook?

11 A. I just have updated it over the last  
12 several years, but I wasn't involved in the  
13 creation.

14 Q. Okay.

15 When you update it do you look for it to  
16 be accurate?

17 A. We try to make it accurate. Yeah.

18 Q. Okay.

19 But you have in this document which  
20 you're now saying you don't use?

21 A. We haven't updated this document.

22 Q. Okay.

23 A. As of this point.

24 Q. How long have you been the Director of  
25 the Ph.D. Program?

1 A. In my third year.

2 Q. And you are also a full time faculty?

3 A. I am, yes.

4 Q. Is that right?

5 A. Yes.

6 Q. How long have you been a faculty member  
7 at Pitt?

8 A. Started in 2005, the academic year.

9 Q. Where did you get your Ph.D.?

10 A. University of Michigan.

11 Q. Why did you get a Ph.D.?

12 A. I was interested in gaining the  
13 methodological, substantive, and theoretical schools  
14 for skills to examine issues pertaining to law and  
15 policy and practice around children and youth. So I  
16 - I was a law student. And I was working in a  
17 variety of positions as a law student. Working with  
18 kids who were convicted or they were being tried for  
19 violent, serious offenses. And I felt that the law  
20 training did not allow me to provide real,  
21 substantive expertise in terms of trying to reform  
22 policies that I thought were problematic. So I  
23 pursued my social work - or my Ph.D. in social work  
24 and sociology at Michigan.

25 Q. As the Director of the Ph.D. Program,

1 what are your responsibilities?

2 A. There's a lot of responsibilities. I  
3 teach the pro seminar. That's a non-credit course  
4 provided to students throughout their first year. I  
5 run admissions and recruitment for the program. I  
6 work with students one on one quite a bit, in terms  
7 of when an issue might arise or just helping to  
8 counsel them. I administer the program. Work with  
9 the Dean and Associate Dean on issues that arise in  
10 a program. I - I have a lot of different roles in  
11 terms of administrating this.

12 Q. Do you have a role as it relates to  
13 assigning students to their various academic  
14 appointments?

15 A. I do.

16 Q. And what is that role?

17 A. I work in conjunction with other faculty  
18 and with the students to make - and with the  
19 Associate Dean and the Dean to make those  
20 appointments -.

21 Q. And that would be for both the GSAs and  
22 the TAs?

23 A. Yes.

24 Q. And you talked about - I think you talked  
25 about the research and trying to align that with



1 students' research interests. Do you do the same  
2 with the teaching assignments?

3 A. Teaching assignments we have to first  
4 look at school needs. So, for example, we teach a  
5 social welfare history course to our - it's a  
6 foundation course in our MSW program. Unlike all  
7 our other courses that are 20 - kept at 25 students,  
8 this one includes all first year, full time  
9 students, which is over 100. So we need to assign  
10 three teaching assistants to that course to help run  
11 that particular course.

12 So in that instance we - we need to  
13 assign based on the school needs. And then we have  
14 other times where faculty need teaching assistants,  
15 and we assign. I do try to - as much as I can to  
16 get a match. This year I have five students and I  
17 have faculty who need more TAs and I have faculty  
18 who need TAs, so we weren't able to really make  
19 these matches.

20 Q. And -?

21 A. But we can. I do try.

22 Q. And when you say faculty need TAs, you're  
23 making a choice to have that filled by graduate  
24 students as opposed to in some other way.

25 Correct?

1 A. Yeah. That's our way that we -

2 Q. Okay.

3 A. - yeah.

4 Q. And that's a decision that was made by  
5 you as the Director of the Ph.D. Program.

6 Is that right?

7 A. In consultation with the doctoral  
8 committee, the Associate Dean -.

9 Q. And there are about 25 Ph.D. students in  
10 your program - or in your school.

11 Is that right?

12 A. I have 27 active at this point in time.  
13 19 are being funded directly by the school.

14 Q. There - the school could have made other  
15 decisions about how to meet those needs.

16 Right? Rather than assigning graduate  
17 students as TAs.

18 Right?

19 A. I - yes. I mean, I - I assume that.

20 Q. You could use, you know, senior level  
21 undergraduates, for example, as TAs.

22 Correct? In an undergraduate class?

23 A. A lot of our - a lot of our TAs teach in  
24 Master's courses, so no, we couldn't.

25 Q. You could bring in part time faculty to

1 do that.

2 Correct? Teach courses?

3 A. I mean, theoretically, you could.

4 Q. Right.

5 It's something that is available to the  
6 school as an option.

7 Correct?

8 A. Theoretically. You could do a lot of  
9 different things to - staff. But the - you know,  
10 the teaching needs of the school. Yeah.

11 Q. Do you require students to teach?

12 A. Our - we do require at least one year of  
13 teaching. Yes. We provide - our funding package is  
14 two years TSA, two years TA, but we want our  
15 students to get one year of experience.

16 Q. Why?

17 A. To be competitive on the job market.

18 Q. Because you wouldn't be competitive if  
19 they didn't have that teaching experience?

20 A. There was concern from some of our grads  
21 that they didn't have experience teaching and they  
22 were nervous about going and teaching courses.

23 HEARING EXAMINER: When was that?

24 THE WITNESS: That was before - so my  
25 former Dean has discussed this a number of times.

1 So that was before I believe I even started at the -  
2 the school. So before 2005.

3 BY ATTORNEY FARMER:

4 Q. In your role as a faculty member, you  
5 mentor graduate students.

6 Right?

7 A. I do.

8 Q. And as part of that mentoring process you  
9 guide graduate students through the research process  
10 from starting through their dissertation.

11 Is that right?

12 A. Yes.

13 Q. And that includes helping students hone  
14 in on their dissertation topics.

15 Right?

16 A. It is. Yes.

17 Q. And in your program students - do Ph.D.  
18 students generally have an MSW, or is it straight  
19 from Bachelor's to Ph.D.?

20 A. We - generally our students will have an  
21 MSW degree, and it's desirable that they have a  
22 couple years of practice experience. But we do have  
23 probably half of our students come in with the MSW  
24 degree and not two years of practice experience. In  
25 recent years we have had more students come in in

1 the MSW Ph.D. track than we did previously. So we  
2 do take students - generally what we look for in  
3 admissions is some life experience and work  
4 experience.

5 Q. And the - as I think you testified, the  
6 policy in your department is to have students do at  
7 least two years of a GSA before they do any  
8 teaching.

9 Right?

10 A. That policy was changed several years ago  
11 that there's been doctoral program directors allowed  
12 to have them TA in their first year. If that's a  
13 good fit. And then do GSA work years two and three.  
14 And then TA year four. So that - we do have some  
15 flexibility in how we appoint.

16 Q. But the typical track is that students do  
17 the GSA the first two years?

18 A. Yes.

19 Q. And that helps them to develop the  
20 research skills that they'll use for their  
21 dissertation.

22 Right?

23 A. It can. If they get those opportunities.  
24 Yeah.

25 Q. Well, the GSA is doing research with

1 faculty.

2 Right?

3 A. Yes. It's designed, yeah, to do that,  
4 but they're working with the faculty member who has  
5 specific tasks for them to carry out.

6 ATTORNEY FARMER: Just a second.

7 BY ATTORNEY FARMER:

8 Q. I'm showing you what we're marking as  
9 Exhibit R-7.

10 ---

11 (Whereupon, Respondent's Exhibit 7, First Year  
12 Review Policy, was marked for identification.)

13 ---

14 BY ATTORNEY FARMER:

15 Q. Have you seen this document before?

16 A. Yes, I have.

17 Q. Can you explain what it is?

18 A. It's our First Year Review Policy for  
19 Ph.D. students.

20 Q. Because the Department does an annual  
21 review of the students' academic progress?

22 A. Yes.

23 Q. And as part of that review it includes  
24 how they're doing in their GSA.

25 Is that right?

1           A.     It does.  Yes.

2           Q.     Okay.

3                     And the research that they're doing as a  
4 GSA helps to inform faculty views of their  
5 competency as a scholar.

6                     Right?

7           A.     Yes.  The progress that they're making  
8 and their competency within that assignment helps to  
9 - us to think about their progress.  It helps us  
10 think about what steps we might need to take to  
11 assist that student.

12          Q.     If you'd also take a look at page 76 of  
13 the handbook.  It's - it's probably right next to  
14 where we originally were.  6454 on the bottom, if  
15 that helps.

16          A.     Yes.

17          Q.     Do you see under number three, ongoing  
18 training?

19          A.     Yes.

20          Q.     First sentence, one of the School of  
21 Social Work schools for doctoral students is to  
22 facilitate the professional development of graduate  
23 student assistants.  And then it lists certain  
24 activities they're expected to do for their  
25 professional development.

1 A. Yes.

2 Q. Is this accurate?

3 A. Yes.

4 Q. In terms of your own experience with  
5 students, have you published with your students?

6 A. I have.

7 Q. And is that areas where you have mutual  
8 research interests?

9 A. It can be. But it also can be where I  
10 need help getting things done. So when I have a GSA  
11 and I need help on a particular lit review or help  
12 thinking about modeling a data analysis, I will have  
13 that student run a task. And if it works out then,  
14 you know, they're up to the level of authorship. I  
15 will engage them in authorship.

16 Q. Are publications valuable for a student?

17 A. They are.

18 Q. Why?

19 A. The market is getting tougher and  
20 tougher. So getting publications shows, you know,  
21 potential, you know, universities and others that  
22 you're able to produce.

23 Q. And there are instances where the  
24 research you do with students can be incorporated  
25 into their dissertation.



1 Correct?

2 A. They can. Yeah. So they can - on  
3 projects that they're working with me on, there's  
4 potential for those to inform their dissertation,  
5 yeah, or be part of their dissertation.

6 HEARING EXAMINER: Does it happen?

7 THE WITNESS: Does it happen?

8 HEARING EXAMINER: Yeah.

9 THE WITNESS: Yeah. I've had students  
10 who - my projects, they've used some of my data and  
11 they've done their dissertation.

12 HEARING EXAMINER: Data that they  
13 worked on as GSAs?

14 THE WITNESS: I would say the one  
15 primary example, she was working on a separate  
16 project, but she was part of project meetings. So  
17 she wasn't working on the data. I hired a faculty  
18 member from the School of Education and a graduate  
19 student from the School of Education who had those  
20 skills to really work with very complex data. So -.

21 HEARING EXAMINER: Let's simplify the  
22 question. Have you had a GSA whose - her GSA work,  
23 some of that work ended up in her dissertation?

24 THE WITNESS: Some of the work that  
25 was done on a project that she participated in?

1                   HEARING EXAMINER: Yeah.

2                   THE WITNESS: Did - she did use for  
3 her dissertation. Yes. But she wasn't -.

4                   HEARING EXAMINER: Is that what you're  
5 asking?

6                   ATTORNEY FARMER: Yes.

7                   THE WITNESS: Yeah.

8                   ATTORNEY FARMER: That was the  
9 question. Thank you.

10 BY ATTORNEY FARMER:

11               Q.       Are you familiar in your role with the  
12 Director of the Ph.D. Program with career services  
13 resources that are offered to graduate students?

14               A.       Yes. Yes.

15               Q.       Can you briefly tell us about this?

16               A.       So I've - I've had the director of that  
17 office for - I mean, Darlene Zellers has come in and  
18 has spoken to my students and talked to them about  
19 those resources. When I have admitted students  
20 come, I have her come and talk about the various  
21 resources we have within the University.

22               Q.       And why does the school provide career  
23 services for graduate students?

24               A.       To get them thinking about the job market  
25 earlier and to get them prepared to go on the job

1 market.

2 Q. Are career resources services available  
3 to all students within the school?

4 A. We do have somebody on staff who directs  
5 our career services for our Master's and Bachelor's  
6 students.

7 Q. And there are also services that are  
8 available to the Ph.D. students.

9 Right?

10 A. The Ph.D. through the University, and  
11 then I run a job club where I meet with students  
12 starting in the spring and into the summer and fall  
13 to help prepare them for the job market.

14 ATTORNEY FARMER: I have nothing  
15 further.

16 HEARING EXAMINER: Redirect?

17 ATTORNEY HEALEY: Just a couple  
18 questions.

19 ---

20 REDIRECT EXAMINATION

21 ---

22 BY ATTORNEY HEALEY:

23 Q. Could you look at Respondent Exhibit  
24 Number 7 -?

25 HEARING EXAMINER: She had -.

1                   THE WITNESS:   This one?   Yep.

2                   HEARING EXAMINER:   Yes.

3   BY ATTORNEY HEALEY:

4           Q.       And could you go to the back page?   Well,  
5 first of all, who drafted this document, if you  
6 know?

7           A.       It was developed by the doctoral program  
8 committee.

9           Q.       And when was it developed?

10          A.       I want to say four or five years ago.   I  
11 don't know the exact year, but I know it was under  
12 the previous Ph.D. Program Director developed this  
13 document.

14          Q.       And can you go to the back page, under  
15 the heading Performance as a GSA?

16          A.       Uh-huh (yes).

17          Q.       So first of all, GSAs work for faculty  
18 members.

19                   Is that correct?

20          A.       They do.

21          Q.       It's the faculty member's project,  
22 whatever that might be?

23          A.       Yes.

24          Q.       So the last line says, quote, completes  
25 required GSA work in a timely fashion.

1 Do you see that?

2 A. Yes.

3 Q. That GSA work that's required is for the  
4 faculty member.

5 Is that correct?

6 A. Yes.

7 Q. And you indicated - and just to clarify  
8 one thing - that there's approximately 27 Ph.D.  
9 candidates in the School of Social Work -?

10 A. I believe. Yeah. 27 - or it may be 25.  
11 We had a couple finish. I'd have to look back at  
12 the exact number too.

13 Q. And that 19 are funded.

14 Is that correct?

15 A. Nineteen (19) are funded through the  
16 school.

17 Q. And when you say funded, they receive  
18 appointment letters?

19 A. Yes.

20 HEARING EXAMINER: Were the others  
21 self funded? The other seven?

22 THE WITNESS: The others - so we have  
23 - currently we have one student who is eligible for  
24 funding who has gotten external funding. So she's  
25 funded. We have others who we provide four years of

1 funding, the straight Ph.D. students. So once they  
2 get past, we don't fund them anymore.

3 HEARING EXAMINER: Do you have  
4 students writing checks to the University for  
5 tuition?

6 THE WITNESS: They have to pay their -  
7 yeah. And they have to find employment. Teaching.  
8 If they teach or do a variety of things.

9 BY ATTORNEY HEALEY:

10 Q. For example, they have to pay for their  
11 own health insurance if they get health insurance?

12 A. Yeah.

13 ATTORNEY HEALEY: That's new. Right?

14 HEARING EXAMINER: I haven't heard of  
15 anyone paying a Ph.D. student.

16 ATTORNEY HEALEY: Well, none of the  
17 Ph.D. students -.

18 HEARING EXAMINER: Maybe I  
19 misunderstood.

20 ATTORNEY HEALEY: But they're funded?

21 HEARING EXAMINER: I misunderstood the  
22 testimony. Do you have Ph.D. students who are  
23 paying tuition?

24 THE WITNESS: We - yeah. I do believe  
25 - I'd have to double check to see if we pick up -

1 because they register for dissertation credits, so  
2 it's a smaller -

3 HEARING EXAMINER: Yeah.

4 THE WITNESS: - amount that they pay.  
5 But we - we fund for four years. Our funding  
6 package is four years. And after that we don't  
7 provide funding for students in a straight Ph.D.  
8 program.

9 HEARING EXAMINER: And it's not only  
10 theoretical that students would have to pay their  
11 own way, because that's actually happening right  
12 now?

13 THE WITNESS: Yeah. They - they find  
14 a variety of positions. We have another -.

15 HEARING EXAMINER: What positions?  
16 Like at Chipotle, or what?

17 THE WITNESS: Well, they - they can  
18 pick up research. We have one student who with our  
19 new Dean she had some funding, so she has hired that  
20 student on to help out. So that's not -.

21 HEARING EXAMINER: Administrative job?

22 THE WITNESS: It's a research - well,  
23 she's working on research with the - with the new  
24 Dean. We have students - a lot of our students will  
25 adjunct teach in our school once they graduate so -.

1                   HEARING EXAMINER: Graduated from  
2 what?

3                   THE WITNESS: Or, I'm sorry. Once  
4 their funding is over. I apologize.

5                   HEARING EXAMINER: Okay.

6                   THE WITNESS: So when their funding is  
7 over, if we're not providing them with GA -.

8                   HEARING EXAMINER: So Pitt is hiring  
9 non-Ph.D.s as adjuncts?

10                  THE WITNESS: Yeah. We have a lot of  
11 our courses in the MSW program taught by adjuncts  
12 who are practitioners.

13                  HEARING EXAMINER: Oh that makes  
14 sense.

15                  THE WITNESS: Yeah.

16                  HEARING EXAMINER: Okay. Because they  
17 came in with real world experience?

18                  THE WITNESS: Yes.

19                  HEARING EXAMINER: Okay.

20                  THE WITNESS: So we have a lot of  
21 classes that we need people who have those skills to  
22 teach.

23                  HEARING EXAMINER: All right.  
24 Anything else?

25                  ATTORNEY HEALEY: No further



1 questions.

2 HEARING EXAMINER: Ms. Farmer?

3 ATTORNEY FARMER: Nothing.

4 HEARING EXAMINER: All right. Sir,  
5 we'll take - you can step down. We'll take a 10  
6 minute break.

7 ---

8 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

9 ---

10 ATTORNEY KILBERT: The Union calls  
11 Golnar Yarmohammad Touski, providing a copy of her  
12 appointment letter for the -

13 ATTORNEY FARMER: Thank you.

14 ATTORNEY KILBERT: - counsel for the  
15 University.

16 ---

17 GOLNAR YARNOHAMMAD TOUSKI,  
18 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
19 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
20 FOLLOWS:

21 ---

22 HEARING EXAMINER: You have to spell  
23 your name for us.

24 THE WITNESS: G-O-L-N-A-R,  
25 Y-A-R-N-O-H-A-M-M-A-D, T-O-U-S-K-I.

1                   HEARING EXAMINER: Okay.

2                   THE WITNESS: Sorry. That was very -.

3                   HEARING EXAMINER: Okay. Go ahead.

4   ---

5   DIRECT EXAMINATION

6   ---

7                   BY ATTORNEY KILBERT:

8                   Q.       Ms. Touski - is it all right if I call  
9 you Golnar?

10                  A.       Of course.

11                  Q.       What is your affiliation with the  
12 University of Pittsburgh?

13                  A.       I'm a third year student of History of  
14 Art and Architecture at the University.

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

17                  A.       2016. Fall of 2016.

18                  Q.       So let's talk a little bit about your  
19 academic program. What are the requirements for  
20 obtaining a Ph.D. in the History of Art and  
21 Architecture Department?

22                  A.       Depending on if we entered the program  
23 with or without an MA. We are required to certain  
24 number of credit hours in addition to fulfilling  
25 comprehensive and prospective exam and successfully

1 finish our dissertation.

2 Q. I'm distributing a document marked Union  
3 Exhibit 194. Thank you.

4 ---

5 (Whereupon, Union Exhibit 194, Department of Art  
6 and Architecture Graduate Student Handbook, was  
7 marked for identification.)

8 ---

9 BY ATTORNEY KILBERT:

10 Q. And what is this document?

11 A. This is the History of Art and  
12 Architecture's Graduate Student Handbook.

13 Q. Does your department offer any classes  
14 for Ph.D. students about teaching?

15 A. It does. A class on teaching art  
16 history, also known as pedagogy.

17 Q. Is that class for credit?

18 A. That is for credit.

19 Q. Have you taken that class?

20 A. I did.

21 Q. What did that class involve?

22 A. It was basically to teach us techniques  
23 of teaching art history, especially introductory  
24 courses in art history, to undergraduate students.  
25 How to deal with various issues that may arise while

1 teaching art history and also compose a teaching  
2 portfolio which consisted of a teaching philosophy,  
3 a syllabus, a rubric, and that's about it.

4 Q. All right.

5 Was it actually - was any actual teaching  
6 done in the course of your coursework for this  
7 course?

8 A. Just one session of a - an introductory  
9 class of art history.

10 Q. You mean like one hour?

11 A. Yes. It was a recitation.

12 Q. Other than that hour, have you done any  
13 teaching at the University?

14 A. No.

15 Q. What did you do for your first year in  
16 your program?

17 A. I received a fellowship, which is part of  
18 our scholarship package at our department.

19 Q. During that first year fellowship package  
20 did you receive payments from the University?

21 A. I did.

22 Q. During that fellowship were you enrolled  
23 in a University sponsored healthcare plan?

24 A. Yes.

25 Q. Do you have to pay anything to

1 participate in that plan?

2 A. Yes.

3 Q. In that first year at the University did  
4 you do any teaching or research work for the  
5 University?

6 A. Other than my own research, no.

7 Q. So what did you do during that  
8 fellowship?

9 A. I was enrolled in two seminars. Which is  
10 basically what you're expected to do first year.

11 Q. Did you pay any tuition during this year?

12 A. No.

13 Q. Have you ever paid tuition in the first  
14 year?

15 A. No.

16 ATTORNEY KILBERT: So I'm going to -  
17 Union 194.

18 HEARING EXAMINER: Any objection?

19 ATTORNEY FARMER: No.

20 HEARING EXAMINER: Admitted.

21 ATTORNEY KILBERT: I'm going to  
22 distribute a document marked Union Exhibit 195.

23

---

24 (Whereupon, Union Exhibit 195, English  
25 Comprehensibility Test, was marked for

1 identification.)

2

---

3 COURT REPORTER: And I need a copy of  
4 all of these too.

5 ATTORNEY KILBERT: Oh okay.

6 HEARING EXAMINER: No. We're going  
7 to -.

8 COURT REPORTER: We're not?

9 HEARING EXAMINER: No.

10 COURT REPORTER: Oh okay. Perfect.

11 HEARING EXAMINER: Save you a lot of  
12 trouble.

13 COURT REPORTER: Thanks.

14 BY ATTORNEY KILBERT:

15 Q. All right.

16 So, Golnar, what is this document?

17 A. This is a definition of an English  
18 comprehensibility test.

19 Q. And have you taken this test?

20 A. I did.

21 Q. Who is required to take the test?

22 A. All international students who are going  
23 to work as teaching assistants are required to take  
24 this test before they can start their job as  
25 teaching assistants.

1 Q. And who administered the test?

2 A. Two representatives from the School of  
3 Linguistics and one faculty member from our  
4 department.

5 Q. So far as you know, are international  
6 students who are not teaching assistants or who are  
7 not going to work as teaching assistants required to  
8 take this test?

9 A. No.

10 Q. Have you worked as a research assistant  
11 in your time at the University?

12 A. I have. Yes.

13 ATTORNEY KILBERT: I'm now going to  
14 distribute - Union moves 195.

15 HEARING EXAMINER: Any objection?

16 ATTORNEY FARMER: No.

17 HEARING EXAMINER: Admitted.

18 BY ATTORNEY KILBERT:

19 Q. I'm going to distribute two documents  
20 marked 196 and 197.

21 ---

22 (Whereupon, Union Exhibit 196, Appointment Letter  
23 2018-2019, was marked for identification.)

24 (Whereupon, Union Exhibit 197, Contract  
25 Documents, was marked for identification.)

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BY ATTORNEY KILBERT:

Q. So you were never a TA or a TF?

A. No. You mean at the University of Pittsburgh.

Right?

Q. Yeah.

A. Yes. I have not.

Q. So could you please turn your attention to Union Exhibit 196? What is that document?

A. This is my appointment letter for the academic year of 2018-'19.

Q. So did you accept this appointment?

A. I did.

Q. And did you receive compensation as outlined in this letter?

A. Yes, I have.

Q. And does that include University paid health insurance?

A. Yes.

Q. Were you a research assistant prior to the 2018-2019 academic year?

A. Yes.

Q. For that appointment did you also receive an appointment letter?



1 A. I did, yes.

2 Q. Was that appointment letter similar to  
3 this appointment letter?

4 A. Yes.

5 Q. So look at 197. What is 197?

6 A. This is an internal document for our TA -  
7 our TA contracts that we received each semester.

8 Q. And did you fill out a document like this  
9 for your appointments as a research assistant?

10 A. I did, yes.

11 Q. And even though it says TA, TF contracts,  
12 do you fill it out even though you are appointed as  
13 a TSA?

14 A. Yes.

15 Q. So when you're working as a research  
16 assistant, for whom were you working?

17 A. I've been working for my advisor, Dr.  
18 Terry Smith.

19 Q. And that's the person you've been working  
20 for the entire time?

21 A. Yes.

22 Q. And what are you doing as Professor  
23 Smith's research assistant?

24 A. My main duty is to assist Dr. Smith with  
25 research on areas that I - I have expertise in, such

1 as Mid Eastern Contemporary Art, as well as  
2 transcribing interviews, lectures, et cetera.

3 Q. And is this in support of a project that  
4 your advisor is engaged in?

5 A. Yes.

6 Q. And what is that project?

7 A. He's in the process of writing a book  
8 about modernism in contemporary art in a global  
9 scope, which also includes the Middle East.

10 Q. And for this book, do you anticipate  
11 being listed as a coauthor for the book?

12 A. No.

13 Q. Who would be the author?

14 A. Dr. Smith.

15 Q. And how much time on average per week do  
16 you spend working as his research assistant?

17 A. Any - anywhere between five to 20 hours  
18 per week.

19 Q. Do you receive academic credit for your  
20 degree requirements for your work as a research  
21 assistant?

22 A. No.

23 Q. Do you know if people who work as  
24 teaching assistants in your department receive  
25 credit for their degree requirements for their work

1 as teaching assistants?

2 ATTORNEY FARMER: Objection. She  
3 hasn't been a TA. She can't have personal  
4 knowledge.

5 HEARING EXAMINER: What was the  
6 question?

7 ATTORNEY FARMER: Does she know  
8 whether they get - TAs get credit?

9 HEARING EXAMINER: Overruled. Go  
10 ahead.

11 ATTORNEY KILBERT: You can answer.

12 THE WITNESS: No. They don't.

13 BY ATTORNEY KILBERT:

14 Q. Do you receive W-2 forms from the  
15 University?

16 A. Yes.

17 Q. Are taxes withheld from your pay?

18 A. Yes.

19 ATTORNEY KILBERT: No further  
20 questions. Unions 196 and 197.

21 HEARING EXAMINER: Would you like some  
22 time, ma'am?

23 ATTORNEY FARMER: Yes.

24 HEARING EXAMINER: All right. Off the  
25 record.

1                    ATTORNEY FARMER: Does he want to - I  
2 they've move in the exhibits. Do you -?

3                    HEARING EXAMINER: They're admitted  
4 subject to objection.

5                    ATTORNEY FARMER: No objection.

6                    HEARING EXAMINER: Ma'am, you may step  
7 down. Please don't talk about your testimony with  
8 anyone. We are off the record.

9

---

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

11

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12                    HEARING EXAMINER: Ms. Farmer?

13                    ATTORNEY FARMER: Yes. Thank you.

14

---

15

CROSS EXAMINATION

16

---

17 BY ATTORNEY FARMER:

18                    Q. Ms. Touski, when did you start at Pitt?

19                    A. Fall of 2016.

20                    Q. Did you already have a Master's?

21                    A. I did.

22                    Q. And why did you decide to pursue a Ph.D.?

23                    A. Because for my career I need a Ph.D.  
24 degree.

25                    Q. What career is that that you're

1 interested in?

2 A. Art - art history. As an art historian,  
3 you have to have a Ph.D. You can not have it, but  
4 it's not very good for your career.

5 Q. Yes.

6 And are you interested in the academic  
7 aspects of it? Like a faculty position?

8 A. I actually am not that much interested in  
9 that. I am mostly interested in working at museums  
10 and galleries.

11 Q. Okay.

12 And I think you said that your research  
13 interests involve the Middle East art - Middle  
14 Eastern art, I should say?

15 A. Yes.

16 Q. And in the work that you've been doing on  
17 your GSA with the faculty member, the research that  
18 you've been doing, you've been using your expertise  
19 in Middle Eastern art as part of that.

20 Is that right?

21 A. Correct.

22 Q. And in fact that's why Dr. Smith has  
23 selected to work with you on that, because you share  
24 that interest and you have that expertise.

25 Is that right?

1 A. Of course. Yes.

2 Q. And what - have you decided what your  
3 dissertation topic is going to be yet?

4 A. Yes. It is going to be about Iranian  
5 Contemporary Art with a focus Performativity and  
6 Performance Art.

7 Q. And in the - in the research that you've  
8 been doing with Dr. Smith, has that led to any  
9 publications?

10 A. No.

11 Q. Have you done any publications -

12 A. Yes.

13 Q. - while you've been at Pitt?

14 A. Yes.

15 Q. What have those been on?

16 A. I was commissioned to write a - an  
17 article for Walker Reader, which is a publication  
18 that is part of the Walker Art Center in  
19 Minneapolis, but that was over the summer.

20 Q. Does the experience that you have with  
21 Dr. Smith with assisting with his publications  
22 provide you with help in doing your own publication?  
23 Like seeing that - you know, that process of how a  
24 publication gets done, those kinds of things?

25 A. In case of papers and journal essays, I

1 have already published quite a lot, so -.

2 Q. And you haven't had any teaching  
3 experience at Pitt.

4 Right?

5 A. No.

6 Q. Is that something that you sought out at  
7 Pitt?

8 A. Can you clarify?

9 Q. That you - have you tried to get teaching  
10 experience at Pitt?

11 A. I have not tried per se, because it's  
12 kind of expected that at some point we are going to  
13 be assigned to work as teaching assistants.

14 Q. Is it something that you're interested in  
15 doing?

16 A. Of course. Yes.

17 Q. Why?

18 A. I like teaching.

19 ATTORNEY FARMER: I have - oh,  
20 actually - no. I have nothing else. Thank you.

21 HEARING EXAMINER: Redirect?

22 ATTORNEY KILBERT: I have none.

23 ATTORNEY FARMER: I'm sorry. I really  
24 -.

25 HEARING EXAMINER: Go ahead.

1                    ATTORNEY FARMER: I just have one  
2 question.

3                    HEARING EXAMINER: That's fine.

4                    ATTORNEY FARMER: I apologize.

5 BY ATTORNEY FARMER:

6            Q.        Do you - you said that you had a  
7 fellowship in your first year that was part of your  
8 scholarship package.

9            A.        That's correct.

10          Q.        Is that true for all first years in the  
11 program?

12          A.        Yes.

13          Q.        And this is in the School of Arts and  
14 Sciences?

15          A.        Yes.

16          Q.        And just one other question. You had  
17 mentioned that you had to take this - the English  
18 exam?

19          A.        Yes.

20          Q.        Okay.

21                    Do you know whether that's something  
22 that's required by the State of Pennsylvania?

23          A.        Yes. It is required by the State of  
24 Pennsylvania.

25                    ATTORNEY FARMER: Thank you.



1                    ATTORNEY KILBERT: I have no  
2 questions.

3                    HEARING EXAMINER: Thank you, Ms.  
4 Touski. We'll do one more witness before lunch, or  
5 can we fit in two?

6                    ---

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

8                    ---

9                    ATTORNEY SHARMA: Union calls Alex  
10 Howard. And for the record, Alex has executed a  
11 FERPA waiver and has provided it to -.

12                    ---

13                    ALEXANDER HOWARD,  
14 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
15 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
16 FOLLOWS:

17                    ---

18                    HEARING EXAMINER: Spell your name for  
19 us.

20                    THE WITNESS: Alexander,  
21 A-L-E-X-A-N-D-E-R, Howard, H-O-W-A-R-D.

22                    HEARING EXAMINER: Your witness, sir.

23                    ---

24                    DIRECT EXAMINATION

25                    ---

1 BY ATTORNEY SHARMA:

2 Q. Mr. Howard, is it all right if I call you  
3 Alex?

4 A. Yes.

5 Q. Alex, are you currently enrolled at the  
6 University of Pittsburgh?

7 A. Yes.

8 Q. All right.

9 And what kind of degree are you working  
10 towards?

11 A. Master's of Science.

12 Q. In what department are you in?

13 A. The Mechanical Engineering Department.

14 Q. How long have you been enrolled as a  
15 graduate student at the University of Pittsburgh?

16 A. Since August of 2017.

17 Q. And have you always been enrolled in the  
18 degree program you're in now, or were you enrolled  
19 in something - or were you admitted to a different  
20 degree program?

21 A. Yes. I was accepted to the Ph.D.  
22 program.

23 Q. I am providing you with what's marked  
24 Union Exhibit 198.

25

---

1 (Whereupon, Union Exhibit 198, Appointment Letter  
2 2017-2018, was marked for identification.)

3 ---

4 BY ATTORNEY SHARMA:

5 Q. Can you review that and tell me if you  
6 recognize it?

7 A. Yes.

8 Q. And what is it?

9 A. This is my appointment letter for the  
10 2017-2018 year.

11 Q. Okay.

12 This also shows you were admitted to the  
13 Ph.D. program?

14 A. Yes, it does.

15 Q. And do you know if it's a requirement to  
16 earn a Master's in Science degree to earn the Ph.D.  
17 program - earn the Ph.D.?

18 A. Yes. In my department. Yes.

19 ATTORNEY FARMER: I'm sorry. Can you  
20 ask that again? I -.

21 ATTORNEY SHARMA: Yeah.

22 ATTORNEY FARMER: I didn't understand  
23 the question.

24 BY ATTORNEY SHARMA:

25 Q. Do you have to earn a Master's first in

1 the Ph.D. program?

2 A. Yes.

3 Q. Is that part of the Ph.D. degree  
4 requirement?

5 A. In the Mechanical Engineering Department,  
6 yes.

7 Q. And was that the degree you were working  
8 towards during the last academic year?

9 A. Yes.

10 Q. Can you tell us what the requirements are  
11 to obtain a Master's in Science in the Mechanical  
12 Engineering Department?

13 A. Yes. There's a coursework requirement.  
14 Seven courses for a total of 21 credits. And then a  
15 research requirement. A total of nine credits of  
16 research. And a thesis at the end of that.

17 Q. I'm now going to hand you what's marked  
18 Union Exhibit 199.

19

---

20 (Whereupon, Union Exhibit 199, Graduate Handbook  
21 for Mechanical Engineering, was marked for  
22 identification.)

23

---

24 BY ATTORNEY SHARMA:

25 Q. Tell me if you recognize that?

1 A. Yes.

2 Q. And what is that document?

3 A. This is the Graduate Handbook for  
4 Mechanical Engineering.

5 Q. And the academic requirements for the  
6 Master's in Science degree that you described, are  
7 those within that document?

8 A. Yes.

9 Q. Is there any requirement that you serve  
10 as a teaching assistant, teaching fellow, graduate  
11 student assistant, or a graduate research assistant  
12 to obtain that Master's in Science degree?

13 A. No.

14 Q. Have you served in any of those positions  
15 while enrolled in the Master's of Science program?

16 A. Yes.

17 Q. And what positions have you held?

18 A. I held a TA position in the fall of 2017  
19 and a GSR position in the spring of 2018.

20 Q. Okay.

21 Turning back to Union Exhibit 198, does  
22 this outline those appointments?

23 A. Yes.

24 ATTORNEY SHARMA: I'm going to move  
25 through Union Exhibit 198 and 199.

1                    HEARING EXAMINER: Any objection?

2                    ATTORNEY FARMER: No.

3                    HEARING EXAMINER: Admitted.

4 BY ATTORNEY SHARMA:

5                    Q.        So you held your TA appointment in the  
6 fall of last year.

7                               Is that correct?

8                    A.        Yes.

9                    Q.        And what course were you assigned to?

10                   A.        I was assigned to Mechanical Measurements  
11 2, which is an undergraduate class.

12                   Q.        And how were you assigned to that course?

13                   A.        It was chosen for me by the Department.

14                   Q.        Did you have any input on selecting that  
15 course?

16                   A.        No.

17                   Q.        Can you describe your duties that you  
18 performed as a TA to that course?

19                   A.        Yes. I led learning labs on a weekly  
20 basis. And I basically instructed the students as  
21 to the procedure of the lab, ensured that it was  
22 carried out correctly, and graded the reports.

23                   Q.        All right.

24                              And was there a large lecture section in  
25 that course?

1 A. Yes, there was.

2 Q. And how - about how many students were in  
3 the lecture section?

4 A. Approximately 60 or so.

5 Q. And how many students would be in each of  
6 the labs that you were in?

7 A. There were - they were put into groups of  
8 anywhere from two to five. Over the course of the  
9 semester I saw about 30 of them.

10 Q. Who was the lecturer for that course?

11 A. Dr. John Whitefoot.

12 Q. Who decided what would be covered in the  
13 - in each lab?

14 A. Dr. Whitefoot.

15 Q. If you had any issues that arose during a  
16 lab, like a situation you didn't quite know how to  
17 handle, who would you talk to about that?

18 A. Usually Dr. Whitefoot.

19 Q. Do you have any examples of that?

20 A. Yeah. There was one lab where the  
21 equipment was malfunctioning. So we did not - we  
22 were not able to complete the lab in the required  
23 time. So I contacted Dr. Whitefoot about what  
24 happened in the lab.

25 Q. And how ultimately did you decide to -?

1           A.       He chose to provide the students with  
2 data that had been recorded by other students.

3           Q.       Did you receive any credit serving as a  
4 teaching assistant?

5           A.       No.

6           Q.       Okay.

7                    So looking back at Union Exhibit 198, it  
8 looks like you served as a GSR for the spring  
9 semester.

10                   Is that correct?

11          A.       Yes.

12          Q.       And were you assigned to work on a  
13 specific research topic?

14          A.       Yes.

15          Q.       What was that topic?

16          A.       It was a development and  
17 commercialization of a medical device.

18          Q.       Who assigned that to you?

19          A.       My research advisor, Dr. Jeffrey  
20 Vipperman.

21                    HEARING EXAMINER: Spell that for us.

22                    THE WITNESS: J-E-F-F-R-E-Y

23 V-I-P-P-E-R-M-A-N.

24 BY ATTORNEY SHARMA:

25          Q.       Did you have any input in selecting the



1 topic?

2 A. No.

3 Q. Can you describe your duties you  
4 performed as a GSA?

5 A. I was a lead test engineer. And I  
6 coordinated with my team to execute a test plan.  
7 And also interfaced with the other members of the  
8 project, such as like business and design teams.

9 Q. How many hours were you expected to work  
10 a week as a GSA?

11 A. It was a full time position, so I'd say  
12 40 hours.

13 Q. Did you receive any credit for the  
14 research you performed as a GSA?

15 A. No.

16 Q. Have you ever received credit for  
17 research you performed while enrolled in - as a  
18 graduate student?

19 A. Yes.

20 Q. And when was that?

21 A. In the fall of 2017.

22 Q. During the last academic year did you  
23 have a topic in mind for your Master's thesis?

24 A. Yes, I did.

25 Q. And what was that topic?

1           A.       It was nominere controlled design for a  
2 precision motion application.

3           Q.       Is the research you performed as a GSR  
4 related to the Master's thesis topic?

5           A.       No.

6           Q.       Is the research you received credit for  
7 during that fall semester related to your Master's  
8 thesis topic?

9           A.       Yes, it was.

10          Q.       And the research you were performing as a  
11 GSR, what was the ultimate way to be used for?

12          A.       It was to be used for the  
13 commercialization of the device, like I said. So  
14 there actually was a company formed during the  
15 spring semester.

16          Q.       And do you know who formed that company?  
17 Or was part of that company?

18          A.       Yeah. My research advisor, another  
19 graduate student that I worked with, and someone  
20 that they had hired from the Innovation Institute of  
21 Pittsburgh. University of Pittsburgh. Sorry.

22          Q.       When you applied to the Mechanical  
23 Engineering Program did you have an area of interest  
24 that you hoped to focus your research on?

25          A.       Yes, I do.

1 Q. And what would that area -?

2 A. Mostly falls under dynamics and controls.

3 Q. And was the research that you were  
4 performing as a GSR directly related to that area of  
5 interest?

6 A. No, it wasn't.

7 Q. And the degree that you're currently  
8 working towards, is that the same type of Master's  
9 degree that you were working towards last year?

10 A. No. So I switched tracks this past year.

11 Q. And what is the current degree you're  
12 working towards?

13 A. It's referred to as the Professional  
14 Master's.

15 Q. Can you tell us why you switched tracks?

16 A. My - because of the fact that my research  
17 appointment is - I was doing research that wasn't  
18 related to what I wanted my thesis to be in, which  
19 kind of delayed my degree. So I decided that - or I  
20 realized that I could graduate with a Professional  
21 Master's in one semester if I changed tracks. So I  
22 decided to do that.

23 Q. And so you'll be graduating in December?

24 A. Yes.

25 Q. And what do you hope to do after you

1 graduate?

2 A. I hope to get a job in the industry.

3 Q. Did you receive any compensation for  
4 performing the teaching and research duties that you  
5 were appointed to?

6 A. Yes.

7 Q. What was that compensation?

8 A. A monthly stipend, tuition coverage, and  
9 healthcare.

10 Q. So you received a W-2 from the  
11 University?

12 A. Yes.

13 Q. Did you have taxes withheld from your  
14 pay?

15 A. Yes.

16 Q. If you had turned down your appointments,  
17 who would have been responsible for paying tuition?

18 A. I would have been.

19 Q. Do you currently hold an appointment or  
20 receive funding from the University?

21 A. No.

22 Q. And who is paying your tuition?

23 A. I am.

24 ATTORNEY SHARMA: That's all I have.

25 HEARING EXAMINER: So when you

1 switched to the Professional track Master's, you  
2 went off the appointment's track. Right?

3 THE WITNESS: Yes. That's correct.

4 HEARING EXAMINER: Do you need time?

5 ATTORNEY FARMER: Yes, please.

6 HEARING EXAMINER: Off the record.

7 ---

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

9 ---

10 HEARING EXAMINER: Okay. Ms. Farmer.

11 ATTORNEY FARMER: Yes. Thank you.

12 HEARING EXAMINER: Go ahead. Cross

13 Examination.

14 ---

15 CROSS EXAMINATION

16 ---

17 BY ATTORNEY FARMER:

18 Q. Mr. Howard, were you an undergraduate at  
19 Pitt?

20 A. Yes.

21 Q. Okay.

22 Why did you decide to apply to the Ph.D.  
23 program?

24 A. I actually didn't apply to the Ph.D.  
25 program. I applied to the Master's, but I was

1 accepted to the Ph.D. program. Just to clarify.

2 Q. Okay.

3 A. I don't know how that happened. But  
4 that's just how it happened.

5 Q. Okay.

6 Do you know whether the Department  
7 actually admits students into a research Master's  
8 separate from the Ph.D.?

9 A. I'm sorry. Can you repeat that?

10 Q. So you said you applied to the Master's  
11 but were admitted to the Ph.D.

12 A. That's correct.

13 Q. Do you know whether the Department of  
14 Mechanical Engineering actually admits students into  
15 a research Master's?

16 A. I - I believe so.

17 Q. Have you seen anybody who applied just to  
18 the research Master's?

19 A. I - I don't know.

20 Q. Okay.

21 A. I don't know the answer to that.

22 Q. So there's - just to be clear, there's -  
23 there's a Professional Master's, which is what  
24 you're doing right now.

25 A. Yes.

1 Q. Then there's a Research Master's, which  
2 is the thesis that you were talking about. And then  
3 there's the Ph.D.

4 Right?

5 A. Yes.

6 Q. Okay.

7 And you said you applied to the Research  
8 Master's, but we know from this letter that you were  
9 admitted to the Ph.D.?

10 A. That's correct.

11 Q. Okay.

12 And you don't know whether anybody is  
13 ever admitted into just the Research Master's?

14 A. I'm sure it's happened. I don't - I  
15 don't personally ask people what degree they were  
16 admitted -.

17 Q. And so you don't know whether that really  
18 has happened in practice?

19 A. I can't speak to it.

20 Q. Okay.

21 A. But I'm - yeah.

22 Q. Yeah.

23 HEARING EXAMINER: We'll get somebody  
24 here from engineering. All right?

25 ATTORNEY FARMER: Yes.

1                   HEARING EXAMINER: Okay.

2                   ATTORNEY FARMER: Although not  
3 specifically to Mechanical Engineering. I mean, we  
4 weren't planning on -.

5                   HEARING EXAMINER: Sorry. Mechanical.  
6 Yeah.

7                   ATTORNEY FARMER: Yeah. There's - I  
8 mean, there's a bunch of different - unless you want  
9 me to do every department.

10                  HEARING EXAMINER: No. I understand  
11 what's going on. Go ahead.

12                  ATTORNEY FARMER: Okay.

13                  HEARING EXAMINER: I do not want you  
14 to do every department.

15                  ATTORNEY FARMER: I know you don't.  
16 We would be here for months.

17 BY ATTORNEY FARMER:

18                 Q.       And you were in the graduate program for  
19 one year.

20                                 Right?

21                 A.       Yes.

22                 Q.       In the Ph.D. program? Okay.

23                                 And then you decided to switch over to  
24 this Professional Master's which you'll finish this  
25 semester?



1 A. Yes.

2 Q. Which just requires coursework.

3 Right?

4 A. Yes.

5 Q. Okay.

6 Now you said that you - if I understand  
7 your testimony, you said that you decided to leave  
8 the Ph.D. program because the research that you were  
9 doing as part of your GSR was not the same as your  
10 thesis.

11 Right?

12 A. Yes.

13 Q. Okay.

14 Could you have chosen a thesis topic that  
15 would have aligned with what you were doing on the  
16 GSR?

17 A. Theoretically, yes. I could have.

18 Q. So there was a choice that you made to do  
19 research that was unrelated?

20 A. Oh. Well, I mean - no. It wasn't my  
21 choice to do research that wasn't related, but I  
22 could have - I mean, I -.

23 Q. For your thesis, I meant. The choice was  
24 to do - have - do research for your thesis that was  
25 unrelated to what was being done in the lab.

1                    HEARING EXAMINER: Hold on. I think  
2 your question is - say it again.

3                    ATTORNEY FARMER: Okay. Let me  
4 actually ask a different - different question first.  
5 It might help.

6 BY ATTORNEY FARMER:

7            Q.        Why did you choose to work with the  
8 research advisor that you did?

9            A.        Because he did research in my area that I  
10 was interested in.

11          Q.        Okay.

12                    And but then when you went into the lab  
13 you - did your research interests change?

14          A.        No.

15          Q.        Okay.

16                    So you've testified that the research  
17 that you were doing in that lab for your GSR was  
18 unrelated to your own interests?

19          A.        That's correct.

20          Q.        Okay.

21                    But you also said that you went into the  
22 lab because the advisor did the research that you  
23 were interested in?

24          A.        Yes.

25          Q.        So I don't understand. Can you explain?

1           A.       He came in on - you know, whatever the  
2 first week of January of 2018, and he said this is  
3 your new project.

4           Q.       Okay.

5                    And that was totally different than the  
6 research you had been doing before?

7           A.       Yes. I mean, he does - he does research  
8 in many areas. He did research in the area that I  
9 have interest in. He also did research in this  
10 area. This was an ongoing project.

11          Q.       Okay.

12                   So you weren't interested in the specific  
13 project but you were interested in research that was  
14 being done in the lab generally.

15                   Is that -?

16          A.       I was interested in a specific project  
17 that was separate from this specific project.

18          Q.       Okay.

19                   And so you only wanted to do your Ph.D.  
20 in one specific project?

21          A.       Yes.

22          Q.       And how long would the Ph.D. have taken,  
23 do you think?

24          A.       It's difficult to say. Maybe four years,  
25 five years.

1 Q. Do you know whether you would have had an  
2 opportunity to be funded doing research on the  
3 project that you wanted to if you had stayed for  
4 five years?

5 A. That's difficult to say. We could - we  
6 certainly could have applied for funding in that  
7 area.

8 Q. Okay.

9 So you also could have chosen to focus  
10 your research on the funded project that he was  
11 working on.

12 Right?

13 A. Theoretically, yes, I could.

14 Q. Excuse me.

15 And you also said that on your GSR for  
16 the one semester that you did, right, that you were  
17 the lead test engineer on the project?

18 A. Yes.

19 Q. Can you explain what that means?

20 A. Yeah. So - I don't - there's a patent on  
21 the one so I don't want to -.

22 Q. Oh, I - I just want to know -

23 A. Right. Right.

24 Q. - what it means to be a lead test  
25 engineer. I don't -.

1           A.       So I was in materials testing.

2           Q.       Okay.

3           A.       Yeah.  So I was - basically we were  
4 trying to determine coefficients of friction of  
5 given material combinations.  So I was basically  
6 tasked with coming up with a test plan to -.

7                    HEARING EXAMINER:  Let me - let me  
8 refocus you.  You don't have to talk so much about  
9 theoretically what was going on, but we're more  
10 interested in your day to day activities.

11                   THE WITNESS:  Okay.

12                   HEARING EXAMINER:  What you were  
13 actually doing in the lab.

14                   THE WITNESS:  Sure.

15                   HEARING EXAMINER:  Is that fair, Ms.  
16 Farmer?

17                   ATTORNEY FARMER:  Yes.  Thank you.

18                   THE WITNESS:  Okay.  I was -.

19                   HEARING EXAMINER:  You were running -?

20                   THE WITNESS:  Carrying out tests.

21           Yes.

22                   ATTORNEY FARMER:  Okay.

23                   THE WITNESS:  And analyzing that data.

24           BY ATTORNEY FARMER:

25           Q.       And carrying out tests and analyzing the

1 data is the same thing, I understand on a slightly  
2 different project, that you would have to do to get  
3 a Ph.D.

4 Right?

5 A. I'm sorry. Can you repeat that?

6 Q. So you can't get a Ph.D. in Mechanical  
7 Engineering without running tests and analyzing the  
8 data.

9 Right?

10 A. I mean, you can't get it without a  
11 thesis, and you can't do a thesis without research,  
12 so -.

13 Q. Right.

14 A. I guess -.

15 Q. And research requires running the tests  
16 and analyzing the data.

17 Right?

18 A. Yeah.

19 Q. And when you get a job in industry  
20 following leaving the program, you're going to be  
21 running tests and analyzing data as well.

22 Right?

23 A. Perhaps. Yes.

24 Q. Because that's generally what engineers  
25 do.

1 Right?

2 A. If you're a test engineer, then yes. It  
3 is.

4 Q. And you said that you also - you  
5 coordinated with the design team.

6 Is that right?

7 A. Yes.

8 Q. And that's something that engineers do in  
9 industry as well.

10 Correct?

11 A. Yes.

12 Q. And that's something that you might have  
13 to do if you had stayed in the Ph.D. program and  
14 worked on your thesis, depending on what you were -  
15 where it led you ultimately.

16 Right?

17 A. Yes.

18 ATTORNEY FARMER: Nothing further.

19 HEARING EXAMINER: Redirect?

20 ---

21 REDIRECT EXAMINATION

22 ---

23 BY ATTORNEY SHARMA:

24 Q. When you applied to the graduate program,  
25 can you remind us what your area of - the area that

1 you were interested in was?

2 A. Yeah. Dynamics and controls.

3 Q. And you switched out of the program, the  
4 Research Master's to the Professional Master's  
5 because you weren't performing research related to  
6 dynamics and control.

7 Is that correct?

8 A. Yes.

9 Q. So, and had you - what kind of  
10 engineering is the - was the research project that  
11 you were working on related to? Is there - so  
12 dynamics and control. Is there something that you  
13 would otherwise refer to that area -

14 A. Yeah.

15 Q. - of engineering?

16 A. Maybe controls engineering.

17 Q. Okay.

18 And was that an area that you were  
19 interested in focusing your research?

20 A. Yes.

21 Q. I'm sorry. The research that you were  
22 performing on the GSR? For the GSR?

23 A. Oh. Yes. Of course. Yeah.

24 Q. The research you were performing for the  
25 GSR position, that was an area that you were



1 interested in focusing on -?

2 A. Oh. No. I'm sorry. I'm sorry.

3 Q. Actually -?

4 A. No.

5 Q. Okay.

6 So, the - the GSR research that you were  
7 performing, you - is there an area of engineering  
8 that that is related to?

9 A. Yes. I'd say biomedical engineering.

10 Q. You - are you interested in going into  
11 biomedical engineering?

12 A. No.

13 ATTORNEY SHARMA: Is - I have no  
14 further questions.

15 HEARING EXAMINER: Recross?

16 ATTORNEY FARMER: Nothing.

17 HEARING EXAMINER: Thank you. You can  
18 step down. Everyone be back at 1:00 for the next  
19 witness.

20 ---

21 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

22 ---

23 NICOLE FORRESTER,  
24 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
25 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS

1 FOLLOWS:

2

---

3

HEARING EXAMINER: Spell your name for

4

us.

5

THE WITNESS: N-I-C-O-L-E

6

F-O-R-R-E-S-T-E-R.

7

HEARING EXAMINER: Go ahead.

8

ATTORNEY KILBERT: I'll begin by

9

noting for the record that I obtained an executed

10

FERPA waiver for Ms. Forrester to Counsel for the

11

University.

12

---

13

DIRECT EXAMINATION

14

---

15

BY ATTORNEY KILBERT:

16

Q. Ms. Forrester, is it all right if I call

17

you Nikki?

18

A. Yes.

19

Q. And what is your affiliation with the

20

University of Pittsburgh?

21

A. I'm a Ph.D. candidate in the Department

22

of Biological Sciences.

23

Q. And when did you first become a Ph.D.

24

student at the University?

25

A. In September or August 2013.

1 Q. So what year are you in now?

2 A. I'm in my fifth year.

3 Q. And what is your area of scholarly focus?

4 A. I study ecology and evolution.

5 Q. All right.

6 I'm going to distribute a document marked  
7 Union Exhibit 200.

8 ---

9 (Whereupon, Union Exhibit 200, Award Letter,  
10 was marked for identification.)

11 ---

12 BY ATTORNEY KILBERT:

13 Q. Could you please identify this document?

14 A. This is an award letter from the National  
15 Science Foundation offering me a graduate research  
16 fellowship.

17 Q. And did you accept that fellowship?

18 A. Yes.

19 Q. And the National Science Foundation is  
20 external to the University.

21 Correct?

22 A. Correct.

23 Q. And what do you do during this  
24 fellowship?

25 A. Throughout this fellowship I designed and

1 conducted independent research for my dissertation.

2 Q. And did you apply for this fellowship?

3 A. Yes.

4 Q. Why did you apply to the fellowship?

5 A. I wanted to have control and agency over  
6 my doctoral program and dissertation research.

7 Q. So when did this fellowship begin for  
8 you?

9 A. This started in September 2015.

10 Q. And when did it end?

11 A. It ended in August 2018.

12 Q. Were you required to do any work for the  
13 University during this fellowship?

14 A. No.

15 Q. Did you teach for the University during  
16 this fellowship?

17 A. No.

18 Q. Were you working on research directed by  
19 a faculty member during this fellowship?

20 A. No.

21 Q. Did you receive payments from the  
22 University during the term of this fellowship?

23 A. Technically my paycheck said the  
24 University of Pittsburgh, but all of the funding was  
25 from the National Science Foundation.

1 Q. Were those payments for this fellowship  
2 reported on W-2s issued by the University?

3 A. No.

4 Q. And during this fellowship did you pay  
5 for your health insurance, or did the University  
6 pay?

7 A. I paid for my own health insurance.

8 Q. Were you required to work some set amount  
9 of hours per week?

10 A. No.

11 Q. How was your tuition handled while you  
12 were on the scholarship?

13 A. The NSF paid for my tuition.

14 ATTORNEY KILBERT: Union moves 200.

15 HEARING EXAMINER: Any objection?

16 ATTORNEY FARMER: No.

17 HEARING EXAMINER: Admitted.

18 BY ATTORNEY KILBERT:

19 Q. I'm going to distribute what has been  
20 marked Union 201.

21 ---

22 (Whereupon, Union Exhibit 201, Fellowship Letter,  
23 was marked for identification.)

24 ---

25 BY ATTORNEY KILBERT:

1 Q. Could you please identify that document?

2 A. This is an award letter offering me the  
3 Andrew Mellon Predoctoral Fellowship.

4 Q. And what is the Andrew Mellon Predoctoral  
5 Fellowship?

6 A. It is a stipend that's supplied by the  
7 University of Pittsburgh to support me in my final  
8 year of my doctoral program.

9 Q. So it's a University fellowship?

10 A. Yes.

11 Q. Did you apply for this?

12 A. Yes.

13 Q. Why did you apply for it?

14 A. I really enjoy doing independent research  
15 and wanted to continue doing that.

16 ATTORNEY KILBERT: Union moves 201.

17 HEARING EXAMINER: Any objection?

18 ATTORNEY FARMER: No objection.

19 HEARING EXAMINER: It's admitted.

20 BY ATTORNEY KILBERT:

21 Q. And when did this fellowship begin?

22 A. Just about September 2018.

23 Q. And when - when will it end?

24 A. It will end April of 2019.

25 Q. What are you doing during this

1 fellowship?

2 A. Throughout this fellowship I am basically  
3 writing up my dissertation.

4 Q. Are you required to do any work for the  
5 University during this fellowship?

6 A. No.

7 Q. So you're not teaching?

8 A. No.

9 Q. Are you working on research directed by a  
10 faculty member?

11 A. No.

12 Q. Are you required to work some amount of  
13 hours per week?

14 A. No.

15 Q. And how was your tuition handled during  
16 this fellowship?

17 A. Tuition is covered by the University.

18 Q. During this fellowship are you paying for  
19 health insurance or is the University paying?

20 A. I am paying for health insurance.

21 ATTORNEY KILBERT: No further  
22 questions.

23 HEARING EXAMINER: Cross?

24 ATTORNEY FARMER: Give me just one  
25 second.

1                    HEARING EXAMINER: Yes, ma'am.

2                    ---

3                    CROSS EXAMINATION

4                    ---

5                    BY ATTORNEY FARMER:

6                    Q.        Why did you decide to pursue a Ph.D., Ms.  
7 Forrester?

8                    A.        I really wanted the experience of going  
9 through graduate school and conducting independent  
10 research as a Ph.D. student.

11                    Q.        Why did you choose Pitt?

12                    A.        For my advisor.

13                    Q.        Who is that?

14                    A.        Tia-Lynn Ashman.

15                    Q.        Have you worked with Dr. Ashman  
16 throughout your entire program?

17                    A.        Yes.

18                    Q.        What are your career goals?

19                    A.        I want to be a freelance science writer.

20                    Q.        So you said your dissertation - are you  
21 planning on finishing this - this academic year?

22                    A.        Yes.

23                    Q.        Okay.

24                    What's the topic?

25                    A.        I study alfalfa and bacteria.



1 Q. Have you published while you've been at  
2 Pitt?

3 A. Yes.

4 Q. Can you tell us about what kind of topics  
5 you've published on?

6 A. I've published several research articles  
7 for peer reviewed journals, and in addition I've  
8 published numerous articles for various media  
9 outlets about science writing and journalism.

10 Q. On any of those publications in the  
11 journals did you have coauthors?

12 A. Yes.

13 Q. Who were the coauthors?

14 A. My advisor and other research  
15 collaborators.

16 Q. So your advisor was a collaborator with  
17 you on - has that been true throughout your program  
18 at Pitt, or was it only in certain stages where you  
19 were publishing with him?

20 A. It's a her.

21 Q. Sorry.

22 A. That's okay. I think for the projects  
23 that were under her supervision she's a coauthor.  
24 For projects with other individuals where she was  
25 not involved in that project she was not on those

1 papers.

2 Q. So throughout the time that you've been  
3 in the Ph.D. program, has your research been under  
4 the supervision of faculty?

5 A. They provide input and advice. It's been  
6 primarily under my own direction and control.

7 Q. And have you also given conference  
8 presentations while you've been at Pitt?

9 A. Yes.

10 Q. And what kind of topics? Same thing?

11 A. All of my dissertation research.

12 Q. Why have you done that?

13 A. To put my research out there and gain  
14 feedback and network with people.

15 Q. And do you think that's important to help  
16 you get a job?

17 A. For my career goals, not necessarily.

18 Q. Okay.

19 But you feel like it's important for your  
20 professional development anyway?

21 A. If I wanted to pursue a career in  
22 academia, I think it would be beneficial. At this  
23 point in time, given my career goals, I don't think  
24 that it would necessarily be helpful for my career  
25 development. But as a graduate student it's

1 something you do.

2 Q. You weren't required to do it. This was  
3 your choice.

4 Right?

5 A. Correct.

6 Q. So you obviously thought there was some  
7 reason why it benefitted you to do it since you made  
8 the choice to do it?

9 A. Yeah.

10 Q. Okay.

11 So I just want to go through and make  
12 sure I know the sequence. So your first year you  
13 were on a fellowship.

14 Is that right?

15 A. Yes.

16 Q. Are all the students in - the Ph.D.  
17 students in biology on fellowships the first year?

18 A. Yes.

19 Q. And biology is in Arts and Sciences?

20 A. Yes.

21 Q. And then after that your second year  
22 starting in that summer you were a TA.

23 Is that right?

24 A. Yes.

25 Q. And students in biology - Ph.D. students

1 are required to TA.

2 Is that right?

3 A. For one semester.

4 Q. And you did it for a summer and then you  
5 were a TF for two semesters.

6 Is that right?

7 A. Correct.

8 ATTORNEY FARMER: Are we not giving  
9 copies to the court reporter, did you say?

10 HEARING EXAMINER: That's right.

11 ATTORNEY FARMER: Okay.

12 BY ATTORNEY FARMER:

13 Q. I'm showing you what we've marked as  
14 Exhibit 8.

15 ---

16 (Whereupon, Respondent's Exhibit 8, Biology  
17 Program, was marked for identification.)

18 ---

19 BY ATTORNEY FARMER:

20 Q. Have you ever seen this before?

21 A. No.

22 Q. Okay.

23 Can you just take a look at it?

24 Is this - this is from your program at  
25 Pitt.

1 Right?

2 A. Yes.

3 Q. Okay.

4 Is this consistent with your  
5 understanding of how teaching works in the  
6 Department?

7 A. Yes.

8 Q. Okay.

9 While you were teaching those three  
10 semesters, one of which was a summer - there's I  
11 guess three terms. Would that be a way to describe  
12 it?

13 A. Yeah.

14 Q. Okay.

15 During all three of those, you took a  
16 course called Bioscience 2970, which is teaching of  
17 biological sciences.

18 Right?

19 A. No.

20 Q. You did not? Okay.

21 A. I don't remember.

22 ATTORNEY FARMER: Okay. I know it's  
23 been - it's been awhile. I don't have any reason  
24 why - in fact do not want to mark this as an  
25 exhibit, but may I show it to the witness to refresh

1 her recollection?

2 HEARING EXAMINER: You may. That's to  
3 refresh memory on Cross?

4 ATTORNEY FARMER: Yes.

5 HEARING EXAMINER: This is the first  
6 time I've done that.

7 ATTORNEY FARMER: I just don't want  
8 to -

9 HEARING EXAMINER: I understand.

10 ATTORNEY FARMER: - put a student's  
11 transcript into a public record. I just wanted to  
12 show her this.

13 HEARING EXAMINER: Well, he can just  
14 stipulate to this, can't he?

15 ATTORNEY FARMER: I can just show it,  
16 I mean -.

17 HEARING EXAMINER: All right.

18 ATTORNEY FARMER: It was -.

19 HEARING EXAMINER: Here you go.

20 BY ATTORNEY FARMER:

21 Q. So I'm going to show you what I  
22 understand to be a copy of your transcript. You can  
23 look at it and confirm that - we are not going to  
24 put this on the record, but if you can just take a  
25 look at summer 2013, fall and spring of 2014, 2015?

1 Okay.

2 Does that refresh your recollection that  
3 you took that Bio 2970 those three -?

4 A. It's not an actual course.

5 Q. Okay.

6 A. I think it just shows that I was a TA.

7 Q. But you got credit for it.

8 Right?

9 A. I guess so.

10 Q. Okay.

11 No. Your transcript reflects that you  
12 got credit for it. Okay.

13 So I was going to ask that, is there -?

14 HEARING EXAMINER: What was the course  
15 number now?

16 ATTORNEY FARMER: Bio Science 2970.  
17 Teaching of Biological Sciences.

18 HEARING EXAMINER: Okay. Go ahead.

19 BY ATTORNEY FARMER:

20 Q. Was there actual coursework associated  
21 with that, or was that just for being a TA?

22 A. I don't recall any coursework.

23 Q. Okay.

24 A. I'm not entirely sure.

25 Q. The Biology Department also has an

1 optional teaching minor.

2 Is that right?

3 A. Yes.

4 Q. I'm showing you what we're marking as 9.

5 ---

6 (Whereupon, Respondent's Exhibit 9, Biology  
7 Department Webpage, was marked for  
8 identification.)

9 ---

10 BY ATTORNEY FARMER:

11 Q. The webpage from the Biology Department  
12 on the teaching minor. This is something that's  
13 optional for students.

14 Is that right?

15 A. Yes.

16 Q. And you chose not to do it because you're  
17 not particularly interested in teaching.

18 Is that right?

19 A. Yes.

20 Q. During the time - that one year when you  
21 served as a TA, were you also doing research?

22 A. Yes.

23 Q. And that was with your advisor?

24 A. No. That was independent research.

25 Q. Okay.



1                   Was it under the supervision of your  
2 advisor?

3           A.       Again, she was there for mentoring and  
4 assistance when I needed, but it was independently  
5 conducted.

6           Q.       And this was the - this was your second  
7 year in the program.

8                   Is that right?

9           A.       Yes.

10          Q.       Okay.

11                   Where were you physically doing the  
12 research?

13          A.       Part of it was at the Pymatuning  
14 Laboratory of Ecology and part of it was in  
15 Pittsburgh.

16          Q.       Okay.

17                   And is that lab one that's run by your  
18 advisor?

19          A.       No.

20          Q.       Where - can you explain what the lab is?

21          A.       It's a field research station -

22          Q.       Okay.

23          A.       - located about two hours north of here.

24          Q.       Okay.

25          A.       And it's run by Corinne Richards-Zawacki,

1 who is another professor in the Department.

2 Q. So it's a University lab, it just wasn't  
3 your advisor?

4 A. Right.

5 Q. And then you said the other part was in  
6 Pittsburgh. Was that in your advisor's lab?

7 A. Yes.

8 Q. And during that time you were funded on a  
9 TA.

10 Right?

11 A. Yes.

12 Q. During that year, specifically in your  
13 second year.

14 Can you talk about when you were doing  
15 that research in these labs, what kind of research  
16 were you doing? Like physically what were you  
17 doing?

18 A. Physically I was growing plants in the  
19 greenhouse and putting bacteria on them and then  
20 measuring a bunch of things about the plants in the  
21 lab.

22 Q. So that research would require supplies  
23 and equipment.

24 Is that right?

25 A. Yes.

1 Q. Okay.

2 Did you pay for those, or did the  
3 University provide them?

4 A. I applied for funding to cover all of my  
5 research expenses.

6 Q. Okay.

7 Was that through the University or  
8 external?

9 A. External.

10 Q. And there was - after you were a TA for  
11 that year then there was a summer when you were on a  
12 GSR.

13 Is that right?

14 A. Yes.

15 Q. And whose lab were you - were you doing  
16 that in?

17 A. Tia-Lynn Ashman's. My advisor.

18 Q. Your advisor?

19 What were you doing?

20 A. I was helping out with various research  
21 projects that she was working on.

22 Q. And did they relate to plants?

23 A. Plants? Yes. But not my studies -.

24 Q. Not the alfalfa specifically? Okay.

25 Then you went on this NSF fellowship for

1 three years?

2 A. Uh-huh (yes).

3 Q. Okay.

4 And the NSF fellowship, it funds - it  
5 funds your stipend.

6 Right? And your tuition? It doesn't  
7 provide the funding for the supplies and equipment  
8 for the research.

9 Does it?

10 A. No.

11 Q. So it doesn't give you a lab setup or  
12 anything like that?

13 A. No. But again, I applied for funding  
14 independently and acquired all of the funding to  
15 support my entire research supplies and expenses.

16 Q. And this year you're on an internal  
17 fellowship finishing your dissertation. Is all of  
18 the research done?

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

20 Q. You go - in 2018, you published an  
21 article about sort of your experience being a Ph.D.  
22 student.

23 Do you recall that? The title is  
24 Independent But Not Alone.

25 HEARING EXAMINER: You have to say yes

1 or no.

2 THE WITNESS: Yes. I'm sorry.

3 BY ATTORNEY FARMER:

4 Q. That sort of talks about your trials and  
5 tribulations in the program?

6 A. Yes.

7 Q. Is that a fair characterization?

8 A. Yes.

9 Q. I'm showing you 10.

10 ---

11 (Whereupon, Respondent's Exhibit 10, Published  
12 Article, was marked for identification.)

13 ---

14 BY ATTORNEY FARMER:

15 Q. Is that the copy of what you published?

16 A. Yes.

17 ATTORNEY FARMER: I have nothing  
18 further.

19 HEARING EXAMINER: Do you want me to  
20 read this later?

21 ATTORNEY FARMER: It's - it's really  
22 well written and very interesting.

23 HEARING EXAMINER: Yeah.

24 THE WITNESS: Thank you.

25 HEARING EXAMINER: You can do Redirect

1 while I look at this.

2 ATTORNEY KILBERT: If we can have a  
3 few minutes off the record, that would be great.

4 HEARING EXAMINER: Sure. We're off  
5 the record.

6 ---

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

8 ---

9 REDIRECT EXAMINATION

10 ---

11 BY ATTORNEY KILBERT:

12 Q. First off, can we look at R-10? On the  
13 second page there's a reference to a sabbatical in a  
14 collaborating lab.

15 A. Yes.

16 Q. Where was that collaborating lab located?

17 A. University of California Riverside.

18 Q. And so the principal investigator  
19 referenced later in that paragraph, is that a  
20 faculty member at the University of California  
21 Riverside?

22 A. Yes.

23 Q. I'm going to be distributing a document  
24 marked Union Exhibit 202.

25 ---

1 (Whereupon, Union Exhibit 202, Admission Letter,  
2 was marked for identification.)

3 ---

4 BY ATTORNEY KILBERT:

5 Q. So what is this document?

6 A. This is an admission letter to the  
7 Ecology and Evolution Program in the Biology  
8 Department at Pitt.

9 Q. And does it reference the first year  
10 fellowship that you discussed on Cross Examination?

11 A. Yes.

12 ATTORNEY KILBERT: Union moves 202.

13 ATTORNEY FARMER: No objection.

14 HEARING EXAMINER: Admitted.

15 ATTORNEY FARMER: I don't have that  
16 you moved 201. We have no objection, I just -.

17 HEARING EXAMINER: I admitted it,  
18 so -.

19 ATTORNEY FARMER: Okay. Okay.

20 HEARING EXAMINER: They're all  
21 admitted.

22 ATTORNEY FARMER: Okay.

23 BY ATTORNEY KILBERT:

24 Q. And during this fellowship -?

25 ATTORNEY FARMER: Can I just say one

1 thing?

2 HEARING EXAMINER: Yeah.

3 ATTORNEY FARMER: Again, can we redact  
4 the student's home address before it goes into the  
5 record? The letters?

6 HEARING EXAMINER: It's too late.  
7 It's already in the record.

8 ATTORNEY FARMER: All right.

9 HEARING EXAMINER: We have multiple  
10 students' addresses.

11 ATTORNEY FARMER: We've been trying to  
12 avoid it. I mean, we - we want to avoid it at  
13 least.

14 HEARING EXAMINER: Ma'am, do you have  
15 any objection to your address being in the record?

16 THE WITNESS: No objection.

17 HEARING EXAMINER: Thank you.

18 BY ATTORNEY KILBERT:

19 Q. And during this fellowship did you  
20 receive the stipend referenced in the letter?

21 A. Yes.

22 Q. And during the fellowship did you have  
23 the option to enroll in a University sponsored  
24 health insurance plan?

25 A. Yes.



1 Q. Did you ultimately enroll in the  
2 University's health insurance plan during this  
3 period?

4 A. I did not.

5 Q. What did you do for health insurance?

6 A. I stayed on my parents' plan.

7 Q. I'm now going to distribute a copy of  
8 documents marked Union 203, Union 204, and Union  
9 205.

10 ---

11 (Whereupon, Union Exhibit 203, E-mails, was  
12 marked for identification.)

13 (Whereupon, Union Exhibit 204, E-mails, was  
14 marked for identification.)

15 (Whereupon, Union Exhibit 205, E-mails, was  
16 marked for identification.)

17 ---

18 BY ATTORNEY KILBERT:

19 Q. How are TA courses assigned in your  
20 department?

21 A. Each semester you request to be a TA if  
22 that is what you need to do. And then you submit  
23 course preferences and then they assign you a class.

24 Q. And who is Valerie Oak?

25 A. She coordinated all of the graduate

1 student TAs.

2 Q. So if you look at Union Exhibit 203, what  
3 are those documents?

4 HEARING EXAMINER: 203. We should  
5 probably - she has it as an e-mail-.

6 ATTORNEY FARMER: Yeah.

7 HEARING EXAMINER: I don't want 203.  
8 I don't want it in that form.

9 ATTORNEY KILBERT: These are all -

10 ATTORNEY FARMER: Graduate students'.

11 ATTORNEY KILBERT: - graduate student  
12 e-mails -.

13 ATTORNEY FARMER: Who are not signing  
14 FERPA waivers.

15 ATTORNEY KILBERT: If you looked up  
16 their information in the Pitt Graduate Student  
17 directory -.

18 HEARING EXAMINER: I don't want it in  
19 this form. You can give me this as an exhibit, but  
20 not in this form.

21 ATTORNEY KILBERT: Okay. Can you  
22 suggest a form? I can redact it.

23 HEARING EXAMINER: Yeah. Just redact  
24 this one and the one you have up there. Because  
25 that --- that's the one I'm going to ask for -. If

1 we can just get a magic marker and cross -.

2 ---

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

4 ---

5 BY ATTORNEY KILBERT:

6 Q. So could you identify this  
7 correspondence?

8 A. This is a e-mail from Valerie Oak, who  
9 coordinates TA positions in the Department of  
10 Biology. And it is asking for our preferences for  
11 the fall 2014 term.

12 Q. And what is the third page of this  
13 document?

14 A. The third page is a list of my  
15 preferences for classes I'd like to TA.

16 Q. And what were your preferences for this  
17 particular TA?

18 A. My first preference was Ecology Lab,  
19 followed by Genetics, and then last Vertebrate  
20 Morphology.

21 Q. And was that in any particular order?

22 A. Yes. Ecology Lab was my first  
23 preference, and then genetics was my second, and  
24 Vert Morph was my third.

25 Q. So which course of those did you believe

1 would be the most helpful to your education as a  
2 Ph.D. candidate?

3 A. Ecology lab.

4 Q. Can you refer to Union Exhibit 204?

5 A. Yes.

6 Q. Does that reflect what you were assigned?

7 A. Yes.

8 ATTORNEY FARMER: This says fall 2015.  
9 She testified that the preferences were for fall  
10 2014.

11 HEARING EXAMINER: So - so you're  
12 asking for a clarification?

13 ATTORNEY FARMER: Can I get a  
14 clarification, please? The years don't match.

15 HEARING EXAMINER: Hold on one second.  
16 Go ahead.

17 THE WITNESS: I think she wrote the  
18 incorrect year on the e-mail.

19 HEARING EXAMINER: Okay.

20 THE WITNESS: Because it says respond  
21 by June 11th, 2014, which would be for the following  
22 semester.

23 HEARING EXAMINER: Okay.

24 BY ATTORNEY KILBERT:

25 Q. So where does - the two -?

1                    ATTORNEY FARMER: I'm sorry. Can we  
2 just get a clarification - are you saying that the  
3 e-mail saying fall of 2014 preferences is wrong?

4                    ATTORNEY KILBERT: I wonder if I might  
5 be able to conduct an investigation here that  
6 would -.

7                    HEARING EXAMINER: Yeah. Go ahead,  
8 Counsel.

9 BY ATTORNEY KILBERT:

10                  Q.        So, document 203. Does that reflect that  
11 it was sent in June of 2014?

12                  A.        Yes.

13                  Q.        And so what semester was it talking  
14 about?

15                  A.        The following fall semester.

16                  Q.        That is fall 2014?

17                  A.        2014.

18                  Q.        Okay.

19                                  So Union Exhibit 204. What is the date  
20 of that exhibit?

21                  A.        June 30th, 2014.

22                  Q.        And what was it talking - what fall  
23 semester was it talking about?

24                  A.        Presumably fall 2014.

25                  Q.        So is there an inconsistency between

1 these documents?

2 A. No.

3 Q. Okay.

4 So what were you ultimately assigned for  
5 fall of 2014?

6 A. Vertebrate Morphology.

7 Q. And what were your duties as a TA for the  
8 Vertebrate Morphology laboratory?

9 A. I ran independent lab sections with  
10 students and helped them dissect cats and sharks.

11 Q. Was there a faculty member -?

12 HEARING EXAMINER: Were the cats and  
13 sharks dead or alive?

14 THE WITNESS: Dead thankfully.

15 HEARING EXAMINER: That's good. Go  
16 ahead.

17 BY ATTORNEY KILBERT:

18 Q. Was there a faculty member teaching the  
19 course?

20 A. Yes.

21 Q. And what were the faculty member's duties  
22 in terms of teaching that course?

23 A. He gave all of the lecture portion of the  
24 course. So design all the content, wrote exams, and  
25 had plans for each lab that we had to run.

1 Q. And so what did you do?

2 A. I ran each lab section. So I helped the  
3 students where they needed. I created all of the  
4 exams. I wrote the exams for the lab portion of the  
5 class and graded all of the exams for the lab  
6 portion and all of their assignments for the lab.

7 Q. And who takes Vertebrate Morphology? Is  
8 it an undergraduate or a graduate course?

9 A. Undergraduate.

10 Q. And is it for biology majors, non-majors?

11 A. Biology majors.

12 Q. And do you know how many majors there are  
13 in the Biology Department?

14 A. I don't know the exact number, but I  
15 think there were around 500 students that graduated  
16 last year with a degree in Biology.

17 Q. And how many students were in the  
18 Vertebrate Morphology laboratory?

19 A. Each lab section had about 20 to 30  
20 students.

21 Q. And how many lab sections were you  
22 responsible for?

23 A. I think two.

24 Q. All right.

25 And how many classes - how many students

1 were in the class in total? In Dr. Bledsoe's class?

2 A. At least 100 and maybe closer to 150.

3 Q. And I believe you testified on Direct  
4 that you taught during other time periods?

5 A. Yes.

6 Q. Were your duties when you were a TA in  
7 those other time periods different or similar?

8 A. For those other courses I was primarily  
9 running recitation sections, but similar grading  
10 obligations.

11 Q. And when you were running those  
12 recitation sections what - how many recitation  
13 sections would you have -

14 A. Three.

15 Q. - in a given semester?

16 A. Three sections.

17 Q. And how many students in each recitation  
18 section?

19 A. About 30.

20 Q. So on average when you were a TA, how  
21 much time would you say you were spending on your TA  
22 duties?

23 A. About 20 hours a week.

24 Q. All right.

25 I wonder if you could turn to Union 205



1 and identify that document for us.

2 A. This is an appointment letter from the  
3 University of Pittsburgh for a TA position in the  
4 fall of 2014.

5 Q. And is that the course that we were just  
6 discussing, Vertebrate Morphology?

7 A. Yes.

8 Q. And did you receive the compensation  
9 outlined in this letter?

10 A. Yes.

11 Q. So were you eligible for health insurance  
12 paid for by the University for fall of 2014?

13 A. Yes.

14 Q. For the other periods of time when you  
15 were a TA, was your compensation and benefit package  
16 similar to what you received for fall of 2014?

17 A. Yes.

18 Q. Did you receive a W-2 from the University  
19 reflecting income received as a TA?

20 A. Yes.

21 Q. Were taxes deducted from your paycheck?

22 A. Yes.

23 ATTORNEY KILBERT: I think that's it.

24 HEARING EXAMINER: Cross?

25 ATTORNEY FARMER: Yes. Thank you.

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RECROSS EXAMINATION

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BY ATTORNEY FARMER:

Q. Spring 2015, that was the other semester that you TA'ed.

Is that right?

A. Yes.

Q. What did you TA for?

A. Evolution.

Q. And that was the course that you had expressed a preference for?

A. Yes.

Q. Just one follow-up question on the testimony that you had given previously about getting external grant funding for your supplies and equipment during your time in your program.

Where did you get - what grant did you get for that? Or where was it funded through?

A. There were quite a few. Society for the Study of Evolution, Sigma Xi, Botanical Society of America, the American Philosophical Society, American Society of Naturalists.

Q. Okay.

A. And various other sources.

1 Q. In response to a question from counsel  
2 you said that you took a sabbatical during your  
3 time?

4 A. I just called it a sabbatical. That was  
5 words that were introduced by the editor of that  
6 piece.

7 Q. So did you take a leave of absence from  
8 being a full time graduate student at Pitt at any  
9 point?

10 A. No.

11 Q. So you were still enrolled as a full time  
12 graduate student here?

13 A. Yes. Then I spent conducting research at  
14 another lab.

15 Q. When was that?

16 A. That was, I believe, in fall of 2015.

17 Q. So the first semester of your NSF?

18 A. Yes.

19 Q. And during that time you were enrolled in  
20 - as a full time student at Pitt?

21 A. Yes.

22 ATTORNEY FARMER: Nothing further.

23 HEARING EXAMINER: Re-Redirect?

24 ATTORNEY KILBERT: Union wishes to  
25 move 203, 204, and 205.

1                   HEARING EXAMINER: Any objection?

2                   ATTORNEY FARMER: No.

3                   HEARING EXAMINER: And then any  
4 objection to Respondent's 7 through 9?

5                   ATTORNEY FARMER: 7 through 10.

6                   HEARING EXAMINER: What was 10?

7                   ATTORNEY FARMER: 10 was the article.

8                   HEARING EXAMINER: All right.

9                   ATTORNEY KILBERT: Probably already  
10 had 7, but no objections to any of them in any case.

11                   HEARING EXAMINER: So we're admitting  
12 Respondent's 7 through 10 and Petitioner -

13                   ATTORNEY FARMER: Through 205.

14                   HEARING EXAMINER: - 203 through 205.

15                   ATTORNEY KILBERT: And I have no  
16 questions.

17                   HEARING EXAMINER: Okay, ma'am. Thank  
18 you very much for testifying.

19                   THE WITNESS: Thank you.

20                   HEARING EXAMINER: Next.

21   ---

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

23   ---

24   ---

25   KIMBERLY GARRETT,

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

4

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5 HEARING EXAMINER: Spell your name for  
6 us.

7

THE WITNESS: K-I-M-B-E-R-L-Y.

8

HEARING EXAMINER: Okay. Go ahead.

9

ATTORNEY FARMER: Can we just have one  
10 second?

11

HEARING EXAMINER: Yeah.

12

---

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

14

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15

DIRECT EXAMINATION

16

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17 BY ATTORNEY KILBERT:

18

Q. So, Ms. Garrett.

19

HEARING EXAMINER: What did you call  
20 her? She said -?

21

THE WITNESS: No. My full name is  
22 Kimberly.

23

HEARING EXAMINER: Okay.

24

THE WITNESS: Would you like my last  
25 name?

1                   HEARING EXAMINER: Yes, ma'am.

2                   THE WITNESS: G-A-R-R-E-T-T.

3                   HEARING EXAMINER: There we go.

4                   BY ATTORNEY KILBERT:

5                   Q.       Ms. Garrett, is it all right if I call  
6 you Kim?

7                   A.       Yes.

8                   Q.       What is your affiliation with the  
9 University of Pittsburgh?

10                  A.       I am a doctoral student and a graduate  
11 student researcher in the School of Public Health in  
12 the Department of Environmental and Occupational  
13 Health.

14                  Q.       And when did you begin as a Ph.D.  
15 student?

16                  A.       The end of August of this year.

17                  Q.       And when did you begin as a GSR?

18                  A.       The same time.

19                  Q.       So I am going to be distributing a -  
20 well, actually I'm not. Sorry.

21                               Prior to enrolling in your Ph.D. program,  
22 did you receive a Master's in Public Health?

23                  A.       Yes.

24                  Q.       And when was that?

25                  A.       That was in the spring of 2017.

1 Q. So if I understand you correctly that was  
2 a gap of a little over a year in between receiving  
3 your MPH and enrolling in your Ph.D. program?

4 A. Yes.

5 Q. So during this gap where were you  
6 employed?

7 A. I was employed in the Peterson Pearce Lab  
8 in the School of Public Health Department of  
9 Environmental and Occupational Health.

10 Q. At the University of Pittsburgh?

11 A. Yes.

12 Q. So during this time were you a student of  
13 the University in any way?

14 A. No.

15 Q. You weren't paying tuition?

16 A. No.

17 Q. You weren't enrolled in classes?

18 A. No.

19 Q. So tell us a little bit about this lab.  
20 What does it research?

21 A. It's mainly an environmental toxicology  
22 lab where we research environmental toxins,  
23 specifically mitochondrial toxins.

24 Q. And during this period what were your  
25 duties?

1                    ATTORNEY FARMER:  Objection.  Why are  
2 we hearing about the duties of somebody when they  
3 were not a student?

4                    ATTORNEY KILBERT:  Well, we think that  
5 it is going to be probative as to whether this  
6 person's GSR appointment is in fact work performed  
7 for the University.

8                    HEARING EXAMINER:  Overruled.  Go  
9 ahead.

10 BY ATTORNEY KILBERT:

11                    Q.        So, you can answer.  What were your  
12 duties?

13                    A.        Okay.

14                    I was conducting experiments, designing  
15 experiments, working on a few different grants, and  
16 operating lab machinery.

17                    Q.        And how were you compensated during this  
18 period when you were not a student?

19                    A.        Financially I had a month - a monthly  
20 stipend.

21                    Q.        And did you receive health insurance  
22 benefits through the University -

23                    A.        No.

24                    Q.        - while you were working in the lab  
25 during this period?



1 A. No.

2 Q. And now that you're a student, are you  
3 still working at this lab?

4 A. Yes.

5 Q. At this point I'll distribute Union 206.

6 ---

7 (Whereupon, Union Exhibit 206, GSR Appointment,  
8 was marked for identification.)

9 ---

10 BY ATTORNEY KILBERT:

11 Q. So, Kim, could you identify this document  
12 for us?

13 A. Yes. It is my GSR appointment.

14 Q. And I take it you accepted the  
15 appointment.

16 Correct?

17 A. Yes.

18 Q. And now that you are a GSR, have your  
19 duties changed, generally speaking?

20 A. No.

21 Q. So what are you doing now?

22 A. I continue on the same projects. I  
23 operate lab machinery, conduct experiments, and help  
24 write papers for the lab.

25 Q. And how are you being compensated?

1 A. I get a monthly stipend.

2 Q. And do you pay tuition?

3 A. No.

4 Q. Do you receive health insurance through  
5 the University?

6 A. Yes.

7 Q. Do you pay for that insurance?

8 A. No.

9 Q. Are taxes taken out of your paycheck?

10 A. Yes.

11 Q. And how much time a week do you spend  
12 working as a GSR?

13 A. About 20 hours.

14 Q. Are you receiving academic credit towards  
15 your degree for your work in the lab?

16 A. No.

17 ATTORNEY KILBERT: Union moves 206.

18 ATTORNEY FARMER: No objection.

19 HEARING EXAMINER: Admitted.

20 ATTORNEY KILBERT: No further

21 questions.

22 HEARING EXAMINER: Cross.

23 ATTORNEY FARMER: Yeah.

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25 CROSS EXAMINATION

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BY ATTORNEY FARMER:

Q. Ms. Garrett, you've been in the Ph.D. program for approximately six weeks.

Is that right?

A. Yes.

Q. I'm sorry. I just didn't hear you?

A. Yes.

Q. Thank you.

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

A. I am really passionate about the work that I do, and I want to continue to do research on a higher level.

Q. And do you want to do research in the areas that are in this lab that you're doing your GSR in?

A. Yes.

Q. Is that why you chose to go into that lab?

A. Yes.

Q. Okay.

And when you applied to the Ph.D. program did you identify faculty members that you wanted to work with?

A. Yes.

1 Q. And was that the person whose lab that  
2 you're in?

3 A. Yes.

4 Q. What are your research interests like in  
5 a broad sense? Can you explain it?

6 A. Environmental toxicology in particular.  
7 More of the chemistry side rather than the biology  
8 side. I'm very interested in poisons, as can be  
9 assumed from toxicology. And I'm also very  
10 interested in environmental safety and regulation.

11 Q. And is that the research that's done in  
12 the lab that you're in?

13 A. The first part. The environmental  
14 toxicology. Yes.

15 Q. Okay.

16 I'm going to show you - I'm showing you  
17 what will be marked as 11.

18 ---

19 (Whereupon, Respondent's Exhibit 11, School of  
20 Public Health Doctoral Degree Programs List, was  
21 marked for identification.)

22 ---

23 BY ATTORNEY FARMER:

24 Q. This is a list of the doctoral degree  
25 programs in the School of Public Health. Your

1 program, is that the third one down?

2 A. Yes.

3 Q. Okay.

4 Can you just take a look at the  
5 description and tell me if you think it summarizes  
6 the Ph.D. program that you've now enrolled in?

7 A. Yes. In my brief experience of it so  
8 far.

9 Q. And when you were in the Master's of  
10 Public Health Program, that was the same - in the  
11 same department.

12 Is that right?

13 A. Yes.

14 Q. Okay.

15 When you were getting your Master's of  
16 Public Health, were you receiving funding from the  
17 University?

18 A. No.

19 Q. So you paid tuition?

20 A. Yes.

21 Q. Did you buy health insurance?

22 A. No.

23 Q. When you were working as - I'm sorry.  
24 Did you call it a technician, with - when you were -  
25 the year that you took off in between. What was the

1 title?

2 A. Well, that was a position called  
3 predoctoral fellow.

4 Q. Okay.

5 And at that time could you have purchased  
6 health insurance?

7 A. Not to my knowledge.

8 Q. Okay.

9 Were - and was that full time or part  
10 time?

11 A. Full time.

12 ATTORNEY FARMER: I have no further  
13 questions.

14 HEARING EXAMINER: Redirect?

15 ATTORNEY KILBERT: I think we're done.

16 HEARING EXAMINER: Anything else, Ms.  
17 Farmer?

18 ATTORNEY FARMER: For this witness?

19 HEARING EXAMINER: Yeah.

20 ATTORNEY FARMER: No.

21 HEARING EXAMINER: Step down, ma'am.

22 Thank you very much for your testimony.

23 ATTORNEY FARMER: Can I admit Number  
24 11, please?

25 HEARING EXAMINER: Any objection?

1                    ATTORNEY KILBERT: No objection.

2                    HEARING EXAMINER: It's admitted.

3 Next witness?

4                    ATTORNEY MANZOLILLO: Can we take a  
5 two minutes break?

6                    HEARING EXAMINER: We may. Off the  
7 record.

8                    ---

9                    (WHEREUPON, A SHORT BREAK WAS TAKEN.)

10                   ---

11                   ---

12                   C. ELIZABETH SHAABAN,  
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: I go by the name C.  
20 Elizabeth Shaaban. So C, period.  
21 E-L-I-Z-A-B-E-T-H. And then the last name is  
22 S-H-A-A-B-A-N.

23                   HEARING EXAMINER: Thank you for  
24 letting me know when your last name started.

25                   THE WITNESS: It's confusing. It

1 causes problems.

2 ---

3 DIRECT EXAMINATION

4 ---

5 BY ATTORNEY MANZOLILLO:

6 Q. And can I call you Beth?

7 A. Yes. Please.

8 Q. Beth, are you a graduate student at the  
9 University of Pittsburgh?

10 A. I graduated from the Ph.D. program in  
11 epidemiology at the Public Health School at the end  
12 of April 2018.

13 Q. Congratulations.

14 A. Thank you.

15 Q. And what was the program?

16 A. So, epidemiology, and I had a - I had a  
17 focus in neuroepidemiology and population  
18 neuroscience.

19 Q. And what school is that in again?

20 A. The Public Health School.

21 Q. And when did you start in that program?

22 A. In the fall of 2013.

23 Q. And you said you recently completely a  
24 dissertation. What was the topic?

25 A. Yeah. The topic has to do with



1 cerebrovascular health and whether by promoting  
2 cerebrovascular health in older adults we can  
3 prevent cognitive disorders.

4 Q. And in your school and program, are there  
5 any undergraduate students?

6 A. There are not.

7 Q. So it's entirely graduate students?

8 A. Yes.

9 Q. And what did you do before entering your  
10 Ph.D. program?

11 A. I was staff for the University of  
12 Pittsburgh at an Alzheimer's disease research  
13 center.

14 Q. Okay.

15 And what - what were your basic duties  
16 there?

17 A. I administered cognitive assessments to  
18 participants, research participants that were coming  
19 in. Over the years, as I got more job  
20 responsibilities, I was then involved in hiring  
21 decisions, training other testers how to administer  
22 these assessments in a reliable fashion, and I also  
23 coordinated clinical trials.

24 Q. And did you have to be a graduate student  
25 to attend that position?

1 A. No.

2 Q. What were the - was that a full time  
3 position?

4 A. It was, yes.

5 Q. How many hours a week is that?

6 A. 37.5 is Pitt staff.

7 Q. And around the time you left what was  
8 your salary?

9 A. Around \$45,000.

10 Q. Health insurance provided?

11 A. Yes.

12 Q. Retirement?

13 A. Yes.

14 Q. Did you attend classes in the school  
15 while you were in this position at all?

16 A. Yes. Eventually. After a couple of  
17 years in that position I decided to get a Master's  
18 of Public Health, which I obtained also at the Pitt  
19 Public Health School. And I did that part time  
20 while I continued working full time in my staff  
21 position.

22 Q. Did you get any assistance with tuition  
23 from the University?

24 A. I did. The University covered 90 percent  
25 of up to six credits of graduate credits per

1 semester.

2 Q. So did you leave that job immediately  
3 before you went into the program? The Ph.D.  
4 program?

5 A. Oh, the Ph.D. program? Yes. I left that  
6 - that job.

7 Q. Okay.

8 And that was - so you - you had your  
9 Master's -?

10 A. Correct.

11 Q. Okay.

12 Can you give a - kind of a - sort of a  
13 short overview of what the program requirements were  
14 in epidemiology?

15 A. Sure.

16 ATTORNEY FARMER: Just for  
17 clarification, are you asking about the MPH or the  
18 Ph.D.?

19 ATTORNEY MANZOLILLO: The Ph.D. at  
20 that point. Her program.

21 ATTORNEY FARMER: Thank you.

22 ATTORNEY MANZOLILLO: Her program.

23 THE WITNESS: The - in the Ph.D. in  
24 epidemiology there are courses that are school wide  
25 courses that are required and then department

1 specific courses in epidemiology and biostatistics  
2 and then some courses in content specific areas  
3 like, for example, cardiovascular epidemiology or  
4 neuroepidemiology. There is some ethics training  
5 and then of course all the milestones that are  
6 involved in a Ph.D. program, so preliminary exams  
7 and then everything up to and including the  
8 dissertation.

9 BY ATTORNEY MANZOLILLO:

10 Q. Okay.

11 I'm handing you some documents. Can you  
12 tell us what this - this is, marked as Union Exhibit  
13 207?

14 ---

15 (Whereupon, Union Exhibit 207, School Handbook,  
16 was marked for identification.)

17 ---

18 THE WITNESS: Sure. This is the  
19 school wide academic handbook. And so that includes  
20 information about courses and credit requirements,  
21 grading and academic standing, and so forth.

22 BY ATTORNEY MANZOLILLO:

23 Q. This is marked as Exhibit 208.

24 ---

25 (Whereupon, Union Exhibit 208, Department of



1 order in which you might take them. It wasn't  
2 required to take them this way, but it's one option.

3 Q. Is this what the program provides for  
4 graduate students to help them model their -

5 A. Yes.

6 Q. - their progression?

7 A. Yes.

8 Q. And Exhibit 210.

9

---

10 (Whereupon, Union Exhibit 210, Pitt Public Health  
11 Requirements, was marked for identification.)

12

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13 BY ATTORNEY MAZZOLILLO:

14 Q. And how about this document?

15 A. Okay.

16 And then this is now the - the list of  
17 required courses and other training requirements.  
18 So the top block that says Pitt Public Health  
19 Requirements is school wide courses that are  
20 required. Then the next block is Department of  
21 Epidemiology Requirements, so department specific  
22 requirements. And then the bottom block has to do  
23 with electives that may be taken.

24 Q. I see there's a course you referenced  
25 earlier called - it looks like Academic 2215 called

1 Teaching Practicum?

2 A. Yes.

3 Q. And did you take this course?

4 A. I did, yes. This is a course for two  
5 credits that we are required to take as part of the  
6 Ph.D. program in which we function in the role of a  
7 teaching assistant for a course.

8 Q. And were you compensated at all for those  
9 positions?

10 A. No.

11 Q. And so this would be entirely graduate  
12 students in this class?

13 A. Yes. Because our school does not have  
14 any undergraduates, when I - the course I TA'ed in  
15 had only graduate students.

16 Q. And about how many hours a week did this  
17 course take for you to - you know, in terms of your  
18 time.

19 A. Okay.

20 I would say about four to five hours on a  
21 usual week in which I was just attending the course  
22 and being available for student questions, for  
23 example, and then -.

24 Q. Let me stop you there for a second.

25 A. Sure.

1 Q. Did you hold office hours for the class?

2 A. I did electronic office hours,  
3 essentially. So I told the students they could  
4 schedule with me via e-mail. And so I did that. It  
5 wasn't a consistent, weekly office hour.

6 Q. How about other -?

7 A. Yeah. So the other - on a - on a longer  
8 week where there were more requirements, I mean, for  
9 example on a week that I might have been presenting  
10 in the class or on a week in which I had to grade  
11 something I might have bumped it up to more like 10  
12 to 15 hours a week. But the usual was four to five.

13 Q. And did you present to other - did you  
14 ever present how many?

15 A. I did. There's a requirement that we  
16 present, I believe, one hour in front of the class.  
17 And I - I presented basically during two class  
18 meetings.

19 Q. So this was part of your college fellow  
20 grade students?

21 A. Yes.

22 Q. And this is just a one time one semester  
23 requirement?

24 A. Yes. The only thing that's required is  
25 to do it once. Yes.



1 Q. And I forget if you said earlier. Do you  
2 receive a grade for this class?

3 A. Yes. It was graded on the basis of  
4 basically satisfactory, unsatisfactory.

5 Q. And you received two credits?

6 A. Correct.

7 Q. I've given you a number of documents -  
8 other documents. Anywhere in those documents, to  
9 your knowledge, does the program require a graduate  
10 student to be in a funded TA or TF position, or to  
11 be a GSR or a GSA?

12 A. No. All of the requirements are listed  
13 on this sheet here that details the school and  
14 department specific requirements. Even - even non-  
15 course related requirements. And so that's not  
16 listed. It's not a requirement.

17 HEARING EXAMINER: What number are you  
18 looking at, ma'am?

19 THE WITNESS: Sorry. 210.

20 HEARING EXAMINER: Thank you.

21 BY ATTORNEY MANZOLILLO:

22 Q. And could you go through the complete  
23 program being funded entirely through fellowship or  
24 funded through your own resources?

25 A. Yes. Absolutely.

1 Q. Now are there any TAs or TFs in the  
2 department?

3 A. Yes. My understanding is that there are  
4 one to two TFs at a time.

5 Q. And what are the differences between  
6 their work and the work you did in your practicum?

7 A. So basically what I did as part of that  
8 teaching practicum, they would have four to five  
9 times the amount of work. So they would be covering  
10 multiple classes.

11 Q. Okay.

12 And were you funded your first year in  
13 the program?

14 A. I was. I was funded by a graduate  
15 student research position.

16 Q. Okay.

17 I'm going to talk to you a little more  
18 about that in a minute. Another document for the  
19 record. Union's Exhibit 211.

20 ---

21 (Whereupon, Union Exhibit 211, Pitt Public Health  
22 School TA and GSR Policy, was marked for  
23 identification.)

24 ---

25 THE WITNESS: Thank you.

1 BY ATTORNEY MANZOLILLO:

2 Q. And can you tell us what that is?

3 A. This is the Pitt Public Health School TA  
4 and GSR Policy that details the length of  
5 appointments and the weekly work requirements,  
6 enrollment requirements in courses, and so on.

7 Q. And back to your appointment as a GSR.  
8 Was the - tell us a little bit about the research  
9 project you were working on.

10 A. Sure. I was working on a research study  
11 that was headed by my advisor who was the principal  
12 investigator of the study. And it was a study that  
13 dealt with brain and cognitive health - health of  
14 adults with sickle cell disease. And it was her  
15 particular research study.

16 So on - on that, what I did was that I  
17 went over to the adult sickle cell clinic over at  
18 Hillman Cancer Center and I interfaced with the  
19 doctors over there to assess whether any of their  
20 patients might be willing to participate in the  
21 study. Then I would enroll them in the study,  
22 consent them, and carry out cognitive assessments of  
23 the type that I mentioned earlier, having done in my  
24 prior job, as well as some other additional  
25 assessments.

1 Q. So was this assignment or the work you  
2 were doing directly related to your dissertation  
3 topic or your research?

4 A. It was not.

5 Q. Okay.

6 And why did you take this position?

7 A. I knew that I had the skillset that was  
8 required based on my prior on the job training  
9 essentially, and - as a staffer. And I needed a way  
10 to fund my schooling.

11 Q. So if you hadn't taken this position  
12 would you have had to pay your own tuition?

13 A. Yes.

14 Q. If I understood earlier you're saying  
15 this is what you usually do?

16 A. Yes. It was a skillset with the  
17 cognitive assessments and coordinating a study that  
18 I knew that I had.

19 Q. Another Exhibit here. Union Exhibit 212.

20

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21 (Whereupon, Union Exhibit 212, GSR Appointment  
22 Letter, was marked for identification.)

23

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24 HEARING EXAMINER: 9.5 by 13.

25 ATTORNEY MANZOLILLO: Couldn't figure

1 out how to print it otherwise.

2 BY ATTORNEY MANZOLILLO:

3 Q. Can you tell us what this is?

4 A. Sure. This is my GSR Appointment Letter  
5 for the summer term of 2014. And it indicates who  
6 the principal investigator I'll be working for is  
7 and indicates that I will need to work 20 hours a  
8 week. Indicates that the holidays I'll have off and  
9 what my pay will be.

10 Q. Is that salary - so this letter says it's  
11 for the summer term. And how long did you hold this  
12 appointment?

13 A. This appointment covered under this  
14 letter is just for the summer, but overall, I had a  
15 graduate student research position from my entry  
16 into the program in the fall of 2013 through the end  
17 of November 2014.

18 Q. And did you receive similar appointment  
19 letters -

20 A. Yes.

21 Q. - to this -?

22 A. I did.

23 Q. And the stipend or the salary that's  
24 listed there is \$1,705 a month.

25 Is that the salary you received?

1           A.       Yes.  It would - this would have been the  
2 same in fall of 2013, spring of 2014, summer of  
3 2014, and then it would have changed for fall of  
4 2014.  Each year they sort of give a small increase.

5           Q.       Okay.

6                    And did you receive health insurance for  
7 this position?

8           A.       I did.

9           Q.       Is that provided by the University?

10          A.       Yes.

11          Q.       And a tuition waiver?

12          A.       That's correct.  I did receive a tuition  
13 waiver.

14                    ATTORNEY MANZOLILLO:  I move to admit  
15 Union's exhibits.  And the first one was 207 through  
16 212.

17                    ATTORNEY FARMER:  No objection.

18                    HEARING EXAMINER:  207 to 212 are  
19 admitted.

20 BY ATTORNEY MANZOLILLO:

21           Q.       So in this position - in this GSR  
22 position, were you evaluated on your performance?

23           A.       Yes, I was.  At the end of each  
24 appointment period there was an evaluation.

25           Q.       I'm giving you a couple documents.  Union

1 Exhibit 213.

2

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3 (Whereupon, Union Exhibit 213, Graduate Student  
4 Research Objectives, was marked for  
5 identification.)

6

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7 BY ATTORNEY MANZOLILLO:

8 Q. Sticking with the theme of the amount of  
9 paper.

10 Can you tell us what this is?

11 A. This is the Graduate Student Research  
12 Objectives form for my first appointment as a GSR.  
13 So fall of 2013 through spring of 2014. And this  
14 basically details what my job responsibilities will  
15 be. So this would be reflective of a conversation  
16 in which I sat down with my principal investigator  
17 who also happened to be my advisor and discuss what  
18 skillset I had and what work she needed to have done  
19 and find those places that match and then write down  
20 what my job requirements would be.

21 Q. So these were ultimately your job duties?

22 A. Yes.

23 Q. And Exhibit 214.

24

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25 (Whereupon, Union Exhibit 214, Graduate Student





1                    HEARING EXAMINER: It should be the  
2 one closest to you.

3                    THE WITNESS: Okay. Thank you.

4 BY ATTORNEY MANZOLILLO:

5            Q.        And turn to Exhibit 3.

6            A.        Okay.

7            Q.        And can you turn to page five of 876?

8            A.        Okay.

9            Q.        Okay.

10          A.        So this -?

11          Q.        Let me just ask. Is this consistent with  
12 your understanding of the termination procedures?

13          A.        Yes. So this details the way in which an  
14 early termination would happen and the appeals  
15 procedure that is available.

16                    ATTORNEY MANZOLILLO: I move for  
17 admission of Union Exhibit 213 and 214.

18                    ATTORNEY FARMER: No objection.

19                    HEARING EXAMINER: Admitted.

20 BY ATTORNEY MANZOLILLO:

21            Q.        Did you receive any academic credit or  
22 grade for this position?

23            A.        No.

24            Q.        Did you receive any W-2s for this  
25 position?

1 A. I did receive a W-2.

2 Q. And did the University deduct taxes?

3 A. They did.

4 Q. All right.

5 Were you ever funded through an NIH  
6 Training Grant?

7 A. Yes. So I mentioned that my - I had a  
8 GSR position through the end of November 2014.  
9 Following that, beginning in December of 2014, I was  
10 funded by what's known as an institutional training  
11 grant for the next two years of my program, so years  
12 two and three of my program.

13 Q. Union Exhibit 215.

14 ---

15 (Whereupon, Union Exhibit 215, NIH Grants Policy,  
16 was marked for identification.)

17 ---

18 HEARING EXAMINER: Is there a summary  
19 of this exhibit -?

20 ATTORNEY MANZOLILLO: I do. It has  
21 some excerpts, but I'm going to put this in for  
22 reference.

23 BY ATTORNEY MANZOLILLO:

24 Q. Can you tell us what this is?

25 A. Yeah. This is some light reading

1 involving the NIH Grants Policy. So this is  
2 something that - you can find on their website that  
3 basically when you're applying for a grant or  
4 receive a grant this will tell you everything you  
5 need to know about the policies.

6 Q. Union Exhibit 216.

7

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8 (Whereupon, Union Exhibit 216, NIH Grants Policy  
9 Excerpt, was marked for identification.)

10

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11 BY ATTORNEY MANZOLILLO:

12 Q. And can you tell us what this is?

13 A. Yes. This is an excerpt from this NIH  
14 Grants Policy. And this particular excerpt deals  
15 with institutional training grants of the type that  
16 I got. The particular kind that I was funded on for  
17 my second and third academic years was known as a  
18 T32.

19 Q. So and if you look down at the section  
20 11.3 1.1 General at the bottom of the first page.  
21 That's a T32 listed there?

22 A. It is, yes.

23 Q. That's that grant.

24 Right?

25 A. Yes, that's correct.

1 Q. And if you could turn in this excerpt, to  
2 section 11.3.10.6. So on 2D 68.

3 A. Okay.

4 Q. And read through section 11.3.10.6 and  
5 11.3.10.7. And while you were on this grant, did  
6 you consider yourself an employee of the NIH or the  
7 University of Pittsburgh?

8 A. I did not.

9 Q. And why not?

10 A. If you look at the section entitled Tax  
11 Ability of Stipends, the third paragraph, the third  
12 sentence says in addition trainees supported under  
13 Kirschstein NRSA institutional research training  
14 grants are not considered to be in an employee  
15 employer relationship with NIH or the recipient  
16 organization solely as a result of the Kirschstein  
17 NRSA support. And so what that means here is just  
18 because I'm getting this training grant money that  
19 has come from NIH through a principal investigator  
20 at the University of Pittsburgh that does not make  
21 me an employee of NIH or of the University.

22 Q. And did the University give you a W-2  
23 form?

24 A. They did not. I received a 1099.

25 Q. Did the University deduct taxes?

1           A.       No.

2                    ATTORNEY MANZOLILLO:   I'm going to  
3 move for admission of Union's Exhibits 215 and 2016.

4                    HEARING EXAMINER:   So the 1099, the  
5 payee was the University? Payor, excuse me. Do you  
6 know that?

7                    THE WITNESS:       Yes. Where the  
8 employee would have been - or sorry. The - who the  
9 funds would have come through would have been the  
10 University. Yes.

11                   HEARING EXAMINER:   Do you remember  
12 that on your 1099? If you don't -.

13                   THE WITNESS:       Reasonably - I'm  
14 reasonably certain. Yes. I'm not 100 percent  
15 certain. You know, researchers would want to  
16 clarify that.

17                   HEARING EXAMINER:   Mr. Manzolillo,  
18 what did you say?

19                   ATTORNEY MANZOLILLO:   I move for  
20 admission - admission of Union's Exhibit -

21                   HEARING EXAMINER:   Any objection?

22                   ATTORNEY MANZOLILLO:   - 215 -?

23                   ATTORNEY FARMER:       No.

24                   HEARING EXAMINER:   They're admitted.

25 That is 15 - 215 and 216?

1                    ATTORNEY FARMER: Yes.

2 BY ATTORNEY MANZOLILLO:

3            Q.        And Beth, were there any specific work  
4 requirements for you while you were on this grant?

5            A.        Nothing as specific as what was the case  
6 when I was a graduate student researcher, but in  
7 this case, this was understood to be a full time  
8 endeavor. So in other words my full complement of  
9 training activities was to take my full time. And  
10 that means -.

11          Q.        Well, let me stop you for a second there.

12          A.        Yeah.

13          Q.        Did that include coursework?

14          A.        Yeah. It means coursework, seminars,  
15 ethics training, research work. All of it was  
16 considered part of my training.

17          Q.        And is this tailored to your own personal  
18 training?

19          A.        It was, yes. I worked in conjunction  
20 with a mentoring team, so - so advisors and mentors  
21 to me. And working with them, we determined what  
22 the training activities would be. Particularly a  
23 lab rotation that was relevant to my - my research  
24 area and became part of my dissertation.

25          Q.        So the lab rotation was Pitt selected to

1 meet your research and dissertation load?

2 A. It was, yes.

3 Q. And you received a stipend - did you  
4 receive a stipend for this position?

5 A. I did.

6 Q. And did you receive a tuition waiver?

7 A. Yes.

8 Q. Did you receive health insurance?

9 A. No. I had to pay that myself separately.

10 Q. Were you free to choose whatever health  
11 insurance you wanted?

12 A. Yes.

13 Q. Okay.

14 I'm going to ask you to look for one more  
15 section in Union Exhibit 216.

16 HEARING EXAMINER: Are you saying -  
17 are you - I can't remember. Do you want these  
18 people in or out of the union?

19 ATTORNEY MANZOLILLO: Out.

20 HEARING EXAMINER: Dual - dual  
21 employer?

22 ATTORNEY MANZOLILLO: Our position is  
23 that they're - they're not employees of the  
24 University.

25 HEARING EXAMINER: Right. Right as in

1 I understand what you're arguing, not right as in I  
2 agree with you.

3 ATTORNEY MANZOLILLO: Understood.

4 BY ATTORNEY MANZOLILLO:

5 Q. If you could turn to Section 11.3.8.2 and  
6 3.8.3.

7 So is it your understanding - does the  
8 NIH or the University set your stipend?

9 A. Yeah. 11.3.8.2 indicates that the NIH  
10 sets the stipend so -.

11 Q. Does it say anything about the role of  
12 the University of Pittsburgh in the stipend?

13 A. It says - this is sort of midway through  
14 that top paragraph in 11.3.8.2. Stipends must be  
15 paid in accordance with established stipend levels,  
16 no departure from the standard stipend provided by  
17 NIH under the grant may be negotiated by the  
18 recipient organization with the trainee. So in  
19 other words the - the stipend is set by NIH, not by  
20 the University.

21 Q. Okay.

22 And down below, you were in a - this is a  
23 pre-doctoral training.

24 Am I correct?

25 A. Correct. Because I did not yet have my



1 Ph.D.

2 Q. And what does that bullet under pre-  
3 doctoral say?

4 A. It says one stipend level is used for all  
5 pre-doctoral trainees regardless of the level of  
6 experience.

7 HEARING EXAMINER: Can NIH terminate  
8 the grant?

9 THE WITNESS: It's my understanding  
10 that they could. Yes. Perhaps due to budgetary  
11 changes or if they determine that misconduct was  
12 happening.

13 BY ATTORNEY MANZOLILLO:

14 Q. I'm going to introduce Union Exhibit 217.

15

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16 (Whereupon, Union Exhibit 217, 2014 NIH Funding  
17 Levels, was marked for identification.)

18

---

19 BY ATTORNEY MANZOLILLO:

20 Q. And can you tell us what this is?

21 A. So the funding levels that we were just  
22 talking about that are set by NIH, this is the - the  
23 funding levels for these types of training grants  
24 for fiscal year 2014.

25 Q. And so if you look at the top of the

1 second page of the printout it says T32 grants, pre-  
2 doctoral. There's a monthly stipend listed.

3 A. Yes. And so all pre-doctoral candidates  
4 receive a monthly stipend of \$1,873.

5 Q. And this document was from the NIH  
6 website?

7 A. Yes.

8 Q. And that monthly stipend of \$1,873, is  
9 that what you received on the training grant?

10 A. It was for - for the first year of the  
11 training grant funding. Yes.

12 Q. And did you verify that?

13 A. I did. I went back into the - basically  
14 the employee portal on the University of Pittsburgh  
15 site that keeps track of our paystubs and verified  
16 that that was the monthly payment I was receiving.

17 Q. Okay.

18 Union Exhibit 218 -.

19 HEARING EXAMINER: Yawning or  
20 objection. Go ahead.

21 BY ATTORNEY MANZOLILLO:

22 Q. Union Exhibit 218.

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24 (Whereupon, Union Exhibit 218, 2015 NIH Funding  
25 Levels, was marked for identification.)

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BY ATTORNEY MANZOLILLO:

Q. Can you tell us what this is?

A. Okay.

So this is the same thing. So it's the funding level for these types of training grants set by NIH for fiscal year 2015. The second year of my T32 funding.

Q. And so at the very bottom - or the very top of the second page, again, we see pre-doctoral or institutional training T32, the monthly stipend listed, is that the stipend you received while doing your second year of training grants?

A. Yes. And again, I did confirm that.

ATTORNEY MANZOLILLO: I'll move for admission of Union Exhibit 217 and 218.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: They're admitted.

BY ATTORNEY MANZOLILLO:

Q. And did you ever have a - an individual training grant through the NIH?

A. I did. That was what funded my fourth and fifth years, my final years of my Ph.D. program.

Q. This is Union Exhibit 219.

---

1 (Whereupon, Union Exhibit 219, NIH Individual  
2 Grants Policy, was marked for identification.)

3 ---

4 BY ATTORNEY MANZOLILLO:

5 Q. And can you tell us what this is?

6 A. This is an excerpt, again, of Exhibit  
7 215, the NIH Grants Policy that is relevant to  
8 individual fellowships of the kind that we were just  
9 mentioning, individual grant.

10 Q. And if you look down at the 11.2.1 at the  
11 bottom there, it refers to - what is an M32?

12 A. M32 would be for post-doctoral  
13 fellowships. I was not eligible for that at that  
14 time, because I did not have my Ph.D. yet.

15 Q. So you were at a 31?

16 A. Yes. That's correct.

17 Q. And did you apply directly to the NIH for  
18 this?

19 A. I did. I wrote a grant application that  
20 included my own research plan proposal and training  
21 plan proposal and submitted it directly to NIH.

22 Q. Union's Exhibit 220.

23 ---

24 (Whereupon, Union Exhibit 220, Specific Aims  
25 Page, was marked for identification.)

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BY ATTORNEY MANZOLILLO:

Q. Can you tell us what this is?

A. This is what's known in research circles as a Specific Aims Page. And this aims page in particular is from my individual training grant application. The first components are this background information. And then towards the bottom of the page the aims one through three are my actual research questions and relationships that I want to evaluate and the study that I'm proposing and the final - at the end of the final paragraph I detailed what kind of training goals I have in order to be able to carry out this study.

Q. So this grant was awarded based on your specific proposal of research topic and training?

A. Yes.

Q. Directly from the NIH?

A. Directly from NIH to me. I was considered the principal investigator of this grant.

HEARING EXAMINER: So physical activity is good?

THE WITNESS: Yes. Yes. We should all be doing it here right now in fact.

BY ATTORNEY MANZOLILLO:

1 Q. Let me see here. Almost done. Just a  
2 couple more questions. So similar question to what  
3 I asked you about with your T32 grant.

4 Do you consider yourself to be an  
5 employee of either the University or the NIH while  
6 you were on this 31 grant?

7 A. No.

8 Q. And if you turn to Section 11.2.10.6.  
9 This is - it looks like 2D 46.

10 A. Okay.

11 Q. What does that say about your employment  
12 relationship with the NIH or the University?

13 A. Again, in the third paragraph here under  
14 taxability of stipends, it indicates, in addition,  
15 recipients of Kirschstein NRSA individual  
16 fellowships are not considered to be in an employee  
17 employer relationship with NIH or the sponsoring  
18 institution.

19 Q. And did you receive a W-2 form for the  
20 University?

21 A. No. Again, a 1099.

22 Q. So the University does not deduct any  
23 taxes?

24 A. No.

25 Q. Did the NIH deduct any taxes?

1 A. No.

2 Q. And let's turn to another section here.

3 11.2.9.2. And can you read that? 11.2.9.2 and 9.3.

4 A. Okay.

5 Q. And it's dealing with the stipend levels?

6 A. Right. And -.

7 Q. Who sets your stipend levels?

8 A. Oh, sorry. Similar to before. It's NIH  
9 that sets the levels. And again here the relevant  
10 bullet point is pre-doctoral. One stipend level is  
11 used for all pre-doctoral candidates regardless of  
12 the level of experience.

13 Q. And if I didn't clarify already, did you  
14 get health insurance provided either - you already  
15 answered to T32 but how about for the M32?

16 A. No. I had to pay for it separately. Had  
17 to purchase it separately.

18 Q. For both grants?

19 A. Yes.

20 Q. Okay.

21 And Union Exhibit 221.

22 ---

23 (Whereupon, Union Exhibit 221, 2016 Stipend  
24 Funding Level for Training Grants, was marked for  
25 identification.)

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BY ATTORNEY MANZOLILLO:

Q. What is this?

A. This is the stipend funding level for fiscal year 2016 for training grants of the kind that I was funded by.

Q. And if we look at the top of page two - yeah. That's where it says this is the same stipend level for T32s and for F31s.

A. That's correct.

Q. And let me - I forgot to point out. Just to return back to your 11.2.9.3 in Union Exhibit 219.

Is that - there's a bullet called pre-doctoral?

A. Right. And it -.

HEARING EXAMINER: Why are you litigating this? Do they really contest that they're employees?

ATTORNEY FARMER: We don't believe any of them are employees.

HEARING EXAMINER: Yeah.

ATTORNEY MANZOLILLO: We're - we're happy to stipulate trainees are not employees.

HEARING EXAMINER: Did I say they're



1 employees of Pennsylvania?

2 ATTORNEY FARMER: Yes.

3 HEARING EXAMINER: Oh. Yeah. Let me  
4 see that again.

5 ATTORNEY FARMER: Yes. And they're in  
6 the union at Temple.

7 HEARING EXAMINER: Oh, they are?

8 ATTORNEY FARMER: Yes.

9 HEARING EXAMINER: Okay. Keep going  
10 then.

11 BY ATTORNEY MANZOLILLO:

12 Q. Oh, so if you could read the pre-doctoral  
13 bulletin.

14 A. Sure. One stipend level is used for all  
15 pre-doctoral candidates regardless of the level of  
16 experience. And that - and that's reflected on  
17 Exhibit 221, that monthly stipend level. There's  
18 one level for pre-doctoral training.

19 Q. And is that - is that the stipend you  
20 received during your first year in this fellowship?

21 A. Yes, it is.

22 Q. And finally, Exhibit 222.

23

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24 (Whereupon, Union Exhibit 222, 2017 Pre-Doctoral  
25 Stipend Funding Levels, was marked for

1 identification.)

2 ---

3 BY ATTORNEY MANZOLILLO:

4 Q. Can you tell us what this is?

5 A. And this is the funding level for the  
6 pre-doctoral stipends for fiscal year 2017.

7 Q. And page two - you see the top of page  
8 two there will be stipend for F31s.

9 Is that the stipend you received?

10 A. Yes.

11 Q. Your second year on the training?

12 A. Yes.

13 Q. Just to clarify for the record before I  
14 ask the last question of you, so you were - you came  
15 into your first year in the Ph.D. program and you  
16 were funded through the GSR appointment?

17 A. Yes.

18 Q. The next two years you were on the T32  
19 grant?

20 A. Yes.

21 Q. And then the last few years were you on a  
22 31 grant?

23 A. Yes.

24 Q. And that funded your whole way through?

25 A. Yes. Then I was done with my program.

1 Q. And one last question. So based on your  
2 experience as a GSR and being funded through a T32  
3 training grant and an F31 individual grant, what  
4 were the differences between them?

5 A. The key difference for me was that as a  
6 GSR I was working on a research study that involved  
7 someone else's research. It was my principal  
8 investigator and advisor's research study, research  
9 area that she was interested in, as opposed to a  
10 specific area of my interest. Then as a trainee on  
11 the T32 and F31, those were funding sources that  
12 were specifically designed for my training. So in  
13 other words the focus of these training experiences  
14 that I had was - was purely to develop my own skills  
15 and expertise I needed to carry out my research.

16 And the F31 very much was my own research  
17 plan tailored to myself. There are other, you know,  
18 minor differences that we've covered today about the  
19 GSR providing health insurance and the T32 and F31  
20 not, but the key difference is my research being the  
21 focus in the T32 and F31.

22 Q. When you say your research, is this the  
23 research you used to write your dissertation?

24 A. It is absolutely the source of what is in  
25 my dissertation.

1                    ATTORNEY MANZOLILLO: I believe that  
2 is all I have.

3                    HEARING EXAMINER: All right, ma'am,  
4 would you like -?

5                    ATTORNEY MANZOLILLO: Oh. I'd like to  
6 admit - move to admit Union Exhibits 219 through  
7 222.

8                    HEARING EXAMINER: Any objection?

9                    ATTORNEY FARMER: Union 219 through  
10 222?

11                   ATTORNEY MANZOLILLO: Yeah.

12                   ATTORNEY FARMER: Okay. No.

13                   HEARING EXAMINER: Those are all  
14 admitted.

15                   ATTORNEY FARMER: It's going to take a  
16 few minutes to -.

17                   HEARING EXAMINER: Yeah. 219 and 222.  
18 But you agree on the NIH stuff. Right?

19                   ATTORNEY FARMER: We agree what?

20                   HEARING EXAMINER: That she's not an  
21 employee.

22                   ATTORNEY FARMER: We don't believe  
23 that any of them are employees.

24                   HEARING EXAMINER: But especially her.

25                   ATTORNEY FARMER: What you're going to

1 hear is that the differences are not as distinct as  
2 what we've heard, so -.

3 HEARING EXAMINER: Okay.

4 ATTORNEY FARMER: We don't believe  
5 that fellows or trainees or GSRs or any of them are  
6 employees.

7 HEARING EXAMINER: Take as much time  
8 as you need.

9 ATTORNEY FARMER: Thank you.

10 HEARING EXAMINER: Off the record.

11 ---

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

13 ---

14 HEARING EXAMINER: Back on the record.

15 Cross Examination.

16 ATTORNEY FARMER: Thank you.

17 ---

18 CROSS EXAMINATION

19 ---

20 BY ATTORNEY FARMER:

21 Q. When - Dr. Shaaban, when you applied to  
22 the Ph.D. program you submitted a personal  
23 statement.

24 Is that right?

25 A. Yes.

1 Q. And the purpose of this was to explain  
2 why you wanted to join the Ph.D. program.

3 Is that fair to say?

4 A. Yes.

5 Q. I'm going to show you what I've marked as  
6 12.

7 ---

8 (Whereupon, Respondent's Exhibit 12, Personal  
9 Statement, was marked for identification.)

10 ---

11 BY ATTORNEY FARMER:

12 Q. Is that the personal statement?

13 A. Yes.

14 Q. So, I just want to - so you were on the  
15 GSR that you testified for just about a year.

16 Is that right?

17 A. A little over a year.

18 Q. Okay.

19 And during your program you applied for  
20 and were accepted to the Center for Neural Basis of  
21 Cognition.

22 Is that right?

23 A. Correct.

24 Q. Can you explain what that is?

25 A. It is a combined program that offers

1 graduate training that is combined between the  
2 University of Pittsburgh and Carnegie Mellon  
3 University. And it provides graduate training and  
4 an outlet for post-doctoral fellows as well. So  
5 people who already have their Ph.D. And this was my  
6 application to that program and being included and  
7 participating in that program was a requirement of  
8 the particular training - T32 training grant that I  
9 applied to.

10 Q. This will be 13.

11 ---

12 (Whereupon, Respondent's Exhibit 13, Acceptance  
13 Letter, was marked for identification.)

14 ---

15 BY ATTORNEY FARMER:

16 Q. This is your acceptance letter from the  
17 CNBC.

18 Is that right?

19 A. Yes.

20 Q. Okay.

21 I see that it isn't signed, but you did  
22 in fact joint the CNBC program?

23 A. I did.

24 Q. And you said that's a joint program with  
25 Carnegie Mellon?

1 A. Yes.

2 Q. Why did you join this program?

3 A. As I mentioned, it was a requirement of  
4 the training grant, the T32 institutional training  
5 grant, that - that funded my second and third years  
6 of school.

7 Q. So was that training grant something that  
8 was jointly held with Pitt and Carnegie Mellon?

9 A. Yes.

10 Q. And you mentioned that there was a  
11 mentoring committee -

12 A. Yes.

13 Q. - in connection with that?

14 Does that include faculty from Pitt and  
15 Carnegie Mellon?

16 A. No.

17 Q. So just Pitt?

18 A. Not - not in my particular case. Maybe  
19 for other trainees, but not for me.

20 Q. So on that T32 you were not the only  
21 student who was on that T32 grant?

22 A. Correct. Yes.

23 Q. Do you know how many were?

24 A. I'm not sure at any given time how many  
25 there are. It's possible that they fund two - I



1 believe two and two. So two students from Pitt and  
2 two students from Carnegie Mellon any given year.  
3 But I might be wrong.

4 Q. Okay.

5 Under the CNBC program students can do  
6 research with faculty at both Pitt and Carnegie  
7 Mellon.

8 Is that right?

9 A. Yes.

10 Q. Did you collaborate with anyone in the  
11 labs at Carnegie Mellon?

12 A. No.

13 Q. Did colleagues of yours who were in the  
14 program?

15 A. Other student trainees on that grant  
16 probably did. Yes.

17 Q. So you talked about this T32 that you run  
18 and it provided you a stipend from the NIH.

19 Right?

20 A. Uh-huh (yes).

21 Q. Who supported the cost of the research  
22 itself?

23 A. The particular lab rotation and research  
24 that I was doing at the time was probably funded by  
25 my advisor. I believe there was a co-principal

1 investigator set up between my principle advisor -  
2 principle investigator and advisor and another  
3 person on my mentoring committee. They had jointly  
4 a - an R01 grant. Their own grants.

5 Q. So an R01 is a federal grant to faculty  
6 members for sponsored research.

7 Is that a fair way to describe it?

8 A. Yes.

9 Q. And that's separate money than the T32  
10 money.

11 Right?

12 A. Yes. I'll also add - so that was one  
13 component of the funding.

14 Q. Okay.

15 A. Another component of the funding had to  
16 do with grant application and money that I wrote and  
17 was awarded jointly with two faculty from an  
18 internal University of Pittsburgh center known as  
19 the Pepper Center.

20 Q. Okay.

21 A. And the purpose of that was to allow for  
22 blood samples that had been stored to be tested for  
23 certain markers that I wanted to test for.

24 Q. Because the T32 wouldn't have funded any  
25 of the costs of that?

1 A. Correct.

2 Q. Can you explain what IRB is?

3 A. The Institutional Review Board.

4 Q. And what -?

5 A. It's the ethics review for human subjects  
6 research at any university that's doing research.

7 Q. So any time you're going to do a project  
8 that involves human subjects there has to be  
9 approvals for that project to make sure it follows  
10 the federal rules for human subjects? Is that a  
11 fair way of putting it?

12 A. Yes.

13 Q. Okay.

14 And there has to be a faculty member who  
15 was the principal investigator for that IRB.

16 Is that right?

17 A. In certain cases. If the faculty member  
18 is the principal investigator of the grant, they're  
19 generally the principal investigator for the IRB.

20 Q. Okay.

21 A. Then in other cases when it's a - when  
22 it's a doctoral student that is carrying out their  
23 own work, the faculty is considered the mentor or  
24 sponsor, I forget what the exact language is, but  
25 the IRB mentions.

1 Q. So there has to be a faculty member on  
2 the IRB, though? It can't just be the student?

3 A. Correct.

4 Q. Okay.

5 And when you - so you talked about then  
6 after your T32 you were on an F31.

7 A. Yes.

8 Q. Right?

9 Similarly, there were - the F31 doesn't  
10 cover the cost of the research.

11 Is that right?

12 A. Right.

13 Q. So similarly, either the University - the  
14 University covered the cost of that research.

15 Is that right?

16 A. So generally speaking that's how it  
17 works. I believe there is a - a pool of money that  
18 can be used for certain things on - on these  
19 training grants, both T32s and F31s that is a pool  
20 of money that can be used to pay participants, for  
21 example. So it's possible that there is some pool  
22 of money that can pay for - for part of it. But  
23 you're right. It doesn't fund generally the whole  
24 of the research. It funds the training.

25 Q. Of the student?

1 A. Right.

2 Q. So it funded you, but not your research.  
3 Is that a fair way to put it?

4 A. Yeah.

5 Q. Now you mentioned this mentoring  
6 committee. And that was under the T32 or the F31 or  
7 both?

8 A. I had mentoring committees under both.

9 Q. And is that different from your  
10 dissertation committee?

11 A. I mean it's different, but for me in my  
12 particular case, they're overlapping. And I would  
13 assume for many - many trainees, that's the case.

14 Q. What's the brain bag series?

15 A. That is a component of the Center for the  
16 Neural Basis of Cognition. And it is a series of  
17 talks that the doctoral students give over the  
18 course of a semester. And each trainee in the -  
19 that's a member of the Center for the Neural Basis  
20 of Cognition is required to present there once. And  
21 I believe it's during their - it's either during  
22 their second or third year of training.

23 Q. Let me show you 14. I'm showing you what  
24 we're marking as Exhibit 14.

25

---

1 (Whereupon, Respondent's Exhibit 14,  
2 Presentation, was marked for identification.)

3 ---

4 BY ATTORNEY FARMER:

5 Q. Is that the presentation that you did?

6 A. Yes.

7 Q. And this was about the process of getting  
8 the F31.

9 Is that right?

10 A. Yes. At the time there was interest  
11 among the doctoral students in the community in  
12 having sort of non-traditional, more practical based  
13 presentations as opposed to just - the typical would  
14 be the content of someone's research. And so I  
15 chose to give a presentation about how to apply for  
16 an individual training grant.

17 Q. And on page three you sort of give the  
18 background of what these do?

19 A. Yes.

20 Q. Okay.

21 So the second bullet point, they pay for  
22 your training, not for the research study itself.  
23 This we already talked about.

24 A. Right.

25 Q. Third bullet, the training should be

1 beyond what is required to complete your degree.

2 That's - what did you mean by that?

3 A. I honestly don't recall off the top of my  
4 head with going back and looking to read whatever  
5 the long policy statement was or the description of  
6 how to apply for an F31, because as you can see this  
7 was given in February of 2016. But I believe the  
8 idea is that if the NIH is going to fund you that it  
9 should not just be what you need to do if you're  
10 enrolled in your Ph.D. program, that it should be  
11 some additional added value, essentially, for  
12 training independent - future independent  
13 investigators.

14 Q. This will be 15.

15 ---

16 (Whereupon, Respondent's Exhibit 15, School of  
17 Public Health Form, was marked for  
18 identification.)

19 ---

20 BY ATTORNEY FARMER:

21 Q. You testified that as a student in  
22 epidemiology you were required to take a teaching  
23 practicum course.

24 Is that right?

25 A. Yes.

1 Q. And in the School of Public Health there  
2 are also what is referred to as a DRPH, that is a  
3 professional doctoral degree.

4 Is that right?

5 A. Yes.

6 Q. And when you were doing the teaching  
7 practicum do you recall doing a document like what  
8 we've marked as R-14? I'm sorry. R-15.

9 A. Yes.

10 HEARING EXAMINER: Is this the  
11 document sociology professor -?

12 ATTORNEY FARMER: Social work.

13 HEARING EXAMINER: Social work -?

14 ATTORNEY FARMER: Different school.

15 HEARING EXAMINER: Right.

16 ATTORNEY FARMER: But it is the same -  
17 a similar form.

18 BY ATTORNEY FARMER:

19 Q. I'm showing you what I've marked as 16.

20 ---

21 (Whereupon, Respondent's Exhibit 16, School of  
22 Public Health Evaluation, was marked for  
23 identification.)

24 ---

25 BY ATTORNEY FARMER:



1 Q. In connection with that practicum for  
2 which you received credit, do you recall getting an  
3 evaluation?

4 A. I don't have a detailed, specific memory  
5 of it, but I'm - I'm sure this form looks familiar.

6 Q. Okay.

7 Now you testified that when you completed  
8 this teaching practicum you were not funded on a TA  
9 at the time.

10 Right?

11 A. Right.

12 Q. You were -?

13 A. Because it was a class taken for credit.

14 Q. And you were funded on a GSR at the time.

15 Is that right?

16 A. I would need to be reminded about when I  
17 took Epidem 2215. I believe I took it in 2015.

18 Q. And -?

19 A. Because - so in other words, that would  
20 be when I was funded by the T32.

21 Q. Okay.

22 As far as you know is there any  
23 prohibition in people taking the class while they're  
24 funded on a TA?

25 A. I don't understand the question.

1 Q. Is there anything that prohibits you from  
2 taking the class and getting credit while you're  
3 funded on a TA?

4 ATTORNEY MANZOLILLO: I'm - I'm going  
5 to object. There's no foundation. She was never a  
6 TA. The foundation she has the ability to answer  
7 the question.

8 ATTORNEY FARMER: I said to her  
9 knowledge. Does she know if there's a prohibition?  
10 You put in handbooks -?

11 HEARING EXAMINER: Overruled. Go  
12 ahead.

13 ATTORNEY FARMER: Okay.

14 BY ATTORNEY FARMER:

15 Q. So do you know whether in the Department  
16 there's any rule against taking the course while  
17 you're funded on a TA?

18 A. So in other words taking Epidem 2250, the  
19 teaching practicum, while you're a funded TA?

20 Q. Yes.

21 A. I don't know. I honestly don't know,  
22 because I did not work as a TA, so I'm not familiar  
23 with those policies.

24 Q. And as a student in epidemiology you were  
25 required to do a graduate student development plan.

1 Is that right?

2 A. Yes. Partway through my program they  
3 began to require that of Ph.D. students.

4 Q. What we've marked as 17.

5 ---

6 (Whereupon, Respondent's Exhibit 17, Graduate  
7 Student Development Plan, was marked for  
8 identification.)

9 ---

10 BY ATTORNEY FARMER:

11 Q. Is that the form of the development plan  
12 that was instituted?

13 A. Yes.

14 Q. Okay.

15 And do you recall when it was instituted?

16 A. I know that I filled out two of them, and  
17 so I would estimate that that means it was  
18 instituted around 2016.

19 ATTORNEY FARMER: Okay. I have  
20 nothing -.

21 THE WITNESS: Because you - you fill  
22 them out yearly. Sorry. Is the end of that -.

23 BY ATTORNEY FARMER:

24 Q. And is - is that filled out reflecting  
25 back on what you've done in the previous year,

1 anticipating the future year, or both?

2 A. No. This is - you fill it out at the  
3 beginning of the year based on what your future will  
4 be.

5 ATTORNEY FARMER: Thank you. I have  
6 nothing further.

7 HEARING EXAMINER: Redirect?

8 ATTORNEY MANZOLILLO: Can we have a  
9 minute?

10 HEARING EXAMINER: Yeah. Off the  
11 record.

12 ATTORNEY FARMER: Oh. I'm sorry.

13 HEARING EXAMINER: Go ahead.

14 ATTORNEY FARMER: I realize. Sorry -.

15 HEARING EXAMINER: Back on the record.

16 ATTORNEY FARMER: I've been too many  
17 places. I apologize.

18 HEARING EXAMINER: That's fine.

19 BY ATTORNEY FARMER:

20 Q. When - before you entered the Ph.D.  
21 program there were a number of years where you said  
22 you were a full time University employee.

23 Right?

24 A. Right.

25 Q. And at that point I believe you testified

1 that you were eligible for health benefits?

2 A. Yes.

3 Q. As a full time employee?

4 A. Yes.

5 Q. And that was in a different plan that's -  
6 from the student health plan.

7 Right?

8 A. Yes.

9 Q. And you testified that you had retirement  
10 benefits as an employee.

11 Right?

12 A. Yes.

13 Q. Okay.

14 Did you also have like paid vacation that  
15 you earned as an employee?

16 A. Yes. When I was staff we earned staff  
17 vacation time. Yes.

18 Q. And you testified that you had a tuition  
19 benefit as staff.

20 Right?

21 A. Yes.

22 Q. Okay.

23 And that tuition is different than the  
24 tuition waiver that you had as a Ph.D. student.

25 Right?

1           A.       It's different in the sense that they're  
2 - as staff, the benefit is - there's a limit to the  
3 number of credits per semester you can take, and  
4 it's a partial - it's a 90 percent tuition benefit.  
5 So, yes. It's different from the tuition waiver  
6 which I received as a GSR, which covered the whole.

7           Q.       And in order to - for any of the funding  
8 that you have received through your - you received  
9 through your Ph.D. program, you were required to be  
10 a full time student.

11                    Right?

12           A.       Yes.

13                    ATTORNEY FARMER: Nothing further.

14                    HEARING EXAMINER: Off the record to  
15 prepare Redirect.

16                               ---

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

18                               ---

19                    HEARING EXAMINER: Ms. Farmer, why  
20 don't you move your exhibits?

21                    ATTORNEY FARMER: Move for admission  
22 of R-12 through R-17.

23                    HEARING EXAMINER: All right. You  
24 have a problem with 12, sir?

25                    ATTORNEY MANZOLILLO: We're going to

1 object to R-12. We don't see the relevance, and it  
2 lays out personal information that we don't think  
3 should be on the record given the limited purpose of  
4 the documents.

5 HEARING EXAMINER: Do you have any -?

6 ATTORNEY MANZOLILLO: We feel it would  
7 be inappropriate.

8 HEARING EXAMINER: Do you mind having  
9 this on the record?

10 THE WITNESS: I'd prefer it not to if  
11 it doesn't need to be.

12 HEARING EXAMINER: Ms. Farmer, do you  
13 want to make a relevancy argument?

14 ATTORNEY FARMER: It lays out her  
15 reasons for entering the Ph.D. program and why she  
16 did. I have no - if there's specific sections of it  
17 that the Union would like us to redact, I have no  
18 objection of it. We're not trying to put particular  
19 personal information in the record.

20 ATTORNEY MANZOLILLO: Okay. This is  
21 2013 -. Certainly the first paragraph on the second  
22 page, we don't think it's necessary.

23 HEARING EXAMINER: Why don't we do  
24 this? Why don't you - we're going to defer ruling  
25 on this and then the two of you - the two parties

1 can discuss a redacted version of this.

2 ATTORNEY FARMER: Okay.

3 HEARING EXAMINER: I'm going to take  
4 it out of my pile.

5 ATTORNEY MANZOLILLO: We have no other  
6 questions on Redirect.

7 HEARING EXAMINER: Ruling on 12 is  
8 deferred, 13 through 17 are admitted. I'll give R-  
9 12 back to Ms. Farmer.

10 ATTORNEY FARMER: Okay. Yeah.

11 HEARING EXAMINER: Okay. Redirect?

12 ATTORNEY MANZOLILLO: We don't have  
13 any questions.

14 HEARING EXAMINER: All right. Limited  
15 Recross?

16 ATTORNEY FARMER: I have no questions  
17 about my own questions.

18 HEARING EXAMINER: All right, ma'am.  
19 You may -.

20 THE WITNESS: Thank you.

21 HEARING EXAMINER: You may leave.

22 Thank you. So now you want to move in these  
23 binders? Or you can do what you want.

24 ATTORNEY MANZOLILLO: We can do that.  
25 Go off the record just one second?



1                   HEARING EXAMINER: Sure. Off the  
2 record.

3

---

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

5

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6                   ATTORNEY HEALEY: For the record, the  
7 Union moves into evidence Exhibits 1 through 147,  
8 which are exhibits contained in the three binders  
9 that have been presented.

10                   HEARING EXAMINER: And then you gave  
11 me - just gave me a very helpful four page index.  
12 We have brief descriptions of those exhibits. Does  
13 the University have any objection to the exhibits?

14                   ATTORNEY FARMER: No.

15                   HEARING EXAMINER: They're all  
16 admitted. 1 through 147. So that means -.

17                   ATTORNEY FARMER: But we would like a  
18 copy of the index.

19                   HEARING EXAMINER: Yeah. The Union  
20 has moved in Exhibits 1 through 222. Correct?

21                   ATTORNEY HEALEY: That's correct.  
22 Yes.

23                   HEARING EXAMINER: And then you close  
24 your case in chief, I presume?

25                   ATTORNEY HEALEY: That's correct.



1 page.

2 HEARING EXAMINER: Yeah.

3 ATTORNEY FARMER: Yep.

4 HEARING EXAMINER: Okay. R-12,  
5 Respondent 12, which is now one page, is admitted  
6 into the record. We're off the record. Thank you.

7 \* \* \* \* \*

8 HEARING CONCLUDED AT 3:50 P.M.

9 \* \* \* \* \*

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CERTIFICATE

I hereby certify that the foregoing proceedings,  
hearing held before Stephen Helmerich, Hearing  
Examiner, was reported by me on 10-02-18 and that I,  
Kaylyn Shaffer, read this transcript, and that I  
attest that this transcript is a true and accurate  
record of the proceeding.

Dated the 24th day of October, 2018



Kaylyn Shaffer,  
Court Reporter