

**STATE OF WISCONSIN
BEFORE THE
BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM**

In the matter of a Board Review Pursuant to UWS 4.08
of the Recommendations of UW-Platteville Chancellor

Dennis J. Shields

To Dismiss

Associate Professor Dr. Sabina Burton

**Dr. Burton's Statement of Exceptions to the
Recommendations of Chancellor Shields and to the findings and recommendations of the
Faculty Appeals Commission's appeal hearing panel (the panel)**

Statement of the Case

This is a proceeding before the Board of Regents, pursuant to UWS 4.07 and 4.08, involving the recommendation by Chancellor of the University of Wisconsin — Platteville (UWP) that Dr. Sabina Burton be dismissed. The Chancellor's recommendation was supported by the recommendations of the panel due to many factors that indicate deep systemic corruption in the ranks of the UWP administration and UWS Legal Counsel.

Dr. Burton requests the opportunity for oral arguments before the Board and that the oral arguments be held in open session. In the event the Board should decide to meet with the Faculty Appeals Committee Dr. Burton requests the opportunity to be present at the meetings between the Board and the Faculty Appeals Committee, per UWS 4.08(2).

Pursuant to the rules, Dr. Burton presents here her Statement of Exceptions to the Recommendations of Chancellor Shields and shows that the Chancellor's recommendation does not meet the standard of just cause required to support her dismissal and that Dr. Burton's due process rights were repeatedly violated in the appeal process at UWP. Dr. Burton will provide evidence to the Board on request. Dr. Burton respectfully requests that the Board dismiss the recommendations of the Chancellor and that they reverse the Chancellor's order of her suspension and banishment from campus.

Summary of Dr. Burton's Exceptions

Dr. Burton advocated for a student victim of sexual harassment in October, 2012. She became the target of retaliation for her advocacy. When she complained about the retaliation she received more retaliation for her complaints and her complaints were ignored and denied in violation of policy and law. She asked Governor Walker for help and three police reports were filed against her because she contacted the Governor. False rumors were spread about her. UWP has been hijacked by a corrupt administration that engenders a culture that allows and encourages the administration to "not follow" the rules established by the Board. Chancellor Shields lied in his statement of charges and he lied in Dr. Burton's appeal hearing. This case is about far more than the dismissal of one faculty member. It is a turning point case that needs to be carefully examined. Proper resolution of the matters contained in this brief are poised to make monumental strides in curtailing sexual abuse, fraud, waste of UW System resources and the ongoing facticide (political party extermination) of conservative faculty members in the UW System.

Chancellor Shields claims that he believes a decision to fire a tenured faculty member is an extraordinary step, but his words ring hollow in light of his actions to recommend dismissal for hidden, vague and fabricated charges against Dr. Burton that do not rise to the level of just cause to fire a tenured faculty member. The facts of this case clearly indicate that the UWP administration has failed to provide Dr. Burton with fair due process in this matter. In Dr. Burton's 24 years teaching she has never encountered the level of corruption she has endured at UWP.

Chancellor Shields recommended Dr. Burton for dismissal because she aided a student victim of sexual harassment, because she complained about retaliation for protected activity, because she communicated with conservative politicians and because she has exercised her rights under law. Dr. Burton's communications with her colleagues have been quite professional and well within the bounds of Academic Freedom and her First Amendment rights. Actions against Dr. Burton are discriminatory and disparately applied.

The panel was biased against Dr. Burton from before its formation. Chancellor Shields purposely violated policy and the panel was hand-picked to deliver a recommendation to dismiss Dr. Burton. Its findings and recommendation are not credible.

Dr. Burton is an inspired teacher

The minutes of the 3-10-16 Board of Regents meeting indicates that Chancellor Sandeen observed that *"she and her colleagues would not be chancellors in the UW System if the System did not have shared governance, tenure, due process and academic freedom. She suggested that anything involving the layoff of tenured faculty would be a last resort for any chancellor, and that educational considerations would be primary."* In stark contrast, Chancellor Shields has recommended that Dr. Burton, whom he admits is an excellent

teacher, be terminated as his first act of discipline against her. There has been no progressive discipline against Dr. Burton. He has completely ignored any opportunity to discipline her short of dismissal. Dr. Burton contends that his actions in filing a recommendation for dismissal, and his inaction to establish progressive discipline standards violate Wis Stat. 230.04(13m). Even if Dr. Burton had done anything wrong, which she does not admit to, the charges would warrant at most minor disciplinary action, and certainly not dismissal.

Chancellor Shields points to the two Letters of direction as though they were an attempt at resolving things but does not identify them as disciplinary letters. They were presented merely as instructions, directives, not discipline. But Dr. Burton contends that they were placed in her record for the same reason Dean Throop filed hidden police reports against her for asking Governor Walker for help; to provide fake evidence against Dr. Burton that could later be used to fire her. Chancellor Shields suspended her, but he did not call it discipline or explain any legitimate reasons for the suspension. Dr. Burton contends that he suspended her to keep other faculty and staff from hearing her perspective. If educational considerations were his primary consideration Chancellor Shields would not be attempting to discard this inspired and excellent teacher.

Chancellor Shields loosely bases his recommendation on secondary or tertiary considerations and ignores the primary consideration of teacher quality. Nobody denies that Dr. Burton is an excellent teacher. Even in the face of severe retaliation Dr. Burton has maintained an exceptional record of professionalism in the classroom, caring for students and passion for teaching.

Dr. Burton graduated third in her class from the University of Munich, Germany, a school of 66,000 students. She earned six degrees in Germany and a PhD in the United

States. She speaks German, English, Italian, French and studied Latin for 9 years. She interned with Baroness Janet Young, right hand to Margaret Thatcher. She interned with the District Attorney in Venice while prosecuting terrorism cases. She was on crutches for seven years and with disciplined physical therapy, after she was told she would never run again, she was asked to be on the German Olympic Rowing team. She was the only female, of 24 female cadets, to complete the grueling training academy for the German Federal Police (equivalent of FBI) and became its first female officer where she worked undercover anti-terrorism operations. She earned her PhD from the University of California Irvine, one of the top Criminal Justice Programs in the United States and studied under Henry Pontel, Gilbert Geis and Elizabeth Loftus. She taught at UCI as an adjunct after graduating and taught classes of up to 400 students. But she decided to move to Platteville because she yearned for the rural life and wanted to focus on teaching rather than research. UCI kept a grant for her to use if she ever decided to return to teach there.

Chancellor Dennis J. Shields wrote Dr. Burton a letter in April 2012 which he wrote to thank Dr. Burton for doing an *“outstanding job.”* He wrote *“you have made a profound impact on our students with your teaching and willingness to go the extra mile to help each and every one of them reach their potential goal.”* In his letter Chancellor Shields quoted a student who wrote that Dr. Burton *“has been fabulous about keeping me informed of opportunities that will strengthen my resume...I cannot fully explain what it means to have a professor, who when life offers challenges, cares like she did. Sabina is undoubtedly an asset to our great university.”* Chancellor Shields concluded his letter by writing *“Sabina, your positive attitude is very rewarding and appreciated by our students. My sincere thanks on behalf of our entire campus community for making UW-Platteville the great campus that it*

is.” This letter was included in the rebuttals Dr. Burton provided to the panel but was excluded from the record.

On 12-2-13 Dean Throop told a grievance committee *“With regard to qualifications: What Dr. Burton has listed as her qualifications are really very important qualifications about her amazing abilities as a teacher. I think there is no question that her presence in the classroom is absolutely astounding. From what I can tell she is an inspired teacher.”* Dr. Burton included evidence of this in her rebuttals to the charges against her, but this evidence was not included in the record.

On 4-3-14 then Dean Throop told a group of faculty members:

“Dr. Burton is an associate, fully tenured professor here at UWP and has a variety of areas of expertise starting with some very impressive work in profiling terrorists and has published extensively on lone wolf terrorists. She has been branching out, if you will, into other sorts of areas of import including issues of trafficking and most recently has been developing expertise in cyber security issues. So, Dr. Burton, I know tonight will be providing you with some real interesting pieces of her expertise, profiling and cyber security. She, I know will be pretty compelling. One of the other things that I think is most wonderful about Dr. Burton is her passion for teaching and those students in the audience know how dedicated she is to making sure you’re learning what you need to be learning.”

Dr. Burton included evidence of this in her rebuttals to the charges, but this evidence was not included in the record.

On 12-4-14 Dr. Strobl, Chair of the Criminal Justice Program evaluated Dr. Burton’s teaching and wrote

“I found Dr. Burton’s class to be a dynamic and interesting one... Overall, Dr. Burton is a very interactive instructor who has good rapport with her students and presents an organized, visually instructive, and dynamic lesson for our Forensic Investigation students.”

The uncorroborated hearsay investigation report says *“everyone interviewed agreed that Dr. Burton is an excellent teacher.”*

Dr. Burton's student evaluations have, from the beginning of her time at UWP, shown her to be a cut above her peers. She is loved by her students. She gave of her free time to take them to conferences and helped them learn and grow as teachers are supposed to do. She is a natural teacher. Since she started teaching at UWP in 2009 she has not applied for another job. She loves UW Platteville and especially its students and feels a commitment to helping make them safer. On the other hand, Chancellor Shields has applied to numerous other jobs in other states.

Shortly after Dr. Burton arrived at UWP she was awarded the first sabbatical paid by an outside source ever given to a UWP Criminal Justice professor.

Dr. Burton worked diligently to bring a new Cyber Security program to UWP. She submitted a National Science Foundation (NSF) grant proposal for a \$485,932 grant that would have created a new Cyber Security Program at UWP. The grant was signed by the chair and dean certifying that they had reviewed the proposal and found it to be complete and that all resources and other provisions of any award would be fulfilled. The reason given for NSF's denial of the grant request was that there existed no curriculum for cyber-security at UWP at the time. Dr. Burton worked with Wisconsin Representative Travis Tranel, a Republican, to obtain a small grant from AT&T to fund her creation of a Cyber Security curriculum. After developing the curriculum, she planned to re-submit her NSF grant request with every indication that it would be granted in the second round. But after Provost Den Herder and Dean Throop learned that Dr. Burton had included Representative Tranel in the process Dean Throop suddenly withdrew support for Dr. Burton, killing any possibility she had of obtaining the grant and wasting an opportunity for UWP to become a leader in cyber-security training. Dr. Burton is a powerhouse fundraiser but her contact with conservative

politicians seems to have angered her employers to the extent that they were willing to give up a half million dollar cyber security program just to destroy Dr. Burton's career.

Dean Throop and Provost Mittie Den Herder discussed "chastising" Dr. Burton for making "a stir" by inviting Representative Tranel to the check presentation of a \$7,000 grant from AT&T. Dr. Burton had worked hard to get this grant, but Dean Throop forbade her to use it for its intended purpose, to build a cyber security curriculum.

Dr. Burton was recently cut off at mid-semester from teaching online classes for UW Milwaukee. By so doing, the UWP administration disrupted her classes giving no warning to the UW Milwaukee's program's chair. UW Milwaukee Dean Stojkovic wrote to Dr. Burton

"I am so sorry that this occurred. I know you have been an excellent instructor for us, but I believe our hands are tied. I have asked Tina to work with our legal department to see how best to proceed forward. It may or may not be possible to keep you on board depending upon what we are directed to do by UW System."

Clearly, Dean Stojkovic wanted Dr. Burton to continue teaching but UWS Legal, where attorney Lattis works, got involved and denied Dr. Stojkovic's request for Dr. Burton to continue teaching the classes. Students were disrupted by the decision to take Dr. Burton out of the classroom for no good reason, and by no fault of Dr. Burton's

Dr. Burton started the Restorative Justice Program at UWP and the program was taken away from her and given to someone with lesser qualifications.

Dr. Burton's forward thinking allowed her to get ahead of the curve with her efforts to create a cyber security program and the Restorative Justice Program and in counter terrorism. Her unique international experience makes her an invaluable asset to UWP. Her ability to fund-raise makes her an important part of the university as it moves through tough financial times. She has presented at numerous conferences and helped students present as well, mentoring them to be critical thinkers and to shape the future of our state and nation.

Dr. Burton has been an exceptional instructor for UWP with incredible potential to help bridge the gap between faculty, Chancellors and the Board of Regents. Educated in high politics from an early age Dr. Burton is uniquely able to navigate intensely complex political issues to get at the heart of problems and to engage in open dialogue to bring about needed change that will usher in a better climate throughout the entire UW System.

Dr. Burton provided six statements from former students to the panel. However, two of those statements were excluded from the record. One of the missing statements says:

“To Whom it may Concern, I am writing this letter regarding the case against Dr. Sabina Burton. I graduated from the University of Wisconsin Platteville in the Spring of 2016 with a degree in Criminal Justice. During my time at UWP, I attended multiple classes with Dr. Burton, two of which were within my last two years of school. I was informed that Dr. Burton was being accused that she spoke of her legal issues during my Seminar class. This is an issue I would like to clear up, to my recollection I do not ever recall Dr. Burton speaking of her legal issues. As a matter of fact, Dr. Burton’s demeanor during class never changed, the entire time she taught she was professional and dedicated to the students. I am sad to hear the allegation that the university has placed on Dr. Burton because she is one of the best professors the university had. She is not only very knowledgeable but one of the most passionate professors I had ever had while in college. Dr. Burton worked extremely hard to make sure her students learned, and took as much away from her classes as possible to help them in their futures. Dr. Burton was a huge impact on me during my time at UWP, and I truly believe without her professionalism and dedication, I would not have a job in law enforcement. I hope this letter assists Dr. Burtons case, as I stated, I am saddened by the allegation against her, especially being from other professionals. To see a university attack their staff members in this manner is unfortunate and I wish Dr. Burton the best of luck. Sincerely,” (the letter is signed)

The other former student letter excluded from the record says:

“Dear Chancellor Shields, I am writing on behalf of Professor Sabina Burton. I was in Professor Burton’s Spring of 2016 Criminal Justice Senior Seminar course. Throughout the course, Professor Burton was professional, and always willing to help. I always felt comfortable around her and to go to her when needed. I enjoyed Professor Burton’s course, where I learned a great deal. She is passionate about her job and about her students. I, since graduating, added Professor Burton on Facebook in an effort to keep in touch. It was only then that I found out about the legal battle she was engaged in. Throughout the course of the semester I was in her seminar class, she never once mentioned anything about it. I was shocked and appalled to learn of the legal battle she was engaged in and the events that led to it. I am without words to describe how upset I am to learn that one of the best professors I’ve ever had the pleasure of having is involved in such a situation with a corrupt department. I

hope this letter can help to clear any doubt that she ever talked about the case in class, as I can say that is absolutely untrue. Sabina Burton is a professor who believes in an open door policy and makes all of her students feel comfortable to be around her, but she keeps the relationship professional. I have nothing but positive memories of Professor Burton's class, and I know others that can say the same. Sincerely," (the letter is signed).

The fact that these letters were excluded from the record indicates an attempt to minimize Dr. Burton's amazing ability to inspire students and an attempt by the panel to hide evidence that supports Dr. Burton.

Background

Criminal Justice Dept. - dysfunctional before Dr. Burton arrived

Dean Throop wrote in her notes about Dr. Caywood, former chair of the CJ department "When I confronted Caywood on his illegal activity, he laughed and said that's what you get when you deal with former law enforcement: "we know how to get around the law." She also wrote of Dr. Caywood:

"He also seemed to be encouraging, or at least abetting, bad behaviors by his male colleagues Gibson and Dutelle and ignoring or denigrating the excellent work of his female colleagues." She continued "I will agree that an election should have been held in the summer before opting for an external candidate. I actually did not expect that Caywood would step down; I was very hopeful that he would have been willing to acquire the management skills necessary to allow the department to run at a minimally acceptable level."

Dean Throop wanted Dr. Caywood to acquire management skills, so he could improve to a point where he could run the second largest department on campus "at a minimally acceptable level." Dean Throop excluded Dr. Burton from eligibility for election into the chair position because Dr. Caywood was retaliating against her and because she believed Dr. Burton did not possess the "ability to solve" the issue of Chair Caywood's retaliation "at the most local level possible instead of having Dean involvement."

On May 10, 2014 – Dean Stojkovic, Helen Bader School of Social Welfare, UW Milwaukee, produced an audit report concerning his in-depth evaluation of the UWP Criminal Justice and Forensic Investigation programs. In his report he wrote

“Departmental leadership is important to addressing the problematic nature of the FI major, but the consequential problems as a result of the creation and perpetuation of the FI program goes well beyond departmental leadership. Campus administration and the dean’s office must shoulder some responsibility for the train wreck that occurred much later.”

A second expert auditor had similarly harsh words for the program. Dr. Burton had not been allowed to teach in the Forensic Investigation program prior to that audit, even though she was far more qualified than the program’s director, Aric Dutelle who possessed only a one-year online master’s degree.

In a grievance hearing to address Dr. Burton’s allegation that dean Throop violated policy by appointing Dr. Dalecki as interim chair of the Criminal Justice program in lieu of an election, a grievance committee member said to Dean Throop

“I’m hearing a concern here that there is a pattern of behavior to which she (Dr. Burton) has been subjected, and as a result of having to deal with that pattern she is at least feeling, and there are indications that it might be the case, that she is being further punished as a result of that pattern of behavior against her. And so, I mean I can understand your position of wanting somebody in there who is going to be doing the job rather than creating more work for you, but then I can also understand her position of what you have really experienced with her is this pattern of behavior against her that she had nowhere else to go but to you. And so it seems that now she is being penalized because she had nowhere else to go and she went to you. “

The grievance committee found that Dean Throop violated **policy** but nothing was done to correct the matter. Dean Throop was not disciplined.

Dr. Burton contends that Dean Throop, Dr. Fuller, Deb Rice and Dr. Dalecki lacked candor under oath in federal lawsuit depositions and may have committed perjury.

Dean Throop wrote in her notes about a former member of the CJ department, Aric Dutelle, who she claimed asked for what he called a “finder’s fee” but that was interpreted by

the HR department director at a DC-based defense contractor as a request for a “*bribe.*” Mr. Dutelle was not disciplined.

In Mar 2014 another student reported an incident of sexual harassment by a male Criminal Justice faculty member to Dr. Burton. Dr. Burton informed interim chair Dalecki of the incident. The outcome of this matter is unknown but retaliation against Dr. Burton continued.

In April 2014 a faculty member from the music department of UWP was placed on paid administrative leave for what seems to have been false rumors that students complained that he had sexually harassed them. This matter seems to have been hushed up and the university settled with him. Dr. Burton believes that a fair investigation into this matter is likely to determine that the professor was not a threat to students, but that the highly qualified professor was removed on false allegations and failure of due process to make room for less qualified competitors to take his place in the music department. This “*dumbing down*” of the music department injures the reputation of that department, the school and the System. It is likely that an in-depth investigation into this matter would reveal that the administration of UWP used the same shady tactics against the music professor that it has used against Dr. Burton. This form of corruption threatens any faculty member who is targeted for any reason. Faculty members are all at risk of being falsely accused of sexual harassment, or anything else, unless due process rights are protected, and laws and policies are enforced. No formal discipline seems to have ever been brought against this employee.

Sexual Harassment Complaint – October, 2012

The university's serious mishandling of the sexual harassment incident and subsequent retaliation Dr. Burton received in its aftermath was the genesis of Dr. Burton's requests for grievance hearings and fair treatment. It became clear to Dr. Burton that student advocates at UWP are systematically harassed and constructively terminated for their advocacy. Dr. Burton has been trying to gain fair treatment for herself and for victims of sexual abuse, but she is up against an entrenched network of people who have attempted to destroy her financially, emotionally, reputationally and physically. Dr. Burton could have packed her bags and moved to another job in another state, but she has sent no resumes to any other university outside the UW System because this is her home; because she cares deeply for the students here, including her own daughters who are products of UW System schools, one of whom graduated last year with a 3.98 GPA; because she is an American citizen with inalienable rights that must be protected; because the abuse will not stop until someone stands up and says "enough." On the other hand, Chancellor Shields has been actively trying to gain employment outside Wisconsin.

Chancellor Shields is still attempting to cover up the university's serious mishandling of the October 2012 sexual harassment complaint and still won't admit that it was an incident of sexual harassment.

Dr. Lorne Gibson gave a note to a student in class on which he wrote "Call me tonight!!!" and his personal cell phone number.

A grievance committee wrote to Chancellor Shields

"While the grievance committee was not paneled to determine a course of action related to this third party (Dr. Gibson), his actions were so egregious that the committee felt compelled to provide this letter to your [sic] for your review.... Dr. Gibson's email is beyond reprehensible. ... This version of "slut-shaming" suggests Dr. Gibson has serious liabilities and lacks even a fundamental understanding of structural sexism."

The committee recommended that *“Dr. Gibson should be required to attend instruction in maintaining an equitable and safe classroom for all his students.”*

Dr. Gibson continued to teach classes through the end of spring term 2015. The administration was also aware that in fall 2013 Dr. Gibson used tests that contained sexually inappropriate questions. In one such test Dr. Gibson wrote

“Dr. Gibson wears thong underwear. He’s gorgeous, charming, funny, kind, modest, and intelligent. Thong underwear must make people awesome. This is an example of (blank)” and *“Bald men are beautiful lovers. Dr. Gibson must be a beautiful lover, this is an example of (blank).”*

At the appeal hearing of 9-19-17 Dr. Burton’s attorney asked Chancellor Shields *“You didn’t recommend that Dr. Gibson be terminated for what he had done?”* Chancellor Shields responded: *“The people at the appropriate level dealt with that, and he was gone, you know, within months after that for a whole variety of reasons.”*

The student’s sexual harassment complaint about Dr. Gibson was not mentioned in Dr. Gibson’s appeal hearing on Mar 24, 2014; or in Chancellor Shields’ letter of Mar 14, 2014 informing Gibson his contract would not be renewed; or in Chancellor Shields’ non-renewal letter to him on 9-23-14. So, clearly his non-renewal had nothing to do with the sexual harassment complaint. But Chancellor Shields tried to make it appear to the panel as though the university had gotten rid of a sexual predator *“within months.”* Most reasonable people would not consider that to mean 33 months. Chancellor Shields knowingly misrepresented facts to the panel about the length of Dr. Gibson’s employment after the sexual harassment incident and to the reason for his non-renewal. Instead of disciplining Gibson Chancellor Shields took steps that encouraged his administration to target Dr. Burton for constructive termination.

Chancellor Shields' statement of charges included "*You have publicly misrepresented the facts of a 2012 alleged sexual harassment incident to students.*" However, the record does not support this charge. He failed to prove even one false statement by Dr. Burton, or even to identify one. He failed to meet his burden of proof. Evidence proves that Dr. Burton's account of the sexual harassment incident is true and supported by solid evidence. Chancellor Shields' inclusion of this statement in the charges clearly indicates that Chancellor Shields recommended Dr. Burton's dismissal because she vocally advocates for students' right to real protection from sexual predators.

The panel didn't mention this charge by the Chancellor. The Chancellor did not mention it in the hearing on 9-19-17. This is further evidence of his attempt to cover up his mishandling of the sexual harassment incident and his false allegation that Dr. Burton misrepresented facts about it. The hearing panel didn't even mention this charge against Dr. Burton in its findings.

Dr. Burton's assertion that the administration of UWP fails to protect women on campus is based on solid factual evidence and personal experience. Dr. Burton contends that Chancellor Shields' misrepresentation to the panel is one of many attempts by the administration to cover up the facts of its mishandling of the sexual harassment incident and to protect the perpetrator while attacking the student victim's advocate.

President Cross addressed the Board of Regents on February 9, 2018 and said

"Each of us needs to step up and do our part in creating a culture that helps to prevent sexual assaults and harassment from happening in the first place. And, also to encourage and empower survivors of such acts to come forward. While policies, training and reporting structures reflect our commitment, they are not enough. Unless we embrace a zero-tolerance culture our policy will merely be ink on paper and our actions nothing more than checking the boxes."

Before the Board is an opportunity to show President Cross that it heard his message. President Cross called for a zero-tolerance policy against sexual harassment, not against sexual harassment victim advocates. Chancellor Shields has this backward. He is recommending that the board fire Dr. Burton, in part, because she was victimized by the administration's attempts to protect a sexual predator.

Roter Investigation Report - Fraud

Chancellor Shields claims that he based his charges against Dr. Burton on an unsigned, uncorroborated hearsay investigation report that was very likely altered by someone after it was submitted by the investigator. Dr. Burton provided evidence that another investigation report had been "*edited by a third person*" but the panel failed to include this in the record. The only other explanation for the rampant factual errors in the uncorroborated hearsay investigation report and its incredibly biased opinions seems to be that Dr. Roter herself, also an employee of UWS at the time, falsified the report. Either of these scenarios indicate pretext. Chancellor Shields had opportunity to alter the report before delivering it to Dr. Burton and to the panel.

Chancellor Shields hired Dr. Roter to conduct a fact-finding investigation into the charges against Dr. Burton and to provide a "fact-finding" investigation report. At the time the investigation was conducted, and the report was delivered, Dr. Roter seems to have been under investigation in a separate lawsuit. Chancellor Shields claims that Dr. Roter provided the investigation report to him on 3-1-17. He delivered a document to Dr. Burton that he claims was submitted to him by Dr. Petra Roter but there are serious questions about the authenticity of this report (the uncorroborated hearsay investigation report).

Attorney Lattis wrote in her letter to the panel of November 6, 2017 that the uncorroborated hearsay investigation report “*forms the basis of the charges.*” Chancellor Shields also admitted in the hearing of 9-19-17 that he based his charges entirely on the uncorroborated hearsay investigation report.

Chancellor Shields and Attorney Lattis, and no one else, have both made claims that the uncorroborated hearsay investigation report is Dr. Roter’s report. But Dr. Burton has alleged serious violations of law by both Chancellor Shields and Attorney Lattis. Their testimony is not credible. Attorney Lattis refused to provide a copy of the original investigation report after Dr. Burton’s representative thrice requested opportunity to compare the original to the uncorroborated hearsay investigation report. Dr. Burton contends that by refusing to provide the original investigation report Attorney Lattis violated Wis. Stat. [946.72\(1\)](#), Wis. Stat. [227.45\(2\)](#) and Wis. Stat. [227.45\(5\)](#). This points to the likelihood that either Chancellor Shields or Attorney Lattis, or both, altered the Roter report and presented it as Dr. Roter’s work. Whether Chancellor Shields himself or someone else altered the report, it is clear from the record that the original report was delivered to the Chancellor. There are also numerous biased opinions in what was ordered to be a “fact-finding” report. The uncorroborated hearsay investigation report is not valid for many reasons.

Chancellor Shields’ charges are baseless, false and unsubstantiated. Dr. Burton contends that Chancellor Shields, and/or Attorney Lattis violated Wis. Stat. [943.38\(1\)\(a\)](#), Wis. Stat. [943.38\(1\)\(c\)](#), [943.38\(1\)\(b\)](#) and Wis Stat. [943.39\(1\)](#). Dr. Burton contends that Attorney Lattis has violated SCR 20:3.4 as well as several other provisions of [SCR 20](#).

On 5-20-17 Dr. Burton requested that Dr. Roter be made available for cross-examination but on 5-22-17 Attorney Lattis informed Dr. Burton that Dr. Roter was not with the university system and would not be at the hearing. Dr. Burton contends that failure to produce Dr. Roter to testify violates [UWS 4.05\(e\)](#).

Dr. Burton's motion to the panel to exclude the uncorroborated hearsay investigation report from consideration is included in the record. The fact that Dr. Hansen denied the motion supports Dr. Burton's allegation that she was hand-picked to overlook the facts and side with the Chancellor whatever evidence was presented. Dr. Burton made available to the panel a much more detailed rebuttal to the uncorroborated hearsay investigation report, along with evidence, but Dr. Hansen failed to include that rebuttal and evidence in the record.

Dr. Burton's attorney asked Dr. Roter about the validity of the investigation report that bears her name but not her signature. Dr. Roter did not reply to the email that was addressed only to her, but instead, attorney Lattis replied with vague and non-responsive answers to Attorney Amouyal's questions. The panel chose to include this email but chose to exclude several other emails in what seems to be a very biased selection process. The panel seems to be attempting to conceal Attorney Lattis' actions and Dr. Roter's inaction which Dr. Burton contends to be a violation of Wis. Stat. 946.72.

Dr. Burton contends that the report bearing Dr. Roter's name but not her signature is unworthy of credence.

Informal meeting

Dr. Burton asked to talk to Chancellor Shields on numerous occasions over the past five years to address her concerns, but he denied and ignored her requests. Chancellor Shields

has a reputation of intimidating employees into compliance. His testimony on 9-19-17 demonstrates his hot temper. Chancellor Shields offered to meet with Dr. Burton only if Attorney Lattis was also in the meeting. He did not explain why he needed his own attorney in a meeting and policy does not afford him that right. Even after Dr. Burton informed the Chancellor that she considered any meeting with Attorney Lattis in the room to be a “*formal meeting*” and not an “*informal meeting*” Chancellor Shields refused to meet her unless Attorney Lattis were in the room. Dr. Burton contends that this violates UWS 4.02(1) which requires the Chancellor to offer to discuss the matter “*informally*” with the faculty member. Chancellor Shields thrice refused to meet with Dr. Burton unless his attorney was in the room. Instead of providing a relaxed, informal setting Chancellor Shields intimidated Dr. Burton by insisting that Attorney Lattis be in attendance of the meetings. Dr. Burton requested that a police escort be provided to protect her at the meeting with Chancellor Shields as she feels physically threatened by him, but he proceeded as though she had refused to meet with him. She did not refuse to meet with the Chancellor informally. Chancellor Shields offered only formal meetings with Attorney Lattis present. Chancellor Shields was completely unreasonable in his insistence that his attorney be present at these meetings.

Chancellor Shields’ charges:

Chancellor Shields said, in the hearing of 5-25-17, that there are three prongs to his case against Dr. Burton. Chancellor Shields’ three prong charges fail under even light scrutiny.

First Prong of charges: Recording Open Meetings

In the hearing of 5-25-17 Chancellor Shields said

“that Professor Burton intentionally recorded the conversations about sensitive and con – what should be confidential deliberations over the assessment of junior faculty and either caused or permitted to be disseminated publicly those deliberations. That undermines the trust that is necessary for a faculty to make informed, candid decisions about the performance and qualifications of faculty.”

He did not say that Dr. Burton recorded confidential conversations but that she recorded, in his words *“what should be confidential deliberations.”* This indicates that he believes the meetings were not confidential. It also indicates that it is his opinion that those open meetings should have been considered confidential, and his knowledge that they weren't. Yet he filed charges against Dr. Burton stating *“you have publicly disclosed confidential personnel information of colleagues.”* In his statement to the panel he seems to have proven Dr. Burton's point that the meetings were not confidential and at the same time disproved his charge. Yet the panel still followed Chancellor Shields' illegal instructions to recommend dismissing Dr. Burton because she violated somebody's trust by not doing anything wrong. Chancellor Shields' charge is wrong for many reasons:

- Nowhere in any of the identified audio recordings is there mention of confidentiality of any of the material.
- Nowhere in any of the identified audio recordings was there a motion or a vote to close the meeting.
- The meetings Dr. Burton recorded were all open meetings of a governmental body, as defined by Wisconsin Open Meetings law.
- Dr. Burton's attorney had published the audio recordings with the federal court long before Dr. Burton's husband placed them online. They had already been disclosed to the public.
- Chancellor Shields did not explain how recording three open meetings and publishing the recordings would undermine trust to an extent that would rise to the level to fire a tenured faculty member, even if they had been confidential, which even Chancellor Shields seems to agree, they were not.
- Dean Gormley, Interim Provost Throop, Dr. Roter and Chancellor Shields and the panel all published the same audios and transcripts but none of them are threatened with dismissal.

- Neither the Throop LOD nor the Shields LOD contained any direction that Dr. Burton refrain from recording or publishing audios of open meetings.

Dr. Burton's rebuttal to the charges, which she delivered to the panel contained all of these fact-based arguments and evidence to validate them. The panel failed to include the rebuttal and evidence in the record.

In their findings of fact section the panel wrote "*Through her own testimony. Dr. Burton admitted to intentionally recording conversations related to personnel decisions and evaluations of her colleagues' work performance during meetings of Criminal Justice departmental faculty performance review committee.*" This is unsupported by the evidence of the record. Dr. Burton did not admit to this. The record shows that Dr. Burton testified

"it appeared that from the forefront that the meetings would not be done fairly, -- and that's why I wanted to record them" and *"we had discussions on professors that are not with the university anymore, and I recorded them because I was concerned about the correctness of the proceedings. They were not closed hearings. They were open hearings."*

In their findings of fact section the panel wrote

"You have publicly disclosed confidential personnel information of colleagues. We concur with the Statement of Charges that Dr. Burton breached the trust of colleagues through this action."

The statement of charges did not claim that Dr. Burton breached her colleagues trust but that she violated specified laws. The panel demonstrates its bias here and ignores the actual charge that Dr. Burton violated specific statutes. By excluding a decision about whether Dr. Burton violated those statutes the panel demonstrates that Chancellor Shields did not meet his burden of proof. Yet the panel still recommended Dr. Burton for dismissal without supporting evidence. This shows severe bias against Dr. Burton. This is not a fact but a vague and unsupported opinion.

In their findings of fact, the panel wrote “*Dr. Burton knowingly violated the reasonable expectation of privacy associated with sensitive personnel discussions at department meetings.*” However, this is not a fact, it is an opinion, and it is wrong. There is no policy or rule addressing a “reasonable expectation of privacy” in UWP policies. The panel failed to cite any law, policy or regulation that Dr. Burton supposedly violated. If a tenured faculty member in Wisconsin can be fired for violating an expectation that is not codified, then they can be fired for blowing their nose. This will shout out to talented faculty to stay away from the University of Wisconsin System. The panel’s job is to determine the validity of the Chancellor’s charge, not to present it as though it were fact without proper consideration. The panel is unclear about which actions by Dr. Burton it claims breached trust. It does not specify whose trust was breached. It does not explain how the trust was breached or what statute or policy was breached.

The audios were published by Dr. Burton’s attorneys long before Dr. Burton’s husband posted them online. Dr. Burton’s knowledge that her husband published some unspecified materials online does not warrant her dismissal. The record shows that Chancellor Shields admitted that Dr. Burton’s husband has a right to publish the website. The panel demonstrates its lack of care in consideration of this issue by not considering:

- that nobody ever asked Dr. Burton to remove any recordings from the website
- that Dr. Burton immediately asked her husband to remove the audios specified in the Throop/Gormley complaint minutes after she received it on 1-4-17, and he complied.

- that Chancellor Shields, Dean Gormley, Provost Throop and the panel all published the exact same audios and transcripts that Dr. Burton was alleged to have published on a website that her husband maintains.

The panel does not specify which sensitive personnel information they allege Dr. Burton relinquished the ability to ensure would not be disseminated publicly. The panel's findings of fact are vague and confusing. They do not allege anything specific and they change facts and allegations.

The panel's findings of fact states "*The expectation of privacy in the faculty appointment and tenure review process is standard practice in university settings, including at UW-Platteville.*" This is unsupported by UW policy or other evidence. It is an opinion that does not belong in a findings of fact section. Further, this was not one of the Chancellor's charges.

Dr. Burton has pointed to numerous FERPA violations and no one has been disciplined for them. Dr. Solar filed a hidden complaint against Dr. Burton which contained a student's name and contact information on one of his exhibits. He is not being processed for dismissal for this infraction of FERPA. The application of an expectation of privacy is being applied to Dr. Burton disparately. There cannot be candor in a university when faculty members are retaliated against for speaking truth. The panel did not explain how audio recording an open meeting and publishing the recording breaks any trust or violates any rule or law. They didn't cite any rule or law that they contend was violated or by whom it was violated. The panel fails to explain how Dr. Burton's actions in recording open meetings had any effect whatsoever on tenure rights or how it might have diminished Academic Freedom. They fail also to explain how Dr. Burton's actions affect junior faculty.

The panel findings of fact state

“Third, by providing the recordings to her husband Dr. Burton relinquished the ability to ensure that this sensitive personnel information would not be disseminated publicly. Therefore, once distributed to an individual who has no official role at UWPlatteville nor involvement with its personnel decisions, the ability to maintain an expectation of privacy regarding the materials at issue was compromised.”

The panel fails to identify which specific recordings they are talking about. The panel called these unidentified materials “sensitive” but the Chancellor charged Dr. Burton with recording “confidential” information.

If the cited audios contained confidential or sensitive information then Chancellor Shields, the person who wrote the Roter report, Dean Gormley, Interim Provost Throop and the hearing panel also published confidential or sensitive information. Dr. Burton did not admit that any of the audios were confidential or sensitive. The words “confidential” and “sensitive” are not synonymous but the panel seems to be using them as though they are.

Dr. Burton made recordings to protect herself and others from corruption. Dr. Burton did not relinquish the ability to ensure that any information her husband had would not be disseminated publicly. She asked her husband to remove the audio recordings and he did immediately.

The panel’s findings of fact states *“Dr. Burton's contention that she lacked the ability to exercise control over the contents of the web site is also rejected because she responded to requests following the Throop/Gormley letter dated December 16, 2016 to remove the contents from the web site.”*

The panel's assertion is unsupported. Dr. Burton asked her husband to remove the audios specified in the Throop/ Gormley complaint when she received Chancellor Shields' suspension notice and the 12-16-16 complaint on 1-4-17, not in response to any request to remove anything from the website. **Nobody ever asked Dr. Burton to remove any audios from the website.** The panel's rejection of Dr. Burton's non-contention, based on their fabricated request is not a fact but a confused decision. Dr. Burton did not contend that she lacked the ability to exercise control over the contents of the website. She said that her husband posted the website, not her. The panel claims that Dr. Burton both had control over the contents of the website and relinquished control over the material. This dichotomy is absurd and neither of these statements belong in a findings of fact section of the report. These are contradictory opinions, not facts.

In his statement of charges Chancellor Shields wrote "*You have either admitted or not denied, writing the emails to or regarding Professor Solar, Strobl, Nemmetz, and Couper that I have determined are demeaning, intimidating, and unprofessional.*" Though Dr. Burton admits to having written certain emails, she has never admitted that Chancellor Shields determined them to be demeaning, intimidating and/or unprofessional. Dr. Burton certainly has not admitted that the emails were demeaning, intimidating or unprofessional. She contends that the Chancellor called benign communications these things to get her fired on fabricated charges. The Chancellor's vague implication demonstrates pretext. Further, the emails in question are protected by the First Amendment and Academic Freedom. Further, the emails in question were in keeping with Dr. Throop's Letter of direction in which she wrote "*Direction #1. You will actively work to resolve your complaints and issues*

on the most local level possible: your department, before invoking assistance from the administration.” Dr. Burton’s emails expressly follow this directive.

In his statement of charges Chancellor Shields wrote *“You admitted to investigator Roter that you are direct and short with colleagues, and that you could be perceived as threatening.”* But Dr. Burton has never admitted to any such thing. The audio recording of Dr. Roter’s interview of Dr. Burton reveals this to be a completely false charge.

Chancellor Shields admonished Dr. Burton in his statement of charges for recording *“a series of UW-Platteville internal conversations, meetings and proceedings without prior consent or notification.”* He identified three specific audio recordings that had been made publicly available in federal court long before Dr. Burton’s husband posted them online. He also admonished Dr. Burton for preparing, editing and publishing partial transcripts of those recordings. There is no law or university policy against recording open meetings or transcribing them. The meeting was an open meeting of a governmental body. Dr. Burton had her own consent and authority to record the meetings under Wis. Stat. 968.31 and Wis. Stat. 19.90. Dr. Burton contends that Dean Gormley violated Wis. Stats. [943.30\(1\)](#) and Wis. Stat. 19.90 by asking her not to audio record the open meeting of 11-4-16. Dr. Burton contends that Dean Gormley and Provost Throop violated Wis. Stats. [943.30\(1\)](#) and Wis. Stat. 19.90 by filing a complaint against Dr. Burton for audio recording open meetings. Dr. Burton further contends that Chancellor Shields violated Wis. Stats. [943.30\(1\)](#) and Wis. Stat. 19.90 by filing charges against Dr. Burton and recommending her dismissal for audio recording open meetings. Dr. Burton contends that the panel also violated Wis. Stats. [943.30\(1\)](#) and Wis. Stat. 19.90 for recommending her dismissal for audio recording open meetings.

One of the recordings captured Dr. Fuller slapping Dr. Burton on the leg and shushing her in an open meeting. Another captured Dr. Burton advocating for Dr. Solar in an open meeting. This evidence destroys the false allegations against Dr. Burton in the Throop LOD that she threatened to impede Dr. Solar's bid for tenure. Dr. Burton did not record the meetings to gather any confidential information. Her husband did not publish the already public material to harm anyone. There was no harm in publishing the transcripts and audios of the open meetings.

Chancellor Shields has not identified what information he claims to be confidential in the audio recordings or how Dr. Burton's publishing them caused any harm whatsoever. The first prong of his charges falls completely apart. Though the panel had access to Dr. Burton's rebuttals they recommended dismissing Dr. Burton. This is further evidence that the panel was hand-picked for their willingness to "*cast their lot in with the person who is paying them*" and recommend Dr. Burton's dismissal regardless of the evidence.

Second Prong of Charges: Dr. Burton's Communications

In the 5-25-17 hearing Chancellor Shields identified the second prong of his charges to be that Dr. Burton

"has engaged in an ongoing campaign to impugn the integrity and the abilities of her colleagues. That has caused no end of distress in the Criminal Justice Department, one of the long-standing, well-regarded programs on this campus." He continued *"In my view professors have every right to argue their cases, their ideas in a civil manner."*

There are very few specifics in his charges, his testimony or his recommendation to the Board. The specifics he did give have changed over time and do not hold water. He also failed to explain how anything Dr. Burton did caused damage to the work of her department or the university and seems to blame her for disruption he himself caused.

Chancellor Shields admitted that all the evidence the administration was able to gather is included in the exhibits. From December 16, 2016 until September 19, 2017 the university was only able to collect a handful of emails from Dr. Burton that they claim support Chancellor Shields' charges. These few emails represent the only valid evidence on record of Dr. Burton's allegedly problematic communications.

- Inspection of the few emails the university was able to collect will reveal that Dr. Burton did not make any Ad-Hominem attacks. She was civil, and she was keeping Dean Throop's Directive #1 in her Letter of Direction.
- Chancellor Shields' claim that Dr. Burton made Ad-Hominem attacks is, ironically, an ad-hominem attack against Dr. Burton because he didn't back it up with facts. So too are his numerous allegations that Dr. Burton harassed and bullied her colleagues without giving factual evidence to back it up.
- Dr. Burton's candor is important in a university setting and is protected by Academic Freedom.
- Dr. Burton is an immigrant from Germany and became a US Citizen in 2009 after she came to UWP. Germans are well known to have a more direct speaking style than the average American. Chancellor Shields gave no slack for this.
- Communication training was mandated for the Criminal Justice department on several occasions, including the order by Chancellor Shields. Dr. Burton begged HR director Lohmann to conduct this training in hopes that the retaliation against her might abate. But the communication training was never conducted.
- Dr. Dalecki, former chair of the CJ department, pointed his finger at Dr. Burton, as though pointing a pistol, and let his thumb fall as though pulling a trigger. Dr. Burton informed HR Director Crowley and asked for someone to make Dr. Dalecki stop threatening her. Instead of looking into the matter, Chancellor Shields issued Dr. Burton a letter admonishing her for "accusing colleagues of criminal or illegal behavior." Clearly, threatening to shoot someone is illegal. It also seems illegal for a Chancellor to admonish someone for seeking protection from a veiled death threat. No investigation was conducted into Dr. Dalecki's threat and he has not been disciplined for this.
- Dr. Dalecki also threatened a graduate student. The student recorded the meeting. The recording reveals that he told the grad student "*in the end you will get caught in the shrapnel.*" The recording can be heard at: <https://www.youtube.com/watch?v=MifsQXNzvKU>. Dr. Dalecki recounted a story of a time when he was younger and made a similar "mistake" and said that "*rather than cut*

me off at the legs and let me crawl away bleeding I was given a chance.” The student inferred this to mean that Dr. Dalecki was giving him a chance to stop supporting Dr. Burton or he would find himself *“crawling away bleeding.”* The grad student was fired shortly after this discussion. Dr. Dalecki’s discussion with the graduate student also revealed evidence of the culture of *“not following the rules”* at UWP. In the audio recorded meeting Dr. Dalecki told the graduate student the *“side you should cast your lot in with is the person who is paying you.”*

- Chancellor Shields admitted in the hearing on 9-19-17 that the dysfunction in the Criminal Justice department *“preceded her (Dr. Burton’s) presence there.”*
- It was well established that Safransky was the only person in his department who contributed to the dysfunction. Even if Dr. Burton were contributing to dysfunction, which she does not admit to, the fact that others in the department were dysfunctional would make dismissing her by the Safransky standard unreasonable. Chancellor Shields stated at the 9-19-17 hearing that others created dysfunction in the CJ department but he didn’t recommend any of them for termination.

The second prong of the Chancellor’s charges falls apart under even minor scrutiny.

Third Prong of charges: Chancellor Shields said in the hearing on 5-25-17 that Dr. Burton *“willfully and on a continuing basis involved students in these disputes in ways that are not appropriate.”* Chancellor Shields’ allegation that Dr. Burton discussed the matter in her class was completely debunked by letters from several students and the panel found it to be false.

It was Chancellor Shields, on about October 30, 2016, who included students in the university’s dispute with Dr. Burton. He did this by ordering someone to email the court’s order in which Judge Peterson dismissed Dr. Burton’s lawsuit to students on campus. This is evidenced by the student statements Dr. Burton submitted as evidence. Firing Dr. Burton without firing Chancellor Shields would be disparate treatment.

Chancellor Shields failed to meet his burden of proof to support his charge that *“You have publicly misrepresented the facts of a 2012 alleged sexual harassment incident to*

students.” Dr. Burton did not misrepresent the facts of the sexual harassment complaint of 2012.

Chancellor Shields lied in statement of charges – Double Half-Twist method

Chancellor Shields’ wrote in his statement of charges to Dr. Burton “*You have discussed your personnel concerns during class when they had no relevance to course topic.*” Not only was this untrue, it was not in Dean Throop/Provost Gormley’s complaint against Dr. Burton and it was not in the uncorroborated hearsay investigation report either. In the hearing of 9-19-17 Chancellor Shields denied interviewing students about the issue, so it could not have come from them. So where did this charge even come from?

Chancellor Shields, and Attorney Lattis as his attorney, had opportunity to alter the uncorroborated hearsay report. Attorney Lattis refused Dr. Burton’s representative’s reasonable request to compare the original Roter investigation report to the uncorroborated hearsay investigation report. Attorney Lattis identified the uncorroborated hearsay investigation report as Dr. Roter’s “final” report.

The uncorroborated hearsay investigation report indicates that Dr. Roter did not ask any students whether Dr. Burton talked about her problems with the university in class, even though Dr. Burton suggested that Dr. Roter might want to “check it out.” Invalid reasoning in the uncorroborated hearsay investigation report is given to explain this oversight of important information from the only source that could verify or invalidate the charge, the students.

Dr. Roter audio recorded an interview with Dr. Burton and provided Dr. Burton with the audio recording. Dr. Burton requested Dr. Roter’s audio recordings of her interviews with other persons but Attorney Lattis claims that Dr. Roter did not audio record any of the other

interviews. This begs the question: why would Dr. Roter audio record her interview with Dr. Burton but not with the other interviewees?

Chancellor Shields and Attorney Lattis are the only people who have stated that the uncorroborated hearsay investigation report was produced by Dr. Roter. The report Chancellor Shields presented has almost certainly been altered from the original version that Dr. Roter gave to Chancellor Shields on about Mar 1, 2017. The only other alternative seems to be that Dr. Roter delivered a fact-finding report that contains false statements, numerous factual errors and biased opinions. Dr. Roter is, conveniently, no longer with the university system and therefore unavailable, according to Attorney Lattis.

Chancellor Shields' charge that Dr. Burton "*discussed (her) personnel concerns during class*" is unsupported and untrue; it is a lie; it is pretext for hidden reasons. This is a good example of the kinds of twisted paper trails that have often been formed throughout Dr. Burton's five years of abuse at UWP.

Below is Dr. Burton's explanation for how this matter came about. This is how she believes Chancellor Shields lied in the statement of charges while attempting to make his lie seem valid. The end result is a lie but the argument that Chancellor Shields seems to hope will convince the Board is that each person only twisted the truth half-way.

Double Half Twist Dr. Burton contends that Chancellor Shields and Attorney Lattis worked together using a two-step technique called the "Double Half-Twist" to turn truth into a lie in the statement of charges without making it look like a lie. The Double Half-Twist process turns a truth into a lie that seems to be backed up by solid evidence. Dr. Burton contends it was done in this two-step process:

Step one: Half twist from truth to vague implication blamed on someone out of reach

Chancellor Shields orders an investigation. The investigation is conducted to make the targeted employee believe she is finally being given a fair opportunity to tell her side of the story. In the interview with Dr. Roter on Feb 9, 2017, Dr. Burton said *“I never brought up any of my problems, the entire time on campus, in class. I always left it out, even after the articles were published. I went to class, I didn’t mention it. I didn’t bring it up, I didn’t point it out to students. Maybe you want to check it out.”* Dr. Roter’s audio recording confirms this. This is the baseline “truth” which is further confirmed by students’ letters.

The investigating officer, Dr. Roter, delivers an original investigation report to Chancellor Shields. Chancellor Shields, or someone else, then alters the report to support his version of events. One of the changes to the report was the entry concerning of Dr. Burton’s statement above (the baseline truth). The baseline truth is half-twisted to this statement in the uncorroborated hearsay investigation report:

“all those in the Criminal Justice program report that students were drawn into the issues between Dr. Burton, her colleagues and University. It was reported that these concerns were topics of discussion during class and had no relevance to the course topic.”

This statement does not identify who reported that the concerns were topics of discussion; does not say which class(es) the topic was discussed in; does not identify when these discussions supposedly happened; does not identify which concerns were discussed; does not identify Dr. Burton as having drawn students into issues; and does not identify Dr. Burton as being involved in any of these discussions. Even if the report is authentic, which Dr. Burton contends it is not, it would not support Chancellor Shields’ charge. However, since this passage was written in an investigation report concerning allegations against Dr.

Burton the strong, but false, implication is that Dr. Burton discussed her disputes with the university in her class. Most people would make that inference unless they read the passage carefully and critically. It is a vague and false implication of Dr. Burton's guilt that appears, at face value, to be Dr. Roter's twist. This sort of vague language has no place in a legitimate fact-finding investigation report, but the double half-twist method is not legitimate.

Chancellor Shields delivers the illegitimate and altered report to Dr. Burton writing:

“attached please find the investigation report prepared by Dr. Petra Roter in the matter of the complaint I provided to you in January.”

Dr. Burton contends that the report Chancellor Shields delivered on 3-4-17 was an altered version of the report prepared by Dr. Petra Roter. Chancellor Shields seems to have hoped that Dr. Burton would not notice that the report bears no signature and would blame Dr. Roter for its false statements and vague and false implications. Dr. Roter is then whisked away in a puff of smoke so she is not available for testimony or verification.

Step Two: Half-Twist from vague implication blamed on someone out of reach to a lie that seems, at face value, to be supported by strong evidence.

Pointing to the investigation report's vague implication that Dr. Burton talked about her issues in class Chancellor Shields twists the “half-fact” another half-turn and it becomes *“You have discussed your personnel concerns during class when they had no relevance to course topic.”* He asserts that his statement of charges is based on the uncorroborated hearsay investigation report and nothing else.

And that is how, Dr. Burton contends, that Chancellor Shields turned a truth, that Dr. Burton didn't talk about her disputes with the university in class, into a false charge that

seems, at face value, to be supported by strong evidence. Dr. Burton's rebuttals include numerous instances of the use of this technique. This is only one of many examples.

Prong three of the Chancellor's statement of charges is supported by smoke and mirrors. Dr. Burton contends that Chancellor Shields violated Wis. Stats. [943.30\(1\)](#) and [943.30\(4\)](#) and that his testimony is unworthy of credence. Other persons may also have violated these statutes including: former Provost Throop, Dr. Solar, Dr. Strobl, Dr. Fuller, Dr. Roter and Dr. Hansen.

The perverse use of the uncorroborated hearsay investigation report as basis for the charges advances fishy reasoning.

Campaigning is not what Dr. Burton has done. She has asked for fair treatment.

Chancellor Shields claims that Dr. Burton is on a "campaign" while he and his administrators do everything possible to isolate her, including suspension and banishment from campus for no good reason. Her supporters were constructively terminated. Her chair admitted that Attorney Lattis instructed her not to talk to Dr. Burton. Dr. Burton was isolated in the department and false rumors were spread about her. The allegation that Dr. Burton campaigned cannot be supported. Dr. Burton has filed legitimate grievances in the proper manner, and she was denied due process.

Dr. Burton has not been on a "*campaign of anger*" as Chancellor Shields claims. Instead she has been trying to keep her job, so she can advocate for student victims of sexual harassment. Dr. Burton has been requesting fair treatment, but fair treatment has been withheld from her. By using the term "*relentless campaign*" Chancellor Shields indicates that he feels personally threatened by Dr. Burton's arguments and this lends her allegations

legitimacy. Exposing corruption is threatening to corrupt people. Exposing lies is threatening to liars. The only careers Dr. Burton threatens are those of individuals who have violated laws and policies. None of her comments threaten anyone of character and integrity.

Failure to include Appeal Procedures - Improper formation of panel – improper involvement of Dr. Anderson

On 3-31-17 Chancellor Shields emailed Dr. Burton a statement of charges. The only procedures included in the communication was a statement that

“You are entitled to a hearing on this matter. If you wish to have a hearing, you must file your hearing request with the Faculty Senate within 20 days of your receiving this statement of charges as required by Wis. Admin. Code UWS 4.04.”

Dr. Burton contends that the Chancellor violated UWS 4.02(2) and UWP Faculty Bylaw 6.3.12.3 section 3. Chancellor Shields withheld policy from Dr. Burton and gave her fake procedure to follow. Evidence indicates that his motive was to establish Dr. Anderson as the person in control of the panel while Dr. Peckham held all the responsibility to the rules. In the absence of legitimate policy Dr. Burton followed Chancellor Shields’ instructions and sent her request for hearing and her rebuttals to the Faculty Senate.

On 4/21/2017 Dr. Laura Anderson, not the chair of the panel, sent an email with a letter from Attorney Lattis attached. Attorney Lattis’ letter presented absurd argument that Chancellor Shields had presented the procedures in question and that UWS 4.02(2) does not mean what it says. Attorney Vaughan did not correct her, and he did not point out that it was not Dr. Anderson’s place to send these communications.

Dr. Burton's attorney sent an email to Chancellor Shields requesting the appeal procedures. Attorney Lattis responded that "*the statement of charges did include a statement as to the appeal procedures available to Dr. Burton*" however, it did not. It contained fake procedure. Attorney Lattis later stated that the "fact" that the appeal procedures "*didn't come with the charge*" was a "*harmless error.*" Chancellor Shields purposely and knowingly misdirected Dr. Burton to send her request to the Faculty Senate, while hiding from her the proper procedures for filing an appeal. That was malicious and harmful. The panel chair failed to include this email exchange in the record. Dr. Burton contends that Chancellor Shields violated UWS 4.02(2).

Lattis claimed that the procedures were given to Dr. Burton previously but that was not true. The only procedures Dr. Burton had been given previously was UWS 4. Dr. Burton was not given the UWP Employee Handbook Article III, Section 6 or UW-Platteville Faculty Handbook, chapter 6.3.12.3 until April 21, 2017, the day after she made her request for hearing with the Faculty Senate as Chancellor Shields had misleadingly instructed. The Faculty Handbook says in chapter 6.3.12.3 section 6 "*The request must be in writing and addressed to the chairperson or convener of the Appeals Commission.*"

Chancellor Shields' failure to give Dr. Burton the procedures put her at a distinct disadvantage in the process that caused her to send her request for the appeal to the Faculty Senate instead of to the chair of the Appeals Commission as required by Faculty Bylaw 6.3.12.3 section 6. In addition, she had less time to become familiar with the procedures. It appears that Chancellor Shields wanted Dr. Burton to believe that the only procedures that were applicable to her appeal were UWS 4 and his fake procedures. If Dr. Burton had

believed Chancellor Shields she would not have been able to identify the many violations of policy that were not in UWS 4.

Dr. Peckham seems to have viewed Dr. Anderson as his superior in the appeal process but she should have had no say in the matter whatever. Dr. Peckham wrote

“Dr. Laura Anderson, under the authority vested in her as chair of the UW-P Faculty Senate, appointed five members of the Commission to serve on a special panel to conduct the hearing requested by Dr. Burton in this case and, with the consent of those members, appointed me to serve as chairman pro tem of the panel.”

Dr. Burton contends that this violated UWP Faculty Handbook 6.3.12.3 section 4 and is evidence of “jury tampering.” The Faculty Senate Chair hand-picked the panel. The panel members should not have acquiesced to policy violations and may also have violated policy. It seems apparent that Dr. Anderson chose the panel members for their willingness to “*cast their lot in with the person who is paying them.*”

When he resigned, Dr. Peckham sent his resignation email addressed to Dr. Anderson, rather than to the other Panel members. This further supports Dr. Burton’s assertion that Dr. Anderson hand-picked the panel and set herself up as it’s illegitimate leader.

Chancellor Shields’ failure to timely deliver the applicable policies and laws governing the hearing process indicates an effort to cover up his purposeful and malicious attempt to discredit Dr. Burton before a hand-picked and biased panel that would present to the Board of Regents fraudulent evidence and facts against Dr. Burton to unfairly dismiss her from her tenured faculty position.

On 5-12-17 and again on 5-23-17 – Dr. Burton requested that the panel be re-constituted in accordance with policy. Attorney Lattis and the panel mischaracterized Dr. Burton’s request as a request for a continuance, which was dismissed without valid

explanation. Dr. Burton also sent six pages of objections to alleged policy and legal violations which were excluded from the record.

Dr. Burton also requested several times that the panel assure her that she would be allowed to address all charges against her citing Faculty Bylaws 6.3.12.3 section 4 which states

"The appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; there is no limit on the number of deliberative sessions which may be held; and there is no limit on the length of the recesses which may occur between sessions."

Dr. Burton's requests were ignored. The panel held only one deliberative session. In a case this complex and lengthy a single deliberative session is ridiculous; it is pre-judgment; and it supports Dr. Burton's assertions that the panel was hand-picked to deliver a recommendation against Dr. Burton without fair due process. There are several other improprieties associated with the staffing of the panel which are not discussed here.

Panel

Peckham misinforms the public

On May 17, 2017 1:06 PM Dr. Peckham, chair of the panel, sent an email to the editor of the Platteville Journal, writing:

"I would appreciate it if you could please publish the following legal notice in the next issue of The Platteville Journal: Pursuant to the relevant sections of the Wisconsin Open Meetings Law, Wis. Stat. s.19.84 (2017) and UWS 4.05(1)(a) I am providing public notice that the hearing on the appeal of Dr. Sabina Burton from the order of Chancellor Dennis Shields of the University of Wisconsin-Platteville of 30 March 2017 dismissing her for cause from her tenured faculty position at that institution will be heard by a special panel of the university's Appeals Commission on 25-26 May 2017 in the University Rooms, Markee Student Center, UW-Platteville."

Dr. Peckham's email misinformed the public. Chancellor Shields does not have authority to dismiss a tenured faculty member. Dr. Peckham compounded his error by sending a second email to the editor of the Journal writing:

"I have been advised by the counsel for the UW System that there is an error in the proposed public notice of the hearing to hear the appeal of Dr. Sabina Burton, which I sent to you about an hour ago. Please note the following correction of the first two lines of the proposed notice: Pursuant to . . . I am providing public notice that the hearing on the appeal of Dr. Sabina Burton from the finding of Chancellor Dennis Shields of the University of Wisconsin of 30 March 2017 of just cause for her dismissal from her tenured position at that institution. . . Thank you for making this correction."

His second email to the Journal misinformed the public that Chancellor Shields had already found that there was just cause to dismiss Dr. Burton. However, that determination was for the panel to decide. Dr. Peckham advertised that there existed just cause to fire Dr. Burton even before any hearing.

Requests Denied without reason

In their findings the panel wrote *"Prior to the May hearing of this matter. Dr. Burton submitted arguments and supporting materials objecting to the formation of the Panel and requesting a continuance on May 12, 2017."* This is a false statement. Dr. Burton requested that the panel be formed in compliance with policy not a continuance. The panel mischaracterized her request.

Dr. Burton's requests that the panel be formed properly were ignored and finally denied by the improperly empaneled panel chairs. They gave no valid explanation why the request was denied. Decisions by the improperly empaneled panel explain the reason why they denied Dr. Burton's request, they were hand-picked to get Dr. Burton fired, even if it required denying her rights. Proper selection of panels avoids this type of one-sided considerations of requests. Dr. Burton was not heard, and the spirit of faculty governance was

trampled. The panel did not review the evidence submitted and did not carefully consider the testimony or evidence submitted.

On 5/15/2017 the panel chair, Dr. Peckham, wrote “*Good cause for a continuance of a trial or hearing is generally found where the facts presented demonstrate an unexpected emergency such as a sudden illness.*” However, when Dr. Burton suddenly became ill, requiring surgery and treatment, and her husband relayed her request that the hearing be postponed Dr. Hansen went ahead with the hearing, even in Dr. Burton’s absence due to severe illness.

The 5-25-17 hearing video shows Dr. Hansen asking if either party would like the witnesses to be sequestered while there is one table empty due to Dr. Burton’s absence. This absurdity is hidden by the audio recording as one cannot see the empty table in an audio recording. The administration included only the audio in the record, seemingly to hide such absurdities from the Board. The transcript shows that Dr. Burton was sick and could not attend the hearing. The hearing was not conducted within 20 days as required by [UWS 4.04](#) . By failing to hold the hearing within 20 days Dr. Peckham violated [UWS 4.04](#). If he had held the hearing within 20 days it would have been held prior to the end of the semester. No reason was given for the extension and the panel did not advise Dr. Burton that the hearing would not be held within 20 days. The delay in hearing the matter pushed it into Dr. Burton’s off contract time. The semester had ended, and Dr. Burton was off contract when the hearing was held on 5-25-17, in her absence. Dr. Burton contends that it was unreasonable for the panel to schedule the hearing during her off-contract time, especially when she was severely ill.

On 6-2-17 Dr. Hansen indicated that she considered the hearing and deliberation process complete, even though Dr. Burton had never been heard, had never cross examined any witnesses and the reason she was unable to attend the hearing was because of severe illness.

Dr. Hansen, panel chair, was listed as a lobbyist for UWP, which seems an obvious conflict of interest.

Objections

Throughout the appeal process Dr. Burton and her attorneys filed numerous objections. Many of her objections, and explanations of those objections, were excluded from the record.

Dr. Patrick Solar - Not credible – “Consequences of his choosing.”

At the 5-25-17 hearing Dr. Solar testified that he had filed a memo/complaint against Dr. Burton. This complaint was hidden and withheld from Dr. Burton until she finally received it on 11-30-17 after involving the AG’s office. Dr. Solar had filed the complaint only four days after had written to Mr. Burton “*your failure to comply will result in consequences of my choosing*” and one day after UWP police chief Hallman had made an intimidating visit with Dr. Burton. Dr. Solar and Chief Hallman were both police chiefs in small towns in Illinois only 14 miles apart and are believed to be long-time friends. Circumstances indicate that Dr. Solar’s hidden complaint and testimony and his buddy’s intimidating visit were all “*consequences*” of Dr. Solar’s “*choosing*” for Dr. Burton’s husband’s “*failure to comply*” with Dr. Solar’s demand that his name be removed from Mr. Burton’s website.

Dr. Burton contends that Dr. Solar's testimony is unworthy of credence.

Dr. Fuller – Not Credible

Dr. Burton filed complaints alleging that Dr. Fuller had previously altered her personnel records unfairly. Dr. Fuller's testimony at a deposition in a federal lawsuit lacked candor. Dr. Fuller allowed Dr. Caywood to sit on a panel to evaluate Dr. Burton's performance even though Dr. Caywood was a defendant in Dr. Burton's lawsuit at the time and Dr. Burton had requested him removed from the committee due to the obvious conflict of interest. Dr. Burton contends that Dr. Fuller's testimony in this case is unworthy of credence.

Time Limits – Arbitrary and Unreasonable

Nine hours of testimony was not afforded Dr. Burton as Chancellor Shields claims in his recommendation for her dismissal. She was not in attendance of the first 3-hour hearing on 5-25-17, due to severe illness. Adverse witnesses spread wild allegations far outside the scope of charges and Dr. Burton was not able to cross-examine them because she was not there. Dr. Burton contends that this violates [UWS 4.05\(e\)](#). Those first three hours cannot possibly be considered as hearing time that was afforded to Dr. Burton. She was given five minutes in the hearing of 9-19-17 and was cut off before she finished her opening statement. In that hearing Chancellor Shields was combative and evasive in his testimony and clearly showed his burning anger towards Dr. Burton. His incredible avoidance of answering questions and lack of candor wasted so much time that Dr. Burton was never afforded an opportunity to cross-examine other adverse witnesses or to give testimony at that hearing. Chancellor Shields brazenly answered a question with a question and stuck to his answer, which was a question. Dr. Burton was only allowed to speak in her behalf at the last hearing on 11-30-17 for an hour and a half, not even a tenth of the time she needed to adequately

address the issues. She delivered to the panel a web page with 16 hyperlinks to rebuttals, pertinent information and evidence that would easily require five full days of testimony to address adequately. Not only was Dr. Burton denied adequate time to address these issues, but her rebuttal to the statement of charges was excluded from the record. These actions indicate serious bias against Dr. Burton by the panel chair.

[Faculty Bylaw](#) 6.3.12.3 says “*The time limits are intended to ensure action within a reasonable time period; nevertheless, the appeal process may be lengthy. The deliberative process in particular may take several months to conclude: the issues are significant; **there is no limit on the number of deliberative sessions which may be held**; and there is no limit on the length of the recesses which may occur between sessions*” (emphasis added).

Dr. Burton requested assurance that this bylaw would be followed three times. Yet Dr. Hansen ignored and finally denied the requests. Dr. Burton contends that Dr. Hansen violated [Faculty Bylaw](#) 6.3.12.3.

Wis Stat [227.45 \(1\)](#) says “*the agency or hearing examiner shall admit all testimony having reasonable probative value.*” Dr. Burton contends that Dr. Hansen violated Wis Stat [227.45 \(1\)](#) by arbitrarily limiting Dr. Burton’s time to address the numerous charges against her to less than two hours.

What’s fair to the courts is that each side is awarded the amount of time it needs to present their case without immaterial, irrelevant or redundant testimony. That is almost never a 50/50 split in time allotted. Yet, Attorney Lattis argued for an even split of time, even though she did not need that time to present her side of the argument. The fact that Dr. Hansen mandated this arrangement is indication of bias against Dr. Burton.

Documentary Evidence Flaws

The record provided to the Board of Regents did not include Dr. Burton’s rebuttals to the charges against her. Dr. Burton provided her rebuttals, which included thousands of pages of documentary evidence on a website which allowed unlimited number of downloads.

Attorney Lattis agreed that the website was an acceptable medium to convey the documentation writing “*Dr. Burton indicates that she wants to use her website as her exhibit.*” Yet Dr. Burton’s rebuttal to the statement of charges, that was available on the website and was identified to the panel with hyperlinks, was not included in the record. They also excluded thousands of pages of other rebuttals and supporting materials that Dr. Burton had pointed them to. The panel’s statement that “*All exhibits and materials submitted in advance of the hearings by the parties were admitted into the record*” is false.

Dr. Peckham and Dr. Hansen failed to include the following mandated information in hearing notices: a copy of the appeal hearing procedures; statement that both parties have a right to copies of all documentary evidence relevant to the appeal; statement that all parties, including witnesses, are expected to provide to the panel chairperson sufficient copies of their documentary evidence for all other parties, and that these materials should be provided in sufficient time prior to the hearing for distribution to all parties, but that failure to provide such copies will not preclude an individual from giving testimony; statement that adjournments will be granted to enable either party to investigate evidence as to which a valid claim of surprise is made.

Dr. Burton contends that these failures constituted violations of Faculty Bylaw 6.3.12.3 Section 6. The damage is obvious. Dr. Burton requested adjournment for due to valid claim of surprise on 11-30-17 but Dr. Hansen denied her request in violation of [UWS 4.06\(1\)\(j\)](#) and Wis. Stat. s. 36.22(8)(e).

Minutes of several Faculty Senate meetings were included in the record but were not provided to Dr. Burton prior to the hearings. Dr. Burton contends that this violates UWP Faculty Personnel Policies and Procedures 6.3.12.3 section 6 and UWS 4.05(b). Dr.

Burton's rebuttals contain explanation why the minutes presented in the record cover up the production of what Dr. Burton contends are fraudulent Grievance Hearing procedures. Dr. Burton contends that these fraudulent procedures were used as basis to violate Dr. Burton's due process rights.

Dr. Balachandran wrote: *"I have been working with the UW System Legal Counsel Attorney Thomas Stafford during the past two weeks. We have developed a Standard Operating Procedure for the Panel, but I plan to edit it again before presenting it to the Commission in the next meeting on 11/7/2014. Attorney Stafford suggests that I keep the Provost & Vice Chancellor in the loop in all matters in this case."*

The procedures were not established by the faculty of UWP, they were presented to the Faculty Senate as informational items only and they were produced on authority of non-existent policy. The senate did not discuss the procedures and there was no vote on the new procedures, yet they were presented as though they were legitimate policy of the university. The illicitly produced procedures were later used as basis to deny Dr. Burton's grievance hearing requests.

At the Faculty Senate meeting of 12-9-14 Dr. C. Cornett told the Faculty Senate that the Grievance Committee, of which Balachandran was the chair, has *"the governance to set their policy and procedure as a committee."* Dr. Burton contends that this statement was a misrepresentation of the meaning and intent of UWS 6.02 as he said this to assure the Faculty Senate members that presentation of the new grievance hearing procedures as an informational item only was legitimate. The Faculty Senate had no discussion or questions about the new Grievance Hearing Procedures. The Faculty Senate did not participate in the establishment of the procedures. The faculty of the institution never established those procedures, Dr. Balachandran did, and he presented it to the Faculty Senate as an informational item only. Dr. Burton contends that Dr. Balachandran violated [UWS 6.02](#)

and Wis. Stat. [943.39\(1\)](#). Dr. Cornett may have violated [UWS 6.02](#) by misrepresenting the meaning and intent of that statute to the Faculty Senate. Dr. Burton contends that Chancellor Shields, the Provost and the Vice Chancellor were involved in this process and thereby also violated [UWS 6.02](#) and Wis. Stat. [943.39\(1\)](#). There were also many other problems with the production of these procedures that are explained in Dr. Burton's rebuttals.

Open Meetings Law Violations

Dr. Burton contends that the panel chair, Dr. Hansen, twice violated Wis. Stat. 19.84(1) by failing to send public notice of the hearings to the Platteville Journal and/or the university newspaper, the Exponent. The assertion that proper notice was not made is verified in the first few minutes of the hearing on 11-30-17 and in email communications. There is no record of notice being provided to either newspaper for either of the 9-19-17 or the 11-30-17 hearings, even though Dr. Burton specifically requested that proper notice be made. The matter is of public concern and student safety is at stake, yet Dr. Hansen failed to notify the public of a matter that could eliminate the only faculty member at UWP who is willing to stand with student victims of sexual abuse. This is a matter of great public concern, especially considering the recent #MeToo movement.

Dr. Burton filed nine pages of alleged open meetings law violations with the DA and AG offices on 2-18-18.

Politics

Dean Throop filed police reports against Dr. Burton for writing to Governor Walker

On 9-4-15 Dean Throop filed a police report against Dr. Burton. The officer receiving the report wrote:

“I received a call from Dean Elizabeth Throop who told me she was concerned about a letter she received from Sabina Burton. Throop said she was not threatened but was upset about it. She just wanted to let us know. Throop said she would send a copy of the letter to Chief Williams. ...I asked Throop if she had contacted Human Resources. Throop said she did but Janelle Crowley was not in her office today. I told Throop to make sure she contacts Crowley. Throop asked if I could contact the Platteville Police Department and tell them about it. I asked Throop to do that herself because she has the information they would need. I gave Throop the Platteville Police phone number. I was not given much information from the letter other than in Throop’s opinion it was upsetting.”

In Dean Throop’s written complaint she wrote:

*“... **No contact will be made with Dr. Burton**, ... I contacted law enforcement because the complaint below seems like a real escalation of things and I had some concerns for my personal safety **despite the lack of actual physical threat**. After consulting with Chancellor Shields, Provost Den Herder, Vice Chancellor Cramer, and Paige Reed of System Legal, this seemed to be the wisest course of action. I am not interested (sic) in filing a complaint at this juncture, or even a BRRT report, but I do want everyone to be in the loop. ”* (emphasis added)

Dr. Burton was never notified of the report. Dean Throop filed a hidden police report because Dr. Burton exercised her right to seek help from the Republican Governor of Wisconsin.

There was a false and anonymous police report filed on 1-26-17, that claimed, falsely, that Dr. Burton had been seen on campus after Chancellor Shields had banned her from campus. Dr. Burton was never notified of this report. The report is untrue, uncorroborated and unsupported.

Chancellor Shields’ decision to suspend and ban Dr. Burton are as groundless as his statement of charges.

Investigator Dale Burke requested any police reports against Dr. Burton on 9-19-16 but evidence of this was not included in the investigation report with his name but not his

signature. Investigator Burke admitted in an email that his original report had been “edited by a third party.” This uncorroborated report was withheld from Dr. Burton in violation of Wisconsin Public Records Law. Dr. Burton finally received the report after involving the AG office. The report is part of an earlier complaint that the administration also handled poorly and unfairly. Investigator Burke’s admission that his original report had been altered is another indication that the original Roter investigation report was also altered.

Strong evidence of political motivations

Reporter Matt Kittle, investigative reporter for MaciverInstitute.com, wrote in an online news article *“Throop, who has since moved on to another academic leadership position in Maryland, is a backer of liberal causes and candidates. In August 2015, just days before she contacted UW-Platteville police about Burton’s letter to Walker, Throop donated \$250 to Act Blue, a Democratic Party political action committee, according to Federal Election Committee records. On the same day, Throop cut a \$250 check to the Bernie Sanders presidential election campaign.... Staci Strobl, the chairwoman of the university’s troubled Criminal Justice Department, also felt the Bern, donating several times to the Sanders campaign in 2016.”*

Kittle also wrote: *“Sloan Lattis, the UW System attorney, donated at least \$700 to Democrat or liberal candidates in Wisconsin – to former governor and attorney general Jim Doyle’s campaign, and to the campaign of Supreme Court Justice Shirley Abrahamson – between 1997 and 2009. Her husband, University of Wisconsin-Madison astronomer James Lattis, has donated more than \$5,800 to Democrat and liberal candidates in Wisconsin, including Mary Burke’s 2014 gubernatorial campaign, and JoAnne Kloppenburg’s 2016 campaign for the Supreme Court.”*

There is strong evidence that the allegations and denial of due process against Dr. Burton are politically motivated because Dr. Burton made contact with Republican politicians.

Due Process / Just Cause

A grievance hearing was conducted on 12-2-13. The grievance committee agreed with Dr. Burton’s allegation that Dean Throop had *“violated the LA&E Constitution, Article VI,*

Section 4” and that Dean Throop had also “*violated the LA&E Constitution, Article VI, Section 4 and Faculty Bylaws, Part III, Article I.*”

At the audio recorded grievance hearing one of the Grievance Panel members stated:

“I do want to point out though that article Wisconsin 36.09 does begin with the statement that all of the decisions are ultimately the decision of the chancellor and the chancellor’s advisory, so basically the Provost and the Dean. So, Bottom line is that faculty governance is not a legal contract. That, in the end they can do whatever they choose to do. And that is the case. So it seems to me that arguing that these laws, which are not really laws, were broken is not real useful to us at this point. I think what’s more useful to us is to just look at: Was procedure violated, was there clarity in why procedure might have been violated, or, I shouldn’t say violated,. was procedure followed and if there wasn’t a following of that procedure was there clarity provided in why that procedure was not followed? And then from there it’s up to whoever, to either go to the courts of law to make those decisions or to settle for what has been passed down.”

Attorney Lattis was present and did not correct this statement, indicating that she agreed with the statement. Her actions in Dr. Burton’s case also indicate that she agrees with the statement. There seems to be a cultural understanding at UWP that the administration of UWP is not required to follow the policies or guidelines established by the Board. Chancellor Shields seems to believe he is above the law and the grievance committee member in that captured audio recording seems to agree. However, [Wis. Stat 36.09\(1\)\(f\)](#) states “*The board shall delegate to each chancellor the necessary authority for the administration and operation of the institution **within the policies and guidelines established by the board***” (emphasis added). Dr. Burton contends that Chancellor Shields acted outside the policies and guidelines established by the board on numerous occasions and that he has fostered a culture of indifference to, even disdain for, the policies and guidelines of the Board. Dr. Burton further contends that UW Legal counsel Jennifer Sloan Lattis has enabled this culture of “not following” the rules by misinterpreting the policies and guidelines of the

Board, obfuscating issues with vague, twisted and perverse reasoning and violating ethical standards and laws.

This is not just a hearing to determine whether the Chancellor has met his burden of due proof. It is a hearing to determine whether the Board of Regents wants UWS Chancellors to follow its' policies and guidelines; whether the Board wants to protect students from sexual predators; and whether the Board desires political diversity in its universities. Sending this inspired teacher to the unemployment line would be giving all administrators in the UW System good reason to believe that they too can get away with "not following" the policies and guidelines established by the board.

Even one violation of Dr. Burton's due process rights should be enough to prevent the Board from approving Chancellor Shields' recommendation that her employment be terminated. Dr. Burton provides a representative sampling of events that she contends violate her due process rights.

[Regent Policy 20-9](#) - Policy Statement says:

*"Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents **an enormous investment of university and societal resources**, and those who receive this investment do so only after **rigorous review which established that their scholarship, research, teaching, and service met the highest standards** and are congruent with the needs of the university."* (emphasis added).

Dr. Burton was not given access to documentary evidence upon the basis of which dismissal is sought. The Solar complaint was withheld from her until only hours before the last hearing and it clearly forms hidden basis for the charges. Dr. Burton contends that this violates Faculty Bylaws 6.3.16.2 and [UWS 4.05\(1\)\(b\)](#).

Dr. Burton was given only two hours to “be heard in her defense.” This arbitrarily limited amount of time violates the letter and intent of [UWS 4.05\(1\)\(c\)](#). She was not heard defending herself against the current charges against her, but was barely even able to speak to the Throop Letter of direction charges. Because she was not given time to defend herself against all of the charges against her she contends that the letter and intent of [UWS 4.05\(1\)\(c\)](#) was violated.

Dr. Burton was not given fair opportunity to call witnesses. Some of her supporters were threatened or fired before she could bring them to the stand. Others were fearful of retaliation if they participated. Dr. Burton contends that [UWS 4.05\(1\)\(d\)](#) was violated.

Dr. Burton was not given opportunity to cross-examine the investigator or adverse witnesses or to confront her accusers. Dr. Burton contends that this violates [UWS 4.05\(1\)\(e\)](#). It also indicates disparate treatment as Dr. Henige, who was recently fired by the Board of Regents, was allowed to cross examine the investigator in his appeal hearing.

The written findings of fact and recommendation by the panel are vague and contain false statements and biased opinions. Dr. Burton contends that the panel’s actions violated [UWS 4.05\(1\)\(g\)](#) and Wis. Stat. [227.45 \(1\)](#). The findings were based on:

- a secret hidden complaint by Dr. Solar;
- an uncorroborated hearsay investigation report that is full of false statements and biased opinion;
- a statement of charges that is based on the uncorroborated hearsay investigation report and contains false allegations;

- unsworn testimony by adverse witnesses who lack credibility that was wildly outside the scope of charges and was not cross-examined because Dr. Burton couldn't attend the hearing due to severe illness; and
- a partial record that excluded thousands of pages of Dr. Burton's rebuttals and evidence.

Dr. Burton contends that she is harmed by numerous public records violations by the UWP administration. Notable among them is that UWP records custodian Paul Erickson denied Dr. Burton's reasonable request for a hidden complaint by Dr. Solar, upon which Dean Gormley and Provost Throop based their complaint. Dr. Burton contends that this violated Wisconsin Public Records Law, Wis. Stats. [943.30\(1\)](#) and Wis. Stat. [227.45\(2\)](#). Dr. Burton had to get the AG office involved before the university would deliver the document.

The record contains several documents that were not given to Dr. Burton until after deliberations were concluded. She was not afforded opportunity to rebut or offer countervailing evidence to those documents. All evidence was not included in the record in the case. Dr. Burton made available to the panel thousands of pages of rebuttals and evidence that were not included in the record. Dr. Burton contends that this is a violation of Wis. Stat. [227.45\(2\)](#)

The denial of Dr. Burton's request led to a valid claim of surprise and request for adjournment of the hearing. Dr. Hansen denied Dr. Burton's request for adjournment. Dr. Burton contends that her denial is a violation of [UWS 4.06\(1\)\(j\)](#) and Wis. Stat. s. 36.22(8)(e).

The panel failed to act within the Wisconsin administrative code and university policy on numerous occasions. Dr. Burton contends that by these actions Dr. Susan Hansen violated Wis. Stat. [227.45\(4\)](#).

Attorney Vaughan was assigned as counsel to “consult with” and “advise” the panel within the provisions of the rules and procedures. Dr. Burton contends that the numerous violations of policy and law evident in this case suggests that Attorney Vaughan violated [UWS 4.06\(1\)\(f\)](#) by not keeping his advice and counsel within the provisions of the rules and procedures. Dr. Burton further contends that Attorney Vaughan may have violated several other provisions of [SCR 20](#).

Case law of *Larsen v. DOC, State Pers. Comm. Dees. 90-0374-PC & 91-0063-PC-ER -1992* says “*The Court held that because of the due process violation, the entire disciplinary action had to be rejected.*” Dr. Burton contends that there have been numerous due process violations in the immediate case. Even one violation should rightly cause the Board to dismiss the charges against Dr. Burton.

At the beginning of the 5-25-17 appeal hearing Attorney Lattis told the panel:

“The standard of dismissal that you will -- that the Board of Regents uses for termination of a tenured faculty member is whether that faculty member is engaged in behaviors that impair the efficient functioning of the university. That is the definition of just cause.”

At the end of the hearing Lattis told the panel:

“I remind you again that the standard of just cause for termination of a tenured faculty that the Board of Regents will apply, because it has applied it in every other case, is that the behaviors of the faculty member have impaired the efficiency of the operation of the workplace.”

Dr. Burton contends that Attorney Lattis purposely and maliciously misdirected the hearing panel in the standard of just cause.

At the end of the final hearing on 11-30-17 Chancellor Shields told the panel

“And the question for you in your recommendations is whether you think what has transpired here rises to the level of a violation of the trust and the orderly evaluation of faculty, which is an essential core of your jobs as faculty. This rises to the level where this crosses a line, warranting her -- the termination of tenure for this faculty member. That's what's at -- that's what at issue. So I wanted to frame that up for you at least from my perspective.”

Attorney Vaughan sat in the hearing room as Attorney Lattis and Chancellor Shields, who is also a lawyer, said these things and never once corrected their misinterpretation of the Board's standard of just cause.

These sorts of misinterpretations of the Board's standard of just cause, and failure of UW Legal counsel to speak up when the wrong standard is put forth, goes to the heart of the mistrust that exists between faculty and the Board of Regents.

Attorney Lattis seems to be attempting to stir up resentment among the faculty against the Board's standard of just cause by telling them that the Board's standard is something ridiculous and that they are not safe because the Board is unfair.

Panel - Findings

The panel's findings of fact section says *“Recording sensitive discussions and making those recordings available for dissemination in a public medium breaks that trust and discourages candid discussions in the future.”* This is an opinion, not a “fact.” It does not belong in the findings of fact section. The valid evidence indicates that Dr. Burton recorded

open meetings because she was concerned that the process was unfair. She was right to be concerned.

The panel's findings of fact section states

“Moreover, the act of sharing sensitive faculty personnel information in such an indiscrete manner is contrary to the public policy of the State of Wisconsin which enacted statutory exceptions to provisions in both Wisconsin Public Records Law and Open Meetings Law for the purpose of shielding such information from public disclosure.”

This is a misdirection, not a “fact.” The panel failed to explain what “*indiscrete manner*” it refers to. They failed to answer the question “What did Dr. Burton DO?” The panel fails to identify any policy or law that Dr. Burton allegedly violated.

The panel's findings of fact states:

“Finally, as stated by Chancellor Shields and Dean Throop, sharing such information publicly is cause for concern insofar as it may cause damage to professional reputations and impugn the integrity of Dr. Burton's colleagues. Taken as a whole, this conduct has a chilling effect on tenure rights and diminishes academic freedom, especially with regard to junior faculty.”

There is no policy or law that is cited. This is a vague opinion, not a “fact.” There is no support for this statement. The panel fails to explain how Dr. Burton's actions have any effect whatsoever on tenure rights or how it diminishes Academic Freedom. They fail also to explain how Dr. Burton's actions affect junior faculty or even which actions they are considering.

The panel's findings of fact section states “*You have engaged in disrespectful, harassing and intimidating behavior towards your colleagues in an attempt to undermine them professionally and damage their reputation and careers.*” The panel's job is to determine the validity of the Chancellor's charge, not to parrot his charges. Dr. Burton was not disrespectful, harassing or intimidating and the panel failed to provide any valid evidence to support this statement. The panel seems to have used the Chancellor's charges as evidence

to support the chancellor's charges. The panel clearly did not consider Dr. Burton's rebuttals in coming to their conclusions. No policy or law is cited. This is a vague opinion, not a "fact." The panel didn't even explain what they believed Dr. Burton did. They did not explain how these acts were unprofessional with any reasonable standard. They did not explain how **her conduct** (not someone else's conduct) was even worthy of minor discipline.

The panel's statement of facts states

"We concur with the Statement of Charges that Dr. Burton's behavior was unprofessional and that it significantly harmed the functioning of the Criminal Justice department. We find that this behavior perpetuated and enhanced the dysfunctional atmosphere in the department and it impaired the efficient and effective operation of the workplace."

This is a vague opinion, not a "fact." The panel didn't explain what they believed Dr. Burton did to warrant the recommendation of dismissal.

The panel did not explain how Dr. Burton's conduct, not someone else's, were unprofessional with any reasonable standard. They did not explain how her actions caused any harm whatsoever to the functioning of the Criminal Justice department. The panel should be providing facts in a findings of fact section but instead they offer vague allegations. They are recommending dismissal of Dr. Burton for "enhancing" an already dysfunctional atmosphere but nobody else was threatened with dismissal so their recommendation is discriminatory and disparate.

The panel's findings of fact states *"It is particularly troubling that the behavior continued several years even after those involved in the 2012 Gibson faculty/student incident were no longer in the department, and after she received two Letters of Direction admonishing her for such behavior."* This is a vague opinion, not a "fact." This statement

doesn't even identify Dr. Burton as the person whose behavior is supposedly "troubling." Which "behavior," whose "behavior," what "behavior?" They failed to explain how anything Dr. Burton did violated any policy or law, or letter of direction. The panel failed to explain what "such" behavior Dr. Burton, not someone else, committed as it relates to the current charges. The panel failed to take into consideration Dr. Burton's rebuttals against the letters of directions or her rebuttal to the statement of charges.

The panel's findings of fact state

"Several attempts, both informal and formal, were made at different levels in the university to improve relations between Dr. Burton and members of the department... Over the period from 2012 to 2016 there were three department chairs and two Deans all of whom, along with the Chancellor, offered opportunities for informal conversations with the goal of resolving differences."

However, this is just not true. The administration repeatedly retaliated against Dr. Burton and harassed her. There were two letters of direction which were both based on lies. Dr. Burton asked for a grievance hearing to address the Throop LOD but she was denied a hearing. She filed complaints about Chancellor Shields' LOD and but her complaints went unresolved.

Dr. Caywood retaliated against Dr. Burton because she aided a student victim of sexual harassment. He has since admitted that he handled the incident "poorly." In a deposition Dr. Caywood was asked *"Do you believe that you owe Dr. Burton an apology for the way you handled the student complaint issue?"* He responded *"after the fact probably."* But he never apologized to her and harm to Dr. Burton has never been addressed.

Dr. Dalecki was put in place illegally as interim chair of the department. He did not treat Dr. Burton fairly, so Dr. Burton filed a grievance against him, but she was denied a grievance hearing. Dr. Burton attended a mediation session with Dr. Dalecki where he lied to

the moderator. After that the university cancelled any further mediation between them. Dr. Burton did not cancel the mediation, the university did. Dr. Strobl excluded Dr. Burton from a grant and discriminated against her in other ways. Dr. Burton contends that she misrepresented material facts on a federal grant and made wild, outlandish, unsupported allegations in an appeal hearing against Dr. Burton. Dr. Burton complained about Dr. Strobl's discriminatory actions. Dr. Burton contends that Dr. Strobl's testimony is unworthy of credence.

The panel seems to imply that because Dr. Burton butted heads with all three department chairs that she was somehow at fault. On the contrary, the fact that all three department chairs retaliated against Dr. Burton supports her ongoing assertion that higher level authority has been retaliating against her for years. Actions of the administration were designed to fire Dr. Burton, not to improve relations between her and members of the department. Examples of this abound.

The panel findings of fact section states "*Despite these efforts, disparaging remarks through email and on social media made by Dr. Burton directed to or about her colleagues continued.*" There were a handful of emails from Dr. Burton in the record and a couple of Facebook posts. Valid evidence does not support the panel's finding. None of Dr. Burton's emails or Facebook posts would warrant any more than some mandated communication training.

The panel's findings of facts state

"As a result, the Department could not openly engage in conversation and was unable to address even routine departmental issues for fear of reprisals. It was evident from the testimony of department members that departmental communication was significantly interfered with."

However, Dr. Burton was not allowed to confront or cross-examine the witnesses who made these claims in violation of UWS 4.05(e); their claims are not true; this should not be in the findings of fact section but in the opinion section; the investigation and witness list was circumscribed to include only witnesses hostile to Dr. Burton; this vague statement does not identify who significantly interfered with departmental communications or what that person did to interfere with it. Chancellor Shields interfered with departmental business by ordering the judge's opinion in Dr. Burton's first case to be emailed to students.

Only invalid testimony or invalid evidence supports the panel's incorrect finding.

By adding the email Dr. Burton sent to Dr. Solar on October 16, 2014 the panel places Dr. Burton in double jeopardy as she had been admonished for this communication by Dean Throop in the LOD. Now the panel uses this same email from nearly four years prior as evidence to fire her. This brings up some questions: If Dr. Burton were sending out so many "threatening" emails why did the panel need to reach way back to 2014 to find an example of her problematic communications? If that email were so bad, why didn't they discipline her for it? Why wasn't this email included in the Throop / Gormley complaint and the statement of charges? The memo in question was a communication where Dr. Burton affirmed Dr. Solar's violation of policy and is in keeping with the Throop LOD directive #1.

The panel's findings include this *"In particular, we note that when asked during cross examination whether Dr. Burton had ceased using university resources to harass, intimidate or threaten coworkers and supervisors after receiving the Letter of Direction from Chancellor Shields, Dr. Burton testified that she "ceased using university resources to send e-mails that [she] believed were important."*

Dr. Burton meant that, for important email messages, she used her personal email account instead of her university email account. She did this because someone had been deleting her important university emails. For example, the email she sent to Chancellor

Shields on Oct 2, 2014, which was used as basis for Dean Throop's LOD, mysteriously disappeared from her university email account. This was Dr. Burton's evidence of her protected activity and shows that Dean Throop wrote the LOD because Dr. Burton had asked for an investigation into wrongdoing.

The panel wrote that Dr. Burton "*stated further "I did not harass or intimidate." The evidence in the record before us overwhelmingly demonstrates that this is untrue.*" The valid evidence before the panel overwhelmingly demonstrates that the Chancellor failed to meet the burden of proof to fire a tenured faculty member. The uncorroborated hearsay investigation report and incredible, unsworn, un-cross-examined wild witness testimony cannot be relied on as substantial evidence. Yet, the panel relies on this unreliable testimony and report.

The panel misinterprets Dr. Burton's insistence that she did nothing wrong as "lack of remorse" while at the same time claiming that she admitted to things she never admitted to.

Dr. Burton adhered to all of Dean Throop's LOD directives. She never said that she didn't accept the LOD. In fact, as an assertion that she intended to follow the directives she wrote in her grievance of Nov 12, 2014 "*I have not involved students in my personal disputes and grievances so I cannot cease doing so... I will continue keeping students uninvolved in my complaints and grievances against faculty members.*" The evidence shows that she did not involve students. She filed a grievance to address her concerns but a hearing was never afforded her. In the 11-30-17 hearing she said "*I followed the Letter of Directions as best as I could. That was the very intention. I wanted to address the falsehood of the allegations, but I had no intention of violating the directives.*" When she was asked "*Even though you disputed the factual basis for it, did you ever make that assertion at any time?*" Dr. Burton

answered “*To the best of my recollection, I did state that I had every intention to follow it. Where did you state that? I think in conversations.*” The panel failed to consider, or to include this information in its findings even though it is in the record.

The panel wrote “*Dr. Throop's letter of direction advised you to cease involving students in your personnel disputes and grievances. You have violated this letter of direction. We did not find sufficient evidentiary support to sustain this charge.*” The hearing panel accused Dr. Burton of violating the letter of direction and in the next sentence they find that it was an unsupported charge. This is vague, confusing and ludicrous.

The sexual harassment incident has never been “resolved.” It was swept under the rug.

The panel makes mention of things that have no relevance to the charges against Dr. Burton.

The panel writes that they “*do not agree that the communications with students included in the record before us were appropriate.*” This vague statement implies that something Dr. Burton wrote was inappropriate but doesn’t identify what communication they are even talking about. And it doesn’t say that they are even talking about Dr. Burton’s communications with students. They could have been referring to the email Chancellor Shields ordered Paul Erickson to send to students. It is an irresponsibly inaccurate and vague statement that indicates pretext and bias against Dr. Burton.

The panel did not include Dr. Burton’s rebuttals demonstrating that they did not consider them. The terribly unfair manner in which the hearings were conducted supports Dr. Burton’s assertion that the hearing panel was hand-picked to deliver a recommendation to dismiss Dr. Burton despite the evidence.

Dr. Hansen was unaccommodating to Dr. Burton's health issues. She held a hearing even though Dr. Burton was not present due to severe illness. She was unreasonable about scheduling the hearings. Email evidence of this is not in the record, but should be.

The panel showed that Chancellor Shields did not meet his burden of proof, yet they still recommended Dr. Burton's Dismissal. This is evidence that they were hand-picked to deliver a recommendation of dismissal no matter what the evidence shows.

The panel failed to explain 1) what acts Dr. Burton committed. 2) How those acts violated any law or policy 3) How those acts obstructed any function of the CJ department. The panel wrongly blamed Dr. Burton for the illegal and corrupt acts of others, that have hobbled not only the CJ department but the entire university. Dr. Burton is the wrong person to fire.

The UW Platteville administration has not struggled to resolve the conflicts in the CJ department. Their strategy has been to target individuals who speak up corruption and get rid of them. They seem to be proud that the people involved in the Gibson sexual harassment incident are gone. They could have reprimanded Gibson and allowed him to stay, while giving him sexual harassment training. He challenged Dr. Dalecki for the chair position of the CJ department and that explains why he was non-renewed. He was allowed to go to another university where they don't know his history of sexual abuse, putting students in that school at risk. Dr. Burton did not advocate that Gibson be removed. The CJ department has suffered incredible turnover in the past five years, not because of Dr. Burton's actions but because of poor leadership that seeks to fire people instead of working with them to find fair and equitable paths forward. The administration has made no attempt at resolution, opting instead to pressure Dr. Burton to make her leave, and now to recommend her dismissal.

The UW Platteville administration has wasted resources to harass one of the best instructors in the Criminal Justice department when they could instead have chosen to treat her fairly and let her teach students to succeed, build a fantastic cyber-security program and help make the campus safe for students.

The panel failed to explain how any of Dr. Burton's actions contributed to "disruption" to the university. It also failed to take into account that Academic Freedom needs to be balanced against the university's need to maintain order.

Chancellor Shields wrote in his statement of charges "*You have publicly misrepresented the facts of a 2012 alleged sexual harassment incident to students.*" The hearing panel failed to mention this in their findings. The Chancellor failed to point to any statement by Dr. Burton that was a misrepresentation of the facts and the panel was unable to find any such misrepresentation. The panel's failure to address this charge in its findings demonstrates bias against Dr. Burton and supports Dr. Burton's contention that the panel was hand-picked to side against her. The Chancellor's failure to meet his burden of proof to support this charge is evidence of pretext.

Board of Regents Meeting Minutes

Minutes of the Board of Regents meeting of 3-10-16 indicate that:

"Dr. Kirwan noted that in his 52 years in higher education, there had never been an era with so many difficult issues facing higher education as in the last decade... Dr. Kirwan said that some university boards had been under fire on various fronts. As a result of the issues and events at universities, the Association of Governing Boards established a commission to look at what boards should be concerned about and at good governance. He spoke about the commission's seven recommendations in these areas. ... He then focused in particular on fiduciaries and shared governance. A fiduciary holds assets in trust for another and is charged to act beneficially on behalf of the other in managing the asset. In the case of

*higher education, the asset is the college or university that the board governs. The board is holding the college or university in trust for the founders, sponsors, students and families, alumni, and public. Once an individual becomes a member of the board (a fiduciary), his or her sole obligation, legally and ethically, is protecting that asset. He described the duty of care, duty of loyalty, and duty of obedience of a fiduciary. ... the best universities have a strong system of shared governance. ... **An effective board needs to provide:***

1. *oversight – carrying out a fiduciary role by setting and refining missions, generating and allocating resources, **ensuring integrity and compliance**, and monitoring performance;*

2. *foresight – carrying out a strategic role by requiring and reviewing SWOT (strengths, weaknesses, opportunities, threats) analyses, probing and approving plans and strategies, and ensuring resources are aligned with priorities; and*

3. *insight – carrying out a generative role by raising problems and issues, **identifying opportunities, and ensuring different perspectives are heard....** ” (emphasis added).*

A fiduciary does not protect an asset by allowing violations of policy and law to go unchecked. If the Board desires to ensure “*integrity and compliance*” it must hold Dr.

Burton’s accusers accountable for any false statements or violations of policies or laws they have committed and take steps to prevent this sort of thing from happening again.

Minutes of the 3-10-16 Board of Regents meeting indicates that:

“Regent Vásquez said he was disappointed and sad that the Regents had been placed in this situation, which had created an unhealthy climate where, rather than having a helpful dialogue between faculty, chancellors, and Regents, there was instead a dialogue of pain, anger, and lack of trust.”

The immediate case is an opportunity for the Board to address the root problem that has led to the distrust and anger identified by Regent Vásquez. Identifying the problem is the first step toward resolution and Dr. Burton has shown the Board what that first step needs to be. The opportunity before the Board is to begin the healing process by making a commitment to address the real problems that have been identified and move toward a better relationship between the Board, faculty and chancellors in the UW System. The Board has an opportunity to show faculty that they will not fire quality tenured faculty members just because the Chancellor says so. The Board should grasp this opportunity to identify persons

who have been spreading misinformation and misinterpretations of their policies to faculty and stirring up dissent among them.

The Board has an opportunity to demonstrate their commitment to heeding President Ray Cross' urging to embrace a zero-tolerance culture against sexual harassment. Firing Dr. Burton would proclaim a zero-tolerance culture against sexual harassment victim advocates.

Dr. Burton's perspective has clearly not been heard on the university level. Her due process rights have been trampled and she was silenced. The Board should apply a reasonable and informed standard of just cause that reflects its desire to retain quality instructors, protect students and faculty from sexual predators, convince potential quality faculty new hires that tenure means something in Wisconsin and reverse the long-running and systematic attack on conservative thinking in the UW System. This facticide has created an imbalance of free thinking at UWP that allows members of the entrenched party to isolate and dispose of minority party faculty members. If the board desires to ensure that different perspectives are heard it should put Dr. Burton back in the classroom.

Safransky Standard

According to a presentation by Professor Shauer to the Board of Regents on January 25, 2006, all UW faculty senates have opposed the board's definition of just cause by its use of the Safransky standard. Dr. Burton does not argue that the board's use of the Safransky standard is wrong for non-tenured faculty. But Dr. Burton is a tenured faculty member who should be protected by Academic Freedom whereas this protection is not addressed in Safransky. The Safransky standard matter has been debated for years and the faculty of most, if not all UW universities have sent resolutions to the Board of Regents seeking a

change to this standard. But the standard adopted by the Board is irrelevant when a faculty member's due process rights are violated, and the standard is misinterpreted, misapplied and misdirected by legal counsel. Without due process there is no standard of just cause.

Attorney Lattis and Chancellor Shields misdirected the panel on the standard of just cause and Attorney Vaughan did not correct them. The panel's acceptance of that seriously flawed definition of just cause supports Dr. Burton's assertion that the panel was hand-picked by the administration for their willingness to "*cast their lot with the person who is paying them.*" Attorney Vaughan's failure to properly advise the panel on the standard and the wanton disregard for Dr. Burton's due process rights have combined to strip Dr. Burton of any protection of tenure at the university level.

Safransky had a proven and admitted bad record. Dr. Burton's record has been artificially filled with false, unproven and uncorroborated allegations of non-violations and a hidden agenda that demonstrates pretext. Dr. Burton has not admitted to any wrongdoing whatsoever. The record shows that she admitted to recording open meetings, in compliance with all laws and policies. She never admitted to doing anything unprofessional or inappropriate. Someone else's statement that she had admitted to those things is not an admission of guilt by Dr. Burton. An uncorroborated hearsay investigation report filled with false and biased statements is not substantial evidence that Dr. Burton admitted to anything. Adverse and incredible witnesses wildly testifying before a kangaroo court without being sworn in or cross-examined does not constitute substantial evidence. The record does not demonstrate that Dr. Burton admitted to any form of wrongdoing. However, Safransky admitted that he had done the things for which he was fired and the things he was fired for actually caused serious disruption.

Dr. Burton's actions caused no disruptions whatsoever. Chancellor Shields' actions caused disruptions. Allegations against Dr. Burton are for very minor things that wouldn't violate any policy or law, even if she had done them. There is no valid evidence in the record that Dr. Burton's actions caused any sort of disruptions.

Dr. Burton's online classes were disrupted when UW Legal denied UW Dean Stojkovic's request that Dr. Burton teach online classes for UW Milwaukee. They closed Dr. Burton's online account at mid-semester without giving her opportunity to give the new instructor a turnover or to post students' grades for homework assignments. This action seriously disrupted UW Milwaukee's online cyber-security class to no fault of Dr. Burton's. So, there were disruptions, but they were not caused by Dr. Burton. Dr. Burton's conduct does not rise to the level required to fire even a probationary faculty member, let alone the level required to fire a tenured faculty member who should enjoy the protections of Academic Freedom.

The process used in Dr. Burton's appeal does not contain the elements that determine whether just cause exists as identified in [UPS Operational Policy – Gen 14](#). The allegations in the Letters of direction were discriminatory and some of the directives were unreasonable and not related to business efficiency and performance the employer might reasonably expect from Dr. Burton. The Roter investigation was not conducted fairly or objectively. The employer has not obtained substantial evidence of Dr. Burton's guilt because the investigation report is uncorroborated hearsay that has never been substantiated. The workplace expectations were not applied fairly but they were applied disparately and with incredible discrimination. The degree of discipline sought is not reasonable, was not administered in a progressive manner, is not reasonably related to the seriousness of Dr. Burton's supposed

infractions and takes into account a fraudulent and incomplete account of Dr. Burton's past record.

By this standard of just cause defined by [UPS Operational Policy – Gen 14](#), the charges against Dr. Burton clearly do not rise to the level of just cause, even for termination of a non-tenured employee.

UW Madison's interpretation of just cause is contained in their Faculty Policies and Procedures Chapter 9.03 which states:

“No faculty member shall be subject to dismissal except for just cause, based upon a determination that the faculty member's conduct directly and substantially affects adversely, to a degree greater than that reserved for disciplinary action, the ability to carry out satisfactorily his/her responsibilities to the university. Examples of conduct that may warrant dismissal include, but are not limited to, fraud or intentional misrepresentation of facts for personal benefit, gross abuse of authority or influence (e.g., discriminatory or retaliatory actions, particularly where a pattern is evident), or willful and protracted violations of university rules or policies.”

If this standard were applied in the immediate case Dr. Burton would surely not meet the standard. She is fully able to carry out her responsibilities. Chancellor Shields doesn't even allege that she is not able to carry out satisfactorily her responsibilities. She has not committed fraud, or intentional misrepresentation of fact for personal benefit. Chancellor Shields charged her with misrepresenting facts about a 2012 sexual harassment incident but was unable to prove it. In fact he didn't even try to prove it. She has not grossly, or even in a minor way, abused any authority she had, especially considering that she had been stripped of any authority she may have once possessed. She has not violated any university rule or policy. Chancellor Shields has used a very different standard that does not pass the smell test.

In Judge Peterson's decision of 3-18-16 he wrote *“In January 2013, at her earliest eligibility, Burton applied for tenure. She was granted tenure, effective for the 2013-14 academic year. Burton thus enjoyed **substantial job security**: tenure extends for an unlimited period, and tenured faculty can be dismissed only for just cause and only after due notice and a hearing. See Wis. Admin. Code UWS § 4.01.”* (emphasis added)

Firing Dr. Burton on unsubstantiated evidence would make Judge Peterson wrong.

Davis v. Williams, 617 F. 2d 1100 - Court of Appeals, 5th Circuit 1980 - "*Municipal employees must not be discharged pursuant to a scheme that stifles the exercise of fundamental personal liberty. Elrod v. Burns, 427 U.S. 347, 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976).*"

Chancellor Shields scheme to get Dr. Burton fired seems to fit right into this case law. He is asking the board to dismiss her because she has exercised her fundamental personal liberty.

The California State Supreme court found that "*courts have arrived at a standard under which the jury's role is to assess the **objective reasonableness** of the employer's factual determination of misconduct.*" Ralph COTRAN, Plaintiff and Respondent, v. ROLLINS HUDIG HALL INTERNATIONAL, INC. (emphasis added)

The panel's findings of facts are completely unreasonable and therefore does not meet this standard.

According to minutes of the Board of Regents meeting of March 10, 2016 a key goal of the Tenure Policy Task Force was to make sure that "*UW System tenure policy would remain comparable and competitive with peers' policies. The draft policies that were approved by the Education Committee at its February 5th meeting borrowed heavily from tenure policies at the University of Maryland, the University of Michigan, the University of Colorado, the University of Tennessee, the University System of Georgia, Iowa State University, Minnesota State Colleges and Universities, Utah State, and the **California** State University System.*" (emphasis added)

The objective reasonable test is valid as the Board wishes to bring its definition of just cause in line with other states, such as California. Is it reasonable to base dismissal on an uncorroborated hearsay investigation report and on wild testimony outside the scope of charges from witnesses who lack credibility, oath or cross-examination? The answer is clearly no.

The minutes of the Board of Regents meeting further demonstrate that "*Dr. Sloboda suggested that both the Faculty Representatives and the Board of Regents shared a deep respect for the principle of academic freedom; a desire to have the highest caliber of faculty in the State of Wisconsin in order to continue providing excellence in teaching, research, and service; a desire to have a fair tenure policy that puts an end to the national rumor mill warning faculty applicants not to come to Wisconsin; and the goal of not only recruiting top quality faculty from across the country and the world, but also of retaining those faculty.*"

If the board wants to entice quality faculty to come to the UW System, sending Dr. Burton back to the classroom will go a long way toward that goal. Firing Dr. Burton would shout to the world “TENURE in the UW SYSTEM is MEANINGLESS – Quality Teachers – STAY AWAY!”

Conclusion:

Chancellor Shields’ charges, and the findings of the panel contain numerous shifting and inconsistent explanations to support the charges and the panel overlooked and concealed a great deal of relevant evidence. Their reasoning is ludicrous and irrational. Their non-specificity about what Dr. Burton supposedly did wrong, reliance on irrelevant, perverse and hidden factors, and the falsity of the proffered reasons make the allegations and findings implausible and advances fishy reasoning. Chancellor Shields and Attorney Lattis’ misdirection in law to a hearing panel that was hand-picked by the administration calls into question the validity of any finding by the panel. Once the employer's justification has been eliminated, discrimination may well be the most likely alternative explanation, especially since the employer is in the best position to put forth the actual reason for its decision.

On February second, 2018, UW System President Ray Cross called for zero tolerance of sexual misconduct at Board of Regents meeting. One week later Chancellor Shields mailed him a package asking the Board of Regents to fire an inspired teacher who cares enough about her students to risk her livelihood to protect them from sexual predators. Firing Dr. Burton will tell students that the UW Regents have zero tolerance for advocates of sexual harassment victims. Putting her back in the classroom will send a strong message to corrupt people who cover up sexual harassment complaints that “their time has come.”

The Board must enforce faculty due process rights. This is by far the most important element of any legitimate effort to protect students from sexual predators on campus.

Cleaning up corruption can only be a good thing. Chancellor Shields has never really explained how anything Dr. Burton actually did has impacted the university in anything but a positive manner. His allegations against her are vague, changing, uncorroborated, un-cross-examined, baseless, false and absurd.

Chancellor Shields' allegation that Dr. Burton's efforts to advocate for student rights "*needlessly frightens students and parents*" rings hollow in light of the #MeToo movement. Dr. Burton's efforts to advocate for students exposes some of the barriers to achieving real student safety on campus. By exposing corruption at UWP Dr. Burton is empowering students and parents to bring the #MeToo movement to Platteville to make it a safer campus. UWP has potential to become a shining example of success that can be emulated across the UW System and other campuses in other states.

The facts of this case not only completely exonerate Dr. Burton but demonstrate that Chancellor Shields, who was enabled and supported by Attorney Lattis, has developed an elaborate method of covering up sexual harassment and other complaints and getting rid of faculty members who show signs of quality, integrity, caring and courage.

Dr. Burton requests that the Board dismiss the charges against her and reverse Chancellor Shields' suspension and banishment orders.

The Board of Regents has an opportunity to reset the status quo that has too long covered up sexual abuse; to reverse the culture at UWP that allows laws designed to protect

students to be used against their advocates; to tell the faculty members of the UW System that we have zero tolerance for sexual abuse, not for victim advocacy; to tell potential new hires to the UW System that the UW System is a place where your tenure rights will be protected, where tenure really means something and where Academic Freedom is alive; to encourage the best UW System faculty members to believe they will be treated fairly here, so they won't pack their bags and leave for another state; to put a damper on rogue attorneys who instruct chancellors that they are above law; to take step toward political diversity in UW campuses; to slow down the waste of resources that always accompanies corruption; to slow the harassment of quality instructors for hidden and illegal purposes; to change the status quo to allow fair and open discussions about the real problems in our universities; to attract and retain quality faculty to replace the cronies who have infested upper levels of UWP; to improve UWP; to take a step toward better resource management; to take a stand for openness, accountability, integrity and character; to reduce fraud, waste and abuse; and to retain an inspired and highly qualified teacher who is loved by students because they know she cares for them and will stand up for them.

Respectfully submitted,



March 19, 2018

s/Roger L. Burton

Roger L. Burton

Plaintiff's Representative
5768 Maple Glen Lane
Platteville, WI 53818
Telephone: 608-331-0000
Email: rogerburton@plattevillerealestate.net