

## COMMONWEALTH OF PENNSYLVANIA

## LABOR RELATIONS BOARD

\* \* \* \* \*

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

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

ALLIED-INDUSTRIAL AND \*

SERVICE WORKERS \*

INTERNATIONAL UNION AFL-CIO \*

CLC, \*

Petitioner \*

-vs- \*

UNIVERSITY OF PITTSBURGH, \*

Respondent \*

\* \* \* \* \*

## HEARING TRANSCRIPT

\* \* \* \* \*

BEFORE: Stephen A. Helmerich,

Hearing Examiner

HEARING: Thursday, October 4, 2018

9:12 a.m.

Reporter: Valerie B. Gregory

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1 LOCATION: Hilton Garden Inn  
2 3454 Forbes Avenue  
3 Pittsburgh, PA 15213  
4 WITNESSES: Nathan Urban, Ph.D.;  
5 Holger Hock, MA, DPhil, FRHistS;  
6 Stephen D. Meriney, Ph.D.;  
7 William J. Federspiel, Ph.D.  
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NATHAN KILBERT, ESQUIRE

MANEESH SHARMA, ESQUIRE

United Steelworkers

60 Boulevard of the Allies

Room 913

Pittsburgh, PA 15222

Counsels for the Petitioner

BRAD MANZOLILLO, ESQUIRE

United Steelworkers

Five Gateway Center

Pittsburgh, PA 15222

Counsel for the Petitioner

MICHAEL HEALEY, ESQUIRE

Healey, Block & Hornack, P.C.

247 Fort Pitt Boulevard

4th Floor

Pittsburgh, PA 15222

Counsel for the Petitioner

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

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SHANNON D. FARMER, ESQUIRE

MEREDITH S. DANTE, ESQUIRE

Ballard Spahr, LLP

1735 Market Street

51st Floor

Philadelphia, PA 19103-7599

Counsels for the Respondent

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223	University Times Article	--	905	
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EXHIBITS NOT ATTACHED

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EXHIBITS NOT ATTACHED



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19		Ph.D. Program in		
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EXHIBITS NOT ATTACHED

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EXHIBITS NOT ATTACHED

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

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HEARING EXAMINER: On the record for -  
I'm going to make a Scheduling Order at this time.

Does either party want to make a motion  
pursuant to Section 9594, regarding depositions?

ATTORNEY HEALEY: We were just talking.  
We're still trying to work out -.

ATTORNEY FARMER: You want us to do it  
just in case, though?

HEARING EXAMINER: Right.

ATTORNEY HEALEY: Okay.

On behalf of the Union, I - I believe  
there's no objection to the depo, pursuant to the  
regulations.

We would move ahead with a contingency  
on scheduling issues and things of that nature. The  
parties would be allowed to proceed to complete final  
testimony of several witnesses by way of deposition.

HEARING EXAMINER: The motion is  
allowed. You may have your depositions. All evidence  
in this case must be received by me by November the  
21st.

Obviously, if there's something for due  
cause, I'll extend that. But for the reasons we - I

1 discussed off the record, it would be kind of hard to  
2 extend it too much farther.

3 But let's shoot for November 21st, which  
4 is I think the day before Thanksgiving break. Union's  
5 brief, that's either the moving - or Petitioner, please  
6 have your brief done by December 21st. Which is again  
7 right before Christmas.

8 You'll have the opportunity for a reply  
9 brief. However, if you want to put everything into  
10 that brief, you should be able to, I think, predict 90  
11 percent of what the University is going to argue.

12 University, please have your brief in by  
13 January the 18th.

14 And then again, the Union, let me know  
15 if you want to file a reply brief to whatever the  
16 University argues. And have that in by February the  
17 1st.

18 And then no promises. I hope to have an  
19 order - an order dismissing the petition, making a - an  
20 order directing the submission of eligibility list out  
21 by early to mid-February. And then it's out of my  
22 hands as to what happens.

23 Any questions on scheduling?

24 Oh, I just wanted to say, if the parties  
25 are able to get a witness and get one of the ten

1 attorneys here - I see - two of the attorneys I see  
2 here in the same place at the same time - within the  
3 boundaries of the Commonwealth of Pennsylvania, I will  
4 go to that meeting. And the Board will hire a court  
5 reporter.

6 So that will save costs for the parties  
7 if you have me there. Because the Board will pay for  
8 the court reporter.

9 But I can go anywhere within the large  
10 boundaries of Commonwealth of Pennsylvania. They won't  
11 pay for me to leave.

12 All right.

13 Any questions regarding the Scheduling  
14 Orders?

15 ATTORNEY FARMER: No.

16 ATTORNEY HEALEY: None. Thank you.

17 HEARING EXAMINER: All right.

18 We'll go off the record so you can  
19 prepare your Cross. And let me know when you're ready  
20 to go.

21 Okay?

22 ---

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

24 ---

25 HEARING EXAMINER: Oh, back on the

1 record for a quick moment.

2 We're done here at four o'clock tomorrow  
3 at the latest.

4 ATTORNEY FARMER: Thank you. That helps  
5 us with the planning.

6 HEARING EXAMINER: 3:30 would be better.  
7 But four o'clock at the latest I'm walking out of the  
8 room, so -.

9 Off the record.

10 ---

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

12 ---

13 HEARING EXAMINER: On the record with  
14 Cross Examination of the witness who's been -  
15 previously been sworn yesterday.

16 ---

17 NATHAN URBAN, PH.D.,  
18 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
19 HAVING BEEN PREVIOUSLY SWORN, TESTIFIED AND SAID AS  
20 FOLLOWS:

21 ---

22 CROSS EXAMINATION

23 ---

24 BY ATTORNEY MANZOLILLO:

25 Q. Mr. Urban, I'm going to ask you a few

1 questions today to clarify a couple of things about the  
2 training issue. And I'm going to actually touch on a  
3 couple of other subjects -

4 A. Sure.

5 Q. - to do that first.

6 Do you have Union Exhibit 226?

7 A. 226 was that -?

8 Q. One with the stipend rates again.

9 HEARING EXAMINER: I put them in order  
10 last night. It would be the pile right next to your  
11 left hand.

12 THE WITNESS: This one (indicating)?

13 HEARING EXAMINER: Yeah.

14 THE WITNESS: Yes - yes, I have it.

15 BY ATTORNEY MANZOLILLO:

16 Q. And also there should be - in that big  
17 binder, number one, there should be Union Exhibit 9.

18 A. Hold on. I - I am not - I don't think this  
19 is 226. I have 225.

20 ATTORNEY MANZOLILLO: I can give you a  
21 copy.

22 ATTORNEY FARMER: It's the stipend  
23 levels.

24 THE WITNESS: Yeah, I have the - the  
25 tuition rates. I don't see the stipend rates here.



1 Then you said - what was the other one?

2 BY ATTORNEY MANZOLILLO:

3 Q. Nine. Union 9 in the big binder.

4 A. Yeah - yes.

5 Q. So both of these documents list some stipend  
6 rates.

7 And you testified a little bit about this  
8 yesterday?

9 A. Yeah.

10 Q. So I just want to clarify. You said that  
11 the - there's a - there's a committee in the - in the  
12 Provost Office, who kind of ultimately establishes  
13 these rates?

14 A. So there's a University-level committee that  
15 includes representation from the Provost Office.

16 Q. Okay.

17 And they -?

18 A. And I should say the - I mean, the final  
19 decision about the overall budget - and all of these  
20 sort of factor into the overall budget. The final,  
21 consisting of the overall budget, is a - I believe a  
22 Chancellor's recommendation to the Board's  
23 investigation.

24 So that's the ultimate approval.

25 Q. But the University at that level ultimately

1 sets these stipend rates?

2 A. Correct.

3 Q. So there's an analysis on the determination?

4 A. Yeah.

5 Q. And the - if we look at the - Union's  
6 Exhibit 9, that was - those were the stipend rates for  
7 the 2017-2018 academic year. And Union Exhibit 226  
8 were the stipend rates for the 2018-2019 academic year?

9 A. Yes, that looks correct.

10 Q. And there's - there's usually a little bit  
11 of variation from year to year, kind of costs of living  
12 adjustment or whatever you might call it?

13 A. So there's variation from year to year. As  
14 I - I think I mentioned, I believe this past year the  
15 increase was 2.5 percent.

16 The prior year, which is the other year that  
17 I was involved in setting it, was two and a half to  
18 three percent.

19 So yeah, this - and this is - we look at  
20 these numbers and - and I mean, in my case, I make a  
21 recommendation about these numbers as part of this  
22 process. And that recommendation is based - in both of  
23 these years we do an assessment of our - our peers.  
24 Our other - what are stipend rates of other graduate  
25 programs across the country.

1           We look at specifically - primarily AU  
2 institutions, you know, other peers, and aspirational  
3 peers. And try to look at where we are in that - in  
4 that list. So -.

5           Q.     So an analysis within your own budget of  
6 what you need to get people to accept these  
7 appointments?

8           A.     Yeah, in order to be competitive for the  
9 best students, yeah.

10          Q.     Okay.

11                 And if I look through - let's see, how about  
12 Exhibit 51?

13                   HEARING EXAMINER: In the binder?

14                   ATTORNEY MANZOLILLO: Yes, in the  
15 binder.

16                   THE WITNESS: Is that binder two or one?  
17 BY ATTORNEY MANZOLILLO:

18           Q.     I think it's under the second.

19                   ATTORNEY HEALEY: No, it's in one. It's  
20 one.

21                   ATTORNEY FARMER: Yeah, it's the first  
22 one.

23                   THE WITNESS: Yeah, I got a different  
24 colored tab for some reason.

25                   Yes.

1 BY ATTORNEY MANZOLILLO:

2 Q. And so that's a - this was an appointment  
3 for a - a teaching fellow and a graduate student  
4 research - actually, that one is less clear.

5 But if the appointments is for \$18,630  
6 divided into eight monthly installments, then that  
7 would be \$9,310 a semester?

8 A. \$9,315, I believe, but yeah.

9 Q. \$9,315?

10 Okay.

11 And that would be in - let me look at 58 and  
12 62.

13 But these - these letters - these amounts  
14 and the assorted teaching letters correspond to what  
15 the - the teaching fellow letters that - that are sent  
16 out?

17 We have a bunch of exhibits. Just to  
18 simplify things, they should correspond to that given  
19 year for the various appointment level?

20 A. They should. In this case - I mean, I'm  
21 looking at the date on this, which is July 6th.

22 Q. Okay.

23 A. And so by July 6th we did not have the - the  
24 fully approved budget. And so while this appointment  
25 letter was made on that date, and therefore - I haven't

1 sort of done the math here.

2 But I assume that references the number that  
3 would have been probably for the previous year.  
4 Because we hadn't yet sort of finalized the numbers of  
5 the budget. So this - this should reflect the previous  
6 year's budget.

7 But that would then be increased. But for a  
8 TF position, that - that is sort of automatically  
9 increased with the - once the budget is approved for  
10 the subsequent year.

11 Q. I'm just looking at a couple of other  
12 appointment letters.

13 A. Especially in this case, we didn't have a -  
14 we didn't have a State allocation until very, very late  
15 in the game this year. So we're not able to finalize  
16 budget numbers.

17 Q. So I'm looking at Union Exhibits 67 and 68,  
18 I believe they are. The letters going out to physics  
19 for TF and TA positions.

20 THE WITNESS: I'm sorry.

21 ATTORNEY HEALEY: Binder two.

22 THE WITNESS: Okay.

23 BY ATTORNEY MANZOLILLO:

24 Q. So I'm seeing a stipend of \$9,590 a semester  
25 for TF in physics.

1 A. Yes.

2 Q. Where is that number coming from?

3 A. So - I mean, that is the one semester  
4 stipend number for a TF in, you know - I mean, is the  
5 question, does it correspond to the numbers on the - on  
6 the, sort of, pages - the other two pages of exhibits?

7 Q. Yeah, yeah.

8 A. I mean, I can look and see. So if this - I  
9 just want to make sure that I match the years. So  
10 November - this is dated November of 2017. So it's for  
11 the academic year 2017-2018.

12 I'm sorry, I have - I've turned a page here.  
13 I don't see the - I don't - where - what exhibit is the  
14 2017-'18 -?

15 Q. Exhibit 9 - Union Exhibit 9.

16 A. Nine?

17 Okay. Sorry.

18 So \$9,590, which is the single - the - the  
19 one semester - let's just say the fall semester number  
20 that's there listed on Exhibit 67, -

21 Q. Uh-huh (yes).

22 A. - that's the same number \$9,590, as it's  
23 listed under the teaching fellow on the 2017-2018  
24 stipend page.

25 Q. Okay.

1                   And could you - 68 is that the same for the  
2 teaching assistant the \$9,225?

3           A.       \$9,225, yes, are official.

4           Q.       Okay.

5                   And this is across - I think I've - we have  
6 several exhibits that deal with teaching fellow or  
7 teaching assistant appointments in other schools.  
8 Across schools they should all match and correspond to  
9 these?

10          A.       Yes, they should all match.

11          Q.       Okay. Thank you.

12                   Now, you talked about something called R01  
13 yesterday. And an R01 is - is different than - than a  
14 T32 grant. An R01 is - my understanding is, that's an  
15 award grant.

16                   And I'm learning through you here, -

17          A.       Sure.

18          Q.       - so -.

19                   An R01 is a - a more general training grant  
20 that a - a faculty can apply for, based on their own  
21 individual research interests?

22          A.       So an R01 is not a training grant.

23          Q.       It's not a training grant?

24          A.       An R01 is a research grant. It is a - - it  
25 provides money for research to the University that can

1 be used by faculty to perform that research. It can be  
2 used to support students. And it can be used to  
3 support the faculty salary. It can be used to support  
4 salaries of any sort of - any people who are directly  
5 involved in the activities related to that - that  
6 grant.

7 Q. So that's kind of the - a PI discretion,  
8 discretion, however you use it in conjunction with the  
9 report that you're requesting?

10 A. Yeah, within - you know, within the limits  
11 of sort of supplying - there's rules about such things.  
12 The PI has discretion as to who's appointed, et cetera,  
13 yeah.

14 Q. Okay.

15 And the T32 is a training grants where you  
16 were specifically directed to - you know, say a topic  
17 like the AIDS you discussed yesterday or the - the NIH,  
18 you know, feels there's a need for more people trained  
19 in research in this area. And so they - the - the  
20 stated purpose of the grant is to train specific  
21 graduate students in the area?

22 A. It's to - the stated purpose of the grant is  
23 to train graduate students, or in other cases T52s also  
24 will - will train other individuals. You can sort of  
25 have - have a number of different categories.



1 But it's not to - it does not name specific  
2 individuals. It names a - it says we're looking to  
3 train people in this area. It says we're - it gives  
4 information about the - the program - the Training  
5 Program that they will go through. It gives  
6 information about the - the criteria for what the  
7 process will be for appointing people to that - to that  
8 source of funding, et cetera. But it is not  
9 individuals.

10 Q. But it requires there be individuals  
11 appointed to be trained? That's part of the  
12 expectation of the grant?

13 A. Yes. The University is then required - I  
14 mean, in order to spend the money, you have to identify  
15 individuals that meet the - the characteristics that  
16 will go through the training process, the training plan  
17 that is proposed.

18 Q. And that specific area that is designated by  
19 them for that?

20 A. Yeah. And - and some are - are more narrow.  
21 And some are more broad. Like the - the one that we  
22 were looking at yesterday, the - the basic Neuroscience  
23 training grant, that's a pretty broad agreement.

24 I mean, that trains anyone in - who's  
25 interested in Neuroscience. Anyone who's interested in

1 the brain can be supported by that, provided they meet  
2 the other sort of characteristics and qualifications.  
3 Some are more targeted and specific.

4 Q. Now, there's also something called a  
5 Graduate Assistance in Areas of National Need.

6 Is that another type of training grant?

7 A. That is. I believe that's a - either a DOD  
8 or DOE training grant.

9 Q. And that is primarily geared towards certain  
10 specific - determined nationally by the granting agency  
11 and certain areas of - specific areas of engineering  
12 and a limited amount of IT, like cyber security?

13 A. I don't - I don't know the areas that have  
14 been recently, you know, identified as being national  
15 leads for that particular program.

16 I believe I mentioned yesterday that - that  
17 I heard good news that we received a new training  
18 grant. I believe that was, again, a training grant.  
19 And that was in the area of materials properties.

20 And so that was one that - you know, an area  
21 that was apparently identified as a national lead under  
22 this program.

23 Q. And similarly, that is - the expectation is  
24 that individuals be trained using that money in these  
25 areas?

1           A.       Yeah. I've never been involved in writing  
2 or in having some - been supported on one of these  
3 grants, so I'm - I'm less familiar with the details as  
4 to how it is that students are identified. But I would  
5 - I would - I would guess that it's similar.

6           Q.       Okay.

7                    So to your understanding?

8           A.       Yeah.

9           Q.       Now, the F31, sort of NIH individual grants  
10 we discussed earlier - so only a - only graduate  
11 students can apply for that.

12                   Correct?

13          A.       Yes, I believe so.

14          Q.       For the F30 and F31?

15          A.       Yeah, F30 is - is specifically for M.D.,  
16 Ph.D. students. So they're doctorate students, but - I  
17 mean - so for part of time they're - they're M.D.s,  
18 they're Medical Doctorates. And so they're in training  
19 to be an M.D.

20                   And for part of the time that that grant is  
21 supporting them, they're in the Ph.D. program.  
22 Typically it's about - about two and two years, two  
23 years on Ph.D. and two years on the M.D.

24          Q.       But the F31 is - that's again, only graduate  
25 students applying for it. And the application, they

1 apply - the application is directly for them to the  
2 NIH, based on their own research and training?

3 A. I mean, they - they write the bulk of the  
4 application. There's a training plan element of it,  
5 that the - that the PI - I'm sorry, the advisor - the  
6 research advisor has to write, that describes how it is  
7 that the student will be trained.

8 And that person that has to describe the  
9 environment and the - the student going in that  
10 environment for doing the kind of work that's proposed,  
11 the - the faculty member then also has to describe the  
12 process by which that application was put together, to  
13 list the kind of contributions made by the student and  
14 the contributions made by the faculty there.

15 Q. Now, if that student - there was some - I  
16 was a little confused yesterday. If that student were  
17 to transfer after receiving a grant, there would be a  
18 process they could go through to try and have the grant  
19 transferred with them?

20 A. Yes. I'm - I'm - yes.

21 So I can speak with certainty about the  
22 general process for transferring NIH grants. And I  
23 believe that the same would apply in the case of an  
24 F31.

25 In all cases, NIH grants are made to the

1 University. The University is the responsible entity  
2 for making sure that that -.

3 Q. Well, I - I just want to stop you and  
4 clarify here.

5 The issue I have, that I'm trying to get  
6 clarification on -

7 A. Yeah.

8 Q. - let's say somebody transfers - well, let's  
9 just say there's a tragic car accident or they drop out  
10 of the program. You're not going to be able to renew  
11 that individual grant for that individual?

12 A. Absolutely not. The University would not be  
13 able to renew that for that individual student.

14 Q. That grant is tied to that individual, and  
15 their individual training and -?

16 A. Yes.

17 I mean, if - if that individual were to  
18 leave the program - for example, drop out of the  
19 program, that funding - the University would then give  
20 back the - the remainder of the money associated with  
21 that - that fellowship.

22 Q. Okay.

23 So even if somebody at the University is, in  
24 fact, designated to that - to the University for that  
25 individual?

1                   Okay.

2                   So how about the - can you refer to - turn  
3 to Respondent's Exhibit 24?

4                   I'm going to track it down also.

5           A.       Okay. Got it.

6           Q.       And so this - this was a document produced  
7 as part of our subpoena request. And it lists the  
8 number of people that had a grant throughout spring  
9 2018 academic appointment.

10                   And we went through the - the first group of  
11 graduate student assistants, 245; graduate student  
12 researchers, 828, and so on down to the teaching -  
13 through teaching assistants, teaching fellows.

14                   And we have predoctoral fellows and then we  
15 have trainees. I see a number of 304?

16           A.       Yep.

17           Q.       My understanding is that - that number is  
18 all the individuals on what we would call kind of  
19 full-time graduate training grants, the people who are  
20 - who are receiving a tuition waiver, the T32s NIGMs,  
21 the type that we discussed up to this point?

22           A.       So I would say that it - that should be the  
23 case, based on the way that things should operate at  
24 the University. The way that that - you know, that -  
25 if we were - if everyone was sort of doing everything

1 right, that's what that number would be.

2           The reality is that in many - these  
3 decisions about sort of how to appoint a student are  
4 being made at individual department levels in - you  
5 know, by staff people in those departments. And  
6 there's, in some cases, some confusion about how it is  
7 that people should be appointed.

8           And so when we went and sort of gathered  
9 this information and looked at these numbers, there are  
10 people who are appointed as trainees in this category  
11 who - based on this, sort of - on statements about what  
12 - what we should be doing, what I would - you know,  
13 what I initially thought we were doing, quite frankly,  
14 before we began this sort of process.

15           This 304 number includes people who - who  
16 should be categorized in - in another way. And because  
17 those decisions are being made at, you know, the  
18 individual department level, that's something that, you  
19 know, has happened over the years that people have, you  
20 know, sort of adopted their own guidelines for how it  
21 is that they appoint people and not always according to  
22 the - those kind of rules that we would like them to  
23 use at the University level.

24           Q.     You got to kind of - these centralized  
25 processes -

1           A.       Yeah.

2           Q.       - kind of go a little rogue in a few  
3 instances. But your - your take is that the - the  
4 University's understanding is that the - the training  
5 position is primarily these types of groups we've  
6 discussed in the T32 NIGM-related that was -?

7           A.       Yeah. I would say that the intent of if  
8 trainee designation is to provide a way of identifying  
9 individuals who are supported by these mechanisms.  
10 That's the intent. The reality is - is, you know,  
11 somewhat different.

12                    Could I say - could I - we can go back and  
13 look, perhaps. But I - I don't know offhand, does that  
14 - does that make up 50 percent of this number, does it  
15 make up 80 percent of this number?

16                    I don't - I don't know. We can find out.

17           Q.       I mean, I have an e-mail which - you know,  
18 if I don't - I mean - that I base on a more informal  
19 request to - to counsel for the University, that  
20 suggests that T32s, NIGMs make up the majority of that  
21 number.

22           A.       I think it's - I think the majority is  
23 probably, too. And - yeah, T32s NIGMs and other -  
24 there are some other sources of these -.

25           Q.       Related to that similar -?





1 admitted.)

2 (Whereupon, Union Exhibit 225, Information about  
3 Tuition Rates for Academic Year 2018, 2019 for  
4 University of Pittsburgh for Graduate and Doctoral  
5 Programs, was admitted.)

6 (Whereupon, Union Exhibit 226, Printout of Stipend  
7 Levels, was admitted.)

8 ---

9 BY ATTORNEY MANZOLILLO:

10 Q. I'm handing you 227.

11 And you'll see at the top of this exhibit it  
12 says number of trainees by month for the year 2018.  
13 And there's a dramatically different number each month.  
14 And we wind up with a grand total of 1,217.

15 Am I correct in my understanding that 1,217  
16 are the total of different individuals across a year,  
17 trainees at some point or another?

18 ATTORNEY FARMER: If you don't - if you  
19 don't -

20 THE WITNESS: Yeah, I -

21 ATTORNEY FARMER: - know, you can  
22 actually say.

23 THE WITNESS: - I - I don't know - no, I  
24 don't remember how this particular chart was generated.  
25 You guys asked me to provide things, so -.

1                   HEARING EXAMINER: You objected to that.  
2 The witness clearly doesn't know what this document is.

3                   ATTORNEY FARMER: Yes.

4                   HEARING EXAMINER: Okay.

5 Sustained.

6 There you go.

7                   ATTORNEY MANZOLILLO: Are we going to  
8 be -

9                   HEARING EXAMINER: He doesn't know  
10 what -.

11                   ATTORNEY MANZOLILLO: - producing a  
12 witness who has any familiarity with this, if you  
13 remember?

14                   ATTORNEY FARMER: I wasn't planning on  
15 it. But I mean, I can - I mean, given that I got these  
16 numbers in response to your request, I mean, I can  
17 tell, you how, I got these numbers, but -.

18                   HEARING EXAMINER: Go off the record.

19                   ATTORNEY FARMER: Yeah.

20   ---

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

22   ---

23                   HEARING EXAMINER: Back on the record.

24 In an off-the-record discussion we discussed the  
25 provenance of this document. And the witness indicated

1 that he had some knowledge about the fluctuating  
2 numbers.

3 THE WITNESS: So -?

4 HEARING EXAMINER: You can go ahead and  
5 just answer it.

6 THE WITNESS: So the - the category of  
7 trainees in the payroll system is - as I was suggesting  
8 earlier, is - is used at the department level. And  
9 it's used broadly.

10 And it's used for graduate students.  
11 It's used for undergraduates. It's used for other  
12 individuals.

13 So for example, undergraduates who are  
14 here for the summer or here as part of a sort of - who  
15 are doing research in - in a lab for, you know, some  
16 period of time or whatever, in some cases that payment  
17 gets coded as a - what we call certificate and  
18 certificate trainee.

19 And so in order to understand sort of  
20 the - how these numbers relate to the - the number,  
21 the -

22 BY ATTORNEY MANZOLILLO:

23 Q. 304?

24 A. - 304 number, we have to cross-index this  
25 with - the individuals who are in this payroll category

1 with the individuals who are full-time gradate  
2 students.

3 HEARING EXAMINER: And of course,  
4 that -?

5 THE WITNESS: And so that section is -  
6 is what we, you know, had to do in multiple instances  
7 in order to understand the - the match between our -  
8 our payroll data and our academic appointment data.

9 HEARING EXAMINER: And those list are,  
10 of course, protected by FERPA.

11 BY ATTORNEY MANZOLILLO:

12 Q. So we can - again, your understanding is,  
13 the actual trainees are 304 - the 304 discussed?

14 A. I mean, I - I would say that if -.

15 Q. Excluding those that are improperly coded  
16 among the 304?

17 A. Yeah.

18 Q. Okay.

19 A. I think if we're trying to get to the - the  
20 actual number of trainees, it would - then what we  
21 would have to is go through in - in all - in - you  
22 know, in case of a - a bunch of individuals and try to  
23 figure out, how are they being supported? What were -  
24 you know, what was the - what were the expectations  
25 associated with - with that support?

1 I mean, literally, because we have not done  
2 this in a - in a highly systematic way in the past, you  
3 know, that - we would have to do a lot of legwork to do  
4 that. Which we're happy to do. But that's what we'd  
5 have to do.

6 Q. Okay.

7 So we're not - you - you do not consider  
8 people who get a one time thousand-dollar grant to be a  
9 - a graduate student trainee in the way we're  
10 discussing?

11 A. Not in the way we're discussing, no.

12 Q. You would not consider somebody who is an  
13 undergraduate receiving a grant in PA -?

14 A. A graduate student trainee?

15 Q. Yeah.

16 A. No.

17 Q. And this would include some people  
18 substituting in social work, who receive a few thousand  
19 dollars as part of their field placement. Those would  
20 not, again, be part of a - a - what were considered  
21 trainees, other than for coding purposes or the  
22 payrolls need and coding purpose?

23 A. Yeah, I would not - I mean, again whether I  
24 would consider somebody in a research category depends  
25 in part on the purpose, you know, to which that

1 category is being put.

2 But for the purposes that we're talking  
3 about today, if a trainee in - in my sense of, you  
4 know, what's relevant here is someone who would be  
5 receiving tuition remission, an 8 or 12-month stipend,  
6 and associated other benefits. And have, you know,  
7 responsibilities that were corresponding to it.

8 HEARING EXAMINER: Do the schools  
9 literally - the schools under which the graduate  
10 assistants are performing duties, do they literally pay  
11 the University the tuition or is there some ledger  
12 where it just kind of evaporates?

13 THE WITNESS: I mean - so the tuition,  
14 they - they pay, in the sense of, they transfer the  
15 tuition back to the University.

16 HEARING EXAMINER: So -

17 THE WITNESS: It's - there's a -.

18 HEARING EXAMINER: Dietrich Arts &  
19 Sciences has got, let's say 400 graduate assistants, I  
20 don't remember what the actual number is. But they -  
21 their - money goes from the School of Arts & Sciences  
22 to the University of Pittsburgh for the tuition?

23 THE WITNESS: Yes. I mean, not cash  
24 dollars but - but in a - in an electronic transfer,  
25 yes.

1                   HEARING EXAMINER: And so - so there -  
2 some CPA is keeping track of that?

3                   THE WITNESS: Absolutely, yeah.

4                   And so in situations - there have been  
5 situations where, you know, I've been asked - the  
6 Provost Office to - to provide some additional tuition  
7 remission when there are students who are - who are  
8 sort of, you know, exceeding the amount of tuition  
9 remission that a particular school, you know, has  
10 budgeted, all of those kind of things.

11                   So that's - yeah, that's - you know,  
12 those are, you know, transactions that happen within  
13 the University's financial system.

14                   HEARING EXAMINER: And that definitely  
15 makes sense in the case with the scheduled grants, -

16                   THE WITNESS: Yes.

17                   HEARING EXAMINER: - that money  
18 definitely is getting transferred?

19                   THE WITNESS: Yes.

20                   ATTORNEY MANZOLILLO: And I would still  
21 move, based on the representations made off the record,  
22 for Union Exhibit 227 to be admitted.

23                   ATTORNEY FARMER: No objection.

24                   HEARING EXAMINER: Yeah, it's admitted.

25                   ---



1 (Whereupon, Union Exhibit 227, Chart, was  
2 admitted.)

3 ---

4 BY ATTORNEY MANZOLILLO:

5 Q. All right.

6 So just a couple more questions.

7 So - so again, we talked but the R01 grant.  
8 And you said that in some instances there are graduate  
9 students supported on this - it - it varies from grant  
10 to grant, but in some instances.

11 Are those - coding mistakes aside, are those  
12 people who are supporting those grants normally -  
13 normally appointed as GSRs?

14 A. Yes.

15 Q. And that would be the same GSRs that we have  
16 stipend levels for in Union's Exhibit 226 and Union  
17 Exhibit 9, that there's arranged for -?

18 A. Yes.

19 Q. Okay.

20 And fellowship of this document.

21 So there's a Union - Respondent's Exhibit  
22 27; I believe is also a Union Exhibit corresponding.  
23 This is a list, I believe, of internal fellowships at  
24 the University?

25 A. Yeah, I've got it.

1 Q. And this is a list of internal fellowships  
2 to the University?

3 A. Yeah, it's a partial list. I mean, again,  
4 we acquired it by surveying Associate Deans and people  
5 sort of in the graduate schools.

6 So we, you know, collected this list. I  
7 don't believe it's a complete list. But it's a list -  
8 a partial list there.

9 Q. And if we had - if we look at Respondent's  
10 Exhibit 24 again, there's a number 544.

11 Now, Mr. Healey went over this with you  
12 yesterday. But I just want a little more  
13 clarification.

14 A. 544, yeah.

15 Q. And that is a - a number you briefly  
16 classified as predoctoral fellows?

17 A. Yes.

18 Q. Now, my understanding is there's a small  
19 number of F30 and F31s we've already discussed for  
20 individuals who are put in this - who are included in  
21 this category?

22 A. Uh-huh (yes).

23 Q. And that the - there's also a - when we add  
24 up all these internal fellowships, as well as the -  
25 there were - there were external fellowships, we come

1 up with the number 544.

2                   And there are about 25 or so F30 and F31s is  
3 what I understand?

4           A.       The - the most recent data that I'm familiar  
5 with, which I looked at for a different purpose was, I  
6 thought it was like 54 or 55 -

7           Q.       Okay.

8           A.       - in a particular year. I don't know if  
9 that was 2018 or 2017, whatever.

10          Q.       And then the rest would be made up of things  
11 - like we discussed Mellon fellows. And I believe  
12 there has been some exhibits put in - Mellon fellow  
13 letters received by - received by individuals?

14          A.       So the - the rest - again, I'm going to say,  
15 sort of, in principle here. And, you know, if things  
16 were being done sort of according to what I would have  
17 expected before taking on this role.

18                   So - so the rest are going to be a mix.  
19 They're - they certainly should include these internal  
20 fellowships of the kinds that are listed here.

21                   Although, through this process it's been -  
22 I've been made aware that some schools use this  
23 predoctoral fellow category in a more general way. So  
24 for example, made aware that in the School of  
25 Engineering, they appoint a - a bunch of people to

1 predoc - as predoctoral fellows, where there is no  
2 source of either internal fellowship money or an  
3 external fellowship like an F31, for example.

4           So they've been using this category in a way  
5 that is, you know, nonstandard. But the School of  
6 Engineering is actually a pretty - has a lot of  
7 graduate students.

8           And so I would - I would - you know, based  
9 on some of the sort of analysis we did as part of this  
10 subpoena process, there are a significant number of  
11 these that I believe - I didn't go back and look at  
12 every appointment letter - that I believe are, in this  
13 sense, miscoded.

14           And again, I don't - I don't know the  
15 number. We could go through individual ones and - and  
16 figure it out. But that's - you know, there are  
17 certainly some - you know, a significant number of - of  
18 I would say miscoded examples in this letter.

19           Q.     Right.

20           But the intent again is these internal  
21 fellowships, along with the - a few - as far as a  
22 limited number of these F31 and F30s?

23           A.     Yes.

24           Q.     And can you turn to Union Exhibit 130?

25                   ATTORNEY FARMER: I'm sorry, what was

1 that number?

2 ATTORNEY MANZOLILLO: Union's Exhibit  
3 130.

4 ATTORNEY FARMER: Union 130?

5 THE WITNESS: So that's binder two, I  
6 guess?

7 BY ATTORNEY MANZOLILLO:

8 Q. Yes, that'd be in binder two.

9 A. Okay.

10 Q. And so this would be a - this would be the  
11 letter that we sent out for a Mellon fellowship?

12 A. Yes. I mean, it's - its template, yes.

13 Q. Okay.

14 And the - there's some bolded language in  
15 the - the paragraph - second to last paragraph, -

16 A. Yes.

17 Q. - third line?

18 Okay.

19 And that's - that indicates that people  
20 holding this cannot take on any other positions in the  
21 University. They - they are expected to dedicate full  
22 time to their studies?

23 A. Yeah, it says that they are not permitted to  
24 hold a teaching or other remunerative position. That's  
25 correct.

1 Q. Okay.

2 I'm also going to show - do you have Union's  
3 Exhibit 174 up there?

4 A. Is that one that was introduced in the  
5 binder or not?

6 Q. No, that would be a different pile. I have  
7 it handy, so -.

8 A. I probably have it here. 175 - 174. Yeah,  
9 I've got it.

10 Q. Okay.

11 And this refers to a Dietrich School of Arts  
12 & Sciences. I believe it is a Humanities Fellowship?

13 A. Yes.

14 Q. Okay.

15 Provost Humanity Fellowship.

16 Would that be similarly included in these  
17 predoctoral fellow and internal fellowships?

18 A. Yes, I believe so.

19 Q. Similarly, if we look at the bolded  
20 language, you are not allowed to hold any other  
21 position with the University.

22 A. Yes.

23 Q. And you're expected to be focused entirely  
24 on your own academic progress?

25 A. Yes. I mean, it specifically says, are

1 expected to register and devote full time to their  
2 doctoral study. And thus, not permitted to hold a  
3 teaching or other admitted position.

4 Q. Okay.

5 Let's see here. Okay.

6 So yesterday you testified Foreign Language  
7 Area Studies Fellowships are considered trainees by the  
8 University?

9 A. I'm not a hundred percent sure about that.  
10 But they - they are of a category of the type that -  
11 that - if I were making the rules all over again, I  
12 would call them as - as trainees, yeah. It seems like  
13 the same type of mechanism.

14 I don't know at - in point of fact, I  
15 haven't gone and looked at students who are  
16 specifically supported by that, to determine whether  
17 that's actually how they are being coded.

18 Q. So we had - we had - so a couple of  
19 witnesses - or I - I've interviewed several people who  
20 were on - on FLAS Fellowships and had one testify. And  
21 their requirements for the grant were to take a - a  
22 language course and another culture course related to  
23 that language.

24 Would you consider that to be a traineeship?

25 A. I mean - yes.

1 Q. Okay.

2 And then I guess - oh, here - one last area  
3 of inquiry.

4 Are you going to be - Respondent's Exhibit  
5 26 was an e-mail sent out by you, dated November 22nd,  
6 2017.

7 A. Yes.

8 Q. And there's language on there for GSR  
9 appointments?

10 A. Yes.

11 Q. It says - it says other assignments given to  
12 students must be related to - I'm sorry.

13 It says, it normally gives our appointments  
14 to be related to academic work. But this is not the  
15 case and duties related should consist of no more than  
16 20 hours per week?

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

18 Q. Okay.

19 I'm going to show you - can you look at  
20 Union's Exhibit 212?

21 A. Yes.

22 Q. And now if you look at the second paragraph  
23 there, that's slightly different language.

24 Can you read through that?

25 HEARING EXAMINER: How long is it?



1                   ATTORNEY MANZOLILLO:   It's -

2                   THE WITNESS:    A few sentences.

3                   ATTORNEY MANZOLILLO:   - a few sentences.

4                   HEARING EXAMINER:   Can you just read it?

5                   ATTORNEY MANZOLILLO:   Yeah.

6                   It says, in accordance with University  
7 policy, workweek of a student - of a week of a student  
8 with a full GSR appointment shall not exceed 20 hours.  
9 A GSR appointment is normally an integral part of the  
10 student's practicum experience.

11                   A research project thesis and  
12 dissertation, the hours reported are those necessary to  
13 make satisfactory process towards completing a degree.

14                   In cases where a GSR appointment is not  
15 an integral part of the students own work, a GSR  
16 appointment requires 20 hours per week.

17 BY ATTORNEY MANZOLILLO:

18               Q.     Is there a reason for the distinction in the  
19 - between these two versions?

20               A.     Can you say what specific distinction you're  
21 - you're referring to?

22               Q.     The requirements in the very last - in the  
23 very last sentence of 20 hours per week versus a no  
24 more than 20 hours a week in your e-mail?

25               A.     I - I'm not - I don't know why there would

1 be a distinction. My read of this paragraph is that  
2 that is inconsistent with the University's policy on  
3 graduate student researchers.

4 The policy, I think, pretty clearly states,  
5 and - and as was stated in my e-mail, that - that the  
6 expectation is that it would be a maximum of an average  
7 of 20 - 20 hours.

8 Q. Had that policy been edited in recent years?

9 HEARING EXAMINER: I'm not seeing much  
10 of a distinction between the two, Counselor. I mean,  
11 it's just all phraseology.

12 BY ATTORNEY MANZOLILLO:

13 Q. And if you could just - has the policy been  
14 edited?

15 A. I mean, not to my knowledge.

16 ATTORNEY MANZOLILLO: Okay.

17 Nothing further.

18 HEARING EXAMINER: I just want to ask  
19 him a couple of questions on GSRs, Ms. Farmer. And  
20 then you can do Redirect.

21 ATTORNEY FARMER: Yeah.

22 HEARING EXAMINER: I'm interested in  
23 GSRs' curriculum. They would be unique in  
24 determination.

25 So GSRs - and I want you just to think

1 about GSRs in the context of you as the Provost or Dean  
2 of Graduate Students, and how - looking at this top  
3 down, from looking - because I think you've testified  
4 already that you have a vision. Reality may not match  
5 that vision, but you do have a vision?

6 THE WITNESS: Sure.

7 HEARING EXAMINER: All right.

8 So I just want you to talk in terms of  
9 what the vision or the rules and the policies for GSRs  
10 are.

11 So I think it's pretty clear, you - the  
12 University expects that sometimes that GSRs are going  
13 to be performing work not related to personal  
14 dissertation or personal research.

15 Correct?

16 THE WITNESS: Absolutely.

17 HEARING EXAMINER: And at that time we  
18 just had a discussion about the University's  
19 expectations, not - usually not more than 20 hours on  
20 average?

21 THE WITNESS: Yeah.

22 HEARING EXAMINER: And then there's also  
23 - you're going to have your expectation is, you're  
24 going to have GSRs who are doing research work. And we  
25 have to decide - we have to define what researching is,

1 by the way - that is directly related to what they're  
2 currently publishing or will publish or do the  
3 dissertation?

4                   THE WITNESS: Yes. I mean, I think for  
5 me in the, you know, sort of - the ideal case, there's  
6 very little, if any, distinction between - there might  
7 be some things that might appear in a student's thesis.  
8 And you know, that's a well-defined - that's a  
9 document. That's you know, sort of a very well-defined  
10 thing.

11                   There's - there's research that a  
12 student performs which is part of that student's  
13 education, that - part of that student's development  
14 and part of that student's training.

15                   You know, where is that? You know,  
16 should that be under the - you know, in which category  
17 should that fall? Is that in the 20 - you know, one  
18 set of 20 hours? Is that in the amount of time that  
19 that student is spending on - on his or her education?

20                   You know, quite frankly, I don't know.  
21 And it is just - when a student is - is doing a  
22 particular experiment or reading a paper or analyzing  
23 data or any of these things, it is just, in my opinion,  
24 often impossible to determine, you know, what is the  
25 specific -.

1                   HEARING EXAMINER: We've had witnesses  
2 come up here and they pretty easily said that they  
3 could - they could tell the difference.

4                   THE WITNESS: I - I understand it. And  
5 in - in my opinion, those are unusual cases. And in my  
6 opinion, quite frankly, somewhat unfortunate cases.

7                   I mean, I think that the - the research  
8 that a graduate student does, you know, all should  
9 contribute to their development as a student. And I  
10 think in many cases it does, even if it's a project  
11 that is in some sense -.

12                  HEARING EXAMINER: I thought that was  
13 going to be a one word answer, I'm sorry.

14                  THE WITNESS: I'm sorry. It can be a  
15 one day answer.

16                  HEARING EXAMINER: I'm going to redirect  
17 you.

18                  THE WITNESS: But these - I really feel  
19 this is -.

20                  HEARING EXAMINER: I'm just going to  
21 read language from the policy.

22                  THE WITNESS: Yep.

23                  HEARING EXAMINER: All right.

24                  The cases where the GSR appointment is  
25 not an integral part of the student's own work, the GSR

1 appointment requires 20 hours - 20 hours per week, and  
2 a fractual appointment requires corresponding fraction.

3 So your philosophical opinion about all  
4 work being important aside, is it the case that  
5 sometimes GSRs are doing work that's not an integral  
6 part of their student's own work?

7 THE WITNESS: I think it's not an  
8 integral part of their thesis. Is it an integral part  
9 of their overall training and development as a student?  
10 I would say, I - I would say, I hope. And believe in  
11 the best sort of case, the answer is yes.

12 HEARING EXAMINER: I mean, you sent a  
13 letter talking about that, too?

14 THE WITNESS: Yes.

15 HEARING EXAMINER: And as it's - so it's  
16 something neither here nor there?

17 THE WITNESS: Yeah.

18 HEARING EXAMINER: All right.

19 That was just - and that wasn't even a  
20 question.

21 All right.

22 So my question is, is it - is it your -  
23 the University's - when you're speaking to the  
24 University here, is it your policy and opinion that  
25 during the academic year, these GSRs are going to be

1 floating back and forth between doing work that is  
2 using language in the policy, and integral to - an  
3 integral part of the students own work, towards doing  
4 work that is not an integral part of the students own  
5 work?

6 So therefore, they're going from doing  
7 work where there is not that 20-hour-per-week  
8 expectation to doing work where there is that 20-hour  
9 work - 20-hours-per-week expectation during the  
10 academic year?

11 THE WITNESS: I think to the extent that  
12 there are cases of - and I would agree that we've heard  
13 about a few cases, where there - there is - I believe  
14 certainly the students' perspective is that there was a  
15 distinction between work related to his or her thesis,  
16 and work related to the - the GSR, that that should be  
17 integrated. That they should be, as you put it,  
18 floating back and forth.

19 HEARING EXAMINER: That wasn't my  
20 question.

21 Where's his letter that he wrote in  
22 November of 2017?

23 THE WITNESS: R-26.

24 ATTORNEY FARMER: R-26.

25 HEARING EXAMINER: Do you have that in

1 front of you?

2 THE WITNESS: Yep.

3 HEARING EXAMINER: So you say students  
4 typically working on projects are an integral part of  
5 their thesis work.

6 Right?

7 THE WITNESS: Yep.

8 HEARING EXAMINER: You've been saying  
9 that? That is - that's what should be the case?

10 And then you say, it's not the case, the  
11 duties related to the GSR appointment should consist of  
12 no more than 20 hours per week.

13 The relevancy - the relevant policy  
14 document is the one I'm reading from.

15 THE WITNESS: Yep.

16 HEARING EXAMINER: And I think you  
17 testified that you wrote this letter in response to  
18 concerns that were brought to your attention about how  
19 much the - why don't you tell me what the concerns  
20 were?

21 THE WITNESS: So the concerns, as I  
22 recall them, were raised in one of a set of meetings  
23 that I - as far as going around and talking to the  
24 students at different schools.

25 And the concerns were about - and I



1 don't remember specifically whether it was a concern  
2 about teaching or a concern about research. I think it  
3 might have been a concern about teaching.

4 But nonetheless, the concerns were that  
5 students felt like they were being - some students felt  
6 like they were being expected to spend more than 20  
7 hours per week on assignments related to - again, I  
8 think it was a TA position. But I - I don't remember  
9 specifically.

10 HEARING EXAMINER: Yeah.

11 THE WITNESS: And so - I mean, that was  
12 a concern for me. So I think that was something that  
13 was -.

14 HEARING EXAMINER: So in this e-mail you  
15 threw in GSRs to be complete?

16 THE WITNESS: I - I don't remember  
17 specifically.

18 HEARING EXAMINER: All right.

19 THE WITNESS: But you know, if I was  
20 going to write this about TAs, then -

21 HEARING EXAMINER: Yeah.

22 THE WITNESS: - I think I would have  
23 certainly - if I would have written it about one, I  
24 would have thrown in the other, to be complete.

25 HEARING EXAMINER: So your testimony

1 today is, your expectation that in a perfect world, no  
2 GSR should be doing any work that wasn't an integral  
3 part of their academic experience?

4 THE WITNESS: Absolutely.

5 And so the - yeah, even if they - you  
6 know, in one way or another, if the topic is different,  
7 maybe they're learning techniques and methods that are  
8 - that are contributing to their development in - in  
9 their - their research that they'll do.

10 HEARING EXAMINER: So what is the point  
11 of 20-hour policy?

12 THE WITNESS: The point of the 20-hour  
13 policy is to give - like in these situations where  
14 there's - in the GSR case - in these situations where  
15 there is a difference, where it's not integral.

16 And it - and, you know, as we heard it  
17 doesn't always work out that way; that there's a  
18 protection for students.

19 HEARING EXAMINER: All right.

20 So now that we've established that there  
21 are cases where it's not integral to their work?

22 THE WITNESS: Well, I - I would say  
23 we've established that there are cases where the  
24 students don't see the degree to which it's integral.

25 And that may have been -.

1                   HEARING EXAMINER: My overall question  
2 was - and I think you've answered it. Is it the  
3 expectation or the policy view of the school, then,  
4 that there's going to be cases where they're doing work  
5 that's integral?

6                   And then during the academic year they  
7 may be assigned by the faculty to be doing something  
8 that's not integral to what they're doing?

9                   THE WITNESS: Integral to their  
10 education?

11                  HEARING EXAMINER: Well, if you're not  
12 going to admit they don't do any work that's not  
13 integral, I mean, I would - can't even -.

14                  THE WITNESS: I mean, we've heard -  
15 we've heard cases where -.

16                  HEARING EXAMINER: It's in your policy?

17                  THE WITNESS: Yeah.

18                  HEARING EXAMINER: Okay.

19                  THE WITNESS: I mean, I would say  
20 unfortunately, I'm - I'm pained to - to say that - yes,  
21 in some cases.

22                  HEARING EXAMINER: Go ahead on Redirect.

23                  THE WITNESS: I don't mean to be  
24 difficult. But I mean, this is just - I really feel  
25 like this is an important part of graduate education.



1 A. - I would say three categories, yes.

2 Q. Okay.

3 Yeah, three buckets, whatever you want to  
4 call it.

5 Do all three of those provide opportunities  
6 for students to do funded research?

7 A. Yes.

8 Q. So when students are getting that research  
9 funded on these faculty grants, these R01s,  
10 conceptually they should be referred to as GSRs.

11 A. Yes, -

12 Q. Is that right?

13 A. - yes.

14 Q. Okay.

15 And if they're funded on these training  
16 grants, then they should conceptually be trainees?

17 A. That's correct.

18 Q. And if they're funded on the fellowships,  
19 like the F30, F31s, then they should be fellows?

20 A. Yes.

21 Q. Okay.

22 And the training grants and the faculty  
23 grants are both applied for by faculty and awarded to  
24 the institution?

25 A. Correct.

1           Q.       Fellowships are awarded - are applied for by  
2 student and awarded to the institution?

3           A.       That's correct.

4           Q.       All three are subject to NIH rules?

5           A.       Yes.

6           Q.       Are all three subject to the fact that the  
7 NIH could come in and revoke funding for various  
8 reasons consistent with its rules?

9           A.       Yes.

10          Q.       In all three cases, does the University set  
11 the stipend level subject to certain minimums that the  
12 NIH sets?

13          A.       Yes.

14          Q.       And in all three, the University disburses  
15 the funds to the students?

16          A.       That's correct.

17          Q.       And in all three, the University bears at  
18 least some tuition costs for the students?

19          A.       That's correct.

20          Q.       And in all three, the University bears  
21 research costs for the students?

22          A.       That's correct.

23          Q.       Students will often move between at least  
24 some of those three?

25          A.       Yes.

1 Q. You wouldn't typically have a student who  
2 was funded entirely on training grants or fellowships?

3 A. No.

4 And - I mean, NIH sets - sets year limits on  
5 how long students can be supported on their training  
6 mechanisms. I don't know what those are offhand, but I  
7 think it's like three or four years. So less than a  
8 typical duration of a graduate student here.

9 Q. When students move from one type to another,  
10 do they experience a change in their stipend level?

11 A. I would say typically no. I mean, stipend  
12 levels are typically set by the program. And so the  
13 program - if it's a student still working on a GSR in  
14 that program, it's the same as a - a T32 or - or - or  
15 F31, for example, in that same program.

16 Q. And when the students move from one type of  
17 grant to another, does their research change?

18 A. Typically, no.

19 Q. Now, on Cross Examination there was some  
20 discussion about transferring a grant if somebody  
21 leaves the institution.

22 Is the process that you described about  
23 getting approval to transfer the grant, that -  
24 generally the same for all three types of the NIH  
25 grants?

1 A. Yes, to my knowledge.

2 Q. Does the research itself look any different  
3 based on which bucket the money is coming from?

4 A. I mean, no, typically not.

5 Q. Do faculty use R01 grants to train graduate  
6 students?

7 A. Yes.

8 Q. So are they also sometimes used to fund  
9 undergraduate students?

10 A. Yes.

11 Q. And are there similar grants that come from  
12 agencies other than the NIH -

13 A. Yes, -

14 Q. - to the University?

15 A. - National -

16 Q. Do they -?

17 A. - Science Foundation, Department of Energy,  
18 Department of Defense, et cetera.

19 Q. And do they generally operate the same way?

20 A. Yeah, similarly, yes.

21 Q. You testified, I believe this was like  
22 yesterday, that there's a - an educational allowance  
23 that is part of the F30s and F31 fellowships?

24 A. Yes.

25 Q. \$4,000, I think you said?



1           A.       Yeah, I think it's between - between \$4,000  
2 and \$5,000. I don't remember the exact amount.

3           Q.       Is that different than the amount that the  
4 University adds to stipends - to stipends for health  
5 insurance?

6           A.       Yeah. I mean, certainly it's not exactly  
7 the same number. The - those two numbers are derived  
8 through different processes. If they were the same  
9 numerical value, it would be a remarkable coincidence.

10          Q.       You were asked, on Cross Examination  
11 yesterday, about the student who spread the stipend for  
12 eight - an eight-month appointment over 12 months.

13                   Do you remember that?

14          A.       Yes.

15          Q.       Okay.

16                   And you testified that she was taxed for the  
17 remaining four months?

18          A.       Correct.

19          Q.       Let's leave it at that.

20          A.       Correct. I mean, specifically the - the  
21 FICA, Social Security and -.

22          Q.       Okay.

23                   Was she enrolled as a student during that  
24 four months for which she had the FICA tax deducted?

25          A.       No, she was not.

1 Q. Was she on an appointment during those four  
2 months?

3 A. She was not. I mean, I might - yeah, she  
4 was not.

5 Q. Okay.

6 Do you know what the NSF survey is?

7 A. The Survey of Earned Doctorates, is that  
8 what you're referring to? Is - is that what you're  
9 referring to?

10 Q. Yes, I believe?

11 A. Yes, I'm aware of it.

12 Q. Can you just generally explain what that is?

13 A. So that's -.

14 ATTORNEY MANZOLILLO: I'm sorry, what  
15 was it - what is it again?

16 ATTORNEY FARMER: The NSF survey.

17 THE WITNESS: NSF, Survey of Earned  
18 Doctorates, or Earned Doctorate Degrees or something  
19 like that is what it was called.

20 So that's a - a survey that is compiled  
21 with the National Science Foundation.

22 My understanding of its purpose is that  
23 it's to collect information about Doctorate degrees  
24 that are being earned across the country, thinking  
25 about how it is that that influences the development of

1 our sort of scientific workforce.

2 And NSF is - you know, one of its  
3 mandates is to - to foster that development.

4 And so they require universities to  
5 submit information about the Doctorate degrees that it  
6 granted, you know, demographic information about those  
7 students, a - a variety of different kinds of  
8 information about those students.

9 BY ATTORNEY FARMER:

10 Q. Can you turn to Union Exhibit 19 and Union  
11 Exhibit 20?

12 I know you were asked questions about these  
13 yesterday.

14 A. Yeah.

15 Q. I had the opportunity - these came from the  
16 response to the subpoena. I had the opportunity to go  
17 back after the hearing yesterday and review the  
18 response and to confirm. Because they were not labeled  
19 when produced. Because that's the way we received  
20 them.

21 These are actually from the NSF survey  
22 response, -

23 A. Oh, okay.

24 Q. - not from - I believe there were some  
25 questions about whether they were from the Snyder

1 report?

2 A. Yeah. Okay.

3 Q. Does your office provide - or do your  
4 responsibilities involve providing the data for this  
5 response?

6 A. Yeah. I mean, the Provost Office generally  
7 and - and people within the Provost Office are involved  
8 in compiling the information that ends up in this  
9 report, yes.

10 Q. And do you review that data specifically?

11 A. Yes, we look at it.

12 Q. Do you - when you review it, do you see it  
13 in the form in which it appears in -

14 A. I - I -

15 Q. - 19 or 20?

16 A. - do not, no.

17 Q. Can you look at R Exhibit 35 - R-35? R-35.  
18 R-35, not -.

19 A. Oh, R-35? I'm sorry.

20 Okay.

21 Graduate teaching initiative?

22 Q. Yes.

23 In the last paragraph. In the last  
24 paragraph on R-35 it refers to independent instructors.  
25 This is in the graduate student teaching initiative.

1 A. Yes.

2 Q. Do you see that?

3 A. Yeah.

4 Q. Is this talking about graduate students on  
5 an academic appointment who are teaching the class as  
6 an instructor of record?

7 A. I think it's speaking generally about anyone  
8 who - well, any graduate student who's teaching class  
9 independently as an instructor of record, yeah. And  
10 typically those students would be on academic  
11 appointment.

12 Q. Is there a faculty appointment called  
13 Instructor?

14 A. Yes, there is.

15 Q. Is that different than this?

16 A. Yes, it is different, yes. For the people -  
17 for this category for this - what's described here is  
18 for graduate students who are functioning in - in the  
19 role of an independent instructor. But it's - these  
20 are not people who are appointed as instructors.

21 Q. And so typically this would be a student  
22 who's on a TF?

23 A. Yes.

24 Q. If you can take a look at Exhibit R-36.

25 A. Yes.

1 Q. And - I'm sorry, R-37. I apologize.

2 A. Okay.

3 Q. That's the TA handbook.

4 You were asked about the - the list of  
5 policies that appears at the end of that?

6 A. Yes.

7 Q. Apart from the reference to the - the TA,  
8 TF, GSA and GSR policies which have been discussed, -

9 A. Yes.

10 Q. - do the rest of the policies listed here  
11 apply to all Ph.D. students?

12 A. Yes.

13 Q. When a student is on a training grant, can  
14 some of the work that they do not end up in their  
15 dissertation?

16 A. Yes, absolutely.

17 Q. Is that true also for a student who's on a  
18 fellowship?

19 A. Yes.

20 Q. Can you take a look at Union Exhibit 130?

21 It's in the second binder, I believe.

22 A. Yeah, 130.

23 Q. Okay.

24 In paragraph - it's the third from the  
25 bottom, you were asked about that bolded language.

1 A. Yes.

2 Q. In the - in the sentence after that, which  
3 says you can't hold a teaching or other remunerative  
4 position during the fellowship.

5 A. Yes, that's correct.

6 Q. It says, however, a student may hold a  
7 Predoctoral Fellowship for two terms and another  
8 appointment during the other term of the year?

9 A. Yes.

10 Q. So does that mean within same academic year  
11 you could have a student who's both a fellow and a  
12 GSR, -

13 A. Yeah.

14 Q. - or a fellow and a - and a TA -

15 A. Yeah.

16 Q. - or a GSA?

17 A. That's correct.

18 Q. Are there travel grants that are given to  
19 students to do research?

20 A. Yes, a - a variety of them who - at the  
21 Department-level; at the school-level there are some  
22 that are given by the GPSG, the Graduate and  
23 Professional Student Government organization. Yeah, so  
24 a variety of different things.

25 Q. And are students eligible for those

1 regardless of how they're appointed?

2 A. Yes. As long as they're - I mean, if it's a  
3 grant from a particular school, in many cases the  
4 school will then restrict the students from that  
5 school, yeah.

6 Q. Sure.

7 ATTORNEY FARMER: I have nothing  
8 further.

9 HEARING EXAMINER: Recross?

10 ATTORNEY MANZOLILLO: Can we have just a  
11 minute?

12 HEARING EXAMINER: Yeah.

13 Off the record.

14 ---

15 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

16 ---

17 HEARING EXAMINER: Recross?

18 ---

19 RE CROSS EXAMINATION

20 ---

21 BY ATTORNEY MANZOLILLO:

22 Q. I just want to clarify. For - for R01  
23 grants, -

24 A. Yep.

25 Q. - you can employ nonstudent staff in those



1 positions as researchers?

2 A. Yes.

3 Q. Somebody cannot be funded through a T32  
4 grant who is not a graduate student?

5 A. So T32 grants can be used for other  
6 trainees. T32s certainly can be used for postdocs.

7 I'm questioning - I'm trying to think of any  
8 examples where T32s have been used for undergraduates.  
9 But they can be used for other trainees. They can be  
10 used -.

11 Q. What does an other trainee mean?

12 A. Well, so for example, postdocs -  
13 Postdoctoral fellows are considered trainees.  
14 Undergraduates would be considered trainees. I don't  
15 know about - like medical residents, for example, are  
16 other trainees. And they may be supportable on T32s.

17 But it's - the - the mechanism is a training  
18 mechanism. And so it's one that - that is, you know,  
19 intended to apply to trainees at different career  
20 stations.

21 Q. So there's more - the R01 is granting a lot  
22 more flexibility in terms of who you're going to hire  
23 and where you direct that money?

24 A. Yeah, certainly.

25 Q. Okay.

1                   There's Union 130.

2                   ATTORNEY FARMER:   I'm sorry, did you say  
3 Union 130, Brad?

4                   ATTORNEY MANZOLILLO:   Yes.

5                   ATTORNEY FARMER:   Okay.

6 BY ATTORNEY MANZOLILLO:

7                   Q.       So counsel for the University referred you  
8 to the last sentence in that - sort of the last  
9 paragraph.

10                   However, student may hold a predoctoral  
11 fellowship for two terms and another appointment  
12 through the other term in that year?

13                   A.       Yes.

14                   Q.       So if there are more than two terms in a  
15 year, may I assume the third term is a summer term?

16                   A.       Yes.

17                   Q.       Okay.

18                   And the -?

19                   A.       Well, I mean, I - I think, you know,  
20 fellowship could be held for the summer and the fall, -

21                   Q.       Yeah.

22                   A.       - or the summer and spring, whatever.

23                   Q.       Understood, understood.

24                   A.       So yeah, spring, fall and - and - well,  
25 fall, spring which starts in January. And summer are

1 the three terms we refer to.

2 Q. But the - yeah, I - I'm just making sure  
3 this isn't a quarter system.

4 Right?

5 A. No, no.

6 Q. I didn't miss something - something on here?

7 So when you have a - so you'll see at the  
8 bottom of this document there's an eight monthly  
9 payment option, which is the - the standard layout for  
10 the fellowship payment?

11 A. Yes.

12 Q. So this is intended to be paid out over  
13 eight months? Somebody can - can choose to get their  
14 money disbursed over 12 months? But the fellowship is  
15 essentially covering eight - an eight month payment  
16 period?

17 A. I mean, I think the - the fellowship is  
18 supposed to cover a student for two semesters, roughly  
19 eight months. I don't - I don't know if it's intended  
20 to be disbursed over 8 or 12. I mean, I don't think  
21 there's an intent.

22 Q. They're not considered to be on the  
23 fellowship for 12 months, it's - it's considered to be  
24 on the fellowship for two terms, for the eight or nine  
25 months?

1           A.       Yes. I mean, in this case -.

2           Q.       Similar to the way that the - you've  
3 explained the - the issue about somebody taking their -  
4 not having FICA taken out of -

5           A.       Yeah.

6           Q.       - they're not considered a - in that  
7 appointment -

8           A.       Correct.

9           Q.       - for that fellowship for those four months?

10          A.       Yes.

11                 Although - I mean, as indicated here, they -  
12 we can - they can take payment over 12. And the health  
13 insurance that's provided through this is also  
14 calculated on a 12-month basis.

15          Q.       And that would be the same - that's the same  
16 for other students who have academic year appointments,  
17 receive some health insurance over the summer?

18          A.       Correct. We provide 12 months of health  
19 insurance for students even if they're on an  
20 eight-month appointment. That's correct.

21          Q.       Okay.

22                 So in reality, what - what this - what that  
23 last line is saying, if you decide to take your  
24 fellowship over 12 payments instead of eight payments,  
25 you can have a - you could - you could teach or do

1 something else in the summer?

2 A. No. My - my understanding of the sentence  
3 is, that it means that if you were to take the eight  
4 monthly payments -

5 Q. Yeah.

6 A. - that corresponds to the - the term of your  
7 appointment, -

8 Q. Uh-huh (yes).

9 A. - you can then be appointed as a TA, for  
10 example, or a TF or whatever, in the summer and receive  
11 additional payments during that summer.

12 Q. I thought that's what I said.

13 A. I'm sorry.

14 Q. But maybe I wasn't clear. I wasn't clear.

15 But - then yes, that's - that's exactly what  
16 I was asking.

17 Now, one sort of other thing that was  
18 confusing to me.

19 So people move back and forth, you said,  
20 between these different positions. That doesn't -  
21 that's not a weekly or monthly thing, right, that's a -  
22 how - how, you know -?

23 A. So the - the times when this transition  
24 would typically occur would be at the beginning of the  
25 semester. Most of our academic appointments are, you

1 know, on a semester-by-semester basis.

2           Only they're - you know, they're - you know,  
3 in some sense - you know, often there's a - a letter  
4 that goes out in the fall that says, you know, for the  
5 next academic year you will have these two  
6 semester-long appointments.

7           But you know - but for example, if there was  
8 a student who is supported on a - on a fellowship - a -  
9 a T32 fellowship, that could - the - the start date of  
10 that could be any month of the year.

11           And when that student - when that fellowship  
12 ended, that student would then be appointed on - you  
13 know, in any month of the year.

14           When a new funding source, a new grant comes  
15 in or whatever, then we start funding that student off  
16 of that grant in any month of the year. And for, you  
17 know, a period of time that might - relates to the  
18 duration of the grant or might relate to the duration  
19 of, you know, fellowship that that student received.

20           So there's a lot of flux in and out, but -  
21 and we can calculate the - the numbers of these  
22 transitions.

23           Q.     But you - you move from appointment to  
24 appointment, it's not a back and forth. You know, you  
25 switch from one - and you might have a fellowship one

1 year and then you have a - a traineeship the next year.  
2 It's a typical situation.

3 A. I would say - I mean, I'm - I'm - they don't  
4 correspond to academic years in many cases, so -  
5 because a grant comes in - I mean, the - the start date  
6 of a grant can be any month.

7 And so, therefore, it's - you know, that  
8 transition would happen in - in any particular month.  
9 I'm not - I'm not sure if I'm answering the question.

10 Q. I'm not sure I'm - I'm getting it out  
11 clearly enough. So I'm just going to move on.

12 The thing is - how about turn to Exhibit -  
13 Union Exhibits 19 and 20.

14 A. Okay. Yeah.

15 Q. Okay.

16 The only question I have regarding this is,  
17 my - looking at these numbers, Exhibits 19 and 20 have  
18 different numbers.

19 Is there a reason?

20 A. So I - I mean, I'm having - as was the case  
21 yesterday, I'm - I'm - I have a hard time putting this  
22 in context. There's a lot of sort of preamble to these  
23 tables.

24 And so I don't actually - I mean, although I  
25 - now I understand it's from the Survey of Earned

1 Doctorates, I don't know what portion - that's a long  
2 survey. I don't know what portion that's coming from.

3           You know, when I look at that I usually look  
4 at it online. And it's - it's sort of much more  
5 dynamic. And so, you know, I use it to, for example,  
6 figure out how many Ph.D. students graduated in a  
7 particular discipline, in a particular year? What were  
8 the sources of funding, so that we can sort of, you  
9 know, be responsive and be aware of - of funding  
10 opportunities.

11           So looking at this in isolation like this,  
12 it's - it's a little hard for me to interpret. But if  
13 there's a - and I'm happy to - to do my best. If  
14 there's a particular number that you're looking at,  
15 which - which seems to be different.

16           Q.     Yeah, I think we're just curious as to why  
17 there would be any difference in -.

18           A.     I mean, again, in isolation, I don't know  
19 what - what sections of that report these particular  
20 tables are from.

21           Q.     All right.

22                   Well, we'll - we'll look at that more  
23 closely and see if there's anything else.

24                   ATTORNEY MANZOLILLO: I don't have  
25 anything further.



1                   HEARING EXAMINER:   Redirect?

2                   ATTORNEY FARMER:   I have nothing.

3                   HEARING EXAMINER:   Thank you.

4                   You may step down, sir.

5                   Next witness?

6                   ATTORNEY FARMER:   May we take a very  
7 short break?

8                   HEARING EXAMINER:   Yes, ma'am.

9   ---

10 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

11   ---

12                   HEARING EXAMINER:   Okay.

13                   Raise your right hand.

14   ---

15                   HOLGER HOOK, MA, DPHIL, FRHISTS,  
16 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
17 HAVING FIRST BEEN DULY AFFIRMED, TESTIFIED AND SAID AS  
18 FOLLOWS:

19   ---

20                   HEARING EXAMINER:   See, that's why I put  
21 affirm in.

22                   All right.

23                   Here we go.

24                   All right.

25                   Direct Examination.

---

## DIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Can you state your name for the record, please?

A. Holger Hooch, H-O-L-G-E-R, H-O-O-C-K.

Q. Where are you currently employed?

A. At the University of Pittsburgh.

Q. How long have you been employed at Pitt?

A. Since 2010.

Q. In what role did you come to Pitt?

A. Initially as the J. Carroll Amundson Chair in British History in the Department of History.

Q. Do you have an additional role now?

A. Yes, I am the -

Q. What is that?

A. - I'm here as the Associate Dean for Graduate Studies and Research in The Dietrich School of Art & Sciences.

Q. How long have you held that role?

A. Since May 1st, 2017.

Q. Can you tell us about your educational background?

A. I can. I took my first degree, a - a Master

1 of Arts in history, political science, and public and  
2 international law at the University of Freiburg,  
3 F-R-E-Y-B-U-R-G (sic), in Germany.

4 And then a Doctorate in Modern History,  
5 University of Oxford in - in - so the first 1997; the  
6 Doctorate 2001.

7 Q. Let's talk just a little bit about graduate  
8 education generally in the School of Arts & Sciences.

9 What is the purpose of having Graduate  
10 Programs?

11 A. To train the next generation of disciplinary  
12 and professional leaders.

13 Q. Let's talk a little bit about the structure  
14 of the school. Is Arts & Sciences organized internally  
15 in some fashion?

16 A. Yes.

17 Q. Can you explain what that is?

18 A. There are three divisions. The Natural  
19 Sciences, Social Sciences and Humanities, with a total  
20 of 330 (sic) departments. The vast majority of which  
21 are Doctoral Programs. And a small level of which have  
22 Master's-level Programs.

23 There are also Cross-Disciplinary  
24 Certificate Programs at the graduate-level.

25 ATTORNEY MANZOLILLO: 330?

1                   THE WITNESS: Three-zero, that is the  
2 number of departments across the three unit - the three  
3 divisions.

4                   ATTORNEY MANZOLILLO: Thirty-three (33)  
5 or - I'm sorry?

6                   THE WITNESS: Thirty (30) -

7                   ATTORNEY FARMER: 3-0, 30.

8                   THE WITNESS: - 3-0.

9                   HEARING EXAMINER: 3-0?

10                   Okay.

11                   ATTORNEY FARMER: Yeah.

12 BY ATTORNEY FARMER:

13           Q.       How does that student apply for admission  
14 into a Graduate Program within the school?

15           A.       Technically through an online platform.  
16 Substantively, the - a - an applicant applies through  
17 the school to a particular program and - and  
18 department.

19           Q.       So it's managed at the departmental level,  
20 the - the application process, the admission process?

21           A.       No, it's managed in conjunction between  
22 department and the school. So the Department - and I  
23 believe Dr. Urban talked about the variation of a  
24 specific detail.

25                   The Department will define the criteria by

1 which applicants are evaluated. The particular types  
2 of documents they request in order to evaluate our -  
3 our candidate applicants by those criteria, and then  
4 make recommendations to the Office of Graduate Studies  
5 at the school level for Office of Admission and also  
6 office of particular funding packages, to be extended  
7 to applicants - to successful applicants.

8 Q. And the means by which the Department  
9 decides who to recommend for admission, does that vary  
10 by department or by program?

11 A. Yes. The approximate specific way which a  
12 department will orchestrate the admissions process  
13 varies. So in some cases some departments - the  
14 Graduate Committee, chaired by the Director of Graduate  
15 Studies, will serve as the Admissions Committee.

16 In other departments, a member of a graduate  
17 faculty, who may or may not be the Director of Graduate  
18 Studies, serves as the Chair of Admissions. And the  
19 Admission Committee may overlap but be distinct from  
20 the Graduate Committee.

21 Q. You mentioned making recommendations - that  
22 the departments or the programs make recommendations to  
23 the school about funding packages to be offered to  
24 graduate students?

25 A. Uh-huh (yes).

1 Q. Is that - does that include Master's  
2 students or is it just Ph.D. students who receive these  
3 funding packages?

4 A. With only I believe two exceptions. We only  
5 fund doctoral studies. The MAs in Italian and the MFA  
6 in English are two exceptions of funded Master-level  
7 Programs.

8 Q. And for those -

9 A. Both of which are -

10 Q. - I'm sorry, I didn't mean to interrupt.

11 A. - both of which are very small programs at  
12 the moment.

13 Q. And for those two Master's Programs where  
14 they're offered funding, does it operate in the same  
15 way that the funding packages do for Ph.D. students,  
16 with academic appointments, and health insurance and  
17 tuition and those things?

18 A. Yes, both the types and the variation of the  
19 possible appointments, including fellowships, TA, TF  
20 are not the same.

21 Q. So we're going to focus, then, for the rest  
22 of your testimony, on the Ph.D. students, since there's  
23 this small number of funded -

24 A. Uh-huh (yes).

25 Q. - Masters' -.

1                   Do you admit, within the school, Ph.D.  
2 students without an expectation of providing them a  
3 funding package?

4           A.       No. The only and extremely rare exceptions  
5 would be a fully self-funded applicant.

6           Q.       And -?

7           A.       But we would expect to know that they will  
8 be funded.

9           Q.       So for example, if there was somebody where  
10 there was a committed foreign source of funding or  
11 something like that, as opposed to just somebody who  
12 says, I'm going to just write a check each semester  
13 from my own checkbook?

14          A.       Okay.

15                   I have - I have not seen such a case.

16                   ATTORNEY MANZOLILLO: I'm going to  
17 object. I think that's leading.

18                   HEARING EXAMINER: Overruled. Keep  
19 going.

20                   ATTORNEY FARMER: Okay.

21 BY ATTORNEY FARMER:

22           Q.       Have you seen the instance of somebody just  
23 saying, I'm just going to pay my own way for the entire  
24 Ph.D. Program?

25           A.       I have not.

1           Q.       What is the purpose of offering funding  
2 packages to Ph.D. students?

3           A.       Well, the - I'm a historian.

4                    The history of - of doctorates education in  
5 this country in the United States, as distinct from  
6 other countries, including where I have initially  
7 trained, has evolved in such a way that  
8 research-intensive, doctoral-level universities are  
9 expected to fund doctoral students for the majority, if  
10 not the entirety of their extended time to degrees, so  
11 that they can focus - so that the students can focus on  
12 the progressive training, and the time and completion  
13 of those degrees.

14                   The specific of funding mechanisms that have  
15 been designed to deliver on this promise of support are  
16 structured around the - the kind of integrated  
17 training, academic and professional development that  
18 leads to the type of completion of degrees.

19                   And so they include things - the academic  
20 appointments that we've been discussing, TA, TF, GSAs,  
21 GSR mechanisms, as well as fellowships.

22                   And as we have also learned throughout the  
23 last three-and-a-half days so far, they each, of  
24 course, carry, then, a stipend, either health insurance  
25 or enhanced stipend, calculated to cover equivalent



1 cost of health insurance, and for tuition remission, so  
2 they have significant financial benefits for the  
3 students.

4 Q. So within the School of Arts & Sciences, you  
5 have students who are appointed on GSAs, -

6 A. Yes.

7 Q. - TAs, -

8 A. Yes.

9 Q. - TFs, -

10 A. Yes.

11 Q. - fellows?

12 A. Yes.

13 Q. Are there generally trainees within the  
14 School of Arts & Sciences?

15 A. There are a few programs that typically have  
16 some trainees.

17 Q. Is it a pretty small number relatively,  
18 within Arts & Sciences?

19 A. It's a small proportion within Arts &  
20 Sciences. And it's a small proportion of the overall  
21 numbers of trainees universitywide.

22 Q. Okay.

23 And are there some students who are  
24 appointed on GSRs?

25 A. Yes.

1           Q.     Do the funding packages that are offered to  
2 students differ between different programs or even  
3 different students?

4           A.     Yes.

5           Q.     Do the departments set the funding packages  
6 that are offered or is that set at the school level?

7           A.     Can you define funding - our usage of  
8 funding packages in this - in this context?

9           Q.     Sure. I'd be happy to.

10                   So when a student is offered admission, is  
11 there something that is offered to them saying this is  
12 the expectation you should have of funding during - in  
13 your program?

14          A.     Yes.

15          Q.     Okay.

16                   Is that - what's offered there is that set  
17 at the - at The Dietrich School level or is that set at  
18 the departmental level?

19          A.     That would be set at the department level,  
20 to take into account the specific requirements of  
21 progressive training in a given discipline.

22          Q.     Are there departments that might offer  
23 things to their students that are in addition to any  
24 minimums that are set by the School of Arts & Sciences?

25          A.     Yes.

1 Q. And why might a department do that?

2 A. Well, at the point of admission a common  
3 scenario would be in order to be able to recruit  
4 competitively.

5 Our stipends are - are set, as - as we know,  
6 at the University level. So the - the amount per term  
7 are - are not dynamic. To compete in a - in a  
8 competitive recruiting scenario with other top  
9 universities, departments seek some flexibility to  
10 offer, for instance, a summer research fellowship for  
11 one or even successive summers, enough, but  
12 departmental funds and/or working with my office.

13 Q. You talked about the fact - there has been  
14 discussion about the fact that people are offered a  
15 number of years of funding at the time of admission.

16 Is that different between departments, the  
17 number of years that are offered?

18 A. There are - there are, as of this point,  
19 still very minor variations. A few years ago there  
20 were much greater variations. And - under my  
21 predecessor, I believe six years ago now, a - a process  
22 was started of lifting the floor.

23 So that - I am currently aware of one  
24 program we heard I believe from one student in - in  
25 music who said, our music program was the only one

1 offering her any funding. But that is the one program  
2 I'm aware of where the minimum expected funding period  
3 is four years. The others I'm aware of are all five as  
4 a minimum.

5 Q. There has been some testimony about  
6 fellowships. And there's a number of different kinds  
7 of fellowships that exist -

8 A. Yes.

9 Q. - within the School of Arts & Sciences?

10 A. Uh-huh (yes).

11 Q. You heard testimony - did you hear testimony  
12 from Dr. Urban about when there are these fellowships,  
13 that there's an additional amount added to the stipend  
14 for the health insurance?

15 A. Uh-huh (yes).

16 Q. You heard that testimony?

17 A. I did.

18 Q. And when there are fellowships within Arts  
19 and Sciences, is the same thing done in accounting the  
20 amount of the stipend?

21 A. Yes.

22 Q. The appointment levels which students  
23 receive, are they issued by the school or the  
24 individual department?

25 A. I mean, the school issues all letters for

1 TAs, TFs, GSAs; internal fellowships.

2 Q. The Mellons, for example?

3 A. Those would be the - from year to year,  
4 between 63 and 69 internal competitive fellowships, as  
5 well as - I don't recollect the exact number, but well  
6 in excess of a hundred recruiting fellowships. So for  
7 incoming first year students.

8 GSRs receive their appointment letters  
9 typically from departments, as do externally - fellows  
10 who are on external sources of funding processed  
11 through the University receive their letter from one  
12 office or another in the University.

13 But I would expect the school - my office to  
14 receive a copy of all the letters issued initially by  
15 another office, department or otherwise. Because we  
16 either remit the full tuition or top half in the case  
17 of external fellowships that don't cover full tuition -  
18 full remission of tuition. We top up the tuition.

19 Q. Is it common within the school for students  
20 to have different types of appointments during the  
21 course of their Ph.D. Program?

22 A. Extremely common.

23 Q. And that - can that change from term to term  
24 within the same academic year?

25 A. Yes.

1 Q. Can there be times when the type of  
2 appointment changes within the same term?

3 A. Yes, that would be the kind of scenario we  
4 just heard about. I think it was in Redirect and/or  
5 Recross.

6 So Dr. Urban was clarifying in the case of  
7 external grants of various types of fellowships,  
8 traineeships. But the start date of these external  
9 grants can be any time of the year. And so students  
10 would expect to have new appointment letters issued at  
11 the appropriate time, when it ends then to be picked up  
12 on another source.

13 Q. What's the average time to degree for Ph.D.  
14 Programs within the school?

15 A. Roundabout six years, with very considerable  
16 variation across the disciplines.

17 Q. Does the School of Arts & Sciences expect  
18 that all academic appointments will provide academic  
19 value to the student?

20 A. Absolutely.

21 Q. You have - you mentioned that you're - you  
22 came in as a professor of history?

23 A. Correct.

24 Q. Do you also have a relationship with the  
25 History of Art and Architecture Program?

1           A.       Oh, I do. It was formulized in 2016, when I  
2 - the Provost appointed me to hat's called a secondary  
3 appointment in the - in the Department of History of  
4 Art and Architecture.

5                   It relates to one of my research fields,  
6 which is visual culture, and the relationship between  
7 state formation and - and visual culture - museums and  
8 so on.

9                   HEARING EXAMINER:   Fifty-four (54)?

10                  ATTORNEY FARMER:   It will be 54, yes.

11   ---

12           (Whereupon, Respondent Exhibit 54, Printout from  
13 Department of History of Arts and Architecture  
14 Website, was marked for identification.)

15   ---

16                  HEARING EXAMINER:   Thank you.

17                  ATTORNEY FARMER:   Thank you.

18 BY ATTORNEY FARMER:

19           Q.       I'm showing you what we're marking as  
20 Exhibit 54.

21                   Can you identify what this is?

22           A.       Yes.

23                   It appears to be a - a printout from the  
24 website from the Department of History of Art and  
25 Architecture in relatively small font - in very small

1 font.

2 Q. That is true.

3 A. To the extent that we might need magnifying  
4 glasses if we are asked to read much out of the text.

5 Q. Apparently our technical skills of printing  
6 web pages are somewhat limited.

7 This will be 55.

8 ---

9 (Whereupon, Respondent Exhibit 55, Summary of  
10 Programs within Department of History of Art and  
11 Architecture, was marked for identification.)

12 ---

13 THE WITNESS: Thank you.

14 BY ATTORNEY FARMER:

15 Q. I'm showing you what we've marked as Exhibit  
16 55.

17 Does this summarize the Graduate Programs  
18 within the Department of Art - the History of Art and  
19 Architecture?

20 A. I wouldn't say it summarized the entire  
21 program. It appears to be the landing page of the  
22 Graduate Program, which then hyperlinks to other  
23 sections.

24 Q. Can you just give us an overview of what  
25 kind of opportunities are available to graduate



1 students in the program?

2       A.       So very briefly, for context. Several years  
3 ago the Department of History of Art and Architecture  
4 restructured its entire approach to the Graduate  
5 Program, resulting in what's called the Constellations.  
6 It's ideas and concepts-driven and interdisciplinary  
7 approach to structuring graduate studies.

8               And it is tied to what is called the  
9 Consortium, Collecting Knowledge Pittsburgh.  
10 Essentially, a set of partnerships between the  
11 department on the one hand, and a set of museums and  
12 galleries in the city and the region on the other.

13              Within that - and - and a part of this is  
14 funded through a very substantial Andrew W. Mellon  
15 Foundation grant, currently I believe in its fifth  
16 year.

17              Within that structure, graduate students  
18 have opportunities to gain curatorial experience, both  
19 in the University art gallery, but also there's museums  
20 and galleries I mentioned in the city and - and the  
21 region.

22              They can be on various graduate student  
23 assistantships in - in that context. They will gain  
24 experience as mentors of undergraduate students, who  
25 are also part of this overall thematic of

1 interdisciplinary and structure.

2 Q. And are these opportunities attractive for  
3 applicants?

4 A. Yes, it's a - it's a major recruiting tool.  
5 Both the emphasis on interdisciplinary approaches, on  
6 experiential learning, both onsite, and in the museums  
7 and galleries beyond the campus.

8 ATTORNEY FARMER: It will be 56.

9 ---

10 (Whereupon, Respondent Exhibit 56, Subsection for  
11 Graduate Program, was marked for identification.)

12 ---

13 THE WITNESS: Thank you.

14 BY ATTORNEY FARMER:

15 Q. I'm showing you what we've marked as Exhibit  
16 56.

17 Can you identify what this is?

18 A. So this appears to be now one of the  
19 subsections for the Graduate Program, a segment of the  
20 website, specifying - Curriculum and Training is the  
21 main header. And then teacher training as a subheader.

22 Starting with - with the phrasing HAA,  
23 History of Art and Architecture has an ongoing goal to  
24 ensure that every graduate student emerges from the  
25 Ph.D. Program with an excellent teaching portfolio.

1 And then it goes into detail.

2 Q. I'm going to show you 57.

3 ---

4 (Whereupon, Respondent Exhibit 57, Printout of  
5 Current Academic Year Graduate and Professional  
6 Studies Catalog 2018-'19 was marked for  
7 identification.)

8 ---

9 THE WITNESS: I'm really hoping they're  
10 not getting any smaller.

11 BY ATTORNEY FARMER:

12 Q. It's not smaller.

13 HEARING EXAMINER: Yeah.

14 BY ATTORNEY FARMER:

15 Q. I don't think it's smaller. I'm not saying  
16 it's bigger. But I don't think it's smaller.

17 Trust me, many hours were spent trying to  
18 figure out how to print these without losing like the  
19 page context and the banner. Which obviously didn't  
20 work.

21 A. Yes.

22 I mean, they're pretty and has everything on  
23 there.

24 Q. Right.

25 A. But it's - yeah.

1 Q. Yes.

2 Can you explain what 57 is?

3 A. This is from a different source. This is a  
4 printout of the current academic year Graduate and  
5 Professional Studies Catalog, with a degree requirement  
6 for the Ph.D. and the History of Art and Architecture.

7 Q. Okay.

8 I notice in the section on the first page  
9 under coursework, -

10 A. Yes.

11 Q. - it references HAA2970, Teaching of Art  
12 History?

13 A. Yes.

14 Q. And is that a required - is that a required  
15 course on teaching pedagogy in the program?

16 A. It says so here, yes.

17 Q. Is that your understanding of the  
18 requirements for the program?

19 A. That's also my understanding, yes.

20 Q. Okay.

21 Taking a lot of look at the back page of it,  
22 under - there's a section at the very bottom, teaching  
23 portfolio.

24 A. Uh-huh (yes).

25 Q. And it - it references that students must

1 produce teaching portfolios to advance to candidacy?

2 A. Correct.

3 Q. Do you know, why is producing a teaching  
4 portfolio part of the degree requirements of the  
5 program?

6 A. Well, I - I think we were referencing just a  
7 minute ago, the Department of History of Art and  
8 Architecture, like many other departments of the school  
9 of Arts and Sciences, believes that what our doctoral  
10 training provides is a broad continuum of both research  
11 and pedagogy-focused preparation, for whatever careers  
12 the future postdoctoral scholar, researcher would want  
13 to pursue.

14 It is increasingly - well, to pursue  
15 academic careers, to pursue any teaching-related  
16 careers within higher education, being able to  
17 demonstrate, from the point of applying for any  
18 position in - in that field demonstrated  
19 progressively-acquired teaching experience and the  
20 ability to reflect our pedagogical approaches will be  
21 expected.

22 Increasingly, universities will request  
23 teaching portfolios as part of applications for  
24 positions. They will certainly expect elements of a  
25 teaching portfolio, such as a teaching statement or

1 often referred to as a teaching philosophy, sample  
2 syllabi section.

3 But beyond that - and again, many of our  
4 programs spell it out explicitly and - and the others  
5 imply it, having acquired the abilities that - the -  
6 the competencies that come with progressive pedagogical  
7 training serves any postdoctoral applicant for any type  
8 of position.

9 Well, because they would have honed skills  
10 in communication, in conveying complex information to  
11 nonspecialists, diverse audiences, in working on the -  
12 on mentoring and so on.

13 I can talk about this for days. I'm not  
14 trying - I'm not trying to contest Dr. Urban for the -  
15 for the medal, so -.

16 Q. For the medal?

17 I'm going to show you what we're going to  
18 mark as 58.

19 ---

20 (Whereupon, Respondent Exhibit 58, Syllabus of  
21 HAA2970 Teaching of Art History, was marked for  
22 identification.)

23 ---

24 THE WITNESS: Thank you.

25 ---

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

2 ---

3 BY ATTORNEY FARMER:

4 Q. Can you identify this document?

5 A. Yes.

6 This is the syllabus. Current literature, I  
7 believe is - no, well, it's a spring 2017 iteration of  
8 HAA2970 teaching of Art History. This is a required  
9 course that we referred to. And it - sorry, you just  
10 asked me to identify it.

11 Q. That was fine.

12 This is - so this is the required teaching  
13 practicum? This is the syllabus for that required  
14 teaching practicum course?

15 A. This is the syllabus for the required  
16 course. Correct.

17 Q. Within the School of Arts & Sciences, do a  
18 number the programs have similar required teaching  
19 practicum courses?

20 A. Yes.

21 Q. And when students are taking these teaching  
22 practicum courses, are they generally expected to get  
23 actual experience in the classroom in connection with  
24 the course?

25 A. Yes.

1 Q. Is it generally the case that students would  
2 be doing that in connected with a TA or TF appointment?

3 A. Yes.

4 Q. While I am marking this, I will multitask.  
5 We talked a little bit about funding  
6 packages. Within Arts and Sciences, is it generally  
7 the case that students in their first year are funded  
8 on an internal fellowship?

9 A. No.

10 I wish we had more of those.

11 But no, it varies much more than that. And  
12 there are certain departments where the entire first  
13 year program would be expected to be funded on those,  
14 but not all departments.

15 Q. Not all departments?

16 A. Yeah.

17 Q. Thank you for clarifying that.

18 ATTORNEY FARMER: This will be 59.

19 ---

20 (Whereupon, Respondent Exhibit 59, Graduate and  
21 Professional Studies Catalog in Philosophy  
22 2018-'19, was marked for identification.)

23 ---

24 BY ATTORNEY FARMER:

25 Q. I'm showing you Exhibit 59.



1 Can you explain what that is?

2 A. This is again, from the Graduate/  
3 Professional Studies Catalog 2018-'19, the requirements  
4 for the Ph.D. in philosophy.

5 Q. Okay.

6 Taking a look at the - that paragraph at the  
7 bottom, that teaching internship section, -

8 A. Uh-huh (yes).

9 Q. - if you could - if you could read that?

10 A. Yes.

11 Teaching internship. In order to qualify  
12 for the Ph.D., each graduate student must, under the  
13 supervision of faculty, teach or lead discussion  
14 sections for at least two different courses.

15 Teaching assistants and teaching fellows  
16 satisfy this requirement in the course of fulfilling  
17 their teaching duties. Special arrangements are made  
18 to enable other graduate students to satisfy this  
19 requirement.

20 Q. Is that consistent with your understanding  
21 of what would generally occur, that where there is a  
22 teaching requirement, that students would satisfy that  
23 while on a TA or a TF?

24 A. Generally, yes - yeah. It's the whole point  
25 of reflective practice, that you - sorry - that you

1 study the scholarship of pedagogy. You develop your  
2 own approaches in the classroom setting, whether that  
3 is a section or a standalone course, you bring that  
4 experience back. Reflect on it, whether you're  
5 teaching mentors, you develop a teaching for it. It's  
6 an iterative process.

7 Q. Let's talk just generally, switching gears a  
8 little bit, about research -

9 A. Uh-huh (yes).

10 Q. - within the School of Arts & Sciences.

11 A. Yes.

12 Q. Can you just talk about the kind of range of  
13 what research means within the School of Arts &  
14 Sciences?

15 A. Well, as you can imagine, with a liberal  
16 arts course of the University, with 30 departments, it  
17 ranges from - even in a single discipline in - in the  
18 sciences from theoretical work that can be conducted.

19 And I wouldn't say necessarily pen and  
20 paper, just - but - but from - with a computer to  
21 observational and experiential work. Field work in  
22 archeology and anthropology, anywhere in Pittsburgh or  
23 the rest of the globe, archives, libraries.

24 Q. So does it require a wide variety of  
25 different kinds of tools and equipment?

1 A. Yes.

2 Q. I'm going to show you what we're marking as  
3 60.

4 ---

5 (Whereupon, Respondent Exhibit 60, Graduate and  
6 Professional Service Catalog 2018-'19 in Department  
7 of Geology and Environmental Sciences, was marked  
8 for identification.)

9 ---

10 BY ATTORNEY FARMER:

11 Q. Can you identify what this is?

12 A. This is the equivalent page. So Graduate  
13 And Professional Service Catalog 2018-'19. The  
14 requirements for the Ph.D., this time in the Department  
15 of Geology and Environmental Sciences.

16 Q. So in the first paragraph of this -  
17 actually, I think it's a - a first - two sentences,  
18 where it talks about the nature of the research. And  
19 it -

20 A. Uh-huh (yes).

21 Q. - it talks about, you know, Volcanology and  
22 Geographic Information Systems. Sort of a wide -

23 A. Yes.

24 Q. - I think you would agree with me, that this  
25 is a wide variety of types of research, -

1 A. Yes, yes, -

2 Q. - and locations and things like that?

3 A. - with interest -.

4 ATTORNEY MANZOLILLO: I'm going to  
5 object to foundation, that this - this is - has any  
6 ability to speak to this program, to speak to what  
7 that -.

8 HEARING EXAMINER: Isn't he a Dean of  
9 the school?

10 ATTORNEY FARMER: He's the Associate  
11 Dean.

12 HEARING EXAMINER: Of?

13 ATTORNEY FARMER: Graduate Programs of -

14 ATTORNEY MANZOLILLO: With a background  
15 in geology and - geology and environmental studies?

16 ATTORNEY FARMER: - Arts and Sciences.

17 HEARING EXAMINER: And what was the  
18 name, Arts & -?

19 ATTORNEY FARMER: Dietrich School of  
20 Arts & Sciences.

21 HEARING EXAMINER: Okay.

22 Overruled. Go ahead.

23 THE WITNESS: Yes, it -.

24 BY ATTORNEY FARMER:

25 Q. I'm not going to ask you speak specifically

1 to what geologists do.

2 A. I'd be happy to.

3 Q. We appreciate that.

4 But I want to just want to - so you talked  
5 about the fact that there is a wide variety of - of  
6 research that occurs within and across the school.

7 Does this - within this description of the  
8 Graduate Program in geology, -

9 A. Uh-huh (yes).

10 Q. - talk about sort of some of the types of  
11 research that might occur even just in this one  
12 department?

13 A. Yes, it does.

14 Q. Within the School of Arts & Sciences, is  
15 there research that occurs that requires resources that  
16 the University needs to provide to support that  
17 research?

18 A. Yes.

19 Q. Okay.

20 Can you give some examples of the kind of  
21 resources that are provided to support research in the  
22 School of Arts & Sciences?

23 A. Access to the University library system.  
24 One of the leading ones in - in this country.  
25 Scientific apparatus and equipment, and the agents,

1 et cetera, in - in the Science Departments.

2 Access to the - to the ability to access  
3 human subjects or human subject-related research. And  
4 the required ethical approval processes pertaining to  
5 those. Data sets which could be extraordinarily  
6 expensive to acquire. Travel funding, so that students  
7 can pursue field research, whether that be in archives  
8 elsewhere in this country or overseas, archeological  
9 research.

10 Geologists will go deep core drilling in  
11 various countries. Anthropologists will do participant  
12 observer studies in populations around the world with  
13 support from the University.

14 Q. I want to talk a little bit about mentoring  
15 and the faculty role in Ph.D. education.

16 Do you have the experience of advising  
17 graduate students yourself?

18 A. I do.

19 Q. How would you describe that relationship?

20 A. How many days do we have for that?

21 ATTORNEY FARMER: We're getting done  
22 before lunch.

23 HEARING EXAMINER: Why don't you direct  
24 that question more?

25 THE WITNESS: No, I - I can be quick,

1 Mr. Hearing Examiner.

2 HEARING EXAMINER: All right.

3 THE WITNESS: The - typically you would  
4 expect the relationship to be grounded in an  
5 overlapping of research and studies. Often our  
6 perspective doctoral students identify a university, a  
7 program and a particular potential advisor.

8 And if they don't at the point of entry,  
9 then lab rotations or other exposure through seminars  
10 will lead to initiating a potential mentoring  
11 relationship.

12 The role, as I see it, of a doctoral  
13 student mentor, encompasses everything guiding that  
14 student through progressive training and academic and  
15 professional experience, to a timely, successful  
16 completion of the degree and then launching into a  
17 high-impact career.

18 So anything from advising on an optimal  
19 course sequence, on pursuing external prestigious  
20 fellowship opportunities at specific times and the  
21 progression to a degree.

22 The way I try to work with - with grad  
23 students, the collaborative formulation of viable  
24 research questions and then of a doctoral research  
25 project.

1           The - learning the art of both receiving  
2 and giving critical feedback. And then marshalling  
3 resources for - for professional development.

4           To do this effectively, both parties  
5 need to work out their communication styles. But most  
6 of you will see the mentor to be attuned to the  
7 particular learning styles, the - obviously the prior  
8 preparation of the graduate student. Their particular  
9 career aspirations, which may be within the academy or  
10 beyond or might change along for way. And the life  
11 decisions.

12           The one - one thing I would add is, at -  
13 at the research, increasingly on - on mentoring shows  
14 this, too, a single mentor is not the ideal model.

15           Right?

16           We have a research advisor who is a key  
17 mentor.

18           But one thing that Ph.D. Programs offer  
19 are set up to - to offer is a dense network of  
20 potential and actual mentors and mentoring  
21 relationships. So it would be very common for a  
22 graduate student to have a primary teaching mentor who  
23 is quite possibly separate from the primary research  
24 advisor, mentor. And who might then write  
25 complimentary letters of reference as - as the - the



1 postdoc enters the job market.

2 It's also typically a lifelong  
3 relationship. As I was reminded when - I - I couldn't  
4 go to the retirement party of my doctoral mentor,  
5 because I was here this week.

6 HEARING EXAMINER: Sorry.

7 THE WITNESS: But reflected on - on the  
8 impacts that our relationship has had.

9 HEARING EXAMINER: I apologize for that.

10 THE WITNESS: No, no, this is -.

11 BY ATTORNEY FARMER:

12 Q. So following up on what you said. When  
13 students enter into a Ph.D. Program in the School of  
14 Arts & Sciences, do they typically have the skills and  
15 the knowledge to be independent researchers at the  
16 doctoral level?

17 ATTORNEY MANZOLILLO: I'm again going to  
18 raise an objection or a standing objection to  
19 foundation.

20 HEARING EXAMINER: Noted. Go ahead.

21 THE WITNESS: I may answer?

22 HEARING EXAMINER: Yeah.

23 THE WITNESS: Well, we recruit at a very  
24 competitive level. So we would expect each competitive  
25 applicant to one of our Doctoral Programs to have a

1 certain level of ability to conduct independent  
2 research and then significant potential.

3           But there's a reason it takes, on  
4 average, almost six years to get to the final capstone  
5 and the certification. And so it is a long arduous  
6 progressive process, through which each - doctoral  
7 students refines, enhances their ability to formulate  
8 viable research questions in relation to the state of  
9 the research in the field - in the specific field. And  
10 then carries out independent research. And ends up  
11 with a certified original contribution to knowledge in  
12 that - in that specific discipline.

13       Q.     And is there - are the Graduate Programs  
14 designed to get students through that process to that  
15 goal of being able to be independent researchers in  
16 their field?

17       A.     That is precisely how - why they're designed  
18 the way they are designed, yes.

19       Q.     Does that include experiential learning  
20 through assistantships -

21       A.     Yes.

22       Q.     - or academic appointments - through  
23 academic appointment, I should say?

24       A.     All of them - all types, yeah.

25       Q.     So since taking on this role as the

1 Associate Dean of Arts & Sciences, have you been  
2 looking at ways to rethink Ph.D. education?

3 A. Yes.

4 Q. Why is that?

5 A. As a leading doctoral training institution,  
6 I believe one should always be at the cutting edge.  
7 And so one wants to refresh anything from the - from  
8 the program portfolio to the curricular within  
9 particular disciplines.

10 And any elements that - from my perspective,  
11 that the school, in collaboration with individual  
12 programs provided, enhance what the programs are in a  
13 position to provide.

14 Q. So as part of doing this, have you been  
15 looking at the components of graduate education?

16 HEARING EXAMINER: What's the relevance,  
17 Ms. Farmer?

18 ATTORNEY FARMER: That if the School of  
19 Arts & Sciences is looking at the purpose of why they  
20 do certain things in the school, in - in terms of Ph.D.  
21 training.

22 HEARING EXAMINER: Yeah. I mean - but  
23 I'm concerned about what's happening now, not what may  
24 happen in the future.

25 ATTORNEY FARMER: This has been - this

1 is an ongoing project that's been going on for more  
2 than a year.

3 HEARING EXAMINER: I know. But it's -  
4 is it all relevant to what TAs, TFs, GSAs and GSRs have  
5 been doing?

6 ATTORNEY FARMER: Yes.

7 HEARING EXAMINER: Okay.

8 ATTORNEY FARMER: This will be 61.

9 ---

10 (Whereupon, Respondent Exhibit 61, Document Dated  
11 September 2017, was marked for identification.)

12 ---

13 HEARING EXAMINER: What happened to 60?  
14 Oh, I've got 60.

15 ATTORNEY FARMER: Okay.

16 HEARING EXAMINER: There you go.

17 BY ATTORNEY FARMER:

18 Q. I'm showing what we've marked as Exhibit 61.  
19 Can you explain what this is?

20 A. Yeah. So this is a document dated September  
21 2017. So that would be the first full month of my  
22 first full term, when all the faculty and graduate  
23 students were back on campus after the summer.

24 And it is one of many communications that  
25 I've had in writing and - and in discussions about a

1 strategic priority in The Dietrich School of Arts &  
2 Sciences, which is the continuous enhancement of the  
3 professional development and the preparation of diverse  
4 careers of all of our graduate students, whether they  
5 wish to stay in the academy or go into a government  
6 public sector industry or the nonprofit sector.

7           This particular document is a one-page  
8 handout that was provided to all Chairs and Department  
9 Directors of Programs at the annual meeting between the  
10 senior leadership team of the school. So the Dean, and  
11 the four Associates Deans and this audience, the Chairs  
12 and Directors.

13           Q.     Did you seek grant funding to help support  
14 this initiative?

15           A.     Yes, there are many pieces to this. There's  
16 one particular grant we pursued, the moment I came in,  
17 in the spring of 2017, through the National Endowment  
18 for the Humanities, called a Next Generation Humanities  
19 PhD Planning Grant.

20                   And we were one of four unities nationwide  
21 to be successful. It's -

22           Q.     Keep going.

23           A.     - did you - is this related? Should I wait?

24           Q.     Yeah, that's fine. I'll show you 62.

25                               ---

1 (Whereupon, Respondent Exhibit 62, Press Release,  
2 was marked for identification.)

3 ---

4 HEARING EXAMINER: Thank you.

5 BY ATTORNEY FARMER:

6 Q. Can you explain what 62 is?

7 A. Oh, yeah. That's the press release the  
8 University did when we received the grant.

9 So the idea is - this is a structured  
10 process for this current academic year, where graduate  
11 students, graduate faculty, alumni from my Doctoral  
12 Programs and other relevant parties on - both on and  
13 off campus tackle particular elements of our Humanities  
14 doctoral training, with the purpose, as spelled out, to  
15 enhance professional development career diversity  
16 preparation.

17 So we look at embedding professional  
18 development more widely across the existing curricular.  
19 We look at further engaging our alumni as co-mentors of  
20 current Ph.D. students and other elements.

21 Q. I'm going to show you what we're marking as  
22 63.

23 ---

24 (Whereupon, Respondent Exhibit 63, Documents, was  
25 marked for identification.)

---

1  
2 BY ATTORNEY FARMER:

3 Q. Can you explain what 63 is?

4 HEARING EXAMINER: Are you talking about  
5 professional development of the grad students?

6 THE WITNESS: Yes, correct.

7 HEARING EXAMINER: Go ahead.

8 THE WITNESS: So this is the - we're now  
9 one term further from 61. So graduate students,  
10 graduate faculty would have been in conversation.

11 And I'm updating, in this case, again  
12 Chairs and Program Directors. But these go out as  
13 attachments to e-mails with a request to circulate them  
14 to relevant constituency, so the graduate faculty, grad  
15 students more widely.

16 So I'm updating colleagues where  
17 discussions have gone in this field. I'm showcasing  
18 some best practices in - that I have, by then, become  
19 aware of happening in certain departments, as a  
20 suggestion for others to adopt them. The title here,  
21 therefore, is, Next Steps in Professional Development  
22 Career Diversity.

23 HEARING EXAMINER: Do you see the third  
24 paragraph?

25 THE WITNESS: Yes.

1                   HEARING EXAMINER: Desiderata?

2                   THE WITNESS: Yes.

3                   HEARING EXAMINER: What's - I've never  
4 seen that word before. What does that mean?

5                   THE WITNESS: Things you wish for, gaps,  
6 the things you want to have that don't yet have.

7                   HEARING EXAMINER: I like that word.  
8 It's very nice.

9                   Is it a combination of desires in data?  
10 I think - go ahead.

11                   ATTORNEY FARMER: It's a good word.

12                   HEARING EXAMINER: Yeah. I'm going to  
13 look it up.

14                   THE WITNESS: And then I - it must be my  
15 - my German training -.

16                   HEARING EXAMINER: Yeah.

17                   THE WITNESS: I apologize.

18                   The additional sections cover particular  
19 resources for professional development made available  
20 to graduate students online. All particular types of  
21 events.

22                   I believe the Vice Provost discussed the  
23 Three Minute's Thesis yesterday. We run both a  
24 departmental and school-level preliminaries and then  
25 send the - the winners for division to the school - the



1 University competition.

2 And then the final page four, the first  
3 iteration of what is now becoming a regular graduate  
4 student professional development challenge.

5 So this is a fund - discretionary  
6 funding I've made available to invite graduate  
7 students, doctoral students, to design, propose their  
8 own - so graduate student designed and led programming  
9 in - to enhance the professional and career development  
10 of their careers.

11 And I believe two weeks ago the winners  
12 of this particular round we're looking at here, the  
13 President and Vice President of the graduate student  
14 organization, the Department of Physics & Astronomy,  
15 hosted their day-long event of alumni with Ph.D.s in  
16 Physics returning to the campus and engaging our  
17 current graduate students.

18 ATTORNEY FARMER: This is 64.

19 ---

20 (Whereupon, Respondent Exhibit 64, Call for  
21 Proposals, was marked for identification.)

22 ---

23 BY ATTORNEY FARMER:

24 Q. Can you explain what 64 is?

25 A. Oh, this is the specific - the CFP, the Call

1 For Proposals under this graduate student professional  
2 development challenge that I - I just summarized.

3 Q. And that's the one you talked about, the  
4 physics students won?

5 A. Yes, correct. The deadline was March. We  
6 then met with them. They developed a plan and they  
7 implemented it now. And the next call is out with  
8 deadline, I believe, in November.

9 Q. All of the programs and resources that  
10 you've just talked about related to enhancing  
11 professional development opportunities for graduate  
12 students, do any of those - access to any of those  
13 depend on how the student is funded -

14 A. No.

15 Q. - or what type of - what type of appointment  
16 that they're on?

17 A. No.

18 Q. In addition to what you've talked about, are  
19 there other types of career and professional  
20 development resources available to Ph.D. students in  
21 the School of Arts & Sciences?

22 A. Many. Starting at the program level, if you  
23 wanted to define more narrowly, academic  
24 professionalization.

25 So workshops on writing grant proposals or

1 preparing posters for conferences all way to the  
2 elements of a successful job application for your mock  
3 interviews and so on.

4           The University level, Dr. Urban discussed  
5 and I won't repeat unless specifically asked.

6           And then at the school level we try and  
7 complement at the - the - at the mezzo level between  
8 the local department and the - and the university  
9 level, with a series of workshops on anything from  
10 writing fellowship applications to financial literacy,  
11 the Three Minute Thesis we mentioned and others.

12           And part of my role and the role of my  
13 office is also to work with individual departments to  
14 encourage students, in collaboration with their  
15 mentors, to make use of some of the resources that are  
16 available, like the independent development plans that  
17 were referenced in 63.

18           HEARING EXAMINER: How much more, Ms.  
19 Farmer?

20           ATTORNEY FARMER: Not a lot.

21           HEARING EXAMINER: All right.

22           Keep going.

23           ATTORNEY FARMER: Okay.

24 BY ATTORNEY FARMER:

25           Q. We've talked already about research and the

1 various forms that it takes and how students do it. If  
2 there are issues that students are having in being  
3 successful in their research, how does that get  
4 addressed?

5 A. Well, that's where the multilayer metric  
6 comes in, in the first instance. So graduate faculty  
7 from the specific formally responsible graduate advisor  
8 to a - if it's already been formed, a Doctoral  
9 Committee, to the Director of Graduate Studies. And  
10 the graduate faculty at large would be expected to work  
11 with each student and address their needs.

12 Q. Is there an ombudsperson in the School of  
13 Arts & Sciences?

14 A. There's an ombudsperson, yeah, in the School  
15 of Arts & Sciences.

16 Q. And when was that person first appointed?

17 A. The role was created in 2016. I believe it  
18 was one of the first, if not the first universitywide.

19 Q. If a student is not making satisfactory  
20 progress towards their degree, what happens?

21 A. Well, -

22 HEARING EXAMINER: You can answer  
23 generally or specifically.

24 THE WITNESS: - initially what I tried  
25 to address two questions ago, the graduate faculty

1 would work with the student. One would want to  
2 identify what the concerns - what the underlying causes  
3 might be.

4 But eventually, if you're referring to  
5 the formalistic processes, if a student does not pass  
6 milestones after the finite number of repeated attempts  
7 permitted by a specific program, or if they've run out  
8 of the statute of limitation, then eventually they  
9 would leave the program.

10 HEARING EXAMINER: Has this happened, in  
11 your experience?

12 THE WITNESS: In my experience -?

13 HEARING EXAMINER: And how long have you  
14 been Dean?

15 THE WITNESS: Since May 1st, 2017.

16 HEARING EXAMINER: So that's not that -.  
17 But in your experience, then, -

18 THE WITNESS: Uh-huh (yes).

19 HEARING EXAMINER: - how long have you  
20 been at Pitt?

21 THE WITNESS: Since 2010.

22 HEARING EXAMINER: All right.

23 And since 2010, -

24 THE WITNESS: Yeah.

25 HEARING EXAMINER: - have you been -

1 known of any graduate students who have not made  
2 satisfactory progress?

3 THE WITNESS: Yes.

4 HEARING EXAMINER: We have to go from  
5 general to specific.

6 THE WITNESS: Yes.

7 BY ATTORNEY FARMER:

8 Q. All right.

9 So I want to finish up by talking a little  
10 about - a little more about teaching.

11 A. Okay.

12 Q. There's already been an exhibit that was put  
13 into evidence related to specific teaching  
14 requirements. And we don't need to go through that  
15 line by line.

16 A. Okay.

17 Q. But in - is it the expectation that all  
18 programs within Arts & Sciences would encourage  
19 students on get teaching experience?

20 A. Yes.

21 Q. Why is that?

22 A. As we - we discussed a bit earlier, it's -  
23 it is our expectation that we train well-rounded  
24 scholar researcher teachers, whatever they aspire to do  
25 once they leave here.

1 Q. Who determines if there is a teaching  
2 requirement in a particular program?

3 A. That program.

4 Q. Let's talk about your own department, the  
5 History Department.

6 A. Okay.

7 Q. Is there a teaching requirement within your  
8 program?

9 A. There is.

10 Q. And just for the record - and we'll note  
11 that the exhibit that was put in - which I believe is  
12 33 - yeah, 33, does not list the - mistakenly does not  
13 list the teaching requirement -

14 A. Yeah.

15 Q. - in history?

16 ATTORNEY MANZOLILLO: Respondent's 33?

17 ATTORNEY FARMER: I'm sorry. Yeah,  
18 Respondent's 33.

19 HEARING EXAMINER: I don't know how much  
20 I like that document. So let's keep going.

21 You don't have to get it out, Professor.  
22 This is much better evidence.

23 ATTORNEY FARMER: I understand. But  
24 you, I presume do not want witnesses from -

25 HEARING EXAMINER: No.

1                   ATTORNEY FARMER: - everyone of those 50  
2 or whatever that exact number is? I think it's about  
3 50 programs.

4                   This is 65.

5                   ---

6           (Whereupon, Respondent's Exhibit 65, Outline  
7 Summarizing Graduate Training in Pedagogy in  
8 Department of History, was marked for  
9 identification.)

10                 ---

11                 HEARING EXAMINER: You know, you can  
12 probably get the course - you know, the program  
13 handbooks. I think we already have most of them.

14                 ATTORNEY FARMER: A number of them are  
15 already in.

16                 HEARING EXAMINER: And then I think  
17 those should have descriptions of the teaching  
18 requirements, which then I can - either myself, or  
19 through our Counsel, can be directed to look at through  
20 - to get to a finding of fact.

21                 ATTORNEY FARMER: And we, for the  
22 purposes of ease, pulled out the requirements. Some  
23 descriptions are more robust than others in those -

24                 HEARING EXAMINER: Yeah, -

25                 ATTORNEY FARMER: - handbooks now.



1                    HEARING EXAMINER:   - I see what you're  
2 saying.

3                    ATTORNEY FARMER:   Right.

4 BY ATTORNEY FARMER:

5            Q.        I'm going to show you what we're marking as  
6 65.

7                    Can you identify Exhibit 65?

8            A.        Yes.

9                    This is the outline - the document that  
10 summarizes the program for graduate training in  
11 pedagogy in the Department of History, dated February  
12 2017.

13           Q.        And it reference year one, year two and year  
14 three?

15           A.        Uh-huh (yes).

16           Q.        Are all students in the Department of  
17 History required to go through this three-year program  
18 in pedagogy training?

19           A.        To the best of my recollection, all students  
20 need to go through it. But that there is a possibility  
21 of doing it in a compressed fashion in two years if a  
22 student comes in with a higher preparation.

23                    So the typical course would be three years -  
24 do the three stages in three years. But there is a  
25 version of it that can be done in two years. But the

1 components are all the same. That is scholar -  
2 studying and discussing scholarship on pedagogy, then -  
3 and observing in -.

4 So this would be step year one, observing  
5 classroom, teaching and obtaining and completing the  
6 pedagogy badge for the University Center for Teaching  
7 and Learning. This would typically be done by a  
8 student on fellowship.

9 Q. In the first year?

10 A. So they would not be teaching in that first  
11 year.

12 Q. Okay.

13 A. They would observe other teachers teaching.  
14 They would go through the structured program, resulting  
15 in the certification about discussing teaching  
16 approaches.

17 Year two then is - as it's titled Graduate  
18 Students Teaching Practitioners.

19 And so while it's on a TA or TF, students  
20 would practice, bring back their observed teaching from  
21 these sessions to the group that supports this program.

22 And that group consists of the graduate  
23 faculty and another graduate student, who is a TA peer  
24 mentor. They would also obtain the official student  
25 evaluations called the OMETs, and discuss those with

1 the teaching mentor. And they will attempt in that  
2 year or the third year, to - they will then do a  
3 50-minute lecture to a class - a larger class.

4           Again, it's all about the - the - both the  
5 progressive development, and the breadth of exposure  
6 and - and practice.

7           And then in year three, they will, as it  
8 says, hone their classroom skills while also completing  
9 also their teaching portfolio. So drawing on that -  
10 both the practice and the reflection of a practice,  
11 develop the teaching statement, a sample syllabus,  
12 possibly two. I'd have to read the - the full detail.  
13 And incorporate the - the badge in - obtained in the  
14 first year, also in the portfolio.

15           Q.     So -?

16           A.     And then they can use - sorry, I just -.

17           Q.     No, go ahead.

18           A.     There is a - a part - this was part of a  
19 general sort of restructuring, again, of the Graduate  
20 Program.

21                   Another element was to provide more  
22 flexibility for the completion of the comprehensive  
23 exams, one of the key milestones, in a portfolio way.

24                   And part of that portfolio, again, consists  
25 of a - an actual syllabus for an undergraduate course.

1 And students can and are expected to be able to use one  
2 of these developed for the teaching portfolio, also for  
3 the comprehensive exam portfolio.

4 So it's all sort of integrated.

5 Q. And this is something that's required of -  
6 of all students in the program?

7 A. It's required of all students, yeah.

8 Q. Regardless of what kind of an appointment  
9 they're on?

10 A. Yes.

11 Q. When they go through this three-year -  
12 typically three-year sequence, are they receiving  
13 credit for this?

14 A. Yes.

15 Q. And typically when the students in - in what  
16 is normally year two and year three are engaging in  
17 this practical experience, are they -

18 A. Yes.

19 Q. - appointed on a TI or a TF at the time?

20 A. Yes. Yeah.

21 Q. Is this something that students seek out in  
22 applying to your program?

23 A. It's - I know from personally being involved  
24 in the recruiting weekends, when we bring perspective  
25 students on campus, that this is typically remarked as

1 a - as particularly attractive feature, for the reasons  
2 that we've been discussing.

3 Q. Outside of the History Department, which you  
4 talked about, are there other instances within Arts &  
5 Sciences where students can earn academic credit for  
6 their teaching activities?

7 A. There are many, yes.

8 Q. And would that be true of students who are  
9 engaging in those teaching activities while appointed  
10 on a TA or a TF?

11 A. That would be the typical scenario.

12 Q. And there has been some testimony previously  
13 about the new teaching associate - or teaching  
14 assistant orientation.

15 A. Yes.

16 Q. Does The Dietrich School require all  
17 students who are going to be TAs for the first time to  
18 go through that?

19 A. Yes. Or to have an exemption from the  
20 person in my role, because they have an in-house  
21 alternative version to that, yes. But all need to be  
22 oriented, yes.

23 Q. And does The Dietrich School require that  
24 all students who are going to be the instructor of  
25 record for a course go through a specific teaching

1 practicum course -

2 A. Yes.

3 Q. - before they do so or at the same time?

4 A. We require - and I believe there was an  
5 exhibit with a footnote. I didn't see it. But it was  
6 referenced in yesterday's testimony.

7 The Dietrich School requires all students to  
8 take FACDEV 2200, unless, again, their program - we  
9 introduced this three-and-a-half years ago - has an  
10 inhouse version. And they present that to a person in  
11 my - in my role for possible exemption.

12 I will add that I - I have now approved a  
13 few extensions of those. They typically draw very  
14 heavily also on the University-level resources, the  
15 University Center for Teaching and Learning, all come  
16 in and do certain sessions within the inhouse - the  
17 Department-level version.

18 But yes, all are required.

19 Q. And FACDEV 2200 is taught by people at the  
20 Center for Teaching and Learning in the graduate  
21 student initiative?

22 A. Correct.

23 Q. And that's for credit?

24 A. As - correct.

25 As are any inhouse exemptions, alternatives

1 for which one could get exemptions, yes.

2 Q. There was testimony in a previous day, that  
3 the Biological Sciences Department has a teaching  
4 minor.

5 A. Uh-huh (yes).

6 Q. Can you just explain briefly how that works?

7 A. Yes.

8 So on top of the minimal requirement -  
9 teaching requirement in the - in the Ph.D. Program,  
10 Biological Sciences, there is a certification level, a  
11 a minor, which will be transcribed on the - on the  
12 Ph.D. students' transcript.

13 And - which goes beyond that basic  
14 requirement, which is recommended by the department for  
15 any students who think about potentially going into a  
16 teaching or teaching-related career.

17 In brief, I think it's a total of ten  
18 credits. It requires a minimum of two terms of TAing,  
19 which goes for all.

20 And on top of that, four terms, I believe,  
21 of a course for credit in the context of which projects  
22 are completed, including a lecture, and the related  
23 materials. And then the teaching portfolio, which is  
24 sort of a capstone in the pedagogy realm, just like the  
25 dissertation is in - in research.

1 Q. Are there other examples within Arts &  
2 Sciences of programs that have teaching minors or  
3 teaching certification that people can get?

4 A. There are certifications, badges. Minors I  
5 - I would have to check each of the - of the two dozen  
6 programs.

7 Q. Is it cost-effective to use graduate  
8 students to teach?

9 A. The short answer is no.

10 Q. Then why do you do it?

11 A. Again, we aim to train - broadly train  
12 well-rounded scholar researcher teachers. And so  
13 that's why - I have encountered and I haven't seen this  
14 exhibit that's been discussed. I think it's 33.

15 But it is a majority of Ph.D. Programs that  
16 require teaching. And it is all programs that is  
17 expected as part of this broader - broader  
18 understanding of what a - a future postdoc ought to  
19 have been exposed.

20 ATTORNEY FARMER: I have nothing  
21 further.

22 HEARING EXAMINER: All right.

23 We'll break until 1:00.

24 Thank you.

25 ATTORNEY DANTE: Can we see if we can



1 finish before lunch with Cross and take a later lunch?

2 HEARING EXAMINER: Well, we'll take five  
3 minutes now and then come back.

4 ATTORNEY DANTE: Five minutes?

5 Okay.

6 ---

7 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

8 ---

9 HEARING EXAMINER: We're back on the  
10 record. Cross Examination.

11 ---

12 CROSS EXAMINATION

13 ---

14 BY ATTORNEY MANZOLILLO:

15 Q. Do you have Union Exhibit 226 there or Union  
16 Exhibit 9?

17 A. Nine or 226?

18 Q. Both actually, -

19 A. Both?

20 Q. - I should say and.

21 A. Okay.

22 I have 9. And 226 would be in the -?

23 HEARING EXAMINER: I believe in the  
24 bottom of the big pile.

25 Thank you.

1                    ATTORNEY FARMER: Brad, that's the  
2 stipend.

3                    Right?

4                    ATTORNEY MANZOLILLO: Yeah, these are  
5 both the stipend levels.

6                    THE WITNESS: Oh, no, this is 227. I'm  
7 sorry.

8                    I'm sorry. This is not easy to handle  
9 here.

10                   ATTORNEY FARMER: I think these are out  
11 of order.

12                   HEARING EXAMINER: Hold on here, Doctor.

13                   THE WITNESS: Well, there's 25 and 33.

14                   ATTORNEY FARMER: It's the stipend  
15 rates -.

16                   THE WITNESS: Yeah. I'm sorry. They're  
17 just out of order. I'm just trying to recover - here's  
18 226.

19                   Okay. All right.

20                   I have 9 and 226.

21 BY ATTORNEY MANZOLILLO:

22                   Q.        Okay.

23                   And these are - I just want to clarify - the  
24 stipend rates, if you look for both years, one is for  
25 2017-2018 academic year. One is for the 2018-2019

1 academic year?

2 A. Yes.

3 Q. And the - the GSA appointment, just looking  
4 at 226, -

5 A. Yes.

6 Q. - for 2018-2019, \$7,720 per term. And the  
7 TA position is \$9,455. And the TF \$9,830.

8 You testified earlier that you had tried to  
9 create equal funding packages for all graduate  
10 students.

11 What is the reason the GSA appointment is  
12 lower than the other appointments?

13 A. I don't believe I testified to an attempt to  
14 create equal funding packages. I believe I said that  
15 the school, years ago, tried to equalize the numbers of  
16 years of minimal expected funding across -

17 Q. Okay.

18 A. - the programs -

19 Q. Okay.

20 So there is - there are -

21 A. - within the composition of the funding.  
22 Right.

23 Q. - there are different levels - there are  
24 different stipends for different positions, though?

25 A. Yes, yes.

1 Q. Okay.

2 I'm having trouble finding it, so let me -  
3 I'm having trouble locating one document. I've got it.  
4 Union's Exhibit 228.

5 ---

6 (Whereupon, Union Exhibit 228, Handbook of Rules  
7 and Policies for Graduate Study in Philosophy, was  
8 marked for identification.)

9 ---

10 THE WITNESS: Thank you.

11 BY ATTORNEY MANZOLILLO:

12 Q. Can you tell us what that is?

13 A. It says it's the handbook of Rules and  
14 Policies for Graduate Study in Philosophy at the  
15 University of Pittsburgh, March 2017 edition.

16 ATTORNEY MANZOLILLO: Union moves for  
17 admission of Union Exhibit 228.

18 ATTORNEY FARMER: No objections.

19 HEARING EXAMINER: Admitted.

20 ---

21 (Whereupon, Union Exhibit 228, Handbook of Rules  
22 and Policies for Graduate Study in Philosophy, was  
23 admitted.)

24 ---

25 BY ATTORNEY MANZOLILLO:

1           Q.       Now, I believe you testified earlier that  
2 you do not - you have a policy in the Arts & Science  
3 School of not admitting students in the Ph.D. Program  
4 without - without funding?

5           A.       No. I believe I testified I - I affirmed a  
6 question that was asked with the expectation that we  
7 admit students with funding.

8           Q.       Can you explain what the expectation is -  
9 what you mean by the expectation?

10                    So you're - you're saying that the schools  
11 are - the departments are free to admit without  
12 funding, it's just that The School - The Dietrich  
13 School would prefer they didn't.

14                    Is that the -?

15           A.       No. We expect to admit doctoral students  
16 only with funding, provided the stated criteria of full  
17 enrollment, making good academic progress be remaining  
18 in good standing, satisfied.

19           Q.       So nobody is ever admitted into the program  
20 without funding, -

21           A.       I am not -

22           Q.       - if you know?

23           A.       - I am not aware of a student having been  
24 admitted without funding.

25           Q.       Can you turn to Union Exhibit 143?

1                    ATTORNEY FARMER: Is that - that's in  
2 the binders?

3                    ATTORNEY MANZOLILLO: Yes.

4                    HEARING EXAMINER: Yes.

5                    ATTORNEY FARMER: Volume 2.

6                    ATTORNEY HEALEY: And of Volume 3.

7                    ATTORNEY MANZOLILLO: Volume 3 is all  
8 one - you know, tandem - yeah, in the binder.

9                    ATTORNEY FARMER: Right.

10                   THE WITNESS: Sorry, which one?

11 BY ATTORNEY MANZOLILLO:

12                Q.        Union Exhibit 143. It's near the end of  
13 Volume 2.

14                A.        143?

15                Q.        And this was a document produced for the  
16 Union by the University upon subpoena request?

17                   HEARING EXAMINER: Yeah.

18                   THE WITNESS: Okay.

19                   143.

20 BY ATTORNEY MANZOLILLO:

21                Q.        Yes.

22                   Can you tell us what that is?

23                   In fact, I'll refer you directly to the  
24 second paragraph.

25                A.        This is a letter from the Department of

1 Geology and Environmental Sciences to a - an  
2 unidentified candidate, informing them that they have  
3 recommended to the School of Arts & Sciences their  
4 admission into the Ph.D. MS Graduate Program in Geology  
5 and Environmental Sciences.

6 Q. And how about the program -

7 A. And then -

8 Q. - before that?

9 A. - and then - and a statement that - at this  
10 time, this offer does not come with a guaranteed  
11 funding.

12 Q. Okay.

13 Well, we already have Exhibit 143 in.

14 ATTORNEY MANZOLILLO: What number are we  
15 on?

16 228.

17 So this will be 229.

18 ---

19 (Whereupon, Union Exhibit 229, Letter, was marked  
20 for identification.)

21 ---

22 HEARING EXAMINER: Right. See a  
23 student?

24 ATTORNEY MANZOLILLO: Yes.

25 THE WITNESS: It was a - it was a -.

1                   HEARING EXAMINER: Just let's do that  
2 later. Just keep going.

3                   ATTORNEY MANZOLILLO: Okay.

4                   We'll redact it before admission.

5                   ATTORNEY FARMER: Right. Because he  
6 chose not - he didn't testify. So he never signed it.

7                   ATTORNEY MANZOLILLO: Yeah, yeah.

8                   ATTORNEY FARMER: Yeah. Got you.

9                   HEARING EXAMINER: Thank you.

10                  ATTORNEY MANZOLILLO: Yeah, we can move  
11 on.

12                  ATTORNEY FARMER: Yes.

13 BY ATTORNEY MANZOLILLO:

14                  Q. And can you tell us what this is?

15                  A. This is a letter in the name of the director  
16 of one of our Title VI Area Study Centers, Center for  
17 Russian & European - now also called Immigration  
18 Studies to a -.

19                  HEARING EXAMINER: Just say it's D.B.  
20 for initials D.B.

21                  THE WITNESS: To D.B.

22                  Can I take a minute to read through  
23 that, sir?

24                  HEARING EXAMINER: Yes, yes, absolutely.

25                  THE WITNESS: Okay.



1                   HEARING EXAMINER: I'm going to ask you  
2 a couple of questions in follow-up.

3                   THE WITNESS: Okay.

4                   HEARING EXAMINER: Could you bring me  
5 that marker?

6                   Thank you.

7                   THE WITNESS: Okay.

8 BY ATTORNEY MANZOLILLO:

9           Q.       I just wanted to clarify.

10          A.       Yes.

11          Q.       So you received the - this letter informs  
12 Mr. B. He received a stipend of \$18,000?

13          A.       No, -.

14                   HEARING EXAMINER: Stop, stop.

15                   ATTORNEY MANZOLILLO: Oh.

16                   HEARING EXAMINER: Direct the court  
17 reporter to omit the name of the student from the  
18 official record.

19                   ATTORNEY MANZOLILLO: Thank you.

20 BY ATTORNEY MANZOLILLO:

21          Q.       The individual in this letter, -

22          A.       Uh-huh (yes).

23          Q.       - they were to receive a stipend for \$18,000  
24 for an eight-month appointment?

25          A.       Well, first if - if you permit me, this is a

1 contingent award of a FLAS Fellowship, pending the  
2 decision of the agency that funds our Title VI Area  
3 Study Center.

4           It says, provided that the federal funding  
5 is awarded and depending on the timeline of that, this  
6 particular candidate will have been successful in  
7 obtaining one of the fellowships coming out of that  
8 funding stream.

9           Then to your specific questions. It spells  
10 out a stipend level for eight-month period, correct, of  
11 \$18,000.

12         Q.     Of which \$3,000 is provided by the Office of  
13 the Provost over top of the \$15,000 that the federal  
14 government provided?

15         A.     Correct.

16         Q.     And health insurance is not provided?

17         A.     Let's see.

18                 Not under this particular fellowship.

19                 ATTORNEY MANZOLILLO: Move for admission  
20 of Exhibit 229.

21                 HEARING EXAMINER: Any objection?

22                 ATTORNEY FARMER: No.

23 BY ATTORNEY MANZOLILLO:

24         Q.     And actually, let me see that for a moment.

25         A.     Huh?

1 Q. Let me see that for a second.

2 A. I'm sorry.

3 Q. In - in the - now, in The Dietrich School of  
4 Arts & Sciences tenure faculty and full-time faculty  
5 you teach.

6 Correct?

7 A. Yes.

8 Q. You said - I'm going to mark this Union  
9 Exhibit 230.

10 ---

11 (Whereupon, Union Exhibit 230, Holger Hoock, Ph.D.  
12 Curriculum Vitae, was marked for  
13 identification.)

14 ---

15 THE WITNESS: Thank you.

16 BY ATTORNEY MANZOLILLO:

17 Q. Now, you can - can you tell us what this  
18 exhibit is?

19 A. Well, it appears to be a version of my CV.

20 Q. That's your name at the top?

21 A. No, no, it is my name. It is a version of  
22 my CV. I can't tell where it's from, yeah.

23 Q. I just want to clarify a few things.

24 A. Yes.

25 Q. You've been here since 2010?

1           A.       I was appointed to the Chair of British  
2 History in 2010. And then took a year to get all the  
3 immigration documentation sorted out. I was already on  
4 an international fellowship. So it took me a year to  
5 actually get here in - in person and start teaching.

6           Q.       So from the time you got here until now, -

7           A.       Uh-huh (yes).

8           Q.       - how many graduate students have you served  
9 as a primary advisor for?

10          A.       Only - only one in the Department of  
11 History.

12          Q.       Would that be the person you were coadvisor  
13 to, on page 87?

14          A.       Yeah, we move - we move back and forth. The  
15 - the - the co-advising colleague was in the face of  
16 retirement or - yeah, yeah.

17          Q.       So you served as the co-advisor for what?

18          A.       I'm omitting names, unless you tell me  
19 otherwise.

20          Q.       No, no, you don't need to tell me.

21          A.       Yeah, yeah.

22          Q.       And how many department - you've only taught  
23 in - in the History Department and the History of Art  
24 and Architecture Department at the University of  
25 Pittsburgh.

1 Correct?

2 A. If by teaching you mean course, only in the  
3 Department of History, yeah.

4 Q. Okay.

5 Only in the Department of History?

6 A. Yeah. As most faculty members, there is -  
7 there's a tenure in a teaching home for most of us.

8 Q. I guess I'm just confused. With the 2016 to  
9 present, it says Professor of History of Art and  
10 Architecture.

11 Is that distinct from the -

12 A. Yes.

13 Q. - History Department?

14 A. Yes. There's a process by which departments  
15 can nominate members of the faculty to the Provost for  
16 what I believe officially are called secondary  
17 appointments.

18 And it reflects the involvement of a faculty  
19 member past, present and desired. It inducts programs;  
20 activities. So you will have seen, I joined Graduate  
21 Committees, Dissertation Committees of doctoral  
22 students, and History of Art and Architecture, prior to  
23 that appointment. So I was in that sense, involved.  
24 There were other -

25 Q. Right.

1           A.       - others.

2           Q.       So you were - so history served as a  
3 faculty, and you've some involvement in History of Art  
4 and Architecture, correct, as a faculty?

5                   Following the History of Art and  
6 Architecture, you have had some involvement or not as a  
7 professor?

8           A.       Yes, as I - as I said, I served and serve on  
9 Doctoral Committees. I am - also, as a senior member  
10 of the faculty, have been involved on many Fellowship  
11 Selection Committees across the School of Arts &  
12 Sciences, as long as 14 years.

13          Q.       That's nonresponsive to the question that I  
14 asked.

15                   HEARING EXAMINER: What was the  
16 question?

17                   ATTORNEY MANZOLILLO: Have you served as  
18 a faculty member in the History of Art and  
19 Architecture?

20                   ATTORNEY FARMER: And he answered that.

21                   HEARING EXAMINER: Why is it relevant?

22                   ATTORNEY MANZOLILLO: It's relevant - I  
23 have - relevant in terms of some of his earlier  
24 testimony that he -.

25                   HEARING EXAMINER: Oh, she did ask him

1 about that.

2 Go ahead.

3 ATTORNEY MANZOLILLO: Okay.

4 So I move for admission of Union Exhibit  
5 230.

6 HEARING EXAMINER: Ma'am?

7 ATTORNEY FARMER: No objection.

8 HEARING EXAMINER: If I didn't admit  
9 229, that's admitted.

10 ---

11 (Whereupon, Union Exhibit 229, Letter, was  
12 admitted.)

13 ---

14 ATTORNEY HEARING EXAMINER: And so is  
15 230.

16 ---

17 (Whereupon, Union Exhibit 230, Holger Hooch, Ph.D.  
18 Curriculum Vitae, was admitted.)

19 ---

20 ATTORNEY MANZOLILLO: I have no further  
21 questions.

22 HEARING EXAMINER: Redirect?

23 ---

24 REDIRECT EXAMINATION

25 ---

1 BY ATTORNEY FARMER:

2 Q. Take a look at Union Exhibit 143, if you  
3 would again.

4 A. Yeah. Give me a second.

5 Q. It should be the one you were looking at  
6 earlier.

7 A. Yeah, yeah, I know. I just got the binders  
8 mixed up.

9 Yep.

10 Q. Does this appear to be a form letter or an  
11 actual letter sent to a student?

12 A. The document in front of me is a form  
13 letter, unless it's been redacted from having been an  
14 actual letter. But it says date and Dear student's  
15 name.

16 So it's a template provided. But without  
17 any detail of any - any - any individual -

18 Q. Do you -

19 A. - and no date.

20 Q. - do you know whether any current Ph.D.  
21 student in this department has received such a letter  
22 admitting them without funding?

23 A. I don't. And as I said earlier, this is a  
24 recommended from the department. So this is a  
25 two-stage process. The department makes recommendation



1 to my office. The reason we have two stages is that my  
2 office needs to check whether the - the policies and -  
3 and regulations of the University and - and the school  
4 that may have changed since the form letter was last  
5 updated, applied.

6 So I cannot speak to whether a student ever  
7 received a - a letter based on this template.

8 ATTORNEY FARMER: I have nothing  
9 further.

10 HEARING EXAMINER: Limited Recross?

11 ATTORNEY MANZOLILLO: I think we're  
12 done. That's it from us.

13 HEARING EXAMINER: Thank you, Professor.

14 THE WITNESS: Thank you.

15 HEARING EXAMINER: I'll arrange those  
16 exhibits.

17 Five minutes to get your next witness?

18 ATTORNEY FARMER: That should be fine.

19 HEARING EXAMINER: Thank you.

20 Off the record.

21 Thank you very much.

22 THE WITNESS: Thank you.

23 ---

24 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

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

1 ---

2 ATTORNEY FARMER: Before we - before we  
3 start the witness, I need to move in Exhibits R-54  
4 through 65 inclusive.

5 HEARING EXAMINER: Any objection?

6 ATTORNEY MANZOLILLO: No, no objection.

7 HEARING EXAMINER: Fifty-four (54)  
8 through 65 are admitted.

9 ---

10 (Whereupon, Respondent Exhibit 54, Printout from  
11 Department of History of Arts and Architecture  
12 Website, was admitted.)

13 (Whereupon, Respondent Exhibit 55, Summary of  
14 Programs Within Department of History of Art and  
15 Architecture, was admitted.)

16 (Whereupon, Respondent Exhibit 56, Subsection for  
17 Graduate Program, was admitted.)

18 (Whereupon, Respondent Exhibit 57, Printout of  
19 Current Academic Year Graduate and Professional  
20 Studies Catalog 2018-'19, was admitted.)

21 (Whereupon, Respondent Exhibit 58, Syllabus of  
22 HAA2970 Teaching of Art History, was admitted.)

23 (Whereupon, Respondent Exhibit 59, Graduate and  
24 Professional Studies catalog in Philosophy  
25 2018-'19, was admitted.)

1 (Whereupon, Respondent Exhibit 60, Graduate and  
2 Professional Service Catalog 2018-'19 in Department  
3 of Geology and Environmental Sciences, was  
4 admitted.)

5 (Whereupon, Respondent Exhibit 61, Document Dated  
6 September 2017, was admitted.)

7 (Whereupon, Respondent Exhibit 62, Press Release,  
8 was admitted.)

9 (Whereupon, Respondent Exhibit 63, Documents, was  
10 admitted.)

11 (Whereupon, Respondent Exhibit 64, Call For  
12 Proposals, was admitted.)

13 (Whereupon, Respondent Exhibit 65, Outline  
14 Summarizing Graduate Training in Pedagogy in  
15 Department of History, was admitted.)

16 ---

17 ATTORNEY FARMER: Thank you.

18 HEARING EXAMINER: Raise your right hand  
19 for me.

20 ---

21 STEPHEN D. MERINEY, PH.D.

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

25 ---

1                   HEARING EXAMINER: Spell your name for  
2 us.

3                   THE WITNESS: S-T-E-P-H-E-N, is the  
4 first name, Stephen. Last name Meriney, M-E-R-I-N-E-Y.

5                   HEARING EXAMINER: Your witness, ma'am.

6                   ATTORNEY DANTE: Thank you.

7   ---

8                                   DIRECT EXAMINATION

9   ---

10 BY ATTORNEY DANTE:

11           Q.       Dr. Meriney, where are you currently  
12 employed?

13           A.       Department of Neuroscience, University of  
14 Pittsburgh.

15           Q.       And what department is the - and what school  
16 is the Department of Neuroscience?

17           A.       Arts & Sciences, The Dietrich School.

18           Q.       How long have you been a professor at the  
19 University of Pittsburgh?

20           A.       Twenty-five (25) years.

21           Q.       Do you have any other administrative titles?

22           A.       I'm also the Codirector of the Center for  
23 Neuroscience, University of Pittsburgh Graduate  
24 Program.

25           Q.       Okay.

1           Can you tell us briefly about your  
2 educational background?

3           A.     Yes. I received my Bachelor's degree at the  
4 University of New Hampshire, Ph.D. at the University of  
5 Connecticut. And then I did postdoctoral training at  
6 UCLA before taking my position here at Pitt.

7           Q.     Okay.

8           You mentioned that you're the Codirector of  
9 something called the Center for Neuroscience?

10          A.     (Indicates yes).

11          Q.     Can you explain or just give a brief  
12 overview as to what that center is?

13          A.     Sure.

14                 The Center for Neuroscience is - just for  
15 brevity, I'll call it the CNUP, a - it is an umbrella  
16 organization that includes many activities of all of  
17 the neuroscientists on campus that go beyond just the  
18 Graduate Training Program. But it is also the home of  
19 the Graduate Training Program for Ph.D. students.

20                 It is an organization that includes support  
21 for all of the Neuroscience-related activities across  
22 both Pitt and CMU's campus. In some regards, we do  
23 include some CMU faculty. And it supports the graduate  
24 training for Ph.D. students.

25          Q.     You mentioned Carnegie Mellon.

1 Can you expand on how the program involves  
2 both the University of Pittsburgh and Carnegie Mellon?

3 A. Sure.

4 Maybe 15 years ago, I don't remember the  
5 exact date, there was a movement to combine  
6 Neuroscience Programs that currently existed into one  
7 large program. Because it seemed redundant to have  
8 Neuroscience graduate training occurring within the  
9 Department of Neurobiology in the Medical School and  
10 the Department of Neuroscience in the Arts & Sciences  
11 campus.

12 And to make this merger create a really  
13 large and productive Neuroscience environment for  
14 training, we wanted to include neuroscientists from  
15 Carnegie Mellon University as well.

16 And so we created a larger program that  
17 really encompasses, at this point, about 120 training  
18 faculty, that includes some faculty from Carnegie  
19 Mellon. Although, they have to have adjunct  
20 appointments at the University of Pittsburgh, so we can  
21 process those students through the University of  
22 Pittsburgh.

23 But it's a large multidepartmental program  
24 that draws faculty from many forms of the University.

25 Q. Okay. Great.

1                   And approximately how many graduate students  
2 are in the program?

3           A.       Approximately 75.

4           Q.       What is the purpose of having the Ph.D.  
5 Program?

6           A.       We're trying to train the next generation of  
7 neuroscientists. And so a Ph.D. training  
8 neuroscientists, who basically create a scientist and -  
9 who can test hypotheses, design experiments and - and  
10 then use the results of those experiments to evaluate  
11 their ideas and advance the field.

12                   So we're trying to create critical thinkers  
13 who are scientists, who then can move on to become  
14 independent in their own future.

15           Q.       Can you tell us or explain in your own words  
16 what it takes to train a graduate student to get on the  
17 point that you just mentioned?

18           A.       We feel that effective training involves a  
19 variety of milestones and a variety of skills. They -  
20 they come into our program with some research  
21 experience. We demand that because we want them to be  
22 sure that they are - that they enjoy the research  
23 process, because it is a research-based Training  
24 Program.

25                   And so in addition to training them in how

1 to conduct research, how to identify holes in our  
2 understanding of Neuroscience, and then how to design  
3 experiments to fill those holes, we have to not only  
4 educate them in how to read the current literature,  
5 how to evaluate research that's been done by others,  
6 how to design new things that you want to do to - that  
7 would allow us to advance their understanding.

8           But they also need an effective and clear  
9 background in the - in the basic discipline. So we  
10 require that they take some core courses that provide  
11 basic but in-depth understanding of core concepts in  
12 Neuroscience.

13           And so they - they combine coursework,  
14 research training. And then they also get training in  
15 ethics, professional development and a variety of - of  
16 what we call kind of field-specific knowledge that  
17 includes how to be - how to be an effective  
18 communicator of your idea. So they learn how to be an  
19 effective teacher.

20           There are a variety on skills that they have  
21 to learn to obtain that kind of independent scientific  
22 - or research scientist practice level of  
23 understanding.

24           Q.     Have you mentored students before?

25           A.     Yes. I may have had eight or nine Ph.D.



1 students go through my lab at this point. And I  
2 currently have five more in training.

3 Q. Okay.

4 Can you explain what that mentorship  
5 relationship is like?

6 A. Yes. It's really collaborative. Students  
7 join the lab after an interview that we have during  
8 their recruitment. It starts to identify common  
9 interests. And then they further decide to join after  
10 maybe spending a - a semester of rotating in a lab.

11 So after they rotate in my lab, we basically  
12 have hands-on opportunity to explore whether our  
13 interests match, whether their particular training  
14 goals match with what we do in my lab.

15 And at the end of that rotation, they would  
16 decide whether they want to stay in the lab to obtain  
17 their Ph.D. And it's a mutual decision. Both of us  
18 have to want to proceed in that manner.

19 And as a result of that, we work  
20 collaboratively to decide what kind of work within the  
21 scope of my research interests that align with your  
22 interests would we do to provide the training that you  
23 need to become a scientist?

24 And so we - I collaborate with them on a  
25 daily basis. So my office is in my lab. We have many

1 informal discussions that range from trivial  
2 discussions about how to do some particular technique,  
3 to more in-depth discussions about interpreting what  
4 they're doing and maybe deciding what to do next.

5           And really, they - we are - we're kind of  
6 working together for the entire time that they're in  
7 the lab. And all the time trying to advance  
8 understanding in the field, and train them to be that  
9 person who can accomplish those skills.

10           Q.     What kind of impact can a mentor have on a  
11 student's development?

12           A.     I think it's one of the most important  
13 decisions a student makes. And students are very  
14 careful in choosing mentors. Not only based on the  
15 research that goes on in lab, in terms of - I would say  
16 academic interest, but also on the mentorship style.

17                   Mentorship is a question that comes up in  
18 our discussions, when they're deciding what lab to  
19 join. Will you be someone that I talk to every day?  
20 Will you be someone that is out of town all the time?  
21 Will I be able to count on you to read papers with me,  
22 so that I can become better at criticizing the  
23 literature?

24                   And these are all important skills. Every  
25 faculty member is completely different in - in their

1 particular personal interactions with every student,  
2 just based on how busy they are, whether they have  
3 administrative duties. Whether they are in the lab  
4 themselves doing experiments or whether they have  
5 gotten to the point where they don't themselves perform  
6 experiments anymore.

7 Q. Great. Thank you.

8 Can you tell us a little bit about how the  
9 CNUP conducts its admissions process into the program?

10 A. We have a separate Admissions Committee,  
11 which I'm not a member of at this point, although I  
12 have been in the past. The committee is - evaluates  
13 approximately 200 applications per year.

14 They are - the criteria by which they  
15 evaluate them are - number one, have had significant  
16 research experience as an undergraduate. Which means  
17 that they have worked in the lab and been involved in a  
18 hypothesis testing experiment that they talk about.

19 We're very interested in students who think  
20 about the work they're doing. And we use that research  
21 experience and the student's ability to write about it  
22 in - in the essays that we required as part of the  
23 application. To demonstrate that they're not just  
24 performing technical skill in those labs without  
25 knowledge of why. We're really looking for students

1 who are thinkers.

2           And so that's where their ability to not  
3 only write about that, but if we interview them, and  
4 talk about what they've done. And why and how does it  
5 fit into our understanding in Neuroscience and the  
6 frontiers of the field, the fringes of pioneering that  
7 might be needed to advance understanding.

8           So that's a very important component. And I  
9 would say research experience is the number one  
10 component. And the ability to discuss research is  
11 number one.

12           Number two, we obviously look at grades. We  
13 want students to demonstrate an ability to learn the  
14 material in a classroom. Although that is not as  
15 important as research experience.

16           In the past we have required the GRE exam.  
17 Although we just removed that requirement this year.  
18 We don't think it's predictive of success in our  
19 Graduate Program.

20           They have to have letter of recommendation  
21 from three faculty members who they have worked with in  
22 the past or taken courses from in the past.

23           Those are the main criteria.

24           Q.     Is this done in connection or conjunction  
25 with the admissions process that's going on at Carnegie

1 Mellon?

2           A.       So there is - if they're applying to the  
3 CNUP Graduate Program, we have one Admissions Committee  
4 that may or may not include a Carnegie Mellon faculty  
5 member, who has - who is - who is a faculty - a  
6 training faculty member in our program.

7                    It is not a separate - it's not a  
8 Carnegie-Mellon-run admissions process, it's - it's run  
9 by the Center for Neuroscience, which could include  
10 faculty as appointed by the directors of the entire  
11 center, not the - not the Graduate Program Director,  
12 but the center directors.

13                   They will appoint a - a committee from the  
14 entire training faculty that will evaluate these  
15 students, make recommendations to the directors, who  
16 then approve that they be - that maybe 45 be brought in  
17 for an interview.

18                   Then at that point, they - they meet with  
19 five or six faculty members for one-on-one interviews.  
20 They meet with the current graduate students. They get  
21 a tour of our facilities and a tour of the city.

22                   And then at the end on that process, the  
23 Admissions Committee requests reports from all of those  
24 interviews. And based on the reports, decide how many  
25 should be offered admission.

1           We might offer 80 percent of those students  
2 admission, maybe 90 percent, depending on - in other  
3 words, if you're offered an interview, we really expect  
4 to offer you admission, unless we reveal something in  
5 the interview that troubles us.

6           So most of them are offered. But we might  
7 only recruit 12 or 15 students a year out of that  
8 class, who - it means that that's who - how many  
9 matriculate, who actually show up.

10           We make perhaps 40 offers. But they get  
11 offers from all over the country. And so their choice  
12 to come to Pittsburgh is one that limits how many show  
13 up.

14                   HEARING EXAMINER: They need a BA, a BS  
15 or international appointment?

16                   THE WITNESS: That's right. You need an  
17 Undergraduate degree.

18 BY ATTORNEY DANTE:

19           Q. And for administrative purposes, are  
20 students admitted into either Carnegie Mellon or  
21 University of Pittsburgh?

22           A. They're all admitted to the University of  
23 Pittsburgh. Because if you're currently a Mellon  
24 faculty member, you have to have a joint - you have to  
25 have an adjunct appointment with Pitt.

1 Q. Does the program offer its Ph.D. students  
2 financial support?

3 A. Yes. Students are guaranteed a stipend and  
4 benefits for the length of their training, as long as  
5 they remain in good standing in the program.

6 HEARING EXAMINER: How long does it  
7 typically take them to get through the program?

8 THE WITNESS: The average time is  
9 five-and-a-half years.

10 BY ATTORNEY DANTE:

11 Q. And what is the purpose of funding the  
12 graduate students?

13 A. We really think it's important that the  
14 students spend a hundred percent of their time focused  
15 on - on their training.

16 And we understand that it - that it costs  
17 money to live. And so a stipend is intended to - to  
18 make sure that they are spending all of their time  
19 training. We don't - they cannot have an outside  
20 employment for job or some kind of source of income  
21 that is requiring that they spend significant time away  
22 from the Training Program.

23 Q. Is it common for students to switch between  
24 funding sources during the duration of their time in  
25 the program?

1           A.       Yes, they almost all do.

2           Q.       Okay.

3           A.       The funding is guaranteed. But the students  
4 don't need to concern themselves with where it's coming  
5 from, necessarily. In some sense, that's back end kind  
6 of administrative decision, based on a variety of  
7 sources, where funding could be provided to support  
8 their training.

9                    They start off, of course, without a lab  
10 home and - and just learning how to - how to become  
11 part of the program, to join the program. So we start  
12 off funding them through the CNUP itself, as a  
13 predoctoral fellow.

14                   But at the end on that first year, they  
15 usually will switch to laboratory funding off of a  
16 faculty member's grant. And so they might switch from  
17 a predoctoral fellow while they're paid by the CNUP.

18                   And then they might switch to a GSR, if  
19 they're paid off a grant or they - if they're - if they  
20 are -. We have a requirement as part of the training  
21 that they are a TA for one semester. For that semester  
22 they will be appointed as a teaching assistant. That  
23 will provide some of their funding.

24                   And they can move back and forth between GSR  
25 and predoc fellow, depending on where the money is



1 coming from. But really, it doesn't really have an  
2 impact on what goes on. It's just we're deriving  
3 support.

4 Q. And when you say where - what goes on, what  
5 do you mean by that?

6 A. We have a - a guideline that outlines a set  
7 of milestones of training goals that have to be  
8 accomplished before they receive the Ph.D. And that  
9 doesn't change based on what - where the source of  
10 money is.

11 Q. Okay.

12 I'm going to show you what I've marked as  
13 R-66. It's a two-sided document.

14 ---

15 (Whereupon, Respondent Exhibit 66, Appointment  
16 Letter, was marked for identification.)

17 ---

18 BY ATTORNEY DANTE:

19 Q. Do you recognize that document?

20 A. Yes. This is a - an appointment letter for  
21 a student that might be given to the student at one -  
22 at the beginning of a - of a term or at some point  
23 during their training.

24 They receive these appointment letters  
25 regularly, as they move through. As the source of

1 money changes, their appointment to a predoc or GSR or  
2 TA will require that they receive a new letter  
3 indicating this change.

4 Q. Okay.

5 So if we look at the front of a page first,  
6 what - do you recognize what kind of appointment is  
7 referenced in that first paragraph?

8 A. This is a predoctoral fellow appointment.

9 Q. Okay.

10 And I see that there's - it's a type of  
11 grant.

12 Is that - we've heard some testimony about  
13 F31s.

14 A. Yes.

15 Q. Is that one of those?

16 A. Yes, this is a - an NIH grant, an F grant.

17 Q. Okay.

18 And if you could take a look at the second  
19 paragraph.

20 Would you mind reading that first sentence?

21 A. As a condition of maintaining this  
22 appointment, you must enroll as a full-time student,  
23 maintain a cumulative academic grade point average of  
24 above 3.0 and carry out assigned duties satisfactorily.

25 HEARING EXAMINER: Are faculty salaries

1 ever derived from grants?

2 THE WITNESS: Yes, faculty can  
3 ElectroPay themselves three or four months in the  
4 summer off of a grant, if they have such a grant.

5 So when - when I was hired, at least I  
6 started off as - with a 12-month appointment paid by  
7 the University. But when I received my first NIH  
8 grant, I was given the option to use some of those  
9 grant funds to pay a portion of my salary.

10 The Arts & Sciences School only allows  
11 me to pay up to four months, because I am committed to  
12 school duties the other months of the year.

13 HEARING EXAMINER: In your experience,  
14 besides your own experience, do you know of other  
15 faculty members who are paid from grants?

16 THE WITNESS: It's relatively common in  
17 the Neuroscience Department.

18 HEARING EXAMINER: Do you perform  
19 research as part of your job?

20 THE WITNESS: Yes.

21 HEARING EXAMINER: Do you teach as part  
22 of your job?

23 THE WITNESS: Yes.

24 HEARING EXAMINER: Do you have staff,  
25 other than undergrad - not saying undergrads are staff,

1 do you have staff other than undergrad - or graduate  
2 students - excuse me, not saying graduate students are  
3 staff.

4 Do you have staff other than graduate  
5 students employed in your labs?

6 THE WITNESS: Yes, we - we will often  
7 hire research technicians. I have one in my lab  
8 currently.

9 HEARING EXAMINER: Does that research  
10 technician have a Bachelor's degree?

11 THE WITNESS: Yes.

12 HEARING EXAMINER: I am going to go  
13 back.

14 You said as part of your Direct  
15 testimony, when you're looking at people to accept into  
16 the program, you're looking for someone who's not just  
17 a technician but understands what you're doing?

18 THE WITNESS: Right.

19 HEARING EXAMINER: Don't want to  
20 denigrate the technician. I'm sure it's a - it's a  
21 wonderful woman or man.

22 But from what I'm intuiting from that  
23 is, that technician is doing more - I don't want to say  
24 nonthinking, but noncritical thinking aspects of lab  
25 work?

1                   THE WITNESS:   That's correct.

2                   HEARING EXAMINER:   Okay.

3                   I hope I said that right.

4                   THE WITNESS:   They don't - they don't -  
5 their duties don't require that they - that they are  
6 let's say critical thinkers that lead the direction of  
7 the project.

8                   HEARING EXAMINER:   And are they paid by  
9 a grant?

10                  THE WITNESS:   Yes, they are.

11                  HEARING EXAMINER:   But they're still  
12 employees of the University of Pittsburgh?

13                  THE WITNESS:   That's correct.

14                  HEARING EXAMINER:   Go ahead, Ms. Dante.

15                  ATTORNEY DANTE:   Sure.

16 BY ATTORNEY DANTE:

17                  Q.       Just to round out that line of questioning.  
18                           Can - are there undergrads that can also  
19 issue paid off grant?

20                  A.       They can.

21                           I typically reward undergraduates with  
22 course credit for working in my laboratory. But I have  
23 in the past, occasionally, found money to support them.  
24 They can be hired as student - what's called student  
25 labor.

1 Q. Uh-huh (yes).

2 HEARING EXAMINER: Student labor?

3 THE WITNESS: Yeah.

4 Some of them have - have financial aid,  
5 it's work study, that requires they have a job. And  
6 you can hire them in your lab as - as basically student  
7 labor, to satisfy their work study requirement.

8 In that case, the - the financial aid  
9 actually pays a great percentage of the actual hourly  
10 rate. My grant doesn't pay as much, but we pay some.

11 BY ATTORNEY DANTE:

12 Q. Uh-huh (yes).

13 And in your instances are undergraduates  
14 gaining research experience in your lab?

15 A. Oh, yes. All of them. And I have 12  
16 undergraduates in my lab right now. All of them are  
17 doing this for the experience, either because they  
18 would like to go into a Ph.D. Program or a medical  
19 school or some other science-related career, where this  
20 would be valued.

21 Q. Okay.

22 And when students are in the rotation  
23 period, they're working in your lab.

24 Is that right?

25 A. That's correct.

1           Our rotations for our Ph.D. students are -  
2 are not observational periods. They spend an entire  
3 semester. And we design a small piece of what might  
4 grow into a bigger project if things work out for the  
5 rotation period, because we want them to get something  
6 done.

7           Q.     Okay.

8           And we'll talk a little bit more about those  
9 in a minute.

10           In those instances when those students are  
11 doing a rotation in your lab, Ph.D. students, are they  
12 receiving course credit?

13          A.     Yes.

14          Q.     And because they don't have a laboratory  
15 home, they're not paid off of your grant.

16           Are they?

17          A.     No. The - the CNUP is - program is paying  
18 at that point.

19          Q.     Okay.

20           Can you also take a look back at R-66, at  
21 the last two sentence of the - of that same - second  
22 paragraph and read those?

23          A.     We will assign your specific duties in  
24 accordance with CNUP training program guidelines.  
25 Please refer to NIH documents for additional

1 information and requirements for this appointment.

2 Q. And this is an appointment for a fellowship?

3 A. Yes. This is an individual NRSA, which  
4 means that they have applied for training support from  
5 NIH.

6 Q. So what does - what is your understanding of  
7 what assigning the specific duties means for someone  
8 who's on a fellowship?

9 A. These are outlined in our Training Program  
10 guidelines. So we have - every student who enters a  
11 program receives a booklet that is - that defines all  
12 of the milestones, all of the training requirements,  
13 all of the experiences that they must complete in order  
14 to get a Ph.D.

15 And so that's what those duties are.

16 Q. And are those duties any different for  
17 someone who's appointed as a GSR?

18 A. No, the funding is irrelevant to their  
19 training.

20 Q. Okay.

21 And what about someone on a training grant?

22 A. The same. It's - there's no change in what  
23 they - they are required to do.

24 Q. And if you turn to R-66, there's another  
25 sample appointment letter.



1           What's that one for?

2           A.     This one is also a predoctoral fellow. But  
3 since it - it refers further down to a training grant.  
4 This would be someone who is appointed to an  
5 institutional training grant. Which there are several  
6 that our Ph.D. students might be eligible to apply to  
7 become part of.

8           That means that the - the unit on campus  
9 that received that training grant, and the CNUP has one  
10 itself, will receive the support for a student - for a  
11 number of students.

12           In the case of a CNUP, we have a training  
13 grant that supports eight students per year in their  
14 second year. And we might appoint them to that.

15           Q.     So in that particular letter, there's a  
16 reference - the person would be supported on a training  
17 grant, but they're referred to as a predoctoral fellow?

18           A.     That's right.

19           Predoctoral fellow is simply the term that  
20 we choose to use just to designate that they are not  
21 supported by someone's grant at this point.

22           Q.     You mentioned milestones a couple times.  
23           Can you give us a high-level overview of  
24 what the core milestones are in your program?

25           A.     We have four major milestones. The first

1 one is what's called a reprint exam. It's a - requires  
2 a student to critique a published paper in the  
3 literature in front of a committee of three faculty.

4 HEARING EXAMINER: That seems unique. I  
5 have - I've heard a lot of testimony across a couple  
6 universities now.

7 THE WITNESS: Uh-huh (yes).

8 HEARING EXAMINER: That seems like a  
9 unique requirement.

10 THE WITNESS: I didn't think it was  
11 unique among Neuroscience Programs.

12 HEARING EXAMINER: Okay.

13 THE WITNESS: I think it's relatively  
14 common that Neuroscience Programs require the students  
15 demonstrating ability to critique the literature.

16 HEARING EXAMINER: Publicly like that?

17 THE WITNESS: Well, it's not public,  
18 it's just in front of three faculty members, that they  
19 choose. So the graduate student chooses the three -  
20 one of them will be the - the - the mentor that they're  
21 working with. Two others might be faculty that they  
22 feel are closely related to their experimental  
23 interests.

24 HEARING EXAMINER: So when you're  
25 critiquing a peer-reviewed article, I'm assuming

1 they're peer-reviewed?

2 THE WITNESS: Yes, they are.

3 HEARING EXAMINER: What kind of problems  
4 are you finding?

5 THE WITNESS: You know, there are often  
6 limitations with every experiment that someone might  
7 conduct.

8 So that - when you publish a paper, you  
9 use a particular technique.

10 HEARING EXAMINER: Yeah.

11 THE WITNESS: That technique might not -  
12 because neurosciences, many fields are in - in  
13 biomedical science, is really based largely on  
14 hypotheses that have been put forth based on  
15 experimental results. Sometimes there aren't really  
16 facts that we know.

17 But we just believe this is how a  
18 particular part of the brain is working, based on the  
19 results of experiments that we conduct.

20 But those experiments might have an  
21 ability to only give us a glimpse of what's happening.  
22 But we might be missing the details.

23 HEARING EXAMINER: This isn't like  
24 formatting and type of typos, this is high level -?

25 THE WITNESS: Oh, no, this - this kind

1 of critique is mostly involved in -.

2                   What experimental approach did they  
3 decide to use to address the problem? Did - did they  
4 interpret their data properly? And did they draw  
5 conclusions that are supported by their results?

6                   HEARING EXAMINER: Thank you, Ms. Dante.

7                   I was just curious - I hadn't heard that  
8 before.

9                   THE WITNESS: Yeah.

10                  So the reprint exam is at the end of the  
11 first year. And during that year they receive training  
12 on how to critique paper, so that they're ready for  
13 that exam.

14                  At the end of the second year we have  
15 what's called a - a second year research evaluation.  
16 It's really, again, the same committee, but - of  
17 faculty, if they want. In our program, the students  
18 choose their faculty committees for every milestone.

19                  This one they're really just providing  
20 an update, how well are they doing in the laboratory?  
21 How are the experiments progressing? It's an  
22 opportunity for the faculty to have a formal review of  
23 the student's progress in the laboratory. Because  
24 laboratory progress is so critical to our training.

25 BY ATTORNEY DANTE:

1 Q. Okay.

2 A. At the end of the third year, we have what's  
3 called our comprehensive exam. In our program it takes  
4 the form of a grant-writing exercise.

5 So at the tend of the third year they should  
6 have enough training that they can design their own  
7 experiments to address a problem or gap in our  
8 understanding in the field. And they choose the field.  
9 They choose the subdiscipline. They choose the  
10 approach they would like to - to write about.

11 We encourage them to write about something  
12 that is very close to what they're doing in the  
13 laboratory but not identical. In other words, we think  
14 it's more of a training exercise to focus on a slight  
15 tangent to the research they're conducting. But close  
16 enough that they have a strong background.

17 And we feel that they will be prepared to -  
18 to defend. Which is what they have to do, defend the  
19 grant that they write internally. It's not submitted  
20 to any agency. It's an internal document that reflects  
21 their ability to write a grant that basically design -  
22 outlines a hole in the understanding, comes up with a  
23 hypothesis to fill that hole and then designs a series  
24 of experiments to test that hypothesis.

25 That's one of our - what - I would consider

1 that our most important milestone at the end of the  
2 third year. That demonstrates advanced progression of  
3 the students and their understanding of how to be a  
4 scientist.

5 And at the end of that, we expect that they  
6 should be able to submit a document called a Thesis  
7 Proposal within six months. Which is basically how -  
8 an outline of how they will finish the research they've  
9 started to defend their thesis.

10 Then the last milestone is simply at the  
11 completion of the thesis, they - they write a - a  
12 thesis document, and defend it in front of a larger  
13 committee than the other milestones.

14 That includes five faculty that are part of  
15 the Center for Neuroscience and one external examiner  
16 from another university.

17 Q. Okay.

18 So starting with the initial first year in  
19 CNUP, you mentioned that the students were doing lab  
20 rotations.

21 Can you describe a little - in a little more  
22 detail, what the students are actually doing in the  
23 labs during that first year?

24 A. Uh-huh (yes).

25 They'll meet with the faculty member that

1 runs the lab. They will talk about the kinds of  
2 research that the lab is engaged in, that interests  
3 them in particular. Because most laboratories do a  
4 variety of research projects around a central theme.

5 When they both settle on something - some  
6 area that they're interested in doing, that the faculty  
7 member thinks they could come up with a good rotation  
8 project for, they - they jointly kind of design with -  
9 largely from the faculty members input.

10 Because they know much more than the student  
11 at this point. They design a - a project that they  
12 think student could make significant progress on in one  
13 semester.

14 Because we know that may be the only amount  
15 of time they're there. And we don't want it to be  
16 simply an observational period. We want them to  
17 actually collect data.

18 Q. Is it designed - would it be fair to say,  
19 that it's designed to kind of mimic what research would  
20 be like if the student joined the lab?

21 A. Absolutely. And if they decide to stay in  
22 the laboratory, they will just continue on that  
23 project. And nothing changes about what they did in  
24 the rotation versus what they would do after that  
25 rotation if they decided to stay.

1           The reason we start off with something  
2 that's a more confined piece of what might become a  
3 bigger project is, we want them to actually have some  
4 success in one semester.

5           And we don't typically then put them on a  
6 really - a project that would require a significant  
7 number of months in order to generate the momentum to  
8 make any progress, we prefer that they make some  
9 progress within that time period.

10          Q.     And I think you mentioned before, that they  
11 get - do they get a course credit for their rotations?

12          A.     They do.

13          Q.     Do they get a grade?

14          A.     They get a pass, fail grade.

15          Q.     Okay.

16                 And during this first year rotation process,  
17 are they funded?

18          A.     Oh, yes. They're still funded by the  
19 program - the CNUP program funding.

20          Q.     And what would you refer to them as?

21          A.     At that point they're predoctoral fellows.

22          Q.     Okay.

23                 I'm going to show you what I've marked as  
24 R-67.

25                         ---



1 (Whereupon, Respondent Exhibit 67, Form, was marked  
2 for identification.)

3 ---

4 BY ATTORNEY DANTE:

5 Q. Do you recognize that document?

6 A. Yes.

7 This is the form that the student and the  
8 students advisor fill out when they've chosen a  
9 laboratory to stay in at the conclusion of these  
10 rotations. And declare this as their dissertation  
11 laboratory.

12 Which basically means that they have chosen  
13 the lab in which they will finish their dissertation  
14 research.

15 Q. An NCU - NUP do they have quite a few labs  
16 to choose from?

17 A. About 120 in the program. A laboratory  
18 mentor, or PI and the faculty will have the decision  
19 about whether they're taking any students. And in any  
20 given year only maybe half of those labs might have the  
21 funding that would encourage them to accept the student  
22 in their lab.

23 Q. Okay.

24 And does that 120 include labs at Carnegie  
25 Mellon?

1 A. Yes.

2 Q. This may seem like a silly question.

3 Are Ph.D. students expected to gain research  
4 experience during the course of their program?

5 A. Yes.

6 Q. Can you get a Ph.D. without conducting  
7 research?

8 A. No.

9 Q. And does a student - does what a student's  
10 title vary depending on what funding source they're -  
11 they may be funded on?

12 A. That's correct. We'll appoint them  
13 different - either a TA, predoc fellow or GSR,  
14 depending on the source of the money.

15 Q. If the funding source changes throughout  
16 their program, is there a change in the research that  
17 they're conducting?

18 A. No, they - they are always following the  
19 milestones and guidelines of the Training Program,  
20 independent of where the money comes from.

21 Q. So a student doesn't stop working on one  
22 project and start on another if the funding source  
23 changes?

24 A. No.

25 Q. Can you explain a little bit more about what

1 the research looks like in your program, starting maybe  
2 like where does it take place?

3 A. Sure.

4 Neuroscience is a pretty broad field. And -  
5 and what I mean by that -.

6 ATTORNEY DANTE: That question was for  
7 you.

8 HEARING EXAMINER: Yeah. Thank you.

9 THE WITNESS: What I mean by that is, is  
10 that some - you can attack an - an understanding of how  
11 the brain works from a chemistry approach, from a  
12 biophysical approach, from a behavioral approach.

13 HEARING EXAMINER: I don't think you're  
14 properly grounded.

15 She's - we're concerned - are these labs  
16 on campus?

17 THE WITNESS: Yes, -

18 HEARING EXAMINER: Okay.

19 THE WITNESS: - the laboratories are on  
20 campus.

21 HEARING EXAMINER: What buildings?  
22 Vaguely - generally, what buildings?

23 THE WITNESS: They - there are buildings  
24 in - in the Crawford Hall, in the Arts & Sciences,  
25 Langley Hall. It could be in BST3 in the Medical

1 School.

2                   They could be over in Carnegie Mellon,  
3 in a - in a primate lab. They could be in a - in a  
4 computer lab in the Math Department. Depending - they  
5 could be in the Chemistry Building.

6                   Depending on what they're doing, they -  
7 they work within the laboratory that uses the technical  
8 approaches that are needed to address the questions  
9 that they're interested in addressing. They can be in  
10 an MRI facility in the Medical School studying patient  
11 brain activity. It's - it's quite varying.

12                   But they're all in laboratories  
13 somewhere on campus.

14                   Is that what you're getting at?

15                   HEARING EXAMINER: Yeah.

16 BY ATTORNEY DANTE:

17           Q.       Yeah.

18                   And I think you mentioned - so some of labs  
19 can be at Carnegie Mellon.

20                   Are there other instances where students may  
21 be working under the supervision of faculty at other  
22 universities?

23           A.       Sure. We're very collaborative, because  
24 we're assigned to such a multidisciplinary field.

25                   I, for example, have a student who

1 collaborates with someone at the University of  
2 Maryland. They visit there to learn skills from those  
3 people that maybe I don't necessarily have, to provide  
4 the student with the ability to ask questions basically  
5 independent of the restrictions in my laboratory about  
6 techniques that I know how to do.

7 But you know, ask questions about how the  
8 brain works and draw upon all resources that are  
9 required to address them, which might mean visiting  
10 another university and learning from another faculty  
11 member.

12 Q. And in that instance that you described,  
13 when your student is at the University of Maryland, is  
14 that student supervised by the faculty at the  
15 University of Maryland?

16 A. Yes.

17 Q. And you alluded to the variation in the  
18 types of research that is conducted. What are some of  
19 the resources that students in your program need in  
20 order to further their research?

21 A. Resources regarding?

22 Q. Resource like equipment, animals?

23 A. Sure.

24 So they might use a microscope in the - in  
25 the basement of the Langley Hall, that is a shared

1 instrument because it's so expensive.

2 Q. How expensive is it?

3 A. About a million dollars.

4 Q. Okay.

5 A. That's an instrument that - that the Arts &  
6 Sciences School has - has contributed money toward,  
7 with the understanding that any faculty could use that  
8 instrument. Because no one faculty member would likely  
9 have the resources to be able to buy it themselves.

10 They might also be in a - in a - in a room  
11 that has a lot of electrical equipment, to measure the  
12 electrical activity let's say in a piece of the tissue  
13 from an animal that they have dissected and are  
14 recording activity in.

15 That would be something in my laboratory,  
16 because I can't afford, on my grant, to outfit that -  
17 that particular room with the equipment required to do  
18 those experiments.

19 The other resources, for example, that my  
20 students take advantage of are at Carnegie Mellon.  
21 There's a Pittsburgh Supercomputing Center. We  
22 collaborate with the staff member there, who helps them  
23 do computer modeling of the kind of physiology  
24 experiments we do in the laboratory. Because we feel  
25 that addressing the problem with both approaches is

1 important to gain an understanding of what's happening.

2           They also would go up to the Chemistry  
3 Department and work with a laboratory that we  
4 collaborate there, that synthesizes some of the  
5 chemicals that we use. They wouldn't do the synthesis  
6 themselves, but they would have meetings with those  
7 people and receive the chemicals from them and bring  
8 them to our laboratory.

9           Because no one person would be able to do  
10 all of these things. We're very collaborative. And we  
11 learn what we can and - so that we know how to use the  
12 tools that we derive from the experts. But we try to  
13 become knowledgeable as we can in everything we do.  
14 But we - we really lean on expertise in many fields.

15           And the resources that students use are  
16 usually very technical, very specialized and in a  
17 certain location on campus.

18           Q.     I think you -?

19                   HEARING EXAMINER: I just want to ask  
20 him about computer model.

21                   THE WITNESS: Uh-huh (yes).

22                   HEARING EXAMINER: Do you - as part of  
23 your application process and intake, do you look for  
24 students who have computer programming ability?

25                   THE WITNESS: It's considered a valuable

1 skill. But it's not something that they have to have  
2 to join my laboratory. We mostly rely on the people at  
3 the Pittsburgh Supercomputing Center to do most of the  
4 programming in this regard.

5 And they become users of the software  
6 that has been developed, and understand how to analyze  
7 the data and the output. They don't have to do the  
8 programming themselves.

9 HEARING EXAMINER: Because I've heard of  
10 other departments, at other schools, maybe, where it's  
11 expected that the graduate student would be doing  
12 programming.

13 THE WITNESS: It's not - it's not  
14 required. It's a - it's a valuable skill to have. If  
15 they have that skill, they might use that to their  
16 advantage.

17 HEARING EXAMINER: Go ahead, ma'am.

18 ATTORNEY DANTE: Sure.

19 BY ATTORNEY DANTE:

20 Q. I think you also mentioned a primate lab.

21 Do some of the students work with animals as  
22 part of their research?

23 A. I would say most of the students work with  
24 either animals or human subjects.

25 Q. Can students do the type of research that's



1 necessary to get their Ph.D. without the resources that  
2 you just described?

3 A. No, Neuroscience is such a highly-technical  
4 field, that - that the kinds of questions that we ask  
5 that are on the leading edge of our frontier of  
6 understanding require pretty advanced resources and  
7 facilities.

8 Q. Does your - does the program encourage  
9 students to be published?

10 A. Yes.

11 Q. Why is that?

12 A. We feel that's useful in several ways. One  
13 is, it's an outside evaluation of the work that they  
14 have done and validation. It puts their work also in  
15 the public domain, so that others can benefit from  
16 their discoveries.

17 It is also a measure, internally, of - of  
18 the magnitude of work that they've accomplished. So  
19 for - in order to defend a thesis that is - that we'd  
20 say is sufficient for a Ph.D., we might expect them to  
21 publish, on average, two papers, at least, or maybe a  
22 minimum of two papers. I would say not on average, but  
23 a minimum of two papers, you know, that have been  
24 peer-reviewed and published or that the committee feels  
25 are sufficient for peer review.

1           They don't have to have been published  
2 before the thesis defense. But the Committee has to  
3 decide that the body of work represents what would be  
4 equivalent to about two papers or more.

5           Q.     Okay.

6           And speaking of the thesis, can - can you  
7 help us understand how students determine what their  
8 dissertation topic would be in your program?

9           A.     The determination comes in kind of  
10 discussions and collaboration with their faculty  
11 mentor. The faculty mentor has a Research Program that  
12 might include a variety of tangents off of a central  
13 theme.

14           And the students, in discussion with that  
15 faculty member, will line themselves based on their own  
16 interests with a particular tangent, that they're -  
17 they want to pursue. And then together they will come  
18 up with an effective design of a project.

19           Q.     And once that - once the design of a project  
20 is put in place, are - what is the role of the faculty  
21 mentor from that point in time through the defense of  
22 the dissertation?

23           A.     They will work with the student on a regular  
24 basis, and in some cases daily, some cases weekly. It  
25 depends on how often they happen to meet. And that -

1 as I said, it depends on that faculty member's level of  
2 interaction and commitments.

3 But they will meet regularly to refine that  
4 plan. I would say those plans are never set in stone.  
5 Research is a - is an endeavor that often results in  
6 these - the designed experiments that fail and  
7 alterations. And the approach has to be employed,  
8 designed and thought about.

9 So they'll work very carefully with that  
10 faculty member, as they move through the research plan,  
11 making modifications to the plan, perhaps even changing  
12 the plan altogether, if things - if the results of the  
13 initial plan result in experiments that don't teach  
14 them what they want to know about that particular  
15 question they're - they're addressing.

16 Q. And the research that goes on, in  
17 furtherance of this dissertation, is that sometimes  
18 funded on an external grant?

19 A. Sure. It's almost always funded by an  
20 external grant, because research is so expensive to  
21 carry out. Supplies, reagents, animals, equipment, all  
22 of those resources that are required will require some  
23 source of external funding for senior faculty.

24 You know, newly-hired faculty will receive a  
25 startup package from the University that might fund

1 their lab for several years until they can compete for  
2 external funding.

3           So occasionally that can come from the  
4 Dean's Office in the school that they're hired. But  
5 more senior faculty like myself don't have any more of  
6 those startup funds remaining. And so we - we  
7 exclusively use external funding.

8           Q.     And that could come in the form of a  
9 training grant?

10          A.     A training grant funds the stipend for the  
11 student and their benefits. It might include a very  
12 small amount of supply and travel money for the  
13 student, but it does not provide enough money to  
14 support the entire project.

15          Q.     So the University still bears some of the  
16 cost for the research?

17          A.     Yes. And training grant, a - a student  
18 really can't successfully compete for an individual  
19 NRSA or an F grant without the parent laboratory having  
20 an external source of funding that would provide  
21 support for that project. That's a requirement.

22          Q.     So is it common that students will go back  
23 and forth between a training grant and a GSR or faculty  
24 grant in that same laboratory?

25          A.     Yes, very common.

1 Q. And the research that you just talked about  
2 between the thesis proposal and the dissertation, that  
3 can occur on either of those funding sources?

4 A. That's right.

5 Q. Could it also -?

6 A. The funding is really independent - the  
7 source of the funding is independent of the - of the  
8 research projects.

9 Q. So that research project would look the same  
10 regardless of where the funding was coming from?

11 A. That's correct.

12 Q. Does the research that's being done in the  
13 lab often result in publications?

14 A. Yes, we hope so.

15 Q. Okay.

16 A. That's the goal.

17 Q. All right.

18 I'm going to show you what I'll mark as  
19 Respondent R-68 and 69.

20 ---

21 (Whereupon, Respondent Exhibit 68, Paper, was  
22 marked for identification.)

23 (Whereupon, Respondent Exhibit 69, Thesis, was  
24 marked for identification.)

25 ---

1 BY ATTORNEY DANTE:

2 Q. Let's start with R-68.

3 Do you recognize that document?

4 A. Sorry, which one is which? Are we talking  
5 about -?

6 Q. Is - are those not marked?

7 ---

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

9 ---

10 BY ATTORNEY DANTE:

11 Q. R-60 - yeah.

12 A. Oh, clear on the bottom?

13 Q. Yeah.

14 A. Sorry.

15 Sixty-eight (68)?

16 Q. Yeah, let's start there.

17 A. This is the - this is the published paper,  
18 with the first author - the graduate student in our  
19 program.

20 Q. Okay.

21 And if we look at the bottom, will we be  
22 able to see what kind of funding the student received  
23 to do the research that resulted in this publication?

24 A. Yes, there's always an acknowledgement  
25 section in these publications. And this one at the

1 bottom left lists a variety of funding sources that  
2 supported the research.

3 HEARING EXAMINER: Where are you, sir?

4 THE WITNESS: Bottom left in the small  
5 print.

6 HEARING EXAMINER: Oh, I see.

7 THE WITNESS: This work was supported -  
8 third paragraph, third line, I guess - or third  
9 paragraph, fourth line. This work was supported by.

10 HEARING EXAMINER: Oh, it's even got the  
11 grant, too, number there?

12 THE WITNESS: Yes.

13 BY ATTORNEY DANTE:

14 Q. And so if we look at it, we see a grant and  
15 then something that starts with R01.

16 Is that right?

17 A. That's right.

18 Q. And then we also see a grant that starts  
19 with F30?

20 A. Yes.

21 Q. So was - how was the work that - the  
22 research that resulted in this publication, how was it  
23 funded?

24 A. So the R01, that's - that's an NIH  
25 designation for research grant that the - that the

1 faculty member would have obtained. And it lists the  
2 initials of who the grant is awarded to after. So that  
3 would be NNU, which is listed at the top of the senior  
4 officer, the faculty member here.

5 And then the F30 grant was awarded to A.L.  
6 So that's the graduate student.

7 And that - so the research grant, the R01  
8 funded all of the expenses of the research, the  
9 supplies, the equipment, the animals.

10 The F30 would have funded the student's  
11 stipend, and fringe benefits or perhaps a little bit of  
12 travel money or small amount of other supply money.

13 But the majority of their research would  
14 have been in terms of its expenses. But the actual  
15 experiments would have been funded by the R01.

16 Q. And could the R01 have also provided support  
17 for the student for a particular period of time?

18 A. Yes.

19 And typically the R01 was - wouldn't provide  
20 support for the student unless the student is fortunate  
21 enough to be successful enough for an F30. And then  
22 the laboratory is happy to have the additional support  
23 to save those grant funds for other uses and not have  
24 to use them on the student's stipend.

25 Q. Does a student experience any change in the



1 stipend level if they switch back and forth from a  
2 training grant or a fellowship to a GSR grant?

3 A. No, we - we define the stipend every year.  
4 It might go up slightly every year, if there are  
5 incremental raises to keep up with the cost of living,  
6 or to stay competitive with other training programs.

7 But independent of their source of money,  
8 they receive the same stipend. And for example, in  
9 this case if the F30 was an NIH grant, the NIH might  
10 have designated that the stipend was lower than what we  
11 pay.

12 And then in that sense - in - in that  
13 instance, then the R01 would have kicked in money to  
14 bring them up to the same, so they make the same all -  
15 at all times.

16 Q. Okay.

17 What's the faculty mentor's role in helping  
18 a student publish something like this?

19 A. It's really an extension of that same  
20 collaboration that goes on throughout the - the process  
21 of conducting the experiments that led to the  
22 publication.

23 At the - as data is collected and - and a -  
24 and a result starts to impact on the hypothesis and the  
25 gap in understanding, the student and the mentor decide

1 as the researchers progress in that.

2 We're - we've come to a point where we kind  
3 of addressed the question, we maybe should report this.

4 And then often the faculty member will ask  
5 the student to write the first draft, analyze the data,  
6 create the figures. And then they will provide  
7 feedback on that work.

8 Together they will go back and forth,  
9 perhaps even with a consultation of other members, some  
10 of which might be authors on the paper. Others might  
11 be other faculty on the committee that would simply  
12 provide feedback on the presentation of the data, even  
13 if any don't contribute to it.

14 So that in the end you have a polished  
15 document that they then decide where to submit to. And  
16 they choose a Neuroscience journal that they feel is  
17 appropriate for the kind of work they're doing.

18 Q. Okay. All right.

19 And if you can take a look at R-69.

20 A. Uh-huh (yes).

21 Q. Do you recognize this document?

22 A. Yes. This is the - some part of the thesis  
23 that this student defended for their Ph.D.

24 Q. Were you on the student's committee?

25 A. Yes.

1 Q. And did the publication that was marked as  
2 R-68 end up as a chapter in R-69?

3 A. Yes.

4 Q. And if we take a look at the acknowledgement  
5 in R-69, which is on Roman X5 (sic) - 15.

6 A. Uh-huh (yes).

7 Q. It mentions the funding for the student's  
8 training.

9 Do you see that in the second paragraph?

10 A. Yes. Thank you to the NIDCD for funding  
11 throughout my training.

12 Q. And in look at R-68, can you explain what  
13 sources the student received funding on to complete the  
14 student's dissertation or at least a portion of it?

15 A. Yes.

16 This - it says in the paragraph, for which  
17 those funding numbers are listed, that the work was  
18 supported by the National Institute on Deafness and  
19 Other Communicative (sic) Disorders, which is the  
20 NIDCD.

21 Q. And in looking -?

22 A. And those are grant numbers from the NIDCD.

23 Q. Okay. Thank you.

24 And in looking at the student's  
25 dissertation, are we able to discern what portion of

1 the research was conducted on the R01 versus as part of  
2 the fellowship the student received?

3 A. No, it's - I mean, the funding is - is just  
4 the way that we support the student. But the work they  
5 do is independent of the funding source.

6 Q. Okay.

7 In the student's acknowledgement, there's  
8 also a reference to an Allen Institute and University  
9 of Washington?

10 A. Right.

11 Q. What's the Allen Institute?

12 A. That's a - an institute that provides a lot  
13 of research resources. They have databases. Even some  
14 of them are online.

15 And these could include, for example,  
16 photographs of brain tissue that have been stained with  
17 different markers that basically provide kind of an  
18 encyclopedia, if you will, of different parts of the  
19 brain. And sometimes students can take advantage of  
20 that database to instruct some aspects of their - their  
21 research.

22 Q. And as far as the University of Washington,  
23 did the student utilize certain opportunities that were  
24 provided by another institution?

25 A. Yes.

1 Q. And I think you mentioned -.

2 A. That's the home of the - of the Allen Brain  
3 (sic) Institute. So that's where this - this resource  
4 is housed.

5 Q. Okay.

6 For the research that students do that can  
7 result in publications, like R-68, and ultimately  
8 dissertations like R-69, do they get academic credit  
9 for that research?

10 A. Yes.

11 Q. Does that depend on how they're funded?

12 A. No.

13 Q. Does the Department track the number of  
14 hours that Ph.D. students spend performing research?

15 A. No. We expect them to perform research what  
16 we would call full time when they're not in the  
17 classroom or performing other requirements of the  
18 program.

19 Q. Why is that?

20 A. Research is - in order to make the kind of  
21 progress we expect, it's a very time-consuming  
22 endeavor. And it - it does take a full-time effort in  
23 order to make significant progress to get a Ph.D.

24 Q. Is what we saw in R-68 and then R-69, is it  
25 common in your program for students to publish, and

1 then use that publication and the research underlying  
2 that publication in their dissertation?

3 A. Absolutely. We encourage that actually. We  
4 find it more practical for the students, more  
5 beneficial for them if they publish as they go along.  
6 And then we ask - we encourage them to make each  
7 publication a chapter in the thesis.

8 Q. And is the work product of a student who's  
9 on a fellowship or a traineeship distinguishable from  
10 the work product of a student who might be working on  
11 an R01 grant?

12 A. No, the same - they do the same research  
13 regardless of the source of fund.

14 Q. Let's switch gears and talk just briefly  
15 about teaching. Does the CNUP have a teaching  
16 requirement?

17 A. We do. It's - we consider it a part of  
18 their training to become a successful scientist.

19 Q. What are students expected to do to satisfy  
20 that requirement?

21 A. They have - they have to perform duties as a  
22 teaching assistant for one semester, during the course  
23 of their time as graduate students in our program.

24 Q. Are students funded while they do that?

25 A. Yes, they are funded on a teaching

1 assistantship at that point.

2 Q. Is there any difference in their stipend?

3 A. There isn't - the teaching assistantship  
4 doesn't really cover a hundred percent of their funding  
5 for that - that time for that year. So they are  
6 supplemented by, you know, the mentor grant or some  
7 other source, externally, to bring them up to the same  
8 stipend level that they receive every year.

9 Q. So when students are a TA for that  
10 particular semester, are they satisfying their  
11 curriculum requirement for -

12 A. It -

13 Q. - the teaching experience?

14 A. - it is. It's - it's one of requirements  
15 that is outlined in the Graduate Training Program  
16 guidelines that they're given at the beginning of the  
17 year.

18 Q. What kind of interactions do students have  
19 with the faculty while they're satisfying that  
20 requirement?

21 A. They - they will meet with that faculty  
22 member who's teaching that course, before the course  
23 begins, to understand what they're expected - expected  
24 to do. Every course has different expectations for the  
25 TA.

1           And every faculty member might ask the TA to  
2 perform slightly different duties. But these will  
3 include things like attending class, being available to  
4 help students outside of class, running review  
5 sessions, perhaps assistance with grading or making up  
6 exams, those kinds of duties. And every - sometimes  
7 there's homework that they want them to grade.

8           Every class might have a different  
9 curriculum that would require different assistance in  
10 those capacities. But the - that would be a discussion  
11 they would have at the beginning before the class  
12 begins. And then they would work with the faculty  
13 member over the course of - of the TA to really gain  
14 experience in how to teach and how to evaluate  
15 students' performance.

16       Q.     Are students evaluated regarding their  
17 progress for a degree?

18       A.     Evaluated as a TA?

19       Q.     Evaluated just on the general progress  
20 towards the TA -

21       A.     Oh.

22       Q.     - sorry, towards their degree?

23       A.     Toward their degree?

24           We have an Evaluations Committee, which is  
25 made up of faculty members in the - training faculty in



1 the CNUP that evaluate every student every year.

2 In the first year we actually evaluate them  
3 six months in, and then at the end of the year. But  
4 subsequently, once per year we meet to review all the  
5 activities that they've engaged in, evaluate their  
6 progress through the milestones and the requirements of  
7 the program.

8 And then at the end of that year we write  
9 them a letter to give them an assessment of how they're  
10 doing.

11 Q. So -?

12 HEARING EXAMINER: How much longer, Ms.  
13 Dante?

14 Not rushing you, just wondering.

15 ATTORNEY DANTE: Two minutes.

16 HEARING EXAMINER: Oh, perfect. All  
17 right.

18 BY ATTORNEY DANTE:

19 Q. So that evaluation encompasses curriculum  
20 requirements, -

21 A. Yes.

22 Q. - research, -

23 A. Yes.

24 Q. - teaching?

25 A. Everything.

1 Q. Okay.

2 A. And - including every requirement that -  
3 that we would expect of them at the particular year.

4 So for a second-year student, the letter  
5 would assess what they should have done based on what  
6 we think second year should have done, third year,  
7 et cetera.

8 Q. Does that change whether someone's supported  
9 on a faculty grant or a fellowship or -?

10 A. No, specifically based on our guidelines.

11 Q. Is a student's funding ever in danger if  
12 they're making satisfactory progress?

13 A. No, they - the form that you showed me  
14 before, the R-67, that was the selection of a  
15 dissertation laboratory at the bottom, it says, I agree  
16 to provide financial support for the above-named  
17 student, should funds not be available for his or her  
18 dissertation - by his or her dissertation advisor.

19 So here the Chair of that department has to  
20 sign off.

21 And so in every case where a student chooses  
22 a lab, the Chairman of that faculty member's department  
23 has to basically agree to support the student, should  
24 there not be sufficient funds that the faculty mentor  
25 could provide.

1           Q.       And I think you stated earlier that the  
2 purpose of the Ph.D. Program is to train the students  
3 to become independent researchers.

4                   Does - is the program designed to provide  
5 those kinds of training opportunities to students?

6           A.       I mean, the guidelines are evolving every  
7 year slightly, to - to make sure that we obtain that  
8 goal. And we're really - really interested in crafting  
9 a program that trains students to become good  
10 scientists and Neuroscience. And that's our goal. And  
11 that's what the guidelines are designed to do.

12          Q.       And presumably when students come in  
13 sometime with just a BA or BS, they - they're not at  
14 that level yet.

15          A.       Oh, no.

16          Q.       Is that fair to say?

17          A.       Yeah, right. That's a good background to  
18 allow them to be able to make it in our program to  
19 thrive. We want them to do well.

20                   They need that - that as a background. But  
21 then significant training that goes on after that.

22                   ATTORNEY DANTE: I have nothing further.

23                   HEARING EXAMINER: Okay.

24                   We'll take 10, 15.

25                   ATTORNEY SHARMA: Probably at least 20

1 minutes -

2 HEARING EXAMINER: Twenty (20)?

3 ATTORNEY SHARMA: - to print some  
4 documents.

5 HEARING EXAMINER: All right.

6 Why don't people come back at 2:50? And  
7 then we'll try and get going by 3:00?

8 You can step down, sir.

9 Please don't talk to anyone about your  
10 testimony.

11 ---

12 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

13 ---

14 HEARING EXAMINER: On the record with  
15 Cross.

16 ---

17 CROSS EXAMINATION

18 ---

19 BY ATTORNEY SHARMA:

20 Q. Dr. Meriney, my name is Maneesh Sharma.

21 I'm an attorney for the Steelworkers. I  
22 just have a few questions for you.

23 You said you did your Ph.D. at UConn?

24 A. Yes.

25 Q. That was before the graduate student

1 employee union formed there.

2 Is that correct?

3 A. It must have been. I had no knowledge of  
4 that.

5 Q. Okay.

6 A. I got my degree in 1986.

7 Q. Yeah. That was before their first  
8 basketball championship.

9 A. Right.

10 They also - they also were not good at  
11 basketball then.

12 Q. Yeah, yeah, that is, they -

13 A. Yeah, -

14 Q. - they were not good at basketball.

15 A. - yeah.

16 Q. You answered this question before for the  
17 Hearing Examiner. But you taught courses while you've  
18 been at Pitt.

19 Is that right?

20 A. Yes.

21 Q. And - I have my notes out of order here -  
22 when you taught courses, you have - you designed a  
23 syllabus.

24 A. Yes.

25 Q. Is that right?

1                   You've shown up to the designated location  
2 at the designated time?

3           A.     Right.

4           Q.     You provided the instructions for that  
5 course for that day?

6           A.     Yes.

7           Q.     You wrote exams, I'm assuming?

8           A.     Yes.

9           Q.     You graded exams?

10          A.     Yes.

11          Q.     You held office hours?

12          A.     Yes.

13          Q.     You were compensated for performing those  
14 duties?

15          A.     It's - I think it's part of my general  
16 contract. I don't receive any direct compensation that  
17 is attributed to that course in particular.

18          Q.     Sure, sure.

19                   But those are duties that you're expected to  
20 perform -

21          A.     Yes, -

22          Q.     - while employed at Pitt?

23          A.     - that's right.

24          Q.     Like you taught courses - you probably  
25 taught courses at Pitt that you never taught before.

1                   Is that right?

2           A.       Yes, when I was first hired at Pitt, I had  
3 to learn material to teach courses that I had not  
4 taught before.

5           Q.       Right. Okay.

6                   So you had new teaching experience while you  
7 were employed here at Pitt?

8           A.       Yes.

9           Q.       And those were valuable experience for you?

10          A.       Yes.

11          Q.       And you received compensation for the -  
12 teaching those courses.

13                   Correct?

14          A.       You mean the courses that I teach now or the  
15 ones - the ones that I taught when I first arrived  
16 or -?

17          Q.       Any of those courses?

18          A.       I mean, I do receive my - my salary. And  
19 the contract states that I must teach.

20          Q.       So there - there are people who served as  
21 TAs while at the CNUP.

22                   Is that correct?

23          A.       That's correct.

24          Q.       Have you ever taught a course with TAs from  
25 CNUP?

1 A. Yes.

2 Q. What courses were those?

3 A. Synoptic Transition is the title of the  
4 course that I teach now, primarily.

5 Q. And is - that's a graduate-level course?

6 A. That's an undergraduate course.

7 Q. Undergraduate?

8 Okay.

9 About how many students are in that course?

10 A. It ranges from approximately 150 to 200.

11 Q. What do the TAs do in that?

12 A. I have one TA assigned to that course that  
13 is from the CNUP every year. That TA attends class,  
14 takes notes, holds review sessions, both - both in - in  
15 advance of each exam, one review session and then has  
16 office hours to assist students. And is available by  
17 e-mail for individual help.

18 HEARING EXAMINER: What's the - what's  
19 the course number, Doc?

20 THE WITNESS: It's Neuroscience 1017.

21 HEARING EXAMINER: Thank you.

22 THE WITNESS: And the TAs will also  
23 assist in assembling the grades in the spreadsheet.  
24 They will proofread the exams and occasionally suggest  
25 questions. They may even write a question that I will



1 review.

2           The - since the class is so large, the  
3 exams are all graded on a Scantron. The students fill  
4 out a Scantron. And it's a multiple-choice exam. So  
5 it's computer-graded. So the work that they do is  
6 primarily shepherding the - the Scantrons to the office  
7 that - that grades them.

8           HEARING EXAMINER: Do they hold  
9 recitation sessions?

10          THE WITNESS: That's right. There's one  
11 recitation session per week, which is run primarily as  
12 a review of the material that I taught in the course  
13 that week.

14          HEARING EXAMINER: So one recitation  
15 session for the whole -

16          THE WITNESS: Week -

17          HEARING EXAMINER: - class?

18          THE WITNESS: - for each week for the  
19 whole class. Because the way that Pitt schedules these  
20 recitations, they - when students register for this  
21 course, they make sure there's no overlap in the course  
22 hours.

23               But the recitation session is not  
24 considered in preventing overlap. And so it's a sign  
25 that some students are - have conflicts with other

1 courses and they can't attend.

2 And I would say the average attendance  
3 at recitation ranges from somewhere between 5 and 20  
4 students out of 200. Very few show up at recitation,  
5 even though I encourage them all to go. And then we -  
6 we do have a large room, if they all do want to show  
7 up.

8 HEARING EXAMINER: So that seems - that  
9 seems abnormal, compared to what my understanding of  
10 recitation was more generally.

11 Yeah, some were -.

12 THE WITNESS: You can define recitation,  
13 I think - I believe depending on the course. If it was  
14 a required recitation, which we would have graded  
15 materials presented, which some courses do, then you  
16 would have to find a time that was part of the course  
17 block in which there were no conflicts.

18 HEARING EXAMINER: Okay.

19 That makes sense.

20 THE WITNESS: And this one is only  
21 designed as a - as a help session. And isn't the only  
22 time they can come for help.

23 So if they can make it to recitation,  
24 they will have an opportunity to work one on one with  
25 the - you know, with the other students there in the

1 small group with the TA.

2 If they can't, they can just arrange  
3 something by appointment on their own. Most students  
4 receive assistance by appointment.

5 ATTORNEY SHARMA: Got it.

6 HEARING EXAMINER: With the TA?

7 THE WITNESS: Or myself.

8 HEARING EXAMINER: Or yourself?

9 THE WITNESS: They can make an  
10 appointment with either of us.

11 BY ATTORNEY SHARMA:

12 Q. Is there any criteria for when you've  
13 contacted the TA or is it up to you or just -

14 A. I -

15 Q. - that you're aware of?

16 A. - leave it completely up to them. Because  
17 some students find it helpful in their learning of the  
18 material to talk to me or to talk to someone with a  
19 different perspective.

20 You know, the TA might - they may be more  
21 comfortable talking to the TA, so -. If they prefer,  
22 that's fine.

23 Q. Do you know - do you know how many CNUP grad  
24 students serve as TAs at any given time?

25 A. I think each semester. And we use them

1 spring and fall term. We might have ten per semester,  
2 roughly.

3 This is to - to participate in courses that  
4 are offered by the Undergraduate Neuroscience Program,  
5 where there are - there are a significant number more  
6 than ten courses offered each term. Some course don't  
7 have a TA. TAs are usually reserved for courses that  
8 have more than 50 students in them.

9 And there's a relatively large Undergraduate  
10 Neuroscience Program. So about 550 majors and quite a  
11 few classes. So there's an ample opportunity for these  
12 graduate students to participate.

13 Q. Okay.

14 So I - did you say about 10 to 12 per  
15 semester or was there -?

16 A. I think there's ten per semester. Although,  
17 I don't -.

18 Q. Could more serve if more wanted to?

19 A. Yes, we certainly allowed - if a certain -  
20 certain graduate students have, as their career  
21 aspirations become employed in more teaching heavy  
22 environment - well, not necessarily a research  
23 institution, but maybe a small liberal arts college or  
24 - or perhaps they want to teach in high school.

25 Whatever they decide might be their career

1 aspirations, they could request teaching experience to  
2 help them bolster their training in that regard. So  
3 they are welcome to ask for an additional semester or  
4 two of teaching.

5 Q. Sure.

6 It's not so much a question of can  
7 individual students request additional semesters, but  
8 if say - you said there's 75 - about 75 -?

9 A. Total in the program.

10 Q. If all 75 wanted to serve as a - as a TA in  
11 one given semester, would that be accommodated?

12 A. Probably not. We don't have that many  
13 openings.

14 Q. And what you described as the way the TA  
15 functions in your current class, is that typical for  
16 courses you've taught or even in - of course I guess I  
17 would ask you that question, then, if you know if  
18 that's typical for other faculty in the CNUP?

19 A. Yeah, I think yes to both. That's the way  
20 my courses used TAs every year. And it's pretty common  
21 among courses in the Neuroscience Department, that use  
22 CNUP graduate students as TAs.

23 The only difference is, that some more  
24 quantitative courses might ask them to grade homework,  
25 which I don't have.

1 Q. And would that homework be assigned in the  
2 lecture or in recitation?

3 A. It's assigned in the lecture.

4 Q. And you performed research while you've been  
5 employed at Pitt.

6 Is that right?

7 A. Yes.

8 Q. And you - you secured grants to fund that  
9 research?

10 A. Yes.

11 Q. And when you applied for a grant, you - I  
12 don't actually really know how any of this stuff works  
13 - you propose specific research projects as part of  
14 that grant?

15 A. Yes.

16 Q. And does that often propose a certain amount  
17 of funding for graduate researchers?

18 A. Yes. So the budget will include stipend for  
19 graduate students that I will list as will be  
20 participating. Some grants to the National Science  
21 Foundation have a training component.

22 And if it's to NIH, they also have a  
23 document that you describe how graduate students are -  
24 will be trained as part of this project. So it's -  
25 they're integrated into - into the proposal.

1 Q. And that's generic, that's not - you don't  
2 name specific graduate students who will be part of  
3 that?

4 A. You can. I do name students specifically if  
5 they are young students that I know are specifically  
6 working on the project that I'm writing about.

7 Q. Uh-huh (yes).

8 A. But you can also say that they will - to be  
9 named, if it's a project that you're writing about,  
10 that you do not have a graduate student identify you.

11 Q. Uh-huh (yes). Okay.

12 And I'm assuming when you secure these  
13 grants, that no research was ever formed as part of  
14 that grant, that would not bode well for you.

15 Correct?

16 A. I don't understand. Say it again.

17 Q. Let's say you were awarded a - a grant and  
18 yet your lab never performed any of the research that  
19 you propose that you were going to perform as part of  
20 that grant. That would be bad for your professional  
21 development.

22 Is that fair to say?

23 A. So the - the way that these are - they're  
24 not contract, they're - you can have contracts from the  
25 government, but these are research grants. So it -

1 there is some flexibility.

2 In other words, you might propose a detailed  
3 series of experiments that they will evaluate and  
4 decide, yes, this is worthy of funding. As you begin  
5 to carry out those experiments, the results of the - of  
6 those experiments might guide you in a slightly  
7 different direction.

8 And that NIH grants are fine, they - as long  
9 as you pursue the general question that you're asking  
10 and that - in the logical manner and follow results.  
11 They don't want to you pursue a dead end, if you've  
12 identified it as a dead end halfway through.

13 So you have to make some progress on - on  
14 understanding the question, and the hole in the  
15 understanding of the Neuroscience that you've  
16 identified.

17 And at the end of every year you have to  
18 send them a progress report of how well you've done.  
19 And at the end you have to send them a final report.

20 If for example, you don't make much  
21 progress, for some reason, it will be difficult to  
22 obtain another grant. Because you won't have  
23 demonstrated your productive use of the funds in the  
24 past.

25 HEARING EXAMINER: I think that was your



1 question.

2 Right?

3 ATTORNEY SHARMA: Yes, right.

4 BY ATTORNEY SHARMA:

5 Q. Right.

6 And the - the researcher - the student  
7 researchers in the lab are aiding in the sort of  
8 necessary progress of that research.

9 Right?

10 A. They participate, yes.

11 Q. And with all the grants - I'm assuming  
12 you've got multiple grants -

13 A. Yes, -

14 Q. - in your lab?

15 You can perform all of the research  
16 necessary on those grants all by yourself?

17 A. Uh-huh (yes ).

18 It requires a team effort. I couldn't do  
19 everything by myself as efficiently as I could with a  
20 team. And some of the work is collaborative.

21 And I couldn't do, for example, the computer  
22 modeling by myself. I need those - those experts to  
23 assist.

24 So it's a collaborative endeavor.

25 Q. And would you agree that you're a better

1 researcher now than you were in 1986, when you finished  
2 your Ph.D.?

3 A. Oh, absolutely.

4 Q. And so in the time you've been at Pitt,  
5 you've gained skill and experience as a researcher?

6 A. Yes.

7 Q. Do you - do you collaborate with your fellow  
8 faculty?

9 A. Yes.

10 Q. And you find that to be a valuable  
11 experience?

12 A. Yes.

13 Q. So when a - a new student wants to come into  
14 your lab, do they - the - you described when they come  
15 through the lab rotation that you design sort of a  
16 smaller project that they can hopefully complete within  
17 a semester.

18 That project is one that you designed.

19 Right?

20 A. Yes.

21 Q. They related -?

22 A. They usually don't know enough about the  
23 research I do to be the leader in the design of that  
24 project. But they do participate in the discussion  
25 that helps guide me in directing them to a project.

1 Q. Okay.

2 And it's related to a grant that you  
3 secured -

4 A. That's right.

5 Q. - for the project?

6 Have you published based on research you  
7 perform in your lab?

8 A. Yes.

9 Q. And if I went to your faculty profile, I  
10 would see something listed as represented publications  
11 there?

12 A. Yes.

13 Q. And in fact - which below that, there's a  
14 little hyperlink. And if you clicked on that, I could  
15 see a complete list of all the publications.

16 Correct?

17 A. Yes.

18 Q. Were these publications important in your  
19 profession.

20 Is that right?

21 A. Yes.

22 Q. Publishing - publishing of peers is still  
23 applicable.

24 A. Yes.

25 Q. Is that fair?

1 A. Uh-huh (yes).

2 Q. I'm going to show you what's listed as Union  
3 Exhibit 231.

4 ---

5 (Whereupon, Union Exhibit 231, Publication, was  
6 marked for identification.)

7 ---

8 BY ATTORNEY SHARMA:

9 Q. Do you recognize that?

10 A. Yes.

11 This is one of my publications.

12 Q. Recent one.

13 Right?

14 A. Yes.

15 Q. And obviously it's just a front page.

16 Otherwise, it would be a very short publication, I  
17 would imagine?

18 A. Right.

19 Q. So you're listed as the first author.

20 Correct?

21 A. Yes.

22 Q. Are any of the people listed following your  
23 name graduate students in your lab?

24 A. Tyler is a former graduate student.

25 Christine is a current graduate student. Izzie Lee is

1 a current graduate student.

2 Q. And is there a research tech listed on here,  
3 too?

4 A. Man Wu is the research tech in my  
5 laboratory. And this is in collaboration with the  
6 laboratory and chemistry, so Mary Lang is a research  
7 tech in that laboratory.

8 ATTORNEY SHARMA: I move to admit Union  
9 Exhibit 231.

10 HEARING EXAMINER: Any objection?

11 ATTORNEY DANTE: No.

12 HEARING EXAMINER: Those names are  
13 already public, so -.

14 ATTORNEY FARMER: That's - that's what  
15 we were just discussing.

16 HEARING EXAMINER: Yeah.

17 Okay.

18 Admitted.

19 ---

20 (Whereupon, Respondent Exhibit 231, Publication,  
21 was admitted.)

22 ---

23 HEARING EXAMINER: We'll say implied  
24 waiver.

25 I like that theory, implied waiver.

1 We'll go with that.

2 ATTORNEY SHARMA: 232.

3 ---

4 (Whereupon, Union Exhibit 232, Appointment Letter,  
5 was marked for identification.)

6 ---

7 HEARING EXAMINER: Do they still publish  
8 these in paper form or is it all online now?

9 THE WITNESS: Yes, this particular one  
10 is in paper form, as well as online. But some are  
11 online only.

12 BY ATTORNEY SHARMA:

13 Q. I'm handing you what's been marked Union  
14 Exhibit 232.

15 Do you recognize what this is?

16 A. Yes.

17 This is an appointment letter for a graduate  
18 student to be a GSR.

19 Q. At the Center of Neuroscience?

20 A. That's right.

21 ATTORNEY SHARMA: I'm going to just move  
22 to admit Union Exhibit 232.

23 HEARING EXAMINER: Any objection?

24 ATTORNEY DANTE: No.

25 HEARING EXAMINER: Admitted.

1 ---  
2 (Whereupon, Union Exhibit 232, Appointment Letter,  
3 was admitted.)

4 ---

5 BY ATTORNEY SHARMA:

6 Q. Now, I'm going to hand you Union Exhibit  
7 233.

8 ---

9 (Whereupon, Union Exhibit 233, Guidelines, was  
10 marked for identification.)

11 THE WITNESS: Uh-huh (yes).

12 BY ATTORNEY SHARMA:

13 Q. Do you recognize that document?

14 ---

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

16 ---

17 BY ATTORNEY SHARMA:

18 Q. Do you recognize that document?

19 A. Yes. This is the guidelines that detail  
20 training in the CNUP Program.

21 Q. Okay.

22 And looking back at R-66.

23 Do you remember that document?

24 A. Yes.

25 Q. On the front and on the back of this

1 document it references the CNUP Training Program  
2 guidelines. That's a reference to what I just handed  
3 you as Union Exhibit 233?

4 A. Yes.

5 ATTORNEY SHARMA: Okay.

6 I'm going to move to admit 233.

7 HEARING EXAMINER: Any objection?

8 ATTORNEY DANTE: No objection.

9 HEARING EXAMINER: Admitted.

10 ---

11 (Whereupon, Union Exhibit 233, Guidelines, was  
12 admitted.)

13 ---

14 HEARING EXAMINER: Is there anything I  
15 should be looking at in here, Counsel?

16 ATTORNEY SHARMA: I guess I'll ask the  
17 witness.

18 BY ATTORNEY SHARMA:

19 Q. 3.22, it talks about financial support.

20 A. Uh-huh (yes).

21 Q. It says - or initially, students are  
22 responsible to find - the dissertation mentor agrees to  
23 support the students continuing graduate training.

24 I think we talked about that -

25 A. Uh-huh (yes).



1 Q. - before?

2 In later years it says that they may apply  
3 for training grants.

4 Is that correct?

5 A. Yes.

6 Q. It also encourages students to apply for  
7 Predoctoral Fellowship.

8 Is that correct?

9 A. Yes.

10 Q. That's all I really needed.

11 Going back to TAs, -

12 A. Yes.

13 Q. - I had a couple of questions.

14 In the semester while they're serving as a  
15 TA, are they expected to do the same amount of  
16 research?

17 A. We consider the teaching and experience part  
18 of their training in the program. And just as some  
19 semesters they might be engaged in coursework, that  
20 would take them out of the laboratory, when they're a  
21 TA, they will be engaged in that training experience.  
22 So they won't be in the laboratory as often.

23 What we - what we demand is that they  
24 continue every semester, despite these extra training,  
25 opportunities that they're engaged in, that they are

1 making satisfactory - what we call satisfactory  
2 progress.

3 Now, if I know my students teaching this  
4 semester and - they're not going to be here for these  
5 few hours these few days, I adjust my expectations on  
6 how much work might get done in the laboratory.

7 Q. And you said the - the TA amount, the  
8 funding for the TA doesn't cover the full amount that -  
9 that CNUP promises its grad students?

10 A. So they -

11 Q. Listen, the question is -

12 A. - yeah.

13 Q. - where does that TA funding come from?

14 A. It's offered by the Department Chair who has  
15 to staff those TA positions. And I'm not sure where  
16 they obtain the money. It could be from their own  
17 departmental budget. It could be from the Dean's  
18 Office. I - it's not something that I concern myself  
19 with.

20 Q. Sure.

21 The undergraduates that are in your - in  
22 your lab, do they work with the graduate students?

23 A. They can. Some of them do. Some of them  
24 work on independent projects.

25 Q. And then who monitors the independent

1 projects?

2           A.       Well, all of them work with me, even the  
3 graduate students and the undergrads. Working with  
4 graduates and undergrads working without a graduate  
5 student.

6                    I have a very hands-on approach. So I am  
7 helping all of them.

8           Q.       And the - so moving on to graduate students  
9 who are in your lab.

10                   They - it sounds like they discuss with you  
11 where you can find mutual interest on research projects  
12 to engage in.

13                   Is that fair?

14           A.       Yes.

15           Q.       And generally related to grants that you've  
16 secured.

17                   Is that right?

18           A.       Yes.

19           Q.       If they have an interest in something that  
20 doesn't necessarily fit with one of the grants that you  
21 secure, would they apply for a - a separate grant or  
22 their own?

23           A.       They're - they're not - no, they are not  
24 eligible to apply for a research grant. They can apply  
25 for a fellowship grant. But research grants cover the

1 - the expenses of carrying out research, including  
2 animals, equipment, supplies, et cetera.

3 And they also - when you apply for those  
4 grants, you have to demonstrate that you have the  
5 facilities available for you to carry them out. And a  
6 graduate student does not have independent facilities  
7 in - you know, in the - in that laboratory.

8 Those are the laboratory of the faculty  
9 members. So they can't apply for independent research  
10 grants.

11 Q. Okay.

12 HEARING EXAMINER: Much more on Cross?

13 ATTORNEY SHARMA: No, -

14 HEARING EXAMINER: Good.

15 ATTORNEY SHARMA: - because I have -.

16 HEARING EXAMINER: We have another  
17 witness I want to get in today.

18 ATTORNEY SHARMA: Okay.

19 I think I have two more questions.

20 BY ATTORNEY SHARMA:

21 Q. And I expect your answers to be fairly  
22 short.

23 Can you find - in one of these large binders  
24 it should be one labeled Volume 1.

25 A. Uh-huh (yes).

1 Q. The first tab I want to you turn to is Tab  
2 3.

3 While students in your lab are appointed as  
4 graduate student researchers, do you know if they're  
5 subject to this policy statement?

6 A. I don't know where this - I haven't seen  
7 this policy statement before.

8 Q. Okay.

9 A. So I don't know.

10 Q. That's fine.

11 A. We don't consult this.

12 Q. Sure.

13 Now, turning to Tab 6.

14 Okay.

15 So this is an exhibit that was produced by  
16 the University, subject to our subpoena. And we're  
17 just trying to figure out if - and you may not be able  
18 to - to tell us this, where your program fits in.

19 And the reason we're asking - and I'll let  
20 you know.

21 HEARING EXAMINER: What number are you  
22 on? Are you on 3 still?

23 ATTORNEY SHARMA: No, Exhibit 6.

24 HEARING EXAMINER: All right.

25 ATTORNEY SHARMA: I asked him to turn to

1 Exhibit 6, I believe.

2 THE WITNESS: Uh-huh (yes).

3 BY ATTORNEY SHARMA:

4 Q. If you could turn to that.

5 HEARING EXAMINER: Okay. Go ahead.

6 BY ATTORNEY SHARMA:

7 Q. All right.

8 So the first page is School of Medicine?

9 A. Uh-huh (yes).

10 Q. Is your - is the CNUP connected to the  
11 School of Medicine at all?

12 A. Yes.

13 Q. It is?

14 Okay.

15 So what we think - so there's Neurobiology.

16 And you hold an appointment in Neurobiology.

17 Is that correct?

18 A. I - no, my appointment is in Neuroscience in  
19 the School of Arts & Sciences. I'm not - I don't have  
20 an appointment in Neurobiology in that school.

21 Q. Okay. Okay.

22 So are any of the Ph.D. students in the  
23 program - would they be reflected as being in the  
24 Neurobiology Program?

25 A. There is no Neurobiology Program. So

1 there's only the Center for Neuroscience at the  
2 University of Pittsburgh, the CNUP Program. But it  
3 does include students who are enrolled in the Medical  
4 School.

5 Q. Okay. Okay.

6 So they would get a Neurobiology Ph.D.?

7 A. They get a CNUP Ph.D. They don't - their  
8 Ph.D. does not reflect the - the unit within which they  
9 train. The Ph.D. comes from the program.

10 So let's say -.

11 HEARING EXAMINER: No, you're not  
12 training neurobiologists in Neuroscience?

13 THE WITNESS: Well, Neurobiology is - is  
14 one way to express the - the discipline. But I thought  
15 you were making the distinction, are they getting a  
16 degree in the Neurobiology Department of the Medicine  
17 School or the Neuroscience Department of Arts &  
18 Sciences.

19 There aren't - we don't give separate  
20 names to those degrees. They get a CNUP degree, either  
21 from the Medical School or the Arts & Sciences College,  
22 depending on where they're enrolled at the time they  
23 complete their thesis. And that's dependent on what  
24 faculty member they train with and where their  
25 appointment is.

1 BY ATTORNEY SHARMA:

2 Q. Got it. Okay. All right.

3 So if you turn to the second page. This is  
4 The Dietrich School. And I believe Neuroscience is one  
5 of the listed departments, Neuroscience Ph.D.?

6 A. Uh-huh (yes).

7 Q. And it only lists one TA for the fall of  
8 2017.

9 A. Okay.

10 Q. Would that - does that sound like it would  
11 be right? I mean, would that be a TA - a CNUP TA,  
12 would - do you understand that it would show up here?

13 A. I assume that this is The Dietrich School's  
14 accounting of how many of our students are being paid  
15 as a teaching assistant that term. And they list one.

16 But without - I - I doubt - I would assume  
17 there would be more in that term. But I - I don't do  
18 the accounting that way.

19 Q. Sure, sure.

20 But you wouldn't have an explanation as to  
21 why they would receive it once?

22 A. No, this - this is something that - the  
23 accounting of which is - it's not done by me. It could  
24 be done by our Department Chairman or the Dean's  
25 Office.



1                   ATTORNEY SHARMA:   Okay.

2                   I don't have any further questions.

3                   HEARING EXAMINER:   Redirect?

4                   ATTORNEY DANTE:   One second.

5                   HEARING EXAMINER:   Yes.

6                   ATTORNEY DANTE:   Still on the record?

7                   COURT REPORTER:   Yes.

8                   ATTORNEY DANTE:   Okay.   Great.

9   ---

10                                       REDIRECT EXAMINATION

11   ---

12                   BY ATTORNEY DANTE:

13                   Q.     Dr. Meriney, there were some questions asked  
14                   about research and some comparisons drawn between  
15                   faculty and graduate students.

16                                   Are graduate students qualified to be a PI  
17                   when they come in?

18                   A.     No.

19                   Q.     Would they be able to obtain an R01 grant?

20                   A.     No.

21                   Q.     And even if they received a fellowship from  
22                   NIH or another federal - federally-funded agency, would  
23                   they be able to conduct the research necessary to get  
24                   their Ph.D. without the resources provided by the lab?

25                   A.     No.

1 Q. There was also discussion about rotation and  
2 the - the fact that faculty create a project for  
3 students.

4 Do you recall that - those questions?

5 A. Uh-huh (yes).

6 Q. When students are working on that project,  
7 are they fulfilling an academic requirement?

8 A. Yes.

9 Q. Are they receiving a course credit for that?

10 A. Yes.

11 Q. And are they often referred to as fellows  
12 during that time period?

13 A. Yes.

14 Q. If you could take a look at Union Exhibit  
15 232 -

16 A. Uh-huh (yes).

17 Q. - and R-66.

18 A. Yes.

19 Q. Are the expectations and conditions for both  
20 - for all three of these types of appointments the  
21 same?

22 A. Yes.

23 Q. And in the discussion about teaching,  
24 teaching, I think you mentioned, is an academic  
25 requirement in CNUP.

1 Is that right?

2 A. That's right.

3 Q. When students TA, are they satisfying an  
4 academic requirement?

5 A. Yes.

6 Q. Could they graduate without being a TA?

7 A. No, that's one of the requirements to  
8 graduate.

9 Q. And I think both the - the teaching, and the  
10 discussion of the rotations and other curriculum  
11 requirements are reflected in Union Exhibit 233.

12 Correct?

13 A. That's right.

14 Q. Do most students TA only once?

15 A. Yes.

16 Q. And that - and that -?

17 A. Some do more than ones.

18 Q. And when they do that more than once, is it  
19 at their discretion?

20 A. Completely at their discretion. And they  
21 are not either encouraged or discouraged from doing so.  
22 It's based on their own training goals.

23 Q. There was also some discussion about other  
24 individuals in your lab who contribute to research.

25 Do you remember that?

1 A. Yes.

2 Q. Could you conduct the research you do in  
3 your lab with people other than graduate students?

4 A. Sure.

5 ATTORNEY DANTE: I don't have anything  
6 further.

7 HEARING EXAMINER: Redirect - or  
8 Recross?

9 ---

10 RECROSS EXAMINATION

11 ---

12 BY ATTORNEY SHARMA:

13 Q. TAs don't receive a grade.  
14 Right?

15 A. No.

16 ATTORNEY SHARMA: Nothing else.

17 HEARING EXAMINER: All right.

18 You can step down, sir.

19 Thank you very much for your testimony.

20 ATTORNEY DANTE: Can I move for my -  
21 admission of my exhibits first, please?

22 HEARING EXAMINER: You can do whatever  
23 you want.

24 ATTORNEY DANTE: I'd like -

25 HEARING EXAMINER: You can step down,

1 sir.

2 Thank you.

3 ATTORNEY DANTE: - I'd like to move  
4 Exhibits R-66 through R-69.

5 HEARING EXAMINER: Any objection?

6 ATTORNEY SHARMA: No objections.

7 ---

8 (Whereupon, Respondent Exhibit 66, Appointment  
9 Letter, was admitted.)

10 (Whereupon, Respondent Exhibit 67, Form, was  
11 admitted.)

12 (Whereupon, Respondent Exhibit 68, Paper, was  
13 admitted.)

14 (Whereupon, Respondent Exhibit 69, Thesis, was  
15 admitted.)

16 ---

17 HEARING EXAMINER: Let's go, next  
18 witness.

19 ---

20 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

21 ---

22 ATTORNEY FARMER: Yes.

23 Dr. Federspiel.

24 HEARING EXAMINER: Good afternoon,  
25 Doctor.

1                   DR. FEDERSPIEL:   Hi.   How are you?

2                   HEARING EXAMINER:   Good.

3                   Raise your right hand for me.

4                                       ---

5                   WILLIAM J. FEDERSPIEL, PH.D.,  
6 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
7 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
8 FOLLOWS:

9                                       ---

10                  HEARING EXAMINER:   Spell your name for  
11 us.

12                  THE WITNESS:   Last name is Federspiel,  
13 F, as in Frank, E-D-E-R-S, P as in Peter, I-E-L.   First  
14 name William.

15                  HEARING EXAMINER:   Your witness, ma'am.

16                  ATTORNEY FARMER:   Thank you.

17                                       ---

18                                       DIRECT EXAMINATION

19                                       ---

20 BY ATTORNEY FARMER:

21               Q.       Dr. Federspiel, where are you employed?

22               A.       At the University of Pittsburgh in the  
23 Department of Bioengineering.

24               Q.       How long have you worked at Pitt?

25               A.       I worked at Pitt now for 23 years.

1 Q. All right.

2 You said you're in the Department of  
3 Bioengineering?

4 A. Yes.

5 Q. Do you hold a secondary appointment in any  
6 other departments?

7 A. Yes, I hold a secondary appointment in  
8 Chemical Engineering and Critical Care Medicine.

9 HEARING EXAMINER: We'll take a  
10 five-minute break at 4:00.

11 ATTORNEY FARMER: Okay.

12 HEARING EXAMINER: Go ahead.

13 BY ATTORNEY FARMER:

14 Q. Do you hold any administrative appointments?

15 A. Yes. I am the Graduate Coordinator for  
16 Bioengineering.

17 Q. Did you hold any administrative appointments  
18 in the Chemical Engineering Department in the past?

19 A. Yes, when I moved over to Engineering in  
20 2000, I moved into the Chemical Engineering Department.  
21 And I was their Graduate Coordinator for about nine  
22 years, until I moved my appointment over to  
23 Bioengineering and got asked to be the Graduate  
24 Coordinator there.

25 Q. So where were you before you moved into

1 Engineering?

2 A. I was - originally came to Pitt in the  
3 Department of Surgery, believe it or not.

4 Q. And is that in the Medical School?

5 A. Yes.

6 Q. Let's talk a little bit about graduate  
7 education within The School of Engineering.

8 What's the purpose of having Ph.D. Programs?

9 A. Well, the purpose of having a Ph.D. Program  
10 is to train the next generation, in our case, of  
11 engineering scientists that can become innovative,  
12 creative problem solvers and be productive contributors  
13 to the development of technology in industry, in  
14 academia and even in the government sector.

15 Q. How many Ph.D. Programs are there in the  
16 School of Engineering?

17 A. Well, we have six departments. But some  
18 departments have a couple of programs. So probably  
19 between eight and ten.

20 Q. And what types of degrees does  
21 Bioengineering offer?

22 A. We offer a Ph.D. in Bioengineering. We  
23 offer - offer a Research Master's in Bioengineering.  
24 And we also have a Professional Master's Program in  
25 Bioengineering.



1 Q. Do you also have students who participate in  
2 an M.D., Ph.D. Program?

3 A. Yes, that is true. We do have students in  
4 the M.D., Ph.D. Program. And we have a new program  
5 which is DPD Ph.D.

6 Q. So is that physical therapy?

7 A. Yes.

8 Q. Okay.

9 I had to do that.

10 A. I know.

11 Q. You said that you have Master students that  
12 are Research Masters. Is that a large program or a  
13 small one?

14 A. Very small. We focus on Ph.D. students in  
15 research.

16 Q. Do the Research Master students get funded?

17 A. Most of the time. There are a few that are  
18 self-funded.

19 Q. Okay.

20 Do the Ph.D. students receive funding  
21 packages?

22 A. Yes.

23 Q. And what is the length of those packages?

24 A. We fund them through their - completion of  
25 their Ph.D. upon, you know, making appropriate academic

1 progress.

2 Q. How does the student apply for admission to  
3 the School of Engineering?

4 A. It is done by department. So we - we  
5 evaluate them. It comes into the School of  
6 Engineering. But we evaluate them at the Department  
7 level.

8 They submit an application, a personal  
9 statement, a transcript and typically three letters of  
10 recommendation.

11 Q. And how do you decide who to select?

12 A. We put all our students into a large  
13 database. I have to explain. We have a lot of  
14 secondary faculty in the School of Medicine and - and  
15 other Health Sciences so - that can supervise our  
16 students.

17 So we put them all in a - a database. The  
18 database indicates their interest, what faculty that  
19 they may be interested in doing research with.

20 And then faculty who are looking to bring on  
21 new students to train can have access to that database  
22 and go through the database to determine which students  
23 they have an interest in potentially bringing into  
24 their laboratories.

25 Q. So are there students who don't identify

1 specific faculty advisors during the admission process?

2 A. Most students do. But there probably may be  
3 a handful that - that don't.

4 Q. How many Ph.D. students, roughly, are in  
5 your program?

6 A. About 135 a year -

7 Q. So -

8 A. - total.

9 Sorry.

10 HEARING EXAMINER: So between this  
11 gentleman and the last one, we're about 300? Is that  
12 about right?

13 ATTORNEY FARMER: It will be more than  
14 that. Because he's going to talk about Chemical  
15 Engineering as well.

16 So more than that.

17 HEARING EXAMINER: So we're at 15  
18 percent?

19 All right. Go ahead.

20 BY ATTORNEY FARMER:

21 Q. So I think you said most students identify.  
22 Does that mean that those students are paired with the  
23 faculty advisor before they even come to campus?

24 A. Yes, we try to do that. We have a  
25 recruitment weekend in March or so, where we invite 40

1 or 50 best applicants that have also been of interest  
2 to a faculty member.

3 And after that weekend, we - we kind of try  
4 to assess their interest in working for a particular  
5 faculty member. And most of our students come in  
6 already matched with a faculty member.

7 Occasionally we'll admit a student who is in  
8 - in the case where they may have indicated interest in  
9 several faculty members, and they have several faculty  
10 members interested in the student, we might admit that  
11 student, have that student come in and give them time  
12 in the first semester to select their laboratory.

13 Q. And when they do that, is that sort of like  
14 an informal lab rotation in the first semester?

15 A. Yes, it's an informal lab rotation.

16 Q. What does Chemical Engineering do in terms  
17 of admitting students?

18 A. They're slightly different. What they do  
19 there is, they - they pull their faculty in terms of  
20 how many faculty definitely are taking on a new  
21 student, how many faculty might take on a new student.  
22 And they have an algorithm honed that figures what  
23 works out statistically.

24 And they determine how many students that  
25 they're going to admit. They admit those students.

1 And then those students, in their first semester, have  
2 to go meet with the different faculty members and  
3 determine which laboratories they prefer to do their  
4 training in.

5 Q. Okay.

6 Do you review student applications?

7 A. When I am looking for a new student, yes, I  
8 review student applications.

9 Q. Do student applications talk about why they  
10 want to enter Ph.D. Programs?

11 A. In the personal statement they typically do  
12 describe what makes them want to do Bioengineering and  
13 why at the Ph.D. level.

14 Q. And what kind of things do they say?

15 ATTORNEY SHARMA: Objection, hearsay.

16 THE WITNESS: Well, typically -  
17 typically -.

18 HEARING EXAMINER: Hold on.

19 BY ATTORNEY FARMER:

20 Q. Wait, he has to rule on the objection.

21 HEARING EXAMINER: Without saying  
22 specifically what they say, why don't you just tell us  
23 generally what your impression is about what they - why  
24 they join.

25 ATTORNEY FARMER: What - why they want

1 to come to get a Ph.D.?

2 HEARING EXAMINER: Yeah, why - based  
3 upon your interactions with the students, what is your  
4 opinion on why they come?

5 THE WITNESS: Generally, they want to be  
6 able to have an impact on the clinical care of  
7 patients. And they recognize that there - there's  
8 another way to do that, rather than being an M.D., but  
9 being an engineering scientist that works in the  
10 Bioengineering area.

11 BY ATTORNEY FARMER:

12 Q. Is supporting undergraduate education a  
13 factor in how many students are admitted to the  
14 Bioengineering Program?

15 A. No.

16 Q. Is that true in Chemical Engineering as  
17 well?

18 A. Yes.

19 Q. I think you mentioned that there is funding  
20 that is committed for the students to that time to the  
21 degree he's having adequate progress?

22 A. Yes.

23 Q. Is that true in Chemical Engineering as  
24 well?

25 A. Yes.

1 Q. Can you - does the way that the student -  
2 let me start again.

3 Does the source of the funds that are used  
4 for the student change during the time to a degree,  
5 frequently?

6 A. It can change. We mostly have GSRs. If  
7 they go on a training grant, they become trainees. We  
8 also have some TA appointments, if they're being funded  
9 off the department funds.

10 And then we also have predoctoral fellow  
11 appointments for those students that are awarded  
12 internal fellowships.

13 Q. So you mentioned that you have training - a  
14 number of students on training grants?

15 A. Yes.

16 Q. While I'm doing this - is it common for  
17 students to move among those different kinds of funds  
18 that you identified over the course of a Ph.D. Program?

19 A. Yes, we're lucky enough to have access to  
20 three that are associated with the department and an  
21 additional one that's outside the department. And it's  
22 - we - you know, we encourage our students because it -  
23 it provides them enhanced training on a very specific  
24 topic.

25 And at the same time, while they're on that,

1 it frees up funding in the lab to enable us to leverage  
2 that to train more students.

3 ATTORNEY FARMER: This will be 70.

4 ---

5 (Whereupon, Respondent Exhibit 70, Training  
6 Programs, was marked for identification.)

7 ---

8 BY ATTORNEY FARMER:

9 Q. I'm showing what we're marking as Exhibit  
10 70.

11 Does this identify those training programs  
12 that you were talking about?

13 A. Yes, it does.

14 Q. I'm showing you what we've marked as Exhibit  
15 71.

16 ---

17 (Whereupon, Respondent Exhibit 71, Training  
18 Program, was marked for identification.)

19 ---

20 BY ATTORNEY FARMER:

21 Q. Is this one of the training programs that's  
22 - that you mentioned?

23 A. Yes, it is.

24 Q. Is this a joint program with Carnegie  
25 Mellon?



1 A. This one is joined with CMU.

2 Q. Looking at the back side of it, under  
3 training details, -

4 A. Yep.

5 Q. - it mentions students having the  
6 opportunity to select research area from a broad pool  
7 of faculty?

8 A. Yes.

9 Q. Does that - does that include faculty at  
10 CMU?

11 A. Yes.

12 Q. Under this BERM Program, are there Pitt  
13 students who are doing research in CMU labs?

14 A. They can. You know, it certainly is  
15 acceptable.

16 Q. And if that happened, are they still getting  
17 funded through Pitt, if they're enrolled at Pitt?

18 A. Yes.

19 Q. Does this training grant limit when students  
20 can apply?

21 A. Generally our training grant students apply  
22 for second year and onward.

23 Q. And how long do these training grants  
24 normally last for the individual student?

25 A. Two years of support.

1 Q. And then how would the students be supported  
2 for the rest of their degree program?

3 A. They would go back on funding from their  
4 advisor's research grants.

5 ATTORNEY FARMER: This is 72.

6 ---

7 (Whereupon, Respondent Exhibit 72, Appointment, was  
8 marked for identification.)

9 ---

10 BY ATTORNEY FARMER:

11 Q. I'm showing you a document identified as  
12 Exhibit 72.

13 This references an appointment as a CBTP,  
14 Cardiovascular Bioengineering Training Program fellow.

15 A. Yes.

16 Q. Is this another one of these T32 training  
17 grants that exists within the department?

18 A. Yes, it is.

19 Q. So this is just a small question. So it  
20 refers to them as a fellow and being on a training  
21 grant.

22 A. Yes.

23 Q. Is it common that there's not a clear  
24 distinction between people being called fellows or  
25 trainees?

1 A. That's true.

2 Q. Okay.

3 A. They're - technically, I think they're on  
4 the books as trainees.

5 Q. Okay.

6 That was going to be my next question, if  
7 you knew.

8 How long are students supported on this  
9 training grant?

10 A. Two years as well.

11 Q. Okay.

12 If you can take a look at the second  
13 paragraph.

14 After it gives the - the amount of the  
15 stipend, there's a sentence that says any additional  
16 financial support will be paid by your mentor, who will  
17 also be responsible to pay your complete stipend after  
18 if 12-month time frame.

19 A. Yes.

20 Q. Is that common within the Department, that  
21 the mentor would be responsible for funding the student  
22 for a time to a degree?

23 A. Yes, after they come off the training grant.

24 Now, this training grant does support  
25 students for two years. But they do it in one-year

1 appointments.

2 Q. Okay.

3 Take a look on page two of this letter. In  
4 the first full paragraph on page two there's a  
5 paragraph that says, as a condition of maintaining your  
6 appointment. And there's a - a number of things are  
7 listed.

8 A. Yeah.

9 Q. Are these the same conditions that are  
10 placed on funding for students in the program who are  
11 on GSR appointments?

12 A. For the most part, the - the general  
13 requirement we have is a - a grade point average of 3.0  
14 or better in our Ph.D. Program. I don't think Dr.  
15 Shroff has this as a hard number.

16 The other difference is, that number four,  
17 where it says participate in CBT-related activities and  
18 carry out assigned duties satisfactorily, that refers  
19 to enhancement activities.

20 Every training grant has to have enhancement  
21 activities. Because it has to be something different  
22 than just giving the regular Ph.D.

23 In this case, I know my students are  
24 eligible for his training grant. So he has them do  
25 clinical rotations. Very flexible. Anywhere from two

1 weeks to maybe a month shadowing a clinician. The  
2 course requires them to do two of those.

3 And then he has monthly meetings, where he  
4 brings in faculty people from outside the University  
5 and industry. And he also has the students that are in  
6 the program update the other students about their  
7 research progress.

8 And I should note, that once they are in  
9 CBT, even when they go off of CBT funding, they remain,  
10 quote, unquote, CBT fellows that participate in all  
11 those activities.

12 Q. So even when they're back on being supported  
13 on a GSR?

14 A. Yes.

15 Q. You mentioned that you have students who are  
16 appointed as TAs?

17 A. Yes.

18 Q. What are students typically doing when  
19 they're on a TA?

20 A. A TA appointment? Nothing different than  
21 what they're doing on any other appointment. It just  
22 means that they are being funded by the Department.

23 Q. Would that be used, for example, if a grant  
24 ended and the - and their faculty advisors didn't have  
25 funds to fund them?

1           A.       Yeah, that's probably the most common thing  
2 that happens, bridge funding between grants.

3           Q.       You mentioned that you also have some  
4 internal fellowships?

5           A.       Yes.

6           Q.       Approximately how many of those are there?

7           A.       About six of them.

8           Q.       How long do they last?

9           A.       Typically, they're for one year - at least  
10 one year at a time. Some of them might provide a total  
11 of two years of funding.

12          Q.       As students move in these - between these  
13 appointments, are they always even aware that their  
14 funding may have changed?

15          A.       Only if they read their appointment letters  
16 closely. Because pretty much their - their life is -  
17 just goes on exactly as it - as it was before.

18          Q.       What's the average time to a degree in your  
19 program?

20          A.       Post-Bachelor's it's about five-and-a-half  
21 years.

22          Q.       Do most of the students come in  
23 post-Bachelor's?

24          A.       I would say it's - most do. Maybe 30  
25 percent come in with a Master's degree.

1 Q. Are there general requirements for the Ph.D.  
2 in Bioengineering?

3 A. Yes, their course requirements. And then  
4 there are the requirements that - that are true for any  
5 Ph.D. Program that the University dictates. And that  
6 is that there is a preliminary exam. There is a  
7 comprehensive exam.

8 And then there is a proposal. And then  
9 finally, of course, at the end the dissertation  
10 defense.

11 Q. Are the requirements the same for everyone  
12 in the program, apart from what you described as some  
13 additional things specific to certain training grants?

14 A. Yes.

15 ATTORNEY FARMER: That will be 73.

16 ---

17 (Whereupon, Respondent Exhibit 73, Basic  
18 Requirements for Ph.D. Program in Bioengineering,  
19 was marked for identification.)

20 ---

21 BY ATTORNEY FARMER:

22 Q. I'm showing what we've marked as Exhibit 73.  
23 Knowing that it is tiny print, are these the  
24 basic requirements for the Ph.D. Program in  
25 Bioengineering?

1 A. Yes, they are.

2 Q. Can you just walk us through what a typical  
3 Ph.D. student's first year in the department looks  
4 like? What are they doing?

5 A. Sure.

6 Typically they come in, in their first  
7 semester, and they might take two courses, perhaps  
8 sometimes three. But you know, most faculty members,  
9 you know, recognize the importance of starting their  
10 training in the lab. So you know, my own preference is  
11 they take no more than two courses a term.

12 And then by the time they're in their second  
13 year, one of those semesters could be one course a  
14 term. And then in their third year, they typically  
15 finish up their course requirements.

16 Q. And once they do that, how are they spending  
17 their time?

18 A. Doing research.

19 Q. And in the - in that - those first three  
20 years, while they're still taking courses, how are they  
21 spending the rest of their time?

22 A. Doing research.

23 Q. You mentioned that you also have an  
24 affiliation with a Chemistry Department (sic)?

25 A. Chemical Engineering.



1 Q. Chemical Engineering, sorry?

2 A. Yeah.

3 Q. Sorry.

4 It's been a long couple days.

5 A. Uh-huh (yes).

6 ATTORNEY FARMER: Seventy-four (74).

7 ---

8 (Whereupon, Respondent Exhibit 74, Overview of  
9 Ph.D. Program in Chemical Engineering, was marked  
10 for identification.)

11 ---

12 BY ATTORNEY FARMER:

13 Q. I'm going to show what we're marking as 74.  
14 Does this provide an overview of the Ph.D.  
15 Program in Chemical Engineering?

16 A. Yes.

17 HEARING EXAMINER: It's about four  
18 o'clock. Let's take a five-minute break.

19 ATTORNEY FARMER: Okay.

20 HEARING EXAMINER: You can step down,  
21 sir.

22 THE WITNESS: Okay.

23 ---

24 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

25 ---

1                   HEARING EXAMINER: Back on the record.

2                   Please continue with your Direct.

3                   ATTORNEY FARMER: Okay. Thank you.

4                   This will be 75.

5                                   ---

6                   (Whereupon, Respondent Exhibit 75, Degree  
7                   Requirements for Ph.D. in Chemical Engineering,  
8                   was marked for identification.)

9                                   ---

10 BY ATTORNEY FARMER:

11               Q.       I'm showing you what we have marked as  
12               Exhibit 75.

13                       Does this lay out the degree requirements  
14               for the Ph.D. in Chemical Engineering?

15               A.       Yes.

16               Q.       Do you have the opportunity to advise  
17               graduate students?

18               A.       Yes, I do.

19               Q.       About how many students have you been a  
20               faculty advisor for in your time at Pitt?

21               A.       Ph.D. students, I would estimate between 25  
22               and 30.

23               Q.       Can you talk about what that relationship is  
24               like?

25               A.       It's a great relationship. It's a lot of

1 fun. You know, you take these young, brilliant,  
2 emerging engineers, scientists. And they come in, and  
3 they still need to learn a lot.

4 And because they're not used to working on  
5 open-ended problems, you know, I - I always tell them  
6 when they start in the lab, what you're going to be  
7 working on doesn't have a solution set like the  
8 problems you did when you were an undergraduate. And  
9 you get to teach them the scientific methodology to  
10 approach an open-ended project.

11 And in the beginning, you know, it's really  
12 training them on - on basics. But over time you see  
13 them grow more and more independent, with every month,  
14 every semester.

15 And I always joke with them. And I tell  
16 them, I - I know when you're going to be ready to get  
17 your Ph.D. degree and defend, when you're telling me  
18 what the next experiment is going to be, rather than me  
19 having to suggest what the next experiment is going to  
20 be.

21 Q. Can you talk about what kind of an  
22 investment the - that you as a faculty member make when  
23 you take a student on to advise?

24 A. Financially?

25 Q. And otherwise.

1           A.       Sure.

2                   Well, financially we - we pay a stipend.  
3 It's roughly \$25,000 or \$26,000 a month in - a - a year  
4 in - in our department that - indirects are charged  
5 from - on the grant for that stipend and also fringe  
6 benefit rates. So it probably ends up costing the  
7 grant somewhere in the order of \$40,000, \$50,000 a  
8 year.

9                   In terms of the investment of personal  
10 resources, first of all, the - the senior students in  
11 the lab have to spend time teaching them how to work  
12 the various important pieces of equipment in the  
13 laboratory that they're going to need to do their  
14 research.

15                  They help teach them the assays, and - and  
16 testing regimens that we use when we develop prototype  
17 - prototypes in the laboratory. Myself, I - I'm the  
18 one that's primarily responsible for - you know, for  
19 really honing in on them, you know, the scientific  
20 method.

21                  How do you approach a problem with a clear  
22 hypotheses? What control experiments you do. How you  
23 control your data.

24                  And of course, I'm - I'm involved in - in  
25 their - when they're - when they get to point of

1 publishing some of their research, I'm involved in  
2 helping them - teaching them to become good technical  
3 writers.

4 Q. What form does research take in  
5 Bioengineering?

6 A. It can be a - we - Bioengineering is one of  
7 the most diverse engineering fields out there. So if  
8 we - we're organized into six different tracks of  
9 topics.

10 The projects could be experimental. They  
11 can be computational, even perhaps theoretical. You  
12 know, a really broad range of possible topics.

13 Q. Can you give some examples?

14 A. Well, we - for example, we have an imaging -  
15 Bioimaging and Biosignals Track. And students in that  
16 track work primarily with when a professor, who's  
17 designing some very unique coils for doing MRI scans of  
18 patients. We have a quite unique 7-Tesla MRI machine  
19 here.

20 My students get involved in the development  
21 of respiratory-assist devices or artificial ones,  
22 blood-purification devices and other devices that are  
23 necessary to treat patients in critical-care medicine.

24 We have faculty that are working on  
25 regenerating nerves for people that are suffering

1 paralysis. We have faculty that are studying ways to  
2 regenerate tendons and ligaments for people that suffer  
3 orthopedic injuries.

4 That's just the tip of the iceberg.

5 ATTORNEY FARMER: This is going to be  
6 76.

7 ---

8 (Whereupon, Respondent Exhibit 76, Story, was  
9 marked for identification.)

10 ---

11 BY ATTORNEY FARMER:

12 Q. I'm showing you what we've marked as Exhibit  
13 76.

14 Can you identify what this is?

15 A. Yes.

16 Q. What is it?

17 A. This is a - a story of a student working  
18 with one of our faculty members who is in the  
19 Bioimaging Track. His expertise is in the design of  
20 MRI coils.

21 As I mentioned previously, because of our  
22 tight connection with UPMC and - and the - their  
23 commitment to the best care of their patients, the  
24 student has access to this 7-Tesla MRI, which is the  
25 state-of-the-art MRI equipment.

1           And is looking at designing a coil for  
2 improving - it looks like - and from what I could read  
3 - I probably should have brought my reading glasses -  
4 it looks like from what I can - can read, to - to  
5 improve scans of the brain.

6           Q.     Okay.

7           And it - it looks like they actually did 3D  
8 printed phantom head?

9           A.     Yes. Yeah, we have that capability within  
10 if School of Engineering.

11          Q.     Within this it mentions the student having  
12 access and using MRI data sets?

13          A.     Yes.

14          Q.     Is that something that are  
15 publically-available access?

16          A.     No, definitely not.

17          Q.     You mentioned this 7-Tesla MRI machine.  
18 Is that something that's pretty rare?

19          A.     It's, yes, state-of-the-art.

20          Q.     Is it very expensive?

21          A.     Very expensive.

22          Q.     Is it common in Bioengineering for students  
23 to be doing research that has real world medical  
24 applications?

25          A.     Very common. I would say it's - it's the

1 old.

2 Q. If you can just look back at - on Exhibit  
3 74, which is the Chemical Engineering Degree Programs.

4 A. Yes.

5 Q. And I know it's small. And I apologize.  
6 But under section Department Labs, -

7 A. Yes.

8 Q. - it - it lists some different kinds of labs  
9 and equipment that are there. Is that consistent with  
10 the experience you've had in chemical engineering of  
11 the variety of labs and equipment?

12 A. Yes.

13 Q. Can students get access to all these types  
14 of equipment and resources on their own?

15 A. No.

16 Q. So this research that the students are doing  
17 while they're funded on the GSR, is it different than  
18 the research that students are doing for their classes  
19 or meeting their academic milestones?

20 A. No, it's the same research.

21 Q. Is everything that the students are doing in  
22 Bioengineering part of their academic program?

23 A. Yes.

24 Q. Is that going to be the same for Chemical  
25 Engineering?



1           A.       Yes.

2           Q.       When do students typically start doing this  
3 research?

4           A.       They - they'll start in the first semester  
5 really as early as possible. As early as they identify  
6 an investigator.

7                    I even try to bring my students in the  
8 summer before their first semester, to give them a - a  
9 - a jump on, you know, getting them integrated into my  
10 laboratory.

11          Q.       Are the students provided resources to  
12 support them in doing their research?

13          A.       Yes. You know, the - all these laboratories  
14 of these faculty are well-provisioned with all the  
15 supplies and equipment that are required to carry out  
16 the experiments.

17                   Or in the case of computational work, the  
18 computer equipment and software that's required to do  
19 computational work.

20                   If that's what you were asking?

21          Q.       Sure.

22                   Do the students get help with things like  
23 doing conference presentations?

24          A.       Yes, they do.

25                   Typically, that's done - oftentimes the

1 senior graduate students in the laboratory will help.  
2 Surprisingly, nowadays, I've been amazed at how  
3 students come in with already good presentation skills.  
4 Because I think that's been instilled a lot more in the  
5 Undergraduate Programs.

6 But when they are preparing conference  
7 presentations, in - in the case of my students, I  
8 usually have a senior student or a postdoc help them.  
9 And then when it gets to a certain point, they give the  
10 presentation to me and I give them the feedback.

11 Q. Are doing these confrontations - conference  
12 presentation - sorry, I should be a little bit more -  
13 valuable to the student?

14 A. Yes, they're very valuable. Going to  
15 conferences and doing these presentations, they're -  
16 they're starting to get their name out there. And  
17 they're starting to get recognized as working with  
18 specific faculty.

19 Especially important if their ultimate goal  
20 is moving into an academic position. Because then  
21 they'll have the opportunity to network with different  
22 faculty and labs that are working in areas of interest  
23 to them. So it's - it's a valuable career-building  
24 opportunity.

25 Q. Do students enter the Ph.D. Program knowing

1 how to do the research that will result in their  
2 dissertation?

3 A. No.

4 Q. And does the Ph.D. Program develop those  
5 skills in the students?

6 A. Yes.

7 Q. How do students decide on their dissertation  
8 topics, typically?

9 A. You know, a lot of times they - they've been  
10 exposed to research at the undergraduate-level. And  
11 that has tilted them towards one particular direction.  
12 Or sometimes a student has had a - a family member who  
13 say had had cardiac disease, and they got interested in  
14 cardiac tissue engineering because of that.

15 It's usually driven by personal interest in  
16 one way, shape or form.

17 Q. And how do the advisors help the student go  
18 from that initial interest to identifying a specific  
19 dissertation topic?

20 A. Well, if they come in with a specific  
21 interest - and they - they typically would have applied  
22 to our program, because there's a faculty member that  
23 is doing work in that area. For example, the one I  
24 just gave you would be a faculty member doing work in  
25 cardiac tissue engineering. And we do have faculty

1 members that do that.

2           So that student would align with that  
3 faculty member. And the faculty member would - would -  
4 would train in cardiac tissue engineering. And their  
5 project would be a project in cardiac tissue  
6 engineering.

7           Q.     Is there an expectation that students  
8 research will lead to publications?

9           A.     Yes.

10          Q.     Is that something that's encouraged?

11          A.     Very much so.

12          Q.     Why do you want students to have  
13 publications?

14          A.     Well, it's good for them, and their academic  
15 record and their CV ultimately when they graduate to  
16 have publications. It teaches them to become a good  
17 technical writer.

18                 It's a culmination of learning to become an  
19 engineering scientist, because these papers  
20 peer-reviewed. And so, you know, you - everything has  
21 to be done correctly in the paper, in terms of the  
22 hypothesis, the approach, the right controls, a  
23 thoughtful discussion about the results, the strengths  
24 and weaknesses of the results.

25                 So it - it - it teaches them to be - when

1 they write the paper, of being self-critical of what  
2 they're doing. Which is an important trade of a good  
3 scientist.

4 Q. Do the students receive support in turning  
5 these - their research into these publications while  
6 they're in the Ph.D. Program?

7 A. Support in the sense of mentorship?

8 Q. Sure.

9 A. Yeah. That would come from primarily their  
10 - their mentors. And it's one of the more difficult  
11 things of a - reading a student's first scientific  
12 paper.

13 You know, we no longer use red ink. But I  
14 refer to it as red inking quite a bit. Because they're  
15 generally not very good scientific writers coming in.

16 And it's really - it's very gratifying to  
17 see how some students quickly, after you decimated  
18 their first paper with first edits, how quickly they  
19 turn around. And the next version is so much better.  
20 And then the next version is so much better.

21 And then the second time they go to write  
22 another paper, oftentimes it's a wonderment to me that  
23 I have very few comments on it.

24 Q. And is the process of going through that  
25 part of the training of the Ph.D. Program?

1 A. Yes.

2 Q. The publications that a student does while  
3 they're in the program, can that form the basis of  
4 their dissertation?

5 A. Oh, yeah.

6 Q. Is that common?

7 A. Yes, it's common. We actually allow the -  
8 them to have chapters in their dissertation that are  
9 essentially publications that are already out there.

10 Q. And this research that form - that goes into  
11 these publications, and which can be chapters of their  
12 dissertation, can that be the research that has been  
13 done on their GSR?

14 A. Typically, it is, yes.

15 Q. You mentioned that students may move earlier  
16 between a - a - you know, a training grant, maybe a  
17 fellowship, a GSR.

18 When they do that, is there any change in  
19 their research?

20 A. No.

21 Q. Have you published with your students  
22 before?

23 A. Yes.

24 ATTORNEY FARMER: I'm going to do 77,  
25 78, 79 and 80 all together.

1 ---

2 (Whereupon, Respondent Exhibit 77, Paper, was  
3 marked for identification.)

4 (Whereupon, Respondent Exhibit 78, Paper, was  
5 marked for identification.)

6 (Whereupon, Respondent Exhibit 79, Paper, was  
7 marked for identification.)

8 (Whereupon, Respondent Exhibit 80, Paper, was  
9 marked for identification.)

10 ---

11 HEARING EXAMINER: Okay.

12 ATTORNEY FARMER: Am I right about  
13 numbers?

14 ATTORNEY HEALEY: Yes, that's fine.

15 ATTORNEY FARMER: Okay.

16 HEARING EXAMINER: Seventy-five (75)  
17 (sic)?

18 COURT REPORTER: Seventy-seven (77).

19 ATTORNEY DANTE: Seventy-seven (77).

20 ATTORNEY FARMER: Yeah, 75 -.

21 HEARING EXAMINER: I guess I fell asleep  
22 there, 75. Seventy-five (75) is the degree  
23 requirements?

24 ATTORNEY FARMER: So this is - yeah,  
25 there's 77 through 80.

1                   HEARING EXAMINER:   Thank you.

2   BY ATTORNEY FARMER:

3           Q.       Okay.

4                   I'm showing you what we have marked as  
5 Exhibits 70 - I'm going to do it myself - 77, 78, 79  
6 and 80.

7                   Can you explain - you don't have to go  
8 through each one, but can you explain generally what  
9 they are?

10          A.       They are work that was done towards  
11 developing a new very compact wearable artificial lung  
12 - a novel - because they don't exist right now.

13          Q.       And are these all publications by the same  
14 student about that?

15          A.       Yes.   One of my best students.

16          Q.       Was the research in these publications also  
17 used in that student's dissertation?

18          A.       Yes.   I think it's an example of - each one  
19 of these papers was a chapter and a thesis, as I  
20 recall.

21                   ATTORNEY FARMER:   This will be 81.

22   ---

23           (Whereupon, Respondent Exhibit 81, Excerpt, was  
24 marked for identification.)

25   ---



1 BY ATTORNEY FARMER:

2 Q. Okay.

3 Is this an excerpt of that student's thesis?

4 A. Yes.

5 Q. Okay.

6 And as we have done previously, it has the  
7 table of contents.

8 If you could turn your attention to the last  
9 page in this excerpt, which is XVII on the bottom.

10 A. Yeah.

11 Q. It makes reference to acknowledging the  
12 funding source.

13 And it lists a specific grant?

14 A. Yes.

15 Q. Is that a faculty grant that you had  
16 obtained which funded the student on a GSR?

17 A. Yes.

18 Q. As this student was doing the research which  
19 ultimately culminated in the dissertation, did the  
20 research change?

21 A. It did. You know, as - as investigators,  
22 when we put in a research grant, we - we're trying to  
23 get, as I say, from point A to point B. And we - we  
24 try to describe what we think, based on our knowledge  
25 at the time, is the most logical way to do that.

1           But as the previous witness indicated, it  
2 never goes as planned. It's a much more circuitous  
3 route.

4           And in this particular case, what I had  
5 originally intended the device to be - you know, we  
6 started out, we built it. It just didn't work that  
7 well.

8           And Shroff had started to think about  
9 another way to go about it without sacrificing the  
10 efficiency of the device, but eliminating the problems  
11 that we were having with the first concept that we had  
12 for the device.

13           So the direction of the project and the  
14 prototype completely evolved in a different direction  
15 due to his presence on this project.

16           Q.     And are the federal grants written in a way  
17 which allows you to follow those twists and turns in  
18 the research?

19           A.     Yes, absolutely. As long as you - they  
20 don't micromanage grants. And as long as you're making  
21 progress, and you finally make it from point A to point  
22 B, how you get there is not so much of interest to  
23 them.

24           Q.     Do students receive academic credit for the  
25 research that they do in the Ph.D. Program?

1           A.       Yes, they do. We have two courses. One is  
2 BIOMED 3997, called - no, it's called Research Credits.  
3 They register for that every term.

4                   And once they do their proposal and pass  
5 their proposal, there's another course BIO 399 (sic),  
6 which is called Dissertation Credits, I believe. And  
7 then they registered for that course every time, until  
8 they - until they met their requirement - degree  
9 requirements or requirements.

10                   HEARING EXAMINER: You're calling it a  
11 course, they're not going into a classroom?

12                   THE WITNESS: No, they're not going into  
13 the classroom?

14                   HEARING EXAMINER: No syllabus, no  
15 teachers, no exam?

16                   THE WITNESS: Right.

17 BY ATTORNEY FARMER:

18           Q.       It's just doing research?

19           A.       Just doing research.

20                   HEARING EXAMINER: It's reflecting the  
21 fact that they're performing their role as a  
22 researcher.

23                   Right?

24                   THE WITNESS: Yes.

25                   And it's also helping them get to 72

1 credits required to get a Ph.D. Because we only  
2 require about 30 credits of didactic coursework, so -.

3 HEARING EXAMINER: Do you want to define  
4 didactic coursework for us?

5 THE WITNESS: Yes. That's where you sit  
6 in a classroom, and a professors lectures on a topic,  
7 and you take exams and this and that.

8 So we only require 30 credits of those  
9 types of courses. So the research credits are there to  
10 get students to the minimum 72 credits that the  
11 University requires for Ph.D.

12 BY ATTORNEY FARMER:

13 Q. When students are in your lab who are funded  
14 on a GSR, are you assigning them additional research  
15 because of their GSR in addition to what they're doing  
16 for their course credits?

17 A. No, not normally. Sometimes if - I might  
18 put a student on a little pilot project, you know, just  
19 small project to see if they can get some preliminary  
20 data that might lead to another proposal.

21 But it's always somewhat related to their  
22 research. And if it pans out, it could end up in their  
23 thesis.

24 And if it doesn't pan out, then it - it's  
25 something that, you know, we know we can't pursue as a

1 new area of research.

2 Q. Is there value to the students -?

3 HEARING EXAMINER: Wait a minute. Hold  
4 on.

5 Sorry. The question was about GSR?

6 ATTORNEY FARMER: Yes.

7 HEARING EXAMINER: And you asked him, is  
8 it always related to their thesis statement?

9 ATTORNEY FARMER: That's actually not  
10 what I asked.

11 HEARING EXAMINER: I know. That's why  
12 I'm asking you to say -.

13 ATTORNEY FARMER: Okay.

14 HEARING EXAMINER: Go ahead.

15 ATTORNEY FARMER: I asked if there was  
16 additional duties that were assigned to a student  
17 because of their GSR that was different from what they  
18 were doing for their course work - you know, for the  
19 course credits for their - for their dissertation or  
20 milestones.

21 HEARING EXAMINER: Okay. Go ahead.

22 BY ATTORNEY FARMER:

23 Q. So if students are doing research that  
24 doesn't make it into their dissertation, does that have  
25 value to student?

1           A.       If it's gotten to the point of a  
2 publication, yes.

3           Q.       Do they gain - when they're doing this  
4 research, as you described, like a - a side project, do  
5 they gain experiences that can be valuable to them?

6           A.       Oh, yeah, very much so.

7           Q.       And what you've just talked about, regarding  
8 student research and how it leads to publications, is  
9 that all true for Chemical Engineering as well?

10          A.       Yes, it is.

11          Q.       In Chemical Engineering do students also get  
12 credit for doing their dissertation research and their  
13 funded research?

14          A.       Yes.

15          Q.       In Chemical Engineering, do they get a grade  
16 for doing that research?

17          A.       Typically what we do is, we give - and, you  
18 know, when they take these courses, I - I don't know if  
19 Chemical Engineering does exactly what we do now. But  
20 I'll tell you what we do.

21          Q.       Okay.

22          A.       We - the 3997 credits, we give them  
23 incomplete grades until they do their proposal. And  
24 then they are all changed over satisfactory grades.

25                   With the 399 grades, which are done after

1 the proposal, they're given incompletes until they do  
2 their dissertation and they get converted over to  
3 satisfactory grades.

4 HEARING EXAMINER: The incomplete - well  
5 - tells the University that they're actively enrolled?

6 THE WITNESS: Yes.

7 HEARING EXAMINER: And then the  
8 satisfactory shows that they have passed that  
9 milestone?

10 THE WITNESS: Exactly.

11 BY ATTORNEY FARMER:

12 Q. Let's now switch to talking about teaching.  
13 Is there a teaching requirement in the Bioengineering  
14 Department?

15 A. For the graduate students?

16 Q. For the Ph.D. students?

17 A. Yeah, the Ph.D. students are required to do  
18 two teaching practicums, which basically means that  
19 they're required to be a TA two times.

20 Q. And when they're doing that, are they  
21 appointed as a TA?

22 A. No.

23 Q. What's the purpose of having that  
24 requirement?

25 A. Well, the purpose of having that requirement

1 is part of their learning experience to learn to -  
2 there are two things as I see it.

3 First of all, you don't really learn a  
4 subject to teach it. So it's an opportunity that - for  
5 them to really learn a subject that's close to their  
6 area of research.

7 Secondly, they learn how to communicate to  
8 people that don't have the same level of knowledge as  
9 they do. And that's an important lesson, whether they  
10 go on to be teachers or not. You know, even if they go  
11 out in the industry, they have to be able to learn the  
12 communicate technical topics to a - a variety of  
13 different people. Different people from marketing  
14 people, to the CFOs of the company and - and whatnot.

15 So it's a valuable experience.

16 Q. And what kinds of activities do they do in  
17 these two semesters that they spend acting as a TA?

18 A. They typically will do recitations. It  
19 depends on what the instructor wants.

20 But they typically get involved in the  
21 recitations. They may, you know, actually run the  
22 recitations themselves. And do - do additional example  
23 problems. They hold office hours, so they get practice  
24 of interacting with students one on one.

25 In the case of the ones that I use, I get



1 them involved in helping construct quiz questions, in  
2 terms of some of the more qualitative multiple-choice  
3 questions for the quiz.

4 HEARING EXAMINER: About ten more  
5 minutes, Ms. Farmer?

6 ATTORNEY FARMER: Yeah.

7 BY ATTORNEY FARMER:

8 Q. Do student - are they ever the instructor of  
9 record for quizzes?

10 A. Never.

11 Q. Do some students seek out additional  
12 teaching opportunities?

13 A. Yes, sometimes they do.

14 Q. And do you try to accommodate those?

15 A. Yes.

16 Q. Do the students - in addition to practicum,  
17 do they get training on being a TA?

18 A. Yes, they - they get training through the  
19 Engineering Education Research Center in the School of  
20 Engineering, which has a TA training course. And then  
21 also there's Center for Teaching - a universitywide  
22 Center for Teaching that also has a TA training course.

23 We require our students to do those courses.

24 Q. If a student didn't do well in that  
25 practicum, in doing the TA duties, would they have to

1 redo it?

2 A. Yes.

3 Q. They'd have to get a passing grade?

4 A. Yeah.

5 Q. Is it letter grade or like a pass -?

6 A. It's a letter grade. It's honors,  
7 satisfactory and unsatisfactory. If they get an  
8 unsatisfactory, they have to repeat it.

9 Q. While the students are fulfilling these  
10 teaching requirements, are they still doing research?

11 A. Yes.

12 Q. Do other programs in Engineering have a  
13 similar teaching requirement?

14 A. Yes. I know, for example, it can be - it  
15 does have it in the exact same plan, two TAs.

16 Q. And with a teaching practicum as well?

17 A. I don't think they give credit for it. But  
18 they're required to do it as part of the degree  
19 requirement.

20 ATTORNEY FARMER: This is 82.

21 ---

22 (Whereupon, Respondent Exhibit 82, Graduate Manual  
23 for Industrial Engineering, was marked for  
24 identification.)

25 ---

1 BY ATTORNEY FARMER:

2 Q. I'm showing you the Graduate Manual for  
3 Industrial Engineering.

4 Can you take a look at page 19?

5 A. Okay.

6 Q. It discusses having the - a teaching  
7 practicum in two years and two - at least two teaching  
8 assignments on that chart.

9 Do you see that?

10 A. Yes.

11 Q. Okay.

12 So is that similar to what you described for  
13 Bioengineering?

14 A. Seems to be, yes.

15 ATTORNEY KILBERT: Objection.

16 It doesn't seem that the witness has  
17 adequate basis to testify in the Department of  
18 Industrial Engineering or it doesn't appear to be in a  
19 similar health appointment.

20 ATTORNEY FARMER: As compared to all the  
21 other handbooks that have been put into the record  
22 without witness testimony. You have an entire binder  
23 of them.

24 HEARING EXAMINER: Hold on, Ms. Farmer.

25 Let me think about what he's saying.

1                   THE WITNESS: Am I allowed to say -?

2                   HEARING EXAMINER: Just - just hold on.

3 Just please, everyone, hold on.

4                   It's late. I'm thinking slowly.

5                   Professor, you said it seems to be. Why  
6 did you say seems to be?

7                   THE WITNESS: Well, I - clearly there  
8 are two teaching assignments, I don't - that's  
9 teaching.

10                  HEARING EXAMINER: What's your  
11 experience with the Department of Industrial  
12 Engineering?

13                  THE WITNESS: Well, Graduate  
14 Coordinators meet once a month, yeah, with the - with  
15 the Associate Dean for Academic Affairs in the School  
16 of Engineering.

17                  So we often talk about how we do various  
18 things. Because there is - there is a desire to - to  
19 make these things as uniform as possible across the  
20 School of Engineering.

21                  HEARING EXAMINER: Okay.

22                  I think in that context we can properly  
23 weigh his testimony.

24                  Go ahead.

25                  ATTORNEY FARMER: I just want to be

1 clear.

2 I mean, we've put in - there have been  
3 probably 50 of these manuals that have gone into  
4 evidence without -.

5 HEARING EXAMINER: I'm not concerned  
6 about this. I was just concerned about his testimony.

7 ATTORNEY FARMER: Okay.

8 I mean - well, I'm not asking him any  
9 other questions about his manual.

10 HEARING EXAMINER: Yeah.

11 I think actually talking to other  
12 department - I mean, not department heads.

13 Right?

14 THE WITNESS: Graduate Coordinators.

15 HEARING EXAMINER: Right.

16 That's a pretty good context.

17 Go ahead.

18 BY ATTORNEY FARMER:

19 Q. How are students evaluated regarding their  
20 progress towards the degree in Bioengineering?

21 A. Yes. They're evaluated on an annual basis.

22 ATTORNEY FARMER: It will be 83.

23 ---

24 (Whereupon, Respondent Exhibit 83, Form, was marked  
25 for identification.)

1 ---

2 HEARING EXAMINER: And I want to stop  
3 soon, because I want to give them time to Cross.

4 ATTORNEY FARMER: Yeah, I have like -

5 HEARING EXAMINER: All right.

6 ATTORNEY FARMER: - four more questions  
7 - I mean, I have a very - I mean, this is the last area  
8 of testimony.

9 BY ATTORNEY FARMER:

10 Q. I'm showing you Exhibit 83.

11 Can you explain what this is?

12 A. Yes. This is the form that we use annually  
13 between graduate students and their advisors to  
14 evaluate the relationship between the two.

15 Q. Okay.

16 I notice on - in part two on the back, -

17 A. Yes.

18 Q. - student expectations of advisor and lab  
19 experience.

20 A. Yes.

21 Q. Why do you include this section?

22 A. Well, you know, we have a lot of faculty  
23 advising our students. And we want to be sure that -  
24 that the students' expectations of the advisors are  
25 being met.

1           And so we put this section in so that  
2 students would be sure to articulate, you know,  
3 anything that they're - that they would like to see  
4 from their advisor, that they may not be getting and  
5 would like to have that addressed.

6                   ATTORNEY FARMER:   Eight-four (84).

7   ---

8           (Whereupon, Respondent Exhibit 84, Rubric, was  
9 marked for identification.)

10   ---

11 BY ATTORNEY FARMER:

12           Q.       Okay.

13                   I'm showing you what's marked as 84.

14                   Is this rubric for evaluating Ph.D.  
15 dissertations used throughout the School of  
16 Engineering?

17           A.       Yes, it's used throughout the School of  
18 Engineering.

19           Q.       Just briefly, it talks about evaluating on  
20 page - the - the second full page. It talks about  
21 evaluating the quality of the writing?

22           A.       Yes.

23           Q.       Does the publication that the students do  
24 during the program help to develop that quality of  
25 writing?

8 | -----  
9 | BY ATTORNEY FARMER:

11 It also talks about the oral presentation.  
12 And I understand that's specifically the oral defense.

14 Q. But does the teaching experience that  
15 students get in the program help to develop their oral  
16 presentations skills?

21 Q. Does the Department provide professional  
22 development and career services for graduate students?

23           A.       We do through our very active Biomedical  
24 Engineering Society Graduate Chapter. They get a  
25 budget of about 16K per year.



1           They do a variety of - of career development  
2 things from having something they organize and - and  
3 have something called BioE Day, where students are able  
4 to - undergrad and graduate students are able to - to  
5 highlight their research, and presentations and poster  
6 sessions.

7           They invite people from outside industry to  
8 come in and give talks. That's just one example. They  
9 do networking events with past alumni, who are working  
10 in industry, and in academia, networking events with  
11 industrial professionals around the area.

12           Q.     Thank you.

13                     And just one last question.

14           So you talked about - you started out  
15 earlier talking about the purpose of the Ph.D. Program;  
16 training these independent engineers.

17           Do the experiences that you've discussed  
18 today and the research and the teaching train the  
19 students to be that?

20           A.     Yes.

21                     ATTORNEY FARMER:   Nothing further.

22                     HEARING EXAMINER:   You have 45 minutes.

23                     ATTORNEY KILBERT:   Before we - we move  
24 off of the - one of these documents is a letter to a  
25 graduate student. And I think it was only partially

1 redacted.

2 ATTORNEY FARMER: Oh, I will  
3 double-check.

4 ATTORNEY KILBERT: The second page of  
5 one of the appointment letters appears to contain, I  
6 think, the name of the person who wrote the letter.

7 ATTORNEY FARMER: I will double-check  
8 that. We tried very carefully to -.

9 HEARING EXAMINER: R what?

10 ATTORNEY KILBERT: I'm trying to find it  
11 right now.

12 HEARING EXAMINER: Why don't you start  
13 with your Cross. Ms. Farmer will find it.

14 ATTORNEY FARMER: Yes.

15 Oh, yes, I apologize. We will grab a  
16 marker and cross it out.

17 HEARING EXAMINER: What number?

18 ATTORNEY FARMER: It is R-72. It's at  
19 the top of the second page.

20 HEARING EXAMINER: We're done at 5:30.

21 ---

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

23 ---

24 HEARING EXAMINER: Cross Examination?  
25 Go ahead.

---

## CROSS EXAMINATION

---

BY ATTORNEY KILBERT:

Q. Hello, Professor.

My name is Nathan Kilbert.

I represent the United Steelworkers. I'm just going to ask you a few questions.

I wonder if we could get started by having you turn in the first volume of binders, which is Union Exhibit 3.

Have you seen that document?

A. No.

Q. Okay.

What about Union Exhibit 2?

Have you seen that document?

A. No, I have not.

Q. Okay.

You can put that aside.

I'd like now to ask you about the teaching practicum in Chemical Engineering you testified a little bit on Direct.

Do you know whether there is a classroom component for that teaching practicum?

A. Chemical Engineering?

1 Q. That's correct.

2 A. No, there's not.

3 Q. In Bioengineering, for the teaching  
4 practicum there, are students who are enrolled in the  
5 practicum appointed as TAs in the time they're in  
6 practicum?

7 A. No, they remain GSRs.

8 Q. Is there a practicum component in the  
9 Bioengineering practicum?

10 A. No.

11 Q. Is there some sort of evaluation component?  
12 Does the faculty member observe the teaching?

13 A. There's an evaluation component, in a sense,  
14 that they - there's a grade at the end for that one  
15 credit. And then depending on how the instructor of  
16 the course runs it, they may attend recitations to get  
17 feedback to the student.

18 Q. So how - assuming there's no such attendance  
19 by the professor who's running the course, how is the  
20 grade determined? They don't throw the names down a  
21 flight of stairs or something?

22 A. Yeah.

23 Well, one thing is for sure, if the TA is  
24 not up to snuff, we hear it from the students.

25 Q. All right.

1 I now have a document that is marked Union  
2 Exhibit 234, which I'm going to hand to everybody.

3 ---

4 (Whereupon, Union Exhibit 234, Appointment Letter,  
5 was marked for identification.)

6 ---

7 HEARING EXAMINER: Thank you.

8 THE WITNESS: Thank you.

9 BY ATTORNEY KILBERT:

10 Q. So Doctor, could you identify this document  
11 for me?

12 A. This is what appears to be a - an  
13 appointment letter for a - someone to come in as a  
14 graduate student researcher.

15 ATTORNEY KILBERT: Union moves Union  
16 234.

17 ATTORNEY FARMER: No objection.

18 HEARING EXAMINER: Admitted.

19 ---

20 (Whereupon, Union Exhibit 234, Appointment Letter,  
21 was admitted.)

22 ---

23 BY ATTORNEY KILBERT:

24 Q. I note that this document, at least in the  
25 first line, indicates that it is for appointment as a

1 graduate student researcher/teaching assistant?

2 A. Yes.

3 Q. Does this indicate that the person would  
4 also have teaching duties during the term of this  
5 appointment?

6 A. No, I think it means that the student was  
7 coming in without direct faculty support. And so it  
8 was going to be supported in their research for a term  
9 from the department funds, so that they would be  
10 supported as a teaching assistant.

11 That's how we support students from you  
12 department funds. And then in the second semester they  
13 would be appointed as a graduate student researcher.

14 Q. So in the first semester, when they're being  
15 supported from the department funds, would that  
16 necessarily imply that they would have some actual  
17 teaching assistant duties during that semester?

18 A. They would have no teaching assistant  
19 duties. We don't let our first year students be TAs.

20 Q. So the fact that they're receiving an  
21 appointment letter indicated that they are a teaching  
22 assistant, indicates nothing about whether they  
23 actually teach. And in fact, they don't teach -

24 A. Right, -

25 Q. - in - in this scenario?

1 A. - right.

2 Q. Okay. Thank you.

3 That was illuminating.

4 Oh, you know what, my colleague pointed out  
5 another feature of this document.

6 This does say, I'm pleased to inform you  
7 that we are reappointing as a GSR/teaching assistant.  
8 Which would seem to imply that this might not be a - an  
9 appointment letter to a first-year student.

10 A. Right.

11 Q. Is that your understanding of this document  
12 as well?

13 A. Yes, that it's a reappointment. It would be  
14 a latter year student.

15 And it could be a student who's in  
16 situations where an advisor loses funding and the  
17 department has to support the student. Then they  
18 would, again, be technically on the books as a teaching  
19 assistant -

20 Q. But again, -

21 A. - with no teaching responsibilities.

22 Q. - it wouldn't necessarily imply any teaching  
23 duties?

24 A. Correct.

25 Q. Okay. Thank you.

1                   So your research into the artificial lung  
2 that you testified about on Direct resulted in a  
3 patent.

4                   Right?

5           A.       Yes.

6           Q.       Congratulations.

7           A.       Thank you.

8           Q.       I understand this might not have been your  
9 first patent?

10          A.       No.

11          Q.       How many patents have you been involved in,  
12 in your time at Pitt?

13          A.       That have been issued?

14          Q.       Yes.

15          A.       Oh, some - I don't know, not that many.  
16 Maybe ten.

17          Q.       That's ten more than I have.

18                   So do you have any idea how much money these  
19 patents represent for the University?

20          A.       Until they're licensed, they don't represent  
21 any money to the University.

22          Q.       Sure.

23                   Have any of these patents been licensed?

24          A.       Yes.

25          Q.       Do you have any idea - I understand that you



1 might not be able to disclose.

2 A. Yeah.

3 Q. But if you can disclose, do you have any  
4 idea how much money these patents represent to the  
5 University?

6 A. Well, my patents have been licensed to a  
7 startup company, actually, that I started many years  
8 ago. And the - the company is still not profitable.  
9 So they just have to pay a \$15,000 a year license fee.

10 HEARING EXAMINER: \$15,000 or \$50,000?

11 THE WITNESS: \$15,000.

12 So it's not profitable yet for the  
13 University or me, unfortunately.

14 BY ATTORNEY KILBERT:

15 Q. Do any of the grad students who were  
16 involved in the research into these patents end up with  
17 an ownership right in the patents or - or some kind of  
18 income from them?

19 A. Yeah, they're - the University is the owner  
20 of the patent. But all inventors on a patent, the  
21 University ends up giving 30 - 30 percent of any  
22 proceeds back to the inventors.

23 Q. And it's split among the inventors?

24 A. Yes.

25 HEARING EXAMINER: Is that industry

1 standard or is that Pitt's particular policy?

2 THE WITNESS: It's not an industry  
3 standard, but it's - some universities might do 40  
4 percent, backdoor vendors. But generally at  
5 universities, some -.

6 HEARING EXAMINER: That's the industry I  
7 meant, by the way.

8 THE WITNESS: Yeah.

9 HEARING EXAMINER: Okay.

10 THE WITNESS: Some - some money goes  
11 back to the inventors.

12 BY ATTORNEY KILBERT:

13 Q. So changing gears a little bit.

14 You have taught, I'm sure, a large number of  
15 courses at Pitt.

16 A. Yes.

17 Q. Correct?

18 And for those courses you've designed  
19 syllabi?

20 A. Yes.

21 Q. And you wrote exams and other assignments?

22 A. Yes.

23 Q. And I assume you - you graded at least some  
24 of those?

25 A. Yes.

1 Q. And you held office hours?

2 A. Yes.

3 Q. And these are duties that you're expected to  
4 perform as part of your employment at the University.

5 Is that correct?

6 A. Yes.

7 Q. Did you ever teach a course at Pitt that you  
8 hadn't taught before?

9 A. Well, I came to Pitt from another  
10 university, so not really.

11 Q. When you say - and you came to Pitt when  
12 again?

13 A. 1995.

14 Q. All right.

15 Would you say that you're a better teacher  
16 than you were when you started at Pitt in 1995?

17 A. I've had some trouble adjusting from the  
18 blackboard days to the electronic era. But my - my  
19 scores are getting back up there, yes.

20 Q. And you testified a fair amount that you had  
21 performed research while you were employed at Pitt.

22 Is that correct?

23 A. Correct.

24 Q. And you've secured grants to fund that  
25 research.

1 Correct?

2 A. Yes.

3 Q. Could you perform this research that you  
4 performed alone?

5 A. No.

6 Q. Are you - would you say that you're a better  
7 researcher now than when you first began?

8 A. Yes.

9 Q. Do you collaborate with other members of the  
10 faculty?

11 A. From time to time, yes.

12 Q. And sometimes you work quite closely with  
13 them right.

14 Correct?

15 A. Yes.

16 Q. Do you find that valuable?

17 A. Extremely so.

18 Q. I'd like to you turn to Employer (sic) 71,  
19 which you should have in front of you, in which you  
20 testified about on Direct?

21 A. Employer 71?

22 ATTORNEY FARMER: R. Exhibit R.

23 THE WITNESS: Seventy-one (71), yes.

24 BY ATTORNEY KILBERT:

25 Q. Okay.

1           So there are a number of individuals on what  
2 I assume is the front of this. And without getting  
3 into them specifically, do you know what people are  
4 classified as in the University's classification system  
5 when they're receiving the support through this  
6 Training Program?

7           A.     Yeah, they're - they're classified as  
8 trainees.

9           Q.     You say you came from another university to  
10 Pitt in '95.

11                  Where were you previously?

12           A.     Boston University. And then I did a postdoc  
13 before that at Johns Hopkins.

14           Q.     And when you applied to the University of  
15 Pittsburgh, did you, in your application materials,  
16 talk about your research experience and your  
17 publication?

18           A.     Well, I wouldn't say it was so much of an  
19 application as a recruitment. So I didn't have to sell  
20 myself too much.

21           Q.     Is it your understanding that the University  
22 took into account your research skills and - and record  
23 in research?

24           A.     Yes.

25           Q.     And is it your understanding that the

1 University took into account your teaching experience?

2 A. Probably less so, because I came into the  
3 Department of Surgery originally. And I would have had  
4 no teaching obligations.

5 HEARING EXAMINER: In the med school?

6 THE WITNESS: In the med school.

7 HEARING EXAMINER: And just to go back.  
8 Postdocs, those are women and gentlemen who have their  
9 Ph.D.s?

10 THE WITNESS: Yes.

11 HEARING EXAMINER: However, they've been  
12 hired to some kind of position.

13 It's not tenure track.

14 THE WITNESS: Right.

15 HEARING EXAMINER: It's not a lecture?  
16 So what are they doing in your lab?

17 THE WITNESS: Postdocs do research in  
18 the laboratory.

19 HEARING EXAMINER: What kind of  
20 research, compared to you what you and undergrad and  
21 graduate students do?

22 THE WITNESS: Well, really the - the  
23 similar research. But postdocs come in with already  
24 established research skills. So there's not as much  
25 training involved.

1                   HEARING EXAMINER: With the - but  
2 they're probably similar to a sixth or sixth year  
3 graduate student.

4                   Right?

5                   THE WITNESS: By definition, they - they  
6 would have done a Ph.D. that took five or six years.

7                   HEARING EXAMINER: Yeah.

8                   And then how are they paid?

9                   THE WITNESS: They're paid through  
10 grants as well.

11                  HEARING EXAMINER: Are they employees of  
12 the University?

13                  THE WITNESS: Their official status, I'm  
14 going to say I'm not sure.

15                  HEARING EXAMINER: If you don't know,  
16 just say I don't know.

17                  THE WITNESS: Yeah, I don't know.

18                  HEARING EXAMINER: Go ahead.

19 BY ATTORNEY KILBERT:

20                  Q.       Your lab also employs a fabricator?

21                  HEARING EXAMINER: That wasn't a fair  
22 question.

23                  Go ahead.

24                  THE WITNESS: Yes, my partner for  
25 20-some years.

1 BY ATTORNEY KILBERT:

2 Q. And what work does he do in the lab?

3 A. He is a high-end designer fabricator. So we  
4 make devices. And he does the higher end design work  
5 for stuff that really requires his level of expertise.

6 Q. Who does the lower end?

7 A. We get the graduate students trained in - in  
8 how to do basic design and fabrication.

9 Q. And is - is this individual an employee of  
10 the University?

11 A. Yes, he is an employee.

12 ATTORNEY KILBERT: Nothing further.

13 HEARING EXAMINER: Redirect?

14 ATTORNEY FARMER: Yeah, just a very few.

15 HEARING EXAMINER: Thank you for Cross.

16 ---

17 REDIRECT EXAMINATION

18 ---

19 BY ATTORNEY FARMER:

20 Q. You were asked whether you could do the  
21 research in your lab alone.

22 Right?

23 And you said you could not?

24 HEARING EXAMINER: Did he? Or was that  
25 the previous witness?



1                    ATTORNEY FARMER:    No, he was asked, too.

2                    ATTORNEY KILBERT:    Yeah.

3                    HEARING EXAMINER:    What did he say?

4                    ATTORNEY FARMER:    He said, no, he  
5 couldn't do it alone.

6 BY ATTORNEY FARMER:

7            Q.        Could you do it without graduate students?

8            A.        Yes, I can do it with postdocs.

9            Q.        Can students apply for their own R01 grants?

10          A.        No, they cannot.

11          Q.        This - this BERM Program -

12          A.        Yes.

13          Q.        - that was referenced - and - which is  
14 referenced in Exhibit 71 -?

15                    So you said that students are called  
16 trainees when they're on this training grant?

17          A.        Yes.

18          Q.        I believe you said on Direct it's two years,  
19 typically?

20          A.        Yes.

21          Q.        What are they - what are they called the  
22 rest of the time?

23          A.        GSRs.

24          Q.        Is there any change in what they're doing?

25          A.        No.

1                    ATTORNEY FARMER: I have nothing  
2 further.

3                    ---

4                    RECROSS EXAMINATION

5                    ---

6 BY ATTORNEY KILBERT:

7            Q.       Sometimes they're called TAs.

8                    Right?

9            A.       TAs are only if they're being supported by  
10 the Department, because the - their investigator  
11 doesn't have research funds.

12           Q.       And so in that case, they're still doing the  
13 research, though.

14                    Right?

15           A.       Yes.

16           Q.       Do you know whether the Department gets the  
17 funds to - to support graduate students in this way?

18           A.       From the Dean. I don't know if it comes as  
19 part of the department budget or a separate line, but  
20 from the Dean.

21                    ATTORNEY KILBERT: Nothing further.

22                    HEARING EXAMINER: Okay. Thank you  
23 everyone.

24                    ATTORNEY FARMER: Just a matter of  
25 housekeeping, exhibits.

1                   HEARING EXAMINER: Oh, yeah.

2                   ATTORNEY FARMER: Yeah.

3                   HEARING EXAMINER: Wait, let's dismiss  
4 the witness first.

5                   ATTORNEY FARMER: Okay.

6                   HEARING EXAMINER: Okay.

7                   Thank you, Professor.

8                   THE WITNESS: Thank you.

9                   HEARING EXAMINER: I found your  
10 testimony helpful.

11                   THE WITNESS: Thanks.

12                   HEARING EXAMINER: You're released. It  
13 will probably be announced at the end, but -

14                   ATTORNEY FARMER: No.

15                   HEARING EXAMINER: - you don't have to  
16 come back.

17                   All right.

18                   We have -.

19                   ATTORNEY FARMER: We have 72 to 84  
20 Respondent exhibits.

21                   HEARING EXAMINER: Any objections?

22                   ATTORNEY KILBERT: No, not -.

23                   HEARING EXAMINER: 72 through 84 are  
24 admitted.

25                   ---

1 (Whereupon, Respondent Exhibit 72, Appointment, was  
2 admitted.)

3 (Whereupon, Respondent Exhibit 73, Basic  
4 Requirements for Ph.D. Program in Bioengineering,  
5 was admitted.)

6 (Whereupon, Respondent Exhibit 74, Overview of  
7 Ph.D. Program in Chemical Engineering, was  
8 admitted.)

9 (Whereupon, Respondent Exhibit 75, Degree  
10 Requirements for Ph.D. in Chemical Engineering, was  
11 admitted.)

12 (Whereupon, Respondent Exhibit 76, Story, was  
13 admitted.)

14 (Whereupon, Respondent Exhibit 77, Paper, was  
15 admitted.)

16 (Whereupon, Respondent Exhibit 78, Paper, was  
17 admitted.)

18 (Whereupon, Respondent Exhibit 79, Paper, was  
19 admitted.)

20 (Whereupon, Respondent Exhibit 80, Paper, was  
21 admitted.)

22 (Whereupon, Respondent Exhibit 81, Excerpt, was  
23 admitted.)

24 (Whereupon, Respondent Exhibit 82, Graduate Manual  
25 for Industrial Engineering, was admitted.)

1 (Whereupon, Respondent Exhibit 83, Form, was  
2 admitted.)

3 (Whereupon, Respondent Exhibit 84, Rubric, was  
4 admitted.)

5 ---

6 HEARING EXAMINER: And then tomorrow,  
7 remind everybody we're stopping 4:00 p.m. at the latest  
8 tomorrow.

9 ATTORNEY FARMER: This is another matter  
10 of housekeeping.

11 I think - I don't think the Union has  
12 moved in its last few, or at least we don't have them  
13 as marked off.

14 ATTORNEY KILBERT: I have them marked  
15 off. But -

16 ATTORNEY FARMER: Okay.

17 ATTORNEY KILBERT: - move them in  
18 anyway.

19 HEARING EXAMINER: Every exhibit that  
20 has been presented to me is admitted.

21 ---

22 (Whereupon, Respondent Exhibit 70, Training  
23 Programs, was admitted.)

24 (Whereupon, Respondent Exhibit 71, Training  
25 Program, was admitted.)

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ATTORNEY FARMER: All right.

There we go.

HEARING EXAMINER: Yeah, I have them  
marked off as admitted.

All right. Thank you.

Off the record.

ATTORNEY FARMER: Thank you.

\* \* \* \* \*


HEARING CONCLUDED AT 5:25 P.M.

\* \* \* \* \*

## CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Stephen A. Helmerich, was reported by me on 10-04-18 and that I, Valerie Beth Gregory, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 1st day of November, 2018

  
Court Reporter  
Valerie Beth Gregory