

COMMONWEALTH OF PENNSYLVANIA

LABOR RELATIONS BOARD

\* \* \* \* \*

U.S. STEEL, PAPER AND FORESTRY,\*  
RUBBER, MANUFACTURING, ENERGY, \*  
ALLIED-INDUSTRIAL AND SERVICE \*  
WORKERS INTERNATIONAL UNION \*  
AFL-CIO CLC, \*

Petitioner

\*No.: PERA-R-17-355-W

~vs~

UNIVERSITY OF PITTSBURGH,

Respondent

\* \* \* \* \*

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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WITNESSES: Kevin Crowley, Ph.D.

Elizabeth Skidmore, Ph.D.

Alex Howard

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EXHIBITS NOT ATTACHED

P R O C E E D I N G S

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

Raise your right hand for me.

---

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.

1 Q. Where are you currently employed?

2 A. University of Pittsburgh.

3 Q. And how long have you been employed by  
4 the University?

5 A. Since 1997.

6 Q. In what capacity are you employed by the  
7 University?

8 A. I am currently the associate dean for  
9 research and faculty in the School of Education.  
10 Also a professor of learning sciences and policy,  
11 and a senior scientist at the Learning Research and  
12 Development Center.

13 Q. What are your responsibilities as  
14 associate dean?

15 A. Associate dean, I oversee the research  
16 culture in the School of Education, including PhD  
17 training, external funding. And I also look over  
18 all faculty affairs.

19 Q. I think you mentioned that you're also a  
20 professor in the Learning Sciences and Policy  
21 Program?

22 A. Yes.

23 Q. In what school is that department housed?

24 A. School of Education.

25 Q. Okay.



1                   Can you tell us a little bit about your  
2 own educational background?

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

6           Q.       Well, let's talk a little bit about the  
7 School of Education.

8                   How many departments are there in the  
9 school?

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

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

14          A.       School offers PhDs, EDDs, various  
15 Master's degrees. And there are a few undergraduate  
16 degrees as well.

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

20          A.       What do you mean by academic  
21 appointments?

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

25          A.       Okay. Okay.



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

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

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

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

19           Q.     Okay.

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

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

25           Q.     I'm going to ask you -

1 A. Okay.

2 Q. - about them.

3 A. Standing by.

4 Q. And then I'd like you to say some stuff  
5 about them.

6 A. Okay.

7 ---

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

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

12 ---

13 BY ATTORNEY DANTE:

14 Q. Okay.

15 I'm showing you what I've marked as R-110  
16 and R-11.

17 Do you recognize these documents?

18 A. Yes.

19 Q. Are these examples of fellowship letters  
20 that have gone to students who are admitted into the  
21 program?

22 A. Yes.

23 Q. So I see one of them is an Irvis  
24 fellowship?

25 A. Right.

1           Q.     Can you tell us a little bit about the  
2 Irvis fellowship and what that entails?

3           A.     Sure.

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

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

17                     So people who apply, we look at their  
18 applications. We look at their equity statements  
19 that they've written for their applications. And if  
20 they seem like they would be good fits for admission  
21 to one of our PhD areas, and they also seem like  
22 they'd be people who would help diversify our  
23 thinking on equity and justice, we invite them to  
24 campus for a visit. And if everything looks good,  
25 they become these equity and justice fellows funded

1 by one of these two streams that you put here in  
2 front of me.

3 Q. Okay.

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

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

12 A. Yeah.

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

18 Q. Okay. Great. Thank you.

19 Can students have different academic  
20 appointments over the course of their time in the  
21 program?

22 A. Yes.

23 Q. Could that change from year to year?

24 A. Yes.

25 ---

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

3 ---

4 BY ATTORNEY DANTE:

5 Q. I'll show you what I've marked as R-112.  
6 Do you recognize this document?

7 A. Yep. It's from our webpage.

8 Q. Okay.

9 Can you explain a little bit about what  
10 the core components of obtaining a PhD in your  
11 program, what that entails?

12 A. Sure.

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

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

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

24 There's also a method sequence that most  
25 people take within the first two years. And then we

1 offer advanced seminars from time to time depending  
2 on student interest in our program and across the  
3 School of Education.

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

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

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

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

18 Q. Okay.

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

22 A. Uh-huh (yes).

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

25 A. Sure.



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

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

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

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

25                    And so they're kind of side by side doing

1 research and connecting it to practice, and then  
2 bringing messages back and forth between the  
3 University and community boundary.

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

9           Q.     Okay.

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

15           A.     Yes.

16           Q.     Let's talk a little bit about research.

17           Are students expected to gain research  
18 experience in the program?

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

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

24           THE WITNESS: Thank you.

25           HEARING EXAMINER: So we need to have

1 you say it rather - it's not good testimony when the  
2 lawyers say it.

3 THE WITNESS: Thank you.

4 HEARING EXAMINER: Yes.

5 Go ahead, ma'am.

6 ATTORNEY DANTE: Thank you.

7 BY ATTORNEY DANTE:

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

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

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

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

23 Q. Can - or those of us in the room who are  
24 not PhDs candidates or PhDs, can you explain what  
25 that development process looks like? How does

1 someone become an independent researcher?

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

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

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

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

24                   And by the end, after five years, our  
25 goal is like they're one of the top 20 experts in

1 the world on a super little narrow piece of their  
2 research world. But on that piece that they've  
3 chosen, they are absolutely cutting edge, up to  
4 date, ready to do some work.

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

8 A. Yes.

9 Q. Is that common?

10 A. It's quite common.

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

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

22 So that changes when students come in.  
23 You know, they have ideas. They do all sorts of  
24 great stuff, and it changes sometimes the details  
25 and the nuance of the work.

1           But it's considered to be not good  
2 graduate training if people are off doing some stuff  
3 in some part of their life for 20 hours a week and  
4 then come over to do their research. We really want  
5 those things to be aligned in the LSAPP program.

6           Q.     So does research that students are doing  
7 on the grant with their faculty mentor often lead to  
8 their dissertation?

9           A.     Almost always.

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

13          A.     Yes.

14          Q.     Why?

15          A.     Because it's the currency of the Academy.

16                 And, first of all, it's our mission at  
17 the University of Pittsburgh to generate and share  
18 knowledge. And that's how we do it.

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

25          Q.     Do you help students be able to become

1 first author of that publication?

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

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

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

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

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

25 Q. And you mentioned in that response really

1 critical building the CV. Were you referencing the  
2 student's CV?

3 A. Yes, yes.

4 Q. Do you mentor graduate students?

5 A. Yes, I do.

6 Q. Why do you mentor graduate students?

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

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

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

20 So for me, grad students are an important  
21 piece of what it means to be a professor here,  
22 particularly here. We have a very characteristic  
23 kind of learning science we do in Pittsburgh that's  
24 really distinct from what they do on the West Coast  
25 or what they do in Boston.





1 PROCEEDINGS.)

2 ---

3 BY ATTORNEY DANTE:

4 Q. Why don't you wait until that finishes?

5 A. Okay.

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

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

13 Q. How do students come up with what their  
14 dissertation topic will be?

15 A. Well, the model that we prefer is the  
16 multi-article dissertation, which is more like the  
17 model from the sciences.

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

20 There is a moment in the fourth year  
21 usually when a student proposes the dissertation.  
22 That's a requirement at the University of  
23 Pittsburgh. The proposals in my program most often  
24 look like I've got these two articles that I've  
25 published and I'm going to do a third article now on

1 assembling a committee to talk about that third  
2 article, which is related to the other two in more  
3 detail. And these three articles will constitute my  
4 dissertation. That's the most common model in the  
5 learning spaces program.

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

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

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

23 Q. What kind of stuff or resources do your  
24 students need to be able to perform this kind of  
25 research?



1 BY ATTORNEY DANTE:

2 Q. Okay.

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

5 A. Okay.

6 Q. If we could start with R-113.

7 A. Uh-huh (yes).

8 Q. Do you recognize this document?

9 A. Yes.

10 Q. What is it?

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

14 Q. Okay.

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

18 A. Sure.

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

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

1 Science Foundation funding and other private  
2 foundation funding.

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

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

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

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

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

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

25 So I'd say maybe a year and a half before

1 we submitted. And then it would have taken another  
2 year to get it accepted.

3 Q. Okay.

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

6 A. This is Kaleen's dissertation.

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

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

11 ATTORNEY HEALEY: Excuse me. Which  
12 section?

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

16 BY ATTORNEY DANTE:

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

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

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

25 A. Yes.

1 Q. Do PhD students receive academic credit  
2 for their research that they're performing?

3 A. Yes. They typically register for  
4 independent studies or thesis credits.

5 Q. And do students need those thesis credits  
6 to graduate?

7 A. Yes.

8 Q. And does the thesis credits - the same  
9 credits for the same research that's being done on  
10 the GSR?

11 A. One more time.

12 Q. I'm sorry. That was a poorly phrased  
13 question.

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

17 Are the - is the research that is being  
18 performed on a GSR the same research for which they  
19 are receiving these academic credits, the thesis  
20 credits?

21 A. Yes.

22 Q. Fourth time's the charm.

23 A. Okay.

24 Q. Does your department track the hours that  
25 the students do in planning and performing research?



1           A.       We do not have timesheets or anything  
2 like that. We - the expectation is always written  
3 so that it's 20 hours a week for the graduate  
4 student researcher.

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

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

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

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

24                    So we're thinking about the extent to  
25 which they're developing as independent researchers.

1 And if someone looks like they're disengaging and  
2 having - that they're not making progress on their  
3 studies or their writing, our concern is that they -  
4 either we're not doing a good job supporting their  
5 interests or they may be having second thoughts  
6 about being a researcher.

7           So we're aware of it for that purpose.

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

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

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

20           Q.     Okay.

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

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

25           A.     We do. If you're going to be - if you're

1 going to teach at the university level, we think  
2 it's pretty important to get at least one experience  
3 teaching.

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

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

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

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

19           What does that look like?

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

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

24           THE WITNESS: In the LSAPP program, we  
25 do not have TAs or TFs.

1                   HEARING EXAMINER: What about the  
2 School of Education?

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

5                   HEARING EXAMINER: And you obviously  
6 have Master students?

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

9                   HEARING EXAMINER: For the  
10 professional track?

11                   THE WITNESS: Yes.

12                   HEARING EXAMINER: To become  
13 Pennsylvania teachers?

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

16                   HEARING EXAMINER: Go ahead, ma'am.

17 BY ATTORNEY DANTE:

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

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

23                   Q. So you're -?

24                   A. Sure. Happy to do that. Yes.

25                   So in the School of Education, we do

1 support PhD students to teach Master students and  
2 occasionally undergrads because we do have a few  
3 small undergraduate programs here and there in the  
4 School of Ed.

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

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

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

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

22          A.       So in that instance, they're typically  
23 interested in becoming professors in a curriculum  
24 and instruction department who would be doing  
25 teacher training themselves.

1 Q. So is that a practical way of gaining the  
2 experience that they need to engage in that  
3 profession?

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

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

9 A. Yes.

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

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

16 HEARING EXAMINER: I think your  
17 Counsel here may know.

18 Do you know?

19 ATTORNEY DANTE: There is a teaching  
20 requirement -

21 HEARING EXAMINER: There we go.

22 ATTORNEY DANTE: - chart.

23 THE WITNESS: Okay.

24 ---

25 (Whereupon, Respondent's Exhibit 115, Teaching

1 Practicum Discourse, was marked for  
2 identification.)

3 ---

4 BY ATTORNEY DANTE:

5 Q. I'm showing you what I've marked as  
6 R-115.

7 Is this an example of one of those  
8 teaching practicum discourses?

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

13 Q. Okay.

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

17 A. To PhD students?

18 Q. Yes.

19 A. Yes, we do. We have an Office of Career  
20 Services which offer services to all the students.  
21 For the PhD students, they offer seminars from time  
22 to time on professional development topics. They  
23 will help you work on your job talk, your resume,  
24 your cover letters that go in with your  
25 applications.





1 Q. And does that list some of the services  
2 that are available to your graduate students -

3 A. Yes.

4 Q. - in addition to those you just  
5 discussed?

6 A. It lists some, but not all services.  
7 Yes.

8 Q. Okay.

9 ATTORNEY DANTE: I have no further  
10 questions.

11 HEARING EXAMINER: Would you like some  
12 time?

13 ATTORNEY HEALEY: Ten (10), 15  
14 minutes.

15 HEARING EXAMINER: All right.

16 We're off the record. Please don't  
17 talk about your testimony.

18 ---

19 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

20 ---

21 HEARING EXAMINER: All right. Back on  
22 the record.

23 Well, let me ask you first, you said  
24 you had post-docs and research professionals working  
25 with you?

1           THE WITNESS: Yes.

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

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

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

11           HEARING EXAMINER: Are they paid?

12           THE WITNESS: They are paid.

13           HEARING EXAMINER: Who pays them?

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

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

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

25           HEARING EXAMINER: When you say

1 research professionals, who are they?

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

7                   HEARING EXAMINER: And what do they  
8 do?

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

14                   But they don't typically get involved  
15 in writing articles or making professional  
16 presentations.

17                   HEARING EXAMINER: So the translation  
18 of the data to publisher of form, they don't do  
19 that?

20                   THE WITNESS: They do not, no.

21                   HEARING EXAMINER: Go ahead with  
22 Cross.

23                   ---

24                   CROSS EXAMINATION

25                   ---

1 BY ATTORNEY HEALEY:

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

4 Could you look at Respondent's Exhibit  
5 110 and 111 please, the two appointment letters?

6 A. Yes.

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

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

12 Q. Yes.

13 A. Okay.

14 Approximately, I would say we might have  
15 ten.

16 Q. Okay.

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

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

21 Q. Okay.

22 Now, looking at Respondent's Exhibits 110  
23 and 111, I notice it indicates a stipend for the  
24 award. It talks about additional funds in terms of  
25 health insurance.

1                   Do you, of your own knowledge, have any  
2 idea of the tax treatment of these funds, the  
3 stipend or the additional funds for health  
4 insurance?

5           A.       Of my own knowledge, I do not.

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

8           A.       Okay.

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

11          A.       The one that starts students participate?

12          Q.       Yes.

13          A.       Okay.

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

16                   Do you see that?

17          A.       Yes.

18          Q.       Okay.

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

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

24          Q.       And those grants could be from the  
25 National Science Foundation or other organizations

1 like that.

2 Is that correct?

3 A. Correct.

4 Q. And if you can go down further, this  
5 document, and also in your testimony, you describe  
6 the relationship of the graduate students employed  
7 to the faculty as apprenticeships.

8 Is that similar to what some people refer  
9 to as on-the-job training?

10 A. I don't think so.

11 Well, I don't know what people mean when  
12 they say on-the-job training.

13 Q. Okay. Fair enough.

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

16 Q. Okay.

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

20 A. So when graduate students come, like I  
21 say, we like to bring people in who have a strong  
22 fit so they're already interested in the kinds of  
23 research they'll be doing. And they typically bring  
24 experiences from practice in our program that will  
25 help the research.

1           So I like people who've worked in  
2 museums, for instance, if they're going to become  
3 researchers in museums.

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

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

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

17                     That's correct?

18           A.     Practical use?

19           Q.     There's publications?

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

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

25           A.     Uh-huh (yes).

1 Q. And people doing fieldwork.

2 Is that correct?

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

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

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

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

16 Is that correct?

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

19 And her role on it, she was the embedded  
20 researcher was that we developed, as part of our  
21 research, evidence that helped make decisions about,  
22 for instance, what the sign should say to support,  
23 you know, all kinds of learning. And she also  
24 formulated, you know, with my assistance, research  
25 questions that led to publications.





1 website. And it describes the same things that were  
2 in R-112, which is a training program, features of  
3 the training program.

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

7 A. Yes.

8 Q. And, again, we see a reference to the  
9 apprenticeship. Quote, as students care about a  
10 unique piece of work from a larger ongoing project.

11 Do you see that?

12 A. Uh-huh (yes).

13 Q. So the students will play a role?  
14 Whatever the larger project is, the students will  
15 play a role in that project?

16 A. Yes.

17 ---

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

20 ---

21 BY ATTORNEY HEALEY:

22 Q. Sir, I'm going to show you what's been  
23 marked as Union Exhibit 248, which I'm sure you're  
24 familiar with this.

25 A. Uh-oh. It's got a picture on it.



1 under, quote, recent grants.

2 A. Okay.

3 Q. Just for the record, what is - how would  
4 you describe what's been marked as Union Exhibit  
5 248?

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

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

11 A. Yes.

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

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

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

21 A. Uh-huh (yes).

22 Q. What is that grant for?

23 A. So this is one that no students work on.  
24 This is a grant to develop a national resource  
25 center to support the field of informal science

1 education.

2 Q. As we look at the other grants that are  
3 listed there, can you tell us which grants the  
4 students do work on?

5 A. I have students working on the Climate  
6 Education Partnership Grant from the National  
7 Science Foundation, the 21st Century Naturalists  
8 grant from the Spencer Foundation. Those are the  
9 two right now that are supporting students or that  
10 in the past have supported students.

11 Q. And when you say the students are working  
12 on those grants, are they working as graduate  
13 student researchers?

14 A. They're appointed as graduate student  
15 researchers.

16 Q. And prior to their appointment, they  
17 would have received appointment letters as graduate  
18 student researchers.

19 Is that correct?

20 A. That's correct.

21 Q. Okay.

22 And those appointment letters, do they,  
23 in general, provide stipends and tuition remission,  
24 if you know?

25 A. The appointment letters specify stipend

1 and tuition remission.

2 Q. And do they also provide health benefits?

3 A. Yes.

4 Q. Okay.

5 Now, I - here - the grants that are  
6 described here on Union Exhibit 248, do you have any  
7 GSAs that - GSA appointments working under these  
8 grants?

9 A. No.

10 Q. Okay.

11 Within - and can I call your program  
12 LSAPP?

13 A. Yes, LSAPP.

14 Q. Okay.

15 Within LSAPP, what types of appointments  
16 comprise most of the appointments? And I'm thinking  
17 in terms of TSAs, TFs, TAs, TSRs.

18 A. LSAPP would be mostly GSRs and then a  
19 couple of fellows.

20 Q. And does LSAPP have any TAs or TFs?

21 A. We do not. It is - as a rule, it is  
22 possible that from time to time when a student is  
23 trying to teach that or do a teaching experience  
24 that they get appointed as a TA or a TF. It is not  
25 standard practice.

1                   Typically, they do that work with a  
2 faculty member while still being appointed on the  
3 GSR.

4           Q.       Now, stepping outside LSAPP, but within  
5 the School of Education, -

6           A.       Yes.

7           Q.       - do you have an approximate idea of the  
8 numbers of GSRs within the School of Education  
9 outside of LSAPP?

10          A.       The GSRs outside of LSAPP, approximately  
11 there's going to be more than 20, less than 40.

12          Q.       And do you have an idea of the  
13 approximate numbers of GSAs outside of LSAPP in the  
14 School of Education?

15          A.       I do not have good information about  
16 this. I can get some stuff, but I'd be guessing.

17          Q.       We're going to ask you not guess.

18          A.       Thank you.

19          Q.       Do you have an idea of the numbers of TAs  
20 or TFs outside of LSAPP?

21          A.       I know that it's less than 50, but I  
22 don't know the exact number.

23          Q.       So where is the Learning Research Center  
24 housed?

25          A.       The Learning Research and Development

1 Center is an independent unit that, like the School  
2 of Education, reports directly to the provost. So  
3 my appointment is split between the School of Ed and  
4 the Learning Research and Development Center.

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

8 Is that correct?

9 A. Correct.

10 ---

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

13 ---

14 BY ATTORNEY HEALEY:

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

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

21 Q. For the record, I can -.

22 A. Yes, it is.

23 Q. We downloaded it.

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

25 Q. Going towards the bottom under graduate



1 student -

2 A. Uh-huh (yes).

3 Q. - the fourth paragraph down talks about  
4 financial assistance available to a, quote, limited  
5 number of graduate students.

6 Do you see that?

7 A. Which bullet point are we looking at?

8 Q. The School of Education offers  
9 departmental aid and options to students pursuing  
10 advanced degrees?

11 A. I see it.

12 Q. Assistance is available to, and they talk  
13 about -

14 A. Yes.

15 Q. - TAs and TFs?

16 A. Yes.

17 Q. Outside of the people that have  
18 appointments as GSRs, TAs, TFs, and GFAs, how many  
19 other graduate students are there in the School of  
20 Education, if you know?

21 A. There would be almost no other PhD  
22 students. All of our PhD students are funded and  
23 full time unless they've reached the dissertation  
24 status, in which case sometimes they finish part  
25 time. But we do have other categories.

1                   We're just talking PhD?

2           Q.       We're just talking the PhD.

3           A.       Okay.   Okay.

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

8                   Is that correct?

9           A.       Yes.

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

12                   Is that correct?

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

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

18          A.       Okay.

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

21          A.       Okay.

22                   Got it.

23          Q.       Okay.

24                   That's a page, so we're on the same page,  
25 entitled financial assistance?

1 A. Correct.

2 Q. Okay.

3 Could you go to paragraph two please?

4 A. Uh-huh (yes).

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

9 Do you see that?

10 A. Yes, I see that.

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

13 A. Is that what I'm looking at?

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

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

20 Q. Okay.

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

23 A. Gosh. There's a lot. In PhD's, we have  
24 two distinct PhDs, one for the health and physical  
25 activity, and then one that has similar requirements

1 across the departments. And within the departments,  
2 there are specializations. So this document  
3 describes one of the specializations in the big PhD  
4 program.

5 ---

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

8 ---

9 BY ATTORNEY HEALEY:

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

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

14 ---

15 (WHEREUPON, WITNESS COMPLIES.)

16 ---

17 BY ATTORNEY HEALEY:

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

20 A. I don't think so. Where did you download  
21 it from?

22 Q. From the website.

23 A. Yeah. From what part of the website?  
24 Because it's just like our -.

25 ATTORNEY HEALEY: Off the record.

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(WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

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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

1 examples?

2 A. One of many.

3 Q. Okay.

4 And at other times during their work they  
5 may be back at the office.

6 Is that correct?

7 A. That's correct.

8 Q. Okay.

9 Are there labs within LSAPP that people  
10 work in?

11 A. Yes, there are. Usually most of our work  
12 is done from offices, clusters of offices. We do  
13 have some shared space that you might refer to as  
14 labs. But we don't have, you know, physical  
15 equipment like the sciences. So it's mostly we're  
16 analyzing audio and videotapes.

17 Q. Okay.

18 When you say you're analyzing audio and  
19 videotapes, it's related to one of the grants that's  
20 being worked on?

21 A. Yeah. Our data, our research, revolves  
22 around data of humans teaching and learning. So we  
23 - that's - yeah, that's a lot of what they do.

24 Q. So when you say audiotapes, I assume  
25 you're doing interviews with people -

1           A.       Sometimes.

2           Q.       - taking people to teaching, things of  
3 that nature?

4           A.       That kind of stuff, yeah.

5           Q.       And when the GSRs, just as they do the  
6 recording, what - typically what happens to such  
7 recordings? How are they processed?

8           A.       Well, we have very specific IRV  
9 regulations about that. So we know - we know that  
10 they are anonymous.

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

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

24                    So students spend a lot of time in front  
25 of their laptops reviewing video and audio.

1 Q. And so, for example, they're analyzing  
2 the data?

3 A. Yes. This is called analysis.

4 Q. GSRs are principally doing research, I  
5 understand.

6 Is that correct? Of some sort?

7 A. Oh, that is correct, yes.

8 Q. Okay.

9 And would it be a fair statement over  
10 time from years one, two, three, four, five, the  
11 research becomes more sophisticated as people  
12 acquire more skills?

13 A. No, it doesn't. The apprenticing model  
14 recognizes that as students become more experienced,  
15 they're able to take on a greater share of that  
16 themselves. So we fade the scaffolding. But the  
17 research itself is - it would be wrong to think  
18 about it as becoming more sophisticated.

19 It's just the students can assume greater  
20 and greater autonomy in their role as they know how  
21 to be researchers.

22 Q. As you take the scaffolding away?

23 A. Yes, that is correct.

24 Q. Are the students evaluated on the work  
25 they do on these grants?



1           A.       The students are evaluated. We have a  
2 yearly evaluation cycle where students submit their  
3 professional achievements. And it's built around  
4 the idea of the professional CVs. So we talk about  
5 the articles they're writing, the conferences  
6 they've been to.

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

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

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

19           Q.       Now, earlier we talked about a couple -  
20 examples of a couple publications of one of your  
21 students.

22                   I assume that publication appears on her  
23 CV.

24                   Is that correct?

25           A.       Yes.

1 Q. Okay.

2 Does that publication also appear on your  
3 CV?

4 A. Yes.

5 Q. Okay.

6 ATTORNEY HEALEY: If I may just have a  
7 moment?

8 HEARING EXAMINER: Uh-huh (yes).

9 BY ATTORNEY HEALEY:

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

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

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

19 HEARING EXAMINER: Redirect?

20 ATTORNEY DANTE: Briefly.

21 ---

22 REDIRECT EXAMINATION

23 ---

24 BY ATTORNEY DANTE:

25 Q. Is the PhD a research degree?

1           A.       Yes.  It's research training for someone  
2 to become a researcher.  So yes, I would say it's a  
3 research degree.

4           Q.       And on Cross Examination, you were asked  
5 whether TSRs were principally doing research.

6                    Do you remember that question?

7           A.       Okay.

8           Q.       Do you remember it?

9           A.       Sure.

10          Q.       Okay.

11                   Is it fair to say that all PhD students  
12 are principally involved in research?

13          A.       If you're a PhD student in the School of  
14 Education, you are there to learn to be a  
15 researcher, and that is what you would be doing.  
16 Yes.

17          Q.       And that would be regardless of how  
18 you're funded?

19          A.       That would be regardless of how you're  
20 funded.  That is correct.  Yes.

21                    ATTORNEY DANTE:  I have nothing  
22 further.

23                    HEARING EXAMINER:  Okay.

24                    ATTORNEY HEALEY:  Nothing.

25                    HEARING EXAMINER:  All right, sir.

1 You can step down.

2 We're off the record.

3 ---

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

5 ---

6 HEARING EXAMINER: Back on the record.

7 Raise your right hand.

8 ---

9 ELIZABETH SKIDMORE, PH.D.,

10 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND

11 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS

12 FOLLOWS:

13 ---

14 HEARING EXAMINER: State and spell

15 your name for us.

16 THE WITNESS: Elizabeth Skidmore,

17 E-L-I-Z-A-B-E-T-H. Skidmore, S-K-I-D-M-O-R-E.

18 HEARING EXAMINER: Direct Examination.

19 ATTORNEY DANTE: Thank you.

20 ---

21 DIRECT EXAMINATION

22 ---

23 BY ATTORNEY FARMER:

24 Q. Dr. Skidmore, where are you employed?

25 A. The University of Pittsburgh in the

1 Department of Occupational Therapy.

2 Q. And what school is the Department of  
3 Occupational Therapy in?

4 A. It's in the School of Health and  
5 Rehabilitation Sciences.

6 Q. Do you have any secondary appointments?

7 A. I do. I have secondary appointments in  
8 Physical Medicine and Rehabilitation, in Nursing,  
9 and in a Clinical Science and Translational  
10 Institute.

11 Q. And can you tell us what school those are  
12 in?

13 A. Schools of Medicine and Schools of  
14 Nursing.

15 Q. Do you have any administrative  
16 appointments?

17 A. I'm also the chair of the Department of  
18 Occupational Therapy.

19 Q. How long have you been at Pitt?

20 A. I came as a graduate student in 1999.  
21 I've been on the faculty since 2003.

22 Q. How long have you been the chair of the  
23 department?

24 A. Since 2015.

25 Q. When you were a graduate student at Pitt,

1 how was your PhD funded?

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

6 Q. Meaning like a training grant?

7 A. A training grant.

8 Q. Is that like a T-32?

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

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

17 A. No.

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

20 A. Yes.

21 Q. Can you talk about that?

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

25 And so I was mentored in the skills of an

1 educator teaching. I think I actually did closer to  
2 20 hours of teaching.

3 Q. Was that something that you wanted to do?

4 A. Yes.

5 Q. When you were doing that teaching, you  
6 said about 20 hours, did your funding change when  
7 you were doing that?

8 A. No.

9 Q. Do you agree with having a teaching  
10 requirement in the program?

11 A. I do. Most of the students that we are  
12 training in the PhD program will often find their  
13 scientific positions in an academic setting. And so  
14 therefore, they'll need some training in teaching.

15 Q. And when you were a graduate student at  
16 Pitt, did you have a mentor?

17 A. I had several mentors. Still do.

18 Q. Did you have a primary mentor and  
19 advisor?

20 A. I did.

21 Q. Can you talk about what that relationship  
22 was like?

23 A. Dr. Holm was responsible for helping me  
24 meet the core requirements of the PhD program, as  
25 well as developing the individually tailored aspects

1 of that program. Both the academic requirements,  
2 the research training skills that I needed, and the  
3 individual competencies in the area of expertise  
4 that I wanted to develop.

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

7 A. I do.

8 Q. How do you get matched with the students?

9 A. In our PhD program, if students  
10 demonstrate interest in the program, they actually  
11 seek out mentors who have expertise in the area that  
12 they want to study. And so the matching starts from  
13 the moment even prior to the application process.

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

19 Q. And are there - is that a formal match  
20 that occurs before students even accept admission?

21 A. In our research - in our PhD program,  
22 that is the case.

23 Q. And how is that documented?

24 A. So we are required, as part of the  
25 application process, the mentor actually provides a



1 letter of support for the PhD student indicating  
2 that we are committed to mentoring the student and  
3 that we have the adequate resources, skills, and  
4 expertise to support the students in their  
5 individual research goals.

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

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

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

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

22 But I'll be honest with you. The  
23 structure has changed quite a bit over time and the  
24 content has changed as the science has evolved over  
25 time.

1 Q. When you say the structure has changed,  
2 can you elaborate on that a little bit?

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

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

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

25 Q. So you said that as part of the admission

1 process, you, as a faculty member, have to provide a  
2 letter basically saying that you're going to support  
3 the student.

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

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

12           Some of that is just the core skills of  
13 science and some of that will be specific to the  
14 content area or expertise that I bring.

15           And so I'm saying that I will understand  
16 and direct them through the PhD program to meet the  
17 academic and the stated requirements, but also  
18 socialize them to the greater role of science within  
19 the profession or discipline that they're seeking.

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

25           Q.     Why do you do it?

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

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

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

15           A.       Uh-huh (yes).

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

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

21           Q.       Okay.

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

24           Q.       Meaning the PhD?

25           A.       The PhD program.

1 Q. And was that a graduate professional  
2 degree?

3 A. Oh, we have - I couldn't even count them  
4 over. Probably 20 degrees in the school.

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

14 Q. Are there also Master's degrees within  
15 the school?

16 A. We do have Master's degrees as well.

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

20 Q. Of the various types of graduate degrees,  
21 are there students outside of PhD programs who are  
22 typically funded?

23 A. Yes. We do have some examples of  
24 teaching fellows in my department. They are  
25 actually funded. These are students that we save

1 those spots specifically for students who are  
2 enrolled in our advanced practice program, which is  
3 a Doctorate of Clinical Science and Occupational  
4 Therapy.

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

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

12 Right?

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

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

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

21 HEARING EXAMINER: What's the  
22 abbreviation for it?

23 THE WITNESS: CSCD.

24 HEARING EXAMINER: CSCD?

25 THE WITNESS: Uh-huh (yes).

1                   HEARING EXAMINER: I have not heard of  
2 that one.

3                   THE WITNESS: Yes.

4                   HEARING EXAMINER: Is that relatively  
5 new?

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

9                   HEARING EXAMINER: All right.  
10                   Are they paying their way through that  
11 program?

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

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

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

25                   HEARING EXAMINER: That's a rush.





1 Q. So following up on the Hearing Examiner's  
2 questions, I'll show you what we're marking as  
3 Exhibit R-117.

4 Can you explain what this is?

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

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

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

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

23 HEARING EXAMINER: Four to six years?

24 THE WITNESS: Yes, that's our - their  
25 general length.

1 BY ATTORNEY FARMER:

2 Q. Okay.

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

6 A. We have two PhD programs in our school.

7 Q. What are those?

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

11 Q. And where does your department fall?

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

14 Q. Okay.

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

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

20 A. No.

21 Q. Okay.

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

25 A. That's the credentials from that degree.

1 And then they would have additional credentials  
2 according to their discipline.

3 Q. And how many departments are there within  
4 the School of Health and Rehab Sciences?

5 A. We have six departments, but we have over  
6 13 disciplines.

7 Q. Okay.

8 Are there undergraduates within the  
9 school?

10 A. There are.

11 Q. Is the number of students who are  
12 admitted to the PhD programs tied to undergraduate  
13 enrollment?

14 A. No. Uh-uh (no). It wouldn't make sense  
15 to do that.

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

18 ---

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

21 ---

22 BY ATTORNEY FARMER:

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

25 Can you identify this document?

1 A. I can. I helped develop it.

2 Q. Oh, good. What is it?

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

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

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

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

20 Q. So looking at that second page, -

21 A. Uh-huh (yes).

22 Q. - in that section orientation?

23 A. Uh-huh (yes).

24 Q. And see, there's a heading that says  
25 discuss plan of study?

1           A.     Uh-huh (yes).

2           Q.     Could you explain what that is?

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

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

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

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

24                     And those courses can include a  
25 combination of formal didactic courses or

1 independent studies or preceptorships, according to  
2 what best meets the individual student's needs.

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

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

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

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

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

24 Q. So the publication requirement that you  
25 mentioned, why is that something that's a

1 requirement for the program?

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

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

11 Q. Do students typically exceed that minimum  
12 requirement?

13 A. In my lab, they do.

14 Q. And then you mentioned that there's a  
15 requirement for the grant submission.

16 Why is that required?

17 A. Because that's - those are the two  
18 activities of daily living of a scientist.  
19 Disseminating work and then achieving the resources  
20 necessary to support the work, which in many cases  
21 include obtaining funding. And so they need to  
22 learn the process of how you package that request  
23 for funding, what the review process looks like,  
24 how do you respond to reviews and, you know, what  
25 the - what the technical aspects as well as the

1 scientific aspects of that exercise are like.

2 Q. So you talked about students doing  
3 research.

4 When does that typically start?

5 A. Day one.

6 Q. And what are they doing?

7 A. It varies greatly according to the  
8 expertise and experience the student brings into the  
9 program, as well as the types of activities that  
10 they want to be learning and moving forward. Those  
11 can include learning in my lab, learning how to  
12 assess cognitive performance and understand mood,  
13 learning how to design interventions and deliver  
14 those interventions. Learning how to supervise  
15 students, learning how to manage the lab, learning  
16 how to manage the budget.

17 So it's a variety of different  
18 activities. Collecting data, managing data,  
19 submitting IRB proposals and reports.

20 Q. Do the students who you mentor do you  
21 fund on GSRs?

22 A. Yes.

23 Q. Are they funded on any other ways as  
24 well?

25 A. Yes. We've used a variety of creative



1 ways to fund. All of our students are what we would  
2 call soft money. So any funding they have is  
3 funding that I'm able to obtain.

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

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

13 Q. So it can be undergraduate or Master  
14 students?

15 A. Yes.

16 HEARING EXAMINER: That was my  
17 question.

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

21 BY ATTORNEY FARMER:

22 Q. Okay.

23 So focusing our attention on the PhD  
24 students, how do the research that the students are  
25 doing on the GSR fit into their academic program?

1           A.       The research that they're doing is all  
2 directed towards their individual goals. So if they  
3 need to learn skills around how to deliver cognitive  
4 assessments, for example, then they will be  
5 practicing that skill in our lab and then applying  
6 it directly in their research in tandem and  
7 parallels.

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

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

15          Q.       You mentioned that students are often  
16 funded through a variety of, you know, piecing  
17 together or funding.

18                   Does the research that they're doing  
19 change as the funding changes?

20          A.       No.

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

23          A.       No. I'm really thinking about it. No.

24                   The goal, the whole point, is the  
25 training program. So funding is a means to helping

1 them achieve their individual training goals.

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

4 A. I actually utilize staff to do my  
5 research. I bring on PhD students to invest in the  
6 future of the profession. It's actually less  
7 expensive for me to hire an employee, a highly  
8 trained staff, and to keep them.

9 PhD students are going to be building  
10 their own program, which will be above and beyond my  
11 work. And they're there for a time and they move  
12 on.

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

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

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

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

24 THE WITNESS: So some of them are  
25 healthcare practitioners who are working for us and

1 staff. And some of us - some of them have been  
2 trained actually to be research staff. That is  
3 their professional focus.

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

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

9 HEARING EXAMINER: Do you have  
10 administrative staff?

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

13 HEARING EXAMINER: Okay.

14 And then, for lack of a better term, a  
15 secretary?

16 THE WITNESS: No.

17 HEARING EXAMINER: No secretary?

18 THE WITNESS: That would be a luxury.

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

21 THE WITNESS: Yes.

22 HEARING EXAMINER: Bureaucratic  
23 paperwork?

24 THE WITNESS: Bureaucratic paperwork.  
25 So as it relates to research activities, the

1 research staff assist me with that.

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

5 HEARING EXAMINER: Okay.

6 Go ahead, ma'am.

7 ATTORNEY FARMER: Thank you.

8 BY ATTORNEY FARMER:

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

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

15 A. Yep.

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

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

1 different animal.

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

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

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

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

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

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

25           Q.     Do those publications then make their way

1 into the dissertation?

2 A. In many cases, they do.

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

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

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

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

18 A. That's generally the career path.

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

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

24 HEARING EXAMINER: And what do they  
25 do?

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

10                   HEARING EXAMINER: Define short nature  
11 for me.

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

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

16                   THE WITNESS: No, NIH funding; NIH  
17 will not fund an individual beyond three years on a  
18 post-Doc. It's seen as a short opportunity to have  
19 100 protected time towards research, that allows  
20 people a little extra time before they start on  
21 their tenure class and then become faculty.

22                   HEARING EXAMINER: That's nationwide  
23 then?

24                   THE WITNESS: Yes. If they're NIH  
25 funded, which is the most common path.



1                    HEARING EXAMINER: Are you ready to  
2 go?

3                    Okay. Go.

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

6                    ---

7                    (Whereupon, Respondent's Exhibit 119, Yost  
8 Publication, was marked for identification.)

9                    (Whereupon, Respondent's Exhibit 120, Yost  
10 Doctoral Dissertation Excerpts, was marked for  
11 identification.)

12                    ---

13 BY ATTORNEY FARMER:

14                    Q. Okay.

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

17                    Can you identify what 119 is?

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

20                    Q. Okay.

21                    And can you explain what 120 is?

22                    A. 120 are excerpts from her Doctoral  
23 dissertation.

24                    Q. Did the research that underlies the  
25 publication in 119 also make it into her

1 dissertation in 120?

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

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

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

13 A. Uh-huh (yes).

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

16 A. Yes.

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

20 A. That's generally our rule of thumb. In  
21 the old days, dissertations were just sat on the  
22 shelf. This is an example of helping her  
23 disseminate her work into the more public domain.  
24 So it's often that we will see several publications  
25 emerge from a dissertation.

1 Q. And the publications that form the basis  
2 of her dissertation, and in addition to 119, how was  
3 she funded when she was doing this research?

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

12 And then she -.

13 Q. Just hold on one second.

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

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

18 Q. I understand. Okay.

19 Continue.

20 A. And then - but I mentored her through her  
21 initial coursework. And then she transitioned onto  
22 research funds within my laboratory after that. And  
23 then we brought her into the lab and started  
24 focusing a little bit more on some other research  
25 skills specific to her area of interest.

1 Q. And do the kinds of research that she was  
2 doing change as her funding did?

3 A. No. No. Shannon was actually - she was  
4 a great entrepreneur. She was very creative in  
5 finding ways to augment the funding we provided for  
6 her. So 100 percent of her work was directly - it  
7 was always the same thing, but she was always able  
8 to find additional funds to keep the work going.

9 Q. Do students get academic credit for the  
10 research that they're doing?

11 A. Yes, as it directly relates to their PhD  
12 program. When they have successfully defended their  
13 dissertation proposal, they'll register for  
14 dissertation credits. And the requirement is they  
15 need to do a minimum of 18 dissertation credits.  
16 And they'll get credit for that work. And we  
17 establish as for whatever the number of credits, we  
18 establish a contract of what the scope of work is  
19 that matches that credit level.

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

22 A. Yes.

23 Q. Or whatever funding method?

24 A. Yes, of course.

25 Q. Do students also have opportunities to

1 present their research?

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

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

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

13 Q. Okay.

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

16 Can you explain what that is?

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

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

1 negotiate with a mentor.

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

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

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

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

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

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

24           At all times, they're supervised by a  
25 faculty member. We have a full-time faculty member

1 in the classroom while they're teaching because we  
2 see the - kind of like a student intern experience.

3 Q. Is there a teaching practicum that's  
4 required for students in the program?

5 A. Not in our program.

6 Q. So there is teaching practicum, but it's  
7 not required?

8 A. It's an option.

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

13 Q. I'm going to show you what's going to be  
14 121.

15 ---

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

18 ---

19 BY ATTORNEY FARMER:

20 Q. Okay.

21 I'm showing you what we've marked as  
22 Exhibit R-121.

23 Can you explain what that is?

24 A. If a student does decide to elect to  
25 register for credits for a teaching practicum or an

1 educational preceptorship, our preceptorships or  
2 independent studies are always guided by learning  
3 contracts. And so this is an example where we would  
4 sit down and negotiate together individual goals  
5 that help meet the needs of that student, how we  
6 would evaluate their progress, and kind of what our  
7 individual, you know, collaboration might look like.

8           And so these are individually tailored  
9 and specific to each time a student enrolls in a  
10 practicum of this nature.

11           Q.     So you have testified that you're the  
12 chair of your department?

13           A.     Uh-huh (yes).

14           Q.     In that role as the chair, are PhD  
15 students an efficient way to deliver teaching to  
16 other students within the department?

17           A.     No.

18           Q.     Why?

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

23                   The other thing is they're only here for  
24 a time. And so obviously, if I'm investing in the  
25 academic mission of my department, I want to bring



1 in qualified educators who can be with us and be  
2 with us for a long period of time so we sustain  
3 continuity across our curriculum and across our  
4 cohort.

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

9 Q. Do you track student's progress within  
10 the program?

11 A. We do in a number of ways.

12 Q. I'm going to show you what we're going to  
13 mark as R-122.

14 ---

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

17 ---

18 BY ATTORNEY FARMER:

19 Q. I'm showing you R-122.

20 Can you identify what this is?

21 A. This is an example of our annual progress  
22 report that all students complete. We establish  
23 goals at the beginning of their training. And then  
24 we report at the end of that academic year to the  
25 associate dean of graduate studies their progress in

1 that year.

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

4 A. For the PhD in Rehabilitation Sciences,  
5 yes.

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

9 A. Yes.

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

12 A. No.

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

16 What's the purpose of having that?

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

22 Q. Okay.

23 Turning to - so in the part two, goals  
24 and outcomes, the research accomplishment?

25 A. Yes.

1 Q. And then the listing of goals, who  
2 develops these goals?

3 A. These are developed by the primary mentor  
4 and the PhD student. So the goals themselves are  
5 individually developed and will depend on where the  
6 student is in the development of the program as well  
7 as what their individual goals are.

8 Q. Turning to the next page, it's the  
9 publication record?

10 A. Uh-huh (yes).

11 Q. Why is that tracked?

12 A. Because we have a requirement, and so  
13 therefore we have to be able to document that we are  
14 or are not addressing that requirement and remediate  
15 if not addressing the requirement.

16 Q. Is that the same reason that the  
17 presentation experience is tracked?

18 A. Yes.

19 Q. Which is below on that same page?

20 A. Uh-huh (yes).

21 HEARING EXAMINER: Can I stop you for  
22 a minute?

23 ATTORNEY FARMER: Yes.

24 HEARING EXAMINER: I'm sorry. My  
25 brain is wandering. I want to go back to something

1 we were talking about.

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

4 Do you remember that testimony?

5 THE WITNESS: As it relates to  
6 teaching?

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

9 THE WITNESS: Okay.

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

13 THE WITNESS: Uh-huh (yes).

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

16 THE WITNESS: They do.

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

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

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

24 HEARING EXAMINER: But the NIH grant  
25 will - you're allowed under that NIH grant to use

1 money for grad students?

2 THE WITNESS: I am.

3 HEARING EXAMINER: Okay.

4 Go ahead.

5 BY ATTORNEY FARMER:

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

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

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

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

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

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

20 THE WITNESS: I'm Department of  
21 Occupational Therapy.

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

25 THE WITNESS: The dean's office does,

1 yes.

2 HEARING EXAMINER: The Occupational  
3 Therapy dean sends money to the bursar?

4 THE WITNESS: Yes, the registrar.  
5 Yes.

6 HEARING EXAMINER: The registrar of?

7 THE WITNESS: Yes. They pay for those  
8 credits.

9 HEARING EXAMINER: Okay.

10 Go ahead.

11 BY ATTORNEY FARMER:

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

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

22 HEARING EXAMINER: Costs the  
23 department money?

24 THE WITNESS: Yes.

25 HEARING EXAMINER: It costs the

1 department money?

2 THE WITNESS: Yes, that's accurate.

3 HEARING EXAMINER: Okay.

4 Thank you, Shannon. I'm sorry.

5 ATTORNEY FARMER: No problem.

6 BY ATTORNEY FARMER:

7 Q. Okay.

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

11 A. Yes.

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

14 A. Uh-huh (yes).

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

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

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

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

1 this category.

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

6           Q.       And in this example, in goal number two,  
7 it talks about gaining mentorship experience?

8           A.       Uh-huh (yes).

9           Q.       Is that something that you work with your  
10 students on, this goal as well?

11          A.       Yes. Mentorship is a key element of  
12 being a scientist. And so we'll do that with  
13 students at the appropriate level.

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

19          Q.       And turning to the last page, it lists  
20 grants and other funding?

21          A.       Uh-huh (yes).

22          Q.       Why is that included?

23          A.       Well, we have a requirement that they  
24 need to apply for research funding. And so this  
25 allows us to demonstrate that.



1                   But they're also required to document.  
2 This is part of their pedigree on their Curriculum  
3 Vitae. And so this socializes them to how they need  
4 to start tracking that over time.

5           Q.       Okay.

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

9           A.       Yes, it goes on their CV.

10          Q.       - being able to -?

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

14          Q.       Okay.

15                   And then the final element, teaching.

16                   Why is that there?

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

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

24          A.       Yes. Because that requirement is based  
25 on a number of hours.

1           We don't - we don't have a model where  
2 students do any more than a portion or a module in a  
3 course. We don't have any other way of capturing  
4 their investment.

5           Q.     So you said the majority of the students  
6 will be looking to go into postdocs.

7                     What do students do after that?

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

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

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

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

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

22          Q.     Okay.

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

25          A.     We have a wonderful seminar series on

1 training PhD students how to write grants. So they  
2 have some great grant writing workshops.

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

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

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

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

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

24           A.     No, or they wouldn't need to get a PhD  
25 degree.

1 Q. Does the program give the students those  
2 tools?

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

5 ATTORNEY FARMER: I have nothing  
6 further.

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

10 THE WITNESS: Yes.

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

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

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

22 To become a scientist, there's a core  
23 set of competencies. But then there's a lot of  
24 individualization in terms of building your own  
25 independent research. The intent is not to generate

1 another skin. The intent is to create an individual  
2 scientist that contributes in a new way.

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

8 HEARING EXAMINER: Where do you get  
9 that term from?

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

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

17 HEARING EXAMINER: Would you guys like  
18 some time?

19 ATTORNEY MANZOLILLO: Yeah, yes.

20 HEARING EXAMINER: All right.

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

23 THE WITNESS: Okay.

24 ---

25 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

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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

1 eight hours of teaching or TA time?

2 A. Yes, sir.

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

5 A. Yeah.

6 Q. Okay.

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

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

11 Q. Okay.

12 That's the primary distinction?

13 A. Uh-huh (yes).

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

16 A. I work in the cognitive performance  
17 laboratory.

18 Q. And what is your role?

19 A. I'm the principal investigator.

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

22 A. I have two full-time staff.

23 Q. And how many GSRs?

24 A. Right now I fund three.

25 Q. Three GSRs?

1 A. Uh-huh (yes).

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

4 A. Within my research?

5 Q. Yes.

6 A. Yes.

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

12 A. Students usually seek us.

13 Q. Okay.

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

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

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

23 Q. Okay.

24 Or even potentially other programs?

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



1 universities.

2 Q. Okay.

3 A. Because there's a better match somewhere  
4 else.

5 Q. All right.

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

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

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

16 Q. Do they contribute anything to your  
17 research?

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

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

24 A. That's a bit heavy for me.

25 Q. Oh.



1 gives you an end to getting future grant funding?

2 A. Actually, the publications that I  
3 disseminate have more to do with whether I get  
4 funding than notoriety.

5 Q. The publications do?

6 A. Yeah. They look at whether you've had  
7 track record of - whether you're a worthy steward of  
8 those funds.

9 Q. And so the outcome of the research and  
10 publications produce or are a big part of how you  
11 get future funding?

12 A. That's correct.

13 Q. And so you benefit directly then from the  
14 listing from any, any publications you're a part of?

15 A. Yes. But there are more publications on  
16 this list than are mine that are directly related to  
17 my work.

18 Q. But you still list them all?

19 A. Yeah, I'm required to.

20 ATTORNEY MANZOLILLO: I actually don't  
21 think I have anything further.

22 HEARING EXAMINER: I'm not prepared  
23 for that.

24 ATTORNEY MANZOLILLO: Why was that?

25 HEARING EXAMINER: Well, don't we have

1 a handbook we can look at?

2 ATTORNEY FARMER: Just give us a  
3 second.

4 HEARING EXAMINER: Yeah. Off the  
5 record.

6 ---

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

8 ---

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

11 Redirect?

12 ATTORNEY FARMER: I have no questions.

13 HEARING EXAMINER: Okay.

14 ATTORNEY MANZOLILLO: Move to admit.

15 HEARING EXAMINER: Let me dismiss the  
16 witness first.

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

19 THE WITNESS: Thank you.

20 HEARING EXAMINER: Okay.

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

23 ATTORNEY FARMER: Okay.

24 We need to admit Exhibits 108 through  
25 122.



1 (Whereupon, Respondent's Exhibit 118, Milestone  
2 Document, was admitted.)

3 (Whereupon, Respondent's Exhibit 119, Yost  
4 Publication, was admitted.)

5 (Whereupon, Respondent's Exhibit 120, Yost  
6 Doctoral Dissertation Excerpts, was admitted.)

7 (Whereupon, Respondent's Exhibit 121, Learning  
8 contract, was admitted.)

9 (Whereupon, Respondent's Exhibit 122, Annual  
10 Progress Report, was admitted.)

11 ---

12 ATTORNEY HEALEY: The Union would move  
13 to admit Exhibits 247, 248, 249, 250, 251.

14 ATTORNEY FARMER: No objections.

15 HEARING EXAMINER: They're all  
16 admitted.

17 ---

18 (Whereupon, Union Exhibit 247, Webpage Printout,  
19 was admitted.)

20 (Whereupon, Union Exhibit 248, Webpage Printout,  
21 was admitted.)

22 (Whereupon, Union Exhibit 249, Webpage Printout,  
23 was admitted.)

24 (Whereupon, Union Exhibit 250, Webpage Printout,  
25 was admitted.)

1 (Whereupon, Union Exhibit 251, Skidmore  
2 Curriculum Vitae, was admitted.)

3 ---

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

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

8 HEARING EXAMINER: When's your next  
9 witness?

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

14 ATTORNEY SHARMA: 1:00 should be fine.

15 ATTORNEY MANZOLILLO: Okay.

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

19 ATTORNEY FARMER: We have one tomorrow  
20 morning.

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

25 HEARING EXAMINER: Are you bringing

1 more students up?

2 ATTORNEY MANZOLILLO: There will be.

3 HEARING EXAMINER: Yeah. Okay.

4 So off the record until 1:00.

5 ---

6 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

7 ---

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

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

12 Who have you called?

13 ATTORNEY SHARMA: This is Alex Howard.

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

16 Go ahead with your Direct.

17 ---

18 ALEX HOWARD,

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

22 ---

23 DIRECT EXAMINATION

24 ---

25 BY ATTORNEY SHARMA:



1 Q. Alex, you were here a few weeks ago in  
2 which you testified that you were a GSR last spring  
3 in the School of Engineering.

4 Do you recall that testimony?

5 A. Yes.

6 Q. And do you recall that you testified  
7 generally about your duties as a GSR?

8 A. Yes.

9 Q. So today I want to ask you questions and  
10 be a little bit more specific about the duties you  
11 performed as a GSR.

12 So can you remind us what the project  
13 was, the research project was, that you worked on as  
14 a GSR?

15 A. Yes. It was the design and  
16 commercialization of a medical device.

17 Q. And where did you perform the research  
18 that you did as a GSR?

19 A. I had a desk in the lab that my advisor  
20 ran, the sound, structures, and systems laboratory.

21 Q. Okay.

22 And where is that lab located?

23 A. In Benedum Hall.

24 Q. And as part of that research project, did  
25 you conduct experiments?

1 A. Yes.

2 Q. Okay.

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

6 A. Yes.

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

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

13 Q. Okay.

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

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

24 Q. Okay.

25 And how as the - when you say you

1 measured it, how was the data collected for you to  
2 be able to measure that?

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

6 Q. Okay.

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

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

11 Q. And why is that?

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

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

18 A. Yes.

19 Q. And how did you do that?

20 A. We basically looked at the time, the  
21 signal versus time. And we looked at the tangential  
22 force. And when it drops drastically over a very  
23 short period of time, we knew that that indicated  
24 slip. So we used that force value to basically  
25 calculate our coefficient of friction. And then we

1 basically run the same tests multiple times and do a  
2 statistical analysis to prove the validity of the  
3 test.

4 Q. Okay.

5 And then what did you do with that data?

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

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

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

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

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

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

23 A. So our team was made up of undergrad  
24 students in the lab that worked with my advisor, as  
25 well as myself. And some undergrad students would

1 come and go as well. And there's sort of a business  
2 associate from - that they hired from the  
3 University.

4 Q. And then you mentioned the design team.  
5 Who made up the design team?

6 A. It was two grad students.

7 ATTORNEY SHARMA: That's all I have.

8 HEARING EXAMINER: Go off the record.

9 ---

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

11 ---

12 HEARING EXAMINER: All right. Back on  
13 the record.

14 Cross Examination.

15 ATTORNEY FARMER: Thank you.

16 ---

17 CROSS EXAMINATION

18 ---

19 BY ATTORNEY FARMER:

20 Q. Mr. Howard, you did your undergraduate  
21 degree at Pitt as well.

22 Right?

23 A. Yes.

24 ATTORNEY SHARMA: Objection. This is  
25 beyond the scope of Direct.

1                   HEARING EXAMINER: Overruled.

2                   BY ATTORNEY FARMER:

3                   Q.       While you were getting that degree, did  
4 you get research experience?

5                   A.       Yes.

6                   Q.       Was it with the same faculty member whose  
7 lab you were in that you were just describing?

8                   A.       Yes. I also worked with another research  
9 - or, excuse me, another professor in my department  
10 as well.

11                  Q.       Okay.

12                             The professor that you were working with  
13 that you testified about on Direct on this device,  
14 what was his name?

15                  A.       Dr. Vickerman.

16                  Q.       Okay.

17                             When you were in his lab when you were an  
18 undergraduate, what were you working on?

19                  A.       I was working with a grad student who was  
20 - it was a dynamics controls related project.

21                  Q.       And was that project still going on in  
22 the lab at the time you left?

23                  A.       I don't know.

24                  Q.       Okay.

25                             Are there a lot of different projects

1 that going on in the lab at the same time?

2 A. Yeah, yes.

3 Q. About how many graduate students are  
4 there total in the lab?

5 A. Let's see. I would say maybe five or six  
6 off the top of my head.

7 Q. And were there also other undergraduates  
8 besides you when you were there as an undergraduate?

9 A. Yes.

10 Q. When you were an undergraduate, were you  
11 doing this for academic credit?

12 A. No.

13 Q. Were you getting paid?

14 A. Yes.

15 Q. As like an hourly?

16 A. Yes.

17 Q. And then you applied and entered the PhD  
18 program.

19 Right?

20 A. Yes.

21 Q. And did you take time off in between -

22 A. No.

23 Q. - or was it direct?

24 A. It was direct.

25 Q. Okay.

1                   During that admissions process into the  
2 PhD, were you paired with your advisor?

3           A.     Yes.

4           Q.     Was it the advisor that you wanted?

5           A.     Yes.

6           Q.     When you came in the fall of - so you  
7 started in the PhD program in the fall of '17.

8                   Right?

9           A.     Yes.

10          Q.     What were you doing your first semester?

11          A.     I was working on a dynamics controls  
12 project for the control design.

13          Q.     In your advisor's lab?

14          A.     Yes.

15          Q.     Okay.

16                   And were you also taking courses?

17          A.     Yes.

18          Q.     And while you were working on that  
19 project, were you being - you were also TA-ing that  
20 semester.

21                   Is that right?

22          A.     Yes.

23          Q.     Okay.

24                   And then in the second semester, that's  
25 when you were on the GSR?



1 A. Yes.

2 Q. And you were working on this biomedical  
3 project?

4 A. Medical device.

5 Q. Thank you.

6 Medical device project that you testified  
7 about?

8 A. Yes.

9 Q. And how long had that project been going  
10 on? Do you know?

11 A. I'd say I knew someone who was working on  
12 it in the fall of 2016. So that's as early as I  
13 could say for sure.

14 Q. Okay.

15 And the project that you had been working  
16 on in the fall, was that still going on in the  
17 spring?

18 A. No, I was the lead engineer on that. So  
19 no.

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

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

25 BY ATTORNEY FARMER:

1 Q. As the lead researcher on that project in  
2 the fall, can you talk about physically what you  
3 were doing?

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

7 HEARING EXAMINER: Do you want any  
8 more concrete actions?

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

11 BY ATTORNEY FARMER:

12 Q. So were you running experiments?

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

18 Q. Okay.

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

22 Q. Okay.

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

25 A. Yes.

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

4 A. Yeah.

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

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

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

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

20 THE WITNESS: Uh-huh (yes). Yeah.

21 BY ATTORNEY FARMER:

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

25 A. I mean, data. Do you want to define

1 data, because I don't really know what that means in  
2 that sense?

3 Q. Okay.

4 HEARING EXAMINER: The results from a  
5 test run.

6 THE WITNESS: I got some results,  
7 yeah.

8 BY ATTORNEY FARMER:

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

14 A. Yeah.

15 Q. Okay.

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

19 A. It's ongoing.

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

21 A. No, no.

22 Q. Okay.

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

25 A. They had already filed patents

1 previously -

2 Q. Okay.

3 A. - before I started on the project.

4 Q. And do you know whether the graduate  
5 students were listed on those patents?

6 A. Only one of them.

7 Q. Okay.

8 HEARING EXAMINER: Who was the  
9 politics behind that?

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

13 BY ATTORNEY FARMER:

14 Q. When you were - so in the lab, are there  
15 lab meetings that happen?

16 A. Uh-huh (yes).

17 Q. Was that of everybody or only people  
18 working on a specific project?

19 A. Only on a specific project.

20 Q. Okay.

21 And did you attend those lab meetings?

22 A. When I was a GSR.

23 Q. When you were a GSR, did you attend them?

24 A. Yes.

25 Q. In the first semester of your PhD

1 program, did you attend those lab meetings?

2 A. No.

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

5 A. No.

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

10 A. Yes.

11 ATTORNEY FARMER: Nothing further.

12 HEARING EXAMINER: Off the record.

13 ---

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

15 ---

16 HEARING EXAMINER: Okay. Back on the  
17 record with Redirect.

18 ATTORNEY SHARMA: No questions.

19 HEARING EXAMINER: All right.

20 So you can sit down. You may be  
21 recalled.

22 Are we done for today?

23 ATTORNEY MANZOLILLO: Yeah.

24 HEARING EXAMINER: Okay.

25 We'll adjourn until 9:00 a.m.

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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

  
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Kaylyn Shaffer,

Court Reporter