

COMMONWEALTH OF PENNSYLVANIA

LABOR RELATIONS BOARD

\* \* \* \* \*

IN THE MATTER OF THE \*  
EMPLOYEES OF THE \* PERA-R-17-355-W  
UNIVERSITY OF PITTSBURGH \* PERA-C-19-95-W

\* \* \* \* \*

HEARING TRANSCRIPT

\* \* \* \* \*

BEFORE: STEPHEN HELMERICH, Hearing Examiner

HEARING: Wednesday, May 15, 2019

9:07 a.m.

LOCATION: Piatt Place

301 Fifth Avenue, Room 2026

Pittsburgh, PA 15222

WITNESSES: Vaideeshwar Vijaykumar, Jeffrey  
Vipperman, Victoria Lancaster, Amanda Brodish, Amy  
Tuttle, Peggy King, Stephanie Hoogendoorn, Nathan  
Urban

Reporter: Valerie B. Gregory

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

1  
2 -----  
3 HEARING EXAMINER: In an off-the-  
4 record discussion, we discussed the steel workers  
5 continuing objection to the inclusion of - what are  
6 the exhibit numbers?

7 ATTORNEY FARMER: Three (3) and 4.

8 HEARING EXAMINER: The University's 3  
9 and 4. The - would you like to state what your  
10 objection is?

11 ATTORNEY MANZOLILLO: Our objection  
12 continues to be that since the Union was required to  
13 produce the sections of e-mail exhibits that were  
14 admitted into evidence that they were planning on  
15 using in their brief, that the Employer be required  
16 to reference or point to any sections of the Union  
17 exhibit - I mean, their Exhibits 3 and 4 that we  
18 will - that they are planning on using in their  
19 brief.

20 HEARING EXAMINER: Would the  
21 University like to state their response?

22 ATTORNEY FARMER: Yes, thank you.

23 So the response is that the  
24 University's position is not that they were - that  
25 the Union needed to identify what portions of a



1 document it planned to reference in its brief, but  
2 that the Union's only evidence of the allegations,  
3 the specific charges related to the communications  
4 is those communications.

5           They were not putting on any testimony  
6 about it, objected to me asking questions of a  
7 witness as to what portions were the ULP. And  
8 because the Union is relying solely on those written  
9 communications to establish the various paragraphs  
10 of the ULP, that we needed to know what statements  
11 are claimed to be an unfair practice.

12           That is entirely different than us  
13 putting in documents which are the questions that  
14 were asked at a forum that was held with engineering  
15 students and the transcript of that.

16           We are not alleging that the Union  
17 committed a ULP in those documents. Those documents  
18 relate to the context of certain communications and  
19 there will be testimony of that.

20           But we don't - we're not alleging that  
21 there was an unfair labor practice committed by the  
22 Union.

23                   HEARING EXAMINER: Can you also  
24 summarize your stance that you don't have a shifting  
25 burden under Western Psychiatric?

1                    ATTORNEY FARMER: Correct. We do not  
2 believe that we have a burden here under the case  
3 law. We believe that it's the Union's burden to  
4 show not only that improprieties occurred, but that  
5 they interfere with the employees' exercise of free  
6 choice to such an extent that they materially  
7 affected the election results, which comes out of  
8 Kaolin and then the later month over in county case.

9                    HEARING EXAMINER: All right.  
10                    Before we go on, would you like to  
11 comment on all that?

12                    ATTORNEY MANZOLILLO: Yes.  
13                    First of all, the Union does feel that  
14 - the Union's position is that the Employer will  
15 have the burden. If we've established that this  
16 conflict occurred, the Employer will have a burden  
17 to demonstrate that it didn't have an impact. And  
18 secondly - under Western Psychiatric.

19                    And secondly, to the extent they're  
20 going to refer to sections of these transcripts of  
21 exhibits to respond to our allegations or to counter  
22 their allegations, the logic is no different than  
23 their request to have us point out the sections  
24 we're going to refer to from our exhibits.

25                    HEARING EXAMINER: All right.

1 Well, I'm deferring on ruling on these  
2 issues at this point in order to hear further  
3 testimony from the University to give a greater  
4 context on the issues of this case.

5 Okay.

6 ATTORNEY MANZOLILLO: One last point  
7 on this. Our concern is what they - it isn't - you  
8 know, anything they've addressed today, we're not  
9 objecting to. It's their ability to refer to  
10 sections of these documents.

11 HEARING EXAMINER: I've only heard an  
12 objection, a continuing objection, to 3 and 4?

13 ATTORNEY MANZOLILLO: Yes.

14 HEARING EXAMINER: All right.  
15 Understood.

16 Do you have anything else to say?

17 ATTORNEY FARMER: We can address it in  
18 the brief. We'll be here all day doing argument,  
19 and I don't think that's the best use of time.

20 HEARING EXAMINER: All right.

21 So we are on. We are continuing now  
22 with the University's case in chief.

23 ATTORNEY FARMER: So you're resting  
24 subject to the witness being taken out of order? Is  
25 that the -?

1                    ATTORNEY MANZOLILLO: Yes. We would  
2 like to clarify once again that the Union's Exhibit  
3 21, essentially the University is agreeing that  
4 there are at least 45 recipients of the e-mail that  
5 was sent by Dr. Little in Union Exhibit 20.

6                    ATTORNEY FARMER: Actually, so that's  
7 - we agree that in Union's Exhibit 21 that those are  
8 all chemical engineering graduate students. I  
9 actually can't - I don't know who's on that e-mail  
10 list that received Union Exhibit 20. So we're not  
11 objecting to Union Exhibit 21 and its accuracy.

12                   ATTORNEY MANZOLILLO: I think the  
13 issue is - okay. The issue is we subpoenaed Dr.  
14 Little. We were going to question him about who  
15 this e-mail was sent to. We're saying in lieu of  
16 that, if they're willing to agree that Union Exhibit  
17 21 was - is a department - an e-mail sent to the  
18 department, then we don't have any issue with Dr.  
19 Little -.

20                   HEARING EXAMINER: Hold on. Just let  
21 me look at the exhibit. Here it is.

22                   Was this - I actually don't remember  
23 this testimony. Plus the Union organizer generated  
24 this list -

25                   ATTORNEY FARMER: Yes.

1                   HEARING EXAMINER: - from a database?

2                   ATTORNEY FARMER: Yes.

3                   HEARING EXAMINER: And then it was  
4 just people in that department?

5                   ATTORNEY FARMER: Correct.

6                   HEARING EXAMINER: And then an e-mail  
7 was sent to a department lister?

8                   ATTORNEY FARMER: Yes.

9                   HEARING EXAMINER: I think I can infer  
10 that.

11                   ATTORNEY FARMER: So we're not saying  
12 that they didn't. I just don't - we don't know - I  
13 don't know who's on that lister. Dr. Little was out  
14 of the country. But we're not saying - I just don't  
15 have any way of independently verifying, you know,  
16 who that went to.

17                   I don't - we're not disputing -.

18                   HEARING EXAMINER: He's out of the  
19 country. That's pretty unavailable.

20                   ATTORNEY FARMER: Yeah.

21                   We're not disputing that it went to  
22 that lister.

23                   ATTORNEY MANZOLILLO: We want  
24 something -.

25                   HEARING EXAMINER: About all I can

1 tell you is that I think that the analysis I just  
2 did would be fair, in terms of from the record, for  
3 a Hearing Examiner to make.

4 ATTORNEY MANZOLILLO: All right.

5 HEARING EXAMINER: Okay?

6 ATTORNEY FARMER: Uh-huh (yes).

7 HEARING EXAMINER: So you have a  
8 witness coming in at 10:00?

9 ATTORNEY MANZOLILLO: A subpoenaed  
10 witness.

11 HEARING EXAMINER: Maybe 11:00 at this  
12 rate.

13 All right. Go ahead.

14 ATTORNEY FARMER: Okay.

15 So we're going to - so we're just  
16 going to continue with ours. We will take the  
17 witness out of order, if that's okay?

18 ATTORNEY MANZOLILLO: Yeah. We're  
19 resting, subject to rebuttal on that.

20 ATTORNEY FARMER: Okay. That's fine.  
21 We're ready to proceed.

22 HEARING EXAMINER: Go ahead.

23 ATTORNEY FARMER: Thank you.

24 Section 1101.605 of paragraph governs  
25 representation elections. Subsection six provides

1 in relevant part. If the Board determines that the  
2 outcome of the election was affected by the unfair  
3 practice charged or for any other unfair practice  
4 that they deem existed, it shall require corrective  
5 action and order a new election.

6 If the Board determines that no unfair  
7 practice existed, or if it existed and did not  
8 affect the outcome of the election, it shall  
9 immediately certify the election results.

10 That is the only basis that the  
11 statute provides for setting aside election results.

12 We believe that the controlling cases  
13 here, on the request to set aside election results,  
14 are Kaolin Mushrooms and Montgomery County, both of  
15 which resulted in Commonwealth Court decisions, one  
16 in 1997 and then Montgomery County's in 2001, I  
17 believe.

18 They stand for the proposition that  
19 the objecting party has a heavy burden to show not  
20 only that improprieties occurred, but also that they  
21 interfered with the employees' exercise of free  
22 choice to such an extent that they materially  
23 affected the election results.

24 We believe that from the Union's case,  
25 it's clear that the Union has not met that burden

1 here. They have not shown impropriety by the PLRB  
2 or the University that would warrant setting aside  
3 the election.

4 To the contrary, you've heard  
5 testimony from PLRB official who oversees all  
6 elections in the Commonwealth since 2011, and all of  
7 the elections in the western part of the state  
8 since, I believe he said, 2003, that this election  
9 was consistent with the Board's processes.

10 First, on the identity of the  
11 watchers, the undisputed evidence is that these  
12 individuals had no supervisory role regarding  
13 graduate students. None of the watchers were -  
14 Union's watchers were familiar with them. There was  
15 no coercion in having them serve as watchers, which  
16 is the purpose of the role against supervisors  
17 serving, nor was Pitt asked at any time to get  
18 different watchers, which it would have done had it  
19 been asked to do so.

20 Second, on the keeping of a list, the  
21 PLRB has admitted and Union Counsel conceded this,  
22 it never adopted the NLRB rule on the keeping of  
23 voter lists. It would be inappropriate to  
24 retroactively adopt such a rule now. The keeping of  
25 a list here was consistent with longstanding



1 practice before the PLRB. In fact, Dennis testified  
2 that both sides typically do it.

3 And in fact, the PLRB's instructions  
4 for watchers tell them to identify voters. They can  
5 hardly do so without the list of voters to identify.

6 There was no evidence that this was  
7 intimidating to voters in any way, and knowing who  
8 voted tells you nothing about how they voted as the  
9 Union's own organizer admitted.

10 In addition, Pitt keeping its own list  
11 aided the PLRB's conduct of the allegation by  
12 pointing out students on multiple occasions whom the  
13 PLRB official had initially missed and avoided those  
14 students being challenged by the PLRB in error.

15 Even if the PLRB were to adopt a new  
16 rule that going forward the list should be kept, it  
17 did not impact the outcome of the election where  
18 there's no evidence that the statutory standard for  
19 doing so has been met, and it would interfere with  
20 the choice of the voters.

21 Third, the alleged inconsistencies in  
22 checking IDs do not warrant finding an unfair  
23 practice or setting aside the election. The  
24 allegations of racial profiling are not credible.

25 In addition, the Union's watchers

1 admitted that no voters left because of the alleged  
2 misconduct by PLRB officials. Therefore, it could  
3 not have impacted the outcome of the election.

4           Moreover, nearly 70 percent of  
5 eligible voters cast ballots. So there's no  
6 evidence of suppression of voters as a result of  
7 this.

8           The Union watchers were consistent in  
9 their testimony that Pitt watchers did not ask  
10 students for ID or interact directly with students.  
11 So those portions of the charge are directly  
12 rebutted by the evidence.

13           The Union's allegation of improper  
14 surveillance by university watchers was similarly  
15 undermined by the evidence presented by its own  
16 witnesses.

17           The evidence will show that the  
18 allegations involving Dr. Vipperman are similarly  
19 baseless.

20           So what that then leaves is the  
21 Union's allegations about portions of communications  
22 that it alleges were threatening and coercive.

23           Under the relevant case law, the  
24 Hearing Examiner must consider the totality of the  
25 communications in light of the context in which they

1 were made to determine if the communications were so  
2 threatening or coercive so as to deprive employees  
3 of a free and fair election.

4 For example, safe to say that alleged  
5 misstatements must be a substantial departure from  
6 the truth. Similarly, misstatements of law, even if  
7 proved, don't warrant setting aside an election in  
8 the absence of a proven intent to deceive.

9 The PLRB has long held that it will  
10 not overturn election results in the absence of a  
11 flagrant violation of a party's rights. The Union  
12 can show none of that here.

13 The communications were not unlawful.  
14 They came in the context of responding to student  
15 questions about what a union could be or responding  
16 to statements by the Union that it believed were not  
17 accurate. And the Union had ample opportunity to  
18 respond to the statements. And as its own witnesses  
19 admitted, it did so.

20 In sum, the Union has failed to prove  
21 misconduct and failed to prove that any alleged  
22 misconduct had a material impact on the election to  
23 meet its heavy burden to overturn the will of the  
24 voters.

25 And just to address the Western

1 Psychiatric, given that Western Psychiatric, even if  
2 you were to find it applies, has not been regularly  
3 or even perhaps at all relied on in later cases. It  
4 is, in a sense, asking the University to prove a  
5 negative.

6                   How can we possibly prove that  
7 something didn't happen? We can't bring in - we're  
8 not going to go around and ask voters did you change  
9 your vote. We can't ask people and wouldn't ask  
10 people how they voted.

11                   So we don't believe that that kind of  
12 a burden is appropriate or, in fact, doable. We  
13 believe the evidence will show, however, that there  
14 was no material impact.

15                   So once you've heard the evidence and  
16 you consider the arguments, we ask that the charge  
17 and exceptions be dismissed and the results of the  
18 election certified.

19                   HEARING EXAMINER: Go off the record  
20 for one moment.

21

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

23

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24                   HEARING EXAMINER: Raise your right  
25 hand for me.

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

---

HEARING EXAMINER: Spell your name for  
us.

THE WITNESS: Vaideeshwar,  
V-A-I-D-E-E-S-H-W-A-R.

ATTORNEY FARMER: And your last name?

THE WITNESS: V-I-J-A-Y-K-U-M-A-R.

HEARING EXAMINER: Okay.

Go ahead, ma'am.

ATTORNEY FARMER: Thank you.

HEARING EXAMINER: You can sit down.

---

DIRECT EXAMINATION

---

BY ATTORNEY FARMER:

Q. Vaidee, are you a graduate student at the  
University of Pittsburgh?

A. Yes, ma'am.

Q. What department are you in?

A. Mechanical engineering, material science.

1 Q. Are you here today voluntarily?

2 A. Yes.

3 Q. Have you been promised any benefits for  
4 testifying?

5 A. No.

6 Q. Have you been threatened with any  
7 retribution if you didn't testify?

8 A. Absolutely not.

9 Q. Okay.

10 Who's your academic advisor?

11 A. Dr. Jeffrey Vipperman.

12 HEARING EXAMINER: Can you spell that  
13 for the court reporter please?

14 THE WITNESS: J-E-F-F-R-E-Y,  
15 V-I-P-P-E-R-M-A-N.

16 HEARING EXAMINER: Go ahead, ma'am.

17 ATTORNEY FARMER: Okay.

18 BY ATTORNEY FARMER:

19 Q. Did you have an academic appointment in  
20 the spring of 2019, for this semester that just  
21 ended?

22 A. Yes.

23 Q. And what was that?

24 A. A teaching assistantship.

25 Q. Was that in a course that was being

1 taught by Dr. Vipperman?

2 A. No.

3 Q. On April 17th, were you out with Dr.  
4 Vipperman that day on campus?

5 A. Yes.

6 Q. Okay.

7 Why was that?

8 A. We just went out for lunch after we had a  
9 lab meeting.

10 Q. Who else was there?

11 A. The whole lab group.

12 Q. And can you tell us who else is in the  
13 lab?

14 A. Yes. So it was Scott Mang, Jacquelyn  
15 Sharp, Christopher Dumm, myself, and Dr. Jeffrey  
16 Vipperman.

17 Q. The other three individuals that you  
18 identified, are they also graduate students?

19 A. Yes, they are.

20 Q. While you were walking on campus, did the  
21 subject of voting in the graduate student election  
22 come up?

23 A. Yes, it did.

24 Q. Okay.

25 Can you tell - can you tell us what

1 happened?

2 A. Yes. So Scott Mang and Dr. Jeffrey  
3 Vipperman were ahead of us. And Christopher Dumm,  
4 myself, and Jacqueline Sharp were in the back  
5 because she - one of - Jacqueline Sharp had to tie  
6 her shoe lace. So there was a gap of at least 20  
7 meters.

8 We were walking back to campus from the  
9 restaurant, and we just happened across this voting  
10 location and -.

11 Q. So that was at the - you walked past the  
12 O'Hara Student Center?

13 A. Yes, yes.

14 Q. Okay.

15 A. And so that's when I asked - and I have  
16 office hours at 2:00 on Wednesdays. And this was  
17 about around 1:50 p.m. and we're walking past O'Hara  
18 Student Center.

19 And I asked Jacqueline Sharp if they  
20 voted, and they said yes. And they asked me if I  
21 voted, and I said not yet. I said I was planning to  
22 vote after my office hours because I - I didn't want  
23 me going up and voting to interrupt my office hours.

24 And I asked them how much time it would  
25 take, and they said it should take no longer than



1 two minutes. And that's when I decided to go up,  
2 cast my vote, and come down.

3 And nobody - and everybody just - I  
4 decided to go up. Dr. Jeffrey Vipperman was not  
5 even aware that I was going to vote in the first  
6 place.

7 Q. Did Dr. Vipperman tell you that you  
8 should be voting?

9 A. No.

10 Q. Did he wait outside for you while you  
11 voted?

12 A. No.

13 Q. What happened after you voted?

14 A. I voted, and I ran to my lab, took my  
15 bags, and went to my office.

16 Q. Did you feel pressured by anybody into  
17 voting?

18 A. Absolutely not.

19 ATTORNEY FARMER: I have no further  
20 questions for this witness.

21 HEARING EXAMINER: Would you like some  
22 time?

23 ATTORNEY MANZOLILLO: Yeah, we'll take  
24 just one minute.

25 HEARING EXAMINER: All right.

1 Five minutes.

2 ---

3 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

4 ---

5 HEARING EXAMINER: Back on the record.

6 This is Cross Examination.

7 ---

8 CROSS EXAMINATION

9 ---

10 BY ATTORNEY MANZOLILLO:

11 Q. Hi. I just have a few questions for you.  
12 You said you were with several other graduate  
13 students?

14 A. Uh-huh (yes).

15 Q. One was Mr. Dumm, Chris Dumm?

16 A. Chris Dumm, yes.

17 Q. And then Jacqueline Sharp?

18 A. Yes.

19 Q. Were there any others? Who were the  
20 other ones?

21 A. Scott Mang.

22 Q. And Mr. Dumm was eligible to vote in the  
23 election?

24 A. I'm sorry.

25 Q. Mr. Dumm was eligible to vote in the

1 election?

2 A. He was able to vote, yes.

3 Q. And Sharp was eligible to vote in the  
4 election?

5 A. She was able to vote, yes.

6 Q. How about Mr. Mang?

7 A. Mang? No, I don't think he was.

8 Q. Okay.

9 So when you were - when you went in to  
10 vote, did Mr. Dumm and Ms. Sharp also enter the  
11 building?

12 A. They did not. They did not.

13 Q. So Mr. Mang did not - Mr. Dumm did not go  
14 into the polling area at all at that point?

15 A. Yes. Neither did Jacqueline Sharp.

16 Q. So if Mr. Vipperman waited outside for  
17 Mr. Dumm -

18 A. No.

19 Q. - you would have no way of knowing that  
20 if he was with him when he voted?

21 A. No. They all left. I saw them leave and  
22 then I went inside. We just parted ways at that  
23 time. Everybody just left at that time.

24 Q. So you don't know if they came back and  
25 Mr. Dumm came back and voted and Mr. Vipperman was

1 with him?

2 A. No. So they all left and I went in the  
3 building alone. And I met them at the lab, and I  
4 finished working and I went back to my lab.

5 Q. What time was this during the day?

6 A. This was, I would say, about 1:55 p.m. on  
7 Wednesday, April 17th.

8 Q. At any point during the campaign did you  
9 indicate support for the Union by signing a petition  
10 around the info techs or e-mails from the Union?

11 A. I did opt for techs, yes.

12 Q. Okay.

13 At any time during the election campaign,  
14 did you discuss the topic of unionization with Mr.  
15 Vipperman?

16 A. No.

17 ATTORNEY MANZOLILLO: Nothing further.

18 HEARING EXAMINER: Redirect?

19 ATTORNEY FARMER: Yes, very briefly.

20 ---

21 REDIRECT EXAMINATION

22 ---

23 BY ATTORNEY FARMER:

24 Q. When you were talking to Chris and  
25 Jacqueline on your walk back about voting -

1 A. Uh-huh (yes).

2 Q. - did they say that they had already  
3 voted?

4 A. Yes, they did.

5 ATTORNEY FARMER: I have nothing  
6 further.

7 ATTORNEY MANZOLILLO: I have nothing  
8 further.

9 HEARING EXAMINER: All right.  
10 You can step down, sir. Thank you for  
11 testifying.

12 Do you have your 10:00 a.m. person?  
13 Off the record while we find the  
14 witness.

15 ---

16 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

17 ---

18 HEARING EXAMINER: All right. We're  
19 back on the record.

20 And as agreed upon earlier, we're  
21 going back to the steelworker's case in chief as  
22 they have a witness that has appeared.

23 Can you raise your right hand for me?

24 ---

25 JEFFREY VIPPERMAN, PH.D.,

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

4

---

5 HEARING EXAMINER: Say and spell your  
6 name.

7

THE WITNESS: Jeffrey Stuart  
8 Vipperman, J-E-F-F-R-E-Y, S-T-U-A-R-T, V like  
9 Victor, I, P as in Paul, P as in Paul, E-R-M-A-N.

10

HEARING EXAMINER: All right.

11

Your witness, sir.

12

---

13

DIRECT EXAMINATION

14

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15 BY ATTORNEY MANZOLILLO:

16

Q. All right, Mr. Vipperman.

17

On the afternoon of April 17th, isn't it  
18 true you were with several graduate students in the  
19 vicinity of O'Hara Center?

20

A. It is true, briefly.

21

Q. And those individuals included a Chris  
22 Dumm and a Jacqueline Sharp?

23

A. Correct.

24

Q. And, Mr. Dumm, at that time, isn't it  
25 true that he and another graduate student, Mr.

1 Vijaykumar, went into the O'Hara Center to vote?

2 A. So we were coming back from a lunch. I  
3 had two students that were leaving. And we all went  
4 out to lunch together. And I didn't realize Vaidee  
5 was going to vote. But when I looked back to see  
6 what had happened, they said Vaidee went in to vote.

7 Q. How about Mr. Dumm?

8 A. Mr. Dumm did not vote, no.

9 Q. He did not vote at that time?

10 A. No, sir.

11 Q. And how long did you stay in that area?

12 A. I don't recall. I mean, we were ahead of  
13 that group. So me and one student had kind of  
14 peeled off in front, and it was a kind of thing  
15 where we looked back and it's what's going on. And  
16 they said that Vaidee had stopped to vote.

17 So I think - I think I waited for Chris  
18 and Jackie to catch up to us, and then we continued.

19 Q. They were with that group, back with  
20 Vaidee?

21 A. Yes, sir. Uh-huh (yes).

22 HEARING EXAMINER: Did you ask a  
23 question?

24 ATTORNEY MANZOLILLO: Yeah, I was just  
25 clarifying were Mr. Dumm and Ms. Sharp back -.

1                   HEARING EXAMINER: And then you said  
2 yeah?

3                   THE WITNESS: Yes, that's correct.

4                   HEARING EXAMINER: Okay.

5                   Go ahead.

6                   ATTORNEY MANZOLILLO: We don't have  
7 anything further.

8                   HEARING EXAMINER: Cross?

9                   ---

10                   CROSS EXAMINATION

11                   ---

12 BY ATTORNEY FARMER:

13                Q.       Did you escort any students to vote on  
14 that day?

15                A.       No.

16                   ATTORNEY FARMER: Nothing further.

17                   HEARING EXAMINER: Okay.

18                   You can step down, sir. Thank you for  
19 testifying today.

20                   THE WITNESS: You're welcome.

21                   HEARING EXAMINER: We are back to the  
22 Employer's case.

23                   Thank you, sir. You're done.

24                   ATTORNEY MANZOLILLO: Thank you very  
25 much.



1                    HEARING EXAMINER: Mr. Vipperman, is  
2 it still sunny outside?

3                    THE WITNESS: It's wonderful outside.

4                    HEARING EXAMINER: Thank you, sir.

5                    All right. Raise your right hand for  
6 me.

7                    ---

8                    VICTORIA LANCASTER,  
9 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
10 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
11 FOLLOWS:

12                    ---

13                    HEARING EXAMINER: Say and spell your  
14 name for us.

15                    THE WITNESS: Victoria Lancaster,  
16 V-I-C-T-O-R-I-A, L-A-N-C-A-S-T-E-R.

17                    HEARING EXAMINER: Okay.

18                    Your witness, ma'am.

19                    ---

20                    DIRECT EXAMINATION

21                    ---

22                    BY ATTORNEY FARMER:

23                    Q. Ms. Lancaster, who do you work for?

24                    A. University of Pittsburgh.

25                    Q. In what position?

1 A. I'm the director of faculty actions.

2 Q. Do you have any reporting relationship to  
3 Dr. Urban, the vice provost for graduate affairs?

4 A. I do not.

5 Q. Do you interact with graduate students as  
6 part of your job duties?

7 A. I do not.

8 Q. Do you have any role in making any  
9 decisions related to graduate students?

10 A. I do not.

11 Q. Were you one of the watchers for the  
12 University during the election?

13 A. Yes, I was.

14 Q. Do you remember what days you were a  
15 watcher?

16 A. Yeah. It was all four days, which I  
17 can't remember the start, but Monday, Tuesday,  
18 Wednesday, and Thursday.

19 Q. At various times?

20 A. Yeah.

21 Q. Were you at the briefing that occurred  
22 before the start of the election on Monday?

23 A. I was.

24 Q. Okay.

25 Can you tell us what you recall about

1 that briefing?

2 A. Yeah. I believe it was Dennis or Joe,  
3 might have been Joe, who gave us the process of how  
4 it would happen. The students would come in, how  
5 they would vote, how people couldn't congregate.  
6 They mentioned something about, you know, no  
7 electioneering, don't wear gear.

8 If we had questions, we were to ask the  
9 PLRB; that we were never to address the students.

10 I can't think of anything else.

11 Q. Were you asked for your title?

12 A. Oh, yeah, I'm sorry. Yes. Yes, yes. We  
13 were asked for our titles.

14 Q. Were you asked if you were a supervisor?

15 A. Yes, we were asked if we're supervisors.

16 Q. And were you asked if you supervised  
17 graduate students?

18 A. Yes.

19 Q. And what happened after that?

20 A. Well, we all affirmed that we did not  
21 supervise graduate students. And I believe the  
22 Union lawyer -.

23 Q. That would be Brad who's sitting right  
24 here?

25 A. Yeah.

1 Q. Okay.

2 A. Brad had raised concerns that we were  
3 supervisors. And so there was a conversation with  
4 Dennis, if that's correct, Dennis, just clarifying  
5 whether we supervised graduate students, if we  
6 interacted with graduate students, and we did not.

7 Q. And then what happened?

8 A. I think he had asked Brad if he had any  
9 objections, and I believe that he said that he  
10 didn't have enough time to have objections. And we  
11 proceeded.

12 Q. And then Dennis said that you could serve  
13 as watchers?

14 A. Yes, he did.

15 Q. What did you understand your role was as  
16 a watcher?

17 A. My role was just to observe the election  
18 to ensure that there wasn't any impropriety on  
19 anybody's part, and just to, you know, act as a  
20 watcher. Act as a - not a Union watcher but a vote  
21 watcher.

22 Q. And did you understand that part of your  
23 role was to identify the voters and make sure that  
24 they were eligible?

25 A. Yes.

1 Q. Did the - did having a copy of the voter  
2 list come up during that conference?

3 A. With? Well, I mean, we did talk about  
4 having the voter list. It was identified that the  
5 list was given to both sides. I don't believe it  
6 was really brought up in any other context.

7 Q. Let's talk about the checking of IDs by  
8 the PLRB during the election. What was the PLRB's  
9 practice during the election regarding checking  
10 student IDs?

11 A. On Monday and Tuesday, they did not check  
12 IDs consistently, at least while I was there. I  
13 wasn't there the whole time. They asked for names  
14 and we checked the list. They struggled sometimes  
15 with names.

16 On Wednesday, when I took over for my  
17 shift, they had instituted a practice of when people  
18 hand them IDs, they would check their IDs, so they'd  
19 ask for IDs to kind of check the names and make sure  
20 that they had the spelling right. So that was more  
21 consistent on Wednesday and Thursday.

22 Q. On Monday and Tuesday, were there  
23 instances where students were walking up with their  
24 IDs already out?

25 A. Yes.

1 Q. And what would happen then typically?

2 A. They didn't ask for them. They said they  
3 could put them away. They just asked them for their  
4 name.

5 Q. And you mentioned that the PLRB people  
6 who were working the vote seemed to be struggling  
7 sometimes with the spelling of names?

8 A. Very much so, yes. We have a very  
9 diverse population of students, staff, and faculty.  
10 And so some of the more complicated names were a  
11 challenge for them.

12 Q. And in that instance, would they  
13 sometimes ask students for IDs?

14 A. They would.

15 Q. Did it appear to you that there was any  
16 pattern of preemptively asking students for IDs  
17 because they appeared to be of a particular race or  
18 ethnicity?

19 A. No.

20 Q. Was there anybody who refused to provide  
21 an ID?

22 A. Not while I was on.

23 Q. Was there - was there any instance that  
24 you saw somebody who came in to the polling area and  
25 left without voting? Can you tell us about that?

1           A.       Yeah, there was one. And it must have  
2 been Wednesday or a Thursday. They had come up to  
3 see if their name was on the list. Their name  
4 wasn't on the list, so they had wanted to know what  
5 constituted to be able to vote.

6                    So Dennis had taken them aside and was  
7 talking to them about, you know, what a GSA is, a  
8 GSR, TA, TF. And so when he explained that, the  
9 person willingly left and said I'm not part of the  
10 bargaining unit.

11           Q.       So they understood that they would be a  
12 challenged ballot and decided to leave?

13           A.       Yes. Yeah. And he did give them the  
14 option to do a challenge ballot.

15           Q.       Were there any students that you heard  
16 raise any question about anonymity?

17           A.       I did initially hear, I think it was a  
18 young woman, who was concerned that by giving her  
19 name that it wouldn't be an anonymous process, at  
20 which point Dennis came over and explained to her  
21 what the process was, how the ballot was anonymous.  
22 He reminded her not to put any identifying  
23 information on the ballot, that it would be  
24 anonymous.

25                    We were just checking to make sure that

1 she was on the list. Or if she wasn't, she could do  
2 a challenge ballot.

3 Q. And after Dennis provided that  
4 explanation, did she vote?

5 A. She did.

6 Q. Okay.

7 When voters came up, did you check their  
8 names off of a list?

9 A. I did.

10 Q. Why?

11 A. Just to make sure that they were on the  
12 list and just - not make sure. Like, we have a  
13 list. We wanted to make sure that everybody could  
14 have the opportunity to vote could vote.

15 Q. And that there was no voting twice?

16 A. Yeah, no voting twice and - you know.

17 ATTORNEY MANZOLILLO: That's a leading  
18 question.

19 HEARING EXAMINER: Ms. Farmer, I'm  
20 going to caution you against leading questions.

21 ATTORNEY FARMER: Okay.

22 HEARING EXAMINER: They undermine the  
23 credibility of the witness' answers.

24 BY ATTORNEY FARMER:

25 Q. When you were keeping the list, was that



1 something that was visible?

2 A. Yes, it was right on the table.

3 Q. There was testimony yesterday about a  
4 conversation that you had with Joe about how to keep  
5 the list.

6 Can you tell us about that?

7 A. Yeah. So the first day when we had the  
8 list, the list was large. And we would struggle to  
9 try to get through all the pages to try to find the  
10 name.

11 And so the second day when I came in, I  
12 was, you know, thinking maybe I could put little  
13 tabs on the list so it was easier to utilize the  
14 list.

15 And Joe had a book and he was explaining  
16 to me his process and how his system was really good  
17 and, you know, maybe I'd want to get a binder and  
18 this is how they do it. And he was just showing me  
19 their process of how they keep their list and how  
20 they alphabetize.

21 Q. Did anyone from the PLRB suggest to you  
22 at any time that there was any problem with you  
23 checking off voters as they came in?

24 A. No, not at all.

25 Q. There was testimony yesterday that on

1 Wednesday, the seating arrangements were changed.

2 How did that come about?

3 A. I wasn't there when they changed them,  
4 but it was my understanding that there was some  
5 difficulty -.

6 ATTORNEY MANZOLILLO: Objection.  
7 Foundation for answering this.

8 HEARING EXAMINER: What was the  
9 question?

10 ATTORNEY FARMER: How did it come  
11 about that the seating arrangements were changed?

12 HEARING EXAMINER: And what were you  
13 saying? What was she saying?

14 THE WITNESS: I wasn't there.

15 HEARING EXAMINER: Hold on, ma'am.  
16 What was she saying, Brad?

17 ATTORNEY MANZOLILLO: She said she  
18 wasn't there, but it was her understanding.

19 HEARING EXAMINER: How is it did you  
20 come to understand how the changes were made?

21 THE WITNESS: When I showed up for my  
22 shift, the - Nathan from the PLRB explained to me  
23 what had happened.

24 HEARING EXAMINER: All right.

25 Go ahead.

1           THE WITNESS: So when I got there -.

2           HEARING EXAMINER: Overruled. Sorry.

3           Go ahead.

4           THE WITNESS: When I had got there,  
5 Nathan had explained to me that they had moved us  
6 closer to the PLRB to be able to hear what the names  
7 were so that it was - it was very loud in the room,  
8 and people couldn't hear and were often asking the  
9 PLRB if they could repeat the names.

10 BY ATTORNEY FARMER:

11           Q. Did Nathan say anything to you about -  
12 about checking voters where he couldn't find them on  
13 the list?

14           A. Yeah. He actually said to me, you know,  
15 if you could be a second set of eyes in case we miss  
16 somebody and they're on your list, would you let us  
17 know.

18           Q. And did that happen?

19           A. It did.

20           Q. Can you tell us about that?

21           A. So there would be a name that would come  
22 up. And sometimes they would give their last name  
23 and they might have had a hyphenated name or a  
24 surname before their name. And so they would be  
25 looking on one part of the list. I would find them

1 on a separate part of the list and I would just say  
2 to Nathan that they are on my list, and Nathan would  
3 check.

4 Q. While you were serving as a watcher, did  
5 you hear any objections to you keeping track of who  
6 voted?

7 A. Yeah. The final day when I came in in  
8 the morning, the Union watcher had voiced a concern  
9 that we were keeping track of voters, and he  
10 expressed that concern to Dennis.

11 Q. And what did Dennis say in response?

12 A. Dennis said that, you know, that I'm  
13 correct. Dennis had said that the Union could also  
14 have kept a list and that, you know, he could  
15 discuss it. He could have Brad discuss it with him.

16 Q. Did you ever speak directly to any  
17 voters?

18 A. No.

19 Q. Did you ever ask any voters for their ID?

20 A. No.

21 ATTORNEY FARMER: I have nothing  
22 further.

23 HEARING EXAMINER: Would you like some  
24 time?

25 ATTORNEY MANZOLILLO: Yes, please.

1                   HEARING EXAMINER: All right.

2                   Off the record.

3                   ---

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

5                   ---

6                   HEARING EXAMINER: Back on the record  
7 with Cross Examination.

8                   ---

9                   CROSS EXAMINATION

10                  ---

11                  BY ATTORNEY FISHER:

12                  Q.     Hi, Ms. Lancaster. I'm Amanda, one of  
13 the Union's attorneys.

14                           What office do you work in?

15                  A.     I work in the office of faculty records.

16                  Q.     And is that - is that in the provost's  
17 office?

18                  A.     It's a suboffice of the provost's office.

19                  Q.     Do you know if Mr. Urban works in the  
20 provost's office?

21                  A.     Yes.

22                  Q.     And do you know if Ms. Ann Cudd works in  
23 the provost's office?

24                  A.     Yes.

25                  Q.     And do you know if Peggy King also works

1 in the provost's office?

2 A. Yes.

3 Q. Do you know what Ms. King's title is?

4 A. Senior assistant to the provost.

5 Q. You mentioned the pre-election meeting  
6 that occurred on April 15th?

7 A. Yes.

8 Q. And that is the meeting where the Union  
9 watchers and the university watchers had the  
10 opportunity to introduce themselves?

11 A. Yes.

12 Q. Isn't it true that the introductions of  
13 watchers occurred within a few minutes before the  
14 polls opened?

15 A. Fifteen (15), 15 minutes before the polls  
16 opened. 8:45.

17 Q. Okay.

18 Is that when the meeting started?

19 A. Yes.

20 Q. And at what time - isn't it true that the  
21 introductions were at some point during that  
22 meeting?

23 A. Correct.

24 ATTORNEY FISHER: That's all.

25 THE WITNESS: Okay.

1                   HEARING EXAMINER: How were you  
2 selected to be a watcher?

3                   THE WITNESS: I was asked by Stephanie  
4 Hoogendoorn.

5                   HEARING EXAMINER: Thank you.  
6 Anything else?

7                   ATTORNEY FARMER: No.

8                   HEARING EXAMINER: You may step down.  
9 Next witness. This will be your third  
10 witness, I believe?

11                   ATTORNEY FARMER: Yes.

12

---

13

AMANADA BRODISH,

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

17

---

18                   HEARING EXAMINER: Spell your name for  
19 us.

20                   THE WITNESS: Amanda, A-M-A-N-D-A.  
21 Brodish, B-R-O-D-I-S-H.

22                   HEARING EXAMINER: Your witness,  
23 ma'am.

24

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DIRECT EXAMINATION

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BY ATTORNEY FARMER:

Q. Were you one of the University's watchers during the graduate student election?

A. I was.

Q. What's your title?

A. I'm the director of data analytics and pathways for students success.

Q. What does that mean?

A. I lead a team in the provost's office who does data analysis, and I'm leading the implementation of an advising platform for undergraduate students at the University.

Q. Is that the pathways to student's success?

A. Yes.

Q. Okay.

There's always those names, you don't know what they mean.

A. Yes.

Q. Okay.

Do you have any reporting relationship with Dr. Urban, the vice-provost for graduate affairs?

A. I do not.



1 Q. Do you have any interaction with graduate  
2 students as part of your job?

3 A. I do not.

4 Q. Do you have any role in setting graduate  
5 student policy?

6 A. No, I do not.

7 Q. Can you - so the provost office has been  
8 referred to -. Is the provost officer a single  
9 physical office?

10 A. There is the provost's office. We  
11 have -.

12 Q. Of the actual provost, you mean?

13 A. Yes.

14 Q. Okay.

15 A. Yeah. Are you talking about the physical  
16 space that we inhabit or the organizational  
17 structure?

18 HEARING EXAMINER: That's a good  
19 question.

20 BY ATTORNEY FARMER:

21 Q. It is a good question. Exactly.

22 So there were questions that were asked  
23 about is somebody, like, in the provost's office.  
24 And so can you explain the physical layout of where  
25 the office of the provost is?

1           A.       So the office of the provost is on the  
2 eighth floor of the Cathedral of Learning. There is  
3 one office in which the provost sits, along with  
4 other vice-provosts and other staff within the  
5 office.

6                    There are three other suites within the  
7 eighth floor that also houses vice-provosts and  
8 other office staff.

9                    My team is also part of the office of the  
10 provost. We inhabit some suites on the third floor  
11 of the Cathedral of Learning.

12           Q.       Okay.

13                    So you're considered to be part of the  
14 office of the provost but you're not in the physical  
15 space with the provost's office?

16           A.       That's right.

17           Q.       Okay.

18                    And the vice-provost for graduate  
19 affairs, Dr. Urban, is his office in a different  
20 suite than the office of the provost?

21           A.       I am trying to remember where Nathan sits  
22 right now. I think he's in a different suite than  
23 the provost is in.

24           Q.       Okay.

25           A.       But still on the eighth floor of the

1 Cathedral of Learning where most office of the  
2 provost staff reside.

3 Q. You're answer that you're trying to  
4 remember where Dr. Urban sits suggests that you  
5 don't go to his office very often.

6 Is that true?

7 ATTORNEY MANZOLILLO: A leading  
8 question.

9 HEARING EXAMINER: Yeah, I know.  
10 There again, I'll warn you about the  
11 leading questions.

12 ATTORNEY FARMER: How else - first of  
13 all, it doesn't suggest the answer. But how else  
14 would I ask - I know how to adjust this. Fine.

15 HEARING EXAMINER: Okay.

16 BY ATTORNEY FARMER:

17 Q. Do you go to Dr. Urban's office  
18 frequently?

19 A. Not that frequently. On occasion.

20 Q. Okay.

21 What did you understand your role as a -  
22 actually - strike that.

23 Were you at the pre-election conference  
24 that occurred on the morning of April 15th?

25 A. I was.

1 Q. What days did you serve as a watcher?

2 A. I was there Monday, Tuesday, Wednesday,  
3 and Thursday.

4 Q. At various times?

5 A. At various times, yeah.

6 Q. How long generally were the shifts?

7 A. Two hours on Monday through Wednesday,  
8 and then a little bit longer on Thursday because one  
9 of the election watchers wasn't able to serve a  
10 shift on Thursday. So we all had to go a little bit  
11 longer. So I think about two and a half hours that  
12 day. Two and a half to three hours.

13 Q. And there were - were there - how many of  
14 the - how many election watchers were there for the  
15 University total?

16 A. Four.

17 Q. What did you understand your role as a  
18 watcher to be?

19 A. To make sure the election was conducted  
20 according to the rules set out by the PLRB,  
21 specifically that there wasn't any electioneering  
22 happening within the room where ballots were being  
23 cast, that voters weren't congregating in that area.  
24 And part of it was the University had a couple of  
25 challenges that we were going to be making, students

1 who had been on a part of the University when the  
2 list was generated but had subsequently left the  
3 University.

4 Q. Did you understand whether you had a role  
5 regarding identification of voters?

6 A. I was not to ask a voter for his or her  
7 ID. I wasn't supposed to interact with the voter.  
8 But it was my understanding that I could check a  
9 person off of the list that the University had.

10 Q. Where did that understanding come from?

11 A. From both Dennis and Joe, as well as the  
12 University about what I was - why I was there.

13 HEARING EXAMINER: Can I just stop you  
14 for a moment?

15 When you said from the University, who  
16 specifically were you learning information from?

17 THE WITNESS: Probably from Stephanie,  
18 that one of the things that we would have to do is  
19 check people off the list who were voting.

20 HEARING EXAMINER: Okay.

21 Go ahead.

22 BY ATTORNEY FARMER:

23 Q. During the election, what was the PLRB's  
24 practice regarding checking student IDs?

25 A. On the first two days, they didn't ask

1 for student IDs. If a student presented one, they  
2 wouldn't - they would just ask for their name and  
3 they would look for the student on their list. The  
4 student might be asked to spell their name if they  
5 struggled with a name. And they might be asked to  
6 show an ID if they really struggled with a name.

7 Q. Did that happen frequently during the  
8 time you were there the first two days?

9 A. Occasionally there would be a situation  
10 where a student would spell her name - his or her  
11 name, and it would be very hard to understand what  
12 the spelling was, and they might be asked to present  
13 an identification.

14 But it was clear that the identification  
15 wasn't to certify whether they should or shouldn't  
16 be allowed to vote, but clearly to check a spelling  
17 of the name.

18 Q. Did - while you were there, did students  
19 - did you hear any students say anything about being  
20 asked to show ID?

21 A. On either Monday or Tuesday, a student  
22 said, oh, don't I need to show my ID or something  
23 about I thought I needed to show ID. And I believe  
24 Joe said oh, no, you don't. You don't need to.

25 Q. And did the PLRB's practice regarding

1 checking of IDs change?

2 A. Yes. When I got to my shift on  
3 Wednesday, they were now taking IDs from all  
4 students.

5 Q. Do you know why it changed?

6 A. My understanding - I don't actually know  
7 why it changed.

8 Q. During the period of time where the PLRB  
9 was not checking every student ID, did there appear  
10 to you to be a pattern of when the PLRB asked for  
11 IDs?

12 A. The only pattern I would notice is when  
13 they struggled with a name.

14 Q. Did it appear tied to the racial or  
15 ethnic background of the student?

16 A. To the extent that there was more  
17 struggling with names of students who were of other  
18 backgrounds, sure. But there were -.

19 HEARING EXAMINER: When you say other  
20 backgrounds, what do you mean?

21 THE WITNESS: Racial ethnic  
22 backgrounds.

23 HEARING EXAMINER: Other than white  
24 people?

25 THE WITNESS: Yeah. But there were

1 certainly white folks who they struggled with their  
2 names and asked to see their ID as well.

3 BY ATTORNEY FARMER:

4 Q. You mentioned checking off the names of  
5 the students on the list. Can you tell us what you  
6 did?

7 A. When a student would come to vote, they  
8 would say their name and I would check their name  
9 off the list.

10 Q. Was anything said to you or in your  
11 presence about doing that during the voting?

12 A. By students or the PLRB or -?

13 Q. By the - I'm sorry. I should have been  
14 more clear.

15 By the Union's watchers or the PLRB?

16 A. Not that I recall.

17 Q. Do you recall Dennis making any statement  
18 about whether it was okay to keep a list?

19 ATTORNEY MANZOLILLO: Leading  
20 question.

21 HEARING EXAMINER: What was the  
22 question? What was the question, ma'am?

23 ATTORNEY FARMER: Do you recall Dennis  
24 making any statement about whether it was okay to  
25 keep the list?



1                   HEARING EXAMINER: Overruled.

2                   Go ahead.

3                   THE WITNESS: I do recall him at one  
4 point saying that if this were a national election,  
5 it would not be okay to keep a list. But according  
6 to Pennsylvania regulations, it is.

7 BY ATTORNEY FARMER:

8           Q.       Were you present when the seating  
9 arrangements for the watchers were changed?

10          A.       I wasn't there when it changed. I came  
11 in in, I think, the afternoon on Wednesday. And  
12 when I came in, the seating arrangement had been  
13 changed.

14          Q.       Were you - actually, strike that.  
15                    Were you there on Tuesday around  
16 lunchtime when the Union's watcher was Caitlyn?

17          A.       Yes.

18          Q.       Do you recall a situation where Joe was  
19 abrupt or snapped at her?

20          A.       I don't recall.

21          Q.       Do you recall there being any discussion  
22 between Joe and Caitlyn regarding her ability to  
23 speak in front of voters or to voters?

24          A.       I don't recall that.

25                   HEARING EXAMINER: Do you recall them

1 interacting at all?

2 THE WITNESS: Yeah, I don't recall one  
3 way or the other.

4 BY ATTORNEY FARMER:

5 Q. Did you - were there any situations while  
6 you were serving as a watcher where a student who  
7 was on the eligible list left without voting?

8 A. No. That didn't happen while I was  
9 there.

10 Q. Did you observe any students complaining  
11 about being asked to show ID?

12 A. No.

13 Q. Did any students make any complaints  
14 about the anonymity of the process?

15 A. Not while I was there, no.

16 ATTORNEY FARMER: I have nothing  
17 further.

18 HEARING EXAMINER: Would you like some  
19 time, Brad?

20 ATTORNEY MANZOLILLO: Yes, please.

21 HEARING EXAMINER: All right.

22 Off the record.

23 ---

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

25 ---

1                    HEARING EXAMINER: On the record with  
2 Cross Examination by Ms. Fisher.

3                    Go ahead.

4                    ---

5                    CROSS EXAMINATION

6                    ---

7 BY ATTORNEY FISHER:

8                    Q.        Hi, Ms. Brodish.

9                    You testified about the office of the  
10 provost and the structure of that office. So I'm  
11 going to show you what's been marked as Union  
12 Exhibit 22.

13                    ---

14                    (Whereupon, Union Exhibit 22,  
15 University Organization Chart, was  
16 marked for identification.)

17                    ---

18 BY ATTORNEY FISHER:

19                    Q.        Would you agree that this chart is  
20 representative of the management structure of the  
21 provost's office?

22                    A.        Could you clarify your question?

23                    HEARING EXAMINER: Is this the  
24 University org chart for your office?

25                    THE WITNESS: Sure.

1                    HEARING EXAMINER: Any objections to  
2 this?

3                    ATTORNEY FARMER: No.

4                    HEARING EXAMINER: Admitted.  
5 Go ahead.

6                    ---  
7                    (Whereupon, Union Exhibit 22,  
8 University Organization Chart, was  
9 admitted.)

10                    ---

11 BY ATTORNEY FISHER:

12                    Q. Did Stephanie Hoogendoorn ask you to  
13 serve as an election watcher?

14                    A. Yes.

15                    Q. Do you know what Stephanie Hoogendoorn's  
16 title is?

17                    A. I believe she's a senior assistant to  
18 provost.

19                    Q. Okay.  
20                    What was your conversation with Ms.  
21 Hoogendoorn when she asked you to be a watcher?

22                    A. She just asked me and I said sure, of  
23 course.

24                    Q. Earlier you testified that you had a  
25 conversation with Dennis during the election where

1 he said that if this were a national election, you  
2 would not be able to keep a list.

3 Do you remember what day that  
4 conversation took place?

5 A. I would say it was either Monday or  
6 Tuesday because it happened in the Posvar suites,  
7 and that's where we were on those days. So I  
8 couldn't say if it was Monday or if it was Tuesday,  
9 but it was definitely one of those days.

10 ATTORNEY FISHER: That's all we have.

11 HEARING EXAMINER: Redirect?

12 ---

13 REDIRECT EXAMINATION

14 ---

15 BY ATTORNEY FARMER:

16 Q. Looking at Union Exhibit 22, do you  
17 appear on this anywhere?

18 A. No.

19 Q. Okay.

20 Which box on this do you report to?

21 A. I would be under the vice provost for  
22 data and information box, Steven Wisneski. It's on  
23 the third row, third one from the left.

24 Q. Okay.

25 ATTORNEY FARMER: Okay. Thank you.

1 Nothing further.

2 HEARING EXAMINER: Off the record.

3 ---

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

5 ---

6 HEARING EXAMINER: Back on the record.

7 In an off-the-record discussion, we  
8 addressed the parties Employer's Exhibits 3 and 4.  
9 They're previously admitted by me subject to steel  
10 workers' objections.

11 In an off-the-record discussion, I  
12 reviewed with the parties PA Rule of Evidence 106.  
13 Pursuant to review of PA Rule of Evidence 106, I'm  
14 requesting now to the extent that they have not done  
15 so that the University make a showing that those  
16 documents, 3 and 4, should be included because, in  
17 fairness, they ought to be considered at the same  
18 time with Steel Workers 20.

19 ATTORNEY FARMER: Thank you.

20 Union - I'm sorry. Employer Exhibits  
21 3 and 4 are the attachments to Union Exhibit 20, and  
22 they are actually specifically referenced in the  
23 body of Union Exhibit 20. And therefore, we believe  
24 it's necessary that they be included in order to  
25 consider what was being communicated in Union

1 Exhibit 20.

2 HEARING EXAMINER: All right.

3 And then I will - I've already  
4 admitted them. They will keep being admitted.

5 Go ahead, Brad, with your objection.

6 ATTORNEY MANZOLILLO: Yes.

7 The Union's admission or introduction  
8 for Exhibit 20 was for reference to the first  
9 paragraph in the count of employees who had voted,  
10 the department chair indicated had voted by that  
11 point. It was in no way being introduced to deal  
12 with the attachments.

13 To the extent the University is given  
14 an opportunity to reference those - any content of  
15 those attachments without indicating what those  
16 sections will be to the Union beforehand, we find it  
17 inconsistent and a prejudicial determination  
18 considering that the Union's required to point out  
19 the sections of the e-mails it was going to - it  
20 introduced as evidence to the University.

21 HEARING EXAMINER: All right. Thank  
22 you.

23 All right. So next witness, ma'am.

24 ATTORNEY FARMER: Thank you. Amy.

25

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

5                                    ---  
6                                    HEARING EXAMINER: State and spell  
7 your name for us.

8                                    THE WITNESS: Amy Tuttle, A-M-Y,  
9 T-U-T-T-L-E.

10                                   HEARING EXAMINER: Go ahead, ma'am.

11                                    ---  
12                                    DIRECT EXAMINATION

13                                    ---  
14 BY ATTORNEY FARMER:

15                    Q. Ms. Tuttle, who do you work for?

16                    A. The University of Pittsburgh.

17                    Q. Just for the record so it's in the  
18 transcript. What's your title?

19                    A. Senior assistant to the provost.

20                    Q. And what does that mean?

21                    A. It means I work for the vice provost in  
22 charge of faculty, and so - and she reports to the  
23 provost.

24                    Q. Do you have any reporting relationship  
25 with Dr. Urban, the vice provost for graduate



1 affairs?

2 A. No.

3 Q. Do you interact with graduate students as  
4 part of your job duties?

5 A. No.

6 Q. Do you have any role in setting graduate  
7 student policy?

8 A. No.

9 Q. Did you attend the pre-election briefing  
10 the morning of the election?

11 A. Yes.

12 Q. What did you - were you a watcher for the  
13 University during the graduate student election?

14 A. Yes.

15 Q. And what days did you attend as a  
16 watcher?

17 A. I attended all four days.

18 Q. What did you understand your role as a  
19 watcher to be?

20 A. I understood my role as to sit next to  
21 the - sit at the table where the people were coming  
22 up to sign in. And I was to check off the names on  
23 our list. And if there was anybody who was not on  
24 our list, I was to let the PLRB administrator know.

25 Q. What was the PLRB's practice regarding

1 checking the IDs of voters?

2 A. Well, the first two days that were in  
3 Posvar, they didn't check anybody's ID unless the  
4 person insisted and held it out for them. But the  
5 second two days, they tended to just start checking  
6 everybody's ID.

7 Q. During the first two days, were there  
8 instances where the PLRB official was struggling to  
9 find students on the list?

10 A. Yes.

11 Q. What would happen then?

12 A. Well, he would ask them to spell their  
13 names. And a couple times he did say that, you  
14 know, if you have your ID, I can - it would be  
15 easier for me. I think this is the way he put it.

16 HEARING EXAMINER: Did you notice in  
17 those first two days when ID checks were  
18 inconsistent -

19 THE WITNESS: Uh-huh (yes).

20 HEARING EXAMINER: - that Joe or  
21 Kathy, the PLRB employees, ever asked an ID of a  
22 student voter before they had approached the table  
23 and announced their name?

24 THE WITNESS: No.

25 HEARING EXAMINER: Okay.

1                   Go ahead.

2   BY ATTORNEY FARMER:

3           Q.       Did there appear to you to be any pattern  
4 of any - and, again, speaking to those first two  
5 days, did there appear to you to be any pattern of  
6 when students were asked for ID based on their race  
7 or ethnicity of the student?

8           A.       No.

9           Q.       Did any students complain about being  
10 asked to show ID?

11          A.       No.

12          Q.       Were any students who were on the  
13 eligible list turned away from voting?

14          A.       No.

15          Q.       Did any students who were on the eligible  
16 list leave without voting?

17          A.       No.

18                   ATTORNEY FARMER:   Nothing further.

19                   HEARING EXAMINER:   Cross?

20                   ATTORNEY MANZOLILLO:   Can we just take  
21 a short break?

22                   HEARING EXAMINER:   Sure, sure.  A  
23 short break or a long break?

24                   ATTORNEY MANZOLILLO:   This will be  
25 short.

1                   HEARING EXAMINER: All right.

2                   I'll keep everybody here.

3                   Off the record.

4                   ---

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

6                   ---

7                   HEARING EXAMINER: Back on the record.

8                   Cross Examination.

9                   ---

10                   CROSS EXAMINATION

11                   ---

12                   BY ATTORNEY FISHER:

13                   Q.       Hi, Ms. Tuttle.

14                   A.       Hi.

15                   Q.       Could I ask, which vice provost do you  
16 report to?

17                   A.       Vice Provost Laurie Kirsch. She's the  
18 vice provost for faculty affairs, development, and  
19 diversity.

20                   Q.       Okay.

21                   ATTORNEY FISHER: That's all.

22                   HEARING EXAMINER: Who asked you to  
23 serve as a watcher?

24                   THE WITNESS: Stephanie Hoogendoorn.

25                   HEARING EXAMINER: Okay.

1                   You can step down. Thank you for  
2                   testifying.

3                   Next witness, and then we'll break for  
4                   lunch after this witness.

5                   ATTORNEY FARMER: Okay.

6                   Peggy.

7                   HEARING EXAMINER: Raise your right  
8                   hand.

9

---

10                   PEGGY KING,  
11                   CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
12                   HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
13                   FOLLOWS:

14

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15                   HEARING EXAMINER: Have a seat. Spell  
16                   your name for us.

17                   THE WITNESS: Peggy, P-E-G-G-Y. Last  
18                   name, King. K-I-N-G.

19                   HEARING EXAMINER: Go ahead, ma'am.

20

---

21                   DIRECT EXAMINATION

22

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23                   BY ATTORNEY FARMER:

24                   Q.       Who do you work for?

25                   A.       I work for the University of Pittsburgh.

1 Q. What's your title?

2 A. Senior assistant to the provost.

3 Q. Are there a lot of seniors - a lot of  
4 people with the title of senior assistant to the  
5 provost?

6 A. There are.

7 Q. Were you a watcher for the University  
8 graduate student elections?

9 A. I was.

10 Q. Do you have any reporting relationship to  
11 Dr. Urban?

12 A. I don't.

13 Q. Do you interact with graduate students as  
14 part of your job duties?

15 A. I don't.

16 Q. Do you have any role in setting graduate  
17 student policy?

18 A. No.

19 HEARING EXAMINER: A little louder  
20 please.

21 THE WITNESS: No.

22 BY ATTORNEY FARMER:

23 Q. Did you attend the pre-election briefing  
24 the morning of the first day of the election?

25 A. I did not.

1 Q. Did you serve as a watcher all four days?

2 A. I did not.

3 Q. What days were you there?

4 A. I was there Monday, Tuesday, and  
5 Wednesday.

6 Q. For how long each day?

7 A. Two-hour blocks each day.

8 Q. What did you understand your role as a  
9 watcher to be?

10 A. To check the names on the list. And if  
11 there were people who were not listed on that list,  
12 I was to bring it to the attention of the PLRB.

13 Q. What was the PLRB's practice regarding  
14 checking the IDs of voters while you were there?

15 A. In the beginning, they weren't checking  
16 IDs at all. And on Wednesday, they seemed to check  
17 more.

18 Q. Were there instances where the - where  
19 whomever was checking in students for the PLRB  
20 seemed to struggle with finding a student on the  
21 list?

22 A. Yes.

23 Q. And what would happen then?

24 A. There were times where I would tell the  
25 PLRB that I saw the name and where it was on the

1 list. Yeah.

2 Q. During those first two days, did the PLRB  
3 sometimes ask students for IDs when they couldn't  
4 find the names on the list?

5 A. Yes.

6 Q. Did there appear to you to be any pattern  
7 of when students were asked for IDs based on the  
8 race or ethnicity of the student?

9 A. No.

10 Q. Did any students complain about being  
11 asked to show IDs while you were there?

12 A. No.

13 Q. Were any students who were on the list  
14 turned away from voting?

15 A. No.

16 Q. Did any students who were on the list  
17 leave without voting?

18 A. No.

19 ATTORNEY FARMER: No further  
20 questions.

21 HEARING EXAMINER: So when - just  
22 thinking of the first two days and just thinking  
23 about the instances when IDs were asked for, okay,  
24 what would happen in those instances? And I'm  
25 talking about the student would approach the table



1 and then what would happen?

2 THE WITNESS: A lot of times it was  
3 because they were very soft spoken and the watchers  
4 or the PLRB weren't able to hear or understand the  
5 name.

6 HEARING EXAMINER: Did it ever occur  
7 that as the student was approaching and before they  
8 had said a word that the PLRB agent would ask for an  
9 ID?

10 THE WITNESS: No.

11 HEARING EXAMINER: All right.

12 Cross Examination.

13 ATTORNEY MANZOLILLO: We'll need a  
14 couple minutes.

15 HEARING EXAMINER: All right.

16 You can step down, Miss.

17 Off the record.

18 ---

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

20 ---

21 HEARING EXAMINER: Okay.

22 Back on the record for Cross  
23 Examination.

24 ---

25 CROSS EXAMINATION

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BY ATTORNEY FISHER:

Q. Hi, Ms. King.

A. Hi.

Q. I'm going to show you what's been marked  
as Union Exhibit 23.

A. Okay.

---

(Whereupon, Union Exhibit 23,  
University Organizational Chart, was  
marked for identification.)

---

BY ATTORNEY FISHER:

Q. Would you agree that this is  
representative of the management structure of the  
provost office?

A. Yes.

HEARING EXAMINER: Any objection to  
23?

ATTORNEY FARMER: Nope.

HEARING EXAMINER: Admitted.

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(Whereupon, Union Exhibit 23,  
University Organization Chart, was  
admitted.)

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BY ATTORNEY FISHER:

Q. Do you have a reporting relationship to Ann Cudd?

A. Yes.

Q. And in fact, you work directly with Dr. Cudd?

A. Yes.

Q. I'm sorry.

What was that?

A. Yes.

Q. Who asked you to be an election watcher?

A. Stephanie Hoogendoorn.

Q. Do you remember anything about how that conversation occurred or what was said during that conversation?

A. She mentioned that they needed people to watch, and could I make myself available to do that. And I agreed.

ATTORNEY FISHER: That's all we have.

HEARING EXAMINER: Okay.

Redirect?

ATTORNEY FARMER: No questions.

HEARING EXAMINER: You can step down,

1 Miss.

2 We're off the record for lunch.

3 ---

4 (WHEREUPON, A LUNCH BREAK WAS TAKEN.)

5 ---

6 HEARING EXAMINER: On the record.

7 Continue with your objection to 4,  
8 University 4.

9 ATTORNEY MANZOLILLO: To the extent it  
10 is used as a representation of anything that was  
11 stated at the meeting, I'm not sure who produced the  
12 - at these meetings with Mr. Urban and I - Dr. Urban  
13 and I both attended.

14 But there are a lot of misspellings  
15 and inaccuracies in the transcript itself. So  
16 that's a concern I would raise as well. That it's  
17 not a true and accurate representation of the  
18 recording.

19 HEARING EXAMINER: Well, do you have  
20 anything specific?

21 ATTORNEY MANZOLILLO: I can say  
22 there's one point where it has me representing the  
23 Employer, for example. Wagering at another point.

24 Yeah, there's a point where it has  
25 Emily quoted as saying I just lie, which is captured

1 from where there's percentage -.

2 HEARING EXAMINER: Let me drag it out.  
3 Let me grab it.

4 I think if I use it for anything, I  
5 would probably just correct the misspellings in  
6 brackets. You know, use brackets around the -.

7 ATTORNEY MANZOLILLO: I think what we  
8 would like is if it is going to be used for any  
9 purposes, that you also be provided - for purposes  
10 of accuracy of what was said at these meetings, that  
11 there be a recording provided with it.

12 HEARING EXAMINER: A what?

13 ATTORNEY MANZOLILLO: That you be  
14 offered a copy of the recording that it was  
15 transcribed from.

16 ATTORNEY FARMER: There's a video.  
17 They videotaped it.

18 HEARING EXAMINER: Do you think this  
19 transcript was done automatically using some kind of  
20 program? They have Vet.com. I don't know what that  
21 is.

22 ATTORNEY MANZOLILLO: It wasn't  
23 something we were involved with, so I wouldn't have  
24 any proof.

25 HEARING EXAMINER: Well, let's see if

1 any part of that transcript comes up and we can just  
2 add it at the end of the day.

3 ATTORNEY MANZOLILLO: Okay.

4 HEARING EXAMINER: Let's get to your  
5 testimony.

6 ATTORNEY FARMER: Okay.

7 Stephanie.

8 HEARING EXAMINER: The woman who's  
9 been mentioned about 100 times.

10 ---

11 STEPHANIE HOOGENDOORN,  
12 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND  
13 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS  
14 FOLLOWS:

15 ---

16 HEARING EXAMINER: Spell your name for  
17 us.

18 THE WITNESS: Stephanie,

19 S-T-E-P-H-A-N-I-E. Hoogendoorn,

20 H-O-O-G-E-N-D-O-O-R-N.

21 HEARING EXAMINER: Your witness,  
22 ma'am.

23 ATTORNEY FARMER: Thank you.

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25 DIRECT EXAMINATION

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BY ATTORNEY FARMER:

Q. Stephanie, who do you work for?

A. The University of Pittsburgh.

Q. And what position?

A. I'm a senior assistant to the provost.

Q. What does being a senior assistant to the provost mean?

A. In my case, I report directly to Nathan Urban and Joe McCarthy. Joe McCarthy's our vice-provost for undergraduate studies. And I specifically manage a staff of, I think there's five people, who handle academic affairs for the two vice-provosts.

Q. Did you have a role in connection with the graduate student election?

A. Yes. I helped - I helped find locations. I showed Dennis and Joe specific - there were four different locations that we thought could be good candidates for the election. And then once they selected those locations, I helped them facilitate whatever their needs were for the election.

Q. And did you go to the election location at the beginning and ending of each day?

A. Yes. I needed to make - and for Posvar,

1 I had to unlock and lock up the doors. And I needed  
2 to check in with Dennis to make sure that whatever  
3 they needed for the election was there.

4 Q. Were you present for the pre-election  
5 briefing on the morning of the election?

6 A. Yes.

7 Q. Have you been present for the testimony  
8 here the last two days?

9 A. Yes.

10 Q. Did you hear the testimony about Dennis'  
11 questioning of the University's watchers about being  
12 supervisors?

13 A. Yes, I did.

14 Q. If Dennis had asked you to get other  
15 individuals as watchers, what would you have done?

16 ATTORNEY MANZOLILLO: Objection,  
17 hypothetical.

18 HEARING EXAMINER: Say the question  
19 again.

20 ATTORNEY FARMER: I said if Dennis had  
21 asked you to get other watchers, what would you have  
22 done?

23 HEARING EXAMINER: So you're asking  
24 her was there a potential pool of additional people  
25 that she would ask?



1                    ATTORNEY FARMER: I'm asking her what  
2 she would have - yeah, and essentially what she  
3 would have done if Dennis had said you needed  
4 different watchers.

5                    HEARING EXAMINER: Overruled.  
6 Go ahead.

7                    THE WITNESS: I can answer?

8 BY ATTORNEY FARMER:

9                    Q. Yes.

10                   A. Okay.

11                   I would have gone back to the office. I  
12 would have looked for additional staff members who  
13 could have helped or called different people who I  
14 know on campus. So I would have - I would have  
15 found other watchers.

16                   Q. And could you have done that within a few  
17 hours?

18                   A. Yes.

19                   Q. Did you - during the course - so you said  
20 you went every day, beginning and end of the day?

21                   A. Correct, yes.

22                   Q. During the course of the election, were  
23 you present for any discussions with any officials  
24 of the PLRB about checking of student IDs?

25                   A. Checking IDs. Yes. When I was in Posvar

1 Hall the second morning, before it was - it was  
2 early in the morning, Joe and Dennis were there.  
3 The other two, Kathy and - not Rebecca. Either way,  
4 Joe and Dennis were at Posvar, and I overheard  
5 Dennis talking to Joe telling him that if students  
6 come up with an ID in their hand, that he - instead  
7 of - instead of, like, not looking at it or instead  
8 of saying I don't need to see that, he should accept  
9 the ID.

10 ATTORNEY MANZOLILLO: I'm going to  
11 object to hearsay.

12 HEARING EXAMINER: Overruled.

13 Go ahead.

14 THE WITNESS: And then the second  
15 point that I overheard Dennis say was that if you -  
16 if you're not sure of how to spell a name from a  
17 student, then you could simply ask the student for  
18 the ID.

19 BY ATTORNEY FARMER:

20 Q. There has been testimony about the voter  
21 list that was being kept by the University. Were  
22 you involved in the coordination of that?

23 A. I was.

24 Q. What was your role?

25 A. I had the list and I helped facilitate it

1 because I was going to be at the event in the  
2 morning or at each of the locations in the morning  
3 and the evening. And our poll watchers were not  
4 necessarily the same person.

5 I would collect the - I would collect the  
6 list from the last watcher. I would make sure that  
7 whatever needed to be done with the room was done.  
8 It was locked. I would return the list to my office  
9 in the cathedral.

10 And then in the morning, I would pick up  
11 the list and I would bring it to the next poll  
12 watcher the next day.

13 Q. Did the list have any information on it  
14 other than the name of the student?

15 A. No, just names.

16 Q. Did you run any analytics on the list to  
17 determine where students were voting or in what  
18 department?

19 A. No.

20 Q. Did you see any - let me strike that.

21 Did you see the Union's attorney, Brad at  
22 the polling locations each day?

23 A. I did.

24 Q. Did you hear any conversations between  
25 Brad and Dennis?

1           A.       No, other than - other than the  
2       preconference on Monday morning.

3                    HEARING EXAMINER:   So wait.   Just to  
4       go back to the list you took to the Cathedral of  
5       Learning, your office, and you just put it in your  
6       office and locked the door or locked the -?

7                    THE WITNESS:    Our suites are locked,  
8       yes.

9                    HEARING EXAMINER:   All right.  
10       And then you just went home?

11                   THE WITNESS:    Correct.

12                   HEARING EXAMINER:   You didn't give the  
13       list to anybody else?

14                   THE WITNESS:    Correct.

15                   HEARING EXAMINER:   All right.

16                   Go ahead.

17       BY ATTORNEY FARMER:

18           Q.       At any point during the election did you  
19       have any conversation with any representatives of  
20       the PLRB about the composition of the unit?

21           A.       Yes.   Also Tuesday morning at Posvar  
22       before, you know, it was like 7:30, 8:00, Dennis  
23       asked me for clarification on what the titles were  
24       of the types of graduate appointees who were  
25       included in the list, and what - and what those

1 names are not on the list.

2 So essentially, I just wrote down for him  
3 the four titles who are eligible academic  
4 appointees. Teaching assistant, graduate student  
5 assistant, graduate student researcher -

6 HEARING EXAMINER: And teaching  
7 fellow.

8 THE WITNESS: - and teaching fellow.  
9 Thank you.

10 And then the two who are off are our  
11 certificate trainees and our pre-doctoral fellows.  
12 He just wanted to know what those names were.

13 BY ATTORNEY FARMER:

14 Q. And was that - had there been confusion  
15 about challenge ballots and whether people were  
16 challenged or not?

17 A. Correct. Dennis was planning to talk to  
18 the four staff members from the PLRB about the  
19 challenge ballots and what those titles were.

20 Q. While you were - at any time while you  
21 were there during the election, did you hear any  
22 objections raised to - by the Union to the  
23 University keeping a list of voters?

24 A. I did not hear any objections. The  
25 morning, the Monday morning, during the

1 pre-conference, the pre-hearing meeting with the  
2 watchers, I did hear Brad say that this was the  
3 first time that he had heard the names of the  
4 watchers. That was the one comment that I had  
5 heard.

6 Q. And at any point during the election did  
7 Dennis tell you that the University should not be  
8 keeping a list of voters?

9 A. No.

10 ATTORNEY FARMER: I have nothing  
11 further.

12 HEARING EXAMINER: Would you like some  
13 time, Brad?

14 ATTORNEY MANZOLILLO: Yeah.

15 HEARING EXAMINER: All right.

16 Off the record.

17 ---

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

19 ---

20 HEARING EXAMINER: Back on the record  
21 for Cross.

22 ---

23 CROSS EXAMINATION

24 ---

25 BY ATTORNEY FISHER:

1 Q. Hi.

2 A. Hello.

3 Q. So how did you determine who would serve  
4 as watchers for the University?

5 A. So we needed staff members who would be  
6 available for those four days. And we needed enough  
7 people who could sort of take some shifts.

8 And we - it was my understanding that  
9 those folks should not be - like, I first thought  
10 about my own staff that I manage. But all of those  
11 people are - all but one worked directly with  
12 graduate students. They know graduate students, so  
13 it didn't seem like it should be someone who works  
14 with graduate students.

15 So then I started talking to our other  
16 team leads, as we call ourselves. And they all have  
17 flexibility to cover those days.

18 It ended up that - it ended up that if we  
19 have four people, that that could cover the shifts  
20 and they were available. And none of those people  
21 worked with graduate students at Pitt, really knew  
22 graduate students.

23 So that's how we came up with those four  
24 people.

25 Q. Did you ask anyone else to be a watcher

1 other than the four people who ultimately served?

2 A. No. I did not ask my direct staff  
3 because I figured they weren't good choices.

4 Q. So did you approach anyone else and ask  
5 could you be a watcher at any point?

6 A. No, just the four.

7 Q. Okay.

8 So how were you certain that you could  
9 have found four new watchers for the election within  
10 a few hours to cover whatever specific shifts were  
11 needed?

12 A. There are other - there are other staff  
13 members in the provost's office. We're a pretty  
14 large office. So we had other staff members who  
15 could.

16 And, you know, because there was a  
17 question about the supervisors, those people do not  
18 supervise people. The people I have in mind who  
19 could alternatively have stepped in.

20 Q. Okay.

21 And those people that you had in mind,  
22 were you aware of what specific hours they would  
23 have been available?

24 A. I think not - not immediately, but I'm  
25 sure there's enough people in the office that we



1 could have carved together some options.

2 Q. And how would you be certain that these  
3 other people that you had in mind would have said  
4 yes?

5 A. Because I would have - I mean, they're -  
6 the four people who are here were their supervisors.  
7 This was a provost's office initiative.

8 I also know a lot of people at the  
9 University. I'm sure there are other people who - I  
10 mean, I've been here a long time. I think I could  
11 have carved together some folks.

12 Q. And isn't it true that you first provided  
13 the names of the watchers to the PLRB and the Union  
14 a few minutes before the opening of the polls?

15 A. Yes.

16 ATTORNEY FISHER: That's all.

17 HEARING EXAMINER: Redirect?

18 ATTORNEY FARMER: Nothing.

19 HEARING EXAMINER: Step down, Miss.

20 On to the vice-provost then?

21 ATTORNEY FARMER: Yes.

22 HEARING EXAMINER: All right.

23 Come on up here.

24 ---

25 NATHAN URBAN,

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

4 ---

5 HEARING EXAMINER: Spell your name for  
6 us.

7 THE WITNESS: Nathan, N-A-T-H-A-N.  
8 Urban, U-R-B-A-N.

9 HEARING EXAMINER: Your witness,  
10 ma'am.

11 ---

12 DIRECT EXAMINATION

13 ---

14 BY ATTORNEY FARMER:

15 Q. Who do you work for?

16 A. University of Pittsburgh.

17 Q. In what position?

18 A. I'm vice-provost for graduate studies and  
19 strategic initiatives, and a faculty member in the  
20 School of Medicine.

21 Q. How long have you held the position as  
22 vice-provost?

23 A. Approximately two years. A little less.

24 Q. Did you share or direct anyone in your  
25 office to share with anyone in the schools,

1 colleges, or departments of the University the names  
2 of students who had voted?

3 A. No, I did not.

4 Q. And was the names of who had voted shared  
5 with anyone during the election?

6 A. No.

7 Q. Since the election ended, have you shared  
8 that information with anyone?

9 A. No.

10 Q. During the election, did you communicate  
11 with faculty encouraging - about encouraging  
12 students to vote?

13 A. Yes.

14 Q. What form did that take?

15 A. Several different forms. I had sent  
16 e-mails to faculty in the University, including some  
17 department chairs, associate deans of various  
18 schools, e-mails indicating that the University  
19 really wanted to make sure that voter turnout was  
20 high and encouraging them to relay this kind of  
21 message to their students in their programs.

22 In some cases, that included an e-mail,  
23 sort of template e-mail, that - you know, with that  
24 message. And that template e-mail also included  
25 both a link to the University's website and also to

1 the Union organizer's website in most cases. I  
2 can't say that was in all cases. I think I either  
3 did it with both links or either link.

4 Q. And when you were reaching out to people  
5 in these programs, did you provide numbers to them  
6 of how many students in their programs had voted?

7 A. I did not.

8 Q. Did you know who in their programs had  
9 voted?

10 A. No, I did not.

11 Q. In front of you should be a series of  
12 exhibits.

13 Can you turn to Union Exhibit 19?

14 HEARING EXAMINER: Are you on 19?

15 ATTORNEY FARMER: Yes, Union 19.

16 BY ATTORNEY FARMER:

17 Q. Have you ever seen this e-mail before?

18 A. I have not seen this e-mail before.

19 Q. What is EXO?

20 A. EXO is the engineering graduate student  
21 organization. That's a student organization that is  
22 at the School of Engineering that involves graduate  
23 students at the School Engineering.

24 Q. Who is the head of EXO?

25 A. A graduate student by the first name of

1 Kevin. I forget Kevin's exact last name. It's  
2 Moasin. It starts with an M. I don't remember his  
3 exact last name.

4 Q. In that e-mail, it makes reference to a  
5 30 percent number.

6 Do you see that?

7 A. Yes.

8 Q. Okay.

9 Do you know where that number came from?

10 A. I do not.

11 Q. Did you have any communications with  
12 Kevin about the percentage of students in  
13 engineering who had voted?

14 A. No, I did not.

15 Q. And did you communicate a 30 percent  
16 number to anyone during the election?

17 A. No, no.

18 Q. And I'll take that back.

19 HEARING EXAMINER: I'll show him - if  
20 you want to refer to others, I'll show him.

21 ATTORNEY FARMER: Okay.

22 That would be - okay. Union Exhibit  
23 20.

24 HEARING EXAMINER: Okay.

25 He's got it.

1 BY ATTORNEY FARMER:

2 Q. Have you seen this before?

3 A. Yes, I have.

4 Q. Okay.

5 And when did you first see this?

6 A. I saw this after the - we got information  
7 about the subpoena to Dr. Little. I can't remember  
8 if I did directly or - but either I or someone else  
9 asked to Dr. Little and people in the School of  
10 Engineering about an e-mail that was referenced in  
11 that subpoena. And so in that context that I - like  
12 I said, either directly or indirectly, I obtained  
13 this e-mail and read it at that time.

14 Q. And Dr. Little, he's the - is he the  
15 chair of Chemical Engineering?

16 A. That's correct. He's the chair of the  
17 Department of Chemical and Petroleum Engineering  
18 within the School of Engineering.

19 Q. Okay.

20 Union Exhibit 21. This was represented  
21 by the Union to be a list of the students who were  
22 in chemical engineering who were eligible voters?

23 A. Yes.

24 Q. You heard that testimony?

25 A. I heard the testimony, yeah.

1 Q. And you're not disputing that?

2 A. No, I don't dispute that.

3 Q. You were here for - were you here for the  
4 testimony of the Union's witnesses yesterday?

5 A. Yes.

6 Q. After hearing the testimony yesterday,  
7 did you have the opportunity to go back and look at  
8 how many students in chemical engineering voted in  
9 the election?

10 A. Yes, I did.

11 Q. And how many was that?

12 A. I believe that number was 46.

13 HEARING EXAMINER: How did you  
14 determine that?

15 THE WITNESS: So I went to the  
16 information that we had from the lists that were -  
17 had been mentioned throughout, and looked on those  
18 lists to see how many students had voted in chemical  
19 engineering.

20 HEARING EXAMINER: The University's  
21 watchers list?

22 THE WITNESS: Yes, that's correct.

23 And so the number - maybe I misspoke.

24 The number of students in chemical engineering was

25 46. The number who had voted was 40. I think I - I

1 may have misspoke.

2 HEARING EXAMINER: It's clear now.

3 BY ATTORNEY FARMER:

4 Q. And was that information that was known  
5 to you during the election?

6 A. It was not something that I was aware of  
7 during the election.

8 Q. In -.

9 HEARING EXAMINER: And just so we're  
10 all clear, we don't know if the University's list  
11 was accurate?

12 THE WITNESS: Correct. Right.

13 ATTORNEY FARMER: Correct.

14 HEARING EXAMINER: So that - we're all  
15 clear that information he's got there was from  
16 consulting the University's list?

17 THE WITNESS: That's correct.

18 HEARING EXAMINER: And not the  
19 official binder that we have in the office upstairs.

20 THE WITNESS: That's right.

21 HEARING EXAMINER: Go ahead.

22 ATTORNEY FARMER: Yes.

23 BY ATTORNEY FARMER:

24 Q. And in looking at this after yesterday's  
25 testimony, did you look at how many of those



1 students voted on the first two days of the  
2 election?

3 A. I did. I'm trying to remember the number  
4 now. So I think it was - I'd have to go back and  
5 look. I think it was 12 students who had voted in  
6 the first two days of the election. And so then 28  
7 additional students voted on the third and fourth  
8 days.

9 Q. And when was - when was Dr. Little's  
10 e-mail sent?

11 A. It was sent the morning - Wednesday  
12 morning.

13 Q. So that's the morning of the third day?

14 A. That's correct.

15 HEARING EXAMINER: Let's go off the  
16 record for a second.

17 ---

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

19 ---

20 HEARING EXAMINER: Back on the record.  
21 Continue with Direct.

22 BY ATTORNEY FARMER:

23 Q. Were you involved in drafting and sending  
24 a series of e-mails to graduate students in the  
25 period leading up to the election?

1           A.     Yes.  Yes, I was.

2           Q.     And were you also involved in comparing  
3 the content of University webpages devoted to  
4 graduate students' unionization?

5           A.     Yes, I was.

6           Q.     And what was the purpose of these  
7 communications?

8           A.     There were multiple purposes.  I would  
9 say early on it was critical - well, early on,  
10 meaning after the election was originally ordered,  
11 it was critical to be able to get information to  
12 students out about the fact that an election had  
13 been ordered.

14                   Once we got - and so that included  
15 providing information to students who were part of  
16 the bargaining unit.  Also, students who were PhD  
17 students who were not part of the bargaining unit.  
18 We wanted to make sure that there was clarity about  
19 those things.

20                   Once the location - dates and locations  
21 of the election had been specified, we provided  
22 information to students about those dates and  
23 locations with the purpose of trying to make sure  
24 the students were as aware as possible that an  
25 election was occurring, when, you know, where, all

1 those kinds of factors.

2 We were also interested in providing  
3 information to students about the process of how to  
4 - you know, what this whole unionization issue was  
5 about, you know, what the process would be of going  
6 forward.

7 We also got a lot of questions from  
8 students about a whole variety of topics, including  
9 questions about eligibility, questions about the  
10 possible implications of unionization, about the  
11 possible consequences of unionization, questions  
12 about the voting process. And so we provided a  
13 whole - a large number of e-mails across that time  
14 period trying to cover those topics.

15 And certainly in many, many cases, and  
16 that's both for the e-mails and also for the  
17 information on the University's websites, providing  
18 information in response to questions that students  
19 were asking.

20 Q. Approximately how many e-mails were sent  
21 to graduate students following the Hearing  
22 Examiner's March 7, 2019 Decision through the end of  
23 the election?

24 A. I hadn't gone back and counted so it's  
25 somewhat of an estimate. But certainly in the last

1 couple of weeks, we were sending at least one e-mail  
2 a day. In some cases, multiple e-mails a day. And  
3 over the intervening period, certainly e-mails on  
4 many days, multiple days a week. So I would guess,  
5 you know, 50 or 60 e-mails over that time period.

6 HEARING EXAMINER: Fifty (50) or 60?

7 THE WITNESS: Fifty (50) or 60,  
8 including e-mails to different groups.

9 BY ATTORNEY FARMER:

10 Q. Were there also in-person sessions that  
11 you participated in where students had an  
12 opportunity to ask questions?

13 A. Yes. I participated in quite a number.  
14 The first one was a university-wide, sort  
15 of open information session around March 26th or  
16 27th, somewhere in that time frame. There were a  
17 couple the week of - well, I remember the dates.  
18 April 4th and 5th. April 4th, I believe that was  
19 with the chemistry department. April 5th, I believe  
20 that was with the School of Computing Information.

21 The following week, I did information  
22 sessions for the physics department, the School of  
23 Engineering. The graduate student organization  
24 organizes the session. The physics department, the  
25 School of Medicine graduate students, in addition to

1 a second university-wide information session on, I  
2 think it was, April 8th or 9th. It was the week  
3 before the election, around about Wednesday of the  
4 week before.

5 Q. And these sessions, were they all open to  
6 students to come and ask questions if they chose to?

7 A. Most of them. The one that was a little  
8 bit different was the engineering graduate student  
9 organization. They solicited questions from  
10 students in the School of Engineering in advance.  
11 They compiled a list of questions and then asked  
12 those questions. A small group of students who were  
13 representatives from the various departments within  
14 the School of Engineering were present for those  
15 questions being asked by Kevin, the AGSO president.

16 So that was not open to all students in  
17 person, but they did record it on video and provided  
18 the transcript that has been discussed already. And  
19 they provided the complete list of questions as  
20 well.

21 Q. And that list of questions that were  
22 provided to be answered on the video, is that what  
23 was marked -?

24 ATTORNEY FARMER: Can you show him  
25 Employer Exhibit 3?

1                    HEARING EXAMINER: Yes.

2                    THE WITNESS: Yes. This is the list  
3 of questions with red annotations that were made by  
4 AGSO to indicate when in the video - the two videos,  
5 one of me and one of Brad and Emily Ackerman, one of  
6 the previous witnesses, when in the video-recording  
7 those questions were being answered.

8                    But the questions here are the ones  
9 that I was asked during the information session, and  
10 I assume the same - I didn't attend the information  
11 session that involved Brad and Emily. But I did  
12 watch it on video, so I assume, you know, I can  
13 represent that the same questions seemed to be  
14 answered - asked and answered.

15 BY ATTORNEY FARMER:

16                    Q. You mentioned that you had an information  
17 session around March 26th?

18                    A. Yeah.

19                    Q. Were students offered the opportunity to  
20 submit anonymous questions through the website in  
21 advance of that?

22                    A. Yes. We had set up a website, had a lot  
23 of students to submit questions. We got a large  
24 number, 50 or 60 questions, in advance of that  
25 information session.

1 Q. And at the information session, were  
2 students also given the opportunity to submit  
3 questions in some form?

4 A. Yes. We had index cards. And students  
5 were asked to submit questions by writing them on  
6 index cards that then could be handed to the front.  
7 And then a selection of those questions were read  
8 and answered.

9 Q. Did you also - you mentioned that some  
10 other information sessions that you attended in  
11 various schools and colleges. Did you get questions  
12 submitted in advance of those as well?

13 A. For chemistry and physics, there were  
14 questions that were provided to me, an advance list  
15 of questions. And in those information sessions, I  
16 would say those information sessions were largely  
17 based on those questions, although there were also  
18 questions that came up more spontaneously.

19 In the case of school computing  
20 information, information session, it was sort of an  
21 unusual event in that it was half social event and  
22 half information session. Literally, there some  
23 students in the back of the room drinking beer and  
24 eating chips. And then there was a portion of the  
25 room where there was a group of students who were

1 interested in getting information about  
2 unionization. And so I spoke in that form.

3 That was not one where they provided me -  
4 they provided me with some maybe very general topics  
5 that they wanted me to address, but not specific  
6 questions.

7 And then in the information session for  
8 School of Medicine students that was put on, there  
9 were not questions that were provided in advance of  
10 that. I just answered questions. I provided a  
11 little bit of context at the beginning and then  
12 answered questions from the audience.

13 Q. Did you get questions from students in  
14 other forms as well?

15 A. Yes. We got a lot of questions just via  
16 e-mail to an account that's vice-provost for  
17 graduate studies account. It's not my personal  
18 e-mail account, but one that I monitor.

19 I got questions from students to my  
20 direct personal e-mail in some cases, especially  
21 with students who knew me in some other capacity or  
22 knew me in some way.

23 I got questions, you know, literally  
24 walking down the street, standing in line at  
25 Starbucks. Graduate students would come up to me



1 and, you know, ask if they could ask me questions  
2 about unionization because of something that they  
3 were more concerned about. And so I would do my  
4 best to answer those questions in whatever - you  
5 know, whatever time and whatever format.

6 Q. And did you attempt to answer the  
7 questions that you were receiving from students?

8 A. Yes. We did a couple of things. One is  
9 that in most cases, I can't say that we did it in  
10 all cases because we might have missed one, but in  
11 most cases, we provided a direct reply.

12 If a question came in by e-mail, for  
13 example, and I would say there's a couple different  
14 versions of that. So there were questions that came  
15 in by e-mail where it was not anonymous, where  
16 students just sent an e-mail so we could reply. And  
17 so when possible, we would reply directly to that  
18 student's e-mail with an answer to that question.

19 In other cases, we had set up a more  
20 anonymous system, a system where somebody could go  
21 in and type a question into a - I didn't actually  
22 ever submit a question so I don't know exactly what  
23 it looked like, but into some sort of text box and  
24 hit submit and then we would get that in an e-mail  
25 account, but it was anonymous so that we couldn't -

1 you know, we didn't know who sent it.

2 So obviously, in those cases, we couldn't  
3 then reply to that student specifically, but rather  
4 we used those questions - we saw those different  
5 kinds of questions as the basis for providing  
6 information on the website that we had set up about  
7 graduate student unionization. That website, you  
8 know, we kept adding to that website as more and  
9 more questions came in.

10 And often - most of that ended up in the  
11 F and Q section of that website specifically.

12 ATTORNEY FARMER: Could you show the  
13 witness Union Exhibit 2?

14 HEARING EXAMINER: Are you going to go  
15 into it here a little bit?

16 ATTORNEY FARMER: Yes.

17 HEARING EXAMINER: All right.

18 ATTORNEY FARMER: There might be a  
19 couple that I jump out of order.

20 HEARING EXAMINER: There seems to be 2  
21 through 16. Okay.

22 ATTORNEY FARMER: Okay.

23 BY ATTORNEY FARMER:

24 Q. Do you recognize this document that's  
25 been marked as Union Exhibit 2?

1           A.       Yes.  It looks like an e-mail that I sent  
2 out early on this - well, not so early on, but  
3 around the time the information - yeah.  It says the  
4 last time I hosted the information session.  So  
5 that's an e-mail I sent out the day after the first  
6 of the university-wide information sessions.

7           Q.       And what was the purpose of sending this  
8 e-mail?

9           A.       There had been a number of issues that  
10 had come up in that information session.  There were  
11 - and I would say we got reasonable attendance.  I  
12 would say 60 or 65, maybe 70 students in total, at  
13 that information session.

14                    But clearly, that represents a very small  
15 fraction of the overall number of graduate students,  
16 not overall number of students in the bargaining  
17 unit.

18                    So this was, one, to provide information  
19 under the assumption that the questions that were  
20 being asked by students at that information session  
21 were ones that other students would be interested in  
22 as well.  We wanted to provide that information  
23 about some of these issues to the broader group of  
24 graduate students.  So that was the purpose of  
25 sending out this e-mail.

1           A lot of questions that came up with that  
2 information session had to do with who can vote and  
3 what - and how that decision about how was in the  
4 unit - how that decision was made. There were a lot  
5 of questions about membership in the bargaining unit  
6 versus membership in the union and what the  
7 difference was. And so that was something that was  
8 addressed here.

9           There were a lot of questions about the  
10 potential consequences or impact of unionization.  
11 And so, you know, I think those were the three  
12 things that I focused on in this particular e-mail.

13           Q.     Okay.

14                     Turning your attention to page two?

15           A.     Yeah.

16           Q.     The Union has raised an objection to the  
17 second paragraph under number three that begins we  
18 also believe that students could lose the ability to  
19 work directly.

20                     Do you see that paragraph?

21           A.     Yes.

22           Q.     Okay.

23                     Why was this included in this  
24 communication?

25                             ATTORNEY MANZOLILLO:   Objection to

1 relevance. This is - what the intention was is  
2 irrelevant to the objective standard -.

3 HEARING EXAMINER: Overruled.

4 Go ahead.

5 THE WITNESS: So the reason that this  
6 was included is because students had a lot of  
7 questions about the impact of unionization and in  
8 particular about the - how it might affect some of  
9 the issues that are mentioned here.

10 For example, the ability to work  
11 directly with a faculty advisor or with a department  
12 or with a graduate program director on some of these  
13 issues that are mentioned here, like stipends, the  
14 assignment of assistantship opportunities, work  
15 hours, et cetera.

16 And so those were questions that had  
17 arisen at that information session and in other  
18 conversations and e-mails. And so it seemed like it  
19 was something that was important to address.

20 HEARING EXAMINER: I just want to -  
21 Brad, I understand your objection completely. I'm  
22 just interested in creating as full a record as  
23 possible at this time.

24 ATTORNEY MANZOLILLO: I'll just have a  
25 standing objection to any of these similar

1 questions.

2 HEARING EXAMINER: Noted.

3 ATTORNEY FARMER: Just give me a  
4 second to write those.

5 HEARING EXAMINER: Sure.

6 ATTORNEY FARMER: Are you okay if I do  
7 these all at once to be more effective?

8 HEARING EXAMINER: Yeah.

9 ATTORNEY FARMER: If we just put them  
10 in all at once?

11 HEARING EXAMINER: Show them to -.

12 ATTORNEY FARMER: Yes.

13 HEARING EXAMINER: Let's go off the  
14 record for one moment.

15 ---

16 (Whereupon, Employer Exhibit 5,  
17 3/20/19 E-mail, was marked for  
18 identification.)

19 (Whereupon, Employer Exhibit 6,  
20 3/20/19 E-mail, was marked for  
21 identification.)

22 (Whereupon, Employer Exhibit 7,  
23 3/22/19E-mail, was marked for  
24 identification.)

25 (Whereupon, Employer Exhibit 8, Index

1 Card, was marked for identification.)  
2 (Whereupon, Employer Exhibit 9, Index  
3 Card, was marked for identification.)  
4 (Whereupon, Employer Exhibit 10, Index  
5 Card, was marked for identification.)  
6 (Whereupon, Employer Exhibit 11, Index  
7 Card, was marked for identification.)

8 ---

9 BY ATTORNEY FARMER:

10 Q. I'm handing you what we're marking for  
11 identification as Employer Exhibits 5 through 11.

12 So starting with Exhibit 5, can you  
13 explain what this is?

14 A. Sure. Exhibit 5 is an e-mail. It's the  
15 - it's what we saw when a student submitted a  
16 question via this anonymous system which is called -  
17 it's called Wufoo. So this is a system by which a  
18 student could directly - as I mentioned, directly  
19 enter text into a text box, hit submit. That would  
20 come to us and allow students to maintain anonymity  
21 if they so chose.

22 And so that's - that's why the Wufoo, no  
23 reply at Wufoo.com is the e-mail at the top. And it  
24 was - yeah, that's the way in which these questions  
25 came in.

1 Q. Okay.

2 And the two-line, the e-mail grad student  
3 at Pitt.edu, what's that?

4 A. So that's the e-mail account that  
5 received the - the way the system was set up that  
6 when somebody entered it into Wufoo, then it came to  
7 us as an e-mail to this account. So it appeared in  
8 a standard, sort of, Outlook mailbox.

9 Q. And Dan Camarda, is that somebody who  
10 works in the University communication section?

11 A. That's correct. Yeah, he works in the  
12 University communications. He was involved in  
13 setting this up.

14 Q. Okay.

15 And what's Exhibit 6?

16 A. Exhibit 6 is the same kind of thing.  
17 It's a different question, different topic. Yeah.

18 Q. Okay.

19 Was there - in this system, was there any  
20 way for you to respond directly to these questions?

21 A. No, there was not.

22 Q. And were these submitted in advance of  
23 that information session that you previously  
24 testified about?

25 A. Judging this based on the date, they were



1 submitted in advance. And we set up the Wufoo  
2 system. The first use of it was in the context of  
3 the information session. So yes.

4 Q. Okay.

5 And what's 7?

6 A. Seven (7) is the same kind of thing. I  
7 mean, it looks like - the numbers here, number 21  
8 indicates this was the 21st question that was  
9 submitted in this instance of Wufoo. And, again,  
10 it's a different question, different topic, but the  
11 same kind of thing.

12 Q. And what's 8?

13 A. Eight (8). So 8 is a question that was  
14 submitted on index cards, a photocopy of a question  
15 that was submitted on an index at the first  
16 information session event on the 26th.

17 Q. And what about 9?

18 A. Nine (9) is the same. I mean, a  
19 different question, different topic. But it's the  
20 same kind of idea.

21 Q. And for 8 and 9, were they submitted  
22 anonymously?

23 A. Yes.

24 Q. What about Number 10?

25 A. Yes, same kind of thing. Also submitted

1 anonymously. And unless somebody signed their name  
2 to it, we have no idea who sent it or who provided  
3 it.

4 Q. Number 11, is that the same?

5 A. Same.

6 ATTORNEY FARMER: I'm done with the  
7 questions about these, about these questions. But  
8 the Union wants to ask on voir dire.

9 HEARING EXAMINER: Go ahead, Brad.

10 ---

11 CROSS EXAMINATION

12 ---

13 BY ATTORNEY MANZOLILLO:

14 Q. Dr. Urban, can you tell us - so you  
15 didn't play any role in creating these - in creating  
16 the e-mail system you referred to? That's the IT  
17 department?

18 A. It's a commercial system that we  
19 subscribe to. It was something that was set up by  
20 the communications department at the University.

21 Q. So you have no way of knowing who  
22 actually submitted these questions?

23 A. I do not. The intent was to keep it as  
24 anonymous as possible.

25 Q. So you have no idea - you have no idea if

1 the people who submitted were bargaining unit  
2 members or -?

3 A. I don't. I mean, we sent information  
4 about the information session and the link to the  
5 system to the bargaining unit, to the e-mail list  
6 that we had that was the e-mail list of all the  
7 people who are in the bargaining unit.

8 So there's - that would suggest that  
9 those were the people who were most likely to be  
10 submitting questions. But I can't, you know, in any  
11 individual case say with certainty.

12 Q. And in terms of - first of all, Exhibit  
13 10, there seemed to be two sides. Is that the exact  
14 same question on each side?

15 A. It looks like it's just two copies of the  
16 same card.

17 ATTORNEY FARMER: Yeah, that's just a  
18 copy.

19 ATTORNEY MANZOLILLO: Okay.

20 And we've had our share of those.

21 BY ATTORNEY MANZOLILLO:

22 Q. Now, these cards, what are they? They're  
23 copies of actual note cards?

24 A. So at the information session - at the  
25 first information session, in order to - well, as a

1 mechanism for soliciting questions from members of  
2 the audience, we distributed note cards. We brought  
3 note cards. We may have even brought pens. I  
4 honestly don't remember. I think we did.

5           And provided those to people in the  
6 audience who were interested in asking questions.  
7 Those questions were then collected, brought up to  
8 the front. They were - some of those questions were  
9 then read to me.

10           There was a moderator at this particular  
11 event, faculty of School of Law, Vivian Curran.  
12 Vivian would read to me questions that came in from  
13 the audience.

14           Q.     And who would collect the cards?

15           A.     There were a couple people in the  
16 audience. I don't remember exactly who it was.  
17 Stephanie was certainly there and was involved in  
18 that process.

19           Q.     And so you believe these to be cards that  
20 were - copies of cards that were submitted by people  
21 who were in the audience?

22           A.     Yes.

23           Q.     And you - you did not have any basis for  
24 knowing who the people in the audience were that  
25 submitted these questions?

1           A.       We didn't take attendance at the event.  
2 There's some people in the audience that I didn't  
3 particular recognize, and I, you know, could  
4 remember a few people that were there. But, you  
5 know, we did not have a list of attendees of the  
6 event.

7           Q.       And you wouldn't know if those people you  
8 recognized were the ones who submitted these cards?

9           A.       I don't - I can't think of any particular  
10 case where I could say yes, I, you know, saw this  
11 person hand in a card, for example. No.

12                    ATTORNEY MANZOLILLO: We're going to  
13 object to the relevance of these documents.

14                    HEARING EXAMINER: What's the  
15 relevance, ma'am.

16                    ATTORNEY FARMER: So the case law,  
17 when it comes to communications during a campaign  
18 where the Union is objecting to those  
19 communications, is that the communications have to  
20 be looked at in the totality of the circumstances in  
21 context.

22                                So the context here is that the Union  
23 is objecting to e-mails that were sent by the  
24 University and things that were put on a webpage.  
25 The context is the University was responding to

1 questions that it was receiving from a number of  
2 different forums from students addressing these  
3 topics.

4 HEARING EXAMINER: Is that why we have  
5 a selection here and not the entire group?

6 ATTORNEY FARMER: Yes.

7 HEARING EXAMINER: You're alleging  
8 that these particular ones led to the responses?

9 ATTORNEY FARMER: They address - all  
10 of the things that are contained here are addressed  
11 - are questions that address topics that are  
12 addressed in the communications the Union is  
13 challenging.

14 HEARING EXAMINER: Well, you're  
15 hopefully going to say that.

16 Go ahead, Brad.

17 ATTORNEY MANZOLILLO: Mr. Urban's  
18 response, I heard his response was that they were -  
19 he doesn't know who sent these. We have no idea if  
20 they were students, bargaining unit members.

21 That certainly impacts the relevance  
22 to the context of the response, of the University  
23 responding.

24 THE WITNESS: Can I -?

25 ATTORNEY FARMER: No.

1 I mean, they're anonymous questions.  
2 We were doing it so students -.

3 HEARING EXAMINER: Brad, her argument  
4 was enough for me to overrule.

5 ATTORNEY FARMER: Thank you.

6 HEARING EXAMINER: Go ahead.

7 They're admitted.

8 ---

9 (Whereupon, Employer Exhibit 5,  
10 3/20/19 E-mail, was admitted.)

11 (Whereupon, Employer Exhibit 6,  
12 3/20/19 E-mail, was admitted.)

13 (Whereupon, Employer Exhibit 7,  
14 3/22/19 E-mail, was admitted.)

15 (Whereupon, Employer Exhibit 8, Index  
16 Card, was admitted.)

17 (Whereupon, Employer Exhibit 9, Index  
18 Card, was admitted.)

19 (Whereupon, Employer Exhibit 10, Index  
20 Card, was admitted.)

21 (Whereupon, Employer Exhibit 11, Index  
22 Card, was admitted.)

23 ---

24 ATTORNEY FARMER: Thank you.

25 ---

## 1 REDIRECT EXAMINATION

2 ---

3 BY ATTORNEY FARMER:

4 Q. I think you said that there were - over  
5 the course of this, that there were a number of  
6 questions that were submitted. Was that in the  
7 hundreds?

8 A. Certainly there were hundreds of  
9 questions across all different forums.

10 ATTORNEY MANZOLILLO: I just want  
11 to -.

12 HEARING EXAMINER: Go ahead and make  
13 your objection to my ruling.

14 ATTORNEY MANZOLILLO: Yeah. I'm going  
15 to object to that ruling based on that we see no  
16 relevance to these documents when they can't  
17 establish that any of them came from any bargaining  
18 unit member. I should say from graduate students,  
19 much less bargaining unit members.

20 And as such, they provided no context  
21 for the University claiming it's responding to  
22 graduate students or bargaining unit - particularly  
23 bargaining unit questions.

24 HEARING EXAMINER: Okay. Thank you.

25 Sorry to interrupt you, sir, but go



1 ahead if you remember the question.

2 THE WITNESS: Something about the  
3 number of questions.

4 HEARING EXAMINER: Re-ask it.

5 ATTORNEY FARMER: Yeah. That's fine.

6 BY ATTORNEY FARMER:

7 Q. Approximately how many questions were  
8 submitted either at that initial information session  
9 or through the anonymous portal?

10 A. So, I mean, at the time of that  
11 information session and a few days thereafter, like  
12 I said, I think there were about 80 or so questions  
13 that were in play at the time of the information  
14 session and a few days thereafter in terms of things  
15 that had come in either directly as e-mail or  
16 through the anonymous system.

17 Plus, there were another, I would guess,  
18 40 or so cards that were submitted on the - at the  
19 actual information session. Plus there were  
20 questions that were just verbal at the information  
21 session.

22 So, you know, as of the end of March,  
23 there were at least 100 questions that had been  
24 asked in one form or another since the early March  
25 date when the order was first made.

1 Q. Turning your attention back to Union  
2 Exhibit 2, was this the first communication that  
3 went out to students following that information  
4 session?

5 A. Yes, I believe it is.

6 Q. And were you - what was the intention  
7 about, if any, about trying to address questions  
8 that had been raised by students?

9 A. The intent was that I thought it was very  
10 important for students to be informed about the  
11 issues related to the upcoming election. I thought  
12 it was therefore useful to provide to students  
13 information about questions that had been raised  
14 from - you know, from any source, that in order to  
15 help orient them to begin to understand what the  
16 election was going to be about, what the process was  
17 going to be, and what issues they might be concerned  
18 with.

19 Q. Taking a look at Employer Exhibit 8.

20 HEARING EXAMINER: Employer 8.

21 THE WITNESS: Yes.

22 HEARING EXAMINER: You just gave us  
23 that one.

24 ATTORNEY FARMER: Yes.

25 HEARING EXAMINER: Okay.

1                   Go ahead.

2   BY ATTORNEY FARMER:

3           Q.     You testified previously about this and  
4 this paragraph at the bottom of page two of Union  
5 Exhibit 2, which was that March 27th communication?

6           A.     Yes.

7           Q.     Was Employer - that paragraph in part  
8 intended to address questions like Employer Exhibit  
9 8 that you had received?

10          A.     Yes, absolutely.

11          Q.     In what way?

12          A.     Well, I mean, the Exhibit 8 talks about  
13 the - raises the question of how union would impact  
14 my current work schedule, such as standardizing  
15 hours, time in lab. Currently the student indicates  
16 that his or her PI is flexible, interested in  
17 maintaining, you know, aspects of that. And  
18 essentially asking the question of whether that  
19 would be possible if there was a union.

20                   And so therefore, the response - the  
21 second paragraph of point three in the March 27th  
22 e-mail tries to directly address some of those  
23 issues.

24          Q.     Okay.

25                   Did other questions also address what the

1 impact would be, for example, on research hours?

2 A. Yes. Certainly other questions that came  
3 in, other questions that were raised at the event,  
4 and certainly, you know, questions that I had been -  
5 although in some ways early March, March 6th or 7th,  
6 when the order was made, initiated a certain stage  
7 of this.

8 There had been questions and, you know,  
9 information. I had been talking to students for  
10 more than a year about these issues. And so that  
11 was - all of that was relevant, in my mind, to the  
12 kind of information the students were seeking about  
13 this process.

14 Q. And then in Employer Exhibits 9 and 10,  
15 did they also address questions about what the  
16 impact would be on working hours?

17 A. Yes. So, I mean, Exhibit 9, the question  
18 specifically mentions pay benefits and hours. Talks  
19 about strikes.

20 Question 10 or Exhibit 10 asks about  
21 working hours and restrictions on working hours. So  
22 all very tied to the response.

23 Q. Let's now turn to Union Exhibit 3.

24 Do you recognize that?

25 A. Yes. This is an e-mail that I sent on

1 March 29th about the upcoming election.

2 Q. And what was the genesis of this e-mail?

3 A. So the - the genesis was that we, once  
4 again, were seeing questions come in from one source  
5 or another about stipend levels. And in particular,  
6 there were claims that were being made by union  
7 organizers and others about stipend levels. And  
8 students were asking me questions then about those  
9 claims that were being made.

10 And so in particular, they were asking  
11 the questions about whether having a union would  
12 increase stipend levels.

13 And this is something that we keep track  
14 of and we've been sort of looking at ever since I  
15 came into the role. And so we provided them with  
16 information that actually had been - maybe it was an  
17 update of things that had previously been on  
18 webpages about our stipend increases over the last  
19 five years being 13.2 percent, which was both higher  
20 than the rate of inflation and higher than the  
21 stipend increases that had been - had occurred over  
22 the same time period at other institutions,  
23 including the ones that were mentioned, which were  
24 institutions with unionized graduate students.

25 Q. And had students been specifically asking

1 for information about what the impact was at other  
2 universities?

3 A. Yes, absolutely. This was a common  
4 question that came up. There were many examples of  
5 it in the questions that were submitted.

6 Q. And is Employer Exhibit 9 one of those?

7 A. Yes. Yes, absolutely.

8 Yeah. Employer Exhibit 9, I mean, very  
9 specifically asks about similar universities. And  
10 so I picked Michigan, Illinois, UDUB. I forget who  
11 else. Those were some of the ones that I went and  
12 found out. Michigan State.

13 HEARING EXAMINER: University of  
14 Washington.

15 THE WITNESS: Yeah. Yeah, University  
16 of Washington.

17 Those are ones that I specifically  
18 found out about because I thought that they were,  
19 you know, similar peer institutions, which I thought  
20 that the information about those would be  
21 particularly relevant.

22 BY ATTORNEY FARMER:

23 Q. And the Union has - in Union Exhibit 3,  
24 the Union has objected to the paragraph on page  
25 three that begins over the last five years, -

1           A.     Yes.

2           Q.     - the stipend levels. The paragraph you  
3 were just talking about.

4                     Did anyone ever suggest to you during  
5 this process that the information you provided  
6 about, either the increases at Pitt or these other  
7 universities was inaccurate?

8           A.     No. No one did.

9                     HEARING EXAMINER: How did you  
10 determine what the level - oh, in the last five  
11 years, stipend levels of graduate students, TAs in  
12 particular. Okay.

13                     How did you determine the stipend  
14 level increases of TAs at Michigan, Michigan State,  
15 Illinois, Washington, and others?

16                     THE WITNESS: So I went and looked at  
17 their collective bargaining agreements. And it's in  
18 those collective bargaining agreements what those  
19 stipend increases would be for particular classes of  
20 students.

21                     HEARING EXAMINER: Go ahead, ma'am.

22           BY ATTORNEY FARMER:

23           Q.     I'm showing you what we're marking as  
24 Employer Exhibit 12.

25

---

1 (Whereupon, Employer Exhibit 12,  
2 4/1/19 E-mail, was marked for  
3 identification.)

4 ---

5 BY ATTORNEY FARMER:

6 Q. Do you recognize this?

7 A. Yes. It's another e-mail that I sent to  
8 graduate students in this case, on April 1st.

9 Q. And why was this sent?

10 A. This was sent because there were  
11 questions that came up. In particular, there was a  
12 question that came up at the first information  
13 session that I distinctly recall because I know the  
14 student who raised it about the secrecy of the  
15 ballot and how it is that the secrecy of the ballot  
16 would be protected or would be ensured in this case.

17 Q. I'm showing you what we're marking as  
18 Exhibit 13.

19 ---

20 (Whereupon, Employer Exhibit 13,  
21 4/2/19 E-mail, was marked for  
22 identification.)

23 ---

24 BY ATTORNEY FARMER:

25 Q. Do you recognize this?



1           A.       Yes.  This is another e-mail that I sent.  
2  Again, this one's on April 2nd.  And it's the topic  
3  of possibility of opting out of a negotiated  
4  contract or CBA.

5                    HEARING EXAMINER:  Have you seen these  
6  before, Brad?

7                    ATTORNEY MANZOLILLO:  No, I have not.

8  BY ATTORNEY FARMER:

9           Q.       Was this sent to all - or who was it sent  
10 to?

11          A.       It was sent to all graduate students in  
12 the bargaining unit, I believe.  I mean, that's what  
13 we intended to send these e-mails to.

14          Q.       Were these e-mails all sent through the  
15 same mechanism?

16          A.       Yes.  They were sent through a mechanism,  
17 sort of, again, a university-wide system for doing  
18 such things.  Yes.

19                    HEARING EXAMINER:  How did you  
20 determine who was in the bargaining unit?

21                    THE WITNESS:  I mean, we provided the  
22 original list of students who were in the bargaining  
23 unit.  And we so then went and found the e-mails for  
24 all of those students.

25                    HEARING EXAMINER:  So you had someone

1 in your staff just put those e-mail names into a  
2 group in an e-mail program?

3 THE WITNESS: Yes. In this particular  
4 e-mail program, we can set it up so that you can  
5 have it actually directly linked to particular other  
6 university databases. And so that's how we did it.

7 HEARING EXAMINER: So it was an ad hoc  
8 group basically?

9 THE WITNESS: Yes.

10 HEARING EXAMINER: Had not previously  
11 been defined?

12 THE WITNESS: Had not previously been  
13 defined before.

14 HEARING EXAMINER: All right.

15 Go ahead, ma'am.

16 ATTORNEY FARMER: Okay.

17 BY ATTORNEY FARMER:

18 Q. Can you turn your attention to Union  
19 Exhibit 4?

20 A. Yes.

21 Q. Do you recognize this document?

22 A. Yes. This is an e-mail describing or  
23 advertising, if you will, a second university-wide  
24 information session in town hall. I guess we call  
25 it town hall here, that would be attended by the

1 provost and Cudd. I mean, it doesn't - I don't know  
2 if it says it here, but I was also at that event.

3 Q. And did you continue to receive  
4 additional questions from students after this  
5 e-mail?

6 A. Yes, we did.

7 Q. Can you turn your attention to Union  
8 Exhibit 18? We're going chronologically. Sorry.

9 A. I don't have -.

10 HEARING EXAMINER: Yeah, I got it.

11 THE WITNESS: Yes.

12 BY ATTORNEY FARMER:

13 Q. Who is - do you recognize this document?

14 A. Yes. This is an e-mail that I sent,  
15 again, through the same system in this case to all  
16 STEM students, students we identified as being in  
17 the fields of science, technology, engineering, and  
18 math fields.

19 Q. Why was this one sent?

20 A. So this was sent because, again, there  
21 were questions that had come up that had arisen in  
22 one form or another about this opting out issue,  
23 about - questions about stipend increases that I,  
24 again, addressed previously.

25 And also the reason that this went

1 specifically to STEM students was because of  
2 questions that had arisen about how is research  
3 opportunities, research activities would potentially  
4 be affected by unionization if unionization were to  
5 happen.

6 ATTORNEY MANZOLILLO: I'm going to  
7 once again raise the objection about the foundation  
8 of the question came from bargaining unit members.

9 HEARING EXAMINER: Understood.

10 Go ahead.

11 ATTORNEY FARMER: For a second, I  
12 thought you were going to object to your document.

13 HEARING EXAMINER: I think that would  
14 be up for me to determine. So go ahead.

15 Now, just, so again with to go back to  
16 my question on the ad hoc e-mail list, you directed  
17 whatever staff member that was to - you gave them a  
18 listing of the schools that you considered to be  
19 STEM?

20 THE WITNESS: Yes. We defined a set  
21 of, in some cases, schools and in some cases  
22 departments that were in schools. So arts and  
23 sciences, you know. Chemistry would be a STEM  
24 department and English not.

25 HEARING EXAMINER: And then that staff

1 member, do you know what staff member it was?

2 THE WITNESS: It was sort of a team  
3 effort. Stephanie certainly was involved in it, but  
4 there was - because of the way in which we had to  
5 get the e-mails, which was somewhat cumbersome, it  
6 involved people from the University communications  
7 office and also from the, sort of, computing service  
8 as part of the -.

9 HEARING EXAMINER: And so then that  
10 team member put together for you, excuse me, a STEM  
11 subset e-mail - an e-mail -

12 THE WITNESS: I mean, it's a  
13 distribution list of sorts.

14 HEARING EXAMINER: - distribution  
15 list. Thank you.

16 So you created a separate STEM  
17 distribution list?

18 THE WITNESS: Correct, yeah.

19 HEARING EXAMINER: Go ahead, ma'am.

20 ATTORNEY FARMER: Thank you.

21 BY ATTORNEY FARMER:

22 Q. Turning your attention to page two -  
23 wait. Actually, -.

24 Turning your attention to page two of  
25 Union Exhibit 18?

1 A. Uh-huh (yes).

2 Q. The Union has objected to the numbered  
3 paragraph three?

4 A. Yes.

5 So this is something that came up in  
6 the -.

7 HEARING EXAMINER: Hold on, sir.

8 THE WITNESS: Oh, go ahead.

9 BY ATTORNEY FARMER:

10 Q. Yeah, let me ask the question.

11 A. Oh, sure.

12 Q. Can you explain - can you explain why  
13 this paragraph was included?

14 A. This is something that came up in the  
15 context of talking with graduate students,  
16 especially students supported on GSRs about the  
17 potential impact of unionization.

18 Again, there were questions that were  
19 asked about how - what have been the impacts at  
20 other institutions. Questions about the impact on  
21 graduate students who are in GSR roles. And those  
22 roles are much more common in STEM disciplines than  
23 in others, so it made sense to put this information  
24 in the STEM specific e-mail.

25 And so we provided information, in this

1 case, about one particular university, the only  
2 other university in the State of Pennsylvania with  
3 graduate student union, Temple. And then also some  
4 information about potential impacts.

5 Q. And why did you include Temple?

6 A. Because Temple is the only other - the  
7 only other university in the - public university  
8 within the State of Pennsylvania that has a graduate  
9 student union. And so in terms of the structure of  
10 the law and the laws under which the Union has been  
11 operating, it seemed relevant to provide information  
12 about Temple, in addition, you know, to the fact  
13 that it - because Temple is a state-related  
14 university. It's got similar structure as it  
15 relates to the Commonwealth of Pennsylvania. It  
16 seemed like a reasonable comparison.

17 Q. Why do you believe that a union could  
18 impact a relationship between student's academic  
19 research and that performed on assistantships?

20 ATTORNEY MANZOLILLO: I'm going to  
21 object. I mean, I'm not seeing the relevance of  
22 that answer connecting to the language in the  
23 e-mail.

24 HEARING EXAMINER: Hold on. Don't  
25 answer that. I don't have the e-mail in front of

1 me. Is that question on what he wrote?

2 ATTORNEY FARMER: Yes.

3 HEARING EXAMINER: Where is it? Can  
4 you point it out to me?

5 ATTORNEY FARMER: It's the three  
6 bullet points.

7 HEARING EXAMINER: All right.

8 Overruled.

9 Go ahead and answer the question if  
10 you can remember it.

11 THE WITNESS: So at Temple, the  
12 standard that's been applied and which is described  
13 on the website on pages of the graduate student  
14 union at Temple is that you can't be in the  
15 bargaining unit if you receive any direct academic  
16 benefit for work that's being done.

17 And so work that's being done towards  
18 a thesis, if it's going to count towards your  
19 thesis, it can't be done while you're in the  
20 bargaining unit.

21 That seems like a very important  
22 constraint. And so I thought it was important for  
23 graduate students to be aware of the situation that  
24 occurs at a university that has, you know, many  
25 similarities to Pitt and is subject to the same



1 laws.

2 HEARING EXAMINER: Let me see that.

3 ATTORNEY FARMER: I have a follow-up  
4 question. Do you want me to ask it first?

5 HEARING EXAMINER: Yeah. I just need  
6 to have this in my brain while you're asking it.

7 ATTORNEY FARMER: Okay.

8 BY ATTORNEY FARMER:

9 Q. Even apart from the standard that was in  
10 place at Temple, did you have questions or concerns  
11 about how bargaining related to research could work  
12 for students where their academic research and their  
13 appointment of research are related?

14 A. Yes, absolutely. So there were comments  
15 that were coming from students in many cases  
16 referencing specific information that was provided  
17 by union organizers or by the Steel Workers.

18 ATTORNEY MANZOLILLO: I'm going to  
19 object once again just there's no evidence that they  
20 were coming from the students.

21 HEARING EXAMINER: I understand. It's  
22 a standing objection.

23 Let's just get through the testimony.

24 Go ahead.

25 THE WITNESS: So there were comments

1 and questions being asked about this issue. And one  
2 of the - a common response or a common issue raised  
3 by the students is that the Steel Workers were  
4 saying things like they only wanted to regulate or  
5 control the students' activities as an employee and  
6 not as a student. And I believe this is actually in  
7 - I believe Brad said this in the engineering - at  
8 the engineering event. So it's on video.

9           And so that separation, which is a  
10 separation which, in my opinion, would be very  
11 difficult and complicated to achieve, is something  
12 that I think could have a significant impact on the  
13 ability of students to perform the kind of research  
14 that's needed for them to complete their degrees and  
15 to gain the kind of training that's expected of  
16 graduate students.

17 BY ATTORNEY FARMER:

18           Q.       And those questions that you mentioned,  
19 in addition to being raised anonymously, as you've  
20 described, were those also questions that were being  
21 raised directly with you with students?

22           A.       Absolutely.

23                    So at the chemistry graduate student  
24 information session, that was a large source of  
25 discussion, a large topic of discussion. And

1 certainly also at the physics information session.

2           The physics information session occurred  
3 the day after an information session that had been  
4 provided by the Union that was sponsored by the  
5 graduate professional student government  
6 organization. People directly referenced comments  
7 that had been made at that information - that union  
8 information session and asked me about how that  
9 would - my sort of views of those statements about  
10 the separation between employment and educational-  
11 related activities.

12           Q.       And when approximately was that chemistry  
13 information session?

14           A.       Chemistry -.

15                   HEARING EXAMINER: The first time the  
16 air goes on in days.

17                   Go ahead. Ask the question again. I  
18 interrupted.

19 BY ATTORNEY FARMER:

20           Q.       I said when approximately was that  
21 chemistry information session?

22                   ATTORNEY MANZOLILLO: I'm objecting.  
23 Dr. Urban said physics.

24                   ATTORNEY FARMER: No, he referenced  
25 chemistry too.

1                   THE WITNESS: I referenced both  
2 chemistry and physics. The physics information -.

3                   HEARING EXAMINER: Hold on. Hold on.  
4 What was your objection?

5                   ATTORNEY MANZOLILLO: I thought that  
6 he was not -.

7                   HEARING EXAMINER: All right.  
8 You withdraw your objection?

9                   ATTORNEY MANZOLILLO: I didn't hear  
10 him say chemistry and physics. If he did, I  
11 withdraw at this time.

12                   HEARING EXAMINER: Can you just ask it  
13 again?

14 BY ATTORNEY FARMER:

15           Q.       Was there an information session that you  
16 had with students from the chemistry department?

17           A.       Yes.

18           Q.       When was that?

19           A.       The chemistry department, I believe, was  
20 April 4th. Yeah.

21           Q.       And were you provided questions -  
22 actually, let me rephrase that.

23                   Who organized that?

24           A.       The chemistry graduate students have some  
25 sort of student organization, and they organized it.

1 Q. Did they provide you with a set of  
2 written questions in advance?

3 A. Yes, they did.

4 HEARING EXAMINER: You can have 18  
5 back. Thank you.

6 BY ATTORNEY FARMER:

7 Q. I'm showing you what we have marked, I'm  
8 marking, as Exhibit 14.

9

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10 (Whereupon, Employer Exhibit 14, List  
11 of Questions, was marked for  
12 identification.)

13

---

14 BY ATTORNEY FARMER:

15 Q. Is this what you received from chemistry  
16 in advance?

17 A. Yes.

18 Q. Do you know approximately when you  
19 received it?

20 A. I think it was probably the day before  
21 the information session.

22 Q. Turning your attention to Union Exhibit  
23 5?

24 A. Yes.

25 Q. Do you recognize this?

1           A.       Yes.  It's an e-mail that I sent to  
2 students on April 5th, again, addressing a set of  
3 issues related to the evening session.

4           Q.       The Union has objected to the first full  
5 paragraph on page two that begins what we do know  
6 is.  Actually, it's not the first sentence, but the  
7 what we do know is.

8                     Do you see that?

9           A.       I'm sorry.  I'm not seeing it.

10          Q.       At page two under the heading nothing is  
11 guaranteed.

12                     HEARING EXAMINER:  What exhibit,  
13 ma'am?

14                     ATTORNEY FARMER:  Exhibit 5.

15                     THE WITNESS:  Yes, I see it.  Sorry.

16                     ATTORNEY FARMER:  Union Exhibit 5.

17                     HEARING EXAMINER:  Yep.

18                     ATTORNEY FARMER:  Okay.

19          BY ATTORNEY FARMER:

20           Q.       Why did you include this about stipends  
21 being frozen under status quo?

22           A.       So there was a student - well, there was  
23 a question on the - in the questions that a  
24 chemistry student sent me.  And there was a student  
25 at that event who then followed up on that question,

1 specifically on this particular issue, and on the  
2 issue of status quo and what status quo provisions  
3 would mean for stipend increases.

4           And that student in person - and he had  
5 sent me an e-mail about this previously as well.  
6 The student referenced the fact that union  
7 organizers were describing the State of Pennsylvania  
8 law such that the University would be compelled to  
9 increase stipends at a particular rate, at a rate  
10 similar to previous years during this - during a  
11 period between a vote and a first contract.

12           And so I felt that it was important to  
13 clarify this issue for that student and for students  
14 more generally because clearly the issue of stipends  
15 is one that's important to students and we wanted to  
16 make sure that they had accurate information.

17           Q.     And does what's included in Union Exhibit  
18 5 reflect your understanding of the State of  
19 Pennsylvania law in this issue?

20           A.     Yes.

21           Q.     After that, did you get asked by students  
22 for a citation to Pennsylvania law for this?

23           A.     Yes. I don't remember - I don't remember  
24 the first time I was asked for that citation, but I  
25 was definitely asked for that citation at the School

1 of Medicine information session, which occurred the  
2 following week.

3 Q. Can you take a look at Union Exhibit 14?

4 HEARING EXAMINER: You should have  
5 that.

6 THE WITNESS: Yep.

7 BY ATTORNEY FARMER:

8 Q. Okay.

9 And in Union Exhibit 14, is this - first  
10 of all, what is Union Exhibit 14?

11 A. So it's a document that was created and  
12 was posted on the provost's office website related  
13 to unionization. This is a document that we called  
14 the facts check document.

15 Q. And on Union Exhibit 14, did you provide  
16 a citation -

17 A. Yes.

18 Q. - for that issue?

19 Where is that?

20 A. It's the second - well, it's the  
21 paragraph that begins a primer on PA law. So that's  
22 the paragraph that directly addresses the issue.

23 Q. You mentioned speaking to - you mentioned  
24 speaking to physics and chemistry and the  
25 engineering event and School of Medicine. You also



1 said that you attended an event at SCI?

2 A. Yes.

3 Q. What's that?

4 A. SCI is the School of Computing  
5 Information. It's school that's created a couple  
6 years ago at Pitt that includes the computer science  
7 department, for example, the department of  
8 information sciences, et cetera.

9 Q. I believe that's the one that you said  
10 there were people drinking beer in the back?

11 A. Yeah.

12 Q. When was - what week was that?

13 A. That was the second - wait. If we think  
14 of the week of the vote as - the week of the vote  
15 started on the 15th. It was not the week before  
16 that, but the week - the week before that. And it  
17 was towards the end of that week, Thursday or  
18 Friday.

19 I think it was Friday because I think it  
20 was a happy hour event. It was a Friday event. So  
21 it's like -.

22 Q. So roughly April 5th, if I'm doing the  
23 math correctly?

24 A. Yeah, April 5th. Yeah, that's right.

25 Q. Okay.

1                   Were there Union organizers who were also  
2 at that event?

3           A.       Yes.  When I showed up and met with  
4 people there, there were a couple of Union  
5 organizers.  And they were obviously Union  
6 organizers.  They were wearing shirts and buttons.  
7 I should say they're union supporters.  They were  
8 wearing shirts and buttons.  Later - they are people  
9 who sort of appeared at other events later.  So they  
10 were certain union supporters who were there at that  
11 event.  Yes.

12          Q.       And did they respond in front of the  
13 group to statements that you made at that event?

14          A.       Yeah.  So, I mean, as I said, it was  
15 relatively informal event.  And so I was sort of in  
16 one part of the room with a group of students and  
17 there was a microphone.  And so I was talking to  
18 students and answering questions in that setting.

19                   And then after I don't know how long, 45  
20 minutes or something like that, I was - I'd answered  
21 all the questions the students had.  I said I'd be  
22 happy to stick around for some, you know, additional  
23 questions that people might ask one on one.  And at  
24 that point, the union organizers -.

25                                   ATTORNEY MANZOLILLO:  Objection.

1 Establish they may have been union supporters.

2 THE WITNESS: I'm sorry. Union  
3 supporters. I'm sorry.

4 The union supporters came up to the  
5 front of the room and picked up the microphone and  
6 started making claims and, in our case, counter to  
7 claims that I had made about the potential  
8 implications of unionization.

9 BY ATTORNEY FARMER:

10 Q. Let's talk for a minute, again, about  
11 that engineering session. My understanding is the  
12 format was you were both given the same set of  
13 questions and both sides answered them separately on  
14 video?

15 A. Correct.

16 Q. Okay.

17 And at some point, you saw a video of  
18 that?

19 A. Yeah. I mean, the whole purpose of  
20 recording on video was that then got distributed to  
21 engineering students. They could see what was going  
22 on and sort of see the responses to questions  
23 themselves. And the links to that, to the video and  
24 to the transcript that was created were also sent to  
25 me. And so, you know, I was curious. So I watched

1 the video, focusing on the sort of Union's  
2 presentation that's part of it.

3 Q. Were questions about maintaining the  
4 status quo related to stipends raised in that forum  
5 as well?

6 A. Yes.

7 Q. And during that session, did one of the  
8 union representatives, specifically Brad, give a  
9 different interpretation?

10 A. Yes, he gave a different interpretation  
11 than what was my understanding of Pennsylvania law.

12 ATTORNEY FARMER: Do you have -

13 HEARING EXAMINER: Four (4)?

14 ATTORNEY FARMER: - 4? Yeah.

15 HEARING EXAMINER: Oh, the pages are  
16 numbered.

17 ATTORNEY FARMER: Yes. In order to  
18 speed this up, can I direct the witness to the page?

19 BY ATTORNEY FARMER:

20 Q. Turning your attention to page 30 of  
21 Employer Exhibit 4.

22 A. Sure. I screwed up my exhibits here, so  
23 give me a second.

24 HEARING EXAMINER: I just handed you  
25 4.

1                   THE WITNESS:   Okay.

2                   You said page 30?

3                   BY ATTORNEY FARMER:

4                   Q.        Yes.

5                   A.        Yeah, okay.

6                   Q.        Okay.

7                   Can - is that where you were referring to  
8 about a discussion about maintaining status quo on  
9 stipends?

10                  A.        Yes.  I mean, this is the description  
11 here, yes.

12                  Q.        Okay.

13                  Can you, just for the record, point us to  
14 where?

15                  A.        So there's a reference to a couple  
16 different places.  There's no mention of a freeze.  
17 So everything you have in place at that point is  
18 this term freeze.  I assume what we're talking about  
19 here, everything at that point cannot change your  
20 insurance benefits, et cetera.  It cannot change  
21 normal work processes.

22                  In the next paragraph, if they have  
23 regularly scheduled raises that have been  
24 established, then if they withhold those raises  
25 because you formed a union, that's considered

1 retaliation. I was looking at case law and it cites  
2 a case, Mt. Carmel Junction.

3 Q. And you can follow in this form. Did  
4 there continue to be questions from students raised  
5 about this issue?

6 A. Yes. The specific example that I  
7 definitely recall was at the School of Medicine  
8 event, which was the week before the election.

9 HEARING EXAMINER: May I have 4 back?

10 THE WITNESS: Yeah.

11 ATTORNEY FARMER: So this will be 15.

12 ---

13 (Whereupon, Employer Exhibit 15,  
14 4/8/19 E-mail, was marked for  
15 identification.)

16 ---

17 BY ATTORNEY FARMER:

18 Q. Okay.

19 I'm showing you what we've marked as  
20 Exhibit 15. Can you identify what this is?

21 A. Yes. So 15 is another e-mail that I sent  
22 in this case on April 8th, dealing with questions  
23 about how the election would be determined and  
24 generally encouraging students to vote.

25 ATTORNEY FARMER: This will be 16.

1 ---

2 (Whereupon, Employer Exhibit 16,  
3 4/9/19 E-mail, was marked for  
4 identification.)

5 ---

6 BY ATTORNEY FARMER:

7 Q. I'm showing you what we're marking as 16.  
8 Can you identify this?

9 A. Another e-mail that I sent. This one,  
10 April 9th, giving the locations, the fact that it  
11 was an important decision, advertising the  
12 information session that was to be held the next  
13 day.

14 Q. You mentioned that there were e-mails  
15 that you sent that were specifically addressed to  
16 STEM students. Were there also e-mails that you  
17 sent that were specifically addressed to  
18 international students?

19 A. Yes.

20 Q. And how did you go about doing that?

21 A. You mean mechanically, how did we go  
22 about?

23 Q. Yes. Similar to the Hearing Examiner's  
24 questions about creating the STEM list.

25 A. So we had the list of students in the

1 bargaining unit. We know which students have visas  
2 because we help students obtain those visas, and so  
3 we have records of students who have visas of  
4 various kinds.

5 And so we sent an e-mail based on the  
6 overlap of those two lists essentially, by creating  
7 a distribution list as described before.

8 ATTORNEY FARMER: This will be 17.

9

---

10 (Whereupon, Employer Exhibit 17,  
11 4/9/19 E-mail, was marked for  
12 identification.)

13

---

14 BY ATTORNEY FARMER:

15 Q. I'm showing you what we've marked as  
16 Employer Exhibit 17. Can you identify this?

17 A. Yeah. So this is an e-mail also sent on  
18 April 9th, specifically raising concerns about some  
19 claims that were being made by union supporters  
20 related to what the University might do with respect  
21 to international students and specifically raise -.

22 ATTORNEY MANZOLILLO: I'm going to  
23 raise a foundation - what do you mean, union  
24 supporters? We want to have some foundation of what  
25 union supporters raised what if we're going to



1 have -.

2 HEARING EXAMINER: Hold on. Do not  
3 answer please.

4 I didn't hear what he said. What did  
5 he say?

6 ATTORNEY MANZOLILLO: He said that he  
7 was responding - this e-mail was a response to  
8 something that some union supporters had raised.  
9 There's no evidence that anybody raised it, much  
10 less it was union supporters.

11 HEARING EXAMINER: Ms. Farmer, can you  
12 ask him about that please?

13 ATTORNEY FARMER: Sure.

14 BY ATTORNEY FARMER:

15 Q. Can you - can you provide information  
16 about what you're referring to?

17 A. Sure. There were a couple of things.

18 One is at the first information session,  
19 there were people that I identified as union  
20 supporters because of t-shirts and badges that they  
21 were wearing, which were provided in the form of a  
22 written handout information along the lines of,  
23 again, making sort of claims that the University was  
24 likely to threaten international students in some  
25 way.

1           There were social media posts from the  
2 graduate student organizing site raising this issue  
3 as well. And so those are the things that triggered  
4 us to want to respond.

5           Q.       Was this e-mail that's been marked -?

6                   HEARING EXAMINER: Hold on.

7                   Does that satisfy your objection?

8                   ATTORNEY MANZOLILLO: I mean, without  
9 the documents or the e-mails, I question the  
10 foundation of what he's referencing.

11                   HEARING EXAMINER: The foundation?

12                   ATTORNEY MANZOLILLO: I guess I'm  
13 questioning the - I'm questioning the foundation for  
14 the claim that union supporters -.

15                   HEARING EXAMINER: Well, you can  
16 explore that on Cross.

17                   Go ahead, ma'am.

18           BY ATTORNEY FARMER:

19           Q.       Was Employer Exhibit 17 sent to all  
20 eligible graduate students?

21           A.       I don't remember specifically, but based  
22 on the fact that it was just says dear graduate  
23 students, I believe it was sent to all graduate  
24 students and graduates in the bargaining unit.

25           Q.       Turn your - if you could take a look at

1 Union Exhibit 6.

2 A. Yes.

3 Q. Do you have that in front of you?

4 A. Yes.

5 Q. Okay.

6 Can you identify what this is?

7 A. This is an e-mail that I sent April 10th,  
8 again, addressing questions related to what is -  
9 what potentially could be changed if there was a  
10 graduate student union.

11 Q. And the Union has objected to - starting  
12 with the second full paragraph, the second paragraph  
13 on page one, the under Pennsylvania law through the  
14 paragraph that says in addition, the Pennsylvania  
15 Labor Board and Pennsylvania Courts have never  
16 defined what's covered under working conditions?

17 A. Yes.

18 Q. Why did you include in this e-mail a  
19 discussion of what can and cannot be bargained as it  
20 relates to graduate students?

21 A. Because there were - a lot of questions  
22 that were raised in a variety of different forms  
23 about what things might change or might or might not  
24 change if there was a - if there was a union, what  
25 kinds of things the union would be able to influence

1 or have sort of control over.

2 And so I thought it was important to  
3 indicate to students that there's a level of  
4 uncertainty about this because this has not been  
5 determined, it hasn't been defined under  
6 Pennsylvania law as it relates to graduate students.

7 Q. When was this e-mail in relation to the  
8 timing of the EXO forum?

9 A. This was - let me do the math. This was  
10 the day after the engineering - the EXO forum.

11 Q. And had questions about what could and  
12 could not be bargained come up at that EXO forum?

13 A. Yes. The number of questions and the  
14 questions that were sent and that were, you know,  
15 answered by me and also by the representatives from  
16 the Union as part of that forum.

17 Q. In - on the second full paragraph on page  
18 two, where it says we don't know how the Union could  
19 affect research hours or other core components of  
20 the educational experience because this is uncharted  
21 territory?

22 A. Yes.

23 Q. Why did you say that?

24 A. Because it's my understanding that the  
25 PLRB has never had the - in substance, the

1 opportunity to clarify these issues in the context  
2 of any graduate student union. The Temple Union  
3 being the only case that's in existence, that was  
4 not something that the - that went through the Court  
5 in a way that would allow this determination to have  
6 been made.

7 Q. Is the definition of the bargaining unit  
8 at Temple different than what was ordered by the  
9 Hearing Examiner here?

10 A. Yes, yes.

11 Q. In what way?

12 A. Our bargaining unit includes GSRs. The  
13 equivalent does not in Temple Union.

14 Q. You mentioned that you also attended an  
15 information session with the physics department?

16 A. Yes.

17 Q. And were you provided with questions in  
18 advance of that?

19 A. Yes, I was.

20 ATTORNEY FARMER: Eighteen (18).

21 ---

22 (Whereupon, Employer Exhibit 18,  
23 4/9/19 E-mail, was marked for  
24 identification.)

25 ---

1 BY ATTORNEY FARMER:

2 Q. I'm showing you what we've marked as  
3 Employer Exhibit 18. Can you identify this?

4 A. Yes. This is an e-mail that contains a  
5 list of questions that have been provided by the  
6 graduate students in the physics department.

7 Q. And for the record, it looks like this is  
8 addressed to Dr. Hooch.

9 Who is that?

10 A. It's Holger Hooch. He's the associate  
11 dean for graduate studies in the Dietrich School of  
12 Arts and Sciences. He was also - he also attended  
13 the information session and was also, you know, a  
14 participant in it.

15 Q. Did you provide answers to these  
16 questions at the physics event?

17 A. Yes, I did.

18 Q. And did you have an interest in making  
19 sure that these answers were provided more broadly  
20 to the students in the bargaining unit?

21 A. Yes. Once again, I mean, this  
22 information session was probably 20 or 25 students.  
23 That didn't even represent the majority of students  
24 in the physics department, much less overall in the  
25 bargaining unit. But, again, many of these

1 questions were relevant to students other than the  
2 ones in physics and certainly other than the ones  
3 who happened to be available at lunch that day,  
4 which is when we did the information session.

5 Q. I'm showing you what we've marked as  
6 Exhibit 19.

7 ---  
8 (Whereupon, Employer Exhibit 19,  
9 4/11/19 E-mail, was marked for  
10 identification.)

11 ---  
12 BY ATTORNEY FARMER:

13 Q. Can you identify this?

14 A. Yep. This is another e-mail that I sent.  
15 This was dealing with issues of what - a number of  
16 things - ways in which the University's sports  
17 graduate students. The issue of Pennsylvania law is  
18 again mentioned and the issue of the Steel Workers  
19 not representing graduate students at other - any  
20 other university, in addition to raising - the  
21 concern that was raised at an information session  
22 about the potential conflict of interest by the  
23 Steel Workers.

24 Q. And at this point, had you seen the video  
25 of the answers by the union representatives at the

1 EXO event?

2 A. Yes, yes, I would have.

3 Q. I'm showing you what was marked as  
4 Employer Exhibit 20.

5 ---

6 (Whereupon, Employer Exhibit 20,  
7 4/12/19 E-mail, was marked for  
8 identification.)

9 ---

10 BY ATTORNEY FARMER:

11 Q. Can you identify this?

12 A. This is another e-mail encouraging -  
13 primarily encouraging students to vote. I say here  
14 regardless of whether you share our skepticism of  
15 unionization, we want you to make a plan to vote,  
16 giving information about voting locations and times,  
17 description of the ID - mentioning you should bring  
18 your ID, addressing the issue of whether  
19 international students can vote, addressing the  
20 issue of anonymity, of describing that we provided  
21 shuttles to take people, make it more convenient for  
22 people to get to the polls.

23 There were a number of graduate students  
24 who are at remote sites that were, again, a 10  
25 minute, 15, even 20 minute drive away from the



1 polling places. And so we arranged shuttles to run  
2 continuously through the voting days.

3 Q. Turning your attention to Employer - I'm  
4 sorry, Union Exhibit 7.

5 A. Yes. Okay.

6 Q. And what is this?

7 A. So this is an e-mail message from the  
8 provost that was sent the day before the first day  
9 of voting.

10 Q. Okay.

11 Union Exhibits 8 and 9.

12 A. Yes.

13 Q. Were these both sent to all graduate  
14 students?

15 A. Yes.

16 Q. And is it fair to characterize these as  
17 basically get-out-the-vote e-mails?

18 ATTORNEY MANZOLILLO: Objection.  
19 Leading question.

20 HEARING EXAMINER: We're just trying  
21 to get through testimony. If you want to have time  
22 to Cross.

23 ATTORNEY MANZOLILLO: I got to keep  
24 myself. I got to keep myself.

25 ATTORNEY FARMER: Really? You need to

1 get out to vote e-mails?

2 HEARING EXAMINER: Just keep going.

3 ATTORNEY FARMER: All right.

4 Thank you.

5 THE WITNESS: Yes, they were get out  
6 and vote e-mails.

7 BY ATTORNEY FARMER:

8 Q. Okay.

9 I'm showing you what I've marked as 21.

10 ---

11 (Whereupon, Employer Exhibit 21,  
12 4/17/19 E-mail, was marked for  
13 identification.)

14 ---

15 BY ATTORNEY FARMER:

16 Q. Can you identify what this is?

17 A. Yes. So this is an e-mail that was sent  
18 out during the week of the election. The 17th would  
19 have been the Wednesday of the election, so the  
20 third or the fourth days, specifically to STEM  
21 students.

22 Q. And what was the purpose of it?

23 A. So this - I had received e-mails from a  
24 number of students, all of them happened to be STEM  
25 students, expressing some specific concerns and

1 asking - and also raising the issue that most of the  
2 e-mails that they had been getting was from students  
3 who were supportive of the Union. And they wanted  
4 to find some way of indicating to fellow students  
5 that there - that there were students who had  
6 concerns about the Union.

7 And so - so going back and forth with  
8 these students about a number of possibilities, we  
9 decided to create a webpage which compiled some of  
10 the concerns that they had. And so this e-mail  
11 provided a link to that particular page.

12 Q. Is that where it sort of looks like a  
13 different text quote that says compiled then -

14 A. Yes, that's correct.

15 Q. - at the bottom of the first page?

16 ATTORNEY FARMER: Twenty-two (22).

17 ---

18 (Whereupon, Employer Exhibit 22,  
19 4/18/19 E-mail, was marked for  
20 identification.)

21 ---

22 BY ATTORNEY FARMER:

23 Q. Okay.

24 I'm showing you what we've marked as 22.  
25 Can you identify this?

1           A.       This is an e-mail that I sent on the last  
2 day of the election, again, sort of encouraging  
3 students to vote, saying that we want to make sure  
4 that every eligible student votes, indicating that  
5 they - oh, this was sent actually - I remember it  
6 was sent in the morning, so the polls had already  
7 opened. So the only information that we were really  
8 provided was when do the polls close. So  
9 encouraging students to head to the polls.

10          Q.       Can you take a look at Union Exhibit 10?

11          A.       Yes. Got it.

12          Q.       Okay.

13                    So Employer 22, Union Exhibit 10, were  
14 they both sent to all graduate students that day at  
15 different times?

16          A.       That's - I mean, I believe that whenever  
17 we sent an e-mail specifically to STEM students, we  
18 said dear STEM students. And so I believe they were  
19 both sent to all graduate students.

20          Q.       But at different times during the day?

21          A.       But at different times, yeah. I mean,  
22 yeah, different times.

23          Q.       Okay.

24                    I'm showing you what we've marked as 23.

25

---

1                   (Whereupon, Employer Exhibit 23,  
2                   4/18/19 E-mail, was marked for  
3                   identification.)

4                   ---

5                   BY ATTORNEY FARMER:

6                   Q.        Can you identify what this is?

7                   A.        This is another e-mail sent on the last  
8                   day of the election, this one specifically to  
9                   international graduate students, referencing a  
10                  previous message in which I'd described the ways in  
11                  which Pitt supports international students and also  
12                  encouraging students to vote, and giving some other  
13                  information that was specific to international  
14                  students, including about services in our office of  
15                  international services and providing some  
16                  information about visa issues.

17                  Q.        Why was there a specific e-mail sent to  
18                  international students?

19                  A.        Again, there were some concerns that were  
20                  raised because of information that was being  
21                  provided. What I remember specifically is on social  
22                  media about making claims about the University's  
23                  lack of support and the possibility the University  
24                  would threaten graduate students, international  
25                  graduate students.

1 Q. Had there been complaints that you were  
2 aware from international students specifically about  
3 the voting process?

4 A. I don't - I had not heard any complaints  
5 about international - from - I don't remember any  
6 complaints from international students about the  
7 voting process, no. No.

8 ATTORNEY FARMER: Could we have a  
9 quick bathroom break before we finish with this  
10 witness?

11 HEARING EXAMINER: Are you almost  
12 done?

13 ATTORNEY FARMER: Pretty soon.

14 HEARING EXAMINER: Off the record.

15 ---

16 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

17 ---

18 HEARING EXAMINER: Back on the record.

19 A continuation of Direct.

20 BY ATTORNEY FARMER:

21 Q. I believe there's also been some  
22 testimony that materials were also posted on the  
23 website?

24 A. Yes.

25 Q. Okay.

1                   And there's been, I think, Union Exhibits  
2 11 through -

3                   ATTORNEY FARMER: - please correct me  
4 I'm wrong, Brad or Amanda, -

5 BY ATTORNEY FARMER:

6                   Q. - 11 through 17 are all from the website?  
7 11 through -?

8                   ATTORNEY MANZOLILLO: Eleven (11)  
9 through 16. Yeah, 17.

10                   ATTORNEY FARMER: Eleven (11) through  
11 17. Okay.

12 BY ATTORNEY FARMER:

13                   Q. In addition to those materials, did the  
14 website also have other information for graduate  
15 students at the same website?

16                   A. Yes. It provided information about  
17 resources for graduate students. It talked about  
18 some of the improvements that the University had  
19 made in policies and resources for graduate students  
20 over the recent years. It provided information  
21 about ways in which students can be involved in  
22 collective governance across the - you know, shared  
23 governance across the University.

24                   A lot of information was on that website.

25                   Q. Did it also include links to other -

1 other locations, other websites?

2 A. Yes. There was a page of links with -  
3 that were intended to provide information about  
4 unionization and the unionization process. It  
5 included a link to the Union organizers website. It  
6 included a link to the GPSG, the graduate  
7 professional student government website where there  
8 was some information about unionization, including  
9 links to news articles, other things that were about  
10 unionization efforts at other institutions.

11 ATTORNEY FARMER: This is 24, 25, 26.  
12 I'm just going to do them all together.

13

---

14 (Whereupon, Employer Exhibit 24,  
15 Graduate Student Resources, was marked  
16 for identification.)

17 (Whereupon, Employer Exhibit 25,  
18 Graduate Student Unionization, was  
19 marked for identification.)

20 (Whereupon, Employer Exhibit 26,  
21 Graduate Student Unionization, was  
22 marked for identification.)

23

---

24 BY ATTORNEY FARMER:

25 Q. Okay.



1 I am showing you what we're marking as  
2 Exhibits 24, 25, and 26. Can you identify them  
3 please?

4 A. Yeah. These are some of the webpages  
5 that I was referring to describing graduates from  
6 the resources, providing information about teaching  
7 support research, academic resources, health and  
8 wellness, mental health, information about the ways  
9 in which the University had - has improved things  
10 for graduate students, the information I had  
11 mentioned on some of the committees on which - the  
12 University of all the committees on which graduate  
13 students served, and then the page of links about  
14 unionization activities and information about  
15 unionization in the graduate student context.

16 Q. Okay.

17 Can you turn your attention Union Exhibit  
18 11?

19 A. Yes.

20 Q. That was one of the - the formatting  
21 looks a little bit different, but that was on the  
22 website?

23 A. Yes. We - at various times, the website  
24 went through a couple of different revisions. So  
25 the formatting wasn't always consistent.

1 Q. The Union has objected to the chart which  
2 is on the top of page two.

3 A. Okay.

4 Q. Is this essentially the same as what was  
5 contained in Union Exhibit 6?

6 A. Let me find Union Exhibit 6. We  
7 certainly provided this information a couple  
8 different ways.

9 Yes, this is - this is the same -  
10 essentially the same information is on the chart as  
11 was provided in Union Exhibit 6, which is  
12 essentially our description of some things that can  
13 and can't be bargained over.

14 Q. And was this posted for the same reason  
15 that you testified as to why it was included in the  
16 e-mail?

17 A. Yes. In many cases, the discussion  
18 around what e-mail to send out in a given day or on  
19 a given day also resulted in the generation and  
20 creation of text for the website that usually  
21 appeared a couple days later.

22 Q. Turn your attention to Union Exhibit 14.

23 A. Yes. Got it.

24 Q. This is from the website?

25 A. Yes.

1 Q. The Union has objected to the section on  
2 page two under the heading a contract is a contract?

3 A. Okay.

4 Q. Do you see that?

5 A. Yes, I see it.

6 Q. Okay.

7 Why was this included?

8 A. Because, again, we're getting questions  
9 from students about asking for examples of other  
10 places that they might look at to gain some - a  
11 better understanding of some of the consequences of  
12 unionization as it's occurred in other places. And  
13 so we provided, you know, two examples here.

14 One, Temple, which I believe was relevant  
15 because in the State of Pennsylvania and other  
16 state-related university, in many respects similar,  
17 and the University of Washington, although it had a  
18 different state, it's still a public institution and  
19 had strong - had strong research activity. And it's  
20 one of the few places that has graduate - what we  
21 would call graduate student researchers as part of  
22 their bargaining unit.

23 Q. And did this - when you went on the  
24 website, did it actually have links to the actual  
25 documents of those contracts?

1           A.     Yes, yes. Those links, you could click  
2 through them to get to the CBAs of - yeah, the CBAs  
3 of both.

4           Q.     Going back actually just for one second  
5 to Union Exhibit 11, the collective bargaining  
6 basics.

7           A.     Okay.

8           Q.     Was that something that was posted well  
9 before the election?

10          A.     Sorry. I'm having a hard time finding 11  
11 here. One second.

12          Q.     It's the fact check.

13          A.     Yeah.

14          Q.     I can just show it to you. I'm sorry.  
15 It's the collective bargaining basics page.

16          A.     Yes, I got it.

17          Q.     Okay.

18                   Was this posted before the election?

19          A.     Yes. I mean, this has been - in one  
20 version or another, this has been posted for many  
21 months.

22          Q.     Okay.

23                   And the Union Exhibit 14, that fact  
24 check?

25          A.     Yes.

1 Q. Was that also posted before the election?

2 A. Yes.

3 Q. And did the Union have an opportunity to  
4 respond to these?

5 ATTORNEY MANZOLILLO: Objection.

6 HEARING EXAMINER: All right. Noted.  
7 Go ahead.

8 THE WITNESS: The Union had the  
9 opportunity to respond to a number of these claims  
10 and, in fact, in some settings did respond to some  
11 of these claims.

12 For example, the primer on PA law  
13 example. There were - there was information that  
14 sort of - sort of a rebuttal to this that was  
15 provided by the Union that were - those were  
16 provided to students.

17 BY ATTORNEY FARMER:

18 Q. I'm going to show you what we're going to  
19 mark as 27.

20

---

21 (Whereupon, Employer Exhibit 27,  
22 Frequently Asked Questions, was marked  
23 for identification.)

24

---

25 BY ATTORNEY FARMER:

1 Q. Okay.

2 Can you identify what this is?

3 A. This is a printout of webpage on the  
4 provost's office site about frequently asked  
5 questions related to graduate student unionization.

6 Q. So is this a full set of what there are  
7 with the questions and answers where their excerpt  
8 says Union Exhibits 12, 13, 15, 16, and 17?

9 A. Yes. This is the most complete version,  
10 the full version, of what was shown previously,  
11 yeah.

12 ATTORNEY FARMER: I'll give you yours.

13 HEARING EXAMINER: Thank you.

14 ATTORNEY FARMER: Can I - can we go  
15 off the record?

16 HEARING EXAMINER: Yes, ma'am.

17 Off the record.

18 ---

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

20 ---

21 HEARING EXAMINER: Back on the record.

22 Are you finished with this witness?

23 ATTORNEY FARMER: Yes.

24 HEARING EXAMINER: All right.

25 We're going to break so that -.

1                    ATTORNEY MANZOLILLO: Question. Did  
2 she move to admit all of her exhibits?

3                    ATTORNEY FARMER: Oh, I'm sorry. I  
4 did not.

5                    I move the admission of Employer  
6 Exhibits 5 through 27.

7                    ATTORNEY MANZOLILLO: I just have a  
8 question about 14 before it's admitted.

9                    HEARING EXAMINER: Fourteen (14),  
10 okay.

11                   ATTORNEY MANZOLILLO: If we can just  
12 explain, since this is kind of a stand-alone piece  
13 of paper, I think if we can have an explanation as  
14 to how it's generated or where it's from?

15                   HEARING EXAMINER: He's asking you,  
16 sir.

17                   THE WITNESS: So this was, if I  
18 remember correctly and I'm pretty sure I do, it was  
19 an attachment to an e-mail message that came to me  
20 from the chemistry graduate student who organized  
21 the event. I'm happy to provide the e-mail with the  
22 attachment.

23                   ATTORNEY MANZOLILLO: You have no  
24 knowledge of who wrote these questions?

25                   THE WITNESS: I mean, as represented

1 in the e-mail, it was chemistry - it was compiled  
2 from a set of questions that were from chemistry  
3 graduate students compiled by the organizers of the  
4 graduate student organization.

5 ATTORNEY MANZOLILLO: Yeah. I mean, I  
6 think we can - do not object to this. We would want  
7 a copy of the e-mail.

8 ATTORNEY FARMER: Yeah. We can - I'm  
9 sure while you're preparing, we can find it and  
10 forward it.

11 HEARING EXAMINER: Everything is  
12 admitted except 14.

13

---

14 (Whereupon, Employer Exhibit 12,  
15 4/1/19 E-mail, was admitted.)

16 (Whereupon, Employer Exhibit 13,  
17 4/2/19 E-mail, was admitted.)

18 (Whereupon, Employer Exhibit 15,  
19 4/8/19 E-mail, was admitted.)

20 (Whereupon, Employer Exhibit 16,  
21 4/9/19 E-mail, was admitted.)

22 (Whereupon, Employer Exhibit 17,  
23 4/9/19 E-mail, was admitted.)

24 (Whereupon, Employer Exhibit 18,  
25 4/9/19 E-mail, was admitted.)



1 (Whereupon, Employer Exhibit 19,  
2 4/11/19 E-mail, was admitted.)

3 (Whereupon, Employer Exhibit 20,  
4 4/12/19 E-mail, was admitted.)

5 (Whereupon, Employer Exhibit 21,  
6 4/17/19 E-mail, was admitted.)

7 (Whereupon, Employer Exhibit 22,  
8 4/18/19 E-mail, was admitted.)

9 (Whereupon, Employer Exhibit 23,  
10 4/18/19 E-mail, was admitted.)

11 (Whereupon, Employer Exhibit 24,  
12 Graduate Student Resources, was  
13 admitted.)

14 (Whereupon, Employer Exhibit 25,  
15 Graduate Student Unionization, was  
16 admitted.)

17 (Whereupon, Employer Exhibit 26,  
18 Graduate Student Unionization, was  
19 admitted.)

20 (Whereupon, Employer Exhibit 27,  
21 Frequently Asked Questions, was  
22 admitted.)

23 ---

24 ATTORNEY FARMER: Okay.

25 HEARING EXAMINER: Off the record.

1  
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(WHEREUPON, A SHORT BREAK WAS TAKEN.)

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HEARING EXAMINER: The record in this case will be left open pending the eventual conclusion of today's activities, to include a redacted version of the University's list and a digital format of the video referenced in Union 20 and through various testimony which the parties and I will negotiate in further conversations after the close of this hearing.

Are you finished with Direct Examination of this witness now?

ATTORNEY FARMER: Yes.

HEARING EXAMINER: All right.

Cross Examination.

---

RE CROSS EXAMINATION

---

BY ATTORNEY MANZOLILLO:

Q. All right.

Mr. Urban, you mentioned that you did some analysis of the number of chemical and petro engineering graduate assistants who were eligible bargaining unit members who voted?

1 A. Yes.

2 Q. And did you do a similar analysis of  
3 number of - total number of engineering graduate  
4 assistants who voted?

5 A. I did not, no.

6 Q. Are you aware of how many graduate  
7 engineering or engineering graduate assistants who  
8 were eligible to vote?

9 A. It was approximately 400, 398 or 397,  
10 something like that.

11 Q. It will be reflected - 398 is the number  
12 you recorded in the transcript in Employer's Exhibit  
13 3.

14 A. Okay.

15 Q. And the engineering meeting that's the  
16 transcript, Employer's Exhibit 3 is in that, that  
17 took place on April 9th? Is that -?

18 ATTORNEY FARMER: Do you mean 4? Four  
19 (4) is the transcript.

20 ATTORNEY MANZOLILLO: Oh, I'm sorry.  
21 Employer's Exhibit 4.

22 THE WITNESS: It took place on a  
23 Tuesday. If Tuesday's April 9th, then yes.

24 BY ATTORNEY MANZOLILLO:

25 Q. Yes. That would be the Tuesday before

1 the election occurred?

2 A. Yes.

3 Q. Yes.

4 And you mentioned that the group who ran  
5 that meeting is the EGSO, that there were a small  
6 number of graduate students in there who recorded  
7 and who were involved in the recording and observing  
8 the recorded session?

9 A. There certainly were a small number of  
10 graduate students there, and the session was  
11 recorded. I don't actually know who arranged for  
12 the recording - for the recording person to be  
13 there.

14 Q. Were you aware that that's - the people  
15 who were there were the executive board of EGSO, who  
16 were present?

17 A. I guess. I'm not sure that I know what  
18 the executive board consists of. I knew that there  
19 were representatives from each department, but it's  
20 possible that that makes up the executive board.

21 HEARING EXAMINER: Is EGSO a  
22 University-sponsored group?

23 THE WITNESS: Yes.

24 HEARING EXAMINER: Go ahead.

25 BY ATTORNEY MANZOLILLO:

1 Q. Now, the Union, to your knowledge, was  
2 not involved in distributing the exhibits,  
3 University or Employer Exhibits 3 or 4.

4 Correct? That was the University that  
5 distributed those, those exhibits?

6 A. I'm still not seeing those exhibits right  
7 here.

8 ATTORNEY FARMER: The list of EXO  
9 questions on the transcript.

10 THE WITNESS: My understanding, my  
11 recollection, is that that was distributed by the -  
12 by Kevin, the EGSO president. That's my  
13 recollection.

14 BY ATTORNEY MANZOLILLO:

15 Q. And also by Mr. Little's e-mail?

16 A. Yes. Yes, Mr. Little did provide a link  
17 or a - yes, he - I believe he linked to those  
18 documents, is my recollection.

19 Q. But to your knowledge, the Union never  
20 distributed those exhibits?

21 A. Not to my knowledge.

22 Q. So Employer's Exhibits 8 through 11 were  
23 referenced. You referenced those were in late March  
24 open forum meeting?

25 A. Yes.

1 Q. And those were a sample of a few question  
2 cards that were presented to you?

3 A. Yes. A sample of, yeah, the number of  
4 question cards that were provided that were  
5 submitted as part of that information session.

6 Q. And who were the people who gathered  
7 those cards from the audience?

8 A. I don't remember specifically. There  
9 were a couple people in the audience. I don't know  
10 remember specifically who they were, who actually  
11 collected them from the individuals in the audience.

12 I'm sure that I could figure that out.  
13 They provided them then to Stephanie who handed them  
14 to the faculty under Vivian Curran, law school  
15 faculty, Vivian Curran, who is the moderator for the  
16 event.

17 Q. And these cards were - these cards were  
18 reviewed by, I believe, by Ann Cudd as well at some  
19 point in that process?

20 A. No. Certainly not in that evening. No,  
21 she wasn't present.

22 Q. Okay.

23 So who - who, to your knowledge, selected  
24 which questions were asked?

25 A. So, I mean, maybe I can describe the

1 process by way of answering that question.

2 So people in the audience who wanted to  
3 submit cards wrote on the index cards. They raised  
4 their hands or in some other way indicated that they  
5 had a question. Someone, as I said, I don't  
6 remember specifically who it was, collected those  
7 cards from the students, brought them up to the  
8 front, handed them to Stephanie.

9 Stephanie would look at them and sort  
10 through them to organize them so that similar  
11 questions might be together, and would hand them to  
12 Vivian Curran. And Vivian then looked at those  
13 cards and decided which of them to read.

14 Q. Weren't there literally 100 or more cards  
15 that were -?

16 A. I wouldn't doubt that there were 100. I  
17 would say my estimate would have been closer to 50  
18 or 60, but I didn't count them so I don't - I don't  
19 actually know.

20 HEARING EXAMINER: So Vivian was the  
21 one who chose which ones to read?

22 THE WITNESS: Yes, she was the one who  
23 was -

24 HEARING EXAMINER: She moderated?

25 THE WITNESS: - the moderate and so

1 she read the questions.

2 HEARING EXAMINER: Go ahead.

3 BY ATTORNEY MANZOLILLO:

4 Q. So okay.

5 Hold on just one second.

6 So it would be - it would be true that  
7 the majority of the cards in question was never  
8 asked? A majority of the cards submitted?

9 A. At that event, the majority of the cards  
10 submitted were not - were not read allowed and were  
11 not responded to directly.

12 I can't speak to the degree to which  
13 there were answers to questions similar to ones that  
14 were on a given card. There were a lot of repeated  
15 questions. And so I can't speak to whether or not a  
16 particular card was - had its question answered in  
17 part because, quite frankly, I never systematically  
18 went through those cards to try and, you know,  
19 determine which questions were - you know, are  
20 represented how many times on those cards.

21 Q. Isn't it true you selected cards or cards  
22 were selected with questions that were - it was  
23 expected that the response would support the anti-  
24 union campaign more effectively than questions that  
25 were ignored?



1           A.       I would say that I wasn't involved in  
2 selecting the cards, so I can't really speak to the  
3 state of mind of the individual selecting the cards.

4           I can state that there was certainly some  
5 difficult, challenging questions which were asked of  
6 me at that event.

7           Q.       Okay.

8           So have you ever been a member of a  
9 union?

10          A.       I have not, no.

11          Q.       Have you ever practiced labor law?

12          A.       I have not.

13          Q.       Have you ever been involved in the  
14 bargaining of contracts on behalf of Pitt with any  
15 of the existing unions there?

16          A.       No, I have not.

17          Q.       Do you know the difference between  
18 retaliation and status quo's legal terms?

19                    HEARING EXAMINER: Say that question  
20 again.

21 BY ATTORNEY MANZOLILLO:

22          Q.       Do you know the difference between  
23 retaliation and status quo as two distinct legal  
24 terms?

25          A.       I'm not quite sure. I mean, I recognize

1 them as different terms. Do I recognize them - do I  
2 have specific information? I've never been educated  
3 about the difference between those terms in a legal  
4 context.

5 I don't know. If that's not responsive  
6 to the question, I'd ask you to re-ask it.

7 HEARING EXAMINER: No, you answered  
8 it.

9 BY ATTORNEY MANZOLILLO:

10 Q. Are you aware of the legal difference - a  
11 difference between the legal terms permissive and  
12 mandatory subjects of bargaining?

13 A. I have an understanding of those terms,  
14 yes.

15 Q. What is your understanding of those two  
16 terms?

17 A. A mandatory subject of bargaining is  
18 something that must be addressed in the context of  
19 the collective bargaining agreement. And a  
20 permissive subject is one that may be addressed,  
21 according to the law of the controlling - the  
22 controlling law relevant to that bargaining unit and  
23 relevant to that contract.

24 Q. So permissive subjects are subjects that  
25 can be bargained, if the parties choose to?

1 A. That's my understanding.

2 Q. Now, the University, the university funds  
3 provide for stipends for TAs, TFs, and a large  
4 number of graduate assistants.

5 Correct?

6 A. Yes.

7 Q. Okay.

8 HEARING EXAMINER: Go ahead.

9 BY ATTORNEY MANZOLILLO:

10 Q. And it's true that graduate students  
11 often do work that requires computers and other  
12 technology.

13 Correct?

14 A. Yes.

15 Q. And graduate assistants specifically?

16 A. Sure, yes.

17 Q. Did the University intend to withhold  
18 stipend increases in the event the Union had - if  
19 the Union had an election victory?

20 ATTORNEY FARMER: Objection.

21 HEARING EXAMINER: What's your  
22 objection?

23 ATTORNEY FARMER: What the University  
24 might do, if a union were to prevail, is irrelevant  
25 to the charges.

1                   HEARING EXAMINER: State your question  
2 again.

3                   ATTORNEY MANZOLILLO: Did the  
4 University intend to withhold stipend increases in  
5 the event the Union won the election?

6                   HEARING EXAMINER: Overruled.  
7 Go ahead and answer that.

8                   THE WITNESS: The University has a  
9 process by which stipend increases are determined,  
10 and we're - we have not reached even the really  
11 beginning of that process for this current year. So  
12 we have not made any determination. We have no  
13 intent one way or the other. We have, you know, not  
14 gone through that process.

15 BY ATTORNEY MANZOLILLO:

16                   Q. There was no specific intent to withhold  
17 any stipend increase, to your knowledge?

18                   A. It really has - you know, not been - the  
19 issue has not been addressed to date.

20                   HEARING EXAMINER: If I remember from  
21 the last hearing we had, you sit on a committee  
22 which determines stipend levels?

23                   THE WITNESS: There's a process that  
24 involves sort of input from a budgeting committee,  
25 and I'm not actually on that committee. But I do

1 provide input to that committee.

2 HEARING EXAMINER: Okay.

3 Go ahead.

4 BY ATTORNEY MANZOLILLO:

5 Q. So the University - we've talked  
6 extensively about the sort of list of voters the  
7 University kept. How are you certain that that list  
8 wasn't shared with anybody other than the watchers  
9 in this voting?

10 A. I mean, I would reference Stephanie's  
11 testimony, sort of, regarding the disposition of  
12 that list.

13 ATTORNEY MANZOLILLO: Just let's  
14 phrase it to you this way. Outside of what you've  
15 heard your employees tell you, have you taken any -  
16 have you taken any other steps to ensure  
17 confidentiality of that list? Did you take any  
18 other steps?

19 THE WITNESS: No, I did not.

20 HEARING EXAMINER: Outside of hearing  
21 what your employees told you about how that list was  
22 handled, - I was going to ask the same question.

23 Okay. Go ahead.

24 BY ATTORNEY MANZOLILLO:

25 Q. Yeah. I mean, so how can you be certain

1 that they weren't shared? Do you have any knowledge  
2 that - do you have any knowledge beyond Ms.  
3 Hoogendoorn's testimony that they weren't shared?

4 HEARING EXAMINER: There you go.  
5 That's a good way to say it.

6 THE WITNESS: I guess it's hard to  
7 prove a negative. I don't have any specific -. No,  
8 I guess the answer is no.

9 HEARING EXAMINER: He wasn't asking  
10 you to prove a negative. He was asking about the  
11 limits of your knowledge.

12 BY ATTORNEY MANZOLILLO:

13 Q. And why did you and the administration  
14 find it necessary to send 50 to 60 e-mails out to  
15 employees, to graduate students employed by the  
16 University, leading up to the election?

17 A. Because we, first of all, believe this  
18 was a very important issue. It was clear in the  
19 early stages that graduate students hadn't broadly  
20 been engaged in discussing, in thinking about  
21 engaging with this issue.

22 We felt it was important to get their  
23 attention so that - because it's an important issue,  
24 we definitely wanted to get out the vote. We wanted  
25 the students to be informed. We wanted students to

1 vote.

2           And so the best approach that seemed like  
3 --- the approach that seemed like the best in order  
4 to achieve these goals was a combination of  
5 communication by e-mail, which is the most standard  
6 way in which we communicate broadly with students.

7           And then a more specific approach by  
8 providing in-person, you know, opportunities for  
9 students to gain information through the various  
10 information sessions that I described.

11           Q.     You were aware that sending 50 or 60  
12 e-mails during that short period of time on this  
13 specific issue would overwhelm students and have an  
14 impact on their - on their intentions to vote or  
15 their willingness to vote.

16                     Correct?

17           A.     I certainly thought that by sending -  
18 well, there are a couple thoughts about that.

19                     One is there's a lot of concern about  
20 students essentially tuning out e-mails. And so I  
21 don't actually - I don't know how effective some of  
22 those e-mails were. But I - you know, certainly I  
23 recognize that by sending a lot of e-mails, we were  
24 sort of indicating indirectly that this was an  
25 important issue and one that we thought that

1 students should engage with, pay attention to.

2 We certainly sent e-mails with the intent  
3 of getting students out vote, and that was something  
4 that I thought was very important to do because I  
5 think the process works best when there's broad  
6 representation in the voter pool.

7 And so that's something that we  
8 definitely wanted. And, you know, I think that we  
9 were able to achieve that as indicated on the voter  
10 turnout rate of almost 70 percent.

11 Q. Did you consider the messages you had in  
12 those e-mails to be neutral or balanced in their  
13 message?

14 A. I think some were definitely neutral and  
15 balanced, and others were not. The University  
16 definitely had a position on this issue, and that's  
17 something that was reflected in some of the e-mails.

18 Q. What was that position, in your words?

19 A. The University's position was that we  
20 were hopeful that the students would vote against  
21 unionization.

22 HEARING EXAMINER: No representative?

23 THE WITNESS: No representative, yes.

24 ATTORNEY MANZOLILLO: All right.

25 Can we have just a moment?



1                   HEARING EXAMINER: Off the record.

2                   ---

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

4                   ---

5                   HEARING EXAMINER: Back on the record.

6                   Go ahead again.

7                   ATTORNEY MANZOLILLO: I'm sorry.

8                   We have nothing further for this

9 witness.

10                  ATTORNEY MANZOLILLO: Redirect?

11                  ATTORNEY FARMER: Yes, very briefly.

12                  ---

13                  REDIRECT EXAMINATION

14                  ---

15 BY ATTORNEY FARMER:

16                  Q.       The number that you gave of 50 to 60  
17 e-mails that were sent, did you go through and count  
18 them or was that a ballpark?

19                  A.       That was a ballpark. I don't know the  
20 actual number.

21                  Q.       And the e-mails that have been marked in  
22 this proceeding which I went through with you in  
23 order, are those the bulk of the e-mails that were  
24 sent once the voter list was prepared?

25                  A.       Yes. I would say those represent the

1 bulk of the majority of them. And, again, I didn't  
2 count those either, so I don't know what number that  
3 represents.

4 ATTORNEY FARMER: Nothing further.

5 HEARING EXAMINER: Anything, Brad?

6 ATTORNEY MANZOLILLO: We may have a  
7 brief rebuttal, but nothing further of this witness.

8 HEARING EXAMINER: All right.

9 Sir, you may step down, and we're off  
10 the record.

11 ---

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

13 ---

14 HEARING EXAMINER: Back on the record.

15 Continuation of Cross of Dr. Urban.

16 ---

17 RECROSS EXAMINATION

18 ---

19 BY ATTORNEY MANZOLILLO:

20 Q. Dr. Urban, just cleaning up one sort of  
21 question I had asked and you responded to earlier.

22 Isn't it true that the 2019-2020 stipend  
23 rates for TAs has already been put out?

24 A. No, it's not true.

25 Q. Okay.

1           So on your website, I'm - this was just  
2 brought to my attention so I'm reading it. Academic  
3 year, 2019-2020, TA stipends for two semesters is  
4 \$18,910. That's a two and a half percent increase.  
5 That's on your - on the University's website as the  
6 University currently supporting graduate students.

7           A.     I don't know the specific website you're  
8 looking at. If I can see it?

9                     HEARING EXAMINER: Why don't we just  
10 pause for a second? Hold on just one second.

11                    Go off the record.

12                             ---

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

14                             ---

15                   HEARING EXAMINER: All right. Back on  
16 the record.

17                    Yeah, I see it. Okay.

18                    So we've handed the witness Employer's  
19 Exhibit 27, which reflects what Mr. Manzolillo was  
20 looking at on his cell phone.

21                    Go ahead with your questions.

22 BY ATTORNEY MANZOLILLO:

23            Q.     So if I look at page ten of that exhibit?

24            A.     Yes.

25            Q.     And go down to the bottom chart. Is that

1 not the academic year 2019-2020 case study?

2 A. Yes. I agree that's what it says. I  
3 can't quite reconcile this with what I know to be  
4 true. I would - the University - the sort of  
5 official stipend rates are on a website at  
6 institutional research, the office of institutional  
7 research.

8 I can speculate as to what's going on  
9 here is that the -.

10 Q. I won't ask you to do that.

11 A. Yeah. This is -.

12 Q. Let me just assume what you're telling me  
13 is that the information on this website is  
14 inaccurate?

15 A. That's correct. And there's one specific  
16 thing that I can point to that I know to be  
17 inaccurate.

18 Q. That's okay.

19 HEARING EXAMINER: Stop talking. You  
20 can hand that exhibit back to me.

21 THE WITNESS: Okay.

22 ATTORNEY MANZOLILLO: I have no  
23 further questions.

24 HEARING EXAMINER: Any Redirect on  
25 that?

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REDIRECT EXAMINATION

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BY ATTORNEY FARMER:

Q. Just, you can - can you finish what you were starting to explain?

A. Sure.

I know that the stipend increase for this past year was two and a half percent. And so this indicates that the stipend increase for this past year, the year that we're now sort of concluding, was three percent.

So I know that that is inaccurate. I believe - I think what's most likely to be the case is that the year - the column indicated by the acronym here, is off by one. It's shifted by one. I don't know 100 percent that to be the case, but I'd be happy to provide detailed information about that.

But the official record of the stipend rates is available through the - on a website that's monitored and maintained by the Office of Institutional Research.

HEARING EXAMINER: All right.

You can hand that back to me.

1                    ATTORNEY MANZOLILLO: We have nothing  
2 further.

3                    HEARING EXAMINER: All right.  
4 You can step down, Dr. Urban.  
5 Anything further from anybody?

6                    ATTORNEY FARMER: Just one clean-up  
7 issue on Employer Exhibit 14.

8                    HEARING EXAMINER: Yeah.

9                    ATTORNEY FARMER: We provided the  
10 cover e-mail.

11                   HEARING EXAMINER: Did you want to put  
12 it in the record?

13                   ATTORNEY FARMER: I don't have a hard  
14 copy, but we can certainly -.

15                   HEARING EXAMINER: Never mind.

16                   ATTORNEY FARMER: I e-mailed it or we  
17 just e-mailed it to the Union.

18                   HEARING EXAMINER: I'll give him time  
19 to look at it.

20                   ATTORNEY MANZOLILLO: Okay.

21 To the extent we were objecting based  
22 on that e-mail, we'll withdraw that objection.

23                   HEARING EXAMINER: Fourteen (14) is  
24 admitted.

25

---

1 (Whereupon, Employer Exhibit 14, List  
2 of Questions, was admitted.)

3 ---

4 HEARING EXAMINER: The record's going  
5 to be left open for any kind of audio, visual  
6 documentation of the events that happened and also  
7 for a redacted version of the list.

8 At that time, once the record's been  
9 closed, I'll set a briefing schedule and also  
10 explain any procedure to the extent that it's  
11 different from the normal unfair practice  
12 proceeding.

13 Anything else?

14 ATTORNEY MANZOLILLO: No. Off the  
15 record, we'll want to get the transcript to take.

16 ATTORNEY FARMER: Yes.

17 HEARING EXAMINER: Anything else,  
18 ma'am?

19 ATTORNEY FARMER: No. Nothing else on  
20 the record.

21 HEARING EXAMINER: Okay.

22 We're off record for today. Thank  
23 you.

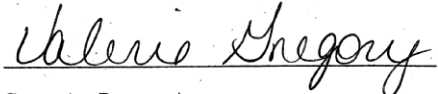
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25 HEARING CONCLUDED AT 4:57 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Examiner Helmerich, was reported by me on 5/15/2019 and that I, Valerie Gregory, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.



Court Reporter

Valerie Gregory