

Wild Justice

Ruth M. Sprague



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Title: Wild Justice

Author: Ruth M. Sprague

Release date: August 1, 1994 [eBook #152]
Most recently updated: June 19, 2008

Language: English

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Wild Justice

by

Ruth M. Sprague

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BACK COVER

The court and the EEOC said sex discrimination!

Belmont U. terminated her anyway!

Belmont University had always looked upon faculty misdeeds such as child molestation, sexual harassment or record falsification with a tolerant if not blind eye. Strange then that the entire administration mobilized to aim its big guns at Professor Diana Trenchant—or was it?

The inner workings of administrative jingoism are exposed as a popular teacher is given a termination hearing where the presiding officer is the accuser, the prosecutor and the judge, and the testimony in her defense is ignored.

"WILD JUSTICE chronicles the outrages of one woman's experience with an engaging mix of humor and indignation. The use of fictitious names

underscores how the problems are systemic and not merely rooted in the particular persons involved in this 'witch hunt'. I hope it will be widely read—both for its own sake and to encourage the kind of struggle that redirects higher education to serve the people and social justice, however wild!"

Professor Willard Miller, University of Vermont.

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Cover artist: David O'Vitt

1. Publisher's Cataloging In Publication Data
2. Sprague, Ruth M.
3. Wild Justice
4. 1. Fiction. 2. Sex discrimination. 3. University policy and procedures. 4. Feminists.
5. LC#: 93-060721
6. ISBN 1-883889-05-7 Softcover

AUTHOR'S NOTE

It is no accident that women continue to earn less than men. Nowhere is this more evident than in the testosterone temples of academia. Here, the ceiling is made of plexiglass.

Although more women are allowed in the classrooms and even into the board rooms, decisions are still made in the men's rooms.

More women obtain advanced degrees and achieve faculty positions, but few are allowed into the highest administrative positions. Rather, they are found in greatest numbers in the lower paying, most labor intensive positions.

Civil Rights laws connecting compliance with federal grants are blatantly ignored or creatively circumvented by many institutes of higher learning. The courts and the EEOC, weakened to the point of extinction by the regressive administrations of the eighties, are about as effective as warm spit in enforcing compliance.

Using the double edged sword of coercion and harassment, these institutions of "higher learning" continue to maintain their status quo. This book portrays a few of the artifices they employ. Characters, descriptions and locations are fictional, created from the right side of the author's brain.

DEDICATION

In fondest memory of
LEAH RUTH DENTON,
this book is dedicated to all
WOMANKIND AND HER SUPPORTERS
who refuse to accept the definitions and limitations
imposed by ancient conquerors.

ABOUT THE AUTHOR

Ruth M. Sprague, Ph.D., a native Vermonter known to hundreds of her former students as Dr. Ruth, is retired after many years teaching nursing and medical students.

She has published several scientific papers, teaching tutorials and one novel, VERMONT TALES FOR FOOLS AND OTHER LOVERS.

"Revenge is a kind of wild justice."—Francis Bacon

WILD JUSTICE

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FOREPLAY

"You can't be serious," exclaimed Diana Trenchant, leaning toward the man sitting behind the desk. "Incredible! Why on earth would I want to fill out and turn in student feedback forms in my own course? All of my semester student evaluations have been excellent."

Dr. Lyle Stone, Chairman of the Nutrition, Embryology and Radiology Department, relished the power of his position as fervently as he detested the acronym, NERD, that had been irreparably attached to it. He passed a small pile of forms across his desk to Diana. "Obviously you wanted to cause harm to the two other instructors in the course," he replied smugly. His expression and demeanor suggested a small boy torturing a bug and extracting the utmost enjoyment out of it.

"Harm them?" Dr. Trenchant laughed scornfully and sat back in her chair scanning the evaluation forms. "You claim I wrote these five which are derogatory toward them and the course. Five! Over two years and hundreds of feedback forms? How could there be any harm attributed to these particular forms when you know that both of those instructors have consistently received derogatory evaluations from the students since they started teaching the course?" Diana held the offending papers out in demonstration toward Lyle, indignation rampant in her gesture. Lyle ignored her question and picked up two other papers from his desk which

he handed to Diana saying accusingly, "Besides those five, here are copies of two you also wrote concerning the nutrition course. Together, these constitute repeated acts of dishonesty which are grounds for termination for cause. However...." Lyle tried for a kindly expression and failed, "we are prepared to forget these charges if you resign."

"Oh, that's the game, is it? No way. I'm going to talk to the faculty ombudsman about this and find out what steps to take," returned Diana, hotly, rising from her chair and starting toward the door.

"You can't." As Diana turned back to look at him, Lyle continued with some desperation, "You have no recourse, no appeal. The entire academic council have met and decided already on this course of action. If you do not resign on your own, you will be terminated."

"But not without a hearing certainly—according to the faculty handbook. Or are you suspending those rights along with my access to the ombudsman?" Grabbing up the copies of the forms, Diana left the room.

As the door closed behind her, Lyle reached for the phone and dialed with considerable agitation. "Henry, she won't resign. She's gone to see Jonathan and intends to make a public mess of it," he babbled hysterically.

"Calm yourself, Lyle. I've already spoken to Jonathan and if it comes to a hearing, well—don't forget, I select the hearing panel and chair it. Her public mess be damned, all our hearings are closed to the public. Get a grip and stop blubbing."

GIVE THE DEVIL HER DUE

Chapter 1

It was going to be a perfect June day. Already a cloudless, azure sky, promising no hint of rain, arched over a shimmering campus. All shades of green were represented and so was every color in the flowers that lined the walks and burst forth from the beds. In perfect compliment, the lovely old brick and stone buildings sat around the campus, complaisant and secure, full of pride and tradition.

The library building, squat and solid, redolent with the collected tomes of the ages, stood as a testament to humanity's progress. Works of ancient poets and philosophers, sinners and saints filled the shelves co-mingling with the more recent and modern books. Here were the records of man's highest achievements and his inhumanity to man but as yet, this building cataloged few, if any, records of woman's highest achievements and man's in-humanity to woman. The former being seldom recorded or remembered; the latter too usual and customary to remark upon.

Whistling softly to himself, Jonathan Bambridge, Professor, Ph.D., Faculty Ombudsman left the sidewalk and entered the administration building. He proceeded directly to the Vice President's office and entered through a door already open.

"Jonathan, good of you to come on such short notice," greeted the Academic VP, waving Jonathan toward the inner office.

One wall of the office was devoted to 'art'. The entire grouping reminded Jonathan of different aspects of the same road-kill.

"On a day like this, it is a pleasure, Henry. Looks like the weather is cooperating for graduation this year."

"Well, it's about time. Two years in a row we've been rained out. Drop your bag, grab a cup of coffee and sit down."

Henry Tarbuck, Academic Vice President picked up his own cup from his desk and went to the conference chairs arranged for conversation in the office alcove. From here he eyed Jonathan reflectively. Good man, he thought. Saved us a batch of trouble by coming to me right off.

Tarbuck adjusted his six foot two, rather heavy-set frame more comfortably in the chair. Young for his position, barely in his thirties, he directed seasoned professors twice his age and experience. This along with his imposing height and bulk had caused some resentment but Henry just ignored it.

As first assistant to the president of Belmont University, he reveled in power and position and firmly believed that those that can, do (like him) and those that can't, teach (like faculty).

He covered this attitude with a hearty, down-to-earth, back slapping manner that fooled no one but himself.

Bambridge joined him in the alcove, holding his coffee cup out ahead of him like an offering. "Damn good coffee, Henry. Must have made it yourself."

At fifty-five, Henry Bambridge figured he'd seen it all and most of the fight had gone out of him. Physically, he was the opposite of Tarbuck, slight in build and not quite five ten but looked shorter. His features were finely drawn, almost feminine in contrast to the dark, craggy, nearly simian countenance of Tarbuck.

"Let's get down to it." Henry Tarbuck radiated impatience as visible as the steam rising from newly deposited excrement on a frosty day. For a time, the men went over the schedule of events slated for the hearing.

"Everything seems to be in order," Jonathan suggested.

"Right, it's a go. I want to tell you, Jonathan, you've done a damn fine job so far." Henry gestured expansively. "By advising Diana Trenchant to attend her termination hearing without an attorney, you saved us all a great deal of trouble."

The ombudsman acknowledged the compliment with a nod. Jonathan knew his job was to provide just such a service to the administration. He understood that the ombudsman's function was ostensibly created to provide the faculty with a neutral source to handle complaints. Most times the

illusion of impartiality was well maintained, but the reality of the position was otherwise—it was the administration's ear and eye on the faculty.

"Just followed your suggestion," Jonathan replied, preening self-consciously. Feeling himself in the good graces of the VP, he continued. "What's the story here, Henry? Why is this being handled so harshly? Her transgression is fairly innocuous and I'm surprised it's even coming to a hearing panel. Why not slap her down or suspend her? Hell, it would be less trouble to retire her, she's been here nearly twenty-five years!"

Henry twitched with ill-concealed indignation for an instant then answered calmly but with some passion, "Between you and me, Jonathan, the bitch needs a taking down. You know how we've adjusted to federal and state mandates that women be accepted, even encouraged to work and matriculate here.

"All in all, it hasn't been a bad deal for us. Sure, we've had to raise some salaries but, well, give the devil her due, most women do seem to work hard and get a lot accomplished. They are usually fairly easy to control. Most are scared stupid of being called a lesbian and petrified at the thought that this accusation might be spread around among people they know. Or, if they are married and obviously straight, plant the suggestion that it might get around that they are promiscuous. It turns them to jelly every time."

Henry laughed delightedly as he stood up and assumed a lecturer's pose, unwittingly mimicking the profession he disparaged. As he warmed to his subject, he walked back and forth across the office, adding punctuation to his lecture with his body. Jonathan watched him intently.

"Then there are the most enjoyable ones. They're on the make for any man who is looking for an easy lay. They trade their ass for any glory that may fall their way through association. As workers, most aren't worth shit but they do as they're told. Have to watch them though because if someone higher than you in the pecking, or ha ha, pecker order, comes along, they leave you cold.

"Now, so-called liberated professionals, feminists, may become a focus for women's groups on campus. They get a name for being champions of

women's causes. However, jerk their chain and they are a hodgepodge of insecurities. They have worked so hard to attain their position and the prestige and power that goes with it, that they are our best allies against women's movements and demands for equal wages, in short, any kind of problem we may encounter."

"How can that be, Henry?" Jonathan was finding the impromptu lecture not only informative, but very interesting.

"We just put them on committees or hearing panels such as the one coming up. In appearance, we are being fair by having women represented, not just women, but women who are vocal regarding their movement. Actually, because they want so much for themselves, they are easy as hell to buy. We provide perks that make them feel important. They get invited to presidential teas, trustee cocktail parties—anything that puffs them up, makes them feel good—that's the carrot.

"The committee chair lets them know how to vote and how well pleased their dean will be with them and voila! Believe me, they well know how bad it can get if they fall out of favor with the boss. If this isn't convincing, just indicate to them that they can be made to appear mentally unstable or morally deviant—that's the stick.

"Very few women fight back or quit a committee even if they become uncomfortable with what it is doing. Most just keep their heads down and hope nobody finds out how they voted. I've appointed three women to the Trenchant hearing panel. Two of them are younger women hot to trot up the academic success ladder which I just happen to be holding." Henry paused, preening himself with obvious relish.

Eager for more of this fascinating information, Jonathan queried, "What about Diana Trenchant? She doesn't appear concerned that everyone would know she committed a crime. She refused to quietly resign claiming that the accusations are false and apparently is going to put on a defense at the hearing."

"Defense! Ha! It won't amount to bug dust. I chose the panel and I shall chair the panel and the panel will vote to terminate her." Henry was

becoming very agitated. His pacing was now fast and choppy.

"She's one of those trouble makers who do so well in their job that it's hard to find a reason to get rid of them. It is vital that we hold this hearing and terminate her. We must provide an example." Turning back toward the table, Henry started to shuffle the papers busily. "We've gone over most everything in the handbook on procedure and as far as I can see, everything is proper. What do you think?"

Jonathan, who was holding a copy of the faculty handbook and studying the tip of his left shoe, shook his head in agreement. "It all appears to be absolutely correct so far."

"Fine. Now I'll expect you to be available during the hearing in the waiting room. This is just for appearance, for extra insurance. Things have a way of getting screwed up where she's concerned."

Hoping to reopen the informative flood gates with a smattering of devil's advocate, Jonathan observed slyly, "You know, Henry, her personnel file was rather impressive. She appeared to have been an capable technician, an excellent teacher and received high performance evaluations. No complaints for being late or absent from work, no reports of drink or drugs...."

Again the VP became agitated. This time he grabbed his cup and went to the coffee maker. "She gets people stirred up. That's where problems arise from—those unexpected, unknown sources. No administrator can prepare for those kind of events. For instance, a few years ago a student under her influence embarrassed Jimbo Jones—he was NERD chair before Lyle—and put the department in an uproar...."

Jimbo Jones, chairman, six NERD faculty members and two graduate student Teaching Assistants occupied the conference room at the weekly departmental meeting.

Over the general murmuring and grumbling of a discontented faculty, Peter, the departmental mouth said, "We ought to get a higher percentage raise, Jimbo. Every year you tell us the same thing. Times are tough, the legislature won't spring for a decent appropriation. The dean can't...."

"I know that and I've been thinking how I could cut the roster and have a little more to share among the rest of us. If you agree, I think it's time we let Diana Trenchant go. Last year I had to give her a whopping raise while the rest of us had to settle for the usual 3%, and Ted at the Affirmative Action Office says we've got to give her more again this year and then still more until she catches up to or surpasses Fred's paycheck.

"Of course, it means that you will have to share Fred, our only other technician, do your own research or get a grant and hire your own technician."

Most of the people in the room moved uncomfortably in their chairs looking down at the floor or out the window. Looking anywhere but at each other or Jimbo.

"It's settled then, we let her go?" Jimbo broke the silence. "No one opposes? All right then, it's...."

"I don't know too much about these things," came a hesitant voice from the back of the group. Everyone turned around to look at the young graduate student, Holly Preston, who had spoken.

In a voice getting stronger all the time, she continued, "As I say, I don't know much about this, but I thought when someone was fired that there had to be cause. That is, that they were not doing their job properly or whatever.

"Since I've been in the department, I have been impressed with Diana Trenchant's hard work and knowledge. I've gone to her often for help. What reason will you give for firing her, Dr. Jones?"

A taut silence descended upon the room like a malignant fog. Then, an angry, red-faced Jimbo Jones glared at Holly, declared the action tabled and

adjourned the meeting. The NERD faculty Judas goats shuffled out sheepishly, having been well and truly sheared by a lamb.

Chapter 2

VP Henry Tarbuck closed the file folder then shifted his bulk to place it on a nearby table. His expensive chair started to groan in protest then as if remembering how much it cost, only murmured quietly. "We must be careful that this hearing gives all the appearances of being completely fair, especially after the disaster in Lyle's office."

Jonathan leaned forward and deposited his now empty cup on the stand beside him. "Yes, I heard about Lyle bungling that one. First he yelled at her so loudly that the secretaries in the outer office left in embarrassment and then was stupid enough to tell her in front of witnesses that the hearing panel was only a formality and that she would be terminated anyway."

The VP shrugged, obviously irritated. "Admittedly, he pushed too hard. It came as a shock to him that she would refuse his demand that she resign. He lost his cool and tried to bully her into it. He's new to this, taking over as he did such a relatively short time ago from Jimbo."

"Well it does appear that he had problems with her. I do see that she appears to have a propensity for causing discomfort, but other women, and men too for that matter, have been troublesome. Why the excessive anger toward her?"

"First off, Jonathan, the anger is not excessive, it is justified," Henry retorted testily. "Yes, we've had critics, annoying critics, but when we offered them some redress, they were grateful. She, on the other hand, considered every concession we made as 'a day late and a dollar short'—utterly maddening! And what really frosts everyone's ass is that she is just as recalcitrant when she argues on behalf of someone else. Who the hell is she to care if someone feels unfairly treated by us?"

"Well, of course I'm still using the only frame of reference that I have which is her personnel file and from what I can see she was as much 'sinned against as sinner'."

"That might have some validity up to the point where she openly and publicly challenged the president of this university," retorted Henry waving the file he was holding in Jonathan's face for emphasis, "but not anymore."

"You mean she picked on The Pope, Henry?"

Chapter 3

John T. Pope had been president of Belmont University for nearly twelve years. Because of his belief in his own infallibility, he soon became referred to as The Pope. He greatly increased the senior administrative staff which now occupied one whole wing of the administration building. This wing was known as the Vatican and when a person spoke of kissing the Pope's ring, it was well understood what part of the Pope's anatomy they were referring to. The slew of vice presidents, associate vp's and assistant vp's around the president were soon called the Vee's. Most people believed Vee was short for vice president but insiders knew it really stood for vestigial virgins.

He located the personnel office close by the Vatican. It was the administration's muscle and the buffer between it and the so-called support staff. Patterned after the military, it was directed by, and key positions held by former military men. The military analogy persists throughout the university structure. Upper administration and faculty are designated as officers.

In order to insure staff cooperation, President Pope had created a company union called the Staff Association. To keep tabs on the members, he appointed the director of personnel an ex-officio member. The current

director, Greg Harrison, attended every meeting, answered questions, directed staff activities and channeled them into acceptable areas.

"Yes, I do," Henry continued glowering. "A year after Trenchant got on the Staff Association, she was elected its chair and that body turned from being a very convenient rubber stamp into a cohesive, confrontational group of people. She was reelected unanimously for a second term and during those two years she managed to upset nearly everybody in the Vatican—especially, The Pope. It seems, from what I was told when I was appointed academic vp, that during this time a great deal of energy was directed toward damage control.

"Nothing worked with her. All the tried and true methods of threat or blandishment had no affect. She didn't seem to notice or understand that if she played ball she would become more important than the staff she represented.

"She and the Staff Association encouraged the rest of the staff to bring problems to their office. We had almost daily calls from the Attorney General's Office because she advised women to make complaints if they were discriminated against or harassed. She even boxed in Mark, the university attorney, and just four years ago, she made a shambles of personnel by kicking Greg, the director, out of the Staff Association.

"And that's not all. Under her direction, the Staff Association started to by-pass personnel altogether. They investigated several grievances and represented the grievors they felt were abused by the system.

"They started a staff newsletter to inform everyone about their rights—especially concerning sex discrimination and sexual harassment. The staff was told to stay away from the affirmative action office, which was described as a tool of the personnel department, and take their complaints directly to the Attorney General—they even printed her phone number, for Christ's sake.... Trenchant and a committee met with a federal EEOC investigator. He was presented with a list of staff and faculty positions with a notation of the total number and how many were held by women. The

investigator was here to make sure the university was in compliance for a million dollar federal research grant."

Surprise suffused Jonathan's face. "How did she get that information, Henry? I thought that was one of our better kept secrets."

The Vee exploded. "We were exceedingly careful never to publish anything like that. Members of the Staff Association went through the campus directory to compile the list. Took a lot of time, but they kept at it."

"Sonofabitch!"

"Yeah," agreed Henry. "Lyle gave her a faculty appointment to get her out of staff politics. He had her teaching every semester with the hope that she'd be too busy to cause anymore trouble. Next thing we know, she's threatening to sue the NERD for plagiarism. You know the rest and we have just time enough to get ready. Use the facilities if you need to." He pointed in the direction of an adjoining washroom, then opened a closet door and removed his cap and gown which he laid across the table. Jonathan opened the case he had brought with him.

As both men donned their robes, Jonathan asked, "why is the Trenchant hearing being held so soon after graduation?"

"We wanted to wait until the students left, of course. They've been pestering us with petitions in support of her and we sure don't want them around during her hearing. Also everyone wants to leave as soon as possible for summer vacations, Jonathan. We want this mess cleaned up before we leave."

"Well, my station for the grand march is west campus. Yours?" Fully garbed in medieval academic splendor, Jonathan paused by the open door.

"My department forms up in front of the library. See you next week."

"Right."

The two men left the office together then separated at the founder's statue to reach their appointed destinations.

What a farce, ruminated Jonathan as he made his way between the colorful plantings bordering the walk. Shakespeare would have loved it. Much ado about nothing and a tempest in a teapot. What a hoot, making all this fuss about seven student feedback forms. Nobody ever pays any attention to them yet suddenly they are so important.

Hard to figure a valid reason for such violent reactions from the Vee. Just a couple of years ago, Professor Beand was convicted of child molestation. He was suspended for a few months but they took him right back with no loss of pay or position.

And then there was that dean in the History Department who altered faculty promotion papers. Nothing happened to him. I remember one of the Vee's saying at that time that he shouldn't be disciplined for it because other faculty had done far worse things and were not punished. That's sure true. I remember several incidents involving students, alcohol, drugs....all swept quietly under the rug.

It's obvious what is going on here. Lyle needs to pull the chestnuts out of the fire for those two new faculty he took on so they can be reappointed and tenured. If he can pin some of their negative critiques on Diana Trenchant, he can argue that all the years of bad critiques are suspect and nullify them.

And, of course, Henry and the rest are going along with it out of revenge—they are just plain pissed off because they couldn't win her over with snob appeal. She scorned them, their exalted positions and their offerings. That's it, I bet anything that's it. Silently apologizing to William Congrave, Jonathan paraphrased, "Heaven has no rage like love to hatred turned nor Hell more fury than a good 'ol boy scorned." The medical student that wrote the open letter to The Pope was right—this hearing is an administrative gang bang.

Jonathan was soon joined by others in brightly colored or richly black gowns. Peacocked with the educational badge each had attained and

crowned with a mortar board which got its name from a board used by masons to hold cement. How appropriate that it is worn on the head.

Commencement—a colorful, glorious grouping traditioned by time. All nicely covering the decay and tarnish of some of its stewards.

THE HEARING - DAY 1

Chapter 4

"The hearing? Oh yes, that is being held in this room right here," advised Lorraine Debeau, head custodian of Howard Hall.

Diana Trenchant and her witnesses had arrived early. One of the witnesses asked Lorraine where the group might wait.

"There are two rooms I was told to open. This is the best one right opposite the hearing room," she offered, walking ahead of them into the room, proud as a general leading the troops to battle. "I'll give you guys the best one since you are here first and because of what you are doing."

As she turned to leave the room, she put her hand on Trenchant's shoulder. "Hey, good luck. You know, you are the only person that ever tried to help us custodians get a fair shake. When you were head of the Staff Association, you made those guys in administration treat us decent."

The six witnesses and Trenchant spread themselves out comfortably on the plush sofas and soft rug as individual preference dictated. Good feelings washed over them, mixed with pride and determination. It was as if their cause, their righteous quest, had been anointed by a high priestess.

"It's nice to have friends in high places," commented Andrea, looking around appreciatively. They were in a large, rectangular room outfitted as a lounge. At the front facing the entrance hall, the walls gave way to glass, so it was something like being in a fish bowl. Someone suggested shutting the curtains but Helen objected.

"No, don't. I want to watch for them to come in. I'm going to take their pictures."

There was general laughter at this and Andrea slapped her on the back, "go gittum, Helen."

Roz advised the other witnesses not to be intimidated by the panel. "Hey, I've known most of them for years and they are no better than we are." She had held a full time job at Belmont for nearly two years. Roz had been around and was no spring chicken so the group nodded and took comfort from her.

She, like some of the other witnesses, was also taking courses in the nursing school. One of these courses was taught by Diana Trenchant.

"Look, here they come now," Helen yelled as a group of men came into the hall through the open front door. She grabbed her camera and shot out of the room.

One of the men broke from the group and came into the witness room saying loudly, "Who are you and what are you doing in here? This room is reserved."

"We were told this was a witness room and we are witnesses," said Roz, flatly. "Who are you?"

Glaring at Roz and throwing his entire body into an intimidating pose, the man said angrily, "I am the Academic Vice President, Henry Tarbuck, and I reserved this room for the university witnesses."

"That's OK then," said Roz cheerfully and completely unimpressed. "We are university witnesses."

Diana stepped forward. "Is there a problem?"

"Oh, it's you. You were supposed to go to a room upstairs."

"We asked and we were directed here," interjected Roz. Smiling up at Henry innocently, she continued in a child's sing-song voice, "finders, keepers."

"Well. We'll see about that," was the disgruntled, graceless retort.

As he turned to leave Trenchant stopped him. "I have requested an open hearing which you have denied me. I again ask that the hearing be open."

"No, absolutely not. The hearing is closed."

"A closed hearing is to protect the rights of the accused. As the accused, I waive that consideration and again request that the hearing be open and that any person who wishes may attend."

"No." The Vee closed the door of the witness room behind him with a indignant slam.

"Now there's a sweetheart," murmured Roz. "Hey, did you guys notice we got our own phone in here?"

An obviously annoyed Henry Tarbuck sought out the custodian, Lorraine. "I ordered that downstairs room to be held for the university's witnesses," he barked at her.

"Not me, you didn't. I was told to open two rooms for the hearing witnesses. That's all." Lorraine, all four feet of her bristling, stood up on her toes and duplicated the Vee's tone, jaw to jaw.

Always outmatched when encountering any female who did not smile, cringe, grovel or otherwise conform to his 'typing', Henry turned away from her and fumed his way to the hall phone booth.

Reaching his secretary, his tone took on the whine of a young boy. "Lynn, something terrible has happened. That woman took the good room, the one with the good chairs and the telephone. I'm using the booth in the hall! How could this happen?"

"I don't know, Henry. I told the custodian over there to reserve the two rooms as you directed me. I don't recall that you gave me specific instructions as to which room was for which group."

"I assumed th...."

Henry broke off as he caught sight of the dean and two medical school faculty coming in the door. "I'll get back to you and get this straightened out. Got to go."

"Right this way, gentlemen. We've had a slight mix up in the waiting rooms and I apologize in advance for any inconvenience it may cause. I'm going to have a phone put in soonest and some decent chairs!" Still talking, Henry led the men upstairs.

Downstairs, Helen returned from a self appointed scouting mission, breathless and amused. "Oh," she panted, "you should see the room they have. It's a lecture hall—hard chairs and blackboards all around. We sure lucked out by getting here first."

"We sure did but our luck was in having Lorraine as custodian in charge. Obviously, we were supposed to get the upstairs one and I'll bet you dollars to donuts that it's been bugged," asserted Roz.

Helen had recovered her breath by now and readily agreed. "Yeah, I bet. You know that Vee, Jimbo, was so threatening. I took his picture and he came right up to me and demanded to know my name and what I was doing there and...."

"Oh, he's a pain in the ass all the time," Roz interrupted. "He was bad enough when he was chair of NERD but now that they kicked him up to a Vee, he's insufferable. Drinks like a fish. Did you tell him?"

Helen laughed. "No, I just yelled, 'Press', at him and got the hell out of there."

"Just a moment ago, outside, I got a good shot of three guys that were just coming in. I think one of them was Dean Broadhurst. One of the guys with him saw me and covered his face—just like you see the crooks do on TV when they're taken to court."

James, the one male witness, came in with Jean and Andrea. They were laden with Dunkin' Donut bags, coffee cups, milk and soda.

It was well past the time set for the commencement of the hearing and the six women and one man good naturedly sat down to await the pleasure of the Vee. Noblesse oblige never had functioned at Belmont and they didn't expect it to start now.

Upstairs, things were gradually getting sorted out. Harried custodians had removed or stacked most of the student chairs and brought in plush seats. A phone had been located trailing a long, snake-like extension cord that stretched out the door and back along the hall to the office it had been liberated from.

The university caterers had brought in a coffee, tea and Danish service which was in the process of being depleted by the administration's witnesses. Henry Tarbuck worked the room, spreading ersatz charm like a bee pollinating from flower to flower.

Chapter 5

The door to the hallway opened suddenly and Henry strode in. He looked at Diana Trenchant and gestured toward the hearing room. "We're ready for you now," he announced with all the smarmy triumph of an interrogator leading the way to the torture chamber.

The accused stood up. In silence, the seven witnesses grouped around hugging her and each other. The Vee watched, disgust thick as mildew around a neglected sauna, covering his face.

Disengaging, Trenchant started for the door.

"Here, take this with you just in case you lose your perspective and need to find it," urged James. He shoved an 8 x 10 inch piece of white cardboard into her hand.

On it, printed in large letters, was the legend: BEAM ME UP SCOTTY. THERE'S NO INTELLIGENT LIFE DOWN HERE!

The hearing room was about 30 feet square with no outside windows. The front, facing the hallway contained the door. The rest of the front wall was glass, similar to the neighboring witness room, but here the curtains were tightly closed as if the room was ashamed to reveal what was to take place inside.

A large table nearly filled the room, and seated along the far side of it, nearest the front of the room, sat four members of the hearing panel. At the head of the table, with his back to the blinded glass wall, Henry had enthroned himself.

Diana was curtly directed to a seat also on the far side of the table at the back of the room. There were several chairs between her and the panel.

Across the table from the panel sat Janet Parks, the court reporter, with her back to the door. She was accessorized with a recording machine beside her and a backup tape recorder on the table.

Janet, as her profession demanded, tended to fade into the woodwork. Dress and manner were subdued to the point where she became nearly invisible—but not to Diana. She saw kindly eyes surrounded by a round face that wanted to be jolly and laughing. She saw a possible relief from the dominant accusing eyes. Not an advocate perhaps, but at least neutrality.

An empty chair sat drawn up to the table beside Janet and there was another empty chair further down the table opposite Trenchant.

The entire setup of the room was intentionally choreographed to promote psychological terrorism. Diana Trenchant and her witnesses would be interrogated by the panel while sitting in the chair beside the court stenographer directly across from the panel.

The administration's accusers would sit in the chair which was directly across the table from Diana Trenchant. Except for when she would be testifying, Diana was seated at the place most distant from the door.

Alone.

Diana Trenchant sat down in the assigned seat and arranged her note pad and documents for easy access. For the moment, the panel was huddled together whispering so she took the time to organize her thoughts and chill out the mounting apprehension.

Here she was, sixty years old, twenty five of those working at Belmont, with never even as much as a traffic ticket citation, facing a university hearing panel. Here she was—accused of forging seven student feedback forms. The lump in her stomach and the one in her throat were trying to join together and drag the rest of her down into a black, empty tunnel of fear. Resisting the pull, she looked around the hearing room and met the eyes of the stenographer who smiled at her encouragingly.

Janet Parks had attended many hearings. Her job was to faithfully record every spoken word on her transcription machine. Most of the time, she plied her trade in the courts but occasionally she was called out into the private sector. She had seen a lot of people on trial and her observant eyes took in every detail.

The configuration of the hearing room had not been lost on her so when she met the eyes of the accused, Diana Trenchant, she felt a tug of sympathy. She noted Diana's pale, drawn features and erect bearing. Here was a woman, thought Janet, who would never use makeup or any other cover up. She has such a direct, honest look it's hard to believe that she is the one in trouble here. As Diana's eyes returned to her notes, Janet looked at her more closely. Not terribly well groomed, she thought, noting the slacks with casual blouse and jacket. Janet recalled that Diana was wearing jogging shoes when she walked in. Obviously, she wore her cloths for comfort, not for adornment. Janet continued her inventory: mousy brown hair—no style, blue eyes. Tired blue eyes. Lots of wrinkles, those badges that life awarded to survivors. Must be pushing along into the sixties. Wonder what she sounds like. Hope she's not one of those squeaky kind. Oh, oh, the head cheese is about to start—get ready.

Henry Tarbuck consulting his notes then stated that the dean had accused Diana Trenchant of creating and submitting fictitious student feedback

forms.

"Responding to the dean's charge, this committee was formed and I will now introduce them. On the end is Mr. Frank Anuse, director of the Informational Studies Unit."

The Vee looked fondly at Frank who nodded his bald head in acknowledgement. A tall gangling bean-pole of a man. His head, devoid of any sort of demarcation between face and pate, appeared to float above his body like some sort of alien spacecraft.

They had gotten together over drinks the day before and decided that they would play good cop, bad cop at the hearing. He, as chair, would affect neutrality while Frank could go after Diana and her witnesses hammer and tongs.

If anyone on this hearing panel was more anxious than himself to smash this woman, it was Frank, mused Henry. He had good reason. It was about three years ago that....

Affirmative Action Officer, Kevin Goodman, sat in his office reading a letter that had just come in the campus mail.

Kevin, a black, realized that he had been awarded this position because of his permanent tan. He had thought when he agreed to take the office that he truly would be allowed to enforce federal mandates.

Now, two years into it, the bubble had long since burst. His office was there, it appeared, only to satisfy the law that such an office be maintained. However, deans and directors of departments seldom did as he directed and if he went to the Pope, well, he found out pretty quickly that did no good.

He was actively seeking another appointment at a more enlightened and humane university. Enough was enough, but while he was still here, he would do the best he could or was allowed to do.

He smoothed the pages of the letter flat and reached for the phone.

"Professor Anuse? Kevin Goodman here. Affirmative Action Office."

"Yes. What can I do for you?"

"I have a complaint regarding your hiring process that I'd like to discuss with you at your earliest convenience."

"Now's fine. What's the problem?"

"It's alleged that you will not interview or otherwise consider males for positions in your division," Kevin said, carefully.

"Can't interview or consider anyone who doesn't apply for a position, can I. Shit! Men just aren't interested in the jobs in my unit."

Kevin blinked and cleared his throat. "Ah, well, I called the personnel office and they informed me that they had sent you a file of a male for the last two positions you posted. I was told that you did not interview him."

"Could be, I suppose. Probably he didn't qualify."

"Personnel says that he is very well qualified."

Frank Anuse made a face at the telephone. The supercilious bastard, he thought. Who is he to check up on my hiring?

"They do, huh."

Frank's predilection for hiring only women, preferably young, was well known throughout Belmont. He laughingly referred to himself as the sheik and the girls as his harem in conversations with his male colleagues. His girls referred to him as Jack the Ripper. Turnover in his department, in all senses of the word, was active.

"Yes," Kevin continued. "In light of this complaint, my office will have to review the records of all of your hiring for the past two years. Would you please have this material ready for my assistant to pick up tomorrow?" Kevin spoke firmly, looking down at his crossed fingers.

"All those files? Christ, you think I've got nothing better to do than.... Who in the hell made this complaint, anyway?"

"The letter came from the chair of the Staff Association, Diana Trenchant. Evidently several complaints have been brought to her attention."

"She can go to Hell and you too, for that matter. What business is it of yours who I hire?"

"Federal law prohibits discriminatory hiring practices. This university has to comply to receive federal grants. My job is to see that the university is in compliance."

"Bull, everyone knows that just applies to women and spa...., er, minorities."

"That is incorrect, Mr. Anuse. Anti-discrimination laws apply to anyone who is being discriminated against. Please have those files ready for pick-up," said Kevin and firmly hung up the phone.

Frank looked at the phone for a beat and then walloped it to get a dial tone. He punched in the number for Mark Rogers, the university attorney.

Reaching his party, he said, "Mark, what do you know about the bitch chairing the Staff Association?"

Chapter 6

...."and sitting next to Ed is Esther Rondell, agriculture."

Frank beamed at Esther who simpered in return. A large woman, Esther wore her white hair in an old fashioned pug at the back. She had been at

Belmont longer than anyone could remember. She dressed conservatively and was always on university committees.

Esther was at the forefront of every woman's movement on campus. She was quick to rush to any woman's defense and agree that yes, they were badly treated. This allowed her a podium to broadcast how badly she was used by the university. With all her experience, with all her hard work, she was shafted at every turn, was her cry.

Any serious group of women who might band together to effect change were usually derailed by her and the administration loved it. An unsuspecting woman who confided in her thinking she was a fellow sufferer found to her sorrow that Esther was only out for Esther. Any confidence given her was nearly always violated. This queen bee just shrugged and stung them to death.

A cinch, thought Henry.

"Then Professor Jane Astori, physical therapy."

Beside Esther, tiny Jane appeared almost doll-like, even though she was only a little shorter than average. Her blond hair was worn long and fastened with a barrette at the back. It swished like a horse's tail whenever she moved her head.

At 42, she had attained her goal of becoming a professor and now had her sights on the department chair. She was adept at playing the system. A political pro.

"Last, but not least, here beside me, is Annette Pringle, zoology," finished Henry.

Annette nodded in recognition of the introduction and then turned her eyes again to the stack of papers in front of her. She was scared. It was her first committee assignment since her appointment as assistant professor at Belmont and she didn't want to be here. Everything was wrong about this hearing. It was plain as could be that Trenchant was being railroaded.

Nobody at Belmont ever considered student feedback forms anything more than an exercise in futility.

What a nothing, inconsequential charge—yet here she was with the rest of the panel who all appeared to think this was the most serious crime since the Holocaust.

Annette hadn't dared to refuse Henry's request after the way the Vee had questioned her. He had come unannounced to her office to ask her to serve on this hearing panel. He explained to her how important serving on university committees could be and how they beefed up a curriculum vita.

Then, right out of the blue, apropos of nothing he had said, "I understand you and your friend, Joan, live together." It could have been just an innocent remark, but Annette, with years of suspicion and threats to remember, didn't think so. He knows, she thought and the thought stuck in her throat and choked her with fear. Her weak protests that she really didn't think she had experience enough yet to qualify for the panel had been swept aside and here she was.

Henry's thoughts were similar. He smiled in triumph. It really paid to check people out carefully. You could find out the damndest things. Things people were afraid of getting out. Things Henry could use to control them.

Still smiling, he turned to the papers before him and in rapid order, introduced into evidence, Medical School Dean Broadhurst's letter of charges, a memo from the Chairman of NERD, Dr. Lyle Stone, and the two files containing the material sent out from Belmont to the document examiners.

"These are the items," the Academic Vice President and Chair of the hearing panel committee asserted, holding up the files, "that the hearing is about."

"We will commence by having the university's witnesses sworn in by the court stenographer. The committee will then examine each of the witness, then the accused may cross examine them.

"After all our witnesses have testified, Trenchant may examine her witnesses and the committee will cross. Are there any questions?"

"Yes." Diana said firmly. "You have said that the witness are to be sworn by the court stenographer and I have no objection to that. However, I want it in the record that I was told both by the ombudsman and by you, Mr. Chairperson, that this would be a typical administrative hearing and that witnesses are generally not sworn. When they are, it is done by one of the hearing committee.

"I was further told that recording of the hearing would be by tape recorder. I find that neither of these two things are true.

"In addition, I want it recorded that I have requested several times that this hearing be open, and the chair has refused. The Attorney General's Office has asked to be allowed to send an observer to this hearing. Their request was denied, but they were promised a complete transcript of it."

"OK," Henry brushed aside Diana's observations as if they were of no import, and continued, "we'll call our first witness." Henry rose and went to get the Lyle Stone, chair of the Nutrition, Embryology and Radiology Department—NERD.

Lyle was seated directly opposite Trenchant and was sworn by the stenographer. Under questioning from the committee, he gave his name and position.

Dr. Lyle Stone was a man totally driven by ambition. He treated people on two levels. If he needed something from you, he was most decent, even kindly; if not, he ignored you.

Quick to anger, he rarely checked facts. He took good care of himself, and at the age of 58, he regularly worked out at the gym and was seldom sick.

He was, however, short. Shorter than the average man, he tried to make up the height with bluster. This gave him not only a Banty rooster approach to life but also may have been why he resembled one.

"How did you become aware of the issue that this panel is investigating?" Henry continued.

Lyle testified that two years previously, Dr. Randy Fecesi had come to him with two medical student feedback forms which he had found. "Students are required to fill out and bring to the NERD office a questionnaire type form that critiqued each of the faculty in each course and the course itself," he explained....

Student Feedback Forms were initiated at Belmont in the middle sixties. They were designed to allow the students to evaluate faculty and courses in response to student demand that they have a voice in their education. Although the professors of each course at Belmont routinely handed the forms out and collected them, they were never taken seriously by any department or dean unless they were uniformly derogatory to a course or professor and sometimes, even then, they were ignored.

Mostly, they were treated as a joke by the departments and a lost cause by the students who never saw any changes made as a result of their suggestions. The joke was propagated further when some wag arbitrarily added MUR between the S and FF, creating the adjusted acronym, SmurFF, from Student Feedback Form. From that time on, the forms were printed on blue paper.

"....Randy said that he had found a SmurFF for the radiology course this year and one from last year that didn't look right to him. He and Dr. Heathson, who teach the course, wanted me to send them for handwriting analysis because he thought they had been written by Trenchant."

Lyle went on to explain at some length that Dr. Randy Fecesi and Dr. Ian Heathson were young faculty who were trying very hard to make the radiology course more modern and sophisticated. These efforts, he asserted, were thwarted by Trenchant and there was controversy and conflict because of her....

When Lyle Stone succeeded Jimbo Jones as head of NERD, he brought his post doc, Ian Heathson with him. No one on the NERD faculty was consulted and all of them were very upset that they were given no voice in a faculty selection. They soon learned that Ian was a special friend of their chairperson and quickly discovered that it was not wise to criticize him in any way.

Ian was a real nice, friendly fellow, fairly adept at his research specialty, nutrition (which was also Lyle's) but lacking knowledge and understanding of radiology.

Lyle put him in charge of the radiology course given to the freshmen medical students. This act was similar to throwing a child into the water and expecting it to learn to swim.

Diana had taught the lab portion of this course for several years. Ian didn't learn very quickly. He tried, you have to give him that, but he was way out of his depth. The students, as kindly as possible, turned thumbs down on him. Not only that, but on their SMurFF's, they were highly critical of the lecture portion of the course, which Ian conducted, while praising Trenchant and the laboratory, especially the laboratory manual which she had written.

The manual had been written out of desperation by Trenchant on her home computer. Over the years, the radiology lab manual had degenerated into such a mess that it was difficult to use and impossible to understand—especially when most of the pages were unreadable. This was before the department obtained a copying machine and still used the old fashioned stencils.

So Diana wrote and illustrated an entirely new manual and she registered the copyright on it. She offered this finished manual to Ian at no charge for use in the course and he grabbed it like the drowning man he was. The students had made their disgust well known to him and he realized that he did not have the knowledge or experience to produce an adequate laboratory manual in Radiology.

Things got better in the course. Ian was improving in his knowledge and lecturing. There was excellent cooperation between him and Trenchant. That is, until Randy Fecesi was brought in.

Randy came with perhaps even less ability in radiology than Ian, but where the students were sympathetic toward Ian, they were pissed off by Randy. The SmurFFs they wrote concerning him were not kind. Many reprimanded him for things he had said in lectures which were contrary to what the students read in textbooks. Hurt, angry and unable to get at the students, he turned on Trenchant. At first, Ian tried to stay neutral but eventually, Randy convinced him that the course must be reorganized and they had to start by redoing the laboratory manual.

His solution was to change the only part of the course that really worked!

Chapter 7

"Now what did you do with these SmurFFs that Dr Fecesi brought you?" questioned Henry.

"At first, I just thought about them. Then I took them to Jimbo Jones who was chair of the department before me.

"I thought he might have some idea of what should be done and he, of course, knew Trenchant since she had been in the department during his tenure as chair."

Lyle continued, shifting in his chair so he appeared taller. "Jimbo immediately took them to Mark Rogers who is the university attorney and Mark sent them out for analysis.

"I looked through other SmurFFs and picked out a couple that seemed strange, that didn't seem to me to be what students would write, and Jimbo

found a couple in the nursing course and all those were sent out to the examiner.

"The document examiners reported that, to the best of their knowledge, Trenchant had written the SmurFFs we had sent them so I went to you, Henry, to the administration, and it was decided that I meet with her and give her an opportunity to resign. When she refused, I wrote the dean and he initiated the termination for cause action."

Henry appeared pleased, consulted his notes and asked if Lyle could explain Trenchant's conduct.

Certainly, Lyle would be happy to. His eagerness to answer this question lent strength to a skeletal system already overtaxed with maintaining a taller posture.

"It had to do with the problems in the radiology course. Ian and Randy were trying to make the course better. She fought them on everything and finally she quit the course—said it was too much along with her other teaching responsibilities. It was about a year ago that..."

Randy called another meeting to discuss the Radiology course changes. Ian attended reluctantly. He was not convinced but Randy swept him along and Randy had Lyle's approval. All Ian had was a poor track record teaching the course.

Randy delineated the changes he was going to make in the manual. The first one was that Trenchant's name would not appear on it. Instead, it would be the product of the course directors, Ian and Randy.

He was quietly and firmly told by Trenchant that he did not have her permission to make any changes. The manual was copyrighted by her and would stay that way. He had the option to either use it or not, but he could not change it as he was indicating. As for legitimate suggestions or ideas, she would certainly, as always, welcome constructive criticism and make the necessary changes herself.

This was not an arbitrary determination by Trenchant. Her manual was written expressly to teach a circumscribed area of the course. It did not pretend to be otherwise. Even though more emphasis was to be given to recent developments in the field, the radiology course must still devote a great deal of time to the basics. This was because the students had to be prepared for the courses to follow.

Randy announced that he would use what he wanted, as he wanted and the meeting broke up.

The accused was busy in her office when Lyle burst through the door in his customary manner of no manners.

"What do you mean telling Randy and Ian that they could not use the manual and make the changes they want in it?" He yelled at her, continuing with threats of what would or might happen if she didn't do as she was directed.

When Trenchant was finally given a chance to answer, she told him simply that the manual was copyrighted and that she had told Ian and Randy that they were free to use it or not as they chose. They were not to edit it or change the authorship, however.

When his browbeating failed to move her, he left. Within the hour, Jimbo accosted her in much the same manner.

Becoming a Vee had not changed Jimbo. He was still unable or unwilling to govern his temper.

"You cannot claim copyright to the radiology manual because it is illegal and the university will sue you and put you in jail."

After he had stopped yelling, Trenchant told him the same thing she had told the others.

He left and went into Lyle's office where they were joined by Ian and Randy.

It was decided that they would retype the radiology manual using as much of it as they wanted. "To hell with that trouble-making broad," was the decision of the assistant vice president for academic affairs of Belmont University. This was done. Without permission, they used large portions of the manual in the fall radiology course, giving no credit to its author.

Diana was not the only author so honored. In the manual, and in other material that these men put together to teach the radiology course, complete excerpts were taken verbatim from four standard radiology texts. No source was cited. No author was credited. Also, an entire atlas on radiology was photographed. Several copies of these photographs were made and put out in the lab with absolutely no credit given to its authors or publisher.

At least one medical student was incensed by this. He or she wrote to the publisher anonymously.

The accused learned through the student grapevine that the department got into serious trouble because of this and that Dean Broadhurst was furious.

Lyle blamed Trenchant for blowing the whistle, conveniently forgetting that it was a student who had written the letters.

Chapter 8

Lyle droned on and on with a litany of sins attributed to Diana Trenchant, carefully circling the truth. "Whatever problem the department had, she was usually responsible," he asserted. The folds of paper falling from the court stenographer's machine stacked higher and higher. Janet was beginning to look very tired.

The 'suspect SmurFFs' were introduced and Lyle identified them. "Yes," he intoned, "When I spoke to Trenchant and told her she had the option to

resign and nothing further would be said or done to her, I gave her all of the handwriting evidence, all of these SmurFFs, at that time."

Now, Henry allowed questions from the rest of the committee who started to slowly wake up after enduring Lyle's long and repetitious testimony. Nearly 20 minutes was spent answering their inane questions regarding how many courses were involved and who found the 'suspect' critiques. Most of their questions had been answered previously in the material given them—the dean's letter and Lyle's memo.

Esther, however, alertly noticed that some of the SmurFFs in question had no dates and inquired how these could be said to come from a certain year.

The answer given was a model of obfuscation. Lyle replied, "The critiques from those two years came in a packet to me from Randy and Ian. Those were the years that Trenchant was indeed involved in teaching this course."

Satisfied with the answer apparently, Esther questioned why one of the suspect SmurFFs had a note stapled to it.

Diana sat up in her chair. This was a question she wanted answered.

Lyle replied that it was a note from Trenchant and that he had stapled it to the evaluation prior to sending it off to the handwriting analyst.

None of them questioned why a note in Trenchant's handwriting was made a part of the document that the analysts were to analyze for authorship.

Annette wondered if she understood correctly. Did Lyle say that he kept all of the critiques in his office?

When Lyle answered yes, she asked how it would be possible for Diana to submit falsified ones.

The silence in the room was deafening. Janet, lifting her hands from the keys, massaged her fingers, the suggestion of a smile floated mischievously over her face.

Panel member Anuse finally came to the rescue with a cuing question and a long discussion ensued as to how SmurFFs were handled in the department and what happened to them.

Many of the answers give by Lyle were false. Diana made a note of these.

The chair now looked expectantly at Professor Jane Astori. So far things had gone very well. Everyone had been on cue and except for those two surprise questions....well, they were fielded quite adeptly. His chest expanded with pride in his ability to bring this thing to a smooth conclusion. Now it was time for Jane to ask the questions that would delineate the magnitude of this crime. That would certainly figure in the Attorney General's evaluation of the hearing.

"Since all of the comments on the suspect SmurFFs refer to Randy," Jane began, "I'd like the details of how this could impact on Ian."

Well, Jane had come through all right. A little too direct for comfort but then, she hadn't the gift of subtlety that he, Henry, had acquired. At any rate, Lyle was well prepared and the gates opened and the Ian story poured forth. How hard he had worked at the course. What it had cost him in research time and time away from loved ones.

In answer to further questions from Jane, he covered everything. All the trips to the dean's office in Ian's behalf. He emphasized that the disparaging student critiques suddenly got better when Trenchant was no longer in the course.

Over and over, he stressed that it was all the faultfinding SmurFFs that were coming in that were the problem. What was the reason for it?

He, Lyle, felt that Ian was doing a fine job. Well, the situation had caused them many a sleepless night. And on and on....

Several times Jane tried with her questions to bring Lyle back to saying how the SmurFFs in question, the ones he thought Diana had written, hurt Ian. Henry had impressed on her that it was important that Lyle be given the opportunity to link the harm caused by Trenchant to Ian as well as Randy.

Whatever the reason, Lyle was acting awfully dense, she thought, or else he thinks it's vital to get all this other stuff in first. I've certainly given him the question often enough, let someone else try. She put down her notes, leaned back in her chair and nodded to Henry that she was finished.

Frank Anuse took over the questioning. He wanted to know the reason that Ian's SmurFFs got better when Trenchant was not in the course.

"Well, you see, these suspect SmurFFs in those packets there, these few are just the tip of the iceberg. Diana Trenchant, during the years she was in the course, influenced the students to write bad evaluations about Randy and Ian."

There it was. Stark and real. Diana was not just accused of creating SmurFFs—she was accused of witchcraft.

Jane jerked upright in her chair and stared at Lyle aghast. Was he really accusing Diana of that level of control over medical students? Preposterous—one woman, all by herself, had influenced hundreds of medical students over a period of years to do as she dictated. There's more to this than I've been told.... this isn't about forging seven SmurFFs. What on earth is going on here, she pondered....

Finally, Henry noticed Janet who had been trying to get his attention for some time. "We'll take a ten minute recess and when we come back, Trenchant may cross examine Dr. Stone. You may leave the room. I'll summon you when we are ready," he ordered, taking in Janet and Diana with the same disdainful glance.

The committee huddled and Lyle Stone joined them. So much for impartiality.

Janet and Diana left, both breathing an audible sigh of relief as the door shut behind them. Stopping at the soft drink dispenser, the court reporter glanced around carefully then said sotto voce, "What a farce. Unbelievable."

Chapter 9

The ten-minute break had stretched to twenty before Henry and the panel finished going over their notes to make sure they had brought out everything that Mark, the university attorney, had advised.

Diana and Janet were called back and Diana began the cross examination of her department chair, Lyle Stone.

She asked him first to confirm a sentence written in his memo to the dean and which he had testified to before the break.

"Yes," Lyle answered, "I did write in the memo to the dean and also testified that I gave you all of the documents used in the handwriting analysis."

Diana held up several sheets of paper from the evidence packet on the table. "I have found documents dated nearly twenty years ago in this material the committee has introduced as that sent to the document examiners. These were not in the material that you gave me. So your assertion that I was given all of the documents is incorrect."

Henry searched quickly through his copy of the evidence that had been sent to the document examiners as standards. Good God, he thought. What is this creature doing? Come on Lyle, don't let her get the best of you.

Ah, much better, Henry observed happily to himself as Lyle started tap dancing around her question. Instead of yes or no, he would repeat at length

some of his previous testimony with added embellishments and avoid answering.

By persistent questioning, Diana established that he had stapled her brief note to one of the 'suspect' SmurFFs before it was sent out for analysis. But it was like pulling teeth. He kept reiterating that it was stapled to a 'suspect' evaluation, so it would not get lost.

Patiently, she repeated her question, finally wearing him down. "Were the document examiners given this evaluation with the note stapled on it as one of the 'fictitious' critiques?"

"Yes, they identified that critique as having been written by you."

"No distinction between the note and the critique was given them—according to their report, is that correct?"

"I guess so, yes."

Using a sketch of the NERD office, Trenchant ran Lyle back through his previous testimony of how the blank critiques, the SmurFFs, were given out, how they were collected and what happened to them afterwards.

From her intimate knowledge of the operation, she was able to reveal most of the lies he had told of this process when the committee was questioning him.

Jane was listening carefully. Slowly, there evolved the information that this whole evaluation process was sloppy and unreliable. That it had indeed, been this way for years. Given that, she thought, how could he claim that such a high reliance was put on SmurFFs when assessing faculty for reappointment?

Lyle admitted that students had scant desire to complete SmurFFs. They considered it a useless effort since little or no attention had been paid in the past to their comments.

"To force compliance," he explained, "students were told that unless their name had been checked off on a list in the secretaries' office, they could not receive their grade for the course from the dean's office. Most students bring in completed evaluation forms, place them in the box provided and check off their names. Some merely come in and check off their names, eschewing the forms," he finally admitted with obvious reluctance.

This certainly puts a different light on things, Jane noted as she jotted down the information being squeezed out of Lyle by Diana. She carefully registered in neat script:

1. That the blank SmurFFs were left out in the open for days, sometimes weeks so any body could have had access to them
2. That the completed SmurFFs left in the box, supposedly by radiology students, were separated and given to each instructor; the course critiques went to Ian and Randy
3. No tabulation of the number of critiques was carried out
4. Anyone could come in (etc.)
5. Since the critique form (etc.)
6. Most of the submitted critiques were not dated

The accused was left out of course planning meetings when Ian and Randy met with Lyle, contrary to what he had just told the committee.

None of the documents he had sent to the analysts contained anything detrimental to Ian Heathson, as claimed in his memo to the dean. She re-read what he'd written in the memo, "These fictitious student critiques were very detrimental and personally injurious to two junior faculty members."

Under Trenchant's quietly relentless cross examination, Lyle became flustered. First he claimed that perhaps his language had not been perfect in that phrase but what he meant was that, "manipulation of critiques in general would be detrimental to any faculty member."

Trying to bring him to the point, Trenchant read from a signed, dated student critique that had not been deemed 'suspicious' by Lyle. It had been submitted during the same period as the 'questioned' critiques.

"Quote: 'I think Randy needs to be more than one page ahead of the class in understanding the material. How can you teach what you do not know? I was also offended by the so-called anthropological function' (he gave) 'of the female breasts. I am familiar with some of the literature which support the statement in the handouts,' (in a lecture, Randy had emphasized that the primary function of the female breast was to attract a mate) 'but was not aware that THE NAKED APE, PENTHOUSE MAGAZINE, PLAYBOY MAGAZINE and so forth were regarded as competent medical school publications. The underlying tragedy of this incident is that it demonstrates the ease with which non-scientific hypothesis are disseminated without any thought. This, I think, is a poor reflection on the department and the faculty.' Unquote."

Diana continued, "This is what I would call personally injurious but I do not see this student critique among the 'suspicious' ones—the ones sent out for analysis."

Henry started to sweat along with Lyle who was becoming increasingly uncomfortable, his tone hostile. He dodged and refused to answer directly a question asking if he always sent suspicious critiques for handwriting analysis, claiming that in this case, one of his junior faculty had asked him to.

Jane picked up on an item of special importance, and extremely relevant, underlining it several times on her note pad. Because of the negligent handling of the critique process, there was no authentic chain of custody maintained! In addition, neither the SmurFFs alluded to as 'suspicious' nor the so-called handwriting standards were ever authenticated.

According to the testimony she had just heard, each of the so-called 'suspicious' critiques had been discovered when the finder was alone. Furthermore, Lyle could give no proof that any of the 'suspicious' SmurFFs he claimed were found, had ever been placed in the return box provided for the students. In fact, except for the few critiques that were signed, there was no evidence that any of the nearly two hundred uncontested critiques relating to the radiology course were even submitted by the radiology students!

Jane was simply astounded. In all of Lyle's testimony, he had offered no witnesses or evidence that could confirm his testimony that students had been manipulated by the accused. Witchcraft was insinuated, but never proven.

Henry was rapidly becoming unglued. Noting Lyle's declining control and fearing an incipient outburst, Henry interrupted and declared that they would now take a lunch break. How could that idiot sit there and let himself give away that kind of detail on how SmurFFs were handled in his department? Henry knew that this was having a deleterious effect on the panel and he knew that he'd better set things straight while there was still a chance to cover up.

Chapter 10

Lunch was catered in the upstairs witness room as the prosecution, Henry and the panel, huddled to socialize and discuss the morning events.

Henry and Frank Anuse excused themselves after the meal and adjourned to the men's room to plan strategy. "We can't say too much to the women now with the other witnesses around but when we get back, you take Esther out somewhere and I'll handle Jane. Annette's no threat, we'll forget her. Anyhow, explain how all that bullshit about the chain of custody doesn't have any bearing at all. Everything rests on the document examiner's evidence. Nothing else counts. Got it?"

"No problem, Henry. I'll set her straight," Anuse said reassuringly. "Christ, Diana really stuck it to Lyle, didn't she?"

The defense huddled too. They went as a group to the nearby cafeteria. Everyone took the trouble to keep the conversation light and encouraging. They were convulsed at the reaction of the court stenographer which Diana related to them.

"She's probably attended a great many hearings," offered Helen. "What happens in the cloistered halls of Belmont U. would be a bit foreign to her."

Even though it was practically certain by now that they would not be needed to testify until the next day, they all elected to stay. "Hey," Roz insisted, "we want to be here for you and each other. It's bad enough that you have to face them alone in that hearing room."

"You guys are the best, you know that?" Diana said, fondly. "After the hours spent in that room its such a relief to hear human voices again."

When the hearing resumed, Henry cautioned Diana about taking too much time and to stick to the issues. "We are only here to listen to information directly concerning whether you forged those SmurFFs in question. You have wasted too much of our valuable time talking about non-related issues."

And you, you pompous old windbag, encouraged that witness, Lyle Stone to go on and on for hours on unrelated issues yourself, thought Janet, sneaking a quick, compassionate look at Diana and flexing her fingers in preparation for the next words.

Diana almost snorted aloud at Henry's admonition. Composing herself, she said, "I'm finished with my cross examination of Lyle."

Frank Anuse immediately asked, "Lyle, if it is demonstrated that a faculty member falsified information concerning another faculty member using SmurFFs, do you consider that to be amoral and unprofessional?"

"Yes. We are assuming that honesty must prevail among peers and co-workers."

"That's all for now."

"I have just a couple of questions on recross," corrected Trenchant.

Henry, caught with his mouth open about to hastily dismiss Lyle glared malevolently at her.

She smiled back at him then turned to Lyle and asked if he insisted that all faculty be honest.

He avoided a direct answer. "Well, no one thinks dishonesty is a good thing, at least I don't think anybody does."

"I just wondered why you didn't take similar action, that is report to the vice president and bring charges, when the recent blatant plagiarism of Ian and Randy was brought to your attention," Diana said.

Henry, forgetting his assumed role as neutral, quickly snapped off, "we really must keep the testimony on the issue."

Diana smiled grimly. "Thank you. I'm finished."

Henry quickly excused Lyle and announced that the next witness would be the document examiner and rose to get her.

After the door closed behind him, the room was quiet. Its occupants sitting in silent contemplation.

Chapter 11

Something had to be done. The group gathered in the conference room were all in agreement on that—but what? The problem was two-fold: what to do about the possibility that Trenchant would bring a plagiarism suit against the department, and how to wipe out years of bad SmurFFs for Ian and Randy.

"You realize that we could just get rid of her by invoking the clause in her contract that designates she's first in the department fired if the

department has financial problems?"

"That wouldn't help much, she could still sue for plagiarism. If we fired her, even justifiably, the papers would play the plagiarism stuff up."

"There is another way—by discrediting her first and making the student evaluations invalid."

"How!"

"During my last trip to New York, I heard about some special services that were available."

"Special services? You mean a hit man? That wouldn't help the evaluations."

"No. Something else, entirely. Give me a few weeks and then follow through with what you are presented with. It may be expensive, though. Can I count on some help in that direction?"

"No problem. You come through on this and we'll give you all the help you want."

The others present nodded in agreement and the meeting ended.

He could hear the phone ringing in Anderson's office. Ah, there he was. "Andy, no names, please. I'm on the office phone. You recognize my voice?"

"Yeah, sure. How they hanging?"

"Remember our conversation where you told me about the special services guy?"

"Yeah."

"Can you put me in touch with him?"

"Yeah."

"Thanks, later."

He got to the appointed restaurant early and asked for the booth reserved for Smith as he had been instructed. It was amazing how those New York City taxi drivers knew a hole in the wall place like this.

Soon, he was joined by a well dressed, obviously well educated man who ordered drinks for both of them.

"I understand that you have need of our services. How may we be of help?"

"I need to have some papers forged. It has to be a foolproof forgery that will not be exposed if the papers are examined by a handwriting analyst."

"That will be expensive, but not impossible. We charge by the number of words and the number of papers or documents you need." The price of each was then given.

"Whew, that is steep."

"Yes it is. But you want foolproof. Ordinary forgers are a dime a dozen, but we employ only the most expert. These are people who are trained in document examination. They know what a document examiner looks for and what tips them off to call something a forgery. For example, if a person is trying to disguise his or her handwriting, they make it bigger, wider, smaller or larger.

"Our forgers, as trained document examiners, look for unique or individualistic handwriting characteristics and make sure these are included in their forgeries. They first find all the characteristics, even the microscopic ones, of the individual's handwriting just as a document examiner does. Then they utilize this knowledge in making a foolproof forgery.

"All this takes time, of course."

"How do you recruit these people? I should think it would be difficult since they work fairly exclusively for attorneys or police, don't they?"

"Well, I certainly can't share our methods but I will remind you that money talks. These people are paid very well for what they do and they know they are protected. I hope you are not so naive that you believe all lawyers and cops are honest!

"They are easy to recruit because they may have worked for years for very little. That's why to get the best, you have to pay for it."

"OK, here's what I need. I was hoping to have a dozen or so of the following messages copied onto these blue forms, but I'm going to have to settle for these three short ones. I understand from the man that introduced us that this will never be traced back to me?"

"Correct. I am only a broker. I do nothing criminal—you do nothing criminal. The forger never sees either you or me. Someone else takes the material to her or him. That's another thing that makes our service so excellent. I will use a former document examiner who is the same sex and about the same age as the person you want blamed for these documents.

"Now, the first thing we need is as many examples of this individual's handwriting and printing that you can get your hands on. We want originals, not copies. However, be sure you make copies since you will not get the originals back. They will be, 'consumed' perhaps is the best word for it, in the forgery process. Most commercial document examiners will accept copies of standards to work from and this is to our, and your, advantage. You might get one sharp enough to be suspicious if given enough original standards to compare with our forgeries."

The waiter never came back to bother them. They sat in the secluded booth and planned out the three documents to be.

A few weeks later.... "Mr. Smith? Yes, thank you for returning my call so promptly. Yes, the merchandise was as you represented. The professionals

have authenticated it." He listened briefly, then said, "We are going to need two more. I neglected dates on the previous order and we have to show repetition of this practice.

"All right. I'll meet you there in one hour with the accessories and balance of payment for the previous order."

After hanging up the phone, he opened his briefcase and extracted a small packet of bright blue, Belmont Student Feedback Forms and a sheet with the typewritten messages that had been created to be forged onto them. He looked to see that the rest of the contents were in place, then returned everything to the briefcase and left the room carrying it.

The document examiner was seated, sworn and proceeded to give her qualifications which were concerned with her training, the number of years in the profession and clients.

Alice Stebbins was quite short. Her features gave her age as around fifty and holding. She dressed severely, in browns and blacks which made her look perky and birdlike. Peering at the hearing panel over her half glasses enhanced the bird image, but it was destroyed when she opened her mouth.

Her voice, far from a peep-peep one might expect, was deep and strong. She had learned well that when one was giving expert testimony, one presented a confident, assured bearing.

Further questions from the chair led her through the evidence and she readily identified all but two of the seven 'suspicious' critiques as being written by Trenchant. Her language was laced with the correctness of one accustomed to giving court appearances. She prefaced much of her testimony with the caveat, 'in my opinion'. Her attitude of selfassuredness belied this qualification.

"Also, in my opinion, those two most probably were written by her. Certainty was not possible since they contained printing and I was not given enough or recent enough exemplars of Dr. Trenchant's printing."

Using two large easels, she demonstrated various letters and combination of letters photographed and enlarged from the standards or exemplars and from the 'suspect' documents.

This kind of testimony was familiar to Janet. She faithfully recorded the words being spoken and knew that standards or exemplars are writing and printing that are authenticated. That is, that are definitely established to be written or printed by the person in question. Customarily, they are taken in the presence of the document examiner so the examiner can swear to their authenticity.

Using these visual aids, the document examiner pointed out the similarities existing in the way the letters were formed—making her case that the documents in question, the 'suspect' SmurFFs, had indeed been written by Trenchant.

Clearly, her presentation was well done and the panel was most engrossed and fascinated by the process she delineated.

The panel was eager to question her further. Like most professionals, they were deeply interested in a discipline they knew very little about.

"Is handwriting analysis reliable?" Anuse knew what her answer would be and wanted to pin this down first, but the question backfired on him.

"Yes," she answered confidently.

The panel hassled her for specifics. These were researchers who were consistently challenged to prove or disprove their own theories and then defend them. Statistics were their life.

"How have you measured your success rate, what percent of the time have you been right?" They questioned.

"In other words, have the courts accepted my qualifications?"

"No, not qualifications—evaluations. How many times are you right and how many times are you wrong?"

"It isn't looked at that way. The judge or jury look at the whole case, not just your presentation."

"I understand that the courts allow your testimony. I want to know the percentage of error in your analysis," asked Jane Astori, leaning forward.

"None."

"None? Has this ever been calculated?" demanded Esther Rondell.

"No. But there is research going on."

Jane and Esther looked at each other in blank astonishment and then back at the document examiner, disdain and disbelief fighting each other for expression on their faces.

Attempting to save the situation, Anuse asked if the courts accepted handwriting analysis to be as accurate as fingerprints.

Her answer dripped confidence. "Yes."

Janet sensed that the women on the panel were not about to let this polite exchange continue. The very forces at work over the eons that compelled women to defer to men, rewarded them for fearlessly attacking other women. The confident, assertive demeanor manifested by the analyst would not have been questioned coming from a man, but they would not let a woman get away with it.

She knew from countless demonstrations she had witnessed that women may band together at times with the force of a mob to attack another woman. This behavior was and is still produced by the same motivation. Men in power foster it and reward it.

Esther began the attack. "There are many letters on the display you have shown that are very different from the standards. The T's look very different."

"What T?"

"Those." Pointing, "those T's have a straight...."

"Certainly some letters will be different, but with my training, I am able to see similarities you are missing," Alice Stebbins replied, confident of her own superiority. "If there is a large sample of writing you may be able to see differences in each letter. The samples given me were so small that this was not the case, however, I did have enough material to compare with the unique handwriting characteristics shown in Dr. Trenchant's standards to make a positive identification."

"How consistently do other document examiners agree with you or agree with one another?" This from Annette.

"I don't know."

"Do handwriting examiners oppose each other in court?"

"I don't know that. I suppose you could find anyone to do anything. Assuming that there are two document examiners, it would depend upon which one makes the most persuasive argument."

"I see," Jane's smile was victorious. "It's not a question of being correct in your analysis as much as your ability to make a jury think so."

Henry hurriedly asked loudly, "I understand you are court qualified. What do you mean by that?"

"Every time I have gone into court, my qualifications have been accepted by the court. I have never been denied. That is what is meant."

The chair indicated to Trenchant that she might ask questions of the document examiner.

First, Trenchant confirmed all of the documents given the examiner and again made the point that many of these had not been given her before the hearing as had been sworn to by Lyle and also written in a letter to her by the chair.

She next established that all of the exemplars that the analyst worked from were copies. Continuing her questioning of the witness, she asked, "You must be aware that people in your profession pretty much insist on seeing original standards?"

Alice dodged adroitly. "I saw the originals of the questioned documents."

Trenchant pursued. "But only copies of the standards."

Alice allowed, "correct," to escape between clenched teeth.

"You have been testifying throughout saying that I wrote the standards you used. I put it to you. Is this something you were told, or do you know of your own knowledge that I wrote those standards you used to compare with 'suspect' SmurFFs?"

"What was that?" Anuse interrupted.

"I'll ask the question again. Please let the witness answer. Specifically, did I write those standards in front of you so you know positively that they were written by me."

"No. I assumed that the exemplars that I was given were authentic exemplars or standards of your own writing."

"Just as you assumed that I wrote the questioned documents?"

Diana paused just long enough for that to sink in, then asked, "It has been pointed out that some of us see many dissimilarities in the exhibit you have shown us. Don't these carry any weight?"

"If, in my opinion, the similarities outweigh the dissimilarities, or vice-versa, that would be the basis for my opinion," Alice answered, then forcefully added, "my opinion is based on training, not assumptions."

"Thank you very much, Ms. Stebbins. I'm glad that we clarified that the standards were assumptions."

Anuse promptly went into a damage control frenzy trying to destroy the point made that the exemplars were not authenticated. He would probably have succeeded had not the examiner been so haughty, so confident. At least three of the panel were not convinced by her testimony.

Janet chuckled to herself. She didn't particularly like the fact that many women never figured out their intolerance of their own sex, but she was delighted to see anything working in Diana's favor. Evidence was evidence and courts made it clear that you couldn't manufacture it. Evidence had to be proven authentic. She knew that a judge would throw this case against Diana right out on the testimony of this document examiner.

There was a delay while Alice Stebbins was escorted out. During this time, Janet rested her fingers and recanted her previous thought. Actually, she amended, it would never have gotten this far. It would have stopped back when it became obvious that there was no chain of custody established for the seven 'suspect' SmurFFs.

Chapter 12

Henry called the dean of the medical school, Sam Broadhurst, MD, and asked him to identify himself and his position at Belmont for the record, as the witness before him had done.

The dean was a swarthy complected, strongly built individual. At 52, his reputation as a ruthless administrator was well known. Just as well known was his reputation for fairness. Where he was faulted was the way he backed up, no matter what, the medical school chairmen (there were no women) who along with him were called 'The Boy's Club' by the rest of the medical school faculty.

The Boy's Club often went on retreat. At these meetings, held in luxurious surroundings, policies and plans were decided and everyone fell into line, or else. There were those among the faculty that believed that Sam

Broadhurst demanded from the chairs, and took himself, an oath in blood. This was because they invariably backed each other up publicly even though privately, they didn't.

Henry knew that the dean was not happy with the way the Trenchant situation had been handled. The dean was royally pissed that Lyle had gone over his head to Mark and himself instead of keeping the matter in the medical school and dealing with it there. He was further incensed that they had decided to charge Diana and terminate her before he was even apprised that the situation existed. By the time he was brought into the process, it was too late for him to do anything but go along with it.

So Henry wasn't surprised when the dean made it quite clear that he was not consulted until the central administration had already decided to terminate Diana. This was so obvious that everyone in the room realized that he was just doing his job within the system but that didn't mean that he liked it.

Having thus vented his spleen about the way the affair had been handled, Dean Broadhurst clearly and forcibly added his opinion to that of Lyle's in almost a carbon copy of Lyle's relevant testimony. Clearly and succinctly without the wandering, self serving side trips taken by Lyle, the dean cast the party line with all the skill of the accomplished angler he was.

All right. Well done, thought Henry, with transparent relief. At least things were going all right thus far with this witness.

Esther took over the questioning and asked, "Would five or six SmurFF critiques out of around 200 have enough weight to influence your process of evaluating faculty performance in a course?"

The dean sidestepped, "The ones in question were pretty damning comments."

Esther persisted, "Have you seen the other evaluations? I mean the ones that are believed to be authentic student feedbacks?"

Here Dean Broadhurst intentionally contradicted Lyle's testimony. "No. The student comments are summarized by the department secretaries and I see the summaries. There is also a summary of the positive and negative comments and a summary of the numerical evaluation."

Jane looked at Henry to see his reaction. She remembered that Lyle had testified that all the SmurFFs were given to, and reviewed by, the dean.

Perhaps, Sam Broadhurst thought to himself, it is all I can do for her. The panel has the information, if they choose to hear it. If there was manipulation of the evaluation process, it wasn't a product of five 'suspicious' ones out of some two hundred that were considered valid.

Statistically, the evidence stunk and he knew it. He also knew a lot more. Two of his children had gone through the medical school when Diana taught in the radiology laboratory. The dean remembered the many occasions he had seen fit to compliment Trenchant on her teaching, saying that he was giving her this critique first-hand from one or the other of his children.

Perhaps, thought the dean, if witchcraft was the real charge, the panel would insist that it be proven.

Or maybe not. The administration appeared to be out for blood and he was sure that Lyle was still licking the wounds of a few short months ago....

He had Lyle on the carpet. He had summarily called him down to his office to read him the riot act.

"Here are the letters I've received from three top publishers of medical texts. Each one of them protests the plagiarism that a medical student told them your people have committed in preparing course material.

"I went to the radiology lab after I received the first letter and talked to some students. Although no one wanted to admit to contacting the publishers, they did show me the areas in their manual and notes that had been copied directly from different texts without citation.

"They also showed me the notebooks filled with diagrams that had been copied from a published atlas. Again, nowhere in the book was there any mention of, or credit given, to the source. Hell, your guys didn't even get permission to photograph the material!"

The dean continued telling Lyle that quite a sum of money would have to change hands with the publishers to keep this thing quiet.

"It must be her," Lyle whined when he could get a word in. "She must have put the students up to writing the publishers." The dean knew who he meant. Lyle was a chronic complainer. "Did Trenchant put your boys up to plagiarism too?" ridiculed the dean. "I understood from you that she was no longer in the radiology course."

"She's not, but the students from previous years have told this year's students about her and they all go to her when they don't understand something.

"She's really a menace to Randy and Ian. One day she even got a classroom and held a review just before an exam. I got wind of it and sent Ann Biggot to audit. Ann said that most of the radiology class showed up. The students told Ann afterwards that they had been the ones to ask for the review.

"Now you know how that must have hurt Ian's feelings. His reviews were only attended by a handful of the students and no one came to Randy's."

"You should be able to handle a situation like that. Tell her to stop it if you think it undermines your faculty."

Lyle was not a happy camper. He left, enraged. As soon as he reached his office, he called for Ian.

"Ian, I know you've got a lecture in a few minutes so I'll be brief. After the lecture, I want you to tell the students that they must not consult Diana anymore because she is not involved in teaching radiology and is much too busy to be bothered.

"Also, you lay it on the line about your job. You tell them that unless your critiques improve, you are out. Work on their feelings. Most of the students like you and would hate to have you lose your job on account of them.

"After you finish that, you and Randy get in here. I want to talk to you both about that lab material you plagiarized."

When the panel had finished its brief examination of the dean, Diana simply said, "I have no questions." She understood the constraints he was under and appreciated how much he had tried, in spite of them, to help. He had given the panel some vital information. The question was, did they hear it? Dean Broadhurst was excused and the next witness was called.

Chapter 13

Randy Fecesi sat in the witness chair and raised his hand for the oath with alacrity. He was going to enjoy this.

A wispy, rather nondescript person, his main aim in life apparently was to live up to his name. He sported a crew cut which bristled, much like his ever present bad temper, above bright beady eyes which were forever darting around undressing every female in sight.

Although he had some talent in research, having received a sizable grant, his conceit and arrogance got in the way of establishing a rapport with students. It also prevented him from really understanding how very little he knew about radiology.

Henry had spent a great deal of time with Randy preparing him for today. It had been a harrowing ordeal. Perhaps the actual testifying would be more harrowing, Henry thought as he nervously reviewed to himself what he had learned about Randy from Lyle.

Randy had come to Belmont from a college in Ohio having sufficiently outstayed his welcome there. As is true in most college administrations, faculty sexual misconduct was considered mere professorial peccadillo and was studiously overlooked. If a woman student appeared to be on the verge of making a fuss, administrators had a remedy called 'The Grievance Procedure'. Administrative personnel talked to the woman and were able to subtly or directly lead her to understand that problems would arise in her matriculation if she persisted with charges of sexual harassment or rape.

If this didn't work, a brief investigation identified her friends and she was appraised of situations that might affect them should she remain recalcitrant. Most didn't.

This was all done under the aegis of Academic Freedom, mused Henry. The principle of academic freedom evolved years ago. It sheltered serious scholars from the whims and avarice of the shifting politicians and their politics. Now it was made better use of. We administrators use it as a tool to circumvent trouble. Nearly all institutions, battling the emergence of women and other minorities into the collegiate arena, use it to maintain the status quo and rightfully so, Henry decided. Academic freedom was used to shield the many ways we avoid compliance with both federal and state laws. If we opened ourselves to public scrutiny, we'd never get anything done.

Universities are, were and should be a law unto themselves. They can tolerate only those who are willing to make sometimes painful compromises. Those who could not, and were compelled to fight for so-called human rights and the original meaning of Academic Freedom, soon left or were not reappointed.

Randy Fecesi was, despite his foibles, a prime commodity. He was funded. This made him much sought after since colleges were looking to capture research dollars. There was good reason for this, Henry noted. Because it paid better, colleges and universities had stopped putting the emphasis on teaching and instead, looked for research potential. This meant that candidates for a tenure-track position were not looked at for their teaching experience but for their ability to bring in research dollars.

Competition was fierce among these institutes of higher learning and much was done to attract suitable candidates. Headhunting became a profitable business in academia.

For the last ten years, teaching had taken a back seat at Belmont. Crowded classrooms attested to the lack of adequate teaching space. Much of the space formerly assigned as classrooms had been rebuilt into laboratories. At the medical school, prospective recruits were lured by promises of plenty of laboratory space, unremitting stroking and very light teaching duties.

The reality was that once the entrant was hired, adulation ceased. For Randy, this was a problem. In addition, he hadn't even tried to clean up his act and Lyle did nothing except encourage him to be pond scum, thought Henry. Randy expected the medical students to worship him and instead they found him appalling because of his lack of expertise in the subject he taught and for his repeated, haughty demonstration of it.

Having his way with women took a beating too. Usually, he ignored any female who didn't fit his image of perfect enough for him to notice. However, if he needed something, he would approach these females in a sexual manner and was usually rebuffed.

Since Lyle had already established Trenchant as the whipping girl of the department, Randy readily fell in with this designation and laid all his problems at her door. When she refused to photograph the pictures in a radiology atlas, he was furious. He ran to Lyle and claimed that she was obstructing his efforts to modernize the course. He neglected to tell Lyle that she had said she would be willing to do it if the publisher gave written permission.

Lyle, of course, encouraged him to proceed with his innovations and just ignore her. Randy took this to mean that he had carte blanche and it led to his plagiarizing her laboratory manual as well as the published texts and atlas of other authors.

Henry brought his attention back to the hearing just as Jane was asking Randy to explain how he had found the 'suspicious' critiques.

He answered, leaning forward toward her in his eagerness and excitement, "In looking through the student critiques I found these that didn't seem to be right. That is, the comments were not expressed the way a medical student would.

"I also saw that the handwriting was different. Not the way students write but like the handwriting of old people. So then I went back and looked through other years for similar handwriting." He explained that he, Randy, had found all three SmurFFs which he had brought to Lyle and asked that they be sent to a document examiner because he thought these were written by Trenchant.

Responding to a very leading question from Anuse, Randy agreed, "Yes, these evaluations had been very harmful to me in that they tended to undermine my confidence in my ability to teach radiology and could affect my reappointment."

Esther broke in, "Five evaluations out of nearly 200?"

"Well most of the 200 were pretty bad." Suddenly realizing how this sounded, he quickly amended, "You see, it was the kind of comments that tipped me off that they were not real student feedbacks. They didn't sound the same. She was making these kinds of comments to the students—exerting influence on them to write the derogatory remarks. That's what was undermining my confidence."

Anuse brought him sharply back out of harm's way by asking if there had been trouble between him and Trenchant.

This opened a floodgate of accusation and crocodillian remorse. He had no idea why she would be so resentful of him since he had gone out of his way to be nice to her. "Once, I even complimented her on the cute sweater she was wearing. Instead of acting normally, she complimented me on my cute shirt. Go figure!"

Pressed to answer what he thought might be her reason to sabotage him with fictitious student evaluations, he lost it. Although he had been carefully coached by both the chairman of NERD and the university

attorney, all that training went out the window. The mask slipped and his answer was pure, vitriolic, undiluted, vintage Randy.

Perhaps it was because he sensed a kindred spirit in Frank Anuse. "Well," sneered Randy, "you know broads, they get crazier than ever at that age and...."

Oh, God, thought Henry and nearly shouted, "It's getting late," over the rest of what Randy was about to say. "This would be a good time to adjourn for the day. All right?"

He glanced around quickly, stood up and was halfway to the door before anyone could disagree. Damned idiot, he thought to himself. He'd see to it that this boy got a talking to and had his priorities straight as well as his head before he came back the next day.

Henry kept his bad mood at bay with difficulty during the drive home by thinking only of his comfortable chair and a huge drink....or two before dinner. He had just entered the door and placed his briefcase on the hall table when his wife's voice floated down the stairs, jarring the hell out of him.

"That you, Henry? Hurry up now and get dressed, we're due at the Bakers in half an hour."

Henry groaned. "Not tonight, shit!" Then almost immediately, he recollected that the Bakers were giving a party and it was most important that he be present. No help for it, he'd have to bite the bullet. Casting a fond look at his Lazy Boy as he passed the entrance to the living room, he ascended the stairs feeling like a doomed man mounting a scaffold.

"You look like death warmed over," his wife, Kate, announced caustically, as she met him at the top of the stairs.

You're no raving beauty yourself, Henry thought. Kate was an athletic, slender woman of forty-two. She neither thought herself beautiful or

required that others did. Henry often lamented the fact that with all the money they had, she could afford to go to one of the many body shops and get some or all of her sagging flesh lifted, but Kate opted to live naturally and age gracefully. He was continually after her to at least wear makeup but she adamantly refused.

When they were married, Henry didn't mind the over a decade age difference between them. Kate was an exciting woman—an exciting, rich woman. Her money had been the deciding factor in asking her to marry him and it was one reason he stayed married to her. The other was that he basked in the prestige her place in society lavished on him.

"Go on in and get your shower and hurry up. We're going to be late as it is."

"Oh, hell, it doesn't matter if we're a bit late for this. Everyone understands that I'm really busy with this damned hearing," Henry grumbled as he made his way to the ornate bathroom.

When he entered his bedroom a few minutes later wrapped in a towel, Kate called through the connecting door from her room to ask how the hearing was going. Her innocent question brought the whole disgusting mess back, along with the foul humor that went along with it.

Henry set down heavily on his bed. "What a day. You wouldn't believe the absolute stupidity of that NERD chairman and his little boy bad, Fecesi. You'd think after all the trouble they took to have this hearing take place that they would at least be prepared. But no, Lyle couldn't even remember how many Smurffs were involved—two or three. As if that wasn't bad enough, he let that damned woman, Trenchant, tie him up in knots on cross examination.

"Then Fecesi testified. He's the guy that actually found these suspicious SmurFFs and I was told that he'd been well coached. Mark and Lyle both had gone over and over his testimony with him. The trouble is, the guy is the pits. A horny, crass bastard if I ever saw one. He put on a world class demonstration of constipation of the brain and diarrhea of the mouth. If I

hadn't adjourned the hearing when I did, there's no telling what else would have come out of that foul throat of his.

"Now, add to all of that, those stupid broads on the panel got teed-off at the document examiner and apparently aren't convinced now that Trenchant wrote those evaluations at all. The only one I can depend on is Frank Anuse." Henry buried his head in his lap and massaged it with both hands.

Kate looked at him without pity. "Serves you right. You and the rest of those sanctimonious bastards trying to railroad that woman. Seven SmurFFs, for God's sake—it's a greater crime to spit on the grass.

"As for Fecesi, he's got his brains in his crotch just like the rest of you. The only difference is that he doesn't pretend otherwise—he's a little too direct for you, isn't he?

"Since this whole thing started, I've had more people ask me what the real reason is for going after Diana Trenchant because they just can't believe the SmurFF crap. Everyone on campus knows the SmurFFs are a joke. Nobody, but nobody takes them seriously."

Henry defended himself vigorously. "Well, it is serious and the SmurFF thing is not all there is to it. That woman has been using her influence over the past three or four years to injure the other faculty in the radiology course," Henry defended himself vigorously.

"Influence? A lecturer with influence? Who did she influence, the dean? The Pope?"

"No. The students. That's why these guys in the course were so hurt by all this. Their yearly evaluation by the students—nearly all the student feedback for them, and the course they directed, were really bad. And, it's her fault. She manipulated the students to write those bad critiques."

"Pshaw. She manipulated medical students? Since when? You know, Henry, you can't have it both ways. You claim that your witnesses are stupid and loathsome, then blame Trenchant when the medical students agree with you."

"You just don't understand. She had a chance to resign and didn't take it. Now I'm the one in charge of giving her a fair hearing and I'm not getting any cooperation from the very people who want to get rid of her."

"Fair hearing, Henry? At Belmont, that's a contradiction in terms and you know it. Hurry up and get dressed. I'll get the car and meet you out front."

THE HEARING - DAY 2

Chapter 14

All of her witnesses were waiting in a high state of excitement when Diana reached Howard Hall the next morning.

"Roz came in early," she was told. "She wanted to be sure we got this room again today."

Roz brushed aside the praise, "Hey teach, I've got some great news. The rest of the class is kicking in to make up for what we lose in wages by attending the hearing."

Diana was delighted. The fact that many of her witnesses were losing time at work to help her had caused a nagging pain of remorse. Already, most of them had lost a day's pay just sitting around waiting to testify yesterday. While her witnesses occupied themselves in various ways—studying, reading or conversing quietly, Diana sat down on the couch, closed her eyes and sought to compose herself. Even though the panel had instructed her to be there at nine with all her witnesses, one never knew when the hearing would reconvene.

Good news indeed. What great people these were, she thought. When the whole mess happened, this class of some two hundred nutrition students had rounded up hundreds of signatures for petitions sent to Lyle, Sam and the Pope. Many of the students had gone to them in person to plead for justice.

Although most of the students were in the nursing school, some came from the colleges of agriculture, arts and science and special education. Collectively, they had filled out and filed more nominations for me to be named Teacher Of The Year than had ever been received before for one teacher. They were devastated when the committee receiving these nominations threw them in the wastebasket, following the instructions of Henry Tarbuck.

Then there were some that went as a group to beg help from the 'Minority VP'—Dan Field. Dan talks a good game against discrimination and even pretends to speak for the black community. He's a brilliant, fascinating lecturer, a perennial favorite with the students. They considered him to be the most impartial, open-minded administrator they had ever known. His feet of clay surprisingly revealed when he washed his hands of the students pleas and sided with the administration, telling the students who petitioned him for help that I am a criminal. At least the blacks on campus weren't surprised by this. They had long ago discovered he was not only a smart cookie, he was an oreo.

But, Diana mused on gratefully, Dan was the exception. Many pleaded on my behalf. Someone once said that all it takes to stop evil is for one good man to speak up and many good men, and women, did just that. They spoke up for justice and fair play. They argued with administration officials, citing example after example of male faculty misconduct over the years that had gone nearly unnoticed and never punished.

They asserted that a witch hunt would hurt the Belmont image and reflect badly on all who worked there. They all knew what a farce the SmurFFs had always been and all this fuss over seven? Sure, evaluations were used at times by administrators as justification for not reappointing a faculty member, but even then, there had to be a preponderance of negative evaluations.

It was of no avail. The administration was adamant. So much for wise sayings but the fact that some people did try was heartwarming, Diana thought.

Roz broke her reverie, gently. "It's time, Diana."

Was it her imagination or was the panel friendlier this morning, Diana mused as she entered the room and took her seat. I do believe besides saying good morning, most of them smiled at me. Maybe things are looking up.

A chastised Randy returned to the witness chair. He looks ridden hard and put away wet, thought Diana with amusement.

Responding to a question from Annette, he avowed that, "The year that Trenchant didn't teach, we rewrote the lab manual. We didn't use any material from the manual written by Trenchant."

When all on the panel had indicated that they had no more questions to ask him, Henry asked Diana if she wished to question the witness. To himself, he added, God help us if the little twerp doesn't do what he's been told. Mark had assured him that he and Lyle had a good long session with Randy and felt that he had now seen the light and would behave properly.

"Yes, please. I'm confused, Randy. You have said that you saw one evaluation that appeared to be more directed toward one year than both years. You answered that this was one of the reasons why you thought it was suspicious.

"Now these evaluations have no dates on them. Is it not possible that both are from the same year?"

"No."

"How do you know that?"

"Because I don't remember which one was from which year, but these are from two separate years."

"Did you mark them."

"No. I picked one out of each year's evaluations."

"But you don't know the specific year each came from?"

"No."

With further questions, Diana established that from the time the evaluations had been given to Randy, they had not been safeguarded in any fashion. Sometimes they were in a file cabinet, sometimes on a bench or table in his lab.

At least twice, they had left his possession when the secretaries had called for them to use in tabulating the synopsis for the dean.

It appeared that there was some confusion as to when he took the 'suspicious' documents to Lyle. "I don't know the exact date. Certainly after the second year I was in the course—January or February."

"Lyle said it was a year later than that. He said it was last year," pressed Diana.

Interrupting imperiously, Anuse jumped in to lead him with careful questions in a direction away from that subject.

When he finished, Diana summed up his testimony. "The 'suspect' evaluations were not dated. You testified that you didn't know which one came from which year. You have no idea if all or any of the remaining evaluations are authentic, is this all correct?"

Randy nodded glumly.

When Diana again referred to Lyle's testimony that Randy had brought the critiques to him last year, Anuse again interrupted. This time Trenchant held her ground and forcefully turned toward him saying, "Excuse me. I believe this is my time to examine this witness!"

"Now, Randy, you have stated that none of the material in my laboratory manual was used by you to create the manual you used last year when I was not in the course. Do you want to change that answer?"

"No."

The accused held up two large manila envelopes, thick with their contents, saying, "I have here a copy of my manual and the one you prepared. Clearly marked are the parts in your manual that have been lifted verbatim from mine.

"In addition, I have given the references of whole paragraphs that you have copied from published radiology text books and used without citation in your manual.

"I am prepared to offer this to the panel as evidence that you are not telling the truth."

"This has nothing to do with the Termination For Cause action that this hearing is all about," interrupted Henry. "You must keep to the subject." How did I ever get into this fix, he thought. Aloud, he continued, "Since this material does not bear directly on the matter at hand, it cannot be allowed into evidence. Please continue."

"I have no further questions."

Whew, she gave up. Henry wiped his brow. That was close, I figured she'd keep picking at him until he blew up and spattered all over the room. Hurriedly he said, "You're excused, Randy. Please tell Ian to come in before you leave."

Randy shared in the relief felt by the chair of the panel. He ran lightly up the stairs to the witness room. "You're on next, Ian." He was surprised when Ian fairly catapulted out of the room, grabbing his arm as he passed and nearly hurled them both down the stairs. "What in hell is the damned hurry?"

Safely away from the second floor, Ian steered Randy into an alcove from where he could see the stairs. "That Mark! Honestly, Randy, he's been driving me crazy. Talks a blue streak all the time. Ask him the date and he'll discourse for hours on end before he gets to the point. Holding any kind of a conversation with him is as impossible as stopping a hurricane by shouting at it.

"I kept trying to get away. Once, I said I had to take a piss and the son of a bitch came along with me, whizzing away in the next urinal, without missing a word. I tell you, the man should be muzzled."

"Well, it looks as if he isn't going to follow you into the hearing room, Ian. Calm down. They're waiting for you in there."

"Yeah, in a minute. Tell me first, Randy, how was it? Anything I should watch out for?"

"Nada." Randy had regained his usual swagger. "Not a thing, old bean. Between us, we'll give the bitch the old one two...."

"We're waiting for you, Ian." Henry said from the doorway of the hearing room.

"Oh, right. I'm coming right along. Just had to get things straight about who takes the review session today since I could be tied up here," blubbered Ian, apologetically. As he reached the door, he turned and looked back up the stairs apprehensively. Seeing no one, he breathed a sigh of relief and entered the hearing room.

Ian Heathson was of average height. His most striking features were his mop of blond hair and pale blue eyes which flitted about, examining the room, looking everywhere except at Diana.

When asked to substantiate the testimony of Lyle that he and Randy had found 'suspicious' SmurFFs, Ian told a slightly different story.

He hadn't found any himself. Randy had found them. "He showed them to me and I was flabbergasted. I had no reason to suspect that something like that would happen."

Having said that, he reversed course and said, "I always thought there was some kind of manipulative action going on with the students, because we used to get critiques that were totally inconsistent with what we were doing in the course. So we always felt there was something going on."

When Henry asked what he did next, he stated that Randy had brought the 'suspect' SmurFFs to Lyle and, "indicated our concern."

Given the packet of SmurFFs that had been sent to the document examiners and asked to identify them as the ones found, he said, "I can't remember, I didn't memorize them."

When asked how he got along with Diana, he admitted that, "they got along fine until the year Randy..." Stopping abruptly... "Well, I noticed problems all along."

Esther, who had apparently read the complete set of student evaluations for the years in question, entered as evidence by Diana, suggested that his evaluations had become more positive each year before Randy came into the course.

He professed to not knowing for sure, but thought, "The first year I taught was not good, the second year, considerably better and the third, a hair better, not much.

"The fourth year, well...."

Easy now, Ian, thought Henry, that was the year that Randy started teaching.

As if he had heard Henry's silent coaching, Ian testified as if his life depended upon it—his professional life did. He told a long heart-wrenching tale of the terrible student evaluations he received in the radiology course. He had very nearly not been reappointed a couple of times but Lyle had fought for him.

Over and over again, at every opportunity, he came back to the years of deleterious critiques passed in by the students. Obviously, this had to be because Trenchant manipulated the students.

"Some of the things commonly written on the critiques were, 'Why isn't she lecturing?' 'Course is totally disorganized' and this is wrong because I am not a disorganized individual; the course is very well organized."

"Did you ever have her lecture to see what the students' reaction would be?" asked Jane.

"We'd talked about it," he replied.

Ian continued, "Along with the many comments to have her lecture, the students wrote how she was the only one who knew anything about radiology and that Randy and I should get out of the course and let her teach it. As I looked through the SmurFFs these comments just jumped out at me. When I was a student, I never wrote such things about my professors."

There was, however, a change in the critiques the year the accused was not teaching the course. "A complete flip-flop," Ian asserted. "The students liked the course and the people who taught it."

Henry ducked his head and smiled grimly thinking that these 'flip-flop' SmurFFs would damn well not be seen by the panel, I'll see to that. Ian is really stretching the truth here since those SmurFFs he's talking about are more flop than flip. True, the students didn't lambaste Ian and Randy that year as they had in the past, however, in a way, they were just as bad. Nearly every critique carried the name of the student and the date. The few comments they contained were bland almost to the point of being insulting. Most of them contained no comments, as the student just checked off the 'average' number for each category under evaluation. Those that contained comments were all typed. Well, if the panel or Diana asked to see them he would simply say that they had no bearing on the issue.

Henry returned from his reverie just as Ian was saying "...there were even some SmurFFs submitted by the students for Diana, which I couldn't figure out why since she wasn't even teaching the course this year."

Ian carefully did not mention how this year, as Lyle had directed, he had begged and implored the students to write favorable reviews on their evaluation forms since his job depended on it....

It was time to do course evaluations again. A great many of the radiology students were unhappy that they had been told to avoid contact with Diana who had helped them a great deal during the past few months. They were told she was accused of doing some terrible thing but that it would be forgotten and forgiven if they as a class returned positive critiques for the course.

They also heard Ian's sad tale of imminent loss of job and how he had just bought a new home ad nauseam.

The class officers discussed the situation and offered the following advice to their classmates at a hastily called meeting just prior to exams.

"Don't write your radiology critique out of anger, even if you feel angry. We don't want to cause her any more problems.

"Write anything positive you can think of and leave it at that. Ian has tried hard and none of us want to hurt him. Also, use a typewriter and keep a copy. None of us wants to hear Randy fabricate results to his advantage.

"As most of you have heard, no medical student will be allowed to testify for her, or for that matter, even attend the hearing. Since many of you have indicated you want to do something, just remember that we've been officially told to cool it. The reality is that our future could depend on not rocking the boat too much.

"Peter is starting a collection to be given to her anonymously. At this point, it's all we can do. I'm sure she has additional expenses because of all this. I wish we could tell you this is fair and courageous. We can't. She is going down the drain, but it won't help if we go down with her."

Susan Anders stood up. "I hear what you're saying and agree for the most part. However, as one individual, I just had to do something—this is such a vicious attack on her. I have written and mailed a letter to the Pope which I signed and am solely responsible for. In other words, none of you are involved if there is any reprisal because of it. In it, I expressed my displeasure and labeled the prosecution of Diana an administrative gang bang."

The class applauded.

Chapter 15

Now it was Diana's turn to ask questions of Ian.

"You told us that when you examined your SmurFF critiques that some just 'jumped out at you'. It would seem that had it been up to you, quite a few SmurFFs would have been sent away for analysis."

"No. All kinds of things were written that made me think that something was wrong. I couldn't understand it but I didn't go back through the old critiques and try to pick them out."

"But Randy did. Is that correct?"

"Yes. He told me he had found three SmurFFs among the radiology critiques that he thought were in your handwriting." Suddenly going from sober to smirk, Ian finished slyly, "and he was right."

Ignoring the obvious baiting attempt, Diana continued. "When you were referring to the critiques that jumped out at you, I take it you meant all the SmurFFs—not just the ones in evidence called 'suspicious' critiques?" She indicated the folders containing the material that had been sent to the document examiners.

"I mean the actual student critiques. They basically have the same kind of comments as those," replied Ian pointing to the folders.

"Then you don't agree that the reason these 'suspicious' critiques stood out was because they were so different? Isn't that the reason you took them to Lyle?"

"Randy did that. I didn't go through all of them as he did, but he showed me the ones he picked out and they were pretty much the same as all the others—basically not good."

"Now which one of these critiques, these in the packet B, are you saying were very detrimental and personally injurious and caused you undue harm?"

"I haven't read them. I'm talking about all the critiques in general."

"Then you are alleging that I wrote all the critiques?"

"No. A psychologist would find that a person would have to have mental problems to sit down and write all the critiques like that. What I'm saying is there is other evidence, probably intangible, that a seed was planted in a student's mind, and that seed was portrayed in some of the comments that they wrote on their own."

Still trying to get the question answered, Diana asked again, this time reading from the memo from the dean. "The dean wrote that I am, quote, 'accused of creating fictitious student critiques which were very detrimental and personally injurious to two junior faculty members' unquote.

"So I am asking again, which one of these have you selected to...."

Oh, oh, Ian's in trouble thought Henry interrupting quickly with, "Have you seen this memo, Ian?"

"No."

The chair handed a copy of the memo and the packet of 'suspicious' critiques to Ian saying, "He has not seen the memorandum you are referring to." To himself, he said, come on Ian, get it together. This is dangerous ground.

Ian read the memo and then looked at the critiques. "Well, there are things in here....Randy's and my teaching effectiveness down to 2 and yours

up at 5. A comment that you are an excellent lecturer. This one has to do with sexism.... I don't know about that.

"Now I haven't gone through these. These are things that Randy found, things he pulled out and brought to my attention."

"When was this?" queried Diana

"Oh, I can't recall the exact date."

"According to this memo that you say you haven't seen, Lyle has written that during the early part of last fall, you came to him with two critiques—now, I assume he means three—does that...."

"That sounds reasonable, but I don't remember exactly what month it was."

"Was it before or after the problems that you had with publishers regarding copyright infractions in the radiology course.... the year I was not in it?"

Henry felt as if he had been punched in the stomach and the gasp of surprise escaping from his lips was audible to everyone in the room. Before any of the panel could react, Trenchant held up her hand in a gesture universally representing STOP. "Let him answer the question," she insisted.

My God, the bitch has pinned him and I can't think what to do to stop this. Come on, Ian, deny knowing anything about what she's asking. Think what you're saying. Henry started to sweat.

Ian seemed oblivious to the tense atmosphere. "Before or after? Jeez, I don't remember."

"Was it right around that time, perhaps?"

"I really don't remember. The copyright infractions happened last fall—actually during the first week of classes. So I don't remember for sure, but I think Randy came to me after that with these SmurFFs."

Good lord, the asshole is admitting to plagiarism. Henry found his tongue finally. "The reason we are here has to do with these 'suspect' evaluations and irrelevant matter should be left out," he protested with a warning look at Ian.

Interesting, thought Diana. It's OK to bring in anything that is derogatory or even believed to be derogatory about me and my casting spells on the students, but anything about their admitted dishonesty is verboten. Beam me up, Scotty....

She turned her attention back to Ian. "Just a few more questions. You have said that Randy picked these evaluations out, and I see no date on them. Do you have any idea of the year they refer to?"

"I assume that they were the SmurFFs that he had received recently. But I'm not sure. We just keep them all in one pile."

"Now, usually after the students have handed in their SmurFFs is it not correct that you are given yours and the course critiques and you keep them unless Lyle wants the secretaries to summarize them for the dean?"

"Right."

"That is all I need to ask. Thank you."

There was a short break while Henry dismissed Ian and called the panel into a whispering huddle with him. Looking up, he addressed Janet and Diana, almost as an afterthought. "You need not leave the room, we will be finished in a few minutes."

I've got to set these people straight after what has just gone down, he thought. We're calling her next and they have to be warned not to pursue red herrings.

Chapter 16

After the formalities of swearing in were completed, the 'suspect' evaluations were identified as being contained in packets called exhibit 3 and 4 by the chair and Diana was asked if she wrote them.

Following her denial, Henry asked her why 'they' would suggest that she had. She answered that she had no idea. Damn her, thought Henry. She won't rise to the bait.

Next, the chair turned to exhibit 5, which he identified as some of the standards used by the document examiners. Apparently, he had heard and taken note when Trenchant had made a point of the fact that the so-called standards were copies.

"One is an original, here on top—the rest are copies." Then he continued, obliquely, asking, "have you seen these before?"

"Since these exhibits were passed around and discussed yesterday," Trenchant answered, "I have seen something that appears like this.

"If you are asking if I wrote them, the answer is that I couldn't say. The one original in the packet looks like my signature but there is no date on it. I don't know when it was written and do not recall writing it.

"These others show dates of a long time ago. We're in the late eighties now and these are dated '61, '69...."

"We have some dated more current than the document examiners used. I can send over to Mark's office for them."

"Oh, you have additional evidence that I was not given before the hearing? Is that correct?"

"No. Well, I mean no one has looked at it. No one on this committee either. This was handled between Mark and the document examiners. I will call Mark right now and have him bring them over."

Henry left the hearing room and headed up the stairs to the witness waiting room where Mark was standing by for just such emergencies. You'd think we were the ones on trial, he grumbled to himself. Why does she persist in this inane manner when I've got everything so well planned out? "Mark, Trenchant's called us on the remaining standards that you sent but that we decided not to include in the material we gave her. Please go and get them and bring them to the hearing room as soon as possible."

As the men descended the stairs, Mark to leave and Henry to return to the hearing, Mark asked, "how did she find out about them, Henry?"

"She was making such a fuss about all the standards having dates so far back that she couldn't identify them and the panel apparently thinks this is a valid reason why she won't identify them. I had to say the document examiners had more recent samples of her handwriting or..." Henry broke off quickly as Helen came out of the room used by Diana's witnesses at the foot of the stairs.

"Hi, guys," greeted Helen placidly. "How's it going? Are you on a break?"

Spare me these emancipated females, thought Henry as he angrily ignored her, waived goodbye to Mark and reentered the hearing room.

Congenial old Mark, badly in need of a conversation fix after Ian had left, approached Helen with a wide smile. "No," he said to her, "Henry just had to step out for a minute so he could tell me something he needed me to get for him.

"I'm on the way over to the admin building right now. You must be one of the witness for Diana. Sure hope this isn't too traumatic for you all. It really is a terrible thing to have happen at Belmont and I'm sure that as much as you all must like Diana and want to help her that as soon as you understand the preponderance of evidence against her, you'll decide...." Strange woman, he thought, as Helen went back into the waiting room and firmly closed the door. Oh well, I might as well go over and get that stuff for Henry.

Inside the hearing room, Henry had ruled that they would go ahead for now and introduce the material when it was brought over.

Continuing her challenge, Diana said, "I repeat again, this is evidence, this is material that was sent to the document examiners that I have not seen. Is that correct? Even though you and Lyle have both assured me that I was given all the evidence?"

"Well, that only meant that you had all the material sent at that time. This is additional information that the document examiners brought with them."

"Material that I was not privy to and had no opportunity to question the document examiners on! I consider this most unfair."

Anuse smirked.

"Well," Henry replied, "you will see it presently so that's all right. The committee may now ask additional questions."

Esther wanted to know what was going on in the department. "We have heard from Lyle, Ian and Randy. What is your perception?"

Damn the woman, fumed Henry. I purposely warned her against asking that kind of question. He turned his full attention on Diana's answer.

"I will confirm first that there were problems. When I was in the course, I objected to using published material without permission from the publisher and credit to the author.

"I also refused to allow them to use the manual I had written and copyrighted, which they wanted to present to the students as their own after they had added to it.

"I was ordered to do this by Lyle and when I refused, I was threatened with a lawsuit and then told that they would take what they wanted anyway.

"When I first wrote the manual, I offered it free of charge to Ian for the course. He was delighted and most grateful that I had undertaken the

project. The manual was well accepted by the students and was used in the course for two years.

"I had no objection to it being used the next year—the year I was not in the course. But, I would not allow them to revise it or steal it."

Diana Trenchant went on to explain that her manual was strictly concerned with basic radiology information; information that would prepare students for the more demanding courses in radiology therapy that they would encounter the next year.

"One year, I audited those courses so that when I wrote the manual, I could make sure that students would be well prepared for them.

"There was never any question that I supported the presentation of experimental material in addition to the basics contained in the manual. Actually what they proposed adding to the course was not new. We have been doing this for several years, before Randy came to NERD, using legitimate reference material obtained from publishers."

"Was there any connection between all this and the alleged fictitious SmurFFs?" pursued Esther.

"It does seem rather strange to me that they suddenly appeared at the time Ian and Randy were facing copyright infringement charges—according to Ian's testimony."

Diana continued by telling the committee that there had been no problems until Randy had come into the course. When she worked with Ian, things went fine. They conferred and cooperated with each other. Ian's evaluations gradually got better.

"After Randy came in, I was left out of the loop. He, Ian and Lyle made decisions and I was not informed. For example, two years ago, Randy was made co-director of the course with Ian. I was not told about it."

The door to the hearing room opened and Mark's head floated through the opening. Ah good, thought Henry, just the kind of distraction I need to

stop this line of questioning. "We will now introduce this material," he said as he got up to take the large brown envelope Mark produced in the doorway. "The dates on these documents, used as standards by the document examiners, are more recent." Smugly, he handed copies of these documents to each of the panel members and then to Diana, keeping one set for himself.

"These documents appear to be copies from personnel files," observed Diana, looking at the chair for confirmation.

"Yes," Henry confirmed. "They were taken from your personnel file and sent by the university attorney to use as standards."

"Then I would like to see the release I signed so that this material could be removed from my file," demanded Trenchant.

"Release? No release was necessary," Henry looked puzzled and frowned with annoyance.

"Mr. Chairman, you have made note several times that this termination hearing is justified by a certain paragraph in the faculty handbook," Diana replied firmly. "In that same handbook, there is a paragraph stating that no material shall be removed from a faculty person's file without the permission of that person. If you have a handbook here, I will find the exact wording and read it to you."

"Oh, I know what you are referring to and that does not apply in this case," Henry ruled quickly and then turned to the panel and said, "We must get on with it. Are these your handwriting?"

"I don't know. These are copies. Copies are suspicious."

Anuse interjected demanding to know why.

Diana explained to him that she had done a great deal of research, since she had first been charged, into document examination. Accomplished document examiners insist on original, authentic standards. Except for a couple, all of these so-called standards are copies. In addition, as you will

recall from her answer to the questions I asked her, the examiner you engaged admitted that she did not know of her own knowledge that I had written the standards she used.

"A competent examiner would have the person in question write the standards in his or her presence. That way the analyst is unbiased, and can swear that the standards are authentic.

"I also learned that one should never identify copies as one's writing because copies may be altered and recopied so the alterations do not show."

"Now these came from the administration and you certainly can't think that any alteration went on," scoffed Anuse.

"I certainly can think it's possible. Just as I know it's possible to forge handwriting so even the experts cannot tell."

"No, that is incorrect. The analysts testified that she could tell forgeries."

"She also testified that I had written these 'suspect' evaluations but admitted that she had not authenticated the standards used nor insisted on original standards.

"As far as believing that tampering could be done, I remind you that one of these 'suspect' documents was tampered with and Lyle admitted doing it."

"What!" blurted Henry, "what...."

"This one here." The accused held up the evaluation that had a three word printed comment on the course. Stapled to it was a note reading, 'Lyle, have a happy Christmas, Diana'.

"This was given the document examiners as 'suspect' evaluation #6, yet clearly Lyle knew that he had prejudiced it by putting six additional words on it that he knew I had written. This is original writing on Christmas paper and not part of this evaluation, yet from the report the examiners made, it was treated as part of a 'suspect' document."

Henry quickly told Janet that she could stop taking notes while the committee huddled off the record. Feverishly, he opened the analyst report and scanned the relevant paragraph. After a few moments, Henry and Frank Anuse exchanged glances. Anuse nodded and Henry told Janet they were back on record. Immediately, Anuse sarcastically claimed that he didn't understand what all the fuss was about. He could see no tampering.

Trenchant explained again. "It is obvious. A known standard is affixed to an unknown document. It is made a part of that unknown document."

Anuse seemed to deliberately misunderstand. He continued this over and over, taking different tacks but essentially he was bent on wearing Diana down.

Careful, thought Henry. A court would say Anuse was badgering the witness. Henry knew this was not proper questioning, it was arguing, but he let it continue.

"Oh," Anuse would say in an annoying, baiting way, "it was not altered since Lyle had stapled it there so it wouldn't get lost." and "I don't understand where you have a problem with this."

After several minutes of this, he dismissed the whole complaint. Scathingly, he said that it didn't matter since the whole document had been written by Trenchant anyway. The document analyst had said so.

"Yes they had," Diana agreed. "Despite the fact that there were three PRINTED words on the SmurFF. The WRITING they identified was only on the slip of paper that Lyle had attached."

The panel was silent. Trenchant addressed them. "When I was first charged with writing these critiques, I spoke to a few professional document examiners. Right off, I discovered that I could not afford to hire one to do an unbiased analysis. However, they usually were willing to answer general questions on the phone for a small consulting fee.

"In talking with them and reading the material they suggested to me, I came away with some interesting information. None that I talked to felt

they were infallible or claimed that handwriting was as unique as fingerprints, but they enjoyed the benefits of that illusion.

"Both tape recordings and polygraph (lie detector) evidence is not allowed in courts. The so-called expert testimony of doctors, psychiatrists, as well as various technical expertise such as fingerprint and document analysis is. Deus ex machina is evidently not looked highly upon by judges, possibly because they allow no other gods before them in their courtrooms.

"Court certification of a document examiner means that the court has accepted their training and experience. This is seldom checked and is fairly loosely defined by the profession itself. It does not indicate a perfect batting average for the examiner.

"Most analysts that I contacted said that if they were hired in this case, they would want to examine all of the critiques—not just the handful picked out by NERD. There is always the chance of there being another individual with similar handwriting in that many samples.

"They admitted there were people capable of forging the handwriting of another person. They directed me to check out the literature on the Hitler Diaries and the more recent White Salamander Papers. What these two cases had in common was that the best, most expert document examiners in the world were fooled. Because these were sensational cases, they were highly publicized. Most forgeries get little or no attention from the media but the fact remains that a good forger can fool highly qualified document examiners.

"Oh, yes. There is one more thing I want to question here since most of the documents you have listed as so-called standards are copies. These copies are mostly memos addressed to people in the department. If they are authentic, why aren't they originals? If I had written and sent those, it would have been the originals—if I'd made a copy it would have been kept for my files."

My God, Henry screamed to himself, why do I let her go on with this? Well, of course, it's because those women are listening and look interested so I don't dare cut her own testimony off too often. They were not happy

with the way Frank was badgering her and I didn't want to alienate them any further. Aloud, he said, "Does the panel have any more questions?" Getting no response, the chair called a short recess.

When Diana entered the waiting room, her witnesses gathered around, full of support and questions. "All in all, it went pretty well," she told them. "The real victory was getting out of there without throttling Frank Anuse. He asks question after question always discounting your answer. He doesn't come right out and say you're lying but it is implied in his manner.

"The rest of the panel aren't bad. Esther gets a little mixed up in what she wants to say at times and is a bit hard to understand, but she appears to be trying to be fair. I think the other two women on the panel are more sympathetic toward me now.

"It isn't much fun, but you shouldn't be in there very long, so that's some compensation."

"They were at you for a long time," Sarah's voice quavered ever so slightly.

"Yes, but I'm their designated criminal. I really don't think they will treat you badly, but if they do, get up and walk out. I mean that, it goes for all of you," Trenchant said firmly.

"There's the summons. Go in there and give 'em hell, Andrea. It's party time," said Helen, patting them both on the back as they left for the hearing room.

Chapter 17

Andrea Stern was barely sworn when Esther demanded, "are you a medical student?"

Then, suddenly realizing that she had spoken out of turn since it was Diana's prerogative to question her witnesses first, she apologized.

Trenchant immediately asked Andrea to give her name and occupation for the record. Replying to further questions, Andrea testified that she had known Diana for many years and had rented a room in her house for six of them. She attested to the overall integrity of Trenchant. Boldly, mincing no words, she fixed the panel with a friendly smile and continued.

"I think these charges are ludicrous, for two reasons. One is that when Diana Trenchant has a problem with someone, she marches right up and tells them. She is very forthright and would not do anything devious or underhanded. The second reason is that she has always had a high opinion of academic honesty."

A young woman of exceptional intelligence and ability, Andrea had graduated from Belmont, summa cum laude, with a BA, after completion of a double, self-designed major. Because of her great love and knowledge of books, she found employment in the library where she soon became indispensable. There were those at Belmont who recognized and revered exceptional ability and were not threatened by it.

On being questioned as to what she knew about work conditions in NERD, she observed that from what she had heard from Diana, it wasn't a very happy place to work. Directing her answer toward Trenchant, she divulged, "You were not my only source for this information. My aunt works in the department and I heard from both of you enough to form that impression."

"Just last month, my aunt told me that you may have been given an excessive course load in an attempt to break your spirit or drive you out of the department, much in the same way that she was given a very minimum salary increase, in an attempt to get her to move on."

Andrea continued by confirming that the laboratory manual that had been used in the course for two years was indeed written by Diana in her own home, with her own equipment and on her own time. She, Andrea, had witnessed this and had helped with the proof reading.

Feigning a bored expression that he did not feel, Henry asked if she had any evidence specific to the critiques in question.

"No, nothing specific, except if she were out to discredit someone on the faculty, she would certainly have brains enough to do something effective—not play with SmurFFs," Andrea delivered, with a chuckle. Then she continued in a serious, almost censoring tone, "I'm surprised that you actually take this charge seriously. You should have better sense. The whole campus is laughing at you."

As Henry seemed on the verge of apoplexy, Anuse quickly asked who her aunt was.

Andrea looked directly at him and answered, "Dr. Biggot. She teaches nutrition to the freshman medical students."

Esther wanted to be clear. "Your aunt confirmed in both cases, hers and Trenchant, that this was an underlying way of getting rid of them."

"Exactly. She felt that they were not welcome in the department and that this was a way to encourage them to move on."

"Now, we'll have no more of this," Henry interjected, "we really can't take second hand information here. I have already warned you people on the panel about this."

"All I did was have her repeat what she'd said already," Esther squeaked, "I didn't ask the question."

Henry was not pacified by her remark. More information positive toward Trenchant was being presented then he was willing to hear—or then he wanted the panel to hear. He turned to Trenchant and said harshly, "your

witnesses must address the charge here. Since this witness does not have any information directly relating to that charge, she is excused."

Andrea glanced at Diana who nodded, then smiling brightly, she thanked the panel for listening and left the room.

"Eventually, I will call witness that will speak directly to the charge you refer to. Right now, since you have allowed massive testimony against me that had nothing to do with the specific charge you keep referring to, I mean to respond to all of those allegations.

"You wrote me a letter which I have here, saying that the hearing would not be conducted with strict rules. You stated that I could present anything that I deemed important and that is what I am doing. And, in a much briefer manner than you have presented the evidence against me. I'll remind you that you allowed plenty of hearsay testimony when your witnesses were testifying."

Henry let out an exasperated breath, turned toward the panel and said, "I think we'd better break for lunch and discuss how much of this irrelevant material we are prepared to listen to. We also will have to consider having Ann Biggot testify and bring Lyle back. We cannot let these unsubstantiated charges stand."

At the word lunch, the stenographer packed up her gear with alacrity and headed out the door closely followed by Trenchant. No words were exchanged this time, just a mutual groan of relief at their escape.

Chapter 18

Lunch was again catered to the upstairs witnesses' waiting room. A rather pensive panel gathered around the table to help themselves to sandwiches, fruit, cookies and a beverage.

Henry had the floor and continued to speak while they were getting their food. "There is a limit as to how much of this insignificant twaddle we should allow."

"I agree," Frank Anuse said, firmly. "We should tell her that we will hear no more testimony from these witnesses of hers unless it bears on the specific charge—she did write and submit those evaluations. The document examiner was certain of it."

"Well, I don't agree," Jane spoke sharply. "I, for one, didn't find that document examiner particularly convincing."

"How can you say that?" Anuse blurted. "She had impeccable credentials. She's allowed to testify in court. Never been refused, she said. Mark told us that handwriting is as exact and individual as fingerprints."

"I'm not convinced," returned Jane. "She had no independently researched data on her success vs failure ratio. You heard her say, 'in her opinion,' she was 100% correct. Bull. Nobody's perfect."

Glancing at the two other women, Henry observed them nodding their heads in agreement. Trenchant had made some other good points, he thought. She picked up on the lack of original standards and cited that rule in the faculty handbook that forbade an individual's personnel file from being revealed to others without the individual's permission. Damn the woman. This hearing was supposed to be a lead pipe cinch and all it had been so far was trouble. I'd better call for Mark to come over and talk to

them. Perhaps even have him testify. Mark could say the right things to bring the women around....if only he didn't bore them to distraction first.

As he walked toward the phone, he couldn't help but feel a bit chagrined that his own letter had been read back to him—the one he'd sent Trenchant outlining the rules for the hearing. He had meant for it to be intimidating. Didn't think she'd find anyone who'd dare to testify.

Downstairs, Diana and her witnesses were lolling about in comfort, eating and drinking the results of a MacDonald's run that Roz and Helen had made.

She had been telling them about Lyle's testimony when James suddenly jumped to his feet crying, "say again!"

Repeating herself, Diana asked, "What's the problem."

"No problem. You said he testified that the new evaluation forms were sent up from the dean's office on the tenth of December last year, right? And he found the 'suspect' evaluations sometime during that same week?"

"That's what he said. What is it, James? You look so excited!"

"Don't you remember? Don't you remember what happened to you Thanksgiving Day last year—the injury to your wrist, your right wrist? You weren't writing anything until a couple of days before Christmas and even then it was painful for you. You were wearing that wrist support all the time for well over a month."

"My God, I had forgotten that. Are you sure of the dates? I just remember the December labs were hell because I couldn't do the boards."

"Absolutely. I remember coming back from spending Thanksgiving at home and you were soaking your wrist which was all swollen up and remember, you wore that brace and couldn't write and...."

"I remember the wrist brace," cried Jennifer. "You had me write things on the board for you at my lab because you couldn't."

"Me too," chimed in Roz.

"James, Jennifer, Roz, will you tell that to the panel in addition to what you already plan to testify to?"

"Sure, no problem."

"Betcherass!"

"That will really give this charge against you the deep six along with Sarah's testimony," Roz said excitedly as the whole bunch of happy people left their food and joined each other in a wild victory dance. Premature for sure, but the powerless and the innocent naively take their joy where they can find it.

When the hearing commenced again, the panel appeared subdued, and listlessly turned over pages of notes as Henry told Diana to call her next witness and cautioned her that, "they should be addressing the specific charge here."

"Just a moment," Jane demanded. "Before we have the next witness, I'd like to ask you a question, Diana. You said earlier that you were not free to call witnesses from your department. Why?"

Trenchant, who was on her way to the door to get her next witness, paused and said, "They asked me not to. They felt it would be impossible for them to testify since they most probably would contradict their chairman."

"You are saying they are afraid to testify?"

"That's correct. Just like you saw Jean was. Her knowledge and belief in me was the only thing that made it possible for her to overcome her fear of losing her position.

"It is much worse for people in my department and for that matter for medical students who have not been allowed to testify. Things can be made very difficult for them."

Esther pursued, "Are you stating that Lyle has discussed this case with the department?"

"Oh, yes. Very definitely. After he accused me, he went in to Ann Biggot's office and told her. My job was offered to two people in the department around the same time. Lyle has told others besides me that this hearing is only a formality. Remember, he's the one that decides the raises."

"What sort of thing could people in your department testify about?"

"They could substantiate what I have said about the negligent, careless way the evaluation process is carried out and how little import is placed on it. They could confirm that the evaluations were often laying around on someone's desk or in the secretaries' office.

"They could explain that the evaluations got mixed together from year to year and unless one happened to be dated, there was no way to separate one year from the next."

"They could tell you the reason for the problems that occurred in the radiology course and affirm that my manual was plagiarized.

"Being right there where the business of the department is carried out, they could tell you that one of Lyle's first acts when he came into the department six years ago was to eliminate my position. When I protested this act of discrimination to the Attorney General's Office and they brought charges, he claimed that he had only told me that he would keep me if he had the funds...."

"You are saying....you are painting a picture of suspicion and allegation that are hearsay and unsubstantiated," Anuse interrupted, bald pate aflame with anger.

"Correct. And we've heard tons of unsubstantiated hearsay in testimony from previous witnesses."

"That doesn't matter. We are only interested in these documents, nothing else. Those are side issues and not a part of this investigation."

"They most certainly are a part of it. If what you say is true, the dean would have just written one sentence in his letter. He would have written, 'I want her out of here because....' Instead, he wrote two pages filled with unsubstantiated hearsay and charges of insubordination and dishonesty based on Lyle's accusation and I want to answer them!"

"Nonsense, the charges are clear. You forged seven SmurFFs. The rest was only a chronology of the events."

"But the chronology is untrue and biased."

"No. Everything is based on the testimony of the handwriting witness, we just filter through the rest of the material." Anuse turned to the chair, a bored look on his face. "We waste time with this useless trivia." He had just spent the last few minutes in full sneer, trying his best to beat Trenchant to her knees with the sheer force of his position of power. Forced to desist by the negative vibes he was getting from most of the panel, he took refuge in assuming the victor's pose.

"The panel asked the question, 'why didn't I have witnesses from the department.' I merely answered it," retorted Trenchant, pugnaciously.

"Call your next witness." Henry fairly bellowed as he tried for the last word.

"I shall, but first I want to point out that the charges against me contain the words taken from the faculty handbook, 'serious breaches of generally accepted moral standards in the profession....'

"I submit to you that the copyright infringements committed by Ian and Randy were also serious breaches of generally accepted moral standard in the profession and Chairman Lyle Stone condoned them.

"Now I'll get my next witness." said Diana, heading once again for the door.

James Prouty walked into the hearing room and looked around. "Take that seat there, please." Henry motioned toward the seat opposite the panel.

"Oh," said James, in a surprised tone of voice. "I understood from someone who had testified earlier that the witnesses sat across from Diana."

"Well...." the chair cleared his throat and looked uncomfortable. "Things get shifted around, you know. Sit right there and be sworn in."

That James, thought Diana, barely stifling her laughter, trust him to say something disconcerting. He knew darn well that there was a different seating arrangement for the two sets of witnesses because she had told him about it.

Under questioning, James Prouty said that he had rented a room in Diana's home for four and one half years. He could and would affirm that she had written a radiology manual at her home computer.

He could also confirm the great animosity held against her by the former chair of NERD, Jimbo Jones, who was now one of the many associate academic vice presidents. James had been a work/study student in NERD and had heard Jimbo yell and verbally hammer at Diana any number of times.

"As you all are aware," James said, smiling at the panel, "besides the five medical student SmurFFs, there are two SmurFFs that Dr. Jones is said to have found in the Nursing Nutrition course that he lectures in."

"And that the document examiners are sure Diana wrote," Anuse crowed, breaking in triumphantly. "But all this tells us nothing new concerning the charge. This is repetitive, time wasting information. Mr. Chairman, may we get on with it."

"James, were you living in my home last December?"

"Yes, I was."

"Would you please tell in your own words why I could not have printed or written the two 'suspicious' evaluations found by Lyle who claims they were written and submitted by me that year?"

James turned his agreeable, smiling face once more toward the panel and said clearly, "Because you sprained your right wrist and were unable to write or use it until shortly before Christmas Day, the 25th."

"How do you confirm that I could not write?"

"Several ways. For example, I saw the swollen condition of your wrist daily and observed your limited use of that hand. Telephone messages for me were left on the printer when they used to be handwritten in notes."

Leaning toward the panel, James confided, "You see, she could one-finger the computer keys with her left hand."

"I filled out the order forms for her children's Christmas presents that year since she was unable to write enough to complete them."

"Around the 22nd or 23rd of December, she could use her hand well enough to write the checks for her bills. It was painful for her and she had some difficulty doing this. We made a joke of it—whether they would turn off the electricity or telephone because the signatures on her checks were not at all like her normal signature."

Questions exploded from the panel like hail on a tin roof. "Was her wrist wrapped?" "Did she have a brace?" "Did she see a doctor?"

Although Diana had not completed her examination of her own witness, the panel jumped in and took over the questioning.

Henry, feeling decidedly undermined by this testimony, decided not to interrupt this flurry of out-of-order questioning. He realized that this tactic of interrupting greatly hampered the smooth flow of information a witness had to give. It also served to confuse the witness since questions were coming from more than one panel member at a time. He decided that he would not stop it.

He never paused to think that the transcript of the hearing would show that Diana was interrupted in this manner more than twenty times. This

would become significant when the Attorney General made the report of her investigation.

James waited until the panel ran out of questions and started to look sheepishly at one another, then he said, "Yes, her wrist was wrapped. She did not see a doctor but was treating it herself."

Now the panel turned its attention toward Diana in one of the frequent times they questioned her in front of a witnesses. "When did you write the Christmas note to Lyle, then?" This question directed at Diana came from Esther.

She answered firmly, "The twenty-fourth, the day before Christmas. It was still painful for me to write then and I was still wearing the brace. As you will observe, it is a very short note."

Well, this is not getting us anywhere, thought Henry, and I'd better put a stop to it. "I fail to see what all this has to do with the charge," he complained, petulantly.

Diana was ready for that one and answered succinctly, "According to Lyle's testimony, he received the unused student evaluation forms for that year from the dean's office on the tenth of December. Lyle testified that they were given out to the students the same day. He could not remember the exact day that he claims to have found the 'suspect' evaluations, but he did say that he found them sometime during the same week. During that time I could not use my right hand and I was not doing any writing, or printing for that matter."

"Oh." The sigh that went with it escaped before Henry could even realize the 'Oh' had departed from his mouth. He looked frantically at Anuse who appeared to have lost it and just shrugged his shoulders at Henry's glance.

Wanting to spare James, if possible, from attack by either Henry or Anuse when they recovered from shock, Diana quickly said, "Thank you, James."

As soon as James had left, Diana continued, "Before I get to the next witness, I refer you again to this memo." Trenchant replied. She held the paper aloft in her hand. "Contained in the memo Lyle wrote to Dean Broadhurst is the assertion that on March seventeenth, he 'discussed the charges with me and recommended that I resign.' This is patently false. He accused. He demanded. He was angry. He yelled. He said, 'you must resign, you have no recourse. The president, the vice president and the academic council have met and demanded your resignation.' He would not listen to me. He repeated several times that I had been nothing but trouble to him ever since I took him to court six years ago.

"He was abusive and he was angry. He said nothing about a hearing. When I got a word in edgewise, I told him that I was going to contact the ombudsman and he said that I couldn't—that I had no recourse.

"Later on when he finally stopped yelling and heard me deny his charges, he told me that since I would not resign, there would be a hearing but it wouldn't matter. It was just a formality. I would be terminated, no matter what."

"You should have brought that up when Lyle was here so we would have his response." Henry returned vigorously. I have to get on top of this hearing and stay there no matter what, he thought.

"Should I have? I'm not a lawyer and I'm not trying to be one. The University Ombudsman told me not to have a lawyer present. He said it would just anger you and turn you against me. He advised me to prepare my case well and present it in good order and that is just what I am doing.

"Right now, I am telling you my side of this story. You have been listening for hours to the NERD's allegations and I have the right to respond. At the beginning of this hearing, you announced that the panel would question its witnesses and then I would cross examine them. You never said anything about debating them. You have already heard from Lyle. Again I remind you that your letter to me, sent in advance of this hearing, contained nothing about specific order of presenting my evidence. Should I read it to you again? You are trying to introduce new rules in the middle of the game."

"Mr. Chairman, I think that we must ask Lyle back here to clear up these fabricated charges we have been hearing," said Anuse in a bored tone. He made a note and then looked toward Henry again. His look plainly said, ignore her.

"Yes," the chair agreed. Then offhandedly, as if he had not heard a word of her argument, he said to Diana, "call your next witness."

Jane watched the interchange between Henry and Anuse with disdain. They are in league together against Diana, she thought and this testimony has thrown them for a loop. They are going to have to start considering the information we are hearing in a professional, impartial manner now. They have got to concede that these charges by NERD may be false or at the very least, unsupported by real evidence. So many things about this hearing are strange. I've noticed that although the charge against Diana, initiated by Lyle, specifically related to the five 'suspect' medical student evaluations, three other documents were sent to the document examiners and were marked as evidence, she mused. No one has questioned how these other documents were deemed 'harmful to two young faculty members', as Lyle claimed in his charges. According to the dean's letter, two are 'suspect' SmurFFs from the nursing nutrition course and the third is a printed note found by one of Lyle's closest friends. The explanation for the note Henry gave us was that when Lyle told his friend what was going on, she 'just remembered' a note found in her mailbox last year that she thought was 'suspicious' so they sent that to the document examiners as well.

The examiners concluded that one of the nursing nutrition evaluations was written by Diana. The other and the printed note they were unsure of. I'm beginning to feel like Alice in Wonderland. Jane rubbed her eyes and studied her notes again. How do they expect to prove that this hodgepodge of unrelated evidence threatens two men who only teach in the radiation course?

Chapter 19

When the nursing students heard that some of their evaluations had been sent off campus, in defiance of an explicit ruling pertaining to student confidentiality, Diana was blitzed with students clamoring to testify at her hearing so they could protest this indecency. As a group, they obtained hundreds of signatures on a petition requesting the A.C.L.U. to take up their cause. The A.C.L.U. was most sympathetic, but on finding that the evaluations sent were not signed, felt there was nothing they could do.

The students argued that since the administration put such emphasis on handwriting identification, it might use this method to identify the writers of SmurFFs, which were supposed to be anonymous.

The group sent a strong letter of protest to The Pope and continued their campaign across campus. One of the leaders of these concerned students, Jennifer Glass, was the next witness for Diana.

Jennifer Glass worked in a downtown social service agency full time. She was taking the nursing nutrition course under the Continuing Education Department.

A rather large woman of thirty, she dressed well and showed no embarrassment or nervousness. She was educated extensively in New York State schools and had graduated an education major. Erudite and accomplished, she faced the panel with a most positive sense of anticipation.

"Yes," she answered the direct examination question posed by Diana, "I am in your nutrition lab and I have talked with you extensively about the way evaluations are handled in the medical school.

"I came to you first to complain, thinking that the department was lax leaving them around in the lecture hall. I or anyone else could have filled out any number of them, since we were told to leave our finished evaluations in the NERD office. I was disturbed that the students were not

taking them seriously. It seemed to indicate to me that the nutrition course was not considered important enough to be properly evaluated. That bothered me.

"You assured me that the evaluation process wasn't unique to the nursing course and took me to the NERD office to see how the medical students evaluation was conducted.

"I was appalled. Throughout my training, it was stressed how important the process is. At the colleges I attended, they were taken seriously—a representative from the student government would sign out the required number of forms from the administration official and bring them to the classroom.

"All teachers or instructors had to leave the room while we filled out our evaluation. They were collected, counted and brought back to the administration official. The data was given to the instructor but never the evaluations themselves because student confidentiality was considered to be an important step in the process.

"In contrast, at Belmont the evaluation process is a joke—even the, er, enriched acronym, SmurFFs, this university has chosen to call the evaluation forms for student feedback attests to this."

"Were you ever given specific instructions relating to the evaluations?" asked Diana.

"Yes, Dr. Lyle Stone, at the beginning of the course, told us that there would be evaluations periodically and that it was very important for us to fill them out since they would provide feedback on the course content and the instructors. He also stressed that they would be confidential.

"I remember being impressed, thinking, Oh great! Then instead of a proper evaluation procedure, the forms were left in piles at the end of rows to be filled out during the lecture or taken home to do. Just get them back before the end of the week, they told us."

"Did you ever initiate a conversation with Lyle Stone regarding how you felt about document examiners and student confidentiality?"

"Yes, right after the lecture, the first part of this May, Roz Peel and a couple of other students and I went up to him after lecture.

"We told him that we were concerned that our student evaluations, which we had been told were confidential, and which we had been told had a specific purpose, had been sent outside the university without permission or knowledge of the students."

"Would you be referring to these documents?" Trenchant got up from her chair and walked around the table until she came to where Jennifer was sitting and handed her exhibits 3 and 4—the SmurFFs Jimbo Jones was reported to have discovered.

"Yes."

"What happened then?"

"He said that no student evaluations were sent out and that our confidentiality had not been breached.

"I disagreed with him and said that I had seen copies of those evaluations and the report of the document examiner. He started yelling then and became very defensive. He said that the only evaluations that were sent out had been written by you. We said that if he knew that, why send them out. Then he got abusive of you and said like you were crazy to do something like that. He said that they sent them to a document examiner because they knew you wrote them. He said he would never do that with any evaluation that a student made out."

"Can you recall anytime during the first semester that I had an injured wrist and couldn't put instructions on the board?"

"Yes, it was in December—exam week, the 9th through the 13th. I did some of it for you."

The panel started to bombard Jennifer with questions. Good, Henry thought, apparently they aren't interested in her direct evidence relating to the incapacity of Diana as they are totally ignoring that testimony. Instead, they are giving all indications of being hurt by her denunciation of the way the evaluation process is carried out at Belmont.

A typical faculty reaction, Henry chuckled to himself as he listened. They aren't asking questions, they're defending our evaluation process by giving long speeches. Here's Anuse explaining at length that the university takes student confidentiality very seriously and pays a great deal of attention to evaluations. He's trying to stroke the witness into backing off from some of her allegations and it appears to be working....no, not any more, he went too far.

Jennifer was quite sharply reminding Frank that she had written her concerns to various administrative officials around campus and the fact that student evaluations had been misused had been confirmed.

I'd better help, thought Henry. "You must understand that Lyle Stone had to give the answers he did because by that time he knew the results of the examiners report and anything he said was referring to that."

The witness, however, remained adamant. It was her distinct impression that Stone had already convinced himself that Diana had written the critiques before they were sent to the examiners.

The witness, however, remained adamant. It was her distinct impression that before they were sent to the examiners Stone had already convinced himself that Diana had written the critiques.

Henry was massively uncomfortable with what this suggested. It wouldn't do to have the panel hear much more of this. He commenced another long speech, explaining that Lyle couldn't have said anything like that because it was not Lyle Stone that sent the 'suspect' SmurFFs out—it was Mark, the university attorney. "So you see, you must have misunderstood," he concluded, patronizingly.

Before the witness could respond, Anuse professed not to understand why it made any difference how the evaluation was conducted. He went on and on in this vein in a querulous, whining voice.

Once he had wound down, Esther started to muddy the waters because she didn't understand what was sent out and when. "Are you saying all the SmurFFs were sent off campus?" she asked.

"No, the discussion is about these 'suspect' evaluations," explained Jane, indicating the exhibits.

"Well, that's all right then," Esther explained in a motherly tone to the witness, "those SmurFFs never left. The examiners came here yesterday and looked at them." Esther had become more of a space cadet than ever, thought Jane. And obviously, Henry and Anuse are disturbed by this.

Stupid broad, thought Henry. He signaled Janet that the hearing was off the record and gathered the panel into a huddle to straighten out Esther before she did some real harm.

When the hearing reconvened, all the players went round again with paternal and maternal advice. Rather than asking for information from the witness, they took turns telling her that she hadn't heard what she was testifying about. Obviously, she was mistaken.

"Now, I'm sure you see that no one was trying to attempt to have any student identified by having a document examiner look at these," cajoled Anuse.

"That's what you say. But I think what you have done is illegal. I really think it is illegal and if I find a way to do it, I am going to stop it...."

Anuse tried to interrupt, but Jennifer was on a roll. "We had an oral contract. Dr. Stone stood up in front of the whole class and told us what the evaluation forms were to be used for. And they weren't, they were used for something else and that is not right."

Henry was stung into action. He interjected to assure her that she must not worry because the administration would never violate a student's confidentiality or go back on its word to them.

He thought he was pouring on oil, but Jennifer knew bullshit when she heard it. "I don't believe it," asserted Jennifer stoically.

Diana took this opportunity to reinforce Jennifer's testimony with another example of the kind of honesty and fair play that the administration practiced. "You are arguing with my witness, not questioning her. She has good reason for her belief. When I came into this hearing, it was with the assurance from my department chairman and the chairman of this panel, both senior administrators, that I had been given all of the material that would be presented as evidence relating to the handwriting examiners.

"This proved to be unequivocally false. The evidence you have introduced, Mr. Chairman, contains many documents that were never given to me to examine before the hearing."

This started another bout between Diane and Anuse, who apparently able to read Lyle's and the chair's mind, kept insisting that what Lyle and Henry meant was that Diana had been given all of the material available at that date.

Henry rushed in to agreed that yes that was what was meant. "Lyle gave you everything he had at that date."

"Then it was incumbent upon this committee to see that I had all of the evidence before the hearing."

"But," protested the chair, "we didn't get all the evidence ourselves until today."

"Then it shouldn't have been presented until I had an opportunity to examine it! I am finished with this witness."

Henry quickly announced that there would be a break.

When they were back on the record, Henry announced, "Once the witnesses for Diana complete their testimony, we will call Lyle back to clear up the misconceptions this last witness has introduced. Also we will call Ann Biggot, and Mark..." To straighten out the panel on the document examiners, he thought to himself. He continued, "while we are at it, we should probably hear from Jimbo."

Apparently, thought Jane, if he hears anything contradictory to what he's already established as correct, someone has to come back and explain it away.

Chapter 20

The next witness was Roz Peel.

Throughout the ordeal of the hearing, Roz had been the sparkplug of the outfit. Her high spirits and unquenchable optimism lifted the whole group of witnesses.

Here was a young woman who had known severe adversity in her life which she had battled and continued to battle. Few knew the particulars because she was a very private person. She didn't feel that anything was accomplished by bleeding all over other people about her own troubles. It was much better for her and others to be positive and upbeat.

When she identified herself and was sworn, she told the panel that she was a full-time student in the College of Agriculture and worked part-time at the Belmont print shop.

A petite woman in her late twenties, she sat back in her chair, larger than life and twinkled merrily at the panel. Her good humor was so contagious that the panel, as one, smiled back at her.

She readily confirmed the testimony of Jennifer, announcing clearly that she was present when the conversation with Lyle took place. "He said many times that no student evaluations had ever been sent to the document examiners. When we asked him how he knew beforehand that none of the ones he was sending were student's, he replied that he knew who had written them before they were sent away to be analyzed."

Diana asked her to think carefully, "Are you sure that he meant that he knew this before the documents were sent and not as a result of the report of the document examiners?"

Roz's reply was good natured but firm. "Yes, I am certain. We asked him the question several times because we found his answer a little odd, I mean, why would he bother to have them analyzed if he knew who wrote them?"

"He said clearly, more than once, that no student evaluations had been sent because he knew beforehand who had written the ones sent."

"Did he have any opinion on why I would do such a thing?" prompted Diana.

"He said you had a psychological problem. He inferred that you were sick but he was not a psychologist so he couldn't define it."

"How did he conduct himself during your conversation?"

"He was very angry and seemed threatened by us. I backed away many times when he raised his voice and shouted. I thought it was a little strange that two undergraduate women would be a threat to him—maybe he needs psychological help!" Roz turned to the panel with a big smile to share the joke with them.

Diana placed her hand firmly against her mouth and looked down at her notes until the bubble of mirth that threatened to overcome her had dissipated, then continued with her questioning. "On a different subject now—do you have any contact with medical students?"

"Yes. Working right in the medical building as I have for the last three years, I get to know a lot of them."

"Last year, during the first semester—that would be from September through December—do you recall any impressions you might have gotten as to their feelings about the radiology course?"

"Yes. They felt that the professors knew very little about what they were teaching so it was a waste of time to go to lectures."

"Now," interposed Henry, "we are getting into secondhand information and we should be hearing from the medical students themselves."

"Fine," rejoined Diana. "If you can get them over here, do that. I would be happy to have them testify."

"In the meantime, you wrote in your letter to me that I could present whatever I felt was germane and since the medical students are not allowed to come, this is the best I can do."

"It will be noted that it is secondhand information," said Henry haughtily. He pretended to appear unconcerned with the testimony and adopt Anuse's strategy of ignoring anything Diana might say that was bothersome.

"I agree. The testimony should be labeled clearly as secondhand." Diana pounced on Henry's depiction of Roz's testimony. "Now let us go back over the testimony your witnesses gave which alleged that students had been manipulated for years by me. Let us get all of the student evaluations for all of the years, that your witnesses testified to, but never produced. Let us get all of the prior information out into the open and let's honestly label it for what it is—secondhand information."

Henry rolled his eyes back in resignation, "Get on with it."

"Thank you. Roz, during the three years that you knew freshmen medical students that were taking the radiology course, did you ever hear

any of them say that I had tried to influence them in any way or told them how to write their evaluations?"

"Certainly not!" Roz was very firm on this. "If they could be such pushovers as to be influenced by a non-tenured faculty member, the university should reevaluate its admission policy."

"Thank you, I have no more questions."

Henry knew he had to make a desperate attempt to trip up the witness in semantics. Always before, this had been the purview of Frank Anuse but this time Frank sat silent, and for good reason. He had known Roz for some time and was not about to go for two out of three falls with her.

"You must be aware that there was no way in which your evaluations could be tied to a specific student because there was no student handwriting sent," challenged Henry.

"How was it known that no student handwriting was sent?" questioned Roz, serenely.

"I just want to assure you that no student handwriting was sent." A flush began to appear on his brow.

"Are you trying to say that no student standards were sent? If so, I understand that. But SmurFFs with student writing on them were."

"Yes, SmurFFs were sent, but there was no way in which one could identify them." Henry was unaware that he had caught himself in his own semantics and made an interesting admission.

Roz wasn't going to let up or get sidetracked by it from the main argument. "That is not relevant to what we are discussing. It was wrong to send those evaluations, whether so-called standards of ours accompanied them or not. Because technically, that was our writing."

Henry slumped in his chair in desperate need of an antacid, as the others on the panel asked questions relating to the nursing nutrition course.

Suddenly Frank Anuse leaned forward and interrupted the questions. "Do you remember a time when Diana had a sprained wrist?"

"Yes. She sprained it late in November and some of us helped put notes on the board for the final labs in December."

Blocked on that issue, Anuse tried to maneuver her into agreeing that it should be wrong for anyone who was not a student to fill out evaluations. "It could be very harmful for a faculty person, couldn't it?"

"Two evaluations out of two hundred?" twinkled Roz. "I think they would have survived. But to more fully reply to your question, it has not been proven that the evaluations in question were not filled out by students."

"Oh that's because you haven't heard some other testimony." Anuse said happily and firmly back in control.

"I agree that I have not heard all of the testimony. However, if that testimony was important, and it must be since you appear to believe it, why wasn't the hearing open as Diana requested? If it had been, I would have been here to hear the testimony you put such stock in and would be able to evaluate it for myself."

Chapter 21

Professor Diana Trenchant was sitting at her desk preparing for the evening laboratory. Roz had just left with Jennifer to talk to as many students as they could find. It had been Jennifer's idea and she had brought Roz along to help talk Diana into it. Ever since Jennifer had asked her what was wrong and Diana had explained and shown her the copies of the SmurFF's she had been accused of writing, Jennifer had been pondering what to do.

She was older than most of the students and had seen enough of life to know that one had to fight or be trampled. She didn't want to see a good teacher trampled.

"You mean they have accused you of writing these and demand that you resign?" She was dumbfounded. After she had looked at them more carefully, she asked, "Is this all of them? Five medical radiology and two nursing nutrition?"

"That's it."

"This sucks! And this paper is the graphologist report?" Jennifer used the scientific designation, graphologist, rather than the term document examiner. "Look here, these are what they call standards, did you write these?"

"I could have, I suppose, but the dates on them are so long ago that I just don't remember for sure."

"Well, two of these evaluations are printed. There is no printing among the standards. Look, I know a little about graphology and I know that they can't compare printing to writing standards. This looks like a setup. We need to put a crimp in Lyle Stone's tail. It's unconscionable that he would send student evaluations to a graphologist."

Later, when Roz had come in, she had asked Diana if they could tell the other students in the class about the two nursing nutrition SmurFFs. "We'll ask them to come up and see if they can identify if they wrote these. Then we'll check with the med students and have them do the same. Somebody must have written these and we need to find out who."

Diana agreed but only if no pressure was put on anyone. "This must be absolutely voluntary. I will copy some completed forms from last year's class and put them with these two to be identified. No one will know which two are critical."

Later in the day, several groups of students had wandered in to look at the pile of evaluations, shake their heads and wander out again.

That is until Jenny Smythe bubbled her way in. Jenny was from England. Her husband was a doctor associated with the medical school and she was continuing her education while he was posted here. She pounced delightedly on one of the forms, "This looks just like Sarah's writing. Sarah and I sit together at all the lectures and I've seen her handwriting so many times. I'll go get her!" And Jenny was off with that efficient British walking gait that one associates with woolen socks and moors.

The next day, Sarah appeared at Diana's door, tentative and a bit apprehensive. Sarah was a shy young woman barely out of high school. Raised on a farm, she had not yet assumed the mask that so many of her more sophisticated classmates wore.

"Jenny said I should look at some evaluations because you have some trouble because of them."

"Yes, thanks for coming by. They are on the bench there." Diana pointed.

Sarah put down her books and started to look through the SmurFFs. "Jenny's right. This one is mine." Sarah said, mournfully. "I was so hoping it wouldn't be."

She handed Diana one of the forms. It was one of the two that had been sent for analysis. With this proof that the graphologists had erred, Diana's hopes were raised and then quickly lowered when Sarah declared that she was afraid to testify at the hearing which was to be held soon. She was apologetic about it. Her folks had told her not to get involved; that it might mean trouble for her if she admitted to what she had written.

Roz and Jennifer, by this time, were well into their campaign protesting the sending off-campus of the student confidential evaluations. They were unhappy that Sarah wouldn't testify, but they respected her feelings.

Later on in the week, Sarah appeared at Diana's office door again. "You know," she said softly, "I think my parents are wrong on this. I wrote something that got you into trouble and I should stand up and admit it. Only, I'm so scared. But I know I have to do it."

"I'll go to the hearing but that's all I'm going to do. I don't want to get mixed up any further in this and I don't want anything at all to do with those.... those.... graph whatever people. You know, whoever it was that said this was your writing is nuts.... I wrote this."

Sarah shuffled carefully into the hearing room, shaking with an advanced case of stage fright that threatened to upset her very balance.

As she had told Sarah she would, Diana got up from her chair, walked around the table and stood beside her after she had been identified and sworn. "Did you take the Nursing Nutrition course last school year, Sarah?"

"Yes."

"And did you make out a course evaluation for Dr. Jamison Jones?"

"Yes."

"Is this that evaluation?"

"Yes."

Diana turned to the panel. "This witness has just identified this evaluation from your evidence packet C, exhibit four."

Before Diana could continue, the panel erupted in a veritable frenzy of questions, all talking at once.

"What is that number?"

"What was she handed?"

"What is written on it?"

When there was a pause in the clamor, Sarah, holding exhibit four said again quietly, "Yes, this is mine."

"This is not one that went to the document examiners, right?" Henry was frantic.

"The witness has just identified document number two of exhibit four," repeated Diana.

As the panel again started to question Sarah, Henry struggled for control. Face blanched, hands compressed into fists so tightly that the nails bit into his palms, he listened powerlessly as Esther got the first question out. "Sarah, how can you be sure that this is yours?"

"Because I recognize the handwriting; I know what I wrote, that is why."

"I'd like to conduct the examination of my own witness, if I may," snapped Diana as the panel broke out in a flurry of questions after Esther's initial one. This angry outburst shocked the panel into silence, temporarily.

In a more relaxed voice, Diana nodded toward them and said, "Thank you. Now, Sarah, have you been pressured in any way to make this identification or have you been promised anything for doing it—by me or any other person? Remember, you are under oath to tell the complete truth."

"No."

"Thank you. I have finished the direct examination of this witness."

"May I see packet C to make sure I understand," said a very flustered Henry Tarbuck.

Esther started in on Sarah. Even though Sarah had given her class and student status at the beginning of her testimony, Esther asked for it all again. Perhaps she thought Diana was ringing in an impostor. Others on the panel took over as Esther paused for breath.

Sarah carefully answered each question, becoming confused only when two or three questions were thrown at her at the same time. She established who she was and how she had found out about the "whole business."

"Tell me again when you took the course?"

"Is there a date on the form?"

Raising his voice in the way that men will in the presence of women as an effective way of silencing them and holding the floor by intimidation, Anuse drawled conversationally, "What you claim is interesting. This document was identified by the document examiner as being written by Dr. Trenchant." He fixed Sarah with a patronizing grimace. His attitude plainly said I don't believe you, little girl.

Sarah replied, "I know that."

"Well, we should see a sample of your handwriting."

"You have a sample. It is right there on that paper I identified."

"No, absolutely not. It cannot be. You have made a mistake. That SmurFF has been identified by experts as being in Diana's handwriting."

"We'll take some of your writing to the document examiner. That will settle it." Esther beamed at having such a great idea.

"No. You already have a sample of my writing. I won't have anything more to do with those people. Look how they made this mistake. I don't like how those people are." Sarah did not have much faith in document examiners—she of all people had reason not to.

"Well, we can do nothing here with this. It is just hearsay or...." Frank's voice trailed off as he looked to Henry for a ruling.

Frank Anuse is trying to sweep the evidence under the rug, thought Jane. He came into this hearing with his mind made up. Any attempt Henry and Anuse have made toward impartiality is a sham.

Diana addressed the panel, speaking forcefully. "Sarah has identified the evaluation under oath. You have that document as a sample of her handwriting. I think that is sufficient and you are upsetting her with your badgering."

"Well, the analysts are convinced that you wrote it." Anuse had turned ugly again.

"Handwriting evidence is not always conclusive," retorted Diana.

Anuse turned his hostility toward Sarah. "How do you recognize that as yours?" Ignoring the fact that this had been asked and answered.

Patiently, Sarah said, "Because it is. It looks like mine and that is what I wrote."

Henry made a monumental blunder and didn't realize it until it was too late. After consistently arguing that the university would never send student handwriting off campus to a document examiner, he proposed just that! "We have samples of your handwriting in the university files that we can send to have checked," he threatened.

"No. You cannot do that with student files. You have no right to send my records away like that. You already have sent my SmurFF and you have that as a sample of my writing if you need it."

"Are you afraid?" Henry tried for intimidation to cover his faux pas. "Of what?"

"Yes, I'm afraid. I'm afraid of who's on the other side of this. I'm afraid of who is lying about Dr. Trenchant and what could happen to me for coming here to testify."

Once again, Anuse led her through questions, to explain how she had seen the copy of this evaluation. Finally he said, "and what did you think when you saw it?"

Her answer, delivered in a soft but firmly decisive tone, landed like a bombshell in the midst of the panel. They sat in stunned silence for a beat and then the chair abruptly dismissed her.

"I was shocked," Sarah said, earnestly. Tears, long held back now slowly slid down her face, marking the planes and valleys with ripples that winked on and off reflecting the room lights "And I didn't want to even say it was mine. But I did, because it was."

Diana left the hearing room shortly after Sarah to ask Helen, her last witness, to come in. The whole group was in the hallway gathered around Sarah as she came out of the hearing room door.

"What did they do to her in there," demanded Roz, angrily.

"They were pretty nasty. They fired questions at her so fast that she didn't understand what they were asking half the time. They all but called her a liar, poor kid," answered Diana.

Helen came over. "You tell them I'll be in just as soon as Sarah is calmed down. Sadistic bastards!"

Chapter 22

Diana returned to the hearing room alone and sat down. Addressing the panel, she said firmly, "My next witness will be in shortly. She is helping Sarah because you upset her so much."

Anuse and Henry looked pleased. The women were anxious and concerned except for Esther who appeared puzzled.

Shortly thereafter, Helen Schauer marched into the room and took the witness chair as if she owned it. Her Teutonic ancestors would have been proud. Helen, at age thirty, considered herself a responsible adult. She owned property and was very serious about her abilities and her nursing studies.

She had begged Diana to let her come as a witness. A little taller than average, she was a strong looking woman. Blonde hair framed a face that, while not beautiful, reflected a healthy radiance that enhanced her image of strength. Now, sitting there, exuding confidence, she gave her name and was sworn. Her testimony should have been important, but Diana wasn't too certain that the panel would listen. It backed up what Roz had to say about the feelings of the medical students concerning the radiology course.

The most Diana hoped to accomplish from this testimony was to have the committee order NERD to make available the course and instructor evaluation for the previous year. That was the year that Lyle had claimed the students loved the course and the instructors. That was the year Diana did not teach in it.

"Are you acquainted with any medical students who took the radiology course this last year?" questioned Diana.

Helen testified that two of the rooms in her home were rented by medical students. "The gist of the conversation around our dinner table was that they felt the course was a complete waste of time. 'Most of the year, it seemed as if we knew more than the instructors,'" she quoted one of them as saying.

Jane couldn't wait for Diana to complete her questioning of Helen and broke in with, "Would the students come and talk with us?" She pretended to forget that medical students were not allowed at the hearing.

"No. Medical students were told they should not testify. They did request that I tell you that both she and my other roomer gave a bad evaluation of the course in the SmurFFs they filled out this year. They hoped that by doing that, the course would be changed and improved for the students next year. You have been told that all the evaluations were positive that year."

Henry appeared to misunderstand. "If they didn't think their evaluations were done correctly, they should go to the dean." He said to Helen, severely.

"Huh? I didn't say anything about them feeling their evaluations.... what do you mean?"

"If there is a problem with their evaluations, they should go to the dean."

"I didn't say there was a problem. I don't know where you are coming from. I will repeat what I said since it appears that I have been misunderstood. They told me that they had filled out a very negative evaluation on the radiology course, and that they knew that others in the class did also because there was great dissatisfaction with the course."

Henry immediately reminded the panel members that this was all hearsay. It will be trouble, he thought, if anyone on the panel asks for the SmurFFs for the year Diana didn't teach that course. Lyle doesn't want them seen and for good reason. He and his boys have perjured themselves.

No one seemed to have any more questions. Even Anuse appeared wary. This was one witness that they weren't going to confuse. She not only had both feet planted on the ground, she looked as if she'd enjoy planting the

panel under them. Noting that there were no more questions coming, Diana thanked her and said, "Looks like we are finished with you, Helen."

"You may be finished with me, but I am not finished with you!" She took in everyone in the room with that remark, surprising Diana as much as anyone on the panel. Even Janet looked up with a startled expression.

One could almost hear the horns of the Valkyrie sounding as a Brunnhilde spirit sparkled in the body of this nursing student.

"I am concerned and distressed," she continued. "First, for how you treated that young woman who testified before me. I have known Sarah for several months and she is as honest and sincere as anyone I have ever known.

"You know what she told us when she came out? She said you didn't believe her because you had already decided on the basis of the graphologist's report. She said it wasn't fair. That person swore only to an opinion. She, Sarah, had sworn to a fact.

"Also, from what the other witnesses have told me and what I have just experienced myself, I don't believe you want to find out the truth. You just want to terminate our teacher.

"No, I am not finished yet." Helen held up a warning hand to Henry who was about to protest, palm flat out like a traffic cop. "I have a BA in German and I am working toward a BA in nursing, and I am disgusted, I am really disgusted at what happened with my nutrition course evaluation. Despite what we were told in the classroom concerning the use of the evaluations for the course and professors, they were sent off-site to a graphologist...."

"Only a few, there were only a small number," insisted Henry. Good Lord, he thought, abashed, I never should have admitted that any were sent.

"So what! Maybe mine was one of them. You shouldn't be breaching student confidentiality to expedite some personnel matter. And let me tell

you, I'm not the only one in the class that feels that way. You have deceived us and we will not fill out any more of those forms unless we are forced to."

"But you must understand," urged Esther, "no other writing by students went out at the same time. There would not be any chance that anybody would know who was the person who wrote them."

Esther really was out of it, thought Annette.

"That is totally irrelevant." Helen replied firmly. "The point is our confidential evaluations were sent off-site. I think a lot of damage has been done. It is unconscionable. If we ever do fill out another evaluation form, it will be completely sterile so it can't be used to hurt anyone by an irresponsible administration. That is what many of the med students did in their last evaluation. They just marked everything average and typed all comments. That is why you haven't seen any of their SmurFFs from that year."

"Thank you, Helen." Diana stood up and walked around the table to open the door for her.

"We'll take a short recess," Henry announced.

During this recess, he told the panel that he had decided to adjourn the hearing until the next day.

Henry had just reached the hallway of his home when the phone summoned him with its strident demand to be answered. Loosening his tie with one hand, he picked up the instrument with the other, "Yes, hello, Tarbuck residence."

"Ah, good. You're home, Henry." This superb example of deductive reasoning delivered in the imperious manner of a self-appointed earth-god could only be The Pope.

"Yes, how are you, John?" Henry had pulled off his tie and was settling himself comfortably in the chair next to the phone. "Sorry I missed you when I returned to the office, but we decided to adjourn early so I did a few errands I've been putting off and then I came home."

"No problem, Henry. I just wanted to check with you to see how things are going. Mark said there was a bit of a dust up over the file material he sent the document examiners as standards?"

"Yes. Trenchant is making an issue of every little thing she can think of. Actually, I think she must have some outside help—someone is advising her. Perhaps even someone at Belmont."

"Giving you a lot of trouble, is she? Slap her down, Henry, slap her down. We've got her good on this one. Mark tells me the document examiner was one hundred percent sure that Trenchant wrote those things," The Pope boomed expansively.

"That's correct. The only thing is the three women on the panel don't place much confidence in the examiner's ability and right now they aren't accepting her testimony. Besides that, Trenchant has a student witness who claims that she, the witness, wrote one of those SmurFFs our analyst said was written by Trenchant."

"My God. That doesn't sound good at all. I thought Mark said handwriting analysis was as foolproof as fingerprints."

"Well, that's the legal argument lawyers use. Apparently, they aren't. Trenchant gave us two cases as examples of these so-called experts being fooled. One was concerning the Hitler Diaries and another she called the White Salamander Affair. She also listed several other sources for the panel to check on."

"What are you going to do? You've got to whip that panel in line and do it fast, Henry, we're in this thing too deep to back off now."

"I know, and I'm on top of it. Mark is going to testify concerning his experience as an attorney with handwriting evidence. Also, I've ruled most

of Trenchant's testimony and that of her witnesses hearsay. That cuts out a lot of potentially damaging information.

"Did you know, John, that those two guys who brought the complaint against her in the first place had plagiarized several textbooks as well as Trenchant's stuff and that both the dean and Lyle Stone knew about it?"

"Penny ante stuff, Henry. Everybody copies material for their courses. That's why every department has a copying machine."

"Well this sure sounded serious. They photographed a whole atlas and presented it to their class as their own work."

"So? It's just Trenchant's word, isn't it? Who's going to believe she isn't just indulging in sour grapes?"

"The whole panel, that's who. That stupid son of a bitch, Ian, admitted to it."

"Don't worry so, Henry. Surely you can explain that away as a misstatement on his part. He can just say that he didn't understand the question and...."

"I've already done that with the panel but I can't keep up forever explaining away every boner they pull. I've got to call Lyle back to testify again and the panel wants to hear from one of his faculty, Ann Biggot, and from Jimbo as well."

"What can I do to help you, Henry."

"Get on their asses, please, John. Those dilettantes in the medical school just made a very poor showing. They weren't prepared or.... would you believe, John, that Lyle couldn't even remember how many SmurFFs he was given and the dean contradicted a vital part of his testimony. Both Ian and Randy stunk. Please, lower the boom on Lyle and the others slated to testify tomorrow. They have got to do their homework."

"I'll get right on it, Henry. Don't worry now. Just remember that we can keep everyone—reporters, local, state and federal—out of our business simply by claiming academic privilege. There is nothing we can't explain away. Nothing we can't make disappear if we need to."

"OK, John, and thanks."

"Right. Good evening, Henry."

Henry hung up the phone and stretched. Strange, he thought, sniffing the air experimentally, I don't smell anything cooking. Wonder if we're going out for dinner. For that matter, I wonder where Kate is, haven't heard her moving around. Oh, well, she's probably in the back yard.

Resigning himself to the distinct possibility that he would have to get ready for another night out, he went in search of her. The kitchen first, he decided. I'll grab something out of the refrigerator to eat and.... what's this note on the table? Henry started to read it and then sat down heavily in a nearby chair to finish reading. "Be damned," he breathed. "She's left me."

THE HEARING - DAY 3

Chapter 23

The next morning, the panel members looked relaxed and confident. Henry hoped there would be now more gaffes, especially since The Pope had gotten after them. He congratulated himself for thinking to ask. He knew from experience that The Pope could be very persuasive.

The first witness called by the panel was the university attorney, Mark Rogers. He entered the room, spoke to everyone there, addressing them by

name, and took the seat indicated just across from Diana.

Mark would never be called handsome. He carried a bit too much weight in his face for that. He was, however, garrulous. This part of his character endeared him to the administration that he served so well, since his long winded approach to any problem brought to him, bored most people to death before they got any answer.

This saved the administrators the problem of dealing with most complaints brought by faculty and staff. If the administrators wanted some legal answers, they contacted a real lawyer, usually Simon Murrain, from a high priced law firm in town.

Mark had never had any success as an attorney in the real world, but here in the cloistered world of academia, he flourished. In the rapidly changing meaning of words, Mark knew which side of the butter the bread was on. He could lie or tell the truth with the same absolute conviction.

And now he was giving an ample demonstration of this to the panel. He knew that he had been called in because Henry was terrified that the document examiner's evidence had been overturned by the defense testimony. He also knew that the three women on the panel were not disposed favorably to the analyst who had come to testify. Well, by golly, he thought, old Mark will put out the fire.

In answer to a simple question, Mark replied by starting from when he graduated from law school and tracing his entire career. Along the way, he revealed, he had discovered these particular document examiners.

For all his verbosity, he was convincing. Henry was pleased. After all, he was an attorney. Who would know better how courts and evidence worked than an attorney? Then too, Mark had been the one to send the 'suspect' evaluations to the analyst that he, himself, had recommended. Mark had ordered the material from Diana's personnel file, so he could attest to the legality of it.

Jane observed that the other members of the panel, immersed in his tale, seemingly failed to realize that he confirmed several interruptions in the

chain of custody of the documents he was referring to. Most notable was when he was asked to identify the various packets of handwriting evidence that was marked as exhibits for this hearing. He either, "hadn't reviewed them closely enough to determine...." or claimed that he "honestly didn't recall who I received the note from (the note Lyle's friend had found 'strange')," as answers to direct questions from the panel.

Henry, hoping to create some clarity, put the finishing touches on the breaks in the chain of custody of the 'suspect' documents that were being discussed. "Oh, the problem here must be because some of the packets have been separated apart."

Jane noticed that Mark also had only vague recollections as to when all these things took place. He prefaced every phrase with, "to the best of my recollection" or "at best I can recall," in proper attorney fashion, proving that he had, after all, gotten something out of law school.

Having agreed, with Henry's prompting, that he did remember getting five radiology SmurFFs from Lyle, two nursing nutrition SmurFFs from Jimbo, he was handed a note, referred to as 'Lyle's friend's strange note' by Henry and asked, "And did you also sent the document examiners this note?"

"This would appear to be the original note; the only thing that I have seen is a copy of this note. I don't believe until now I had actually seen an original."

Good Lord, thought Jane. Surely someone should question this. The document examiner testified that ALL the 'suspect' documents were originals and now Mark, the guy that sent them to the examiners, is saying he has only seen a copy.

He's vague and unsure of most everything he claims he was involved in and most of his evidence is what someone else told him or that he 'had assumed'. This was the kind of testimony that Henry had been so critical of when the defense witnesses were examined, calling it second hand information. Apparently, coming from the university attorney, it is considered to be all right, Jane commented to herself. At one point, with

help from Henry, Mark brought forth information that Jane thought might be triple hearsay.

He said, "I remember now that Jimbo told me that Lyle told him that Lyle's friend had found the note."

Not a voice was raised in complaint from the panel. And not from me either, thought Jane. I'm not sticking my neck out when a lawyer is testifying.

Henry appeared to be pleased. Mark had done well enough even though he had been a bit shaky on dates. Anyway, the panel didn't seem to notice. He had established handwriting analysis as nearly infallible—not by evidence, not by proof, but solely because he said so.

He was pleased when cross examination by Diana was continually broken into by the panel. As a result of this, the question of the dates when these things happened was never really established. As things stood, Lyle, Randy and now Mark had all given conflicting dates concerning when these documents were sent out for analysis, when each received them and what each received.

However, under tenacious questioning by Diana, Mark divulged that the 'strange' note, apparently sent as an afterthought, had only been looked at by the examiners the day before coming to testify. That was why he had only seen a copy of it since the original was given to them on their arrival by Henry. Their opinion was not conclusive, but they thought it probable that Diana had printed it. They were wise to vacillate on this, Mark observed, since their supply of printing standards was very limited.

Because of the way Mark presented this, the panel was left with the impression that had there been enough standards, the document examiner would certainly have found that Diana had printed it.

An angry exchange occurred when Diana protested strongly that here was another piece of evidence that she was surprised with after being told that she had received all of it.

Henry smiled vacuously and said, "It was introduced yesterday."

"I never saw it."

"It was in the analyst's report for you to see."

"Now you tell me."

"You could have read it anytime."

"When? Every time there was a break, you shooed me out of here."

"We needed this room to confer."

Anuse broke in to hammer home another spike of explanation in the maze of questionable activity engaged in by the administration. "Mark, from a legal point of view, can an employee's personnel records be sent out for this type of analysis without the individual's permission or verification?"

Mark answered, again with the qualifier, which was not deemed noteworthy by the committee members. "In my opinion, they may not be used for just any purpose, but they certainly may be used for those purposes."

Well, sure. Ask the guy who did it if it was all right. Some legal opinion! thought Diana.

It was, however, the benchmark, the criterion of the prejudice exhibited by the hearing panel throughout. The Attorney General, after her investigation was complete, wrote in her report that, "...the panel utilized a procedure in which guilt was not investigated, but assumed. The university placed the burden of proof on Diana Trenchant to prove she was innocent, but denied her the evidence to do so.

"In fact," The A.G.'s report continued, "the process was so fundamentally unfair and reflected such an aggressive determination by the university to discharge her, that its actions have strengthened the inference of discrimination."

Chapter 24

After Mark had left, Associate Academic Vice President, Jimbo Jones was sworn. He had held the chair of NERD for many years, then when Lyle took over, Jimbo was moved to the central administrative post. Henry smiled wryly, hoping for the best because no matter how poor a performance was turned in by senior administrators, they were never fired—they knew where too many bodies were buried. They were kept around and use as needed to plug gaps and cover asses, especially their own....

Having few duties as a Vee, Jimbo lectured, teamed with Lyle, in the nursing nutrition course. He used to refer to them as a dog and pony show. The students thought of two other animals that would have described the situation better, since neither man was greatly liked.

This was mainly because both had a low opinion of undergraduates, felt it was beneath them to lecture at this level and didn't try to hide their opinion from the students.

Lyle and Jimbo gave these few lectures because the university policy of increasing administration personnel and research faculty while decreasing teachers had decimated the ranks of competent instructors.

Upper level administrators like Jimbo were paid in the six figure category. A few professors received fifty grand a year; most substantially less. A limited number of excellent teaching faculty worked their butts off teaching course after course for peanuts. The ever burgeoning, corpulent administration and research people had light duties and lots of play time—to say nothing of having the money to play.

At the time Diana was employed at NERD, it was not unique for the research professors to spend one or two afternoons a week on the golf course, lake or ski slopes. Any research accomplished mostly fell to the technicians paid by a grant or the university. Citizens who donated money

for research into various diseases would be astonished to discover how little of their money went into the research, and how much went into paying administrative salaries.

At Belmont, Friday afternoons turned into happy hours as medical research professors with their light teaching loads relaxed together in the conference room recuperating for the weekend.

When Jimbo was asked to identify the two evaluations—these being the two from nursing nutrition that Lyle had said Jimbo had brought to him, he professed not to recall how they were found or where. "I don't remember if I found them or who found them," he stated. "I have seen them before, but I don't know who discovered them."

Henry started to get nervous. This damn jerk who found those two SmurFFs professed no recollection of it. He hurried into the breach. "What you are saying, Jimbo, is that either you or Lyle found them but you don't remember which."

Even with this prompting, Jimbo couldn't hack it. He looked over at Henry and smiled without speaking.

"Yes, thank you. Of course, that's it." Henry testified for him and then tried to prove through Jimbo's testimony that Diana had a history of conflict with department members.

Once again, Jane observed, no examples were given. The names of the individuals involved in these alleged conflicts were not given so there was no confirmation of the testimony. When she tried to get specifics on these conflicts, Jimbo answered that, "...it involved the kind of facility utilization problems that one runs into in a small department."

Pursuing this, Jane asked, "Did they have anything to do with running a course or what should be taught in a course?"

"No."

At this juncture, Esther, not to be outdone asked if the difficulty had anything to do with her ability to teach.

Jimbo replied that her ability to teach had never been in question. He also confirmed, much to Henry's chagrin, that Diana had worn a brace on her wrist in December but could not remember exactly when.

Since he had been commandeered to help in the radiology lab after Diana left the course, he was asked how the medical students responded that year. His answer indicated that he believed the students generally liked the lab portion. He also disclosed that the lab had not changed at all from what had been taught in previous years.

Not bloody likely, thought Diana, since they copied most of the material from my manual that they were expressly forbidden to use.... the manual that was so successful in the course for the previous two years.

When Jimbo declared that the year Diana didn't teach, the course content was no different from the previous year, Henry tried to hurry him out the door. He recalled all the testimony from the NERD people insisting that things were much different and much improved after Diana left the course.

Before he could, Diana said, "I have one question, Jimbo. We taught that lab together for many years when you were chair of NERD. During that time, it was my impression that each year's class could differ immensely from the previous year. Specifically, one year, the class would like the way the course was run, then the next year's class would hate it. Do you agree?"

"Yes, wholeheartedly, absolutely."

"Thank you."

Henry walked Jimbo out of the hearing room wishing fervently that he had never asked him to testify. What a mess, but hopefully Lyle could fix it.

Chapter 25

Ann Biggot was a crawling morass of nerves. As she explained to the panel, it was not really fear of retribution for what she might say, it was fear that she might be understood incorrectly and that would harm either her chairman or Diana. She was overwhelmed, she exclaimed, "...because I heard that this is the first Termination for Cause Hearing ever held in Belmont!"

What an airhead, Henry thought. She swings so widely back and forth that her testimony is generally contradictory and always rambling. When she criticizes Lyle, in answer to a question from the panel, she, in nearly the same breath, praises him on a totally unrelated issue.

Lord protect me from these dithering female types, he implored, raising his eyes toward the ceiling. He looked back at the witness critically. She's held her own in the looks department for a woman of her age, he decided, but has let herself go to fat somewhat. Must be, from the looks of her about ten years or so younger than Diana. Well, Lyle thinks she loyal to him and that's what counts here.

Ann would not confirm her niece's testimony. Andrea had said her aunt thought that the excessive course load given Diana by Lyle was an attempt to break her spirit or drive her from the department. Ann declared that she, "could not remember saying that. It is possible that was what Andrea understood me to say."

When asked directly if there was sex discrimination in the department, she said that in the past, she had felt some discrimination because of sex, but she knew now that this was not the case. She gave several reasons why she was not treated the same or paid as much as the males in the department.

"It probably was because my research is so much different from the rest or because Lyle was new in the position and didn't realize what he was saying."

Jane felt anger toward Ann as she listened. She had asked around for information about her when she knew Ann would be testifying. Ann, of all people, knew what the situation truly was because Lyle had named her as the department Affirmative Action representative. Reflecting on the efficacy of the AA program, Jane knew that Belmont, like most universities around the country, had continued problems with grant procurement due to being out of compliance with the laws concerning discrimination and harassment. To counter this, or rather, to nip any potential problems in the bud, the administration created a setup whereby every department had an appointed representative for Affirmative Action.

All complaints had to be brought to this person. At NERD, this was Ann—who in turn took them to the department chair. A case of the proverbial fox guarding the chickens, Jane thought wryly.

The complaints and the person complaining, the complainant, were "handled" by a special administrative flunky. It was made crystal clear that problems would increase if one pursued a complaint. Faculty women on tenure track were especially vulnerable to these kinds of threats.

If the charge was serious and the complainant had evidence and witnesses, and could not be persuaded to drop the charges, the common practice was to transfer the complainant to another department. No one could ever remember a male at Belmont being punished, transferred or discharged for discrimination or harassment.

Jane knew that Ann had heard complaints—from women in the department and from medical students who had suffered discrimination and harassment. She shook her head sadly, wondering what she would have done in similar circumstances. Would she also chose not to reveal the truth to the committee, fearing reprisals?

In response to several other questions posed by the panel, Ann Biggot proclaimed that she had no fear of reprisal for her testimony, but every so often a Freudian slip would break out from her careful answers. She was confirming a question from Diana concerning how both of them were often overlooked when departmental journals were circulated. "If I didn't get a

journal, I would just take it out of someone else's box," she said angrily, then with a guilty expression, "Maybe I won't be working there next week."

Jane asked, "Does he customarily yell or get angry at people?"

Avoiding the question, Ann replied, "The biggest problem with him is getting him to put his answers down in writing."

She did, however, confirm that she had been asked to testify by Diana and had begged off. "Not really because of losing my job....it was just that it was so serious a charge...."

Ann amply substantiated what Diana had already testified to regarding her many attempts to communicate with Lyle and establish a better relationship. She was also generous with her assertion that Diana was a totally honest person.

"We have had problems sometimes working together, but the one thing I was sure of was her absolute, utter honesty. This charge came as a horrible shock to me, and that is the truth.

"To give you an idea of how much I trust her, there are two people in the department that I would feel right about leaving alone in my office and she was one of them. I wouldn't even trust Lyle."

Throughout the testimony of this witness, the panel continually interrupted the cross examinations of Diana. This happened at especially crucial times when important evidence was on the verge of being brought out or confirmed. One time, to the chagrin of Henry and Frank, it worked in Trenchant's favor.

Henry had interrupted to ask Ann about a rather damning quote attributed to her by Lyle which appeared on Diana's yearly Reappointment Appraisal Sheet. It read, "I believe that she (Diana) is completely ineffective in the summer medical nutrition course and should be replaced."

Ann was adamant that she had not said that. Instead, she insisted, "When the chairman came to me for my input on your appraisal, I told him what

you had told me," directing her answer at Diana, "which was that you felt ineffective. I told him that I thought you had tried desperately hard to learn this material. I said to him that you were working assiduously and trying unremittingly but that you and I both felt that you needed at least another year of study to be really proficient."

On hearing this, Jane blanched with shock. Here was information that Lyle had falsified a senior faculty person's (Ann) appraisal on the reappointment papers of Diana. Anuse interrupted Diana's questioning and attempted to gloss over the damning admission. He suggested that it was just a misunderstanding in terms.

It didn't work because Ann was angry that her honest comments regarding the teaching effectiveness of Diana had been misconstrued in a way that was completely false and she made that clear to Anuse in no uncertain terms.

After finishing off Anuse, she turned to Diana and said, "For you to come into the summer course with no training at all, at the age of 57, and be trained to teach nutrition....for you to undertake such an endeavor amazed me. I made it clear to Lyle that she needed more time, perhaps one more summer to be an effective teacher—not what he quoted me as saying!"

Now the chair stepped in and advised that this was getting way off the subject they were there to discuss, but the panel, except for Anuse, wanted to hear more and Ann, still angry at the way she had been misquoted, obliged them.

"....and the teaching load put on her. It was a horrible thing to ask somebody to do—seven labs in a week plus directing the radiology lab during the first semester. In the past, these labs were distributed among the graduate students and to ask one person to do that, I thought was....

"Remember," turning again to address Diana. "I told you it was a terrible stress for you to undergo and that if I were subjected to that, I couldn't do it."

Directing her remarks back to the panel, she continued. "I know, because at one point in my life, I taught five courses at one time and I went about bananas after two years; I had to quit because of the stress."

Henry interrupted decisively this time and announce a recess. The testimony of his witness was getting entirely to sympathetic toward Diana and he wanted no more references to Lyle's creative editing of Ann's comments on the employee appraisal form. Falsifying employee reappointment forms was a real no-no, especially now with the union breathing down our necks, he thought.

Chapter 26

Already in evidence and on the record was the incident of Lyle's tampering with one of the so-called suspicious SmurFFs by stapling a note written by Diana to it. Now there was testimony that he had falsified a comment by one of the senior faculty which appeared on an appraisal form. One more example of evidence-tampering was still to come.

When the hearing reconvened, Jane interrupted. "One moment before we go on to the next witness. A point of clarification. From what I heard a little while ago, I think Diana believes that we send the president the recommendation of this committee. Now, my understanding was that we do not make a recommendation, we make a report of our findings."

"That is correct. We are only going to write a report. We don't make recommendations. We only make a report of the hearing. That's all we are looking at," Henry said frantically. Damn and blast, how did she get on to that and why didn't I pick up on it. I shudder to think what those dingy women would do if they knew that when my report for this committee comes out, it will find the entire panel has made a recommendation that is unanimous and it is for termination.

The hearing was about completed. Henry could feel the relief flooding through him like a torrent. Full of great expectations, he announced that Lyle would be the next witness and "all these little misunderstandings will be cleared up." True to form, like a well rehearsed circus act, the performance that followed went off like greased lightning. Henry allowed neither the other members of the panel nor Diana to clutter it up.

First the clarification of number of 'suspicious' SmurFFs found, when they were found and who found them. This time, Lyle looking confident and well coached, consulted his crib sheet and gave the answer without circumlocution.

Looking both eager and willing to help out as best he could, Lyle earnestly spoke his piece. "After checking with Mark who had the date in the files, we found that the material was sent to the analyst in the fall of last year. There were originally three that Randy and Ian had given him, not two as he had said in his previous testimony. I can't think why I said two, of course, I meant three."

"Jimbo had found and sent him the two 'suspicious' nursing nutrition SmurFFs." To prove this, he conveniently produced a covering letter, which the chair put into evidence, that expressly said that. "...and, it is dated and signed by Jimbo.

"Most certainly," Lyle continued, "I never knew that Diana had copyrighted the radiology manual and most certainly, Ian and Randy did not copy from it. That is ridiculous."

His pious account of the meeting with Diana in his office when he told her of the document examiners findings, was ingenious. He claimed to have been devastated at having to do that to an employee. He had behaved with loving kindness throughout the "very painful interview.

"Of course no one in the department or among the medical students would be afraid to come and testify. Perish the thought.

"I must have been misunderstood before when the panel got the impression that ALL the critiques were good in this last year when Diana

did not teach. I thought I had made it clear that it was Ian's SmurFFs that had improved markedly."

Still, Jane noted. He did not produce them for the panel to confirm his testimony and the chair, despite the request of Diana that they be solicited, did not ask for them.

When Henry hesitated, Trenchant reminded Lyle that student's likes and dislikes of an instructor could vary wildly from year to year. "Remember how great your SmurFFs were in the nursing course three years ago?" She said. "Then the very next year, they were the pits. Isn't that correct?"

Lyle reluctantly agreed that it was and Henry quickly took back the questioning to bring Lyle to the crowning touch of his testimony before Trenchant could further discredit him. Henry asked if he thought Diana was unable to write because of an injured wrist during the December last evaluation period. Proudly, Lyle presented two original handwritten documents. "Both of these," he claimed, "were written by Diana and I found them in my files."

"This one is dated in mid December, at the time she claims she could not write," he smirked triumphantly at Diana.

"Did you write that?" Henry demanded of Diana, looking smug and terribly well pleased with the way things were going.

"Yes, I did, but not in December. I wrote that after returning from Christmas\New Year's vacation in January before the classes started. This note refers to equipment I would require for the room I was assigned to teach in during the winter semester. I was not assigned that room until I returned from vacation in January so I wouldn't be writing anything about fixtures in December. This is a fact that can be verified.

"Look at this." Trenchant held up the paper for the panel to see. "The right hand corner has been torn off where I put the date which would be in January. The date written on this note is at the bottom and was written in by Lyle. The ink used is entirely different for the date than for the rest of the note and I recognize the way he makes sevens with the slash."

"Well, yes." Lyle allowed, showing some discomfort, he had written that date in because the note wasn't dated and he put the date on when he received it and that was in December. He said nothing about the torn corner and looked very anxious.

"Well I kept a copy of this note which I can bring in showing the date to be where this piece was torn off and that date will be in January." Trenchant announced, turning to the committee members. "Once more, evidence in this hearing has been tampered with."

"It won't be necessary to see your copy," Henry ruled, hastily. "I'm sure this is just a difference that occurs where each person remembers the date a bit differently. There is no attempt to tamper here...."

Chapter 27

Henry nervously dismissed Lyle and directed the committee's attention toward Diana to distract them from further questioning. "We have finished with the witnesses in this hearing. If you have a brief summation or anything you want to say in closing, we will hear it, go ahead," he ordered. "First, however, you and the stenographer may take a break while the panel confers."

Instead of leaving after he had finished testifying, Jimbo Jones had gone back to the waiting room to pick up his belongings. Except for Jonathan, the room was empty of people now that the hearing was winding down.

"Hello, how goes it," Jonathan greeted him. He had been making himself available in the committee waiting room a few hours every day as Henry had ordered. This was so it would appear that Trenchant had the availability of counsel from the ombudsman if the matter ever came up.

"Not bad. Henry seems a mite wound up though. Can't understand why. The whole academic council decided to terminate her, what is he getting all haired out about?"

"As I understand it," Jonathan offered, leaning toward Jimbo and lowering his voice into a conspiratorial, confidential tone, "Trenchant has managed to bring forth a good defense and has the hearing panel pretty well divided. Only Frank Anuse is going along with Henry. The women are looking at the evidence and they aren't convinced. Jane confided in me during the last break that she thought it was possible that Trenchant had been framed."

"What the hell would give her that idea," grinned Jimbo, with a sly wink.

"Quiet, keep your voice down." Jonathan moved away from Jimbo and closed the hearing room door. "Well, for one thing, one of the SmurFFs you found was evidently written by a student. She came forward and identified it. That really casts doubt on the ability of the document examiners."

"One I found? I just don't understand all this. Everyone keeps telling me that I found some SmurFFs in my course. Lyle, Henry, Mark and now you. I don't remember it and I told the panel that just a few minutes ago."

"You told the panel that? Good God, Jimbo, Henry was depending on you to confirm that you had found them. Lyle is probably showing them the note you wrote right now."

"Come off it, Jonathan. Lyle didn't say anything about lying to the panel and it was that cute Janie babe that asked. If Trenchant had asked the question, I would have said that I had found them. No problem. All Lyle asked me to do was write and date the note last year sometime. Nobody asked me about that."

Thank heavens, thought Jonathan. Aloud, he said, "You'd better keep that under your hat, Jimbo. From what Jane tells me, Lyle has been pretty creative with the evidence already."

"So what?" Jimbo replied, expansively. "That's his part of the scheme. After all, he's the one that wants to get rid of her."

"Yes, you're right, but be careful about saying things like that. You never know who will hear and try to make something of it. Oh, by the way, did you hear that Kate left Henry? He said she was gone when he got home last night—just left him a note."

"No shit. Who'd she catch him doin' it with?"

"Well from what I hear...."

The two men gossiped cozily until the members of the panel arrived to announce that the hearing had ended.

"Proceed with your summary," Henry commanded indifferently when everyone was back in place at the table.

Diana Trenchant finished making a note and then said, "Yes, I have some closing words, but first, I want to point out that I was given no opportunity to present rebuttal witness as you did."

Anuse shifted in his seat, then carefully and slowly, as if he were speaking to a retarded person, said, "You misunderstand. They were not rebuttal witnesses. We had them come to clarify things that your witnesses said."

Bull! thought Diana. Aloud, she continued, "They contradicted some of my evidence and I was not given a chance to CLARIFY their testimony with my witnesses."

What is she trying to pull now, Henry moaned to himself, but much to his surprise, Diana pulled her notes in front of her and began her closing remarks.

"Now, for the first charge—that I created false SmurFFs. I have shown that the document examiner erred regarding the 'suspect' SmurFFs they examined. One, at least, was a recognized student written evaluation. Therefore, their opinion on all of the documents is open to question. Several witnesses have testified as to the wrist injury I sustained, showing that I could not have written the two SmurFFs Lyle said he found in the course last year.

"Also, the 'suspect' SmurFFs from previous years are highly dubious as evidence of anything. They are not dated and there has been no discernible chain of custody established. Ian could not even identify them and disagreed with Randy that they were somehow different from the rest of the evaluations received.

"I remind you again that document examiners are not infallible and that only a couple of small examples of my handwriting were submitted to them

that were NOT copies. We have just seen that Lyle had other examples of original writing of mine. Why didn't they submit original writing as standards or better yet, authenticate the standards by having them written in the presence of the document examiner?

"In point of fact, none of the writing used as standards were authenticated and this makes them moot.

"The second charge, that I submitted these 'suspect' documents as student SmurFFs, is unproven. That is because none of the student SmurFFs for those years in question can be validated. This is because of the way the evaluation process is administered. Therefore, a chain of custody for the so-called suspicious SmurFF's was not and cannot be established.

"In the 25 years that I have worked at this university, I have never been accused of dishonesty. My work has not been criticized. My teaching ability has always been praised. The biggest criticism that I have received is that I am at times abrasive.

"You have heard enough to form the obvious conclusion about how I was treated in the department and how heavy my teaching load was. I hope you will pay attention to the fact that right here under oath, Lyle, the person who has made these charges against me, has tampered with the evidence three times."

Jane was impressed. She's right. He attached a note written by Diana to one of the suspicious SmurFFs; detrimentally misquoted Ann's evaluation of Diana's performance on promotion sheets and now this last note which very obviously has a large piece torn off from the corner. He must have been told they needed proof that she could write during that time so he tore off the real date and wrote in one in December. What a scumball.

Diana continued, "I want to thank you all very much for the opportunity to finally respond and disprove these outrageous charges. Thank you."

Before Henry could speak, Jane said, "Diana, I was interested in what you had to say about the F.B.I. and the information regarding document

examination. Is there something further that you would suggest we look at?"

"Yes. You should research this so-called science or art as I did. Read about the Hitler Diaries and the White Salamander Papers. Learn why authenticated, original standards are important....

"I also again request that you procure the SmurFFs for the radiology instructors and course given last year and see how the testimony you have just heard has misrepresented them."

"Is that it then?" Henry could just barely keep the ugliness he felt out of his voice.

At Diana's nod, Henry said, "We must end this. I don't think we'll need any further hearings," said Henry, stacking up his pile of files and papers and preparing to stand up. "You will hear from us as soon as possible. Perhaps as soon as two weeks. Certainly no longer than a month. We will have our report for you and the president then."

That was mid-June.

ACADEMIC JUSTICE

Chapter 28

It is the first of July. The committee has met two times since the hearing ended. The first time, the split was three to two. The three women were resolute that there was not enough evidence to believe that Diana had written the documents. They did not put much credence into the report of the document examiner and they didn't believe Lyle.

Henry could not and would not agree to write the report announcing this to The Pope. His instructions were clear—get Trenchant. Seeking distance, he suggested that they should, in any event, wait for the complete transcript of the hearing. When that had arrived and everyone had refreshed their memories, they would hold another meeting.

The second meeting, held two weeks later, lasted four hours. By the end of the session, everyone was tired and angry and no one had moved from their original position. It was a battle of the transcript. Not only had Anuse and Henry burned the midnight oil preparing for the meeting with suitable quotes from the transcript, but the same could be said of Jane, Esther and Annette.

As tempers, which had so far been under control, flared and threatened to widen the gulf between the two sides, Henry realized that the arguments were just solidifying the opposition and, damn it to hell, they were the majority! Since the handwriting evidence was so shaky, he dared not force the issue. He would find another way.

He quickly called an end to it, told them tersely that he would let them know when the next meeting would be and then before anyone else moved, he left the room.

Chapter 29

August slipped into September.

What's happening with the hearing? Everyone was asking. No one had an answer.

Then the president of N.O.W, Ellie Smeal, came on campus to give a speech. The room was packed with women from all over campus. Afterwards, Esther saw Diana and went up to her.

"What is going on? Have you heard anything?" she inquired.

"You're the one on the committee. I haven't heard anything since the hearing ended. You guys told me a month, tops. Haven't you been writing the report?" Trenchant answered tersely. She was becoming increasingly strung out by the delay and by the obvious fact that the committee chair had once again lied to her.

"Oh," said Esther, alarm showing on her pudgy face, "I'm not supposed to talk about it. I haven't heard anything." She finished, walking away leaving Diana more in the dark than ever....and more apprehensive.

October dropped its leaves.

November brought an early snow.

Christmas flashed brightly, dulled and stood aside for the start of a new year.

It had been nearly seven months since the hearing had ended but Henry had not been idle. After the debacle of the second meeting of the panel, The Pope and Henry had decided to send the material away for confirmation by another document examiner. The women on the panel were not privy to this information. "If they can't cooperate, leave them out in the cold," was Henry's decision.

"How many had you contacted before you found this one, Henry?" Frank Anuse had stopped by Henry's office in the administration building at Henry's invitation. A great deal of time had gone by and he had been getting edgy with all the questions aimed at him by concerned faculty. It was great to have some positive results. Even though he couldn't broadcast them, he could give his inquisitors a knowing look and indicate that it was in the bag.

"This makes the fourth. The bastards take forever to make up their minds. They say they are busy with other analyses, but you'd think with all we're paying them that...." Henry shook his head in disgust.

"And they all said the same thing. They didn't like to make a positive match using copies of the standards we sent?" Frank Anuse asked.

"That's it. They all wanted originals."

"The guy that has them now though, called and said essentially the same thing at first, except he thought if he could have a lot more standards, he could make a decision even if they were copies."

"And...."

"And, I sent off copies of everything in her personnel file."

"You mean forms and such like? Don't they have other people's writing on them besides Trenchant's?"

"Oh, yes, but that doesn't matter. The main thing is we got confirmation. The guy will testify to that and then those damn lady-professors are going to toe the line, or else."

"You've already sent Trenchant the copies and notice of the next hearing?"

"Yup. Did it this morning. Same mail as I sent it to the rest of the committee."

"Seems as though it would have been simpler just to have her write something in front of witnesses and use those originals instead of farting around all this time with copies," Anuse suggested. "This process has taken nearly a year already."

"There's reasons. Not something you and I have to know about, but there's reasons. Anyway, here's your copy. Enjoy."

Chapter 30

A registered package arrived for Diana. It contained copies of the 'suspect' SmurFFs and copies of the standards that she had seen before at the hearing. Also enclosed were many other documents, apparently copied from microfiche files. These copies were atrocious, all spotty with black dots and lines. Most of the letters were blurred and some parts were unreadable.

The package also contained a report from another document examiner. This one agreed that Diana had written six of the eight documents sent to them for analysis, but was not sure of two of them. Just like the previous examiners—except it wasn't the same two they indicated.

Nevertheless, the cover letter, signed by Henry, decreed that this was supportive testimony and the hearing would reconvene in five days to present this evidence formally to Diana. At that time she would be given an opportunity to cross examine the so-called expert testimony of the document examiner.

This time Henry was taking no chances. This time, the document examiner was male.

Diana and her supporters were not terribly surprised by contents of the package. It did, however, confirm that as far as the Belmont administration was concerned, she would be convicted even if they had to move heaven and earth to prove it.

The initial hearing of three days, the official protocol, the declarations of good faith made by the panel members—all a sham. She'd waited long enough. It was time to seek help outside of Belmont U.

Part of her decision to take this path was made in response to the outpouring of support from the staff, faculty and students of Belmont. These people, many of whom felt repressed themselves, knew that there was no way that justice or fairness could be brought about within the university structure. Anyone who had experience with university politics

completely subscribed to the dubious accolade that university politics were the meanest of all types known to exist.

Many were angry that the whole rotten business evolved around a mere seven out of several hundred forms—all of which in the normal course of events would have been ignored.

There was frustration as well. They felt helpless and many were sickened at their lack of ability to effect any change. By sending money to Diana, "to help with legal expenses," they could mitigate their helplessness and their fear.

Efforts were initiated to bring the affair before the Faculty Senate but they were quashed as soon as they started by the new Senate president, former ombudsman, Jonathan Bambridge.

Trustees were approached by supporters as well as university alumni groups. There was sympathy, but no one wanted to risk their position against the very real power wielded by the administration.

Several women faculty went to the Pope and pleaded for him to intercede. These were brave women. They took to the meeting with the university president examples of many cases of proven misconduct that had occurred on campus. In every case, no man had ever been terminated. They reminded him that this was the first time at Belmont that a termination for cause charge had been made, and that it was against a woman.

The group of faculty women begged him to reconsider. To press such minuscule charges in the first place had been a mistake. The information had spread across campus, the town and the state, making almost every person who heard of it laugh at first, then as they realized that it was not a joke become indignant.

"The publicity already has been harmful and it can only get worse if this hearing is continued," one of the professors urgently stated to The Pope. "Why do you continue with this?"

They were told that the decision to prosecute was final and that there was nothing they could do. Then they were shown the door.

The same sort of treatment was given to staff and students except that they usually got shorter shrift. Islands of concerned people protested but never joined in concert. It was not a safe undertaking at Belmont University. Not if you wanted to keep your position. As Edmund Burke observed, "When bad men combine, the good must associate; else they will fall one by one, an unpitied sacrifice in a contemptible struggle."

The final straw that tipped the balance and sent Diana to an attorney to fight the inevitable termination was an editorial that appeared in THE PROD, the Belmont student newspaper. In a strongly worded article it condemned the undemocratic judicial process of the Belmont administration, which flouted the laws of the state and made up its own to fit each occasion. The editorial compared Belmont's disciplinary process to feudal times.

It was titled:

PUNISHING THE VICTIM

....Dr. Diana Trenchant was accused of wrong doing. Therefore, she was tried by a jury of her accusers in accordance with university policy. Although two witness, who in any court would be called 'expert' witnesses, testified against her, she was not allowed an adequate defense—that is, the service of an attorney who would be competent to cross examine so-called expert testimony. She was also not allowed access to documents needed in her own defense.

She will most certainly be summarily terminated—deprived of her livelihood without due process—another victim of Belmont Kangaroo Kort Justice.

"That does it," she told Andrea and James whose support had never wavered throughout the ordeal. "I refuse to be one of Burke's 'unpitied sacrifice'. More specifically, I refuse to be their victim. Perhaps the courts can do something. Let's give it a shot."

The women on the panel took a lot of heat for the reconvening of the hearing. Ricocheting across campus were the whisperings and lamentations of Esther as she endeavored to absolve herself from blame.

Jane's battle with her conscience reached only the ears of her closest friends, but her glacial features and bent posture bespoke her frustration and her impotency.

The saddest of all was Annette who had quietly borne the conflicting waves of testimony that flowed over her at the hearing. She had dared to speak up a couple of times, but now she knew that it had been a mistake. Whatever Henry asked her to sign, she would sign. Without question, without hesitation, but not with good conscience. His visit to her and his carefully chosen words concerning his knowledge of her life-style had left no doubt remaining that the threat of exposure was real.

Diana found out early on that it would be unwise to place too much confidence in the judicial system. She discovered that a court cares nothing about right or wrong, good or bad. It cares only about what the law is, can you prove it, and who proves it in the most entertaining manner.

The Attorney General had told Diana that an additional hazard was that this was a civil rights case—sex discrimination. The current federal administration had knocked the hell out of most of the laws pertaining to sex or age discrimination and greatly weakened any remaining. The EEOC was acting like a toothless pussy cat under the direction of a staunch Reagan\Bush conservative whose payoff would be a seat on the Supreme Court.

However, for all its drawbacks, it was the only game in town. A choice, instead of giving up. Besides, Diana was overwhelmed with the magnitude of support in the form of cold cash from the university community and alumni. She had to at least have the faith in herself that others had shown—but the cost! Enough to make her frugal Yankee blood congeal in horror.

Well, no help for it, she thought. She carefully figured out just how far she could go with what she had and what had been given her. That far she would go and no further. She'd give the court a chance, but she wouldn't bet the whole farm on it and certainly not the rest of her life. Decidedly not in a city where the old boy network was so substantial and entrenched that it kept its meeting place a male bastion and ruled the entire state from it. Not to mention that The Pope was a prepaid member—a perk traditionally given Belmont's president.

Chapter 31

Ever since the original charges had been made, the Public Protection Division of the Attorney General's Office had been investigating the case brought to it by Diana. It functioned to protect the legal rights of Diana and provide a copy of its report to the Equal Employment Opportunity Commission (EEOC).

It had been denied access to the previous three day hearing by the Belmont administration, but was promised the hearing transcript. After a great deal of prompting, the transcript, all 700 pages of it, had been sent to the Attorney General's Office as agreed.

It was copied and shared with the attorney representing Diana, Al Garrett. He was appalled at the way the university administration had handled the hearing and felt that all that was needed was to hit the university administration with legal paperosa plentimus and they would soon see reason.

He was unaware that the age of reason had not yet penetrated Belmont University. Their axiom was, 'Reason? There is no reason, it's company policy.'

The ensuing legal detritus delayed the reconvening of the second round of the university hearing, but didn't prevent it. In the short time given, Diana obtained affidavits from a prominent document examiner and a promise of testimony from the university psychologist.

A court reporter was once again recording the proceedings, but it wasn't Janet. The surroundings had changed also. Now, they were all sitting around a table in a very large auditorium in the English Department.

Diana had an attorney present, but university policy prevented him from doing anything except whisper instructions to her. Of course, they had talked beforehand and had planned how the defense part and cross examination would go. Even so, the attorney was still in the court mode—he had little or no concept of a university hearing and much of what went on left him stunned with disbelief and unable to provide much direction. When he tried, whispering furtively into Diana's ear to do this or say that, it made Diana little more than a puppet dangling on one string, and just as effective. One thing for certain, thought Diana as the hearing progressed, someone should tell lawyers about breath mints!

As soon as she could gain recognition from the chair, Diana requested that the hearing be open. "The purpose of a closed hearing in personnel matters is to protect the employee. I waive that protection." To herself, she thought, I know from experience that I have much more protection in public opinion than I have as a member of the faculty of Belmont University.

"Interested citizens and the press are waiting outside. They were prevented from coming in. I respectfully request that they be allowed to enter." Prevented was right, she thought, a plethora of Kampus Kops was guarding the door of the hearing room. Henry was indeed worried that the goings-on in the hearing room might be observed by an impartial observer and had taken steps to prevent it.

"No." He answered, "It is the policy of the university that hearings be closed. We will now proceed to the testimony of the second document examiner."

Henry was pleased to note that while Amos Avery, the handwriting analyst, was being sworn, the panel members played with the files on the table in front of them. He had met with each of the women individually and had whipped them into line. His eyes sparkled as he recalled their helplessness and his feelings of power.

Henry next proceeded to enter into evidence various letters and the handwriting documents. Diana, under instructions from her attorney, objected. Objections which would have been given credence in a court of law were just ignored by Henry. The only thing all the legal patter accomplished was to increase the tension and the red in his face.

Well, I'll just have to bear it, he thought grimly. That sharp lawyer, Simon Murrain, hired by The Pope to advise them on both hearings had been adamant. "Always let her speak. You can interrupt her witnesses, you can even ignore what she says or refuse what she may request. But always let her have her say. We can't have her complaining that she didn't get a fair hearing." Henry remembered how he had laughed at the simplicity of that strategy.

Concerning what she was saying now, Henry wasn't about to pay any attention. The objections Trenchant was making were important, having to do with the evidence. The writing used as standards were still not authenticated. The copies of microfiche files were almost unreadable due to their being covered with dots and black lines.

In contention were the extra standards that this analyst had requested since he could not be sure of the authorship of the 'suspect' SmurFFs using the same standards provided to the first analyst.

"You are not following any rules of evidence here," Trenchant was continuing. "You are just submitting things on a whim. You have given this examiner copies—very bad copies—of material supposedly from my personnel file covering a period of over twenty years. Even if authentic,

these documents contain the handwriting or printing of at least seven other people, possibly more, and I see nothing that delineates which of all these different writings is supposed to be the standard," she argued.

"Some of the writing on these was written entirely by my daughter or son," Diana held up the documents for inspection. "These tuition exemption forms were filled out and signed with my name by either my son or my daughter, for example. The rest of the writing is by a personnel officer.

"I am surprised that you didn't send samples of writing from the entire university while you were at it," she finished sarcastically, disgust clearly portrayed in her voice and on her face.

"This hearing is being held solely to hear the report of this document examiner. You will be given a chance to comment on his report," Henry continued, blithely ignoring Diana's protest.

"Who made these rulings?" queried Diana, prompted by Al.

"Pardon me?" Henry asked.

"Who made the rulings concerning the admissibility of these standards?"

"I am reading the ground rules for this hearing which are contained in my letter to you. I am entering it into the proceedings."

"So. Who made the ruling? Not the committee!"

"The committee is aware of these things."

"The committee is just going along with whatever you propose. Why can't you admit that you are making the rules of evidence? Why do we need the rest of the panel?"

"The committee made the decision and can speak up if they do not agree." All of the women on the panel busily shuffled papers and Anuse beamed like a misplaced beacon. The silence of the panel told it all. Three cowered, two glowed. Henry was confident.

Well, thought Diana, we knew it would be a struggle. Turning to the material she and Al had prepared, she read into the record, once again, that she wanted an open hearing. That SHE had nothing to hide.

Continuing on, she brought out other legal points that Al felt needed to be in the record. "We have over and over again requested documents from the university and been denied them. You have provided me with nothing with which I can dispute your case. I am referring to some six hundred student SmurFFs that were referred to by your witnesses in the last hearing, over thirty times, yet never once were they given into evidence."

"What are you going on about?" Anuse feigned boredom.

"I am talking about the student SmurFFs that I requested at the last hearing. The charge was made that the 'suspect' SmurFFs were totally different from normal student SmurFFs and I need those for you to see that in reality, they are quite similar."

"I'm willing to believe the testimony that they exist and what they are represented to be. I don't need to see them in person." Nonchalantly, Anuse destroyed any illusion of committee impartiality with this remark. The committee's report to The Pope would remove any doubt that might linger.

Henry called a recess. It always seemed to work to break up the flow.

Chapter 32

When the hearing commenced again, the document examiner began his testimony. "I have examined the documents in question and found that six were written by Diana Trenchant and two probably were."

Allen Avery was a tall, heavy-set man, florid of face and nearly as ugly as Jimbo. He looked like a twenty-year cop and lowered his monster brows fiercely at Diana whenever he referred to her. His presentation was not as

ornate as that of Alice Stebbins. Instead of using blown up photographs of individual letters, he passed out copies of a single sheet on which there were two columns of letters.

One column was labeled standard, the other unknown. He testified that he had found enough similarities in these particular letters to identify the writer.

Frank Anuse asked if another examiner would find the same similarities in the same letters.

The answer was, "Given equal training, they should pick out the same things that I did." He went on to explain that examples were given in books and the document examiners studied the books.

On being asked if the material could have been written by an expert forger, he answered much differently than the first document examiner. "Who would know? I'm not saying it couldn't be done, but I don't feel that it was." If the women on the panel had been alert, they would have challenged a scientist that felt a conclusion—feelings were more in the realm of the arts. Science was supposed to deal with facts.

He explained that he had asked for more standards because the ones sent were not complete. Yet the first analyst had said she was one-hundred-percent certain on the basis of what was sent.

"I wanted more recent samples to see what variations there were. We don't write every letter the same every time. We look for the range."

Asked if handwriting analysis was as exact as fingerprints, he said, "It is as individual and as unique as fingerprints." Yet when asked if a number of different analysts looked at the same documents, would they all agree, he answered, "If they had equal training and experience."

After a short recess, Diana was allowed to examine the witness. Her first question was directed toward the authenticity of the standards submitted. "Do you know of your own knowledge that the exemplars sent to you were all written by me?"

"No."

She turned to Henry and said, "then, I request that this report be removed from evidence since it states facts that this examiner declares are false."

While Henry looked at her incredulously, she read from the examiner's report, illustrating all the places where the standards were referred to as being her handwriting or printing.

Henry was outraged. "Of course, when he writes that in his report, he means that he is using my communication with him. I wrote that these were samples of your handwriting, that I had every reason to believe that they were."

Diana persisted. "I see nothing in the report to the effect that he was 'told' anything as you state. He very definitely writes that they ARE standards of my handwriting. Now he says under oath that he does not know. These errors nullify the report."

"I feel that the report tells us what we asked from the document examiners." With that, Henry thought, the book is closed. No one could argue with that. You get what you pay for. Case closed.

Doggedly, Diana continued. "Did you do a top of the letter pattern?"

"I beg your pardon. Would you explain what you mean by top of the letter pattern?"

With subsequent questions, Diana established that he did not know what bottom of the letter pattern, space pattern or slant pattern were. These techniques, common to document examiners, were completely unknown to this so-called expert. Trenchant explained to him what these common handwriting tests were all about.

It was then established that he only did a letter comparison. He claimed that the other tests or techniques, "were done by graphologists." His attitude made crystal clear that he considered graphologists to be a very dirty word. "I," he continued, with a conceited accent on the word, "am a document

examiner." When Diana named her source of information and held up the book of a prominent document examiner, his reply was, "That person must come from a different viewpoint that I do."

"It appears that what you refer to as graphologists, in your profession, are much more thorough in their analysis of handwriting and printing than you are. The author of this book makes a point of insisting on original, authenticated standards and doing several different types of measurements. The idea being that when they decide a document's author, it is based on several different tests.

"You did only a letter by letter comparison then. Every letter?"

"A majority of them."

It turned out not to be the case. Diana brought up letter after letter that the analyst had not found a match to. "S" was one of them. Looking hastily through the so-called standards, Avery finally found one, but it was a printed capital "S" which he was saying was a match for a small case scripted "s" found at the end of a word. For all that time and trouble, he discovered it in a signature purported to have been written by Diana twenty years ago! This document also contained the writing of more than one person, and the signature itself was written by Diana's daughter.

Other discrepancies were brought out. T's that were not crossed, small i's with a backward slant, the written letter R which looked like a U. These and other examples of letters found in the 'suspicious' SmurFFs, were not found to be represented in twenty years worth of material allegedly copied from the files.

"It doesn't matter," Avery asserted. "I mean it is entirely possible that the writer could have made an R like that even though I can't show you an example."

"You were given samples of what you were told was my handwriting that covered twenty to thirty years?"

"Yes."

"Is it not true that a person's handwriting may change due to injury or disease such as osteoporosis, rheumatism or arthritis?"

"I would agree that a person's handwriting can change over the years."

"Do you know of any statistical studies pertaining to the accuracy of handwriting analysis?"

"Accuracy?"

"Yes. Is it 50%, 75% or 100% accurate? Do you know of any studies made?"

"It is 100% accurate. It is allowed in the courts."

"Wait a minute. Are you saying the courts have made a study?"

"I don't know if such a study has been made. But the courts allow handwriting identification testimony to be given."

"That is damn different than statistical tests of accuracy. Tell me this. Courts allow juries to give verdicts of guilty or not guilty, is that correct?"

"Yes."

"That doesn't mean that they are always correct in their assessment, that just means that the court accepts it, right?"

"Yes."

"You are aware that the courts accept and allow testimony from any number of so-called experts in many different fields such as doctors, psychologists, engineers and natural scientist, just to name a few?"

"Yes."

"This does not necessarily mean that all of these are one hundred percent correct in their testimony. It just means that the court accepts and allows it. Is that correct?"

"Yes."

"Sources of error can exist in handwriting analysis, can they not? There are a lot of judgment calls just like there is in most professions, isn't that correct?"

"Yes."

"So we really have no evidence that handwriting analysis is infallible. In fact, there are document examiners that are honest enough not to claim that."

"Well, they must be graphologists. We are on a different basis and it cannot be carried over to what we are doing."

Trenchant then named a well known document examiner and asked if Avery knew of him.

"Of course."

"Is he a graphologist?"

"No."

"We talked to him about this situation and asked him questions. Unfortunately, it was much too expensive to bring him here to testify, however, he did agree to make an affidavit. I will read from it now. Quote. 'It is my opinion that the identification of handwriting is not as positive as fingerprint identification. While a document examiner may feel that his or her opinion is 100 percent positive, the facts are that the opinion is based on qualifications, training, experience and judgment, any of which may be limiting or otherwise subject to question. In addition, the known standards used in the comparison for the Belmont case may be tainted or under dispute.'"

"I don't agree." The document examiner said, visibly upset.

Henry called a recess.

When the session opened again, Diana asked, "If you had your druthers, would you agree with other document examiners that original standards are preferable to copies?"

"Yes."

"You have said that you could not reach a conclusion from the first lot of so-called standards sent to you. If you had not been sent all that additional material going back 20 to 30 years, what would have been your conclusion?"

"I would have no conclusion."

"I am interested in your report of this note. The other unknown material you were sent was written on evaluation forms. I am speaking now of the note." Trenchant held up her copy.

Avery nodded and located his copy among the papers before him on the table.

"Now, you report that you cannot be sure of the authorship of this note which has quite a few words but you can be sure of the authorship of this evaluation form which has only two words."

Avery found the other document referred to and looked at them and then at his notes. "Yes," he agreed. "I could not be sure of the note because it contains block printing."

"So do these other SmurFFs that you say you have identified. There is some block printing on the note that we are talking about, but most of it is small case printing."

"Well, there were not enough individualistic examples in the note to be sure."

Henry wished that they had never let that note be sent to the document examiners. It had been nothing but trouble and was not related to the SmurFF forgery that Diana was charged with. That damn note which had

come out of nowhere—reportedly given Lyle by his good friend but never verified, was not identified as being written by Diana by either of the two document examiner firms. The two examiners also differed on the identification of one of the 'suspect' medical school SmurFFs. One was sure of Exhibit 2 but not of 3. The other was sure of 3 but not of 2. Henry recalled that now both document examiner witnesses agreed that the handwriting did change over the years. Jesus, if this woman keeps it up, she'll destroy all our evidence. Quickly, Henry stepped in and Amos Avery, the second document examiner that the Belmont administration had hired, was excused.

Chapter 33

After Avery left the hearing room, Diana put the expert document examiner's affidavit, that she had read from, into evidence. The expert had sworn in this affidavit that all of the student evaluations for the medical school courses for those years should be analyzed. It was possible that another person or persons had handwriting or printing that was similar to Diana's. She read this portion to the committee and added that she hoped they would read the complete affidavit which contained several pages of the document examiner's credentials.

All along, the women kept their eyes either on these papers or on the witness. They steadfastly refused to look at Diana or at the chair. They asked few questions of the witness, tonelessly, and did not ask any follow up or clarifying questions.

Annette gives new dimension to the act of keeping a low profile, thought Henry. Her demeanor resembles that of a puppy that has just been whipped for pissing on the new carpet. Jane, on the other hand, adopts a superior mien. Her greatly elevated nose brings her whole being into an altitude seemingly far above the detestable situation she finds herself in.

As for Esther, well, she's a wreck. Never terribly lucid in her thought processes, she babbles incoherently and then apologizes when asked to repeat them. Her piggy eyes dart from witness to her papers in a flurry of indecisiveness.

Frank Anuse is up to form though and really enjoying it. Henry watched Frank proudly as he flung Diana a shit eatin' grin at every opportunity and at times actually taunted her in a way reminiscent of a town bully.

At this point in the proceedings, Anuse laughed aloud in a derisive, taunting fashion, causing everyone on the panel to look at him in shocked silence. The chair put up a warning hand.

Esther, all the way out in left field and looking bewildered asked, "I don't remember. Did we receive something from the students?"

Diana stood up and walked over to where Anuse sat. Jowl to jowl with him, she said succinctly, "It isn't funny, Mr. Frank Anuse. It is not funny, it is serious." To Esther, she said, "You probably don't see everything that comes in or goes out of this committee.

"Again, I want to state that I have been denied access to all these student evaluations that are needed for my defense. In addition, this committee has steadfastly refused to confirm the testimony of their witnesses concerning these documents by demanding that they be produced." Diana returned to her chair.

Her attorney, Al Garret, leaned over and whispered into her ear. He congratulated her on heeding his advice to be assertive and demanding.

Diana continued, "I would like to call Dr. Stacy Denton who has information on the writing of the suspect documents."

"Is this....", Henry floundered. "Is this new information referring to the document examiner we just heard from? This hearing is restricted, as I told you, to his testimony and—"

"This witness has very pertinent information for the committee regarding my innocence of your charges."

"We do need to restrict this hearing"

"Dr. Denton has been waiting nearly three hours to give her testimony."

The chair shrugged and muttered under his breath. What would Simon Murrain advise. I need time to think about it. Aloud he said, "The committee will recess to discuss this."

Everyone was told to leave the hearing room except the committee. When they were alone, Henry made it clear. "We must limit this hearing only to the evidence we presented."

Jane, with grave misgivings concerning her future at Belmont, rose to the occasion. "I think we need to hear this. We should at least appear to be giving her a fair hearing."

"She's already had that," snapped back Henry. "This hearing is expressly for confirming the findings of the first document examiners. Nothing else."

Anuse, who had watched the others leave the hearing room unexpectedly sided with Jane and urged caution. "Perhaps we should hear her, Henry. Those damn reporters are still out there. If we don't let her testify, it will be the lead story in tomorrow's paper."

"Still there, are they? Bothersome creatures! Well, that puts a different face on it." He sat for a moment in thought. He'd had his orders. They were to wind this up fast. "All right. We'll hear that witness, however, I am declaring this hearing closed as of right now. Her testimony will appear to be heard by the panel and will be in the minutes to keep the Attorney General and the press off our backs."

"But make no mistake, any of you." He looked around at all the committee members, his face stern and his voice threatening, "We meet tomorrow at nine o'clock right here to sign this report that you have already

seen. I'll redraft it to indicate that we have had this additional testimony, but essentially, it will read the same. Is that clear?"

Chapter 34

The hearing resumed.

Dr. Stacy Denton was sworn and Diana thanked her for waiting so long. "Would you please state your qualifications as an expert witness?"

"Yes, but first I must ask that you waive the privilege of confidentiality."

"Of course. I absolutely waive the privilege of confidentiality so that you may respond to my questions and those of the panel."

Stacy then delivered a long list of professional qualifications having to do both with mental health counseling and organizational consulting.

As she was giving the requested information, Jane wished the panel could hear of the immense prestige Dr. Stacy Denton had acquired throughout the university community over the years that she had been a part of the Counseling Department. Not only was she widely acclaimed, she was genuinely liked and successful as a person, in the department she directed. At the age of 42, she had shown abilities in her field that most did not acquire until their later years. This caused some annoyance for her since she was constantly besieged by other counseling agencies all over the country, to come to them.

Jane remembered that when she had felt the shackles of threat surround her, and realized that she really had no voice or will on the committee, she had called Stacy. Of course Stacy could not tell her that she had counseled Diana at the time she was first charged. She could only listen to Jane's anguish at her own impotence. It was only after Diana had called to ask Stacy if she would be willing to sign an affidavit for the federal court action, that Stacy could see a way to do something. She offered to also appear as a witness at this final Belmont hearing if it were felt she would be needed. Few people of her stature would have waited outside the hearing

room as she did, knowing that the committee might not even hear her testimony.

She testified that she had seen Diana professionally several times and that in her years of experience and training she had learned techniques to determine behavior.

"I saw no evidence that Diana was lying, dissimulating or faking. I should say that in my position here, I see many people who are in trouble and there is a pattern to these reactions. She exhibited what we in the profession call the typical victim reaction.

"In subsequent visits, I did a more thorough mental status exam. I used all sorts of techniques that uncover whether a person may be unconsciously suppressing the fact that she wrote something, or did something.

"I believe that she could not have been lying." Stacy said succinctly. "She was too upset, too shocked, to really fake me out."

Henry carefully distorted her words in the recommendation the committee later signed and sent to The Pope to read, 'the psychologist found that Diana Trenchant had a genuine victim response and truly believes herself to be innocent.' A far, and exceedingly prejudiced, cry from the actual testimony of the psychologist. In fact, in the six page document, he devoted only ten lines to Diana and her witnesses testimony—one short paragraph!

Diana asked Stacy if she could, without violating confidentiality, tell of similar cases at Belmont where a faculty person had been accused of wrong doing.

"It happens quite frequently, perhaps as often as once a month—certainly a regular event. And in none of these cases which might involve repeated incidents of drunkenness, sexual harassment, and, well, I can't go into details, but these are serious areas of misconduct that I'm referring to—not something as insignificant as seven SmurFFs! In none of

these cases was the person ever told to resign or face a termination for cause hearing. The problem was handled by the proper department head. Either a warning was given or appropriate disciplinary action was taken."

When Diana asked if the committee had any questions, Jane, in an attempt to demonstrate the proficiency of this expert witness, once again bravely ventured forth asking Stacy to delineate some of the techniques used in this case and how she evaluated them.

The psychologist did this clearly and precisely, giving the methods used and how Diana reacted. It was very illuminating testimony and totally ignored, except by the women who had hoped that it might cause Henry to listen.

At one point, Anuse tried to twist Stacy's words around so it appeared that she was been saying that Diana had denied that there was any trouble with any person in the department.

Stacy Denton set him securely and competently back on his heels, leaving no doubt in anyone's mind that she was no person to try those tactics on.

Chapter 35

When Stacy had been excused, the chair was ready to adjourn. On the advice of her attorney, Diana requested that it be on the record that, Anuse, one of the panel members had acted throughout the hearing in a manner prejudicial and threatening to Diana and to her witnesses.

Henry was livid with anger. "You are out of order. You are making statements about people on the committee that has nothing to do with this. Your comment will not be entered and the committee will disregard it."

How typical of that woman to state the obvious, he fumed inwardly. Always before, while ruling, he had kept his cool and at least glanced at the panel members for assent or dissent. This time he ably demonstrated that the show of democratic procedure was only that—a show. Damn her. She had unglued him that time.

In any event, Diana was refused permission to enter the evidence she had that would have shown that Anuse was biased.

Next, Diana reviewed the poor performance given by the document examiner. "He testified that he could not make a decision on the first set of exemplars sent him. Then when he was sent twenty years' worth of documents containing the handwriting of multiple individuals, he claimed that he disregarded most of it." She went over all of the individual letters in the 'suspect' evaluations that Avery had not been able to match with anything in the writing he used as standards. "This shows that there were as many non-matches as matches in his presentation."

The panel listened passively, then Henry asked if that was her final statement.

"No," she answered. "I shall read that now." She picked up the paper which had been written mostly by her attorney and edited by her. It was designed to get the legal points on the record so that they could be presented later in a court of law.

"We are at the end of another hearing and it is a grim page in the rights of faculty members of this university. I have been tried by a committee which is chaired by the prosecuting official. He has reopened proceedings, engaged in ex parte communications, received legal advice from the prosecution's lawyer and denied me the opportunity to even examine the evidence against me.

"A faculty member at any state college, and indeed, a mail room employee in the state Motor Vehicle Department would have more rights than you have given me."

Henry tuned her out. All this legal stuff, he thought, is just to give her attorney crap to fill a brief. Murrain had told him this would probably happen. Now, what's this? Alertly, Henry listened.

"There are strong reasons to believe this panel has operated in violation of my state and federal rights. If this committee does not end this unfortunate proceeding, the U.S. District Court will finally have to determine these issues.

"This committee, at the last hearing, made several promises to me and I was fool enough to believe them. It said that it would issue a decision within a few weeks; instead, it launched a new investigation of its own without my knowledge or participation which consumed over half a year. Second, this committee assured me that I would not be affected by these charges as I continued my teaching assignments in the department. 'Go back to work,' you all assured me at the last hearing. 'Everything is taken care of.' I went back and was ordered to move out of my office into a corner of the nutrition teaching lab. I was denied a telephone and given no help in moving my things. My name has been removed from the department mail boxes and department meetings are held when I am teaching classes. For these many months, while you reopened the investigation behind my back, I have been a non-person in my department."

Jane shifted in her chair uneasily. She recalled how all of these promises had been made when the panel had ended the first hearing. In fact, she had made some of them herself. It had seemed then, she reflected, that the evidence against Diana was inconclusive and that the majority of the panel felt this was so. She had expected that just a simple vote of the panel would send Diana back to her classroom where she belonged.

"I have served this university for nearly a quarter-century. Students have consistently reviewed my efforts favorably and that is a source of much consternation in my department. The entire central administration is prosecuting me, angered because I insisted on minimal rights. For example: I refused to have my job eliminated or my copyrighted manual used without my consent. They are determined to terminate me and have spared no

resources in support of that goal. It would appear that some of these efforts violate my rights under state law, federal law, and the Constitution."

That's really what it's all about, decided Annette, as she kept her head lowered and her eyes fastened on the unseen files before her. Violation of her rights. Violation of my rights to freely consider the evidence both for and against her and render an impartial judgment.

"I believe this case represents what is in store for a person who does not remain in the favor of those who determine policy for this university.

"I have been accused of writing seven SmurFFs over a two year period. Only five of these seven were alleged to have been detrimental to two faculty men, Ian and Randy. This is five out of the six to eight hundred submitted for medical radiology during that time. At a minimum, even were these charges true, the misconduct of which I am accused would be dishonesty, but of a variety with no real import or effect."

Diana stopped and reached for the glass of water in front of her. I wish I could tell these people what it has been like working here in this university for the last twenty-five years. If they would only listen, I'd throw out this prepared statement in a flash and start with....her thoughts went back only a very few years, to before the affirmative action laws.

She recalled vividly how she was treated, what women were subjected to—still subjected to, she amended, wryly. Lewd, suggestive poses of women in every lab and office. Huge posters on many doors facing the hallways. Projections via slides of scantily or unclothed women in provocative poses that were used to "illustrate" lecture material and treated with derision by the male lecturer. We couldn't complain because we were told that if we didn't like it we could leave. We were told that this activity was normal and healthy. We were told that if we found it offensive, we must be 'queer'.

And then that wonderful day when Sally, a woman graduate student, found and placed on her door, a large full length picture of an unclad male. He was young and pleasant looking—like the boy next door. No suggestiveness here. Just the human male form. His penis hung quietly from his pelvis, as unremarkable and vulnerable as the breast of an old woman. But what an uproar it caused. The men were furious. They clucked and cackled like a bunch of biddy hens which had been surprised by a predator's invasion of the hen house. Diana held the glass to her mouth for a few moments more even though she was not drinking to stifle the smile that was trying to force itself into being from the memory.

The offending poster was quickly torn down, torn up and still the cacophony continued unabated. That is, until Sally was called in to the NERD chairman's office. When she emerged, she packed up her belongings and left. Of course, we can't have that kind of sexual depravity continue. The men were certainly united in that decision. How quickly and easily they can fire women for whatever men define as impropriety.

She continued with her statement. "We have seen no evidence that any faculty were injured by those SmurFFs. The evaluations that had an impact were the hundreds of evaluations that we have not seen despite my efforts to have them made available for this hearing. If these faculty had problems, it was with their teaching.

"There is no evidence or any proof as to when, or even if, these seven SmurFFs were submitted.

"The administration has not shown any motive on my part to fabricate and submit them. What I am really accused of is manipulating student opinion to deny Ian and Randy tenure, when, in fact, neither have been denied tenure and I have not manipulated student opinion. If student evaluations improved the year that I did not teach in the course, it was in part because previous criticisms have been taken to heart and teaching improved in the course. And also because Ian specifically instructed the students to make only positive comments. You could verify this by talking to the medical students, but you are not allowed to."

Esther tried to follow Diana's words and rebut each point as she heard it but was overcome by the simple truth of what she was hearing. She, too, had been convinced that the handwriting evidence was not to be trusted. One of the people in her department had once worked at NERD. She had confirmed the status of Diana in the department and corroborated what she had told the panel. Esther shrugged. Too bad, can't be helped, she thought.

"Evidence was introduced at this hearing without being authenticated. Hundreds of SmurFFs were described but shown to no one. Professional witnesses were used against me yet I was not allowed to have an attorney cross-examine them. And the ultimate injustice is that the prosecution official is the chair of the hearing panel!

"I do not believe that I ever had a chance in these proceedings. If the administration's evidence is insufficient, you reopen the hearing and get more, using unauthenticated material. If I am effectively questioning a witness, interrupt me, as you did countless times. If there is evidence on my behalf, you deny it to me."

Frank Anuse was delightedly and avidly listening to Diana's closing statement. God, he thought. You can sure tell that it was written by a lawyer and he's pulled out all the stops. What a tear jerker, he judged, cynically. As if any of what she was saying mattered. The facts were that we decide what will be correct, not the stupid courts. Besides, she's getting what she deserves after what she put me through with that complaint to the Affirmative Action Office because I didn't interview male applicants for positions in my department. He raged inwardly as he remembered the time he had to spend to comply with the order to produce all of his records and defend all of his placements. Damned uppity bitch.

"This panel has simply followed the lead of the prosecutor, Henry Tarbuck, and allowed him to continue to dictate to you without question—

without thought of equal treatment.

"I am aware, as you are, that a male faculty member was recently convicted of child molesting, given a leave of absence and then replaced in his position without loss of pay or tenure. Is what you accuse me of doing worse than child molestation?"

Diana let the question hang in the air for several moments while she looked at the panel. Only Henry and Anuse returned her gaze, the women kept their eyes steadfastly on their papers which they held like shields before them. Useless, she thought, then aloud said, "Thank you. I have concluded my statement."

"I would like to clarify a few things," Henry began pontifically. "The record will show that the remarks you have made are your opinions. We will not respond to them. I want to make it clear, however, that I am a chairman of a committee of the faculty—not the prosecutor." There, he thought selfrighteously, that will show her that I can quote my lawyer too.

"Secondly, we do not decide anything. We will not recommend anything. We are merely the investigating committee which makes the report."

Chapter 36

True to form, Henry adjourned the second hearing with lies—it didn't matter, he reflected, we have the power.

The hearing panel met the next day. Each person was given a copy of the report that Henry had prepared. "Read it and when you have finished, come over here and sign this original. I will require that you turn in your copies today. You are to keep this report in confidence."

"When is Diana to be notified?" Timidly, Esther asked the question, raising her eyes from the document she was reading.

"In good time. When it is deemed appropriate." Henry was terse in his reply, warning that no further questions from the other members of the committee would be tolerated.

Following this, Esther sent a letter to The Pope asking him not to terminate Diana. Later, she would show copies of this letter to the staff and faculty women who criticized her for signing such a malicious report. "We had to sign it. We had no choice, but see—I tried to help her!"

Henry sent a copy of the hearing panel's report to Diana late in March. It was in the form of a memorandum addressed to The Pope. Even though the report had been signed early in February, it was dated March 31st, as were all the signatures at the end.

The report of six pages had four parts: Factual history; Procedures followed; Findings on considerations; and Recommendations. Surprise, surprise—after maintaining in two separate hearings that the committee only gave a report and would not recommend any action.

Actually there was little in the report that came as any surprise. The so-called 'Factual history' was a composite of the testimony of Lyle, Ian and Randy. It was carefully written. It reported that, "Lyle had discovered several 'suspicious' student feedback forms...." when in fact he had said two.

The report was redolent with accusation. Phrases such as "....she forged...." and "....department could not tolerate forgery...." were found throughout and put in a context difficult to justify. One of these sentences read: "Given the opinion of the handwriting experts that she had 'forged student course evaluations in a manner designed to denigrate the performance of co-faculty members', the chairman of NERD decided to seek termination for cause." Thus the document examiners were not only given credit for identifying a person's handwriting, but Henry claimed they were able to read the intent of the person whom they said wrote the material examined. Nowhere in the hearing were their clairvoyant abilities established.

Indeed, the entire section contained nothing of the events as testified to by Diana and her witnesses.

The section on the 'Procedures followed' was again taken from what Henry had decided were the procedures followed and wickedly slanted against Diana. It did not mention that the reason thirty-two additional standards were sent to the second document examiner was because he could not make a decision on the basis of the standards sent to the first one. Instead, it claimed that the second document examiner confirmed the results of the first. It also omitted to add that the standards sent were abysmally poor copies from microfiche, covered a period of 25 years and included handwriting and printing of many different people.

Henry thought the section called 'Findings on considerations', was a gem. After he had finished writing it, he had leaned back in his chair and mentally patted himself on the back. Here was contained the only mention that there had been other testimony entered into the hearing. Here, in the entire six page report, only 10 lines were devoted to the witnesses for Diana. The testimony of Sarah, he tersely dismissed with: "One student witness identified one of the suspect critiques and claimed that she (the student) had written it, but the claim was not substantiated because the student would not have her handwriting examined."

Months later, the investigator for the Attorney General would note that incident in the transcript of the hearing and make the following comment in her report. "Did the committee really expect that the hired experts could, at a point when opinions had been stated under oath, seriously undertake a fresh analysis of the questioned document?"

Henry's report gave no indication that the standards were unauthenticated or why Diana was not asked to write for the document examiners to produce authenticated ones.

All of the testimony of Diana was totally ignored. It was as if she had never appeared at the hearing—a non-person status like that maintained against her by her department since the accusation was first made.

Of course it follows that the 'Recommendation' section would state, true to the faculty handbook's rhetoric, that termination was recommended since Diana had demonstrated a lack of professional and moral fitness.

THE COURT AND ATTORNEY GENERAL

Chapter 37

In the days following the hearing, the Belmont administration directed its attention to the complaint brought against it in the County Superior Court. On its behalf, attorney Simon Murrain began the usual returns from the baseline destined to increase costs, delay judgment and frustrate justice.

The analogy to tennis is not farfetched. One side, the plaintiff via her attorney, Al Garret, serves. A volley of paper ensues from both sides directed at each other, but under the supervision and rule of the official, a judge.

Where the analogy loses ground is that very little action occurs in the court. Sure, the plaintiff and respondent and the lawyers must show up for hearings, but most everything goes on in the judges' chambers.

Simon Murrain had a great deal of practice in delaying tactics. Over the last four years, seven people had brought suit against Belmont for sex discrimination. All seven had been forced to withdraw as their cases dragged on and on and their resources dwindled. Simon's initial move this time was to have the case go to a higher court, in this instance the United States District Court.

This move placed two additional burdens on the plaintiff and her attorney. First, the cost of the proceedings was greater than at the district level and second, the travel distance to attend hearings increased fifty-fold.

An advantage was also inadvertently given. The judge who was appointed to sit at this session was known for his fairness and knowledge of the law.

Al Garret immediately filed an amended complaint to the federal court which could rule on federal laws as well as state. In it, he listed six charges against Belmont University: 1. Violation of due process; 2. violation of constitutional law; 3. violation of the state administrative procedures act; 4. violation of the state open meeting law; 5. violation of the state access to public records and 6. violation of the fair employment practices act.

With the listing of these charges, he asked that the court issue a restraining order, an injunction that would order the respondent, Belmont University, to grant the plaintiff her right to a fair and impartial hearing by the university and access to the documents that had been withheld from her.

It was at this time, shortly after the final university hearing had ended, that Diana began getting threatening phone calls. She was told to drop the court proceedings if she didn't want something really bad to happen to her.

After the initial hearing on the complaint and before any decision was handed down by the judge, Murrain filed a motion for summary judgment on counts three, four, five and six—all of the counts related to state law. In effect, he was asking the judge to throw out the four charges for lack of validity.

His motion caused a veritable flurry of other motions from both sides and effectively delayed the process of law by dividing the charges. It also increased the cost to the plaintiff. It was a gamble for the university. If it paid off, it would cut the charges down to two—both federal, while disposing of all the others. If it didn't? No problem, there were always appeals to be made that could continue the process indefinitely.

At the hearing on these motions, Al Garret limited his argument to a synopsis of his brief. He carefully related the applicable laws and requested that the defendant, Belmont University, be ordered to grant a fair, open hearing to the plaintiff, Diana. Also, that the plaintiff be supplied with the student feedback evaluations she had requested and that had been denied to her.

Al was an intelligent work-horse of an attorney. At 57, he took his legal duties seriously. His heavy glasses with their thick rims gave him a scholastic air. All that was needed to complete the image of absent minded professor was a pipe. He had diligently searched the literature for precedents which he presented to the judge in a mild but measured tone. A reasonable man, he projected this image to the court and made a fine presentation. No sparkle, just facts and precedents clearly presented.

When the judge turned his attention to the respondent, Simon Murrain stood to address the court looking more like a walking advertisement for expensive men's wear than an attorney. Simon oozed charm with all the proficiency of a hangman leading the way to the gallows. Close to Al in age, Simon was of a different bent. His argument was presented with show and words—it worked well with juries who tended to watch him instead of what he said. Today, there was no jury present, but his *modus operandi* didn't change.

"Your honor," he commenced. "The plaintiff was given a fair hearing under the rules of Belmont University. She was given due process. Despite the fact that she forged many evaluation forms causing untold harm to two young faculty persons, the university made every effort to treat her with fairness and consideration." He continued for some time in the same vein, constantly and consistently referring to the plaintiff as a forger—a criminal.

Gleefully, Murrain reflected, in court, we attorneys can say anything, or most anything, we want to. We do not have to operate under the constraints imposed on the rest of the populace and preface a charge with the word alleged. Truth is not required of us either, although most judges attempt to keep the elocution within the bounds of propriety.

Another check in the system is the presence of the opposing attorney who is supposed to function to limit any freewheeling antics of his colleague by appealing to the judge.

But Al did not object to Simon's presentation. He felt confident that the judge would rule on the law, not on the performance. Besides, he rather enjoyed watching and listening to Simon's kind of theater.

Following the hearing, the wait began. How would the judge decide? When would the judge decide?

Even though the hearing committee at Belmont had made its report and recommendation to terminate, the actual termination letter had not yet been sent. From the time she was accused, Diana had found life at work to be difficult. As a plaintiff, in a lawsuit against Belmont, it was nearly impossible.

Nearly, that is, because her students never wavered in their efforts to encourage and help her. It was during this wait that factual information was obtained concerning a dean at Belmont who had falsified a faculty promotion sheet. The occurrence had been rumored, but now the players were known. Al Garret had talked to the principals of the event and obtained two affidavits attesting to the misconduct and subsequent lack of punishment awarded the dean who was still employed at the university. The man had suffered no loss of rank or pay for his transgression. These affidavits were added to the pile of papers already on file with the judge.

Early in June, the Opinion and Order of the judge arrived. Al Garret's third charge had been thrown out by the judge who wrote that the law cited did not apply to Belmont University. The other three charges were sustained.

On charge number four, relating to the open meeting law, the judge wrote in part: "To permit this hearing panel to operate outside the Open Meeting Law would be to enable the university to take round-about steps to avoid its public duty."

He continued by describing the hearing panel as resembling, "...the type of secret activities the Open Meeting Law seeks to prevent...." and suggested that if the panel had considered any area to be extremely sensitive, it could have gone into executive session. Even this he qualified—asserting that it was subject to the plaintiff's right to a public hearing.

As to the public record law, charge number five, he ruled that the plaintiff should have access to the evaluations requested. "The Court finds," he wrote, "that Belmont must comply with the Public Records Law."

Finally, on charge number six, relating to the fair employment law, the judge found the evidence submitted to be sufficient to indicate retaliatory, sexual discrimination.

A few days later, with this Opinion and Order from the court in hand, John T. Pope, president of Belmont University, terminated the plaintiff, effective immediately.

The Pope's action was expected by everyone except Al Garret, Diana's attorney—he still thought he'd won the case. Belmont had been thumbing its nose at the judicial system as long as anyone could remember.

Diana Trenchant packed up the teaching and research accumulations of nearly twenty-five years and left for home.

Neither the president nor any of the Vees could be reached for comment. However, Bob Alastar, the PR for Belmont, called in the press. "We have no comment," he asserted. "It is the university's policy not to discuss personnel decisions with the press."

Now there was a new angle in the threatening phone calls to the plaintiff. The caller would start out in a friendly fashion. In a conversational tone, he would advise Diana to, "go down to the courthouse and examine the court records for the past ten years. Just check the directory for all the cases that Belmont has been involved in and read the outcome. The court clerk will help you." Then the voice would become threatening. "You will see that no

one has ever won a case against Belmont. It owns the courts and it owns the lawyers. You'll lose all your money and you'll be hurt in other ways. It can and will make appeal after appeal. It can and will tie this case up for years. Give it up before you get hurt."

Chapter 38

The investigation by the Attorney General continued. When she tried to interview potential witnesses at Belmont, she was prevented by the administration. "Do not even talk with her," was the gag order that went out from the central administration of Belmont to every chair and director. These lesser administrators were told to alert their departments or units and advise all faculty, staff and students not to cooperate in her investigation.

For a while, the investigation lagged. It was hoped that as tempers cooled and reason reasserted itself, the university would be more receptive to the questions posed by the A.G. It was, after all, to their benefit to answer the questions. It was an opportunity to get their position known because the report, when completed, would be sent to the EEOC. It would have considerable influence on research grants applied for by Belmont faculty.

The cooling off period solved nothing. Belmont administration was adamant. They had done the right thing. There was nothing to investigate. The incident had ended. The Pope had spoken.

Actually, The Pope was doing more than speaking—he was engaged in composing excuses and explanations. Supporters of Diana had sent the Judge's Order, or excerpts from it, to state legislators, faculty, staff, students, alumni, trustees and any other person that had expressed interest in the lawsuit. This had resulted in hundreds of letters and phone calls to The Pope and members of his administration as well as to the Board of Trustees.

"What is going on?" One of the first callers demanded, having insisted, and gotten The Pope on the line. "You fired a good teacher after a judge ruled that she had not received a fair hearing?"

"Our hearing panel gave her a fair hearing, sir. The newspapers have just blown this up to sell papers," The Pope replied, holding back his anger with difficulty and making his voice sound terribly knowledgeable.

"The judge said you didn't. I saw his order. Was the hearing open? Did you give her all the documents she requested, or not?" The caller was insistent.

"Well, sir, it's not that simple. Our policy is to protect the employee so we always have closed hearings. There was no need to produce the documents in question. The hearing panel was confident that they were not needed."

"I don't care about how your hearing panel or how your policy goes. I'm asking about an excellent teacher who has served our university for nearly a quarter of a century. If she did what you have accused her of good God, man! Five out of thousands—what difference could that make? You've made yourself look silly."

The Pope took no more calls after that except from the trustees. He could not escape their critical views but with the help of his handpicked chairman of the board, he managed to placate most of them.

One secretary was placed full-time answering letters and the Vees were called on to answer the phone calls and talk to any one who came to the offices. Consumption of antacid increased astronomically in "Vice Alley"—lair of the Vees.

PR man, Alastar and all the Vees were carefully coached to suggest to the callers that Diana Trenchant had really done something unspeakable and that the charge that was aired was "only the tip of the iceberg." They also were told to hint concerning her motives. She was "thought to have so desired the chairmanship of the department...." or "she was delusional in her assertion that she had written any course material, etc...." or "she was not

really the type of woman that normal women, those with husbands or boyfriends, wanted to associate with...." or....

Meanwhile, back at the court, legal papers piled up anew. Diana felt helpless, drawn along in a maelstrom of chaos. A veritable barrage of verbiage flew to the court, like guided missiles, from both attorneys. They were couched in legal parlance and cushioned on expensive, patterned vellum. For every submission, there was a filing fee, hours of research and multiple law-firm billings. For each batch of documents sent to the court, copies were made to send to the opposing attorney, the file and sometimes, even the plaintiff.

Occasionally, a hearing on one or another of the various motions was called. When this happened, the lawyers and the plaintiff were joined by the judge, his clerk and the court stenographer.

Each attorney blew smoke—substantial as ghost poop. The judge sat in the air high above the arena and pondered. At times, he would interrupt and admonish. Periodically he would ask a question and these were the interesting moments as each attorney had a different answer.

The lawyer for the defense only knew what he had been told by Henry Tarbuck and Henry only knew what he had been told by Lyle.

Diana's attorney knew only what she had told him and it was obvious there was a lot that he hadn't remembered. How little the truth counted in these proceedings, Diana thought as she listened to the screw up. Neither of these men, who are being questioned and are the only ones allowed to speak, were at Belmont when these events were occurring. Most of the time they are way out in left field with their answers. And here I sit, mute because the system demands it, unable to clear up the confusion. All this money spent and the judge still doesn't understand what the SmurFFs are. He asked for clarification and got gibberish.

There's the gavel. One more useless hearing is over with.

Then, just as winter was getting a firm grip on the land, the Attorney General released her report. Diana and her supporters were jubilant. The local paper printed and the TV and radio blared: "A strongly worded report from the A.G.'s office to President Pope maintains that professor was fired unjustly."

The A.G.'s thirty page comprehensive Letter of Determination (LOD), made it clear right at the beginning that the Belmont administration had refused to cooperate in the investigation. It emphasized that, "The University declined to make available people and information." At the end of the LOD, it reiterated Belmont's non-cooperation.

The LOD went on to state that the University had held Termination for Cause Hearings. Sworn testimony was taken which had been completely transcribed by a court reporter. This transcript and the court records relating to the illegal termination suit were used in this investigation since the Belmont administration refused to cooperate with the Attorney General.

It took the form of a letter to The Pope. In stark contrast to Henry's report, the LOD reviewed the history of the allegations against Diana, giving the charges and the response to these charges, equal weight and importance. This information was from the transcript which contained the sworn statements of all the university personnel involved in the hearing—those people who were prevented by the administration from talking to the A.G. investigator. It also reviewed the testimony of Diana and her witnesses. Reference was made to the testimony of the three document examiners—two presented by Belmont, the affidavit of the one submitted by Diana at the second hearing.

The point was made early on that the specific charge which resulted in termination was that Diana had written seven evaluations out of some one thousand submitted. Five of these were alleged to have injured two faculty members. It emphasized that testimony indicated that there were no performance problems with Diana. "...testimony from both sides established that she was highly regarded by her students, was very dependable and a hard worker."

It noted that while expert witnesses, the document examiners and the university attorney, were used to testify against Diana, she was not allowed an attorney to conduct a competent cross examination. Stating that even though supportive documents were not presented at the hearing, "the committee accepted testimonial evidence on the contents of them," it concluded that "...this represented the most serious deprivation of fundamental fairness that occurred. Any concept of a fair administrative hearing, even one conducted without regard to strict rules of evidence, could not include the admission of testimonial evidence of the contents of documents which were available only to the party presenting the evidence."

Commenting on the dissatisfaction of the committee with the testimony of the first document examiner, the LOD stated that, "Rather than reject the testimony and find Trenchant innocent, the committee continued the hearing and hired another document examiner. This one disputed the findings of the first and required more standards. The documents provided by Belmont were exceedingly poor copies of file contents, much of which was over twenty years old. Most of these so-called standards contained the handwriting of more than one person. At no time was any evidence presented that showed the standards sent by the administration to the handwriting analysts to be the writing of Diana."

Remarking on the fact that the committee was chaired by Henry Tarbuck who had already decided that Diana was guilty, the A. G. wrote, "The committee applied different rules of evidence to her and her witnesses, it badgered them and cautioned them against giving hearsay testimony.

"The committee rejected direct evidence by one student who testified under oath that she had written one of the 'suspect' documents. It ignored the testimony of Diana as well as that of her witnesses."

Then the LOD turned to the report from the hearing committee that Henry had authored. One paragraph stated: "The effect of the suspect critiques on the two people who were said to have been hurt by them had not been assessed, but did affect the individuals involved." To this, the A.G. declared, "One questions the committee's findings as an accurate reflection of the evidence. No underlying facts were stated by the committee that explain its findings that 'individuals were affected,' nor does the committee

state how it could make that finding while stating that it had not examined the effect."

As precedents or comparison, the LOD reported that no penalties were imposed on two male Belmont faculty members, one who had altered promotion papers, the other convicted of child molestation. It quoted the testimony of Stacy Denton, the university psychologist. She had declared she knew of many instances of faculty misconduct more serious than what was alleged in this case. Those people had not been terminated.

Concluding that the university's stated explanation for terminating Diana was not worthy of credence, the report found there existed probable cause for sex and age discrimination and disparate discipline by Belmont against Diana.

The LOD was sent to the regional EEOC office which accepted it and confirmed the acceptance with the A.G. by phone. The newspapers and television reporters had a field day with it. Diana and her supporters felt vindicated beyond measure. Almost everyone believed that it was all over—that Diana had won. Congratulatory letters and phone calls flowed to Diana and Belmont University administration was given a verbal drubbing.

Chapter 39

The university PR system was cranked up to its fullest. Letters were sent out to various alumni groups around the country and speakers to these groups were alerted and advised. The trashing of Diana blossomed into an intellectual lynching of the lowest order. Much later on, as people came to understand that the university had not complied with the findings of the court and Attorney General, there was a general loss of respect for Belmont which contributed to a decrease in enrollment.

The official Belmont University response was delivered by the public relations spokesperson who dismissed the LOD as, "inconsequential. I don't know what all the fuss is about," he said. "When you cut through the fancy title at the top it's just a lawyer's opinion." No one else at Belmont was available for comment.

The Pope did know what all the fuss was about and was stung by the words of condemnation contained in the LOD. He immediately called his contact at the Washington DC office of the EEOC. He complained fiercely that the LOD never gave the university's side of the question. "No one here was interviewed by the investigator from the Attorney General's Office," he protested peevishly.

He got that right!

His contact got his protest an immediate hearing by the EEOC chairman, who directed the regional office to quash the Attorney General's LOD. No one in the head office bothered to read the LOD and learn that the reason there were no interviews of university personnel because they refused to cooperate with the investigation. Friends in high places, indeed.

In addition, The Pope called a meeting to discuss their court strategy. "Now," The Pope said forcefully, "It's time we did something to end the legal hassle. That damned judge! And, this A.G. letter on top of it. We are

getting too much bad publicity. The letters and phone calls are driving everyone crazy around here. It's gone on long enough—too long!" Sitting around the conference table in the west wing of his office with him was Murrain, Henry Tarbuck and Jimbo.

Murrain spoke confidently. "The court business is nearly finished. I have already petitioned the judge for permission to start discovery. Unless the plaintiff is sitting on a gold mine, that will finish off her bank account right there."

"How's that?" asked Jimbo.

"During discovery, we take depositions. Al Garret will have to depose a lot more witness than we do in order to even come close to presenting his case. Conservatively speaking, he's looking at nearly a thousand bucks a day that he must bill Trenchant.

"And that's not even the best part." Murrain caressed his face with his hand as if re-oiling the smile on its surface. "I'll coach our people in evasive answers, which means that it will take days of deposition time for him to get the information that an unprepared witness would give in a hour.

"Good." The Pope was pleased.

Not so pleased was Al Garret and the plaintiff. Both attorneys had agreed some months ago that the process of discovery would not be commenced until the judge had given his final ruling on the motions and the trial date set. Murrain delivered his low blow without missing a beat. "Oh," he cooed when Al called him to complain, "I must have misunderstood. I thought you wanted to get started before the final ruling."

Al was outclassed and he knew it. Apologetically, he called the plaintiff and drew her the financial picture. An appeal to the judge for permission to delay discovery was ignored—Murrain had carefully picked his time. It was one of the last orders the judge signed before departing on his vacation.

That's all she wrote, Diana acknowledged. In debt and unemployed, she dropped her illegal-termination suit against Belmont University.

AFTERGLOW

Chapter 40

Deep within the bowels of the Belmont library building, the university archivist, Igor O'Toole, had been keeping an informal running tally of events relating to the SmurFF Affair. He had gleaned the information from his friend, Diana, confirmed gossip, media sources, university documents and private sources which he knew to be reliable and would not reveal. He had, over the past two years, posted it in a scrapbook.

His interest had been whetted when the story first broke. Everyone repeating it on campus was incredulous....termination for cause on account of seven SmurFFs? Really? It must be a joke.

But Igor, casting out his informational net, discovered that it wasn't. It was discrimination, pure and simple and he, because of his race, knew discrimination when he came on it.

He remembered how close he had come to not landing his present position. A man in his late forties, he had impeccable credentials and years of experience in archival work. He was also an African American. Strong, competent and unassuming, he had applied for the posted position of senior archivist and then waited for the decision from personnel.

Time passed. They told him they were still interviewing, but he had learned from a contact he had made in the library that they had reposted the advertisement for the job because no qualified applicants had been sent from personnel. That was how Igor's pool of informational sources began.

Then suddenly, he was called in for an interview. By now his contacts had grown and he discovered that his name had won him the job. Someone in the personnel department had inadvertently listed him to the library as a viable candidate based on his last name.... obviously Irish. His race had been overlooked.

The library director was delighted with his credentials and called him in for an interview. This firmly established to all and sundry that he was black. Back then, tokenism was rampant so when the director hired him, the administration went along with it, albeit reluctantly. After all, the archives were in the basement, who would notice?

Now having enjoyed many years at Belmont and made many friends, he was turning the last few pages of his scrapbook. It was by now a huge tome, meticulously kept and recently augmented by Diana's contribution of letters, court papers and related documents. He had reached the final section dealing with the people involved and the aftermath.

Grimly, he noted that despite the several instances of plagiarism committed by the two faculty men, Ian Heathson and Randy Fecesi, they were promoted and given tenure. The years of adverse student evaluations of their teaching abilities were all thrown out on the basis of five 'suspect' ones and Henry's report.

Randy, at the insistence of the medical students, was moved out of the medical radiology course and into an undergraduate nutrition course. A year later there were problems involving some of the young women in the course. The women were hushed up and Randy was given an immediate sabbatical of indefinite length.

Ian continued in the radiology course but was never able to capture any grants to continue his research.

The best all around teacher in NERD, fed up to the gills with having to continually save the department's teaching bacon, quit and moved away. This excellent teacher, Ray Stinnis, could no longer turn his back on the rampant dishonesty inherent in the department—the treatment afforded Diana had been the last straw.

After Ray's departure, Lyle Stone was forced to give lucrative courses up to other departments. The resulting decrease in revenue caused a severe decline in his research programs and plans were underway to abolish the NERD entirely.

Frank Anuse had suffered a near fatal heart attack. Months later when he returned to work, it was reported that he was a changed man. His attitude toward the women in his sector improved and it was reported that he regretted his role on the Trenchant panel.

Esther received the promised promotion and a raise. A year later, she was retired—broken and unhappy.

Annette quit her position and moved out of the area with her roommate.

Jane, who had been tenured, left. The circumstances were never divulged.

Jimbo and Dean Broadhurst were quietly retired.

An administrative intern in The Pope's office was summarily fired for injudiciously stating that it would have been more cost effective to retire Diana than spend the thousands of dollars to terminate her.

"You see," he explained to the assembled president and Vees, with more ignorance than good sense, "Our current policy would have paid for her retirement without any further outlay of monies on our part. The hearings, document examiners, courts and subsequent damage control has cost nearly one hundred thousand dollars."

Still reading, Igor marveled at how the ripples created by Diana's struggle had widened and spread out of Belmont into the state. Her short but important court venture resulted in twenty areas of state statutes cited. These annotated statutes served to strengthen the application of the cited state laws to Belmont. Using these laws, a faculty union was kindled and an

Animal Rights Organization sued successfully to attend Belmont animal research meetings.

Applications for enrollment decreased as many became turned off by Belmont's noncompliance with the law.

The legislature of the state became disenchanted with the university because of the notoriety, and decreased its annual appropriation. A legislative investigation was initiated to ascertain the number and salaries of the central administration of Belmont.

The Pope felt the heat and got out of the kitchen—very suddenly. An interim president was appointed by the trustees.

Henry Tarbuck elected to stay when the new president came on board and was demoted to an associate Vee. His wife successfully sued for divorce and Henry's claim for alimony was denied by the judge. This meant that he had to go back to living on his own salary.

Two women successfully brought charges of sexual harassment against a Belmont administrator. A court subsequently awarded them nearly a million dollars in compensatory and punitive damages.

So many sex discrimination cases were initiated by Belmont staff that the new administration created an entire unit to investigate and put out fires.

Diana applied for unemployment compensation which the Belmont administration opposed on the grounds that she was discharged for dishonesty. At the State Employment Service hearing, Diana submitted the Judge's Order and the LOD from the Attorney General.

Although the entire upper administrative wing of the personnel department appeared to testify against her, the Employment Service hearing officer decided that she had been unfairly terminated. She drew unemployment checks for only a few weeks. They enabled her to get by until plans for self-employment could be formulated. Continuing in her teaching career was out—no references would be forthcoming from her last

employer. She started a small delivery business from her home and with that, her friends and Social Security, she managed all right.

Chapter 41

Igor O'Toole put his scrapbook aside, then stood up and stretched. Back at his work bench, preserving, repairing and reconstructing the tomes of human accomplishments, mistakes and history, he ruminated on how the more things change, the more they remain the same.

The structure of all but the most recently birthed colleges and universities is rigid, he observed to the roll of transparent tape he was using to repair still another torn page. Their medieval trappings, so obvious at historic functions, may appear invisible in other facets of existence. None the less, these trappings still exist.

Patterned much like the society of monks, higher educational administrations still follow a monolithic, generally white male-dominated path even though modern times have seen the enrollment of women students, the hiring of women faculty and even women in central administrative posts. But it's a facade. The real discipline, established centuries ago, is maintained and furiously guarded.

For a while, the newer laws of the seventies relating to affirmative action suggested that there would be a break in the male bastion. Time proved, however, that sex discrimination and sexual harassment laws were never well enforced and were being slowly destroyed by the Supreme Court.

Continuing his mentation, Igor allowed as how, like the monastery, the university structure is maintained because it is supported throughout the governmental system of a state or country.

Now comes the turn of ethnicity as students of all races, religions and creeds are storming the ancient fortifications. Thus far, they have not even

cracked the surface. What appears to be maneuvers that should embarrass a university administration only serve to entrench it even more.

At Belmont, the student's attempts to force political correctness—PC, on the administration culminated in a takeover of their offices. Nothing new here. This has happened at many universities all over the country. The result of the takeover, far from enlightening the powers that be, only delighted the Belmont administration.

As student protests do every time, he reflected, they take the public's attention away from the stench of the secret university policies and procedures and place it on the antics of the students. Most always, student protests involved property destruction. As a result, public opinion turns against student innovators or bell ringers. The cause of their protest—entrenched, polluted power—is again shrouded by the ignorance that gave it birth in the middle ages.

Igor yawned and scratched his chin. Most of the collected intelligence and experiences of the world is in this library, he reminded himself, but few avail themselves of it. Upstairs now, you don't even have to search through books for whatever you're looking for, you just punch up a computer and it collects everything ever written on any subject you can think of.

But with all these wonderful strides in disseminating information, he marveled, the people running this place act just like they always have. Tradition covers a multitude of sins and power corrupts now just as it used to.

Too bad most young people don't realize how much their protests just solidify the status quo, or rather, most of them don't. Igor smiled to himself as he glanced at the clock.

Diana would be back by now. Time to give her a call. He sat down at his desk and dialed the phone.

"Thought I'd find you in. I've just been thinking about our little project and taking a lot of comfort from it."

He listened briefly, then said, "Just thought it was too bad that most young folks waste their efforts so. Not like those two young women upstairs. They are exceptions."

Listening again, he answered, "Yes, they are good friends and just as upset as me over the SmurFF fiasco. Well, we have begun something that will have an effect for some time to come."....

"Me? I'm tickled pink to have had a part in an endeavor which, in the Baconian sense, allows, '....a kind of wild justice' to prevail....

"Well, yes, I am still angry at the way Dan Field acted when the students came to him on your behalf, Diana. This guy claimed to be so strong for human rights, claimed to represent the blacks and other down-trodden and he crapped out. No doubt about it, he had the position and the clout to have stopped this thing in its tracks. He was the administrations's visible token black.

"And that brother in the EEOC. Surely, as head honcho, he should have checked the facts before blindly bowing to political pressure....

"Well yes, thank you. I, Igor have made up for both of those Oreos. I have made Afro-Americanism stand for something positive at Belmont."

Smiling now, he reviewed with her the culmination of the combined efforts of those two women upstairs, Diana and himself.

Pooling their knowledge of computers, they had formulated and introduced a harmless virus into the library computer which had already spread throughout this library and beyond. And it would continue to spread. The contents of his scrapbook, along with all the originals of the documents Diana could produce, had been incorporated into the viral computer program so that whenever anyone queried information on any relevant topic, the SmurFF Affair at Belmont would be targeted. The true facts of the good ol' boy conspiracy against Diana Trenchant could no longer be hidden by the administration.

Any interested person would be able to access all of the letters and documents relating to it. The entire transcript, attorney briefs, Attorney General's LOD and all the shady meetings and despicable planning engaged in by the power structure of Belmont University would be instantly available in menu form on their computer screen. The virus would see to that and good old human curiosity would do the rest.

Still smiling, Igor said, "So long and take care. I'll talk to you tomorrow."

Picking up his jacket, he turned off the lights. Another day—well, it would seem good to get home.

Upstairs, as he passed between the desks of Roz and Andrea, the women who had made such fantastic use of the contents of his scrapbook, he paused. Holding up both arms, palms flat out, he said, "Good night, my friends. Have a nice evening....and thank you."

Slapping his palms in unison, with grins broad enough to span the universe, they returned the greeting and the emotion.

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