COMMONWEALTH OF PENNSYLVANIA
LABOR RELATIONS BOARD

* * * * * * * *

U.S. STEEL, PAPER AND FORESTRY,*

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

ALLIED-INDUSTRIAL AND *

SERVICE WORKERS *

INTERNATIONAL UNION AFL-CIO *

CLC, *

Petitioner *

~vs~ *

UNIVERSITY OF PITTSBURGH, *

Respondent *

* * * * * * * *

HEARING TRANSCRIPT *

* * * * * * * *

BEFORE: Stephen A. Helmerich,
Hearing Examiner

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

Reporter: Kaylyn Shaffer

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.
LOCATION: Hilton Garden Inn

3454 Forbes Avenue
Pittsburgh, PA 15213

WITNESSES: Julie Vangyzen, Jeffrey Shook, Golnar Yamohammad Touski, Alexander Howard, Nicole Forrester, Kimberly Garrett, C. Elizabeth Shaaban
APPEARANCES

NATHAN KILBERT, ESQUIRE
MANEESH SHARMA, ESQUIRE
United Steelworkers
60 Boulevard of the Allies
Room 913
Pittsburgh, PA 15222
Counsels for the Petitioner

BRAD MANZOLILLO, ESQUIRE
United Steelworkers
Five Gateway Center
Pittsburgh, PA 15222
Counsel for the Petitioner

MICHAEL HEALEY, ESQUIRE
Healey, Block & Hornack, P.C.
247 Fort Pitt Boulevard
4th Floor
Pittsburgh, PA 15222
Counsel for the Petitioner
APPARENCES (cont'd)

SHANNON D. FARMER, ESQUIRE
Ballard Spahr, LLP
1735 Market Street
51st Floor
Philadelphia, PA 19103-7599
Counsel for the Respondent
INDEX

WITNESS: JULIE VANGYZEN
DIRECT EXAMINATION
By Attorney Healey 327 - 342
CROSS EXAMINATION
By Attorney Farmer 343 - 352
REDIRECT EXAMINATION
By Attorney Healey 353 - 354
RECROSS EXAMINATION
By Attorney Farmer 354 - 355

WITNESS: JEFFREY SHOOK
DIRECT EXAMINATION
By Attorney Healey 355 - 366
CROSS EXAMINATION
By Attorney Farmer 366 - 382
REDIRECT EXAMINATION
By Attorney Healey 382 - 388

WITNESS: GOLNAR YAMOHAMMAD TOUSKI
DIRECT EXAMINATION
By Attorney Kilbert 389 - 398
CROSS EXAMINATION
By Attorney Farmer 399 - 404
**WITNESS: ALEXANDER HOWARD**

<table>
<thead>
<tr>
<th><strong>DIRECT EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Sharma</td>
<td>405 - 416</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CROSS EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Farmer</td>
<td>416 - 426</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>REDIRECT EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Sharma</td>
<td>426 - 428</td>
</tr>
</tbody>
</table>

**WITNESS: NICOLE FORRESTER**

<table>
<thead>
<tr>
<th><strong>DIRECT EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Kilbert</td>
<td>429 - 434</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CROSS EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Farmer</td>
<td>435 - 448</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>REDIRECT EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Kilbert</td>
<td>449 - 460</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>REDCROSS EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Farmer</td>
<td>461 - 462</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>DISCUSSION AMONG PARTIES</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>462 - 463</td>
</tr>
</tbody>
</table>

**WITNESS: KIMBERLY GARRETT**

<table>
<thead>
<tr>
<th><strong>DIRECT EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Kilbert</td>
<td>464 - 469</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CROSS EXAMINATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Attorney Farmer</td>
<td>470 - 473</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>DISCUSSION AMONG PARTIES</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>476 - 475</td>
</tr>
</tbody>
</table>
INDEX (cont'd)

WITNESS: C. ELIZABETH SHAABAN
DIRECT EXAMINATION
   By Attorney Manzolillo 475 - 511
CROSS EXAMINATION
   By Attorney Farmer 512 - 529
DISCUSSION AMONG PARTIES 529 - 534
**EXHIBITS**

PETITIONER'S EXHIBITS

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Page Identified</th>
<th>Page Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>188</td>
<td>Fellowship Letter</td>
<td>330</td>
<td>355</td>
</tr>
<tr>
<td>189</td>
<td>Stipend Letter</td>
<td>331</td>
<td>355</td>
</tr>
<tr>
<td>190</td>
<td>Letter dated 4/25/16</td>
<td>334</td>
<td>355</td>
</tr>
<tr>
<td>191</td>
<td>Appointment Letter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>192</td>
<td>Andrew Mellon Predoctoral</td>
<td></td>
<td></td>
</tr>
<tr>
<td>193</td>
<td>Graduate Student Handbook</td>
<td>340</td>
<td>355</td>
</tr>
<tr>
<td>194</td>
<td>Department of Art and Architecture Graduate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>195</td>
<td>English Comprehensibility Test</td>
<td>393</td>
<td>394</td>
</tr>
<tr>
<td>196</td>
<td>Appointment Letter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>197</td>
<td>Contract Documents</td>
<td>395</td>
<td>399</td>
</tr>
<tr>
<td>198</td>
<td>Appointment Letter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>199</td>
<td>Graduate Handbook for Mechanical Engineering</td>
<td>407</td>
<td>409</td>
</tr>
</tbody>
</table>
**PETITIONER'S EXHIBITS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Identified</th>
<th>Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>Award Letter</td>
<td>430</td>
<td>432</td>
</tr>
<tr>
<td>201</td>
<td>Fellowship Letter</td>
<td>433</td>
<td>433</td>
</tr>
<tr>
<td>202</td>
<td>Admission Letter</td>
<td>450</td>
<td>450</td>
</tr>
<tr>
<td>203</td>
<td>E-mails</td>
<td>452</td>
<td>463</td>
</tr>
<tr>
<td>204</td>
<td>E-mails</td>
<td>452</td>
<td>463</td>
</tr>
<tr>
<td>205</td>
<td>E-mails</td>
<td>452</td>
<td>463</td>
</tr>
<tr>
<td>206</td>
<td>GSR Appointment</td>
<td>468</td>
<td>469</td>
</tr>
<tr>
<td>207</td>
<td>School Handbook</td>
<td>479</td>
<td>489</td>
</tr>
<tr>
<td>208</td>
<td>Department of Epidemiology</td>
<td></td>
<td></td>
</tr>
<tr>
<td>209</td>
<td>Student Policies and Procedures</td>
<td>480</td>
<td>489</td>
</tr>
<tr>
<td>210</td>
<td>Required Courses</td>
<td>480</td>
<td>489</td>
</tr>
<tr>
<td>211</td>
<td>Pitt Public Health Requirements</td>
<td>481</td>
<td>489</td>
</tr>
<tr>
<td>212</td>
<td>Pitt Public Health School</td>
<td></td>
<td></td>
</tr>
<tr>
<td>213</td>
<td>TA and GSR Policy</td>
<td>485</td>
<td>489</td>
</tr>
<tr>
<td>214</td>
<td>GSR Appointment Letter</td>
<td>487</td>
<td>489</td>
</tr>
<tr>
<td>215</td>
<td>Graduate Student Research Objectives</td>
<td></td>
<td></td>
</tr>
<tr>
<td>216</td>
<td></td>
<td>490</td>
<td>492</td>
</tr>
</tbody>
</table>
**EXHIBITS (cont'd) **

**PETITIONER'S EXHIBITS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Identified</th>
<th>Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>214</td>
<td>Graduate Student Research</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evaluation Form</td>
<td>491</td>
<td>492</td>
</tr>
<tr>
<td>215</td>
<td>NIH Grants Policy</td>
<td>493</td>
<td>497</td>
</tr>
<tr>
<td>216</td>
<td>NIH Grants Policy Excerpt</td>
<td>494</td>
<td>497</td>
</tr>
<tr>
<td>217</td>
<td>2014 NIH Funding Levels</td>
<td>500</td>
<td>502</td>
</tr>
<tr>
<td>218</td>
<td>2015 NIH Funding Levels</td>
<td>502</td>
<td>502</td>
</tr>
<tr>
<td>219</td>
<td>NIH Individual Grants Policy</td>
<td>503</td>
<td>511</td>
</tr>
<tr>
<td>220</td>
<td>Specific Aims Page</td>
<td>504</td>
<td>511</td>
</tr>
<tr>
<td>221</td>
<td>2016 Stipend Funding Level for Training Grants</td>
<td>506</td>
<td>511</td>
</tr>
<tr>
<td>222</td>
<td>2017 Pre-Doctoral Stipend Funding Levels</td>
<td>509</td>
<td>511</td>
</tr>
</tbody>
</table>

**RESPONDENT'S EXHIBITS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Identified</th>
<th>Admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>First Year Review Policy</td>
<td>377</td>
<td>463</td>
</tr>
<tr>
<td>8</td>
<td>Biology Program</td>
<td>439</td>
<td>463</td>
</tr>
<tr>
<td>Number</td>
<td>Description</td>
<td>Identified</td>
<td>Admitted</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>9</td>
<td>Biology Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Webpage</td>
<td>443</td>
<td>463</td>
</tr>
<tr>
<td>10</td>
<td>Published Article</td>
<td>448</td>
<td>463</td>
</tr>
<tr>
<td>11</td>
<td>School of Public Health Doctorial Degree Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>List</td>
<td>471</td>
<td>474</td>
</tr>
<tr>
<td>12</td>
<td>Personal Statement</td>
<td>513</td>
<td>534</td>
</tr>
<tr>
<td>13</td>
<td>Acceptance Letter</td>
<td>514</td>
<td>531</td>
</tr>
<tr>
<td>14</td>
<td>Presentation</td>
<td>521</td>
<td>531</td>
</tr>
<tr>
<td>15</td>
<td>School of Public Health Form</td>
<td>522</td>
<td>531</td>
</tr>
<tr>
<td>16</td>
<td>School of Public Health Evaluation</td>
<td>523</td>
<td>531</td>
</tr>
<tr>
<td>17</td>
<td>Graduate Student Development Plan</td>
<td>526</td>
<td>531</td>
</tr>
</tbody>
</table>

*EXHIBITS NOT ATTACHED*
PROCEEDINGS

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

---

HEARING EXAMINER: Spell your name for us.

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

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

THE WITNESS: Correct.

HEARING EXAMINER: Is there a space in between -?

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

HEARING EXAMINER: Go ahead.

---

DIRECT EXAMINATION

---

BY ATTORNEY HEALEY:

Q. Can you state your name, please?

A. Julie Vangyzen.
Q. And what’s your current address?
A. 50 Pilgrim Ave, Number 1, in Worcester, Massachusetts.

Q. Okay.

Now, we’ll go thing - through things year by year in a little bit. But what are you working on currently in relationship to the university?
A. Currently I’m on my fellowship year. I’m working on my dissertation. Which I hope to defend in April of next year.

Q. And generally what is your dissertation on?
A. My dissertation is on music and resistance in Nazi occupied Paris.

Q. And what was your focus as you went through the program at the University of Pittsburgh?
A. As far as my research interest goes?
Q. Your research interest.
A. All right.

French women composers was a big research interest of mine. As I continued to go through the program and I got to take a lot of different classes, social movements became more and more of a focus in my interest, so - especially resistance movements.
Q. And during the course of your term at the University - and we’ll go through year by year in a moment. Did you serve in the capacity as a TA or a TF at different times?

A. I was a teaching fellow for three years.

Q. Okay.

As a teaching fellow, what were your general duties and responsibilities?

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

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

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

HEARING EXAMINER: I know what a recitation is.

ATTORNEY HEALEY: Okay.

BY ATTORNEY HEALEY:

Q. I’m going to hand you what’s been marked as Union Exhibit 18, a two page document. I’d like you to take a look at it.
WHEREUPON, Union Exhibit 188, Fellowship Letter, was marked for identification.

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.
A. It did not.

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

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

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

A. No.

Q. Okay.
And this is an undergraduate class.
Is that correct?

A. Correct.

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

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

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

A. No.

Q. You just received the appointment?
A. Correct.

Q. Piano is not your focus, though.
   Is that correct?

A. It’s not.

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

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

Q. The hours per week. What’s your understanding of up to how many hours per week you were to work?

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

Q. And you received a stipend?

A. Yes.

Q. What other benefits did you receive?

A. I received health insurance and tuition waiver.

Q. I want to show you what’s been marked as Union Exhibit 190. For the record, a document dated April 25, 2016.
(Whereupon, Union Exhibit 190, Letter dated 4/25/16, was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. What is Exhibit 190, please?
A. So this is my appointment letter. What I was struggling to remember earlier. My appointment letter for the years 2016-2017.

Q. And what was your appointment for?
A. This was for a full appointmentship in which I taught two sections of Classic Piano in the fall and in the spring.

Q. Did you teach - you taught the basic piano class?
A. Yes.

Q. Okay.

Did you teach any other classes?
A. No.

Q. Did you receive the same - we’ll go through the benefits in - in more detail in a little bit. Did you receive the same benefits that you did the prior year?
A. Yes.

Q. Did you receive any academic credit for the teaching you were doing?
Q. I’m going to show you what’s been marked as Union Exhibit 191.

---

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

---

BY ATTORNEY HEALEY:

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

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

Q. And what was the appointment for?

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

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

A. Yes.

Q. - exhibits, 189 and 190?

A. Yes.

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

A. I did not.

Q. And were these assignments you were looking for?
A. No.

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

---

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

---

BY ATTORNEY HEALEY:

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

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

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

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

Q. Are you doing any teaching for the university?

A. I am not.

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

A. I am not.

Q. Do you receive any health insurance from
the university?
A.  I do not.
Q.  To the best of your knowledge - I don’t know if you’ve received them yet. Did you receive any W-2 form - or will you receive W-2 forms, if you know?
A.  I should not.
Q.  Okay.

I’m going to show you what’s been marked as Union Exhibit 193.

ATTORNEY HEALEY: And for the record it’s a three page exhibit.

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

ATTORNEY HEALEY: Pardon?

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

ATTORNEY HEALEY: Is that an issue?
ATTORNEY FARMER: That the students who are on academic appointments receive W-2s?

ATTORNEY HEALEY: Yeah.
ATTORNEY FARMER: No.

HEARING EXAMINER: We have enough for the record, I think.
ATTORNEY HEALEY: Okay.

ATTORNEY FARMER: Take that up with the IRS.

ATTORNEY HEALEY: All right.

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

ATTORNEY HEALEY: Okay.

BY ATTORNEY HEALEY:

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

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

HEARING EXAMINER: Which one are you looking at?

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

HEARING EXAMINER: Which number?

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

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

HEARING EXAMINER: I said -.
ATTORNEY FARMER: So you’re taking back?

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

ATTORNEY FARMER: Okay.

HEARING EXAMINER: I mean there’s no -.

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

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

ATTORNEY FARMER: No.

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

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

HEARING EXAMINER: Go ahead.

BY ATTORNEY HEALEY:

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

A. I did.
Q. I’m going to show you what has been marked as - should I mark this one 193 or 194?

HEARING EXAMINER: Three. Thank you.

---

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

---

BY ATTORNEY HEALEY:

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

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

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

A. I did not.

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

A. Yes.

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

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

**HEARING EXAMINER:** The piano is in the office?

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

**HEARING EXAMINER:** That doesn’t - well how can you have office hours with a piano?

**THE WITNESS:** Well, the - if I’m - if I’m doing office hours for Classic Piano -

**HEARING EXAMINER:** Yeah.

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

**HEARING EXAMINER:** All right. That makes sense.

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

**BY ATTORNEY HEALEY:**

**Q.** Were you - were you - did you keep office hours?

**A.** I did.

**Q.** And did students sometimes come to your office?

**A.** They did.

**Q.** And the piano in the office, you
sometimes used that in the course of your office hours?
   A. Yes. Often.
   Q. Were you required to teach these courses to get a degree from the Music Department?
   A. No.
   Q. Now, we talked about the music - basic music class. How many students typically took that class in a year or a semester?
   A. Every semester in every class it’s usually a full 20 students.
   Q. Okay.
   And how many sections of the class?
   A. In one case I can remember there was up to 12 sections.

ATTORNEY HEALEY: That’s all the questions I have on Direct.

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

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Back on the record.

Cross Examination.

ATTORNEY FARMER: Thank you.
---

CROSS EXAMINATION

---

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
department.

Q. You said that - you said that when you - at Pitt they offer - the music department offered funding. How much funding was offered?
A. We get four years guaranteed funding.
Q. And - I’m sorry. This is your fifth year in the program?
A. This is my fifth.
Q. Did I do the math right? Okay.
A. Correct.
Q. And you said - when you said you’re planning on defending your dissertation next year, does that mean next academic year or next calendar year?
A. Next calendar year.
Q. So -?
A. So April of 2019.
Q. Okay.
So the end of this academic year?
A. Correct.
Q. What are you planning to do afterward?
A. Afterward I would really like to get a post-doc or a teaching position doing music history.
Q. And the Music Department is in the School of Arts and Sciences.
Right?

A. Yes.

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

A. Correct.

Q. And you said you’re interested in teaching music history?

A. Yes.

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

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

Q. Did you get funding to do that research?

A. I applied for -.

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


BY ATTORNEY FARMER:

Q. So that’s internal to the School of Arts
and Sciences -

A. Yes.

Q. - funding? Okay.

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

A. Yes.

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

A. Yes.

Q. And also now while you’re on a fellowship for this year?

A. Yes.

Q. Have you published while you’ve been here?

A. I have not.

Q. Have you presented at conferences?

A. I have.

Q. On what kinds of topics?

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

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

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

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

THE WITNESS: Yes. Of course.

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

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: But it’s totally fine if you want to ask it.

BY ATTORNEY FARMER:

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

A. Yes.

Q. Okay.
And that was required?

A. Yes.

Q. And did you receive credit for that?

A. Yes.

Q. A letter grade?

A. Yes.

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

A. No.

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

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

Q. That can be a distraction.

A. Right.

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

A. Yes.

Q. Okay.

What kind of things are going to go into it?

A. Approaches to how I would teach music history. Which would go with a teaching statement and a teaching philosophy. I want it to be an
intersectional, diverse history of music rather than what is being taught now. And the different types of activities I would try to do to impart this onto my students.

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

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

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

A. Sure.

Q. Now, I think you said that you didn’t ask to teach these piano classes. Is that right?

A. Correct.

Q. Did you ask to teach any other class?

A. No.

Q. Are you aware that other students put in preferences about what they want to teach?
A. Only recently.

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

THE WITNESS: No. Within the past year.

BY ATTORNEY FARMER:

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

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

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

A. No.

Q. While you were teaching you’ve gotten evaluations of your teaching at various times. Is that right?

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

Q. That would be in 2015?

A. Yes. Fall of 2015.

Q. You don’t recall getting an evaluation teaching in 2016 as well?

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

Q. So let’s talk about that 2015 evaluation.
Do you recall receiving that one?
   A. Yes.
   Q. And it talked about what you were doing well.
      A. Yes.
      Q. Right?
      And it also made some recommendations for areas where you could improve?
      A. It’s been a little bit since I looked at them. I assume so. Yes.
      Q. Okay.
      Do you recall that one of the things that it addressed was being more comfortable at the piano?
      A. I don’t recall that.
      Q. Do you have any reason to doubt that that’s the case?
      A. I wasn’t teaching piano in that semester.
      Q. You were teaching -?
      A. Fundamentals of Music Theory.
      Q. And was there any use of piano in that course?
      A. Yes.
      Q. So I’m going to read a statement. You can tell me if you doubt that it’s - I mean if
there’s a dispute I can print it out, but it’d be more efficient not to.

A. Okay.

Q. So perhaps the overriding suggestion I have is to overcome your unease at the piano. Play chords slowly, starting from bass up to soprano, rather than the opposite. It is never a problem to play slowly when demonstrating a theoretical idea. Does that sound familiar at all?

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

Q. Do you have any reason to doubt that I’m reading that accurately?

A. No.

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

ATTORNEY HEALEY: It took awhile yesterday to print things.

ATTORNEY FARMER: Right.

HEARING EXAMINER: Redirect?

ATTORNEY HEALEY: Just a - just a couple questions.

---

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

ATTORNEY HEALEY: That’s all I have on Redirect.

HEARING EXAMINER: Recross?

ATTORNEY FARMER: Very briefly.

---

RECROSS EXAMINATION

---

BY ATTORNEY FARMER:

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

A. Yes.

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

A. To correct mistakes that I may have made the first time, to make directions more clear. Yes.
I would change them every semester.

ATTORNEY FARMER: Nothing further.

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

ATTORNEY FARMER: No.

HEARING EXAMINER: They’re admitted.

witness?

ATTORNEY HEALEY: Jeff Shook.

---

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

---

HEARING EXAMINER: Spell your name for us.

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

HEARING EXAMINER: All right, sir. Your witness.

---

DIRECT EXAMINATION

---

BY ATTORNEY HEALEY:
Q. Could you state your name, please?
A. Jeffrey Shook.
Q. And you’re appearing here pursuant to subpoena?
A. I am.
Q. Do you presently work for the University of Pittsburgh?
A. I do.
Q. What is your job title at the University?
A. I’m Associate Professor in the School of Social Work and Doctoral Program Director.
Q. And can you in general terms describe what the School of Social Work is briefly?
A. We have Bachelor’s, Master’s, Ph.D. program. We train social workers to go out and do a variety of - of activities, from direct therapy, working in child welfare system, macropractice, policy practice, community organizing.
Q. And in regard to the students in the program, what - what are your general duties and responsibilities?
A. I teach across both the Master’s and Ph.D. program. And I administer the Ph.D. program and I conduct research and service to the school - University.
Q. Now, within the Ph.D. program approximately how many tenured professors are there?
   A. Our faculty - I believe we’re at 17 tenured, tenure track faculty members. Could be off. We’ve had people join and leave.

Q. And within your program are there graduate students assistants?
   A. Yes. Within the Ph.D. program we have graduate student assistants.

Q. And approximately how many graduate student assistants are there?
   A. Currently right now we have 14 GSAs, graduate student assistants.

Q. And in a general sense what do these graduate student assistants do?
   A. They work with a faculty member and they assist that faculty member on their research projects.

Q. Now, when you say the GSAs are assistant faculty member and research projects, are these faculty members’ research projects, not the students’ research project?
   A. Faculty member research.

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

Q. Approximately how many teaching assistants are there?

A. Currently we have five teaching assistants.

Q. And general sense of what teaching assistants do in the School of Social Work?

A. They assist faculty members in teaching courses.

Q. And are there any teaching fellows at the present time in the School of Social Work?

A. Currently we don’t have any teaching fellows.

Q. And have there been teaching fellows in the past?

A. Yes. While I’ve been director we’ve had two teaching fellows.

ATTORNEY HEALEY: Just a moment. Just give us a moment.

---

(WHEREUPON, THERE WAS A BRIEF INTERRUPTION IN THE PROCEEDINGS.)

---

BY ATTORNEY HEALEY:

Q. If you look at Exhibit 35 in one of these
binders.

Do you have that in front of you?

A. Yes, I do.

Q. And what is Exhibit 35?

A. It’s the Ph.D. Program Handbook -

Q. And -?

A. - for the School of Social Work.

Q. Okay.

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

Is that correct?

A. Yes.

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

Do you see that?

A. It’s dated 2017-2018 in this binder.

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

A. There haven’t been material changes.

Q. Okay.

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

HEARING EXAMINER: It’s got a page
number down there.

ATTORNEY HEALEY: Bates number 4425, if that helps.

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

ATTORNEY HEALEY: I’m sorry. We have duplicates of the -.

HEARING EXAMINER: That’s okay.

ATTORNEY HEALEY: I apologize.

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

ATTORNEY FARMER: Seventy-five (75).

HEARING EXAMINER: Seventy-five (75)?

ATTORNEY HEALEY: The upper right is 75.

HEARING EXAMINER: Thank you.

BY ATTORNEY HEALEY:

Q. Do you have that?

A. I do.

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

Is that correct?

A. Yes.

Q. Those are the GSAs we talked about a few
moments ago.

Is that correct?

A. Yes.

Q. If you look under GSA appointments.

A. Yes.

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

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

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

Q. And if you could look towards the bottom
of - in the manual, it’s page 75. Right under GSA appointment. You reference faculty needs. Does that first paragraph there indicate that the School of Social Work appointments are guided by the faculty staffing needs?

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

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

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

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

A. No.

Q. Within the School of Social Work, are they required to perform work as GSAs in order to
get a degree?

A. No.

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

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

Q. And when they take that course they receive academic course for that course. Is that correct?

A. Three credits.

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

Q. Is that correct?

A. Yeah.

Q. How are student needs - how does the school become aware of the student’s desires and interest?

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

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

A. Within the School of Social Work?

Q. Within the School of Social Work.

A. So there are several. We - and here I’ll speak about the Ph.D. program. So we do provide students - following their third and fourth year we provide them with pre-doctoral summer fellowships to work on their dissertation. So, whereas after the
first and second year we generally - they work as GSAs in the summer, it’s a different funding arrangement. They don’t make quite as much as they make during the academic semester, but - or the academic year. But - so we have that mechanism where we have these pre-doctoral fellows.

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

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

A. Yeah.

Q. - things like that?

A. Nonprofits, government institutions. In limited cases they can work for for profits if they’re doing mental health, and - but they’re placed - we have a field office that oversees that process. So they’re working to gain specific skills and to get specific training.
Q. And they’re not performing services in the School of Social Work as such when they’re on those grants. Is that correct?

A. It’s differentiated from the GSA and TA appointments.

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

A. Not to my knowledge.

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

A. Not to my knowledge.

ATTORNEY HEALEY: That’s all I have on Direct.

HEARING EXAMINER: We’ll go off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Cross Examination?

ATTORNEY FARMER: Yes. Thank you.

---

CROSS EXAMINATION

---
BY ATTORNEY FARMER:

Q. Dr. Shook, do you have any role in the administration of the MSW program?
A. I do not.
Q. Okay.

So the testimony that you are giving about how the trainees work in the MSW is not something that’s under your jurisdiction. Right?
A. It’s not.
Q. So you don’t know for sure whether they got tuition or not?
A. To my knowledge, they don’t, but I don’t know to a 100 percent certainty.
Q. And the Ph.D. students are not trainees. Is that right? In your program?
A. They’re GSAs and TAs.
Q. And TAs?
A. Sometimes a TF.
Q. Okay.

HEARING EXAMINER: Thirty-five (35)?
Tab 35?

ATTORNEY FARMER: Yes. I’m sorry.
THE WITNESS: So 6495?

ATTORNEY FARMER: Yes.

THE WITNESS: Yes.

BY ATTORNEY FARMER:

Q. Okay.

When is this used?

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

Q. Okay.

So it’s in your handbook, but you don’t actually use it?

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

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

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

Q. Well, I’m just looking at the document which is in your handbook which says teaching practicum agreement. Is there a different practicum
other than that class?
    A. We have the social work and education course.
    Q. Okay.
    A. The teaching practicum agreement I have not seen used.
    Q. Okay.

Are you involved - as the Director of the Doctoral Program, are they involved in the creation of the Ph.D. program handbook?
    A. I just have updated it over the last several years, but I wasn’t involved in the creation.
    Q. Okay.

When you update it do you look for it to be accurate?
    A. We try to make it accurate. Yeah.
    Q. Okay.

But you have in this document which you’re now saying you don’t use?
    A. We haven’t updated this document.
    Q. Okay.

A. As of this point.
    Q. How long have you been the Director of the Ph.D. Program?
Q. And you are also a full time faculty?
A. I am, yes.
Q. Is that right?
A. Yes.
Q. How long have you been a faculty member at Pitt?
A. Started in 2005, the academic year.
Q. Where did you get your Ph.D.?
A. University of Michigan.
Q. Why did you get a Ph.D.?
A. I was interested in gaining the methodological, substantive, and theoretical schools for skills to examine issues pertaining to law and policy and practice around children and youth. So I - I was a law student. And I was working in a variety of positions as a law student. Working with kids who were convicted or they were being tried for violent, serious offenses. And I felt that the law training did not allow me to provide real, substantive expertise in terms of trying to reform policies that I thought were problematic. So I pursued my social work - or my Ph.D. in social work and sociology at Michigan.

Q. As the Director of the Ph.D. Program,
what are your responsibilities?

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

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

A. I do.

Q. And what is that role?

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

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

A. Yes.

Q. And you talked about - I think you talked about the research and trying to align that with
students’ research interests. Do you do the same with the teaching assignments?

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

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

Q. And -?

A. But we can. I do try.

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

Correct?
A. Yeah. That’s our way that we –
Q. Okay.
A. – yeah.
Q. And that’s a decision that was made by you as the Director of the Ph.D. Program. Is that right?
A. In consultation with the doctoral committee, the Associate Dean –.
Q. And there are about 25 Ph.D. students in your program – or in your school. Is that right?
A. I have 27 active at this point in time. 19 are being funded directly by the school.
Q. There – the school could have made other decisions about how to meet those needs. Right? Rather than assigning graduate students as TAs.
A. I – yes. I mean, I – I assume that.
Q. You could use, you know, senior level undergraduates, for example, as TAs. Correct? In an undergraduate class?
A. A lot of our – a lot of our TAs teach in Master’s courses, so no, we couldn’t.
Q. You could bring in part time faculty to
do that.

Correct?  Teach courses?

A.  I mean, theoretically, you could.

Q.  Right.

It’s something that is available to the school as an option.

Correct?

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

Q.  Do you require students to teach?

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

Q.  Why?

A.  To be competitive on the job market.

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

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

HEARING EXAMINER:  When was that?

THE WITNESS:  That was before - so my former Dean has discussed this a number of times.
So that was before I believe I even started at the - the school. So before 2005.

BY ATTORNEY FARMER:

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

   Right?

A. I do.

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

   Is that right?

A. Yes.

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

   Right?

A. It is. Yes.

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

A. We - generally our students will have an MSW degree, and it’s desirable that they have a couple years of practice experience. But we do have probably half of our students come in with the MSW degree and not two years of practice experience. In recent years we have had more students come in in
the MSW Ph.D. track than we did previously. So we
do take students - generally what we look for in
admissions is some life experience and work
experience.

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

Right?

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

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

A. Yes.

Q. And that helps them to develop the
research skills that they’ll use for their
dissertation.

Right?

A. It can. If they get those opportunities.

Yeah.

Q. Well, the GSA is doing research with
faculty.

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

ATTORNEY FARMER: Just a second.

BY ATTORNEY FARMER:

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

---

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

---

BY ATTORNEY FARMER:

Q. Have you seen this document before?
A. Yes, I have.

Q. Can you explain what it is?
A. It's our First Year Review Policy for Ph.D. students.

Q. Because the Department does an annual review of the students' academic progress?
A. Yes.

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

Is that right?
A. It does. Yes.
Q. Okay.

And the research that they’re doing as a GSA helps to inform faculty views of their competency as a scholar.
Right?
A. Yes. The progress that they’re making and their competency within that assignment helps to - us to think about their progress. It helps us think about what steps we might need to take to assist that student.
Q. If you’d also take a look at page 76 of the handbook. It’s - it’s probably right next to where we originally were. 6454 on the bottom, if that helps.
A. Yes.
Q. Do you see under number three, ongoing training?
A. Yes.
Q. First sentence, one of the School of Social Work schools for doctoral students is to facilitate the professional development of graduate student assistants. And then it lists certain activities they’re expected to do for their professional development.
A. Yes.
Q. Is this accurate?
A. Yes.
Q. In terms of your own experience with students, have you published with your students?
A. I have.
Q. And is that areas where you have mutual research interests?
A. It can be. But it also can be where I need help getting things done. So when I have a GSA and I need help on a particular lit review or help thinking about modeling a data analysis, I will have that student run a task. And if it works out then, you know, they’re up to the level of authorship. I will engage them in authorship.
Q. Are publications valuable for a student?
A. They are.
Q. Why?
A. The market is getting tougher and tougher. So getting publications shows, you know, potential, you know, universities and others that you’re able to produce.
Q. And there are instances where the research you do with students can be incorporated into their dissertation.
Correct?

A. They can. Yeah. So they can – on projects that they’re working with me on, there’s potential for those to inform their dissertation, yeah, or be part of their dissertation.

HEARING EXAMINER: Does it happen?

THE WITNESS: Does it happen?

HEARING EXAMINER: Yeah.

THE WITNESS: Yeah. I’ve had students who – my projects, they’ve used some of my data and they’ve done their dissertation.

HEARING EXAMINER: Data that they worked on as GSAs?

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

HEARING EXAMINER: Let’s simplify the question. Have you had a GSA whose – her GSA work, some of that work ended up in her dissertation?

THE WITNESS: Some of the work that was done on a project that she participated in?
HEARING EXAMINER: Yeah.

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

HEARING EXAMINER: Is that what you’re asking?

ATTORNEY FARMER: Yes.

THE WITNESS: Yeah.

ATTORNEY FARMER: That was the question. Thank you.

BY ATTORNEY FARMER:

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

A. Yes. Yes.

Q. Can you briefly tell us about this?

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

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

A. To get them thinking about the job market earlier and to get them prepared to go on the job
Q. Are career resources services available to all students within the school?
A. We do have somebody on staff who directs our career services for our Master’s and Bachelor’s students.
Q. And there are also services that are available to the Ph.D. students. Right?
A. The Ph.D. through the University, and then I run a job club where I meet with students starting in the spring and into the summer and fall to help prepare them for the job market.

ATTORNEY FARMER: I have nothing further.

HEARING EXAMINER: Redirect?
ATTORNEY HEALEY: Just a couple questions.

---

REDIRECT EXAMINATION

---

BY ATTORNEY HEALEY:
Q. Could you look at Respondent Exhibit Number 7 -?

HEARING EXAMINER: She had -.
THE WITNESS: This one? Yep.

HEARING EXAMINER: Yes.

BY ATTORNEY HEALEY:

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

A. It was developed by the doctoral program committee.

Q. And when was it developed?

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

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

A. Uh-huh (yes).

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

Is that correct?

A. They do.

Q. It’s the faculty member’s project, whatever that might be?

A. Yes.

Q. So the last line says, quote, completes required GSA work in a timely fashion.
Do you see that?
A. Yes.
Q. That GSA work that’s required is for the faculty member.
Is that correct?
A. Yes.
Q. And you indicated – and just to clarify one thing – that there’s approximately 27 Ph.D. candidates in the School of Social Work –?
A. I believe. Yeah. 27 – or it may be 25. We had a couple finish. I’d have to look back at the exact number too.
Q. And that 19 are funded.
Is that correct?
A. Nineteen (19) are funded through the school.
Q. And when you say funded, they receive appointment letters?
A. Yes.

HEARING EXAMINER: Were the others self funded? The other seven?
THE WITNESS: The others – so we have – currently we have one student who is eligible for funding who has gotten external funding. So she’s funded. We have others who we provide four years of
funding, the straight Ph.D. students. So once they get past, we don’t fund them anymore.

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

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

BY ATTORNEY HEALEY:

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

A. Yeah.

ATTORNEY HEALEY: That’s new. Right?

HEARING EXAMINER: I haven’t heard of anyone paying a Ph.D. student.

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

HEARING EXAMINER: Maybe I misunderstood.

ATTORNEY HEALEY: But they’re funded?

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

THE WITNESS: We - yeah. I do believe - I’d have to double check to see if we pick up -
because they register for dissertation credits, so it’s a smaller -

HEARING EXAMINER: Yeah.

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

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

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

HEARING EXAMINER: What positions?

Like at Chipotle, or what?

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

HEARING EXAMINER: Administrative job?

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

Sargent’s Court Reporting Service, Inc.
(814) 536-8908
HEARING EXAMINER: Graduated from what?

THE WITNESS: Or, I’m sorry. Once their funding is over. I apologize.

HEARING EXAMINER: Okay.

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

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

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

HEARING EXAMINER: Oh that makes sense.

THE WITNESS: Yeah.

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

THE WITNESS: Yes.

HEARING EXAMINER: Okay.

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

HEARING EXAMINER: All right.

Anything else?

ATTORNEY HEALEY: No further
questions.

HEARING EXAMINER: Ms. Farmer?

ATTORNEY FARMER: Nothing.

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

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

ATTORNEY KILBERT: The Union calls

Golnar Yarmohammad Touski, providing a copy of her appointment letter for the -

ATTORNEY FARMER: Thank you.

ATTORNEY KILBERT: - counsel for the University.

---

GOLNAR YARNOHAMMAD TOUSKI,

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

---

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

THE WITNESS: G-O-L-N-A-R,

HEARING EXAMINER: Okay.

THE WITNESS: Sorry. That was very -. 

HEARING EXAMINER: Okay. Go ahead. ---

DIRECT EXAMINATION ---

BY ATTORNEY KILBERT:

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

A. Of course.

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

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

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


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

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

Q. I’m distributing a document marked Union Exhibit 194. Thank you.

---

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

---

BY ATTORNEY KILBERT:

Q. And what is this document?

A. This is the History of Art and Architecture’s Graduate Student Handbook.

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

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

Q. Is that class for credit?

A. That is for credit.

Q. Have you taken that class?

A. I did.

Q. What did that class involve?

A. It was basically to teach us techniques of teaching art history, especially introductory courses in art history, to undergraduate students.

How to deal with various issues that may arise while
teaching art history and also compose a teaching portfolio which consisted of a teaching philosophy, a syllabus, a rubric, and that’s about it.

Q. All right.

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

A. Just one session of an introductory class of art history.

Q. You mean like one hour?

A. Yes. It was a recitation.

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

A. No.

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

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

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

A. I did.

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

A. Yes.

Q. Do you have to pay anything to
participate in that plan?
  A. Yes.
  Q. In that first year at the University did you do any teaching or research work for the University?
  A. Other than my own research, no.
  Q. So what did you do during that fellowship?
  A. I was enrolled in two seminars. Which is basically what you’re expected to do first year.
  Q. Did you pay any tuition during this year?
  A. No.
  Q. Have you ever paid tuition in the first year?
  A. No.

ATTOYER KILBERT: So I’m going to - Union 194.

HEARING EXAMINER: Any objection?

ATTOYER FARMER: No.

HEARING EXAMINER: Admitted.

ATTOYER KILBERT: I’m going to distribute a document marked Union Exhibit 195.

---

(Whereupon, Union Exhibit 195, English Comprehensibility Test, was marked for
identification.)

---

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

ATTORNEY KILBERT: Oh okay.

HEARING EXAMINER: No. We’re going to -.

COURT REPORTER: We’re not?

HEARING EXAMINER: No.

COURT REPORTER: Oh okay. Perfect.

HEARING EXAMINER: Save you a lot of trouble.

COURT REPORTER: Thanks.

BY ATTORNEY KILBERT:

Q. All right.

So, Golnar, what is this document?

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

Q. And have you taken this test?

A. I did.

Q. Who is required to take the test?

A. All international students who are going to work as teaching assistants are required to take this test before they can start their job as teaching assistants.
Q. And who administered the test?
A. Two representatives from the School of Linguistics and one faculty member from our department.

Q. So far as you know, are international students who are not teaching assistants or who are not going to work as teaching assistants required to take this test?
A. No.

Q. Have you worked as a research assistant in your time at the University?
A. I have. Yes.

ATTORNEY KILBERT: I’m now going to distribute - Union moves 195.

HEARING EXAMINER: Any objection?
ATTORNEY FARMER: No.
HEARING EXAMINER: Admitted.

BY ATTORNEY KILBERT:
Q. I’m going to distribute two documents marked 196 and 197.

(Whereupon, Union Exhibit 196, Appointment Letter 2018-2019, was marked for identification.)
(Whereupon, Union Exhibit 197, Contract Documents, was marked for identification.)
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?
A. I did, yes.
Q. Was that appointment letter similar to this appointment letter?
A. Yes.
Q. So look at 197. What is 197?
A. This is an internal document for our TA - our TA contracts that we received each semester.
Q. And did you fill out a document like this for your appointments as a research assistant?
A. I did, yes.
Q. And even though it says TA, TF contracts, do you fill it out even though you are appointed as a TSA?
A. Yes.
Q. So when you’re working as a research assistant, for whom were you working?
A. I’ve been working for my advisor, Dr. Terry Smith.
Q. And that’s the person you’ve been working for the entire time?
A. Yes.
Q. And what are you doing as Professor Smith’s research assistant?
A. My main duty is to assist Dr. Smith with research on areas that I - I have expertise in, such
as Mid Eastern Contemporary Art, as well as transcribing interviews, lectures, et cetera.

Q. And is this in support of a project that your advisor is engaged in?
A. Yes.

Q. And what is that project?
A. He’s in the process of writing a book about modernism in contemporary art in a global scope, which also includes the Middle East.

Q. And for this book, do you anticipate being listed as a coauthor for the book?
A. No.

Q. Who would be the author?
A. Dr. Smith.

Q. And how much time on average per week do you spend working as his research assistant?
A. Any – anywhere between five to 20 hours per week.

Q. Do you receive academic credit for your degree requirements for your work as a research assistant?
A. No.

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

ATTORNEY FARMER: Objection. She hasn’t been a TA. She can’t have personal knowledge.

HEARING EXAMINER: What was the question?

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

HEARING EXAMINER: Overruled. Go ahead.

ATTORNEY KILBERT: You can answer.

THE WITNESS: No. They don’t.

BY ATTORNEY KILBERT:

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

A. Yes.

Q. Are taxes withheld from your pay?

A. Yes.

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

HEARING EXAMINER: Would you like some time, ma’am?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: All right. Off the record.
ATTORNEY FARMER: Does he want to - I they've move in the exhibits. Do you -?

HEARING EXAMINER: They're admitted subject to objection.

ATTORNEY FARMER: No objection.

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

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Ms. Farmer?

ATTORNEY FARMER: Yes. Thank you.

---

CROSS EXAMINATION

---

BY ATTORNEY FARMER:

Q. Ms. Touski, when did you start at Pitt?
A. Fall of 2016.

Q. Did you already have a Master’s?
A. I did.

Q. And why did you decide to pursue a Ph.D.?
A. Because for my career I need a Ph.D. degree.

Q. What career is that that you’re
interested in?

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

    Q. Yes.

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

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

    Q. Okay.

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

    A. Yes.

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

    Is that right?

    A. Correct.

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

    Is that right?
A. Of course. Yes.

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

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

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

A. No.

Q. Have you done any publications -

A. Yes.

Q. - while you’ve been at Pitt?

A. Yes.

Q. What have those been on?

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

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

A. In case of papers and journal essays, I
have already published quite a lot, so -. 
Q. And you haven’t had any teaching experience at Pitt. 
   Right? 
A. No. 
Q. Is that something that you sought out at Pitt? 
A. Can you clarify? 
Q. That you - have you tried to get teaching experience at Pitt? 
A. I have not tried per se, because it’s kind of expected that at some point we are going to be assigned to work as teaching assistants. 
Q. Is it something that you’re interested in doing? 
A. Of course. Yes. 
Q. Why? 
A. I like teaching. 

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

HEARING EXAMINER: Redirect? 
ATTORNEY KILBERT: I have none. 
ATTORNEY FARMER: I’m sorry. I really -. 

HEARING EXAMINER: Go ahead.
ATTORNEY FARMER: I just have one question.

HEARING EXAMINER: That’s fine.

ATTORNEY FARMER: I apologize.

BY ATTORNEY FARMER:

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

A. That’s correct.

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

A. Yes.

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

A. Yes.

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

A. Yes.

Q. Okay.

Do you know whether that’s something that’s required by the State of Pennsylvania?

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

ATTORNEY FARMER: Thank you.
ATTORNEY KILBERT: I have no questions.

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

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

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

---

ALEXANDER HOWARD,

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

---

HEARING EXAMINER: Spell your name for us.


HEARING EXAMINER: Your witness, sir.

---

DIRECT EXAMINATION

---
BY ATTORNEY SHARMA:

Q. Mr. Howard, is it all right if I call you Alex?
A. Yes.
Q. Alex, are you currently enrolled at the University of Pittsburgh?
A. Yes.
Q. All right. And what kind of degree are you working towards?
A. Master’s of Science.
Q. In what department are you in?
A. The Mechanical Engineering Department.
Q. How long have you been enrolled as a graduate student at the University of Pittsburgh?
A. Since August of 2017.
Q. And have you always been enrolled in the degree program you’re in now, or were you enrolled in something - or were you admitted to a different degree program?
A. Yes. I was accepted to the Ph.D. program.
Q. I am providing you with what’s marked Union Exhibit 198.
---
Whereupon, Union Exhibit 198, Appointment Letter 2017-2018, was marked for identification.

---

BY ATTORNEY SHARMA:

Q. Can you review that and tell me if you recognize it?
A. Yes.
Q. And what is it?
A. This is my appointment letter for the 2017-2018 year.
Q. Okay.
This also shows you were admitted to the Ph.D. program?
A. Yes, it does.
Q. And do you know if it's a requirement to earn a Master’s in Science degree to earn the Ph.D. program - earn the Ph.D.?
A. Yes. In my department. Yes.

ATTORNEY FARMER: I’m sorry. Can you ask that again? I -.

ATTORNEY SHARMA: Yeah.
ATTORNEY FARMER: I didn’t understand the question.

BY ATTORNEY SHARMA:

Q. Do you have to earn a Master’s first in
the Ph.D. program?

A. Yes.

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

A. In the Mechanical Engineering Department, yes.

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

A. Yes.

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

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

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

---

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

---

BY ATTORNEY SHARMA:

Q. Tell me if you recognize that?
A. Yes.
Q. And what is that document?
A. This is the Graduate Handbook for Mechanical Engineering.
Q. And the academic requirements for the Master's in Science degree that you described, are those within that document?
A. Yes.
Q. Is there any requirement that you serve as a teaching assistant, teaching fellow, graduate student assistant, or a graduate research assistant to obtain that Master’s in Science degree?
A. No.
Q. Have you served in any of those positions while enrolled in the Master’s of Science program?
A. Yes.
Q. And what positions have you held?
A. I held a TA position in the fall of 2017 and a GSR position in the spring of 2018.
Q. Okay.
Turning back to Union Exhibit 198, does this outline those appointments?
A. Yes.

ATTORNEY SHARMA: I’m going to move through Union Exhibit 198 and 199.
HEARING EXAMINER: Any objection?

ATTORNEY FARMER: No.

HEARING EXAMINER: Admitted.

BY ATTORNEY SHARMA:

Q. So you held your TA appointment in the fall of last year. Is that correct?

A. Yes.

Q. And what course were you assigned to?

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

Q. And how were you assigned to that course?

A. It was chosen for me by the Department.

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

A. No.

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

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

Q. All right.

And was there a large lecture section in that course?
A. Yes, there was.

Q. And how - about how many students were in the lecture section?
   A. Approximately 60 or so.

Q. And how many students would be in each of the labs that you were in?
   A. There were - they were put into groups of anywhere from two to five. Over the course of the semester I saw about 30 of them.

Q. Who was the lecturer for that course?
   A. Dr. John Whitefoot.

Q. Who decided what would be covered in the - in each lab?
   A. Dr. Whitefoot.

Q. If you had any issues that arose during a lab, like a situation you didn’t quite know how to handle, who would you talk to about that?
   A. Usually Dr. Whitefoot.

Q. Do you have any examples of that?
   A. Yeah. There was one lab where the equipment was malfunctioning. So we did not - we were not able to complete the lab in the required time. So I contacted Dr. Whitefoot about what happened in the lab.

Q. And how ultimately did you decide to -?
A. He chose to provide the students with data that had been recorded by other students.

Q. Did you receive any credit serving as a teaching assistant?
A. No.
Q. Okay.

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

Is that correct?
A. Yes.
Q. And were you assigned to work on a specific research topic?
A. Yes.
Q. What was that topic?
A. It was a development and commercialization of a medical device.
Q. Who assigned that to you?
A. My research advisor, Dr. Jeffrey Vipperman.

HEARING EXAMINER: Spell that for us.


BY ATTORNEY SHARMA:

Q. Did you have any input in selecting the
topic?

A. No.

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

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

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

A. It was a full time position, so I’d say 40 hours.

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

A. No.

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

A. Yes.

Q. And when was that?

A. In the fall of 2017.

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

A. Yes, I did.

Q. And what was that topic?
A. It was nominere controlled design for a precision motion application.

Q. Is the research you performed as a GSR related to the Master’s thesis topic?
A. No.

Q. Is the research you received credit for during that fall semester related to your Master’s thesis topic?
A. Yes, it was.

Q. And the research you were performing as a GSR, what was the ultimate way to be used for?
A. It was to be used for the commercialization of the device, like I said. So there actually was a company formed during the spring semester.

Q. And do you know who formed that company? Or was part of that company?
A. Yeah. My research advisor, another graduate student that I worked with, and someone that they had hired from the Innovation Institute of Pittsburgh. University of Pittsburgh. Sorry.

Q. When you applied to the Mechanical Engineering Program did you have an area of interest that you hoped to focus your research on?
A. Yes, I do.
Q. And what would that area -?
A. Mostly falls under dynamics and controls.
Q. And was the research that you were performing as a GSR directly related to that area of interest?
A. No, it wasn’t.
Q. And the degree that you’re currently working towards, is that the same type of Master’s degree that you were working towards last year?
A. No. So I switched tracks this past year.
Q. And what is the current degree you’re working towards?
A. It’s referred to as the Professional Master’s.
Q. Can you tell us why you switched tracks?
A. My - because of the fact that my research appointment is - I was doing research that wasn’t related to what I wanted my thesis to be in, which kind of delayed my degree. So I decided that - or I realized that I could graduate with a Professional Master’s in one semester if I changed tracks. So I decided to do that.
Q. And so you’ll be graduating in December?
A. Yes.
Q. And what do you hope to do after you
graduate?

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

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

A. Yes.

Q. What was that compensation?

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

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

A. Yes.

Q. Did you have taxes withheld from your pay?

A. Yes.

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

A. I would have been.

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

A. No.

Q. And who is paying your tuition?

A. I am.

ATTORNEY SHARMA: That’s all I have.

HEARING EXAMINER: So when you
switched to the Professional track Master’s, you went off the appointment’s track. Right?

THE WITNESS: Yes. That’s correct.

HEARING EXAMINER: Do you need time?

ATTORNEY FARMER: Yes, please.

HEARING EXAMINER: Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Okay. Ms. Farmer.

ATTORNEY FARMER: Yes. Thank you.

HEARING EXAMINER: Go ahead. Cross Examination.

---

CROSS EXAMINATION

---

BY ATTORNEY FARMER:

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

A. Yes.

Q. Okay.

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

A. I actually didn’t apply to the Ph.D. program. I applied to the Master’s, but I was
accepted to the Ph.D. program. Just to clarify.
  Q. Okay.
  A. I don’t know how that happened. But that’s just how it happened.
  Q. Okay.
  Do you know whether the Department actually admits students into a research Master’s separate from the Ph.D.?
  A. I’m sorry. Can you repeat that?
  Q. So you said you applied to the Master’s but were admitted to the Ph.D.
  A. That’s correct.
  Q. Do you know whether the Department of Mechanical Engineering actually admits students into a research Master’s?
  A. I - I believe so.
  Q. Have you seen anybody who applied just to the research Master’s?
  A. I - I don’t know.
  Q. Okay.
  A. I don’t know the answer to that.
  Q. So there’s - just to be clear, there’s - there’s a Professional Master’s, which is what you’re doing right now.
  A. Yes.
Q. Then there’s a Research Master’s, which is the thesis that you were talking about. And then there’s the Ph.D.
   Right?
   A. Yes.
   Q. Okay.

And you said you applied to the Research Master’s, but we know from this letter that you were admitted to the Ph.D.?
   A. That’s correct.
   Q. Okay.

And you don’t know whether anybody is ever admitted into just the Research Master’s?
   A. I’m sure it’s happened. I don’t – I don’t personally ask people what degree they were admitted –.
   Q. And so you don’t know whether that really has happened in practice?
   A. I can’t speak to it.
   Q. Okay.
   A. But I’m – yeah.
   Q. Yeah.

HEARING EXAMINER: We’ll get somebody here from engineering. All right?

ATTORNEY FARMER: Yes.
HEARING EXAMINER: Okay.

ATTORNEY FARMER: Although not specifically to Mechanical Engineering. I mean, we weren’t planning on -.

HEARING EXAMINER: Sorry. Mechanical.

Yeah.

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

HEARING EXAMINER: No. I understand what’s going on. Go ahead.

ATTORNEY FARMER: Okay.

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

ATTORNEY FARMER: I know you don’t. We would be here for months.

BY ATTORNEY FARMER:

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

Right?

A. Yes.

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

And then you decided to switch over to this Professional Master’s which you’ll finish this semester?
A. Yes.

Q. Which just requires coursework.

Right?

A. Yes.

Q. Okay.

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

Right?

A. Yes.

Q. Okay.

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

A. Theoretically, yes. I could have.

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

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

Q. For your thesis, I meant. The choice was to do - have - do research for your thesis that was unrelated to what was being done in the lab.
HEARING EXAMINER: Hold on. I think your question is - say it again.

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

BY ATTORNEY FARMER:

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

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

Q. Okay.

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

A. No.

Q. Okay.

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

A. That’s correct.

Q. Okay.

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

A. Yes.

Q. So I don’t understand. Can you explain?
A. He came in on - you know, whatever the first week of January of 2018, and he said this is your new project.

Q. Okay.

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

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

Q. Okay.

So you weren’t interested in the specific project but you were interested in research that was being done in the lab generally.

Is that -?

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

Q. Okay.

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

A. Yes.

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

A. It’s difficult to say. Maybe four years, five years.
Q. Do you know whether you would have had an opportunity to be funded doing research on the project that you wanted to if you had stayed for five years?

A. That’s difficult to say. We could – we certainly could have applied for funding in that area.

Q. Okay.

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

Right?

A. Theoretically, yes, I could.

Q. Excuse me.

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

A. Yes.

Q. Can you explain what that means?

A. Yeah. So – I don’t – there’s a patent on the one so I don’t want to –.

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

A. Right. Right.

Q. - what it means to be a lead test engineer. I don’t -.
A. So I was in materials testing.
Q. Okay.
A. Yeah. So I was – basically we were trying to determine coefficients of friction of given material combinations. So I was basically tasked with coming up with a test plan to –.

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

THE WITNESS: Okay.

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

THE WITNESS: Sure.

HEARING EXAMINER: Is that fair, Ms. Farmer?

ATTORNEY FARMER: Yes. Thank you.

THE WITNESS: Okay. I was –.

HEARING EXAMINER: You were running –?

THE WITNESS: Carrying out tests.

Yes.

ATTORNEY FARMER: Okay.

THE WITNESS: And analyzing that data.

BY ATTORNEY FARMER:

Q. And carrying out tests and analyzing the
data is the same thing, I understand on a slightly different project, that you would have to do to get a Ph.D.

Right?

A. I’m sorry. Can you repeat that?

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

Right?

A. I mean, you can’t get it without a thesis, and you can’t do a thesis without research, so -.

Q. Right.

A. I guess -.

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

Right?

A. Yeah.

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

Right?

A. Perhaps. Yes.

Q. Because that’s generally what engineers do.
A. If you’re a test engineer, then yes. It is.

Q. And you said that you also – you coordinated with the design team. Is that right?

A. Yes.

Q. And that’s something that engineers do in industry as well. Correct?

A. Yes.

Q. And that’s something that you might have to do if you had stayed in the Ph.D. program and worked on your thesis, depending on what you were where it led you ultimately. Right?

A. Yes.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Redirect?

---

REDIRECT EXAMINATION

---

BY ATTORNEY SHARMA:

Q. When you applied to the graduate program, can you remind us what your area of – the area that
you were interested in was?

A. Yeah. Dynamics and controls.

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

Is that correct?

A. Yes.

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

A. Yeah.

Q. - of engineering?

A. Maybe controls engineering.

Q. Okay.

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

A. Yes.

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


Q. The research you were performing for the GSR position, that was an area that you were
interested in focusing on -?
A. Oh. No. I’m sorry. I’m sorry.
Q. Actually -?
A. No.
Q. Okay.
So, the - the GSR research that you were performing, you - is there an area of engineering that that is related to?
A. Yes. I’d say biomedical engineering.
Q. You - are you interested in going into biomedical engineering?
A. No.
ATTORNEY SHARMA: Is - I have no further questions.
HEARING EXAMINER: Recross?
ATTORNEY FARMER: Nothing.
HEARING EXAMINER: Thank you. You can step down. Everyone be back at 1:00 for the next witness.
---
(WHEREUPON, A SHORT BREAK WAS TAKEN.)
---
NICOLE FORRESTER,
called as a witness in the following proceeding, and having first been duly sworn, testified and said as
FOLLOWS:

---

HEARING EXAMINER: Spell your name for us.

THE WITNESS: N-I-C-O-L-E
F-O-R-R-E-S-T-E-R.

HEARING EXAMINER: Go ahead.

ATTORNEY KILBERT: I'll begin by noting for the record that I obtained an executed FERPA waiver for Ms. Forrester to Counsel for the University.

---

DIRECT EXAMINATION
---

BY ATTORNEY KILBERT:

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

A. Yes.

Q. And what is your affiliation with the University of Pittsburgh?

A. I’m a Ph.D. candidate in the Department of Biological Sciences.

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

A. In September or August 2013.
Q. So what year are you in now?
A. I’m in my fifth year.

Q. And what is your area of scholarly focus?
A. I study ecology and evolution.

Q. All right.

I’m going to distribute a document marked Union Exhibit 200.

---

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

---

BY ATTORNEY KILBERT:

Q. Could you please identify this document?
A. This is an award letter from the National Science Foundation offering me a graduate research fellowship.

Q. And did you accept that fellowship?
A. Yes.

Q. And the National Science Foundation is external to the University. Correct?
A. Correct.

Q. And what do you do during this fellowship?
A. Throughout this fellowship I designed and
conducted independent research for my dissertation.

Q. And did you apply for this fellowship?
A. Yes.

Q. Why did you apply to the fellowship?
A. I wanted to have control and agency over my doctoral program and dissertation research.

Q. So when did this fellowship begin for you?
A. This started in September 2015.

Q. And when did it end?
A. It ended in August 2018.

Q. Were you required to do any work for the University during this fellowship?
A. No.

Q. Did you teach for the University during this fellowship?
A. No.

Q. Were you working on research directed by a faculty member during this fellowship?
A. No.

Q. Did you receive payments from the University during the term of this fellowship?
A. Technically my paycheck said the University of Pittsburgh, but all of the funding was from the National Science Foundation.
Q. Were those payments for this fellowship reported on W-2s issued by the University?
A. No.
Q. And during this fellowship did you pay for your health insurance, or did the University pay?
A. I paid for my own health insurance.
Q. Were you required to work some set amount of hours per week?
A. No.
Q. How was your tuition handled while you were on the scholarship?
A. The NSF paid for my tuition.

ATTORNEY KILBERT: Union moves 200.
HEARING EXAMINER: Any objection?
ATTORNEY FARMER: No.
HEARING EXAMINER: Admitted.

BY ATTORNEY KILBERT:
Q. I’m going to distribute what has been marked Union 201.
---
(Whereupon, Union Exhibit 201, Fellowship Letter, was marked for identification.)
---

BY ATTORNEY KILBERT:
Q. Could you please identify that document?
A. This is an award letter offering me the Andrew Mellon Predoctoral Fellowship.

Q. And what is the Andrew Mellon Predoctoral Fellowship?
A. It is a stipend that’s supplied by the University of Pittsburgh to support me in my final year of my doctoral program.

Q. So it’s a University fellowship?
A. Yes.

Q. Did you apply for this?
A. Yes.

Q. Why did you apply for it?
A. I really enjoy doing independent research and wanted to continue doing that.

ATTORNEY KILBERT: Union moves 201.

HEARING EXAMINER: Any objection?

ATTORNEY FARMER: No objection.

HEARING EXAMINER: It’s admitted.

BY ATTORNEY KILBERT:

Q. And when did this fellowship begin?
A. Just about September 2018.

Q. And when - when will it end?
A. It will end April of 2019.

Q. What are you doing during this
fellowship?

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

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

A. No.

Q. So you’re not teaching?

A. No.

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

A. No.

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

A. No.

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

A. Tuition is covered by the University.

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

A. I am paying for health insurance.

ATTORNEY KILBERT: No further questions.

HEARING EXAMINER: Cross?

ATTORNEY FARMER: Give me just one second.
HEARING EXAMINER:  Yes, ma’am.
---
CROSS EXAMINATION
---
BY ATTORNEY FARMER:

Q.  Why did you decide to pursue a Ph.D., Ms. Forrester?
A.  I really wanted the experience of going through graduate school and conducting independent research as a Ph.D. student.
Q.  Why did you choose Pitt?
A.  For my advisor.
Q.  Who is that?
A.  Tia-Lynn Ashman.
Q.  Have you worked with Dr. Ashman throughout your entire program?
A.  Yes.
Q.  What are your career goals?
A.  I want to be a freelance science writer.
Q.  So you said your dissertation – are you planning on finishing this – this academic year?
A.  Yes.
Q.  Okay.
Q.  What’s the topic?
A.  I study alfalfa and bacteria.
Q. Have you published while you’ve been at Pitt?
A. Yes.
Q. Can you tell us about what kind of topics you’ve published on?
A. I’ve published several research articles for peer reviewed journals, and in addition I’ve published numerous articles for various media outlets about science writing and journalism.
Q. On any of those publications in the journals did you have coauthors?
A. Yes.
Q. Who were the coauthors?
A. My advisor and other research collaborators.
Q. So your advisor was a collaborator with you on - has that been true throughout your program at Pitt, or was it only in certain stages where you were publishing with him?
A. It’s a her.
Q. Sorry.
A. That’s okay. I think for the projects that were under her supervision she’s a coauthor. For projects with other individuals where she was not involved in that project she was not on those
papers.

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

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

Q. And have you also given conference presentations while you’ve been at Pitt?

A. Yes.

Q. And what kind of topics? Same thing?

A. All of my dissertation research.

Q. Why have you done that?

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

Q. And do you think that’s important to help you get a job?

A. For my career goals, not necessarily.

Q. Okay.

But you feel like it’s important for your professional development anyway?

A. If I wanted to pursue a career in academia, I think it would be beneficial. At this point in time, given my career goals, I don’t think that it would necessarily be helpful for my career development. But as a graduate student it’s
Q. You weren’t required to do it. This was your choice. Right?
A. Correct.
Q. So you obviously thought there was some reason why it benefitted you to do it since you made the choice to do it?
A. Yeah.
Q. Okay.
So I just want to go through and make sure I know the sequence. So your first year you were on a fellowship.
Is that right?
A. Yes.
Q. Are all the students in - the Ph.D. students in biology on fellowships the first year?
A. Yes.
Q. And biology is in Arts and Sciences?
A. Yes.
Q. And then after that your second year starting in that summer you were a TA.
Is that right?
A. Yes.
Q. And students in biology - Ph.D. students
are required to TA.

Is that right?

A. For one semester.

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

Is that right?

A. Correct.

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

HEARING EXAMINER: That’s right.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. I’m showing you what we’ve marked as Exhibit 8.

---

(Whereupon, Respondent’s Exhibit 8, Biology Program, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Have you ever seen this before?

A. No.

Q. Okay.

Can you just take a look at it?

Is this - this is from your program at Pitt.
Right?
A. Yes.
Q. Okay.
Is this consistent with your understanding of how teaching works in the Department?
A. Yes.
Q. Okay.
While you were teaching those three semesters, one of which was a summer - there’s I guess three terms. Would that be a way to describe it?
A. Yeah.
Q. Okay.
During all three of those, you took a course called Bioscience 2970, which is teaching of biological sciences.
Right?
A. No.
Q. You did not? Okay.
A. I don’t remember.

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

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

ATTORNEY FARMER: Yes.

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

ATTORNEY FARMER: I just don’t want to -

HEARING EXAMINER: I understand.

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

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

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

HEARING EXAMINER: All right.

ATTORNEY FARMER: It was -.

HEARING EXAMINER: Here you go.

BY ATTORNEY FARMER:

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

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

A. It’s not an actual course.

Q. Okay.

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

Q. But you got credit for it.

Right?

A. I guess so.

Q. Okay.

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

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

HEARING EXAMINER: What was the course number now?


HEARING EXAMINER: Okay. Go ahead.

BY ATTORNEY FARMER:

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

A. I don’t recall any coursework.

Q. Okay.

A. I’m not entirely sure.

Q. The Biology Department also has an
optional teaching minor.

Is that right?

A. Yes.

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

---

(Whereupon, Respondent’s Exhibit 9, Biology Department Webpage, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. The webpage from the Biology Department on the teaching minor. This is something that’s optional for students.

Is that right?

A. Yes.

Q. And you chose not to do it because you’re not particularly interested in teaching.

Is that right?

A. Yes.

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

A. Yes.

Q. And that was with your advisor?

A. No. That was independent research.

Q. Okay.
Was it under the supervision of your advisor?

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

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

Is that right?

A. Yes.

Q. Okay.

Where were you physically doing the research?

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

Q. Okay.

And is that lab one that’s run by your advisor?

A. No.

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

A. It’s a field research station -

Q. Okay.

A. - located about two hours north of here.

Q. Okay.

A. And it’s run by Corinne Richards-Zawacki,
who is another professor in the Department.

Q. So it’s a University lab, it just wasn’t your advisor?
A. Right.
Q. And then you said the other part was in Pittsburgh. Was that in your advisor’s lab?
A. Yes.
Q. And during that time you were funded on a TA.
A. Right?
Q. Yes.
A. Yes.
Q. During that year, specifically in your second year. Can you talk about when you were doing that research in these labs, what kind of research were you doing? Like physically what were you doing?
A. Physically I was growing plants in the greenhouse and putting bacteria on them and then measuring a bunch of things about the plants in the lab.
Q. So that research would require supplies and equipment.
A. Yes.
Q. Okay.
Did you pay for those, or did the University provide them?
A. I applied for funding to cover all of my research expenses.
Q. Okay.
Was that through the University or external?
A. External.
Q. And there was - after you were a TA for that year then there was a summer when you were on a GSR. Is that right?
A. Yes.
Q. And whose lab were you - were you doing that in?
A. Tia-Lynn Ashman’s. My advisor.
Q. Your advisor? What were you doing?
A. I was helping out with various research projects that she was working on.
Q. And did they relate to plants?
A. Plants? Yes. But not my studies -.
Q. Not the alfalfa specifically? Okay. Then you went on this NSF fellowship for
three years?

A. Uh-huh (yes).

Q. Okay.

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

Right? And your tuition? It doesn’t provide the funding for the supplies and equipment for the research.

Does it?

A. No.

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

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

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

A. Uh-huh (yes). Yes.

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

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

HEARING EXAMINER: You have to say yes
or no.

THE WITNESS: Yes. I’m sorry.

BY ATTORNEY FARMER:

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

A. Yes.

Q. Is that a fair characterization?

A. Yes.

Q. I’m showing you 10.

---

(Whereupon, Respondent’s Exhibit 10, Published Article, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Is that the copy of what you published?

A. Yes.

ATTORNEY FARMER: I have nothing further.

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

ATTORNEY FARMER: It’s – it’s really well written and very interesting.

HEARING EXAMINER: Yeah.

THE WITNESS: Thank you.

HEARING EXAMINER: You can do Redirect
while I look at this.

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

HEARING EXAMINER: Sure. We’re off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

REDIRECT EXAMINATION

---

BY ATTORNEY KILBERT:

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

A. Yes.

Q. Where was that collaborating lab located?

A. University of California Riverside.

Q. And so the principal investigator referenced later in that paragraph, is that a faculty member at the University of California Riverside?

A. Yes.

Q. I’m going to be distributing a document marked Union Exhibit 202.

---
(Whereupon, Union Exhibit 202, Admission Letter, was marked for identification.)

---

BY ATTORNEY KILBERT:

Q. So what is this document?
A. This is an admission letter to the Ecology and Evolution Program in the Biology Department at Pitt.

Q. And does it reference the first year fellowship that you discussed on Cross Examination?
A. Yes.

ATTORNEY KILBERT: Union moves 202.
ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

ATTORNEY FARMER: I don’t have that you moved 201. We have no objection, I just -. 

HEARING EXAMINER: I admitted it, so -.

ATTORNEY FARMER: Okay. Okay.

HEARING EXAMINER: They’re all admitted.

ATTORNEY FARMER: Okay.

BY ATTORNEY KILBERT:

Q. And during this fellowship -?

ATTORNEY FARMER: Can I just say one
HEARING EXAMINER: Yeah.

ATTORNEY FARMER: Again, can we redact the student’s home address before it goes into the record? The letters?

HEARING EXAMINER: It’s too late. It’s already in the record.

ATTORNEY FARMER: All right.

HEARING EXAMINER: We have multiple students’ addresses.

ATTORNEY FARMER: We’ve been trying to avoid it. I mean, we – we want to avoid it at least.

HEARING EXAMINER: Ma’am, do you have any objection to your address being in the record?

THE WITNESS: No objection.

HEARING EXAMINER: Thank you.

BY ATTORNEY KILBERT:

Q. And during this fellowship did you receive the stipend referenced in the letter?

A. Yes.

Q. And during the fellowship did you have the option to enroll in a University sponsored health insurance plan?

A. Yes.
Q. Did you ultimately enroll in the University’s health insurance plan during this period?
A. I did not.
Q. What did you do for health insurance?
A. I stayed on my parents' plan.
Q. I'm now going to distribute a copy of documents marked Union 203, Union 204, and Union 205.
---
(Whereupon, Union Exhibit 203, E-mails, was marked for identification.)
(Whereupon, Union Exhibit 204, E-mails, was marked for identification.)
(Whereupon, Union Exhibit 205, E-mails, was marked for identification.)
---
BY ATTORNEY KILBERT:
Q. How are TA courses assigned in your department?
A. Each semester you request to be a TA if that is what you need to do. And then you submit course preferences and then they assign you a class.
Q. And who is Valerie Oak?
A. She coordinated all of the graduate
Q. So if you look at Union Exhibit 203, what are those documents?

HEARING EXAMINER: 203. We should probably – she has it as an e-mail-.

ATTORNEY FARMER: Yeah.

HEARING EXAMINER: I don’t want 203. I don’t want it in that form.

ATTORNEY KILBERT: These are all –

ATTORNEY FARMER: Graduate students’.

ATTORNEY KILBERT: – graduate student e-mails –.

ATTORNEY FARMER: Who are not signing FERPA waivers.

ATTORNEY KILBERT: If you looked up their information in the Pitt Graduate Student directory –.

HEARING EXAMINER: I don’t want it in this form. You can give me this as an exhibit, but not in this form.

ATTORNEY KILBERT: Okay. Can you suggest a form? I can redact it.

HEARING EXAMINER: Yeah. Just redact this one and the one you have up there. Because that --- that’s the one I’m going to ask for –.
we can just get a magic marker and cross -.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

BY ATTORNEY KILBERT:

Q. So could you identify this correspondence?

A. This is an e-mail from Valerie Oak, who coordinates TA positions in the Department of Biology. And it is asking for our preferences for the fall 2014 term.

Q. And what is the third page of this document?

A. The third page is a list of my preferences for classes I’d like to TA.

Q. And what were your preferences for this particular TA?

A. My first preference was Ecology Lab, followed by Genetics, and then last Vertebrate Morphology.

Q. And was that in any particular order?

A. Yes. Ecology Lab was my first preference, and then genetics was my second, and Vert Morph was my third.

Q. So which course of those did you believe
would be the most helpful to your education as a Ph.D. candidate?

A. Ecology lab.

Q. Can you refer to Union Exhibit 204?

A. Yes.

Q. Does that reflect what you were assigned?

A. Yes.

ATTORNEY FARMER: This says fall 2015. She testified that the preferences were for fall 2014.

HEARING EXAMINER: So - so you’re asking for a clarification?

ATTORNEY FARMER: Can I get a clarification, please? The years don’t match.

HEARING EXAMINER: Hold on one second. Go ahead.

THE WITNESS: I think she wrote the incorrect year on the e-mail.

HEARING EXAMINER: Okay.

THE WITNESS: Because it says respond by June 11th, 2014, which would be for the following semester.

HEARING EXAMINER: Okay.

BY ATTORNEY KILBERT:

Q. So where does - the two -?
ATTORNEY FARMER: I’m sorry. Can we just get a clarification - are you saying that the e-mail saying fall of 2014 preferences is wrong?

ATTORNEY KILBERT: I wonder if I might be able to conduct an investigation here that would -.

HEARING EXAMINER: Yeah. Go ahead, Counsel.

BY ATTORNEY KILBERT:

Q. So, document 203. Does that reflect that it was sent in June of 2014?
A. Yes.

Q. And so what semester was it talking about?
A. The following fall semester.

Q. That is fall 2014?
A. 2014.

Q. Okay.

So Union Exhibit 204. What is the date of that exhibit?
A. June 30th, 2014.

Q. And what was it talking - what fall semester was it talking about?
A. Presumably fall 2014.

Q. So is there an inconsistency between
these documents?

  A. No.
  Q. Okay.

  So what were you ultimately assigned for fall of 2014?

  A. Vertebrate Morphology.
  Q. And what were your duties as a TA for the Vertebrate Morphology laboratory?

  A. I ran independent lab sections with students and helped them dissect cats and sharks.
  Q. Was there a faculty member -?

  HEARING EXAMINER: Were the cats and sharks dead or alive?

  THE WITNESS: Dead thankfully.

  HEARING EXAMINER: That’s good. Go ahead.

  BY ATTORNEY KILBERT:

  Q. Was there a faculty member teaching the course?

  A. Yes.
  Q. And what were the faculty member’s duties in terms of teaching that course?

  A. He gave all of the lecture portion of the course. So design all the content, wrote exams, and had plans for each lab that we had to run.
Q. And so what did you do?
A. I ran each lab section. So I helped the students where they needed. I created all of the exams. I wrote the exams for the lab portion of the class and graded all of the exams for the lab portion and all of their assignments for the lab.

Q. And who takes Vertebrate Morphology? Is it an undergraduate or a graduate course?
A. Undergraduate.

Q. And is it for biology majors, non-majors?
A. Biology majors.

Q. And do you know how many majors there are in the Biology Department?
A. I don’t know the exact number, but I think there were around 500 students that graduated last year with a degree in Biology.

Q. And how many students were in the Vertebrate Morphology laboratory?
A. Each lab section had about 20 to 30 students.

Q. And how many lab sections were you responsible for?
A. I think two.

Q. All right.

And how many classes - how many students
were in the class in total? In Dr. Bledsoe’s class?
   A. At least 100 and maybe closer to 150.
   Q. And I believe you testified on Direct that you taught during other time periods?
   A. Yes.
   Q. Were your duties when you were a TA in those other time periods different or similar?
   A. For those other courses I was primarily running recitation sections, but similar grading obligations.
   Q. And when you were running those recitation sections what - how many recitation sections would you have -
   A. Three.
   Q. - in a given semester?
   A. Three sections.
   Q. And how many students in each recitation section?
   A. About 30.
   Q. So on average when you were a TA, how much time would you say you were spending on your TA duties?
   A. About 20 hours a week.
   Q. All right.
   I wonder if you could turn to Union 205
and identify that document for us.

A. This is an appointment letter from the University of Pittsburgh for a TA position in the fall of 2014.

Q. And is that the course that we were just discussing, Vertebrate Morphology?

A. Yes.

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

A. Yes.

Q. So were you eligible for health insurance paid for by the University for fall of 2014?

A. Yes.

Q. For the other periods of time when you were a TA, was your compensation and benefit package similar to what you received for fall of 2014?

A. Yes.

Q. Did you receive a W-2 from the University reflecting income received as a TA?

A. Yes.

Q. Were taxes deducted from your paycheck?

A. Yes.

ATTORNEY KILBERT: I think that’s it.

HEARING EXAMINER: Cross?

ATTORNEY FARMER: Yes. Thank you.
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.
Q. In response to a question from counsel you said that you took a sabbatical during your time?
A. I just called it a sabbatical. That was words that were introduced by the editor of that piece.
Q. So did you take a leave of absence from being a full time graduate student at Pitt at any point?
A. No.
Q. So you were still enrolled as a full time graduate student here?
A. Yes. Then I spent conducting research at another lab.
Q. When was that?
A. That was, I believe, in fall of 2015.
Q. So the first semester of your NSF?
A. Yes.
Q. And during that time you were enrolled in - as a full time student at Pitt?
A. Yes.

ATTORNEY FARMER: Nothing further.
HEARING EXAMINER: Re-Redirect?
ATTORNEY KILBERT: Union wishes to move 203, 204, and 205.
HEARING EXAMINER: Any objection?
ATTORNEY FARMER: No.
HEARING EXAMINER: And then any objection to Respondent’s 7 through 9?
ATTORNEY FARMER: 7 through 10.
HEARING EXAMINER: What was 10?
ATTORNEY FARMER: 10 was the article.
HEARING EXAMINER: All right.
ATTORNEY KILBERT: Probably already had 7, but no objections to any of them in any case.
HEARING EXAMINER: So we’re admitting Respondent’s 7 through 10 and Petitioner –
ATTORNEY FARMER: Through 205.
HEARING EXAMINER: - 203 through 205.
ATTORNEY KILBERT: And I have no questions.
HEARING EXAMINER: Okay, ma’am. Thank you very much for testifying.
THE WITNESS: Thank you.
HEARING EXAMINER: Next.
---
(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)
---
---
KIMBERLY GARRETT,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
FOLLOWS:

---

HEARING EXAMINER: Spell your name for us.

THE WITNESS: K-I-M-B-E-R-L-Y.

HEARING EXAMINER: Okay. Go ahead.

ATTORNEY FARMER: Can we just have one second?

HEARING EXAMINER: Yeah.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

DIRECT EXAMINATION

---

BY ATTORNEY KILBERT:

Q. So, Ms. Garrett.

HEARING EXAMINER: What did you call her? She said -?

THE WITNESS: No. My full name is Kimberly.

HEARING EXAMINER: Okay.

THE WITNESS: Would you like my last name?
HEARING EXAMINER: Yes, ma’am.


HEARING EXAMINER: There we go.

BY ATTORNEY KILBERT:

Q. Ms. Garrett, is it all right if I call you Kim?

A. Yes.

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

A. I am a doctoral student and a graduate student researcher in the School of Public Health in the Department of Environmental and Occupational Health.

Q. And when did you begin as a Ph.D. student?

A. The end of August of this year.

Q. And when did you begin as a GSR?

A. The same time.

Q. So I am going to be distributing a — well, actually I’m not. Sorry.

Prior to enrolling in your Ph.D. program, did you receive a Master’s in Public Health?

A. Yes.

Q. And when was that?

A. That was in the spring of 2017.
Q. So if I understand you correctly that was a gap of a little over a year in between receiving your MPH and enrolling in your Ph.D. program?
A. Yes.
Q. So during this gap where were you employed?
A. I was employed in the Peterson Pearce Lab in the School of Public Health Department of Environmental and Occupational Health.
Q. At the University of Pittsburgh?
A. Yes.
Q. So during this time were you a student of the University in any way?
A. No.
Q. You weren’t paying tuition?
A. No.
Q. You weren’t enrolled in classes?
A. No.
Q. So tell us a little bit about this lab. What does it research?
A. It’s mainly an environmental toxicology lab where we research environmental toxins, specifically mitochondrial toxins.
Q. And during this period what were your duties?
ATTORNEY FARMER: Objection. Why are we hearing about the duties of somebody when they were not a student?

ATTORNEY KILBERT: Well, we think that it is going to be probative as to whether this person’s GSR appointment is in fact work performed for the University.

HEARING EXAMINER: Overruled. Go ahead.

BY ATTORNEY KILBERT:

Q. So, you can answer. What were your duties?
   A. Okay.
       I was conducting experiments, designing experiments, working on a few different grants, and operating lab machinery.
   Q. And how were you compensated during this period when you were not a student?
   A. Financially I had a month - a monthly stipend.
   Q. And did you receive health insurance benefits through the University -
   A. No.
   Q. - while you were working in the lab during this period?
Q. And now that you’re a student, are you still working at this lab?
   A. Yes.

Q. At this point I’ll distribute Union 206.

   ---

   (Whereupon, Union Exhibit 206, GSR Appointment, was marked for identification.)

   ---

BY ATTORNEY KILBERT:

Q. So, Kim, could you identify this document for us?
   A. Yes. It is my GSR appointment.
   Q. And I take it you accepted the appointment.
   Correct?
   A. Yes.

Q. And now that you are a GSR, have your duties changed, generally speaking?
   A. No.

Q. So what are you doing now?
   A. I continue on the same projects. I operate lab machinery, conduct experiments, and help write papers for the lab.

Q. And how are you being compensated?
A. I get a monthly stipend.
Q. And do you pay tuition?
A. No.
Q. Do you receive health insurance through the University?
A. Yes.
Q. Do you pay for that insurance?
A. No.
Q. Are taxes taken out of your paycheck?
A. Yes.
Q. And how much time a week do you spend working as a GSR?
A. About 20 hours.
Q. Are you receiving academic credit towards your degree for your work in the lab?
A. No.

ATTORNEY KILBERT: Union moves 206.
ATTORNEY FARMER: No objection.
HEARING EXAMINER: Admitted.
ATTORNEY KILBERT: No further questions.
HEARING EXAMINER: Cross.
ATTORNEY FARMER: Yeah.
---
CROSS EXAMINATION
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.
Q. And was that the person whose lab that you’re in?
A. Yes.
Q. What are your research interests like in a broad sense? Can you explain it?
A. Environmental toxicology in particular. More of the chemistry side rather than the biology side. I’m very interested in poisons, as can be assumed from toxicology. And I’m also very interested in environmental safety and regulation.
Q. And is that the research that’s done in the lab that you’re in?
A. The first part. The environmental toxicology. Yes.
Q. Okay.
I’m going to show you – I’m showing you what will be marked as 11.
---
(Whereupon, Respondent’s Exhibit 11, School of Public Health Doctoral Degree Programs List, was marked for identification.)
---
BY ATTORNEY FARMER:
Q. This is a list of the doctoral degree programs in the School of Public Health. Your
program, is that the third one down?
   A. Yes.
   Q. Okay.

   Can you just take a look at the
description and tell me if you think it summarizes
the Ph.D. program that you’ve now enrolled in?
   A. Yes. In my brief experience of it so
far.

   Q. And when you were in the Master’s of
Public Health Program, that was the same – in the
same department.
   Is that right?
   A. Yes.
   Q. Okay.

   When you were getting your Master’s of
Public Health, were you receiving funding from the
University?
   A. No.
   Q. So you paid tuition?
   A. Yes.
   Q. Did you buy health insurance?
   A. No.

   Q. When you were working as – I’m sorry.
Did you call it a technician, with – when you were –
the year that you took off in between. What was the
title?
A. Well, that was a position called predoctoral fellow.
Q. Okay.
And at that time could you have purchased health insurance?
A. Not to my knowledge.
Q. Okay.
Were - and was that full time or part time?
A. Full time.
ATTORNEY FARMER: I have no further questions.
HEARING EXAMINER: Redirect?
ATTORNEY KILBERT: I think we’re done.
HEARING EXAMINER: Anything else, Ms. Farmer?
ATTORNEY FARMER: For this witness?
HEARING EXAMINER: Yeah.
ATTORNEY FARMER: No.
HEARING EXAMINER: Step down, ma’am.
Thank you very much for your testimony.
ATTORNEY FARMER: Can I admit Number 11, please?
HEARING EXAMINER: Any objection?
ATTORNEY KILBERT: No objection.

HEARING EXAMINER: It’s admitted.

Next witness?

ATTORNEY MANZOLILLO: Can we take a two minutes break?

HEARING EXAMINER: We may. Off the record.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

---

---

C. ELIZABETH SHAABAN,

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

---

HEARING EXAMINER: Spell your name for us.


HEARING EXAMINER: Thank you for letting me know when your last name started.

THE WITNESS: It’s confusing. It
causes problems.

---

DIRECT EXAMINATION

---

BY ATTORNEY MANZOLILLO:

Q. And can I call you Beth?
A. Yes. Please.

Q. Beth, are you a graduate student at the University of Pittsburgh?
A. I graduated from the Ph.D. program in epidemiology at the Public Health School at the end of April 2018.

Q. Congratulations.
A. Thank you.

Q. And what was the program?
A. So, epidemiology, and I had a - I had a focus in neuroepidemiology and population neuroscience.

Q. And what school is that in again?
A. The Public Health School.

Q. And when did you start in that program?
A. In the fall of 2013.

Q. And you said you recently completed a dissertation. What was the topic?
A. Yeah. The topic has to do with
cerebrovascular health and whether by promoting
cerebrovascular health in older adults we can
prevent cognitive disorders.

Q. And in your school and program, are there
any undergraduate students?

A. There are not.

Q. So it’s entirely graduate students?

A. Yes.

Q. And what did you do before entering your
Ph.D. program?

A. I was staff for the University of
Pittsburgh at an Alzheimer’s disease research
center.

Q. Okay.

And what - what were your basic duties
there?

A. I administered cognitive assessments to
participants, research participants that were coming
in. Over the years, as I got more job
responsibilities, I was then involved in hiring
decisions, training other testers how to administer
these assessments in a reliable fashion, and I also
coordinated clinical trials.

Q. And did you have to be a graduate student
to attend that position?
A. No.

Q. What were the - was that a full time position?

A. It was, yes.

Q. How many hours a week is that?

A. 37.5 is Pitt staff.

Q. And around the time you left what was your salary?

A. Around $45,000.

Q. Health insurance provided?

A. Yes.

Q. Retirement?

A. Yes.

Q. Did you attend classes in the school while you were in this position at all?

A. Yes. Eventually. After a couple of years in that position I decided to get a Master’s of Public Health, which I obtained also at the Pitt Public Health School. And I did that part time while I continued working full time in my staff position.

Q. Did you get any assistance with tuition from the University?

A. I did. The University covered 90 percent of up to six credits of graduate credits per
semester.

Q. So did you leave that job immediately before you went into the program? The Ph.D. program?

A. Oh, the Ph.D. program? Yes. I left that - that job.

Q. Okay.

And that was - so you - you had your Master’s -?

A. Correct.

Q. Okay.

Can you give a - kind of a - sort of a short overview of what the program requirements were in epidemiology?

A. Sure.

ATTORNEY FARMER: Just for clarification, are you asking about the MPH or the Ph.D.?

ATTORNEY MANZOLILLO: The Ph.D. at that point. Her program.

ATTORNEY FARMER: Thank you.

ATTORNEY MANZOLILLO: Her program.

THE WITNESS: The - in the Ph.D. in epidemiology there are courses that are school wide courses that are required and then department
specific courses in epidemiology and biostatistics and then some courses in content specific areas like, for example, cardiovascular epidemiology or neuroepidemiology. There is some ethics training and then of course all the milestones that are involved in a Ph.D. program, so preliminary exams and then everything up to and including the dissertation.

BY ATTORNEY MANZOLILLO:

Q. Okay.

I’m handing you some documents. Can you tell us what this – this is, marked as Union Exhibit 207?

---

(Whereupon, Union Exhibit 207, School Handbook, was marked for identification.)

---

THE WITNESS: Sure. This is the school wide academic handbook. And so that includes information about courses and credit requirements, grading and academic standing, and so forth.

BY ATTORNEY MANZOLILLO:

Q. This is marked as Exhibit 208.

---

(Whereupon, Union Exhibit 208, Department of
Epidemiology Student Policies and Procedures, was marked for identification.)

---

BY ATTORNEY MANZOLILLO:

Q. Can you tell us what that document is?

A. Sure. This is now specific to the Department of Epidemiology. It’s student policies and procedures. So example – or, sorry. Policies about – specific to my department about how to enroll, how to change advisors, grade change requests, and information about the teaching practicum, which is a requirement of our degree as well.

Q. And I’ll ask you about that in just a minute. Union Exhibit 209.

---

(Whereupon, Union Exhibit 209, Required Courses, was marked for identification.)

---

BY ATTORNEY MANZOLILLO:

Q. And how about this document?

A. This is a possible recommended progression of required courses and other degree requirements. So in other words it’s taking the degree requirements and offering one option of the
order in which you might take them. It wasn’t
required to take them this way, but it’s one option.

Q. Is this what the program provides for
graduate students to help them model their -
A. Yes.

Q. - their progression?
A. Yes.

Q. And Exhibit 210.

---

(Whereupon, Union Exhibit 210, Pitt Public Health
Requirements, was marked for identification.)

---

BY ATTORNEY MAZZOLILLO:

Q. And how about this document?
A. Okay.

And then this is now the - the list of
required courses and other training requirements.
So the top block that says Pitt Public Health
Requirements is school wide courses that are
required. Then the next block is Department of
Epidemiology Requirements, so department specific
requirements. And then the bottom block has to do
with electives that may be taken.

Q. I see there’s a course you referenced
earlier called - it looks like Academic 2215 called
Teaching Practicum?

A. Yes.

Q. And did you take this course?

A. I did, yes. This is a course for two credits that we are required to take as part of the Ph.D. program in which we function in the role of a teaching assistant for a course.

Q. And were you compensated at all for those positions?

A. No.

Q. And so this would be entirely graduate students in this class?

A. Yes. Because our school does not have any undergraduates, when I - the course I TA’ed in had only graduate students.

Q. And about how many hours a week did this course take for you to - you know, in terms of your time.

A. Okay.

I would say about four to five hours on a usual week in which I was just attending the course and being available for student questions, for example, and then -.

Q. Let me stop you there for a second.

A. Sure.
Q. Did you hold office hours for the class?
A. I did electronic office hours, essentially. So I told the students they could schedule with me via e-mail. And so I did that. It wasn’t a consistent, weekly office hour.

Q. How about other -?
A. Yeah. So the other - on a - on a longer week where there were more requirements, I mean, for example on a week that I might have been presenting in the class or on a week in which I had to grade something I might have bumped it up to more like 10 to 15 hours a week. But the usual was four to five.

Q. And did you present to other - did you ever present how many?
A. I did. There’s a requirement that we present, I believe, one hour in front of the class. And I - I presented basically during two class meetings.

Q. So this was part of your college fellow grade students?
A. Yes.

Q. And this is just a one time one semester requirement?
A. Yes. The only thing that’s required is to do it once. Yes.
Q. And I forget if you said earlier. Do you receive a grade for this class?

A. Yes. It was graded on the basis of basically satisfactory, unsatisfactory.

Q. And you received two credits?

A. Correct.

Q. I’ve given you a number of documents—other documents. Anywhere in those documents, to your knowledge, does the program require a graduate student to be in a funded TA or TF position, or to be a GSR or a GSA?

A. No. All of the requirements are listed on this sheet here that details the school and department specific requirements. Even— even non-course related requirements. And so that’s not listed. It’s not a requirement.

HEARING EXAMINER: What number are you looking at, ma’am?


HEARING EXAMINER: Thank you.

BY ATTORNEY MANZOLILLO:

Q. And could you go through the complete program being funded entirely through fellowship or funded through your own resources?

A. Yes. Absolutely.
Q. Now are there any TAs or TFs in the department?
A. Yes. My understanding is that there are one to two TFs at a time.
Q. And what are the differences between their work and the work you did in your practicum?
A. So basically what I did as part of that teaching practicum, they would have four to five times the amount of work. So they would be covering multiple classes.
Q. Okay.
A. And were you funded your first year in the program?
Q. I was. I was funded by a graduate student research position.
A. Okay.
Q. I’m going to talk to you a little more about that in a minute. Another document for the record. Union’s Exhibit 211.
---
(Whereupon, Union Exhibit 211, Pitt Public Health School TA and GSR Policy, was marked for identification.)
---
THE WITNESS: Thank you.
BY ATTORNEY MANZOLILLO:

Q. And can you tell us what that is?
A. This is the Pitt Public Health School TA and GSR Policy that details the length of appointments and the weekly work requirements, enrollment requirements in courses, and so on.

Q. And back to your appointment as a GSR. Was the - tell us a little bit about the research project you were working on.

A. Sure. I was working on a research study that was headed by my advisor who was the principal investigator of the study. And it was a study that dealt with brain and cognitive health - health of adults with sickle cell disease. And it was her particular research study.

So on - on that, what I did was that I went over to the adult sickle cell clinic over at Hillman Cancer Center and I interfaced with the doctors over there to assess whether any of their patients might be willing to participate in the study. Then I would enroll them in the study, consent them, and carry out cognitive assessments of the type that I mentioned earlier, having done in my prior job, as well as some other additional assessments.
Q. So was this assignment or the work you were doing directly related to your dissertation topic or your research?
A. It was not.
Q. Okay.
And why did you take this position?
A. I knew that I had the skillset that was required based on my prior on the job training essentially, and - as a staffer. And I needed a way to fund my schooling.
Q. So if you hadn’t taken this position would you have had to pay your own tuition?
A. Yes.
Q. If I understood earlier you’re saying this is what you usually do?
A. Yes. It was a skillset with the cognitive assessments and coordinating a study that I knew that I had.
Q. Another Exhibit here. Union Exhibit 212.
---
(Whereupon, Union Exhibit 212, GSR Appointment Letter, was marked for identification.)
---
HEARING EXAMINER: 9.5 by 13.
ATTORNEY MANZOLILLO: Couldn’t figure
out how to print it otherwise.

BY ATTORNEY MANZOLILLO:

Q. Can you tell us what this is?
A. Sure. This is my GSR Appointment Letter for the summer term of 2014. And it indicates who the principal investigator I’ll be working for is and indicates that I will need to work 20 hours a week. Indicates that the holidays I’ll have off and what my pay will be.

Q. Is that salary - so this letter says it’s for the summer term. And how long did you hold this appointment?
A. This appointment covered under this letter is just for the summer, but overall, I had a graduate student research position from my entry into the program in the fall of 2013 through the end of November 2014.

Q. And did you receive similar appointment letters -
A. Yes.

Q. - to this -?
A. I did.

Q. And the stipend or the salary that's listed there is $1,705 a month.

Is that the salary you received?
A. Yes. It would - this would have been the same in fall of 2013, spring of 2014, summer of 2014, and then it would have changed for fall of 2014. Each year they sort of give a small increase.

Q. Okay.

And did you receive health insurance for this position?

A. I did.

Q. Is that provided by the University?

A. Yes.

Q. And a tuition waiver?

A. That’s correct. I did receive a tuition waiver.

ATTORNEY MANZOLILLO: I move to admit Union’s exhibits. And the first one was 207 through 212.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: 207 to 212 are admitted.

BY ATTORNEY MANZOLILLO:

Q. So in this position - in this GSR position, were you evaluated on your performance?

A. Yes, I was. At the end of each appointment period there was an evaluation.

Q. I’m giving you a couple documents. Union
Exhibit 213.

(Whereupon, Union Exhibit 213, Graduate Student Research Objectives, was marked for identification.)

BY ATTORNEY MANZOLILLO:

Q. Sticking with the theme of the amount of paper. Can you tell us what this is?

A. This is the Graduate Student Research Objectives form for my first appointment as a GSR. So fall of 2013 through spring of 2014. And this basically details what my job responsibilities will be. So this would be reflective of a conversation in which I sat down with my principal investigator who also happened to be my advisor and discuss what skillset I had and what work she needed to have done and find those places that match and then write down what my job requirements would be.

Q. So these were ultimately your job duties?

A. Yes.

Q. And Exhibit 214.

(Whereupon, Union Exhibit 214, Graduate Student
Research Evaluation Form, was marked for identification.)

---

BY ATTORNEY MANZOLILLO:

Q. I believe this is the last one on long paper.

Can you tell us what this is?

A. Sure. This is the Graduate Student Research Evaluation Form. So as we just discussed I was evaluated at the end of each GSR appointment. And this form is reflective of the job duties that were from the Graduate Student Research Objectives Form. And then now at the end of this appointment sitting down with my principal investigator to go over performance evaluation basically and determine whether I performed in a satisfactory manner and whether I worked the 20 hour per week requirement consistently.

Q. Now, to your knowledge, could you be removed from this position for poor work performance?

A. Yes. It is possible to be removed.

Q. I’m going to ask you to open up the big binder right there. There should be one that’s called binder number one.
HEARING EXAMINER: It should be the one closest to you.

THE WITNESS: Okay. Thank you.

BY ATTORNEY MANZOLILLO:

Q. And turn to Exhibit 3.
A. Okay.

Q. And can you turn to page five of 876?
A. Okay.

Q. Okay.
A. So this -?

Q. Let me just ask. Is this consistent with your understanding of the termination procedures?
A. Yes. So this details the way in which an early termination would happen and the appeals procedure that is available.

ATTORNEY MANZOLILLO: I move for admission of Union Exhibit 213 and 214.

ATTORNEY FARMER: No objection.

HEARING EXAMINER: Admitted.

BY ATTORNEY MANZOLILLO:

Q. Did you receive any academic credit or grade for this position?
A. No.

Q. Did you receive any W-2s for this position?
A. I did receive a W-2.

Q. And did the University deduct taxes?

A. They did.

Q. All right.

Were you ever funded through an NIH Training Grant?

A. Yes. So I mentioned that my - I had a GSR position through the end of November 2014. Following that, beginning in December of 2014, I was funded by what’s known as an institutional training grant for the next two years of my program, so years two and three of my program.

Q. Union Exhibit 215.

---

(Whereupon, Union Exhibit 215, NIH Grants Policy, was marked for identification.)

---

HEARING EXAMINER: Is there a summary of this exhibit?

ATTORNEY MANZOLILLO: I do. It has some excerpts, but I’m going to put this in for reference.

BY ATTORNEY MANZOLILLO:

Q. Can you tell us what this is?

A. Yeah. This is some light reading
involving the NIH Grants Policy. So this is something that - you can find on their website that basically when you’re applying for a grant or receive a grant this will tell you everything you need to know about the policies.

Q. Union Exhibit 216.

---

(Whereupon, Union Exhibit 216, NIH Grants Policy Excerpt, was marked for identification.)

---

BY ATTORNEY MANZOLILLO:

Q. And can you tell us what this is?

A. Yes. This is an excerpt from this NIH Grants Policy. And this particular excerpt deals with institutional training grants of the type that I got. The particular kind that I was funded on for my second and third academic years was known as a T32.

Q. So and if you look down at the section 11.3 1.1 General at the bottom of the first page. That’s a T32 listed there?

A. It is, yes.

Q. That’s that grant.

Right?

A. Yes, that’s correct.
Q. And if you could turn in this excerpt, to section 11.3.10.6. So on 2D 68.
A. Okay.
Q. And read through section 11.3.10.6 and 11.3.10.7. And while you were on this grant, did you consider yourself an employee of the NIH or the University of Pittsburgh?
A. I did not.
Q. And why not?
A. If you look at the section entitled Tax Ability of Stipends, the third paragraph, the third sentence says in addition trainees supported under Kirschstein NRSA institutional research training grants are not considered to be in an employee employer relationship with NIH or the recipient organization solely as a result of the Kirschstein NRSA support. And so what that means here is just because I’m getting this training grant money that has come from NIH through a principal investigator at the University of Pittsburgh that does not make me an employee of NIH or of the University.
Q. And did the University give you a W-2 form?
A. They did not. I received a 1099.
Q. Did the University deduct taxes?
A. No.

ATTORNEY MANZOLILLO: I’m going to move for admission of Union’s Exhibits 215 and 2016.

HEARING EXAMINER: So the 1099, the payee was the University? Payor, excuse me. Do you know that?

THE WITNESS: Yes. Where the employee would have been - or sorry. The - who the funds would have come through would have been the University. Yes.

HEARING EXAMINER: Do you remember that on your 1099? If you don’t -.

THE WITNESS: Reasonably - I’m reasonably certain. Yes. I’m not 100 percent certain. You know, researchers would want to clarify that.

HEARING EXAMINER: Mr. Manzolillo, what did you say?

ATTORNEY MANZOLILLO: I move for admission - admission of Union’s Exhibit -

HEARING EXAMINER: Any objection?

ATTORNEY MANZOLILLO: - 215 -?

ATTORNEY FARMER: No.

HEARING EXAMINER: They’re admitted. That is 15 - 215 and 216?
ATTORNEY FARMER: Yes.

BY ATTORNEY MANZOLILLO:

Q. And Beth, were there any specific work requirements for you while you were on this grant?
A. Nothing as specific as what was the case when I was a graduate student researcher, but in this case, this was understood to be a full time endeavor. So in other words my full complement of training activities was to take my full time. And that means -.

Q. Well, let me stop you for a second there.
A. Yeah.

Q. Did that include coursework?
A. Yeah. It means coursework, seminars, ethics training, research work. All of it was considered part of my training.

Q. And is this tailored to your own personal training?
A. It was, yes. I worked in conjunction with a mentoring team, so - so advisors and mentors to me. And working with them, we determined what the training activities would be. Particularly a lab rotation that was relevant to my - my research area and became part of my dissertation.

Q. So the lab rotation was Pitt selected to
meet your research and dissertation load?
   A. It was, yes.
   Q. And you received a stipend - did you receive a stipend for this position?
   A. I did.
   Q. And did you receive a tuition waiver?
   A. Yes.
   Q. Did you receive health insurance?
   A. No. I had to pay that myself separately.
   Q. Were you free to choose whatever health insurance you wanted?
   A. Yes.
   Q. Okay.
   I’m going to ask you to look for one more section in Union Exhibit 216.

   HEARING EXAMINER: Are you saying - are you - I can’t remember. Do you want these people in or out of the union?
   ATTORNEY MANZOLILLO: Out.
   HEARING EXAMINER: Dual - dual employer?
   ATTORNEY MANZOLILLO: Our position is that they’re - they’re not employees of the University.
   HEARING EXAMINER: Right. Right as in
I understand what you’re arguing, not right as in I
agree with you.

ATTORNEY MANZOLILLO: Understood.

BY ATTORNEY MANZOLILLO:

Q. If you could turn to Section 11.3.8.2 and
3.8.3.

So is it your understanding - does the
NIH or the University set your stipend?

A. Yeah. 11.3.8.2 indicates that the NIH
sets the stipend so -.

Q. Does it say anything about the role of
the University of Pittsburgh in the stipend?

A. It says - this is sort of midway through
that top paragraph in 11.3.8.2. Stipends must be
paid in accordance with established stipend levels,
no departure from the standard stipend provided by
NIH under the grant may be negotiated by the
recipient organization with the trainee. So in
other words the - the stipend is set by NIH, not by
the University.

Q. Okay.

And down below, you were in a - this is a
pre-doctoral training.

Am I correct?

A. Correct. Because I did not yet have my
Ph.D.

Q. And what does that bullet under pre-doctoral say?

A. It says one stipend level is used for all pre-doctoral trainees regardless of the level of experience.

HEARING EXAMINER: Can NIH terminate the grant?

THE WITNESS: It’s my understanding that they could. Yes. Perhaps due to budgetary changes or if they determine that misconduct was happening.

BY ATTORNEY MANZOLILLO:

Q. I’m going to introduce Union Exhibit 217.

---

(Whereupon, Union Exhibit 217, 2014 NIH Funding Levels, was marked for identification.)

---

BY ATTORNEY MANZOLILLO:

Q. And can you tell us what this is?

A. So the funding levels that we were just talking about that are set by NIH, this is the - the funding levels for these types of training grants for fiscal year 2014.

Q. And so if you look at the top of the
second page of the printout it says T32 grants, pre-
doctoral. There’s a monthly stipend listed.

   A. Yes. And so all pre-doctoral candidates receive a monthly stipend of $1,873.

   Q. And this document was from the NIH website?

   A. Yes.

   Q. And that monthly stipend of $1,873, is that what you received on the training grant?

   A. It was for – for the first year of the training grant funding. Yes.

   Q. And did you verify that?

   A. I did. I went back into the – basically the employee portal on the University of Pittsburgh site that keeps track of our paystubs and verified that that was the monthly payment I was receiving.

   Q. Okay.

   Union Exhibit 218 –.

   HEARING EXAMINER: Yawning or objection. Go ahead.

   BY ATTORNEY MANZOLILLO:

   Q. Union Exhibit 218.

   ---

   (Whereupon, Union Exhibit 218, 2015 NIH Funding Levels, was marked for identification.)
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.

---
(Whereupon, Union Exhibit 219, NIH Individual Grants Policy, was marked for identification.)

---

BY ATTORNEY MANZOLILLO:

Q. And can you tell us what this is?
A. This is an excerpt, again, of Exhibit 215, the NIH Grants Policy that is relevant to individual fellowships of the kind that we were just mentioning, individual grant.

Q. And if you look down at the 11.2.1 at the bottom there, it refers to - what is an M32?
A. M32 would be for post-doctoral fellowships. I was not eligible for that at that time, because I did not have my Ph.D. yet.

Q. So you were at a 31?
A. Yes. That’s correct.

Q. And did you apply directly to the NIH for this?
A. I did. I wrote a grant application that included my own research plan proposal and training plan proposal and submitted it directly to NIH.

Q. Union’s Exhibit 220.

---

(Whereupon, Union Exhibit 220, Specific Aims Page, was marked for identification.)
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:
Q. Let me see here. Almost done. Just a couple more questions. So similar question to what I asked you about with your T32 grant. Do you consider yourself to be an employee of either the University or the NIH while you were on this 31 grant?
A. No.

Q. And if you turn to Section 11.2.10.6. This is - it looks like 2D 46.
A. Okay.

Q. What does that say about your employment relationship with the NIH or the University?
A. Again, in the third paragraph here under taxability of stipends, it indicates, in addition, recipients of Kirschstein NRSA individual fellowships are not considered to be in an employee employer relationship with NIH or the sponsoring institution.

Q. And did you receive a W-2 form for the University?
A. No. Again, a 1099.

Q. So the University does not deduct any taxes?
A. No.

Q. Did the NIH deduct any taxes?
A. No.

Q. And let’s turn to another section here.

11.2.9.2. And can you read that? 11.2.9.2 and 9.3.

A. Okay.

Q. And it’s dealing with the stipend levels?

A. Right. And -.

Q. Who sets your stipend levels?

A. Oh, sorry. Similar to before. It’s NIH that sets the levels. And again here the relevant bullet point is pre-doctoral. One stipend level is used for all pre-doctoral candidates regardless of the level of experience.

Q. And if I didn’t clarify already, did you get health insurance provided either - you already answered to T32 but how about for the M32?

A. No. I had to pay for it separately. Had to purchase it separately.

Q. For both grants?

A. Yes.

Q. Okay.

And Union Exhibit 221.

---

(Whereupon, Union Exhibit 221, 2016 Stipend Funding Level for Training Grants, was marked for identification.)
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
employees of Pennsylvania?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Oh. Yeah. Let me see that again.

ATTORNEY FARMER: Yes. And they're in the union at Temple.

HEARING EXAMINER: Oh, they are?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Okay. Keep going then.

BY ATTORNEY MANZOLILLO:

Q. Oh, so if you could read the pre-doctoral bulletin.

A. Sure. One stipend level is used for all pre-doctoral candidates regardless of the level of experience. And that - and that’s reflected on Exhibit 221, that monthly stipend level. There’s one level for pre-doctoral training.

Q. And is that - is that the stipend you received during your first year in this fellowship?

A. Yes, it is.

Q. And finally, Exhibit 222.

---

(Whereupon, Union Exhibit 222, 2017 Pre-Doctoral Stipend Funding Levels, was marked for
BY ATTORNEY MANZOLILLO:

Q. Can you tell us what this is?
A. And this is the funding level for the pre-doctoral stipends for fiscal year 2017.

Q. And page two - you see the top of page two there will be stipend for F31s. Is that the stipend you received?
A. Yes.

Q. Your second year on the training?
A. Yes.

Q. Just to clarify for the record before I ask the last question of you, so you were - you came into your first year in the Ph.D. program and you were funded through the GSR appointment?
A. Yes.

Q. The next two years you were on the T32 grant?
A. Yes.

Q. And then the last few years were you on a 31 grant?
A. Yes.

Q. And that funded your whole way through?
A. Yes. Then I was done with my program.
Q. And one last question. So based on your experience as a GSR and being funded through a T32 training grant and an F31 individual grant, what were the differences between them?

A. The key difference for me was that as a GSR I was working on a research study that involved someone else’s research. It was my principal investigator and advisor’s research study, research area that she was interested in, as opposed to a specific area of my interest. Then as a trainee on the T32 and F31, those were funding sources that were specifically designed for my training. So in other words the focus of these training experiences that I had was - was purely to develop my own skills and expertise I needed to carry out my research.

And the F31 very much was my own research plan tailored to myself. There are other, you know, minor differences that we’ve covered today about the GSR providing health insurance and the T32 and F31 not, but the key difference is my research being the focus in the T32 and F31.

Q. When you say your research, is this the research you used to write your dissertation?

A. It is absolutely the source of what is in my dissertation.
ATTORNEY MANZOLILLO: I believe that is all I have.

HEARING EXAMINER: All right, ma’am, would you like -?

ATTORNEY MANZOLILLO: Oh. I’d like to admit - move to admit Union Exhibits 219 through 222.

HEARING EXAMINER: Any objection?

ATTORNEY FARMER: Union 219 through 222?

ATTORNEY MANZOLILLO: Yeah.

ATTORNEY FARMER: Okay. No.

HEARING EXAMINER: Those are all admitted.

ATTORNEY FARMER: It’s going to take a few minutes to -.

HEARING EXAMINER: Yeah. 219 and 222. But you agree on the NIH stuff. Right?

ATTORNEY FARMER: We agree what?

HEARING EXAMINER: That she’s not an employee.

ATTORNEY FARMER: We don’t believe that any of them are employees.

HEARING EXAMINER: But especially her.

ATTORNEY FARMER: What you’re going to
hear is that the differences are not as distinct as
what we’ve heard, so -.

HEARING EXAMINER:  Okay.

ATTORNEY FARMER:  We don’t believe
that fellows or trainees or GSRs or any of them are
employees.

HEARING EXAMINER:  Take as much time
as you need.

ATTORNEY FARMER:  Thank you.

HEARING EXAMINER:  Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER:  Back on the record.

Cross Examination.

ATTORNEY FARMER:  Thank you.

---

CROSS EXAMINATION

---

BY ATTORNEY FARMER:

Q.  When - Dr. Shaaban, when you applied to
the Ph.D. program you submitted a personal
statement.

Is that right?

A.  Yes.
Q. And the purpose of this was to explain why you wanted to join the Ph.D. program. Is that fair to say?
A. Yes.
Q. I’m going to show you what I’ve marked as 12.
---
(Whereupon, Respondent’s Exhibit 12, Personal Statement, was marked for identification.)
---
BY ATTORNEY FARMER:
Q. Is that the personal statement?
A. Yes.
Q. So, I just want to - so you were on the GSR that you testified for just about a year. Is that right?
A. A little over a year.
Q. Okay.
And during your program you applied for and were accepted to the Center for Neural Basis of Cognition. Is that right?
A. Correct.
Q. Can you explain what that is?
A. It is a combined program that offers
graduate training that is combined between the University of Pittsburgh and Carnegie Mellon University. And it provides graduate training and an outlet for post-doctoral fellows as well. So people who already have their Ph.D. And this was my application to that program and being included and participating in that program was a requirement of the particular training - T32 training grant that I applied to.

Q. This will be 13.

---

(Whereupon, Respondent’s Exhibit 13, Acceptance Letter, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. This is your acceptance letter from the CNBC.

Is that right?

A. Yes.

Q. Okay.

I see that it isn’t signed, but you did in fact joint the CNBC program?

A. I did.

Q. And you said that’s a joint program with Carnegie Mellon?
A. Yes.

Q. Why did you join this program?

A. As I mentioned, it was a requirement of the training grant, the T32 institutional training grant, that - that funded my second and third years of school.

Q. So was that training grant something that was jointly held with Pitt and Carnegie Mellon?

A. Yes.

Q. And you mentioned that there was a mentoring committee -

A. Yes.

Q. - in connection with that? Does that include faculty from Pitt and Carnegie Mellon?

A. No.

Q. So just Pitt?

A. Not - not in my particular case. Maybe for other trainees, but not for me.

Q. So on that T32 you were not the only student who was on that T32 grant?

A. Correct. Yes.

Q. Do you know how many were?

A. I’m not sure at any given time how many there are. It’s possible that they fund two - I
believe two and two. So two students from Pitt and two students from Carnegie Mellon any given year. But I might be wrong.

Q. Okay.

Under the CNBC program students can do research with faculty at both Pitt and Carnegie Mellon.

Is that right?

A. Yes.

Q. Did you collaborate with anyone in the labs at Carnegie Mellon?

A. No.

Q. Did colleagues of yours who were in the program?

A. Other student trainees on that grant probably did. Yes.

Q. So you talked about this T32 that you run and it provided you a stipend from the NIH. Right?

A. Uh-huh (yes).

Q. Who supported the cost of the research itself?

A. The particular lab rotation and research that I was doing at the time was probably funded by my advisor. I believe there was a co-principal
investigator set up between my principle advisor and another
principle investigator and advisor and another person on my mentoring committee. They had jointly
a - an R01 grant. Their own grants.

Q. So an R01 is a federal grant to faculty members for sponsored research.

Is that a fair way to describe it?

A. Yes.

Q. And that’s separate money than the T32 money.

Right?

A. Yes. I’ll also add - so that was one component of the funding.

Q. Okay.

A. Another component of the funding had to do with grant application and money that I wrote and was awarded jointly with two faculty from an internal University of Pittsburgh center known as the Pepper Center.

Q. Okay.

A. And the purpose of that was to allow for blood samples that had been stored to be tested for certain markers that I wanted to test for.

Q. Because the T32 wouldn’t have funded any of the costs of that?
A. Correct.

Q. Can you explain what IRB is?

A. The Institutional Review Board.

Q. And what -?

A. It’s the ethics review for human subjects research at any university that’s doing research.

Q. So any time you’re going to do a project that involves human subjects there has to be approvals for that project to make sure it follows the federal rules for human subjects? Is that a fair way of putting it?

A. Yes.

Q. Okay.

And there has to be a faculty member who was the principal investigator for that IRB.

Is that right?

A. In certain cases. If the faculty member is the principal investigator of the grant, they’re generally the principal investigator for the IRB.

Q. Okay.

A. Then in other cases when it’s a - when it’s a doctoral student that is carrying out their own work, the faculty is considered the mentor or sponsor, I forget what the exact language is, but the IRB mentions.
Q. So there has to be a faculty member on the IRB, though? It can’t just be the student?
A. Correct.
Q. Okay.
And when you – so you talked about then after your T32 you were on an F31.
A. Yes.
Q. Right?
Similarly, there were - the F31 doesn’t cover the cost of the research.
Is that right?
A. Right.
Q. So similarly, either the University – the University covered the cost of that research.
Is that right?
A. So generally speaking that’s how it works. I believe there is a – a pool of money that can be used for certain things on - on these training grants, both T32s and F31s that is a pool of money that can be used to pay participants, for example. So it’s possible that there is some pool of money that can pay for - for part of it. But you’re right. It doesn’t fund generally the whole of the research. It funds the training.
Q. Of the student?
A. Right.
Q. So it funded you, but not your research. Is that a fair way to put it?
A. Yeah.
Q. Now you mentioned this mentoring committee. And that was under the T32 or the F31 or both?
A. I had mentoring committees under both.
Q. And is that different from your dissertation committee?
A. I mean it’s different, but for me in my particular case, they’re overlapping. And I would assume for many - many trainees, that’s the case.
Q. What’s the brain bag series?
A. That is a component of the Center for the Neural Basis of Cognition. And it is a series of talks that the doctoral students give over the course of a semester. And each trainee in the - that’s a member of the Center for the Neural Basis of Cognition is required to present there once. And I believe it’s during their - it’s either during their second or third year of training.
Q. Let me show you 14. I’m showing you what we’re marking as Exhibit 14.
---
(Whereupon, Respondent’s Exhibit 14, Presentation, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. Is that the presentation that you did?
A. Yes.

Q. And this was about the process of getting the F31.

Is that right?
A. Yes. At the time there was interest among the doctoral students in the community in having sort of non-traditional, more practical based presentations as opposed to just - the typical would be the content of someone’s research. And so I chose to give a presentation about how to apply for an individual training grant.

Q. And on page three you sort of give the background of what these do?
A. Yes.

Q. Okay.

So the second bullet point, they pay for your training, not for the research study itself. This we already talked about.
A. Right.

Q. Third bullet, the training should be
That’s - what did you mean by that?

A. I honestly don’t recall off the top of my head with going back and looking to read whatever the long policy statement was or the description of how to apply for an F31, because as you can see this was given in February of 2016. But I believe the idea is that if the NIH is going to fund you that it should not just be what you need to do if you’re enrolled in your Ph.D. program, that it should be some additional added value, essentially, for training independent - future independent investigators.

Q. This will be 15.

---

(Whereupon, Respondent’s Exhibit 15, School of Public Health Form, was marked for identification.)

---

BY ATTORNEY FARMER:

Q. You testified that as a student in epidemiology you were required to take a teaching practicum course.

A. Yes.
Q. And in the School of Public Health there are also what is referred to as a DRPH, that is a professional doctoral degree.
A. Yes.
Q. And when you were doing the teaching practicum do you recall doing a document like what we’ve marked as R-14? I’m sorry. R-15.
A. Yes.

HEARING EXAMINER: Is this the document sociology professor -?
ATTORNEY FARMER: Social work.
HEARING EXAMINER: Social work -?
ATTORNEY FARMER: Different school.
HEARING EXAMINER: Right.
ATTORNEY FARMER: But it is the same - a similar form.

BY ATTORNEY FARMER:

Q. I’m showing you what I’ve marked as 16.

---
(Whereupon, Respondent’s Exhibit 16, School of Public Health Evaluation, was marked for identification.)

---

BY ATTORNEY FARMER:
Q. In connection with that practicum for which you received credit, do you recall getting an evaluation?

A. I don’t have a detailed, specific memory of it, but I’m - I’m sure this form looks familiar.

Q. Okay.

Now you testified that when you completed this teaching practicum you were not funded on a TA at the time.

Right?

A. Right.

Q. You were -?

A. Because it was a class taken for credit.

Q. And you were funded on a GSR at the time.

Is that right?

A. I would need to be reminded about when I took Epidem 2215. I believe I took it in 2015.

Q. And -?

A. Because - so in other words, that would be when I was funded by the T32.

Q. Okay.

As far as you know is there any prohibition in people taking the class while they’re funded on a TA?

A. I don’t understand the question.
Q. Is there anything that prohibits you from taking the class and getting credit while you’re funded on a TA?

ATTORNEY MANZOLILLO: I’m - I’m going to object. There’s no foundation. She was never a TA. The foundation she has the ability to answer the question.

ATTORNEY FARMER: I said to her knowledge. Does she know if there’s a prohibition? You put in handbooks -?

HEARING EXAMINER: Overruled. Go ahead.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. So do you know whether in the Department there’s any rule against taking the course while you’re funded on a TA?

A. So in other words taking Epidem 2250, the teaching practicum, while you’re a funded TA?

Q. Yes.

A. I don’t know. I honestly don’t know, because I did not work as a TA, so I’m not familiar with those policies.

Q. And as a student in epidemiology you were required to do a graduate student development plan.
Is that right?
   A. Yes. Partway through my program they began to require that of Ph.D. students.
   Q. What we’ve marked as 17.
---
(Whereupon, Respondent’s Exhibit 17, Graduate Student Development Plan, was marked for identification.)
---
BY ATTORNEY FARMER:
   Q. Is that the form of the development plan that was instituted?
   A. Yes.
   Q. Okay.
   And do you recall when it was instituted?
   A. I know that I filled out two of them, and so I would estimate that that means it was instituted around 2016.
   ATTORNEY FARMER: Okay. I have nothing -.
   THE WITNESS: Because you - you fill them out yearly. Sorry. Is the end of that -.
BY ATTORNEY FARMER:
   Q. And is - is that filled out reflecting back on what you’ve done in the previous year,
anticipating the future year, or both?

A. No. This is - you fill it out at the beginning of the year based on what your future will be.

ATTORNEY FARMER: Thank you. I have nothing further.

HEARING EXAMINER: Redirect?

ATTORNEY MANZOLILLO: Can we have a minute?

HEARING EXAMINER: Yeah. Off the record.

ATTORNEY FARMER: Oh. I’m sorry.

HEARING EXAMINER: Go ahead.

ATTORNEY FARMER: I realize. Sorry -.

HEARING EXAMINER: Back on the record.

ATTORNEY FARMER: I've been too many places. I apologize.

HEARING EXAMINER: That’s fine.

BY ATTORNEY FARMER:

Q. When - before you entered the Ph.D. program there were a number of years where you said you were a full time University employee.

Right?

A. Right.

Q. And at that point I believe you testified
that you were eligible for health benefits?
   A. Yes.
   Q. As a full time employee?
   A. Yes.
   Q. And that was in a different plan that’s – from the student health plan.
       Right?
   A. Yes.
   Q. And you testified that you had retirement benefits as an employee.
       Right?
   A. Yes.
   Q. Okay.
       Did you also have like paid vacation that you earned as an employee?
   A. Yes. When I was staff we earned staff vacation time. Yes.
   Q. And you testified that you had a tuition benefit as staff.
       Right?
   A. Yes.
   Q. Okay.
       And that tuition is different than the tuition waiver that you had as a Ph.D. student.
       Right?
A. It’s different in the sense that they’re - as staff, the benefit is - there’s a limit to the number of credits per semester you can take, and it’s a partial - it’s a 90 percent tuition benefit. So, yes. It’s different from the tuition waiver which I received as a GSR, which covered the whole.

Q. And in order to - for any of the funding that you have received through your - you received through your Ph.D. program, you were required to be a full time student.

Right?

A. Yes.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Off the record to prepare Redirect.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Ms. Farmer, why don’t you move your exhibits?

ATTORNEY FARMER: Move for admission of R-12 through R-17.

HEARING EXAMINER: All right. You have a problem with 12, sir?

ATTORNEY MANZOLILLO: We’re going to
object to R-12. We don’t see the relevance, and it lays out personal information that we don’t think should be on the record given the limited purpose of the documents.

HEARING EXAMINER: Do you have any -?
ATTORNEY MANZOLILLO: We feel it would be inappropriate.

HEARING EXAMINER: Do you mind having this on the record?

THE WITNESS: I’d prefer it not to if it doesn’t need to be.

HEARING EXAMINER: Ms. Farmer, do you want to make a relevancy argument?

ATTORNEY FARMER: It lays out her reasons for entering the Ph.D. program and why she did. I have no - if there’s specific sections of it that the Union would like us to redact, I have no objection of it. We’re not trying to put particular personal information in the record.

ATTORNEY MANZOLILLO: Okay. This is 2013 -. Certainly the first paragraph on the second page, we don’t think it’s necessary.

HEARING EXAMINER: Why don’t we do this? Why don’t you - we’re going to defer ruling on this and then the two of you - the two parties
can discuss a redacted version of this.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: I’m going to take it out of my pile.

ATTORNEY MANZOLILLO: We have no other questions on Redirect.

HEARING EXAMINER: Ruling on 12 is deferred, 13 through 17 are admitted. I’ll give R-12 back to Ms. Farmer.

ATTORNEY FARMER: Okay. Yeah.

HEARING EXAMINER: Okay. Redirect?

ATTORNEY MANZOLILLO: We don’t have any questions.

HEARING EXAMINER: All right. Limited Recross?

ATTORNEY FARMER: I have no questions about my own questions.

HEARING EXAMINER: All right, ma’am. You may -.

THE WITNESS: Thank you.

HEARING EXAMINER: You may leave.

Thank you. So now you want to move in these binders? Or you can do what you want.

ATTORNEY MANZOLILLO: We can do that.

Go off the record just one second?
HEARING EXAMINER: Sure. Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

ATTORNEY HEALEY: For the record, the Union moves into evidence Exhibits 1 through 147, which are exhibits contained in the three binders that have been presented.

HEARING EXAMINER: And then you gave me - just gave me a very helpful four page index. We have brief descriptions of those exhibits. Does the University have any objection to the exhibits?

ATTORNEY FARMER: No.

HEARING EXAMINER: They’re all admitted. 1 through 147. So that means -.

ATTORNEY FARMER: But we would like a copy of the index.

HEARING EXAMINER: Yeah. The Union has moved in Exhibits 1 through 222. Correct?

ATTORNEY HEALEY: That’s correct.

Yes.

HEARING EXAMINER: And then you close your case in chief, I presume?

ATTORNEY HEALEY: That’s correct.
HEARING EXAMINER: Okay. And right now we have University 1 through 17, which -

ATTORNEY FARMER: Skipping 12.

Correct.

HEARING EXAMINER: - 12 - 12 is deferred.

ATTORNEY FARMER: Correct. Yes.

HEARING EXAMINER: Okay.

ATTORNEY FARMER: We agree.

HEARING EXAMINER: Anything else from the Union? You may reserve the right to rebut.

ATTORNEY HEALEY: Okay.

HEARING EXAMINER: All right. So then we’ll see everyone tomorrow with the University’s case in chief?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Thank you.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: All right. We’re back on the record. I need two copies of -

ATTORNEY FARMER: Yes.

HEARING EXAMINER: - Exhibit 12 -. 

ATTORNEY FARMER: Okay. Just first
Respondent 12, which is now one page, is admitted into the record. We’re off the record. Thank you.

* * * * * * *

HEARING CONCLUDED AT 3:50 P.M.

* * * * * * *
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