

memorandum

to: CHAIR OF Student conduct board

from: silvia maria francesca stein

subject:

date: 6/27/2002

cc: ALEX TAN, JULIE aNDSAGER, vICTOR vILLANUEVA, aLEX KWON

USING THE RECORDED TAPES PROVIDED BY ELAINE VOSS'S OFFICE ON MAY 3rd, 2002 AT WSU STUDENT AFFAIRS THE FOLLOWING IS A SUMMARY OF TESTIMONY PROVIDED WITH TRANSCRIPTIONS OF THE STUDENT CONDUCT BOARD HEARING. I HAVE BEEN TRAINED AS A GRADUATE STUDENT IN TRANSCRIPTION OF HEARINGS FROM SPOKANE COUNTY COURT AUDIO TAPES AND PERFORMED DETAILED CONVERSATIONAL ANALYSIS UNDER THE SUPERVISION OF PROFESSOR ROBERT NOFSINGER, AT THE E.R. MURROW SCHOOL OF COMMUNICATION. BASED ON THIS TRAINING I DO HEREBY STATE THAT THE FOLLOWING IS TRUE AND ACCURATE:

Ragatz asked Drzewiecka "did you keep Silvia's friendships under surveillance?" Drzewiecka stated "I did not want to do anything like that."

Ragatz did not clarify if Drzewiecka meant she was keeping Silvia under surveillance. Robert Ragatz and Drzewiecka both disregarded here the statement, provided in the back of the file prepared for the hearing, written by Elaine Vosse (10/08/01), in which Voss herself quoted Drzewiecka as reporting who Drzewiecka believed I was friendly with in the department.

Instead Ragatz lead Drzewiecka on by saying "so the answer would be no!" Drzewiecka then complied and said, "Right, no."

SOLICITED TESTIMONY

Patty: "I started hearing about Silvia when she was in Jola's qualitative class..."

"it has affected her stress level... her research" ("it" what?)

Ragatz: "did you ever see them interact?"

Patty: "I have never seen them interact" "I have just seen email interchanges... but I've never seen them speak to each other"

Patty: "it got so bad it came to us" the faculty board... because Jolanta solicited them to attract attention to herself?

Patty said she thought "Jola had made it pretty darn clear in a formal manner" yet there is no such item 'til September (after 9/11/01) ... possible reaction to increased INS scrutiny on immigrants, Jolanta is not a U.S. Citizen.

Patty gives the impression she had first hand information, but she had not been at any meeting between Jolanta and Silvia

Carillo asked Patty to identify one email that has inappropriate language, Patty could not identify any one email. Patty did state "the agreement was that if there was anything from Silvia I would look at it first"... sounds like Jolanta solicited attention, yet Patty is in no position of authority over Jolanta, she is not her supervisor.

Ragatz: "did you know Silvia refused to answer to rumours raised about Jola there (at Arizona State)?"

Patty: "No"

Ragatz: "was the Murrow Symposium before or after February?"

Patty: "was in April" thus after the February restraining order.

Patty: claims to hear tones in emails (?)

Patty established that she only knew Silvia through hearsay, the impressions of Jolanta, and not by Silvia's reputation on campus and the Pullman community and as reported by the local newspapers, for instance she did not know Silvia had established last summer SADD after three students were killed by a drunk driver, this was covered by local media.

Patty confirmed that Silvia contacting Jolanta about an article was professional, and that she herself did not see the article.

Jolanta did not inform Patty about her action... That Jolanta spammed a list-serve a submitted an article to.

Jolanta did not include the header on the email she sent to the list serve identifying that she spammed the server.

Patty then construes Silvia's complaint of Jolanta's spam to the list-serve as harassing Jolanta while completely avoiding the issue of Jolanta's harrassing by spamming the list serve. Patty obviously operating with a clear bias.

Patty did not know that Silvia had gone to Human Rights, twice about Jolanta, so obviously Patty is not purvey to everything but only selectively what Jolanta told her

Patty: regarding the restraining order "she filed after Silvia filed one" "a counter-restraining order at least to get to those two weeks until the hearing ... at which it (Jolanta's restraining order) was eventually dismissed." "it was not so much retaliatory as self-protection" based on Jolanta's green-card status.

Patty: previously stating "I have just seen email interchanges... but I've never seen them speak to each other" while she was screening emails she lies about keeping Silvia under any surveillance: Ragatz, "Did you keep Silvia under surveillance?" Patty: "No."

Patty confirmed that she recognized the signature on Alex Tan's original memo and on his recommendation for Silvia's application to the WSU interdisciplinary PhD program authentic; previously Jolanta had declared Alex's memo a fake.

Previously Patty claimed Alex Tan had told Silvia to have absolutely no contact with Jolanta, but on the memo she saw Alex made no such statement. Obviously Patty's hearsay from Jolanta is not reliable.

The same memo reports that on 9/27/01 Silvia, and not Jolanta, "insists" that Jolanta make no more contact.

Patty indicates she was not told this by Jolanta.

SOLICITED TESTIMONY

Lisa states she got a call from Jolanta searchingly fall 2000, Jolanta did the same thing with Victor Villanueva in fall 2001, Julie Andsager and Paul Kwon in 2002. Victor Villanueva stated he did not see it his place to feed into this attempt by Jolanta to solicit attention and to spread rumour.

Lisa then states she wants to state "that I don't think she's being paranoid" when referring to Jolanta.

Please refer to Dr. Kwon's description of paranoid behavior

What Victor Villanueva identified as a brilliant rhetorical analysis for Lisa's homework assignment Lisa identifies as "I found disturbing... her response to my class seemed very paranoid"

Yet Lisa claims her keeping all student assignments and emails on file for years on end is 'normal'? "I keep everybody's homework" -- thus she doesn't trust any students?

Please refer to Dr. Kwon's description of paranoid behavior.

Lisa then stated that allegedly Alex Tan told her Silvia had been harassing some female member in his department, yet there is no document nor mention of Jolanta reporting to anyone, verbally or otherwise, alleged harassment until 2001. That Lisa should suddenly suggest this is curious.

Obviously Jolanta had been happy on April 1, 2001 to see Silvia and even imposingly made her presence felt at Starbuck's, by her own admission during the hearing. Lisa's claim that Jolanta contacted her before the student conduct board hearing matter in April 2002 is dubious at best. Lisa wasn't on any list

of Jolanta's witnesses for the March 2002 hearing, which was subsequently dismissed (refer to Patty's testimony above).

Contradicting her written statement about Silvia asking for special accommodations, during questioning by Ragatz, Lisa then reversed her position and stated that it was not harassing for a student with a documented disability to ask for special accommodations on assignments.

During interrogation with Ragatz Lisa states she did not remember Silvia confiding with her about harassment by an FBI agent, yet in her written testimony Lisa construes an email involving a reference to an FBI agent.

Lisa did assert the book was hers that was given to Silvia during a meeting in her office in which Lisa consoled Silvia. Lisa then confirmed that she suggested for Silvia to see her again at her office. But then Lisa testifies she could not remember consoling Silvia... the testimony is contradicting the written statement and Lisa sounds confused here.

Ragatz: "Do you feel protective about Jolanta?" Lisa then admits "I only met her about a week ago" Lisa only knew Jolanta after the civil claim against Silvia was dismissed.

Upon questioning by Carillo Lisa admits that at the last meeting in her office, after she consoled Silvia, Silvia called her "prejudiced" after Lisa called Silvia's Anti-Defamation League questionnaire, established over the past 38 years as reliable, "a terrible questionnaire".

UNSOLICITED CALL ATTEMPTING TO PLAY COMMITTEE CHAIR AGAINST STUDENT & ANTI-SEMITISM

Victor Villanueva states clearly that Jolanta excitedly tried to arouse his support based simply that Silvia stated her name. No context was provided.

Victor clarified that Jolanta was unusually loud in her speech.

He stated to Ragatz that the call was not impressive nor substantive but merely that "she (Jolanta) was upset" that Silvia "invoked" her name.

Carillo asked if Victor thought Jolanta was trying to draw her in... Victor said no, but that Jolanta was trying to interrupt his relationship with Silvia "as her advisor" for the thesis.

Regarding Silvia, when prompted by Ragatz, Victor states "she (Silvia) treated me as a professor... very committed... phenomenally well read... that's what I expect and want from a graduate student"

Ragatz: "never anything that would constitute harassment or hostility?" Victor "No!"

Byington asked if Silvia commented on his clothing, Victor later clarified that he "made a comment about her hair" and she found it a pleasant exchange of complement, complementing Victor on his hair.

Gilles asked if he received emails, Victor stated even 6 or 7 a week He then stated that he can get irritated with emails in general.

Ragatz: "what does invoke mean?" ... Victor could not specify.

Ragatz: "how has Drzewiecka interacted with other graduate students?"

Victor: "a young assistant professor on a doctoral committee will be about the business not only of working with the student but of establishing his or her credentials with the rest of the committee, so uh, it seemed over the top and that Jola, unless she was really important to the committee, to remove her on the basis that the help was less help than the student would have wanted and that kind of expertise was unnecessary."

Ragatz: "kind of new faculty syndrome?"

Victor: "and boy did she know more than all of us" -- referring to Jolanta.

Victor then states he only had two encounters with Jolanta. The second was a completely unsolicited call in which Jolanta yelled and it was "out of the blue".

Victor affirmed Silvia can be passionate about the marginalized, has courage in speaking out, and is not at all selfish and speaks out for teachers too.

Victor clarified for Mary Gilles that Silvia "had proof, she had her mother, she had other things that these documents had been sent to Drzewiecka... what I asked her is not to confront Drzewiecka directly let Alex do this" thus verifying Silvia's position not to meet with Jolanta Drzewiecka on 9/27/01. Jolanta then violated this request.

Byington then asks if Victor knew why Silvia claimed Jolanta had refused to keep the ethnographic notes. In order to maintain confidentiality for her jail interviewees Victor was not informed of the content of the notes. Victor said "no" to Byington's question.

The notes are to be confidential, and so no one at the University has been informed about their nature until now, the Spokane County Jail is the site, among other things, of forced religious indoctrination regardless of the detainees' objections. The indoctrination is mostly Roman Catholic and Christian fundamentalist.

Poland is 98% Roman Catholic. The Pope is Poland's most popular leader. For a self-identified Jew to investigate Roman Catholic violations of basic human rights goes against all the school-based and community-based Roman Catholic indoctrination Silvia went through growing up in Italy. The disturbance must be even greater for Jolanta who was schooled in Poland. Poland's official religion is Roman Catholic.

Ragatz asked Victor "would you be disturbed to receive these answers from a student to the question 'what is sociology?', referring to Lisa's statement that she found Silvia's writing and responses Lisa identifies as "disturbing... her response to my class seemed very paranoid"

Victor: "No! These answers are coming from a rhetorical analysis and I would likely agree with them rather than be disturbed by them."

Ragatz: "Has this (hearing process) interfered with Silvia finishing her academic work?"

Victor: "Yeah, in talking about this process I have worried, in fact I would say that from the time, from last January until several weeks ago Silvia was phenomenally on task responding to questions about the thesis making those corrections engaging in conversation and then about three weeks ago things fell apart. I would imagine that this process had everything to do with that."

Silvia's thesis is a controversial project exposing the sexual nature of Roman Catholic art, and includes photographs of the 140 foot male phallus (it's even circumcised) in front of a Catholic University (Gonzaga) and the topographical view of the Vatican's purposefully placed phallus shape built on top of the ancient gladiator arena from 50 a.c.e. made purposefully in the shape of a male phallus. The above statement corresponds with Dr. Paul Kwon's written testimony that Jolanta's actions have interrupted and harmed Silvia's academic performance in completing her critique of Roman Catholic's silence about sexual perversions.

The following comment requires that we remind ourselves that Jolanta has been teaching in her graduate and faculty career for approximately seven years.

Gilles asked Victor if a faculty person is likely to be touchy early on in their career. Jolanta has been teaching at Arizona State University for three years and at Washington State since 1998.

Victor: "We've all been in this business, we know folks who aren't very good at teaching, never the less quite okay with themselves after a certain point in this business. So I would think a kind of defensiveness is more likely early-on. I think later-on you figure-out what your strengths are and you go with those and you know what your weaknesses."

After Victor read from Jolanta's paper about "targetting the Jew" in Diaspora Ragatz asked: "would Silvia be correct to label this critically an anti-Semitic statement?"

Victor: "Yes!" Victor then clarified, "I would be troubled by it".

Ragatz asked if Victor knew about how Silvia's scar on her thigh is meaningful to Silvia critiquing anti-Semites such as Jolanta in the thesis. Victor replied: "Yes! As we (Alexis Tan & Julie Andsager) talked through the dissertation we made sure that her revisions would not be construed as any kind of attack but that the revisions would get to the larger issue, which is how one defines Diaspora." Victor then clarified that Silvia's is "a definition of Diaspora really based on the Jewish experience."

Gilles: "The part of the paper that you just read, is that part of Silvia's work?"

Victor: "Yes, it's part of her thesis"

Gilles: "Is this a published work?" Victor wasn't certain.

Silvia then clarified: "Yes, last fall, for international policy making."

REGARDING HAVING STUDENT PERFORM RESEARCH DOCUMENTING ABUSE OF WOMEN IN A FEDERAL PRE-TRIAL DETENTION SETTING

Ragatz asked Val about Silvia's method to disagree with a professor. Val: "Silvia brings a maturity to any kind of setting that if she thinks a certain way she'll say it. I have no problem with that."

King asked Val: "Did she (Silvia) ever give you anything that you were asked to hand to someone else, specifically Jola?"

Val: "No, and nothing concerning Jola at all." -- Val later contradicts himself by stating that he passed on to Jolanta a message from Silvia about needing information about how to perform ethnographic interviews of federally detained prisoners.

Val verified that Silvia initiated SADD, Students Against Decisions of Destruction and that she turned personal suffering and discrimination into acts to benefit the WSU community.

Val verified that he did have an office across from Jolanta and that on a daily basis they greeted each other. For two years (2000-2002), even on a flight from Pullman to Seattle during last Christmas break, Jolanta never once said anything to Val that Silvia was harassing her or that she was tired of Silvia.

Ragatz asked Val: "Did you pass anything from Jola to Silvia?"

Val confirmed that Jola had Val send a document to Silvia: "Yes".

Val then confirmed that Jola's document is on how to perform interviews.

Carillo asked upon whose request he passed this on, Val clarified that "I thought the idea she learn about ethnographic profiling and studying such cases would be helpful. I thought it was great and sent her information" referring to Jolanta's document.

Val fails to clarify that performing interviews and sneaking in documents, or assisting in this, is against federal, state, and county laws. Val did state he supported Silvia in violating state and federal codes in this study of the abuse of women, particularly immigrant women.

UNSOLICITED CALL TO INTERRUPT WORK BETWEEN DR. KWON & SILVIA

Paul Kwon stated clearly "in all of my conversations with Silvia the major intent she has expressed is to cut off all relations with Jolanta and that was evidenced by the meeting with Alex Tan, herself, and myself. She (Silvia) was very surprised that Jolanta was there, in fact very disturbed about that. Secondly she was very concerned about what she perceived Jolanta's attempts to again make contact at Starbuck's (referring to the January-February 2002 incidents preceding the restraining order on Drzewiecka). So again her attempts to get away from this woman as much as possible. I should also add that Jolanta attempted to contact me, I believe in February." Paul then clarified: "I think her intent was to impact the work I was doing with Silvia."

Paul stated that no agreement was reached at the 9/27/01 meeting. The agreement was reached later after Silvia followed-up the 9/27/01 meeting during which Silvia insisted Jolanta make absolutely no further contact (see Alex Tan's memo), there was a second meeting in Paul's own office, without Jolanta. Previously Patty Sias had miss-testified that she thought Jolanta had demanded no contact, but then admitted she was operating off of hearsay from Jolanta. Alex's memo and Paul's testimony testify that the no contact demand was made by Silvia.

Upon questioning Ragatz asked why Paul wrote that Silvia was not paranoid and Paul said: "she was anticipating that Jolanta may make some sort of argument about her mental health condition. Sort of implicating her."

This statement, implicating Silvia and alleging diagnosis of "paranoid", was made by Lisa McIntyre instead, for Jolanta.

Ragatz then clarified: "Silvia wanted you to comment on Silvia's mental health condition relative to what Jolanta was saying..." Paul: "Right, sort of to anticipate an argument Jolanta may have made to the board."

Ragatz then asked: "Would you say that Silvia has some sort of disorder that pertains to the question of alleged harrassment (to Jolanta)?" Paul: "I would not."
Ragatz: "What is the general nature of therapy with Silvia, is it in part focused on Silvia learning to relax and get through her seizures?"

Paul: "That's one of the aims of our work, to relax in situations where stress may come up for her, to get through her seizures."

Carillo then asked if there was any demonstration of perceived hostility between the two before the 9/27/1 meeting: "before that meeting Silvia's main concern was getting her stuff (notes) back from Jola. If she had gotten her stuff back at that point there would have been no dissention."

Byington then asked "what was Silvia's reasons for getting the restraining order?"

Paul "To get Jolanta to stop the motions of approaching her. Secondly, she never wanted the restraining order to go forward in court, that she told me from the onset, what she wanted was to make her point, have Jola retreat, and then her plan was to withdraw the restraining order and not procede in the courtroom. So her intent was not to damage Jola in any way. She was very mindful about not harming her reputation or legal standing. It was really to get her (Jolanta) away from her (Silvia)." Paul then clarified upon prompting from Carillo that "she wouldn't stand for any sort of contact."

Ragatz asked if when Jolanta made the unsolicited call to Paul if she sounded fearful about Silvia, or, rather, if she was irritated by Paul's lack of response. Paul: "I didn't get a sense of fear, but of irritation." Paul then clarified that "I've never in any other case had somebody unrelated to the person or not romantically involved with the person make such a comment, it's just highly unusual."

Disregarding the nature of Jolanta's work, making confidential interviews and respecting subject privacy, Byington then tried to make the claim that "for a person who is not of your profession they would not necessarily know" about maintaining privacy.

Paul later clarified, "she was trying to impact Silvia's life and self by talking to me directly." Ragatz checked with Paul: "You heard a message in Jolanta's call that she wanted you to somehow influence Silvia for Jolanta's benefit. Rather than Jolanta was sharing information with you."

Paul: "Right, I didn't get the sense that this was a call intending to help Silvia, I just did not get that sense!"

Ragatz: "If someone maliciously or with purpose after knowledge of my pain spasms and seizures provokes contact against my will that results in pain spasms and/or seizure, is that a physical assault?"

Paul: "I think that's for the board to decide if that constitutes assault, and of what kind. What was striking in that initial meeting was that Silvia was in clear distress, and was having numerous pain spasms. The rest of us paused at that point, but Jolanta did not lower her voice, didn't really try to alter her tone to accommodate Silvia's pain. That really made a big impression on me."

Ragatz: "who asked Jola to leave", Paul: "Silvia did".

Ragatz: "Was she trying to provoke Silvia's further distress?"

Paul: "That's why I said it's for the board to assess, it's a possibility."

Paul, upon request for clarification by Gilles, stated that Alex Tan, requested the meeting regarding the notes. "Silvia responded at somepoint saying I'm okay with this meeting as long as Jola is not there."

Byington asked how Jolanta reacted to being told to leave. Paul: "She was put off by that, if not angry. She was vocal about that, expressing as much exasperation as she could!"

Paul then clarified that Jolanta was oblivious to Silvia's distress and Jolanta at no time raised the issue of harassment or feeling fear or threatened, instead "she never referenced any previous contacts", referring to Gilles' question about Jolanta alleging she found the emails harassing. Gilles had asked "Did Jola ever express displeasure with Silvia's contacts with Jola?" Please notice that in Jolanta's file she then construed a claim of harassment against her to the WSU police after she provoked my seizures and pain spasms at the 9/27/01 meeting by ignoring my fear and requests for her not to attend.

Gilles: "I was surprised that you used the word 'scared' about why Silvia attended the meeting in September after observing that Jola was there, 'if Silvia hadn't attended that would have conveyed that Silvia was scared of Jola.' "

Paul: "Jolanta is a physically imposing person with a loud voice who reminded her of an employer who had harassed her in the past. The stress of being around such a person, especially in a conflictual situation." Paul then stated it's tolerable for a woman to have these characteristics, but not "to then have that woman basically yell at her at the meeting (as Silvia is having a seizure) that just kind of piles it on, and she's (Silvia) already got a vulnerability in terms of her reactions to that sort of woman. And then for that woman to be truly verbally attacking made it even more difficult."

Ragatz: "was the connection between the German woman and Drzewiecka, who is Polish, anti-Semitism and intolerance of the physically disabled?"

Paul: "yes, the best we can ascertain"

Asked whether Jolanta was at all professional at the meeting Paul responded "not at all

professional."

memorandum

to: Student conduct board
from: silvia maria francesca stein
subject: TRANSCRIPTION OF TAPE-RECORDED testimony
date: 03/05/04
cc: alexis tan, director at the W.S.U. school of communication

USING THE RECORDED TAPES PROVIDED BY ELAINE VOSS'S OFFICE ON JUNE 17th, 2002 AT WSU STUDENT AFFAIRS THE FOLLOWING IS A SUMMARY OF TESTIMONY PROVIDED WITH TRANSCRIPTIONS OF THE STUDENT CONDUCT BOARD HEARING. I HAVE BEEN TRAINED AS A GRADUATE STUDENT IN TRANSCRIPTION OF HEARINGS FROM SPOKANE COUNTY COURT AUDIO TAPES AND PERFORMED DETAILED CONVERSATIONAL ANALYSIS UNDER THE SUPERVISION OF PROFESSOR ROBERT NOFSINGER, AT THE E.R. MURROW SCHOOL OF COMMUNICATION. BASED ON THIS TRAINING I DO HEREBY STATE THAT THE FOLLOWING IS TRUE AND ACCURATE.

Wednesday May 15th Susan Ross provokes a temporarily paralyzing spasm - Emergency Medical Services had to be called in and testimony was interrupted

Tape 1 hearing again conducted in a poorly ventilated room with fluorescent lighting

Ragatz begins by asking Ross to address Drzewiecka's claim of harassment. By the middle of her response Ross re-directs the discourse by addressing my claim of harassment against Drzewiecka in court. Ragatz does not stop Ross from discussing this off campus issue. Ross states in her testimony that she, Drzewiecka and Patty Sias (?) repeatedly contacted all University organizations, particularly the Attorney General's office. By reviewing the web site for the AGO it is clear that the main function of the AGO is to avoid potential "lawsuits against WSU personnel". Drzewiecka is a state employee of WSU. As such, it is at best suspicious that Ragatz, in his second letter to me, declares that he and the student conduct board made their decision through the directions of the assistant to the attorney General. This may indicate a conflict of interest by the Attorney General's Office regarding its overseeing the conduct board's decision and the interest to protect the University and employees from potential lawsuits.

Ragatz: "Would you tell us what you know please about the question of alleged harassment"

Ross states that what she has to offer is hearsay, thus possible misrepresentation: "a lot of what's in the memo is actually second hand information I did not directly observe. The only real interaction I have seen between Jola Drzewiecka and Silvia Stein was at a restraining order case (a hearing held on March 14th, 2002, at which the case **against** Drzewiecka was being heard in the Whitman County courthouse... my point is that if Susan Ross, the witness for the University, is making reference to alleged incidents **off campus** then my witnesses, including off campus Whitman County Court documents regarding incidents off campus should also be part of the record and a basis for deciding my and Drzewiecka's claims) was brought into the local court." "The proceedings were halted in part, after talking with Jola Drzewiecka's attorney (Coleen Harrington was Drzewiecka's attorney. This is another reference to off campus events and people by a witness for the University). Because of the apparent emotional stress that the proceeding put on Silvia Stein (Ross misrepresents a spinal condition as an "emotional" problem rather than a physical condition, myelothopia, which is a softening of the spine that can cause extremely painful spasms and painful temporary paralysis which are not an "emotional" condition... although an on-set of the pain and spasms can have real emotional effects as the victim experiences extreme pain and loss of physical control) and her rather emotional outbursts, throwing things in the courtroom (due to the Central

Nervous System pain and spasms I had dropped my crutch which was leaning against a chair), screaming (a result of pain), uh, throwing down her cane, this sort of behavior and I think for me that epitomizes the kind of things that uh Jola Drzewiecka has been trying to avoid for a period of two years. My perception of this is that what needs to be considered is all of the actions (such as a Central Nervous System pain and paralysis attack) as a whole, viewed sort of as a totality. It's not an issue of a particular interaction it's not an issue of one particular e-mail or one particular letter, it is the cumulative effect of recurrent communications that have in subtle and not so subtle comments about, directed at Jola Drzewiecka." [...] **"Jola Drzewiecka feels that the only way to curtail Silvia's legal responses to her (Drzewiecka's) behavior is to seriously curtail both her (Silvia Stein's) professional and her personal movements in and around Pullman."**

Essentially, based on misrepresenting and falsifying information about my Central Nervous System condition in which pain and temporary paralysis occurs, Susan Ross, the University's witness, is telling the board to discriminate against me professionally and personally based on my physical disability. This is made evident in Ross' next statement in which she states that "this proceeding in my mind has nothing to do with Jola", implying that my alleged interactions did not harm Drzewiecka, as Ross states next.

"The whole of this recurring pattern in which, I think it's important to recognize that this hearing for a faculty member represents a very small request on the part of the faculty member, to just ask this student in the University not to contact the faculty member. **As far as any of us have ascertained this is sum total of support that a faculty member has on this campus. And, I guess the one thing I would like to suggest is that this proceeding in my mind has nothing to do with her interactions with Jola. And I really hope you'll focus on that, that is the problem that she is trying to address."** What Ross finds a "problem" is not my conduct, but my "legal responses to her (Drzewiecka's) behavior".

When Ragatz asked Ross if Jolanta parked near the center of campus, where I as a disabled person park, Ross answered: "she parks where her parking permit enables her to"

Ragatz then says "So it's in yellow?"

Ross "Okay"

Next, Ross applies her prejudiced biases in misrepresenting and falsifying the Judge's conference with the attorneys in the court room. Judge Robinson asked both attorneys to approach the bench. At the bench Judge Robinson asked for both parties to simply agree to an informal no contact agreement. Drzewiecka and her attorney refused to comply with his request.

Judge Robinson, concerned about the temporary attorney I had representing me, allocated me more time to get a proper attorney prior to listening to Drzewiecka's claim. Meantime, Judge Robinson could not issue a permanent restraining order against Drzewiecka since my temporary attorney was ill prepared and thus failed to present proper documentation of my disabilities. As a provision temporarily protecting me from any more approaches by Drzewiecka, while I replaced the attorney, or worst that Drzewiecka should construe a situation in which she could accuse me of trying to make contact (such as her windshield story) before a continuation of the hearing, Judge Robinson forced Drzewiecka and her attorney to sign a statement that Drzewiecka would avoid provoking any more contact with me.

Here is Ross' misrepresentation of the facts --

Ross: "There was a conference at the judge's table that no one could overhear, it quickly followed the outburst, I'd be making presumptions to say exactly why, I certainly believe that in the communication conveyed to those who were scheduled to testify that the attorney conveyed to us was that the judge was in fact concerned about the emotional strain placed on Silvia Stein... I do not in fact know what the judge stated as the reason for continuing or stopping the hearing."

Ragatz presents Ross a memo to Judge Robinson from March 13th, 2002. Two copies of the memo from Alex Tan were personally signed and provided to Drzewiecka and myself. The memo is Professor Tan's inventory of events preceding Drzewiecka's complaint to the Student Conduct Board. When presented the memo Drzewiecka stated that it was "a fake", thus misrepresenting to the board Professor Tan's official statement, Director of the ER Murrow School of Communication. In the statement the Director identifies that on September 27th, 2002, I was the one to "insist" that Drzewiecka or a third party absolutely not contact or initiate communication with me.

I had Ragatz pose the following question to Ross: "Is this Alex Tan's signature?"
Ross did not call the memo a fake, nor did she deny the Director's signature.

I then tried to have Ragatz ask Ross if Alex Tan had communicated to her or other faculty that Drzewiecka was not to use them to initiate or make contact with me. Ragatz repeatedly refuses to ask the question. Ragatz makes the excuse that he won't ask the question because it's not about my conduct. In fact the question was about my behavior regarding Drzewiecka, and how the Director attempted to have department members comply with my request so I could avoid having Drzewiecka provoke any more incidents. Again this is material that would have validated my response to Drzewiecka's student conduct claim, establishing that as is stated in the Director's memo that I made the request.

Ross next confirms that I attended a faculty member's e-mail invitation to a departmental function (party) at his house. John Irby had asked for all the graduated students who were coming to send him an RSVP, which I did by e-mail. John Irby never informed me that Drzewiecka was attending, nor that any other faculty members would attend. I and other graduate students attending had no reason to suspect Drzewiecka would attend John Irby's off campus party... alcoholic wine was being served and we thought that faculty would not want to be seen drinking.

Board member and student Carillo asks Ross about the memo by Alex from 3/13/2 and my memo dated on 9/27/1 in which I insisted that Drzewiecka not contact me on her own or through a third party: "Yes or no, was there directive by the leadership of the department... chair or associate, to keep chair to keep Jolanta and Silvia separate?"

Ross: "No, I was aware of the agreement that Jola and Silvia and Alex shared, but that was informally through Jola.

Ross first hand knowledge is non-existent on this matter, and at best based on hearsay.

Byington, a student employee under Karen DePauw asks questions of Ross' alleged interactions with me. Ross answers Byington's questions without providing proof substantiating her story. Ross's falsifies of events surrounding the restraining order conflict with Judge Robinson's account in which he did restrain Drzewiecka from initiating contact with me by having her sign a court order until the next hearing. Byington then asks if Ross advised Drzewiecka to contact the police. Ross offers no date no proof.

Byington then asks: "You said you were in the court and you mentioned something about the restraining order being dismissed, were they (Stein's and Drzewiecka's) both dismissed, both restraining orders?"

Ross: "No! The uh, my understanding at that time, uh, and I did not see the legal work, my understanding of what was presented in court was that the judge actually did dismiss Silvia Stein's restraining order as without merit and issued a delay or a continuance on Jola's I believe, I do not know if it was delay I think it was a continuance, yes he actually set a date some week subsequent when that was going to be heard uh and there was some negotiation about when that date would be because of Silvia's schedule and our schedule and what not so I believe it was a continuance, but the same hearing."

Byington asks about Ross' about her allegation that I named her in correspondences in regards to Jolanta. Ross fails to provide proof of her allegation, and she makes reference to a letter I mailed to Val Limburg asking that Professor Limburg ask Dr. Ross about her legal expertise on first amendment rights

and how she could assist me in my case. Ross then states "I immediately gave it back to Val Limburg (refusing to assist me in the winter of 2000) and so I don't, I didn't know I was mentioned in it. I don't recall."

King, a faculty board member from the office of Student Affairs asks: "Can you talk about your knowledge of what attempts Jola made to cease the contact?"

Ross responds on how she, Patty Sias and Drzewiecka made sure they contacted all major offices, prejudicing them against me, particularly the Attorney General's office who the conduct board chair, Robert Ragatz, identifies in his second letter to me as overseeing the board's decision: "I can tell you what Jola and I discussed that she was going to do. I know that she did contact an attorney in response to the restraining order entered against her (February 2002) and also entered a restraining order, uh a request for a restraining order against Silvia I know that subsequent to Silvia's release (from the restraining order which Drzewiecka's attorney removed after being informed of department witnesses willing to testify for me against Drzewiecka in court) uh Jola met in several occasions with Alex Tan I know she spoke with the head of the faculty senate, I know she talked with the campus ombudsman, I know she talked with Elaine Voss and I know she uh probably talked with other people. There were a number of us who were uh really trying to reach far and wide across the campus to figure out what an entity if any there was on campus to assist a junior faculty member in such a situation. Uh and clearly there were points in this interaction (after Drzewiecka was advised by her attorney to drop the restraining order or risk exposure that her court claim was perjurious) where Jola was extremely distraught about the content and the frequency of the contents and about her inability to get them to stop and we were trying to get something done quickly and so we looked everywhere it seemed to us that on campus that there was very little recourse for her, but I think **she contacted the AG (Attorney General's office) uh she may have contacted the dean's office (Barbara Couture) I mean I'm just trying to think but we would go a place and get a response and we'd sort of talk and she'd go someplace and get a response and we'd talk and so uh I'm pretty sure she contacted all of those organizations.**"

The board fails to implement procedural questions which would prevent bias against and further misrepresentations about disability. Procedurely the board did not clarify whether Ross' responses are prejudiced against disability in general and, secondly, if Ross is trying to equate my CNS paralysis and spasms as a mental illness, as she seems to imply. One of my questions was asked, but the board did not pursue clarification of her prejudice, which would disqualify her testimony as biased. That the board did not challenge her bias perhaps reflects the bias and misinformation the board procedurally used to misinform them in the decision and sanction making process. "Why (did you make) the pun/joke on disability on your e-mail that went to Silvia after you were asked to testify for Jola?" - The e-mail was sent out from Ross' server to all my graduate student contemporaries, all staff and all faculty in the department.

Ross, Sias and Spokane attorney Mary Schultz were subpoenaed by Drzewiecka's attorney, Coleen Harrington. During the district court hearing Drzewiecka and her attorney tried to portray me as having a mental illness. This theme is later repeated by Drzewiecka's witness Lisa McIntyre. McIntyre is the professor who in 2000, by her own account, objected to accommodating my request for extra time to turn in assignments (I type with one hand, so I'm twice as slow). Their testimony was already rehearsed in March for Judge Robinson and through that rehearsal Sue Ross painted for the board her prejudiced opinion of the events that followed in the court room as she testified earlier about the conference at Judge Robinson's bench and that she mischaracterized my CNS spasm as an "emotional outburst".

Again, here, Ross brings up Drzewiecka and her attorneys accusation of Mental illness by phrasing it as "mental ability".

"Uhm I'm not sure what I did was respond to an e-mail sent to com faculty and what I was doing is replying policy which essentially suggests that discriminating on the basis of a whole list of criteria is inappropriate and so I just said well from this policy it appears we can't make decisions or evaluations based on mental ability or (mental) disability and that seems rather bizarre in an educational

environment.”

I then pose a question which Ragatz finally accepts. The question asks Ross to agree or disagree with the statement that anything can be interpreted any which way to serve the prejudices of the interpreter. Ross agrees that my observation of her is correct:

Ragatz: “Is it correct that intent and purpose of communication such as e-mails varies according to prejudicial preparation time vs spontaneous communication and private vs public spontaneous communication (such as Ross’ prejudiced testimony at the hearing)?”

Ross: “It is absolutely clear that the intent and purpose of communication varies.”

In this case Ragatz is using the communication during the conduct board hearing to privilege Drzewiecka’s claim, giving me no opportunity to defend myself.

Ragatz refuses my questions regarding Alex Tan’s effort to have Drzewiecka comply with my request (9/27/1) that she initiate no contact. By purposefully excluding these questions, Ragatz (perhaps under the advise of the AG’s office) procedurally sets up the situation where the focus is so narrow that he completely ignores issues of Drzewiecka’s misconduct. Not only this, but Ragatz then disqualifies as inadmissible my repeated efforts to have proper channels in the University address Drzewiecka’s horrendous behavior. I went to the Omnibusman, to the Center for Human Rights, and wrote to Dean Couture as well as Graduate Dean Karen DePauw, as well as asking Alex Tan, the Director to help me before finally resorting to the police in February 2002.

Systematically, every time Ragatz refuses my questions, procedurally I cannot respond. I’m not allowed to talk thus, procedurally I am prevented from addressing Ragatz’s objections.

Ragatz is speaking to me and to the board about excluding questions regarding my conduct based on protecting my self from further contact initiated by Drzewiecka that can lead to paralysis: “The question regarding whether Alex Tan was remiss in protecting Jola from Silvia I don’t see as relevant the question we are looking at here is in essence were there behaviors resulting in Jola needing to be protected from Silvia... not what Alex Tan may or may have not done.”

Gilles asks if Drzewiecka ever informed Silvia directly not to make contact. Ross statement refers to the earliest interactions, which were in January 2000, during which Drzewiecka had harassed me in class by referring to my disability in front of the students. As you can see in Ross’ statement I told Alex Tan I insisted for Drzewiecka no harass me or make such contacts as to provoke my CNS disability (See Alex’a memo prepared and submitted to Judge Robinson).

Here is Ross’ statement in its entirety:

Ross: “Very early on in the interactions Jola went to Alex and Alex asked her not to communicate directly with Silvia.”

Ragatz: “That’s by Jola’s report?”

Ross: “That’s my understanding, from Jola.”

Ross: “Now I do know that she responded to some e-mails early-on, uhm, but that was particularly during the time that Silvia was a student in her class and it’s quite clear that an action can be brought against a faculty member who starts treating a student unequally in terms of access to you and terms of assistance to the class ... and so there were questions about that as well. I do not in fact if Jola ever put something in writing to Silvia to that effect.”

Unfortunately the board, again procedurally, did not question the validity of Ross’ testimony.

No proof was offered supporting the above. The only document is my 9/27/1 memo and Professor Tan's memo insiting that Drzewiecka not contact me. The other two documents are my restraining order against Drzewiecka in February, and of course her retaliation by asking for a retraining order against me, which was never enforced by judge Robinson, who dismissed her request.

Also, Ross identifies me as having been in prison. She offers no proof. In fact I have never been in any prison. Ross is lying.

Ross elaborates here: "Since Silvia got out of prison there have been a number of communications through Alex (dept. dirctor) through attorneys through the courts communicating that uh non contact would be desired."

- Gilles then asks Ross if there was any contact by Silvia to Drzewiecka after 9/27/1. Ross then refers to "the series of napkin notes found on Jola's car".
- The problem with Ross' testimony is that no napkin notes were provided as proof. Also, none of the University witnesses offered any proof that I placed any material on anyone's windshield, or even how I could with one hand. The car story of the windshield does not bear under scrutiny. Drzewiecka in her own written statement submitted for her claim states that she "found" the items on her windshield. She does not explain how they got there nor who put them there. Furthermore, Moon Lee, in her testimony after being questioned by Gilles, insists that the rubbish was found in the far corner of the windshield where the driver's door is. This is impossible, all windshield wipers on cars are towards the passenger side. There is no windshield wiper blade at the driver's door in the corner of the windshield.
- Ross' statement here about "napkin notes" this is the only time during the whole hearing that anyone alleges "napkin notes" were left. Drzewiecka's own story alleges that she found a napkin on her car, in a zip-lock bag (by the way, I only have one arm and cannot use "zip-lock" bags), but there is absolutely no mention of "napkin notes". Again, Ross' testimony in answering Gilles is not supported by the evidence.
- Gilles then tries to get Ross to understand how unbelievable the windshield sounds by asking "Okay, so those are the 'occasions' of contact. Uhm, well this question calls for some conjecture. "What do you think is going on here! Don't you feel comfortable responding to that question?"
- Student board member Carillo then interrupts and does not let Mary Gilles have a reply to her questioning Ross' story. Carillo states that "that's not going to advance what we are doing." Ragatz and the rest of the prejudiced board allowed Carillo to silence Mary Gilles' questioning of Ross' version of the windshield story. The board fails to test the veracity of Ross' statements.
- Gilles complied to Carillo's objection by saying "I'll withdraw it."

Byington, obviously not challenging Ross' credibility whatsoever now, asks Ross "you said Jola dropped her restraining order, did she tell you why she did that?"

Ross: "It was important because this proceeding was moving forward, uh it was second because in the communications that the judge had with her attorney the judge indicated that he would be uncomfortable entering a restraining order against Silvia because it would return her to prison."

Again, procedurally, none of the board members admitted my questions challenging Ross' lie here, nor did they question her statement. No judge can have a discussion with one party or party's attorney without the presence of the opposing party. By Ross' statement she tries to create the impression that

Judge Robinson had a private conversation with Coleen Harrington, Drzewiecka's attorney. The only way Harrington could 'talk' with Judge Robinson is before the court, or by a special petition in which both parties and their attorneys are present. The only time both parties were in court was on March 14th, when Judge Robinson, according to court audiotapes, asked Drzewiecka to make a mutual informal agreement with me not to contact one another. This is documented in my attorney's statement. Drzewiecka refused.

Again, procedurally, by not questioning the veracity of Ross' statements the board has failed to prove that what Ross and other witnesses for Drzewiecka have reported is true. Thus, the board has not proven that the claim or that the majority of the evidence presented is true and accurate.

Procedurally the board members did not challenge Ross' vainfully prejudiced statements against disability. Byington asked Ross for clarification on the e-mail Ross sent to me and the communication department in which Ross made her comment on WSU's policy against disability discrimination:

Byington: "On page three of this memo (generated by WSU against all discrimination), second paragraph, it states discrimination prohibited and I'm assuming that is what you're referring to in your response?"

Ross: "Right."

Byington (sotto voce): "I'm very familiar with this policy."

Ross: "Because see it lists the kinds of discrimination prohibited by WSU policy and then it lists and it includes mental. And I'm sorry but I'm given to be flippant but I actually thought that the purview of a University is to make mental discriminations. You know! I think education, as in intellectual as in quality judgments that is what was meant, this kind of communication (Ross' flippant remarks against disability in her e-mail) is very familiar to my colleagues they would not read anything into it other than that I think sometimes our policy are stupid. That's what it's meant to say."

Ragatz: "Other questions from the board?"

No more questions are presented by the board, Ragatz then refuses 6 of my questions and permits 7. This, again, is an example of the procedural pattern set by the board of not challenging or effectively following-up on the testimony presented by Drzewiecka's University witnesses. As faculty board member Mary Gilles' questions were silenced mine are also silenced.

Ragatz asks my question challenging Ross' testimony about the alleged napkin notes. I asked this question because no evidence whatsoever was submitted by Drzewiecka in court or to the conduct board that included a napkin with writing on it. Instead, Drzewiecka presented a Starbuck's napkin that she found in a zip-lock bag as her evidence, and scraps of paper, but no napkins with notes/writing on them. At this point Ross' testimony has deviated from Drzewiecka's account of the windshield story to the point that testimonies for the University are completely contradictory.

Ragatz: "How do you know about the napkin notes on the car?"

Ross: "The very first time it happened uh Jola called me immediately. Uh and told me precisely what she had found and exactly what it said. And I said that it's Silvia, without seeing it without anything and she said that was my feeling why do you think so? And I said because it follows the familiar pattern. So after that Jola just kept me apprised of what she was receiving."

Ross has stated that "the very first time" Drzewiecka found a napkin note on Drzewiecka's on her car and immediately called her. According to Moon Lee she and Drzewiecka found a napkin in a plastic bag. They thought it was garbage, threw it away, and thought no more about it.

The conflicting accounts about what allegedly transpired in February 2002 do not support Drzewiecka's general claim of harassment before or after the 9/27/1 request I made in the memo to Alex Tan, the Director, that she make no contact. In her statement submitted to the conduct board Drzewiecka makes

no claim that I placed notes or napkins on her car. Her claim is that she found some things on her car, that's all. The board has not proved that I have harassed Drzewiecka.

Ragatz then offers candy. This is done with disregard for my heavy metal condition which, as documented by the Disability Resource Center, means I have severe reactions to sugar. The board made no provision for my disability, as usual, and offered me sugar. I found this highly disturbing as well as typical of their insensitivity in regards to me.

Ragatz: "There is a paper plate here with what appears to be sweet..."

Ross: "Hard candy! Not a chewy one."

Ragatz: "There is butterscotch, peppermint"

Sounds of Ross and conduct board members unwrapping and chewing down on the hard candy handed-out by Ragatz while I wait for them to get done. Ross is moving excitedly at my left side grabbing several pieces of hard candy at a time.

Ragatz then asks my question about sometimes needing visual aids as reminders during periods of short-term memory lapses due to the mercury poisoning I suffered.

Ross denies being aware of this condition I suffer from that is documented extensively by the DRC at WSU. Ross then claims that I re-worded her flyer and posted it. But, Ross provides no evidence of this alleged incident, she provides no testimony that she ever complained to any one about it nor does she state when it may have occurred.

Ragatz asks: "When did you suggest to Jola that she contact the police?"

Ross: "Sometime during the fall, probably. I'm pretty certain of that, probably, well I'm remembering when she was served the restraining order so certainly, if I used the verb suggest, it would fall after she received the restraining order to be accurate we discussed avenues of action for Jola well before that and so police were one of the things we discussed but I don't know whether I explicitly said you should go the police. I know I told her that she should notify the campus police that this was going on not so much to initiate action as to warn them, and that would be in the fall sometime."

Ross is referring to 9/27/1 when, after Drzewiecka violated my request that she stay away from me Drzewiecka, as documented by Director of the Psychology Clinic, Paul Kwon, Drzewiecka provoked a CNS episode. On that same day, probably acting on the above advice of Ross to cover-up her role in the incident, Drzewiecka went to the WSU police. The officer on duty obviously did not believe her claim and merely handed her reading material on what constitutes harassment (see 9/27/1 police report submitted by Drzewiecka).

I then prepare a series of questions regarding Ross' role in Drzewiecka's cover-up and fabricated allegations and pass them to Ragatz.

Ragatz only asks one of the questions:

Ragatz: "Uh, Julie Andsager (the Graduate Director) is Jola (graduate faculty) and Silvia's (a teaching assistant) supervisor, why didn't you go to Julie?"

Ross: "Julie is not Jola's supervisor!"

Ragatz: "Silvia take a moment please and focus on a last question [not audible]."

Ragatz refuses my 2 questions for Ross asking for proof of her allegation about the flyer story.

Ragatz: "If Silvia reworded your poster and reposted it, why didn't you say that in your statement?"

Ross: "Uhm, uhm, ah, I guess, because, uh, in the length of this interaction I'm focusing on things and different things are coming out I don't think that they uh, that the statement covers all of the things we've covered here [inaudible]."

Ragatz: "Okay! Yes! We are going to take a break. Uhm, do you have major substantive questions different from..."

Advisor: "One. It's a small question."

Ragatz: "One last question and then we'll recess but excuse you." "We are going to stop and take a break. It is now 2:42 pm on Wednesday May 15th and we will break for approximately 10 minutes."

A 10 minute break follows.

Ragatz: "It is now 2:56 pm on Wednesday May 15th and we are resuming!"

Silvia: "Ah santi! (an Italian exclamation of pain as Ross swings her right arm my way)"

Ragatz: "Silvia! The problem with..."

Silvia: "Hold my neck! Hold my neck! Hold my... ahhhhhhhh!"

Refer to Faculty Manual

Sect. II faculty responsibilities and ethics a, b, c, d, discipline