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Petitioner *No.: PERA-R-17-355-W
~vs~ *
UNIVERSITY OF PITTSBURGH, *
Respondent *

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HEARING TRANSCRIPT
* * * * * * * * *

BEFORE: STEPHEN A. HELMERICH, Hearing Examiner

HEARING: Wednesday, October 31, 2018
9:03 a.m.

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

Reporter: Kaylyn Shaffer

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PROCEDINGS

HEARING EXAMINER: Back on the record on the seventh day of the hearing proceeding with University's case.

Raise your right hand for me.

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KEVIN CROWLEY, 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.

THE WITNESS: Kevin, K-E-V-I-N. Crowley, C-R-O-W-L-E-Y.

HEARING EXAMINER: Your witness, ma'am.

ATTORNEY DANTE: Thank you.

---

DIRECT EXAMINATION

---

BY ATTORNEY DANTE:

Q. Good morning, Dr. Crowley.

A. Good morning.
Q. Where are you currently employed?
A. University of Pittsburgh.
Q. And how long have you been employed by the University?
A. Since 1997.
Q. In what capacity are you employed by the University?
A. I am currently the associate dean for research and faculty in the School of Education. Also a professor of learning sciences and policy, and a senior scientist at the Learning Research and Development Center.
Q. What are your responsibilities as associate dean?
A. Associate dean, I oversee the research culture in the School of Education, including PhD training, external funding. And I also look over all faculty affairs.
Q. I think you mentioned that you're also a professor in the Learning Sciences and Policy Program?
A. Yes.
Q. In what school is that department housed?
A. School of Education.
Q. Okay.
Can you tell us a little bit about your own educational background?

A. I have a PhD in Cognitive Psychology from Carnegie Mellon. And my undergrad degree is in psychology and education from Swarthmore College.

Q. Well, let's talk a little bit about the School of Education. How many departments are there in the school?

A. There are five departments and then two degree granting programs.

Q. And what types of degrees does the school offer?

A. School offers PhDs, EDDs, various Master’s degrees. And there are a few undergraduate degrees as well.

Q. Which of the degrees that you just mentioned are typically supported by academic appointments?

A. What do you mean by academic appointments?

Q. So appointments as a pre-Doctoral or fellow, as a certificate trainee, as a GSR, as a TA, as a TF.

A. Okay. Okay.
Those are typically PhD positions.

Q. Okay.

Does the school have information about its graduate education and its programs on its website?

A. Yes, we do.

Q. Does your program have information on its website as well?

A. Yes, we do.

(Whereupon, Respondent's Exhibit 108, Document, was marked for identification.)

(Whereupon, Respondent's Exhibit 109, Document, was marked for identification.)

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BY ATTORNEY DANTE:

Q. Dr. Crowley, I'm showing you what I've marked as R-108 and R-109. Do you recognize these documents?

A. Yes.

Q. Okay.

Can you give us what your - what you believe is the School of Education's mission when it comes to the PhD program?

A. Sure.
We're training the next generation of researchers in education broadly construed, preparing folks both for academic appointments in universities, but also outside universities in other sorts of educational research positions.

Q. And how does the school go about achieving that mission of training its students for the careers you just described?

A. So we have, in the PhD program, a culture of apprenticeship in our training. Students come in and they typically work with their faculty advisors in research as soon as they come to the University of Pittsburgh.

We encourage collaborative research among students, among larger research groups. We encourage students to publish, participate in professional conferences, and otherwise engage in the behaviors of the research world.

Q. Okay.

When we talked about funding for PhD students, does that funding also include different kinds of fellowships?

A. Yes. You want me to say some stuff about fellowships?

Q. I'm going to ask you -
A. Okay.
Q. - about them.
A. Standing by.
Q. And then I'd like you to say some stuff about them.
A. Okay.

---
(Whereupon, Respondent's Exhibit 110, Fellowship Letter, was marked for identification.)
(Whereupon, Respondent's Exhibit 111, Fellowship Letter, was marked for identification.)

---

BY ATTORNEY DANTE:

Q. Okay.
I'm showing you what I've marked as R-110 and R-11.
Do you recognize these documents?
A. Yes.
Q. Are these examples of fellowship letters that have gone to students who are admitted into the program?
A. Yes.
Q. So I see one of them is an Irvis fellowship?
A. Right.
Q. Can you tell us a little bit about the Irvis fellowship and what that entails?
A. Sure.

I'm going to actually talk about both documents together and then make the distinction after.

So in the School of Education, we have a program that's around equity and justice, to have graduate students come in and work on equity and justice across the various departments. And the decision we made in the School of Education was to combine two streams of funding, the Dean's Scholars and also the Leroy Irvis funding, which is - at Pitt, Leroy Irvis is a broader funding program. But in the School of Ed, we do this under the equity and justice fellows, they're called this year.

So people who apply, we look at their applications. We look at their equity statements that they've written for their applications. And if they seem like they would be good fits for admission to one of our PhD areas, and they also seem like they'd be people who would help diversify our thinking on equity and justice, we invite them to campus for a visit. And if everything looks good, they become these equity and justice fellows funded
by one of these two streams that you put here in front of me.

Q. Okay.
A. And being part of that means that you're developing research with your faculty mentor, you're engaging in service to the University and to the community, around issues of equity and justice. People often go and work with the school or with a community group and connect that to their research.

Q. I'm sorry. Can you speak up a little bit, there's some background noise, going forward?
A. Yeah.

So people would typically be working on varying engaged research practice kinds of partnerships in community or school settings. And they would connect that to developing their research career as part of equity and justice fellowship.

Q. Okay. Great. Thank you.

Can students have different academic appointments over the course of their time in the program?
A. Yes.

Q. Could that change from year to year?
A. Yes.

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(Whereupon, Respondent's Exhibit 112, Webpage Printout, was marked for identification.)

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BY ATTORNEY DANTE:

Q. I'll show you what I've marked as R-112. Do you recognize this document?
A. Yep. It's from our webpage.
Q. Okay.

Can you explain a little bit about what the core components of obtaining a PhD in your program, what that entails?
A. Sure.

So the program is an apprenticeship program where people are working with faculty to develop their research careers.

When they first arrive, they work with a faculty mentor and two other faculty members who oversee their academic progress.

There's core courses. We teach them every two years, so that two cohorts take them together. Our co-core courses focus on learning sciences, educational policy, organizational theory, and design of educational experiences.

There's also a method sequence that most people take within the first two years. And then we
offer advanced seminars from time to time depending on student interest in our program and across the School of Education.

But the progress in the program is less about course grades and more about professional milestones.

So at the end of the first year, people need to be able to propose the research study that they'll become their first author peer-reviewed publication.

By the end of the second year, they've submitted that publication most often with their faculty advisor as a coauthor.

Then they do a review in the third year. And by the fourth year, they've proposed which pieces of their research portfolio will become their dissertation.

Q. Okay.

And at the bottom of this page, the last paragraph, it talks a little bit about the common thread across core courses in research experiences.

A. Uh-huh (yes).

Q. Can you explain a little bit about what that common thread is?

A. Sure.
So it talks here about the ability to communicate with different audiences. And we think that's really important because in School of Ed in general, but in the learning sciences and policy programming in particular, we have a really strong emphasis on doing research that's linked to sustainable educational change. And that means that people have to not just talk to research audiences but be able to position their research, talk about the utility of their research to all different sorts of stakeholders, people who would be engaged in, you know, parents and kids, but also policy makers, funders, other kinds of things. So communicating the research is a really important set of skills.

Q. And how does the program go about training students to be able to do that?

A. Most of the funding we get in LSAPP that supports PhD students is in the context of research practice partnerships.

   So my students, for instance, often spend half their time at the University and half their time out in a community setting like the Carnegie Museum of Natural History, the Children's Museum. We've had graduate fellows there.

   And so they're kind of side by side doing
research and connecting it to practice, and then bringing messages back and forth between the University and community boundary.

And these Irvis fellows that you showed me earlier, that's what I meant when I talked about engaged community work. They also frequently are bringing their work back and forth between the boundary, between University and community.

Q. Okay.

And so is the model that you just described and some of the requirements and components of the program that you described, is that the same for all students regardless of how they're funded over the course of their program?

A. Yes.

Q. Let's talk a little bit about research. Are students expected to gain research experience in the program?

A. Yes. I mean, yes, they are.

HEARING EXAMINER: She can't - she has - the questions may seem a little silly to you, but as lawyers, we're precluded from generally asking leading questions on Direct Examination.

THE WITNESS: Thank you.

HEARING EXAMINER: So we need to have
you say it rather – it's not good testimony when the lawyers say it.

THE WITNESS: Thank you.

HEARING EXAMINER: Yes.

Go ahead, ma'am.

ATTORNEY DANTE: Thank you.

BY ATTORNEY DANTE:

Q. So why is research experience and development so important?

A. Well, the PhD is a degree specifically to develop independent researchers.

We also offer a Doctoral degree in EDD, which is more aimed at practitioners, people who want to go become maybe full-time teachers at a two-year college or a four-year college.

But for people who want to become researchers and either work at a research institution in these non-academic roles, their training is completely different. And it's training that's about being able to develop and pursue research questions that make a difference to educational change.

Q. Can – or those of us in the room who are not PhDs candidates or PhDs, can you explain what that development process looks like? How does
someone become an independent researcher?

A. Well, so in the School of Ed generally, but particular in the Learning Sciences and Policy Program, we really like people who've already had professional experience. Most of our students have worked as educators before they come back to the program.

And then when they're in the program, we encourage them to use that experience to help inform their research questions, but we recognize early on that there's a very strong need to reorient yourself from someone who can like dive in and do things in the classroom to someone who's pursuing research as a way to address educational change.

So we start with an emphasis on methods and posing questions. And there's mentorship experiences. All the time people are doing research, they're funded on research grants.

And so we're always scaffolding what it is, like get down into the data to start writing academic articles. And then we gradually remove those scaffolds as people become more and more independent.

And by the end, after five years, our goal is like they're one of the top 20 experts in
the world on a super little narrow piece of their research world. But on that piece that they've chosen, they are absolutely cutting edge, up to date, ready to do some work.

Q. You mentioned funded on grants. So is some of the research that's performed in the program done on federally funded grants?

A. Yes.

Q. Is that common?

A. It's quite common.

Q. And when students are performing research on federally funded grants, does that generally align with the student's academic interests?

A. It does. Our model, because it's an apprenticeship model, we really want the students to be all in on their areas of interest. So it's really important in our selection process. We get a lot of qualified applicants, but we're looking for strong fit between what the student's interested in and what we have funding for and what we are likely to do in the next five years as well.

So that changes when students come in. You know, they have ideas. They do all sorts of great stuff, and it changes sometimes the details and the nuance of the work.
But it's considered to be not good graduate training if people are off doing some stuff in some part of their life for 20 hours a week and then come over to do their research. We really want those things to be aligned in the LSAPP program.

Q. So does research that students are doing on the grant with their faculty mentor often lead to their dissertation?
A. Almost always.

Q. And you mentioned articles and publications. Is there an expectation that students will publish during their time in the program?
A. Yes.

Q. Why?
A. Because it's the currency of the Academy. And, first of all, it's our mission at the University of Pittsburgh to generate and share knowledge. And that's how we do it.

But also, if - you know, our program, the milestones are designed to build an academic CV. And we think a student needs three peer-reviewed publications, at least two of them first authored, and several conference presentations to be competitive in the academic market.

Q. Do you help students be able to become
first author of that publication?

A. Yes. The milestones are arranged around the idea that by the end of your second year, you are submitting your first - first authored publication.

Our students often move faster. Sometimes they get two out by the end of the second year.

But the emphasis is really - even if it kind of slows down the writing process, people who get involved in graduate training know that it is important to prioritize the student's academic development that way. So it's considered a really good thing in the program when students are first authors because we know that's going to build the CV in the right way.

We don’t give it away. I mean, first authorship means that they've done significant work. They've usually written the first draft. They've been really deeply involved.

Students publish on other papers where they're not first author as well. But the first author publications are really the critical path to the dissertation, we think.

Q. And you mentioned in that response really
critical building the CV. Were you referencing the
student's CV?

A. Yes, yes.

Q. Do you mentor graduate students?

A. Yes, I do.

Q. Why do you mentor graduate students?

A. So it's - I haven't - throughout my
career, I have always had a lot of grad students.
But I've also sometimes had post docs and also
sometimes had full-time, you know, professional
research staff.

Grad students, I think, are important
because that's really the way you change the field,
by building the next generation of researchers.

And at Pitt, at LRDC in the School of Ed,
we've had a really great history of folks coming in
and being trained and then kind of carrying the
message about the kind of research we do in
Pittsburgh out into the world.

So for me, grad students are an important
piece of what it means to be a professor here,
particularly here. We have a very characteristic
kind of learning science we do in Pittsburgh that's
really distinct from what they do on the West Coast
or what they do in Boston.
So continuing that tradition of people thinking about learning a particular way is important. You know, I got my PhD in the same way, so it's - it's becoming a commitment for me to keep that flame alive.

Q. So can you tell us a little bit in your own words what the mentorship relationship between a faculty mentor and graduate student looks like?

A. Sure.

So we typically met with our students at least once a week. Sometimes we also meet in larger research groups. And the thing we do in our weekly meetings is usually there's some piece of work that's about a week long that we decided the grad student will be taking on. And they do that. They come back.

I give them comments on it. We discuss what we're seeing in data. We discuss the kinds of things, kinds of conferences, kind of articles we might want to write about it.

It's a pretty fluid collaborative relationship. It's not - it's collegial. It's not I give you an assignment.

---

(WHEREUPON, THERE WAS A BRIEF INTERRUPTION IN THE
BY ATTORNEY DANTE:

Q. Why don’t you wait until that finishes?
A. Okay.

It's not like I give assignments and then they come back and I grade their assignments. It's more an ongoing discussion.

And I think that's pretty common, relationships. Certainly in the LSAPP program. That's the kind of relationship that we all have with our graduate students.

Q. How do students come up with what their dissertation topic will be?
A. Well, the model that we prefer is the multi-article dissertation, which is more like the model from the sciences.

So students are really working on that their entire graduate career.

There is a moment in the fourth year usually when a student proposes the dissertation. That's a requirement at the University of Pittsburgh. The proposals in my program most often look like I've got these two articles that I've published and I'm going to do a third article now on
assembling a committee to talk about that third article, which is related to the other two in more detail. And these three articles will constitute my dissertation. That's the most common model in the learning spaces program.

Q. And in that model, is the research that the students are doing with their faculty mentor and the results of these publications, is that the same research that they're doing on an academic appointment?

A. Yes. It is part of that same stream of funded research. It usually is a - you know, as students get more and more ownership over the spin they're going to put on that. But it's usually within the parameters of the grants that are supporting the students.

It's in part because it's really difficult in my field to do a serious piece of research if you don't have funding because we have a lot of infrastructure that needs - a lot of stuff that needs to be done. You can't just sit there in a room and do the research in my field.

Q. What kind of stuff or resources do your students need to be able to perform this kind of research?
A. We typically collect a lot of data in the field. So you're recording interactions from classrooms or museums. Then you go through and code those data.

Sometimes you develop assessments and have to administer them. There's a lot of travel involved particularly in my work. You know, museums all over the world we do research with.

So you would need funding. Usually we have undergrads who help out with that as well. And the grad students and the undergrads can, you know, code data, transcribe data, stuff like that.

Q. So it's important to have funding if the graduate students want to be able to obtain a PhD in your program?

A. In my program, it is essential, which is why we emphasize fit so strongly at the beginning. We don't want to admit a student whose research interests we can't support.

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(Whereupon, Respondent's Exhibit 113, Journal Article, was marked for identification.)

(Whereupon, Respondent's Exhibit 114, Povis Dissertation, was marked for identification.)

---
BY ATTORNEY DANTE:

Q. Okay.

I'm showing you what I've marked as R-113 and R-114.

A. Okay.

Q. If we could start with R-113.

A. Uh-huh (yes).

Q. Do you recognize this document?

A. Yes.

Q. What is it?

A. This is an article that I wrote with Kaleen Tison Povis that was published in the journal Visitor Studies.

Q. Okay.

And can you tell us a little bit about how the research - how the research underlying 113 was funded?

A. Sure.

So this was research done at the Carnegie Museum of Natural History. And it was funded - gosh, at that time we had a lot of different funding with Carnegie Museum of Natural History.

I think at this time, it was from a private foundation. Probably the William P. Grant Foundation. But also we've had a lot of National
Science Foundation funding and other private foundation funding.

    Kaleen, at the time, was the graduate fellow at the museum, which is how I really like to - like to have my graduate students connect with organizations like museums.

    So I put together sometimes different funding streams to support that position as the researcher on the ground in the museum.

    Q. And about how long did it take to conduct the research that ultimately ended up as this publication?

    A. This one would have been about a year. It's a study of dioramas at the Natural History Museum. And we - the research question was really formulated with the practitioners. Got a bunch of dioramas that were sitting there unused at the time.

    So we talked about that for a couple of months, what the study would look like. We piloted the study.

    Then the data was collected after we got our - the approval to go out and analyze these data because it's a video trace analysis that we use. And then it took a while to write up the article.

    So I'd say maybe a year and a half before
we submitted. And then it would have taken another year to get it accepted.

Q. Okay.

And if we look at R-114, do you recognize that document?

A. This is Kaleen's dissertation.

Q. And did the publication marked R-113 end up being a part of R-114?

A. Yes. It's section three of the dissertation.

ATTORNEY HEALEY: Excuse me. Which section?

THE WITNESS: Three. If you go to the table of contents, the thing that's marked 3.0 is the article.

BY ATTORNEY DANTE:

Q. And was Kaleen funded on a number of different sources during the time in her program?

A. Kaleen was always a GSR, graduate student researcher. And I probably, like I said, pooled several different streams to support her over the time.

Q. And was the research that she was doing as a GSR the research that is in R-113 and R-114?

A. Yes.
Q. Do PhD students receive academic credit for their research that they're performing?
   A. Yes. They typically register for independent studies or thesis credits.
   Q. And do students need those thesis credits to graduate?
   A. Yes.
   Q. And does the thesis credits - the same credits for the same research that's being done on the GSR?
   A. One more time.
   Q. I'm sorry. That was a poorly phrased question.

Is the academic credit for the thesis credits, are those the same credits - I'm sorry. Let me do that again.

Are the - is the research that is being performed on a GSR the same research for which they are receiving these academic credits, the thesis credits?
   A. Yes.
   Q. Fourth time's the charm.
   A. Okay.
   Q. Does your department track the hours that the students do in planning and performing research?
A. We do not have timesheets or anything like that. We — the expectation is always written so that it's 20 hours a week for the graduate student researcher.

The way it works is that the faculty — because it's so aligned with how the research — the student's research interests, this question of like when am I doing my stuff, when am I doing your stuff, doesn't really come up much in our program.

We do try to attend to work like balance for the students. And so we're aware of students who seem to be spending too much time in the office. But we don't have a formal way of tracking the time that they spend.

Q. When you're looking at how much time students are spending on research, what are you — what's the purpose of looking at that? Why are you taking a look at what students are doing?

A. Well, we're really interested in their academic progress through the program. Anyone who takes more than five years and doesn't finish with three publications is someone that we don't feel we gave a strong training experience to.

So we're thinking about the extent to which they're developing as independent researchers.
And if someone looks like they're disengaging and having - that they're not making progress on their studies or their writing, our concern is that they - either we're not doing a good job supporting their interests or they may be having second thoughts about being a researcher.

So we're aware of it for that purpose.

I think we're also interested in the collaborative research culture. We love it when grad students are there talking to each other, that they're part of the excitement that's going on there.

And so we also are kind of aware of who seems to be engaged and who might be a little bit peripheral. And maybe we need to draw them in to some more collaborative research groups so that they develop more collegial relationships.

Those are the kind of things we talk about when we talk about culture.

Q. Okay.

Do - if we could shift gears just a little bit.

Do you encourage students in your program to try and gain some form of teaching experience?

A. We do. If you're going to be - if you're
going to teach at the university level, we think it's pretty important to get at least one experience teaching.

We have a problem. In our program, we have no undergraduates and we have no Master students. So our PhD students don't have people they can teach in the LSAPP program.

So we're always trying to figure out how they might do so me co-teaching somewhere or something else, like maybe a professional development thing with teachers or without a school educators so that they have some experience teaching.

But usually, our students don't do much teaching.

Q. If someone wants to teach at the university level, you mentioned the opportunity to try and co-teach a course.

What does that look like?

A. Well, we're doing that next semester in our organizational -.

HEARING EXAMINER: So you don't have any TAs or TFs?

THE WITNESS: In the LSAPP program, we do not have TAs or TFs.
HEARING EXAMINER: What about the School of Education?

THE WITNESS: Yes. In the School of Education, there are TAs and TFs.

HEARING EXAMINER: And you obviously have Master students?

THE WITNESS: We have Master students in the School of Education.

HEARING EXAMINER: For the professional track?

THE WITNESS: Yes.

HEARING EXAMINER: To become Pennsylvania teachers?

THE WITNESS: We have those and also other kinds of certification programs. Yes.

HEARING EXAMINER: Go ahead, ma'am.

BY ATTORNEY DANTE:

Q. And in those - in some of the other programs, they'll teach - these students will be teaching Master students?

A. Yes. So now I'm speaking as the associate dean, not as someone from LSAPP.

Q. So you're -?

A. Sure. Happy to do that. Yes.

So in the School of Education, we do
support PhD students to teach Master students and occasionally undergrads because we do have a few small undergraduate programs here and there in the School of Ed.

And in those instances - what was your question? Just talk about what that looks like or -?

Q. I was asking who they - who they may teach in those other programs.

A. Yeah. So they - a lot of them supervise the students who are becoming certified to be teachers. So they would do field supervision of like four students. And they would go around to the placements where the students are being practice teachers. And then they would also usually do some sort of seminar on campus where they talk about how that experience is going and how they might do classroom management, stuff like that better.

Q. And in that particular instance where they're supervising some Master students in the field, what are those PhD's interested in becoming?

A. So in that instance, they're typically interested in becoming professors in a curriculum and instruction department who would be doing teacher training themselves.
Q. So is that a practical way of gaining the experience that they need to engage in that profession?

A. Yes. It's really the only way that they could gain that experience. Yeah.

Q. In some of those other programs, are there teaching practicums available for students to take?

A. Yes.

Q. And in some programs, do you know whether or not those practicums are required?

A. So I don't know for sure. I've only been the associate dean for two months. And I imagine that some programs do require the practicum. It feels like it would be a good idea to do it.

HEARING EXAMINER: I think your Counsel here may know.

Do you know?

ATTORNEY DANTE: There is a teaching requirement -

HEARING EXAMINER: There we go.

ATTORNEY DANTE: - chart.

THE WITNESS: Okay.

---

(Whereupon, Respondent's Exhibit 115, Teaching
Practicum Discourse, was marked for identification.)

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BY ATTORNEY DANTE:

Q. I'm showing you what I've marked as R-115. Is this an example of one of those teaching practicum discourses?

A. It could be. I haven't - like I said, I'm not familiar with the details of the health and physical activity program yet. But it certainly looks like a practicum to me.

Q. Okay.

Does the school offer any professional development programs or career services to its students?

A. To PhD students?

Q. Yes.

A. Yes, we do. We have an Office of Career Services which offer services to all the students. For the PhD students, they offer seminars from time to time on professional development topics. They will help you work on your job talk, your resume, your cover letters that go in with your applications.
And then in addition, our Council of Graduate Students in Education often requests professional development seminars from faculty. So we sometimes give seminars on work/life balance in academic writing and things like that.

We also have a course all students are required to take in the first year where they learn the kind of basics of starting a research career, like how to submit a human subjects clearance form, thinking about having it funded in the School of Education.

And we have writing seminars for advanced students where they bring their work in and workshop it with other graduate students and faculty.

Q. Okay.

---

(Whereupon, Respondent's Exhibit 116, Webpage Printout, was marked for identification.)

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BY ATTORNEY DANTE:

Q. Let me show you what I've marked as R-116.

Do you recognize that document?

A. This looks like a webpage from our website.
Q. And does that list some of the services that are available to your graduate students -
   A. Yes.
   Q. - in addition to those you just discussed?
   A. It lists some, but not all services.
   Yes.
   Q. Okay.

ATTORNEY DANTE: I have no further questions.

HEARING EXAMINER: Would you like some time?

ATTORNEY HEALEY: Ten (10), 15 minutes.

HEARING EXAMINER: All right.
We're off the record. Please don't talk about your testimony.

---

(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: All right. Back on the record.

Well, let me ask you first, you said you had post-docs and research professionals working with you?
THE WITNESS: Yes.

HEARING EXAMINER: The post-docs, are they employees of the University?

THE WITNESS: Post-doc is a position at the University which is a training position. People come with a PhD. They're typically for three years. And so it's like advanced training in the field.

But there's a mentoring plan, but no formal curriculum.

HEARING EXAMINER: Are they paid?

THE WITNESS: They are paid.

HEARING EXAMINER: Who pays them?

THE WITNESS: They are paid by the University from research funds typically.

HEARING EXAMINER: And then do they have - are they supposed to do anything or can they just cut their check and go home?

THE WITNESS: No, they do have responsibilities. They're usually brought in for particular research grants. And they are working on the research grants. They're more independent than graduate students, but they're still under the supervision of the faculty member.

HEARING EXAMINER: When you say
research professionals, who are they?

THE WITNESS: Research professionals are research specialists. Those are typically people with a Master's or undergraduate degree, and they are full-time employees of the University of Pittsburgh. It's a staff position.

HEARING EXAMINER: And what do they do?

THE WITNESS: They have usually responsibilities. They run kind of technical aspects in labs. Mine do a lot of data collection. They do - prepare forms for the IRB. They analyze data.

But they don’t typically get involved in writing articles or making professional presentations.

HEARING EXAMINER: So the translation of the data to publisher of form, they don’t do that?

THE WITNESS: They do not, no.

HEARING EXAMINER: Go ahead with Cross.

---

CROSS EXAMINATION

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BY ATTORNEY HEALEY:

Q. Sir, my name's Mike Healey. I represent the Union. I have a few questions for you.

Could you look at Respondent's Exhibit 110 and 111 please, the two appointment letters?

A. Yes.

Q. Now, I notice each one is for a doc or a fellowship. How many fellows do you have within the School of Education approximately?

A. So fellowships, you're distinguishing those from other sorts of graduate appointments?

Q. Yes.

A. Okay.

Approximately, I would say we might have ten.

Q. Okay.

And how many fellows do you have within LSAPP, within the department you are in charge of?

A. We currently probably have two, perhaps three. It changes sometimes.

Q. Okay.

Now, looking at Respondent's Exhibits 110 and 111, I notice it indicates a stipend for the award. It talks about additional funds in terms of health insurance.
Do you, of your own knowledge, have any idea of the tax treatment of these funds, the stipend or the additional funds for health insurance?

A. Of my own knowledge, I do not.

Q. I'd like you to look at Respondent Exhibit 112 please.

A. Okay.

Q. And I'd like you to go down to the third paragraph from the bottom, if you could.

A. The one that starts students participate?

Q. Yes.

A. Okay.

Q. So, quote, it says students participate as a part of a faculty member's research team.

Do you see that?

A. Yes.

Q. Okay.

Now, the faculty member, his research team is assembled around a particular grant, I would assume? Or grants?

A. Grants. Usually grants that are part of a coherent stream of work, yes.

Q. And those grants could be from the National Science Foundation or other organizations
Is that correct?

A. Correct.

Q. And if you can go down further, this document, and also in your testimony, you describe the relationship of the graduate students employed to the faculty as apprenticeships. Is that similar to what some people refer to as on-the-job training?

A. I don’t think so. Well, I don’t know what people mean when they say on-the-job training.

Q. Okay. Fair enough.

A. But I can talk some more about the characteristics of apprenticeships, if you like.

Q. Okay.

Can you describe an apprenticeship relationship? What is it they're doing in an apprenticeship?

A. So when graduate students come, like I say, we like to bring people in who have a strong fit so they're already interested in the kinds of research they'll be doing. And they typically bring experiences from practice in our program that will help the research.
So I like people who've worked in museums, for instance, if they're going to become researchers in museums.

And in the apprenticeship model, the idea is that we immediately get people involved in funded research that will lead to a publication. So it's different than kind of training people on abstract skills that someday they'll use in their dissertation, which is kind of an old model that might be practiced elsewhere.

So the idea of the apprenticeship, I think it's classic apprenticeship where people are coming in, doing authentic research, but in a scaffolded, supported way.

Q. And they're doing authentic research that has some practical use.

That's correct?

A. Practical use?

Q. There's publications?

A. There are, yes. It leads to publications. Yes.

Q. And you described, I think, earlier in your testimony, I'll come back to it, is that a relationship with the Carnegie Museum?

A. Uh-huh (yes).
Q. And people doing fieldwork.

Is that correct?

A. Uh-huh (yes). Yes.

Q. And what kind of fieldwork were they doing at the Carnegie Museum in the example you described?

A. So when we have funded that supports that kind of relationship, the student would be participating perhaps in a conversation about the design of a new exhibition. So like we were involved in the design of the dinosaur hall over there, for instance.

Q. And that's - the dinosaur hall, that's an exhibit that the public comes and looks at, people pay money to look at it.

Is that correct?

A. The museum, yes. People pay money to go look at that exhibit.

And her role on it, she was the embedded researcher was that we developed, as part of our research, evidence that helped make decisions about, for instance, what the sign should say to support, you know, all kinds of learning. And she also formulated, you know, with my assistance, research questions that led to publications.
And that model is kind of working in practice so that we can do research, is a pretty common one for us.

Q. And in the Carnegie Museum model, we talked about what signs should say. You mean signs at the museum that the public would see?

A. Yeah. Like to help parents talk to kids about dinosaurs, for instance.

---

(Whereupon, Union Exhibit 247, Webpage Printout, was marked for identification.)

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BY ATTORNEY HEALEY:

Q. Sir, I'm going to show you what's been marked as Union Exhibit 247. And could you take a moment and look at that please?

ATTORNEY DANTE: I don't have one.

ATTORNEY HEALEY: You don't?

BY ATTORNEY HEALEY:

Q. And I'll represent this is something downloaded from the department website.

A. I think that's - sure. I believe it.

Q. So what is this particular document, Union Exhibit 247?

A. So this comes off the School of Education
website. And it describes the same things that were
in R-112, which is a training program, features of
the training program.

Q. And if you go down to the paragraph
that's boldly labeled research experience, do you
see that?
A. Yes.

Q. And, again, we see a reference to the
apprenticeship. Quote, as students care about a
unique piece of work from a larger ongoing project.
Do you see that?
A. Uh-huh (yes).

Q. So the students will play a role?
Whatever the larger project is, the students will
play a role in that project?
A. Yes.

---
(Whereupon, Union Exhibit 248, Webpage Printout,
was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. Sir, I'm going to show you what's been
marked as Union Exhibit 248, which I'm sure you're
familiar with this.
A. Uh-oh. It's got a picture on it.
HEARING EXAMINER: That's what everyone says.

THE WITNESS: Yeah. Well, because we have a crafty website too at the school.

BY ATTORNEY HEALEY:

Q. Pardon?
A. Because our website is crafty. I know. I'm going to change it.

HEARING EXAMINER: Why can't you just put a PDF up?

ATTORNEY HEALEY: Off the record.

---

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

HEARING EXAMINER: Go ahead.

BY ATTORNEY HEALEY:

Q. Sir, can you look at what's been marked as Union Exhibit 248, please?
A. Sure.
Q. And also for the record, this is off of the University website.

Is that correct?
A. Yes.
Q. Okay.

I'd like you to look at the second page
under, quote, recent grants.

A. Okay.

Q. Just for the record, what is - how would you describe what's been marked as Union Exhibit 248?

A. This is the faculty page of the School of Education website which has elements similar to what an academic CV has.

Q. And if you go to the second page, it talks about, quote, recent grants, please.

A. Yes.

Q. Now, in general, would this be a fair statement, these are grants you've been involved in bringing into the School of Education?

A. Actually, these are grants that I've been involved in bringing into the Learning Research and Development Center. But the students that I train would work on these grants, which is, I think, -.

Q. So, for example, the first grant is in the amount of $14 million over a period of 14 years?

A. Uh-huh (yes).

Q. What is that grant for?

A. So this is one that no students work on. This is a grant to develop a national resource center to support the field of informal science.
Q. As we look at the other grants that are listed there, can you tell us which grants the students do work on?
A. I have students working on the Climate Education Partnership Grant from the National Science Foundation, the 21st Century Naturalists grant from the Spencer Foundation. Those are the two right now that are supporting students or that in the past have supported students.
Q. And when you say the students are working on those grants, are they working as graduate student researchers?
A. They're appointed as graduate student researchers.
Q. And prior to their appointment, they would have received appointment letters as graduate student researchers.
Is that correct?
A. That's correct.
Q. Okay.
And those appointment letters, do they, in general, provide stipends and tuition remission, if you know?
A. The appointment letters specify stipend...
and tuition remission.

Q. And do they also provide health benefits?
A. Yes.

Q. Okay.

Now, I - here - the grants that are described here on Union Exhibit 248, do you have any GSAs that - GSA appointments working under these grants?
A. No.

Q. Okay.

Within - and can I call your program LSAPP?
A. Yes, LSAPP.

Q. Okay.

Within LSAPP, what types of appointments comprise most of the appointments? And I'm thinking in terms of TSAs, TFs, TAs, TSRs.
A. LSAPP would be mostly GSRs and then a couple of fellows.

Q. And does LSAPP have any TAs or TFs?
A. We do not. It is - as a rule, it is possible that from time to time when a student is trying to teach that or do a teaching experience that they get appointed as a TA or a TF. It is not standard practice.
Typically, they do that work with a faculty member while still being appointed on the GSR.

Q. Now, stepping outside LSAPP, but within the School of Education, -
A. Yes.
Q. - do you have an approximate idea of the numbers of GSRs within the School of Education outside of LSAPP?
A. The GSRs outside of LSAPP, approximately there's going to be more than 20, less than 40.
Q. And do you have an idea of the approximate numbers of GSAs outside of LSAPP in the School of Education?
A. I do not have good information about this. I can get some stuff, but I'd be guessing.
Q. We're going to ask you not guess.
A. Thank you.
Q. Do you have an idea of the numbers of TAs or TFs outside of LSAPP?
A. I know that it's less than 50, but I don't know the exact number.
Q. So where is the Learning Research Center housed?
A. The Learning Research and Development
Center is an independent unit that, like the School of Education, reports directly to the provost. So my appointment is split between the School of Ed and the Learning Research and Development Center.

Q. And back to Union Exhibit 248, I’m going to - two grants you've mentioned, it's GSRs that work on these grants.

Is that correct?

A. Correct.

---

(Whereupon, Union Exhibit 249, Webpage Printout, was marked for identification.)

---

BY ATTORNEY HEALEY:

Q. Sir, for the record, I'm going to show you what's marked as Union Exhibit 249 and ask you if you've seen this particular - are you familiar with this particular document?

A. Yes. This is also from the School of Education webpage. Is it - yes, I believe it is.

Q. For the record, I can -. 

A. Yes, it is.

Q. We downloaded it.

A. I can see. Okay. Yes, it is.

Q. Going towards the bottom under graduate
1701

student -
   A. Uh-huh (yes).
   Q. the fourth paragraph down talks about financial assistance available to a, quote, limited number of graduate students. Do you see that?
   A. Which bullet point are we looking at?
   Q. The School of Education offers departmental aid and options to students pursuing advanced degrees?
   A. I see it.
   Q. Assistance is available to, and they talk about -
   A. Yes.
   Q. TAs and TFs?
   A. Yes.
   Q. Outside of the people that have appointments as GSRs, TAs, TFs, and GFAs, how many other graduate students are there in the School of Education, if you know?
   A. There would be almost no other PhD students. All of our PhD students are funded and full time unless they've reached the dissertation status, in which case sometimes they finish part time. But we do have other categories.
We're just talking PhD?

Q. We're just talking the PhD.

A. Okay. Okay.

Q. And you indicated it's basically a five-year program. You help people get through the program in five years. There's some concern if it takes longer.

Is that correct?

A. Yes.

Q. And students are given some type of appointment throughout those five years.

Is that correct?

A. That is certainly what we hope to do, yes.

Q. Sir, there are notebooks in front of you. I'd like you to take a look at volume one. I'm going to ask you to turn to tab 29.

A. Okay.

Q. And could you go to page 21? It would be Bates stamp number tab 2072, if that helps.

A. Okay.

Got it.

Q. Okay.

That's a page, so we're on the same page, entitled financial assistance?
A. Correct.

Q. Okay.

Could you go to paragraph two please?

A. Uh-huh (yes).

Q. It talks about - I'm going to quote the first part. Within the department, a limited number of GSAs, TAs, TFs are available each year. They require some service.

Do you see that?

A. Yes, I see that.

Q. And just for the record, could you identify Union Exhibit 29, please?

A. Is that what I'm looking at?

Q. Yes. That's what you're looking at. And look to page one, Bates number PITT 0352.

A. So this is a - it describes the applied developmental psychology program, which is one of our graduate training programs in the School of Education.

Q. Okay.

And within the School of Education, how many programs are there?

A. Gosh. There's a lot. In PhD's, we have two distinct PhDs, one for the health and physical activity, and then one that has similar requirements
across the departments. And within the departments, there are specializations. So this document describes one of the specializations in the big PhD program.

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(Whereupon, Union Exhibit 250, Webpage Printout, was marked for identification.)

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BY ATTORNEY HEALEY:

Q. And I also want to show you what's been marked as Union Exhibit 250.

Could you take your time and just look at the first couple pages please, sir?

---

(WHEREUPON, WITNESS COMPLIES.)

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BY ATTORNEY HEALEY:

Q. Sir, have you seen this particular document before, Exhibit 250?

A. I don’t think so. Where did you download it from?

Q. From the website.

A. Yeah. From what part of the website?

Because it's just like our -.

ATTORNEY HEALEY: Off the record.
(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

---

THE WITNESS: There you go, man.

Yeah. This is not text on a website that I am familiar with.

BY ATTORNEY HEALEY:

Q. And how long have you been in your position as associate dean?

A. Two months.

Q. Sir, I want to talk a little bit about within LSAPP, you principally use GSRs under grants. Is that correct?

A. Yes.

Q. Okay.

I want to talk a little bit about what they actually do day to day.

A. Sure.

Q. And so we were talking about the time at the museums. So when they're doing their work, they may be doing work in the field. Is that correct?

A. Yes. They're often in the field.

Q. Okay.

And Carnegie Museum is one of many
examples?
A. One of many.
Q. Okay.
And at other times during their work they may be back at the office.
Is that correct?
A. That's correct.
Q. Okay.
Are there labs within LSAPP that people work in?
A. Yes, there are. Usually most of our work is done from offices, clusters of offices. We do have some shared space that you might refer to as labs. But we don’t have, you know, physical equipment like the sciences. So it's mostly we're analyzing audio and videotapes.
Q. Okay.
When you say you're analyzing audio and videotapes, it's related to one of the grants that's being worked on?
A. Yeah. Our data, our research, revolves around data of humans teaching and learning. So we - that's - yeah, that's a lot of what they do.
Q. So when you say audiotapes, I assume you're doing interviews with people -
Q. - taking people to teaching, things of that nature?
   A. That kind of stuff, yeah.

Q. And when the GSRs, just as they do the recording, what - typically what happens to such recordings? How are they processed?
   A. Well, we have very specific IRV regulations about that. So we know - we know that they are anonymous.

The way they're processed though is what you're talking about, is different for each project, depending on the particular methodology. What would happen is we would collect the data, we would segment the data. Like at the museum, we segment it into family interactions.

And then the research group, which usually includes faculty, graduate students, sometimes undergraduate students, sometimes paid research staff looks at the tape. They look for, you know, behaviors or language that occurs, you know, patterns and frequency. We sometimes count those up. You go back over and over the tapes.

So students spend a lot of time in front of their laptops reviewing video and audio.
Q. And so, for example, they're analyzing the data?
A. Yes. This is called analysis.
Q. GSRs are principally doing research, I understand.
   Is that correct? Of some sort?
A. Oh, that is correct, yes.
Q. Okay.
And would it be a fair statement over time from years one, two, three, four, five, the research becomes more sophisticated as people acquire more skills?
A. No, it doesn't. The apprenticing model recognizes that as students become more experienced, they're able to take on a greater share of that themselves. So we fade the scaffolding. But the research itself is — it would be wrong to think about it as becoming more sophisticated.
   It's just the students can assume greater and greater autonomy in their role as they know how to be researchers.
Q. As you take the scaffolding away?
A. Yes, that is correct.
Q. Are the students evaluated on the work they do on these grants?
A. The students are evaluated. We have a yearly evaluation cycle where students submit their professional achievements. And it's built around the idea of the professional CVs. So we talk about the articles they're writing, the conferences they've been to.

And we evaluate their progress in the program. We don't typically talk specifically about performance on research grants. We talk about a kind of broader view of the student who is someone who is developing, who's on the right track to be an independent researcher, who is connecting well with the academic cohort.

Q. And the students analyze the data, the prepare papers based on the data, and sometimes publication of papers based on the data?

A. The students would be involved in a collaborative effort to do that.

Q. Now, earlier we talked about a couple – examples of a couple publications of one of your students.

I assume that publication appears on her CV.

Is that correct?

A. Yes.
Q. Okay.

Does that publication also appear on your CV?

A. Yes.

Q. Okay.

ATTORNEY HEALEY: If I may just have a moment?

HEARING EXAMINER: Uh-huh (yes).

BY ATTORNEY HEALEY:

Q. The students that come into your program, at the time they come into the PhD program, do they all have their undergraduate degrees and Master's degrees?

A. They all have undergraduate degrees. They typically have Master's degrees, but sometimes not. But mostly, yes.

ATTORNEY HEALEY: That's all I have on Cross.

HEARING EXAMINER: Redirect?

ATTORNEY DANTE: Briefly.

---

REDIRECT EXAMINATION

---

BY ATTORNEY DANTE:

Q. Is the PhD a research degree?
A. Yes. It's research training for someone to become a researcher. So yes, I would say it's a research degree.

Q. And on Cross Examination, you were asked whether TSRs were principally doing research. Do you remember that question?
A. Okay.
Q. Do you remember it?
A. Sure.
Q. Okay.

Is it fair to say that all PhD students are principally involved in research?
A. If you're a PhD student in the School of Education, you are there to learn to be a researcher, and that is what you would be doing. Yes.

Q. And that would be regardless of how you're funded?
A. That would be regardless of how you're funded. That is correct. Yes.

ATTORNEY DANTE: I have nothing further.

HEARING EXAMINER: Okay.

ATTORNEY HEALEY: Nothing.

HEARING EXAMINER: All right, sir.
You can step down.

We're off the record.

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

HEARING EXAMINER: Back on the record.
Raise your right hand.

ELIZABETH SKIDMORE, PH.D.,
called as a witness in the following proceeding, and
having first been duly sworn, testified and said as
follows:

HEARING EXAMINER: State and spell your name for us.

THE WITNESS: Elizabeth Skidmore,

HEARING EXAMINER: Direct Examination.
ATTORNEY DANTE: Thank you.

DIRECT EXAMINATION

BY ATTORNEY FARMER:

Q. Dr. Skidmore, where are you employed?
A. The University of Pittsburgh in the
Department of Occupational Therapy.
Q. And what school is the Department of Occupational Therapy in?
A. It's in the School of Health and Rehabilitation Sciences.
Q. Do you have any secondary appointments?
A. I do. I have secondary appointments in Physical Medicine and Rehabilitation, in Nursing, and in a Clinical Science and Translational Institute.
Q. And can you tell us what school those are in?
A. Schools of Medicine and Schools of Nursing.
Q. Do you have any administrative appointments?
A. I'm also the chair of the Department of Occupational Therapy.
Q. How long have you been at Pitt?
A. I came as a graduate student in 1999. I've been on the faculty since 2003.
Q. How long have you been the chair of the department?
A. Since 2015.
Q. When you were a graduate student at Pitt,
how was your PhD funded?

A. It was funded through a combination of department funds and faculty research funds. And then for two years, I was funded on a training award.

Q. Meaning like a training grant?

A. A training grant.

Q. Is that like a T-32?

A. It is. It's through a different agency. Through the National Institute of - it's now called Independent Living Disability and Rehabilitation Research. T-32 goes with NIH.

Q. When you switched between the different types of funding that you just described in your own PhD at Pitt, did the research that you were working on change?

A. No.

Q. When you were here, did you get teaching experience?

A. Yes.

Q. Can you talk about that?

A. So it's a minimum. We have a minimum requirement in our PhD program. Students do a minimum of eight hours of teaching.

And so I was mentored in the skills of an
educator teaching. I think I actually did closer to 20 hours of teaching.

Q. Was that something that you wanted to do?
A. Yes.

Q. When you were doing that teaching, you said about 20 hours, did your funding change when you were doing that?
A. No.

Q. Do you agree with having a teaching requirement in the program?
A. I do. Most of the students that we are training in the PhD program will often find their scientific positions in an academic setting. And so therefore, they'll need some training in teaching.

Q. And when you were a graduate student at Pitt, did you have a mentor?
A. I had several mentors. Still do.

Q. Did you have a primary mentor and advisor?
A. I did.

Q. Can you talk about what that relationship was like?
A. Dr. Holm was responsible for helping me meet the core requirements of the PhD program, as well as developing the individually tailored aspects
of that program. Both the academic requirements, the research training skills that I needed, and the individual competencies in the area of expertise that I wanted to develop.

Q. Now that you're faculty, do you serve as a faculty mentor for graduate students?
A. I do.

Q. How do you get matched with the students?
A. In our PhD program, if students demonstrate interest in the program, they actually seek out mentors who have expertise in the area that they want to study. And so the matching starts from the moment even prior to the application process.

Mainly, we are - we are matched sometimes with the help of associate dean. Sometimes students come directly to me and we identify whether we have a good scientific match, given the area of expertise and the resources that I have for the student.

Q. And are there - is that a formal match that occurs before students even accept admission?
A. In our research - in our PhD program, that is the case.

Q. And how is that documented?
A. So we are required, as part of the application process, the mentor actually provides a
letter of support for the PhD student indicating that we are committed to mentoring the student and that we have the adequate resources, skills, and expertise to support the students in their individual research goals.

Q. So having been in the PhD program as a student and now as a faculty member who mentors students, how do you think the experiences of the students in the program today compare to the experience that you had?

A. Well, training changes over years as fields of study evolve. Right?

So there are many similarities. There are still core competencies and the content that we all have to master. There's still the same milestones in the PhD program in terms of preliminary exams, competency exams, and obviously defense, proposal defense, and dissertation.

There's still the element of research training that happens within the lab and the supervision of the mentor, as well as courses.

But I'll be honest with you. The structure has changed quite a bit over time and the content has changed as the science has evolved over time.
Q. When you say the structure has changed, can you elaborate on that a little bit?

A. So the PhD program that I enrolled in, which is still the PhD of Rehabilitation Sciences, we actually have seven core areas that we could choose to study in. It was a little bit more discipline specific.

The PhD program that we offer now is much more interdisciplinary. And so it's less driven by the discipline of expertise that you have professionally and more based on the scientific discipline that you're enrolling. So the cores have changed a bit over time.

I think we have been a little bit more thoughtful about formalizing some of the non-coursework expectations of the PhD students. So incorporating students in peer review within the department, within the national scene, thinking about the roles students should have in terms of scientific service and mentoring to others. And those are some, I think, elements that have emerged in the last ten years that I wasn't fortunate enough to benefit from when I was going through the program.

Q. So you said that as part of the admission
process, you, as a faculty member, have to provide a letter basically saying that you're going to support the student.

What is involved in being the faculty mentor, the primary academic advisor for a PhD student?

A. Well, when I accept a PhD student, my primary responsibility is to help train that student to become an independent scientist. There are many aspects of a scientist. There's the knowledge base that you need. There's a skillset that you need.

Some of that is just the core skills of science and some of that will be specific to the content area or expertise that I bring. And so I'm saying that I will understand and direct them through the PhD program to meet the academic and the stated requirements, but also socialize them to the greater role of science within the profession or discipline that they're seeking.

And then that I do have the adequate expertise to do so. I have the resources and personnel that can help assist in training them. I have the partnerships of other mentors that will be individually selected to meet their needs.

Q. Why do you do it?
A. I feel that it is a responsibility to sustain the future of my profession. I am devoted to improving the lives of people with brain injury and stroke, and that we do not only through practice but by science and discovery and improving our methods over time.

And my particular profession is a younger scientific profession, so we have a huge need for scientists. And so I see this as investing in our future.

Q. Let's talk - I think we mentioned a little bit about the structure, but let's make sure that that's clear on the record. So you said the School of Health and Rehabilitation Sciences?

A. Uh-huh (yes).

Q. What types of degrees are offered at the graduate level?

A. We have several types of degrees in our school. We have graduate professional degrees and we have graduate research degrees.

Q. Okay.

A. And we're only talking right now about graduate research degrees.

Q. Meaning the PhD?

A. The PhD program.
Q. And was that a graduate professional degree?
A. Oh, we have - I couldn't even count them over. Probably 20 degrees in the school.

But in my department, we train entry level students to become entry level practitioners in occupational therapy. So they're being trained to be a practitioner with a different set of skillsets and have core competencies around the skills of a professional, which is very different from - a healthcare practitioner is very different from the scientist. We have different skillsets and different needs.

Q. Are there also Master's degrees within the school?
A. We do have Master's degrees as well.

Our graduate professional degrees strata both Master's and Doctoral levels. We do have entry level professional Doctorates in our school.

Q. Of the various types of graduate degrees, are there students outside of PhD programs who are typically funded?
A. Yes. We do have some examples of teaching fellows in my department. They are actually funded. These are students that we save
those spots specifically for students who are enrolled in our advanced practice program, which is a Doctorate of Clinical Science and Occupational Therapy.

Those students are training to be master practitioners in an area of specialization or educators. And so the teaching fellowship is a nice fit for that because obviously part of their core competencies is to acquire the skills.

HEARING EXAMINER: Five years? So they're there for five years.

Right?

THE WITNESS: The teaching fellows in that program actually are not there for five years. In our program -.

HEARING EXAMINER: You can get a PhD in less than five years?

THE WITNESS: They get a Doctorate of Clinical Science, which is not a PhD. It's a different degree. They are training -.

HEARING EXAMINER: What's the abbreviation for it?

THE WITNESS: CSCD.

HEARING EXAMINER: CSCD?

THE WITNESS: Uh-huh (yes).
HEARING EXAMINER: I have not heard of that one.

THE WITNESS: Yes.

HEARING EXAMINER: Is that relatively new?

THE WITNESS: It exists - actually, Boston University has probably had a program for over 30 years.

HEARING EXAMINER: All right.

Are they paying their way through that program?

THE WITNESS: If they get a teaching fellowship, they are - they receive a tuition stipend. But we actually have many students that are on that program that do pay their way through that program.

HEARING EXAMINER: How many years does it take to go from - are they all coming in with Master's?

THE WITNESS: The majority of them are coming in with Master's degrees. But they have an additional 42 credits, and they do that in four terms. So it's just a bit over a year. They come in -.

HEARING EXAMINER: That's a rush.

HEARING EXAMINER: All right.

So how long does it go from undergrad to this terminal degree?

THE WITNESS: There's a variety of paths. But the most typical path is after you've earned an undergrad, you probably have earned an entry-level Master's, which is a two-year degree in Occupational Therapy. So many of them go out to practice and then come back to us. And then they'll do an additional - it's just over a year. I think it's 13 months.

HEARING EXAMINER: So people in this program, if they're a TA and a TF, they're only expecting to be there for like a year?

THE WITNESS: Yes.

HEARING EXAMINER: Okay.

Go ahead.

ATTORNEY FARMER: I'm going to mark this as 117.

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(Whereupon, Respondent's Exhibit 117, Document, was marked for identification.)

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BY ATTORNEY FARMER:
Q. So following up on the Hearing Examiner's questions, I'll show you what we're marking as Exhibit R-117.

Can you explain what this is?

A. Yeah. So there's a lot of confusion not only outside our professions but within our professions about the alphabet soup of advanced practice degrees. And so we developed this.

There are actually more than one clinical Doctorate in our school. So we developed this to try to help students who are applying to programs understand the difference.

The CSCD is always going to be working on training and a master practitioner. So learning in area of specialization, but the goal is to go back to practice or training an educator, the goal coming in and teaching in a clinical program like our professional program.

Whereas the PhD, we reserve for those that want to train to become scientists, which is a different skillset. And that is a longer commitment of time clearly.

HEARING EXAMINER: Four to six years?

THE WITNESS: Yes, that's our - their general length.
BY ATTORNEY FARMER:

Q. Okay.

So turning our attention back to the PhD program. Within the school, how many PhD programs are there?

A. We have two PhD programs in our school.

Q. What are those?

A. The Doctorate of Philosophy and Rehabilitation Science and a Doctor of Philosophy in Communication Science and Disorders.

Q. And where does your department fall?

A. My department mentors students in the Doctorate of Philosophy and Rehabilitation Science.

Q. Okay.

A. Which is the interdisciplinary research program I discussed earlier.

Q. So when students get their degrees, does it just say - does it say PhD in Rehabilitation Science? Does it mention Occupational Therapy?

A. No.

Q. Okay.

So without - within all of the departments, if they're in rehab science, it's just as PhD in Rehab Science?

A. That's the credentials from that degree.
And then they would have additional credentials according to their discipline.

Q. And how many departments are there within the School of Health and Rehab Sciences?
A. We have six departments, but we have over 13 disciplines.
Q. Okay.

Are there undergraduates within the school?
A. There are.
Q. Is the number of students who are admitted to the PhD programs tied to undergraduate enrollment?
A. No. Uh-uh (no). It wouldn’t make sense to do that.

ATTORNEY FARMER: This is going to be R-118.

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(Whereupon, Respondent's Exhibit 118, Milestone Document, was marked for identification.)

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BY ATTORNEY FARMER:

Q. I'm showing you what we marked as Exhibit R-118.

Can you identify this document?
A. I can. I helped develop it.

Q. Oh, good. What is it?

A. This was an attempt among the faculty to try to help understand students who were applying to the PhD program and starting the PhD program understand the larger structure.

PhD training is more of an apprenticeship training model. And so there's coursework, which is what most students are familiar with in a professional program. But then there's also the skillset that you need to become a scientist.

And so what we did is we developed this with the milestones in the gray and then what we thought were exemplary activities that would happen between and among the milestones.

And then on the additional pages, those are just some prompts and reminders for faculty to discuss with the students as part of the rotation process.

Q. So looking at that second page, -

A. Uh-huh (yes).

Q. - in that section orientation?

A. Uh-huh (yes).

Q. And see, there's a heading that says discuss plan of study?
A. Uh-huh (yes).

Q. Could you explain what that is?

A. We establish an individualized plan of study within the first term the student's enrolled in the program. That will include the core requirements that all students who earn the degree get, as well as their specialized coursework or cognate coursework.

And so what we do is we initiate a plan of study in the first term. And then we'll modify it over the course of the duration of the PhD student program, according to as the student's interests shift or additional opportunities become available that they're interested in.

Q. How do you determine what that additional coursework, which you described as that cognate coursework, should be for students?

A. Well, that's my job as a mentor is to understand what the student's particular research goals are and then understand what competencies, knowledge base they might need, and then how we can align that with courses that are available within the university structure.

And those courses can include a combination of formal didactic courses or
independent studies or preceptorships, according to what best meets the individual student's needs.

Q. So in addition to the coursework and the milestones that are required by the University, are there other program requirements that are specific to the school?

A. Yes. So the teacher requirement we talked about earlier.

We have publication requirement that students must be submitting their own first author publication within the first two years of enrolled in the program. Most students exceed that and do it within the first year.

We also have a requirement that they must learn the skills of how to apply for their research funding to support their work. So they have to develop and submit an application for funding.

And we have a mechanism within the school that's run through the dean's office where they are socialized experience of an NAH scientist. They develop an application just like their mentors are developing for their own work, and it goes through an NAH style review.

Q. So the publication requirement that you mentioned, why is that something that's a
requirement for the program?

A. It's an activity of daily living of a scientist. The main means by which we communicate our science and receive feedback and improve our science is through publication.

It's also the currency that helps determine the impact of that research. And it's a public health mandate. When we are receiving public funds to collect data, we are under a responsibility to be able to share that with the public.

Q. Do students typically exceed that minimum requirement?

A. In my lab, they do.

Q. And then you mentioned that there's a requirement for the grant submission. Why is that required?

A. Because that's - those are the two activities of daily living of a scientist. Disseminating work and then achieving the resources necessary to support the work, which in many cases include obtaining funding. And so they need to learn the process of how you package that request for funding, what the review process looks like, how do you respond to reviews and, you know, what the - what the technical aspects as well as the
scientific aspects of that exercise are like.
Q. So you talked about students doing research.
   When does that typically start?
   A. Day one.
Q. And what are they doing?
   A. It varies greatly according to the expertise and experience the student brings into the program, as well as the types of activities that they want to be learning and moving forward. Those can include learning in my lab, learning how to assess cognitive performance and understand mood, learning how to design interventions and deliver those interventions. Learning how to supervise students, learning how to manage the lab, learning how to manage the budget.
   So it's a variety of different activities. Collecting data, managing data, submitting IRB proposals and reports.
   Q. Do the students who you mentor do you fund on GSRs?
   A. Yes.
Q. Are they funded on any other ways as well?
   A. Yes. We've used a variety of creative
ways to fund. All of our students are what we would call soft money. So any funding they have is funding that I'm able to obtain.

We've had some students who have done actually in a staff role have chosen to use their tuition benefit and partner that way. But the majority of our students are graduate student researchers.

The other way we fund students is - and these are not PhD students, but we hire hourly students who just work for us hourly and we pay them hourly.

Q. So it can be undergraduate or Master students?
A. Yes.

HEARING EXAMINER: That was my question.

THE WITNESS: Or professional students, I would say. Master's, professional students.

BY ATTORNEY FARMER:

Q. Okay.

So focusing our attention on the PhD students, how do the research that the students are doing on the GSR fit into their academic program?
A. The research that they're doing is all directed towards their individual goals. So if they need to learn skills around how to deliver cognitive assessments, for example, then they will be practicing that skill in our lab and then applying it directly in their research in tandem and parallels.

Q. And then how does that fit into their preparation of their dissertations?

A. Well, we start working on dissertation day one. So as they start to formulate those aims, that's how we adjust responsibilities and research experiences to make sure they'll have the skills to carry those aims forward.

Q. You mentioned that students are often funded through a variety of, you know, piecing together or funding. Does the research that they're doing change as the funding changes?

A. No.

Q. Do the students experience a change if their funding changes?

A. No. I'm really thinking about it. No. The goal, the whole point, is the training program. So funding is a means to helping
them achieve their individual training goals.

Q. Do you need PhD students in your lab to do research?

A. I actually utilize staff to do my research. I bring on PhD students to invest in the future of the profession. It's actually less expensive for me to hire an employee, a highly trained staff, and to keep them. PhD students are going to be building their own program, which will be above and beyond my work. And they're there for a time and they move on.

So I have invested in research staff that come. I train them, and they stay with me for a long period of time. So the operation and the implementation of my own studies is really driven by my staff.

HEARING EXAMINER: Your professional - you have a professional staff?

THE WITNESS: Yes. And some of them - yes, yes. They're all professional research staff.

HEARING EXAMINER: When I say professional, what do you think that means?

THE WITNESS: So some of them are healthcare practitioners who are working for us and
staff. And some of us - some of them have been trained actually to be research staff. That is their professional focus.

HEARING EXAMINER: They all have DS's at least?

THE WITNESS: Everybody in my lab has a Bachelor's degree and many of them have Master's degrees.

HEARING EXAMINER: Do you have administrative staff?

THE WITNESS: Outside my lab, I benefit from the department's administrative staff.

HEARING EXAMINER: Okay. And then, for lack of a better term, a secretary?

THE WITNESS: No.

HEARING EXAMINER: No secretary?

THE WITNESS: That would be a luxury.

HEARING EXAMINER: So you have someone to help you with paperwork?

THE WITNESS: Yes.

HEARING EXAMINER: Bureaucratic paperwork?

THE WITNESS: Bureaucratic paperwork.

So as it relates to research activities, the
research staff assist me with that.

As it relates to non-research activity, I benefit from the academic staff in the department.

HEARING EXAMINER: Okay.
Go ahead, ma'am.
ATTORNEY FARMER: Thank you.

BY ATTORNEY FARMER:

Q. So just staying with that line of questioning, so you said you have this full-time research staff and there's a clinical.

You also said that sometimes there are undergraduates or Master students who are also brought in?

A. Yep.

Q. How does what these - the other people in the lab do differ from what the PAC students are doing?

A. So it depends on the reason why they're joining our lab. If these are students that are trainees, like they're enrolled in credit, like an undergraduate student that needs research credit, it's similar to what the PhD students are doing, but it's going to be smaller in scope clearly. Coming for three credits versus four to six years is a
different animal.

So we'll be developing a product that's happening in tandem with the lab that will be part of fulfilling that requirement.

But we also have just straight up employment positions where we have work that needs to be done. Like data that needs to be entered, clients that need to be contacted, paperwork that needs to be managed. And so we'll eventually, if funding is available, will hire hourly students to come in. And those are just like employees. They're assigned duties as employees and they do the kind of operational aspects of the research.

Q. Turning back to publications, so you mentioned that students are required to have a first author publication by the end of their second year?

A. They're required to submit one by the end of the first year - second year.

Q. And do students typically, by this time that they finish their dissertation, have a number of publications?

A. They typically do. A common model for my lab is four to five publications that are first author and a couple of co-author publications.

Q. Do those publications then make their way
into the dissertation?

A. In many cases, they do.

In many cases, the focus of their
dissertation might be a little bit more narrow than
some of the work they've published. And so they
might get some additional publications out of their
work, which sets up another line of inquiry as they
leave.

Q. Is that a good thing if there's
additional publications outside the dissertation?

A. Most scientists will manage two to three
streams of science or inquiry in order to be able to
keep a lab thriving. So it's a very good thing. It
makes them very competitive for post-Doctoral
fellowships and future faculty positions.

Q. Do most of the students go on to post-
Docs? Is that generally the career path?

A. That's generally the career path.

HEARING EXAMINER: Do you have post-
Docs in your lab?

THE WITNESS: I have had post-Docs. I
do not currently. I've mentored three post-Docs to
date.

HEARING EXAMINER: And what do they
do?
THE WITNESS: It's the same - it's really the same as a PhD student. It's tailed to individual goals. Obviously, the level of activities that they're doing sometimes differ. They often spend up more time writing funding proposals because post-Docs are relatively short in nature. And the hope is that what they're leaving is enough funding and data in order to launch into a faculty position.

HEARING EXAMINER: Define short nature for me.

THE WITNESS: Post-Docs can range anywhere from one to three years.

HEARING EXAMINER: And that's based on the University of Pittsburgh?

THE WITNESS: No, NIH funding; NIH will not fund an individual beyond three years on a post-Doc. It's seen as a short opportunity to have 100 protected time towards research, that allows people a little extra time before they start on their tenure class and then become faculty.

HEARING EXAMINER: That's nationwide then?

THE WITNESS: Yes. If they're NIH funded, which is the most common path.
HEARING EXAMINER: Are you ready to go?

Okay. Go.

ATTORNEY FARMER: This is going to be R-119 and 120.

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(Whereupon, Respondent's Exhibit 119, Yost Publication, was marked for identification.)
(Whereupon, Respondent's Exhibit 120, Yost Doctoral Dissertation Excerpts, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Okay.

I'm showing you what we've marked as Exhibits R-119 and Exhibit R-120.

Can you identify what 119 is?

A. 119 is a publication led by my Doctoral student, Shannon Yost.

Q. Okay.

And can you explain what 120 is?

A. 120 are excerpts from her Doctoral dissertation.

Q. Did the research that underlies the publication in 119 also make it into her
dissertation in 120?

A. It did not. This was a side project the students were interested in. My colleague, Kiki Rina, was faculty in the department at the time, was collecting data, in traumatic brain injury, and Shannon and I collaborated with Kiki to examine this unique issue of fatigue and traumatic brain injury.

So it's related, but it is not an example of an analysis that made it into her dissertation.

Q. Can we take a look at the table of contents of her dissertation, which begins on page Roman numeral six?

A. Uh-huh (yes).

Q. Were there - the research that is in her dissertation, was that also published?

A. Yes.

Q. And is that common to have the - like a three-paper model or something that you got from some other faculty?

A. That's generally our rule of thumb. In the old days, dissertations were just sat on the shelf. This is an example of helping her disseminate her work into the more public domain. So it's often that we will see several publications emerge from a dissertation.
Q. And the publications that form the basis of her dissertation, and in addition to 119, how was she funded when she was doing this research?

A. Well, Shannon was a unique animal. She started out - she was actually a university staff member who decided she wanted to become - to do a PhD. And so for the first year, she was part time in the PhD program, taking classes while she was funded as a staff member. And so she was not a member of my lab during that time frame because she had staff responsibilities.

And then she -.

Q. Just hold on one second.

Was she a staff in the School of Health and Rehab Sciences?

A. No. Not initially. She's actually staff in School of Medicine.

Q. I understand. Okay.

Continue.

A. And then - but I mentored her through her initial coursework. And then she transitioned onto research funds within my laboratory after that. And then we brought her into the lab and started focusing a little bit more on some other research skills specific to her area of interest.
Q. And do the kinds of research that she was doing change as her funding did?
A. No. No. Shannon was actually - she was a great entrepreneur. She was very creative in finding ways to augment the funding we provided for her. So 100 percent of her work was directly - it was always the same thing, but she was always able to find additional funds to keep the work going.

Q. Do students get academic credit for the research that they're doing?
A. Yes, as it directly relates to their PhD program. When they have successfully defended their dissertation proposal, they'll register for dissertation credits. And the requirement is they need to do a minimum of 18 dissertation credits. And they'll get credit for that work. And we establish as for whatever the number of credits, we establish a contract of what the scope of work is that matches that credit level.

Q. And that's the same research that they're doing while funded on their GSR?
A. Yes.

Q. Or whatever funding method?
A. Yes, of course.

Q. Do students also have opportunities to
present their research?

A. Yes. That's one of the requirements that we can put on the program. So students have the opportunity to present regional and national scientific meetings as well as we run Doctoral seminars within the department, within the school where they're presenting their work to each other and receiving feedback.

Q. Why do you have students do these kind of presentations?

A. It's part of the ADLs of a scientist is disseminating your work in oral and written form.

Q. Okay.

So you mentioned earlier that there is a teaching requirement in the program.

Can you explain what that is?

A. So we have a requirements. Students enroll in the PhD program to become scientists, not to become primary - well, not to become educators. And so - but the reality is that many of them will find themselves in an academic home where they're going to have juggle both responsibilities.

So we require that they do a minimum of eight hours. Some students will elect to do more based on individual goals, and that's something they
negotiate with a mentor.

And the intent is for them to develop content related to areas that they teach, that they study, and deliver that in a curriculum that makes the most sense and a course that makes the most sense.

We usually have that be like a module, a couple lectures, some lab work with the student. And then they give them an opportunity to evaluate the students through an exam.

And then we like them to be able to repeat that at least twice so that they can kind of learn from the first experience, evaluate, and make modifications.

Q. And while students are doing that, are they receiving academic credits?

A. They may elect to register for an educational preceptorship. For some students, they find that to be important.

Some students do not find that to be important. They'd rather save their credits for other activities. But they can receive credit for that.

At all times, they're supervised by a faculty member. We have a full-time faculty member
in the classroom while they're teaching because we see the - kind of like a student intern experience.

Q. Is there a teaching practicum that's required for students in the program?
A. Not in our program.

Q. So there is teaching practicum, but it's not required?
A. It's an option.

Some students have stronger goals where they don't necessarily want to be 100 percent scientists. Their goals are more 50/50, in which case that's an option they can elect to do.

Q. I'm going to show you what's going to be 121.

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(Whereupon, Respondent's Exhibit 121, Learning Contract, was marked for identification.)

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BY ATTORNEY FARMER:

Q. Okay.
I'm showing you what we've marked as Exhibit R-121.

Can you explain what that is?
A. If a student does decide to elect to register for credits for a teaching practicum or an
educational preceptorship, our preceptorships or independent studies are always guided by learning contracts. And so this is an example where we would sit down and negotiate together individual goals that help meet the needs of that student, how we would evaluate their progress, and kind of what our individual, you know, collaboration might look like. And so these are individually tailored and specific to each time a student enrolls in a practicum of this nature.

Q. So you have testified that you're the chair of your department?
A. Uh-huh (yes).

Q. In that role as the chair, are PhD students an efficient way to deliver teaching to other students within the department?
A. No.

Q. Why?
A. They are in learning. They are in training. So it's actually much more effort for us to mentor a PhD student to teach in a course than it is for a faculty member to do so.

The other thing is they're only here for a time. And so obviously, if I'm investing in the academic mission of my department, I want to bring
in qualified educators who can be with us and be with us for a long period of time so we sustain continuity across our curriculum and across our cohort.

We see these as scientists in training. It's actually easier for me to hire faculty or hire clinical practitioners with expertise to come in and teach courses.

Q. Do you track student's progress within the program?
A. We do in a number of ways.
Q. I'm going to show you what we're going to mark as R-122.

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(Whereupon, Respondent's Exhibit 122, Annual Progress Report, was marked for identification.)

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BY ATTORNEY FARMER:

Q. I'm showing you R-122. Can you identify what this is?
A. This is an example of our annual progress report that all students complete. We establish goals at the beginning of their training. And then we report at the end of that academic year to the associate dean of graduate studies their progress in
that year.

Q. So this is a schoolwide progress report that's done?

A. For the PhD in Rehabilitation Sciences, yes.

Q. Are the factors that are considered in evaluating student progress the same for all students in the PhD program?

A. Yes.

Q. Does anything change based on how a student is funded?

A. No.

Q. Looking at this evaluation form, in the first page, it talks about the summary of the goals and the plan for the next year.

What's the purpose of having that?

A. Well, just like any performance report, you're going to evaluate your performance against your goals from the previous year and then establish goals for the next year so that you can then use these to track your progress for the following year.

Q. Okay.

Turning to – so in the part two, goals and outcomes, the research accomplishment?

A. Yes.
Q. And then the listing of goals, who develops these goals?
A. These are developed by the primary mentor and the PhD student. So the goals themselves are individually developed and will depend on where the student is in the development of the program as well as what their individual goals are.

Q. Turning to the next page, it's the publication record?
A. Uh-huh (yes).
Q. Why is that tracked?
A. Because we have a requirement, and so therefore we have to be able to document that we are or are not addressing that requirement and remediate if not addressing the requirement.

Q. Is that the same reason that the presentation experience is tracked?
A. Yes.
Q. Which is below on that same page?
A. Uh-huh (yes).

HEARING EXAMINER: Can I stop you for a minute?
ATTORNEY FARMER: Yes.

HEARING EXAMINER: I'm sorry. My brain is wandering. I want to go back to something
we were talking about.

We were talking about hiring graduate students and the cost effectiveness and so on.

Do you remember that testimony?

THE WITNESS: As it relates to teaching?

HEARING EXAMINER: Yes. No, as you're doing your research.

THE WITNESS: Okay.

HEARING EXAMINER: I remember from other people's testimony over the day, week, last week's time, don't those NIH - mostly NIH grants?

THE WITNESS: Uh-huh (yes).

HEARING EXAMINER: Don't they have slots for grad students?

THE WITNESS: They do.

HEARING EXAMINER: So are you forced - but you're not forced to use those slots?

THE WITNESS: I'm not forced to use those slots.

When I write the budget, I determine whether I'm going to use a grad student or staff member.

HEARING EXAMINER: But the NIH grant will - you're allowed under that NIH grant to use
money for grad students?

THE WITNESS: I am.

HEARING EXAMINER: Okay.

Go ahead.

BY ATTORNEY FARMER:

Q. Just following up on that, does the NIH grant cover the full cost of the graduate student?

A. It depends on how I design the budget. But it could.

Q. And so there's no costs that are borne by the University in addition to the NIH granting?

A. Well, okay. I understand the question now.

So it only covers their stipend and a fringe. The University pays for their tuition, so we don't recoup that back from NIH.

HEARING EXAMINER: That is - when you say the University pays, that means - what department are you? I'm sorry.

THE WITNESS: I'm Department of Occupational Therapy.

HEARING EXAMINER: Occupational Therapy sends money to the University of Pittsburgh for that tuition?

THE WITNESS: The dean's office does,
HEARING EXAMINER: The Occupational Therapy dean sends money to the bursar?

THE WITNESS: Yes, the registrar.

Yes.

HEARING EXAMINER: The registrar of?

THE WITNESS: Yes. They pay for those credits.

HEARING EXAMINER: Okay.

Go ahead.

BY ATTORNEY FARMER:

Q. And just following up on this before you go back to the evaluation, so if you design the budget for - in a different way, you could also use staff to support certain research?

A. Well, that's why I would be encouraged not to put a GSR on an NIH grant because it actually ends up costing the University money. If I use staff, I am - it's more efficient, and 100 percent of the cost of that research grant is going to the staff and the project.

HEARING EXAMINER: Costs the department money?

THE WITNESS: Yes.

HEARING EXAMINER: It costs the
BY ATTORNEY FARMER:

Q. Okay.

So turning back to the annual progress report, R-122, under section number four, professional development?

A. Yes.

Q. So I see that there are goals that are listed here?

A. Uh-huh (yes).

Q. Are these typical of the kinds of things that you'd see for a PhD student as a professional developing goals?

A. Yes. It's going to be goal specifically to the skillsets and the roles of a scientist.

Q. And why have a section for a professional development goals in this document?

A. Well, if you only focused on publications and obtaining funding and presentations, students may not understand that there's a broader social skill that's necessary. And so we capture that in
this category.

It allows us to kind of capture the other competencies that they need in order to be competitive, to be employed, and to retain their positions in the future.

Q. And in this example, in goal number two, it talks about gaining mentorship experience?
A. Uh-huh (yes).
Q. Is that something that you work with your students on, this goal as well?
A. Yes. Mentorship is a key element of being a scientist. And so we'll do that with students at the appropriate level.

That might be accepting an undergraduate student on a focus project that works towards the PhD student's goals, but allows them to show an opportunity in training someone else in a finite skillset.

Q. And turning to the last page, it lists grants and other funding?
A. Uh-huh (yes).
Q. Why is that included?
A. Well, we have a requirement that they need to apply for research funding. And so this allows us to demonstrate that.
But they're also required to document. This is part of their pedigree on their Curriculum Vitae. And so this socializes them to how they need to start tracking that over time.

Q. Okay.

And the researcher awards and honors, do you track that for the same reason that students get into the habit of -

A. Yes, it goes on their CV.

Q. - being able to -?

A. Yep. Plus we're very fortunate to see our students see a number of those. And we want them to get credit for their hard work.

Q. Okay.

And then the final element, teaching. Why is that there?

A. Again, we have a requirement for teaching. So this allows the associate dean to track when we're meeting that need and how we're meeting that need and if it's missing, whether remediation needs to be addressed.

Q. And is that why it lists the number of hours?

A. Yes. Because that requirement is based on a number of hours.
We don’t - we don't have a model where students do any more than a portion or a module in a course. We don’t have any other way of capturing their investment.

Q. So you said the majority of the students will be looking to go into postdocs. What do students do after that?

A. After a postdoc, they seek faculty positions. Or they seek an independent scientist position in a clinical science center.

Q. Do the experiences that students have in the program train them for those careers?

A. Yes. I would say that our track record would demonstrate that they go on to postdocs. They go on to secure faculty positions, and they go on to secure funding.

Q. Are there professional development programs or career services that are offered by the school?

A. Uh-huh (yes). There are both in the school and in other places in the University.

Q. Okay.

Can you just talk about what some of those kinds of things are?

A. We have a wonderful seminar series on
training PhD students how to write grants. So they have some great grant writing workshops.

They teach them how to - a number of courses that we take advantage of around special methodological skills that students take advantage of.

In our department, we have what's called a development session we run every two weeks where faculty and students take turns presenting work and development to each other and receiving feedback on that work. And the students are an equal number of that. They learn early on to contribute feedback as much as to receive feedback.

We've developed a number of opportunities that the students take advantage of courses in how to optimize your presentations, how to write research articles, how to identify the best audience.

There's just a plethora of resources that we utilize.

Q. When students arrive in the PhD program, do they have the skills necessary to be independent researchers?

A. No, or they wouldn't need to get a PhD degree.
Q. Does the program give the students those tools?

A. I believe that our track record demonstrates that they do.

ATTORNEY FARMER: I have nothing further.

HEARING EXAMINER: You said earlier in your testimony, I think you mentioned an apprenticeship model?

THE WITNESS: Yes.

HEARING EXAMINER: What context did you mention that in? Do you remember?

THE WITNESS: Yeah, I do. Research training - PhD programs, I think, are very different than professional training programs.

And so one of the things that we explain to folks is if you're learning a professional skillset, like to be a therapist or to be a lawyer, there's a set of core competencies and at the end there's a bar that everybody passes through this the same.

To become a scientist, there's a core set of competencies. But then there's a lot of individualization in terms of building your own independent research. The intent is not to generate
another skin. The intent is to create an individual scientist that contributes in a new way.

And so in that model, I think it's much more like an apprenticeship model than it is the model we typically use with professional students where everybody's getting the same exact experience.

HEARING EXAMINER: Where do you get that term from?

THE WITNESS: What my mentors used with me when they socialized me to it. So it's not on my - the Master's competency model or the Master electrician model.

When you move from basic core competency to advanced competency - it actually is well documented in the higher educational ledger.

HEARING EXAMINER: Would you guys like some time?

ATTORNEY MANZOLILLO: Yeah, yes.

HEARING EXAMINER: All right.

Ma'am, we're going to go off the record.

THE WITNESS: Okay.

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(WHEREUPON, A SHORT BREAK WAS TAKEN.)
HEARING EXAMINER: All right.
Cross Examination?
ATTORNEY MANZOLILLO: Can we have just one minute?
HEARING EXAMINER: Off the record.

(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

HEARING EXAMINER: All right. On the record.
Cross Examination.

CROSS EXAMINATION

BY ATTORNEY MANZOLILLO:

Q. Dr. Skidmore, my name's Brad Manzolillo. I'm here with the Union. I have just a few questions for you.

A. Uh-huh (yes).

Q. I want to make sure I understand the - you mentioned that there is a teacher practicum, but it's not required for graduate students?

A. Uh-huh (yes).

Q. But there is a requirement of putting in
eight hours of teaching or TA time?

A. Yes, sir.

Q. And that's usually accomplished through a module?

A. Yeah.

Q. Okay.

So that would be a total of eight hours would be -?

A. Right. What bumps it to a practicum is whether they register for credit or not.

Q. Okay.

That's the primary distinction?

A. Uh-huh (yes).

Q. You mentioned that - let me clarify what labs do you work in?

A. I work in the cognitive performance laboratory.

Q. And what is your role?

A. I'm the principal investigator.

Q. And about how many staff do you have in there?

A. I have two full-time staff.

Q. And how many GSRs?

A. Right now I fund three.

Q. Three GSRs?
A. Uh-huh (yes).

Q. And those are the people you primarily work with every day?

A. Within my research?

Q. Yes.

A. Yes.

Q. You mentioned in the sort of admission process you have that there is a - you try and - you seek out students who professors want to work with doing work related or having interest in work related to the work they do?

A. Students usually seek us.

Q. Okay.

A. If a student comes to me saying I'm interested in developing a research career studying X, and I see that you study that and I'm wondering if we can talk about a match.

Q. If the student comes to you and they're not really a match to the work the department was doing, what would you do?

A. I recommend other labs for them to work with.

Q. Okay.

Or even potentially other programs?

A. Yes. Some of them I send to other
universities.

Q. Okay.
A. Because there's a better match somewhere else.

Q. All right.
   It would make sense. You want people who have interest and can contribute to the kind of work you're doing?

A. Well, I think it's a little bit less about contributing to my work and more about whether or not I can help them achieve their own goals.

   Often, students want to study something I don't have expertise in, and I let them know that. So I don't see the students as contributing to my research as much as me contributing to theirs.

Q. Do they contribute anything to your research?

A. Of course. They stimulate me with ideas that help me. And they move to bigger and better projects. We often - new ideas come out of collaborating with students.

Q. And the three GSRs, is that about typical for you?

A. That's a bit heavy for me.

Q. Oh.
A. My rule of thumb generally is one to two. But I had an opportunity with a student that came after me for several years, and I decided I should make an exception in her case.

Q. Now, I notice - I'll show you, our standard CV here?

A. Yes, sir.

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(Whereupon, Union Exhibit 251, Skidmore Curriculum Vitae, was marked for identification.)

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BY ATTORNEY MANZOLILLO:

Q. Can you tell us what this is?

A. This is my Curriculum Vitae.

Q. Okay.

And it appears to be about 25 to 27 pages long?


Q. Yeah, 1 to 25.

A. Sorry.

Q. Now, you have a number of grants?

A. I do.

Q. And it's an impressive CV. I'm assuming that having notoriety in the profession helps -
gives you an end to getting future grant funding?
   A. Actually, the publications that I disseminate have more to do with whether I get funding than notoriety.
   Q. The publications do?
   A. Yeah. They look at whether you've had track record of – whether you're a worthy steward of those funds.
   Q. And so the outcome of the research and publications produce or are a big part of how you get future funding?
   A. That's correct.
   Q. And so you benefit directly then from the listing from any, any publications you're a part of?
   A. Yes. But there are more publications on this list than are mine that are directly related to my work.
   Q. But you still list them all?
   A. Yeah, I'm required to.
   ATTORNEY MANZOLILLO: I actually don’t think I have anything further.
   HEARING EXAMINER: I'm not prepared for that.
   ATTORNEY MANZOLILLO: Why was that?
   HEARING EXAMINER: Well, don't we have
a handbook we can look at?

ATTORNEY FARMER: Just give us a second.

HEARING EXAMINER: Yeah. Off the record.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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HEARING EXAMINER: We'll go back on the record.

Redirect?

ATTORNEY FARMER: I have no questions.

HEARING EXAMINER: Okay.

ATTORNEY MANZOLILLO: Move to admit.

HEARING EXAMINER: Let me dismiss the witness first.

Thank you very much for your testimony, ma'am. You may step down.

THE WITNESS: Thank you.

HEARING EXAMINER: Okay.

Why don't we do University's exhibits first?

ATTORNEY FARMER: Okay.

We need to admit Exhibits 108 through 122.
HEARING EXAMINER: Any objections?

ATTORNEY MANZOLILLO: No.

HEARING EXAMINER: They're all admitted.

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(Whereupon, Respondent's Exhibit 108, Document, was admitted.)

(Whereupon, Respondent's Exhibit 109, Document, was admitted.)

(Whereupon, Respondent's Exhibit 110, Fellowship Letter, was admitted.)

(Whereupon, Respondent's Exhibit 111, Fellowship Letter, was admitted.)

(Whereupon, Respondent's Exhibit 112, Webpage Printout, was admitted.)

(Whereupon, Respondent's Exhibit 113, Journal Article, was admitted.)

(Whereupon, Respondent's Exhibit 114, Povis Dissertation, was admitted.)

(Whereupon, Respondent's Exhibit 115, Teaching Practicum Discourse, was admitted.)

(Whereupon, Respondent's Exhibit 116, Webpage Printout, was admitted.)

(Whereupon, Respondent's Exhibit 117, Document, was admitted.)
(Whereupon, Respondent’s Exhibit 118, Milestone Document, was admitted.)
(Whereupon, Respondent’s Exhibit 119, Yost Publication, was admitted.)
(Whereupon, Respondent’s Exhibit 120, Yost Doctoral Dissertation Excerpts, was admitted.)
(Whereupon, Respondent’s Exhibit 121, Learning contract, was admitted.)
(Whereupon, Respondent’s Exhibit 122, Annual Progress Report, was admitted.)

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ATTORNEY HEALEY: The Union would move to admit Exhibits 247, 248, 249, 250, 251.
ATTORNEY FARMER: No objections.
HEARING EXAMINER: They're all admitted.

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(Whereupon, Union Exhibit 247, Webpage Printout, was admitted.)
(Whereupon, Union Exhibit 248, Webpage Printout, was admitted.)
(Whereupon, Union Exhibit 249, Webpage Printout, was admitted.)
(Whereupon, Union Exhibit 250, Webpage Printout, was admitted.)
(Whereupon, Union Exhibit 251, Skidmore Curriculum Vitae, was admitted.)

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HEARING EXAMINER: Break until 1:00? Is that your next witness, at 1:00?

ATTORNEY MANZOLILLO: I don't think we have any more today.

HEARING EXAMINER: When's your next witness?

ATTORNEY MANZOLILLO: We're only going to be able to have one today, so our plan is, just because of scheduling, I think logistics, we'll have one - we can have one at one o'clock.

ATTORNEY SHARMA: 1:00 should be fine.

ATTORNEY MANZOLILLO: Okay.

We can have one at one o'clock. And then I think tomorrow our hope, we're trying to pare down our witnesses. So you have one tomorrow?

ATTORNEY FARMER: We have one tomorrow morning.

ATTORNEY MANZOLILLO: Our hope is we can - we're down to four. We're trying to pare it down to four so we can get through tomorrow by the end of the day.

HEARING EXAMINER: Are you bringing
more students up?

ATTORNEY MANZOLILLO: There will be.

HEARING EXAMINER: Yeah. Okay.

So off the record until 1:00.

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(WHEREUPON, A LUNCH BREAK WAS TAKEN.)

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HEARING EXAMINER: All right. We are back on the record.

We're doing rebuttal for the Union out of order with the University's defense in chief.

Who have you called?

ATTORNEY SHARMA: This is Alex Howard.

HEARING EXAMINER: Sir, you've previously been sworn. You're still under oath.

Go ahead with your Direct.

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ALEX HOWARD,

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

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DIRECT EXAMINATION

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BY ATTORNEY SHARMA:
Q. Alex, you were here a few weeks ago in which you testified that you were a GSR last spring in the School of Engineering. Do you recall that testimony?
A. Yes.
Q. And do you recall that you testified generally about your duties as a GSR?
A. Yes.
Q. So today I want to ask you questions and be a little bit more specific about the duties you performed as a GSR. So can you remind us what the project was, the research project was, that you worked on as a GSR?
A. Yes. It was the design and commercialization of a medical device.
Q. And where did you perform the research that you did as a GSR?
A. I had a desk in the lab that my advisor ran, the sound, structures, and systems laboratory.
Q. Okay.
And where is that lab located?
A. In Benedum Hall.
Q. And as part of that research project, did you conduct experiments?
A. Yes.

Q. Okay.

So in conducting these experiments, did you have to do any work to prepare to conduct experiments?

A. Yes.

Q. And what did you have to do to prepare the experiment?

A. I did the sample preparation, so this involves machining metals and then also casting plastics. Those were the test materials that we used in the test.

Q. Okay.

And then when you conducted the experiment, what was the experiment you were conducting and how was it conducted?

A. So the two materials were basically forced onto each other in a vise. And there's a normal force applied. And we measured that force. And then we applied a tangential force and measured that force as well. And we calculated coefficient of friction by basically observing when the two materials slipped out of contact.

Q. Okay.

And how as the - when you say you
measured it, how was the data collected for you to be able to measure that?

   A. So we had four sensors. And we had those hooked into the data acquisition unit, which was then hooked into the computer.

   Q. Okay.

And then what were you ultimately trying to determine by running these experiments?

   A. We wanted to find the highest coefficient of friction possible that we could.

   Q. And why is that?

   A. It was really important for the device to have a high coefficient of friction. So it was really important for the design of the device.

   Q. And once you collected the data, how did you - what did you do to analyze it? Did you analyze the data?

   A. Yes.

   Q. And how did you do that?

   A. We basically looked at the time, the signal versus time. And we looked at the tangential force. And when it drops drastically over a very short period of time, we knew that that indicated slip. So we used that force value to basically calculate our coefficient of friction. And then we
basically run the same tests multiple times and do a statistical analysis to prove the validity of the test.

Q. Okay.

And then what did you do with that data?

A. That data was then relayed to the design team so they could properly design the device.

Q. And you said that you were looking to get a high coefficient of friction. If there was a low coefficient of friction, what would you do?

A. The device would have - it just would have affected certain parameters of the design. Their material choice, specifically. It would have affected the design in a negative way. It would have - I think it would have made it less economically viable.

Q. About how many hours a week did you work?

A. I worked about 30 hours a week on that project. And then I dedicated another 10 to coursework and classes.

Q. And then you kept using the term we when you were performing these duties. Who was we?

A. So our team was made up of undergrad students in the lab that worked with my advisor, as well as myself. And some undergrad students would
come and go as well. And there’s sort of a business associate from - that they hired from the University.

Q. And then you mentioned the design team. Who made up the design team?
A. It was two grad students.

ATTORNEY SHARMA: That’s all I have.

HEARING EXAMINER: Go off the record.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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HEARING EXAMINER: All right. Back on the record.

Cross Examination.

ATTORNEY FARMER: Thank you.

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CROSS EXAMINATION

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BY ATTORNEY FARMER:

Q. Mr. Howard, you did your undergraduate degree at Pitt as well. Right?
A. Yes.

ATTORNEY SHARMA: Objection. This is beyond the scope of Direct.
HEARING EXAMINER: Overruled.

BY ATTORNEY FARMER:

Q. While you were getting that degree, did you get research experience?
   A. Yes.

Q. Was it with the same faculty member whose lab you were in that you were just describing?
   A. Yes. I also worked with another research - or, excuse me, another professor in my department as well.

Q. Okay.

   The professor that you were working with that you testified about on Direct on this device, what was his name?
   A. Dr. Vickerman.

Q. Okay.

   When you were in his lab when you were an undergraduate, what were you working on?
   A. I was working with a grad student who was - it was a dynamics controls related project.

Q. And was that project still going on in the lab at the time you left?
   A. I don't know.

Q. Okay.

   Are there a lot of different projects
that going on in the lab at the same time?
   A. Yeah, yes.
   Q. About how many graduate students are there total in the lab?
   A. Let's see. I would say maybe five or six off the top of my head.
   Q. And were there also other undergraduates besides you when you were there as an undergraduate?
   A. Yes.
   Q. When you were an undergraduate, were you doing this for academic credit?
   A. No.
   Q. Were you getting paid?
   A. Yes.
   Q. As like an hourly?
   A. Yes.
   Q. And then you applied and entered the PhD program.
   Right?
   A. Yes.
   Q. And did you take time off in between -
   A. No.
   Q. - or was it direct?
   A. It was direct.
   Q. Okay.
During that admissions process into the PhD, were you paired with your advisor?
A. Yes.
Q. Was it the advisor that you wanted?
A. Yes.
Q. When you came in the fall of - so you started in the PhD program in the fall of '17. Right?
A. Yes.
Q. What were you doing your first semester?
A. I was working on a dynamics controls project for the control design.
Q. In your advisor's lab?
A. Yes.
Q. Okay.
And were you also taking courses?
A. Yes.
Q. And while you were working on that project, were you being - you were also TA-ing that semester.
Is that right?
A. Yes.
Q. Okay.
And then in the second semester, that's when you were on the GSR?
A. Yes.
Q. And you were working on this biomedical project?
A. Medical device.
Q. Thank you.
Medical device project that you testified about?
A. Yes.
Q. And how long had that project been going on? Do you know?
A. I'd say I knew someone who was working on it in the fall of 2016. So that's as early as I could say for sure.
Q. Okay.
And the project that you had been working on in the fall, was that still going on in the spring?
A. No, I was the lead engineer on that. So no.

HEARING EXAMINER: When you say an engineer, what's that, that title? Where did that come from?

THE WITNESS: I don’t have an official title. I was the lead researcher, I suppose.

BY ATTORNEY FARMER:
Q. As the lead researcher on that project in the fall, can you talk about physically what you were doing?

A. Yeah. I was basically - we had frequency response data. And I was trying to basically fit a fitting model to that data using frequency.

HEARING EXAMINER: Do you want any more concrete actions?

ATTORNEY FARMER: I was going to get some, yes.

BY ATTORNEY FARMER:

Q. So were you running experiments?

A. At that point, no. I mean, it's sort of not officially experiments like originally as were defined in the medical device project. But I was kind of - I was trying to retrofit a device to exist, to work with our hardware.

Q. Okay.

A. So, I mean, I wasn't like formally running experiments where we had some hypothesis and we were trying to test it.

Q. Okay.

So can you - I'm obviously not familiar with what you were doing.

A. Yes.
Q. So can you just sort of talk about what you were physically doing so we can understand it better?

A. Yeah.

So I was trying to fit the model, like I said. I was also trying to basically - we had like a piece of hardware that we wanted to control, which is a stage. And it moves in one direction.

And they had some power electronics to power it that existed from this company that which created the device.

We wanted to use our own power electronics, so I was trying to basically like rewire the system to make it work with our hardware. I was trying to create a system in the computer so we could interface with it basically.

HEARING EXAMINER: So you were in lab. You were in the guts of a machine rewiring stuff. Then you were also at a computer programming?


BY ATTORNEY FARMER:

Q. And then when you'd get - so you would try something and you'd get data and then you'd analyze it?

A. I mean, data. Do you want to define
data, because I don’t really know what that means in that sense?

Q. Okay.

HEARING EXAMINER: The results from a test run.

THE WITNESS: I got some results, yeah.

BY ATTORNEY FARMER:

Q. So you would – you said you would rewire something. You'd try it out. I worked or it didn't work. You'd get the results and then you'd make changes and try it again? Is that a very layman's way of explaining it?

A. Yeah.

Q. Okay.

The medical device that you talked about that you were involved in in the spring, do you know what the status is of that project?

A. It's ongoing.

Q. I mean, has it gone to market yet?

A. No, no.

Q. Okay.

Have there been like patents that came out of it or anything else like that yet?

A. They had already filed patents
previously -

Q. Okay.
A. - before I started on the project.
Q. And do you know whether the graduate students were listed on those patents?
A. Only one of them.
Q. Okay.

HEARING EXAMINER: Who was the politics behind that?

THE WITNESS: I believe he was the only one who's around when the device was formed. I'm not really sure.

BY ATTORNEY FARMER:

Q. When you were - so in the lab, are there lab meetings that happen?
A. Uh-huh (yes).
Q. Was that of everybody or only people working on a specific project?
A. Only on a specific project.
Q. Okay.
And did you attend those lab meetings?
A. When I was a GSR.
Q. When you were a GSR, did you attend them?
A. Yes.
Q. In the first semester of your PhD
program, did you attend those lab meetings?

  A. No.

Q. When you were an undergrad, did you ever attend them?

  A. No.

Q. You mentioned that on the project you were working on in the spring there were - there were undergraduates as well. Did they attend the lab meetings?

  A. Yes.

ATTORNEY FARMER: Nothing further.

HEARING EXAMINER: Off the record.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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ATTORNEY SHARMA: No questions.

HEARING EXAMINER: All right.

So you can sit down. You may be recalled.

Are we done for today?

ATTORNEY MANZOLILLO: Yeah.

HEARING EXAMINER: Okay.

We'll adjourn until 9:00 a.m.
tomorrow. Thank you.

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HEARING CONCLUDED AT 1:30 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Judge Helmerich, was reported by me on 10-31-18 and that I, Kaylyn Shaffer, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 30th day of November, 2018

Kaylyn Shaffer,
Court Reporter