COMMONWEALTH OF PENNSYLVANIA

LABOR RELATIONS BOARD

* * * * * * *

U.S. STEEL, PAPER AND FORESTRY,*
RUBBER, MANUFACTURING, ENERGY, * No. PERA R-17-355-W
ALLIED-INDUSTRIAL AND
SERVICE WORKERS *
INTERNATIONAL UNION AFL-CIO *
CLC,

Petitioner *

-vs-

UNIVERSITY OF PITTSBURGH, *

Respondent *

* * * * * * *

HEARING TRANSCRIPT

* * * * * * *

BEFORE: Stephen A. Helmerich, 

Hearing Examiner

HEARING: Wednesday, October 3, 2018

9:12 a.m.

Reporter: Valerie B. Gregory

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LOCATION: Hilton Garden Inn
3454 Forbes Avenue
Pittsburgh, PA 15213

WITNESSES: Nathan Urban
APPEARANCES

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

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

MICHAEL HEALEY, ESQUIRE
Healey, Block & Hornack, P.C.
247 Fort Pitt Boulevard
4th Floor
Pittsburgh, PA 15222
Counsel for the Petitioner
APP E A R A N C E S (cont.)

SHANNON D. FARMER, ESQUIRE
MEREDITH S. DANTE, ESQUIRE
Ballard Spahr, LLP
1735 Market Street
51st Floor
Philadelphia, PA 19103-7599

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

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

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

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

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

This is not dependent on the number of hours a students spends researching, nor is it dependent on being qualified to teach. It is offered to students so they can focus on their dissertation, which takes on average over five years to complete, even with their full attention.
The Union no doubt has tried to draw lines between what is academic and what is services, to use their wording.

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

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

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

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

All of this is important because graduate students at Pitt do not satisfy the definition
of employee under the Pennsylvania Public Employee Relations Act.

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

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

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

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

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

A fundamental premise of PAIR is that residents, medical interns and fellows at Temple were
at the academic institution not for the primary purpose of obtaining monetary remuneration, but rather to fulfill educational requirements.

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

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

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

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

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

Regardless, Pitt's graduate students
receive a direct academic benefit for the activities they perform throughout the course of their studies at Pitt.

As a result, Temple is not on point here.

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

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

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

You will hear that like the medical interns, residents and fellows in PAIR, the activities engaged in by graduate studies at Pitt are part of their academic program.
For example, learning to teach by engaging in teaching activities is a degree requirement in many programs. And even in programs where it's not required, it is encouraged.

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

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

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

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

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

In addition, even where students have
research assistantships or on the GSR and work with faculty on research products, you will hear that such research is a critical part of the Ph.D. Program.

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

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

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

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

Finally, unlike the record before the PLRB in Temple, you will hear that students who are funded - who are not funded on assistantships still have to research, publish, learn to teach and
collaborate with faculty, just as those who are on assistantships.

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

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

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

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

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

They are not all easy and they do take time. So does coursework and homework and writing a dissertation. That does not transform an otherwise - these otherwise academic endeavors into an employment relationship.
As to the appropriateness of the unit, the Union makes much of the fact that fellows and trainees are not employees. We agree.

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

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

ATTORNEY FARMER: That they're not employees.

HEARING EXAMINER: Who said that?

ATTORNEY DANTE: The Union.

HEARING EXAMINER: Who said they weren't employees?

ATTORNEY MANZOLILLO: Fellows and trainees.


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

ATTORNEY DANTE: Fellows and trainees also seek out opportunities that they otherwise look identical to graduate students on assistantships.
For example, then they choose to work on particular research projects with faculty or seek additional teaching experience while they are on either a traineeship or a fellowship.

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

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

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

For the vast majority of students, the research on the assistantship is directly related to and indistinguishable from their dissertation research, for which they receive an academic credit for and the result - and as a result, those students would not be
employees under PAIR or even Temple.

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

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

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

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

Nor could they have conceived that two
students working side by side, doing the exact same thing, for the exact same stipend might be treated differently under the law.

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

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

Also, the USW repeatedly claimed, that what graduate students do is the same as part-time instructors.

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

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

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

Finally, if the Union is correct, that what part-time instructors do is the same as TAs and
TFs, then their unit is not appropriate under PA law, as part-time instructors should be included in any unit and the petition would be - would need to be dismissed.

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

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

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

HEARING EXAMINER: Thank you very much,
Ms. Dante.

ATTORNEY DANTE: Thank you.

HEARING EXAMINER: I followed everything you said.

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

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

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

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

But that is definitely an issue to think about.

Okay.

First witness?

ATTORNEY FARMER: Yes.

Nathan Urban.

HEARING EXAMINER: Again, they also may not also be professional, too.
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NATHAN URBAN, PH.D.

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

---

HEARING EXAMINER: Spell your name for
us.


HEARING EXAMINER: All right, ma'am.

ATTORNEY FARMER: Thank you.

---

DIRECT EXAMINATION

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BY ATTORNEY FARMER:

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

A. University of Pittsburgh.

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

A. A little over three years.

Q. Where did you work previously?

A. Carnegie Mellon University.

Q. In what capacity are you employed by Pitt?

A. So I'm Vice Provost for Graduate Studies in
Strategy Initiatives; faculty member in the School of
Q. How long have you held the Vice Provost role?
A. So for a little over a year I've been Vice Provost for Graduate Studies. Before that I was a - a different kind of Vice Provost.

Q. Okay.

What are your responsibilities in your current Vice Provost role?
A. So as Vice Provost for Graduate Studies, I oversee all Graduate Programs across the University that involve - that's involved with looking at program approval, policy changes to programs, various changes to support graduate education across the University.

Q. Can you tell us about your educational background?
A. Sure.

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

Q. And why did you choose to do your Ph.D. at Pitt?
A. It had a great Neuroscience Department,
great Neuroscience Program. That was what I wanted to do. I wanted to become a researcher and eventually a faculty member. And so it was a great opportunity for me.

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

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

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

Q. Okay.

What - and why - do you know, was it not made clear to you how you were being funded?
A. Yeah, it wasn't - it was not made clear that - I mean, what I did was no different after the - it just went, expired. So it - it didn't really matter to me.

Q. During the course of your graduate education
at Pitt, what kind of experiences did you get?

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

Q. Did those experiences benefit you -?

HEARING EXAMINER: One second.

Did I swear the witness in?

COURT REPORTER: You did.

HEARING EXAMINER: All right.

BY ATTORNEY FARMER:

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

A. Absolutely. I mean, I - sort of - the - the sort of mentoring that I received allowed me to develop as a researcher, develop skills, both as an experimentalist an - in terms of develop - analyze and interpret data, you know, to write papers, to present, to communicate effectively about science, to be more - to develop a better understanding of teaching. And how it is that one goes about preparing a lecture, about preparing exams, creating exam questions, what it means when students - you know, when all students miss number
seven on your exam and give the same wrong answer, I mean, this is all very useful preparation.

Q. And did the experiences -

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

---

BY ATTORNEY FARMER:

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

A. Yeah, I -.

Q. Can you talk about that?

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

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

My ability to teach in a variety of classes over the years certainly was enhanced by the - the experience that I gained as a - as a Ph.D. student.
The ability to communicate effectively about science to give presentations, both short and long, to a variety of different audiences, all of that was critical to my success as a faculty member and now as a University administrator as well.

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

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

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

ATTORNEY FARMER: This is going to be 18.

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

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BY ATTORNEY FARMER:

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

Can you identify what this is?

ATTORNEY HEALEY: And for the record, so it's not confusing, it's also Union Exhibit 1.
ATTORNEY FARMER: Yeah. We already had the color copies printed, so I'm still using it.

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

ATTORNEY HEALEY: Okay.

HEARING EXAMINER: Thank you.

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

BY ATTORNEY FARMER:

Q. Okay.

And what is the fact book?

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

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

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

A. I believe it comes out in the - I mean, it's finished in the summer. And so then it goes back - so
it's actually the year - academic year 2017-2018,

Q. Okay.

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

Q. Okay.

Let's -.

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

Right?

ATTORNEY FARMER: Okay.

HEARING EXAMINER: You don't know?

ATTORNEY FARMER: I don't know.

THE WITNESS: I don't know.

ATTORNEY FARMER: That's -.

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

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

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: - but not every one.

BY ATTORNEY FARMER:

Q. Okay.

If we could turn to - turn to page 16.

A. Okay.
Q. Okay.
Does this show, sort of, the highest level
of organization of the University?
A. Yeah, the very highest level in the Board of
Trustees, including Emeritus members of the Board,
Ex Officio members of the Board. And the Chancellor is
also listed there.
Q. Okay.
A. Okay.
Q. Okay.
A. Okay.
Q. Can you explain - obviously, not every box.
A. Okay.
Q. But can you just give us an overview of what
we're - what we're seeing here?
A. I think I could explain every box. But I -
but I -.
Q. Yeah.
A. So this is - this shows, sort of, the
academic part of the University. The Provost is the
chief academic part of the University. The Provost is
the Chief Academic Officer.
So she - well, the old Provost's name is
listed there, Patty Beeson. She's listed at the top.
And then underneath that the boxes show Vice Provost,
people who work directly with the Provost in the Provost Office. And then also Deans of the various schools, all of whom are direct reports to the Provost.

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

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

Q. Okay.

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

What are we - what are we seeing here?

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

Q. Yes.

A. Yes.

So it's the same as 17.

Q. Okay.

A. Was that a trick question?

Q. All right. All right.

So go to page 19.

A. Yeah.

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

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

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

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

A. Yes.

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

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

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

And then also technology support for
teaching. A whole variety of different activities.

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

A. Yeah.

Q. - can you explain that?

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

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

And so there are financial positions.

There's a - there's an Associate Senior Vice Chancellor
for Administration, Associate Senior Vice Chancellor
for Research, et cetera.

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

Q. Okay.
And on the bottom line of page 20, are those the various schools that are considered to be part of Health Sciences?

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

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

A. Yes.

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

A. Yes.

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

A. Sure.

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

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

So these are large research institutes that
- where - that have faculty, that are affiliated with them, that have students - graduate and professional students who are affiliated with them, that have sort of research activities, that have physical space, et cetera.

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

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

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

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

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

Q. Okay.

If we go ahead to page 24 of - it talks
about student affairs.

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

A. Yes, it does.

Q. That being undergraduates, graduates, professional students?

A. Yes.

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

A. No, none.

Q. So -?

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

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

HEARING EXAMINER: And that's what funds this?

THE WITNESS: That partially funds this, yeah.

HEARING EXAMINER: Partially?

Go ahead.

BY ATTORNEY FARMER:
Q. You mentioned that there's not that centralized graduate school, and the Graduate Programs are administered out of the schools and department. What does that mean to you, from an administrative standpoint?

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

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

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

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

   But then within those - those boundaries, programs can - schools can - can create a variety of different programs to meet the needs of students.
Q. If you could turn to page 28.

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

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

Q. And that includes graduate and professional undergraduates?

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

Q. Okay.

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

Can you explain what a doctorate professional practice is?

A. Sure.

There are some Doctorates, like the M.D., the D.M.D., the Doctor of Dental - well, the Doctor of Dental Medicine, other Doctorates that are professional degrees. Those are not considered
research degrees like a Ph.D. And so - so those are the ones that are listed in the Doctorate in Professional Practice.

Q. So are Ph.D.s listed in that graduate number?
A. They are listed in the graduate number.
Q. And -
A. They're -
Q. - go ahead.
A. - yeah, they're a part of the 7,143 number specifically.
Q. And would - also, there has been testimony about research or thesis Masters'. Are they included in that?
A. Yes.
Q. There has also been some testimony about the idea of professional Masters'. Are they included in that graduate number as well?
A. Yes.
Q. Do all of the students who are listed under this graduate student heading receive some sort of financial support from the University?
A. No, they do not.
Q. For students who do receive financial support, can it take different forms?
A. Yes.

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

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

A. Yes.

Q. What does that encompass?

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

Q. If you could turn now -?

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

THE WITNESS: Yeah.

HEARING EXAMINER: Go ahead.

BY ATTORNEY FARMER:

Q. What is the category - sorry.

If we can turn to page 46.

HEARING EXAMINER: All right.

I'm going to go back to that question.
When you say TA, TF, are you putting a slash in between them to - a comma.

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

HEARING EXAMINER: All right.

And then a GS - GSA -

ATTORNEY FARMER: A.

THE WITNESS: GSA.

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

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

HEARING EXAMINER: Go ahead.

ATTORNEY FARMER: Okay.

BY ATTORNEY FARMER:

Q. Turning to page 46.

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

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

A. Yes.

Q. Okay.

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

What is that?
A. So we award certificates, which are an academic credential, sort of, less than a degree. So our current rules are that – to count as a graduate certificate it must be a set of at least 15 credits in a particular area.

So someone could earn a certificate in – we just approved one in Construction Management, within the School of Engineering. So this is a – a credential.

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

In other cases, they are credentials which are earned by people in a standalone way. There might be somebody who's working in the construction field who wants to earn a certificate in Construction Management. And so this graduate certificate category captures all of those.

Q. So turning to page 47, –
A. Yes.

Q. – where it says Doctorate research/scholarship.
A. Yeah.
Q. This is the Ph.D. Programs?
A. Yes.
Q. Okay.

And the numbers that are listed here, these are not enrollment, this is the degrees that have actually been awarded in a given years?
A. Correct, yeah.
Q. So this - are there also programs which involve like dual degree or joint degree programs?
A. Yeah, we have a number of them. I mean, I think the - the one that probably I know best and that is the - one of the larger ones is the M.D., Ph.D. Program where you can eastern an M.D. degree and also a Ph.D. degree in over roughly an eight or so year period.

ATTORNEY FARMER: This will be 19.
---
(Whereupon, Respondent Exhibit 19, Special Academic Opportunities Catalog, was marked for identification.)
---

THE WITNESS: But there - and there are others.

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

BY ATTORNEY FARMER:

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

A. Sure.

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

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

HEARING EXAMINER: Okay.

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

HEARING EXAMINER: Do you know the number I want?

ATTORNEY FARMER: - from spring of '18.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Okay.

Thank you.

ATTORNEY FARMER: Yes.

We're going to get there in just a few
minutes.

BY ATTORNEY FARMER:

Q. Okay.

Turning your attention to Exhibit 19.

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

A. Yes.

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

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

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

Q. Okay.

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

A. Yeah.

Q. - just those general categories?

Can you explain sort of what the general
difference is between a dual degree, joint degree and two different degrees?

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

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

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

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

Q. Okay.

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

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

ATTORNEY FARMER: This will be 20.

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(Whereupon, Respondent Exhibit 20, List of Degree and Certificate Granting Programs, was marked for
identification.) ---

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

BY ATTORNEY FARMER:

Q. Okay.

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

Can you explain what this is?

A. Yeah.

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

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

A. Correct. That's right.

Q. Of which there are obviously a large number?

A. Yeah, 200 and some.

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

A. It's close to 90.

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

A. I mean, graduate education or Ph.D. education or -?
Q. Can you talk about both?
A. Sure.

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

Q. And what about the purpose of Ph.D. Programs?
A. So within the context of overall graduate education, a Ph.D. is specifically a degree which is focused on training people to be experts in a particular field. Experts to the extent that they can be effective in creating new knowledge, creating new scholarship, and then disseminating that new knowledge and new scholarship.

Q. You mentioned that the Provost Office basically sets a general set of regulations for the academic programs. Right?
A. Yes.

---

(Whereupon, Respondent Exhibit 21, Academic Regulations, was marked for identification.)
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
to follow?
  A. Yes, it does.
  Q. Is there also a section talking about rates and responsibilities affecting students?
  A. Yes, I believe it's towards the end.
  Q. Go like two more pages in, -
  A. Yeah.
  Q. - on the back.
  Okay.
  And that would apply to all students and all Ph.D. Programs?
  A. Correct. Yeah.
  Q. Are there specific skills that are expected to be developed in any Ph.D. Program?
  A. Yeah, I - I - the - I mean, the fundamental nature of a - of a Ph.D. is that we're trying to develop students to - to allow them to develop the skills, the expertise that's necessary, so that they can perform novel research. A Ph.D. is a research degree.

  Fundamentally, it's about developing students to the point where they can be pushing the - the boundaries of knowledge, pushing the boundaries of scholarship in a - in a variety of ways and then communicating that.
And that is really reflected in the - the -
the one requirement that is universal across all
Ph.D.s, whether you're talking about at Pitt or any
institution, is that there must be a - a thesis of some
sort, a presentation of one's research.

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

Q. And that presentation of the - of the
research has to be a public presentation?
A. In all cases that I'm aware of it's a public
presentation.

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

It's also, I think, important - I think
historically it's been important that dissertations
with the thesis presentations are public. Because we
want others to be able to check what's - how - what is
the work that - that our students are producing? What
is the quality of the research that's being done?
And therefore, we invite, in some sense, the broad public to - to - to witness this. And this is why in some cases there are progress, including from those here at Pitt, that require, as part of the - the Dissertation Committee, as part of the Thesis Committee, someone from outside the University to participate as an examiner, someone who is going to evaluate the content of that work.

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

A. Absolutely.

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

HEARING EXAMINER: What was that?

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

HEARING EXAMINER: What was the work on that?

THE WITNESS: So the Nobel Prize involves -.

ATTORNEY HEALEY: It was on NPR this
morning.

HEARING EXAMINER: Quickly, -

THE WITNESS: Oh, sorry.

HEARING EXAMINER: - what was it about?

BY ATTORNEY FARMER:

Q. Just real fast.

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

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

HEARING EXAMINER: Okay. Go ahead.

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

ATTORNEY FARMER: No, it's -

ATTORNEY DANTE: Yeah.

ATTORNEY FARMER: - really interesting.

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

BY ATTORNEY FARMER:

Q. Are graduate students admitted to support
undergraduate education?

A. No.

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

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

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

HEARING EXAMINER: Oh.

BY ATTORNEY FARMER:

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

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

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

A. Yes.

Q. There was testimony yesterday, I think, about School of Public Health has no undergraduates. Are there others like that?

A. School of Medicine, for example.

Q. Taking a look back at the fact book, page 30. Has the number of undergraduate students
been increasing over the past five years?
   A. Yes.
   Q. Has the number of graduate students been decreasing?
   A. Yes, it has.
   Q. And this doesn't break out among the types of Graduate Programs.
      Has the number of Ph.D. students also been decreasing?
   A. Yes, it has.
   Q. Do all faculty mentor graduate students?
   A. No.
   Q. Do you have a sense like what fraction?
   A. So we have what we call a graduate faculty, which consists of about 1,600 or 1,800 or so faculty. Those are the faculty who are eligible to supervise graduate students. I don't know what fraction of those who are eligible actually do.
   Q. Is it often the case that if there are faculty members who mentor graduate students, they may mentor several at a time and other faculty don't do it at all?
   A. Yeah, that's what I would say there. So the distribution is not - not flat. Yeah.
   Q. Okay.
Let's talk about research in general at the University.

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

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

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

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

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

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

It includes research, you know, about the
climate. It includes research about - in - in the medical context.

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

Q. What does the approximate term R1 mean when it refers to a university?
A. So it refers to the category of universities that are the most research-active.

Q. And is Pitt an R1 university?
A. Yes.

Q. Do you know when, approximately, Pitt became an R1 university?
A. I don't know. But it's been a long - decades.

Q. Is Temple an R1 university?
A. I believe it recently became one within the last couple of years.

Q. If you can take a look at page eight of the fact book?
A. Yeah. Okay.

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

Can you explain what that is?
A. Sure.

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

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

A. Yeah.

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

Q. Okay.

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

Q. Is Pitt AAU?

A. Yes.

Q. And when did it become AAU?

A. In the '70s. I would say '74, '75 kind of
And is Temple an AAU university?
A. No, it's not.

Does Pitt make money on research?
A. No, Pitt - I mean, it's a complicated question. So - so Pitt - if you - if you look at sort of various numbers, Pitt receives about 850 or so million dollars a year in research from a variety of different source; about $500 million a year specifically from NIH.

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

And are those in - or could those be what's been referred to as R1?
A. Yeah, many of those NIH grants are R1s. And there are other mechanisms. But the - the single biggest source of funding from NIH is the R1 grant, which goes to fund an individual investigator for a project.

So faculty research?
A. Faculty research, yeah.

Maybe make money is too vague.
THE WITNESS: Well, so - so -
BY ATTORNEY FARMER:

Q. You can talk about it further.

A. - yeah.

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

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

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

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

That includes everything from the costs of - of buildings, to the costs of the electricity, to the
cost of the Office of Research that deals with administrative aspects of grants.

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

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

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

HEARING EXAMINER: Are salaries direct or indirect?

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

Salary of the secretary or the - the - the administrative person who's helping me to,
sort of, file the paperwork for my grant, that's an administrative cost, not a direct cost.

BY ATTORNEY FARMER:

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

A. Yes.

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

A. Yes.

Q. Can you talk a little bit about that?

A. Yeah.

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

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

So in the Life Sciences, a typical startup
package these days for a faculty member is $800,000 to a million dollars. A little bit less in some others, a little bit more in other areas. It depends.

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

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

A. Yeah.

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

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

You know, obviously there's some data sources like, you know, census data, which are available for free. But there are other more curated, more - more - in many cases, more valuable data sources that faculty need access to in order to do research. And that's a cost, at this point, at the University.
Q. There was testimony yesterday that referenced, I believe the name was a Pepper grant?
   A. I think it was the Pepper Center.
   Q. Okay.
   Can you explain what grants from there do?
   A. Sure.

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

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

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

   ATTORNEY HEALEY: I'm just going to object as to relevancy. I think we're sort of straying
away from the issue.

HEARING EXAMINER: Overruled. Go ahead.

THE WITNESS: I mean, it's -.

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

I believe that's what you -

ATTORNEY FARMER: Yes.

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

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

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: - students and how they fit in.

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

ATTORNEY FARMER: Correct.

HEARING EXAMINER: So a lot of this is going back to that argument, which is not necessarily
directed at me, per se, but it is directed at the Board.

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

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

HEARING EXAMINER: Okay. Go ahead.

ATTORNEY FARMER: Much as we respect your -

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: - authority, of course.

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

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

BY ATTORNEY FARMER:

Q. I actually will.

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

A. Yeah.

So a graduate student - the costs of the graduate student includes stipend, includes the health insurance and other benefits that we provide through
the various fees and then tuition associated with that student.

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

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

Q. Okay.

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

Q. No.

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

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

A. Oh, sure.

Q. - for a graduate student?

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

And then the tuition depends in part on
whether the student was in state to out of state. I think in Arts and Sciences in-state tuition is in - somewhere in the $25,000, $22,000 range. And for an out-of-state student it's about $37,000, $38,000 a year.

Different numbers for different schools and different programs.

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

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

ATTORNEY HEALEY: It's Union Exhibit 9.

ATTORNEY FARMER: I believe has the -

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

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Pardon me, sir. Is this the guidelines for stipends that you mentioned?

THE WITNESS: Yes, these are the guidelines.

ATTORNEY FARMER: Oh, okay.

HEARING EXAMINER: I showed him Union Exhibit 9.

ATTORNEY FARMER: Okay.
HEARING EXAMINER: He said that's what he's talking about.

ATTORNEY FARMER: Okay.

THE WITNESS: Yes.

ATTORNEY FARMER: Okay.

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

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

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

BY ATTORNEY FARMER:

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

A. Yes.

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

In the humanities and social sciences there are different costs, I would say overall, probably somewhat less. But - but absolutely, there are costs associated with research.
Q. And is all of this part of the costs of educating Ph.D. students, which is borne by the University?
   A. Yes, absolutely.
   Q. Do these costs change based on what type of funding the graduate student is receiving at a given point in their Ph.D. Program?
   A. No, they - they change based on the activity of that student.
   Q. So if - if - as you talked about, research is a - a cost center rather than a profit center for the University, how does the University fund it?
   A. So there are a number of other sources of revenue to the University. I mean, there are endowment funds. So every year the - the University draws, you know, 150-ish million dollars from the endowment.
   The University receives 150-ish million dollars every year from the Commonwealth of Pennsylvania. University receives philanthropic support. Outside of the endowment, a lot of that goes towards research.
   Universities really depend on one or another of these other sources of - of funds in order to operate and especially to operate this research at universities.
Q. You've talked about the fact that research can take different forms, different locations, different tools and equipment. Is that true across Graduate Programs as well?

A. Yes, absolutely.

Q. Let's talk a little bit about Graduate Programs in - in more depth. How many schools have Graduate Programs?

A. I believe 14.

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

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

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

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

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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

BY ATTORNEY FARMER:

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

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

Q. Okay.
A. So yeah.
Q. So -?
A. So for example, in - you know, the first one, Applied Math has one MA student in it currently.
Q. Okay.

So taking a look towards the right side of the page is the Ph.D. students?
A. Yeah.
Q. Okay.

And this is the - the first table is Arts and Sciences?
A. Yep.
Q. There's roughly 1,100 Ph.D. students?
A. Yes.
Q. Okay.
And this is all students not limited to students who are funded on academic appointments?

A. Correct, this is enrollment.

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

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

A. Yeah.

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

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

A. Yeah.

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

A. Yeah.

Q. All right.

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

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

A. Sure.

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

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

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

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

A. Yes.

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

Q. Okay.

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

A. Sure.

So the - the program, which is the Center for Neuroscience at the University of Pittsburgh Graduate Training Program, which I'll call CNUP, is a
program that enrolls students at the University of Pittsburgh. It draws its training faculty from both Pitt and Carnegie Mellon.

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

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

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

Q. And are they funded by Pitt?

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

But in subsequent years, after students identify their thesis lab and identify their thesis project, typically then they're supported by the Carnegie Mellon faculty member off of a CMU house grant.
Q. So a student could be - I just want to make sure I understand - they could be enrolled in a Ph.D. Program at Pitt but physically doing their research in a CMU lab, -
   A. Yeah.
   Q. - supported by a CMU - the - the lab being fund by CMU grant, but they're receiving their financial support from Pitt?
   A. Yes.
   Q. And is CMU a private university?
   A. Yes, it is.
   Q. And that's where you previously worked. Right?
   A. Yes.
   Q. What is the purpose of having these kind of joint programs with CMU?
   A. I mean, the general purpose is to give students more opportunities to, you know, access a larger group of faculty, a larger group of - of faculty expertise, a larger number of potential mentors, advisors for the work that they - they are doing. It also has a - a sort of ancillary benefit of these kinds of training programs and - and giving students a - a wider range of - of training opportunities increases the competitiveness of this
program for training grant support from places like NIH.

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

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

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

Q. I'm sorry, PCHE?

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

But this program, this system, which has been in place for some time, is - is instrumental in these - across University Graduate Programs. So - so that allows students to - to sort of flexibly engage - access educational opportunities at - at multiple universities.
Q. And - and that PCHE program is open to any Pitt student?

A. Correct, absolutely.

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

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

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

ATTORNEY FARMER: It will be 23.

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

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BY ATTORNEY FARMER:

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

Can you explain what this is?

A. So this looks like - so this is a table that shows on the left-hand side a - a group of - I mean,
it's listed here as funding sources. But these are - I think they're all universities that are the recipients of grants which are then being used in part to fund students in the academic programs listed here, the middle two columns, for the appointment type that's listed in the far right.

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

So in each -.

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

A. Right. Yes, exactly.

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

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

In other cases they're supported by a grant
through that institution, but the work is being done here. And I - and I don't know - you know, for an individual example, I don't know which are which.

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

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

Q. Okay.

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

A. Correct. Yes.

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

A. Yes, they all would.

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

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

Q. Because they're on an academic appointment -

A. They're on an academic appointment, so I
would say yeah.

Q. - they redact it?

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

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

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

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

A. Correct.

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

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

So therefore, admissions is handled at the
school level. And there are a variety of different, sort of, application systems and a variety of different, you know, sort of standards for the application. There are a few rules that are set at the University-level, like a minimum TOEFL score, Test of English as a Foreign Language.

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

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

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

But they may also have someone at that - and
they would have someone at that other institution who was - had a level of responsibility, because that person was the PI for that grant.

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

Q. Going back for the admissions process. Who decide whether to admit graduate students?
A. Those decisions are made at the program level. There's usually a - some sort of Admissions Committee. But you know the - the details of that structure are left up to the individual programs.

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

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

Q. In your role as a faculty member and as a Vice Provost, do you interact regularly with Ph.D.
students?
A. Yeah, I - I currently have one Ph.D. student in my lab, that I'm supervising her work. But I interact with a lot of Ph.D. students in her role. I'm teaching a - I'm actually teaching this semester a graduate - part of a graduate course for CMU, but don't tell anybody.

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

Q. Do you have a sense of the kinds of things that lead students to come to Pitt for their Ph.D.s?
A. Yeah. I mean, I think the - the main driving force typically is the opportunity to do research of - of a particular type in a particular field with world class experts.

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

So I think that's - you know, it's a very competitive landscape to try and recruit the very best
graduate students from across the country.

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

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

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

HEARING EXAMINER: Yes, ma'am.

ATTORNEY FARMER: Thank you.

HEARING EXAMINER: Off the record.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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BY ATTORNEY FARMER:

Q. We previously talked about the fact that there are sort of core requirements of the degree that are laid out in the academic regulations in a general
Why do these core requirements of the degree exist?

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

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

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

A. No.

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

That Council is consistent - has a membership that's in the sort of 24ish or something
like that range. Six of who - six of those members are students, the rest are faculty - graduate faculty drawing from different parts of the University. That Council is the body that's in charge of making sort of recommendations about modifications to the - those documents.

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

Q. So within these -?

HEARING EXAMINER: Is there a faculty senate?

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

HEARING EXAMINER: Assembly?

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

HEARING EXAMINER: To vote - well, you said the whole faculty has to vote on let's say constitutional changes?
THE WITNESS: Yeah.

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

What body is that?

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

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

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

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

HEARING EXAMINER: I'm looking at -. THE WITNESS: - amending the constitution kind of - kind of level change.

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

ATTORNEY FARMER: Binder Number 2 or Exhibit Number 2?

HEARING EXAMINER: White binder, Tab 2 -

ATTORNEY FARMER: Okay.
HEARING EXAMINER: - Tab 2 and 3.

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

HEARING EXAMINER: All right.

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

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

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

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

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

THE WITNESS: Yeah.

HEARING EXAMINER: - to see. They look similar.

THE WITNESS: Yeah, they're - they're
just for the different categories.

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

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

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

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

THE WITNESS: Yeah.

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

THE WITNESS: Yes.

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

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

HEARING EXAMINER: Okay.

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

THE WITNESS: Yeah.

HEARING EXAMINER: And PASSHE is very
rigorous with their policies.

THE WITNESS: Right.

HEARING EXAMINER: They're numbered.

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

THE WITNESS: Yeah.

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

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

HEARING EXAMINER: Uh-huh (yes).

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

HEARING EXAMINER: Chief Financial Officer?

THE WITNESS: Chief Financial Officer. But all of these regulations with the graduate study were described in much more details of how it is the Graduate Program was run, are responsible individuals of the programs.

HEARING EXAMINER: And so 2 and 3 needs to be changed - you think that there would have to be a vote by the Graduate faculty to substantially change these two policies?
THE WITNESS: So for - for certain levels of changes - and - and again, this is a gray area where - I - I don't -

HEARING EXAMINER: Yeah.

THE WITNESS: - even know where it would be.

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

HEARING EXAMINER: No.

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

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

HEARING EXAMINER: Okay.

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

ATTORNEY FARMER: No, absolutely.

BY ATTORNEY FARMER:

Q. While we're talking about those. The policies that are listed, that are in there as Union's
Exhibit 2 and 3, what year is on those policies?


Q. Has the University changed a lot since 1995?

A. Yeah, in many, many ways.

Q. And actually, were you here in 1995?

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

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

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

HEARING EXAMINER: Oh.

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

HEARING EXAMINER: Okay.

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

HEARING EXAMINER: Oh, really?

ATTORNEY FARMER: Yeah.

ATTORNEY HEALEY: Yeah, this is -
they're both from 1995.


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

THE WITNESS: Yes, they are.

BY ATTORNEY FARMER:

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

A. Yes.

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

A. Yes.

Q. Can you explain what dissertation credits are?

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

The purpose of that is to evaluate the students sort of knowledge. Do they have a set of knowledge in the discipline that's appropriate for them
to advance into - further into the Ph.D.

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

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

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

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

So it's a recognition at that point that students have achieved a level of - of, you know, sort
of development in their education, a level of knowledge, a level of skill that prepares them to - to advance to - to - sometimes it's referred to as advance to candidacy.

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

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

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

BY ATTORNEY FARMER:

Q. The - that's the academic regulations.

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

Q. Okay.

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

A. Yes. I mean, I think - the way I think about it is, that there are some core requirements that are set at the University-level, that Pitt, as a university and the faculty at the University really believe are essential elements for any student who is going to be granted a Ph.D.
And then within particular disciplines there's - there's a refinement of that. There are additional specifications, additional requirements that part of what that particular group of faculty in that discipline recognize as being critical for earning a Ph.D. in that particular discipline.

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

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

Q. For example, requiring what certain core courses would be to meet the -
A. Yes.
Q. - minimum course requirement, credit requirement the University sets?
A. Yes, absolutely.
Q. Even within the same program, is the Ph.D. experience the same for every student?
A. Absolutely not. Well, our -.
Q. Why not?
A. Well, there - there are - I mean, first of
all, there's - in many cases there's latitude in terms of which courses a particular student takes. There's - there's wide latitude in terms of the kind of research that a student engages in.

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

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

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

Q. Is individuality the hallmark of Ph.D. Programs?
A. I think it is certainly a hallmark. And I think the hallmark is research. But within that context, there are no - there are no two - two thesis
documents that are - that are the same. There are no
two Ph.D. Programs. There are no two Ph.D. students
even in the same program, who have the same path, the
same trajectory through those programs. It's highly
individualized.

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

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

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

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

A. No. I mean, I think that would - that would
be - in my opinion, that would be a tragedy if that
were the case. Because I think the Ph.D. Program has
to be what - what we're certifying - I mean, the
University needs to pay attention to.

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

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

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

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

   A. It's close to six years.

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

   A. Yes. Absolutely.

Q. You laughed.
A. I — I mean, I — I laugh because I see it every day. I mean, I can think about it in my own experience. And I see it every day when talking to students. I mean, it is — it is a lot of work. It's a lot of effort. It's a lot of investment, a lot of time.

And you know, personally, you know, for me it's absolutely been worth it. It — it has something that — it is something that prepared me for everything that's come since.

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

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

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

It's — it's something that universities must
do in order to be universities, to be the - the kind of
university that they want to be.

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

A. Yeah.

Q. Are those interchangeable, in terms of the -

A. I would say -

Q. - how they're used?

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

Q. Okay.

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

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

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

Q. Okay.

And you also said that students also have a
- a Thesis Committee you referred it to as?

A. Yes.

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

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

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

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

Q. And then at what point does a student have this Thesis Committee that gets formed?
A. So by University regulation, the Thesis Committee is formed in - in conjunction with this - the preparation of this thesis proposal or this prospectus document, which is - which - which is at a time when they've completed these other milestones.

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

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

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

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

Q. Okay.

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

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

A. Yes.

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

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

Q. And why does the University provide financial support?

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

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

Q. And you mentioned that there are these four categories that are referred to as academic
appointments?
   A. Yes.
   Q. And then there's also this reference to fellows and trainees?
   A. Yes.
   Q. Are those - how do they relate to academic appointments?
   A. That's a good question.
       So they're in many ways similar to academic appointments, in that fellows and trainees are provided
       with a stipend. They're provided with tuition remission. They're provided with support for health
       insurance.
       But historically, they've not been included - historically, at - at Pitt they've not been included
       in this category of academic appointments.
       But - but we - it's a - it's a mechanism of supporting the students in the Ph.D. Programs in - in -
       in - in a similar way.

   ATTORNEY FARMER: This is going to be 24.

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

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

HEARING EXAMINER: This is 23?

ATTORNEY FARMER: Yeah.

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

ATTORNEY HEALEY: Okay.

ATTORNEY FARMER: Yeah.

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

BY ATTORNEY FARMER:

Q. All right.

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

Can you just explain what that is?

A. Sure.

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

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

A. Yes, -
Q. - is the way to put it?
A. - yep.

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

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

HEARING EXAMINER: Okay.

ATTORNEY FARMER: Yeah, that's accurate. HEARING EXAMINER: Oh, there it is. I see it.

I'm sorry.

ATTORNEY FARMER: Yeah, yeah.

HEARING EXAMINER: Go ahead.

BY ATTORNEY FARMER:

Q. Okay.

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

A. In some instances, yes. Smaller numbers.

Q. Okay.

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

A. I believe they would be, yes.

Q. Okay.
And I think if you take that a look at the -

at the detail, it lists some of the -

A. Yes, -

Q. - programs?

A. - yeah.

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

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

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BY ATTORNEY FARMER:

Q. Do you recognize what this is?

A. Yes.

Q. Okay.

Can you explain what it is?

A. It's a document that describes that - put together by my office, that describes a number of resource that are available for graduate students across the University.

Q. Okay.

And there's a date at the top, September of 2018.

Were there any changes made to this, this September - does that relate when this was - there
hadn't been substantial changes?

A. There have not been substantial changes.

There may have been, you know, edits for - for accuracy or changes - you know, numbers that changed from one week to the next. But yeah, it's - it's substantially the same.

Q. So it - it talks about - strike that.

Who decides what type of funding is offered to which students?

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

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

A. Yes.

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

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

We stipulate in those documents that TAs,
TFs, GS - TAs, TFs, GSAs and GSRs must provide the full cost of health insurance - health insurance premiums to students.

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

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

Right?

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

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

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

HEARING EXAMINER: I know.

THE WITNESS: - need to have students to have time to work on their academic work to - to do the
things necessary for classes, to do the things necessary for their research, et cetera.

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

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

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

**HEARING EXAMINER:** Penn State did. Right?

They had a whole -?

**ATTORNEY FARMER:** They did.

**HEARING EXAMINER:** Okay. Go ahead.

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

**THE WITNESS:** Yeah.

**BY ATTORNEY FARMER:**

Q. Yeah.

I'm going to show you what we're marking as Exhibit 26, as a follow-up to the Hearing Examiner's -.
(Whereupon, Respondent Exhibit 26, E-mail, was marked for identification.)

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

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

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

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

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

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

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

HEARING EXAMINER: I'm going to guess that they are.
And then this is 2017.
Right?

THE WITNESS: Yes.

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

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

HEARING EXAMINER: Go ahead, ma'am.

ATTORNEY FARMER: Yeah.

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

ATTORNEY FARMER: '18.

ATTORNEY MANZOLILLO: December 2017.

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

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

Okay. Go ahead.

BY ATTORNEY FARMER:

Q. Was this e-mail written with the fact that there might have been a unionization effort in mind?
A. No, it was written because of - in the first months that I was in the role, I was talking to students broadly across the University. And there were questions - students, and also faculty, Graduate Program Directors and there were questions about - desired to have clarification on this issue.

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

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

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

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

A. Yes.

Q. And they have to make academic progress?

A. Yes.

Q. All right.

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

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

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

A. That's true.

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

A. So I would say the bulk of - the bulk of trainees are students who are supported through an outside, quote, unquote, training grant. And there are a number of different sources of these training grants. But the idea is that a faculty member applies or a group of faculty apply to a - a federal agency, typically like NIH, requesting support for a training program. So they write what's called a training grant.

The - the training grant then describes a - a training program for the students. It describes - usually it has to describe some things about how you're going recruit students. It has to describes some
things about what had happened - what has - what have been the outcomes of students who have been previously in the program, to show that they've been successful in a variety of ways.

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

Q. And so Dr. Shaaban testified about having been supported for a period of time on T32.
A. Yes.
Q. That would be a training -.
A. That's an example of a training grant, yes.
Q. What about this term predoctoral fellow?
What is that?
A. So the way we - I think we're supposed to use this term. And again, there's some variation. The way - the way that we intend to use this term is, in those circumstances where a student applies independently or applies for funding from an organization, such as NIH or NSF, for support that is directed to that individual.

That individual is - is named in the
proposal in that sense, as opposed to the - something like a T32, where no specific individuals are named in that proposal.

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

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

A. Yes, yeah.

Q. Okay.

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

A. Yes.

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

A. Yeah.

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

A. Yes. Yeah. Yes, it's true.
Q. Okay.

And are all of those even necessarily graduate students?

A. No. For reasons that are not clear to me, this designation has gotten used for some undergraduates. It's a variety of different students. And I'm - yeah, I'm not sure why. But in that 304 number we have some of these other categories that are inconsistently -.

Q. All right.

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

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

Q. - or Master -?

A. Yes, that's correct.

Q. These are the students who are funded -

A. Correct.

Q. - in the broader category -?

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

Q. And then that - and there can be like - I think the - the Union had provided data, which showed there are 1,200 of those -
A. Yes.
Q. - for the previous -
A. Right.
Q. - year?
A. Yes.
Q. And that's - it's just the way in the system that they're sometimes grouped together?
A. For some reason they got grouped together had the system. And you know, historically this is the way that we've done things. And I - there's no good reason why, as far as I can tell.
Q. Take a look again at the - the academic regulations, Exhibit 21.
A. Yes.
Q. Okay.
In the second to last - the last physical page with the second to last side, -
A. Yeah.
Q. - there's a reference to the Graduate Student Researcher Policy Statement.
Do you see that?
A. Yes.
Q. And what is provided there? Is that consistent with your understanding of the purpose of a GSR appointment?
A. Yes. Absolutely.

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

A. Yes.

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

A. Uh-huh (yes).

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

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

A. Yes, yes.

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

A. Yes.

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

A. No, it does not.

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

A. Yes. I would be - it would be a very unusual case where a student is supported by the same
type of appointment across their entire academic year.

Q. Can it vary from year to year?
   A. Yes.

Q. Can it vary even from semester to semester?
   A. Yes, it can.

Q. Do the academic expectations of the student change, based on how they're funded in a given semester or year?
   A. No, the academic expectations are set by the program and the program description and requirements.

Q. How do the schools get the funds for supporting Ph.D. students?
   A. There's an allocation which comes through the Provost Office that I am involved in that goes out to individual schools. And then in addition to that, there are external funds, like NIH grants and other grants, that also - through GSR mechanisms primarily support students.

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

Q. And when the Provost Office allocates those funds, is that tied to undergraduate enrollment?
   A. No, it is not.

ATTORNEY FARMER: Twenty-seven (27).
(Whereupon, Respondent Exhibit 27, Partial List of Internal Fellowships Awarded by University, was marked for identification.)

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BY ATTORNEY FARMER:

Q. I'm going to show you what we're marking as Exhibit 27. Showing you what's been marked as 27. Can you identify what this is?

A. Sure.

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

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

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

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

A. Yes.

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

A. No, we had to inquire of all the schools to
collect the list that you see here.

Q. Do we know if this is all of them?
A. I'm almost certain that it's not all of them.

Q. Okay. All right. Let's talk - let's talk about training grants.
You - there was some testimony about it - about them yesterday, and T32s.
Are there other kinds of training grants in addition to T32s?
A. Yes. So the National Science Foundation or the NSF has a kind of training grant called a - it used to be called an IGERT. It's now called an NRT. But it's a - a similar mechanism.

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

Just yesterday I found out that somebody from our School of Engineering got a - a different kind of training grant. It's a Department of Energy or Department of Defense training grant that would support four graduate students for a set of project related to Materials Science.
So there are a variety of - of different mechanisms.

Q. And IGERT is I-G-E-R-T?
A. I-G-E-R-T, Interdisciplinary Graduate Education/Research and Training (sic) is the name of it.

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

A. Correct.

Q. Is that right?
A. Right.

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

Q. What's the -?

HEARING EXAMINER: May I ask a -?

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

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

So certainly NIH and NSF both refer to students supported on these kinds of grants as trainees. And so it may be -.
HEARING EXAMINER: What are they training for?

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

HEARING EXAMINER: That those government agencies are targeting?

THE WITNESS: Yes.

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

THE WITNESS: Correct.

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

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

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

There was - there was targeted training
grants that were specifically focused on training
people to work in HIV/AIDS research.

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

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

HEARING EXAMINER: Right.

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

HEARING EXAMINER: I understand now.

BY ATTORNEY FARMER:

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

A. Yes.

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

A. So typically when you write a training
grant, there's a training program which is proposed in
that training grant. And so the - the description there is something that the students - it's the program that students have to sort of, you know, complete.

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

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

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

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

A. No.

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

A. Typically, no.

Q. Is there any interruption in their program?
A. No.

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

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

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BY ATTORNEY FARMER:

Q. Okay.

Showing you what we're marking as 28.

Can you explain what this is?

A. Sure.

This is the - so this is the face page and some of the content of an application for a T32 training grant from Pitt, specifically to support students in the Center for Neuroscience at the University of Pittsburgh Graduate Training Program.

ATTORNEY FARMER: And this is - the pages aren't numbered. And see this is excerpts.

If the Union would like access to the entire document, I have it. But probably about 150 pages of it are the CVs of people who are involved.

ATTORNEY HEALEY: We'll pass for now.

ATTORNEY FARMER: Remember, I do have
it, in case you want it.

HEARING EXAMINER: You can look at it at lunch.

BY ATTORNEY FARMER:

Q. So is this a Renewal Application for a T32 that has been in place?
   A. Yes.

   And I can tell that because the - the number - on the - on the front page there's a number that starts 2T32 and it ends in dash 21.

   So that indicates that this is an application for - that would start in - that would initiate the 21st year of support of this training grant.

Q. Wow.

   Have you mentored students who have been funded on this training grant?
   A. Yes, I have.

   Q. Is this representative of the kinds of things that are included in a training grant application?
   A. Yes.

   Q. Okay.

   So if you can take a look at page six. And the - using the page numbers on the bottom.
Q. Is this a summary of what the grant is seeking to do?
A. Yes.

Q. And it references providing funding to students in their first or second year?
A. Yes.

Q. And is that typical?
A. It's - yeah, it's absolutely typical. I mean, it's typical that it would support students in a particular stage.

Q. Okay.
A. Some training grants support first or second year students, such as this one. Some training grants are specifically targeted to support students later in their career, after they've, you know, refined their - their research interests and their research objectives.

Q. Take a look at page eight.
A. Yeah.

Q. Okay.
It's headed Resources and Environment. Is this something that you're required to include in a training grant -
A. Yes.

Q. - application?
A. Yes, it is.

Q. In looking at this, are these same resources available to students in this program who are not funded on the training grant?

A. Yes, they are.

Q. And turning to page ten, where it has essential administrative units.

A. Yes.

Q. Do these programs that are listed here exist for students who are not funded on this training grant?

A. Yes.

Q. Are there any differences?

A. No.

Q. Turn to Section C, which starts on page 40, which is the section called Proposed Training.

A. Yes.

Q. Again, is this a required part of a T32 application?

A. Yes, it is.

Q. Okay.

The proposed training that is listed here for this grant, is that different for students who are in the program who are not funded on this training grant?

A. No, it's not.
Q. There was some testimony in the Union's case about how stipend levels are -?

HEARING EXAMINER: And are - are you moving off from this?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Can I ask him a couple of questions?

ATTORNEY FARMER: Yeah, go ahead.

HEARING EXAMINER: And we'll just point out again, the Union is not even asking for these people.

Who sets - okay.

So when you have these grants, do you refer to the government agency as the grantor or -

THE WITNESS: Yes.

HEARING EXAMINER: - who do you refer to them as?

THE WITNESS: I refer to them as NIH, but - or the grantor. Sure.

HEARING EXAMINER: Okay.

Does the grantor have any say on how much the students are - the grad students are paid?

THE WITNESS: They set a minimum threshold - a minimum amount of pay, but they do not specify the amount.
HEARING EXAMINER: They set a minimum?

THE WITNESS: Yes.

HEARING EXAMINER: Okay.

Do they have any role in evaluating the graduate students' performance?

THE WITNESS: Not individually. I mean, essentially they look at - when - when you go to apply for renewal of this grant, -

HEARING EXAMINER: Yeah.

THE WITNESS: - you need to provide them with information about the people who were supported on the grant previously. And they care about what happened to those - those students.

And are they - are they in science? Are they in academia? What - what are they doing now?

HEARING EXAMINER: All right.

THE WITNESS: And your ability to renew a training grant is very specifically tied to your track record of - of having choices.

HEARING EXAMINER: How many - is there only five years? Is there one year?

THE WITNESS: There's a - every five years there's a more in-depth review. There's a progress report, which is submitted every year. And occasionally on the basis of that progress report,
there will be some modification of the number of
training slots that you have. But typically it's every
five years that you're - you're -.

HEARING EXAMINER: Has the grant - has
the grantor ever sent someone to oversee your
laboratory -

THE WITNESS: No.

HEARING EXAMINER: - or to check in on
you?

THE WITNESS: No.

HEARING EXAMINER: Okay.

Do they have that power and never use
it?

THE WITNESS: That's a good question.

I'm not aware - there are grants that -
and - and I don't know about training grants
specifically. There are grants where there can be a
site visit -

HEARING EXAMINER: Yeah.

THE WITNESS: - as part of the review
process. And you know, there's a lot that happens as
part of those site visits.

I don't - I'm not aware that training
grants are - are grants that have ever - that - where
there is the possibility of a site visit.
HEARING EXAMINER: Has the grantor ever terminated a grant in the middle of the grant?

ATTORNEY FARMER: Are we talking specifically about a training grant at Pitt or any grant -?

HEARING EXAMINER: Training grants at Pitt.

THE WITNESS: I am not aware of any examples of that.

HEARING EXAMINER: Is it theoretically possible?

THE WITNESS: Oh, it's certainly theoretically possible. NIH can decide to - to terminate the grants, because they choose - yeah.

HEARING EXAMINER: What would be some reasons why they would terminate a grant?

THE WITNESS: I mean, NIH will terminate grants in the case of scientific misconduct, research misconduct, for example.

HEARING EXAMINER: How would they even know about it, if they're not reviewing it?

THE WITNESS: We're compelled - we're required to report that.

HEARING EXAMINER: All right.

So there is reporting, -
THE WITNESS: Well, -.

HEARING EXAMINER: - so there is self-reporting?

THE WITNESS: Yeah, yes.

HEARING EXAMINER: I did a bad thing.

THE WITNESS: I did a bad thing, yes.

HEARING EXAMINER: Okay.

And then I think there's a legal term, but I can't think of it.

ATTORNEY HEALEY: Whistleblower.

HEARING EXAMINER: Huh?

ATTORNEY HEALEY: Whistleblowers?

HEARING EXAMINER: Yeah, it was something. It's self-reporting.

THE WITNESS: Well, there's - I mean, it's - it's more than whistleblowers. We're required to do a lot of things proactively to assess and monitor those things.

HEARING EXAMINER: All right.

So if they - if you report something, the grantor can cancel the grant? If the grant is canceled, do the graduate students get paid?

THE WITNESS: Yes, we have a commitment to - to graduate students, which is separate from the commitment.
We you know, have commitments to
graduate students for certain, you know, durations of
support. And if - just because the money goes away
doesn't mean that we can't support those students.

HEARING EXAMINER: So what - what was
your NIH grant?

ATTORNEY FARMER: Which one?

HEARING EXAMINER: Well, what's the most
recent one -

THE WITNESS: My most recent one?

HEARING EXAMINER: - that you had a
trainee on?

THE WITNESS: Well - so my most recent
grant that I had a trainee on was not a trainee grant,
it was R1, or in this case it was an R43.

HEARING EXAMINER: Can you think - are
you familiar with any grants at the University of
Pittsburgh where there's trainees?

THE WITNESS: Oh, yeah, many.

HEARING EXAMINER: All right.

Can you give me an example?

THE WITNESS: This one.

HEARING EXAMINER: What is this one
about?

THE WITNESS: This is - it's called
something like Basic Neuroscience - Predoctoral Training in Basic Neuroscience.

**HEARING EXAMINER:** And this is current?

**THE WITNESS:** This is current, yes.

**HEARING EXAMINER:** How many trainees are there?

**THE WITNESS:** There are eight slots of - for students to be supported on this grant.

**HEARING EXAMINER:** Well, I mean - but how many are there right now?

**THE WITNESS:** I assume there are eight.

**HEARING EXAMINER:** Okay.

So if - if for whatever reason, let's say there was some kind of - something happened where this grant was canceled, -

**THE WITNESS:** Yep.

**HEARING EXAMINER:** - you self-reported, maybe you tested on - I don't know - I don't even know what science misconduct is.

But if that grant was canceled, those eight students would still get their tuition reimbursement, they would still get their healthcare and they would still get whatever they were told would be their salary?

**THE WITNESS:** Yes, we would stipend.
But yes, we would make it work.

HEARING EXAMINER: It's clear as mud, so -.

ATTORNEY FARMER: Yeah.

HEARING EXAMINER: Okay. Go ahead.

BY ATTORNEY FARMER:

Q. So is there any functional difference in the trainees who are supported on training grants and graduate students who are not supported on training grants?

A. No. In fact, for this particular training grant, because it supports first and second-year students, and because NIH really wants us to support some first-year students on it, we admit students to the program, CNUP in this case.

And they - and some of them get paid off of this training grant. And others get paid from internal funds in their first year, for example.

And that assignment is made - or that - that - you know, that assignment is - funding source is made, I wouldn't say randomly. But it's without consideration of any - I mean, the students don't know about it or they only know about it when they receive the appointment letter that says one thing versus another.
But I don't think students are particularly aware of that distinction in appointment letter. There's no difference in terms of what it is that students are asked to do or required to do, that is affected by what their source of support is.

Q. And then in this — using that example in their second year — so some students are funded on this training grant. And how are other students in the program funded?

A. In this particular program, they're supported from internal — internal money, internal resources. And I actually don't know in this case. I think they're appointed as GSAs, but I'm not a hundred percent —.

Q. In the second year?

A. Well, in the second year most of the students would be appointed on GSRs. Because most of those students would then, at that point, have been connected with a faculty mentor. And then the faculty mentor is responsible for supporting that student off of one of his or her grants.

Q. Which would be those R01 grants?

A. Which would be for its R01 grants, yes.

Q. Okay.
And in that first year - in this program specifically, are students doing rotations through various faculty members, labs?

A. Yeah. This program has a requirement for at least two and more typically three research rotations. So that -

Q. So that students can get exposed?

A. - they - they experience those different - different labs, different techniques, different questions, different preparations, et cetera.

HEARING EXAMINER: How much longer?

ATTORNEY FARMER: A while.

HEARING EXAMINER: We'll stop at noon, then?

ATTORNEY FARMER: That's fine.

HEARING EXAMINER: Okay.

BY ATTORNEY FARMER:

Q. So continuing with this issue. So the students you said in the second year would either be on the training grant or move on to one of these faculty grants.

Is there any difference in what the students are doing?

A. No.

Q. There was testimony about - or questions
that were asked of you about whether the grantor can make site visits for - to grant in connection with grants.

   Is that true for faculty non-training grants, these R01 grants?

   A. Yeah. The situation that I'm more familiar with is with large center-scale funding grants, like mechanisms from a P50s and P30s, that routinely have site visits associated with the review process or with the renewal process.

   Q. And the requirement to self-report research and misconduct, does that exist for any federal dollars, -

   A. Yes.

   Q. - regardless whether they're going to the faculty or an individual?

   A. Yes, absolutely.

   Q. And the fact that the - a grant can be canceled for misconduct, is that true of any grants?

   A. Yes.

   Q. So all of the faculty grants that would support GSRs, for example?

   A. Yes.

   Q. Before we move off of this issue of the - of the R-28, this Exhibit R-28. If you can take a look at
page six one more time, which is that list of - I'm sorry, page eight, the list of resources.

A. Yeah.

Q. Could the students do the research in this program without these resources?

A. Without any of these resources, no.

And if - if these things were - were not present, then they could not, you know, do the kind of research that's necessary that's described in this training program.

Q. And does this T32 grant fund those resources?

A. No, these resources are - are acquired and are supported through other kinds of grants and also through internal university resources.

Q. Okay.

So there was some testimony about stipends, I think in a response to a question from the Hearing Examiner. So you said that the NIH, or - or there are other federal agencies who have similar kinds of training grants, they set a minimum stipend?

A. Yeah, NIH specifically sets what's sometimes referred to as NIH scale, which is - it's a - a number in the case of graduate students currently, I think it's about $25,000 a year, which is the minimum. It's
the amount that NIH provides in support for a student who's on either traineeship, I guess for a T32 or an F31.

NIH guidelines, though, describe that that amount can be supplemented from any source of nonfederal funds. You can't supplement it using federal funds, but you can supplement it using University funds.

And - and the guidelines - at least my read of the guidelines is that the - the intent is that students support - just because students are supported on the training grant, doesn't mean that they should receive a different amount. Specifically, not a lesser amount than a student - another student who's in this same program.

So NIH is concerned that they don't want students to be penalized when they're being supported off of a training grant mechanism.

Q. And does the University supplement the stipend to have students in the same program getting the same amount of stipends?

A. Yes.

So for example, in this particular training program, the stipend level, you know, on a - on a 12-month basis is about - this year it's about $29,000.
NIH scale is $25,000 or something like that.

So every student who's supported on this training grant, we have to find an additional - about $4,000 in order to supplement their stipend.

Q. There was testimony about the issue of health insurance for trainees and fellows, -

A. Yes.

Q. - that that is not - that they are not - they don't have their health insurance funded the way that students on TAs, TFs, GSAs, GSRs do.

Can you explain that?

A. Sure.

So it's for - for reasons that are not clear to me.

A system is developed where, for TAs, TFs, GSAs and GSRs, the University pays a lump sum based on the head count of people in those categories, to the University of Pittsburgh Medical Center Health Plan, UPMC Health Plan.

That provides an - an individual - that covers the cost of an individual plan for every student on those categories of employments.

Q. In the Graduate Student Health Plan?

A. In the Graduate Student Health Plan, -

Q. Okay.
A. - yes.

For students who are not in those categories. So for example, predoctoral fellows, we - there's the - the stipend. But then in all cases that I'm aware of, we increase their stipend amount by an amount which is intended to cover the cost of the 12-month student - graduate student plan through UPMC Health Plan.

We do not require that students then spend that money on the UPMC Health Plan, they can - if - you know, it's just, sort of, the extra money for them.

But if intent is to provide students with the - the resources necessary to cover the costs of that particular plan, so that all students, including predoctoral fellows and trainees, could be - you know, could - could have access and could afford that same plan, which we automatically make available to students in these other categories.

Q. There was testimony in the Union's case, that on these training grants, that the granting agency pays the costs of the students' tuition.

Can you comment on that?

A. So for most training grants, both individual and institutional - and by - I'm sorry - by individual training grants, I mean - it's a term that sometimes
gets applied to things like F31s and NR - NSF graduate research fellowships.

So for those mechanisms, there typically is a certain amount of money that the - the grantor provides to the University to - to defray other costs associated with the - the graduate student.

So for example, the - the biggest single cost is tuition. And so I might get these numbers wrong.

But in the case of the NIH training grant, I think the amount that's provided is $16,000 a year to help offset costs associated with - with things like tuition.

In the case of an NSF Graduate Research Fellowship, I think it's $12,000 a year.

So that - that money then helps to - to defer the amount or to reduce the amount of tuition that the University then has to come up with in these cases.

Q. And then the University bears the additional cost?

A. Correct.

Q. You talked about the cost of the research for graduate students. In any of these - whether it's the F31s or the T32s or any of analogous grants, are
there funds that provide - that are provided for the
cost of the research supplies, equipment, labs, all of
those things?

A. So in the case of the F31 and also F30,
which is a similar mechanism but it's only available to
M.D., Ph.D. students or - or M.D., Ph.D. and similar
students, there's something that's called - I think
it's an educational allowance.

It's an amount of money - it's about $4,000
- I think about $4,500, that is - is made available to
the student to - to offset costs - I mean, for costs of
education.

So in some cases students use it for - for
tavel to meetings. In other cases they use it for
buying books, buying a computer. In some cases they do
use it to offset the costs of research.

But it's - it's, you know, a few thousand
dollars a year.

Q. Does that pay for the costs of the research
that students are doing, for example, in Neuroscience?

A. Not - no. I mean, when I - when I have a
grant and I put a person, a graduate student, for
example, on that grant, I sort of budget something like
$12,000 to $15,000 per year in supplies to support that
student.
That's just as one example. That doesn't include equipment and other costs.

Q. There was testimony also about fellowships, as you said, about this F31. About the F31s, does everything that we just talked about, as it relates to training grads, basically equally apply to these F31s?

A. Yes.

Q. When students apply for these - I think you referred to them as individual training grants or these -

A. Yeah.

Q. - external scholarships with - like the F31s, -

A. Right.

Q. - do they have to demonstrate that there is sufficient resources available at the University to support their research?

A. Yes.

So the F31 in particular, the - I've had - I - I haven't counted, but a half dozen or so students who have been successfully - have successfully applied for F31s.

And in that case, it's very clear that about a third of the evaluation is based on the - sort of a student, the track record of the student, the grades of
the student.

So all these kinds of characteristics. About a third is based on the research plan that the - Research and Training Plan it's called, that the students - where the students describe what - what experiments they might do, what training activities they're going to participate in.

And then about a third of the evaluation is based on the environment, the - the mentorship, the availability of resources. And I mean given the degree of competition, it's very unlikely that a student - that an F31 would be supported, unless their - their mentor or one of their mentors has a grant that can support the research.

I mean, the Study Sections specifically look for evidence of how is it that this research is going to be done? Are there - is there there the equipment that's there, are - you know, is there a way that the - the resources - the reagents and chemicals and - and all these supplies can be paid for.

Q. Do students who are on a fellowship, whether it's internal, external or on a training grant, still have all the same academic requirements?

A. Yes.

Q. If they're in a - a program that requires
student to teach, do they still have to do that?
   A. Yes.
   Q. Is it - is it common for a student to be
   able to get a Ph.D. just funded on fellowships?
   A. It's rare.
   Q. Does Pitt have the same expectations
   regarding the skills that students are going develop in
   their program regardless of how they're funded?
   A. Yes.

ATTORNEY FARMER: Mr. Hearing Examiner,
I'm - I can keep going or - but I was about to move
into a different area, if you wanted to stop?

HEARING EXAMINER: This is a natural
place to stop.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: We're off the record.
Be back at 1:00?

ATTORNEY FARMER: That's fine.

HEARING EXAMINER: Please don't talk to
anyone about your testimony over lunch.

Okay?

ATTORNEY FARMER: Yeah.

HEARING EXAMINER: Thank you.

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(WHEREUPON, A LUNCH BREAK WAS TAKEN.)
HEARING EXAMINER: Back on the record. Continue with your Direct Examination.

ATTORNEY FARMER: Thank you.

BY ATTORNEY FARMER:

Q. Okay.

I'm going to just talk a little bit about - we've talked generally about some research and research faculty. I want to talk specifically about research as it relates to graduate education, regardless of how students are funded.

How does this research that students perform on the various types of appointments that we've talked about fit into their academics?

A. I'm not quite sure. So if I'm not - if I don't address the question, sort of let me know. But I mean - so research, as I've said, is - is an integral part of the Ph.D. It's a critical - it's the defining sort of feature of the Ph.D.

And so there are many stages throughout their academic career that - where they are engaged in research or training for research or preparation for research.

You know, classes that they take are often, you know, seminar in style. And so there's - they're
reading research papers, they're engaged in - n
different ways in activities that contribute to their
development and expertise in - in eventually doing
research.

Milestones in many cases have research
components to them. And clearly the - the eventual
thesis, the writing of the thesis, the work that - that
is required to be part of the thesis is all
research-related, and is involved - is, you know,
integral to the training of graduate students.

Q. So if a student is funded on a GSR or a GSA
and doing research is part of that appointment, how
does it fit into this research progression that you've
just described?

A. I mean, it sort of - it sort of builds -
built on each other. I mean, it's - maybe that early
on about their research project that a student is
engaged in, which is a relatively short term, that has
a sort of narrowly-defined set of goals initially.

But that is part of the training of
students, is how to engage in research, how to do
research, you know, what - what - to kind of evaluate
research, what quality research looks like, et cetera.

Q. What role do the faculty advisors or mentors
play in this development of research?
A. So it's - it's a different role, different stages. So early on students come with - in many cases, with a - an idea of what topics are of interest to them. And so there's a refinement process.

So you know, to what extent is - do students who understand what's been done in a previous area, so that they can know where the - the frontiers of knowledge are, what - you know, what - what kinds of questions and problems are most interesting to the field.

So that might be something that happens at an early stage. It's sort of a broader picture of what's - what - what research is happening and what research is important in an area that the student has identified.

But in many cases students, you know, change interests, you know, either - either in small ways or in big ways over the course of their Ph.D.

With the goal of - at - at different stages faculty, mentors, you know, help guide, help - help teach, help support students in developing the skills that are needed in order to eventually, you know, do the kind of - you know, create the body of knowledge - the new knowledge that was essential for the Ph.D.

Q. Is it fair to say that the University
expects that the experience that students get on a GSA or GSR doing research is like experiential learning that contributes to the Ph.D.?

A. Yeah, absolutely.

And so it's - there are many different ways, through classes, through GSAs, through teaching that - that contribute to the students' development as a researcher. I mean, when I teach, I've - I've taught many introductory, undergraduate courses. I've taught courses for - for retirees in a noncredit kind of way. That teaching experience helps me develop - clarify my thinking about research questions.

Right?

I tell everybody, I write better grants after I've taught undergraduate courses or - especially this course that I've taught for three or four years to retirees. It just helps to clarify my thinking about how it is that - one of the most important questions and how is it that I can explain those questions.

Q. Does the University expect that all of the research that's being done by the students is part of their academic development?

A. I mean, the University certainly - yes, expects that - that all of the research that a student does in the course of Ph.D. is something that the
University, you know, cares about and thinks it's important and is part of their academic development. The University - if a paper is published with a student coauthor, university - universities - affiliation is listed on that paper. The University sort of cares about - that - that contributes to the University's reputation as a research institution. You know, that's something that the University is definitely invested in.

Q. And conversely, if there is a graduate student who were to commit some sort of research misconduct, does that reflect on the University as well?

A. Yes.

I mean, again, because the University is, you know, sort of - we have our name on this work, that is something that the University cares about and - and certainly wants to promote the best quality research.

But if there's a - a situation where, you know, there's a retraction or something like that, that has a - has a negative effect on the University's reputation as a research environment, yes.

Q. I think you talked about the fact that there's a - a progress of research that ultimately culminates in the - the research that winds up in their
- in their dissertation?
A. Yeah.
Q. Starting from when they entered the program, does the research that they do help to develop the skills they eventually need?
A. Yes.

And this can happen in a variety of ways. In some cases that can be technical skills. I mean, when a student comes into a - a particular - say a science laboratory environment, they might need to learn to do certain things, to operate certain equipment, or to apply certain methods or methods of data analysis, et cetera.

That contributes to the students' overall education and development. And those skills are ones that hopefully they will use throughout their Ph.D. and hopefully beyond their Ph.D.

Q. Did you hear the testimony of a Union witness yesterday, that the research experience of the student on a GSR so far was essentially the same as what she had done when she was a technician in a lab?
A. Yes, I did.
Q. Is what Ph.D. students do the same as what lab technicians do?
A. It certainly should not be. I mean, I - I
don't know the details of that particular case. But
our goal is not to graduate people who can - who - who
can't - well, they could be, but who - whose eventual
path is as a research technician.

I mean, in - in the sciences and certainly
in my own experience, we think about the role of a
research technician as, you know, performing certain
kinds of analyses or performing certain kinds of
experiments, et cetera, versus being more the -.

Whereas, with students we expect them to be
more engaged in the design of experiments, the design
of new kinds of analyses, the design of new research
areas. This is - I mean, the expectation is higher.
And this is a harder thing to achieve.

And so, in fact - I mean, in some cases when
evaluating students' admission to Graduate Programs,
you know, a comment that's sometimes made is that the -
the work that they've done thus far, they've - they've
been sort of, you know, acting like a technician or -
or they've been treated like a technician.

And that is an indication that, yes, they
have a certain set of technical skills. But they
haven't yet developed the ability to be more creatively
and actively engaged in the design of - of the
research.
Q. So there's been some testimony about students being supported on externally-funded grants or R01s, for example.

When that happens, does the grant prescribe the specific research that the student has to do?

A. So grants are not contracts. So an R01, I applied for an R01. I write down a set of - a set of aims that overall describe the goals of the grant.

And I just write down a set of - descriptions of what something's called, sort of, experimental protocols or experimental design that describes, in general terms, the kind of work that will be done if the grant were to be funded.

But it is not - it's - it's very, very unusual. I would say almost never happens that the - at the end of five years, say if it's a five-year grant, that you've done specifically all of those experiments that were proposed in the grant.

It's not a contract, it's the goal. And I've - and I've sat on Study Sections that review these grants. The goal of the - the National Institutes of Health, and the goal of the people who are providing the score of scientific review of these grant is not to say, aha, these people should go and do exactly these things.
The goal is to say, here's a general set of the problems, general set of questions that are of interest that we are interested in supporting somebody to work in this area. And they have a reasonable plan.

But there's a - a clear acknowledgement that those plans change, those plans should change to reflect the fact that other things are going on in the field, that some things don't work. There are - there are incidental and unexpected findings, et cetera.

So it's never - almost never the case. I don't know of any examples where the specific - all of the specific experiments that were proposed in the grant are the ones that were actually done.

Q. So within the parameters of that sort of - the general aims, can the student pursue their own research interest?

A. Yes, absolutely.

ATTORNEY FARMER: I'm going to mark this as 29.

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(Whereupon, Respondent Exhibit 29, Printout, was marked for identification.)

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BY ATTORNEY FARMER:
Q. I'm showing you what we've marked as Exhibit 29.

Can you take a look in the middle of the page? And this is a - a printout from - this is a lab at Pitt - a faculty members' lab?

A. Yeah.

It looks - I mean, I don't know the person. But it looks like it, yeah.

Q. And it's in Biology?

A. Yes.

Q. Okay.

If you can take look where it says ongoing research in the Boyle Lab, in like the middle of the first page.

A. Yep.

Q. Does that description about being open to graduate students to explore questions outside of the areas, is that consistent with the approach to student research?

A. Yes, I would say this is a - a good description of - of what's typical in student research, and how faculty describe the engagement of students, yeah.

Q. Could the University use money from a grant to fund students who are unrelated to the aims of the
grant?

A. No. I mean, it's - although it's not a contract, there are clear bounds. I mean, the work in my lab is funded by NIH and NSF to study questions about brain function, specifically questions about sensory function.

And you know, so there's some latitude there. But I can't have a student in my lab that's doing something that's completely unrelated, that I can't connect logically and intellectually connect to the aims of the grants that I - that I have.

Q. So when have you students who are in your lab on - on a GSR, for example, do you expect them to be doing 20 hours of research for their GSR that is separate and on top of what they're doing as part of their own research?

A. Yeah.

I mean, the reality of it in my lab and - and most of the labs that I'm familiar with, is that there's - students are engaged in a project. They're engaged in a project of a - they do experiments. They do analyses or whatever.

There's - there's no distinction between the time that a student in my lab is spending on the project - that - that is to say, on the - the grant
versus on what is their - their research, their thesis work, et cetera.

I just - you know, we have conversations about this. We sort of talk about what it is, what the goals of the grant are. The students have - you know, read the grants and sort of have access to, you know, all that information.

And so there's a - there's a general understanding of how it is that the work that they're doing for their thesis to meet their milestones is related to the grant. But also related to their goals and their - and the - the things that are - that they're curious about, the things that intellectually are of interest to them.

Q. I want to talk about publishing.

Does the research that students do often result in publishing opportunities?

A. Yes.

Q. Is it common for there to be publications where the student and faculty members authored together?

A. Yes.

Q. Is that something that's a goal?

A. Yes, absolutely.

I mean, there are - there are some fields
where that's - you know, where that is almost always the case and a few fields where that's somewhat less often the case.

But broadly speaking, publishing with students is something that is - that's definitely a goal, definitely something that we - we try to encourage.

Q. What does it mean to have a peer review publication?
A. What does it mean sort of operationally or what does it mean - what's the impact?

Q. Well, we are - literally, what does it mean that it's been peer-reviewed, -
A. Oh, sure.

Q. - for those of us who are not scientists?
A. Sure.

So a peer-reviewed publication is a publication where we did some research and wrote a paper, you sent it in for - you know, to a journal or in some cases to a conference. Experts in your field review it, evaluate it, give you feedback; in many cases ask you to revise it.

And then eventually, hopefully it - it comes out and is published in a journal, or in conference proceedings, et cetera. And so it's - it's - where
some of your work is appearing in a public way, after having been evaluated, and - and commented on and criticized by people in the field.

Q. What is the value of that?

A. I mean, it is the - the way in which academics, you know, measure productivity and to some extent impact. So it's - it's, you know, the essential - the essential element of any - certainly any academic faculty member's career is what they publish in the peer review papers, you know, and peer preview journals and - and other forms.

Q. Are students often first authors of publications for research they do as graduate students?

A. Again, there's some variation of the field. But - but yes, absolutely.

Q. Does it - is there a uniform description of what it - what it signifies to be a first author or does that vary by discipline?

A. It varies by discipline. I mean, in the past, there have been some journals where all papers were listed alphabetically.

So I would say it's becoming - certainly the science is more and more the case, that the order of authorship has some sort of well-understood meaning. And journals are increasingly asking for what are often
called authored contributions, like NU, you know, design the experiment and - and edit the manuscript or something like that.

Q. Speaking of that, sort of, process of contributions to the manuscript, do students receive support in going from research to a publication?

A. In many of our departments and programs - and - and there are some workshops that are sort of university wide. There are opportunities for students to, you know, sort of learn about the process of publication, what - like we have ways to learn about the process of grant writing, get feedback, you know, submit drafts, et cetera.

So that's something that we definitely need to help students with.

Q. And do faculty advisors also assist students with this?

A. Yes, absolutely. Yeah.

Q. What kinds of things do faculty do to assist students in getting research and publication?

A. So - I mean, help with understanding what - what a - and certainly in the sciences but also naturally in social sciences. I mean, what is an effective - how was an effective way to present data? You know, what should a figure look like? Clarity of
You know, how do you write the introduction to a manuscript? What's the process, you know, for deciding where if had manuscript should go? Questions about ethical issues associated in publishing, things like authorship, et cetera.

I mean, there are whole variety of things that are part of that discussion that happens with students. And that happens at the level of individual mentors, and students and also happening to students in more problematic ways.

Q. And do - I mean, do faculty do things like help students to edit their drafts -

A. Oh, yeah.

Q. - and things like that?

A. Absolutely, yes.

Q. The nuts and bolts of -?

A. Yeah. Yes, many, many revisions of most - most manuscripts.

Q. All of what we discussed related to publishing, does any of that depend on whether a student is funded by that faculty member on a - or how they're funded on GSA, or GSR or some other funding?

A. No.

Q. Is it common for research to make its way
into the students dissertation?

A. Yes, absolutely. I mean, research has to be a part of the students dissertation. And it has to be in the - the body of the student's dissertation.

And - and published, I mean, they're increasingly - the - the thesis can be sort of an augmented version of published - published papers in - in some fields.

So essentially, you take the published paper, you - you flush out the introduction, and the discussion and that becomes a chapter in a students thesis.

Q. Are there benefits to the students from the research even if it doesn't make its way into the dissertation?

A. Yes. I mean, I think in - in many respects publishing the research is more important than putting it in your dissertation, certainly in - in some fields.

You know, I have had students who have had, you know, half of their - their papers they published in my lab did not make it into their dissertation. But they were still - I mean, it's a credential. It's something that they produced. It's - it's something that's very important for their career.

Q. Are there benefits to students from
developing a breadth of research experience?

A. Yeah. I mean, I think there are, I mean, a couple of different kinds of benefits into this, sort of, visible benefit. Having a paper is a - is a sign, is a signal of expertise.

So if you - so, you know, just - just yesterday a - a former Ph.D. student who's - who's still working on some things in my lab, we - we've - we've been trying to publish a paper in - using Mouse Models of Autism. And this would be the first paper from my lab on these - these models of autism.

And you know, he's actually an M.D. Ph.D. student who is now doing a - his - his - he's now a resident in psychiatry. And he would really like to get this paper published because it's a credential for him that - you know, in his - in his, you know, chosen area of expertise. And he wants to do research and clinical work in psychiatry.

So there are many examples like this as a - as an important credential.

Q. Are there programs which actually require students to publish as part of the academic requirements of the degree?

A. Yes, there are.

Q. And does the availability of publishing
opportunities for graduate students vary by discipline?

Q. That's okay.

A. Yes, absolutely. I can expand if you want.

Q. Have you published with your students?

A. Yes.

ATTORNEY FARMER: I'm just marking this.

BY ATTORNEY FARMER:

Q. I'm going to show you - we're going to do 30 and 31 together.

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(Whereupon, Respondent Exhibit 30, Paper, was marked for identification.)

(Whereupon, Respondent Exhibit 31, Paper, was marked for identification.)

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HEARING EXAMINER: You gave me two 30s.

THE WITNESS: Thought you wanted to read it twice.

ATTORNEY FARMER: Yeah.

HEARING EXAMINER: Thank you, Miss.

ATTORNEY FARMER: I'm going to do 31.

BY ATTORNEY FARMER:

Q. Can you explain what 30 and 31 are?

A. So these are two papers that I published a few years ago with a - with a student in my lab Sonya
Gearheart.

Q. Show you -.

ATTORNEY FARMER: This will be -.

ATTORNEY HEALEY: Thirty-two (32).

ATTORNEY FARMER: Yeah, 32.

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(Whereupon, Respondent Exhibit 32, Cover Page and Face Page of Thesis of Sonya Gearheart, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Which will be R-32.

By the way, I can't really explain why it's sideways, other than there were printing difficulties. But it is the full page.

Can you explain what this is?

A. This is the cover page, face page of the thesis of the student Sonya Gearheart that I mentioned.

Q. Of her dissertation?

A. Yes.

Q. Okay.

The research that is reflected in Exhibit 31 and 32, does that appear in her dissertation?

A. Yes.

Q. So turning your attention to the last page
of this excerpt.

A. Yep.

Q. Are these the - where your reference says Chapter 3 is based on Chapter 4. Are these the publications?

A. Yes.

Q. Turning your attention to the previous page, the acknowledgements. It's page number XV at the bottom.

A. Yeah.

Q. Student references, this work was supported by grants by National Institute of Deafness and Other Communication Disorders. Then there's an R01 number. National Institute on Drug Abuse references a T90 number. And IGERT Fellowship and a Mellon Predoctoral Fellowship?

A. Yes.

Q. Okay.

Let's - let's talk about those. The first one is in reference to an R01 grant. Was that a grant that you obtained?

A. Yes.

Q. And was that a grant that you obtained at Pitt or at CMU?

A. At CMU.
Q. So that was a grant that was actually held by CMU?
A. Correct, yeah.
Q. At the time that the student was doing this research with you, were you a faculty member at Pitt or CMU?
A. At CMU.
Q. The - so she was doing this research in your lab at CMU while she was enrolled at Pitt?
A. Correct, yeah.
Q. Were you - was CMU paying her stipend or was Pitt?
A. So during the period that she was supported in the R01 - well, no, in all cases her - her stipend came from Pitt.
Q. It also -.
ATTORNEY HEALEY: Excuse me, the stipend came from where?
ATTORNEY FARMER: Pitt.
THE WITNESS: From Pitt.
BY ATTORNEY FARMER:
Q. The - it also references a T90. What's a T90?
A. So a T90 is another training mechanism similar to a T32. And it's some small differences.
Q. And was this T90 at Pitt or at CMU?
A. This T90 was at CMU. It was - it was
applied for as part of a joint training program. And I
believe that - the grant itself was held at CMU.
Although, it was intended - the way we wrote it was to
support students both at Pitt and at CMU.
Q. It also references an IGERT. I think you
said earlier that's another kind of training grant?
A. That's right. That's an NSF training grant,
yes.
Q. Okay.
And is that - was that at Pitt or CMU?
A. That was held at CMU.
Q. The student also references having a Mellon
fellowship. Was that a Pitt-Mellon fellowship?
A. Yes.
Q. While the student was doing the Mellon
fellowship, was the research that she was doing
different?
A. No, it was not.
Q. And you were her dissertation advisor -
A. Yes, -
Q. - throughout her program?
A. - yes.
I mean, she did some rotations with - I
actually don't - well, with somebody at Pitt. And then joined my lab after her rotation period.

Q. When the student was funded throughout this time, was CMU or Pitt paying her tuition?
A. So it's a little complicated. So in her - in her first year she would have been supported, I - I assume by a Pitt fellowship or perhaps as a GSA. Whatever the CNUP was doing at that point.
And so in that case, Pitt would have paid her tuition as tuition remission.
When she was on my RI, and when she was on any of the CMU grants there would have been a subcontract from CMU to Pitt. And a portion of her tuition would have been paid through that subcontract. But that's - the amount of that is limited by NIH rules. And in this case, NSF rules.
And so a portion of that tuition would have been paid by CMU and a portion by Pitt.
Q. Okay.
And when - then she was - in the year that she was on the Mellon fellowship would Pitt have been paying that tuition?
A. Yes.
Q. When we look - if we look at the - the publications or the dissertation, can you separate out,
and look at it and say this is the research that she did, fund it in different ways?

A. I cannot, no.

Q. And is that representative of the Ph.D. students you've mentored over the years?

A. Yes.

Q. Do students on fellowships and training grants commonly publish?

A. Yes.

Q. Is there anything different about those students and what we've talked about with students who are - who are funded on R01s?

A. No. I mean, the - the - the agencies that - that provide the - the resources for training grants, I mean, they ask us for all the information about student publications. They really want to know what our students have - have published and what their - you know, overall what their success has been.

So it's something that's very important to those agencies.

Q. Can the research also often lead to presentations at academic conferences?

A. Yes.

Q. Are - can you talk about that at all?

A. I mean - so often prior to publishing
something or around the time you publish something, you want to present that work publicly to get feedback, to increase the visibility of the work that you're doing and of the people who are doing it.

And so there are some major - some national meetings, in many cases, that - that faculty go to, students go to, postdocs go to in order to present work.

In some cases, that work that's presented is peer-reviewed. So there's a review process. And other cases less so. But - but it's all about presentation of the work to a broad audience, to get feedback and to enhance the visibility.

Q. Are there programs that actually require students to present at conferences?
A. Yes.

Q. And as an academic requirement?
A. Yes.

Q. Do students get - Ph.D. students get academic credit when they're doing research?
A. It varies a lot by department, I mean, there are - and by program and by time. There are - in some cases, there are course that are listed as some research credit. But in other cases not. So there's a lot of variability.
I mean, quite frankly, the - I mean, credits, yes, we have some official credit requirements for Ph.D. students. But the notation of that credit sort of are a - a - a clear indicator of academic - progress and academic - you know, academic activity.

It all becomes fuzzy. People care about the research. People care about what's happening, what the students are doing much more than they care about, you know, checking the boxes on, you know, yes, you have this many credits for this. We do have overall requirements for degrees. Seventy-two (72) credits for a Ph.D..

But that mapping of what - of, you know, counting things by courses is not something that is particularly important in most Ph.D. programs.

Q. Within that 72 credit degree requirement is there a requirement that there be at least a certain number of dissertation credits?
A. Yes, there is.

Q. And those dissertation credits are for student doing research?
A. Yes, absolutely.

Q. But students often get more research credit than just that minimum?
A. Yes.
Q. Does the receipt of the credit for the research change depending on how a student is funded?
   A. No.
   Q. If I walked into a - a research lab on this campus, would I be able to tell how a student is funded?
   A. Typically, no.
   Q. Are there programs that also require students to submit grant proposals as part of the academic program?
   A. Yes, there are.
   Q. What - is doing that - that experience valuable?
   A. Yeah. I mean, I think it's - especially for students who are interested in an academic career. But - but broadly, everybody is going to have to - to propose to plan a - a set of experiments, or a body of research or a set of activities, write that plan down in coherent - clear and coherent way, make a compelling case that someone who support that. Whether that's support through the, sort of, internal budgeting of a company or through an externally funded grant proposal. So that's - that's a very important element of - of many students education.
   Q. So we're going to talk about - since you
talked about teaching.

Is it beneficial for students to gain teaching experience during their Graduate Program?

A. Yes.

Q. And are a variety of teaching experiences valuable?

A. Yeah. I mean, I think - I mean, from my own experience, and from the experience of my students and students in the programs that I'm familiar with, I mean, there - there are - to call it - all - all of it teachings and in some cases, you know, a bit - almost misleading, as if it's all the same kind of activity.

They're - I mean, giving a lecture is very different than being an instructor in a lab. Is very different from overseeing an independent research project. It is very different from teaching in the big lectures. Very different from teaching in a small seminar style course.

So there are many different - and then that's just sort of variability in terms of the - the - the mode of delivery of the course.

But also in terms of having credentials, having a record that shows that you've taught a variety of different courses can be very important, you know, on a student's CV. Some department or program might be
- who's looking to hire may be looking for somebody who has experience in teaching in a particular domain, or has experience teaching introductory courses or - et cetera.

And so having a - a range of teaching experience is often very helpful.

Q. Is that true even if students don't plan to the academics?
A. I think for - for many, many careers, that I - that I would - I would argue that in many fields, the - the ability to teach and to convey information is as important, if not more important than the ability to do research for - for many, many careers.

I mean, we - even as a - you know, sort of a research scientist at a research university, at - at this point I spend more of my time doing things that are related to teaching in one way or another, than I do - you know, actually do experience in the lab.

Q. Do students seek out these kinds of experiences as well?
A. In - in many cases, yes.

Q. Is teaching experience required in some programs?
A. Yes, it is.

Q. I'm showing you what we've marked as Exhibit
33.

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(Whereupon, Respondent Exhibit 33, List of Information About Graduate Programs at University of Pittsburgh, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Can you explain what this is?
A. Yes.

This is a list, a table of information about Graduate Programs at University of Pitt, and what kinds of teaching activities are required and a description of whether they get course credit for those activities.

Q. Where did this information come from?
A. So we compiled it in my office survey of Graduate Programs, and also in some cases going directly to their webpages and other information.

Q. So is it possible there are additional requirements that are not listed on here?
A. Yes, absolutely.

HEARING EXAMINER: Are you going to object to this one?

I'm only asking now, so we can do more - she can Direct more on it while we're talking about it rather than coming back to it.
ATTORNEY HEALEY: We don't plan on objecting at this point.

HEARING EXAMINER: Great. There you go.

BY ATTORNEY FARMER:

Q. And you mentioned that that - the far column is related to a credit -
   A. Yes, -

Q. - for teaching activities?
   A. - yes.

Q. Can that credit come in the form of when students are fulfilling a - an academic requirement?
   A. Yes.

Q. And are there instances where students can get academic credit even if the teaching is not required?
   A. Yes, absolutely.

Q. And were you - you were here for the testimony of the student in biology having gotten that course credit for three semesters as a TA?
   A. Yes.

Q. So that would be an example?
   A. Yes, absolutely. Yeah, that's a good example.

Q. Are there also programs that offer minors or certifications in teaching?
A. Yes, there are a number.

Q. I think there has been - there has been some testimony about the different kinds of things that students may be doing, like recitations, or labs or things.

Do they vary widely across the University, what people might be doing?

A. Yes.

As I mentioned earlier, I mean, what - the - the term teaching encompasses a - a wide range of activities that are involved with conveying information and, you know, getting students to learn in one way or another.

Q. Do you expect that all of the teaching activities are going to assist the students in their academic and professional development?

A. Yes.

Q. Do you expect that the students teaching activities are going to relate to their field of study?

A. Yeah, I would say broadly speaking, yes.

Q. Does the University expect that when Ph.D. students enroll at Pitt, that they're going to have developed teaching skills at that point?

A. I would say, you know, some will and some won't. So I don't think we have a - an expectation.
We don't admit students on the basis of that, we - you know, we assume that some will be - have experience, some will be more comfortable in the classroom and others will have less experience, be less comfortable, et cetera.

Q. Does the University create teaching opportunities for graduate students for the purpose of serving undergraduates?

A. No.

Q. Are there programs - there's - I think there has been some testimony there are programs that don't have any undergraduates.

Do some of them still have teaching requirements?

A. Yes, there are.

Q. Are graduate students a cost effective way for the University to teach undergraduate students?

A. Typically not. I mean, as we sort of discussed earlier, the - of all costs that go into support of a graduate student - if - if the - in - in terms of teaching, we could, in many cases, hire someone as an adjunct instructor or part-time instructor to teach that course more cost effectively.

Q. There was testimony on the first day about an English Ph.D. student teaching the freshman
composition class, where there's also adjuncts who teach in that program?
   A.  Yep.
   Q.  What is the average that's paid to an adjunct faculty member to teach that course?
   A.  So I would guess it's in the $4,000 to $5,000 range per course.
   Q.  And would it cost significantly more - does it cost significantly more when a graduate student is teaching that course?
   A.  Yes.
   Q.  So why does the University have graduate students do this?
   A.  Because we think that teaching is an important part of the education for many graduate students. And so - so giving them a - a chance to teach in - in this kind of course is a part of the education that we're trying to do.
   Q.  Do faculty members have specific course loads that are required of them to teach?
   A.  Yes.
   Q.  Does having a TA assigned change that requirement for a faculty member?
   A.  Not to my knowledge.
   Q.  Is there training that's provided to
graduate students related to the teaching activities?

A. Yes, there's a - a number of different kinds of training we've heard about. So department or program-specific, courses, and workshops, et cetera.

At the University-level there's - there are a couple of different things. There's a - a graduate student teaching initiative that's run through the Center for Teaching and Learning. There's a new TA orientation, which is in part orientation.

Sort of understanding the rules that are associated with being a TA. But it also is a way of - of providing graduate students some - some knowledge about different teaching styles, different teaching approaches, et cetera.

Q. Is this graduate student teaching initiative that you mentioned, is that something that's funded through the Provost Office?

A. Yes, it is.

ATTORNEY FARMER: I'm going to do 34 and and 35 together.

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(Whereupon, Respondent Exhibit 34, Services, was marked for identification.)

(Whereupon, Respondent Exhibit 35, Services, was marked for identification.)
BY ATTORNEY FARMER:

Q. I'm showing you what we marked as 34 and 35. Are these materials that talk about the services of the graduate student teaching initiative?
   A. Yes, they are.

Q. Are these services limited to students who are funded on TAs or TFs?
   A. No, they're not.

Q. What's the purpose of having the graduate student teaching initiative?
   A. To provide an opportunity for graduate students to learn to be more effective teachers, to learn about new pedagogical approaches, to gain credentials that indicate - give some indication to the outside world about their expertise and experience in teaching.

Q. You mentioned that one of the things that they do is a new teaching assistant orientation?
   A. Yep.

ATTORNEY FARMER: This will be 35 (sic).

(Whereupon, Respondent Exhibit 36, Program, was marked for identification.)
BY ATTORNEY FARMER:

Q. I'm showing you what's 35. Can you identify that?

A. This is the -.

HEARING EXAMINER: That's 36.

Yes, 36. The last one was 35.

ATTORNEY FARMER: Oh, I'm sorry.

Okay.

Make that 36 then.

Sorry.

THE WITNESS: Do I need to change anything?

BY ATTORNEY FARMER:

Q. Yeah, we'll - I'll just fix it on there. Apparently I didn't write them down so I just got to -. A. So this is the - described as resources in handbook.

It's sort of - it's the - the program for the new TA orientation. They're provided - well, it - I thought it provided the agenda. But I - it doesn't - I don't see an agenda in it.

But it - it was information provided to students as part of the new TA orientation, talking about some of the resources that are available, some of the - talking about some of topics that were discussed
at the new TA orientation.

Q. And do students have to be a TA or a TF to attend that program?
A. No.

Q. Do you participate in the TA orientation?
A. Yeah, for the last few years I've given some introductory remarks, talking about why we do it, what the value is, what the - the ways in which University supports teaching by graduate students.

Q. Are these programs from the graduate student initiative offered university wide?
A. Yes.

ATTORNEY FARMER: This will be 37.

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(Whereupon, Respondent Exhibit 37, TA Handbook, was marked for identification.)

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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BY ATTORNEY FARMER:

Q. In addition to - I'm sorry.
I'm showing you what we've marked as Exhibit 37.

Can you explain what this is?
A. This is - it's called the TA handbook. It's
a guide that tries to help give some pointers and
information to TAs about what their experience as a TA
is going to be like, how to be more effective, how to
engage in students, et cetera.

HEARING EXAMINER: Is that what - the
burden of your successor -

THE WITNESS: Predecessor.

HEARING EXAMINER: - predecessor?

THE WITNESS: Yeah, Alberto Sabrajio is
my predecessor. I think I wrote a revised
introduction.

HEARING EXAMINER: Is it on this?

THE WITNESS: Yeah.

There may be a new version.

BY ATTORNEY FARMER:

Q. For this academic year?
A. Yeah, it's effective -.

Q. Are there programs or schools that require
students to participate in programs through the
graduate student teaching initiative?
A. Yes.

Q. Can you give an example?
A. So my understanding is that Arts and
Sciences requires all students to do new teach - new TA
orientation or an equivalent - something that's been
approved to be an equivalent experience through a
department or program.

    Q. And does the graduate student teaching
initiative also work with other schools to provide
custom materials in training for them?
    A. Yes.

    So there are - through the graduate student
teaching initiative there are, sort of, consultants who
can come and talk to individual students or talk to
people in particular programs to help support teaching.

    Let's say if there's a - an issue in a - in
a course that has multiple sections and how to sort of
better coordinate activity across those multiple
sections or you know -.

    So there are a variety of these kinds of
services that the University Center for Teaching and
Learning can provide.

ATTORNEY FARMER: It will be 38.

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(Whereupon, Respondent Exhibit 38, Annual Report,
was marked for identification.)

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BY ATTORNEY FARMER:

    Q. I'm showing what we've marked as Exhibit 38.

    Is this the annual report of their
activities that they provide?
   A. Yes, it is.
   Q. Does this provide summary of some of the
   other kinds of programs that they do as well, as well
   as who takes advantage of them?
   A. Yes, this shows, I mean, the various charts
   of the distribution of students in these - in these
   various workshops, and programs and the, sort of,
   consulting service that they provide. And they sort of
   breakdown in terms of which - which schools, which
   students, et cetera.
   Q. Have you been involved in doing any
   programming with - with the graduate student teaching
   initiative outside of participating in orientation?
   A. I certainly have - I mean, I talked to
   Cynthia Goldman and Joel Brady, who is involved in it
   as well.
   And I've talked a lot about the programs
   that they offer. I don't - there are some programs
   that I've been involved in. I don't know actually know
   whether they officially fall under the graduate student
   teaching initiative that have been related to -.
   I mean, there's a - an assessment conference
   that is run and other activities that are supporting
   teaching overall. Some of those might be part of this
specific graduate student teaching initiative. And - and others might not. I - I don't actually know specifically.

Q. Do - are you from the -?

HEARING EXAMINER: Ms. Farmer, I want to go back to -

ATTORNEY FARMER: To which one?

Thirty-seven (37)?

HEARING EXAMINER: - 37.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Mr. Urban - Provost Urban, if you look on the last page, -

THE WITNESS: Yeah.

HEARING EXAMINER: - 37.


HEARING EXAMINER: Let's see. That - that is a chart of policies?

THE WITNESS: Yes.

HEARING EXAMINER: Would you say that accurately summarizes your current policies that are in place, which govern the experience -

THE WITNESS: Yes.

HEARING EXAMINER: - I choose my words carefully - the - the experiences of the TAs, TFs, GSAs and GSRs as they perform their duties -
THE WITNESS: Yes, -

HEARING EXAMINER: - at - at Pitt?

THE WITNESS: - yes.

HEARING EXAMINER: Can you think of any other policies that may be effective and relevant to their experiences that are not listed here?

THE WITNESS: I mean, there are policies like - and I don't actually know if they're listed here. There are policies like Student Conduct policy, which applies to all students, at all levels across the University, not specifically to graduate students.

There are policies - you know, policies about - well, I guess if we have the Research Integrity policy, you have to have a Discrimination policy.

I have a hard time saying that these are all - there are a lot of policies. I have a hard time saying that these are - all of them or even the majority of them, that that's - that impact graduate students. I mean, somehow we captured the extreme weather and class cancellation policy here.

But - but I'm not sure.

HEARING EXAMINER: Would you say these are the most important?

THE WITNESS: I would say that in list is included the most important ones related to graduate
HEARING EXAMINER: Thank you.

Ms. Farmer, go ahead.

ATTORNEY FARMER: Yes.

BY ATTORNEY FARMER:

Q. And these policies that are listed on this, do the majority of them apply to students regardless of how they may be funded on a particular semester?

A. Yeah, the majority. I mean, obviously the TA, TF, GSA policy applies specifically to TAs, TFs and GSAs, but yes.

Q. Okay.

The rest -

A. Yeah.

Q. - in general?

And do individual departments also have curricular requirements, that would be in addition to these policies that would govern the students?

A. Yes.

Q. Are you familiar with a program called the Three Minute Thesis Competition?

A. Yes.

Q. Can you explain what that is?

A. So it's a - it's an activity that started in, I believe in Australia, New Zealand, where students
who are close to defending their thesis can present a -
a very abbreviated three minute version of their thesis work to an audience. And - and a lot of the universities are not doing this. And typically there are some prizes awarded for the - the best versions of the these.

It's - the goal is to - and the goal is in part to build a community. I mean, having people to try to summarize their thesis in three minutes is - is entertaining in a variety of ways.

But it's also to get students to - to capture the essence of what it is that their work is doing in a way that is broadly accessible and improves their ability to communicate about research.

And this is something that we - different schools at the University of Pitt have been doing it for - for at least a couple of years. We just started the university wide version this past year.

Q. And was that in coordination with the Center for Teaching and Learning?

A. Yes, it was. And with fibers.

Q. There was some testimony about a course called FACDEV 2200. I believe that is - is that the university wide teaching practicum course?

A. I don't believe so. I - I think I - it may
be Arts and Sciences wide. But I -

Q. Okay.

A. - to my knowledge, it's not university wide.

Q. Are there -?

A. Not to say that people from across the University couldn't take it. But in terms of where it's - where it's housed, yeah.

Q. Where it's particularly housed?

A. Got you.

Q. Does the - the graduate student teaching initiative provide services for graduate students outside of orientation and TA experience?

A. Yes.

So if a graduate student was going to be teaching a course, or had taught that a course once and wanted helped refining, sort of, developing new syllabus, refining a couple of lectures, improving the quality of - of visuals, or PowerPoints or if the student wanted to try a different approach to teaching, maybe wanted to try what's called a flipped classroom model, which is a different style of teaching.

If a student wanted to sort of experiment a - giving some lectures or having video recordings of some lectures. University Center for Teaching and Learning can provide support for any and all of these
kinds of these opportunities.

Q. Are there also workshops on teaching-related issues that are offered, that students can participate in?

A. Yes, there are many offered by the Center for Teaching and Learning. But also others that offered through other groups at Pitt.

ATTORNEY FARMER: Thirty-nine (39) and then 40.

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(Whereupon, Respondent Exhibit 39, Chart, was marked for identification.)

(Whereupon, Respondent Exhibit 40, Chart, was marked for identification.)

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BY ATTORNEY FARMER:

Q. I'm showing you what we've marked as 39 and 40.

Are these examples of workshops that are offered through the Center for Teaching and Learning?

A. Yes. I mean, I - I recognize some of them. I don't recognize all of them.

But yes, they look like they're workshop documents through the Center For Teaching office.

HEARING EXAMINER: One moment.
Does anyone need a break at this time?

ATTORNEY HEALEY: Yeah, I do. And I wanted to voir dire on this document and then come back.

ATTORNEY FARMER: Yes, Your Honor.

HEARING EXAMINER: Well, we've come - we'll have a break and -.

ATTORNEY FARMER: Okay.

ATTORNEY HEALEY: I already -.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: So off the record five minutes.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: All right.

So we're back on the record.

And what document are you wondering about?

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CROSS EXAMINATION

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BY ATTORNEY HEALEY:

Q. Dr. Urban, -

A. Yes.
Q. - we've met briefly. My name is Mike Healey. I represent the Petitioner, United Steelworkers. Could you look at Respondent Exhibit 39, please?
A. Yes.
Q. It appears to be a chart. Is this out of another document?
A. I'm not actually too sure. I would - I would guess that this is from -.
Q. I don't want you to guess.
A. I'm not sure.
Q. Do you know how the document was compiled?
A. I - I don't - I can't speak with - you know, with certainty about that.
Q. And do you know who compiled the document?
A. I can't speak with certainty about that.
ATTORNEY FARMER: I can represent, that this was - oh, I'll say - I'll represent, this was provided by the University Center for Teaching and Learning of workshops that they had done.
If you want us to bring in a witness on Friday to say this is a list of workshops that we've done, we can certainly do that, if it's significant.
enough that you want to do that. We can talk about it -.

ATTORNEY HEALEY: Let's - let's defer it.

ATTORNEY FARMER: Okay. That's fine.

HEARING EXAMINER: Defer it until today or defer it until Friday?

ATTORNEY FARMER: You can talk to me.

ATTORNEY HEALEY: We'll certainly talk to Shannon.

ATTORNEY FARMER: - yeah, you can talk to me. Yeah, we can talk about it off the record.

HEARING EXAMINER: She hadn't moved in it yet.

ATTORNEY HEALEY: I know.

ATTORNEY FARMER: Yeah. I was going to do it all at the end.

ATTORNEY HEALEY: I - I don't have voir dire on another document or another -.

HEARING EXAMINER: All right.

We'll go one-by-one. And at - at end of Direct.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Do you want to do that before Cross for after Cross?
ATTORNEY HEALEY: Probably before Cross.

HEARING EXAMINER: All right.

So when you're done we'll - we'll go through your exhibits.

ATTORNEY FARMER: Okay. That's fine.

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REDIRECT EXAMINATION

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BY ATTORNEY FARMER:

Q. What's a teaching portfolio?

A. So a teaching portfolio is a - typically it's a collection of documents that often consists of some sort of teaching statement, a statement of teaching philosophy, a set of materials that someone has - has prepared in the context of teaching.

Those materials like the syllabus, like the sample lectures, lesson plans, et cetera. And this portfolio is assembled typically in the context of applying to a job that involves teaching.

Q. Does the graduate student teaching initiative have programs that work with students to build their teaching portfolios?

A. Yes, both in the sense of create materials like syllabi, et cetera, and also in the sense of actually assembling it in - in a coherent package that
- to - to - to make an effective teaching protocol.

ATTORNEY FARMER: This will be 41 and 42.

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(Whereupon, Respondent Exhibit 41, Materials from Center for Teaching and Learning on Creating Portfolios, was marked for identification.)

(Whereupon, Respondent Exhibit 42, Materials from Center for Teaching and Learning on Creating Portfolios, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Okay.

I am showing you what we have marked as 41 and 42.

Are these materials from the Center for Teaching and Learning on creating teaching portfolios?

A. Yes.

Q. Is there any cost to graduate students to participate in any of the programs through the graduate student teaching initiative?

A. No, there's no cost.

Q. And are all of these programs open to all graduate students?

A. Yes.
Q. Are you familiar with a program called the Center for the Integration of Research, Teaching and Learning, which is generally referred to as CIRTL, -
A. Yes.
Q. - C-I-R-T-L?
A. Yes, I'm familiar with it.
Q. And can you explain what CIRTL is?
A. So CIRTL is another from that supports teaching. It's - it is supported in part by an external grant from the National Science Foundation to design a - a set of workshops and seminars that lead to a set of credentials, so that a graduate student can engage in these workshops, and seminars, and - and these practicum.

And then have a - a recognized credential at - at a variety of different levels to indicate the kind of training they've - they've received in teaching.
Q. And are there actual like certifications that people can get?
A. Certifications in the sense of sort of internal certifications that are recognized as - as part of CIRTL program, and their other CIRTL, sort of, grants and other CIRTL centers from the other institutions.

And it's not - it's not certification in the
sense of like, you know, being a Microsoft certified network engineer or something.

But yeah, a certification in the sense of - that universities provide, yeah.

Q. And are these programs open to all students?
A. Yes.

ATTORNEY FARMER: Forty-three (43) and 44.

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(Whereupon, Respondent Exhibit 43, Flyer Describing Pitt CIRTL, was marked for identification.)
(Whereupon, Respondent Exhibit 44, Flyer, was marked for identification.)
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BY ATTORNEY FARMER:

Q. I'm showing you what we've marked as 43 and 44.
Can you explain what these are?
A. Yeah.

So 43 is a flyer describing Pitt CIRTL. This is something that is posted in various places to try and sort of attract students, to who might be interested in participating in the various activities.

It describes, as it says here, the mission, some of the offerings and this - the sort of varying
levels of certification that it provides. Also
provides some - some rationale, why is it that people
should do it? Why should people be involved?
And 44 is - also, it's - it provides a
description of the certification at the various levels.
Q. Okay.
And switching gears now. I want to talk
about the payment of stipends.
How are stipends disbursed to students?
A. Through payroll.
Q. Why does it go through payroll?
A. That's a good question. I don't - I don't
actually know what the origin or history is. But - but
certainly it's - it seems like it's one of the easiest
ways. It's one of the ways that - that University pays
people.
And so doing - paying the students in a
different way would be - it would require the creation
of some new system.
Q. Can you take a look at Union Exhibit 4 in
that binder that you have open in front of you?
A. Yeah.
Okay.
Q. If you turn to the page marked at the bottom
4603, -
A. Yes.
Q. - that starts description of how taxes are handled for students with academic appointments.
   Do you see that?
A. Yes.
Q. Okay.
   Is this a summary of how the University treats graduate student stipends for tax purposes?
A. Yes, it is.
Q. Are graduate student stipends subject to certain kinds of federal taxes?
A. Yes.
Q. Is that determined by the University or by the IRS?
A. By the IRS.
Q. Are graduate students eligible - eligible for a FICA, F-I-C-A, exemption?
A. In most cases, yes. As long as they're students at the time that they receive the payment.
Q. So if they're enrolled as full-time a student, -
A. Yes.
Q. - then there's a FICA exemption?
A. Yeah.
Q. Do faculty and staff qualify for a federal
FICA exemption?

A. No, they do not.

ATTORNEY FARMER: In the documents in front of you from - I'm not sure exactly where they are, Mr. Hearing Examiner.

The documents from - the Union's exhibits from yesterday are they - they're in front of the witness as well?

HEARING EXAMINER: Yes. It should be in order.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: It's the biggest pile there. They should be in order.

BY ATTORNEY FARMER:

Q. Can you find Union Exhibit 176?

A. Yeah.

HEARING EXAMINER: It should be towards the middle.

THE WITNESS: Got 175. 176.

Yeah, 176. Yeah.

BY ATTORNEY FARMER:

Q. Okay.

That was a - one of W-2s that was put in by one of the students?

A. Yes, looks like it.
ATTORNEY FARMER: Do you need a second
to find out?

ATTORNEY MANZOLILLO: What's - it's the
Brewster?

ATTORNEY FARMER: I honestly off the top
of my head don't remember.

BY ATTORNEY FARMER:

Q. Is that the way that a W-2 would normally
appear for a student on an academic appointment?

A. I believe so. I'm just looking - I mean -
so in this particular one, there are some wages, and
some federal tax withheld, no FICA withheld, no -
specifically the way it's listed here, no Social
Security wages, no Medicare wages withheld.

So yeah, it looks - it looks right to me.

Q. Okay.

Take a look at Union Exhibit 178.

A. Okay.

Q. And that's another W-2 for that student?

WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

HEARING EXAMINER: You can go ahead, Ms.
Farmer.

---
WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.

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BY ATTORNEY FARMER:

Q. Okay.

178.

After this was introduced, did you go back and investigate why on this particular W-2, it appeared that there were in fact FICA earnings shown?

A. Yes, yeah.

Q. Okay.

And what did you learn?

A. So I consulted with people in our PERA office and - and our -.

So what I was surprised at, was that under boxes two and five, Social Security wages, and Medicare wages and tips, there are entries there. So that - there are some - some amounts that were listed there as - to which sort of a FICA should apply. And indeed in boxes four and six, there was - there was withholding for that.

And my understanding is, that this shouldn't happen, that all our students should have a FICA exemption.

And what I was informed, and what was - I was made to realize is that this student, in fact, took
her - her stipend, which was an academic year stipend. So therefore, for - she was enrolled for eight months and asked for it to be distributed across 12 months. So across the whole year.

ATTORNEY HEALEY: I'm - I'm just going to object to hearsay. This is double and triple hearsay.

HEARING EXAMINER: Sorry, I was thinking about Trump's text. What was the question?

ATTORNEY FARMER: That - the question was, why does on this particular W-2 it appear that there was FICA?

And so -?

HEARING EXAMINER: He doesn't appear - I was thinking myself, he doesn't appear to be the best witness for that exhibit.

I think that exhibit we have in here pretty much -. 

ATTORNEY FARMER: No, no, this one doesn't.

HEARING EXAMINER: So this is the exception?

ATTORNEY FARMER: It's like an anomaly. And he's -
HEARING EXAMINER: Okay.

ATTORNEY FARMER: - explaining the anomaly.

THE WITNESS: Yeah.

HEARING EXAMINER: Hold on.

So - so -?

ATTORNEY FARMER: So if you wanted me to bring in someone from payroll just to explain this -.

THE WITNESS: I can -.

HEARING EXAMINER: Hold on, hold on, hold on.

ATTORNEY FARMER: Wait.

HEARING EXAMINER: Go ahead.

ATTORNEY FARMER: But that's why. So he's - so he consulted with payroll, which was his testimony, to find out why on this student was different.

HEARING EXAMINER: Okay.

And then you're - you're saying -?

ATTORNEY HEALEY: So this is a double hearsay objection, so -.

HEARING EXAMINER: Yeah.

ATTORNEY HEALEY: He indicated he talked to someone in payroll -

HEARING EXAMINER: Uh-huh (yes).
ATTORNEY HEALEY: - who said to him what
the student had said and done.
I think we're dealing with double
hearsay.

THE WITNESS: Well, it definitely is.

But - but the - the course I'm here looking for -.

HEARING EXAMINER: Hold on.

THE WITNESS: Sorry.

HEARING EXAMINER: But is it the most
efficient way to get through - through the testimony at
this point?

I mean, do you think it's wrong what
he's saying?

ATTORNEY HEALEY: I honestly don't know.
Can we defer it?

HEARING EXAMINER: Yeah, we'll make - so
I'll defer ruling on your objection.

ATTORNEY HEALEY: Okay.

HEARING EXAMINER: Please continue with
the testimony.

THE WITNESS: So - so I'll - so this
student elected to have her stipend paid out over 12
months. So during four of those months she was not
enrolled as a student.

And so, therefore, did not qualify for
the FICA exemption. So therefore, a third of her
stipend was listed as - was not subject to the FICA
exemption. And so therefore, she paid - or had
withheld a - the Social Security and Medicare tax on
one-third of her stipend.

But specifically, that's a third that
was paid to her during the time that she was not
enrolled as a student.

HEARING EXAMINER: I think we saw in
some of those appointment letters, they can select
whether they get paid nine months or 12 months?

ATTORNEY FARMER: Yes.

So that's -.

ATTORNEY HEALEY: We'll withdraw the
objection on the issue.

HEARING EXAMINER: Great.

BY ATTORNEY FARMER:

Q. Turning back to this Union Exhibit 4, on
page 4605.

A. Okay.

Q. Okay.

So do you see that under the box four, state
- under GSRs - or actually just in general, there's a
GSA, TA, TF box and then there's a line that says state
income tax?
A. Yes.

Q. And then there's a box below it for graduate student researcher and a box for state income tax?

A. Yes.

Q. Okay.

So for GSAs, TAs and TFs, state income taxes are withheld?

A. Yes.

Q. And for GSRs they are not withheld?

A. Correct.

Q. Do you know why that is?

A. Pennsylvania state tax law has a provision, that if - if there's - if as part of everyone's, sort of, responsibility, everyone of a certain position of a certain sort of category has the same requirement. That influences whether or not taxes are withheld.

So - so that's the -. 

HEARING EXAMINER: Do you know offhand what the Tax Code references?

ATTORNEY FARMER: It's actually on page - I was about to say. It's on page 4606.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: You'll see under state income tax at the bottom for Pennsylvania, graduate student researcher is exempt from Pennsylvania State
Income Taxes under - and it has the cite to Pa. Code 101.6(b)(4).

ATTORNEY MANZOLILLO: Clarification, too. Clarification on answer, I didn't understand the answer - I didn't hear the answer.

THE WITNESS: So the - the difference between a graduate student - a GSA, TA, TF and the GSR with respect to whether or not state income tax is withheld, that's the - that's the question?

And the answer is, that it has to do with this provision of the Tax Code that applies when everyone who holds a certain position has a uniformed requirement.

And so that's the reason why this -
that's the reason for the difference.

BY ATTORNEY FARMER:

Q. And it's - and it's not only that they all have the same requirements, but that those requirements are - that the - that the activities are required for the academic program?

A. Yes, yes, exactly.

Q. Okay.

A. Specifically for the academic program. Have the same requirements in that academic program, yes.

Q. Now, there has been some testimony yesterday
about stipends for trainees and fellows, that taxes are not withheld?
   A. Correct.
   Q. Are there 1099s that are issued?
   A. Yes.
   Q. Are they issued by the University?
   A. Yes, they are.
   Q. And does that 1099 include any subsidized health insurance that you described earlier, which is added to their stipends?
   A. So the way that we do that is, we add the amount - the - the monthly - effectively, the monthly premium for this - for that healthcare - for the individual health insurance policy to the stipend amount.

   And so that amount is in the stipend. And so therefore, it's subject to the same rules as any other dollar of stipend, yeah.
   Q. Does the University include the value of the tuition provided to students in the tax reporting for students?
   A. No, it does not.
   Q. Is that true for academic appointments, trainees, fellows for everybody?
   A. Yes, that's right.
Q. There has been some testimony about the health benefits that are available to graduate students. I'm showing you what we'll mark as 45.

(Whereupon, Respondent Exhibit 45, Summary of Health Benefits, was marked for identification.)

HEARING EXAMINER: Thank you.

BY ATTORNEY FARMER:

Q. Is this a summary of the health benefits that are available to graduate and professional students?
A. Yes, it is.

Q. Is the benefits that are available to graduate students different than the benefits available to University employees?
A. Yes, they are.

Q. So the health benefits that are described in Exhibit 45 are they tied to how a student is funded?
A. No, they're not.

Q. Are these benefits equally available to professional students who never receive funding?
A. Yes.

Q. Okay.
There's - turning to the second page of this document. There's description of two different medical plans?

A. Yes.

Q. The Graduate Student Medical plan and the general student medical plan. Can you just explain who's eligible for each?

A. So you're - you're looking at the table in the middle is that where or - in the middle of the -?

Q. So the top part describes the graduate student medical plan.

Let me just do it all over again.

A. Yes.

Oh, oh, I see what you're saying.

Q. Okay.

A. The - the difference between the top part of the page and bottom part?

Q. Yes, that.

A. Yeah.

So the - the graduate student medical plan is available for all graduate and professional students. The general student medical plan, which is in the third or so of the page is available to all students, including graduates with or without that kind
of appointment, et cetera. But also to undergraduates.

Q. Okay.

So graduate students get the choice between the two plans, undergraduates can only enroll in the bottom one?

A. That's correct.

ATTORNEY FARMER: This is 46.

(Whereupon, Respondent Exhibit 46, Benefit Summary for Faculty and Staff, was marked for identification.)

BY ATTORNEY FARMER:

Q. I'm showing you what's been marked as Exhibit 46.

Can you explain what this is?

A. Yeah, this is the benefit summary for faculty and staff, and the various health plan options that we have access to.

Q. Do graduate students have access to that?

A. No, they don't.

Q. Are the health plans different between the graduate student plan, and the faculty and staff plan?

A. Yes, none of the plans listed in the faculty and staff plan are - are the same as the one graduate
student plan.

ATTORNEY FARMER: This will be 47.

(Whereupon, Respondent Exhibit 47, Comparison, was marked for identification.)

BY ATTORNEY FARMER:

Q. I'm showing you what we've marked as Exhibit 47. Can you explain what this is?

A. This is a - a comparison that was done of the benefits provided under the faculty and staff plan, and the graduate student plan.

Q. Is open enrollment for the graduate student plan and the employment in the employee plan handled differently?

A. Yes, there are different times of the year they're handled - yeah, they're handled differently.

Q. Do faculty and staff get retirement benefits?

A. Yes.

Q. Do graduate students eligible for any retirement benefits?

A. No, they're not.

Q. Are there other benefits that are provided
to graduate students that are not available to faculty and staff?

A. Yes, a variety of them.

Q. Would you - how would you characterize the difference between the Graduate Student Health plan and the Employee Health plan?

A. So the - the Graduate Student Health plan is - is designed to set up in order to try to minimize out-of-pocket costs. And co-pays are lower, deductibles are lower to try and - because we recognize that graduate students don't have, sort of, extra income.

And so therefore, we billed as much into the - the benefits of the plan in - in a way to try and reduce the - the out-of-pocket costs.

And - and you know obviously we tried to some extent - I'm not - I'm involved in discussions about the graduate student plan, I'm not involved in discussions about the faculty and staff plan.

But they've not - they've not - you just - you can look the - the numbers, and you can see that the co-pays and - and other out-of-pocket costs are higher for the faculty and staff than they are for the graduate student.

ATTORNEY FARMER: This will be 48.
(Whereupon, Respondent Exhibit 48, Brochure, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Okay.

I'm showing you what we've marked as Exhibit 48.

Can you explain what this is?

A. So this is a - a brochure, a pamphlet that was put together, a booklet that was put together by my office to try and consolidate information about various resources - health and wellness resources that are available to graduate students - graduate and professional students across the University.

Q. And are these things that exist only for students?

A. It's a mix. But certainly there are many that exit only for students. There are some that are also available to staff and faculty.

Q. So turning to page six, for example.

Does -?

HEARING EXAMINER: What's on the top of the page so I can find it?

ATTORNEY FARMER: Health insurance,
International SOS.

HEARING EXAMINER: I see it. Thank you.

ATTORNEY FARMER: And there's a - page numbers are in the bottom left.

HEARING EXAMINER: Oh, yeah, look at that.

Okay. Thank you.

BY ATTORNEY FARMER:

Q. Turning to page six, the Student Health Service.

A. Yes.

Q. Is that only for students?

A. Yes, it is.

Q. And is that for students at undergraduate and graduate professional?

A. Yes, all.

Q. The University Counseling Center that's also listed on that page is that just services for students?

A. Yes.

Q. The stress-free zone that's listed on page seven?

A. I actually don't know in that case, whether - I - I think probably any member of the University can be - can engage in that. I - I don't know for sure.
Q. In the bottom of page four -
A. Yeah.
Q. - it makes reference to Graduate Student Parental Accommodation Guidelines.
A. Yes.
Q. Are those specific to graduate students?
A. Yes, they are.
Q. And in terms of the students ability to access any of these programs, does it matter how they're being funded?
A. No, it does not.
Q. Does the University have leave benefits for employees?
A. Yes.
Q. Do they apply to graduate students?
A. No, they do not.

ATTORNEY HEALEY: The answer is, they do not?

THE WITNESS: Do not.

BY ATTORNEY FARMER:
Q. Does the University provide Workers' Compensation coverage to employees?
A. Yes.

HEARING EXAMINER: I hope so.

BY ATTORNEY FARMER:
Q. Is coverage provided for graduate students on academic appointments?
A. No, it is not.
Q. I'm showing you what's been marked as Exhibit 49.
---
(Whereupon, Respondent Exhibit 49, Procedures in Case of Student Injury, was marked for identification.)
---
BY ATTORNEY FARMER:
Q. Can you explain what this is?
A. So this is a document that describes procedures for how we should respond in case of student injury in a variety of different context.
Q. If you can take a look at paragraph number three on the second page.
A. Yes.
Q. The reference is that students may be considered employees of the University of Pittsburgh at the time of the injury, provided they're hired through Human Resources, paid a salary and have FICA taxes deducted?
A. Yes.
Q. Do graduate students on academic appointment
meet that definition?

Q. Does your office get involved when there are issues or complaints involve approximating graduate students?

A. No, they do not.

Q. What can you just, in a general sense talk about the nature of the issues that could arise or that do arise?

A. Yeah, sure.

I mean, there are a whole variety of things. There are questions, you know, complaints about - I mean, about issues within academic programs, issues within, you know, whether it's a - a student who has concerns about interactions with his or her thesis advisor, interactions about grading, concerns, complaints that get raised about University health insurance, the University's, you know, policies in a whole variety of ways.

In most cases, these get to my office after having gone through some process at a department and school-level. But occasionally, they just, you know, emerge and they directly, you know, come to my office.

Q. Are there ombudspeople at the school and department-level who try to address these issues?
A. We currently - we have ombudspeople currently, I think in 13 of the 14 schools that have Graduate Programs and graduate students.

Q. When these issues come to your attention, are they viewed differently based on whether the student is on an academic appointment or not?

A. No, they're not.

Q. If there's a student that you've become aware is struggling either in their research or in teaching within their program, are there support services that are offer to those students?

A. Yeah, depending on the issue there are a whole variety of different things that we might do. Whether it's, you know, the Counseling Center for mental health issues. There are, you know, academic support.

Academic support is made available in different context. There's, you know, information provided about resources and support within the University and outside the University, depending on what the specific issue is.

Q. Are you aware of instances where students have had their funding revoked but they're making good academic progress?

A. There are - I'm not aware of any such
situations arising in the year plus that I've been in this role.

HEARING EXAMINER: What about in the year previous?

THE WITNESS: Oh, yeah, I'm - I'm - I would be - I have less visibility from previous years. But I don't have any information on any of those kinds of issues in my tenure at Pitt.

HEARING EXAMINER: Have you heard of any?

THE WITNESS: I cannot think of any that I've heard of while I've been there.

HEARING EXAMINER: We're talking about people who lost their appointment.

ATTORNEY FARMER: Had their funding revoked while they were remaining in good academic progress.

HEARING EXAMINER: MBA - or TAs, TFs, GSAs and some GSRs?

THE WITNESS: Yeah.

ATTORNEY FARMER: Well, it would be - I think it was if they had their funding revoked, it would be - apply to any.

HEARING EXAMINER: Okay.

So are you aware of any of those
categories of students having their funding through that mechanism revoked while they remained at the school?

ATTORNEY FARMER: It was funding revoked. Sometimes students may switch funding.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: But that's different than basically -.

HEARING EXAMINER: Removed for cause?

ATTORNEY FARMER: If you wanted to describe it that way. It's not how I would describe it.

HEARING EXAMINER: Yeah, cause is tricky.

ATTORNEY FARMER: Yes.

HEARING EXAMINER: Removed for some reason, that the University deemed actionable?

THE WITNESS: So - so this is, you know, different from, for example, a student who was promised five years of funding, who is now in his or her sixth year, and there's not - and that certainly happens, students, -

ATTORNEY FARMER: Right.

THE WITNESS: - you know, are - are beyond their originally indicated period of funding.
That's -

ATTORNEY FARMER: That's not the question.

THE WITNESS: - that's not what I - that's - yeah, okay.

ATTORNEY FARMER: Right.

THE WITNESS: Okay.

HEARING EXAMINER: I want to give you an example. So we've heard of TAs, and TFs who taught -

taught courses.

Right?

THE WITNESS: Yes.

HEARING EXAMINER: Have you heard of anything like a TA or a TF not showing up to their courses?

THE WITNESS: I - I certainly heard of those kind of situations, yes.

HEARING EXAMINER: What would happen in that situation?

THE WITNESS: I mean, they would be - the issue would be addressed with the TA. Again, that typically wouldn't come to my level. But -

HEARING EXAMINER: Yeah.

THE WITNESS: - you know that would be - I - you know, definitely within the context of that -
that program, you know, structure of that class, that -
the Director of that Graduate Program, et cetera, would
- would work with that TA to try and understand what
the issues were and how to mediate.

HEARING EXAMINER: Have you ever heard
of a TA or the TF losing their TA or TF funding because
they weren't adequately teaching their course?

THE WITNESS: I'm not aware of any of
those - any such circumstances.

HEARING EXAMINER: Have you ever heard
of the GSA or GSR losing their funding because they
weren't adequately performing with research?

THE WITNESS: Not without them also
being terminated from the Graduate Program. I mean,
there are students who are not making progress -

HEARING EXAMINER: Right.

THE WITNESS: - in the program. So
they're - they're - they're no longer a part of the
Graduate Program. They're kicked out, if you will.

HEARING EXAMINER: That's the nuance you
were bringing up, Ms. Farmer?

ATTORNEY FARMER: Yes, thank you.

HEARING EXAMINER: That would be, they
were - they were coincidentally also being kicked out
because they weren't making adequate academic progress?
ATTORNEY FARMER: Academic progress. Correct.

THE WITNESS: And that certainly happens.

ATTORNEY FARMER: Correct.

HEARING EXAMINER: All right.

I'm sure the Union will have more of that on Cross.

BY ATTORNEY FARMER:

Q. Does the University train graduate students with the intention of hiring them when they finish their Ph.D.'s?

A. No.

Q. Are you preparing them to leave and be successful elsewhere?

A. Yes.

Q. Are there career and professional development services offered to graduate students?

A. Yes.

Q. Do they take a variety of forms?

A. Yes, there the workshops that are university wide. There are activities at the Department and Program-level. There's a - there's a - a wide range of professional development, things that are related to communication, jobs - you know, job seeking advice,
alumni events where alumni come back and talk about some of their careers that they have, some - some type of better understanding of the - the range of careers that might be available. A - a whole variety of things.

Q. Are you familiar with a program called Virtual (sic) Ph.D.?
A. Yes.

Q. What is that?
A. So Virtual Ph.D. is - it's a national and perhaps even international program that we subscribed to.

Q. I'm sorry, I missed the - Versatile is what I meant to say, but I -
A. I'm sorry, yeah, -
Q. - I told them what I - it sounded entirely differently entirely.

ATTORNEY HEALEY: Versatile.
THE WITNESS: Versatile.

BY ATTORNEY FARMER:

Q. Versatile, yes. Thank you.
A. Versatile Ph.D. is a program that is primarily sort of, you know, online web-based, which provides information to students about the range of career options for Ph.D.'s that are available. And we
subscribe it to it in - in order to sort of give that information - make that information accessible to our students.

ATTORNEY FARMER: It will be 50 and 51.

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(Whereupon, Respondent Exhibit 50, Material on Versatile Ph.D. Program, was marked for identification.)

(Whereupon, Respondent Exhibit 51, Material on Versatile Ph.D. Program was marked for identification.)

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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BY ATTORNEY FARMER:

Q. Okay.

   I'm showing you what we've marked as 50 and 51.

   A. Yeah.

   Q. Are these materials that talk about this Versatile Ph.D. Program?

   A. Yes.

ATTORNEY HEALEY: I don't know, here you have confidential information on here -.

ATTORNEY FARMER: No, no, no, it's the
thing, it's a - it's a case study.

ATTORNEY HEALEY: Oh, okay.
ATTORNEY FARMER: No, it's the -.
ATTORNEY HEALEY: I thought it was somebody's CV.
ATTORNEY FARMER: No, no. Oh, no.
THE WITNESS: A fake CV.
ATTORNEY FARMER: It's the - yeah, it's a part of the materials for the program as an example with a CV.

BY ATTORNEY FARMER:

Q. Are you also familiar with a program called the Center for Doctoral and Postdoctoral Career Development?
A. Yes.

Q. And what is that?
A. So that's a program that is partially supported through the Provost Office, run by Darlene Zellers, which has developed a set of workshops under activities for - for predocs and postdocs to - to sort of engage in career - stage-specific career development activities, so workshop seminars, et cetera.

There's some consulting that they can do for a student who wants help with his or her CV, help in - preparing for a - a job - a job market of - you know,
in a particular way.

Q. I'm sorry, I lost the number. Hold on. And are you familiar with the Office of Academic Career Development?

A. Yes, that's -

Q. What is that?

A. - that's the office that in part runs these programs. And they also run other programs for junior faculty, et cetera. So that's sort of the umbrella organization for career and - and professional development.

And - and I should say, this is outside of Student Affairs, Career Services. This is specifically targeted for pre and postdocs who are interested in - in - in academic and other careers.

Q. And are these open to any students - any graduate students?

A. Yes. I mean, the - the predoc one is targeted for Ph.D. students. So I think like MBA students would probably find it less useful.

Q. Yes.

ATTORNEY FARMER: This is 52 and 53.

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(Whereupon, Respondent Exhibit 52, Materials on Center for Doctoral and Postdoctoral Career
Development, was marked for identification.)
(Whereupon, Respondent Exhibit 53, Material on
Office of Academic Career Development, was marked
for identification.)
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HEARING EXAMINER: I take it the
distinction you were making is, it's not targeted to
undergrads?
THE WITNESS: Correct. It's not
targeted to undergrads.
BY ATTORNEY FARMER:
Q. And are these - 52 and 53 - let's actually
do them one at a time.
Fifty-two (52), are these materials
describing the Center for Doctoral and Postdoctoral
Career Development?
A. Yes.
Q. And 53 describes the Office of Academic
Career Development?
A. Yes.
Q. Are there also career Services and
Professional Development Programming that happen at the
school and departmental-level?
A. Yes. And at the University-level through
Student Affairs.
Q. Have you served on any Hiring Committees -
A. Yes, -
Q. - in your time as a faculty member?
A. - yes.
Go ahead.
Q. Was that both at Pitt and at CMU?
A. Yes.
Q. What kinds of positions did you help to fill?
A. It was tenure track, assistant professors,
University Administration positions, teaching faculty,
Program Coordinators, a - a whole variety.
Q. And what were the kinds of things that the
Hiring Committees were looking for in candidates?
A. I mean, it - it's pretty broad. So maybe
let me narrow it a bit. I mean, for looking in
candidates who were applying for jobs where a Ph.D. was
either required or expected, let's say, I mean, they're
looking for evidence of - of productivity as a - as a -
as a - during ones Ph.D.
And so that productivity often is in part
indicated by - by publications. Often they're looking
for evidence of commitment to teaching, evidence - you
know, commitment to teaching and experience in
teaching.
We have a situation we're trying to hire a lab instructor. Very specifically wanted a person who had, you know, taught biochemistry before. And so that was something that - you know, in - in a very targeted and specific way we're looking for that day.

So you know it's - it's a wide range of things. But the clear indications of - of progress, and success, and expertise, publications and courses taught are - are two, you know, key elements of it.

Q. Are these the skills that the Ph.D. Programs at Pitt teach to their students -

A. Yes.

Q. - and prepare them to do?

A. Yes, absolutely.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Okay.

How much time would you like to prepare?

ATTORNEY FARMER: Wait.

You want a break?

HEARING EXAMINER: We're definitely having a break.

ATTORNEY HEALEY: Do we want to go through the exhibits?

HEARING EXAMINER: Not right now.

ATTORNEY HEALEY: I'd say a half hour.
HEARING EXAMINER: Fine.
So be back 3:20.

ATTORNEY FARMER: And you want to go through the exhibits before they do Cross?

HEARING EXAMINER: We'll go through the exhibits then.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Off the record until 3:20.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: Do you have any objections to Respondent 18?

ATTORNEY FARMER: The fact book.

ATTORNEY HEALEY: Oh, the fact book? No, that's also - that's also Union 1.

ATTORNEY FARMER: Yeah, so -.

HEARING EXAMINER: All right.

Eighteen (18) is admitted.

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(Whereupon, Respondent Exhibit 18, University's Fact Book from 2018, was admitted.)

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HEARING EXAMINER: Nineteen (19)?
ATTORNEY FARMER: That's the Special Academic Opportunities for them.
So it most likely appears out of order.

ATTORNEY HEALEY: Which one is 19?

ATTORNEY FARMER: It's - it's the printout from the catalog Special Academic Opportunities.

ATTORNEY HEALEY: No objection.

HEARING EXAMINER: I would - which ones do you have objections to or potential objections?

ATTORNEY HEALEY: Potential.
Respondent 39.

HEARING EXAMINER: Let me get there.

ATTORNEY HEALEY: And - and I have some voir dire and maybe an objection to Respondent 33.

HEARING EXAMINER: Let's do 39 first.
All right.
Thirty-nine (39) is - all right.
Yeah, we talked about that one.
What was this offered for?

ATTORNEY FARMER: What?

HEARING EXAMINER: What is - what was this offered for?

ATTORNEY FARMER: That it's programs - examples of programs that were created by the
University Center for Teaching and Learning workshops.

ATTORNEY HEALEY: The witness had no idea about - didn't have any knowledge concerning the document or how it was produced. It's not - it's not labeled as being from the handbook or any official University publication. There's no foundation to the exhibit.

HEARING EXAMINER: Any response?

ATTORNEY FARMER: Yeah.

I mean, as I said, I can - I mean, I can represent that it's - it was a list that was provided by University Center for Teaching and Learning of their workshop. It's not on website, it is their internal list of what they do.

If there's really concern on them, we can put on a witness on Friday, assuming we have time, from the graduate student teaching initiative to say here are the workshops that we've done.

HEARING EXAMINER: Is there anything that you - I'm going to admit it.

Overruled.

(Whereupon, Respondent Exhibit 39, Chart, was marked for identification.)
HEARING EXAMINER: Thirty-three (33).

ATTORNEY HEALEY: Exhibit 33, I - I have some voir dire concerning this. I may or may not have an objection. Just brief voir dire.

HEARING EXAMINER: Yeah, go ahead.

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RECROSS EXAMINATION

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BY ATTORNEY HEALEY:

Q. Dr. Urban, do you have Respondent Exhibit 33 in front of you?

A. Yes, I do.

Q. The - the title of the document is University of Pittsburgh Graduate Teaching Requirements.

Do you see that?

A. Yes.

Q. Did you compile this document?

A. It was compiled by members of my office in response - by collecting information from a survey that was sent out to Graduate Deans of all the schools and universities.

Q. And - and each - each school responded to it like a written survey form.

Is that correct?
A. It was an online - I believe it was online survey.

Q. An online survey?
A. Yeah. A Qualtrics survey, but -.

HEARING EXAMINER: I'm assuming that this is -?

BY ATTORNEY HEALEY:

Q. Oh, just one more question. Did each of the schools that you sent to respond to this survey?
A. I don't know offhand. I'd have to ask members of my staff.

HEARING EXAMINER: I'm certainly going to look at it with a critical eye, taking into mind context of its production.

ATTORNEY HEALEY: Then subject to it, we may have arguments at some point about weight to be accorded.

We have no objection to its admission.

HEARING EXAMINER: About what?

ATTORNEY HEALEY: About the weight to be accorded to - to the document, -

HEARING EXAMINER: Oh, right.

ATTORNEY HEALEY: - we have no objections to its admissibility.
HEARING EXAMINER: All right.
So 33 is admitted.

(Whereupon, Respondent Exhibit 33, List of Information About Graduate Programs at University of Pittsburgh, was admitted.)

HEARING EXAMINER: And then - where are we - 19 through 53 -

ATTORNEY FARMER: Yes.

HEARING EXAMINER: - are admitted.

(Whereupon, Respondent Exhibit 19, Special Academic Opportunities Catalog, was admitted.)
(Whereupon, Respondent Exhibit 20, List of Degree and Certificate Grading Programs, was admitted.)
(Whereupon, Respondent Exhibit 21, Academic Regulations, was admitted.)
(Whereupon, Respondent Exhibit 22, Enrollment for Spring of 2018, was admitted.)
(Whereupon, Respondent Exhibit 23, Table, was admitted.)
(Whereupon, Respondent Exhibit 24, Funding for Spring of 2018, was admitted.)
(Whereupon, Respondent Exhibit 25, Printout, was...
admitted.)

(Whereupon, Respondent Exhibit 26, E-mail, was admitted.)

(Whereupon, Respondent Exhibit 27, Partial List of Internal Fellowships Awarded by University, was admitted.)

(Whereupon, Respondent Exhibit 28, Face Page and Application for T32 Grant, was admitted.)

(Whereupon, Respondent Exhibit 29, Printout, was admitted.)

(Whereupon, Respondent Exhibit 30, Paper, was admitted.)

(Whereupon, Respondent Exhibit 31, Paper, was admitted.)

(Whereupon, Respondent Exhibit 32, Cover Page, Face Sheet of Sonya Gearheart, was admitted.)

(Whereupon, Respondent Exhibit 34, Services, was admitted.)

(Whereupon, Respondent Exhibit 35, Services, was admitted.)

(Whereupon, Respondent Exhibit 36, Program, was admitted.)

(Whereupon, Respondent Exhibit 37, TA Handbook, was admitted.)

(Whereupon, Respondent Exhibit 38, Annual Report,
was admitted.

(Whereupon, Respondent Exhibit 40, Chart, was admitted.)

(Whereupon, Respondent Exhibit 41, Materials from Center for Teaching and Learning on Creating Portfolios, was admitted.)

(Whereupon, Respondent Exhibit 42, Materials from Center for Teaching and Learning on Creating Portfolios, was admitted.)

(Whereupon, Respondent Exhibit 43, Flyer Describing Pitt CIRTL, was admitted.)

(Whereupon, Respondent Exhibit 44, Flyer, was admitted.)

(Whereupon, Respondent Exhibit 45, Summary of Health Benefits, was admitted.)

(Whereupon, Respondent Exhibit 46, Benefit Summary for Faculty and Staff, was admitted.)

(Whereupon, Respondent Exhibit 47, Comparison, was admitted.)

(Whereupon, Respondent Exhibit 48, Brochure, was admitted.)

(Whereupon, Respondent Exhibit 49, Procedures in Case of Student Injury, was admitted.)

(Whereupon, Respondent Exhibit 50, Material on Versatile Ph.D. Program, was admitted.)
(Whereupon, Respondent Exhibit 51, Material on Versatile Ph.D. Program, was admitted.)
(Whereupon, Respondent Exhibit 52, Material on Center for Doctoral and Doctoral Career Development, was admitted.)
(Whereupon, Respondent Exhibit 53, Material on Office of Academic Career Development, was admitted.)

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HEARING EXAMINER: Cross Examination?

ATTORNEY HEALEY: I have a couple of questions.

BY ATTORNEY HEALEY:

Q. So Dr. Urban, how long have you been with the University of Pittsburgh?

A. A little over three years.

Q. And in that three year period of time have you supervised graduate student researchers or trainees?

A. I have supervised - in the last three years, I've supervised graduate student researchers. I've supervised a graduate student fellow. And I'm trying to think of a category of the others. I think the other student was a graduate student researcher during the time.
Q. How many graduate student researchers did you supervise in the last three years?
A. In the last three years two or three, depending on the - sort of the timing of the category of - of when somebody was in a particular category. Can I expand on that a little?
Q. If your Counsel has further questions, I'm sure she'll ask them.
Now, you indicated at one point, that approximately 10 to - that TAs and TFs counsel to - 10 to 15 percent of the instructors in undergraduate course.
Is that correct?
A. No, that's not what I said.
Q. What did you say?
A. I said approximately 10 to 15 percent of undergraduate courses have a TAs associate.
Q. So when you say 10 to 15 percent of courses, does that include people who are instructors, they run sections and things of that nature?
A. I'm only referring to - the number that I have in mind was the number of - the fraction of courses. Of all of the courses across the University, a fraction of those courses taught to undergraduates or at the undergraduate level, I would say, that have TAs
associated with it.

Q. Okay.

And what fraction of the courses have TFs associated with them?

A. I'm - I - I don't know - I don't know that.

Q. And you indicated 10 to 15 percent of the courses have TAs associated with them. What's the source of that number in your testimony?

A. A survey that was provided to me some - some time ago about - that sort of listed on a - a per school - on - on - from my memory. But it's a - a per school basis. The fraction of courses on school-by-school that had TAs.

Q. And who conducted that survey?

A. I don't actually know. That came from some institutional resource - institutional resource.

Q. And do you know what institutional resource it came from?

A. I do not, no.

Q. And do you have that survey with you here today?

A. I - I probably have it in e-mail, I can provide it.

Q. Okay.

We probably will not finish today with your
testimony. But could you provide that survey tomorrow?

    HEARING EXAMINER: I agree.

    THE WITNESS: Yeah, I'm happy to provide
the - the information, yeah, on that - on which that
estimate was based.

BY ATTORNEY HEALEY:

    Q. So just - before I forget, back to the
percentage of courses that have TAs associated - I
apologize, I shouldn't have said it.

    The percentage of courses they have TAs
associated with them, you indicated 10 to 15 percent.

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

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ATTORNEY HEALEY: I apologize.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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ATTORNEY HEALEY: I - I apologize.

BY ATTORNEY HEALEY:

    Q. So we talked about 10 to 15 percent of
courses have TAs associated with them.

And does that include courses in which
there's recitations?
A. The - I - I believe that there would primarily be courses in which there are recitations, yes.

Q. And just for the record, what's a recitation?
A. A recitation is a - a meeting time, a class, if you will, that's typically associated with a larger lecture in which the instructor provides additional - in some cases, provides additional material and shall help the students help - help solve problems, et cetera.

Q. Now - now, you - you talked about publishing in terms of publishing for the graduate student employee.
A. Yes.
Q. You also indicated the student's often listed first in terms of getting publishing.
A. Correct?

Q. Is it also fair in - in the flipside, that they're often not listed at all?
A. I think when students contribute to the research in a way that is - is identified in that particular field as warranting authorship, then they
are authors.

Q. And what are the factors that go into attributing a way of warranting authorship? What does that involve?

A. I mean, it involves collecting data associated with that publication, analyzing data associated with that publication, editing - editing the publication, editing the - you know, writing editing, the whole sort of writing process. It involves designing the - the experiments or the analysis, et cetera, associated with that publication.

Q. Okay.

Now, you talked about the importance of teaching in terms of professional development for TAs, and TFs and that teaching develops their skills. Is that correct?

A. Yes.

Q. But - but also you also indicated that when you teach as faculty member, it develops your skill. Does it not?

A. Yes, absolutely.

Q. Okay.

So any faculty member or adjuncts, if they teach, the more they teach, the more their - the more skill development there is.
Is that correct?

A. I would say with a certain degree of diminishing returns, I think we get less out of those experiences when we've done them for 10 or 15 years.

Q. Someone at age 50 or so?

A. Well, yeah, for example.

Q. Sir, you indicated in your testimony that you sent out an e-mail marked as one of your exhibits, in November of 2017?

A. Correct.

Q. And in response to questions from the Hearing Officer (sic), you indicated, at that point you didn't know of or weren't thinking about the Union Organizing Drive. Is that correct?

A. I said that I - I certainly knew of the Union Organizing Drive. I said that I didn't send out that e-mail directly in response to that Union Organizing Drive.

Q. When did you become aware of the Union Organizing Drive?

A. It would have been in the summer of 2017. I don't remember - well, actually, no, the spring of 2017. I - I know that in the spring of 2017 there was a - a presentation at University Senate by students who
were involved in unionizing.

And that's - I mean, I don't - I probably knew about it a little bit before that. But that's sort of an - an event -.

Q. So by spring of 2017, you knew about the Union Organizing?

A. Correct, yeah.

Q. I'm going to show you what's been marked Union Exhibit 223.

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(Whereupon, Union Exhibit 223, University Times Article, was marked for identification.)

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BY ATTORNEY HEALEY:

Q. Could you identify this document for the record, please?

A. Yes.

This is - well, it's a University Times article that was an interview that I did in July - well, I did the interview before July 15th of 2017, which I talked about. So the - the new role into which I was stepping.

Q. And - and on second page you were asked a question concerning activities of, quote, students to collect Union cards?
A. Yes.

Q. Is that correct?
And you responded to that question?
A. Yes, sir.

Q. Sir, I'm going to show you an exhibit that's been marked as Union 224.

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(Whereupon, Union Exhibit 224, E-mail, was marked for identification.)

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BY ATTORNEY HEALEY:

Q. And I'm going to ask you to look at this document, and indicate if you can tell us what it is, please?
A. It is an e-mail that I sent to all graduate students in October of 2017.

Q. Now, sir, you reference an ombudsman in your testimony?
A. Right.

Q. What -?

HEARING EXAMINER: It's an ombudsperson.
ATTORNEY HEALEY: I stand corrected.

HEARING EXAMINER: You're fine. Go ahead.

ATTORNEY HEALEY: Maybe I'm fine. I'm
BY ATTORNEY HEALEY:

Q. An ombudsperson.

When was that position created?

A. So they're - it's not just one person, it's - there's one person in 13 of the 14 schools that - at - at the University.

And - and those position were created - and that was something that I began to do - I don't remember exactly when. But early on after I came into the role of Vice Provost of Graduate Studies, in to talk about the importance of having ways in which students could have access to mutual parties.

Q. And - and when did those positions actually become public, approximately?

A. I would say - so it took a while - and we started talking with schools about the idea of creating this position probably in the summer in schools -.

Q. So summer of 2017?

A. Summer of 2017.

In schools elected to - we asked for schools to identify people to serve that role, et cetera. So it was a - it was a - sort of a moving process. As I mentioned, there's one school. The School of Medicine still doesn't have one. But there was a moving
process.

I don't know what the - I - I don't - I don't know when exactly those different positions were put into place.

Q. And I wanted to clarify something. There was reference - you talked about student activities fee in your Direct testimony. Do you recall that?

A. Yes.

Q. What is the student activities fee for undergraduate students?

A. What is the amount?

Q. The amount, I'm sorry?

A. I don't know.

Q. And what is the amount for graduate students in general?

A. I don't know.

Q. Now, sir, could you - do you have Respondent Exhibit 1 in front of you?

It's a fact book.

A. Yes.

Q. Okay.

ATTORNEY FARMER: You mean 18?

HEARING EXAMINER: Yeah, it's not 1.

ATTORNEY HEALEY: Oh, Respondent 18.
It's Union 1.

HEARING EXAMINER: It's all right.

THE WITNESS: Yes, I have it.

BY ATTORNEY HEALEY:

Q. That's the fact book you testified -
A. Yes, -

Q. - about briefly?
Could you turn to page eight, please?
A. Yes.

Q. So I'm just trying to understand, what is this Association of American Universities? What is it? And what does it do?
A. So - I mean, as I testified previously, it's a group of universities that are - admission to which is through a vote of the other members that's supposed to be an association of universities that have - that are distinguished by their - by a combination of their research, the quality and quantity of their research, their - their Graduate Program, graduate and undergraduate education that they provided.

Q. So looking at this document in the center column, there's six universities from the University of California.

Do you see that?
A. Yes.
Q. And would it be a fair statement, that each of those universities has a Graduate Student Employee Unions?
A. They have a - a - a union of teaching assistants and teaching fellows is my understanding.
Q. And University of Wisconsin and University of Michigan also have such unions. Is that correct?
A. Yes, unions of teaching assistants and teaching fellows.
Q. The University of Wisconsin is project assistants and research assistants, if you know?
A. I don't - I - I don't know believe so - I don't - well, let me say specifically. I don't believe what we would refer to as graduate student researchers are members of that union. I could be wrong. But that's my understanding.
Q. Do you know what the unit consists of at the University of Michigan?
A. I believe the unit at the University of Michigan also consists of a set of graduate students, not including graduate student researchers. I believe that the - well, I - I saw the shaking of the head. But my understanding, which may be incorrect, is that the state government in Michigan
actually prohibited gradates and researchers from being part of that Bargaining Unit.

Q. Okay.

We may come back to that later.

Could you look at Respondent Exhibit 24, please? And could you look at - do you have that in front of you?

Take your time.

A. Let me find it.

Yes.

Q. So I'd like you to look at the first page.

A. Yes.

Q. The - the numbers on the first page - it's in the upper left-hand corner. How - how were those numbers collected, if you know?

A. So we've collected various sets of these numbers for different semesters. Essentially, what we have to do is, we have to look at the - the - sort of, two - two different data sets.

We have to look at the data set of - or the data sources, I should say - the data source associated with our Payroll System, that these names of categories come out of our Payroll System.

And then we also have to then look at separately our Student Information System so that we
identify - in this case, people who are in the Payroll System as an - academic graduate student assistants, and also - who are also listed as graduate students in a - in the same semester where they're in the Payroll System that way.

So then we - we take those two data sources and we put them together to come up with that number.

Q. Okay.

So can you also pull up Respondent 27 and put that in front of you, please?

A. Sure.

Q. Take your time?

A. Yes.

Q. So Respondent 27 is titled on top - let's get this up, Internal Fellowships Reported by Schools. Do you see that?

A. Yes.

Q. And if you go to Respondent 24, there's predoc fellowships listed as the Number 544. Do you see that?

A. Yes, I do.

Q. Okay.

So do you know if we totaled up all the fellowships listed in - in the number of persons in the - the fellowships listed on Respondent 27, does that
total 544 for predoctoral fellows?

A. No, it does not.

Q. Can you explain that?

A. Yes.

The difference - so these are internal fellowships. The number listed there is predoctoral fellow, consists of both internal fellowships.

So for example, there are - I don't remember the number. But there are, like I say, 25 or so Mellon fellowships in Arts and Sciences. But again, I don't - that number is not necessarily accurate.

But there's a certain number of Mellon fellowships in Arts and Sciences that - let's call it 25. That number contributes to 544 up here.

And then the ERVOST fellows who are listed on here. Also, there's a - you know, a - you know, a cadre of them. Maybe it's 40 or so. So that means 40 is the - the number that - that adds into the 544 over here.

In addition, in the 544 are students who are supported on individual NIH, NSF predoctoral fellowships. So - so that 544 number is the total of all of those individuals supported both by internal and external fellowships.

And - and now that you mentioned it, I think
I - I didn't make that clear in my original testimony, so thanks.

Q. All right.

Glad to help.

A. Yeah.

Q. And also when we're talking about predoctoral fellows, do - do your numbers include the FLAS fellow?

A. Good question.

I - I don't know. I believe those are more likely to be categorized as trainees because the FLAS is more like a - a training grant than it is like an individual fellowship. But I would have to check to be sure.

Q. Okay.

You're not sure about that?

A. I'm not sure.

Q. Now, you indicated there's no centralized graduate school.

Is that -?

A. That's correct.

Q. Okay.

So there's - and each grad school has some individual policies for that grad school.

Is that correct?
A. Yeah, I - I would say each school. Like the School of Arts and Sciences would have it, which has both undergraduates and graduates; has policies that are associated with its Graduate Programs and its graduate studies.

Q. And do you have binder one in front of you -
A. Yes, -
Q. - from yesterday?
A. - yep.
Q. And I'm going to ask you to look at Union Exhibits 2 and 3.
A. Yes.
Okay.
Q. Exhibit 2, you - you have talked about some in your Direct testimony?
A. Right.
Q. That was a policy put into effect in 1996. Is that correct?
Q. 1995?
I just want to clarify one thing. You talked about regulations and policies?
A. Correct.
Q. Is - is - are Union Exhibits 2 and 3, which are now called regulations?
A. They - they are - I mean, there's - there's some - they are not what the University sometimes would call Capital P policies. There's a whole set of policies that have a - a separate set of numbering, et cetera. These are not those. They are a part of what we referred to as regulations for graduate study.

Q. And as part of those regulations, the individual schools, although they have flexibility, -

A. Right.

Q. - they have to work within the parameters of those policies.

Is that correct?

A. Yes, that's correct.

Q. Now, we talked about graduate students in - in general. All graduate students don't receive financial support.

Do they?

A. No.

Q. And let's talk about - how many graduate students are there overall?

A. Roughly, 9,000 or so, graduate and professional students.

Q. And - and approximately in this academic year or the prior academic year, approximately how many of those graduate students had appointments?
A. So approximately 1,800 - 1,900 - 1,800 to 1,900 had appointments that we call academic appointments TA, TF, GSR and GSA. And then another set have what I still think of as appointments, which are not in our terms academic appointments, which are fellowships and traineeships.

Q. Okay.

Now, for TAs, TFs, GSAs and graduate student researchers, we have those policies and regulations, Union Exhibits -

A. Right.

Q. - 2 or 3.

Is there a similar set of policies for people in fellowships?

A. No, there's not.

Q. Are there a similar set of policies for people that are trainees?

A. No, there's not.

Q. Now, in - could you pull up Respondent Exhibit 19?

A. Respondent.

Q. - here we're talking about, I believe Joint Degree Programs.

A. Yes, yes.
Q. Do you have that in front of you?
A. Yes, I do.
Q. And could you describe what the left-hand column shows us?
A. Respondent 19, the left-hand column - what I'm looking at in here says area of concentration plans, et cetera.

ATTORNEY FARMER: This is 19.
ATTORNEY HEALEY: Oh, I'm sorry.
HEARING EXAMINER: You're looking at their 19 or - Respondent's 19 or Union?
ATTORNEY HEALEY: Respondent's. No, Respondent.

BY ATTORNEY HEALEY:
Q. Oh, I will - I will - I apologize. I will come back to that.
A. Okay.
Q. Now, you indicated that - let's talk about students on employment.
Generally and briefly we've been through the record already.
What benefits do they get?
A. I mean, what academic benefits -
Q. Uh-huh (yes).
A. - or what - what financial -?
Q. What financial benefits do they get?
A. Yeah. They get a stipend. They get tuition remission. They get health insurance coverage. And they get the coverage of the – the individual health insurance plan from UPMC, the graduate student plan and they get coverage or they get – some of their fees are paid.

Q. Okay.

Now, moving over to student – graduate students without an academic appointment.

A. Right.

Q. What is their tuition rate?

I believe there's an in-state rate and out-of-state rate.

A. So graduate students without an academic appointment –.

Q. Without an academic appointment?

A. So the tuition rate depends on school and depends on, as you said, in-state or out-of-state. I mean, that – I mean, in the case of Arts and Sciences, which is the largest population of – of Ph.D. students, the in-state rate is – I'm – I'm getting to the numbers not – not precise. But I – I think it's $22,000, $23,000 a year. Out-of-state rate is about $38,000 a year.
Q. And students not on an academic appointment have to figure out how to pay for it. Is that correct?
A. Correct, yeah.
Q. So they could get it - pay for it with their own money. Is that correct?
A. Correct.
Q. They could take out a student loan to pay for it. Is that correct?
A. Yes.
Q. Okay. And - and I apologize for my confusion, I don't know - but could you look at Respondent Exhibit 23?
A. Sure.
Q. Okay.
Now, the - the title at the top is Students Funded from Other Institutions Spring of 2018. Is that correct?
A. Yes.
Q. And going to the left margin, it indicates funding source.
Is that correct?
A. That's correct.
Q. So when we talk about funding source, the principal investigator was at that funding source. Is that correct?
A. Correct.
Q. And if we go to the far right-hand column, we're talking about appointment type. Is that correct?
A. That's correct.
Q. Now, I know the names are redacted. I'm not asking the names. But for each of the - the lines going across there's one student in that position. Is that correct?
A. That's correct.
Q. One employee in that position?
ATTORNEY FARMER: Objections, student.
HEARING EXAMINER: You don't have to keep objecting to that. And I'm not going to tell him not to say that.
You can go ahead.
ATTORNEY HEALEY: Thank you.
BY ATTORNEY HEALEY:
Q. So in the right-hand column - so each of the columns deals with a graduate student employee.
Is that correct?

A. With a graduate student, yeah.

Q. And they are appointed by the University of Pittsburgh.

Is that correct?

A. Yes, they're enrolled and appointed by the University of Pittsburgh.

Q. And the - the funding somehow comes for the University of Pittsburgh and from the University of Pittsburgh?

A. That's correct.

Q. So for example, they each get a stipend, the health insurance benefits and tuition remission?

A. Yes, they get whatever benefits are associated with their - the nature of their appointment.

Q. And - and just - just for the record how was this document, Respondent Exhibit 23 prepared?

A. So we went and looked at - we can look at in the case of students - for all students on academic and other appointments. We can look at the source of funds that - that supports, or pays for their stipend, and their tuition remission, et cetera.

And so we can go through and sort of run that report through the Payroll System and find out
where - what - what the source of that money is. And then we can go and - and look at, you know, where - the source of something other than the University of Pittsburgh.

Q. Now, you indicated in your Direct testimony - you talked about this some that University of Pittsburgh received approximately $500 million a year from NIH. Is that correct?

A. Approximately.

Q. And that's not one grant, that's many, many separate grants. Is that correct?

A. Yes, many.

Q. Some of those grants might be individual faculty members?

A. Yes, some of those grants are - I mean, by four individual faculty members - I mean, that it's a grant that was written by an individual faculty member. It may support many people, but -.

Q. Fair - fair enough.

A. Yeah.

Q. And there are some grants that individual students apply for and get through NIH. Is that correct?
A. Correct. The F30 - F30 and F31 are the main sorts of those, so -. And - and just maybe a point of clarification. In all cases, the University is the recipient of the grant. I mean, this is the case for all federal dollars. The University is the recipient of the grant. And this is -.

Q. The University is the recipient, but it may be faculty member or a student that gets the money?

A. Correct, yes.

Q. And when NIH distributes the money there, for lack of better word, certain strings or parameters are attached to that money.

Is that correct?

A. Yes, certainly.

Q. And one of those parameters is, what's the minimum that has to be paid - minimum that has to be paid on stipends.

Is that correct?

A. Yes, in the case of - as I mentioned, the - sort of - NIH scale, there's a minimum stipend for undergraduates, for graduate students, for postdocs, et cetera.

Q. So - so some of the NIH money ends up going to undergraduates.

Is that correct?
A. Yes.

Q. Do - do you have a sense of the percentage of undergraduates that get NIH funding or the numbers that get NIH funding?

A. I mean, it's a small number.

HEARING EXAMINER: Taking a break.

If his reference to employee was vague and didn't know what he was talking about, I would have sustained your objection. But in that case, it was clear. And I'm not going to be swayed by, you know, the words he uses.

But if you do use - and - employee in other circumstances could be so broad, that we don't know what you're talking about.

ATTORNEY HEALEY: Understand.

BY ATTORNEY HEALEY:

Q. You indicated in your Direct testimony, that graduate student employees; graduate students, however you want to call it, they have the choice of doing - being paid over eight months or 12 months. Is that correct?

A. Some do, yes.

Q. Some do and others do not?

A. Some have a 12-month appointment. And so I think in all cases 12 - students on 12-month
appointment are paid over 12 months.

Q. Okay.

The students that paid over 12 months is
different, if you know, tax treatment than those
other for months? If they - they have an eight-month
appointment but they choose to be paid over 12 months,
is there different tax treatment between the eight
months and the other four months, if you know?

A. My - my understanding is that - the only
difference that I'm aware of is the FICA difference
that we pointed out.

Q. And in - in those four months - and on your
Direct testimony you indicated Workers' Compensation is
not provided to graduate student employees. In those
four months the eight-month - people on eight months
appointment - so being paid over 12 months, is Workers'
Compensation provided or is Workers' Comp deducted from
the checks, if you know?

A. To my knowledge, no. And based on the - the
examples in the record, no.

Q. Now, you - you indicated, that in - in some
of the grants you receive - and correct me if I'm wrong
- I think some were from NIH?

A. Correct.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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BY ATTORNEY HEALEY:

Q. So we talked about NIH had a certain stipend level and they provided it to the University. But perhaps that doesn't - that doesn't provide coverage for health insurance as such.

Is that correct?

A. Correct.

Q. Okay.

Now, you indicated that the University provides an additional $4,000 for people with those grants to pick up health insurance or to do as they wish with that.

Right?

A. So to $4,000 that I mentioned is - is this - I think it's called the Educational Allowance that's included with - that's only with NIH, F31s and F30s. So these are the individual fellowships, individual training grants.

But there's a cost of education or educational allowance which is provided in conjunction with those.

I - different parts of the University may treat that differently. And the departments that I'm
most familiar with within the School of Medicine, students have some access to that so they're able to make use of that for paying for conference travel, buying a computer and doing other things with that.

Q. They can buy health insurance with that if they want?
A. I believe health insurance is — is something that is allowable by NIH, yes.
Q. Okay.
And that $4,000 is subject to tax.
Is that correct?
If you know.
A. I don't believe — I don't believe it is. Because it is identified as an educational allowance on the part of NIH. But I — but I — I'm not sure.
Q. Okay.
You don't know whether or not that $4,000 appears on a 1099 with the University?
A. I believe it does not.
Q. But the stipend that students might receive from NIH, taxes are not deducted but they do receive a 1099 for that?

ATTORNEY FARMER: I just want to object to this. The stipends aren't from NI — I mean, the — which is to say NIH provides money to the University
and the University provides funds to the students.

HEARING EXAMINER: I had a question.

ATTORNEY HEALEY: Yeah.

HEARING EXAMINER: I forgot to ask it when we were talking about that. The trainees - the NIH trainees we were talking about.

Right?

ATTORNEY FARMER: Well, that - that wasn't exactly clear. That was another - there was lots of NIH funds. Not all are these training grants.

HEARING EXAMINER: When we have - but my question was, when we have - I guess the G - when we have graduate students who are performing some kind of work under these NIH grants -?

ATTORNEY FARMER: Which kind?

HEARING EXAMINER: Any.

ATTORNEY FARMER: The - the answers -

HEARING EXAMINER: Sure.

ATTORNEY FARMER: - may be different.

That's why we're trying -.

HEARING EXAMINER: All right.

Let me get my question out.

ATTORNEY FARMER: Okay.

HEARING EXAMINER: Under some kind of grant where funding at least partially comes from the
grant, my question was, whose name is on the paycheck?

THE WITNESS: Who's the payor?

HEARING EXAMINER: I think I asked a student.

ATTORNEY FARMER: Uh-huh (yes).

THE WITNESS: In all cases -.

HEARING EXAMINER: I'm not asking who's the payor, I'm literally asking whose name is on the paycheck as the payor?

It may or may not be the payor or not.

If you traced the money back through?

THE WITNESS: It's the University's.

The - the - the 1099, the paycheck, all that comes from the University.

HEARING EXAMINER: Is disbursed by the University?

THE WITNESS: Correct.

HEARING EXAMINER: In every - in every case.

THE WITNESS: In every case.

HEARING EXAMINER: Okay.

Does that answer your question?

THE WITNESS: Students - students do not get -.

ATTORNEY HEALEY: Yes, that's where I
was going with it.

HEARING EXAMINER: Greet.
Because I had the same question.

THE WITNESS: Students do not get checks directly from NIH or NSF of this - you know, to cover - there's no - I - I don't know of any case for that.

HEARING EXAMINER: I - I can't - personally, I can't imagine. But it's good that we have it on the record.

Okay. Go ahead.

BY ATTORNEY HEALEY:

Q. So just back to - you indicated in your testimony - you talked about core requirements for graduate students.

And when you talk about core requirements is that - were you referring to overall core requirements for - across all the schools or for particular schools?

A. If I'm - if I'm understanding the reference that you're making to my previous testimony, it would be for - across all schools.

Q. And when you implement core requirements across all schools, the schools are bound to follow those core requirements?

A. Yes, unless there are exceptions that they sort of request or - or, you know, or obtain.
Q. So - so for - for example, Union Exhibit -
and I'm sorry if I'm repeating myself - Union Exhibits
2 and 3, which are the policies/maybe regulations for
GSAs, TFs, GSAs and GSRs. They're the core
requirements that those schools have to follow?
A. Those documents contain the core
requirements. They contained other things as well.
But yes, they contained the core requirements.
Q. And the students who receive academic
appointments, we've - we've talked about it a lot
yesterday - but they all receive appointment letters.
Is that correct?
A. Yes.
Q. Okay.
A. Yeah, something like that.
Q. Do you - do you have a sense of - once you
have a - an appointment and you're getting these
benefits, does that continue for the four or five years
following?
A. The four or five years following -?
Q. The - the initial appointment?
A. Yeah. I mean, for most of our Ph.D.
Programs we - there's a - a statement as to how many years of funding are provided by that program. It can be four. It can be five.

And so that is what we - we provide, you know, to students. In some cases, we provide additional years beyond that original - the original, you know, stated number.

And I should say, that's subject to the provision that students are making adequate academic progress, et cetera.

Q. And - and somewhat related to that. Are you familiar with the F31 grants?

A. Yes.

Q. Okay.

And they're from NIH.

Is that correct?

A. Yes, they are.

Q. If a grant recipient, whether it's a faculty member or - I'm sorry.

A. It's okay.

Q. If a grant recipient leaves, does the University lose that money?

A. It's -.

ATTORNEY FARMER: And this is specifically, I'm sorry, about F31s?
ATTORNEY HEALEY: F31.

ATTORNEY FARMER: Okay.

THE WITNESS: So it's - it's a little bit complicated with - with NIH.

So when - because the University is the recipient of the grant in all cases, including the fellowships.

And so in the case of - of the PI of a grant leaving the University and going to another place, in many cases the PI will ask to have that grant transferred to another institution.

That transfer process I think is - you know, is typical. It does - you know, it's allowed to happen. There's sort of two parts of that transfer process.

The - the institution which currently holds the grant has to agree to allow that to happen. And NIH has to approve that transfer from one institution to another.

And in the process of that transfer, they make an assessment as to whether the work that's - that was proposed and - can actually be performed at that new institution. And there's a process with it.

So when I moved from Carnegie Mellon to the University of Pittsburgh, I had to go through this
process with NIH grants and also NSF grants.

Q. So when you moved from CMU to University of Pittsburgh, the grant money moved with you?

A. Some of the grant money moved and some of it didn't.

Q. And the grant money that didn't move, do you know what happened to that money?

A. So there was work that was going on, research that was going on at CMU. And so in the case of some of that - some of those grants, I allowed them to, you know, run to the end at CMU in order to support the - the people who were in my lab, who were remaining at CMU.

HEARING EXAMINER: Do you need a break?

ATTORNEY HEALEY: Yeah, can we take a break.

When I went upstairs my documents -.

HEARING EXAMINER: Five minutes.

ATTORNEY HEALEY: Thank you.

HEARING EXAMINER: All right.

Off the record.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: Back on the record.
BY ATTORNEY HEALEY:

Q. Sir, can you pull binder one out, please?
A. Yeah.

Q. And we - we - generally we've been talking about sources of financial support for students at different times.

Can you look at Exhibit - Union Exhibit 19, please?

It's Bates stamped number Pitt 39.

A. So under Tab 19 is missing - oh, there it is. I'm sorry. Yes. Okay.

Q. Could - and first of all, do you know what Union Exhibit 19 is?
A. I mean I can see here that it's a record of students, programs and the - the largest sources of financial support. It looks to me like something - an excerpt that was from something called this - the Shire report.

Q. What is the Shire report?
A. Oh, sorry, it's not Shire. It's Snyder report.

Q. What is the Snyder report?
A. It's a report that the University provides to the State of Pennsylvania about - about, sort of,
operations and financial information about University, numbers of people in different kinds of positions, et cetera.

I - I don't know that much about it. But I have a general sense.

Q. So if we go down the left-hand column. And just - we just want to make sure that it's clear for the record. It talks about the department or unit name where the -

A. Yes.

Q. - that's - that's getting the funds?

A. Yes.

Q. The middle column talks about largest source of financial support. Do you see that?

A. Yes.

Q. So that means, for example, if it's coming from NSF or NIH. Is that correct?

A. Yes.

Q. And can you look at Union Exhibit 20, please?

Oh, oh, actually before I forget. In the right-hand columns talks about full-time graduate students.
Do you see that?

A. Yes.

Q. And then it goes across - for the record, on Union Exhibit 19, Bates stamp Pitt 39, fellowships, traineeships, research assistantships, teaching assistantships, other support and then total. Is that correct?

A. Yes, that's what I read too.

Q. Okay.

Could you look at Union Exhibit 20, please?

A. Yes.

Q. What is Union Exhibit 20?

A. It looks to me to be another excerpt from the same document. But I - I don't - I don't know specifically.

Q. Okay.

So just on Union Exhibit - on either Union Exhibit 20 or 19, do you know the dates for those documents?

A. I do not - well, I mean, I see report year 2017 is listed.

Q. And - and there's - there some - under sources of financial support there's some counts that say, quote, students own resources.

So if you - for example, if you went to
Union Exhibit 20 about a third of the way down.

Do you see that?

A. About a third of the way?

Q. It's up on -?

A. Page one of Union Exhibit 20.

Q. Page one of Union Exhibit 20, Pitt Bates number 98.

A. And about a third of the way down?

Q. Yeah.

It says other U.S. sources, non-U.S. sources, students own resources?

A. Yes, I see that.

Q. And - and about - what - what - just for the record, what does that mean, students own resources, -

A. I'm - I would have to speculate.

Q. - if you know?

HEARING EXAMINER: We have an objection.

Go ahead.

ATTORNEY FARMER: No, he re-qualified it. It's fine.

THE WITNESS: Yeah. I mean, I - I'm -

I'm speculating or interpreting. I would assume that means that these are students who are supported by their own resources.

I don't know whether that means that
they're paying tuition or not. I - but - but I assume
that means that they're not - because they're not -
well, let's just see.

BY ATTORNEY HEALEY:

Q. And so for example, a little bit above,
quote, students own resources there's a column non-U.S.
sources?

A. Yes.

Q. Does that mean international students?

A. I would assume that that means the - that
for anthropology of this - this particular case there's
a source of non-U.S. support, which may or may not mean
that it's international student.

My interpretation of this is that it's the
source of support, not the nationality of the student
that's referenced.

Q. And it could be a foundation from overseas?

A. For example, or - yeah, a foreign - yeah, a
- a foreign government agency either - writing
International Resources of Science Support for
research.

Q. And then right above that it says other U.S.
sources.

Do you know - if you know, what does that
mean?
A. I - I don't know.

Given the other categories that are here, I can speculate there are a variety of other ways of supporting students, philanthropic courses, et cetera. But I - but I don't know specifics.

Q. And then a little bit above - right above that there's a column that says institutional, state/local government.

Is that - do you understand what kind of support that is?

A. I - yeah, again I can speculate. I don't know how these categories were defined, but -.

Q. Do - do you know who prepared the categories of the report?

A. I don't know. Most of these reports that go to the state government are prepared by the Office of Institutional Research. But I - I don't know specifically in this case.

Q. Okay.

So if we look at just generally, Union Exhibits 19 and 20. The - the columns in the left seem to be the same. But some of the numbers are different.

Do you know if Union Exhibits 19 and 20 are from different years?

If you know.
I - I don't -.
A. I don't.
Q. Just for the record, I don't think it's clear in the document.
A. I don't specifically know.
Q. Sir, can you look at binder number three up there, Union Exhibit 147?
A. Sure.
Oh, the whole thing is 147?
Q. Yes, the - the whole - one exhibit.
A. Yes.

ATTORNEY HEALEY: We have more paper and more exhibits than you do.

BY ATTORNEY HEALEY:
Q. So if you go to page 89 and 90. And just for the record it's Bates number 540 and 541.
Take your time.
A. Okay.

ATTORNEY FARMER: So - so I'm going to object. Because you haven't established that this witness even knows what this document is.

ATTORNEY HEALEY: Well, I - I'm going to ask him.

ATTORNEY FARMER: Okay.

BY ATTORNEY HEALEY:
Q. First of all, if you look at the - the front page. This is a - a document provided to us from the University of Pittsburgh pursuant to a subpoena title University of Pittsburgh report of faculty costs and of faculty workload.

Do you see that?

A. Yes.

Q. Have you seen this report prior to today?

A. I have seen this report. But I've not studied it. I'm not involved with its preparation.

That's right.

Q. But in any case, it's a response to the Commonwealth of Pennsylvania and the School Code.

Is that correct?

A. Yes, yes.

Q. I'm going to ask you to turn to pages 89 and 90 of the report.

A. Yep.

Q. Pitt Bates numbers 540 and 541.

And if you know - so we're looking at report 4(b).

Do you see that?

A. Yes.

Q. Okay.

It talks about - in the left margin,
University totals.

Do you see that?

A. Yes.

Q. Do you know of your own knowledge, where the - the numbers and the data comes from?

A. I do not.

Q. Do you know who might know that?

A. Again, I think a lot of these kinds of reports are prepared by the Office of Institutional Research. And so that would be where I would go if I was trying to find out.

Q. Sir, I'm going to - still looking at Exhibit 147. I'm - I'm going ask you to. And I'll make this quick, to go to page 110. Pitt Bates number 561.

A. Yes.

Q. Do you see that?

A. Yep.

Q. First of all, just so we're clear, you - you had no role in preparing this document. Is that correct?

A. No, I had no role.

Q. And do you any independent knowledge of the source of the numbers on this document?

A. I do not.

HEARING EXAMINER: You would be
interested in that 2,000 number down there.

Right?

This is classroom hours assigned? Is this - what do we think this is?

ATTORNEY HEALEY: This is why - why we're trying to figure it out. I have some ideas. But we just -

HEARING EXAMINER: Yeah.

ATTORNEY HEALEY: - wanted to clarify it.

HEARING EXAMINER: Okay.

ATTORNEY HEALEY: Well, I can tell you, it was part of a response to a subpoena. Which we appreciate the response.

ATTORNEY FARMER: Right.

ATTORNEY HEALEY: I'm just trying -.

ATTORNEY FARMER: Which that's reporting to government agencies.

ATTORNEY HEALEY: Yes, that's right - that's correct.

ATTORNEY FARMER: Is that correct?

ATTORNEY HEALEY: So we know it is a report to Commonwealth of Pennsylvania.

ATTORNEY FARMER: Yes, from the front cover.
ATTORNEY HEALEY: Right.

HEARING EXAMINER: I wonder where these go in Harrisburg.

ATTORNEY HEALEY: Pardon?

HEARING EXAMINER: I wonder where these documents went?

ATTORNEY HEALEY: I don't know.

ATTORNEY FARMER: I believe you can download them off a website.

HEARING EXAMINER: Yeah.

ATTORNEY HEALEY: I'm sure somebody -

HEARING EXAMINER: Well, you know they're printed out.

ATTORNEY HEALEY: - I'm sure someone reads them every morning.

HEARING EXAMINER: Yeah.

ATTORNEY FARMER: Probably the state senator who asked for these to be created.

ATTORNEY HEALEY: Right.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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ATTORNEY HEALEY: That's off the record by the way.

BY ATTORNEY HEALEY:
Q. Sir, I'm going to show you what's been marked as Union Exhibit 225.

(Whereupon, Union Exhibit 225, Information About Tuition Rates for Academic Year 2018, 2019 for University of Pittsburgh for Graduate and Doctoral Programs, was marked for identification.)

THE WITNESS: Sure.

BY ATTORNEY HEALEY:

Q. Could you please look at that for a moment?

A. Yes.

Q. What's Union Exhibit 20 - 225, to the best of your knowledge?

A. So it looks like information about tuition rates for academic year 2018, 2019 for the University of Pittsburgh for Graduate and Doctoral Programs.

Q. And as you -?

ATTORNEY FARMER: You gave me multiple documents.

ATTORNEY HEALEY: I'm sorry?

ATTORNEY FARMER: I said you gave me multiple documents.

ATTORNEY HEALEY: Oh. You don't want it?
ATTORNEY FARMER: No.
I am going to memorize them, obviously.

BY ATTORNEY HEALEY:

Q. Looking at this document, does this appear to be - have accurate figures for tuition rates for in-state and out-of-state?

A. They look accurate to me, yeah.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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HEARING EXAMINER: Go ahead on Cross. I - I'll stop interrupting. I'm sorry.

ATTORNEY HEALEY: It's okay. It's -.

BY ATTORNEY HEALEY:

Q. Sir, I'm going show you what's been marked as Union Exhibit 226.

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(Whereupon, Union Exhibit 226, Printout of Stipend Levels, was marked for identification.)

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BY ATTORNEY HEALEY:

Q. Sir, could you take a moment and look at Union 226? And could you indicate for the record what that document is?

A. This looks like a printout from a web page
from the Provost Office describing the stipend levels
for different kinds of appointments across the
University.

Q. And does Union 226 appear to - to the best
of your knowledge - accurately portray the stipend
levels?

And take your time?

A. Yeah, I don't know them, you know, off the
top of my head. But they look approximately right,
yeah.

Q. So they're within but not exactly close?

A. Yeah, they're close.

Q. And the various stipend levels - so we're
looking at Union 226. And this - for example, let's
look at the The Dietrich School of Arts & Sciences.

Do you see that?

A. On 226 or 225?

Q. Oh, I'm sorry, 225.

A. Yeah.

Q. I'm sorry, I apologize.

A. Yes.

Q. If you look at the stipend levels -

ATTORNEY FARMER: This is tuition.

BY ATTORNEY HEALEY:

Q. - I mean, the tuition levels.
So these are the tuition levels.
Is that correct?

A. On 225 those are the tuition levels, yes.

Q. And stipends are provided to students on appointment.
Is that correct?

A. Correct.

Q. How are those stipend levels set?

A. So every year as part of the budgeting process, there's a discussion about where the stipend levels should be. I've been involved in those discussions for the last two years. Because it happens sort of late summer.

And so I was involved the first - within a month or so after I was appointed and just realized involved in that discussion.

So when you look at -.

Q. And when you say we, is it a committee or who is it?

A. So it's - it's part of the budgeting process, or discussions in the Provost Office about the academic budgets for the University.

And so there's - I was talking - I talked to the Provost, to the executive Vice Provost for budgeting and planning. And so, you know, that's the -
the main group that is involved in that conversation. The Provost and that Executive Vice Provost are also involved in the University Planning and Budgeting Committees. So there's - they have connections into the - that process that engages with the CFO's office and - and other, sort of, people in the University.

I don't sit on that committee. So I don't actually, sort of, know the - the details of that. But in that process I, for the last two years have made recommendations about how stipend levels should be increased in that given year.

And in - in my case I - I advocated for a - you know, a - a - a higher increase in stipend levels than perhaps what was being originally considered. And so we increased stipends by the amounts in the last two years. But I would have to look at the - this past year I think was 2.5 percent - a 2.5 percent increase. Last year it was about the same, maybe a little bit higher.

Q. And who sits on the committee that actually sets the stipend levels?
A. The Provost - I'd have to look at the - at the certain details to be sure. But it's a committee that involves the Provost, and the Executive Vice
Provost for Planning and Budgeting, and then also members of the CFO's office and other people from the University. But I don't have that list off the top of my head.

Q. Sir, could you look at Respondent Exhibit 20, please?

It looks like this. And it's one of the exhibits you talked about.

ATTORNEY FARMER: I'm sorry, which one?

ATTORNEY HEALEY: Respondent Exhibit 20.

ATTORNEY FARMER: Okay.

THE WITNESS: Yes.

ATTORNEY FARMER: The list of programs?

ATTORNEY HEALEY: Yes.

THE WITNESS: Yes.

BY ATTORNEY HEALEY:

Q. I just wanted to clarify for a moment. In general what - what is this exhibit?

A. So this is - as part of what's sometimes called the Bulletin for Graduate Studies. It's a part of a website that provides information about Graduate Programs, and Graduate - Graduate Programs across the University. And there's a similar one for undergraduate.

This specific page provides a list of all
the degree and certificate granting Graduate Programs across the University.

Q. And on the first page, the - the first column talks about Doctoral Programs. Is that correct?

A. That's correct.

Q. Then if we go to the - the second page at the end of Doctoral Programs, there's a designation Ph.D.

A. So it's an interesting distinction.

These -.

Q. I - I was wondering -

A. Yeah.

Q. - what interesting about it?

A. Well, so these are Ph.D. Programs that don't necessarily have homes in particular departments. So like if you look at the - if you look at the above, most of those, perhaps all of those have individual departments, like Physics Department has a Ph.D. Program to focus on, sort of, et cetera.

These are programs which I - many of these programs across - I - actually, I - I don't know what the distinction is quite frankly. I thought I did. Now, I look at them and -

Q. Thank you.
A. - I'm not sure why they're listed that way. Some of them are - are unique programs. But I - but they're not all unique.

Q. Well, let me take a shot at the next page of Exhibit 20.

A. Okay.

Q. So there's a reference to Joint Degree Programs.

A. Yeah.

Q. And - and - and just for clarity, is that Joint degrees within the University of Pittsburgh or Joint degrees with other institution?

A. These are all Joint degrees within the University. So in - I think in all cases, although I haven't, sort of, looked at every line - in all cases here there are two degrees listed.

So for example, after the first one anthropology, Ph.D./MPH. So the Joint degree there is a Ph.D. in anthropology. And then also an MPH, which is a Master's degree in public health.

So these are - yeah, these Joint Degree Programs.

Q. So the next column that talks about Master's degrees, if you go to the next page.

A. Yes.
Q. And then - then there's a reference - moving down two pages later, there's professional minor. And then there's a reference to certificates. Do you see that?
A. Yes.
Q. Are these certificates that are mentioned here, the same certificates you talked about in your Direct Examination not really the degree but some kind of internal certificate?
A. It's - these certificates are not degrees, they are an academic credential in this case. In some cases, they're ones that be earned in a standalone way.
I - I - in my Direct testimony I mentioned I think it was construction management as an example. This is a - so these certificates are of - of that bill.
Q. Sir, can you look at Respondent Exhibit 21, please? Document entitled Academic Regulations?
A. Yes.
Q. It looks like this, if that helps.
A. Yep. I've got it.
Q. And if you could go three pages in on the back. There's a bold print that says Regulations Pertaining to Professional Master's degrees. Do you see that?
A. Yes. Yes, I see it.
Q. And if you go down there's regulations pertaining to Doctoral degrees?
A. Yes.
Q. So when we talk about regulations, these are university wide regulations or guidance.

Is that correct?
A. Yes.
Q. Every department has got to follow them - follow the parameters of these regulations?
A. Yes.
Q. Could you go to Respondent Exhibit 35, please, document titled Graduate Student Teaching Initiative?
A. Yes.
Q. Take your time.
A. Yeah, I've got it.
Q. Now, this is part of the University Center for Teaching and Learning.

Is that correct?
A. That's correct.
Q. And how long has that Center existed, approximately, if you know?
A. So it got renamed probably about two-ish years ago - within the last three years. It got
renamed during the time that I've been at Pitt. Prior to that, it was called CIDDE, Center For Instruction and other things. I don't remember. But it -.

So it got - so CIDDE became the University Center for Teaching and Learning about three or so years ago.

Q. And as we go down the - the bolded categories, the first one says for teaching assistants and then it talks about new teaching assistant orientation.

Do you see that?

A. Yes.

Q. The next one is for teaching assistants and teaching fellows.

Do you see that?

A. Yes.

Q. And - and in your mind within the framework of the University of Pittsburgh, what's the difference between a teaching assistant and a teaching fellow?

A. Well, within the - the sort of descriptions in various documents, including regulations and graduate studies, teaching fellows the distinction is one of - of experience.

And so in some cases that corresponds to having a Master's degree. If you have a Master's
degree then you should be a teaching fellow. The - the general principle is that it should relate to the amount of experience that someone has, especially sort of experience in teaching.

But as we've heard in various Direct testimony from others, these terms are not used with uniformity in - in terms - and different departments and programs.

Q. Can we go down to the next bolded line? It says, for independent instructors in parenthesis. And those planning to make a career at the University of teaching.

Do you see that?

A. Yes.

Q. In terms of category of people, who were you referring to as independent instructors?

A. So I think we're talking about anyone who is involved in teaching a - a course, you know, sort of on - in some sense on their own. And so that they're the primary - primarily responsible for teaching that course.

Q. And if we go down to the - the second sentence in that paragraph, refers to The Dietrich School of Arts & Sciences.

Do you see that?
A. I'm sorry, the second you're stating?

Q. Second sentence in that paragraph, The Dietrich School of Arts & Sciences requires -.

A. Yes.

Q. Do you see that?

A. Yeah.

Q. The - the requirement that - the course be, before you are teaching, that you have to take a course. You get academic credit for the course. Do you not?

A. That's my understanding, yes.

Q. And teaching assistants and teaching fellows do not get academic credit for their teaching time?

A. It varies by - by program.

Q. What program gives academic credit for teaching, if you know?

A. We provided a list of - a number of programs. And there's some Direct testimony about programs that provided academic credits.

The student from biology, for example, was - at three - on three occasions had academic credit for teaching. And is - is my recollection of the Direct testimony.

Q. Could you look at Respondent 34, please?

A. Sure. Okay.
Q. And -?

HEARING EXAMINER: We're going to stop at 5:30 today by the way.

ATTORNEY HEALEY: What time is it now?

HEARING EXAMINER: Almost 5:00.

ATTORNEY FARMER: Thirty-four (34) you said, Mike?

ATTORNEY HEALEY: Yes, 34.

ATTORNEY FARMER: Okay.

ATTORNEY HEALEY: I may be close to done or maybe quite done by then.

HEARING EXAMINER: He's not going anywhere. He'll be here tomorrow.

BY ATTORNEY HEALEY:

Q. Do you have Exhibit 34 in front of you?

A. Yes, I do.

Q. Again, this is out of the Graduate Student - out of the University Center for Teaching and Learning. Is that correct?

A. Yes.

Q. This is focused on applications of teaching assistants. Is that correct?

A. So - so in - in the original I think this was a trifold brochure. And so I'm not sure what was
actually - and I think the focus, if I had to - I think the single focus would be resources for graduate students.

And then the - the blue text - the blue box that contains the white text, what are my obligations, I think that would - if I sort of reconstruct it, that might have been on the inside or attached to the back. But I would say the focus is resources for graduate students.

Q. I just folded it, and I - I actually lost it. Can you look at Respondent Exhibit 33, please?

A. Yes.

Q. Now, this is University of Pittsburgh graduate teaching requirements. Is that correct?

A. Correct. This is the list - potentially and complete list that we compiled as a result of your subpoena.

Q. And as we go down to the right column, it appears - and correct me if I'm wrong. I'm trying to avoid going down one-by-one. It appears that most departments have a requirement that people take a teaching course.
Is that correct?

A. I - I would have to sort of do the math to say most. But - but yeah, there are - certainly the ones listed here have requirements that students take a teaching course of some sort, yes.

Q. And - and they get credit for that teaching course, is that correct, academic credit?

A. Yes.

Q. Now, one more question.

You mentioned the Biology Department, that teaching biological sciences while serving as a TA, by teaching they get one to three credits.

Is that correct?

A. Yes, that is.

Q. Would it be a fair statement, that looking at Respondent Exhibit 33, that's the only department, that at least on the surface appears to provide academic credit for teaching - teaching itself?

A. I mean, the next line down I - I read chemistry. And Ph.D. students are required to have at least two terms of teaching credits when registering for this class teaching of chemistry.

I - I don't know in detail, the - the activities that are associate with these particular courses. So I would - I would have -.
HEARING EXAMINER: I understand this nuance.

I mean, is there - Penn State had course numbers for teaching.

Didn't they have a 601 or -?

ATTORNEY FARMER: Right. And they're similar.

HEARING EXAMINER: We'll get that in the record when we get the individual department heads up here talking?

ATTORNEY FARMER: Yeah.

I mean, you see some of it from this, that there's 2200. Which is the FACDEV practicum. And then there's like the 2970, which only exists in biology and chemistry where they do - there's some various numbers.

HEARING EXAMINER: But I think - I think when we get the individual department -

ATTORNEY FARMER: We'll talk about that.

HEARING EXAMINER: - leaders, -

ATTORNEY FARMER: Yes.

HEARING EXAMINER: - they will have much - when we get to individual department leaders or faculty, they'll have a much better - no offense, they'll have a much better grasp -
THE WITNESS: None taken.

HEARING EXAMINER: - of what the teaching requirements are.

And in my opinion, that would be much better evidence than that worksheet.

ATTORNEY HEALEY: That's - that's fine.

I just had one more question on Respondent Exhibit 33.

BY ATTORNEY HEALEY:

Q. So Respondent Exhibit 33 was data compiled in responses to a survey.

Is that correct?

A. Responses to a survey. And in some case we went to individual websites, yes.

Q. Are - are there any departments that are not listed on - departments or schools not listed on Respondent's Exhibit 33?

A. Yes, there are.

Q. Do you have an idea how many departments may not be listed?

A. So we - I think the relevant, sort of, unit is a - a program. And so as I mentioned, we have approximately 90 Ph.D. Programs. And so we count up the number listed here to determine that.

Q. So - so there's 90 programs, and then we
would take however many responded here; that's the number of programs left, that either didn't respond or information wasn't provided?

A. Yes.

Q. Is it possible some responded with no teaching course requirement or teaching practicum requirement?

A. It's possible, yes.

Q. Sir, could you look at Respondent Exhibit 25, please?

A. Okay.

Q. Does this appear - just to shorten this, does this appear to be a printout from the University of Pittsburgh website?

A. Yes, it does.

Q. It's talking about graduate student resources and graduate student aid packages. Do you see that?

A. Yes.

Q. I want you to go - undergraduate aid packages, I want you to go to third paragraph down.

A. Yes.

Q. They're - they're - they're providing an example of supported doctoral student in the School of Engineering?
A. Yes.
Q. And it talks about overall support. And there's tuition. And there's a stipend. And then there's health insurance. Do you see that?
A. Yes.
Q. From - from this document, can - can you tell, is the University paying for the health insurance or is that money being given to - an example of the student to pay?
A. I think in this case, it would - it would depend on whether that student was on a GSR or on a - as a predoctoral fellow.
So if it was on a - on a GSR, the University would be paying that directly to the UPMC health plan. And if it were a - a predoctoral fellow, then it would be money that would be added to stipend.
Q. Added to the stipend and the - the individual could decide to buy health insurance or not buy health insurance?
A. Correct. That's right.
Q. And there would be, quote unquote, tax consequences for that $4,000 plus, -
A. Yes.
Q. - if you know?
A. Potentially, yeah.

Q. So if you could look quickly at Respondent Exhibit 36, please.

It looks like - this helps.

A. I've - I've got them - I have them ordered.

At least you said 36.

Q. Mine are ordered at 120, too.

A. You said 36?

Q. Yes, 36, please.

ATTORNEY FARMER: The new teaching, it says orientation?

ATTORNEY HEALEY: Yes.

BY ATTORNEY HEALEY:

Q. Take your time.

A. Yes, I got it.

Q. Just for clarity, this is something Resource provided to TAs.

Is that correct?

A. It's - it's provided - it's - it's made available to all students - graduate students across the University. It is targeted at, as it says, new TAs.

Q. And at what point - in relation to an appointment letter, let's - for example, I'm a TA, I get an appointment. I get an appointment letter,
you're a TA this year. At what point do I get Respondent Exhibit 36?

   A. So this was provided certainly at the new TA orientation. Which this - the past two years that - which is the time period that I'm most aware of, happened in late August - you know, late August in 2018, 2017.

   Q. In late August prior to the coming academic year, for example?

   A. Correct. So the - for TAs who are going to - who are going to TA or for anyone who's going to be a TA in the subsequent semester, this was provided in late August. And I believe - although I can't be sure that it was provided. I think it was provided the day after freshman convocation.

   And - and the reason I know that is, that - that the new Provost came to this this year. And her first day on campus was the freshman convocation day. And I think this was the second day.

   So I think that is actually before the term officially starts but - in this particular case there.

   Q. Could you look at Respondent Exhibit 37, please?

   A. Yes.

   Q. So would it be a fair statement, that
Respondent Exhibit 37 is just a more detailed handbook for teaching assistants?

A. The - I mean, it's - it's certainly more detailed. It provides more information. It's - I would say in some ways it's more - this one is more, you know, theoretical in some sense. It provides a lot of questions about teaching philosophy and those kinds of things.

The new TA orientation is a little bit more practically oriented. And obviously it's much thinner, so -.

Q. And could you go to the next to the last page of Respondent Exhibit 37? It's - it's a page titled Policies.

A. Yes.

Q. And that page indicates at the top, University of Pittsburgh has a number of policies that govern graduate student rights and conduct. Do you see that?

A. Yes.

Q. And then it talks about a TA, TF and GSA policy. Do you see that?

A. Yes.

Q. Just in terms of the policy that's being
referred to here, is that policies contained within Respondent Exhibit 37 or do they exist someplace else?

A. I don't believe they're - they exist within this. I believe - and the - the link here points to the document - a document that is elsewhere in evidence or in whatever as an exhibit, which is the TA, TF, GSA policy document. It's a PDF file.

Q. And would that be Union Exhibit 2, which is the policy from 1995?

A. It is the policy. Yes, that is it.

Q. Similar question, just to clarify. Graduate - left-hand column. Graduate Student Researcher Policy Statement.

Do you see that?

A. Yes.

Q. And just for clarity, the policy statement they're referring to would be what's been marked as Union Exhibit 3 in binder one.

A. Yes.

Q. Is that correct?

A. Yeah, I believe so.

Q. Could you look at Respondent Exhibit 38, please?

A. Yes.

Okay.
Q. This indicates it's an executive summary.
A. Uh-huh (yes).
Q. What is it an executive summary, if - if you know?
A. So it's an executive summary of the activity that has been supported under the graduate student teaching initiative in the academic year 2017, 2018. So essentially, the Center for Teaching and Learning, in order to provide some information about who was engaging with this initiative, what - you know, which things were most - most - of greatest interest, which things had received the most engagement, they provided this to the Provost.
Q. So for example, on - on page six it talks about workshops and the number that came to particular workshops?
A. Yes.
Q. Could you look at Respondent Exhibit 41, please?
A. Yes.
Q. I'm sorry, go - go to Respondent Exhibit 40. It would make more sense.
A. Okay.
Forty (40), yep.
Q. I just asked you a question about workshops.
Is - is this an example of the - the available workshops for teachers, TAs, TFs, other instructors at the University?

A. That's - I believe that's correct.

Specifically for, looks like summer to fall of 2017, yes.

Q. And could you look at Respondent Exhibit 41, please?

A. Yes.

Q. Title of Respondent 41 is Creating a Teaching Portfolio Workshop.

Do you see that?

A. Yes.

Q. Who or what department created this document, if you know?

A. I - I believe this is a document that was created by someone in the Center for Teaching and Learning, that describes the - the content of one of the workshops that was offered to the Center for Teaching and Learning.

Q. And do you know when this document was created?

A. I do not.

Q. And can you look at Respondent Exhibit 45, please?
It talks about the Graduate and Professional Student Health plans?

A. Yes.

Q. And could you go to second page, please?

A. Yes.

Q. I just wanted to clarify a couple of things. The - the top half of the page is Graduate Student Medical plans.

Is that correct?

A. That's correct.

Q. And then there's different rates for someone with an academic appointment and then for graduate students without an academic appointment.

Is that correct?

A. That's correct, yes.

Q. Then the plan down below says General Student Medical plan.

Who can use that plan?

A. So that plan is available to undergraduates, as well as all graduate students. I mean, in principle a graduate student that had the Graduate Student Medical plan described above, I don't - I don't see anything that would prevent them from also purchasing the General Student Medical plan. I don't know why they would do it. But - but I think it's available to
all the graduate students.

Q. So - so for example, a graduate student, quote, without an academic appointment, that might be a plan they would look at?

A. I think - I'm sorry, a graduate student without.

Q. Graduate student without an academic appointment?

A. Yes.

Q. Could you look at Respondent Exhibit 44, please?

A. Yes.

Q. Do you know when this document was created?

A. I do not know when it was created. I mean, it's - it looks to me like it's a - a printout of a web page.

I do know - I mean, the term of the grant that supported this program, I believe it was a three-year grant that ended approximately a year ago. So whether this web page or not - I don't know if it - the date of this web page. But the program itself existed at least - about four years ago. Because that would have been the - the beginning of the - the NSF grant to support it.

Q. Could you look at Respondent Exhibit 46,
summary of benefits?
   A. Sure.
   Q. Just for clarity, this benefit summary, real quick, this does not apply to graduate student employees.
      Is that correct?
   A. It does not apply -.

HEARING EXAMINER: You have to be more specific with that usage.

BY ATTORNEY HEALEY:
   Q. Okay.
   Who does - the summary guide to benefits, who does this document apply to?
   A. To faculty and staff of the University. So - specifically, it says eligible faculty and staff. But I think there's some, you know, limitations on the temporary, et cetera, who are not eligible for benefits.
   Q. Does it apply to graduate students?
   A. No.

COURT REPORTER: I didn't hear your answer.

THE WITNESS: No, it does not.

COURT REPORTER: Thank you.

BY ATTORNEY HEALEY:
Q. Could you look at Respondent Exhibit 47, please?
A. Yes.
Q. This is a one page document entitled Benefits Comparison. Do you see that?
A. Yes.
Q. And is it correct in the lower right-hand corner, it was prepared on May 9, 2018?
A. Yes.
Q. Who prepared it, if you know?
A. I don't know who prepared this particular document. But a comparison of benefits similar to this was prepared by our - our - people in our Human Relations - in - in HR.
I specifically asked them to prepare information comparing the - the - the plans - you know, the characteristics or features of the plans as described here.
I don't remember if this is the exact document. But that's the right time frame.
Q. Okay.
And what - what was the purpose of asking to have this prepared in May of 2018?
A. I - I don't specifically remember. But
certainly issues related to graduate student health plans and the - the kinds of benefits that are provided for graduate students is something that I've been concerned about, and aware of since I took on this role.

I mean, I've been - in approximately this time frame, maybe a little bit later I had a meeting with the people who oversee and sort of look at the benefit packages that are provided to graduate students and look at some of the - the costs over the last few years, such as sort of the plan usage, all these kinds of things.

SO it may have been even in that context. I - I don't specifically remember the type of - the generation of this document. But again, similar documents were - were part of that discussion.

Q. Can you look at Respondent Exhibit 49, please?

A. Yes.

HEARING EXAMINER: Is that Workers' Comp?

ATTORNEY HEALEY: It's faculty and staff response to student injury, so it kind of is -

HEARING EXAMINER: Yeah.

ATTORNEY HEALEY: - a related issue.
THE WITNESS: Yes, sir.

BY ATTORNEY HEALEY:

Q. So this references a University of Pittsburgh safety manual. Do you see that?
A. Yes.

Q. What - what is the University of Pittsburgh safety manual?
A. So my understanding, this is a document that's compiled and compared by Environmental Health and Safety, that provides information about, sort of, response to a variety of different kinds of events that relate to - to safety.

Q. So the page one of two, just so we're clear, it's how faculty and staff are to respond to, quote, student injury.
Do you see that?
A. Yes.

ATTORNEY HEALEY: This might be a good time to break.

HEARING EXAMINER: All right. We'll see everyone tomorrow.

ATTORNEY HEALEY: Okay.

HEARING EXAMINER: Thank you.

*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

[Signature]

Valerie Beth Gregory

Court Reporter