

## COMMONWEALTH OF PENNSYLVANIA

## LABOR RELATIONS BOARD

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U.S. STEEL, PAPER AND FORESTRY, \*

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

ALLIED-INDUSTRIAL AND \*

SERVICE WORKERS \*

INTERNATIONAL UNION AFL-CIO \*

CLC, \*

Petitioner \*

-vs- \*

UNIVERSITY OF PITTSBURGH, \*

Respondent \*

\* \* \* \* \*

## HEARING TRANSCRIPT

\* \* \* \* \*

BEFORE: Stephen A. Helmerich,

Hearing Examiner

HEARING: Wednesday, October 3, 2018

9:12 a.m.

Reporter: Valerie B. Gregory

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1 LOCATION: Hilton Garden Inn  
2 3454 Forbes Avenue  
3 Pittsburgh, PA 15213  
4 WITNESSES: Nathan Urban

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## A P P E A R A N C E S (cont.)

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EXHIBITS NOT ATTACHED

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EXHIBITS NOT ATTACHED

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EXHIBITS NOT ATTACHED



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

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EXHIBITS NOT ATTACHED

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

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EXHIBITS NOT ATTACHED

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

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HEARING EXAMINER: Back on the record.

Union rested yesterday. And now we are in University's case in chief, whereas they have the burden of proving statutory exceptions or that the identified community of interest, should one exist, is not proper.

Go ahead.

ATTORNEY DANTE: Thank you.

We'll make an opening statement at this time, before our first witness.

Pitt's graduate students apply for admission into its Graduate Programs to pursue advanced degrees. That is, plain and simple, the reason they are at Pitt.

They are not applying for a job. They do not expect to be here after they complete the components of their perspective degree programs.

You will hear testimony about how Pitt, through its talented and well-renowned faculty mentors and trains Ph.D.s and Master's students to become the next generation of independent researchers, faculty and masters in their field.

To do this, Pitt provides graduate

1 students with a number of experiential and applied  
2 training opportunities that are necessary for them to  
3 obtain the skills required for their advanced degree.  
4 The Ph.D. in particular is hardly about coursework.

5                   Pitt's Ph.D. students spend the vast  
6 majority of time researching as part of their academic  
7 program, and engaging in other activities and training  
8 that are critical to their professional development and  
9 completion of the program.

10                   You will hear that the process of  
11 developing these skills, culminating and writing and  
12 defending a dissertation, is long, arduous and requires  
13 a substantial devotion of time.

14                   So much so that Pitt provides funding  
15 packages to its Ph.D. students and some Master's  
16 students to allow them to focus on their degrees.

17                   The funding packages include a stipend,  
18 full tuition remission and subsidized health insurance  
19 in the student health plan.

20                   This is not dependent on the number of  
21 hours a students spends researching, nor is it  
22 dependent on being qualified to teach. It is offered  
23 to students so they can focus on their dissertation,  
24 which takes on average over five years to complete,  
25 even with their full attention.

1                   The Union no doubt has tried to draw  
2 lines between what is academic and what is services, to  
3 use their wording.

4                   You will hear testimony that you cannot  
5 draw that line. You will hear testimony and see  
6 documentation that establishes that you cannot separate  
7 a students' activities on an academic appointment from  
8 those necessary for their degree and their training to  
9 be an independent researcher.

10                  You will hear that academic appointments  
11 are designed to provide funding to a student while they  
12 pursue their advanced degrees. They are not  
13 compensation for services rendered.

14                  You will also hear that students often  
15 have a mix of funding sources over the course of their  
16 academic careers, often varying from year to year or  
17 even semester to semester.

18                  Some of these funding sources are the  
19 University and some are from external sources. In  
20 fact, some students are in labs at Pitt and on academic  
21 appointments at Pitt but are being funded by and  
22 reporting to faculty at other institutions. That is  
23 other universities.

24                  All of this is important because  
25 graduate students at Pitt do not satisfy the definition

1 of employee under the Pennsylvania Public Employee  
2 Relations Act.

3           There is only one previous decision by  
4 the PLRB related to the issue of graduate student  
5 employee status. And that is Temple University.

6           The PA courts have yet to weigh in on  
7 this issue. The Penn State decision is nonprecedential  
8 here, as there was never a final Order.

9           The PLRB itself has acknowledged as much  
10 to the Commonwealth Court, when arguing that an appeal  
11 related to that case by a third party was moot because  
12 the decision a student wanted to challenge was not in  
13 effect based on the election results.

14           The PA courts have, however, weighed in  
15 on another set of students in the Commonwealth. And  
16 those are residents, medical interns and clinical  
17 fellows. That case was Philadelphia Association of  
18 Interns and Residents versus Albert Einstein Medical  
19 Center. Which I will refer to as PAIR, P-A-I-R.

20           In PAIR the Pennsylvania Supreme Court  
21 found that residents, medical interns and clinical  
22 fellows were not employees within the meaning of the  
23 Act.

24           A fundamental premise of PAIR is that  
25 residents, medical interns and fellows at Temple were

1 at the academic institution not for the primary purpose  
2 of obtaining monetary remuneration, but rather to  
3 fulfill educational requirements.

4           They did not come to Temple to earn a  
5 living, they came for an education. The activities in  
6 which they were engaged were all designed to further  
7 the educational level of the residents, medical interns  
8 and fellows.

9           The same is true here and is even more  
10 apparent than it was in PAIR. PAIR is still the law  
11 and is still controlling on the PLRB. And the PLRB and  
12 Temple recognized that it was, in fact, bound by PAIR.

13           The ultimate conclusion at Temple was  
14 not a PLRB decision stating that graduate students are  
15 employees. But rather the PLRB said that Temple  
16 students were different than those in PAIR.

17           On remand, the parties essentially  
18 agreed that any student who receives a direct academic  
19 benefit who are engaging in teaching or research is not  
20 an employee within the meaning of the Act.

21           The definition of direct academic  
22 benefit was created solely by the parties at Temple,  
23 through collective bargaining and was not adjudicated  
24 or agreed to by the PLRB.

25           Regardless, Pitt's graduate students

1 receive a direct academic benefit for the activities  
2 they perform throughout the course of their studies at  
3 Pitt.

4                   As a result, Temple is not on point  
5 here.

6                   As a threshold matter, the University  
7 believes that the PLRB's decision was wrongly decided  
8 based on PA Supreme Court precedent, and that it erred  
9 when it distinguished Temple from PAIR based on its  
10 finding that the teaching and research services were  
11 not performed as part of their education curriculum.

12                   Putting that aside, Pitt is vastly  
13 different from what Temple was in 2000. You will hear  
14 about those differences and why they are important when  
15 it comes to graduate education from Pitt.

16                   To name a few, Pitt is a much larger  
17 research institution than Temple was in 2000. And as a  
18 result, the research activities at Pitt and those in  
19 which its graduate students engage are part of a far  
20 greater and different scale than was presented to the  
21 PLRB in the Temple case.

22                   You will hear that like the medical  
23 interns, residents and fellows in PAIR, the activities  
24 engaged in by graduate studies at Pitt are part of  
25 their academic program.



1                   For example, learning to teach by  
2 engaging in teaching activities is a degree requirement  
3 in many programs. And even in programs where it's not  
4 required, it is encouraged.

5                   Because students who wish to pursue  
6 academic careers, and many of them do, must obtain  
7 these skills in order to get a job when they graduate.

8                   And in fact, prospective employers  
9 expect that Ph.D. students graduating from a research  
10 institution like Pitt will have obtained those skills  
11 during their course of study.

12                   Unlike the PLRB's finding at Temple,  
13 students often get academic credit and a grade for  
14 these teaching activities.

15                   When it comes to research, you will hear  
16 that the (sic) research students do, whether on a grant  
17 or not, is indistinguishable from their dissertation  
18 research. And is research from which they receive an  
19 academic credit.

20                   In other words, there is no line that  
21 can be drawn between research on an assistantship and  
22 that which is performed as a degree requirement and for  
23 which they receive academic credit. That was not the  
24 record before the PLRB in Temple.

25                   In addition, even where students have

1 research assistantships or on the GSR and work with  
2 faculty on research products, you will hear that such  
3 research is a critical part of the Ph.D. Program.

4 Publishing to use what - a number of  
5 faculty's words is the coin of the realm and is  
6 essential - and it is essential to graduate with  
7 publications. And none of the testimony you've heard  
8 thus far is inconsistent with that principle.

9 You will also hear that unlike the  
10 record before the PLRB in Temple, many programs provide  
11 semesters where students are fully funded but not  
12 performing any services.

13 Some examples are - are that of - are  
14 that where - of semesters where students on  
15 assistantships are being paid solely to work on his or  
16 her dissertation. Another example is lab rotations,  
17 where students are fully funded when they essentially  
18 rotate their labs trying to find which one they want to  
19 join.

20 During that time they are researching  
21 and are essentially being paid to be students.

22 Finally, unlike the record before the  
23 PLRB in Temple, you will hear that students who are  
24 funded - who are not funded on assistantships still  
25 have to research, publish, learn to teach and

1 collaborate with faculty, just as those who are on  
2 assistantships.

3           They are required to do so, because all  
4 of these things are components of graduate education.  
5 And where teaching is an academic requirement, it  
6 applies to those students as well.

7           You will hear that students on  
8 fellowships and traineeships continue their - their  
9 research in the same fashion and in the same area as  
10 they were when they were on an assistantship.

11           In other words, you cannot distinguish a  
12 student on a fellowship or traineeship from a student  
13 on a graduate assistantship.

14           Those are just some of the examples of  
15 the ways in which Pitt students are different from  
16 those considered by the PLRB in Temple in 2000.

17           The reality of graduate education is  
18 that it is a training ground. And the way in which  
19 graduate students obtain a Ph.D. is through doing not  
20 by being lectured at.

21           They are not all easy and they do take  
22 time. So does coursework and homework and writing a  
23 dissertation. That does not transform an otherwise -  
24 these otherwise academic endeavors into an employment  
25 relationship.

1           As to the appropriateness of the unit,  
2 the Union makes much of the fact that fellows and  
3 trainees are not employees. We agree.

4           However, some people have both  
5 fellowships and assistantships during their academic  
6 career, making it challenging to identify.

7           HEARING EXAMINER: I'm sorry, you said -  
8 what did you agree with?

9           ATTORNEY FARMER: That they're not  
10 employees.

11          ATTORNEY DANTE: That they're not  
12 employees.

13          HEARING EXAMINER: Who said that?

14          ATTORNEY DANTE: The Union.

15          HEARING EXAMINER: Who said they weren't  
16 employees?

17          ATTORNEY MANZOLILLO: Fellows and  
18 trainees.

19          HEARING EXAMINER: Oh, okay. Go ahead.  
20 Just checking.

21          ATTORNEY FARMER: That would have made  
22 this a whole lot shorter day.

23          ATTORNEY DANTE: Fellows and trainees  
24 also seek out opportunities that they otherwise look  
25 identical to graduate students on assistantships.

1           For example, then they choose to work on  
2 particular research projects with faculty or seek  
3 additional teaching experience while they are on either  
4 a traineeship or a fellowship.

5           In those instances, fellows and trainees  
6 are functionally indistinguishable from graduate  
7 students on assistantships. The research they do looks  
8 the same.

9           You also cannot generalize  
10 classifications. The terms TA, TF, GSR, GSA, and  
11 fellow and trainee vary widely from program to program.  
12 There's no consistent terminology.

13           Therefore, the Board cannot slice and  
14 dice the unit, because these boundaries are not clearly  
15 defined. Some people engage in research while on a  
16 teaching - teaching assistantship and vice versa. Some  
17 are called GSAs, and engage in teaching, and research  
18 and look exactly like their peers on teaching  
19 assistantships, research assistantships and  
20 fellowships.

21           For the vast majority of students, the  
22 research on the assistantship is directly related to  
23 and indistinguishable from their dissertation research,  
24 for which they receive an academic credit for and the  
25 result - and as a result, those students would not be

1 employees under PAIR or even Temple.

2                   However, there cannot be a unit where  
3 some GSRs are in and others are out. As that, again,  
4 will be contrary to the well-established PLRB precedent  
5 on broad-based bargaining units.

6                   Finally, students who move back and  
7 forth between the types of assistantships is not  
8 consistent with Pennsylvania law, including the  
9 principles of labor stability on which PERA was  
10 founded, to have people moving in and out of a  
11 bargaining unit from semester to semester, which is  
12 what happens at Temple.

13                   Simply put, these students are here as  
14 students. And they are trained by faculty on how to  
15 perform research and teach. Both of these activities  
16 ultimately lead to their degree. They are all doing  
17 these activities regardless of the funding source.  
18 There are no easy lines to draw because this is not an  
19 employment relationship.

20                   We presume the PLRB never intended that  
21 the Temple unit would result in entirely transitory  
22 employees who choose whether to be in the bargaining  
23 unit, and covered under the law from year to year and  
24 even semester to semester.

25                   Nor could they have conceived that two

1 students working side by side, doing the exact same  
2 thing, for the exact same stipend might be treated  
3 differently under the law.

4           At Temple that happens. One person may  
5 choose to be in, the other out. This is contrary to  
6 everything the Act stands for.

7           In addition, what students are doing may  
8 be so entirely different that they cannot properly be  
9 in the same unit even though they can have the same  
10 type of appointment.

11           Also, the USW repeatedly claimed, that  
12 what gradate students do is the same as part-time  
13 instructors.

14           First, the University does not believe  
15 the evidence supports that statement.

16           Second, part-time instructors do not  
17 share community of interest with GSRs and GSAs who  
18 perform research, because part-time instructors do not  
19 perform research, are not required to be students, to  
20 be paid anything and do not receive tuition waivers.

21           They also can't participate in the  
22 student healthcare plan that all graduate students are  
23 able to enroll in.

24           Finally, if the Union is correct, that  
25 what part-time instructors do is the same as TAs and

1 TFs, then their unit is not appropriate under PA law,  
2 as part-time instructors should be included in any unit  
3 and the petition would be - would need to be dismissed.

4                   Lastly, the Union's proposed unit  
5 definition includes hourly employees to the extent that  
6 they are graduate students who are hired as hourly  
7 student workers. Without a stipend or tuition  
8 remission or subsidized health insurance, they are  
9 temporary employees. They would also not share  
10 community of interest with students on academic  
11 appointments.

12                   In addition, there need to be students  
13 like professional Master's without guaranteed funding,  
14 who pick up an academic appointment for one semester  
15 with no expectation of any future assistantship. They  
16 may also do that in the last semester of their last  
17 year. And therefore, there's no possibility, let alone  
18 expectation of another appointment.

19                   Finally, not all programs guarantee  
20 student funding for a particular period of time. To  
21 the extent that students do not have a reasonable  
22 expectation of continued funding, they are temporary  
23 under the law and cannot be included in any proposed  
24 agreement.

25                   HEARING EXAMINER: Thank you very much,



1 Ms. Dante.

2 ATTORNEY DANTE: Thank you.

3 HEARING EXAMINER: I followed everything  
4 you said.

5 One thing, what was the hourly employees  
6 that Union brought up?

7 ATTORNEY FARMER: It's - it's in the  
8 proposed unit definition. It actually says all. So it  
9 - it includes hourly in the proposed unit on the  
10 petition.

11 ATTORNEY MANZOLILLO: I - I can confer -  
12 but leave that out.

13 HEARING EXAMINER: The issue is, as Ms.  
14 Dante had pointed out, we do have an expectation of -  
15 as part of our employee-tested, who are there for a  
16 semester and then they're gone. And they may not be a  
17 public employee. I don't know.

18 But that is definitely an issue to think  
19 about.

20 Okay.

21 First witness?

22 ATTORNEY FARMER: Yes.

23 Nathan Urban.

24 HEARING EXAMINER: Again, they also may  
25 not also be professional, too.

---

NATHAN URBAN, PH.D.

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

---

6  
7 HEARING EXAMINER: Spell your name for  
8 us.

9 THE WITNESS: N-A-T-H-A-N, U-R-B-A-N.

10 HEARING EXAMINER: All right, ma'am.

11 ATTORNEY FARMER: Thank you.

---

DIRECT EXAMINATION

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14  
15 BY ATTORNEY FARMER:

16 Q. Dr. Urban, where are you currently employed?

17 A. University of Pittsburgh.

18 Q. How long have you been an employee of the  
19 University of Pittsburgh?

20 A. A little over three years.

21 Q. Where did you work previously?

22 A. Carnegie Mellon University.

23 Q. In what capacity are you employed by Pitt?

24 A. So I'm Vice Provost for Graduate Studies in  
25 Strategy Initiatives; faculty member in the School of

1 Medicine and Department of Neurobiology.

2 Q. How long have you held the Vice Provost  
3 role?

4 A. So for a little over a year I've been Vice  
5 Provost for Graduate Studies. Before that I was a - a  
6 different kind of Vice Provost.

7 Q. Okay.

8 What are your responsibilities in your  
9 current Vice Provost role?

10 A. So as Vice Provost for Graduate Studies, I  
11 oversee all Graduate Programs across the University  
12 that involve - that's involved with looking at program  
13 approval, policy changes to programs, various changes  
14 to support graduate education across the University.

15 Q. Can you tell us about your educational  
16 background?

17 A. Sure.

18 I did my Undergraduate degree actually here  
19 at the University of Pittsburgh. Then went to Oxford  
20 University, got a degree there. And then came back to  
21 Pitt for a Ph.D. And that was from '93 to '98. I did  
22 my Ph.D. in Neuroscience.

23 Q. And why did you choose to do your Ph.D. at  
24 Pitt?

25 A. It had a great Neuroscience Department,

1 great Neuroscience Program. That was what I wanted to  
2 do. I wanted to become a researcher and eventually a  
3 faculty member. And so it was a great opportunity for  
4 me.

5 Q. Can you tell us about how you were funded as  
6 a graduate student at Pitt?

7 A. Sure.

8 The - for the most part, I was funded by a  
9 Predoctoral Fellowship from the Howard Hughes Medical  
10 Institute. They don't actually offer these exact  
11 fellowships anymore.

12 Towards the end of my time at Pitt, I was -  
13 I - that lasted for five years. My Ph.D. took a little  
14 longer than five years. Since towards the end of my  
15 time I was funded by a different mechanism. I'm  
16 guessing I was funded off of my PIs grant. Probably as  
17 a GSR. But I - I don't actually know.

18 Q. Okay.

19 What - and why - do you know, was it not  
20 made clear to you how you were being funded?

21 A. Yeah, it wasn't - it was not made clear that  
22 - I mean, what I did was no different after the - it  
23 just went, expired. So it - it didn't really matter to  
24 me.

25 Q. During the course of your graduate education

1 at Pitt, what kind of experiences did you get?

2 A. So I did a lot of the research. I published  
3 a number of papers in the time based on that research.  
4 I - through the Ph.D. Program and Neuroscience, there  
5 were a set of courses and a set of the elective courses  
6 that I took. And then I also got teaching experience  
7 as well, as part of that degree program.

8 Q. Did those experiences benefit you -?

9 HEARING EXAMINER: One second.

10 Did I swear the witness in?

11 COURT REPORTER: You did.

12 HEARING EXAMINER: All right.

13 BY ATTORNEY FARMER:

14 Q. Did those experiences benefit you while in  
15 the Ph.D. Program?

16 A. Absolutely. I mean, I - sort of - the - the  
17 sort of mentoring that I received allowed me to develop  
18 as a researcher, develop skills, both as an  
19 experimentalist and - in terms of develop - analyze and  
20 interpret data, you know, to write papers, to present,  
21 to communicate effectively about science, to be more -  
22 to develop a better understanding of teaching. And how  
23 it is that one goes about preparing a lecture, about  
24 preparing exams, creating exam questions, what it means  
25 when students - you know, when all students miss number

1 seven on your exam and give the same wrong answer, I  
2 mean, this is all very useful preparation.

3 Q. And did the experiences -

4 ---

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

7 ---

8 BY ATTORNEY FARMER:

9 Q. - did your experiences have benefits that  
10 have carried beyond your time at the Ph.D. Program?

11 A. Yeah, I -.

12 Q. Can you talk about that?

13 A. Yeah. I mean, the experience that I got as  
14 a faculty - as a - as a Ph.D. student, rather, is very  
15 directly tied into what I ended up - have ended up  
16 doing as a faculty member, you know, for the last -  
17 well, since 2002, when I first became a faculty member.

18 I mean, in terms of the - the areas of  
19 research that I have - have pursued, my credibility in  
20 - in terms of being able to pursue those areas was  
21 dependent on the kinds of papers that I published and  
22 the connections and the mentorship that I received.

23 My ability to teach in a variety of classes  
24 over the years certainly was enhanced by the - the  
25 experience that I gained as a - as a Ph.D. student.

1 The ability to communicate effectively about science to  
2 give presentations, both short and long, to a variety  
3 of different audiences, all of that was critical to my  
4 success as a faculty member and now as a University  
5 administrator as well.

6 And relates directly to things that I've  
7 learned and began to develop as part of my Ph.D.

8 Q. Does the University expect current Ph.D.  
9 students to get the same kinds of experiences?

10 A. Yes, I certainly do. And I - I guess in  
11 that sense I represent the University broadly in that  
12 way.

13 ATTORNEY FARMER: This is going to be  
14 18.

15 ---

16 (Whereupon, Respondent Exhibit 18, University's  
17 Fact Book from 2018, was marked for  
18 identification.)

19 ---

20 BY ATTORNEY FARMER:

21 Q. I'm showing you what we've marked as Exhibit  
22 18.

23 Can you identify what this is?

24 ATTORNEY HEALEY: And for the record, so  
25 it's not confusing, it's also Union Exhibit 1.

1                    ATTORNEY FARMER:    Yeah.    We already had  
2 the color copies printed, so I'm still using it.

3                    HEARING EXAMINER:    And it's used.    So  
4 you don't have to tell me that they're duplicate.    I'll  
5 figure it out.

6                    ATTORNEY HEALEY:    Okay.

7                    HEARING EXAMINER:    Thank you.

8                    THE WITNESS:    So this is the  
9 University's fact book from 2018.

10 BY ATTORNEY FARMER:

11                    Q.            Okay.

12                                    And what is the fact book?

13                    A.            So it's a document which is prepared by the  
14 Office of Institutional Research, which compiles  
15 information - all different kinds of information about  
16 the University, about its educational activities, its  
17 research activities, about its students, about its  
18 faculty, et cetera.

19                    Q.            So I just - a small question, if you know  
20 the answer.

21                                    When it says 2018, does that mean calendar  
22 year, fiscal year, academic year?    Do you know?    Some  
23 mix?

24                    A.            I believe it comes out in the - I mean, it's  
25 finished in the summer.    And so then it goes back - so



1 it's actually the year - academic year 2017-2018, -

2 Q. Okay.

3 A. - I believe, but I could be wrong.

4 Q. Okay.

5 Let's -.

6 HEARING EXAMINER: I'm assuming fiscal  
7 year, July 1st to June 30th.

8 Right?

9 ATTORNEY FARMER: Okay.

10 HEARING EXAMINER: You don't know?

11 ATTORNEY FARMER: I don't know.

12 THE WITNESS: I don't know.

13 ATTORNEY FARMER: That's -.

14 HEARING EXAMINER: You just weren't  
15 trying to lead him, you don't know?

16 ATTORNEY FARMER: No, no, I literally -  
17 I think it's always confusing, like what year - is the  
18 year -. In some cases it specifically talks about a  
19 specific semester, -

20 HEARING EXAMINER: Yeah.

21 ATTORNEY FARMER: - but not every one.

22 BY ATTORNEY FARMER:

23 Q. Okay.

24 If we could turn to - turn to page 16.

25 A. Okay.

1 Q. Okay.

2 Does this show, sort of, the highest level  
3 of organization of the University?

4 A. Yeah, the very highest level in the Board of  
5 Trustees, including Emeritus members of the Board,  
6 Ex Officio members of the Board. And the Chancellor is  
7 also listed there.

8 Q. Okay.

9 And if we turn to page 17.

10 A. Okay.

11 Q. Okay.

12 Can you explain - obviously, not every box.

13 A. Okay.

14 Q. But can you just give us an overview of what  
15 we're - what we're seeing here?

16 A. I think I could explain every box. But I -  
17 but I -.

18 Q. Yeah.

19 A. So this is - this shows, sort of, the  
20 academic part of the University. The Provost is the  
21 chief academic part of the University. The Provost is  
22 the Chief Academic Officer.

23 So she - well, the old Provost's name is  
24 listed there, Patty Beeson. She's listed at the top.  
25 And then underneath that the boxes show Vice Provost,

1 people who work directly with the Provost in the  
2 Provost Office. And then also Deans of the various  
3 schools, all of whom are direct reports to the Provost.

4 Q. So is there an central graduate school  
5 within the University?

6 A. There is not. So Graduate Programs and  
7 graduate student issues are mostly organizer - or  
8 administered at - at the level of the individual  
9 schools and colleges.

10 Q. Okay.

11 So let's then look at - if we can just go  
12 through page 18.

13 What are we - what are we seeing here?

14 A. So this is - this - let me see - I'm trying  
15 to - is this the same as 17?

16 Q. Yes.

17 A. Yes.

18 So it's the same as 17.

19 Q. Okay.

20 A. Was that a trick question?

21 Q. All right. All right.

22 So go to page 19.

23 A. Yeah.

24 Q. Other academic areas, can you give us an  
25 explanation of what that is?

1           A.       Sure.

2                    So this shows within the Provost Office  
3 there are - this shows the - the Vice Provost and some  
4 of people who report to the individual Vice Provost.

5                    And so for example, the Vice Provost for  
6 Graduate Studies is on here, Vice Provost for  
7 Undergraduate Studies. Vice Provost and, you know,  
8 students, et cetera, they're all - all listed here,  
9 with some of the people who report to them.

10          Q.       I also see there's a University Center for  
11 Teaching and Learning?

12          A.       Yes.

13          Q.       We'll talk more about that in a few minutes.  
14 But is that a teaching program that's supported by the  
15 Provost Office?

16          A.       Correct. So under - it's under the Vice  
17 Provost for faculty, in terms of the left there, one of  
18 the boxes is the University Center for Teaching and  
19 Learning.

20                    That's an organization which supports  
21 teaching in a whole variety of ways, both the  
22 development of teaching, the development of best  
23 practices and teaching and helping develop our  
24 instructors across the University.

25                    And then also technology support for

1 teaching. A whole variety of different activities.

2 Q. Going onto page 20. The Health Sciences, -

3 A. Yeah.

4 Q. - can you explain that?

5 A. So while the Provost is the Chief Academic  
6 Officer for the whole university, and all issues of  
7 faculty appointments and all issues of graduate - for  
8 example, Graduate Program policy fall under the  
9 Provost, the Health Sciences at Pitt are administered  
10 somewhat separately with - with respect to some  
11 budgetary considerations, et cetera.

12 And so the Senior Vice Chancellor for the  
13 Health Sciences, who currently is also the Dean of the  
14 Medical School, Art Levine, has a reporting structure  
15 under him that includes the - the positions that are  
16 described here.

17 And so there are financial positions.  
18 There's a - there's an Associate Senior Vice Chancellor  
19 for Administration, Associate Senior Vice Chancellor  
20 for Research, et cetera.

21 So this is a sort of parallel structure for  
22 the Health Sciences. But - but all academic issues  
23 directly report up through the Provost. This is more  
24 of an administrator structure.

25 Q. Okay.

1           And on the bottom line of page 20, are those  
2 the various schools that are considered to be part of  
3 Health Sciences?

4           A.     Correct. Those are the schools that under  
5 the - the Dean of Health Sciences that are - I'm sorry,  
6 Senior Vice Chancellor for the Health Sciences for  
7 those purposes.

8           Q.     And do all of these schools have graduate or  
9 professionals - and/or professional students?

10          A.     Yes.

11          Q.     Turning to page 21. These Institute  
12 Directors - where - where it says Institute Directors.

13          A.     Yes.

14          Q.     Can you just briefly explain what the  
15 institutes are?

16          A.     Sure.

17                 So under the Health Sciences, there are a  
18 number of large institutes that have - I would say it's  
19 primary - their primary function is research.

20                 And so, for example, The McGowan Institute  
21 for Regenerative Medicine is a large research institute  
22 - a brain institute. Which is something that I'm  
23 affiliated with. Is a - is a research institute.  
24 Vascular medicine, et cetera.

25                 So these are large research institutes that

1 - where - that have faculty, that are affiliated with  
2 them, that have students - graduate and professional  
3 students who are affiliated with them, that have sort  
4 of research activities, that have physical space,  
5 et cetera.

6 Q. So in the case of a - a graduate student,  
7 for example, would these be the program in which  
8 they're getting their degree?

9 A. Typically not. So - so for example, the  
10 Magee-Womens Research Institute, which is one of the  
11 ones that's listed, does not have its own independent  
12 degree programs. Students who are working in and - and  
13 enrolled in a variety of different degree programs may  
14 do their research as a part of that research institute.

15 Q. So this is basically where the faculty lab  
16 would be in which they're doing their research?

17 A. In some cases these have physical - discrete  
18 physical locations and other cases they don't. They  
19 may be distributed sort of in a virtual institute kind  
20 of way.

21 But administratively they have a structure,  
22 and the faculty and the students would in some cases  
23 fall under that structure, yeah.

24 Q. Okay.

25 If we go ahead to page 24 of - it talks

1 about student affairs.

2 A. Yeah.

3 Q. Does student affairs cover all students of  
4 the University?

5 A. Yes, it does.

6 Q. That being undergraduates, gradates,  
7 professional students?

8 A. Yes.

9 Q. And is there any difference related to how  
10 the students may be paying for their education, in  
11 terms of their access to student affairs?

12 A. No, none.

13 Q. So -?

14 HEARING EXAMINER: Is it a line item on  
15 their tuition invoice?

16 THE WITNESS: There is a line item in  
17 their student account, which is - a student's  
18 activities fee, I think, is the name.

19 HEARING EXAMINER: And that's what funds  
20 this?

21 THE WITNESS: That partially funds this,  
22 yeah.

23 HEARING EXAMINER: Partially?

24 Go ahead.

25 BY ATTORNEY FARMER:



1           Q.       You mentioned that there's not that  
2 centralized graduate school, and the Graduate Programs  
3 are administered out of the schools and department.

4                   What does that mean to you, from an  
5 administrative standpoint?

6           A.       So that means that - only a couple of  
7 things. One is that there are a set of policies that  
8 exist at the University-level, which describe our - our  
9 - our rules and also our approach to graduate  
10 education. And establishes a set of priorities, a set  
11 of constraints.

12                   Within those constraints we want to give  
13 flexibility to individual programs, to create programs  
14 that meet the needs of students.

15                   So I feel like we, at the University-Level,  
16 can - can set up some - some rules and guidelines. But  
17 graduate education is best at the - at the detailed  
18 level, is best determined and best - those departments  
19 are best created and structured at the - the more local  
20 level.

21                   And so we have to set up - set up the rules  
22 - the rules of the game.

23                   But then within those - those boundaries,  
24 programs can - schools can - can create a variety of  
25 different programs to meet the needs of students.

1 Q. If you could turn to page 28.

2 And this, from the top of it, is specific to  
3 fall term 2017. But just looking at the big numbers,  
4 how many students are there total at Pitt in that  
5 semester?

6 A. So in the lower right, the 34,580 is all  
7 students at the University, including the regional  
8 campuses, not just the Oakland campus. Then a little  
9 bit above that, the numbers 28,642, that's the total  
10 number of students on the Oakland campus.

11 Q. And that includes graduate and professional  
12 undergraduates?

13 A. Correct. Full and part-time undergraduates,  
14 graduate professionals.

15 Q. Okay.

16 I see, looking at this, that graduate  
17 students and doctorate professional practice are listed  
18 separately.

19 Can you explain what a doctorate  
20 professional practice is?

21 A. Sure.

22 There are some Doctorates, like the M.D.,  
23 the - the D.M.D., the Doctor of - of Dental - well, the  
24 Doctor of Dental Medicine, other Doctorates that are  
25 professional degrees. Those are not considered

1 research degrees like a Ph.D. And so - so those are  
2 the ones that are listed in the Doctorate in  
3 Professional Practice.

4 Q. So are Ph.D.s listed in that graduate  
5 number?

6 A. They are listed in the graduate number.

7 Q. And -

8 A. They're -

9 Q. - go ahead.

10 A. - yeah, they're a part of the 7,143 number  
11 specifically.

12 Q. And would - also, there has been testimony  
13 about research or thesis Masters'. Are they included  
14 in that?

15 A. Yes.

16 Q. There has also been some testimony about the  
17 idea of professional Masters'. Are they included in  
18 that graduate number as well?

19 A. Yes.

20 Q. Do all of the students who are listed under  
21 this graduate student heading receive some sort of  
22 financial support from the University?

23 A. No, they do not.

24 Q. For students who do receive financial  
25 support, can it take different forms?

1           A.       Yes.

2                    So students - we have - MBA students, for  
3 example, who are receiving scholarships. We have Ph.D.  
4 students and a few other research Masters' students who  
5 received the kinds of support that we've been talking  
6 about, teaching assistantships, teaching fellowships,  
7 graduate student assistantships, graduate student  
8 researchers, trainees, fellows, et cetera.

9           Q.       Is there a category that the University  
10 refers to its academic appointments?

11          A.       Yes.

12          Q.       What does that encompass?

13          A.       So that - academic appointments in the  
14 graduate student domain refers to the TA, TF, GSA, GSR  
15 appointments that we've been discussing.

16          Q.       If you could turn now -?

17                    HEARING EXAMINER: So you said - I'm  
18 sorry, a lot of noise - so you said TA, TF, GSA; GSR?

19                    THE WITNESS: Yeah.

20                    HEARING EXAMINER: Go ahead.

21 BY ATTORNEY FARMER:

22           Q.       What is the category - sorry.

23                    If we can turn to page 46.

24                    HEARING EXAMINER: All right.

25                    I'm going to go back to that question.

1                   When you say TA, TF, are you putting a  
2 slash in between them to - a comma.

3                   THE WITNESS: I guess I would call it a  
4 comma.

5                   HEARING EXAMINER: All right.

6                   And then a GS - GSA -

7                   ATTORNEY FARMER: A.

8                   THE WITNESS: GSA.

9                   HEARING EXAMINER: - and a GSR, do you  
10 put a comma between those or a slash?

11                   THE WITNESS: I put a comma. I put  
12 three commas to separate those four - four items.

13                   HEARING EXAMINER: Go ahead.

14                   ATTORNEY FARMER: Okay.

15 BY ATTORNEY FARMER:

16               Q.       Turning to page 46.

17                   Does this talk - 46, and it continues on to  
18 page 47.

19                   Does this give, broadly, the types of  
20 degrees that are offered by the University?

21               A.       Yes.

22               Q.       Okay.

23                   It references, I notice - so if we - most of  
24 to way down on page 46, it says graduate certificate.

25                   What is that?

1           A.       So we award certificates, which are an  
2 academic credential, sort of, less than a degree. So  
3 our current rules are that - to count as a graduate  
4 certificate it must be a set of at least 15 credits in  
5 a particular area.

6                    So someone could earn a certificate in - we  
7 just approved one in Construction Management, within  
8 the School of Engineering. So this is a - a  
9 credential.

10                   In some cases these are credentials that are  
11 earned by - by students who are also pursuing degrees.  
12 Like you could be pursuing a Ph.D. in Engineering, and  
13 Civil Engineering and then also get a construction  
14 certificate.

15                   In other cases, they are credentials which  
16 are earned by people in a standalone way. There might  
17 be somebody who's working in the construction field who  
18 wants to earn a certificate in Construction Management.

19                   And so this graduate certificate category  
20 captures all of those.

21           Q.       So turning to page 47, -

22           A.       Yes.

23           Q.       - where it says Doctorate  
24 research/scholarship.

25           A.       Yeah.

1 Q. This is the Ph.D. Programs?

2 A. Yes.

3 Q. Okay.

4 And the numbers that are listed here, these  
5 are not enrollment, this is the degrees that have  
6 actually been awarded in a given years?

7 A. Correct, yeah.

8 Q. So this - are there also programs which  
9 involve like dual degree or joint degree programs?

10 A. Yeah, we have a number of them. I mean, I  
11 think the - the one that probably I know best and that  
12 is the - one of the larger ones is the M.D., Ph.D.  
13 Program where you can earn an M.D. degree and also a  
14 Ph.D. degree in over roughly an eight or so year  
15 period.

16 ATTORNEY FARMER: This will be 19.

17 ---

18 (Whereupon, Respondent Exhibit 19, Special Academic  
19 Opportunities Catalog, was marked for  
20 identification.)

21 ---

22 THE WITNESS: But there - and there are  
23 others.

24 HEARING EXAMINER: Ms. Farmer, why don't  
25 we look at page 48 and 49 on that exhibit?

1                    ATTORNEY FARMER:    Okay.

2   BY ATTORNEY FARMER:

3            Q.        Before we talk about Exhibit 19, let's look  
4 at pages 48 and 49.

5            A.        Sure.

6                    HEARING EXAMINER:    The reason I'm asking  
7 is because I'd like to put a line into the findings of  
8 fact that says University of Pittsburgh has X number of  
9 professional student - or graduate Ph.D. documents.

10                   ATTORNEY FARMER:    We're going to put in  
11 a - we're going to put in a document with the  
12 enrollment numbers. Because this is actually - this is  
13 retrospective about degrees awarded, not -

14                   HEARING EXAMINER:    Okay.

15                   ATTORNEY FARMER:    - number of enrollment  
16 - we're going to put in enrollment numbers -

17                   HEARING EXAMINER:    Do you know the  
18 number I want?

19                   ATTORNEY FARMER:    - from spring of '18.

20                   HEARING EXAMINER:    Yeah.

21                   ATTORNEY FARMER:    Yes.

22                   HEARING EXAMINER:    Okay.

23                   Thank you.

24                   ATTORNEY FARMER:    Yes.

25                   We're going to get there in just a few



1 minutes.

2 BY ATTORNEY FARMER:

3 Q. Okay.

4 Turning your attention to Exhibit 19.

5 This - from the drop - you can see the  
6 little drop-down, which says Graduate/Professional  
7 Studies Catalog.

8 A. Yes.

9 Q. Before we talk about the document, what is  
10 the Graduate/Professional Studies Catalog?

11 A. So it's a - I mean, it used to be a  
12 document. It's now a - it's a set of web pages that  
13 describes both rules of Undergraduate Programs, a lot  
14 of information undergraduate programs.

15 Through this you can also find lists of all  
16 the Graduate Programs that we have at the University,  
17 including Certificate Programs, rules about cross  
18 registration, et cetera.

19 Q. Okay.

20 So this talks about situations - it - it  
21 says - there's two independent degrees. And then it  
22 talks about dual degree and joint degree, -

23 A. Yeah.

24 Q. - just those general categories?

25 Can you explain sort of what the general

1 difference is between a dual degree, joint degree and  
2 two different degrees?

3 A. So - I mean, two different degrees is  
4 essentially in some order satisfying all the  
5 credentials for two independent degrees.

6 Joint degrees are a situation where there's  
7 been some discussion, some plan put together that says,  
8 here are two degrees that it makes sense for people to  
9 earn simultaneously and -.

10 Q. Like the M.D., Ph.D.?

11 A. Yeah, the M.D. Ph.D. is one example.

12 Q. Okay.

13 A. There's a - an MBA that can be complemented  
14 with a Master's in Social Work. It can be a whole  
15 variety - or an MBA - Master's of Public Health, a  
16 whole variety of those degrees.

17 But there's some recognition that there's an  
18 overlap. And so there's a - a special program that's  
19 created to allow students to complete those degrees  
20 somewhat efficiently than they would if they were just  
21 doing the two degrees separately and independently.

22 ATTORNEY FARMER: This will be 20.

23 ---

24 (Whereupon, Respondent Exhibit 20, List of Degree  
25 and Certificate Granting Programs, was marked for

1 identification.)

2 ---

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

4 ---

5 BY ATTORNEY FARMER:

6 Q. Okay.

7 I'm showing you what we've marked as Exhibit  
8 20.

9 Can you explain what this is?

10 A. Yeah.

11 This is the list of all the degree and  
12 certificate granting programs at the University as of  
13 whatever the year was, the 2018-'19 year.

14 Q. So this is all of the current just graduate  
15 and professional programs?

16 A. Correct. That's right.

17 Q. Of which there are obviously a large number?

18 A. Yeah, 200 and some.

19 Q. And roughly, without counting the very small  
20 print, how many Ph.D. Programs?

21 A. It's close to 90.

22 Q. Is there an overarching purpose for graduate  
23 education at Pitt?

24 A. I mean, graduate education or Ph.D.  
25 education or -?

1 Q. Can you talk about both?

2 A. Sure.

3 The overarching purpose of graduate  
4 education is to develop students beyond the  
5 undergraduate level, in terms of giving them the kinds  
6 of skills and education that's needed, so that they can  
7 be successful and have a - an impact in their future  
8 careers and lives.

9 Q. And what about the purpose of Ph.D.  
10 Programs?

11 A. So within the context of overall graduate  
12 education, a Ph.D. is specifically a degree which is  
13 focused on training people to be experts in a  
14 particular field. Experts to the extent that they can  
15 be effective in creating new knowledge, creating new  
16 scholarship, and then disseminating that new knowledge  
17 and new scholarship.

18 Q. You mentioned that the Provost Office  
19 basically sets a - a general set of regulations for the  
20 academic programs.

21 Right?

22 A. Yes.

23 ---

24 (Whereupon, Respondent Exhibit 21, Academic  
25 Regulations, was marked for identification.)

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BY ATTORNEY FARMER:

Q. I'm showing you what we have marked as 21.  
Are these the academic regulations as they relate to  
Graduate and Professional Programs.

A. Yes, they are.

Q. Is there a portion of this that applies  
specifically to Ph.D. Programs?

A. Yes, there is.

ATTORNEY FARMER: All right.

I believe that's on page six. Which  
these are, of course, due to - given both a website and  
a number.

HEARING EXAMINER: What's the heading on  
the page you're on?

ATTORNEY FARMER: It starts with - it is  
the third piece of paper on the back.

THE WITNESS: Yeah, regulations  
pertaining to Doctoral degrees. So three-quarters of  
the way down the page.

HEARING EXAMINER: Oh, okay.

BY ATTORNEY FARMER:

Q. Okay.

And does this set the basic requirements for  
Ph.D. Programs that every school or college program has

1 to follow?

2 A. Yes, it does.

3 Q. Is there also a section talking about rates  
4 and responsibilities affecting students?

5 A. Yes, I believe it's towards the end.

6 Q. Go like two more pages in, -

7 A. Yeah.

8 Q. - on the back.

9 Okay.

10 And that would apply to all students and all  
11 Ph.D. Programs?

12 A. Correct. Yeah.

13 Q. Are there specific skills that are expected  
14 to be developed in any Ph.D. Program?

15 A. Yeah, I - I - the - I mean, the fundamental  
16 nature of a - of a Ph.D. is that we're trying to  
17 develop students to - to allow them to develop the  
18 skills, the expertise that's necessary, so that they  
19 can perform novel research. A Ph.D. is a research  
20 degree.

21 Fundamentally, it's about developing  
22 students to the point where they can be pushing the -  
23 the boundaries of knowledge, pushing the boundaries of  
24 scholarship in a - in a variety of ways and then  
25 communicating that.

1           And that is really reflected in the - the -  
2 the one requirement that is universal across all  
3 Ph.D.s, whether you're talking about at Pitt or any  
4 institution, is that there must be a - a thesis of some  
5 sort, a presentation of one's research.

6           And that research is supposed to be novel.  
7 It's supposed to be, sort of, you know, breaking new  
8 ground.

9           Q.     And that presentation of the - of the  
10 research has to be a public presentation?

11          A.     In all cases that I'm aware of it's a public  
12 presentation.

13          Q.     Why?

14          A.     I - I think the - the nature of the degree  
15 and also the nature of the University is such that what  
16 we're about is not just about doing research and then  
17 sort of keeping it to ourselves. We want to make sure  
18 that it is - that it is known, that it - that it has  
19 the potential to have an impact.

20                 It's also, I think, important - I think  
21 historically it's been important that dissertations  
22 with the thesis presentations are public. Because we  
23 want others to be able to check what's - how - what is  
24 the work that - that our students are producing? What  
25 is the quality of the research that's being done?

1           And therefore, we invite, in some sense, the  
2 broad public to - to - to witness this. And this is  
3 why in some cases there are progress, including from  
4 those here at Pitt, that require, as part of the - the  
5 Dissertation Committee, as part of the Thesis  
6 Committee, someone from outside the University to  
7 participate as an examiner, someone who is going to  
8 evaluate the content of that work.

9           Q.     Can the research that's being done by  
10 graduate students, you know, be breakthroughs in the  
11 field?

12          A.     Absolutely.

13                So - so yesterday's Nobel Prize in Physics  
14 was won in part by a woman, who - I'm blocking out her  
15 name - Strickland, I think. And she won that work for  
16 - for that - that prize for work that she did as a  
17 graduate student at University of Rochester.

18                   HEARING EXAMINER:   What was that?

19                   THE WITNESS:   It was her first  
20 publication. It was what won her the Nobel Prize.

21                   HEARING EXAMINER:   What was the work on  
22 that?

23                   THE WITNESS:   So the Nobel Prize  
24 involves -.

25                   ATTORNEY HEALEY:   It was on NPR this



1 morning.

2 HEARING EXAMINER: Quickly, -

3 THE WITNESS: Oh, sorry.

4 HEARING EXAMINER: - what was it about?

5 BY ATTORNEY FARMER:

6 Q. Just real fast.

7 A. She was able to modify light in a certain  
8 way to allow very, very, very brief laser pulses. And  
9 these very brief laser pulses are important.

10 Because if you're going to get eye surgery,  
11 and they're going to shoot a laser into your eye,  
12 they're going to use a laser that has very, very, very  
13 short pulse. And the energy is all concentrated into  
14 like a femtosecond, which is like 10 to the minus 15th  
15 second.

16 HEARING EXAMINER: Okay. Go ahead.

17 ATTORNEY DANTE: There's no follow-up to  
18 that?

19 ATTORNEY FARMER: No, it's -

20 ATTORNEY DANTE: Yeah.

21 ATTORNEY FARMER: - really interesting.

22 I - I saw that this morning as well. So I started  
23 hearing about that.

24 BY ATTORNEY FARMER:

25 Q. Are graduate students admitted to support

1 undergraduate education?

2 A. No.

3 Q. Do you have a - a sense of what fraction -?

4 HEARING EXAMINER: I'm sorry, what was  
5 your question?

6 ATTORNEY FARMER: Whether graduate  
7 students are admitted to support undergraduate  
8 education.

9 HEARING EXAMINER: Oh.

10 BY ATTORNEY FARMER:

11 Q. Do you have a - a sense of what fraction of  
12 undergraduate classes have a graduate student as a TA  
13 or instructor?

14 A. You know, in rough numbers I would say it's  
15 between 10 and 15 percent, something in that ballpark.

16 Q. Are there Graduate Programs for which there  
17 are no Undergraduate Programs?

18 A. Yes.

19 Q. There was testimony yesterday, I think,  
20 about School of Public Health has no undergraduates.

21 Are there others like that?

22 A. School of Medicine, for example.

23 Q. Taking a look back at the fact book, page  
24 30.

25 Has the number of undergraduate students

1 been increasing over the past five years?

2 A. Yes.

3 Q. Has the number of graduate students been  
4 decreasing?

5 A. Yes, it has.

6 Q. And this doesn't break out among the - the  
7 types of Graduate Programs.

8 Has the number of Ph.D. students also been  
9 decreasing?

10 A. Yes, it has.

11 Q. Do all faculty mentor graduate students?

12 A. No.

13 Q. Do you have a sense like what fraction?

14 A. So we have what we call a graduate faculty,  
15 which consists of about 1,600 or 1,800 or so faculty.  
16 Those are the faculty who are eligible to supervise  
17 graduate students. I don't know what fraction of those  
18 who are eligible actually do.

19 Q. Is it often the case that if there are  
20 faculty members who mentor graduate students, they may  
21 mentor several at a time and other faculty don't do it  
22 at all?

23 A. Yeah, that's what I would say there. So the  
24 distribution is not - not flat. Yeah.

25 Q. Okay.

1           Let's talk about research in general at the  
2 University.

3           Is that something that is an important facet  
4 of the University?

5           A.     Yeah, it's an absolutely essential element  
6 to - to the University. Certainly to the University of  
7 Pittsburgh. I mean, that is one of the - the critical  
8 missions of the University.

9           I mean, the University does really two  
10 things fundamentally. It educates and then it does  
11 research.

12          Q.     When we talk about research, what does that  
13 - what does that encompass?

14          A.     So it's - it's a pretty broad category.  
15 Research includes anything that's really pushing the  
16 boundary of knowledge, creating new knowledge,  
17 discovering, providing sort of new analysis and new  
18 interpretation. I think research, and you can sort of  
19 bundle up, research and scholarship together, you know,  
20 have huge range.

21                 I mean, it includes things like work that -  
22 that won a Nobel Prize recently. It includes analysis  
23 of - of bodies of literary work from a particular time  
24 or from a particular author or from a particular genre.

25                 It includes research, you know, about the

1 climate. It includes research about - in - in the  
2 medical context.

3 I mean, it - it spans a huge - the whole  
4 domain human knowledge is the advancement - advancement  
5 of any element of that domain is what constitutes  
6 research.

7 Q. What does the approximate term R1 mean when  
8 it refers to a university?

9 A. So it refers to the category of universities  
10 that are the most research-active.

11 Q. And is Pitt an R1 university?

12 A. Yes.

13 Q. Do you know when, approximately, Pitt became  
14 an R1 university?

15 A. I don't know. But it's been a long -  
16 decades.

17 Q. Is Temple an R1 university?

18 A. I believe it recently became one within the  
19 last couple of years.

20 Q. If you can take a look at page eight of the  
21 fact book?

22 A. Yeah. Okay.

23 Q. It refers to member institutions of the  
24 Association of American Universities.

25 Can you explain what that is?

1           A.       Sure.

2                    The - the Association of American  
3 Universities are AAU. It's a group of 62 universities,  
4 60 American and two Canadian, that are among the most  
5 well-known, among the - the - I'll say the best  
6 universities with respect to research activity and  
7 educational activity, both with an graduate and  
8 undergraduate-level.

9           Q.       So is this in some sense a subset of what it  
10 means to be R1? This is like a more elite subset of  
11 R1?

12          A.       Yeah.

13                   I mean, R1 is - that distinction is - is  
14 predominantly or exclusively focused on research  
15 specifically.

16          Q.       Okay.

17          A.       AAU also incorporates elements of - of  
18 education and training. But yes - I - I mean,  
19 essentially it's a - I don't know if - I would - I  
20 would assume that all of the AAU universities are R1.

21                   Although, I don't know that for a fact.

22          Q.       Is Pitt AAU?

23          A.       Yes.

24          Q.       And when did it become AAU?

25          A.       In the '70s. I would say '74, '75 kind of

1 time frame.

2 Q. And is Temple an AAU university?

3 A. No, it's not.

4 Q. Does Pitt make money on research?

5 A. No, Pitt - I mean, it's a complicated  
6 question. So - so Pitt - if you - if you look at sort  
7 of various numbers, Pitt receives about 850 or so  
8 million dollars a year in research from a variety of  
9 different source; about \$500 million a year  
10 specifically from NIH.

11 When there is a research grant that - most  
12 of that is in the form of research grants that come  
13 from those agencies.

14 Q. And are those in - or could those be what's  
15 been referred to as R1?

16 A. Yeah, many of those NIH grants are R1s. And  
17 there are other mechanisms. But the - the single  
18 biggest source of funding from NIH is the R1 grant,  
19 which goes to fund an individual investigator for a  
20 project.

21 Q. So faculty research?

22 A. Faculty research, yeah.

23 HEARING EXAMINER: Maybe make money is  
24 too vague.

25 THE WITNESS: Well, so - so -

1 BY ATTORNEY FARMER:

2 Q. You can talk about it further.

3 A. - yeah.

4 So - so there's this - that's the revenue.  
5 But if you actually then ask, what's the cost of doing  
6 research - and the - the federal agencies try the  
7 figure this out. And we go through an accounting  
8 process every year to try to figure out what's the cost  
9 of research.

10 And so if I were to get a grant, say an R1  
11 for \$100,000 a year - and that's the amount of money  
12 that I asked for to support the work in lab, that would  
13 support paying a graduate student, paying part of my  
14 salary, buying more agents, buying equipment,  
15 et cetera.

16 In addition to that, Pitt, through this  
17 negotiation process, also gets \$55,000 a year in what  
18 are called indirect costs.

19 So the total money that comes from the  
20 University is this \$155,000, \$100,000 of which I get to  
21 spend on the research. And \$55,000 are supposed to  
22 support the indirect cost of doing research at the  
23 University.

24 That includes everything from the costs of -  
25 of buildings, to the costs of the electricity, to the



1 cost of the Office of Research that deals with  
2 administrative aspects of grants.

3 That - those indirect costs come in two  
4 buckets. There's that so-called - the facilities  
5 costs, which are the - which we can completely recover.  
6 And then there's the administrative cost.

7 And that administrative cost is capped, such  
8 that it does not cover the full cost of the  
9 administrative - of - of all of the administrative  
10 costs of the University. It's capped at 26 percent of  
11 the - of the - of the total direct costs of the grant.

12 And every year we go through an accounting  
13 process, and - and we actually spend more than that on  
14 the administrative costs, the regulatory and - and  
15 other kinds of administrative costs to the University.  
16 And so all universities across the country under  
17 recover indirect costs from federal grants.

18 HEARING EXAMINER: Are salaries direct  
19 or indirect?

20 THE WITNESS: Depends on whose salary.  
21 Salary for say a technician working in my lab, who's  
22 specifically working on that project, parts of that -  
23 that salary can be covered by direct costs.

24 Salary of the secretary or the - the -  
25 the - the administrative person who's helping me to,

1 sort of, file the paperwork for my grant, that's an  
2 administrative cost, not a direct cost.

3 BY ATTORNEY FARMER:

4 Q. In addition to what you have talked about  
5 with what's referred usually as sponsored research,  
6 right, -

7 A. Yes.

8 Q. - is there other research that is done at  
9 the University for which there is no federal support?

10 A. Yes.

11 Q. Can you talk a little bit about that?

12 A. Yeah.

13 Every time we hire a faculty member,  
14 especially in the sciences, but also in - in other  
15 areas, we expect that new tenured stream faculty member  
16 to develop a research program.

17 We can't just give them an office and say,  
18 go write some grants to get money to do research. We  
19 have to come up with what are often referred to as  
20 startup costs to support that faculty member doing  
21 research in the first few years to collect the  
22 preliminary data to establish the - the - the initial  
23 work that would be required in order to be competitive  
24 for securing federal funding.

25 So in the Life Sciences, a typical startup

1 package these days for a faculty member is \$800,000 to  
2 a million dollars. A little bit less in some others, a  
3 little bit more in other areas. It depends.

4 And you know, obviously, there are some  
5 areas, you know, like in the humanities, where startup  
6 costs are - are much smaller or - or, you know, may be  
7 minimal in some cases.

8 Q. In the - in other areas, for example, are  
9 there different kinds of costs that are associated with  
10 research?

11 A. Yeah.

12 So - and some of those are - are - yes,  
13 absolutely. So some of those are costs like running  
14 the library system and providing access to journals and  
15 you various kind of archives.

16 In some cases, increasingly in sciences and  
17 in social - natural and social sciences, you have costs  
18 associated with giving our faculty access to data sets  
19 and data sources.

20 You know, obviously there's some data  
21 sources like, you know, census data, which are  
22 available for free. But there are other more curated,  
23 more - more - in many cases, more valuable data sources  
24 that faculty need access to in order to do research.  
25 And that's a cost, at this point, at the University.

1           Q.       There was testimony yesterday that  
2 referenced, I believe the name was a Pepper grant?

3           A.       I think it was the Pepper Center.

4           Q.       Okay.

5                    Can you explain what grants from there do?

6           A.       Sure.

7                    I don't know much about that particular  
8 center. I think it's related to aging. But I know the  
9 - the - there are many of these kinds of centers across  
10 the University that support work in a particular field  
11 or domain, say aging, or Alzheimer's disease or social  
12 - race and social problems.

13                   There are a variety of different centers,  
14 institutes, et cetera. Many of them have seed funding  
15 programs, where a faculty member can write a grant to  
16 get, you know, a relatively small amount of money, a  
17 few thousand, maybe tens of thousands of dollars, in  
18 order to initiate a research project, so that they can  
19 get some - some initial data, so that they can then go  
20 and - and write a larger -.

21           Q.       Are there other kinds of costs that are  
22 incurred in conducting research besides what you talked  
23 about?

24                    ATTORNEY HEALEY: I'm just going to  
25 object as to relevancy. I think we're sort of straying

1 away from the issue.

2 HEARING EXAMINER: Overruled. Go ahead.

3 THE WITNESS: I mean, it's -.

4 HEARING EXAMINER: I'll - just to say, I  
5 - I'm going to give them wide latitude to develop the  
6 record to tell their story about being against it. But  
7 - but the scholarly institution first.

8 I believe that's what you -

9 ATTORNEY FARMER: Yes.

10 HEARING EXAMINER: - part of what you're  
11 doing?

12 ATTORNEY FARMER: And we're about to  
13 talk about graduate -

14 HEARING EXAMINER: Yeah.

15 ATTORNEY FARMER: - students and how  
16 they fit in.

17 HEARING EXAMINER: Because part of their  
18 argument - and interrupt me if I'm misspeaking - is not  
19 to mean not only that these people aren't employees  
20 under Temple or whatever, but that the Board  
21 erroneously decided Temple and should - should have  
22 applied PAIR?

23 ATTORNEY FARMER: Correct.

24 HEARING EXAMINER: So a lot of this is  
25 going back to that argument, which is not necessarily

1 directed at me, per se, but it is directed at the  
2 Board.

3 So I'm going to let them talk about it.

4 ATTORNEY HEALEY: I didn't think it was  
5 directed to you.

6 HEARING EXAMINER: Okay. Go ahead.

7 ATTORNEY FARMER: Much as we respect  
8 your -

9 HEARING EXAMINER: Yeah.

10 ATTORNEY FARMER: - authority, of  
11 course.

12 HEARING EXAMINER: Well, I'm just the  
13 Hearing Examiner. I mean, I can't do too much to  
14 overturn the Board.

15 THE WITNESS: So can you remind me of  
16 the question?

17 BY ATTORNEY FARMER:

18 Q. I actually will.

19 In - in looking at the cost of research,  
20 does that include the costs of graduate student  
21 research?

22 A. Yeah.

23 So a graduate student - the costs of the  
24 graduate student includes stipend, includes the health  
25 insurance and other benefits that we provide through

1 the various fees and then tuition associated with that  
2 student.

3 Q. So do you have sort of a rough number for  
4 what the direct cost is of a graduate student on those  
5 elements?

6 A. So the - the direct costs, to me, is - is  
7 the - the cost - you know, was what I would put on the  
8 grant.

9 Q. Okay.

10 A. I'm sorry, is that what you're asking me?

11 Q. No.

12 So understanding - I'll ask it slightly  
13 differently. Because I know direct and indirect may  
14 mean something different in sciences.

15 So the - the average cost of the stipend,  
16 the tuition, the health insurance -

17 A. Oh, sure.

18 Q. - for a graduate student?

19 A. So stipends range - I mean, we have some  
20 sort of guidelines for stipends. But for a 12-month  
21 appointment, that's, you know, in the ballpark of  
22 \$27,000 - \$26,000, \$27,000 a year for a 12-month  
23 appointment, for the stipend, health insurance for 12  
24 months costs, you know, roughly \$4,000.

25 And then the tuition depends in part on

1 whether the student was in state to out of state. I  
2 think in Arts and Sciences in-state tuition is in -  
3 somewhere in the \$25,000, \$22,000 range. And for an  
4 out-of-state student it's about \$37,000, \$38,000 a  
5 year.

6 Different numbers for different schools and  
7 different programs.

8 HEARING EXAMINER: Are we going to see  
9 those guidelines for stipends he mentioned?

10 ATTORNEY FARMER: I believe the Union  
11 put them in as an exhibit.

12 ATTORNEY HEALEY: It's Union Exhibit 9.

13 ATTORNEY FARMER: I believe has the -  
14 the current year.

15 ATTORNEY HEALEY: It's for 2017-'18.

16 ATTORNEY FARMER: Okay.

17 HEARING EXAMINER: Pardon me, sir.

18 Is this the guidelines for stipends that  
19 you mentioned?

20 THE WITNESS: Yes, these are the  
21 guidelines.

22 ATTORNEY FARMER: Oh, okay.

23 HEARING EXAMINER: I showed him Union  
24 Exhibit 9.

25 ATTORNEY FARMER: Okay.



1                   HEARING EXAMINER: He said that's what  
2 he's talking about.

3                   ATTORNEY FARMER: Okay.

4                   THE WITNESS: Yes.

5                   ATTORNEY FARMER: Okay.

6                   And is that - that's last year's.

7                   I think he even said they were going to  
8 put in this years as well. Yeah.

9                   THE WITNESS: So if you add all those  
10 up, I mean, what do you get - you get to - you know,  
11 somewhere in the \$50,000 to \$75,000, \$80,000 range in  
12 total.

13 BY ATTORNEY FARMER:

14               Q.       In addition to that, are there costs  
15 associated with the research that graduate students do?

16               A.       Yes.

17                   I mean, obviously it varies by field. But  
18 in the sciences, for a student to be productive in  
19 research, they need access to equipment, to reagents to  
20 - and in some cases to other expertise, you know, to  
21 various kinds of facilities, et cetera.

22                   In the humanities and social sciences there  
23 are different costs, I would say overall, probably  
24 somewhat less. But - but absolutely, there are costs  
25 associated with research.

1 Q. And is all of this part of the costs of  
2 educating Ph.D. students, which is borne by the  
3 University?

4 A. Yes, absolutely.

5 Q. Do these costs change based on what type of  
6 funding the graduate student is receiving at a given  
7 point in their Ph.D. Program?

8 A. No, they - they change based on the activity  
9 of that student.

10 Q. So if - if - as you talked about, research  
11 is a - a cost center rather than a profit center for  
12 the University, how does the University fund it?

13 A. So there are a number of other sources of  
14 revenue to the University. I mean, there are endowment  
15 funds. So every year the - the University draws, you  
16 know, 150-ish million dollars from the endowment.

17 The University receives 150-ish million  
18 dollars every year from the Commonwealth of  
19 Pennsylvania. University receives philanthropic  
20 support. Outside of the endowment, a lot of that goes  
21 towards research.

22 Universities really depend on one or another  
23 of these other sources of - of funds in order to  
24 operate and especially to operate this research at  
25 universities.

1 Q. You've talked about the fact that research  
2 can take different forms, different locations,  
3 different tools and equipment.

4 Is that true across Graduate Programs as  
5 well?

6 A. Yes, absolutely.

7 Q. Let's talk a little bit about Graduate  
8 Programs in - in more depth.

9 How many schools have Graduate Programs?

10 A. I believe 14.

11 Q. And do you know roughly how many graduate -  
12 you said - I think there's what, about 90 Ph.D.  
13 Programs you said?

14 A. Yeah, about 90 Ph.D. Programs.

15 ATTORNEY FARMER: That will be a test  
16 for all of our eyes. Exhibit 22.

17 ---

18 (Whereupon, Respondent Exhibit 22, Enrollment for  
19 Spring of 2018, was marked for identification.)

20 ---

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

22 ---

23 ATTORNEY FARMER: This is basically what  
24 we viewed as prep and basically - so you can look at it  
25 across the program, as opposed to - I mean, it's the

1 same data.

2 BY ATTORNEY FARMER:

3 Q. So can you just explain in general what this  
4 is without trying to read -?

5 A. Sure.

6 So this looks - this is the enrollment  
7 spring of '18 for the programs that are listed down the  
8 left-hand side, and the degrees and - and the degree  
9 programs that are listed across the top.

10 Q. Okay.

11 A. So yeah.

12 Q. So -?

13 A. So for example, in - you know, the first  
14 one, Applied Math has one MA student in it currently.

15 Q. Okay.

16 So taking a look towards the right side of  
17 the page is the Ph.D. students?

18 A. Yeah.

19 Q. Okay.

20 And this is the - the first table is Arts  
21 and Sciences?

22 A. Yep.

23 Q. There's roughly 1,100 Ph.D. students?

24 A. Yes.

25 Q. Okay.

1                   And this is all students not limited to  
2 students who are funded on academic appointments?

3           A.       Correct, this is enrollment.

4           Q.       It has - can students be enrolled in more  
5 than one program at a time?

6                   Like if they're in dual-degree programs or  
7 something like this?

8           A.       Yeah.

9                   I'm not sure how it would show up in this  
10 page. But yes, the students can be enrolled in  
11 multiple degree programs.

12          Q.       And this is primary - this is taken from a  
13 primary -

14          A.       Yeah.

15          Q.       - plan, as was the - the Union has an  
16 exhibit that shows this data in a slightly different  
17 way?

18          A.       Yeah.

19          Q.       All right.

20                   You mentioned that there's interdisciplinary  
21 - there's some interdisciplinary programs.

22                   Can you give us some examples of what that  
23 would be?

24          A.       Sure.

25                   There are interdisciplinary programs, I

1 mean, in a variety of different definitions of that  
2 term. I mean, there's a - a Computational and Systems  
3 Biology Ph.D. Program which, you know, spans from  
4 Computer Science kinds of areas into Biological  
5 Sciences and Life Sciences areas.

6           There's - and in some ways, to me the - the  
7 history of Architectural Program is another example  
8 where it's interdisciplinary, lots of different  
9 approaches, disciplinary approaches that are taken to a  
10 particular topic.

11           So there are a variety of these kinds of  
12 programs across the University.

13           Q.     Are there also programs that function across  
14 different universities?

15           A.     Yes.

16           So there are Graduate Programs that draw  
17 faculty - train faculty and - and students in some  
18 cases from across multiple universities.

19           Q.     Okay.

20           Can you give an example of one of these  
21 cross University programs?

22           A.     Sure.

23           So the - the program, which is the Center  
24 for Neuroscience at the University of Pittsburgh  
25 Graduate Training Program, which I'll call CNUP, is a

1 program that enrolls students at the University of  
2 Pittsburgh. It draws its training faculty from both  
3 Pitt and Carnegie Mellon.

4 And so a student entering into that program  
5 may do a Ph.D. degree with a Pitt faculty member as a  
6 supervisor or a Carnegie Mellon faculty member as a  
7 supervisor.

8 Q. So if a student is doing their degree  
9 program with a Carnegie Mellon faculty member as their  
10 supervisor, are they still subject to all of Pitt -  
11 Pitt academic requirements?

12 A. Yes, they're a Pitt student enrolled at  
13 Pitt. So therefore, all of the rules of their Graduate  
14 Training Program are the Pitt program rules.

15 Q. And are they funded by Pitt?

16 A. It depends. In that particular case, those  
17 - that - those students are in the first year of the  
18 program all funded by Pitt either through internal  
19 funds or through a training grant that comes to the  
20 University of Pittsburgh.

21 But in subsequent years, after students  
22 identify their thesis lab and identify their thesis  
23 project, typically then they're supported by the  
24 Carnegie Mellon faculty member off of a CMU house  
25 grant.

1 Q. So a student could be - I just want to make  
2 sure I understand - they could be enrolled in a Ph.D.  
3 Program at Pitt but physically doing their research in  
4 a CMU lab, -

5 A. Yeah.

6 Q. - supported by a CMU - the - the lab being  
7 fund by CMU grant, but they're receiving their  
8 financial support from Pitt?

9 A. Yes.

10 Q. And is CMU a private university?

11 A. Yes, it is.

12 Q. And that's where you previously worked.  
13 Right?

14 A. Yes.

15 Q. What is the purpose of having these kind of  
16 joint programs with CMU?

17 A. I mean, the general purpose is to give  
18 students more opportunities to, you know, access a  
19 larger group of faculty, a larger group of - of faculty  
20 expertise, a larger number of potential mentors,  
21 advisors for the work that they - they are doing.

22 It also has a - a sort of ancillary benefit  
23 of these kinds of training programs and - and giving  
24 students a - a wider range of - of training  
25 opportunities increases the competitiveness of this



1 program for training grant support from places like  
2 NIH.

3 Q. Are there other collaborations that Pitt has  
4 with CMU, in terms of classes?

5 A. Yeah, we - and so I should say that the CNUP  
6 is one of a - a handful of such programs with CMU that  
7 - that sort of have similar kinds of arrangements.

8 And then in order for that to be effective,  
9 one of the things that - that we do is allow students  
10 to take classes across the two universities. This is  
11 actually a - a - a program which is called PCHE, which  
12 exists -.

13 Q. I'm sorry, PCHE?

14 A. PCHE, Pittsburgh Council on Higher  
15 Education. Whatever. It - it allows students to do  
16 this across a number of different universities within  
17 Pittsburgh or Pittsburgh area. So students can take -  
18 a Pitt student can take up to one course per semester  
19 at CMU or a - a couple of other institutions.

20 But this program, this system, which has  
21 been in place for some time, is - is instrumental in  
22 these - across University Graduate Programs. So - so  
23 that allows students to - to sort of flexibly engage -  
24 access educational opportunities at - at multiple  
25 universities.

1 Q. And - and that PCHE program is open to any  
2 Pitt student?

3 A. Correct, absolutely.

4 Q. Even outside of the interdisciplinary formal  
5 ones that you described with CMU, are there situations  
6 where students are receiving funding from other  
7 institutions?

8 A. Yes. There are many cases where there's a  
9 research grant, which is a - a collaborative grant  
10 between two institutions. And so, therefore, a student  
11 enrolled at Pitt may be supported via a - a - say an  
12 NIH R1 grant to another institution.

13 Usually that's done via some contract to the  
14 University of Pittsburgh.

15 ATTORNEY FARMER: It will be 23.

16 ---

17 (Whereupon, Respondent Exhibit 23, Table, was  
18 marked for identification.)

19 ---

20 BY ATTORNEY FARMER:

21 Q. I'm showing what we have marked as Exhibit  
22 23.

23 Can you explain what this is?

24 A. So this looks like - so this is a table that  
25 shows on the left-hand side a - a group of - I mean,

1 it's listed here as funding sources.

2 But these are - are - I think they're all  
3 universities that are the - the recipients of grants  
4 which are then being used in part to fund students in  
5 the academic programs listed here, the middle two  
6 columns, for the appointment type that's listed in the  
7 far right.

8 So essentially if you sort of look near the  
9 top line, there's - there's a - a grant that's given to  
10 someone at Princeton University, which is funding a  
11 Dietrich School student in Biological Sciences as a  
12 graduate student researcher.

13 So in each -.

14 Q. So each line of this is an individual  
15 student who was funded in the spring of 2018?  
16 Obviously the student information has been redacted?

17 A. Right. Yes, exactly.

18 Q. So if - if a student is listed here, does it  
19 mean that the student is physically doing research in a  
20 lab, for example in that instance, at Princeton?

21 A. I don't know about specific - specific  
22 examples. But I'm - I'm confident that in some of  
23 these cases they're actually doing the research at the  
24 institution listed as the funding source.

25 In other cases they're supported by a grant

1 through that institution, but the work is being done  
2 here. And I - and I don't know - you know, for an  
3 individual example, I don't know which are which.

4 Q. And even if you had the names of the  
5 students, would you have any way of being able to tell  
6 without going to that student or to their faculty  
7 mentor?

8 A. No. I mean, the student names wouldn't be  
9 sufficient for me to - to know. I mean, I would know  
10 in a few cases. Because I know about those individual  
11 students, but -.

12 Q. Okay.

13 So all of these students who are listed here  
14 are students who are getting these appointments through  
15 Pitt, however?

16 A. Correct. Yes.

17 Q. Would all of these students have a Pitt  
18 faculty mentor?

19 A. Yes, they all would.

20 Q. And all of these students would be enrolled  
21 at Pitt as full-time students for the semester?

22 A. I believe, yes, they - they - yes, they must  
23 be.

24 Q. Because they're on an academic appointment -

25 A. They're on an academic appointment, so I

1 would say yeah.

2 Q. - they redact it?

3 So if they are - if they're doing this  
4 research, as you a said, they could be in the lab at  
5 Pitt doing this research, would the faculty member at  
6 the other institution still be - can - have any  
7 oversight over the student?

8 A. I mean, the faculty member at that other  
9 institution, as a PI on that grant, has a  
10 responsibility to provide oversight for the work that's  
11 being supported by that grant.

12 So yes, they would - they would in part be  
13 involved in providing oversight advise, mentoring for -  
14 for that student.

15 Q. And they're the ones who have to report on  
16 the grant to the federal government, because they're  
17 the PI?

18 A. Correct.

19 Q. Just switching gears a little bit. Let's  
20 talk about admissions. How do students, in a general  
21 sense, apply to the graduate degrees at Pitt?

22 A. So at Pitt, unlike some other institutions,  
23 there is not a central graduate school admissions  
24 process, because we don't have a graduate school.

25 So therefore, admissions is handled at the

1 school level. And there are a variety of different,  
2 sort of, application systems and a variety of  
3 different, you know, sort of standards for the  
4 application. There are a few rules that are set at the  
5 University-level, like a minimum TOEFL score, Test of  
6 English as a Foreign Language.

7           A few rules like that, but - but very few.  
8 So we give a lot of latitude to individual programs to  
9 make decisions about their admissions criteria and  
10 their admissions process.

11       Q.     And just before we talk about admissions, I  
12 realized I forgot one thing. When we were talking  
13 about these students who are - are funded from the  
14 dollars coming from these other universities - if they  
15 are doing this research at another university, would  
16 they be supervised by the faculty at that university  
17 whose lab they're working in?

18       A.     They're - they're - they would have a mentor  
19 - I mean, our rules are such that they would to have a  
20 mentor and a number of faculty - you know, if they're  
21 doing this through the thesis work, they would have to  
22 have number of faculty from Pitt who are providing  
23 guidance and supervision, in a sense of - through the  
24 Thesis Committee process.

25           But they may also have someone at that - and

1 they would have someone at that other institution who  
2 was - had a level of responsibility, because that  
3 person was the PI for that grant.

4 Q. And that other lab - for example, if it's in  
5 the science, would - the resource of that lab would be  
6 funding the student's research?

7 A. Yes.

8 Q. Going back for the admissions process.  
9 Who decide whether to admit graduate  
10 students?

11 A. Those decisions are made at the program  
12 level. There's usually a - some sort of Admissions  
13 Committee. But you know the - the details of that  
14 structure are left up to the individual programs.

15 Q. If there are programs that are sort of joint  
16 programs with other universities, do the - can faculty  
17 of the other institution be involved in the admission  
18 decision?

19 A. Yeah.

20 So in a number of the cases that I'm aware  
21 of, there are Joint Admissions Committees or Admissions  
22 Committees that have representation for both  
23 universities as part of that process.

24 Q. In your role as a faculty member and as a  
25 Vice Provost, do you interact regularly with Ph.D.

1 students?

2           A.       Yeah, I - I currently have one Ph.D. student  
3 in my lab, that I'm supervising her work. But I  
4 interact with a lot of Ph.D. students in her role. I'm  
5 teaching a - I'm actually teaching this semester a  
6 graduate - part of a graduate course for CMU, but don't  
7 tell anybody.

8                    So I interact with a lot of different  
9 graduate students, you know, in the course of any given  
10 day.

11          Q.       Do you have a sense of the kinds of things  
12 that lead students to come to Pitt for their Ph.D.s?

13          A.       Yeah. I mean, I think the - the main  
14 driving force typically is the opportunity to do  
15 research of - of a particular type in a particular  
16 field with world class experts.

17                   When we talk about recruiting graduate  
18 students, the University - I mean, the - the main thing  
19 we're looking for is - is, we're - we're trying to  
20 figure out ways in which we can make it clear to  
21 students what kind of expertise we have, what kinds of  
22 research projects they can be involved in, what kind of  
23 resources we can provide to support that research.

24                   So I think that's - you know, it's a very  
25 competitive landscape to try and recruit the very best



1 graduate students from across the country.

2           And so if you ask the question of, you know,  
3 why do we sometimes - why are we sometimes successful  
4 in recruiting a student and sometimes - or sometimes  
5 more successful if something's less successful? Why do  
6 we have programs that are - that are more successful  
7 overall in recruiting great students and sometimes  
8 programs that are less successful?

9           It's really - and the vast majority of the  
10 cases it comes down to the quality of - the quality of  
11 the faculty, the quality of the research and  
12 scholarship that's happening in a - a given department  
13 or program.

14                   ATTORNEY FARMER: Before I move on to  
15 the next area, can we take a break?

16                   HEARING EXAMINER: Yes, ma'am.

17                   ATTORNEY FARMER: Thank you.

18                   HEARING EXAMINER: Off the record.

19                                   ---

20 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

21                                   ---

22 BY ATTORNEY FARMER:

23           Q. We previously talked about the fact that  
24 there are sort of core requirements of the degree that  
25 are laid out in the academic regulations in a general

1 sense.

2           Why do these core requirements of the degree  
3 exist?

4           A.     But we want - I mean, from the University's  
5 perspective, we want a Ph.D. to mean something, to - to  
6 be something that is, you know, an indication of a set  
7 of skills, a set of - of qualifications for the student  
8 who has completed that Ph.D.

9           And so we want - there's some level of - of  
10 that, that we agree to across the University. And so  
11 the - the requirements that are in that document, that  
12 University-level document, reflect what we sort of  
13 agreed to are the essential elements of a Ph.D. that  
14 then can be modified or augmented at the individual  
15 program level.

16          Q.     And is that something that's adopted  
17 unilaterally by the Provost?

18          A.     No.

19                 So those requirements and all the sort of  
20 policies about graduate education are policies that are  
21 put in place through a process - a shared governments  
22 process that involves a committee called University  
23 Council for Graduate Studies (sic) or UCGS.

24                 That Council is consistent - has a  
25 membership that's in the sort of 24ish or something

1 like that range. Six of who - six of those members are  
2 students, the rest are faculty - graduate faculty  
3 drawing from different parts of the University. That  
4 Council is the body that's in charge of making sort of  
5 recommendations about modifications to the - those  
6 documents.

7 And if there was something that is a  
8 significant level of modification, I don't remember  
9 exactly how significant it has to be, that it actually  
10 has to go to a vote of all the graduate programs.

11 Q. So within these -?

12 HEARING EXAMINER: Is there a faculty  
13 senate?

14 THE WITNESS: So this is sort of - there  
15 is a - there is a faculty assembly and there's a  
16 University senate.

17 HEARING EXAMINER: Assembly?

18 THE WITNESS: But this is separate from  
19 those bodies. So this is a body that - I chair this  
20 committee in my role as Vice Provost for Graduate  
21 Studies. That committee is - is, you know, organized  
22 under the Provost Office.

23 HEARING EXAMINER: To vote - well, you  
24 said the whole faculty has to vote on let's say  
25 constitutional changes?

1                   THE WITNESS:   Yeah.

2                   HEARING EXAMINER:   To - that's not a  
3 formal word.

4                   What body is that?

5                   THE WITNESS:   So that is what's - what  
6 we refer to as the graduate faculty. This is a group  
7 of faculty. I - I think I mentioned it before,  
8 numbering that's in the 1,700 or 1,800 range, that is  
9 the - the group of faculty who are approved to  
10 supervise and serve on committees of Ph.D.s.

11                  HEARING EXAMINER:   When is the last time  
12 they voted on anything?

13                  THE WITNESS:   I don't know. It's a  
14 great question.

15                  But that's - yeah, that's the - that's  
16 the -

17                  HEARING EXAMINER:   I'm looking at -.

18                  THE WITNESS:   - amending the  
19 constitution kind of - kind of level change.

20                  HEARING EXAMINER:   If you look at - in  
21 the white binder there, Number 2.

22                  ATTORNEY FARMER:   Binder Number 2 or  
23 Exhibit Number 2?

24                  HEARING EXAMINER:   White binder, Tab 2 -

25                  ATTORNEY FARMER:   Okay.

1                   HEARING EXAMINER:   - Tab 2 and 3.

2                   ATTORNEY FARMER:   He's got more than one  
3 white binder, which is why I was -.

4                   HEARING EXAMINER:   All right.

5                   Are these the types of policies that  
6 you're referring to that, at some point in the ancient  
7 history at Pitt, would have been voted on by this Ad  
8 Hoc Committee?

9                   THE WITNESS:   It's - it's a good  
10 question.

11                   I - I mean, if there was a wholesale  
12 change in this, I believe it would have to be voted on  
13 by the full graduate faculty.

14                   I - I have never, in my year - a little  
15 over a year of experience, I don't actually know - I  
16 don't have experience with a particular - there's level  
17 of change where it's even been discussed about going to  
18 the whole graduate faculty. Modifications to this  
19 document -.

20                   HEARING EXAMINER:   And 3, I'm looking at  
21 3 -

22                   THE WITNESS:   Yeah.

23                   HEARING EXAMINER:   - to see. They look  
24 similar.

25                   THE WITNESS:   Yeah, they're - they're

1 just for the different categories.

2 HEARING EXAMINER: Where would these  
3 policy statements - do these exist in some kind of  
4 binder somewhere in your office?

5 THE WITNESS: They're - they probably  
6 do. They mostly live on a set of web pages.

7 I mean, there's - I - I assume these are  
8 printed from PDFs that live on the Provost Office web  
9 page.

10 HEARING EXAMINER: So is that - if you  
11 look at 3 - Tab 3, -

12 THE WITNESS: Yeah.

13 HEARING EXAMINER: - at the bottom it  
14 says Office of the Provost.

15 THE WITNESS: Yes.

16 HEARING EXAMINER: Do you think that  
17 that is the office that's responsible for maintaining  
18 these policies?

19 THE WITNESS: Yeah. I - I don't just  
20 think, I know.

21 HEARING EXAMINER: Okay.

22 And then - see, I'm used to - I do a lot  
23 - we do a lot of stuff with PASSHE.

24 THE WITNESS: Yeah.

25 HEARING EXAMINER: And PASSHE is very

1 rigorous with their policies.

2 THE WITNESS: Right.

3 HEARING EXAMINER: They're numbered.

4 And they're in binders. And there's votes.

5 THE WITNESS: Yeah.

6 HEARING EXAMINER: These - these look a  
7 little bit more -.

8 THE WITNESS: So officially, these are  
9 regulations, not policies, in our language.

10 HEARING EXAMINER: Uh-huh (yes).

11 THE WITNESS: And so policies are - most  
12 policies at Pitt are actually held in the - through the  
13 CFO's Office. That's - the - the capital P policies  
14 are - are public CFO's Office.

15 HEARING EXAMINER: Chief Financial  
16 Officer?

17 THE WITNESS: Chief Financial Officer.

18 But all of these regulations with the  
19 graduate study were described in much more details of  
20 how it is the Graduate Program was run, are responsible  
21 individuals of the programs.

22 HEARING EXAMINER: And so 2 and 3 needs  
23 to be changed - you think that there would have to be a  
24 vote by the Graduate faculty to substantially change  
25 these two policies?

1                   THE WITNESS:   So for - for certain  
2 levels of changes - and - and again, this is a gray  
3 area where - I - I don't -

4                   HEARING EXAMINER:   Yeah.

5                   THE WITNESS:   - even know where it would  
6 be.

7                   But for certain level of changes, like  
8 we - we - UCGS, University Council for Graduate  
9 Studies, make recommendations on changes at the level  
10 of if we wanted to - like recently there's been  
11 discussion about changes in our policy about graduate  
12 certificates, which isn't -

13                  HEARING EXAMINER:   No.

14                  THE WITNESS:   - I don't think it's shown  
15 in these.

16                  That's that policy that could be changed  
17 and be recommended by USGS to the Provost and  
18 eventually the - the Chancellor.

19                  HEARING EXAMINER:   Okay.

20                  I thought that was the natural place to  
21 ask him those questions.

22                  ATTORNEY FARMER:   No, absolutely.

23 BY ATTORNEY FARMER:

24                  Q.       While we're talking about those.   The  
25 policies that are listed, that are in there as Union's



1 Exhibit 2 and 3, what year is on those policies?

2 A. 1995.

3 Q. Has the University changed a lot since 1995?

4 A. Yeah, in many, many ways.

5 Q. And actually, were you here in 1995?

6 A. Yeah. Sort of ironic. I was - I was  
7 apparently here in 1995 change of policy. But I - I -  
8 I will say that I didn't notice it at the time, though.  
9 So I - I don't - I don't actually know anything about  
10 what existed before 1995.

11 HEARING EXAMINER: Three is 2006, when I  
12 believe you started as a grad student, right, or you  
13 were hired?

14 THE WITNESS: 2006 I was a faculty  
15 member at - so 2002 I started -

16 HEARING EXAMINER: Oh.

17 THE WITNESS: - as a faculty member at  
18 CMU. 1998 is when I finished my Ph.D.

19 HEARING EXAMINER: Okay.

20 ATTORNEY HEALEY: Just for the record,  
21 Union 3 says effective 1995. I think the footnote is  
22 just an update reference.

23 HEARING EXAMINER: Oh, really?

24 ATTORNEY FARMER: Yeah.

25 ATTORNEY HEALEY: Yeah, this is -

1 they're both from 1995.

2 ATTORNEY FARMER: 1995.

3 HEARING EXAMINER: But his testimony  
4 was, these are both enforced right now?

5 THE WITNESS: Yes, they are.

6 BY ATTORNEY FARMER:

7 Q. So going back to what you've referred to as  
8 these academic - the general academic regulations for  
9 graduate students, is there - that includes a minimum  
10 number of credits that are required for the Ph.D.?

11 A. Yes.

12 Q. And there's also been reference, I believe,  
13 to dissertation credits?

14 A. Yes.

15 Q. Can you explain what dissertation credits  
16 are?

17 A. So the - there are a couple of different  
18 sort of elements of a Ph.D. that are specified at the  
19 University-level and regulations. There's a  
20 preliminary exam. The - the purpose of that - which is  
21 usually given early on in this - in a student's career  
22 as a graduate student.

23 The purpose of that is to evaluate the  
24 students sort of knowledge. Do they have a set of  
25 knowledge in the discipline that's appropriate for them

1 to advance into - further into the Ph.D.

2 A comprehensive exam, which is supposed to  
3 evaluate knowledge more broadly, rather than evaluating  
4 just knowledge in the narrow - of the narrowness of the  
5 disciplines, sort of in a more technical way.

6 At that point in the students' education, we  
7 believe that they should have the ability to put the  
8 kind of work that they're interested in, in a broader  
9 context. And the comprehensive exam, as - as its name  
10 suggests, you know, helps to evaluate whether a student  
11 has achieved that level of - of - of educational  
12 progress of their degree.

13 And then there's a - a - a milestone that  
14 gets called a couple of different things. I actually  
15 don't remember the name of it specifically in  
16 regulations. But we think of it as the prospectus or  
17 the thesis proposal.

18 So that's the stage at which the specific  
19 description of what will be in the students' thesis is  
20 - is approved by a committee. And it's after that  
21 point, after the description of students' thesis is  
22 approved, then they can register for what are called  
23 full-time dissertation study credits.

24 So it's a recognition at that point that  
25 students have achieved a level of - of, you know, sort

1 of development in their education, a level of  
2 knowledge, a level of skill that prepares them to - to  
3 advance to - to - sometimes it's referred to as advance  
4 to candidacy.

5 So to - to work primarily on their - the  
6 research, the scholarship that will be part of the  
7 dissertation.

8 Q. And what you just described is laid out in  
9 the academic regulations, which are Exhibit 21 under  
10 the Doctoral Degree Program or our Exhibit 21?

11 THE WITNESS: I'm sorry, I lost track  
12 here.

13 BY ATTORNEY FARMER:

14 Q. The - that's the academic regulations.

15 A. Yes. Yes, that's what's in here, yeah.

16 Q. Okay.

17 Beyond the core degree requirements that are  
18 in the regulations, do programs set their own  
19 requirements?

20 A. Yes. I mean, I think - the way I think  
21 about it is, that there are some core requirements that  
22 are set at the University-level, that Pitt, as a  
23 university and the faculty at the University really  
24 believe are essential elements for any student who is  
25 going to be granted a Ph.D.

1           And then within particular disciplines  
2 there's - there's a refinement of that. There are  
3 additional specifications, additional requirements that  
4 part of what that particular group of faculty in that  
5 discipline recognize as being critical for earning a  
6 Ph.D. in that particular discipline.

7           So you know, there's sort of a - in some  
8 sense, a lower bar that's set by the University in  
9 terms of what the expectations are.

10           And then in individual programs, they can  
11 set additional requirements that sort of elevate that  
12 bar in ways that are - that are most relevant for that  
13 particular program, for the students who are going to  
14 pursue that particular field.

15           Q.     For example, requiring what certain core  
16 courses would be to meet the -

17           A.     Yes.

18           Q.     - minimum course requirement, credit  
19 requirement the University sets?

20           A.     Yes, absolutely.

21           Q.     Even within the same program, is the Ph.D.  
22 experience the same for every student?

23           A.     Absolutely not. Well, our -.

24           Q.     Why not?

25           A.     Well, there - there are - I mean, first of

1 all, there's - in many cases there's latitude in terms  
2 of which courses a particular student takes. There's -  
3 there's wide latitude in terms of the kind of research  
4 that a student engages in.

5           A student - a student has to do research,  
6 has to do original research. But they have a - a -  
7 they - they might - a student might be doing field work  
8 - two students in the same program.

9           One might be doing field work. One might be  
10 doing laboratory work. One might be doing theoretical  
11 work, you know, pencil and paper, you know,  
12 calculations and one might be doing experimental work.  
13 And that experimental work might take that student to,  
14 you know, a national lab or a part of an accelerator,  
15 et cetera.

16           So there can be huge ranges in terms of the  
17 experience of a particular student. And that - that's  
18 critical to get the student the kind of education that  
19 she needs in order to advance in order to have an  
20 impact in that particular field.

21           Q.     Is individuality the hallmark of Ph.D.  
22 Programs?

23           A.     I think it is certainly a hallmark. And I  
24 think the hallmark is research. But within that  
25 context, there are no - there are no two - two thesis

1 documents that are - that are the same. There are no  
2 two Ph.D. Programs. There are no two Ph.D. students  
3 even in the same program, who have the same path, the  
4 same trajectory through those programs. It's highly  
5 individualized.

6 And that's why the Thesis Committee is a -  
7 such a core and - and critical element of this process.  
8 Because that Thesis Committee can help the student  
9 identify, what are the right opportunities? What's the  
10 right sequence of courses to take? What are the right  
11 - what are the right teaching opportunities?

12 What are the right research opportunities to  
13 pursue? What's the - the path that student should take  
14 in order to achieve her goals, to be in a position to  
15 go out and have an impact on that particular field?

16 Whether that's in academia. Whether that's,  
17 you know, in a - a profit sector, whether that's in a  
18 nonprofit, et cetera.

19 Q. Is that Ph.D. Program just about sort of  
20 checking off the boxes of those milestones of the  
21 program?

22 A. No. I mean, I think that would - that would  
23 be - in my opinion, that would be a tragedy if that  
24 were the case. Because I think the Ph.D. Program has  
25 to be what - what we're certifying - I mean, the

1 University needs to pay attention to.

2           Its representation is in part built on the  
3 quality of the people who come from that university,  
4 the quality of its graduates, the - the quality of the  
5 work that they do. And an exercise in box checking, an  
6 exercise in - in sort of going through the motions in  
7 some sense would not serve the interest of the  
8 University.

9           Because then we would not graduate people  
10 who - who could go out and have the kind of impact that  
11 we need them to have for us to be a great university.  
12 And it wouldn't serve the students.

13           If a student getting a Ph.D. was sort of  
14 just like any other student getting a Ph.D. in that  
15 particular field, that doesn't serve that student well.  
16 These are - we're preparing them for rather unique and  
17 unusual opportunities. Unique careers, unique - to  
18 make a unique impact on the world. And that's - that's  
19 essential to what the Ph.D. is about.

20           Q.     What's the average length of Ph.D. Programs  
21 in the University?

22           A.     It's close to six years.

23           Q.     Is it hard work to get a Ph.D.?

24           A.     Yes. Absolutely.

25           Q.     You laughed.



1           A.       I - I mean, I - I laugh because I see it  
2 every day. I mean, I can think about it in my own  
3 experience. And I see it every day when talking to  
4 students. I mean, it is - it is a lot of work. It's a  
5 lot of effort. It's a lot of investment, a lot of  
6 time.

7                   And you know, personally, you know, for me  
8 it's absolutely been worth it. It - it has something  
9 that - it is something that prepared me for everything  
10 that's come since.

11                  And I think it's essential that we, as a  
12 university, create, and structure and support our Ph.D.  
13 Programs in a way that - that enables our students to  
14 go out and - and have those kinds of opportunities to  
15 have that kind of impact once they leave the  
16 University.

17                  If we don't do that, then - then we're  
18 failing. And I think that that's an essential  
19 component of it. Does that take hard work on the part  
20 of the students? Absolutely. Does it take hard work  
21 on the part of their advisors? Absolutely.

22                  Does it take a lot of hard work on the part  
23 of the University overall? Absolutely. But it's worth  
24 it.

25                  It's - it's something that universities must

1 do in order to be universities, to be the - the kind of  
2 university that they want to be.

3 Q. And you talked about the fact - so every  
4 student has a faculty, advisor, mentor?

5 A. Yeah.

6 Q. Are those interchangeable, in terms of the -

7 A. I would say -

8 Q. - how they're used?

9 A. - more for less. I mean, I think an advisor  
10 in some sense, you know, often defines a more narrow  
11 role -

12 Q. Okay.

13 A. - than mentor, which is a - a broader role  
14 that sort of encompasses advising. It encompasses sort  
15 of - a broader set of - of advice giving, and - and  
16 guidance and support and - and advocacy.

17 I think a mentor also has to be an advocate  
18 for a student. When there's - there's - you know, when  
19 there's a job or when there's a - a fellowship or  
20 something like that, a mentor should be involved and  
21 advocating for that student in that role.

22 So I - so they're not interchangeable, but  
23 they sometimes are used interchangeably, yes.

24 Q. Okay.

25 And you also said that students also have a

1 - a Thesis Committee you referred it to as?

2 A. Yes.

3 Q. And at what point normally does a student -  
4 well, let's start with, on the advisor or mentor, at  
5 what point does a student have an advisor or a mentor  
6 who's assigned?

7 A. Pretty much from - in most programs pretty  
8 much from day one. And sometimes that advisor - you  
9 know, who is that - in that role can change, but - and  
10 does change.

11 But often, you know, first year students,  
12 because they're trying to identify areas of research -  
13 taking classes and involving - you know, identifying  
14 areas of research that would be of interest. They  
15 might be advised sort of - you know, sort of  
16 collectively by someone.

17 But then over time there's an individual  
18 relationship which is developed with a particular  
19 advisor. And you know, that - again, that - that sort  
20 of can persist in a single individual across, you know,  
21 many years or students sometimes, you know, switch  
22 advisors, mentors in - over the course of their  
23 program.

24 Q. And then at what point does a student have  
25 this Thesis Committee that gets formed?

1           A.       So by University regulation, the Thesis  
2 Committee is formed in - in conjunction with this - the  
3 preparation of this thesis proposal or this prospectus  
4 document, which is - which - which is at a time when  
5 they've completed these other milestones.

6                   In most cases there is some kind of  
7 committee which is formed much earlier than that, in  
8 programs that I'm familiar with. And often there's a -  
9 some sort of first year milestone, something like  
10 prelim exam.

11                   There - there can be a committee which is  
12 formed as - as part of that. There can be a committee  
13 - often is a committee. Typically, a committee is  
14 formed as part of a comprehensive examination.

15                   And so at different stages students will  
16 form or, you know, engage with a variety of different  
17 committees over the course of their degree, in a - in a  
18 stage-specific way.

19                   You might think, oh, here's a person who's  
20 interested in their expertise and their perspective, so  
21 I'd like to have them on my committee at the  
22 comprehensive stage. You may find out that they are  
23 actually, you know, not contributing to the way that  
24 you had hoped. And so you might then sort of replace  
25 them for your Thesis Committee. So this is the dynamic

1 process over the years.

2 Q. Okay.

3 Now, let's talk about financial support of  
4 Ph.D. students.

5 Is financially (sic) generally available to  
6 Ph.D. students who are accepted into a program?

7 A. Yes.

8 Q. Is it common for there to be financial  
9 support of Ph.D. Programs generally?

10 A. Yes. I mean, I think in all major research  
11 universities, in order to have a Ph.D. Program, in  
12 order to recruit Ph.D. students, you need to offer them  
13 financial support.

14 Q. And why does the University provide  
15 financial support?

16 A. I mean, we want students to be able to focus  
17 on - on academics, on their education, on developing  
18 over the course of their Ph.D.

19 And so we need - we recognize - we need to  
20 provide them with the stipend. We need to provide them  
21 with - we can't ask them to - to pay tuition. We need  
22 to provide them with a level of support which allows  
23 them to be engaged in that educational program.

24 Q. And you mentioned that there are these four  
25 categories that are referred to as academic

1 appointments?

2 A. Yes.

3 Q. And then there's also this reference to  
4 fellows and trainees?

5 A. Yes.

6 Q. Are those - how do they relate to academic  
7 appointments?

8 A. That's a good question.

9 So they're in many ways similar to academic  
10 appointments, in that fellows and trainees are provided  
11 with a stipend. They're provided with tuition  
12 remission. They're provided with support for health  
13 insurance.

14 But historically, they've not been included  
15 - historically, at - at Pitt they've not been included  
16 in this category of academic appointments.

17 But - but we - it's a - it's a mechanism of  
18 supporting the students in the Ph.D. Programs in - in -  
19 in - in a similar way.

20 ATTORNEY FARMER: This is going to be  
21 24.

22 ---

23 (Whereupon, Respondent Exhibit 24, Funding for  
24 Spring 2018, was marked for identification.)

25 ---

1                    ATTORNEY FARMER:    So this is the one  
2 that's actually readable.

3                    HEARING EXAMINER:    This is 23?

4                    ATTORNEY FARMER:    Yeah.

5                    And then actually this is for the - in  
6 order to make it easier for everybody, we added that to  
7 it.

8                    ATTORNEY HEALEY:    Okay.

9                    ATTORNEY FARMER:    Yeah.

10                   This is in as a Union exhibit.    But it's  
11 unreasonably small.    So we realized that and - and we  
12 just added this one.

13 BY ATTORNEY FARMER:

14                   Q.        All right.

15                   I'm showing you what's been marked as  
16 Exhibit 24.

17                   Can you just explain what that is?

18                   A.        Sure.

19                   This is for the spring 2018 academic  
20 semester, the - the numbers of students in these  
21 different categories of appointments.

22                   Q.        So Exhibit 22 was the total number of  
23 students who were enrolled in the programs and then 24  
24 is the students who are receiving funding is the -

25                   A.        Yes, -

1 Q. - is the way to put it?

2 A. - yep.

3 HEARING EXAMINER: So let's see. That  
4 front page is current year?

5 ATTORNEY FARMER: Is spring of '18. So  
6 last semester.

7 HEARING EXAMINER: Okay.

8 ATTORNEY FARMER: Yeah, that's accurate.

9 HEARING EXAMINER: Oh, there it is. I  
10 see it.

11 I'm sorry.

12 ATTORNEY FARMER: Yeah, yeah.

13 HEARING EXAMINER: Go ahead.

14 BY ATTORNEY FARMER:

15 Q. Okay.

16 So in addition to Ph.D. students, is there  
17 funding for Masters or other students in some  
18 instances?

19 A. In some instances, yes. Smaller numbers.

20 Q. Okay.

21 And if there are Masters or professional  
22 degree students who are funded on these kind of  
23 appointments, are they included in this?

24 A. I believe they would be, yes.

25 Q. Okay.



4	Q. - programs?
---	----------------

6 Q. I'm going to show you what we're marking as  
7 Exhibit 25.

9 (Whereupon, Respondent Exhibit 25, Printout, was  
0 marked for identification.)

12 | BY ATTORNEY FARMER:

14	A. Yes.
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16 Can you explain what it is?

21	Q.	Okay.
----	----	-------

24                    Were there any changes made to this, this

25 September - does that relate when this was - there

1 hadn't been substantial changes?

2 A. There have not been substantial changes.  
3 There may have been, you know, edits for - for accuracy  
4 or changes - you know, numbers that changed from one  
5 week to the next. But yeah, it's - it's substantially  
6 the same.

7 Q. So it - it talks about - strike that.  
8 Who decides what type of funding is offered  
9 to which students?

10 A. Those decisions are made at the school-level  
11 or even at the program-level, to say. That - to say  
12 that it's not a decision that I - I'm directly involved  
13 in.

14 Q. Are there certain basic standards that the  
15 University imposes for funding packages for graduate  
16 students through these academic appointments?

17 A. Yes.

18 So we - we stipulate in the policies about  
19 TAs, TFs, GSAs, GSRs, that it should - that when it's a  
20 full-time appointment, which most are, it should cover  
21 a hundred percent tuition.

22 It should provide a stipend, and we provide  
23 either - either level - specific levels or ranges of  
24 levels for the stipend.

25 We stipulate in those documents that TAs,

1 TFs, GS - TAs, TFs, GSAs and GSRs must provide the full  
2 cost of health insurance - health insurance premiums to  
3 students.

4           It - there are certain fees that are - that  
5 are by that - those regulations that must be covered,  
6 et cetera. So we provided that guidance. And all  
7 schools must abide by that.

8           HEARING EXAMINER: Now, when you say  
9 full-time appointment, that normally means you expect  
10 20 hours of work.

11                   Right?

12           THE WITNESS: I mean, I - I mean, I  
13 think of a full-time appointment principally as being  
14 one that is related to a full-time student. But it is  
15 also the case that in our - in our policy about - say,  
16 for example, those TFs, that we specify that that - the  
17 expectations associated with - with being a TA or TF  
18 should take a maximum of 20 hours per week on average.

19           HEARING EXAMINER: Because in the real  
20 world full time is not 20 hours?

21           THE WITNESS: Well, to be - to be - to  
22 be clear - I mean, the whole point of this is we -

23           HEARING EXAMINER: I know.

24           THE WITNESS: - need to have students to  
25 have time to work on their academic work to - to do the

1 things necessary for classes, to do the things  
2 necessary for their research, et cetera.

3 And so we recognize that - that, you  
4 know, for us this is - 20 hours is designed to allow  
5 them to make progress, academically, through - in these  
6 other ways.

7 HEARING EXAMINER: Halftime, the half  
8 appointment, what does that mean?

9 THE WITNESS: I - I actually don't know  
10 if we - I should know, but I don't. I don't know  
11 whether we specify halftime in the present - I don't  
12 think it's in these documents - but, you know,  
13 halftime -.

14 HEARING EXAMINER: Penn State did.  
15 Right?

16 They had a whole -?

17 ATTORNEY FARMER: They did.

18 HEARING EXAMINER: Okay. Go ahead.

19 ATTORNEY FARMER: Yeah, I don't believe  
20 that they're in use.

21 THE WITNESS: Yeah.

22 BY ATTORNEY FARMER:

23 Q. Yeah.

24 I'm going to show you what we're marking as  
25 Exhibit 26, as a follow-up to the Hearing Examiner's -.

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(Whereupon, Respondent Exhibit 26, E-mail, was  
marked for identification.)

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BY ATTORNEY FARMER:

Q. Speaking of this question of the 20 hours,  
can you identify what Exhibit 26 is?

A. Sure.

This is an e-mail that I sent to all  
Associate Deans for Graduate Studies across all schools  
and the University. It looks like it was in November  
of last year - November of 2017.

Q. And can you just explain the substance of  
this e-mail?

A. Sure.

So in the first few months that I was in  
this role, in talking to students and others, you know,  
it - it seemed like there was some confusion about this  
issue of - of 20 hours, and what that meant in  
different context.

And so this was to provide some  
clarification about what this - this rule meant. And -  
and really sort of two different ways. One is - I  
mean, the TA case, I think is more clear that the  
duties and responsibilities associated with being a TA

1 cannot exceed an average of 20 hours per week. That  
2 was the - the second paragraph there.

3           And then in the case of GSR appointments,  
4 this is, you know, a little bit more - more nuance,  
5 because, you know, a central element of our description  
6 of GSR appointments is that - that these students  
7 should be working on - on projects that are an integral  
8 part of the thesis work or related to academic  
9 milestones, et cetera. And that this - this element of  
10 it shouldn't exceed 20 hours as well.

11           Q.     And would that be equally true for GSA  
12 appointments, when the GSAs are doing research?

13           A.     Yes. Yeah, I probably should have been in  
14 writing for that. Oh, it actually is here. It's in  
15 the GSA.

16                     In the first paragraph it includes GSAs. I  
17 - I forgot to - or I didn't note that.

18                     HEARING EXAMINER: You have two  
19 hyperlinked PDFs in that e-mail?

20                     THE WITNESS: Yes. These are the  
21 documents that I think are Union Exhibits 2 and 3, I  
22 believe. You can check the name of the PDF to be sure  
23 of it.

24                     HEARING EXAMINER: I'm going to guess  
25 that they are.

1 And then this is 2017.

2 Right?

3 THE WITNESS: Yes.

4 HEARING EXAMINER: Did you know about  
5 the Union's petition when you wrote this e-mail?

6 THE WITNESS: There - there wasn't a  
7 Union petition at that point. I knew that there were  
8 students who were interested in the possibility of  
9 forming with a Union.

10 HEARING EXAMINER: Go ahead, ma'am.

11 ATTORNEY FARMER: Yeah.

12 ATTORNEY HEALEY: Just for the record,  
13 the Union petition - I think the amended petition was  
14 January 2017. It was originally filed December 2016.

15 ATTORNEY FARMER: '18.

16 ATTORNEY MANZOLILLO: December 2017.

17 ATTORNEY FARMER: Yeah. And amended in  
18 January of '18.

19 HEARING EXAMINER: Just so it's clear, I  
20 was thinking he might have heard rumors about it by the  
21 time he wrote this e-mail.

22 Okay. Go ahead.

23 BY ATTORNEY FARMER:

24 Q. Was this e-mail written with the fact that  
25 there might have been a unionization effort in mind?

1           A.       No, it was written because of - in the first  
2 months that I was in the role, I was talking to  
3 students broadly across the University. And there were  
4 questions - students, and also faculty, Graduate  
5 Program Directors and there were questions about -  
6 desired to have clarification on this issue.

7           Q.       Are there minimum requirements that are  
8 placed on the students that are receiving this kind of  
9 funding?

10          A.       I mean, the - the requirements, other than -  
11 well, there are minimum requirements in the sense of,  
12 they have to be students. They have to be in the  
13 program. They have to - you know, students have - you  
14 know, standing in the program, et cetera.

15                   And then there are duties that are specified  
16 in a particular appointment there.

17          Q.       So for - across any academic appointment,  
18 students have to be enrolled full time as a student?

19          A.       Yes.

20          Q.       And they have to make academic progress?

21          A.       Yes.

22          Q.       All right.

23                   So there's been some - there's been some  
24 testimony about the terms TA, TF, GSR, GSA.

25                   Are those used uniformly and consistently?



1           A.       No, they're not. There's a lot of  
2 variation, both in terms of how the terms are used and  
3 also in terms of the - well, how - how they're used and  
4 as terms and how those appointment categories are used  
5 in different programs for, you know, different students  
6 at different times at different levels, et cetera.

7           Q.       So a GSA in one program may not mean the  
8 same thing as a GSA in another?

9           A.       That's true.

10          Q.       Can you talk generally what the - the  
11 category of trainee - there has been some testimony  
12 about it - about what a trainee can include?

13          A.       So I would say the bulk of - the bulk of  
14 trainees are students who are supported through an  
15 outside, quote, unquote, training grant. And there are  
16 a number of different sources of these training grants.

17                    But the idea is that a faculty member  
18 applies or a group of faculty apply to a - a federal  
19 agency, typically like NIH, requesting support for a  
20 training program. So they write what's called a  
21 training grant.

22                    The - the training grant then describes a -  
23 a training program for the students. It describes -  
24 usually it has to describe some things about how you're  
25 going recruit students. It has to describes some

1 things about what had happened - what has - what have  
2 been the outcomes of students who have been previously  
3 in the program, to show that they've been successful in  
4 a variety of ways.

5           This grant then in part is - the money from  
6 this grant in part then supports the stipend, the  
7 tuition, et cetera, for students who are supported by  
8 that training grant. Those students who are supported  
9 by the training grant in our various systems should be  
10 called trainees.

11       Q.     And so Dr. Shaaban testified about having  
12 been supported for a period of time on T32.

13       A.     Yes.

14       Q.     That would be a training -.

15       A.     That's an example of a training grant, yes.

16       Q.     What about this term predoctoral fellow?  
17 What is that?

18       A.     So the way we - I think we're supposed to  
19 use this term. And again, there's some variation. The  
20 way - the way that we intend to use this term is, in  
21 those circumstances where a student applies  
22 independently or applies for funding from an  
23 organization, such as NIH or NSF, for support that is  
24 directed to that individual.

25           That individual is - is named in the

1 proposal in that sense, as opposed to the - something  
2 like a T32, where no specific individuals are named in  
3 that proposal.

4           And so that - in this case, an F31 was the  
5 mechanism, which is an NIH mechanism. That F31 is  
6 something that Dr. Shaaban wrote, that was directed at  
7 specifically funding her over that period of two years  
8 or whatever it was that that grant was. In those - in  
9 those - in similar circumstances is what we're supposed  
10 to call predoctoral fellows.

11       Q.     Within the - so taking a look at the first  
12 page of Exhibit 24, which is the appointment data.

13       A.     Yes, yeah.

14       Q.     Okay.

15           So I see that there's this - this category  
16 certificate-certificate-training?

17       A.     Yes.

18       Q.     So that's how - what trainees are coded at -  
19 as in your system?

20       A.     Yeah.

21       Q.     Within that category in the system are there  
22 other kinds of people who were coded as that, who are  
23 not graduate students on training grants, as you  
24 described?

25       A.     Yes. Yeah. Yes, it's true.

1 Q. Okay.

2 And are all of those even necessarily  
3 graduate students?

4 A. No. For reasons that are not clear to me,  
5 this designation has gotten used for some  
6 undergraduates. It's a variety of different students.

7 And I'm - yeah, I'm not sure why. But in  
8 that 304 number we have some of these other categories  
9 that are inconsistently -.

10 Q. All right.

11 So just to be clear, this 304 is the  
12 students -

13 A. Oh, this is specifically the Ph.D.  
14 students -.

15 Q. - or Master -?

16 A. Yes, that's correct.

17 Q. These are the students who are funded -

18 A. Correct.

19 Q. - in the broader category -?

20 A. In the broader category across the  
21 University, that's where there are these undergraduates  
22 and other students. Yes, that's right.

23 Q. And then that - and there can be like - I  
24 think the - the Union had provided data, which showed  
25 there are 1,200 of those -

1 A. Yes.

2 Q. - for the previous -

3 A. Right.

4 Q. - year?

5 A. Yes.

6 Q. And that's - it's just the way in the system  
7 that they're sometimes grouped together?

8 A. For some reason they got grouped together  
9 had the system. And you know, historically this is the  
10 way that we've done things. And I - there's no good  
11 reason why, as far as I can tell.

12 Q. Take a look again at the - the academic  
13 regulations, Exhibit 21.

14 A. Yes.

15 Q. Okay.

16 In the second to last - the last physical  
17 page with the second to last side, -

18 A. Yeah.

19 Q. - there's a reference to the Graduate  
20 Student Researcher Policy Statement.

21 Do you see that?

22 A. Yes.

23 Q. And what is provided there? Is that  
24 consistent with your understanding of the purpose of a  
25 GSR appointment?

1 A. Yes. Absolutely.

2 Q. Can you take a look at the last page?

3 A. Yes.

4 Q. And there's a - the - in the second to last  
5 item from the bottom, where it has the -

6 A. Uh-huh (yes).

7 Q. - Teaching Assistant, Teaching Fellow,  
8 Graduate Student Assistant Policy Statement.

9 Is that consistent with your understanding  
10 of the purpose of these appointments?

11 A. Yes, yes.

12 Q. Does the University expect students to  
13 continue to receive funding for the number of years set  
14 by their program if they're making academic progress?

15 A. Yes.

16 Q. Does a student's stipend fluctuate based on  
17 the number of hours they might have spent in there  
18 doing things related to their appointment from week to  
19 week?

20 A. No, it does not.

21 Q. Is it common for students to have different  
22 types of appointment over the course of an academic  
23 career?

24 A. Yes. I would be - it would be a very  
25 unusual case where a student is supported by the same

1 type of appointment across their entire academic year.

2 Q. Can it vary from year to year?

3 A. Yes.

4 Q. Can it vary even from semester to semester?

5 A. Yes, it can.

6 Q. Do the academic expectations of the student  
7 change, based on how they're funded in a given semester  
8 or year?

9 A. No, the academic expectations are set by the  
10 program and the program description and requirements.

11 Q. How do the schools get the funds for  
12 supporting Ph.D. students?

13 A. There's a - an allocation which comes  
14 through the Provost Office that I am involved in that  
15 goes out to individual schools. And then in addition  
16 to that, there are external funds, like NIH grants and  
17 other grants, that also - through GSR mechanisms  
18 primarily support students.

19 But the - the largest single source is the  
20 allegation that comes through the Provost Office.

21 Q. And when the Provost Office allocates those  
22 funds, is that tied to undergraduate enrollment?

23 A. No, it is not.

24 ATTORNEY FARMER: Twenty-seven (27).

25 ---

1 (Whereupon, Respondent Exhibit 27, Partial List of  
2 Internal Fellowships Awarded by University, was  
3 marked for identification.)

4 ---

5 BY ATTORNEY FARMER:

6 Q. I'm going to show you what we're marking as  
7 Exhibit 27. Showing you what's been marked as 27.

8 Can you identify what this is?

9 A. Sure.

10 This is a partial list of internal  
11 fellowships that are awarded by the University.

12 And previously I'm talking about the  
13 category of predoctoral fellows. I should have  
14 mentioned - I talked about principally  
15 externally-supported predoctoral fellows.

16 But there's a - a large number of  
17 internally-supported predoctoral fellows. And this  
18 list is the - the list of names of many of those  
19 fellowships.

20 Q. Was this list put together in response to a  
21 request by the Union for a list of fellowships?

22 A. Yes.

23 Q. Is this - is a list of internal fellowships  
24 maintained anywhere within the University?

25 A. No, we had to inquire of all the schools to



1 collect the list that you see here.

2 Q. Do we know if this is all of them?

3 A. I'm almost certain that it's not all of  
4 them.

5 Q. Okay. All right.

6 Let's talk - let's talk about training  
7 grants.

8 You - there was some testimony about it -  
9 about them yesterday, and T32s.

10 Are there other kinds of training grants in  
11 addition to T32s?

12 A. Yes. So the National Science Foundation or  
13 the NSF has a kind of training grant called a - it used  
14 to be called an IGERT. It's now called an NRT. But  
15 it's a - a similar mechanism.

16 It's a grant applied for by faculty,  
17 specifically intended to support students in a  
18 particular program, without specifically naming those  
19 individuals who will be supported.

20 Just yesterday I found out that somebody  
21 from our School of Engineering got a - a different kind  
22 of training grant. It's a Department of Energy or  
23 Department of Defense training grant that would support  
24 four graduate students for a set of project related to  
25 Materials Science.

1                   So there are a variety of - of different  
2 mechanisms.

3           Q.       And IGERT is I-G-E-R-T?

4           A.       I-G-E-R-T, Interdisciplinary Graduate  
5 Education/Research and Training (sic) is the name of  
6 it.

7           Q.       So these - these training grants are things  
8 that are applied for by the University to support the  
9 training of graduate students, not - not individual by  
10 the student.

11          A.       Correct.

12          Q.       Is that right?

13          A.       Right.

14                   The people who write the applications are  
15 usually faculty, who have a track record and have been  
16 involved in training of graduate students.

17          Q.       What's the -?

18                   HEARING EXAMINER: May I ask a -?

19                   Why are they called trainees, do you  
20 know, in the history of Higher Education?

21                   THE WITNESS: I don't know about the  
22 history.

23                   So certainly NIH and NSF both refer to  
24 students supported on these kinds of grants as  
25 trainees. And so it may be -.

1                   HEARING EXAMINER:   What are they  
2 training for?

3                   THE WITNESS:   They're - they're involved  
4 in Ph.D. training.  They're training for a - a career  
5 in science or a career in the discipline that's being  
6 supported.

7                   HEARING EXAMINER:   That those government  
8 agencies are targeting?

9                   THE WITNESS:   Yes.

10                  HEARING EXAMINER:   So they want these -  
11 they want people to get these Ph.D.s?

12                  THE WITNESS:   Correct.

13                         They see this as - and this has come up  
14 more and more recently.  They see these as important  
15 people in the scientific or biomedical or whatever  
16 engineering workforce.

17                  HEARING EXAMINER:   So it's basically  
18 State-subsidized trainees in what the government has  
19 considered to be particularly important - important  
20 fields?

21                  THE WITNESS:   Yeah, I would say broadly  
22 speaking.  Some are much more targeted than others.  
23 Some of them - like, you know, when there was - when -  
24 when there was a lot of funding for AIDS.

25                         There was - there was targeted training

1 grants that were specifically focused on training  
2 people to work in HIV/AIDS research.

3 HEARING EXAMINER: And the term training  
4 is not a Pitt term, that is a larger term? Training is  
5 a larger term that the government agencies used and  
6 have been adopted by Pitt?

7 THE WITNESS: I don't know the history,  
8 so I -

9 HEARING EXAMINER: Right.

10 THE WITNESS: - so I can't say with  
11 certainty. But it's certainly used both by the  
12 government agencies and by the University and not just  
13 Pitt, by the -.

14 HEARING EXAMINER: I understand now.

15 BY ATTORNEY FARMER:

16 Q. So do faculty also receive grants from the  
17 federal government to support their research?

18 A. Yes.

19 Q. And when students are being funded on one of  
20 these training grants, are the expectations for those  
21 students different than students who are funded on  
22 another support mechanism, like a - a GSR off of one of  
23 the faculty grants?

24 A. So typically when you write a training  
25 grant, there's a training program which is proposed in

1 that training grant. And so the - the description  
2 there is something that the students - it's the program  
3 that students have to sort of, you know, complete.

4 In most cases that is tailored to be nearly  
5 identical to an existing Graduate Training Program.  
6 Because you don't want to have, sort of - you know,  
7 different categories and different sets of students who  
8 are - you know, just by virtue of the fact that they're  
9 supported one way or another, that they're doing  
10 different things or have different requirements.

11 Q. And how long - when a student is supported  
12 on one of these training grants, how long does that  
13 typically last?

14 A. It depends. But it's usually a - a year, a  
15 couple of years some - in some cases. NIH actually  
16 puts limits on the duration of - the total duration of  
17 training grant support that students can receive.

18 Q. So a student would not have their entire  
19 Ph.D. Program funded on a training grant?

20 A. No.

21 Q. If a student moves on to or off of a  
22 training grant on to another means of support, is there  
23 any change in the research that they're doing?

24 A. Typically, no.

25 Q. Is there any interruption in their program?

1           A.       No.

2                    ATTORNEY FARMER:   I'm going to show you  
3 what we are marking as Exhibit 28.

4   ---

5       (Whereupon, Respondent Exhibit 28, Face Page and  
6 Application for T32 Grant, was marked for  
7 identification.)

8   ---

9 BY ATTORNEY FARMER:

10           Q.       Okay.

11                    Showing you what we're marking as 28.

12                    Can you explain what this is?

13           A.       Sure.

14                    This is the - so this is the face page and  
15 some of the content of an application for a T32  
16 training grant from Pitt, specifically to support  
17 students in the Center for Neuroscience at the  
18 University of Pittsburgh Graduate Training Program.

19                    ATTORNEY FARMER:   And this is - the  
20 pages aren't numbered.   And see this is excerpts.

21                    If the Union would like access to the  
22 entire document, I have it.   But probably about 150  
23 pages of it are the CVs of people who are involved.

24                    ATTORNEY HEALEY:   We'll pass for now.

25                    ATTORNEY FARMER:   Remember, I do have

1 it, in case you want it.

2 HEARING EXAMINER: You can look at it at  
3 lunch.

4 BY ATTORNEY FARMER:

5 Q. So is this a Renewal Application for a T32  
6 that has been in place?

7 A. Yes.

8 And I can tell that because the - the number  
9 - on the - on the front page there's a number that  
10 starts 2T32 and it ends in dash 21.

11 So that indicates that this is an  
12 application for - that would start in - that would  
13 initiate the 21st year of support of this training  
14 grant.

15 Q. Wow.

16 Have you mentored students who have been  
17 funded on this training grant?

18 A. Yes, I have.

19 Q. Is this representative of the kinds of  
20 things that are included in a training grant  
21 application?

22 A. Yes.

23 Q. Okay.

24 So if you can take a look at page six. And  
25 the - using the page numbers on the bottom.

1 A. Yes.

2 Q. Is this a summary of what the grant is  
3 seeking to do?

4 A. Yes.

5 Q. And it references providing funding to  
6 students in their first or second year?

7 A. Yes.

8 Q. And is that typical?

9 A. It's - yeah, it's absolutely typical. I  
10 mean, it's typical that it would support students in a  
11 particular stage.

12 Q. Okay.

13 A. Some training grants support first or second  
14 year students, such as this one. Some training grants  
15 are specifically targeted to support students later in  
16 their career, after they've, you know, refined their -  
17 their research interests and their research objectives.

18 Q. Take a look at page eight.

19 A. Yeah.

20 Q. Okay.

21 It's headed Resources and Environment.

22 Is this something that you're required to  
23 include in a training grant -

24 A. Yes.

25 Q. - application?



1           A.       Yes, it is.

2           Q.       In looking at this, are these same resources  
3 available to students in this program who are not  
4 funded on the training grant?

5           A.       Yes, they are.

6           Q.       And turning to page ten, where it has  
7 essential administrative units.

8           A.       Yes.

9           Q.       Do these programs that are listed here exist  
10 for students who are not funded on this training grant?

11          A.       Yes.

12          Q.       Are there any differences?

13          A.       No.

14          Q.       Turn to Section C, which starts on page 40,  
15 which is the section called Proposed Training.

16          A.       Yes.

17          Q.       Again, is this a required part of a T32  
18 application?

19          A.       Yes, it is.

20          Q.       Okay.

21                 The proposed training that is listed here  
22 for this grant, is that different for students who are  
23 in the program who are not funded on this training  
24 grant?

25          A.       No, it's not.

1           Q.       There was some testimony in the Union's case  
2 about how stipend levels are -?

3                   HEARING EXAMINER:   And are - are you  
4 moving off from this?

5                   ATTORNEY FARMER:   Yes.

6                   HEARING EXAMINER:   Can I ask him a  
7 couple of questions?

8                   ATTORNEY FARMER:   Yeah, go ahead.

9                   HEARING EXAMINER:   And we'll just point  
10 out again, the Union is not even asking for these  
11 people.

12                               Who sets - okay.

13                               So when you have these grants, do you  
14 refer to the government agency as the grantor or -

15                   THE WITNESS:   Yes.

16                   HEARING EXAMINER:   - who do you refer to  
17 them as?

18                   THE WITNESS:   I refer to them as NIH,  
19 but - or the grantor.   Sure.

20                   HEARING EXAMINER:   Okay.

21                               Does the grantor have any say on how  
22 much the students are - the grad students are paid?

23                   THE WITNESS:   They set a minimum  
24 threshold - a minimum amount of pay, but they do not  
25 specify the amount.

1                   HEARING EXAMINER: They set a minimum?

2                   THE WITNESS: Yes.

3                   HEARING EXAMINER: Okay.

4                   Do they have any role in evaluating the  
5 graduate students' performance?

6                   THE WITNESS: Not individually. I mean,  
7 essentially they look at - when - when you go to apply  
8 for renewal of this grant, -

9                   HEARING EXAMINER: Yeah.

10                  THE WITNESS: - you need to provide them  
11 with information about the people who were supported on  
12 the grant previously. And they care about what  
13 happened to those - those students.

14                  And are they - are they in science? Are  
15 they in academia? What - what are they doing now?

16                  HEARING EXAMINER: All right.

17                  THE WITNESS: And your ability to renew  
18 a training grant is very specifically tied to your  
19 track record of - of having choices.

20                  HEARING EXAMINER: How many - is there  
21 only five years? Is there one year?

22                  THE WITNESS: There's a - every five  
23 years there's a more in-depth review. There's a  
24 progress report, which is submitted every year. And  
25 occasionally on the basis of that progress report,

1 there will be some modification of the number of  
2 training slots that you have. But typically it's every  
3 five years that you're - you're -.

4 HEARING EXAMINER: Has the grant - has  
5 the grantor ever sent someone to oversee your  
6 laboratory -

7 THE WITNESS: No.

8 HEARING EXAMINER: - or to check in on  
9 you?

10 THE WITNESS: No.

11 HEARING EXAMINER: Okay.

12 Do they have that power and never use  
13 it?

14 THE WITNESS: That's a good question.

15 I'm not aware - there are grants that -  
16 and - and I don't know about training grants  
17 specifically. There are grants where there can be a  
18 site visit -

19 HEARING EXAMINER: Yeah.

20 THE WITNESS: - as part of the review  
21 process. And you know, there's a lot that happens as  
22 part of those site visits.

23 I don't - I'm not aware that training  
24 grants are - are grants that have ever - that - where  
25 there is the possibility of a site visit.

1                   HEARING EXAMINER: Has the grantor ever  
2 terminated a grant in the middle of the grant?

3                   ATTORNEY FARMER: Are we talking  
4 specifically about a training grant at Pitt or any  
5 grant -?

6                   HEARING EXAMINER: Training grants at  
7 Pitt.

8                   THE WITNESS: I am not aware of any  
9 examples of that.

10                  HEARING EXAMINER: Is it theoretically  
11 possible?

12                  THE WITNESS: Oh, it's certainly  
13 theoretically possible. NIH can decide to - to  
14 terminate the grants, because they choose - yeah.

15                  HEARING EXAMINER: What would be some  
16 reasons why they would terminate a grant?

17                  THE WITNESS: I mean, NIH will terminate  
18 grants in the case of scientific misconduct, research  
19 misconduct, for example.

20                  HEARING EXAMINER: How would they even  
21 know about it, if they're not reviewing it?

22                  THE WITNESS: We're compelled - we're  
23 required to report that.

24                  HEARING EXAMINER: All right.  
25 So there is reporting, -

1                   THE WITNESS:   Well, -.

2                   HEARING EXAMINER:   - so there is  
3 self-reporting?

4                   THE WITNESS:   Yeah, yes.

5                   HEARING EXAMINER:   I did a bad thing.

6                   THE WITNESS:   I did a bad thing, yes.

7                   HEARING EXAMINER:   Okay.

8                   And then I think there's a legal term,  
9 but I can't think of it.

10                  ATTORNEY HEALEY:   Whistleblower.

11                  HEARING EXAMINER:   Huh?

12                  ATTORNEY HEALEY:   Whistleblowers?

13                  HEARING EXAMINER:   Yeah, it was  
14 something.   It's self-reporting.

15                  THE WITNESS:   Well, there's - I mean,  
16 it's - it's more than whistleblowers.   We're required  
17 to do a lot of things proactively to assess and monitor  
18 those things.

19                  HEARING EXAMINER:   All right.

20                  So if they - if you report something,  
21 the grantor can cancel the grant?   If the grant is  
22 canceled, do the graduate students get paid?

23                  THE WITNESS:   Yes, we have a commitment  
24 to - to graduate students, which is separate from the  
25 commitment.

1                   We you know, have commitments to  
2 graduate students for certain, you know, durations of  
3 support. And if - just because the money goes away  
4 doesn't mean that we can't support those students.

5                   HEARING EXAMINER: So what - what was  
6 your NIH grant?

7                   ATTORNEY FARMER: Which one?

8                   HEARING EXAMINER: Well, what's the most  
9 recent one -

10                  THE WITNESS: My most recent one?

11                  HEARING EXAMINER: - that you had a  
12 trainee on?

13                  THE WITNESS: Well - so my most recent  
14 grant that I had a trainee on was not a trainee grant,  
15 it was R1, or in this case it was an R43.

16                  HEARING EXAMINER: Can you think - are  
17 you familiar with any grants at the University of  
18 Pittsburgh where there's trainees?

19                  THE WITNESS: Oh, yeah, many.

20                  HEARING EXAMINER: All right.

21                               Can you give me an example?

22                  THE WITNESS: This one.

23                  HEARING EXAMINER: What is this one  
24 about?

25                  THE WITNESS: This is - it's called

1 something like Basic Neuroscience - Predoctoral  
2 Training in Basic Neuroscience.

3 HEARING EXAMINER: And this is current?

4 THE WITNESS: This is current, yes.

5 HEARING EXAMINER: How many trainees are  
6 there?

7 THE WITNESS: There are eight slots of -  
8 for students to be supported on this grant.

9 HEARING EXAMINER: Well, I mean - but  
10 how many are there right now?

11 THE WITNESS: I assume there are eight.

12 HEARING EXAMINER: Okay.

13 So if - if for whatever reason, let's  
14 say there was some kind of - something happened where  
15 this grant was canceled, -

16 THE WITNESS: Yep.

17 HEARING EXAMINER: - you self-reported,  
18 maybe you tested on - I don't know - I don't even know  
19 what science misconduct is.

20 But if that grant was canceled, those  
21 eight students would still get their tuition  
22 reimbursement, they would still get their healthcare  
23 and they would still get whatever they were told would  
24 be their salary?

25 THE WITNESS: Yes, we would stipend.



1 But yes, we would make it work.

2 HEARING EXAMINER: It's clear as mud,  
3 so -.

4 ATTORNEY FARMER: Yeah.

5 HEARING EXAMINER: Okay. Go ahead.

6 BY ATTORNEY FARMER:

7 Q. So is there any functional difference in the  
8 trainees who are supported on training grants and  
9 graduate students who are not supported on training  
10 grants?

11 A. No. In fact, for this particular training  
12 grant, because it supports first and second-year  
13 students, and because NIH really wants us to support  
14 some first-year students on it, we admit students to  
15 the program, CNUP in this case.

16 And they - and some of them get paid off of  
17 this training grant. And others get paid from internal  
18 funds in their first year, for example.

19 And that assignment is made - or that - that  
20 - you know, that assignment is - funding source is  
21 made, I wouldn't say randomly. But it's without  
22 consideration of any - I mean, the students don't know  
23 about it or they only know about it when they receive  
24 the appointment letter that says one thing versus  
25 another.

1 But I don't think students are - are  
2 particularly aware of that distinction in - in that  
3 appointment letter.

4 There's no difference in terms of what it is  
5 that students are asked to do or required to do, that -  
6 that is affected by what their source of support is.

7 Q. And then in this - using that example in  
8 their second year - so some students are funded on this  
9 training grant. And how are other students in the  
10 program funded?

11 A. In this particular program, they're  
12 supported from internal - internal money, internal  
13 resources. And I actually don't know in this case. I  
14 think they're appointed as GSAs, but I'm not a hundred  
15 percent -.

16 Q. In the second year?

17 A. Well, in the second year most of the  
18 students would be appointed on GSRs. Because most of  
19 those students would then, at that point, have been  
20 connected with a faculty mentor. And then the faculty  
21 mentor is responsible for supporting that student off  
22 of one of his or her grants.

23 Q. Which would be those R01 grants?

24 A. Which would be for its R01 grants, yes.

25 Q. Okay.

1           And in that first year - in this program  
2 specifically, are students doing rotations through  
3 various faculty members, labs?

4           A.     Yeah. This program has a requirement for at  
5 least two and more typically three research rotations.  
6 So that -

7           Q.     So that students can get exposed?

8           A.     - they - they experience those different -  
9 different labs, different techniques, different  
10 questions, different preparations, et cetera.

11                   HEARING EXAMINER: How much longer?

12                   ATTORNEY FARMER: A while.

13                   HEARING EXAMINER: We'll stop at noon,  
14 then?

15                   ATTORNEY FARMER: That's fine.

16                   HEARING EXAMINER: Okay.

17 BY ATTORNEY FARMER:

18           Q.     So continuing with this issue. So the  
19 students you said in the second year would either be on  
20 the training grant or move on to one of these faculty  
21 grants.

22                   Is there any difference in what the students  
23 are doing?

24           A.     No.

25           Q.     There was testimony about - or questions

1 that were asked of you about whether the grantor can  
2 make site visits for - to grant in connection with  
3 grants.

4 Is that true for faculty non-training  
5 grants, these R01 grants?

6 A. Yeah. The situation that I'm more familiar  
7 with is with large center-scale funding grants, like  
8 mechanisms from a P50s and P30s, that routinely have  
9 site visits associated with the review process or with  
10 the renewal process.

11 Q. And the requirement to self-report research  
12 and misconduct, does that exist for any federal  
13 dollars, -

14 A. Yes.

15 Q. - regardless whether they're going to the  
16 faculty or an individual?

17 A. Yes, absolutely.

18 Q. And the fact that the - a grant can be  
19 canceled for misconduct, is that true of any grants?

20 A. Yes.

21 Q. So all of the faculty grants that would  
22 support GSRs, for example?

23 A. Yes.

24 Q. Before we move off of this issue of the - of  
25 the R-28, this Exhibit R-28. If you can take a look at

1 page six one more time, which is that list of - I'm  
2 sorry, page eight, the list of resources.

3 A. Yeah.

4 Q. Could the students do the research in this  
5 program without these resources?

6 A. Without any of these resources, no.

7 And if - if these things were - were not  
8 present, then they could not, you know, do the kind of  
9 research that's necessary that's described in this  
10 training program.

11 Q. And does this T32 grant fund those  
12 resources?

13 A. No, these resources are - are acquired and  
14 are supported through other kinds of grants and also  
15 through internal university resources.

16 Q. Okay.

17 So there was some testimony about stipends,  
18 I think in a response to a question from the Hearing  
19 Examiner. So you said that the NIH, or - or there are  
20 other federal agencies who have similar kinds of  
21 training grants, they set a minimum stipend?

22 A. Yeah, NIH specifically sets what's sometimes  
23 referred to as NIH scale, which is - it's a - a number  
24 in the case of graduate students currently, I think  
25 it's about \$25,000 a year, which is the minimum. It's

1 the amount that NIH provides in support for a student  
2 who's on either traineeship, I guess for a T32 or an  
3 F31.

4 NIH guidelines, though, describe that that  
5 amount can be supplemented from any source of  
6 nonfederal funds. You can't supplement it using  
7 federal funds, but you can supplement it using  
8 University funds.

9 And - and the guidelines - at least my read  
10 of the guidelines is that the - the intent is that  
11 students support - just because students are supported  
12 on the training grant, doesn't mean that they should  
13 receive a different amount. Specifically, not a lesser  
14 amount than a student - another student who's in this  
15 same program.

16 So NIH is concerned that they don't want  
17 students to be penalized when they're being supported  
18 off of a training grant mechanism.

19 Q. And does the University supplement the  
20 stipend to have students in the same program getting  
21 the same amount of stipends?

22 A. Yes.

23 So for example, in this particular training  
24 program, the stipend level, you know, on a - on a  
25 12-month basis is about - this year it's about \$29,000.

1 NIH scale is \$25,000 or something like that.

2 So every student who's supported on this  
3 training grant, we have to find an additional - about  
4 \$4,000 in order to supplement their stipend.

5 Q. There was testimony about the issue of  
6 health insurance for trainees and fellows, -

7 A. Yes.

8 Q. - that that is not - that they are not -  
9 they don't have their health insurance funded the way  
10 that students on TAs, TFs, GSAs, GSRs do.

11 Can you explain that?

12 A. Sure.

13 So it's for - for reasons that are not clear  
14 to me.

15 A system is developed where, for TAs, TFs,  
16 GSAs and GSRs, the University pays a lump sum based on  
17 the head count of people in those categories, to the  
18 University of Pittsburgh Medical Center Health Plan,  
19 UPMC Health Plan.

20 That provides an - an individual - that  
21 covers the cost of an individual plan for every student  
22 on those categories of employments.

23 Q. In the Graduate Student Health Plan?

24 A. In the Graduate Student Health Plan, -

25 Q. Okay.

1           A.       - yes.

2                   For students who are not in those  
3 categories. So for example, predoctoral fellows, we -  
4 there's the - the stipend. But then in all cases that  
5 I'm aware of, we increase their stipend amount by an  
6 amount which is intended to cover the cost of the  
7 12-month student - graduate student plan through UPMC  
8 Health Plan.

9                   We do not require that students then spend  
10 that money on the UPMC Health Plan, they can - if - you  
11 know, it's just, sort of, the extra money for them.

12                  But if intent is to provide students with  
13 the - the resources necessary to cover the costs of  
14 that particular plan, so that all students, including  
15 predoctoral fellows and trainees, could be - you know,  
16 could - could have access and could afford that same  
17 plan, which we automatically make available to students  
18 in these other categories.

19           Q.       There was testimony in the Union's case,  
20 that on these training grants, that the granting agency  
21 pays the costs of the students' tuition.

22                   Can you comment on that?

23           A.       So for most training grants, both individual  
24 and institutional - and by - I'm sorry - by individual  
25 training grants, I mean - it's a term that sometimes



1 gets applied to things like F31s and NR - NSF graduate  
2 research fellowships.

3           So for those mechanisms, there typically is  
4 a certain amount of money that the - the grantor  
5 provides to the University to - to defray other costs  
6 associated with the - the graduate student.

7           So for example, the - the biggest single  
8 cost is tuition. And so I might get these numbers  
9 wrong.

10           But in the case of the NIH training grant, I  
11 think the amount that's provided is \$16,000 a year to  
12 help offset costs associated with - with things like  
13 tuition.

14           In the case of an NSF Graduate Research  
15 Fellowship, I think it's \$12,000 a year.

16           So that - that money then helps to - to  
17 defer the amount or to reduce the amount of tuition  
18 that the University then has to come up with in these  
19 cases.

20           Q.     And then the University bears the additional  
21 cost?

22           A.     Correct.

23           Q.     You talked about the cost of the research  
24 for graduate students. In any of these - whether it's  
25 the F31s or the T32s or any of analogous grants, are

1 there funds that provide - that are provided for the  
2 cost of the research supplies, equipment, labs, all of  
3 those things?

4 A. So in the case of the F31 and also F30,  
5 which is a similar mechanism but it's only available to  
6 M.D., Ph.D. students or - or M.D., Ph.D. and similar  
7 students, there's something that's called - I think  
8 it's an educational allowance.

9 It's an amount of money - it's about \$4,000  
10 - I think about \$4,500, that is - is made available to  
11 the student to - to offset costs - I mean, for costs of  
12 education.

13 So in some cases students use it for - for  
14 travel to meetings. In other cases they use it for  
15 buying books, buying a computer. In some cases they do  
16 use it to offset the costs of research.

17 But it's - it's, you know, a few thousand  
18 dollars a year.

19 Q. Does that pay for the costs of the research  
20 that students are doing, for example, in Neuroscience?

21 A. Not - no. I mean, when I - when I have a  
22 grant and I put a person, a graduate student, for  
23 example, on that grant, I sort of budget something like  
24 \$12,000 to \$15,000 per year in supplies to support that  
25 student.

1           That's just as one example. That doesn't  
2 include equipment and other costs.

3           Q.     There was testimony also about fellowships,  
4 as you said, about this F31. About the F31s, does  
5 everything that we just talked about, as it relates to  
6 training grads, basically equally apply to these F31s?

7           A.     Yes.

8           Q.     When students apply for these - I think you  
9 referred to them as individual training grants or  
10 these -

11          A.     Yeah.

12          Q.     - external scholarships with - like the  
13 F31s, -

14          A.     Right.

15          Q.     - do they have to demonstrate that there is  
16 sufficient resources available at the University to  
17 support their research?

18          A.     Yes.

19                 So the F31 in particular, the - I've had - I  
20 - I haven't counted, but a half dozen or so students  
21 who have been successfully - have successfully applied  
22 for F31s.

23                 And in that case, it's very clear that about  
24 a third of the evaluation is based on the - sort of a  
25 student, the track record of the student, the grades of

1 the student.

2           So all these kinds of characteristics.  
3 About a third is based on the research plan that the -  
4 Research and Training Plan it's called, that the  
5 students - where the students describe what - what  
6 experiments they might do, what training activities  
7 they're going to participate in.

8           And then about a third of the evaluation is  
9 based on the environment, the - the mentorship, the  
10 availability of resources. And I mean given the degree  
11 of competition, it's very unlikely that a student -  
12 that an F31 would be supported, unless their - their  
13 mentor or one of their mentors has a grant that can  
14 support the research.

15           I mean, the Study Sections specifically look  
16 for evidence of how is it that this research is going  
17 to be done? Are there - is there there the equipment  
18 that's there, are - you know, is there a way that the -  
19 the resources - the reagents and chemicals and - and  
20 all these supplies can be paid for.

21           Q.     Do students who are on a fellowship, whether  
22 it's internal, external or on a training grant, still  
23 have all the same academic requirements?

24           A.     Yes.

25           Q.     If they're in a - a program that requires

1 student to teach, do they still have to do that?

2 A. Yes.

3 Q. Is it - is it common for a student to be  
4 able to get a Ph.D. just funded on fellowships?

5 A. It's rare.

6 Q. Does Pitt have the same expectations  
7 regarding the skills that students are going develop in  
8 their program regardless of how they're funded?

9 A. Yes.

10 ATTORNEY FARMER: Mr. Hearing Examiner,  
11 I'm - I can keep going or - but I was about to move  
12 into a different area, if you wanted to stop?

13 HEARING EXAMINER: This is a natural  
14 place to stop.

15 ATTORNEY FARMER: Okay.

16 HEARING EXAMINER: We're off the record.  
17 Be back at 1:00?

18 ATTORNEY FARMER: That's fine.

19 HEARING EXAMINER: Please don't talk to  
20 anyone about your testimony over lunch.

21 Okay?

22 ATTORNEY FARMER: Yeah.

23 HEARING EXAMINER: Thank you.

24 ---

25 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

1 ---

2 HEARING EXAMINER: Back on the record.

3 Continue with your Direct Examination.

4 ATTORNEY FARMER: Thank you.

5 BY ATTORNEY FARMER:

6 Q. Okay.

7 I'm going to just talk a little bit about -  
8 we've talked generally about some research and research  
9 faculty. I want to talk specifically about research as  
10 it relates to graduate education, regardless of how  
11 students are funded.

12 How does this research that students perform  
13 on the various types of appointments that we've talked  
14 about fit into their academics?

15 A. I'm not quite sure. So if I'm not - if I  
16 don't address the question, sort of let me know. But I  
17 mean - so research, as I've said, is - is an integral  
18 part of the Ph.D. It's a critical - it's the defining  
19 sort of feature of the Ph.D.

20 And so there are many stages throughout  
21 their academic career that - where they are engaged in  
22 research or training for research or preparation for  
23 research.

24 You know, classes that they take are often,  
25 you know, seminar in style. And so there's - they're

1 reading research papers, they're engaged in - n  
2 different ways in activities that contribute to their  
3 development and expertise in - in eventually doing  
4 research.

5 Milestones in many cases have research  
6 components to them. And clearly the - the eventual  
7 thesis, the writing of the thesis, the work that - that  
8 is required to be part of the thesis is all  
9 research-related, and is involved - is, you know,  
10 integral to the training of graduate students.

11 Q. So if a student is funded on a GSR or a GSA  
12 and doing research is part of that appointment, how  
13 does it fit into this research progression that you've  
14 just described?

15 A. I mean, it sort of - it sort of builds -  
16 builds on each other. I mean, it's - maybe that early  
17 on about their research project that a student is  
18 engaged in, which is a relatively short term, that has  
19 a sort of narrowly-defined set of goals initially.

20 But that is part of the training of  
21 students, is how to engage in research, how to do  
22 research, you know, what - what - to kind of evaluate  
23 research, what quality research looks like, et cetera.

24 Q. What role do the faculty advisors or mentors  
25 play in this development of research?

1           A.       So it's - it's a different role, different  
2 stages. So early on students come with - in many  
3 cases, with a - an idea of what topics are of interest  
4 to them. And so there's a refinement process.

5                   So you know, to what extent is - do students  
6 who understand what's been done in a previous area, so  
7 that they can know where the - the frontiers of  
8 knowledge are, what - you know, what - what kinds of  
9 questions and problems are most interesting to the  
10 field.

11                   So that might be something that happens at  
12 an early stage. It's sort of a broader picture of  
13 what's - what - what research is happening and what  
14 research is important in an area that the student has  
15 identified.

16                   But in many cases students, you know, change  
17 interests, you know, either - either in small ways or  
18 in big ways over the course of their Ph.D.

19                   With the goal of - at - at different stages  
20 faculty, mentors, you know, help guide, help - help  
21 teach, help support students in developing the skills  
22 that are needed in order to eventually, you know, do  
23 the kind of - you know, create the body of knowledge -  
24 the new knowledge that was essential for the Ph.D.

25           Q.       Is it fair to say that the University



1 expects that the experience that students get on a GSA  
2 or GSR doing research is like experiential learning  
3 that contributes to the Ph.D.?

4 A. Yeah, absolutely.

5 And so it's - there are many different ways,  
6 through classes, through GSAs, through teaching that -  
7 that contribute to the students' development as a  
8 researcher. I mean, when I teach, I've - I've taught  
9 many introductory, undergraduate courses. I've taught  
10 courses for - for retirees in a noncredit kind of way.  
11 That teaching experience helps me develop - clarify my  
12 thinking about research questions.

13 Right?

14 I tell everybody, I write better grants  
15 after I've taught undergraduate courses or - especially  
16 this course that I've taught for three or four years to  
17 retirees. It just helps to clarify my thinking about  
18 how it is that - one of the most important questions  
19 and how is it that I can explain those questions.

20 Q. Does the University expect that all of the  
21 research that's being done by the students is part of  
22 their academic development?

23 A. I mean, the University certainly - yes,  
24 expects that - that all of the research that a student  
25 does in the course of Ph.D. is something that the

1 University, you know, cares about and thinks it's  
2 important and is part of their academic development.

3           The University - if a paper is published  
4 with a student coauthor, university - universities -  
5 affiliation is listed on that paper. The University  
6 sort of cares about - that - that contributes to the  
7 University's reputation as a research institution. You  
8 know, that's something that the University is  
9 definitely invested in.

10           Q.     And conversely, if there is a graduate  
11 student who were to commit some sort of research  
12 misconduct, does that reflect on the University as  
13 well?

14           A.     Yes.

15                   I mean, again, because the University is,  
16 you know, sort of - we have our name on this work, that  
17 is something that the University cares about and - and  
18 certainly wants to promote the best quality research.

19                   But if there's a - a situation where, you  
20 know, there's a retraction or something like that, that  
21 has a - has a negative effect on the University's  
22 reputation as a research environment, yes.

23           Q.     I think you talked about the fact that  
24 there's a - a progress of research that ultimately  
25 culminates in the - the research that winds up in their

1 - in their dissertation?

2 A. Yeah.

3 Q. Starting from when they entered the program,  
4 does the research that they do help to develop the  
5 skills they eventually need?

6 A. Yes.

7 And this can happen in a variety of ways.  
8 In some cases that can be technical skills. I mean,  
9 when a student comes into a - a particular - say a  
10 science laboratory environment, they might need to  
11 learn to do certain things, to operate certain  
12 equipment, or to apply certain methods or methods of  
13 data analysis, et cetera.

14 That contributes to the students' overall  
15 education and development. And those skills are ones  
16 that hopefully they will use throughout their Ph.D. and  
17 hopefully beyond their Ph.D.

18 Q. Did you hear the testimony of a Union  
19 witness yesterday, that the research experience of the  
20 student on a GSR so far was essentially the same as  
21 what she had done when she was a technician in a lab?

22 A. Yes, I did.

23 Q. Is what Ph.D. students do the same as what  
24 lab technicians do?

25 A. It certainly should not be. I mean, I - I

1 don't know the details of that particular case. But  
2 our goal is not to graduate people who can - who - who  
3 can't - well, they could be, but who - whose eventual  
4 path is as a research technician.

5 I mean, in - in the sciences and certainly  
6 in my own experience, we think about the role of a  
7 research technician as, you know, performing certain  
8 kinds of analyses or performing certain kinds of  
9 experiments, et cetera, versus being more the -.

10 Whereas, with students we expect them to be  
11 more engaged in the design of experiments, the design  
12 of new kinds of analyses, the design of new research  
13 areas. This is - I mean, the expectation is higher.  
14 And this is a harder thing to achieve.

15 And so, in fact - I mean, in some cases when  
16 evaluating students' admission to Graduate Programs,  
17 you know, a comment that's sometimes made is that the -  
18 the work that they've done thus far, they've - they've  
19 been sort of, you know, acting like a technician or -  
20 or they've been treated like a technician.

21 And that is an indication that, yes, they  
22 have a certain set of technical skills. But they  
23 haven't yet developed the ability to be more creatively  
24 and actively engaged in the design of - of the  
25 research.

1           Q.       So there's been some testimony about  
2 students being supported on externally-funded grants or  
3 R01s, for example.

4                   When that happens, does the grant prescribe  
5 the specific research that the student has to do?

6           A.       So grants are not contracts. So an R01, I  
7 applied for an R01. I write down a set of - a set of  
8 aims that overall describe the goals of the grant.

9                   And I just write down a set of -  
10 descriptions of what something's called, sort of,  
11 experimental protocols or experimental design that  
12 describes, in general terms, the kind of work that will  
13 be done if the grant were to be funded.

14                   But it is not - it's - it's very, very  
15 unusual. I would say almost never happens that the -  
16 at the end of five years, say if it's a five-year  
17 grant, that you've done specifically all of those  
18 experiments that were proposed in the grant.

19                   It's not a contract, it's the goal. And  
20 I've - and I've sat on Study Sections that review these  
21 grants. The goal of the - the National Institutes of  
22 Health, and the goal of the people who are providing  
23 the score of scientific review of these grant is not to  
24 say, aha, these people should go and do exactly these  
25 things.

1           The goal is to say, here's a general set of  
2 the problems, general set of questions that are of  
3 interest that we are interested in supporting somebody  
4 to - to work in this area. And they have a reasonable  
5 plan.

6           But there's a - a clear acknowledgement that  
7 those plans change, those plans should change to  
8 reflect the fact that other things are going on in the  
9 field, that some things don't work. There are - there  
10 are incidental and unexpected findings, et cetera.

11           So it's never - almost never the case. I  
12 don't know of any examples where the specific - all of  
13 the specific experiments that were proposed in the  
14 grant are the ones that were actually done.

15           Q.     So within the parameters of that sort of -  
16 the general aims, can the student pursue their own  
17 research interest?

18           A.     Yes, absolutely.

19                   ATTORNEY FARMER: I'm going to mark this  
20 as 29.

21                                   ---

22           (Whereupon, Respondent Exhibit 29, Printout, was  
23 marked for identification.)

24                                   ---

25 BY ATTORNEY FARMER:

1 Q. I'm showing you what we've marked as Exhibit  
2 29.

3 Can you take a look in the middle of the  
4 page? And this is a - a printout from - this is a lab  
5 at Pitt - a faculty members' lab?

6 A. Yeah.

7 It looks - I mean, I don't know the person.  
8 But it looks like it, yeah.

9 Q. And it's in Biology?

10 A. Yes.

11 Q. Okay.

12 If you can take look where it says ongoing  
13 research in the Boyle Lab, in like the middle of the  
14 first page.

15 A. Yep.

16 Q. Does that description about being open to  
17 graduate students to explore questions outside of the  
18 areas, is that consistent with the approach to student  
19 research?

20 A. Yes, I would say this is a - a good  
21 description of - of what's typical in student research,  
22 and how faculty describe the engagement of students,  
23 yeah.

24 Q. Could the University use money from a grant  
25 to fund students who are unrelated to the aims of the

1 grant?

2 A. No. I mean, it's - although it's not a  
3 contract, there are clear bounds. I mean, the work in  
4 my lab is funded by NIH and NSF to study questions  
5 about brain function, specifically questions about  
6 sensory function.

7 And you know, so there's some latitude  
8 there. But I can't have a student in my lab that's  
9 doing something that's completely unrelated, that I  
10 can't connect logically and intellectually connect to  
11 the aims of the grants that I - that I have.

12 Q. So when have you students who are in your  
13 lab on - on a GSR, for example, do you expect them to  
14 be doing 20 hours of research for their GSR that is  
15 separate and on top of what they're doing as part of  
16 their own research?

17 A. Yeah.

18 I mean, the reality of it in my lab and -  
19 and most of the labs that I'm familiar with, is that  
20 there's - students are engaged in a project. They're  
21 engaged in a project of a - they do experiments. They  
22 do analyses or whatever.

23 There's - there's no distinction between the  
24 time that a student in my lab is spending on the  
25 project - that - that is to say, on the - the grant



1 versus on what is their - their research, their thesis  
2 work, et cetera.

3 I just - you know, we have conversations  
4 about this. We sort of talk about what it is, what the  
5 goals of the grant are. The students have - you know,  
6 read the grants and sort of have access to, you know,  
7 all that information.

8 And so there's a - there's a general  
9 understanding of how it is that the work that they're  
10 doing for their thesis to meet their milestones is  
11 related to the grant. But also related to their goals  
12 and their - and the - the things that are - that  
13 they're curious about, the things that intellectually  
14 are of interest to them.

15 Q. I want to talk about publishing.

16 Does the research that students do often  
17 result in publishing opportunities?

18 A. Yes.

19 Q. Is it common for there to be publications  
20 where the student and faculty members authored  
21 together?

22 A. Yes.

23 Q. Is that something that's a goal?

24 A. Yes, absolutely.

25 I mean, there are - there are some fields

1 where that's - you know, where that is almost always  
2 the case and a few fields where that's somewhat less  
3 often the case.

4 But broadly speaking, publishing with  
5 students is something that is - that's definitely a  
6 goal, definitely something that we - we try to  
7 encourage.

8 Q. What does it mean to have a peer review  
9 publication?

10 A. What does it mean sort of operationally or  
11 what does it mean - what's the impact?

12 Q. Well, we are - literally, what does it mean  
13 that it's been peer-reviewed, -

14 A. Oh, sure.

15 Q. - for those of us who are not scientists?

16 A. Sure.

17 So a peer-reviewed publication is a  
18 publication where we did some research and wrote a  
19 paper, you sent it in for - you know, to a journal or  
20 in some cases to a conference. Experts in your field  
21 review it, evaluate it, give you feedback; in many  
22 cases ask you to revise it.

23 And then eventually, hopefully it - it comes  
24 out and is published in a journal, or in conference  
25 proceedings, et cetera. And so it's - it's - where

1 some of your work is appearing in a public way, after  
2 having been evaluated, and - and commented on and  
3 criticized by people in the field.

4 Q. What is the value of that?

5 A. I mean, it is the - the way in which  
6 academics, you know, measure productivity and to some  
7 extent impact. So it's - it's, you know, the essential  
8 - the essential element of any - certainly any academic  
9 faculty member's career is what they publish in the  
10 peer review papers, you know, and peer preview journals  
11 and - and other forms.

12 Q. Are students often first authors of  
13 publications for research they do as graduate students?

14 A. Again, there's some variation of the field.  
15 But - but yes, absolutely.

16 Q. Does it - is there a uniform description of  
17 what it - what it signifies to be a first author or  
18 does that vary by discipline?

19 A. It varies by discipline. I mean, in the  
20 past, there have been some journals where all papers  
21 were listed alphabetically.

22 So I would say it's becoming - certainly the  
23 science is more and more the case, that the order of  
24 authorship has some sort of well-understood meaning.  
25 And journals are increasingly asking for what are often

1 called authored contributions, like NU, you know,  
2 design the experiment and - and edit the manuscript or  
3 something like that.

4 Q. Speaking of that, sort of, process of  
5 contributions to the manuscript, do students receive  
6 support in going from research to a publication?

7 A. In many of our departments and programs -  
8 and - and there are some workshops that are sort of  
9 university wide. There are opportunities for students  
10 to, you know, sort of learn about the process of  
11 publication, what - like we have ways to learn about  
12 the process of grant writing, get feedback, you know,  
13 submit drafts, et cetera.

14 So that's something that we definitely need  
15 to help students with.

16 Q. And do faculty advisors also assist students  
17 with this?

18 A. Yes, absolutely. Yeah.

19 Q. What kinds of things do faculty do to assist  
20 students in getting research and publication?

21 A. So - I mean, help with understanding what -  
22 what a - and certainly in the sciences but also  
23 naturally in social sciences. I mean, what is an  
24 effective - how was an effective way to present data?  
25 You know, what should a figure look like? Clarity of

1 writing.

2           You know, how do - how do you write the  
3 introduction to a manuscript? What's the process, you  
4 know, for deciding where if had manuscript should go?  
5 Questions about ethical issues associated in  
6 publishing, things like authorship, et cetera.

7           I mean, there are whole variety of things  
8 that are part of that discussion that happens with  
9 students. And that happens at the level of individual  
10 mentors, and students and also happening to students in  
11 more problematic ways.

12         Q.     And do - I mean, do faculty do things like  
13 help students to edit their drafts -

14         A.     Oh, yeah.

15         Q.     - and things like that?

16         A.     Absolutely, yes.

17         Q.     The nuts and bolts of -?

18         A.     Yeah. Yes, many, many revisions of most -  
19 most manuscripts.

20         Q.     All of what we discussed related to  
21 publishing, does any of that depend on whether a  
22 student is funded by that faculty member on a - or how  
23 they're funded on GSA, or GSR or some other funding?

24         A.     No.

25         Q.     Is it common for research to make its way

1 into the students dissertation?

2 A. Yes, absolutely. I mean, research has to be  
3 a part of the students dissertation. And it has to be  
4 in the - the body of the student's dissertation.

5 And - and published, I mean, they're  
6 increasingly - the - the thesis can be sort of an  
7 augmented version of published - published papers in -  
8 in some fields.

9 So essentially, you take the published  
10 paper, you - you flush out the introduction, and the  
11 discussion and that becomes a chapter in a students  
12 thesis.

13 Q. Are there benefits to the students from the  
14 research even if it doesn't make its way into the  
15 dissertation?

16 A. Yes. I mean, I think in - in many respects  
17 publishing the research is more important than putting  
18 it in your dissertation, certainly in - in some fields.

19 You know, I have had students who have had,  
20 you know, half of their - their papers they published  
21 in my lab did not make it into their dissertation. But  
22 they were still - I mean, it's a credential. It's  
23 something that they produced. It's - it's something  
24 that's very important for their career.

25 Q. Are there benefits to students from

1 developing a breadth of research experience?

2 A. Yeah. I mean, I think there are, I mean, a  
3 couple of different kinds of benefits into this, sort  
4 of, visible benefit. Having a paper is a - is a sign,  
5 is a signal of expertise.

6 So if you - so, you know, just - just  
7 yesterday a - a former Ph.D. student who's - who's  
8 still working on some things in my lab, we - we've -  
9 we've been trying to publish a paper in - using Mouse  
10 Models of Autism. And this would be the first paper  
11 from my lab on these - these models of autism.

12 And you know, he's actually an M.D. Ph.D.  
13 student who is now doing a - his - his - he's now a  
14 resident in psychiatry. And he would really like to  
15 get this paper published because it's a credential for  
16 him that - you know, in his - in his, you know, chosen  
17 area of expertise. And he wants to do research and  
18 clinical work in psychiatry.

19 So there are many examples like this as a -  
20 as an important credential.

21 Q. Are there programs which actually require  
22 students to publish as part of the academic  
23 requirements of the degree?

24 A. Yes, there are.

25 Q. And does the availability of publishing

1 opportunities for graduate students vary by discipline?

2 A. Yes, absolutely. I can expand if you want.

3 Q. That's okay.

4 Have you published with your students?

5 A. Yes.

6 ATTORNEY FARMER: I'm just marking this.

7 BY ATTORNEY FARMER:

8 Q. I'm going to show you - we're going to do 30  
9 and 31 together.

10 ---

11 (Whereupon, Respondent Exhibit 30, Paper, was  
12 marked for identification.)

13 (Whereupon, Respondent Exhibit 31, Paper, was  
14 marked for identification.)

15 ---

16 HEARING EXAMINER: You gave me two 30s.

17 THE WITNESS: Thought you wanted to read  
18 it twice.

19 ATTORNEY FARMER: Yeah.

20 HEARING EXAMINER: Thank you, Miss.

21 ATTORNEY FARMER: I'm going to do 31.

22 BY ATTORNEY FARMER:

23 Q. Can you explain what 30 and 31 are?

24 A. So these are two papers that I published a  
25 few years ago with a - with a student in my lab Sonya



1 Gearheart.

2 Q. Show you -.

3 ATTORNEY FARMER: This will be -.

4 ATTORNEY HEALEY: Thirty-two (32).

5 ATTORNEY FARMER: Yeah, 32.

6 ---

7 (Whereupon, Respondent Exhibit 32, Cover Page and  
8 Face Page of Thesis of Sonya Gearheart, was marked  
9 for identification.)

10 ---

11 BY ATTORNEY FARMER:

12 Q. Which will be R-32.

13 By the way, I can't really explain why it's  
14 sideways, other than there were printing difficulties.  
15 But it is the full page.

16 Can you explain what this is?

17 A. This is the cover page, face page of the  
18 thesis of the student Sonya Gearheart that I mentioned.

19 Q. Of her dissertation?

20 A. Yes.

21 Q. Okay.

22 The research that is reflected in Exhibit 31  
23 and 32, does that appear in her dissertation?

24 A. Yes.

25 Q. So turning your attention to the last page

1 of this excerpt.

2 A. Yep.

3 Q. Are these the - where your reference says  
4 Chapter 3 is based on Chapter 4. Are these the  
5 publications?

6 A. Yes.

7 Q. Turning your attention to the previous page,  
8 the acknowledgements. It's page number XV at the  
9 bottom.

10 A. Yeah.

11 Q. Student references, this work was supported  
12 by grants by National Institute of Deafness and Other  
13 Communication Disorders. Then there's an R01 number.  
14 National Institute on Drug Abuse references a T90  
15 number. And IGERT Fellowship and a Mellon Predoctoral  
16 Fellowship?

17 A. Yes.

18 Q. Okay.

19 Let's - let's talk about those. The first  
20 one is in reference to an R01 grant. Was that a grant  
21 that you obtained?

22 A. Yes.

23 Q. And was that a grant that you obtained at  
24 Pitt or at CMU?

25 A. At CMU.

1 Q. So that was a grant that was actually held  
2 by CMU?

3 A. Correct, yeah.

4 Q. At the time that the student was doing this  
5 research with you, were you a faculty member at Pitt or  
6 CMU?

7 A. At CMU.

8 Q. The - so she was doing this research in your  
9 lab at CMU while she was enrolled at Pitt?

10 A. Correct, yeah.

11 Q. Were you - was CMU paying her stipend or was  
12 Pitt?

13 A. So during the period that she was supported  
14 in the R01 - well, no, in all cases her - her stipend  
15 came from Pitt.

16 Q. It also -.

17 ATTORNEY HEALEY: Excuse me, the stipend  
18 came from where?

19 ATTORNEY FARMER: Pitt.

20 THE WITNESS: From Pitt.

21 BY ATTORNEY FARMER:

22 Q. The - it also references a T90.

23 What's a T90?

24 A. So a T90 is another training mechanism  
25 similar to a T32. And it's some small differences.

1 Q. And was this T90 at Pitt or at CMU?

2 A. This T90 was at CMU. It was - it was  
3 applied for as part of a joint training program. And I  
4 believe that - the grant itself was held at CMU.  
5 Although, it was intended - the way we wrote it was to  
6 support students both at Pitt and at CMU.

7 Q. It also references an IGERT. I think you  
8 said earlier that's another kind of training grant?

9 A. That's right. That's an NSF training grant,  
10 yes.

11 Q. Okay.

12 And is that - was that at Pitt or CMU?

13 A. That was held at CMU.

14 Q. The student also references having a Mellon  
15 fellowship. Was that a Pitt-Mellon fellowship?

16 A. Yes.

17 Q. While the student was doing the Mellon  
18 fellowship, was the research that she was doing  
19 different?

20 A. No, it was not.

21 Q. And you were her dissertation advisor -

22 A. Yes, -

23 Q. - throughout her program?

24 A. - yes.

25 I mean, she did some rotations with - I

1 actually don't - well, with somebody at Pitt. And then  
2 joined my lab after her rotation period.

3 Q. When the student was funded throughout this  
4 time, was CMU or Pitt paying her tuition?

5 A. So it's a little complicated. So in her -  
6 in her first year she would have been supported, I - I  
7 assume by a Pitt fellowship or perhaps as a GSA.  
8 Whatever the CNUP was doing at that point.

9 And so in that case, Pitt would have paid  
10 her tuition as tuition remission.

11 When she was on my R1, and when she was on  
12 any of the CMU grants there would have been a  
13 subcontract from CMU to Pitt. And a portion of her  
14 tuition would have been paid through that subcontract.  
15 But that's - the amount of that is limited by NIH  
16 rules. And in this case, NSF rules.

17 And so a portion of that tuition would have  
18 been paid by CMU and a portion by Pitt.

19 Q. Okay.

20 And when - then she was - in the year that  
21 she was on the Mellon fellowship would Pitt have been  
22 paying that tuition?

23 A. Yes.

24 Q. When we look - if we look at the - the  
25 publications or the dissertation, can you separate out,

1 and look at it and say this is the research that she  
2 did, fund it in different ways?

3 A. I cannot, no.

4 Q. And is that representative of the Ph.D.  
5 students you've mentored over the years?

6 A. Yes.

7 Q. Do students on fellowships and training  
8 grants commonly publish?

9 A. Yes.

10 Q. Is there anything different about those  
11 students and what we've talked about with students who  
12 are - who are funded on R01s?

13 A. No. I mean, the - the - the agencies that -  
14 that provide the - the resources for training grants, I  
15 mean, they ask us for all the information about student  
16 publications. They really want to know what our  
17 students have - have published and what their - you  
18 know, overall what their success has been.

19 So it's something that's very important to  
20 those agencies.

21 Q. Can the research also often lead to  
22 presentations at academic conferences?

23 A. Yes.

24 Q. Are - can you talk about that at all?

25 A. I mean - so often prior to publishing

1 something or around the time you publish something, you  
2 want to present that work publicly to get feedback, to  
3 increase the visibility of the work that you're doing  
4 and of the people who are doing it.

5 And so there are some major - some national  
6 meetings, in many cases, that - that faculty go to,  
7 students go to, postdocs go to in order to present  
8 work.

9 In some cases, that work that's presented is  
10 peer-reviewed. So there's a review process. And other  
11 cases less so. But - but it's all about presentation  
12 of the work to a broad audience, to get feedback and to  
13 enhance the visibility.

14 Q. Are there programs that actually require  
15 students to present at conferences?

16 A. Yes.

17 Q. And as an academic requirement?

18 A. Yes.

19 Q. Do students get - Ph.D. students get  
20 academic credit when they're doing research?

21 A. It varies a lot by department, I mean, there  
22 are - and by program and by time. There are - in some  
23 cases, there are course that are listed as some  
24 research credit. But in other cases not. So there's a  
25 lot of variability.

1 I mean, quite frankly, the - I mean,  
2 credits, yes, we have some official credit requirements  
3 for Ph.D. students. But the notation of that credit  
4 sort of are a - a - a clear indicator of academic -  
5 progress and academic - you know, academic activity.

6 It all becomes fuzzy. People care about the  
7 research. People care about what's happening, what the  
8 students are doing much more than they care about, you  
9 know, checking the boxes on, you know, yes, you have  
10 this many credits for this. We do have overall  
11 requirements for degrees. Seventy-two (72) credits for  
12 a Ph.D..

13 But that mapping of what - of, you know,  
14 counting things by courses is not something that is  
15 particularly important in most Ph.D. programs.

16 Q. Within that 72 credit degree requirement is  
17 there a requirement that there be at least a certain  
18 number of dissertation credits?

19 A. Yes, there is.

20 Q. And those dissertation credits are for  
21 student doing research?

22 A. Yes, absolutely.

23 Q. But students often get more research credit  
24 than just that minimum?

25 A. Yes.



1 Q. Does the receipt of the credit for the  
2 research change depending on how a student is funded?

3 A. No.

4 Q. If I walked into a - a research lab on this  
5 campus, would I be able to tell how a student is  
6 funded?

7 A. Typically, no.

8 Q. Are there programs that also require  
9 students to submit grant proposals as part of the  
10 academic program?

11 A. Yes, there are.

12 Q. What - is doing that - that experience  
13 valuable?

14 A. Yeah. I mean, I think it's - especially for  
15 students who are interested in an academic career. But  
16 - but broadly, everybody is going to have to - to  
17 propose to plan a - a set of experiments, or a body of  
18 research or a set of activities, write that plan down  
19 in coherent - clear and coherent way, make a compelling  
20 case that someone who support that. Whether that's  
21 support through the, sort of, internal budgeting of a  
22 company or through an externally funded grant proposal.

23 So that's - that's a very important element  
24 of - of many students education.

25 Q. So we're going to talk about - since you

1 talked about teaching.

2 Is it beneficial for students to gain  
3 teaching experience during their Graduate Program?

4 A. Yes.

5 Q. And are a variety of teaching experiences  
6 valuable?

7 A. Yeah. I mean, I think - I mean, from my own  
8 experience, and from the experience of my students and  
9 students in the programs that I'm familiar with, I  
10 mean, there - there are - to call it - all - all of it  
11 teachings and in some cases, you know, a bit - almost  
12 misleading, as if it's all the same kind of activity.

13 They're - I mean, giving a lecture is very  
14 different than being an instructor in a lab. Is very  
15 different from overseeing an independent research  
16 project. It is very different from teaching in the big  
17 lectures. Very different from teaching in a small  
18 seminar style course.

19 So there are many different - and then  
20 that's just sort of variability in terms of the - the -  
21 the mode of delivery of the course.

22 But also in terms of having credentials,  
23 having a record that shows that you've taught a variety  
24 of different courses can be very important, you know,  
25 on a student's CV. Some department or program might be

1 - who's looking to hire may be looking for somebody who  
2 has experience in teaching in a particular domain, or  
3 has experience teaching introductory courses or - et  
4 cetera.

5 And so having a - a range of teaching  
6 experience is often very helpful.

7 Q. Is that true even if students don't plan to  
8 the academics?

9 A. I think for - for many, many careers, that I  
10 - that I would - I would argue that in many fields, the  
11 - the ability to teach and to convey information is as  
12 important, if not more important than the ability to do  
13 research for - for many, many careers.

14 I mean, we - even as a - you know, sort of a  
15 research scientist at a research university, at - at  
16 this point I spend more of my time doing things that  
17 are related to teaching in one way or another, than I  
18 do - you know, actually do experience in the lab.

19 Q. Do students seek out these kinds of  
20 experiences as well?

21 A. In - in many cases, yes.

22 Q. Is teaching experience required in some  
23 programs?

24 A. Yes, it is.

25 Q. I'm showing you what we've marked as Exhibit

1 33.

2 ---

3 (Whereupon, Respondent Exhibit 33, List of  
4 Information About Graduate Programs at University  
5 of Pittsburgh, was marked for identification.)

6 ---

7 BY ATTORNEY FARMER:

8 Q. Can you explain what this is?

9 A. Yes.

10 This is a list, a table of information about  
11 Graduate Programs at University of Pitt, and what kinds  
12 of teaching activities are required and a description  
13 of whether they get course credit for those activities.

14 Q. Where did this information come from?

15 A. So we compiled it in my office survey of  
16 Graduate Programs, and also in some cases going  
17 directly to their webpages and other information.

18 Q. So is it possible there are additional  
19 requirements that are not listed on here?

20 A. Yes, absolutely.

21 HEARING EXAMINER: Are you going to  
22 object to this one?

23 I'm only asking now, so we can do more -  
24 she can Direct more on it while we're talking about it  
25 rather than coming back to it.

1                    ATTORNEY HEALEY:    We don't plan on  
2 objecting at this point.

3                    HEARING EXAMINER:    Great.    There you go.

4 BY ATTORNEY FARMER:

5            Q.        And you mentioned that that - the far column  
6 is related to a credit -

7            A.        Yes, -

8            Q.        - for teaching activities?

9            A.        - yes.

10          Q.        Can that credit come in the form of when  
11 students are fulfilling a - an academic requirement?

12          A.        Yes.

13          Q.        And are there instances where students can  
14 get academic credit even if the teaching is not  
15 required?

16          A.        Yes, absolutely.

17          Q.        And were you - you were here for the  
18 testimony of the student in biology having gotten that  
19 course credit for three semesters as a TA?

20          A.        Yes.

21          Q.        So that would be an example?

22          A.        Yes, absolutely.    Yeah, that's a good  
23 example.

24          Q.        Are there also programs that offer minors or  
25 certifications in teaching?

1           A.       Yes, there are a number.

2           Q.       I think there has been - there has been some  
3 testimony about the different kinds of things that  
4 students may be doing, like recitations, or labs or  
5 things.

6                   Do they vary widely across the University,  
7 what people might be doing?

8           A.       Yes.

9                   As I mentioned earlier, I mean, what - the -  
10 the term teaching encompasses a - a wide range of  
11 activities that are involved with conveying information  
12 and, you know, getting students to learn in one way or  
13 another.

14          Q.       Do you expect that all of the teaching  
15 activities are going to assist the students in their  
16 academic and professional development?

17          A.       Yes.

18          Q.       Do you expect that the students teaching  
19 activities are going to relate to their field of study?

20          A.       Yeah, I would say broadly speaking, yes.

21          Q.       Does the University expect that when Ph.D.  
22 students enroll at Pitt, that they're going to have  
23 developed teaching skills at that point?

24          A.       I would say, you know, some will and some  
25 won't. So I don't think we have a - an expectation.

1 We don't admit students on the basis of that, we - you  
2 know, we assume that some will be - have experience,  
3 some will be more comfortable in the classroom and  
4 others will have less experience, be less comfortable,  
5 et cetera.

6 Q. Does the University create teaching  
7 opportunities for graduate students for the purpose of  
8 serving undergraduates?

9 A. No.

10 Q. Are there programs - there's - I think there  
11 has been some testimony there are programs that don't  
12 have any undergraduates.

13 Do some of them still have teaching  
14 requirements?

15 A. Yes, there are.

16 Q. Are graduate students a cost effective way  
17 for the University to teach undergraduate students?

18 A. Typically not. I mean, as we sort of  
19 discussed earlier, the - of all costs that go into  
20 support of a graduate student - if - if the - in - in  
21 terms of teaching, we could, in many cases, hire  
22 someone as an adjunct instructor or part-time  
23 instructor to teach that course more cost effectively.

24 Q. There was testimony on the first day about  
25 an English Ph.D. student teaching the freshman

1 composition class, where there's also adjuncts who  
2 teach in that program?

3 A. Yep.

4 Q. What is the average that's paid to an  
5 adjunct faculty member to teach that course?

6 A. So I would guess it's in the \$4,000 to  
7 \$5,000 range per course.

8 Q. And would it cost significantly more - does  
9 it cost significantly more when a graduate student is  
10 teaching that course?

11 A. Yes.

12 Q. So why does the University have graduate  
13 students do this?

14 A. Because we think that teaching is an  
15 important part of the education for many graduate  
16 students. And so - so giving them a - a chance to  
17 teach in - in this kind of course is a part of the  
18 education that we're trying to do.

19 Q. Do faculty members have specific courseloads  
20 that are required of them to teach?

21 A. Yes.

22 Q. Does having a TA assigned change that  
23 requirement for a faculty member?

24 A. Not to my knowledge.

25 Q. Is there training that's provided to



1 graduate students related to the teaching activities?

2 A. Yes, there's a - a number of different kinds  
3 of training we've heard about. So department or  
4 program-specific, courses, and workshops, et cetera.

5 At the University-level there's - there are  
6 a couple of different things. There's a - a graduate  
7 student teaching initiative that's run through the  
8 Center for Teaching and Learning. There's a new TA  
9 orientation, which is in part orientation.

10 Sort of understanding the rules that are  
11 associated with being a TA. But it also is a way of -  
12 of providing graduate students some - some knowledge  
13 about different teaching styles, different teaching  
14 approaches, et cetera.

15 Q. Is this graduate student teaching initiative  
16 that you mentioned, is that something that's funded  
17 through the Provost Office?

18 A. Yes, it is.

19 ATTORNEY FARMER: I'm going to do 34 and  
20 and 35 together.

21 ---

22 (Whereupon, Respondent Exhibit 34, Services, was  
23 marked for identification.)

24 (Whereupon, Respondent Exhibit 35, Services, was  
25 marked for identification.)

---

1  
2 BY ATTORNEY FARMER:

3 Q. I'm showing you what we marked as 34 and 35.

4 Are these materials that talk about the  
5 services of the graduate student teaching initiative?

6 A. Yes, they are.

7 Q. Are these services limited to students who  
8 are funded on TAs or TFs?

9 A. No, they're not.

10 Q. What's the purpose of having the graduate  
11 student teaching initiative?

12 A. To provide an opportunity for graduate  
13 students to learn to be more effective teachers, to  
14 learn about new pedagogical approaches, to - gain - to  
15 gain credentials that indicate - give some indication  
16 to the outside world about their expertise and  
17 experience in teaching.

18 Q. You mentioned that one of the things that  
19 they do is a new teaching assistant orientation?

20 A. Yep.

21 ATTORNEY FARMER: This will be 35 (sic).

---

22  
23 (Whereupon, Respondent Exhibit 36, Program, was  
24 marked for identification.)

---

1 BY ATTORNEY FARMER:

2 Q. I'm showing you what's 35.

3 Can you identify that?

4 A. This is the -.

5 HEARING EXAMINER: That's 36.

6 Yes, 36. The last one was 35.

7 ATTORNEY FARMER: Oh, I'm sorry.

8 Okay.

9 Make that 36 then.

10 Sorry.

11 THE WITNESS: Do I need to change  
12 anything?

13 BY ATTORNEY FARMER:

14 Q. Yeah, we'll - I'll just fix it on there.

15 Apparently I didn't write them down so I just got to -.

16 A. So this is the - described as resources in  
17 handbook.

18 It's sort of - it's the - the program for  
19 the new TA orientation. They're provided - well, it -  
20 I thought it provided the agenda. But I - it doesn't -  
21 I don't see an agenda in it.

22 But it - it was information provided to  
23 students as part of the new TA orientation, talking  
24 about some of the resources that are available, some of  
25 the - talking about some of topics that were discussed

1 at the new TA orientation.

2 Q. And do students have to be a TA or a TF to  
3 attend that program?

4 A. No.

5 Q. Do you participate in the TA orientation?

6 A. Yeah, for the last few years I've given some  
7 introductory remarks, talking about why we do it, what  
8 the value is, what the - the ways in which University  
9 supports teaching by graduate students.

10 Q. Are these programs from the graduate student  
11 initiative offered university wide?

12 A. Yes.

13 ATTORNEY FARMER: This will be 37.

14 ---

15 (Whereupon, Respondent Exhibit 37, TA Handbook, was  
16 marked for identification.)

17 ---

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

19 ---

20 BY ATTORNEY FARMER:

21 Q. In addition to - I'm sorry.

22 I'm showing you what we've marked as Exhibit  
23 37.

24 Can you explain what this is?

25 A. This is - it's called the TA handbook. It's

1 a guide that tries to help give some pointers and  
2 information to TAs about what their experience as a TA  
3 is going to be like, how to be more effective, how to  
4 engage in students, et cetera.

5 HEARING EXAMINER: Is that what - the  
6 burden of your successor -

7 THE WITNESS: Predecessor.

8 HEARING EXAMINER: - predecessor?

9 THE WITNESS: Yeah, Alberto Sabrajio is  
10 my predecessor. I think I wrote a revised  
11 introduction.

12 HEARING EXAMINER: Is it on this?

13 THE WITNESS: Yeah.

14 There may be a new version.

15 BY ATTORNEY FARMER:

16 Q. For this academic year?

17 A. Yeah, it's effective -.

18 Q. Are there programs or schools that require  
19 students to participate in programs through the  
20 graduate student teaching initiative?

21 A. Yes.

22 Q. Can you give an example?

23 A. So my understanding is that Arts and  
24 Sciences requires all students to do new teach - new TA  
25 orientation or an equivalent - something that's been

1 approved to be an equivalent experience through a  
2 department or program.

3 Q. And does the graduate student teaching  
4 initiative also work with other schools to provide  
5 custom materials in training for them?

6 A. Yes.

7 So there are - through the graduate student  
8 teaching initiative there are, sort of, consultants who  
9 can come and talk to individual students or talk to  
10 people in particular programs to help support teaching.

11 Let's say if there's a - an issue in a - in  
12 a course that has multiple sections and how to sort of  
13 better coordinate activity across those multiple  
14 sections or you know -.

15 So there are a variety of these kinds of  
16 services that the University Center for Teaching and  
17 Learning can provide.

18 ATTORNEY FARMER: It will be 38.

19 ---

20 (Whereupon, Respondent Exhibit 38, Annual Report,  
21 was marked for identification.)

22 ---

23 BY ATTORNEY FARMER:

24 Q. I'm showing what we've marked as Exhibit 38.  
25 Is this the annual report of their

1 activities that they provide?

2 A. Yes, it is.

3 Q. Does this provide summary of some of the  
4 other kinds of programs that they do as well, as well  
5 as who takes advantage of them?

6 A. Yes, this shows, I mean, the various charts  
7 of the distribution of students in these - in these  
8 various workshops, and programs and the, sort of,  
9 consulting service that they provide. And they sort of  
10 breakdown in terms of which - which schools, which  
11 students, et cetera.

12 Q. Have you been involved in doing any  
13 programming with - with the graduate student teaching  
14 initiative outside of participating in orientation?

15 A. I certainly have - I mean, I talked to  
16 Cynthia Goldman and Joel Brady, who is involved in it  
17 as well.

18 And I've talked a lot about the programs  
19 that they offer. I don't - there are some programs  
20 that I've been involved in. I don't know actually know  
21 whether they officially fall under the graduate student  
22 teaching initiative that have been related to -.

23 I mean, there's a - an assessment conference  
24 that is run and other activities that are supporting  
25 teaching overall. Some of those might be part of this

1 specific graduate student teaching initiative. And -  
2 and others might not. I - I don't actually know  
3 specifically.

4 Q. Do - are you from the -?

5 HEARING EXAMINER: Ms. Farmer, I want to  
6 go back to -

7 ATTORNEY FARMER: To which one?  
8 Thirty-seven (37)?

9 HEARING EXAMINER: - 37.

10 ATTORNEY FARMER: Okay.

11 HEARING EXAMINER: Mr. Urban - Provost  
12 Urban, if you look on the last page, -

13 THE WITNESS: Yeah.

14 HEARING EXAMINER: - 37.

15 THE WITNESS: Yep.

16 HEARING EXAMINER: Let's see.

17 That - that is a chart of policies?

18 THE WITNESS: Yes.

19 HEARING EXAMINER: Would you say that  
20 accurately summarizes your current policies that are in  
21 place, which govern the experience -

22 THE WITNESS: Yes.

23 HEARING EXAMINER: - I choose my words  
24 carefully - the - the experiences of the TAs, TFs, GSAs  
25 and GSRs as they perform their duties -



1                   THE WITNESS:   Yes, -

2                   HEARING EXAMINER:   - at - at Pitt?

3                   THE WITNESS:   - yes.

4                   HEARING EXAMINER:   Can you think of any  
5 other policies that may be effective and relevant to  
6 their experiences that are not listed here?

7                   THE WITNESS:   I mean, there are policies  
8 like - and I don't actually know if they're listed  
9 here. There are policies like Student Conduct policy,  
10 which applies to all students, at all levels across the  
11 University, not specifically to graduate students.

12                               There are policies - you know, policies  
13 about - well, I guess if we have the Research Integrity  
14 policy, you have to have a Discrimination policy.

15                               I have a hard time saying that these are  
16 all - there are a lot of policies. I have a hard time  
17 saying that these are - all of them or even the  
18 majority of them, that that's - that impact graduate  
19 students. I mean, somehow we captured the extreme  
20 weather and class cancellation policy here.

21                               But - but I'm not sure.

22                   HEARING EXAMINER:   Would you say these  
23 are the most important?

24                   THE WITNESS:   I would say that in list  
25 is included the most important ones related to graduate

1 students, yes.

2 HEARING EXAMINER: Thank you.

3 Ms. Farmer, go ahead.

4 ATTORNEY FARMER: Yes.

5 BY ATTORNEY FARMER:

6 Q. And these policies that are listed on this,  
7 do the majority of them apply to students regardless of  
8 how they may be funded on a particular semester?

9 A. Yeah, the majority. I mean, obviously the  
10 TA, TF, GSA policy applies specifically to TAs, TFs and  
11 GSAs, but yes.

12 Q. Okay.

13 The rest -

14 A. Yeah.

15 Q. - in general?

16 And do individual departments also have  
17 curricular requirements, that would be in addition to  
18 these policies that would govern the students?

19 A. Yes.

20 Q. Are you familiar with a program called the  
21 Three Minute Thesis Competition?

22 A. Yes.

23 Q. Can you explain what that is?

24 A. So it's a - it's an activity that started  
25 in, I believe in Australia, New Zealand, where students

1 who are close to defending their thesis can present a -  
2 a very abbreviated three minute version of their thesis  
3 work to an audience. And - and a lot of the  
4 universities are not doing this. And typically there  
5 are some prizes awarded for the - the best versions of  
6 the these.

7           It's - the goal is to - and the goal is in  
8 part to build a community. I mean, having people to  
9 try to summarize their thesis in three minutes is - is  
10 entertaining in a variety of ways.

11           But it's also to get students to - to  
12 capture the essence of what it is that their work is  
13 doing in a way that is broadly accessible and improves  
14 their ability to communicate about research.

15           And this is something that we - different  
16 schools at the University of Pitt have been doing it  
17 for - for at least a couple of years. We just started  
18 the university wide version this past year.

19           Q.     And was that in coordination with the Center  
20 for Teaching and Learning?

21           A.     Yes, it was. And with fibers.

22           Q.     There was some testimony about a course  
23 called FACDEV 2200. I believe that is - is that the  
24 university wide teaching practicum course?

25           A.     I don't believe so. I - I think I - it may

1 be Arts and Sciences wide. But I -

2 Q. Okay.

3 A. - to my knowledge, it's not university wide.

4 Q. Are there -?

5 A. Not to say that people from across the  
6 University couldn't take it. But in terms of where  
7 it's - where it's housed, yeah.

8 Q. Where it's particularly housed?

9 Got you.

10 Does the - the graduate student teaching  
11 initiative provide services for graduate students  
12 outside of orientation and TA experience?

13 A. Yes.

14 So if a graduate student was going to be  
15 teaching a course, or had taught that a course once and  
16 wanted helped refining, sort of, developing new  
17 syllabus, refining a couple of lectures, improving the  
18 quality of - of visuals, or PowerPoints or if the  
19 student wanted to try a different approach to teaching,  
20 maybe wanted to try what's called a flipped classroom  
21 model, which is a different style of teaching.

22 If a student wanted to sort of experiment a  
23 - giving some lectures or having video recordings of  
24 some lectures. University Center for Teaching and  
25 Learning can provide support for any and all of these

1 kinds of these opportunities.

2 Q. Are there also workshops on teaching-related  
3 issues that are offered, that students can participate  
4 in?

5 A. Yes, there are many offered by the Center  
6 for Teaching and Learning. But also others that  
7 offered through other groups at Pitt.

8 ATTORNEY FARMER: Thirty-nine (39) and  
9 then 40.

10 ---

11 (Whereupon, Respondent Exhibit 39, Chart, was  
12 marked for identification.)

13 (Whereupon, Respondent Exhibit 40, Chart, was  
14 marked for identification.)

15 ---

16 BY ATTORNEY FARMER:

17 Q. I'm showing you what we've marked as 39 and  
18 40.

19 Are these examples of workshops that are  
20 offered through the Center for Teaching and Learning?

21 A. Yes. I mean, I - I recognize some of them.  
22 I don't recognize all of them.

23 But yes, they look like they're workshop  
24 documents through the Center For Teaching office.

25 HEARING EXAMINER: One moment.

1 Does anyone need a break at this time?

2 ATTORNEY HEALEY: Yeah, I do. And I  
3 wanted to voir dire on this document and then come  
4 back.

5 ATTORNEY FARMER: Yes, Your Honor.

6 HEARING EXAMINER: Well, we've come -  
7 we'll have a break and -.

8 ATTORNEY FARMER: Okay.

9 ATTORNEY HEALEY: I already -.

10 ATTORNEY FARMER: Okay.

11 HEARING EXAMINER: So off the record  
12 five minutes.

13 ---

14 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

15 ---

16 HEARING EXAMINER: All right.

17 So we're back on the record.

18 And what document are you wondering  
19 about?

20 ---

21 CROSS EXAMINATION

22 ---

23 BY ATTORNEY HEALEY:

24 Q. Dr. Urban, -

25 A. Yes.

1 Q. - we've met briefly.

2 My name is Mike Healey.

3 I represent the Petitioner, United  
4 Steelworkers.

5 Could you look at Respondent Exhibit 39,  
6 please?

7 A. Yes.

8 Q. It appears to be a chart. Is this out of  
9 another document?

10 A. I'm not actually too sure. I would - I  
11 would guess that this is from -.

12 Q. I don't want you to guess.

13 A. I'm not sure.

14 Q. Do you know how the document was compiled?

15 A. I - I don't - I can't speak with - you know,  
16 with certainty about that.

17 Q. And do you know who compiled the document?

18 A. I can't speak with certainty about that.

19 ATTORNEY FARMER: I can represent, that  
20 this was - oh, I'll say - I'll represent, this was  
21 provided by the University Center for Teaching and  
22 Learning of workshops that they had done.

23 If you want us to bring in a witness on  
24 Friday to say this is a list of workshops that we've  
25 done, we can certainly do that, if it's significant

1 enough that you want to do that. We can talk about  
2 it -.

3 ATTORNEY HEALEY: Let's - let's defer  
4 it.

5 ATTORNEY FARMER: Okay. That's fine.

6 HEARING EXAMINER: Defer it until today  
7 or defer it until Friday?

8 ATTORNEY FARMER: You can talk to me.

9 ATTORNEY HEALEY: We'll certainly talk  
10 to Shannon.

11 ATTORNEY FARMER: - yeah, you can talk  
12 to me. Yeah, we can talk about it off the record.

13 HEARING EXAMINER: She hadn't moved in  
14 it yet.

15 ATTORNEY HEALEY: I know.

16 ATTORNEY FARMER: Yeah. I was going to  
17 do it all at the end.

18 ATTORNEY HEALEY: I - I don't have voir  
19 dire on another document or another -.

20 HEARING EXAMINER: All right.

21 We'll go one-by-one. And at - at end of  
22 Direct.

23 ATTORNEY FARMER: Okay.

24 HEARING EXAMINER: Do you want to do  
25 that before Cross for after Cross?



1                    ATTORNEY HEALEY:    Probably before Cross.

2                    HEARING EXAMINER:   All right.

3                    So when you're done we'll - we'll go  
4 through your exhibits.

5                    ATTORNEY FARMER:   Okay.   That's fine.

6                    ---

7                    REDIRECT EXAMINATION

8                    ---

9 BY ATTORNEY FARMER:

10                Q.        What's a teaching portfolio?

11                A.        So a teaching portfolio is a - typically  
12 it's a collection of documents that often consists of  
13 some sort of teaching statement, a statement of  
14 teaching philosophy, a set of materials that someone  
15 has - has prepared in the context of teaching.

16                Those materials like the syllabus, like the  
17 sample lectures, lesson plans, et cetera. And this  
18 portfolio is assembled typically in the context of  
19 applying to a job that involves teaching.

20                Q.        Does the graduate student teaching  
21 initiative have programs that work with students to  
22 build their teaching portfolios?

23                A.        Yes, both in the sense of create materials  
24 like syllabi, et cetera, and also in the sense of  
25 actually assembling it in - in a coherent package that

1 - to - to - to make an effective teaching protocol.

2 ATTORNEY FARMER: This will be 41 and  
3 42.

4 ---

5 (Whereupon, Respondent Exhibit 41, Materials from  
6 Center for Teaching and Learning on Creating  
7 Portfolios, was marked for identification.)

8 (Whereupon, Respondent Exhibit 42, Materials from  
9 Center for Teaching and Learning on Creating  
10 Portfolios, was marked for identification.)

11 ---

12 BY ATTORNEY FARMER:

13 Q. Okay.

14 I am showing you what we have marked as 41  
15 and 42.

16 Are these materials from the Center for  
17 Teaching and Learning on creating teaching portfolios?

18 A. Yes.

19 Q. Is there any cost to graduate students to  
20 participate in any of the programs through the graduate  
21 student teaching initiative?

22 A. No, there's no cost.

23 Q. And are all of these programs open to all  
24 graduate students?

25 A. Yes.

1 Q. Are you familiar with a program called the  
2 Center for the Integration of Research, Teaching and  
3 Learning, which is generally referred to as CIRTLL, -

4 A. Yes.

5 Q. - C-I-R-T-L?

6 A. Yes, I'm familiar with it.

7 Q. And can you explain what CIRTLL is?

8 A. So CIRTLL is another from that supports  
9 teaching. It's - it is supported in part by an  
10 external grant from the National Science Foundation to  
11 design a - a set of workshops and seminars that lead to  
12 a set of credentials, so that a graduate student can  
13 engage in these workshops, and seminars, and - and  
14 these practicum.

15 And then have a - a recognized credential at  
16 - at a variety of different levels to indicate the kind  
17 of training they've - they've received in teaching.

18 Q. And are there actual like certifications  
19 that people can get?

20 A. Certifications in the sense of sort of  
21 internal certifications that are recognized as - as  
22 part of CIRTLL program, and their other CIRTLL, sort of,  
23 grants and other CIRTLL centers from the other  
24 institutions.

25 And it's not - it's not certification in the

1 sense of like, you know, being a Microsoft certified  
2 network engineer or something.

3 But yeah, a certification in the sense of -  
4 that universities provide, yeah.

5 Q. And are these programs open to all students?

6 A. Yes.

7 ATTORNEY FARMER: Forty-three (43) and  
8 44.

9 ---

10 (Whereupon, Respondent Exhibit 43, Flyer Describing  
11 Pitt CIRTl, was marked for identification.)

12 (Whereupon, Respondent Exhibit 44, Flyer, was  
13 marked for identification.)

14 ---

15 BY ATTORNEY FARMER:

16 Q. I'm showing you what we've marked as 43 and  
17 44.

18 Can you explain what these are?

19 A. Yeah.

20 So 43 is a flyer describing Pitt CIRTl.  
21 This is something that is posted in various places to  
22 try and sort of attract students, to who might be  
23 interested in participating in the various activities.

24 It describes, as it says here, the mission,  
25 some of the offerings and this - the sort of varying

1 levels of certification that it provides. Also  
2 provides some - some rationale, why is it that people  
3 should do it? Why should people be involved?

4 And 44 is - also, it's - it provides a  
5 description of the certification at the various levels.

6 Q. Okay.

7 And switching gears now. I want to talk  
8 about the payment of stipends.

9 How are stipends disbursed to students?

10 A. Through payroll.

11 Q. Why does it go through payroll?

12 A. That's a good question. I don't - I don't  
13 actually know what the origin or history is. But - but  
14 certainly it's - it seems like it's one of the easiest  
15 ways. It's one of the ways that - that University pays  
16 people.

17 And so doing - paying the students in a  
18 different way would be - it would require the creation  
19 of some new system.

20 Q. Can you take a look at Union Exhibit 4 in  
21 that binder that you have open in front of you?

22 A. Yeah.

23 Okay.

24 Q. If you turn to the page marked at the bottom  
25 4603, -

1 A. Yes.

2 Q. - that starts description of how taxes are  
3 handled for students with academic appointments.

4 Do you see that?

5 A. Yes.

6 Q. Okay.

7 Is this a summary of how the University  
8 treats graduate student stipends for tax purposes?

9 A. Yes, it is.

10 Q. Are graduate student stipends subject to  
11 certain kinds of federal taxes?

12 A. Yes.

13 Q. Is that determined by the University or by  
14 the IRS?

15 A. By the IRS.

16 Q. Are graduate students eligible - eligible  
17 for a FICA, F-I-C-A, exemption?

18 A. In most cases, yes. As long as they're  
19 students at the time that they receive the payment.

20 Q. So if they're enrolled as full-time a  
21 student, -

22 A. Yes.

23 Q. - then there's a FICA exemption?

24 A. Yeah.

25 Q. Do faculty and staff qualify for a federal

1 FICA exemption?

2 A. No, they do not.

3 ATTORNEY FARMER: In the documents in  
4 front of you from - I'm not sure exactly where they  
5 are, Mr. Hearing Examiner.

6 The documents from - the Union's  
7 exhibits from yesterday are they - they're in front of  
8 the witness as well?

9 HEARING EXAMINER: Yes. It should be in  
10 order.

11 ATTORNEY FARMER: Okay.

12 HEARING EXAMINER: It's the biggest pile  
13 there. They should be in order.

14 BY ATTORNEY FARMER:

15 Q. Can you find Union Exhibit 176?

16 A. Yeah.

17 HEARING EXAMINER: It should be towards  
18 the middle.

19 THE WITNESS: Got 175. 176.

20 Yeah, 176. Yeah.

21 BY ATTORNEY FARMER:

22 Q. Okay.

23 That was a - one of W-2s that was put in by  
24 one of the students?

25 A. Yes, looks like it.





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

2 ---

3 BY ATTORNEY FARMER:

4 Q. Okay.

5 178.

6 After this was introduced, did you go back  
7 and investigate why on this particular W-2, it appeared  
8 that there were in fact FICA earnings shown?

9 A. Yes, yeah.

10 Q. Okay.

11 And what did you learn?

12 A. So I consulted with people in our PERA  
13 office and - and our -.

14 So what I was surprised at, was that under  
15 boxes two and five, Social Security wages, and Medicare  
16 wages and tips, there are entries there. So that -  
17 there are some - some amounts that were listed there as  
18 - to which sort of a FICA should apply. And indeed in  
19 boxes four and six, there was - there was withholding  
20 for that.

21 And my understanding is, that this shouldn't  
22 happen, that all our students should have a FICA  
23 exemption.

24 And what I was informed, and what was - I  
25 was made to realize is that this student, in fact, took

1 her - her stipend, which was an academic year stipend.  
2 So therefore, for - she was enrolled for eight months  
3 and asked for it to be distributed across 12 months.  
4 So across the whole year.

5 ATTORNEY HEALEY: I'm - I'm just going  
6 to object to hearsay. This is double and triple  
7 hearsay.

8 HEARING EXAMINER: Sorry, I was thinking  
9 about Trump's text.

10 What was the question?

11 ATTORNEY FARMER: That - the question  
12 was, why does on this particular W-2 it appear that  
13 there was FICA?

14 And so -?

15 HEARING EXAMINER: He doesn't appear - I  
16 was thinking myself, he doesn't appear to be the best  
17 witness for that exhibit.

18 I think that exhibit we have in here  
19 pretty much -.

20 ATTORNEY FARMER: No, no, this one  
21 doesn't.

22 HEARING EXAMINER: So this is the  
23 exception?

24 ATTORNEY FARMER: It's like an anomaly.  
25 And he's -

1                   HEARING EXAMINER:   Okay.

2                   ATTORNEY FARMER:   - explaining the  
3 anomaly.

4                   THE WITNESS:    Yeah.

5                   HEARING EXAMINER:   Hold on.

6                   So - so -?

7                   ATTORNEY FARMER:   So if you wanted me to  
8 bring in someone from payroll just to explain this -.

9                   THE WITNESS:    I can -.

10                  HEARING EXAMINER:   Hold on, hold on,  
11 hold on.

12                  ATTORNEY FARMER:   Wait.

13                  HEARING EXAMINER:   Go ahead.

14                  ATTORNEY FARMER:   But that's why.

15                  So he's - so he consulted with payroll,  
16 which was his testimony, to find out why on this  
17 student was different.

18                  HEARING EXAMINER:   Okay.

19                  And then you're - you're saying -?

20                  ATTORNEY HEALEY:   So this is a double  
21 hearsay objection, so -.

22                  HEARING EXAMINER:   Yeah.

23                  ATTORNEY HEALEY:   He indicated he talked  
24 to someone in payroll -

25                  HEARING EXAMINER:   Uh-huh (yes).

1                    ATTORNEY HEALEY:   - who said to him what  
2 the student had said and done.

3                    I think we're dealing with double  
4 hearsay.

5                    THE WITNESS:   Well, it definitely is.  
6 But - but the - the course I'm here looking for -.

7                    HEARING EXAMINER:   Hold on.

8                    THE WITNESS:   Sorry.

9                    HEARING EXAMINER:   But is it the most  
10 efficient way to get through - through the testimony at  
11 this point?

12                    I mean, do you think it's wrong what  
13 he's saying?

14                    ATTORNEY HEALEY:   I honestly don't know.  
15 Can we defer it?

16                    HEARING EXAMINER:   Yeah, we'll make - so  
17 I'll defer ruling on your objection.

18                    ATTORNEY HEALEY:   Okay.

19                    HEARING EXAMINER:   Please continue with  
20 the testimony.

21                    THE WITNESS:   So - so I'll - so this  
22 student elected to have her stipend paid out over 12  
23 months.   So during four of those months she was not  
24 enrolled as a student.

25                    And so, therefore, did not qualify for

1 the FICA exemption. So therefore, a third of her  
2 stipend was listed as - was not subject to the FICA  
3 exemption. And so therefore, she paid - or had  
4 withheld a - the Social Security and Medicare tax on  
5 one-third of her stipend.

6 But specifically, that's a third that  
7 was paid to her during the time that she was not  
8 enrolled as a student.

9 HEARING EXAMINER: I think we saw in  
10 some of those appointment letters, they can select  
11 whether they get paid nine months or 12 months?

12 ATTORNEY FARMER: Yes.

13 So that's -.

14 ATTORNEY HEALEY: We'll withdraw the  
15 objection on the issue.

16 HEARING EXAMINER: Great.

17 BY ATTORNEY FARMER:

18 Q. Turning back to this Union Exhibit 4, on  
19 page 4605.

20 A. Okay.

21 Q. Okay.

22 So do you see that under the box four, state  
23 - under GSRs - or actually just in general, there's a  
24 GSA, TA, TF box and then there's a line that says state  
25 income tax?

1 A. Yes.

2 Q. And then there's a box below it for graduate  
3 student researcher and a box for state income tax?

4 A. Yes.

5 Q. Okay.

6 So for GSAs, TAs and TFs, state income taxes  
7 are withheld?

8 A. Yes.

9 Q. And for GSRs they are not withheld?

10 A. Correct.

11 Q. Do you know why that is?

12 A. Pennsylvania state tax law has a provision,  
13 that if - if there's - if as part of everyone's, sort  
14 of, responsibility, everyone of a certain position of a  
15 certain sort of category has the same requirement.  
16 That influences whether or not taxes are withheld.

17 So - so that's the -.

18 HEARING EXAMINER: Do you know offhand  
19 what the Tax Code references?

20 ATTORNEY FARMER: It's actually on page  
21 - I was about to say. It's on page 4606.

22 HEARING EXAMINER: Yeah.

23 ATTORNEY FARMER: You'll see under state  
24 income tax at the bottom for Pennsylvania, graduate  
25 student researcher is exempt from Pennsylvania State

1 Income Taxes under - and it has the cite to Pa. Code  
2 101.6(b)(4).

3 ATTORNEY MANZOLILLO: Clarification,  
4 too. Clarification on answer, I didn't understand the  
5 answer - I didn't hear the answer.

6 THE WITNESS: So the - the difference  
7 between a graduate student - a GSA, TA, TF and the GSR  
8 with respect to whether or not state income tax is  
9 withheld, that's the - that's the question?

10 And the answer is, that it has to do  
11 with this provision of the Tax Code that applies when  
12 everyone who holds a certain position has a uniformed  
13 requirement.

14 And so that's the reason why this -  
15 that's the reason for the difference.

16 BY ATTORNEY FARMER:

17 Q. And it's - and it's not only that they all  
18 have the same requirements, but that those requirements  
19 are - that the - that the activities are required for  
20 the academic program?

21 A. Yes, yes, exactly.

22 Q. Okay.

23 A. Specifically for the academic program. Have  
24 the same requirements in that academic program, yes.

25 Q. Now, there has been some testimony yesterday

1 about stipends for trainees and fellows, that taxes are  
2 not withheld?

3 A. Correct.

4 Q. Are there 1099s that are issued?

5 A. Yes.

6 Q. Are they issued by the University?

7 A. Yes, they are.

8 Q. And does that 1099 include any subsidized  
9 health insurance that you described earlier, which is  
10 added to their stipends?

11 A. So the way that we do that is, we add the  
12 amount - the - the monthly - effectively, the monthly  
13 premium for this - for that healthcare - for the  
14 individual health insurance policy to the stipend  
15 amount.

16 And so that amount is in the stipend. And  
17 so therefore, it's subject to the same rules as any  
18 other dollar of stipend, yeah.

19 Q. Does the University include the value of the  
20 tuition provided to students in the tax reporting for  
21 students?

22 A. No, it does not.

23 Q. Is that true for academic appointments,  
24 trainees, fellows for everybody?

25 A. Yes, that's right.



1 Q. There has been some testimony about the  
2 health benefits that are available to graduate  
3 students.

4 I'm showing you what we'll mark as 45.

5 ---

6 (Whereupon, Respondent Exhibit 45, Summary of  
7 Health Benefits, was marked for identification.)

8 ---

9 HEARING EXAMINER: Thank you.

10 BY ATTORNEY FARMER:

11 Q. Is this a summary of the health benefits  
12 that are available to graduate and professional  
13 students?

14 A. Yes, it is.

15 Q. Is the benefits that are available to  
16 graduate students different than the benefits available  
17 to University employees?

18 A. Yes, they are.

19 Q. So the health benefits that are described in  
20 Exhibit 45 are they tied to how a student is funded?

21 A. No, they're not.

22 Q. Are these benefits equally available to  
23 professional students who never receive funding?

24 A. Yes.

25 Q. Okay.

1                   There's - turning to the second page of this  
2 document. There's description of two different medical  
3 plans?

4           A.       Yes.

5           Q.       The Graduate Student Medical plan and the  
6 general student medical plan.

7                   Can you just explain who's eligible for  
8 each?

9           A.       So you're - you're looking at the table in  
10 the middle is that where or - in the middle of the -?

11          Q.       So the top part describes the graduate  
12 student medical plan.

13                   Let me just do it all over again.

14          A.       Yes.

15                   Oh, oh, I see what you're saying.

16          Q.       Okay.

17          A.       The - the difference between the top part of  
18 the page and bottom part?

19          Q.       Yes, that.

20          A.       Yeah.

21                   So the - the graduate student medical plan  
22 is available for all graduate and professional  
23 students. The general student medical plan, which is  
24 in the third or so of the page is available to all  
25 students, including graduates with or without that kind

1 of appointment, et cetera. But also to undergraduates.

2 Q. Okay.

3 So graduate students get the choice between  
4 the two plans, undergraduates can only enroll in the  
5 bottom one?

6 A. That's correct.

7 ATTORNEY FARMER: This is 46.

8 ---

9 (Whereupon, Respondent Exhibit 46, Benefit Summary  
10 for Faculty and Staff, was marked for  
11 identification.)

12 ---

13 BY ATTORNEY FARMER:

14 Q. I'm showing you what's been marked as  
15 Exhibit 46.

16 Can you explain what this is?

17 A. Yeah, this is the benefit summary for  
18 faculty and staff, and the various health plan options  
19 that we have access to.

20 Q. Do graduate students have access to that?

21 A. No, they don't.

22 Q. Are the health plans different between the  
23 graduate student plan, and the faculty and staff plan?

24 A. Yes, none of the plans listed in the faculty  
25 and staff plan are - are the same as the one graduate

1 student plan.

2 ATTORNEY FARMER: This will be 47.

3 ---

4 (Whereupon, Respondent Exhibit 47, Comparison, was  
5 marked for identification.)

6 ---

7 BY ATTORNEY FARMER:

8 Q. I'm showing you what we've marked as Exhibit  
9 47.

10 Can you explain what this is?

11 A. This is a - a comparison that was done of  
12 the benefits provided under the faculty and staff plan,  
13 and the graduate student plan.

14 Q. Is open enrollment for the graduate student  
15 plan and the employment in the employee plan handled  
16 differently?

17 A. Yes, there are different times of the year  
18 they're handled - yeah, they're handled differently.

19 Q. Do faculty and staff get retirement  
20 benefits?

21 A. Yes.

22 Q. Do - graduate students eligible for any  
23 retirement benefits?

24 A. No, they're not.

25 Q. Are there other benefits that are provided

1 to graduate students that are not available to faculty  
2 and staff?

3 A. Yes, a variety of them.

4 Q. Would you - how would you characterize the  
5 difference between the Graduate Student Health plan and  
6 the Employee Health plan?

7 A. So the - the Graduate Student Health plan is  
8 - is designed to set up in order to try to minimize  
9 out-of-pocket costs. And co-pays are lower,  
10 deductibles are lower to try and - because we recognize  
11 that graduate students don't have, sort of, extra  
12 income.

13 And so therefore, we billed as much into the  
14 - the benefits of the plan in - in a way to try and  
15 reduce the - the out-of-pocket costs.

16 And - and you know obviously we tried to  
17 some extent - I'm not - I'm involved in discussions  
18 about the graduate student plan, I'm not involved in  
19 discussions about the faculty and staff plan.

20 But they've not - they've not - you just -  
21 you can look the - the numbers, and you can see that  
22 the co-pays and - and other out-of-pocket costs are  
23 higher for the faculty and staff than they are for the  
24 graduate student.

25 ATTORNEY FARMER: This will be 48.

1 ---

2 (Whereupon, Respondent Exhibit 48, Brochure, was  
3 marked for identification.)

4 ---

5 BY ATTORNEY FARMER:

6 Q. Okay.

7 I'm showing you what we've marked as Exhibit  
8 48.

9 Can you explain what this is?

10 A. So this is a - a brochure, a pamphlet that  
11 was put together, a booklet that was put together by my  
12 office to try and consolidate information about various  
13 resources - health and wellness resources that are  
14 available to graduate students - graduate and  
15 professional students across the University.

16 Q. And are these things that exist only for  
17 students?

18 A. It's a mix. But certainly there are many  
19 that exit only for students. There are some that are  
20 also available to staff and faculty.

21 Q. So turning to page six, for example.

22 Does -?

23 HEARING EXAMINER: What's on the top of  
24 the page so I can find it?

25 ATTORNEY FARMER: Health insurance,

1 International SOS.

2 HEARING EXAMINER: I see it. Thank you.

3 ATTORNEY FARMER: And there's a - page  
4 numbers are in the bottom left.

5 HEARING EXAMINER: Oh, yeah, look at  
6 that.

7 Okay. Thank you.

8 BY ATTORNEY FARMER:

9 Q. Turning to page six, the Student Health  
10 Service.

11 A. Yes.

12 Q. Is that only for students?

13 A. Yes, it is.

14 Q. And is that for students at undergraduate  
15 and graduate professional?

16 A. Yes, all.

17 Q. The University Counseling Center that's also  
18 listed on that page is that just services for students?

19 A. Yes.

20 Q. The stress-free zone that's listed on page  
21 seven?

22 A. I actually don't know in that case,  
23 whether -. I - I think probably any member of the  
24 University can be - can engage in that. I - I don't  
25 know for sure.

1 Q. In the bottom of page four -

2 A. Yeah.

3 Q. - it makes reference to Graduate Student  
4 Parental Accommodation Guidelines.

5 A. Yes.

6 Q. Are those specific to graduate students?

7 A. Yes, they are.

8 Q. And in terms of the students ability to  
9 access any of these programs, does it matter how  
10 they're being funded?

11 A. No, it does not.

12 Q. Does the University have leave benefits for  
13 employees?

14 A. Yes.

15 Q. Do they apply to graduate students?

16 A. No, they do not.

17 ATTORNEY HEALEY: The answer is, they do  
18 not?

19 THE WITNESS: Do not.

20 BY ATTORNEY FARMER:

21 Q. Does the University provide Workers'  
22 Compensation coverage to employees?

23 A. Yes.

24 HEARING EXAMINER: I hope so.

25 BY ATTORNEY FARMER:



1 Q. Is coverage provided for graduate students  
2 on academic appointments?

3 A. No, it is not.

4 Q. I'm showing you what's been marked as  
5 Exhibit 49.

6 ---

7 (Whereupon, Respondent Exhibit 49, Procedures in  
8 Case of Student Injury, was marked for  
9 identification.)

10 ---

11 BY ATTORNEY FARMER:

12 Q. Can you explain what this is?

13 A. So this is a document that describes  
14 procedures for how we should respond in case of student  
15 injury in a variety of different context.

16 Q. If you can take a look at paragraph number  
17 three on the second page.

18 A. Yes.

19 Q. The reference is that students may be  
20 considered employees of the University of Pittsburgh at  
21 the time of the injury, provided they're hired through  
22 Human Resources, paid a salary and have FICA taxes  
23 deducted?

24 A. Yes.

25 Q. Do graduate students on academic appointment

1 meet that definition?

2 A. No, they do not.

3 Q. Does your office get involved when there are  
4 issues or complaints involve approximating graduate  
5 students?

6 A. Yes, sometimes.

7 Q. What - can you just, in a general sense talk  
8 about the nature of the issues that could arise or that  
9 do arise?

10 A. Yeah, sure.

11 I mean, there are a whole variety of things.  
12 There are questions, you know, complaints about - I  
13 mean, about issues within academic programs, issues  
14 within, you know, whether it's a - a student who has  
15 concerns about interactions with his or her thesis  
16 advisor, interactions about grading, concerns,  
17 complaints that get raised about University health  
18 insurance, the University's, you know, policies in a  
19 whole variety of ways.

20 In most cases, these get to my office after  
21 having gone through some process at a department and  
22 school-level. But occasionally, they just, you know,  
23 emerge and they directly, you know, come to my office.

24 Q. Are there ombudspeople at the school and  
25 department-level who try to address these issues?

1           A.       We currently - we have ombudspeople  
2 currently, I think in 13 of the 14 schools that have  
3 Graduate Programs and graduate students.

4           Q.       When these issues come to your attention,  
5 are they viewed differently based on whether the  
6 student is on an academic appointment or not?

7           A.       No, they're not.

8           Q.       If there's a student that you've become  
9 aware is struggling either in their research or in  
10 teaching within their program, are there support  
11 services that are offer to those students?

12          A.       Yeah, depending on the issue there are a  
13 whole variety of different things that we might do.  
14 Whether it's, you know, the Counseling Center for  
15 mental health issues. There are, you know, academic  
16 support.

17                   Academic support is made available in  
18 different context. There's, you know, information  
19 provided about resources and support within the  
20 University and outside the University, depending on  
21 what the specific issue is.

22          Q.       Are you aware of instances where students  
23 have had their funding revoked but they're making good  
24 academic progress?

25          A.       There are - I'm not aware of any such

1 situations arising in the year plus that I've been in  
2 this role.

3 HEARING EXAMINER: What about in the  
4 year previous?

5 THE WITNESS: Oh, yeah, I'm - I'm - I  
6 would be - I have less visibility from previous years.  
7 But I don't have any information on any of those kinds  
8 of issues in my tenure at Pitt.

9 HEARING EXAMINER: Have you heard of  
10 any?

11 THE WITNESS: I cannot think of any that  
12 I've heard of while I've been there.

13 HEARING EXAMINER: We're talking about  
14 people who lost their appointment.

15 ATTORNEY FARMER: Had their funding  
16 revoked while they were remaining in good academic  
17 progress.

18 HEARING EXAMINER: MBA - or TAs, TFs,  
19 GSAs and some GSRs?

20 THE WITNESS: Yeah.

21 ATTORNEY FARMER: Well, it would be - I  
22 think it was if they had their funding revoked, it  
23 would be - apply to any.

24 HEARING EXAMINER: Okay.

25 So are you aware of any of those

1 categories of students having their funding through  
2 that mechanism revoked while they remained at the  
3 school?

4 ATTORNEY FARMER: It was funding  
5 revoked. Sometimes students may switch funding.

6 HEARING EXAMINER: Yeah.

7 ATTORNEY FARMER: But that's different  
8 than basically -.

9 HEARING EXAMINER: Removed for cause?

10 ATTORNEY FARMER: If you wanted to  
11 describe it that way. It's not how I would describe  
12 it.

13 HEARING EXAMINER: Yeah, cause is  
14 tricky.

15 ATTORNEY FARMER: Yes.

16 HEARING EXAMINER: Removed for some  
17 reason, that the University deemed actionable?

18 THE WITNESS: So - so this is, you know,  
19 different from, for example, a student who was promised  
20 five years of funding, who is now in his or her sixth  
21 year, and there's not - and that certainly happens,  
22 students, -

23 ATTORNEY FARMER: Right.

24 THE WITNESS: - you know, are - are  
25 beyond their originally indicated period of funding.

1 That's -

2 ATTORNEY FARMER: That's not the  
3 question.

4 THE WITNESS: - that's not what I -  
5 that's - yeah, okay.

6 ATTORNEY FARMER: Right.

7 THE WITNESS: Okay.

8 HEARING EXAMINER: I want to give you an  
9 example. So we've heard of TAs, and TFs who taught -  
10 taught courses.

11 Right?

12 THE WITNESS: Yes.

13 HEARING EXAMINER: Have you heard of  
14 anything like a TA or a TF not showing up to their  
15 courses?

16 THE WITNESS: I - I certainly heard of  
17 those kind of situations, yes.

18 HEARING EXAMINER: What would happen in  
19 that situation?

20 THE WITNESS: I mean, they would be -  
21 the issue would be addressed with the TA. Again, that  
22 typically wouldn't come to my level. But -

23 HEARING EXAMINER: Yeah.

24 THE WITNESS: - you know that would be -  
25 I - you know, definitely within the context of that -

1 that program, you know, structure of that class, that -  
2 the Director of that Graduate Program, et cetera, would  
3 - would work with that TA to try and understand what  
4 the issues were and how to mediate.

5 HEARING EXAMINER: Have you ever heard  
6 of a TA or the TF losing their TA or TF funding because  
7 they weren't adequately teaching their course?

8 THE WITNESS: I'm not aware of any of  
9 those - any such circumstances.

10 HEARING EXAMINER: Have you ever heard  
11 of the GSA or GSR losing their funding because they  
12 weren't adequately performing with research?

13 THE WITNESS: Not without them also  
14 being terminated from the Graduate Program. I mean,  
15 there are students who are not making progress -

16 HEARING EXAMINER: Right.

17 THE WITNESS: - in the program. So  
18 they're - they're - they're no longer a part of the  
19 Graduate Program. They're kicked out, if you will.

20 HEARING EXAMINER: That's the nuance you  
21 were bringing up, Ms. Farmer?

22 ATTORNEY FARMER: Yes, thank you.

23 HEARING EXAMINER: That would be, they  
24 were - they were coincidentally also being kicked out  
25 because they weren't making adequate academic progress?

1                    ATTORNEY FARMER:    Academic progress.

2    Correct.

3                    THE WITNESS:    And that certainly  
4    happens.

5                    ATTORNEY FARMER:    Correct.

6                    HEARING EXAMINER:    All right.

7                    I'm sure the Union will have more of  
8    that on Cross.

9    BY ATTORNEY FARMER:

10            Q.        Does the University train graduate students  
11    with the intention of hiring them when they finish  
12    their Ph.D.'s?

13            A.        No.

14            Q.        Are you preparing them to leave and be  
15    successful elsewhere?

16            A.        Yes.

17            Q.        Are there career and professional  
18    development services offered to graduate students?

19            A.        Yes.

20            Q.        Do they take a variety of forms?

21            A.        Yes, there the workshops that are university  
22    wide. There are activities at the Department and  
23    Program-level. There's a - there's a - a wide range of  
24    professional development, things that are related to  
25    communication, jobs - you know, job seeking advice,



1 alumni events where alumni come back and talk about  
2 some of their careers that they have, some - some type  
3 of better understanding of the - the range of careers  
4 that might be available. A - a whole variety of  
5 things.

6 Q. Are you familiar with a program called  
7 Virtual (sic) Ph.D.?

8 A. Yes.

9 Q. What is that?

10 A. So Virtual Ph.D. is - it's a national and  
11 perhaps even international program that we subscribed  
12 to.

13 Q. I'm sorry, I missed the - Versatile is what  
14 I meant to say, but I -

15 A. I'm sorry, yeah, -

16 Q. - I told them what I - it sounded entirely  
17 differently entirely.

18 ATTORNEY HEALEY: Versatile.

19 THE WITNESS: Versatile.

20 BY ATTORNEY FARMER:

21 Q. Versatile, yes. Thank you.

22 A. Versatile Ph.D. is a program that is  
23 primarily sort of, you know, online web-based, which  
24 provides information to students about the range of  
25 career options for Ph.D.'s that are available. And we

1 subscribe it to it in - in order to sort of give that  
2 information - make that information accessible to our  
3 students.

4 ATTORNEY FARMER: It will be 50 and 51.

5 ---

6 (Whereupon, Respondent Exhibit 50, Material on  
7 Versatile Ph.D. Program, was marked for  
8 identification.)

9 (Whereupon, Respondent Exhibit 51, Material on  
10 Versatile Ph.D. Program was marked for  
11 identification.)

12 ---

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

14 ---

15 BY ATTORNEY FARMER:

16 Q. Okay.

17 I'm showing you what we've marked as 50 and  
18 51.

19 A. Yeah.

20 Q. Are these materials that talk about this  
21 Versatile Ph.D. Program?

22 A. Yes.

23 ATTORNEY HEALEY: I don't know, here you  
24 have confidential information on here -.

25 ATTORNEY FARMER: No, no, no, it's the

1 thing, it's a - it's a case study.

2 ATTORNEY HEALEY: Oh, okay.

3 ATTORNEY FARMER: No, it's the -.

4 ATTORNEY HEALEY: I thought it was  
5 somebody's CV.

6 ATTORNEY FARMER: No, no. Oh, no.

7 THE WITNESS: A fake CV.

8 ATTORNEY FARMER: It's the - yeah, it's  
9 a part of the materials for the program as an example  
10 with a CV.

11 BY ATTORNEY FARMER:

12 Q. Are you also familiar with a program called  
13 the Center for Doctoral and Postdoctoral Career  
14 Development?

15 A. Yes.

16 Q. And what is that?

17 A. So that's a program that is partially  
18 supported through the Provost Office, run by Darlene  
19 Zellers, which has developed a set of workshops under  
20 activities for - for predocs and postdocs to - to sort  
21 of engage in career - stage-specific career development  
22 activities, so workshop seminars, et cetera.

23 There's some consulting that they can do for  
24 a student who wants help with his or her CV, help in -  
25 preparing for a - a job - a job market of - you know,

1 in a particular way.

2 Q. I'm sorry, I lost the number. Hold on.

3 And are you familiar with the Office of  
4 Academic Career Development?

5 A. Yes, that's -

6 Q. What is that?

7 A. - that's the office that in part runs these  
8 programs. And they also run other programs for junior  
9 faculty, et cetera. So that's sort of the umbrella  
10 organization for career and - and professional  
11 development.

12 And - and I should say, this is outside of  
13 Student Affairs, Career Services. This is specifically  
14 targeted for pre and postdocs who are interested in -  
15 in - in academic and other careers.

16 Q. And are these open to any students - any  
17 graduate students?

18 A. Yes. I mean, the - the predoc one is  
19 targeted for Ph.D. students. So I think like MBA  
20 students would probably find it less useful.

21 Q. Yes.

22 ATTORNEY FARMER: This is 52 and 53.

23 ---

24 (Whereupon, Respondent Exhibit 52, Materials on  
25 Center for Doctoral and Postdoctoral Career

1 Development, was marked for identification.)  
2 (Whereupon, Respondent Exhibit 53, Material on  
3 Office of Academic Career Development, was marked  
4 for identification.)

5 ---

6 HEARING EXAMINER: I take it the  
7 distinction you were making is, it's not targeted to  
8 undergrads?

9 THE WITNESS: Correct. It's not  
10 targeted to undergrads.

11 BY ATTORNEY FARMER:

12 Q. And are these - 52 and 53 - let's actually  
13 do them one at a time.

14 Fifty-two (52), are these materials  
15 describing the Center for Doctoral and Postdoctoral  
16 Career Development?

17 A. Yes.

18 Q. And 53 describes the Office of Academic  
19 Career Development?

20 A. Yes.

21 Q. Are there also career Services and  
22 Professional Development Programming that happen at the  
23 school and departmental-level?

24 A. Yes. And at the University-level through  
25 Student Affairs.

1 Q. Have you served on any Hiring Committees -

2 A. Yes, -

3 Q. - in your time as a faculty member?

4 A. - yes.

5 Go ahead.

6 Q. Was that both at Pitt and at CMU?

7 A. Yes.

8 Q. What kinds of positions did you help to  
9 fill?

10 A. It was tenure track, assistant professors,  
11 University Administration positions, teaching faculty,  
12 Program Coordinators, a - a whole variety.

13 Q. And what were the kinds of things that the  
14 Hiring Committees were looking for in candidates?

15 A. I mean, it - it's pretty broad. So maybe  
16 let me narrow it a bit. I mean, for looking in  
17 candidates who were applying for jobs where a Ph.D. was  
18 either required or expected, let's say, I mean, they're  
19 looking for evidence of - of productivity as a - as a -  
20 as a - during ones Ph.D.

21 And so that productivity often is in part  
22 indicated by - by publications. Often they're looking  
23 for evidence of commitment to teaching, evidence - you  
24 know, commitment to teaching and experience in  
25 teaching.

1           We have a situation we're trying to hire a  
2 lab instructor. Very specifically wanted a person who  
3 had, you know, taught biochemistry before. And so that  
4 was something that - you know, in - in a very targeted  
5 and specific way we're looking for that day.

6           So you know it's - it's a wide range of  
7 things. But the clear indications of - of progress,  
8 and success, and expertise, publications and courses  
9 taught are - are two, you know, key elements of it.

10          Q.     Are these the skills that the Ph.D. Programs  
11 at Pitt teach to their students -

12          A.     Yes.

13          Q.     - and prepare them to do?

14          A.     Yes, absolutely.

15                 ATTORNEY FARMER:   Nothing further.

16                 HEARING EXAMINER:   Okay.

17                 How much time would you like to prepare?

18                 ATTORNEY FARMER:   Wait.

19                 You want a break?

20                 HEARING EXAMINER:   We're definitely  
21 having a break.

22                 ATTORNEY HEALEY:   Do we want to go  
23 through the exhibits?

24                 HEARING EXAMINER:   Not right now.

25                 ATTORNEY HEALEY:   I'd say a half hour.

1                   HEARING EXAMINER:   Fine.

2                   So be back 3:20.

3                   ATTORNEY FARMER:   And you want to go  
4 through the exhibits before they do Cross?

5                   HEARING EXAMINER:   We'll go through the  
6 exhibits then.

7                   ATTORNEY FARMER:   Okay.

8                   HEARING EXAMINER:   Off the record until  
9 3:20.

10   ---

11                   (WHEREUPON, A SHORT BREAK WAS TAKEN.)

12   ---

13                   HEARING EXAMINER:   Do you have any  
14 objections to Respondent 18?

15                   ATTORNEY FARMER:   The fact book.

16                   ATTORNEY HEALEY:   Oh, the fact book?

17                   No, that's also - that's also Union 1.

18                   ATTORNEY FARMER:   Yeah, so -.

19                   HEARING EXAMINER:   All right.

20                   Eighteen (18) is admitted.

21   ---

22                   (Whereupon, Respondent Exhibit 18, University's  
23 Fact Book from 2018, was admitted.)

24   ---

25                   HEARING EXAMINER:   Nineteen (19)?



1                    ATTORNEY FARMER:    That's the Special  
2 Academic Opportunities for them.

3                    So it most likely appears out of order.

4                    ATTORNEY HEALEY:    Which one is 19?

5                    ATTORNEY FARMER:    It's - it's the  
6 printout from the catalog Special Academic  
7 Opportunities.

8                    ATTORNEY HEALEY:    No objection.

9                    HEARING EXAMINER:    I would - which ones  
10 do you have objections to or potential objections?

11                   ATTORNEY HEALEY:    Potential.

12                   Respondent 39.

13                   HEARING EXAMINER:    Let me get there.

14                   ATTORNEY HEALEY:    And - and I have some  
15 voir dire and maybe an objection to Respondent 33.

16                   HEARING EXAMINER:    Let's do 39 first.

17                   All right.

18                   Thirty-nine (39) is - all right.

19                   Yeah, we talked about that one.

20                   What was this offered for?

21                   ATTORNEY FARMER:    What?

22                   HEARING EXAMINER:    What is - what was  
23 this offered for?

24                   ATTORNEY FARMER:    That it's programs -  
25 examples of programs that were created by the

1 University Center for Teaching and Learning workshops.

2 ATTORNEY HEALEY: The witness had no  
3 idea about - didn't have any knowledge concerning the  
4 document or how it was produced. It's not - it's not  
5 labeled as being from the handbook or any official  
6 University publication. There's no foundation to the  
7 exhibit.

8 HEARING EXAMINER: Any response?

9 ATTORNEY FARMER: Yeah.

10 I mean, as I said, I can - I mean, I can  
11 represent that it's - it was a list that was provided  
12 by University Center for Teaching and Learning of their  
13 workshop. It's not on website, it is their internal  
14 list of what they do.

15 If there's really concern on them, we  
16 can put on a witness on Friday, assuming we have time,  
17 from the graduate student teaching initiative to say  
18 here are the workshops that we've done.

19 HEARING EXAMINER: Is there anything  
20 that you - I'm going to admit it.

21 Overruled.

22 ---

23 (Whereupon, Respondent Exhibit 39, Chart, was  
24 marked for identification.)

25 ---

1                   HEARING EXAMINER: Thirty-three (33).

2                   ATTORNEY HEALEY: Exhibit 33, I - I have  
3 some voir dire concerning this. I may or may not have  
4 an objection. Just brief voir dire.

5                   HEARING EXAMINER: Yeah, go ahead.

6   ---

7                                   RECROSS EXAMINATION

8   ---

9 BY ATTORNEY HEALEY:

10           Q.       Dr. Urban, do you have Respondent Exhibit 33  
11 in front of you?

12           A.       Yes, I do.

13           Q.       The - the title of the document is  
14 University of Pittsburgh Graduate Teaching  
15 Requirements.

16                   Do you see that?

17           A.       Yes.

18           Q.       Did you compile this document?

19           A.       It was compiled by members of my office in  
20 response - by collecting information from a survey that  
21 was sent out to Graduate Deans of all the schools and  
22 universities.

23           Q.       And - and each - each school responded to it  
24 like a written survey form.

25                   Is that correct?

1           A.       It was an online - I believe it was online  
2 survey.

3           Q.       An online survey?

4           A.       Yeah. A Qualtrics survey, but -.

5                    HEARING EXAMINER: I'm assuming that  
6 this is -?

7 BY ATTORNEY HEALEY:

8           Q.       Oh, just one more question.

9                    Did each of the schools that you sent to  
10 respond to this survey?

11          A.       I don't know offhand. I'd have to ask  
12 members of my staff.

13                   HEARING EXAMINER: I'm certainly going  
14 to look at it with a critical eye, taking into mind  
15 context of its production.

16                   ATTORNEY HEALEY: Then subject to it, we  
17 may have arguments at some point about weight to be  
18 accorded.

19                   We have no objection to its admission.

20                   HEARING EXAMINER: About what?

21                   ATTORNEY HEALEY: About the weight to be  
22 accorded to - to the document, -

23                   HEARING EXAMINER: Oh, right.

24                   ATTORNEY HEALEY: - we have no  
25 objections to its admissibility.

1                   HEARING EXAMINER: All right.

2                   So 33 is admitted.

3                   ---

4           (Whereupon, Respondent Exhibit 33, List of  
5           Information About Graduate Programs at University  
6           of Pittsburgh, was admitted.)

7                   ---

8                   HEARING EXAMINER: And then - where are  
9           we - 19 through 53 -

10                  ATTORNEY FARMER: Yes.

11                  HEARING EXAMINER: - are admitted.

12                  ---

13           (Whereupon, Respondent Exhibit 19, Special Academic  
14           Opportunities Catalog, was admitted.)

15           (Whereupon, Respondent Exhibit 20, List of Degree  
16           and Certificate Grading Programs, was admitted.)

17           (Whereupon, Respondent Exhibit 21, Academic  
18           Regulations, was admitted.)

19           (Whereupon, Respondent Exhibit 22, Enrollment for  
20           Spring of 2018, was admitted.)

21           (Whereupon, Respondent Exhibit 23, Table, was  
22           admitted.)

23           (Whereupon, Respondent Exhibit 24, Funding for  
24           Spring of 2018, was admitted.)

25           (Whereupon, Respondent Exhibit 25, Printout, was

1 admitted.)  
2 (Whereupon, Respondent Exhibit 26, E-mail, was  
3 admitted.)  
4 (Whereupon, Respondent Exhibit 27, Partial List of  
5 Internal Fellowships Awarded by University, was  
6 admitted.)  
7 (Whereupon, Respondent Exhibit 28, Face Page and  
8 Application for T32 Grant, was admitted.)  
9 (Whereupon, Respondent Exhibit 29, Printout, was  
10 admitted.)  
11 (Whereupon, Respondent Exhibit 30, Paper, was  
12 admitted.)  
13 (Whereupon, Respondent Exhibit 31, Paper, was  
14 admitted.)  
15 (Whereupon, Respondent Exhibit 32, Cover Page, Face  
16 Sheet of Sonya Gearheart, was admitted.)  
17 (Whereupon, Respondent Exhibit 34, Services, was  
18 admitted.)  
19 (Whereupon, Respondent Exhibit 35, Services, was  
20 admitted.)  
21 (Whereupon, Respondent Exhibit 36, Program, was  
22 admitted.)  
23 (Whereupon, Respondent Exhibit 37, TA Handbook, was  
24 admitted.)  
25 (Whereupon, Respondent Exhibit 38, Annual Report,

1       was admitted.)

2       (Whereupon, Respondent Exhibit 40, Chart, was  
3 admitted.)

4       (Whereupon, Respondent Exhibit 41, Materials from  
5 Center for Teaching and Learning on Creating  
6 Portfolios, was admitted.)

7       (Whereupon, Respondent Exhibit 42, Materials from  
8 Center for Teaching and Learning on Creating  
9 Portfolios, was admitted.)

10       (Whereupon, Respondent Exhibit 43, Flyer Describing  
11 Pitt CIRTTL, was admitted.)

12       (Whereupon, Respondent Exhibit 44, Flyer, was  
13 admitted.)

14       (Whereupon, Respondent Exhibit 45, Summary of  
15 Health Benefits, was admitted.)

16       (Whereupon, Respondent Exhibit 46, Benefit Summary  
17 for Faculty and Staff, was admitted.)

18       (Whereupon, Respondent Exhibit 47, Comparison, was  
19 admitted.)

20       (Whereupon, Respondent Exhibit 48, Brochure, was  
21 admitted.)

22       (Whereupon, Respondent Exhibit 49, Procedures in  
23 Case of Student Injury, was admitted.)

24       (Whereupon, Respondent Exhibit 50, Material on  
25 Versatile Ph.D. Program, was admitted.)

1 (Whereupon, Respondent Exhibit 51, Material on  
2 Versatile Ph.D. Program, was admitted.)

3 (Whereupon, Respondent Exhibit 52, Material on  
4 Center for Doctoral and Doctoral Career  
5 Development, was admitted.)

6 (Whereupon, Respondent Exhibit 53, Material on  
7 Office of Academic Career Development, was  
8 admitted.)

9 ---

10 HEARING EXAMINER: Cross Examination?

11 ATTORNEY HEALEY: I have a couple of  
12 questions.

13 BY ATTORNEY HEALEY:

14 Q. So Dr. Urban, how long have you been with  
15 the University of Pittsburgh?

16 A. A little over three years.

17 Q. And in that three year period of time have -  
18 have you supervised graduate student researchers or  
19 trainees?

20 A. I have supervised - in the last three years,  
21 I've supervised graduate student researchers. I've  
22 supervised a graduate student fellow. And I'm trying  
23 to think of a category of the others. I think the  
24 other student was a graduate student researcher during  
25 the time.



1 Q. How many graduate student researchers did  
2 you supervise in the last three years?

3 A. In the last three years two or three,  
4 depending on the - sort of the timing of the category  
5 of - of when somebody was in a particular category.

6 Can I expand on that a little?

7 Q. If your Counsel has further questions, I'm  
8 sure she'll ask them.

9 Now, you indicated at one point, that  
10 approximately 10 to - that TAs and TFs counsel to - 10  
11 to 15 percent of the instructors in undergraduate  
12 course.

13 Is that correct?

14 A. No, that's not what I said.

15 Q. What did you say?

16 A. I said approximately 10 to 15 percent of  
17 undergraduate courses have a TAs associate.

18 Q. So when you say 10 to 15 percent of courses,  
19 does that include people who are instructors, they run  
20 sections and things of that nature?

21 A. I'm only referring to - the number that I  
22 have in mind was the number of - the fraction of  
23 courses. Of all of the courses across the University,  
24 a fraction of those courses taught to undergraduates or  
25 at the undergraduate level, I would say, that have TAs

1 associated with it.

2 Q. Okay.

3 And what fraction of the courses have TFs  
4 associated with them?

5 A. I'm - I - I don't know - I don't know that.

6 Q. And you indicated 10 to 15 percent of the  
7 courses have TAs associated with them. What's the  
8 source of that number in your testimony?

9 A. A survey that was provided to me some - some  
10 time ago about - that sort of listed on a - a per  
11 school - on - on - from my memory. But it's a - a per  
12 school basis. The fraction of courses on  
13 school-by-school that had TAs.

14 Q. And who conducted that survey?

15 A. I don't actually know. That came from some  
16 institutional resource - institutional resource.

17 Q. And do you know what institutional resource  
18 it came from?

19 A. I do not, no.

20 Q. And do you have that survey with you here  
21 today?

22 A. I - I probably have it in e-mail, I can  
23 provide it.

24 Q. Okay.

25 We probably will not finish today with your

1 testimony. But could you provide that survey tomorrow?

2 HEARING EXAMINER: I agree.

3 THE WITNESS: Yeah, I'm happy to provide  
4 the - the information, yeah, on that - on which that  
5 estimate was based.

6 BY ATTORNEY HEALEY:

7 Q. So just - before I forget, back to the  
8 percentage of courses that have TAs associated - I  
9 apologize, I shouldn't have said it.

10 The percentage of courses they have TAs  
11 associated with them, you indicated 10 to 15 percent.

12 ---

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

15 ---

16 ATTORNEY HEALEY: I apologize.

17 ---

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

19 ---

20 ATTORNEY HEALEY: I - I apologize.

21 BY ATTORNEY HEALEY:

22 Q. So we talked about 10 to 15 percent of  
23 courses have TAs associated with them.

24 And does that include courses in which  
25 there's recitations?

1           A.       The - I - I believe that there would  
2 primarily be courses in which there are recitations,  
3 yes.

4           Q.       And just for the record, what's a  
5 recitation?

6           A.       A recitation is a - a meeting time, a class,  
7 if you will, that's typically associated with a larger  
8 lecture in which the instructor provides additional -  
9 in some cases, provides additional material and shall  
10 help the students help - help solve problems, et  
11 cetera.

12          Q.       Now - now, you - you talked about publishing  
13 in terms of publishing for the graduate student  
14 employee.

15                   Is that correct?

16          A.       Yes.

17          Q.       You also indicated the student's often  
18 listed first in terms of getting publishing.

19                   Correct?

20          A.       Yes.

21          Q.       Is it also fair in - in the flipside, that  
22 they're often not listed at all?

23          A.       I think when students contribute to the  
24 research in a way that is - is identified in that  
25 particular field as warranting authorship, then they

1 are authors.

2 Q. And what are the factors that go into  
3 attributing a way of warranting authorship? What does  
4 that involve?

5 A. I mean, it involves collecting data  
6 associated with that publication, analyzing data  
7 associated with that publication, editing - editing the  
8 publication, editing the - you know, writing editing,  
9 the whole sort of writing process. It involves  
10 designing the - the experiments or the analysis, et  
11 cetera, associated with that publication.

12 Q. Okay.

13 Now, you talked about the importance of  
14 teaching in terms of professional development for TAs,  
15 and TFs and that teaching develops their skills.

16 Is that correct?

17 A. Yes.

18 Q. But - but also you also indicated that when  
19 you teach as faculty member, it develops your skill.

20 Does it not?

21 A. Yes, absolutely.

22 Q. Okay.

23 So any faculty member or adjuncts, if they  
24 teach, the more they teach, the more their - the more  
25 skill development there is.

1                   Is that correct?

2           A.       I would say with a certain degree of  
3 diminishing returns, I think we get less out of those  
4 experiences when we've done them for 10 or 15 years.

5           Q.       Someone at age 50 or so?

6           A.       Well, yeah, for example.

7           Q.       Sir, you indicated in your testimony that  
8 you sent out an e-mail marked as one of your exhibits,  
9 in November of 2017?

10          A.       Correct.

11          Q.       And in response to questions from the  
12 Hearing Officer (sic), you indicated, at that point you  
13 didn't know of or weren't thinking about the Union  
14 Organizing Drive.

15                   Is that correct?

16          A.       I said that I - I certainly knew of the  
17 Union Organizing Drive. I said that I didn't send out  
18 that e-mail directly in response to that Union  
19 Organizing Drive.

20          Q.       When did you become aware of the Union  
21 Organizing Drive?

22          A.       It would have been in the summer of 2017. I  
23 don't remember - well, actually, no, the spring of  
24 2017. I - I know that in the spring of 2017 there was  
25 a - a presentation at University Senate by students who

1 were involved in unionizing.

2 And that's - I mean, I don't - I probably  
3 knew about it a little bit before that. But that's  
4 sort of an - an event -.

5 Q. So by spring of 2017, you knew about the  
6 Union Organizing?

7 A. Correct, yeah.

8 Q. I'm going to show you what's been marked  
9 Union Exhibit 223.

10 ---

11 (Whereupon, Union Exhibit 223, University Times  
12 Article, was marked for identification.)

13 ---

14 BY ATTORNEY HEALEY:

15 Q. Could you identify this document for the  
16 record, please?

17 A. Yes.

18 This is - well, it's a University Times  
19 article that was an interview that I did in July -  
20 well, I did the interview before July 15th of 2017,  
21 which I talked about. So the - the new role into which  
22 I was stepping.

23 Q. And - and on second page you were asked a  
24 question concerning activities of, quote, students to  
25 collect Union cards?

1 A. Yes.

2 Q. Is that correct?

3 And you responded to that question?

4 A. Yes, sir.

5 Q. Sir, I'm going to show you an exhibit that's  
6 been marked as Union 224.

7 ---

8 (Whereupon, Union Exhibit 224, E-mail, was marked  
9 for identification.)

10 ---

11 BY ATTORNEY HEALEY:

12 Q. And I'm going to ask you to look at this  
13 document, and indicate if you can tell us what it is,  
14 please?

15 A. It is an e-mail that I sent to all graduate  
16 students in October of 2017.

17 Q. Now, sir, you reference an ombudsman in your  
18 testimony?

19 A. Right.

20 Q. What -?

21 HEARING EXAMINER: It's an ombudsperson.

22 ATTORNEY HEALEY: I stand corrected.

23 HEARING EXAMINER: You're fine. Go  
24 ahead.

25 ATTORNEY HEALEY: Maybe I'm fine. I'm



1 not sure.

2 BY ATTORNEY HEALEY:

3 Q. An ombudsperson.

4 When was that position created?

5 A. So they're - it's not just one person, it's  
6 - there's one person in 13 of the 14 schools that - at  
7 - at the University.

8 And - and those position were created - and  
9 that was something that I began to do - I don't  
10 remember exactly when. But early on after I came into  
11 the role of Vice Provost of Graduate Studies, in to  
12 talk about the importance of having ways in which  
13 students could have access to mutual parties.

14 Q. And - and when did those positions actually  
15 become public, approximately?

16 A. I would say - so it took a while - and we  
17 started talking with schools about the idea of creating  
18 this position probably in the summer in schools -.

19 Q. So summer of 2017?

20 A. Summer of 2017.

21 In schools elected to - we asked for schools  
22 to identify people to serve that role, et cetera. So  
23 it was a - it was a - sort of a moving process. As I  
24 mentioned, there's one school. The School of Medicine  
25 still doesn't have one. But there was a moving

1 process.

2 I don't know what the - I - I don't - I  
3 don't know when exactly those different positions were  
4 put into place.

5 Q. And I wanted to clarify something.

6 There was reference - you talked about  
7 student activities fee in your Direct testimony.

8 Do you recall that?

9 A. Yes.

10 Q. What is the student activities fee for  
11 undergraduate students?

12 A. What is the amount?

13 Q. The amount, I'm sorry?

14 A. I don't know.

15 Q. And what is the amount for graduate students  
16 in general?

17 A. I don't know.

18 Q. Now, sir, could you - do you have Respondent  
19 Exhibit 1 in front of you?

20 It's a fact book.

21 A. Yes.

22 Q. Okay.

23 ATTORNEY FARMER: You mean 18?

24 HEARING EXAMINER: Yeah, it's not 1.

25 ATTORNEY HEALEY: Oh, Respondent 18.

1 It's Union 1.

2 HEARING EXAMINER: It's all right.

3 THE WITNESS: Yes, I have it.

4 BY ATTORNEY HEALEY:

5 Q. That's the fact book you testified -

6 A. Yes, -

7 Q. - about briefly?

8 Could you turn to page eight, please?

9 A. Yes.

10 Q. So I'm just trying to understand, what is  
11 this Association of American Universities? What is it?  
12 And what does it do?

13 A. So - I mean, as I testified previously, it's  
14 a group of universities that are - admission to which  
15 is through a vote of the other members that's supposed  
16 to be an association of universities that have - that  
17 are distinguished by their - by a combination of their  
18 research, the quality and quantity of their research,  
19 their - their Graduate Program, graduate and  
20 undergraduate education that they provided.

21 Q. So looking at this document in the center  
22 column, there's six universities from the University of  
23 California.

24 Do you see that?

25 A. Yes.

1 Q. And would it be a fair statement, that each  
2 of those universities has a Graduate Student Employee  
3 Unions?

4 A. They have a - a - a union of teaching  
5 assistants and teaching fellows is my understanding.

6 Q. And University of Wisconsin and University  
7 of Michigan also have such unions.

8 Is that correct?

9 A. Yes, unions of teaching assistants and  
10 teaching fellows.

11 Q. The University of Wisconsin is project  
12 assistants and research assistants, if you know?

13 A. I don't - I - I don't know believe so - I  
14 don't - well, let me say specifically. I don't believe  
15 what we would refer to as graduate student researchers  
16 are members of that union. I could be wrong. But  
17 that's my understanding.

18 Q. Do you know what the unit consists of at the  
19 University of Michigan?

20 A. I believe the unit at the University of  
21 Michigan also consists of a set of graduate students,  
22 not including graduate student researchers. I believe  
23 that the - well, I - I saw the shaking of the head.

24 But my understanding, which may be  
25 incorrect, is that the state government in Michigan

1 actually prohibited gradates and researchers from being  
2 part of that Bargaining Unit.

3 Q. Okay.

4 We may come back to that later.

5 Could you look at Respondent Exhibit 24,  
6 please? And could you look at - do you have that in  
7 front of you?

8 Take your time.

9 A. Let me find it.

10 Yes.

11 Q. So I'd like you to look at the first page.

12 A. Yes.

13 Q. The - the numbers on the first page - it's  
14 in the upper left-hand corner. How - how were those  
15 numbers collected, if you know?

16 A. So we've collected various sets of these  
17 numbers for different semesters. Essentially, what we  
18 have to do is, we have to look at the - the - sort of,  
19 two - two different data sets.

20 We have to look at the data set of - or the  
21 data sources, I should say - the data source associated  
22 with our Payroll System, that these names of categories  
23 come out of our Payroll System.

24 And then we also have to then look at  
25 separately our Student Information System so that we

1 identify - in this case, people who are in the Payroll  
2 System as an - academic graduate student assistants,  
3 and also - who are also listed as graduate students in  
4 a - in the same semester where they're in the Payroll  
5 System that way.

6               So then we - we take those two data sources  
7 and we put them together to come up with that number.

8           Q.     Okay.

9               So can you also pull up Respondent 27 and  
10 put that in front of you, please?

11          A.     Sure.

12          Q.     Take your time?

13          A.     Yes.

14          Q.     So Respondent 27 is titled on top - let's  
15 get this up, Internal Fellowships Reported by Schools.

16               Do you see that?

17          A.     Yes.

18          Q.     And if you go to Respondent 24, there's  
19 predoc fellowships listed as the Number 544.

20               Do you see that?

21          A.     Yes, I do.

22          Q.     Okay.

23               So do you know if we totaled up all the  
24 fellowships listed in - in the number of persons in the  
25 - the fellowships listed on Respondent 27, does that

1 total 544 for predoctoral fellows?

2 A. No, it does not.

3 Q. Can you explain that?

4 A. Yes.

5 The difference - so these are internal  
6 fellowships. The number listed there is predoctoral  
7 fellow, consists of both internal fellowships.

8 So for example, there are - I don't remember  
9 the number. But there are, like I say, 25 or so Mellon  
10 fellowships in Arts and Sciences. But again, I don't -  
11 that number is not necessarily accurate.

12 But there's a certain number of Mellon  
13 fellowships in Arts and Sciences that - let's call it  
14 25. That number contributes to 544 up here.

15 And then the ERVOST fellows who are listed  
16 on here. Also, there's a - you know, a - you know, a  
17 cadre of them. Maybe it's 40 or so. So that means 40  
18 is the - the number that - that adds into the 544 over  
19 here.

20 In addition, in the 544 are students who are  
21 supported on individual NIH, NSF predoctoral  
22 fellowships. So - so that 544 number is the total of  
23 all of those individuals supported both by internal and  
24 external fellowships.

25 And - and now that you mentioned it, I think

1 I - I didn't make that clear in my original testimony,  
2 so thanks.

3 Q. All right.

4 Glad to help.

5 A. Yeah.

6 Q. And also when we're talking about  
7 predoctoral fellows, do - do your numbers include the  
8 FLAS fellow?

9 A. Good question.

10 I - I don't know. I believe those are more  
11 likely to be categorized as trainees because the FLAS  
12 is more like a - a training grant than it is like an  
13 individual fellowship. But I would have to check to be  
14 sure.

15 Q. Okay.

16 You're not sure about that?

17 A. I'm not sure.

18 Q. Now, you indicated there's no centralized  
19 graduate school.

20 Is that -?

21 A. That's correct.

22 Q. Okay.

23 So there's - and each grad school has some  
24 individual policies for that grad school.

25 Is that correct?



1           A.       Yeah, I - I would say each school. Like the  
2 School of Arts and Sciences would have it, which has  
3 both undergraduates and graduates; has policies that  
4 are associated with its Graduate Programs and its  
5 graduate studies.

6           Q.       And do you have binder one in front of you -

7           A.       Yes, -

8           Q.       - from yesterday?

9           A.       - yep.

10          Q.       And I'm going to ask you to look at Union  
11 Exhibits 2 and 3.

12          A.       Yes.

13                    Okay.

14          Q.       Exhibit 2, you - you have talked about some  
15 in your Direct testimony?

16          A.       Right.

17          Q.       That was a policy put into effect in 1996.  
18 Is that correct?

19          A.       1995, but yeah.

20          Q.       1995?

21                    I just want to clarify one thing.

22                    You talked about regulations and policies?

23          A.       Correct.

24          Q.       Is - is - are Union Exhibits 2 and 3, which  
25 are now called regulations?

1           A.       They - they are - I mean, there's - there's  
2 some - they are not what the University sometimes would  
3 call Capital P policies. There's a whole set of  
4 policies that have a - a separate set of numbering, et  
5 cetera. These are not those. They are a part of what  
6 we referred to as regulations for graduate study.

7           Q.       And as part of those regulations, the  
8 individual schools, although they have flexibility, -

9           A.       Right.

10          Q.       - they have to work within the parameters of  
11 those policies.

12                   Is that correct?

13          A.       Yes, that's correct.

14          Q.       Now, we talked about graduate students in -  
15 in general. All graduate students don't receive  
16 financial support.

17                   Do they?

18          A.       No.

19          Q.       And let's talk about - how many graduate  
20 students are there overall?

21          A.       Roughly, 9,000 or so, graduate and  
22 professional students.

23          Q.       And - and approximately in this academic  
24 year or the prior academic year, approximately how many  
25 of those graduate students had appointments?

1           A.       So approximately 1,800 - 1,900 - 1,800 to  
2 1,900 had appointments that we call academic  
3 appointments TA, TF, GSR and GSA. And then another set  
4 have what I still think of as appointments, which are  
5 not in our terms academic appointments, which are  
6 fellowships and traineeships.

7           Q.       Okay.

8                   Now, for TAs, TFs, GSAs and graduate student  
9 researchers, we have those policies and regulations,  
10 Union Exhibits -

11          A.       Right.

12          Q.       - 2 or 3.

13                   Is there a similar set of policies for  
14 people in fellowships?

15          A.       No, there's not.

16          Q.       Are there a similar set of policies for  
17 people that are trainees?

18          A.       No, there's not.

19          Q.       Now, in - could you pull up Respondent  
20 Exhibit 19?

21                   And - and we're -

22          A.       Respondent.

23          Q.       - here we're talking about, I believe Joint  
24 Degree Programs.

25          A.       Yes, yes.

1 Q. Do you have that in front of you?

2 A. Yes, I do.

3 Q. And could you describe what the left-hand  
4 column shows us?

5 A. Respondent 19, the left-hand column - what  
6 I'm looking at in here says area of concentration  
7 plans, et cetera.

8 ATTORNEY FARMER: This is 19.

9 ATTORNEY HEALEY: Oh, I'm sorry.

10 HEARING EXAMINER: You're looking at  
11 their 19 or - Respondent's 19 or Union?

12 ATTORNEY HEALEY: Respondent's. No,  
13 Respondent.

14 BY ATTORNEY HEALEY:

15 Q. Oh, I will - I will - I apologize. I will  
16 come back to that.

17 A. Okay.

18 Q. Now, you indicated that - let's talk about  
19 students on employment.

20 Generally and briefly we've been through the  
21 record already.

22 What benefits do they get?

23 A. I mean, what academic benefits -

24 Q. Uh-huh (yes).

25 A. - or what - what financial -?

1 Q. What - what financial benefits do they get?

2 A. Yeah. They get a stipend. They get tuition  
3 remission. They get health insurance coverage. And  
4 they get the coverage of the - the individual health  
5 insurance plan from UPMC, the graduate student plan and  
6 they get coverage or they get - some of their fees are  
7 paid.

8 Q. Okay.

9 Now, moving over to student - graduate  
10 students without an academic appointment.

11 A. Right.

12 Q. What is their tuition rate?

13 I believe there's an in-state rate and  
14 out-of-state rate.

15 A. So graduate students without an academic  
16 appointment -.

17 Q. Without an academic appointment?

18 A. So the tuition rate depends on school and  
19 depends on, as you said, in-state or out-of-state. I  
20 mean, that - I mean, in the case of Arts and Sciences,  
21 which is the largest population of - of Ph.D. students,  
22 the in-state rate is - I'm - I'm getting to the numbers  
23 not - not precise. But I - I think it's \$22,000,  
24 \$23,000 a year. Out-of-state rate is about \$38,000 a  
25 year.

1 Q. And students not on an academic appointment  
2 have to figure out how to pay for it.

3 Is that correct?

4 A. Correct, yeah.

5 Q. So they could get it - pay for it with their  
6 own money.

7 Is that correct?

8 A. Correct.

9 Q. They could take out a student loan to pay  
10 for it.

11 Is that correct?

12 A. Yes.

13 Q. Okay.

14 And - and I apologize for my confusion, I  
15 don't know - but could you look at Respondent Exhibit  
16 23?

17 A. Sure.

18 Yes, okay.

19 Q. Okay.

20 Now, the - the title at the top is Students  
21 Funded from Other Institutions Spring of 2018.

22 Is that correct?

23 A. Yes.

24 Q. And going to the left margin, it indicates  
25 funding source.

1 Is that correct?

2 A. That's correct.

3 Q. So when we talk about funding source, the  
4 principal investigator was at that funding source.

5 Is that correct?

6 A. Correct.

7 Q. And if we go to the far right-hand column,  
8 we're talking about appointment type.

9 Is that correct?

10 A. That's correct.

11 Q. Now, I know the names are redacted. I'm not  
12 asking the names. But for each of the - the lines  
13 going across there's one student in that position.

14 Is that correct?

15 A. That's correct.

16 Q. One employee in that position?

17 ATTORNEY FARMER: Objections, student.

18 HEARING EXAMINER: You don't have to  
19 keep objecting to that. And I'm not going to tell him  
20 not to say that.

21 You can go ahead.

22 ATTORNEY HEALEY: Thank you.

23 BY ATTORNEY HEALEY:

24 Q. So in the right-hand column - so each of the  
25 columns deals with a graduate student employee.

1                   Is that correct?

2           A.       With a graduate student, yeah.

3           Q.       And they are appointed by the University of  
4 Pittsburgh.

5                   Is that correct?

6           A.       Yes, they're enrolled and appointed by the  
7 University of Pittsburgh.

8           Q.       And the - the funding somehow comes for the  
9 University of Pittsburgh and from the University of  
10 Pittsburgh?

11          A.       That's correct.

12          Q.       So for example, they each get a stipend, the  
13 health insurance benefits and tuition remission?

14          A.       Yes, they get whatever benefits are  
15 associated with their - the nature of their  
16 appointment.

17          Q.       And - and just - just for the record how was  
18 this document, Respondent Exhibit 23 prepared?

19          A.       So we went and looked at - we can look at in  
20 the case of students - for all students on academic and  
21 other appointments. We can look at the source of funds  
22 that - that supports, or pays for their stipend, and  
23 their tuition remission, et cetera.

24                   And so we can go through and sort of run  
25 that report through the Payroll System and find out



1 where - what - what the source of that money is. And  
2 then we can go and - and look at, you know, where - the  
3 source of something other than the University of  
4 Pittsburgh.

5 Q. Now, you indicated in your Direct testimony  
6 - you talked about this some that University of  
7 Pittsburgh received approximately \$500 million a year  
8 from NIH.

9 Is that correct?

10 A. Approximately.

11 Q. And that's not one grant, that's many, many  
12 separate grants.

13 Is that correct?

14 A. Yes, many.

15 Q. Some of those grants might be individual  
16 faculty members?

17 A. Yes, some of those grants are - I mean, by  
18 four individual faculty members - I mean, that it's a  
19 grant that was written by an individual faculty member.  
20 It may support many people, but -.

21 Q. Fair - fair enough.

22 A. Yeah.

23 Q. And there are some grants that individual  
24 students apply for and get through NIH.

25 Is that correct?

1           A.       Correct. The F30 - F30 and F31 are the main  
2 sorts of those, so -. And - and just maybe a point of  
3 clarification. In all cases, the University is the  
4 recipient of the grant. I mean, this is the case for  
5 all federal dollars. The University is the recipient  
6 of the grant. And this is -.

7           Q.       The University is the recipient, but it may  
8 be faculty member or a student that gets the money?

9           A.       Correct, yes.

10          Q.       And when NIH distributes the money there,  
11 for lack of better word, certain strings or parameters  
12 are attached to that money.

13                   Is that correct?

14          A.       Yes, certainly.

15          Q.       And one of those parameters is, what's the  
16 minimum that has to be paid - minimum that has to be  
17 paid on stipends.

18                   Is that correct?

19          A.       Yes, in the case of - as I mentioned, the -  
20 sort of - NIH scale, there's a minimum stipend for  
21 undergraduates, for graduate students, for postdocs, et  
22 cetera.

23          Q.       So - so some of the NIH money ends up going  
24 to undergraduates.

25                   Is that correct?

1 A. Yes.

2 Q. Do - do you have a sense of the percentage  
3 of undergraduates that get NIH funding or the numbers  
4 that get NIH funding?

5 A. I mean, it's a small number.

6 HEARING EXAMINER: Taking a break.

7 If his reference to employee was vague  
8 and didn't know what he was talking about, I would have  
9 sustained your objection. But in that case, it was  
10 clear. And I'm not going to be swayed by, you know,  
11 the words he uses.

12 But if you do use - and - employee in  
13 other circumstances could be so broad, that we don't  
14 know what you're talking about.

15 ATTORNEY HEALEY: Understand.

16 BY ATTORNEY HEALEY:

17 Q. You indicated in your Direct testimony, that  
18 graduate student employees; graduate students, however  
19 you want to call it, they have the choice of doing -  
20 being paid over eight months or 12 months.

21 Is that correct?

22 A. Some do, yes.

23 Q. Some do and others do not?

24 A. Some have a 12-month appointment. And so I  
25 think in all cases 12 - students on 12-month

1 appointment are paid over 12 months.

2 Q. Okay.

3 The students that paid over 12 months is  
4 there different, if you know, tax treatment than those  
5 other for months? If they - they have an eight-month  
6 appointment but they choose to be paid over 12 months,  
7 is there different tax treatment between the eight  
8 months and the other four months, if you know?

9 A. My - my understanding is that - the only  
10 difference that I'm aware of is the FICA difference  
11 that we pointed out.

12 Q. And in - in those four months - and on your  
13 Direct testimony you indicated Workers' Compensation is  
14 not provided to graduate student employees. In those  
15 four months the eight-month - people on eight months  
16 appointment - so being paid over 12 months, is Workers'  
17 Compensation provided or is Workers' Comp deducted from  
18 the checks, if you know?

19 A. To my knowledge, no. And based on the - the  
20 examples in the record, no.

21 Q. Now, you - you indicated, that in - in some  
22 of the grants you receive - and correct me if I'm wrong  
23 - I think some were from NIH?

24 A. Correct.

25 ---

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

2 ---

3 BY ATTORNEY HEALEY:

4 Q. So we talked about NIH had a certain stipend  
5 level and they provided it to the University. But  
6 perhaps that doesn't - that doesn't provide coverage  
7 for health insurance as such.

8 Is that correct?

9 A. Correct.

10 Q. Okay.

11 Now, you indicated that the University  
12 provides an additional \$4,000 for people with those  
13 grants to pick up health insurance or to do as they  
14 wish with that.

15 Right?

16 A. So to \$4,000 that I mentioned is - is this -  
17 I think it's called the Educational Allowance that's  
18 included with - that's only with NIH, F31s and F30s.  
19 So these are the individual fellowships, individual  
20 training grants.

21 But there's a cost of education or  
22 educational allowance which is provided in conjunction  
23 with those.

24 I - different parts of the University may  
25 treat that differently. And the departments that I'm

1 most familiar with within the School of Medicine,  
2 students have some access to that so they're able to  
3 make use of that for paying for conference travel,  
4 buying a computer and doing other things with that.

5 Q. They can buy health insurance with that if  
6 they want?

7 A. I believe health insurance is - is something  
8 that is allowable by NIH, yes.

9 Q. Okay.

10 And that \$4,000 is subject to tax.

11 Is that correct?

12 If you know.

13 A. I don't believe - I don't believe it is.  
14 Because it is identified as an educational allowance on  
15 the part of NIH. But I - but I - I'm not sure.

16 Q. Okay.

17 You don't know whether or not that \$4,000  
18 appears on a 1099 with the University?

19 A. I believe it does not.

20 Q. But the stipend that students might receive  
21 from NIH, taxes are not deducted but they do receive a  
22 1099 for that?

23 ATTORNEY FARMER: I just want to object  
24 to this. The stipends aren't from NI - I mean, the -  
25 which is to say NIH provides money to the University

1 and the University provides funds to the students.

2 HEARING EXAMINER: I had a question.

3 ATTORNEY HEALEY: Yeah.

4 HEARING EXAMINER: I forgot to ask it  
5 when we were talking about that. The trainees - the  
6 NIH trainees we were talking about.

7 Right?

8 ATTORNEY FARMER: Well, that - that  
9 wasn't exactly clear. That was another - there was  
10 lots of NIH funds. Not all are these training grants.

11 HEARING EXAMINER: When we have - but my  
12 question was, when we have - I guess the G - when we  
13 have graduate students who are performing some kind of  
14 work under these NIH grants -?

15 ATTORNEY FARMER: Which kind?

16 HEARING EXAMINER: Any.

17 ATTORNEY FARMER: The - the answers -

18 HEARING EXAMINER: Sure.

19 ATTORNEY FARMER: - may be different.  
20 That's why we're trying -.

21 HEARING EXAMINER: All right.

22 Let me get my question out.

23 ATTORNEY FARMER: Okay.

24 HEARING EXAMINER: Under some kind of  
25 grant where funding at least partially comes from the

1 grant, my question was, whose name is on the paycheck?

2 THE WITNESS: Who's the payor?

3 HEARING EXAMINER: I think I asked a  
4 student.

5 ATTORNEY FARMER: Uh-huh (yes).

6 THE WITNESS: In all cases -.

7 HEARING EXAMINER: I'm not asking who's  
8 the payor, I'm literally asking whose name is on the  
9 paycheck as the payor?

10 It may or may not be the payor or not.  
11 If you traced the money back through?

12 THE WITNESS: It's the University's.  
13 The - the - the 1099, the paycheck, all that comes from  
14 the University.

15 HEARING EXAMINER: Is disbursed by the  
16 University?

17 THE WITNESS: Correct.

18 HEARING EXAMINER: In every - in every  
19 case.

20 THE WITNESS: In every case.

21 HEARING EXAMINER: Okay.

22 Does that answer your question?

23 THE WITNESS: Students - students do not  
24 get -.

25 ATTORNEY HEALEY: Yes, that's where I



1 was going with it.

2 HEARING EXAMINER: Greet.

3 Because I had the same question.

4 THE WITNESS: Students do not get checks  
5 directly from NIH or NSF of this - you know, to cover -  
6 there's no - I - I don't know of any case for that.

7 HEARING EXAMINER: I - I can't -  
8 personally, I can't imagine. But it's good that we  
9 have it on the record.

10 Okay. Go ahead.

11 BY ATTORNEY HEALEY:

12 Q. So just back to - you indicated in your  
13 testimony - you talked about core requirements for  
14 graduate students.

15 And when you talk about core requirements is  
16 that - were you referring to overall core requirements  
17 for - across all the schools or for particular schools?

18 A. If I'm - if I'm understanding the reference  
19 that you're making to my previous testimony, it would  
20 be for - across all schools.

21 Q. And when you implement core requirements  
22 across all schools, the schools are bound to follow  
23 those core requirements?

24 A. Yes, unless there are exceptions that they  
25 sort of request or - or, you know, or obtain.

1           Q.       So - so for - for example, Union Exhibit -  
2 and I'm sorry if I'm repeating myself - Union Exhibits  
3 2 and 3, which are the policies/maybe regulations for  
4 GSAs, TFs, GSAs and GSRs. They're the core  
5 requirements that those schools have to follow?

6           A.       Those documents contain the core  
7 requirements. They contained other things as well.  
8 But yes, they contained the core requirements.

9           Q.       And the students who receive academic  
10 appointments, we've - we've talked about it a lot  
11 yesterday - but they all receive appointment letters.

12                   Is that correct?

13          A.       Yes.

14          Q.       Okay.

15                   And the individuals in the Ph.D. Programs,  
16 you indicated it takes an average of about six years to  
17 get through?

18          A.       Yeah, something like that.

19          Q.       Do you - do you have a sense of - once you  
20 have a - an appointment and you're getting these  
21 benefits, does that continue for the four or five years  
22 following?

23          A.       The four or five years following -?

24          Q.       The - the initial appointment?

25          A.       Yeah. I mean, for most of our Ph.D.

1 Programs we - there's a - a statement as to how many  
2 years of funding are provided by that program. It can  
3 be four. It can be five.

4 And so that is what we - we provide, you  
5 know, to students. In some cases, we provide  
6 additional years beyond that original - the original,  
7 you know, stated number.

8 And I should say, that's subject to the  
9 provision that students are making adequate academic  
10 progress, et cetera.

11 Q. And - and somewhat related to that. Are you  
12 familiar with the F31 grants?

13 A. Yes.

14 Q. Okay.

15 And they're from NIH.

16 Is that correct?

17 A. Yes, they are.

18 Q. If a grant recipient, whether it's a faculty  
19 member or - I'm sorry.

20 A. It's okay.

21 Q. If a grant recipient leaves, does the  
22 University lose that money?

23 A. It's -.

24 ATTORNEY FARMER: And this is  
25 specifically, I'm sorry, about F31s?

1                   ATTORNEY HEALEY: F31.

2                   ATTORNEY FARMER: Okay.

3                   THE WITNESS: So it's - it's a little  
4 bit complicated with - with NIH.

5                   So when - because the University is the  
6 recipient of the grant in all cases, including the  
7 fellowships.

8                   And so in the case of - of the PI of a  
9 grant leaving the University and going to another  
10 place, in many cases the PI will ask to have that grant  
11 transferred to another institution.

12                   That transfer process I think is - you  
13 know, is typical. It does - you know, it's allowed to  
14 happen. There's sort of two parts of that transfer  
15 process.

16                   The - the institution which currently  
17 holds the grant has to agree to allow that to happen.  
18 And NIH has to approve that transfer from one  
19 institution to another.

20                   And in the process of that transfer,  
21 they make an assessment as to whether the work that's -  
22 that was proposed and - can actually be performed at  
23 that new institution. And there's a process with it.

24                   So when I moved from Carnegie Mellon to  
25 the University of Pittsburgh, I had to go through this

1 process with NIH grants and also NSF grants.

2 Q. So when you moved from CMU to University of  
3 Pittsburgh, the grant money moved with you?

4 A. Some of the grant money moved and some of it  
5 didn't.

6 Q. And the grant money that didn't move, do you  
7 know what happened to that money?

8 A. So there was work that was going on,  
9 research that was going on at CMU. And so in the case  
10 of some of that - some of those grants, I allowed them  
11 to, you know, run to the end at CMU in order to support  
12 the - the people who were in my lab, who were remaining  
13 at CMU.

14 HEARING EXAMINER: Do you need a break?

15 ATTORNEY HEALEY: Yeah, can we take a  
16 break.

17 When I went upstairs my documents -.

18 HEARING EXAMINER: Five minutes.

19 ATTORNEY HEALEY: Thank you.

20 HEARING EXAMINER: All right.

21 Off the record.

22 ---

23 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

24 ---

25 HEARING EXAMINER: Back on the record.

1 Continue with Cross.

2 BY ATTORNEY HEALEY:

3 Q. Sir, can you pull binder one out, please?

4 A. Yeah.

5 Q. And we - we - generally we've been talking  
6 about sources of financial support for students at  
7 different times.

8 Can you look at Exhibit - Union Exhibit 19,  
9 please?

10 It's Bates stamped number Pitt 39.

11 A. So under Tab 19 is missing - oh, there it  
12 is. I'm sorry. Yes. Okay.

13 Q. Could - and first of all, do you know what  
14 Union Exhibit 19 is?

15 A. I mean I can see here that it's a record of  
16 students, programs and the - the largest sources of  
17 financial support. It looks to me like something - an  
18 excerpt that was from something called this - the Shire  
19 report.

20 Q. What is the Shire report?

21 A. Oh, sorry, it's not Shire. It's Snyder  
22 report.

23 Q. What is the Snyder report?

24 A. It's a report that the University provides  
25 to the State of Pennsylvania about - about, sort of,

1 operations and financial information about University,  
2 numbers of people in different kinds of positions, et  
3 cetera.

4 I - I don't know that much about it. But I  
5 have a general sense.

6 Q. So if we go down the left-hand column. And  
7 just - we just want to make sure that it's clear for  
8 the record. It talks about the department or unit name  
9 where the -

10 A. Yes.

11 Q. - that's - that's getting the funds?

12 A. Yes.

13 Q. The middle column talks about largest source  
14 of financial support.

15 Do you see that?

16 A. Yes.

17 Q. So that means, for example, if it's coming  
18 from NSF or NIH.

19 Is that correct?

20 A. Yes.

21 Q. And can you look at Union Exhibit 20,  
22 please?

23 Oh, oh, actually before I forget.

24 In the right-hand columns talks about  
25 full-time graduate students.

1 Do you see that?

2 A. Yes.

3 Q. And then it goes across - for the record, on  
4 Union Exhibit 19, Bates stamp Pitt 39, fellowships,  
5 traineeships, research assistantships, teaching  
6 assistantships, other support and then total.

7 Is that correct?

8 A. Yes, that's what I read too.

9 Q. Okay.

10 Could you look at Union Exhibit 20, please?

11 A. Yes.

12 Q. What is Union Exhibit 20?

13 A. It looks to me to be another excerpt from  
14 the same document. But I - I don't - I don't know  
15 specifically.

16 Q. Okay.

17 So just on Union Exhibit - on either Union  
18 Exhibit 20 or 19, do you know the dates for those  
19 documents?

20 A. I do not - well, I mean, I see report year  
21 2017 is listed.

22 Q. And - and there's - there some - under  
23 sources of financial support there's some counts that  
24 say, quote, students own resources.

25 So if you - for example, if you went to



1 Union Exhibit 20 about a third of the way down.

2 Do you see that?

3 A. About a third of the way?

4 Q. It's up on -?

5 A. Page one of Union Exhibit 20.

6 Q. Page one of Union Exhibit 20, Pitt Bates  
7 number 98.

8 A. And about a third of the way down?

9 Q. Yeah.

10 It says other U.S. sources, non-U.S.  
11 sources, students own resources?

12 A. Yes, I see that.

13 Q. And - and about - what - what - just for the  
14 record, what does that mean, students own resources, -

15 A. I'm - I would have to speculate.

16 Q. - if you know?

17 HEARING EXAMINER: We have an objection.  
18 Go ahead.

19 ATTORNEY FARMER: No, he re-qualified  
20 it. It's fine.

21 THE WITNESS: Yeah. I mean, I - I'm -  
22 I'm speculating or interpreting. I would assume that  
23 means that these are students who are supported by  
24 their own resources.

25 I don't know whether that means that

1 they're paying tuition or not. I - but - but I assume  
2 that means that they're not - because they're not -  
3 well, let's just see.

4 BY ATTORNEY HEALEY:

5 Q. And so for example, a little bit above,  
6 quote, students own resources there's a column non-U.S.  
7 sources?

8 A. Yes.

9 Q. Does that mean international students?

10 A. I would assume that that means the - that  
11 for anthropology of this - this particular case there's  
12 a source of non-U.S. support, which may or may not mean  
13 that it's international student.

14 My interpretation of this is that it's the  
15 source of support, not the nationality of the student  
16 that's referenced.

17 Q. And it could be a foundation from overseas?

18 A. For example, or - yeah, a foreign - yeah, a  
19 - a foreign government agency either - writing  
20 International Resources of Science Support for  
21 research.

22 Q. And then right above that it says other U.S.  
23 sources.

24 Do you know - if you know, what does that  
25 mean?

1           A.     I - I don't know.

2                     Given the other categories that are here, I  
3 can speculate there are a variety of other ways of  
4 supporting students, philanthropic courses, et cetera.

5                     But I - but I don't know specifics.

6           Q.     And then a little bit above - right above  
7 that there's a column that says institutional,  
8 state/local government.

9                     Is that - do you understand what kind of  
10 support that is?

11          A.     I - yeah, again I can speculate. I don't  
12 know how these categories were defined, but -.

13          Q.     Do - do you know who prepared the categories  
14 of the report?

15          A.     I don't know. Most of these reports that go  
16 to the state government are prepared by the Office of  
17 Institutional Research. But I - I don't know  
18 specifically in this case.

19          Q.     Okay.

20                     So if we look at just generally, Union  
21 Exhibits 19 and 20. The - the columns in the left seem  
22 to be the same. But some of the numbers are different.

23                     Do you know if Union Exhibits 19 and 20 are  
24 from different years?

25                     If you know.

1 I - I don't -.

2 A. I don't.

3 Q. Just for the record, I don't think it's  
4 clear in the document.

5 A. I don't specifically know.

6 Q. Sir, can you look at binder number three up  
7 there, Union Exhibit 147?

8 A. Sure.

9 Oh, the whole thing is 147?

10 Q. Yes, the - the whole - one exhibit.

11 A. Yes.

12 ATTORNEY HEALEY: We have more paper and  
13 more exhibits than you do.

14 BY ATTORNEY HEALEY:

15 Q. So if you go to page 89 and 90. And just  
16 for the record it's Bates number 540 and 541.

17 Take your time.

18 A. Okay.

19 ATTORNEY FARMER: So - so I'm going to  
20 object. Because you haven't established that this  
21 witness even knows what this document is.

22 ATTORNEY HEALEY: Well, I - I'm going to  
23 ask him.

24 ATTORNEY FARMER: Okay.

25 BY ATTORNEY HEALEY:

1           Q.     First of all, if you look at the - the front  
2 page. This is a - a document provided to us from the  
3 University of Pittsburgh pursuant to a subpoena title  
4 University of Pittsburgh report of faculty costs and of  
5 faculty workload.

6                     Do you see that?

7           A.     Yes.

8           Q.     Have you seen this report prior to today?

9           A.     I have seen this report. But I've not  
10 studied it. I'm not involved with its preparation.  
11 That's right.

12          Q.     But in any case, it's a response to the  
13 Commonwealth of Pennsylvania and the School Code.

14                     Is that correct?

15          A.     Yes, yes.

16          Q.     I'm going to ask you to turn to pages 89 and  
17 90 of the report.

18          A.     Yep.

19          Q.     Pitt Bates numbers 540 and 541.

20                     And if you know - so we're looking at report  
21 4(b).

22                     Do you see that?

23          A.     Yes.

24          Q.     Okay.

25                     It talks about - in the left margin,

1 University totals.

2 Do you see that?

3 A. Yes.

4 Q. Do you know of your own knowledge, where the  
5 - the numbers and the data comes from?

6 A. I do not.

7 Q. Do you know who might know that?

8 A. Again, I think a lot of these kinds of  
9 reports are prepared by the Office of Institutional  
10 Research. And so that would be where I would go if I  
11 was trying to find out.

12 Q. Sir, I'm going to - still looking at Exhibit  
13 147. I'm - I'm going ask you to. And I'll make this  
14 quick, to go to page 110. Pitt Bates number 561.

15 A. Yes.

16 Q. Do you see that?

17 A. Yep.

18 Q. First of all, just so we're clear, you - you  
19 had no role in preparing this document.

20 Is that correct?

21 A. No, I had no role.

22 Q. And do you any independent knowledge of the  
23 source of the numbers on this document?

24 A. I do not.

25 HEARING EXAMINER: You would be

1 interested in that 2,000 number down there.

2 Right?

3 This is classroom hours assigned? Is  
4 this - what do we think this is?

5 ATTORNEY HEALEY: This is why - why  
6 we're trying to figure it out. I have some ideas. But  
7 we just -

8 HEARING EXAMINER: Yeah.

9 ATTORNEY HEALEY: - wanted to clarify  
10 it.

11 HEARING EXAMINER: Okay.

12 ATTORNEY HEALEY: Well, I can tell you,  
13 it was part of a response to a subpoena. Which we  
14 appreciate the response.

15 ATTORNEY FARMER: Right.

16 ATTORNEY HEALEY: I'm just trying -.

17 ATTORNEY FARMER: Which that's reporting  
18 to government agencies.

19 ATTORNEY HEALEY: Yes, that's right -  
20 that's correct.

21 ATTORNEY FARMER: Is that correct?

22 ATTORNEY HEALEY: So we know it is a  
23 report to Commonwealth of Pennsylvania.

24 ATTORNEY FARMER: Yes, from the front  
25 cover.

1                   ATTORNEY HEALEY:   Right.

2                   HEARING EXAMINER:   I wonder where these  
3 go in Harrisburg.

4                   ATTORNEY HEALEY:   Pardon?

5                   HEARING EXAMINER:   I wonder where these  
6 documents went?

7                   ATTORNEY HEALEY:   I don't know.

8                   ATTORNEY FARMER:   I believe you can  
9 download them off a website.

10                  HEARING EXAMINER:   Yeah.

11                  ATTORNEY HEALEY:   I'm sure somebody -

12                  HEARING EXAMINER:   Well, you know  
13 they're printed out.

14                  ATTORNEY HEALEY:   - I'm sure someone  
15 reads them every morning.

16                  HEARING EXAMINER:   Yeah.

17                  ATTORNEY FARMER:   Probably the state  
18 senator who asked for these to be created.

19                  ATTORNEY HEALEY:   Right.

20   ---

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

22   ---

23                  ATTORNEY HEALEY:   That's off the record  
24 by the way.

25 BY ATTORNEY HEALEY:



1 Q. Sir, I'm going to show you what's been  
2 marked as Union Exhibit 225.

3 ---

4 (Whereupon, Union Exhibit 225, Information About  
5 Tuition Rates for Academic Year 2018, 2019 for  
6 University of Pittsburgh for Graduate and Doctoral  
7 Programs, was marked for identification.)

8 ---

9 THE WITNESS: Sure.

10 BY ATTORNEY HEALEY:

11 Q. Could you please look at that for a moment?

12 A. Yes.

13 Q. What's Union Exhibit 20 - 225, to the best  
14 of your knowledge?

15 A. So it looks like information about tuition  
16 rates for academic year 2018, 2019 for the University  
17 of Pittsburgh for Graduate and Doctoral Programs.

18 Q. And as you -?

19 ATTORNEY FARMER: You gave me multiple  
20 documents.

21 ATTORNEY HEALEY: I'm sorry?

22 ATTORNEY FARMER: I said you gave me  
23 multiple documents.

24 ATTORNEY HEALEY: Oh. You don't want  
25 it?



1 from the Provost Office describing the stipend levels  
2 for different kinds of appointments across the  
3 University.

4 Q. And does Union 226 appear to - to the best  
5 of your knowledge - accurately portray the stipend  
6 levels?

7 And take your time?

8 A. Yeah, I don't know them, you know, off the  
9 top of my head. But they look approximately right,  
10 yeah.

11 Q. So they're within but not exactly close?

12 A. Yeah, they're close.

13 Q. And the various stipend levels - so we're  
14 looking at Union 226. And this - for example, let's  
15 look at the The Dietrich School of Arts & Sciences.

16 Do you see that?

17 A. On 226 or 225?

18 Q. Oh, I'm sorry, 225.

19 A. Yeah.

20 Q. I'm sorry, I apologize.

21 A. Yes.

22 Q. If you look at the stipend levels -

23 ATTORNEY FARMER: This is tuition.

24 BY ATTORNEY HEALEY:

25 Q. - I mean, the tuition levels.

1                   So these are the tuition levels.

2                   Is that correct?

3           A.       On 225 those are the tuition levels, yes.

4           Q.       And stipends are provided to students on  
5 appointment.

6                   Is that correct?

7           A.       Correct.

8           Q.       How are those stipend levels set?

9           A.       So every year as part of the budgeting  
10 process, there's a discussion about where the stipend  
11 levels should be. I've been involved in those  
12 discussions for the last two years. Because it happens  
13 sort of late summer.

14                   And so I was involved the first - within a  
15 month or so after I was appointed and just realized  
16 involved in that discussion.

17                   So when you look at -.

18           Q.       And when you say we, is it a committee or  
19 who is it?

20           A.       So it's - it's part of the budgeting  
21 process, or discussions in the Provost Office about the  
22 academic budgets for the University.

23                   And so there's - I was talking - I talked to  
24 the Provost, to the executive Vice Provost for  
25 budgeting and planning. And so, you know, that's the -

1 the main group that is involved in that conversation.

2 The Provost and that Executive Vice Provost  
3 are also involved in the University Planning and  
4 Budgeting Committees. So there's - they have  
5 connections into the - that process that engages with  
6 the CFO's office and - and other, sort of, people in  
7 the University.

8 I don't sit on that committee. So I don't  
9 actually, sort of, know the - the details of that. But  
10 in that process I, for the last two years have made  
11 recommendations about how stipend levels should be  
12 increased in that given year.

13 And in - in my case I - I advocated for a -  
14 you know, a - a - a higher increase in stipend levels  
15 than perhaps what was being originally considered. And  
16 so we increased stipends by the amounts in the last two  
17 years. But I would have to look at the - this past  
18 year I think was 2.5 percent - a 2.5 percent increase.  
19 Last year it was about the same, maybe a little bit  
20 higher.

21 Q. And who sits on the committee that actually  
22 sets the stipend levels?

23 A. The Provost - I'd have to look at the - at  
24 the certain details to be sure. But it's a committee  
25 that involves the Provost, and the Executive Vice

1 Provost for Planning and Budgeting, and then also  
2 members of the CFO's office and other people from the  
3 University. But I don't have that list off the top of  
4 my head.

5 Q. Sir, could you look at Respondent Exhibit  
6 20, please?

7 It looks like this. And it's one of the  
8 exhibits you talked about.

9 ATTORNEY FARMER: I'm sorry, which one?

10 ATTORNEY HEALEY: Respondent Exhibit 20.

11 ATTORNEY FARMER: Okay.

12 THE WITNESS: Yes.

13 ATTORNEY FARMER: The list of programs?

14 ATTORNEY HEALEY: Yes.

15 THE WITNESS: Yes.

16 BY ATTORNEY HEALEY:

17 Q. I just wanted to clarify for a moment.

18 In general what - what is this exhibit?

19 A. So this is - as part of what's sometimes  
20 called the Bulletin for Graduate Studies. It's a part  
21 of a website that provides information about Graduate  
22 Programs, and Graduate - Graduate Programs across the  
23 University. And there's a similar one for  
24 undergraduate.

25 This specific page provides a list of all

1 the degree and certificate granting Graduate Programs  
2 across the University.

3 Q. And on the first page, the - the first  
4 column talks about Doctoral Programs.

5 Is that correct?

6 A. That's correct.

7 Q. Then if we go to the - the second page at  
8 the end of Doctoral Programs, there's a designation  
9 Ph.D.

10 A. So it's an interesting distinction.  
11 These -.

12 Q. I - I was wondering -

13 A. Yeah.

14 Q. - what interesting about it?

15 A. Well, so these are Ph.D. Programs that don't  
16 necessarily have homes in particular departments. So  
17 like if you look at the - if you look at the above,  
18 most of those, perhaps all of those have individual  
19 departments, like Physics Department has a Ph.D.  
20 Program to focus on, sort of, et cetera.

21 These are programs which I - many of these  
22 programs across - I - actually, I - I don't know what  
23 the distinction is quite frankly. I thought I did.  
24 Now, I look at them and -

25 Q. Thank you.

1           A.       - I'm - I'm not sure why they're listed that  
2 way. Some of them are - are unique programs. But I -  
3 but they're not all unique.

4           Q.       Well, let me take a shot at the next page of  
5 Exhibit 20.

6           A.       Okay.

7           Q.       So there's a reference to Joint Degree  
8 Programs.

9           A.       Yeah.

10          Q.       And - and - and just for clarity, is that  
11 Joint degrees within the University of Pittsburgh or  
12 Joint degrees with other institution?

13          A.       These are all Joint degrees within the  
14 University. So in - I think in all cases, although I  
15 haven't, sort of, looked at every line - in all cases  
16 here there are two degrees listed.

17                 So for example, after the first one  
18 anthropology, Ph.D./MPH. So the Joint degree there is  
19 a Ph.D. in anthropology. And then also an MPH, which  
20 is a Master's degree in public health.

21                 So these are - yeah, these Joint Degree  
22 Programs.

23          Q.       So the next column that talks about Master's  
24 degrees, if you go to the next page.

25          A.       Yes.



1           Q.     And then - then there's a reference - moving  
2 down two pages later, there's professional minor. And  
3 then there's a reference to certificates.

4                     Do you see that?

5           A.     Yes.

6           Q.     Are these certificates that are mentioned  
7 here, the same certificates you talked about in your  
8 Direct Examination not really the degree but some kind  
9 of internal certificate?

10          A.     It's - these certificates are not degrees,  
11 they are an academic credential in this case. In some  
12 cases, they're ones that be earned in a standalone way.

13                     I - I - in my Direct testimony I mentioned I  
14 think it was construction management as an example.  
15 This is a - so these certificates are of - of that  
16 bill.

17          Q.     Sir, can you look at Respondent Exhibit 21,  
18 please? Document entitled Academic Regulations?

19          A.     Yes.

20          Q.     It looks like this, if that helps.

21          A.     Yep. I've got it.

22          Q.     And if you could go three pages in on the  
23 back. There's a bold print that says Regulations  
24 Pertaining to Professional Master's degrees.

25                     Do you see that?

1 A. Yes. Yes, I see it.

2 Q. And if you go down there's regulations  
3 pertaining to Doctoral degrees?

4 A. Yes.

5 Q. So when we talk about regulations, these are  
6 university wide regulations or guidance.

7 Is that correct?

8 A. Yes.

9 Q. Every department has got to follow them -  
10 follow the parameters of these regulations?

11 A. Yes.

12 Q. Could you go to Respondent Exhibit 35,  
13 please, document titled Graduate Student Teaching  
14 Initiative?

15 A. Yes.

16 Q. Take your time.

17 A. Yeah, I've got it.

18 Q. Now, this is part of the University Center  
19 for Teaching and Learning.

20 Is that correct?

21 A. That's correct.

22 Q. And how long has that Center existed,  
23 approximately, if you know?

24 A. So it got renamed probably about two-ish  
25 years ago - within the last three years. It got

1 renamed during the time that I've been at Pitt. Prior  
2 to that, it was called CIDDE, Center For Instruction  
3 and other things. I don't remember. But it -.

4           So it got - so CIDDE became the University  
5 Center for Teaching and Learning about three or so  
6 years ago.

7           Q.     And as we go down the - the bolded  
8 categories, the first one says for teaching assistants  
9 and then it talks about new teaching assistant  
10 orientation.

11           Do you see that?

12           A.     Yes.

13           Q.     The next one is for teaching assistants and  
14 teaching fellows.

15           Do you see that?

16           A.     Yes.

17           Q.     And - and in your mind within the framework  
18 of the University of Pittsburgh, what's the difference  
19 between a teaching assistant and a teaching fellow?

20           A.     Well, within the - the sort of descriptions  
21 in various documents, including regulations and  
22 graduate studies, teaching fellows the distinction is  
23 one of - of experience.

24           And so in some cases that corresponds to  
25 having a Master's degree. If you have a Master's

1 degree then you should be a teaching fellow. The - the  
2 general principle is that it should relate to the  
3 amount of experience that someone has, especially sort  
4 of experience in teaching.

5 But as we've heard in various Direct  
6 testimony from others, these terms are not used with  
7 uniformity in - in terms - and different departments  
8 and programs.

9 Q. Can we go down to the next bolded line? It  
10 says, for independent instructors in parenthesis. And  
11 those planning to make a career at the University of  
12 teaching.

13 Do you see that?

14 A. Yes.

15 Q. In terms of category of people, who were you  
16 referring to as independent instructors?

17 A. So I think we're talking about anyone who is  
18 involved in teaching a - a course, you know, sort of on  
19 - in some sense on their own. And so that they're the  
20 primary - primarily responsible for teaching that  
21 course.

22 Q. And if we go down to the - the second  
23 sentence in that paragraph, refers to The Dietrich  
24 School of Arts & Sciences.

25 Do you see that?

1 A. I'm sorry, the second you're stating?

2 Q. Second sentence in that paragraph, The  
3 Dietrich School of Arts & Sciences requires -.

4 A. Yes.

5 Q. Do you see that?

6 A. Yeah.

7 Q. The - the requirement that - the course be,  
8 before you are teaching, that you have to take a  
9 course. You get academic credit for the course.

10 Do you not?

11 A. That's my understanding, yes.

12 Q. And teaching assistants and teaching fellows  
13 do not get academic credit for their teaching time?

14 A. It varies by - by program.

15 Q. What program gives academic credit for  
16 teaching, if you know?

17 A. We provided a list of - a number of  
18 programs. And there's some Direct testimony about  
19 programs that provided academic credits.

20 The student from biology, for example, was -  
21 at three - on three occasions had academic credit for  
22 teaching. And is - is my recollection of the Direct  
23 testimony.

24 Q. Could you look at Respondent 34, please?

25 A. Sure. Okay.

1 Q. And -?

2 HEARING EXAMINER: We're going to stop  
3 at 5:30 today by the way.

4 ATTORNEY HEALEY: What time is it now?

5 HEARING EXAMINER: Almost 5:00.

6 ATTORNEY FARMER: Thirty-four (34) you  
7 said, Mike?

8 ATTORNEY HEALEY: Yes, 34.

9 ATTORNEY FARMER: Okay.

10 ATTORNEY HEALEY: I may be close to done  
11 or maybe quite done by then.

12 HEARING EXAMINER: He's not going  
13 anywhere. He'll be here tomorrow.

14 BY ATTORNEY HEALEY:

15 Q. Do you have Exhibit 34 in front of you?

16 A. Yes, I do.

17 Q. Again, this is out of the Graduate Student -  
18 out of the University Center for Teaching and Learning.

19 Is that correct?

20 A. Yes.

21 Q. This is focused on applications of teaching  
22 assistants.

23 Is that correct?

24 A. So - so in - in the original I think this  
25 was a trifold brochure. And so I'm not sure what was

1 actually - and I think the focus, if I had to - I think  
2 the single focus would be resources for graduate  
3 students.

4           And then the - the blue text - the blue box  
5 that contains the white text, what are my obligations,  
6 I think that would - if I sort of reconstruct it, that  
7 might have been on the inside or attached to the back.  
8 But I would say the focus is resources for graduate  
9 students.

10           Q.     I just folded it, and I - I actually lost  
11 it.

12                   Can you look at Respondent Exhibit 33,  
13 please?

14           A.     Yes.

15           Q.     Now, this is University of Pittsburgh  
16 graduate teaching requirements.

17                   Is that correct?

18           A.     Correct. This is the list - potentially and  
19 complete list that we compiled as a result of your  
20 subpoena.

21           Q.     And as we go down to the right column, it  
22 appears - and correct me if I'm wrong. I'm trying to  
23 avoid going down one-by-one. It appears that most  
24 departments have a requirement that people take a  
25 teaching course.

1                   Is that correct?

2           A.     I - I would have to sort of do the math to  
3 say most. But - but yeah, there are - certainly the  
4 ones listed here have requirements that students take a  
5 teaching course of some sort, yes.

6           Q.     And - and they get credit for that teaching  
7 course, is that correct, academic credit?

8           A.     Yes.

9           Q.     Now, one more question.

10                   You mentioned the Biology Department, that  
11 teaching biological sciences while serving as a TA, by  
12 teaching they get one to three credits.

13                   Is that correct?

14           A.     Yes, that is.

15           Q.     Would it be a fair statement, that looking  
16 at Respondent Exhibit 33, that's the only department,  
17 that at least on the surface appears to provide  
18 academic credit for teaching - teaching itself?

19           A.     I mean, the next line down I - I read  
20 chemistry. And Ph.D. students are required to have at  
21 least two terms of teaching credits when registering  
22 for this class teaching of chemistry.

23                   I - I don't know in detail, the - the  
24 activities that are associate with these particular  
25 courses. So I would - I would have -.



1                   HEARING EXAMINER: I understand this  
2 nuance.

3                   I mean, is there - Penn State had course  
4 numbers for teaching.

5                   Didn't they have a 601 or -?

6                   ATTORNEY FARMER: Right. And they're  
7 similar.

8                   HEARING EXAMINER: We'll get that in the  
9 record when we get the individual department heads up  
10 here talking?

11                  ATTORNEY FARMER: Yeah.

12                  I mean, you see some of it from this,  
13 that there's 2200. Which is the FACDEV practicum. And  
14 then there's like the 2970, which only exists in  
15 biology and chemistry where they do - there's some  
16 various numbers.

17                  HEARING EXAMINER: But I think - I think  
18 when we get the individual department -

19                  ATTORNEY FARMER: We'll talk about that.

20                  HEARING EXAMINER: - leaders, -

21                  ATTORNEY FARMER: Yes.

22                  HEARING EXAMINER: - they will have much  
23 - when we get to individual department leaders or  
24 faculty, they'll have a much better - no offense,  
25 they'll have a much better grasp -

1                   THE WITNESS:   None taken.

2                   HEARING EXAMINER:   - of what the  
3 teaching requirements are.

4                   And in my opinion, that would be much  
5 better evidence than that worksheet.

6                   ATTORNEY HEALEY:   That's - that's fine.

7                   I just had one more question on  
8 Respondent Exhibit 33.

9 BY ATTORNEY HEALEY:

10           Q.       So Respondent Exhibit 33 was data compiled  
11 in responses to a survey.

12                   Is that correct?

13           A.       Responses to a survey. And in some case we  
14 went to individual websites, yes.

15           Q.       Are - are there any departments that are not  
16 listed on - departments or schools not listed on  
17 Respondent's Exhibit 33?

18           A.       Yes, there are.

19           Q.       Do you have an idea how many departments may  
20 not be listed?

21           A.       So we - I think the relevant, sort of, unit  
22 is a - a program. And so as I mentioned, we have  
23 approximately 90 Ph.D. Programs. And so we count up  
24 the number listed here to determine that.

25           Q.       So - so there's 90 programs, and then we

1 would take however many responded here; that's the  
2 number of programs left, that either didn't respond or  
3 information wasn't provided?

4 A. Yes.

5 Q. Is it possible some responded with no  
6 teaching course requirement or teaching practicum  
7 requirement?

8 A. It's possible, yes.

9 Q. Sir, could you look at Respondent Exhibit  
10 25, please?

11 A. Okay.

12 Q. Does this appear - just to shorten this,  
13 does this appear to be a printout from the University  
14 of Pittsburgh website?

15 A. Yes, it does.

16 Q. It's talking about graduate student  
17 resources and graduate student aid packages.

18 Do you see that?

19 A. Yes.

20 Q. I want you to go - undergraduate aid  
21 packages, I want you to go to third paragraph down.

22 A. Yes.

23 Q. They're - they're - they're providing an  
24 example of supported doctoral student in the School of  
25 Engineering?

1 A. Yes.

2 Q. And it talks about overall support. And  
3 there's tuition. And there's a stipend. And then  
4 there's health insurance.

5 Do you see that?

6 A. Yes.

7 Q. From - from this document, can - can you  
8 tell, is the University paying for the health insurance  
9 or is that money being given to - an example of the  
10 student to pay?

11 A. I think in this case, it would - it would  
12 depend on whether that student was on a GSR or on a -  
13 as a predoctoral fellow.

14 So if it was on a - on a GSR, the University  
15 would be paying that directly to the UPMC health plan.  
16 And if it were a - a predoctoral fellow, then it would  
17 be money that would be added to stipend.

18 Q. Added to the stipend and the - the  
19 individual could decide to buy health insurance or not  
20 buy health insurance?

21 A. Correct. That's right.

22 Q. And there would be, quote unquote, tax  
23 consequences for that \$4,000 plus, -

24 A. Yes.

25 Q. - if you know?

1 A. Potentially, yeah.

2 Q. So if you could look quickly at Respondent  
3 Exhibit 36, please.

4 It looks like - this helps.

5 A. I've - I've got them - I have them ordered.  
6 At least you said 36.

7 Q. Mine are ordered at 120, too.

8 A. You said 36?

9 Q. Yes, 36, please.

10 ATTORNEY FARMER: The new teaching, it  
11 says orientation?

12 ATTORNEY HEALEY: Yes.

13 BY ATTORNEY HEALEY:

14 Q. Take your time.

15 A. Yes, I got it.

16 Q. Just for clarity, this is something Resource  
17 provided to TAs.

18 Is that correct?

19 A. It's - it's provided - it's - it's made  
20 available to all students - graduate students across  
21 the University. It is targeted at, as it says, new  
22 TAs.

23 Q. And at what point - in relation to an  
24 appointment letter, let's - for example, I'm a TA, I  
25 get an appointment. I get an appointment letter,

1 you're a TA this year. At what point do I get  
2 Respondent Exhibit 36?

3 A. So this was provided certainly at the new TA  
4 orientation. Which this - the past two years that -  
5 which is the time period that I'm most aware of,  
6 happened in late August - you know, late August in  
7 2018, 2017.

8 Q. In late August prior to the coming academic  
9 year, for example?

10 A. Correct. So the - for TAs who are going to  
11 - who are going to TA or for anyone who's going to be a  
12 TA in the subsequent semester, this was provided in  
13 late August. And I believe - although I can't be sure  
14 that it was provided. I think it was provided the day  
15 after freshman convocation.

16 And - and the reason I know that is, that -  
17 that the new Provost came to this this year. And her  
18 first day on campus was the freshman convocation day.  
19 And I think this was the second day.

20 So I think that is actually before the term  
21 officially starts but - in this particular case there.

22 Q. Could you look at Respondent Exhibit 37,  
23 please?

24 A. Yes.

25 Q. So would it be a fair statement, that

1 Respondent Exhibit 37 is just a more detailed handbook  
2 for teaching assistants?

3 A. The - I mean, it's - it's certainly more  
4 detailed. It provides more information. It's - I  
5 would say in some ways it's more - this one is more,  
6 you know, theoretical in some sense. It provides a lot  
7 of questions about teaching philosophy and those kinds  
8 of things.

9 The new TA orientation is a little bit more  
10 practically oriented. And obviously it's much thinner,  
11 so -.

12 Q. And could you go to the next to the last  
13 page of Respondent Exhibit 37? It's - it's a page  
14 titled Policies.

15 A. Yes.

16 Q. And that page indicates at the top,  
17 University of Pittsburgh has a number of policies that  
18 govern graduate student rights and conduct.

19 Do you see that?

20 A. Yes.

21 Q. And then it talks about a TA, TF and GSA  
22 policy.

23 Do you see that?

24 A. Yes.

25 Q. Just in terms of the policy that's being

1 referred to here, is that policies contained within  
2 Respondent Exhibit 37 or do they exist someplace else?

3 A. I - I don't believe they're - they exist  
4 within this. I believe - and the - the link here  
5 points to the document - a document that is elsewhere  
6 in evidence or in whatever as an exhibit, which is the  
7 TA, TF, GSA policy document. It's a PDF file.

8 Q. And would that be Union Exhibit 2, which is  
9 the policy from 1995?

10 A. It is the policy. Yes, that is it.

11 Q. Similar question, just to clarify. Graduate  
12 - left-hand column. Graduate Student Researcher Policy  
13 Statement.

14 Do you see that?

15 A. Yes.

16 Q. And just for clarity, the policy statement  
17 they're referring to would be what's been marked as  
18 Union Exhibit 3 in binder one.

19 A. Yes.

20 Q. Is that correct?

21 A. Yeah, I believe so.

22 Q. Could you look at Respondent Exhibit 38,  
23 please?

24 A. Yes.

25 Okay.



1 Q. This indicates it's an executive summary.

2 A. Uh-huh (yes).

3 Q. What is it an executive summary, if - if you  
4 know?

5 A. So it's an executive summary of the activity  
6 that has been supported under the graduate student  
7 teaching initiative in the academic year 2017, 2018.

8 So essentially, the Center for Teaching and  
9 Learning, in order to provide some information about  
10 who was engaging with this initiative, what - you know,  
11 which things were most - most - of greatest interest,  
12 which things had received the most engagement, they  
13 provided this to the Provost.

14 Q. So for example, on - on page six it talks  
15 about workshops and the number that came to particular  
16 workshops?

17 A. Yes.

18 Q. Could you look at Respondent Exhibit 41,  
19 please?

20 A. Yes.

21 Q. I'm sorry, go - go to Respondent Exhibit 40.  
22 It would make more sense.

23 A. Okay.

24 Forty (40), yep.

25 Q. I just asked you a question about workshops.

1           Is - is this an example of the - the  
2 available workshops for teachers, TAs, TFs, other  
3 instructors at the University?

4           A.     That's - I believe that's correct.  
5 Specifically for, looks like summer to fall of 2017,  
6 yes.

7           Q.     And could you look at Respondent Exhibit 41,  
8 please?

9           A.     Yes.

10          Q.     Title of Respondent 41 is Creating a  
11 Teaching Portfolio Workshop.

12                 Do you see that?

13          A.     Yes.

14          Q.     Who or what department created this  
15 document, if you know?

16          A.     I - I believe this is a document that was  
17 created by someone in the Center for Teaching and  
18 Learning, that describes the - the content of one of  
19 the workshops that was offered to the Center for  
20 Teaching and Learning.

21          Q.     And do you know when this document was  
22 created?

23          A.     I do not.

24          Q.     And can you look at Respondent Exhibit 45,  
25 please?

1                   It talks about the Graduate and Professional  
2 Student Health plans?

3           A.       Yes.

4           Q.       And could you go to second page, please?

5           A.       Yes.

6           Q.       I just wanted to clarify a couple of things.  
7 The - the top half of the page is Graduate Student  
8 Medical plans.

9                   Is that correct?

10          A.       That's correct.

11          Q.       And then there's different rates for someone  
12 with an academic appointment and then for graduate  
13 students without an academic appointment.

14                   Is that correct?

15          A.       That's correct, yes.

16          Q.       Then the plan down below says General  
17 Student Medical plan.

18                   Who can use that plan?

19          A.       So that plan is available to undergraduates,  
20 as well as all graduate students. I mean, in principle  
21 a graduate student that had the Graduate Student  
22 Medical plan described above, I don't - I don't see  
23 anything that would prevent them from also purchasing  
24 the General Student Medical plan. I don't know why  
25 they would do it. But - but I think it's available to

1 all the graduate students.

2 Q. So - so for example, a graduate student,  
3 quote, without an academic appointment, that might be a  
4 plan they would look at?

5 A. I think - I'm sorry, a graduate student  
6 without.

7 Q. Graduate student without an academic  
8 appointment?

9 A. Yes.

10 Q. Could you look at Respondent Exhibit 44,  
11 please?

12 A. Yes.

13 Q. Do you know when this document was created?

14 A. I do not know when it was created. I mean,  
15 it's - it looks to me like it's a - a printout of a web  
16 page.

17 I do know - I mean, the term of the grant  
18 that supported this program, I believe it was a  
19 three-year grant that ended approximately a year ago.  
20 So whether this web page or not - I don't know if it -  
21 the date of this web page. But the program itself  
22 existed at least - about four years ago. Because that  
23 would have been the - the beginning of the - the NSF  
24 grant to support it.

25 Q. Could you look at Respondent Exhibit 46,

1 summary of benefits?

2 A. Sure.

3 Q. Just for clarity, this benefit summary, real  
4 quick, this does not apply to graduate student  
5 employees.

6 Is that correct?

7 A. It does not apply -.

8 HEARING EXAMINER: You have to be more  
9 specific with that usage.

10 BY ATTORNEY HEALEY:

11 Q. Okay.

12 Who does - the summary guide to benefits,  
13 who does this document apply to?

14 A. To faculty and staff of the University. So  
15 - specifically, it says eligible faculty and staff.  
16 But I think there's some, you know, limitations on the  
17 temporary, et cetera, who are not eligible for  
18 benefits.

19 Q. Does it apply to graduate students?

20 A. No.

21 COURT REPORTER: I didn't hear your  
22 answer.

23 THE WITNESS: No, it does not.

24 COURT REPORTER: Thank you.

25 BY ATTORNEY HEALEY:

1 Q. Could you look at Respondent Exhibit 47,  
2 please?

3 A. Yes.

4 Q. This is a one page document entitled  
5 Benefits Comparison.

6 Do you see that?

7 A. Yes.

8 Q. And is it correct in the lower right-hand  
9 corner, it was prepared on May 9, 2018?

10 A. Yes.

11 Q. Who prepared it, if you know?

12 A. I don't know who prepared this particular  
13 document. But a comparison of benefits similar to this  
14 was prepared by our - our - people in our Human  
15 Relations - in - in HR.

16 I specifically asked them to prepare  
17 information comparing the - the - the plans - you know,  
18 the characteristics or features of the plans as  
19 described here.

20 I don't remember if this is the exact  
21 document. But that's the right time frame.

22 Q. Okay.

23 And what - what was the purpose of asking to  
24 have this prepared in May of 2018?

25 A. I - I don't specifically remember. But

1 certainly issues related to graduate student health  
2 plans and the - the kinds of benefits that are provided  
3 for graduate students is something that I've been  
4 concerned about, and aware of since I took on this  
5 role.

6 I mean, I've been - in approximately this  
7 time frame, maybe a little bit later I had a meeting  
8 with the people who oversee and sort of look at the  
9 benefit packages that are provided to graduate students  
10 and look at some of the - the costs over the last few  
11 years, such as sort of the plan usage, all these kinds  
12 of things.

13 SO it may have been even in that context. I  
14 - I don't specifically remember the type of - the  
15 generation of this document. But again, similar  
16 documents were - were part of that discussion.

17 Q. Can you look at Respondent Exhibit 49,  
18 please?

19 A. Yes.

20 HEARING EXAMINER: Is that Workers'  
21 Comp?

22 ATTORNEY HEALEY: It's faculty and staff  
23 response to student injury, so it kind of is -

24 HEARING EXAMINER: Yeah.

25 ATTORNEY HEALEY: - a related issue.

1                   THE WITNESS:   Yes, sir.

2   BY ATTORNEY HEALEY:

3           Q.       So this references a University of  
4 Pittsburgh safety manual.

5                   Do you see that?

6           A.       Yes.

7           Q.       What - what is the University of Pittsburgh  
8 safety manual?

9           A.       So my understanding, this is a document  
10 that's compiled and compared by Environmental Health  
11 and Safety, that provides information about, sort of,  
12 response to a variety of different kinds of events that  
13 relate to - to safety.

14          Q.       So the page one of two, just so we're clear,  
15 it's how faculty and staff are to respond to, quote,  
16 student injury.

17                  Do you see that?

18          A.       Yes.

19                  ATTORNEY HEALEY:   This might be a good  
20 time to break.

21                  HEARING EXAMINER:   All right.  
22 We'll see everyone tomorrow.

23                  ATTORNEY HEALEY:   Okay.

24                  HEARING EXAMINER:   Thank you.


25                   \*HEARING CONCLUDED AT 5:15 P.M.\*



## CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Judge Helmerich, was reported by me on 10-03-18 and that I, Valerie Beth Gregory, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 27th day of October, 2018

  
Court Reporter  
Valerie Beth Gregory