

**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 Reply to Brief of University of Wisconsin-Platteville (UWP)

Dr. Burton has not violated any policy or law. Her conduct has been within established norms of the academic community and UW Platteville (UWP). The allegations against her, if they were true, would amount to only minor infraction of unwritten etiquette. Dr. Burton contends that Chancellor Shields has acted outside the policies and guidelines established by the board and thereby violated Wis. Stat. 36.09(1)(f). The charges against Dr. Burton should be dropped and an investigation should be made into the corruption that brought her story before the board.

Attorney Lattis is not credible, has conflict of interest – should be removed

Dr. Burton contends that Attorney Lattis has been instrumental in enabling members of UW Platteville (UWP) to retaliate against her and violate her due process rights by purposefully misinterpreting laws and policies. Dr. Burton contends that Attorney Lattis has made false

statements in her writings on this subject. Dr. Burton contends that Attorney Lattis routinely attempted to mislead UWP employees, the court, panel members and the Board by cleverly worded artifices. She seems to forget the Attorney's oath which includes: "*I will employ, for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;...So help me God*" (SCR 40.15 Attorney's oath). Attorney Lattis' writings on this subject contain a steady stream of misleading artifice and misleading false statements of fact and law.

Attorney Lattis is quite good at misleading by artifice and she does it in her briefs. She seems to think that she avoids liability through its employment. She is wrong. Dr. Burton contends that Attorney Lattis has committed multiple acts of felony criminal acts in her malicious attempt to terminate Dr. Burton's employment and cover up violations of policy and law. Dr. Burton asked that a different attorney be placed on this case due to Attorney Lattis' past unethical behavior and her conflict of interest but Dr. Burton's legitimate request was denied. Dr. Burton contends that Attorney Lattis is not credible and should not be arguing this case to the board. Her vested interest has caused her to maliciously attempt to mislead the board by use of artifice, and numerous false statements of fact and law. Dr. Burton requests that the board remove Attorney Lattis from this case and replace her with an attorney who can be objective.

Administrative Leave

Chancellor Shields wrote in his suspension order "*I have consulted with the Executive Committee of Faculty Senate.*" (Appendix B). He did not mention consultation with any other

committee. The Executive Committee is a three-person committee that was, at the time, comprised of Dr. Laura Anderson, Dr. Mark Zidon and Dr. Benjamin V.C. Collins. Dr. Burton contends that Chancellor Shields violated UWS 4.09 by consulting only one committee. The statute clearly requires that he consult with multiple appropriate faculty committees, not just one. Dr. Burton also contends that the Executive committee is not an “appropriate” faculty committee as required by UWS 4.09. An appropriate committee would be one that had heard Dr. Burton’s grievance hearings and that is familiar with Dr. Burton’s side of the story. Dr. Burton had never discussed the matter before the Executive Committee. Chancellor Shields only consulted one 3-person committee that knew only Chancellor Shields’ side of the story and which was headed by the person who also became inappropriately involved in the appeal process. Dr. Anderson’s name came up time and time again in very inappropriate ways. Dr. Burton contends that Chancellor Shields and Dr. Anderson conspired to violate Dr. Burton’s due process rights.

Dr. Anderson once worked in the same office as Attorney Lattis.

In his order Chancellor Shields failed to indicate any law by which he was authorized to ban Dr. Burton from campus. Dr. Burton provided a rebuttal to Chancellor Shields’ suspension and banishment order, but the panel failed to include it in the record.

Dr. Anderson’s inappropriate involvement in the appeal process

Dr. Burton did not request a hearing pursuant to UWS § 4.04, as Attorney Lattis claims, because her request did not go to the chairperson of the standing faculty committee created under UWS 4.03 as required by UWS 4.04. Dr. Burton sent her request to the Faculty Senate

pursuant to Chancellor Shields written fake procedures. By providing fake procedures Chancellor Shields provided fake reason for Dr. Laura Anderson to be further inappropriately involved in the appeal process. Chancellor Shields misdirected Dr. Burton in the law. Through no fault of her own, and in the absence of the correct procedures, she did not send her request to the correct person as required by UWS 4.04. This was later used to further damage Dr. Burton by providing Dr. Anderson opportunity to control the appeal process and improperly hand-pick the 5-person appeal panel (the panel). Dr. Anderson's improper involvement completely invalidates the appeal process, but this was just the beginning of due process violations against Dr. Burton during the appeal process.

The UW Platteville Appeals Commission's appeal panel (the panel) was hand-picked by Dr. Anderson, chair of the Faculty Senate, (Appendix A: HearingNotice-5-3-17). This violated UWP Faculty Bylaws, Part II, Article III, Section 6(b)(iv) and Faculty Handbook 6.3.12.3 section 4. Dr. Burton objected to this but her repeated requests that the appeal panel follow the rules were ignored, mischaracterized as a request for continuance and denied with invalid or no explanation. Chancellor Shields involved Dr. Anderson improperly by giving Dr. Burton fake procedures in his statement of charges writing "*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.*" This is in contravention to UWP procedures which states "*The request must be in writing and addressed to the chairperson or convener of the Appeals Commission.*" Dr. Burton contends that Chancellor Shields violated UWS 4.02(2) and Faculty Bylaw 6.3.12.3 Section 6. Dr. Burton contends that he did this maliciously, intentionally and willfully to put Dr. Anderson in a position where she could control Dr. Burton's appeal and further violate her rights without the liability that accompanies the chair of the appeal panel.

Dr. Peckham, the panel chair, sent an email announcing that Dr. Anderson had appointed the panel “*under the authority vested in her as chair of the UW-P Faculty Senate.*” (Appendix A: HearingNotice-5-3-17). Dr. Peckham also acknowledged Dr. Anderson’s false authority over the appeal process by sending his resignation to her (Appendix C: Peckham-resigns-5-17-17). Both of these emails should have been included in the record, but they were excluded. Dr. Burton did not request Dr. Peckham’s resignation but asked for the entire panel to be re-constituted in compliance with policy. Dr. Anderson hand-picked the panel and Dr. Anderson took over the hearing panel even though she was not the chair. Dr. Anderson’s inappropriate involvement indicates her collusion with Chancellor Shields that led to multiple violations of Dr. Burton’s due process rights. Dr. Burton contends that Chancellor Shields maliciously, intentionally and willfully violated UWS 4.09 by circumscribing the people with whom he discussed the suspension issue to avoid a fair representation of faculty opinion in his decision making process.

Dr. Burton contends that the 9-member Appeals Commission violated Faculty Bylaws, Part II, Article III, Section 6(b)(iii) by allowing Dr. Anderson to appoint the appeal panel under false authority. Dr. Burton contends that all 5 members of the panel violated Faculty Bylaws, Part II, Article III, Section 6(b)(iv) by allowing Dr. Anderson to appoint the appeal panel chair under false authority. Dr. Burton contends that Dr. Peckham violated his duties as chair of the appeal panel by allowing Dr. Anderson to be involved in the appeal process. Dr. Burton contends that Attorney Vaughan failed in his duties to adequately and correctly instruct the panel within the law.

The Investigation Report - Forgery

Definitions

The “**original Roter report**” is the document that Dr. Petra Roter delivered to Chancellor Shields on approximately 3-1-17. Dr. Burton requested this document from Attorney Lattis and Chancellor Shields but they both refused to provide it. This document is not in the record. Dr. Burton contends that Chancellor Shields and/or Attorney Lattis altered the original Roter report to create the “Roter report” defined below.

The “**Roter report**” is the document in the record (UWPL 7-13). Chancellor Shields delivered this document to Dr. Burton on 3-4-17. This document was used as basis for Chancellor Shields’ statement of charges dated 3-30-17. In her first brief to the board Dr. Burton referred to the Roter report as the “*Uncorroborated Hearsay Investigation Report*” for lack of a better term to describe it, but that term may give the document more credibility than it deserves. This document may not meet the definition of the words “*uncorroborated*” or “*hearsay*” as they are defined in Wis. Stat. 908.01, because evidence indicates that this document is not the same as the original Roter report. Dr. Burton does not agree that the Roter report is either “*uncorroborated*” or “*hearsay*” by definition. A decision maker would need to know the identity of the person who produced it to make that determination, but Dr. Roter was not made available for testimony and there is no signature on the Roter report. Dr. Burton has provided rebuttal to this document and shown it to be full of false entry and biased and vague opinion. She also provided more extensive rebuttal to this document, along with evidence, but those more detailed rebuttals and evidence were not included in the record.

Attorney Lattis seems to make a huge leap by misinterpreting case law to mean that a combination of uncorroborated hearsay evidence coupled with un-cross-examined testimony substantiates a charge. This leap of interpretation stretches beyond the breaking point by assuming that a fact-finding investigation report can be “uncorroborated hearsay” and becomes

completely ludicrous when the investigation report was not signed, and evidence strongly indicates that it is a forgery. She seems to argue that a Chancellor can use an investigation report, that he wrote himself, or that his attorney wrote, as basis for charges to dismiss a tenured faculty member and for the panel to base their recommendation on testimony from hostile witnesses that an appellant never had opportunity to cross-examine. Attorney Lattis seems to believe that an investigation report doesn't need to have any substance and that it is only used for the Chancellor's decision-making process. This is misinterpretation of law. An investigation and the resulting report is the hook upon which all decisions of the Chancellor, the panel, the Board and a court will hang their decisions. Absolutely absurd, is any argument that the validity of the investigation report is not important. Absolutely absurd is any argument that a Chancellor can base his charges on a report he knows to be a forgery.

Dr. Burton submitted arguments to disallow the Roter report and cited reasons it was unfair and contained false entry (Support for Disallowing Dr. Roter's Report). Attorney Lattis responded with ridiculous argument that the Roter report "*forms the basis of the charges*" and "*The committee (the panel) may not relay [sic] on an uncorroborated report as "substantial evidence" to support its factual findings if the report is contracted [sic] by live testimony*" and cited See Gehin v. Wisconsin Group Ins. Bd., 2005 WI 16. The absurdity of Attorney Lattis' argument is hidden by its ludicrousness. It is the findings of fact that Dr. Roter was hired to produce that is unsubstantiated, not the evidence Dr. Roter used to create the findings of fact. At issue is not whether the information used to create the investigation findings are credible but whether the Roter report itself was even written by the investigator. Dr. Burton' contends that Attorney Lattis' bizarre argument is an effort to cover up her actions, and/or Chancellor Shields' actions, to forge the investigation report and falsely present it as Dr. Roter's. Dr. Burton contends that Chancellor

Shields used an investigation report, that he knew was a forgery, as basis for the charges against her.

Dr. Burton contends that the Roter report (UWPL 7-13) is not an exact copy of the report submitted by Dr. Roter, but that the original Roter report was altered after Dr. Roter submitted it to Chancellor Shields on about March 1, 2017. The only other explanation would seem to be that Dr. Roter violated Wis. Stat 943.39 by false entry in the Roter report but the record does not indicate that she would have motive to do that, so it seems unlikely. Dr. Burton's representative asked Attorney Lattis and Chancellor Shields to provide the original report submitted by Dr. Roter so Dr. Burton could compare it to the Roter report (UWPL 7-13). They both refused to provide the original report. (Appendix E: Shields-refuses-request-4-original, Lattis-refuses-request-4-original). Wis. Stat. 227.45(5) states: "*Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.*"

Dr. Burton contends that Chancellor Shields and/or Attorney Lattis altered and/or concealed the original Roter report in violation of Wis. Stat. 946.72, Wis. Stat. 943.39 and SCR 20:3.4.

Chancellor Shields and Attorney Lattis both asserted that the Roter report (UWPL 7-13) is Dr. Roter's report (Appendix D – Shields claims Roter report is Roter's), (Latts' letter to Dr. Hansen of November 6, 2017). Chancellor Shields stated verbally that he thinks the Roter report is "representative of what (he) received." He did not ask to have the report signed before proceeding to recommend termination. (tr. 9-19-17 pg102). Dr. Burton contends that Chancellor Shields and Attorney Lattis violated Wis. Stat. 943.38(2).

Dr. Burton contends that similar violations were committed regarding an investigation by Dr. Barraclough. Dr. Burton contends that the Barraclough report was concealed from her in violation of Wis. Stat. [946.72\(1\)](#).

Dr. Burton contends that similar violations were committed regarding an investigation by Dale Burke. Dr. Burton contends that the Burke report was concealed from her in violation of Wis. Stat. [946.72\(1\)](#).

When Dr. Burton requested the Burke investigation report Paul Erickson, UWP Public Records Officer, denied her request on 11-29-16 (Appendix T). Dr. Burton had to involve the AG's office to get the document. Dr. Burton contends that Paul Erickson violated Wis. Stats. 19.36(10), 19.35(4)(b), [946.72](#) and 103.13 (2).

Exactly one year later Erickson used the same misapplication of law to deny Dr. Burton's request for the Solar complaint/memo on 11-29-17 (Appendix U). Dr. Burton again had to involve the AG's office to get the document. Dr. Burton contends that Erickson again violated Wis. Stats. 19.36(10), 19.35(4)(b), [946.72](#) and 103.13 (2).

Hearing Panel Recommendation contains false and misleading entry

Dr. Burton contends that the panel falsified the record by false entries. For example, the panel wrote "*All exhibits and materials submitted in advance of the hearings by the parties were admitted into the record.*"

Dr. Burton contends that the panel falsified the record by omission. For example, the panel excluded thousands of pages of Dr. Burton's rebuttals and evidence such as explanations of problems with the reports purported to be Burke and Barraclough's reports.

Five panel members signed the panel's recommendation that Dr. Burton be fired. However, the process by which those panel members came about their decisions was fraught with deceit. Dr. Burton contends that the hearing panel members were chosen by Dr. Anderson, in collusion with Chancellor Shields, for their willingness to accept false accountings of events and to ignore Dr. Burton's testimony, arguments, evidence and due process rights. Their failure to ask even rudimentary questions is evidence of their lack of concern for truth. Dr. Burton contends that Chancellor Shields, Attorney Lattis, Dr. Anderson and/or Dr. Hansen, with intent to defraud, collaborated to create a deceitful environment that prevented the panel from considering all of Dr. Burton's testimony, evidence and witnesses; presented false testimony to the panel without affording Dr. Burton opportunity to cross-examine hostile witnesses; presented a forged investigation report that purported to have been made by Dr. Roter; and presented other fraudulent writings to obtain the panel's signatures on a fraudulent recommendation that Dr. Burton be terminated, and that by so doing, one or more of them violated Wis. Stat. 943.39. Dr. Burton contends that Chancellor Shields, Attorney Lattis, Dr. Throop, Dr. Solar, Dr. Strobl, and/or Dr. Fuller provided deceitful testimony with intent to defraud, and that, by so doing, violated Wis. Stat. 943.39(2). Dr. Burton contends that Dr. Throop, Dr. Gormley, Chancellor Shields, Attorney Lattis, Deb Rice and/or Dr. Solar provided deceitful written allegations against Dr. Burton with intent to defraud, and that, by so doing, they violated Wis. Stat. 943.39. Dr. Burton contends that their collaborative goal was to obtain, through deceit, signature(s) by the Board, on a writing which

would terminate Dr. Burton's employment. Attorney Vaughan failed to advise the panel within the law.

The panel is not without blame. They failed to provide a fair appeal process. They failed to speak up when Dr. Burton's rights were violated, and they signed their names to a recommendation containing false entry. As tenured faculty members they cannot expect a reasonable person to believe that they did not know they were signing a document with false entry. Dr. Burton contends that the panel members, Dr. Hansen, Dr. Barnet, Dr. Bockhop, Dr. Masoom and Dr. Wills knew that their recommendation to the Board contained false entry and/or that the record omitted Dr. Burton's rebuttals, objections, important email communications and/or evidence. Yet, they all signed the recommendation that Dr. Burton be fired. Dr. Burton contends that Dr. Hansen, Dr. Barnet, Dr. Bockhop, Dr. Masoom and/or Dr. Wills violated Wis. Stat. 943.39.

In her letter of November 6, 2017 Attorney Lattis wrote that the Roter report "*forms the basis of the charges*" but that it "*may be neither excluded nor relied upon to support the committee's fact finding.*" This absurdity indicates that Attorney Lattis was trying to misdirect the panel in the law. Chancellor Shields admitted that he based his charges on the Roter report (tr. 9-19-17 pg33-34).

Below is explanation of the false and misleading entries in the panel's recommendation:

1. "*All exhibits and materials submitted in advance of the hearings by the parties were admitted into the record.*" This is false. Thousands of pages of Dr. Burton's rebuttals and evidence was excluded from the record. For example. Dr. Burton audio recorded an interview she had with Dr. Petra Roter on Feb 9, 2017. This audio was included in the website Dr. Burton provided to the panel on April 19, 2017. But

this audio (Audio A41), was not included in the record. All of the audios in the record were recorded on 11-9-16.

2. The panel claimed that Dr. Burton requested a “continuance” on May 12, 2017 but her request was for the hearing panel to be re-constituted in accordance with policy. This was a mischaracterization of Dr. Burton’s request and is therefore false (Appendix G: Burton-email-5-12-17). This email was excluded from the record.

3. The panel did not carefully consider Dr. Burton’s thousands of pages of rebuttal and evidence in one deliberation meeting. They only met once to deliberate even though the UWP personnel procedures 6.3.12.3 section 4 states *“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.”* The panel’s failure to adequately consider the thousands of pages of evidence or to allow reasonable time for Dr. Burton to testify or to cross-examine witnesses indicates that the panel had already decided their recommendation and that the hearings and deliberation was without substance but instead was merely ceremonial. By not giving Dr. Burton a fair opportunity to address the issues at the university level the matter has been brought to the Regents with no real decision having been made because there has been no consideration of the facts. It is a waste of the Regents’ time to bring a matter that has not been fairly adjudicated at the lower level. Any violation of policy or law should be grounds to dismiss the charges against Dr. Burton.

Any serious and malicious violation of Dr. Burton's rights should be grounds for further investigation.

4. Findings of Fact section

a. 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 a false statement. Dr. Burton admitted to recording an open department meeting (tr. 11-30-17 pg82). The record does not support this statement.

b. The panel wrote that Dr. Burton "*responded to requests following the Throop/Gormley letter dated December 16, 2016 to remove the contents from the web site.*" The record does not support this. This is a false entry. This is evidence that the panel did not read or consider Dr. Burton's rebuttal. There were no requests for Dr. Burton to remove contents from the web site following the Throop/Gormley letter dated December 16, 2016, so she could not have responded to them. Dr. Burton asked her husband to remove the three audio files identified in the Throop/Gormley complaint when she received the complaint on January 4, 2017. The Throop/Gormley complaint contained no request to remove the audios from the website. There were no such requests ever made of Dr. Burton (tr. 11-30-17 pg 28-29). The university failed to take any steps to mitigate what they claim to have been their perception of harm.

c. 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.” This was presented as a fact, yet the next sentence evinces that it is a false and misleading entry. Even the biased panel could not find that this was true. Yet, they included it as a fact. It is a false and vague statement.

5. Conclusion

a. The panel wrote “*After considering all testimony and materials submitted by Dr. Burton...*” Dr. Burton provided thousands of pages of rebuttal and evidence. The panel could not have considered all materials submitted by Dr. Burton in one deliberative session. This is a false entry.

b. The panel wrote “*Dr. Burton was provided three 3-hour hearings over a period of 6 months.*” Dr. Burton did not attend the first hearing due to severe illness. She was only provided two-3 hour hearings, of which she was only given an hour and a half to testify. This is a false and misleading entry. Originally the hearing was scheduled for two eight-hour sessions so the time given was reduced significantly without explanation.

Recordings of Open Meetings

Dr. Burton did not record a series of UWP internal conversations, meetings and proceedings without prior consent. Dr. Burton had her own consent to record the conversations as allowed by Wis. Stat. 968.31(2)(c). Dr. Burton contends that Attorney Lattis’ allegation violates Wis. Stat. 943.30(4) and Wis. Stat 19.90.

Website is an expression of First Amendment Rights

Chancellor Shields admitted that the existence of the website was an expression of First Amendment rights even though it might not put people in a flattering light, as unpleasant as that might be (tr. 9-19-17 pg111).

Vague implications of someone Feeling Threatened

Attorney Lattis wrote “*Colleagues reported feeling threatened and harassed by Dr. Burton who undermined their professional integrity and damaged their reputations and future employment opportunities.*” She failed to identify who reported feeling threatened or harassed. The Roter report does not support her assertion that the person doing the threatening was identified to be Dr. Burton. This seems to be a half-twist of the baseline truth that Dr. Burton told the investigator that she “*didn’t threaten*” anyone (audio A41). The audio recording of the interview between Dr. Roter and Dr. Burton was included with the materials Dr. Burton presented to the panel but was excluded from the record. The record contains no emails from Dr. Burton showing any threats to anyone. None of the witnesses claimed that Dr. Burton threatened them verbally.

First half-twist: the Roter report vaguely implied Dr. Burton’s guilt by stating “*All those interviewed in the Criminal Justice program noted the department environment was “chilling” and “dysfunctional” and “Interviews of all parties, including Dr. Burton, report that they felt threatened directly and indirectly.*” The report doesn't identify who threatened whom, does not identify what sort of threats were alleged or what caused the dysfunction. This sort of vagueness in a “fact-finding” report is evidence of pretext and in this case, is evidence of fraud and forgery.

Second half-twist: Chancellor Shields added another twist of truth in his statement of charges writing to Dr. Burton “*All of your colleagues who were interviewed reported feeling threatened and/or harassed by you or witnessed you engage in those kinds of behaviors towards others.*” The Roter report only mentioned interviewing one colleague, Dr. Solar, the other interviewees were administrators. Dr. Solar is not a credible witness. This twist from the statement in the Roter report included the words “by you” to clearly lay blame on Dr. Burton when the Roter report had not. Dr. Burton contends that by adding the words “by you” in this sentence Chancellor Shields violated Wis. Stat. 943.39. It is a false entry. According to the Roter report, upon which Chancellor Shields based his statement of charges, the colleagues who were interviewed did not report who did the threatening. The Chancellor’s false statement made its way into Attorney Lattis’ reply brief and it is still false. Chancellor Shields claimed that Attorney Lattis helped him write the statement of charges.

Dean Throop filed police reports against Dr. Burton for contacting Gov. Walker

On August 22, 2015 Dr. Burton sent an email to Gov. Walker asking for his assistance regarding the unfair treatment and violations of due process she had been subjected to. Daniel Sievert, Governor’s office, sent Dr. Burton’s request to the UW writing “*Would the UW be able to look into Ms. Burton’s allegations?*” This was not a complaint; it was a request for the UW to investigate Dr. Burton’s allegations. But the UW did not look into, or investigate, Dr. Burton’s allegations. Instead Attorney Lattis forwarded the email chain to Dean Throop and Provost Den Herder. Throop consulted with Chancellor Shields, Provost Den Herder, Vice Chancellor Cramer, and Paige Reed of

System Legal. Then Throop, based on her consultation, filed police reports against Dr. Burton because she asked Governor Walker for help (Appendix F). In an email to the police department Dean Throop wrote “*No contact will be made with Dr. Burton.*” Dr. Burton contends that Dean Throop violated Wis. Stat. [946.72\(1\)](#). Dr. Burton contends that Dean Throop filed the police reports to provide false evidence against Dr. Burton that could later be used to support charges against her without her knowledge. Dr. Burton contends that Dean Throop violated Wis. Stat. Wis. Stat. 943.30 and that Lattis, Reed, Shields, Den Herder and/or Cramer may have violated the same statute.

Throop - perjury

In a sworn deposition Dean Throop stated that the Governor’s office had complained to her about Dr. Burton (Appendix R: ThroopDeposition – pg 117). The Governor’s office did not complain about Dr. Burton. Dean Throop’s statement in the deposition was false, she knew it to be false, it was a material statement in a sworn deposition in a federal lawsuit. Dr. Burton contends that Dean Throop thereby violated Wis. Stat. [946.31\(1\)](#).

Dean Throop also stated, under oath, that others in the Criminal Justice department had complained about Dr. Burton without providing evidence to support her claims. Throop specifically named Dr. Nemmetz as someone who had complained about Dr. Burton (Appendix R: ThroopDeposition – pg 114). Dr. Burton asked Dr. Nemmetz about this and was written up in the Shields LOD for contacting Dr. Nemmetz. Dr. Burton contends that Dean Throop violated Wis. Stat. [946.31\(1\)](#) by falsely claiming that members of the Criminal Justice program had complained to Throop about Dr. Burton.

Dean Throop stated under oath that Deb Rice told her that Dr. Burton cancelled class (Appendix Q: Throop Deposition – pg 14). Deb Rice claimed, under oath, she did not tell Dean Throop that Dr. Burton cancelled class (Appendix Q: Rice Deposition – pg 14). Dr. Burton contends that Dean Throop and/or Deb Rice violated Wis. Stat. [946.31\(1\)](#).

Dean Throop said that she owed Dr. Burton an apology for falsely accusing her of cancelling class and threatening discipline. (Appendix R: Throop Deposition – pg 124). Dean Throop has never apologized to Dr. Burton for falsely accusing her of cancelling class.

Dr. Burton contends that Dean Throop and/or Deb Rice violated Wis. Stat. [943.30](#) by falsely accusing Dr. Burton of cancelling class.

Adherence to Letter of Directions

Dr. Burton treated her colleagues with respect and civility. However, Dr. Burton accused some of her colleagues of violating policies and laws. Dr. Burton contends that Dr. Throop violated Wis. Stat. 943.30 by writing the LOD to compel Dr. Burton to omit to report violations of law and policy and to influence the appeal panel and the Board of Regents in Dr. Burton's appeal.

Chancellor Shields failed to offer to meet informally

Chancellor Shields wrote on March 4, 2017 “*Wis. Admin. Code UWS 4.02 provides that, prior to reaching a decision on filing charges, I must offer to discuss the matter informally with you.*” UWS 4.02 requires that the Chancellor meet “informally” with Dr. Burton. His insistence that his attorney be in the room provides a very formal setting. Dr. Burton agreed to meet with the Chancellor informally, without Attorney Lattis in the room, but Chancellor

Shields refused to meet with Dr. Burton unless his attorney was in the room and thereby failed to meet the provisions of UWS § 4.02(1). (Appendix H: Amouyal-Lattis-5-15-17- InformalMtg). Chancellor Shields acted as though he was the person being fired. Dr. Burton contends that Chancellor Shields violated Wis. Stat. 943.30 by maliciously, willfully and intentionally threatening not to meet with her so she would omit to do the lawful act of recording the meeting.

Dr. Burton agreed to meet with Chancellor Shields if Attorney Lattis would not be in the room. She did not accept any offer to meet with Attorney Lattis in the room. There is no requirement for Dr. Burton to meet with the Chancellor but there is a requirement for the Chancellor to offer to meet “informally.” Dr. Burton contends that Chancellor Shields violated UWS 4.02(1) by offering only a formal and very stressful meeting and not an informal one.

Chancellor Shields’ Statement of Charges

In his statement of charges Chancellor Shields alleged that Dr. Burton had discussed her disputes with the university in her classes. This was a false entry. Dr. Burton contends that Chancellor Shields violated 943.30 and Wis. Stat. 943.39.

The US Supreme Court found that “A *pre-termination evidentiary hearing is necessary to provide the welfare recipient with procedural due process. Pp. 397 U. S. 264, 397 U. S. 266-271. (a) Such hearing need not take the form of a judicial or quasi-judicial trial, but the recipient must be provided with timely and adequate notice detailing the reasons for termination, and an effective opportunity to defend by confronting adverse witnesses and by presenting his own arguments and evidence orally before the decisionmaker. Pp. 397 U. S. 266-270.*” [Goldberg v Kelly, 397 U.S. 254 (1970)]

Dr. Burton was not given effective opportunity to defend by confronting adverse witnesses. In fact, she was given no opportunity to defend by confronting adverse witnesses.

The statement of charges mentioned “trust” as an issue only in regard to the charge that Dr. Burton recorded and published three audios that Chancellor Shields claimed were “*highly confidential, personnel information.*” His concern about trust was focused on these three audio recordings only. He wrote “*your decision to publicly post confidential evaluative information about junior colleagues at the university constitutes a serious breach of trust by you, a tenured faculty member, and violates the reasonable expectations of the UW-Platteville for its faculty.*” The trust issue is only applicable if the audios are “confidential.” The trust issue also applies to anyone else who published those documents and audios. Shields gave no notice of “trust” being an issue in any other allegation or for any other recording. If these three recordings were not “confidential” then the charges are void. Several others, including Chancellor Shields, also published the three audios and the transcripts. Chancellor Shields sometimes called the audios “confidential” and other times “sensitive.” These capricious allegations seem designed to limit his own liability for publishing the audio transcripts. If Dr. Burton is disciplined for her husband publishing the audios but the Chancellor and others are not disciplined then we will have a case of disparate treatment.

What did Dr. Burton “DO?”

A clear understanding of the problematic nature of the allegations against Dr. Burton requires a look at each of the acts that Dr. Burton is accused of having committed. But many of

the allegations against her are for someone else's actions. The allegations against Dr. Burton have accumulated in the 10-28-14 Throop LOD, the 6-3-16 Shields LOD, a hidden complaint by Dr. Solar of 11-23-16 and another complaint by Throop/Gormley filed on 12-16-16. The current charges are based on these documents. But there were other capricious complaints and investigations against Dr. Burton that Chancellor Shields pursued and dismissed.

Dean Throop filed a complaint against Dr. Burton on 1-5-14 and Chancellor Shields ordered a fact-finding investigation on 1-15-15. The investigation was conducted, and a report dated 11-24-15 was withheld from Dr. Burton until she involved the AG office and finally received the investigation report on 12-9-16. The investigation report was not signed and, like the Roter report, was filled with biased opinion and false statements. Chancellor Shields dismissed the complaint against Dr. Burton without explanation on 8-31-16.

Deb Rice filed a complaint against Dr. Burton on 8-8-16. Her complaint included no evidence whatsoever. The Chancellor ordered a fact-finding investigation into Deb Rice's complaint on 8-16-16. The investigator came to Dr. Burton's home during her off-contract time to inform her of the complaint and to set up an interview time. Meeting times were mandated during Dr. Burton's off contract time. Burke submitted his report in late October, 2016 but it was not delivered to Dr. Burton until 12-5-16. Dr. Burton requested a copy of the Burke report, but her request was denied by Paul Erickson, Public records officer, on 11-29-16 in violation of *Wis. Stat. section 19.36(10)(b)*. After involving the Attorney General Dr. Burton, on 12-5-16, received a report with Mr. Burke's name on it, but no date and no signature. Chancellor Shields dismissed Rice's complaint on 11-30-16 without explanation. Deb Rice was never disciplined for having filed an unsubstantiated complaint. She was not issued a Letter of Direction. Her complaint was an example of the bullying Dr. Burton has suffered over the years. The Burke report, like the Roter

report, contained biased opinion and false entry. Dr. Burton complained about one of the false statements and the investigator responded that the report had been “*edited by a third person.*” (Appendix I). The string of shifting complaints against Dr. Burton and multiple unsigned reports containing false entry and biased opinion form a chain of arbitrary and capricious allegations and due process violations that indicate systemic cover-up and pretext. Dr. Burton contends that Chancellor Shields and/or Attorney Lattis altered the documents that purport to be by Burke and Barraclough but are not signed.

Dr. Burton provided rebuttals showing the false allegations of the Throop complaint and the Rice complaint, but the panel failed to include them in the record. Both of those complaints against Dr. Burton and their associated investigations were dismissed. But new complaints took their places. All the complaints against Dr. Burton are capricious, vague, bogus and based on falsehood. Dr. Burton was denied opportunity to address these matters in appropriate or fair adjudication.

Below is a synopsis of the allegations against Dr. Burton in the current charges with a very brief look at the allegations and a look at Dr. Burton’s actual conduct.

What did Dr. Burton do that led to the Throop LOD?

Dean Throop issued a LOD on October 28, 2014 naming seven things that she claimed were so severe that they warranted admonishment. A very detailed rebuttal to the Throop LOD and solid evidence was included in Dr. Burton’s rebuttal but only a portion of the material Dr. Burton provided to the panel was included in the record. Below is a very brief explanation of the seven issues Throop admonished Dr. Burton for.

1. Dr. Burton wrote some emails complaining of retaliation and asking for grievance hearings and investigations into violations of law and policy. Dr. Throop specified an example email Dr. Burton sent to Chancellor Shields, Provost Den Herder and Dean Throop on October 2, 2014 at 8:40 PM in which Dr. Burton wrote:

“I informed you on July 11, 2013 that I expected Dr. Dalecki to abuse me if he was made interim chair of the CJ department and I formally opposed his selection. You did not reply to my email and Dr. Dalecki was made chair against my formal protest. I tried to make things work with Dr. Dalecki but he has been abusive and unfair to me since he took over as chair. In recent months he has escalated his unfair treatment and I am suffering greatly from his leadership. I tried mediation without success and on August 27, 2014 filed a grievance against Dr. Dalecki. I have not yet been scheduled for a hearing. I formally request that you conduct an investigation into Dr. Dalecki's actions and, if the results of the investigation warrant, remove him from his position as chair. I would recommend Joe Lomax as his replacement. Thank you for your prompt attention to this very important and serious matter.”

Dr. Burton contends that this email was a protected activity. Dr. Burton contends that Dean Throop violated Wis. Stat. 943.30 by directing her to stop writing such emails. The causal connection between the protected activity (the email of Oct 2, 2014) and the adverse action (LOD) is clear. Dean Throop directly admonished Dr. Burton for a clearly protected activity. Dean Throop's LOD is currently being used to justify terminating Dr. Burton's employment and has been included in the record as a contributing factor in Chancellor Shields' recommendation (exhibit 3). The Throop LOD is based on falsehood and is completely bogus (exhibit 5). The causal connection between the protected activity (the email of Oct 2, 2014) and the new adverse

action (current attempt to terminate Dr. Burton's employment) is also clear and the rational nexus is obvious.

Dr. Burton sent an email to Dr. Dalecki, copied to 14 members of the Criminal Justice Department faculty and staff, on June 5, 2014 at 10:45 PM (Appendix X). This email pointed out serious problems in the Forensic Investigation program (FI) and used a term "train wreck" referencing the May 10, 2014 report by Dean Stojkovick regarding his audit of the CJ and FI programs, in which 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."

Dr. Burton's email was a serious plea for other members of the department to bring about change to correct the serious problems with the FI program. Dean Throop issued the LOD because Dr. Burton exercised her right of Academic Freedom attempting to better the department. Dr. Burton contends that Throop violated Wis. Stat. 943.30.

2. Dr. Burton was unable to volunteer sufficient time to single handedly manage the entire German delegation visit during her vacation time because her mother became gravely ill. Dr. Burton asked for someone to take over the leadership of the visit, but she was still available to translate and to help in other ways. Three department members were paid to do the work that Dr. Burton volunteered to do without pay, during her off-duty time. Two of the department members were paid using the \$6,400 that Dr. Burton had personally donated to the visit. Dean Throop admonished Dr. Burton for only working part time, while her mother was gravely ill, during her vacation time, for no pay on a project she had spent months setting up and had personally donated

thousands of dollars to. It is hard to imagine a more obviously pretextual reason to admonish someone.

3. Dr. Burton asked a colleague if she would like to house-sit some time. This is a ludicrous reason to admonish someone in a Letter of Direction.

4. Dr. Burton sent an email to Deb Rice on October 7, 2014 at 7:23:18 AM writing:

“Deb, I need the following information for my complaint: (a) Who authorized your directed study with Alex Marsh in Fall 2013? (b) For how many credits did he signed up with you? (c) Did Alex pass the study? What was his grade? (d) What was the title of his paper/project? What was it for? (e) Who was the project turned in to? (f) Please provide me a copy of the paper of the directed study. This is what I know: Alex told me that he is developing the itinerary for the German delegation's visit. He also wrote a letter for the Chancellor to officially invite the Germans. You never coordinated the project with me nor did you discuss it with me. You took over and I didn't spend much thought on the project teaching overload, grad. seminar and directed studies for other students. Thanks for sending the info. Sabina”

Dr. Burton's email was very similar to an email Dr. Caywood sent to Dr. Burton on October 17, 2012 8:42:23 AM in which he wrote:

“Would like a time line concerning Lorne's research class. What time did (redacted student name) first contact you? Was it by phone or in person? What time did you call Aric? At what time did you notify the dean and possibly others about the note? At any time did you contact or attempt Lorne to ask about the note? Tom Caywood, Ph.D.”

Dr. Caywood was not admonished for writing his email but Dr. Burton is threatened with dismissal for hers. That's disparate treatment. Neither of these emails warrant discipline.

5. Dr. Burton sent an email to Dr. Solar, cc the HR director, on October 16, 2014, at 4:34:12 PM in which Dr. Burton pointed out that Dr. Solar had violated policy (Appendix Y). Dr. Burton provided evidence that her allegations were true, complete and accurate. Dean Throop did not admonish Dr. Solar for violating policy, in fact she didn't even investigate whether Dr. Burton's allegations were true, but still her LOD threatens Dr. Burton with dismissal for asking that Solar stop violating policy. This is disparate treatment. Dr. Burton contends that Dean Throop violated Wis. Stat. 943.30. Dr. Burton violated no policy or law. Dr. Burton was trying to be treated fairly. She was trying to improve the department by getting Dr. Solar to follow policy. She was exercising her right of Academic Freedom.

6. A student told Dr. Burton that CJ Chair Dalecki was biased and asked where else she could report problems with a faculty member. The student came to Dr. Burton because of her reputation as a faculty member who cares about students and will go the extra mile for them. Dr. Burton directed the student within the guidelines of UWP policy. There exists no legitimate UWP policy requiring student reports to start with the chair. Forcing these reports to funnel through the chair gives the chair opportunity to intimidate the student to be quiet. Dr. Burton contends that Throop fabricated the false claim that Dr. Burton had violated a policy that doesn't exist and maliciously, intentionally and willfully turned the tables on Dr. Burton, blaming her for telling a student that Dalecki was biased when in fact, it was the student who told Dr. Burton that Dalecki was biased. Dr. Burton contends that Throop violated Wis. Stat. 943.30 by admonishing her for a legal action. All Dr. Burton did was to help a student find a person to report a problem to.

Dr. Burton contends that Dr. Throop maliciously, willfully and intentionally wrote the LOD to generate documentation that she could later use to fire Dr. Burton under pretense of legitimacy. Dr. Burton contends that by so doing, she violated Wis. Stat. 943.30.

What did Dr. Burton do that led to the Shields LOD?

In Chancellor Shields' LOD of June 3, 2016 he wrote that Dr. Burton had written some emails that he found to be worthy of admonishment. He did not mention any other "behaviors" other than the specific emails he identified and included as evidence. Dr. Burton provided the panel with access to detailed rebuttal and evidence concerning the Shields LOD, but her rebuttal and evidence was not included in the record. Below is a very brief explanation why each of the emails Chancellor Shields identified show pretext, discrimination and/or illegal motive.

- Dr. Burton contends that Chancellor Shields violated Wis. Stat. 943.30 by admonishing Dr. Burton for complaining that Dr. Dalecki threatened her with deadly violence.

- Shields admonished Dr. Burton for reporting to her chair that Dr. Solar had violated policy and lied about it. However, Dr. Burton violated no law or policy in giving this accurate information to her chair. She was exercising her right of Academic Freedom in making this statement in an effort to better the department. She was trying to get Dr. Solar to stop violating policy as it is damaging to the department and the university. Dr. Burton's email was in keeping with Dean Throop's LOD directive #1. Dr. Burton contends that Chancellor Shields violated Wis. Stat. 943.30 by including this in his LOD.

- Chancellor Shields ridiculously admonished Dr. Burton for expressing to her chair that she felt unvalued. Instead of trying to make Dr. Burton feel valued, her chair seems to have complained about the communication to higher authority. Shields admonished Dr. Burton for expressing that she felt hurt and unvalued by her chair's acts of retaliation. Dr. Burton's email was in keeping with Dean Throop's LOD directive #1.

- Shields admonished Dr. Burton for asking her chair to stop violating terms of a federal grant and asking why CJ department funds were being spent to support students in another department. Dr. Burton's email was in keeping with Dean Throop's LOD directive #1. Dr. Burton contends that Chancellor Shields violated Dr. Burton's right of Academic Freedom and that Chancellor Shields violated Wis. Stat. 943.30.

- Dr. Burton contends that Dr. Strobl violated 943.39 by submitting an application for a federal grant (COPS) that contained false entry that she knew was false. Chancellor Shields recommends dismissal because Dr. Burton pointed out this violation. Dr. Burton contends that Chancellor Shields violated Wis. Stat. 943.30 by admonishing her for pointing out her chair's violation to the chair.

Dr. Burton contends that Chancellor Shields maliciously, willfully and intentionally wrote the LOD to generate documentation that he could later use to fire Dr. Burton with a pretense of legitimacy. Dr. Burton contends that by so doing, he violated Wis. Stat. 943.30.

What did Dr. Burton do that led to the Solar hidden complaint?

Dr. Burton got a hint about Dr. Solar's hidden complaint by a comment he had made at the hearing conducted on 5-25-17 in her absence. It was not until she was preparing for the hearing of 11-30-17 that, in reviewing the 5-25-17 transcript she decided to ask for the complaint. She sent an email to Paul Erickson, records custodian, asking for the memo on 11-17-17. Erickson used the misapplication of law to deny Dr. Burton's request for the Solar complaint/memo on 11-29-17 (Appendix U). Dr. Burton again had to involve the AG's office

to get the document. Dr. Burton contends that Erickson violated Wis. Stats. 19.36(10), 19.35(4)(b), [946.72](#) and 103.13 (2).

The Solar complaint formed the basis of the Throop/Gormley complaint, which formed the basis upon which dismissal is sought. Dr. Burton was not given access to the Solar complaint until a few hours before the very last hearing. This violated UWS 4.05(1)(b). Dr. Burton was not given adjournment upon valid claim of surprise, so [UWS 4.06\(1\)\(j\)](#) was also violated.

On November 14, 2016 Dr. Solar wrote to Dr. Burton asking that his name be removed from Dr. Burton's husband's website. Dr. Burton forwarded his email to her husband who replied to Dr. Solar. After Mr. Burton denied Dr. Solar's request Dr. Solar wrote to Dr. Burton and her husband on November 19, 2016 "*Your failure to comply will result in consequences of my choosing*" (Appendix K). Four days later Dr. Solar filed a complaint against Dr. Burton, clearly as a consequence of Mr. Burton's non-compliance with his demands. This complaint was withheld from Dr. Burton until 11-30-17, the day of the last of three appeal hearings, in violation of Wis. Stat. 946.72 and Wisconsin Open Records Law. Dr. Burton asked for an adjournment due to valid claim of surprise, but her request was denied. Dr. Burton contends that Dr. Hansen violated Wis. Stat. [UWS 4.06\(1\)\(j\)](#) and 36.22(8)(e).

Dr. Solar's complaint alleged several things that are discussed very briefly below with focus on allegations of specific acts by Dr. Burton and ignoring non-specific hyperbole:

- Dr. Solar mentioned that workplace conditions had deteriorated with Dr. Burton's decision to go public on October 26th. He cited the watchdog article, by M. D. Kittle, of that date. He claimed personal embarrassment and embarrassment for the department citing online posts but did not specify anything Dr. Burton wrote or did. Just

general embarrassment on his part. This allegation does not identify anything Dr. Burton did.

- Dr. Solar implied that Dr. Burton secretly recorded confidential conversations and uploaded them to the internet. He vaguely alleged that such implied actions undermine Dr. Burton's credibility and ethics and that it was impossible for him to have a professional relationship with her as a result of his non-allegation of implied guilt of non-illegal implied activity. Dr. Solar did not claim that Dr. Burton "did" anything.

- Dr. Solar claimed that "*Dr. Burton is attacking other members of the criminal justice department.*" He did not specify whether his claim was that Dr. Burton was attacking anyone physically or professionally but left it very vague and general as "attacking." He pointed to his Appendix A, which is an email from Dr. Burton to Dr. Nemmetz. In the email Dr. Burton explained to Dr. Nemmetz that Dean Throop had stated under oath that Dr. Nemmetz had claimed that Dr. Nemmetz had complained about Dr. Burton. Dean Throop also stated under oath that the governor's office complained about Dr. Burton but provided no evidence. Dr. Burton contends that Dean Throop lied under oath about one or more complaints she had received and that she did this to alienate Dr. Burton, damage her relationships with colleagues and to entrap her by causing arguments with her colleagues. Believing Throop's allegation to be true Dr. Burton asked Dr. Nemmetz to explain herself. Instead of getting an explanation from Dr. Nemmetz, Dr. Solar included the email in a hidden complaint. There is no explanation why or how Dr. Solar came to possess the email in which Dr. Burton told Nemmetz "*I will continue to treat you fairly. I don't retaliate and I don't backstab. I am just disappointed.*" This

email from Dr. Burton to her colleague, Dr. Nemmetz, is evidence of Dr. Burton's compliance with Dean Throop's LOD directives #1 and #3.

Dr. Solar's Appendix A disproves his argument because the email makes clear that Burton was trying to find out why Dr. Nemmetz would complain to Dean Throop about her. Understanding another person's perspective is the first step to repairing an injured relationship and is certainly not grounds for termination. There is no rational nexus between Dr. Burton's email to Nemmetz and any harm. The complaint against Dr. Burton seems to have been an effort to cover up Dean Throop's false sworn statement that Nemmetz complained about Dr. Burton.

Also, in appendix A was an email Dr. Burton sent to David Couper in which Dr. Burton asked why he referred to himself as a faculty member when he does not have a PhD and is an adjunct lecturer. She merely asked him why he misrepresented himself. She pointed out that the ongoing misrepresentations of such things was part of the problem in the department. Her email was in keeping with the Throop LOD directives #1 and #3. Dr. Burton contends that Couper violated Wis. Stat. 943.38(3)(d) by possessing a card identifying himself as a faculty member when he was not. Dr. Burton's email asking Couper to stop violating the law is not demeaning, it was an attempt to get him to follow law and to improve the CJ department and it is protected by Academic Freedom.

- Solar claimed that Dr. Burton used her university email to send problematic messages but gave no evidence that supports this. He claimed that she allowed unauthorized persons to access her university email account and pointed to Appendix B of his complaint to support his allegation. However, the appendix actually disproves his

argument because it clearly shows that Dr. Burton forwarded her email to her husband's email account and Mr. Burton responded from his personal email account to Dr. Solar. This allegation was groundless and false. Dr. Burton contends that Dr. Solar violated Wis. Stat. [943.30](#).

- Dr. Solar claimed that Dr. Burton publicly referred to him as “*someone who preaches to his students that the police should shoot people in the head.*” This statement is false. Dr. Burton sent an email to her chair with a student paper attached. The student's paper referenced Dr. Solar's comment and Dr. Burton felt the issue should be addressed so she emailed it to only her chair (Appendix S: Student Paper).

Dr. Burton pointed this out to Dr. Strobl in hopes that she could address the issue with Dr. Solar but that never happened. Instead Dr. Strobl removed Dr. Burton from a grant application, Dr. Solar filed a hidden complaint and Chancellor Shields admonished Dr. Burton in a LOD.

Dr. Solar seems to have been embarrassed by his student's comments and offended that they were displayed on the website but there is no reason why Dr. Burton should be fired because she brought the matter to appropriate authority and her husband published a website. Dr. Burton attempted to deal with the issue on a local level, in accord with Dean Throop's directive #1. She tried to bring the matter to the attention of her chair to resolve it within the department. But instead of dealing with the matter appropriately the Chancellor issued Dr. Burton a LOD. The matter had been archived by Mr. Burton and was published along with the other materials on the website. Mr. Burton asked Dr. Solar to identify any false statements in the website and Dr. Solar was not able to identify

any. Mr. Burton evaluated Dr. Solar's concerns and denied Dr. Solar's request because the website contained a true and accurate accounting of events.

Dr. Solar quoted an article that supports Mr. Burton's decision: "...*the university should not shield people from ideas or opinions they find offensive*" (New York Times: [Wisconsin Regents Back Free Speech. December 2015](#)). Dr. Solar threatened "*consequences of (his) choosing*" because Mr. Burton exercised his right to post a website which contained ideas and/or opinions that Dr. Solar found to be offensive.

- Dr. Solar claims that Dr. Burton stated that Solar should not be preaching to his students to become executioners and claims that she twisted information. But it was the student report that made that claim. Dr. Burton merely brought the student's report to her chair's attention. Dr. Burton didn't twist information. She was trying to straighten it out by bringing it up with her chair.

- Dr. Solar claimed that Dr. Burton used her "superficial charm," "manipulation" and her "position of power and influence" to convince students of the "righteousness of her attacks." However, at the time, Dr. Burton was being processed for dismissal on bogus and trumped up charges, her chair wouldn't talk to her, she was replaced on a federal grant application by an adjunct instructor and her class assignments had been changed so she would be easy to make "disappear." It is unclear what "position of power" Solar was referring to. Dr. Burton's charm is not superficial. Dr. Solar's allegation that Dr. Burton "manipulated" students was unsupported. He gave no evidence to support his allegation that students were acting unethically on Dr. Burton's behalf. He gave no evidence to support his allegation that she "*uses the university email system ... to communicate with students and to encourage them to act in ways that undermine their*

own personal reputations. His example does not support his statement. The secretly recorded conversation between a grad student and the former department chair Mike Dalecki was not recorded or published using university resources or the university email system. It was not unethical of the grad student to audio record his chair threatening him. It was unethical for the department chair to threaten a grad student. Dr. Solar gave no evidence to support his implication that Dr. Burton encouraged the grad student to audio record the meeting with his department chair. Dr. Burton did not encourage the grad student to audio record his conversation, she didn't even know about it until long afterward. Dr. Burton did not publish the audio, her husband did. Mr. Burton did not publish the audio to defame Dr. Dalecki but to expose his threats against a graduate student in hopes that it would help stop such behavior at UWP. Wisconsin allows one party consent audio recordings. Dr. Solar implied that Dr. Burton used students to defame, embarrass and discredit members of the university but that is not so. Dr. Burton has not used any students and there is no evidence to support that allegation. Dr. Solar gave an example of a student who acted on their own accord. He included the student's name in his submission; this seems to violate FERPA. It is unclear how Dr. Solar came to possess the email that the student sent to Chancellor Shields, Provost Throop, Dean Gormley and Deb Rice. One of those people must have given it to Dr. Solar for the purpose of using it against Dr. Burton. It is also unclear how an email from a student expressing their concern how the university covered up an incident of sexual harassment could be considered Dr. Burton's conduct or Dr. Burton's fault. The record contains no rational nexus between the student's email and Dr. Burton's responsibility for it. This

was not an email from Dr. Burton. It does not demonstrate any misconduct by either the student or by Dr. Burton.

- Solar called Dr. Burton's audio recordings "illicit." However, Dr. Burton's actions did not violate any law rule or custom. Solar alleged that Dr. Burton engaged in unethical conduct, but he did not cite any ethical code to support his allegation. Dr. Burton contends that Dr. Solar thereby violated Wis. Stat. 943.30. Solar claimed that the audios injure students and undermine their future but failed to support this argument with a rational nexus between Dr. Burton's actions and any harm.

- Solar claimed that Dr. Burton exploited trust relationships but failed to support this with any allegations other than those already debunked above. Dr. Solar claims to know why Dr. Burton has recorded the audios and why her husband made them public but he is not a mind-reader. Dr. Burton is trying to protect students by exposing the systemic corruption that covers up their abuses. At the same time, she has been trying to keep from getting fired on false and bogus allegations. Dr. Solar seems very wrong about the motivations of the people who are embarrassed by exposure of their corrupt actions.

Solar claims that Dr. Burton "goes on the attack" but does not support this vague allegation with any evidence. Dr. Burton accepts responsibility for her conduct but not for false allegations or conduct by others, such as a student sending an email. Dr. Burton does blame others for her suffering. For example, she blames Dr. Solar for excluding her from formation of a job description and lying about it. She blames Dr. Solar for filing a hidden complaint full of ridiculous and false allegations that has led to her very intense physical suffering as well as potential to be fired for no good reason. Dr. Burton is not attempting to drag anyone into an

abyss. She is attempting to keep her job, so she can protect the students she desperately cares for. Dr. Solar cannot say what motivates Dr. Burton. He is completely wrong.

- Solar claims that Dr. Burton disregards the rights of others, but his statement is unsupported. He failed to demonstrate any examples of Dr. Burton violating anyone's rights. Solar implies that some of Dr. Burton's speech is not protected by Freedom of Speech because it caused harm to others. But he failed to provide any examples of this, other than the previously debunked allegations. He identified Dr. Burton as having no restraint, but he is very wrong. She has been harassed for five years but did not go public until she was threatened with imminent dismissal on fraudulent and bogus allegations, showing great restraint.

- Of note in Solar's complaint is that he misspelled the word "publicly" four times as "publically." This is noteworthy because it was also misspelled the same way in the Throop/Gormley complaint. This is an indicator that Dr. Solar's hidden complaints were used as basis for the Throop/Gormley complaint and may even have been written by the same person.

What did Dr. Burton do that led to the Throop/Gormley complaint?

Provost Throop and Dean Gormley submitted a complaint against Dr. Burton on December 16, 2016 that contains allegations that were in the November 23, 2016 hidden Solar complaint. The Throop/Gormley complaint was based on the Solar complaint. Below are very brief explanations debunking the allegations against Dr. Burton that have not been previously debunked. The focus is on allegations of specific acts by Dr. Burton and non-specific hyperbole is ignored.

- Throop and Gormley claim that Dr. Burton acted contrary to university ethical practices and counter to the various laws evincing a policy to keep certain

evaluative information confidential. But they did not identify any laws or policies that they claim Dr. Burton violated. They pointed to some Wisconsin Statutes but did not claim that Dr. Burton violated them. Those statutes are not applicable as explained in Dr. Burton's detailed rebuttal that she made available to the panel but was not included in the record.

- Throop/Gormley claim that Dr. Burton co-maintains the website with her husband. This is unsupported and false. Dr. Burton's husband maintains the website and prepared the transcripts on it. He posted all content on the website.

- Throop/Gormley claim that Dr. Burton recorded three specific meetings and posted confidential personnel information on the website. As explained previously, the audio recordings were of open meetings and Dr. Burton had her own permission to record. By filing a complaint against Dr. Burton for audio recording open meetings Dr. Burton contends that Provost Throop and Dean Gormley violated Wis. Stat. 19.90. Throop and Gormley also published the audio recordings and transcripts with their complaint and did not redact anything from them. So, if Dr. Burton published confidential information then so did the Dean, Provost, Chancellor and the panel. Dr. Burton did not record the meetings to gather confidential information but to gather evidence of corruption, which she did.

- Throop/Gormley claim that Dr. Burton violated trust. But there is no support for this other than testimony that is not credible. Whose trust? They don't claim that Dr. Burton violated any policy or law but just some unnamed person's trust.

- Throop/Gormley gave 3 examples to support their allegation that Dr. Burton repeatedly involved students in her disputes and grievances. 1) The Facebook post is

addressed elsewhere in this brief. 2) The email from the disappointed student is addressed elsewhere in this brief. 3) Throop/Gormley wrote that Dr. Burton involved students by *“publically [sic] misrepresenting the facts of a 2012 alleged sexual harassment incident in order to frighten students.”* It is telling that the word “publicly” was misspelled the same way in both the Solar complaint and in the Throop/Gormley complaint. This indicates that the Solar complaint was used as basis for the Throop/Gormley complaint and may indicate that they were both written by the same person. There is no rational nexus between any of Dr. Burton’s acts and any violation of Dean Throop’s directive.

Throop/Gormley did not identify any statement by Dr. Burton that they believed was a misrepresentation of facts. Dr. Burton contends that she made no misrepresentation of facts in the 2012 sexual harassment incident. The fact that the complaint doesn’t identify any statement whatsoever of Dr. Burton’s indicates that this allegation is pretextual. Dr. Burton gives a good account of the sexual harassment incident in (DataStick:Exhibit D/media/Media/A1 - Meet-Durr and Throop - 1-29-13.mp4). In this audio Dr. Burton pleads with Dean Throop and HR Director Durr to help against Dr. Caywood’s retaliation. Dean Throop said *“coming to me doesn’t solve the problem. Cause, I can’t interfere.”* Dr. Burton told HR Director Jeanne Durr about the incident and asked for help (DataStick:Exhibit D/media/Media/ A2 - Meet - Jeanne Durr - 2-7-13.mp4 at 0:35 ... and 10:30). In this meeting Durr told Burton that Dr. Caywood *“doesn’t need to answer your questions. You would like him to answer your questions, but he doesn’t need to. I mean, he could totally ignore everything that you send him from now til you both retire.... He can continue to ignore you forever.”*

At a grievance hearing Dr. Caywood, talking about the student complaint of October 2012, (DataStick:Exhibit D/media/Media/ A6-CD II - Caywood grv 4-12-13.mp3 at 41:00) where he said:

“I did not handle it very well. You know, I misunderstood what was going on. I did not see it as sexual harassment and, you know, when we had the meeting with the Dean and HR it was brought to my attention that that’s what this is. And so did I screw up, oh yea, yea.”

- The complaint alleges that Dr. Burton failed to comply with LOD directives to treat colleagues with respect and to cease using UWP resources to harass etc. Examples were given which have no rational nexus to any violation of the LOD directives, and each are addressed below:

- The allegation that Dr. Burton promised not to record or publish audios is not supported. Dr. Burton contends that she never made such a promise.

- The allegation that Dr. Burton was unprofessional and insulted Dr. Solar is unsupported by the evidence as it shows an email chain where Dr. Burton’s husband wrote to Dr. Solar, not Dr. Burton. The exhibit did not include the email where Dr. Solar threatened Dr. Burton and her husband by writing *“Your failure to comply will result in consequences of my choosing”* (Appendix K). This email was included in the rebuttals Dr. Burton made available to the panel but is not included in the record

- They claimed that Dr. Burton falsely accused Dr. Strobl of misrepresentations on a federal grant application and engaging in sexism. However, Dr. Burton’s allegations are supported by facts that prove them to be true, not false. No investigation was conducted to determine the validity of Dr. Burton’s allegations. There is no policy or law against making allegations one believes to be true. There is however, a law against threatening someone with dismissal for filing

legitimate allegations of wrongdoing. Dr. Burton contends that Throop and Gormley intended to keep Dr. Burton from pointing out such violations and thereby violated Wis. Stat. [943.30](#).

What did Dr. Burton do that led to Chancellor Shields' statement of charges?

Many of the charges are already addressed in this brief, or the exceptions brief so they are skipped here. The focus is on allegations of specific acts by Dr. Burton and non-specific hyperbole is ignored.

Chancellor Shields wrote "*in her report, Dr. Roter found*" four specific points. These points are all gleaned directly from a Roter report that is full of inaccuracies, false statements and biased opinions but should contain only facts. Dr. Burton seriously questions the authenticity of the report. Dr. Burton's representative requested that Chancellor Shields provide a copy of the original report that he received from Dr. Roter so Dr. Burton could compare it to the one Shields purported to be Dr. Roter's report, but Chancellor Shields refused to provide the original report (Appendix E). This indicates that Chancellor Shields knows that the report upon which he based his statement of charges was altered after he received the original from Dr. Roter and that he bears some responsibility for the alteration of the document. Dr. Burton contends that Chancellor Shields violated Wis. Stat. [943.38](#).

Below is a very brief explanation of the reasons why the points identified by Chancellor Shields don't hold water:

- 1) Dr. Burton had her own prior consent to audio record the open meetings that she recorded. Shields' statement does not allege any wrongdoing by Dr. Burton. It was cleverly worded to sound as though he was accusing Dr. Burton of publishing

confidential materials but if one reads it carefully it is clear that he only accuses Dr. Burton of publishing material that is “related to” confidential matters. This is a sneaky way to avoid being blamed later for filing a false charge.

2) This is an example of a double-half-twist of truth. The Roter report states *“All those interviewed in the Criminal Justice program noted the department environment was “chilling” and “dysfunctional,” and “Interviews of all parties, including Dr. Burton, report that they felt threatened directly and indirectly.”* The Roter report doesn't identify who threatened whom, does not identify what sort of threats were alleged nor what caused the dysfunction. It does not indicate that Dr. Burton was responsible for the threats but instead indicates that Dr. Burton, and others, felt threatened. Because the report concerned a complaint against Dr. Burton the false implication is that Dr. Burton was responsible for the threats. Most people would infer this unless they read the report carefully and critically. The baseline truth: Dr. Burton didn't threaten anyone and she herself felt threatened. The Roter report contained a vague half-twist from the baseline truth to false implication of Dr. Burton's guilt. The Chancellor then half-twisted the vague implication of guilt into his false charge which looks, at face value, to be supported by strong evidence. But it is not supported by strong evidence. It is only vaguely supported by false implications in what appears to be a forged investigation report.

3) The allegation that Dr. Burton strayed from or violated the Throop LOD falls apart when a reasonable person evaluates Dr. Burton's acts and not the acts of others that are blamed on her.

4) Dr. Burton is not on a “*mission to expose corruption.*” She is trying to protect students and to keep from being fired. Exposing corruption is a byproduct.

There is no requirement for Dr. Burton to meet with the Chancellor. There is however, a requirement for the Chancellor to provide an informal setting for a meeting with Dr. Burton. She is afraid to meet with him and his attorney. She fears for her physical safety and is intimidated by meeting with two corrupt people who seem to hate her. Dr. Burton has exposed actions by both Attorney Lattis and Chancellor Shields that indicate that they may have committed felonies which may lead to their dismissals and loss of license. They know that Dr. Burton’s medical condition is severe and that she is susceptible to stress. By providing the most stressful environment possible, rather than an informal meeting, Chancellor Shields seems to have hoped that Dr. Burton would not be able to meet with him. Dr. Burton’s inability to meet with both Shields and Lattis is not an indication that she doesn’t want to resolve issues, but it is an indication of her physical condition which requires her to reduce stress. Dr. Burton offered to meet with the Chancellor if Attorney Lattis was not also in the room. The Chancellor refused to accommodate Dr. Burton’s request. Neither policy or law mandates that Dr. Burton meet with the Chancellor’s attorney in the room. Chancellor Shields seems to think he is the appellant.

Chancellor Shields’ statement of charges

Below is a very brief explanation of each charge. A more detailed rebuttal with evidence was provided to the panel but they failed to include it in the record.

1. Dr. Burton admits to legally recording an open meeting in October 2013 that she had her own prior consent to record. She denies any allegation of wrongdoing.

2. Dr. Burton admits to legally recording an open meeting in October 2014 that she had her own prior consent to record. She denies any allegation of wrongdoing.

3. Dr. Burton admits to legally recording an open meeting in January 2014 that she had her own prior consent to record. She denies any allegation of wrongdoing.

4. Dr. Burton did not know exactly which material her husband posted to the website in fall of 2016. She trusted her husband to use his discretion. When she received Chancellor Shields suspension order and the Throop/Gormley complaint on 1-4-17 she asked her husband to remove those three audio recordings and he did. Nobody ever asked Dr. Burton to remove the audios even though the administration had downloaded the audios from the website on 11-9-16 (DataStick:Exhibit D\media\Media) (tr. 11-30-17 pg 28-29). There was no attempt by the university to mitigate any perceived harm; this indicates pretext. The audios had already been disclosed to the court in public record long before Dr. Burton's husband published them.

5. Dr. Burton's husband prepared the partial transcripts and he published them online. Dean Gormley, Provost Throop, Chancellor Shields and the panel also published the unredacted transcripts and /or audios.

6. Dr. Burton admits to recording open meetings and that she knew her husband would use his discretion in what he published online.

7. Neither Dr. Burton nor her husband are responsible for any permanent archiving of universitycorruption.com on the internet. It is unclear why this is part of a statement of charges against Dr. Burton with no support or even allegation that Dr. Burton did the archiving. This allegation does not specify which "files" are the subject. Dr. Burton's husband searched diligently to find any archival of the audios noted in charges 1

through 3 but he could not find any such online files that remain publicly available in any online archive. Chancellor Shields did not provide supporting evidence of the alleged archival of these audios. The allegation is unsupported.

8. Wis. Stat. 19.36(10)(d) deals with “Employee personnel records.” The audio of the open meeting was not a “record” as defined by Wis. Stat. [19.32\(2\)](#) so this statute is not applicable.

Even if the audios were considered personnel records Dr. Burton holds no liability under this statute because: 1. The files were already public, so Dr. Burton’s husband did not “disclose” them as they had been already disclosed in public records. 2. There is no confidential information on the audio or transcript as demonstrated by the fact that the complaint, investigation report and statement of charges all included the audio transcripts with nothing at all redacted. 3. No harm was done to anyone. This is reinforced by the fact that Throop and Gormley knew about the audios on the website on about 11-9-16 but Dr. Burton was never made aware of any objection to them until January 4, 2017, almost two months later. If there was really a concern about these documents and audios someone would have asked Dr. Burton or her husband to remove them but nobody ever did. 4. The employees whose alleged confidential information was allegedly disclosed have never complained about the alleged disclosure or violation of trust. 5. The meetings were open meetings as defined by the Wisconsin Open Meetings Law. 6. Dr. Burton is not an authority assigned to maintain these records. She is as such not required to even be aware of this statute. Therefore, the statement that she “should have known” is wrong.

Even if Dr. Burton were found to have liability for her husband posting these audios online: 1. the penalty as set out in the statutes is minor and certainly does not warrant dismissal. 2. Her liability is mitigated by the fact that she asked her husband to remove the audios immediately after receiving information that there was an objection to them being online, even though nobody ever actually asked her to remove them. 3. Dr. Burton's husband immediately removed the audios and transcripts after Dr. Burton asked him to do so. 4. Dr. Burton was never ordered not to record such meetings or to disclose the audios. 5. There is no policy prohibiting such recordings or disclosure of the audios. 6. Wisconsin Open Meetings Law mandates that people who wish to record open meetings be accommodated.

Dr. Burton did not violate Wis. Stat. para 19.85(1) (c) (the open meetings law). 19.85(1) (c) is not applicable. It describes considerations for which a closed session may be held. According to the Wisconsin Open Meetings Law all meetings must begin in open session and then they can be closed under certain circumstances. None of the audio recorded meetings were closed. This can be easily verified by listening to the audio recordings.

The Wisconsin Open Meetings Law was violated by the panel and grievance committee chairs. It is unfair and discriminatory that Dr. Burton be considered for termination due to a vague misinterpretation of the Open Meetings Law when she has repeatedly asked the university to follow the Open Meetings Law but they have refused to do so. The open meetings law is intended to prevent what the administration is doing to Dr. Burton, not what the administration falsely alleges Dr. Burton did. The complaint against Dr. Burton misapplies and misinterprets the Wisconsin Open Meetings Law.

Dr. Burton was not disrespectful, harassing or intimidating towards her colleagues. However, some of her colleagues might feel intimidated by Dr. Burton's efforts to protect students and protect herself and in doing so, expose their corrupt actions.

Dr. Burton has not attempted to expose corruption to undermine her colleagues professionally or to damage their reputations or careers. She is attempting to protect herself from corrupt actions that threaten her employment and in so doing she has exposed some corrupt actions of others at UW Platteville. She also has exposed corrupt activities to protect students, to gain fair due process for herself and to protect other employees. She is exposing corruption so quality employees, good honest effort, accomplishment and good teaching will be rewarded rather than punished at UWP.

By ordering Dr. Burton to "cease" making groundless accusations against members of the university community Throop implied that Dr. Burton had made groundless accusations, but this is a false implication. All of Dr. Burton's accusations were backed by solid evidence, were well grounded in truth and were warranted. Making allegations of violation of law and policy could be considered "disrespectful" by the person or persons who violated the law or policy, but a reasonable person would not make that association. A reasonable person could consider allegations of corruption to be a legal and important service to the community.

Dr. Burton did not make any assertion that she would not comply with Throop's LOD. She sent an email to Dean Throop informing her that she had filed a grievance to address the issues concerning the LOD and pointed out that she "cannot accept" the LOD, not that she would not, or did not accept it. The administration continually twists Dr. Burton's words to make it appear that her act of informing Dean Throop of the unacceptability of the

LOD was her refusal to follow the LOD. This was not the case. Dr. Burton wrote to Dean Throop on 11-12-14 *“I am sorry, but I cannot accept your letter of direction dated Oct 28, 2014 and delivered on Oct 29, 2014. I have filed a grievance against you concerning your letter of direction and look forward to resolving the issues soon”* (Appendix L). By this she meant that the LOD was unacceptable for the reasons spelled out in detail in the grievance she had filed. There is a big difference between “cannot accept” and “will not accept” or “didn’t accept.” Dr. Burton wrote in her rebuttal to the LOD *“I will continue keeping students uninvolved in my complaints and grievances.”* (Appendix M). This is a statement that she will comply with the LOD and she has done so. Dr. Burton told Dean Throop that she would follow the LOD (tr. 11-30-17 pg. 66).

Dr. Burton did not use university resources to do any of the things Chancellor Shields charged her with. Chancellor Shields admitted that the exercise of First Amendment rights is often perceived as being disrespectful and threatening (tr. 9-19-17 pg79 ln19-25).

Dr. Burton never said that she has a tendency to be short or that her tendency to be direct could be perceived as threatening. Dr. Burton said she was “kinda direct” and “kinda short” and “brief” in one specific email to Deb Rice because Deb Rice had *“cussed her out over the phone.”* Burton also said that she *“wasn’t accusatory.”* Dr. Burton said she has a tendency to be direct due to her German heritage and she said she tries to be careful. She never admitted that she was short with colleagues. This can be verified by listening to the interview between Dr. Burton and Dr. Roter which was provided by Dr. Burton but was excluded from the record (Audio A41).

Chancellor Shields relied on an unsigned Roter report that contains numerous factual errors and mistakes and errant opinions but should contain only facts. He then twisted the

words of the biased report and, from nowhere, added the false accusation that Dr. Burton admitted that she ‘could be perceived as threatening.’ This is another example of a double twist of the baseline truth. The Roter report twists this truth to imply Dr. Burton’s guilt in vague statements of opinion rather than fact and the Chancellor then twists that implication to indicate the opposite of the baseline truth. Dr. Burton contends that by so doing, Chancellor Shields violated Wis. Stat 943.39.

See (Rebuttal-RoterReport3-4-17). The administration bears the burden of proof to demonstrate that the “Roter report” was actually written by Dr. Roter.

Chancellor Shields and his agents have been practicing discrimination based on Dr. Burton’s German nationality. Burton became an American Citizen in 2009. By attacking her for a trait that is an accepted national trait of Germans, that they are direct, this complaint and investigation is further evidence of bias against Dr. Burton for her German/American heritage. (Burton-Complaint-3-7-17)

Hearing Scheduling

Dr. Burton repeatedly requested that the panel be re-constituted in conformance with applicable policy. Dr. Burton’s requests that the panel be properly formed were ignored and mischaracterized as requests for continuances. The panel failed to hold a hearing within 20 days as required. Dr. Burton did not agree to the extension and the panel failed to order an extension. They just let the date slip by. It was the hearing panel that delayed the hearing past the mandatory 20-day deadline, not Dr. Burton. Dr. Burton contends that Dr. Peckham violated UWS 4.04 and UWP Faculty Personnel Policies and Procedures 6.3.12.3 section 6 by not holding a hearing within 20 days after Dr. Burton delivered her request for appeal. The record

shows no order of the appeal panel extending the time limit and Dr. Burton did not agree to any extension.

Dr. Burton asked for accommodations for severe medical conditions and postponement of the scheduled 5-25-17 hearing. The panel held a hearing, in spite of the facts that they knew Dr. Burton was too ill to attend and that the chair of the panel had stated ten days prior “*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.*”

Attorney Lattis claims that Dr. Burton’s husband announced that his wife was too ill to attend the hearing while, in the same paragraph, claims that no medical excuse was provided and that Dr. Burton did submit medical excuse. Attorney Lattis seems to be claiming that medical emergency is not a medical excuse to be unavailable for a hearing that was scheduled during Dr. Burton’s off contract time. Dr. Burton provided a Doctor’s note explaining that her ulcers had flared up requiring treatment and surgery. Panel chair Hansen, in a letter dated August 2, 2017, demanded that Dr. Burton must schedule her future medical emergencies with at least 5 days’ notice (Appendix N: ScheduleMedEmergs). This is an absurdity that Dr. Burton contends violates ADA law. Dr. Burton’s medical condition was exacerbated by the unfair treatment she received in her appeal process and explains her inability to meet with Chancellor Shields while attorney Lattis was in the room.

Chancellor Shields was combative and evasive and lacked candor in his testimony on 9/19/17. He answered a question with a question and when pressed he stuck to his answer, which was a question. There were so many improprieties in the appeal process that Dr. Burton’s attorney needed to spend his arbitrarily limited time questioning Chancellor Shields to get to the truth. However, Chancellor Shields seemed to be trying to run down the clock, so

Dr. Burton would not have time to cross-examine other witnesses or give her own testimony while he avoided answering important questions. Dr. Burton's attorney asked only questions that were relevant to the matter. Dr. Burton was not given adequate time to address any of the charges against her or to cross-examine the other four hostile witnesses.

In the November 30, 2017 hearing Dr. Burton was only given an hour and a half to testify. This artificial and arbitrary time limit was not nearly enough time to untangle the web of false charges against her. Dr. Burton contends that the panel limited her available time because the panel had been selected by Dr. Laura Anderson to violate her due process rights and deliver a recommendation in support of the Chancellor's charges regardless of the facts of the case. Dr. Burton's allegation is supported by the numerous violations of policy and law that were committed against her in this process.

Attorney Lattis highlights one of the only requirements of the appeal process that UWP did not violate. UWS § 4.07(1) states "*within 20 days after receipt of this material the chancellor shall review it and afford the faculty member an opportunity to discuss it.*" Attorney Lattis seems quite proud that Chancellor Shields finally followed one of the directives in the admin code. Dr. Burton does not contest the fact that Chancellor Shields afforded her an opportunity to discuss the panel's findings on February 15, 2018. However, UWS § 4.07(1) does not require Dr. Burton to meet with a Chancellor and his attorney in a meeting designed to stress her out. In fact, there is no requirement for Dr. Burton to meet with the Chancellor at all. Dr. Burton distrusts Chancellor Shields because he has repeatedly violated her trust, UWP policies, UWS guidelines and state and federal laws in his effort to fire her for aiding students and talking to Republican politicians and trying to be treated fairly. Dr. Burton felt physically and emotionally threatened by any meeting with Chancellor Shields and Attorney Lattis. Dr. Burton did not feel

comfortable or safe meeting with Chancellor Shields in the setting he afforded so she asked that the meeting be made safer and more comfortable for her. The Chancellor ignored her requests.

Throop LOD and Threats

Attorney Lattis' stated that *"The court found that Burton did not dispute the truth of the allegations in the Throop letter, only their characterization."* However, the district court stated *"Burton relies on evidence of pretext: she contends that the allegations in Throop's letter of direction were so obviously false that they must have been a cover for retaliatory animus."* See *Burton v. Board of Regents, District Ct. for Western District of Wisconsin, 14-cv-274-jdp*. Obviously, the district court found that Dr. Burton did indeed dispute the truth of the allegations in the Throop letter. Dr. Burton contends that Attorney Lattis, knowing that Dr. Burton has always disputed the truth of the Throop LOD, violated Wis. Stat. [943.30](#) by purposely misquoting the court.

Dr. Burton has always disputed the truth of the allegations in the Throop Letter of Direction. Dr. Burton contends that the following allegations in Dean Throop's LOD are false, untrue and unsupported:

- *"you abruptly informed your chair that you had no intention on being part of that visit."* Dr. Burton wanted to be involved in the visit. She just couldn't do it all.

Dr. Dalecki excluded Dr. Burton from participation in the visit.

- *"As a result of this unprofessional demand as well other poor interactions with Dr. Stackman, we had to remove you as her mentor."* There are several false elements in this statement. Dr. Burton asked Dr. Stackman to house sit. It was not unprofessional. It was not a demand. There were no poor interactions with Dr.

Stackman. Dr. Burton was removed as Stackman's mentor for unspecified reason. When Dr. Burton asked for an explanation it was essentially "*because I say so.*" They did not have to remove Dr. Burton as Dr. Stackman's mentor. They did it as retaliation against her for helping a student, complaining of unfair treatment and for involving Republican Representative Tranel in her cyber-security program efforts.

- "*you...have refused to take responsibility for your own part in your removal as Dr. Stackman's mentor.*" Dr. Burton did not have a part in her removal as Dr. Stackman's mentor. Dr. Burton has always taken responsibility for her actions, but not for fabricated allegations.

- "*you threatened Dr. Patrick Solar, a second-year assistant professor, with consequences to his potential tenure bid because you were displeased with his interpretation of his role as committee chair.*" Dr. Burton did not threaten Dr. Solar. Dr. Burton was not displeased with his interpretation of his role as committee chair. She was displeased because he violated policy and lied about it.

- "*only you believe that he has improperly carried out his duties as committee chair.*" Anyone who is willing to see the truth will also believe that he improperly carried out his duties as committee chair. Dr. Burton's husband, for example, also believes.

- "*you said, he was biased.*" Dr. Burton didn't say the chair was biased. The student said that.

- "*Standard operating procedure provides that students should start with the department chair for any such concerns.*" This is false. Policy allows students to report their concerns to several possible points of contact.

Dr. Burton contends that the above statements in the Throop LOD are unsupported and untrue. She has disputed the LOD since she submitted her rebuttal to the LOD on Nov 12, 2014. In her June 20, 2016 OCR complaint Dr. Burton wrote “*I filed two grievances on 04/26/2016: The first one against LA-E Dean Throop to get her Letter of Direction from Oct. 2014 against me removed as depositions of witnesses revealed in Nov. 2015 that allegations in her LOD were fabricated and/or addressed protected activities.*” There can be no question that Dr. Burton has always disputed the truth of the Throop LOD. Dr. Burton contends that Dean Throop violated Wis. Stat. [943.30](#) by writing false allegations in the LOD.

Dr. Burton contends that the court did not possess, in its record, the evidence and arguments that would have allowed it to make an informed decision concerning whether Dr. Burton had decided whether to heed or not to heed the directives. Dr. Burton contends that she “could not accept” the LOD due to its’ unacceptable nature (false entries and violation of her rights), and not because of any decision on her part not to heed the directives. Acceptance and heeding are two different things that the court did not differentiate. Dr. Burton kept and heeded the directives and had every intention to do so from the beginning, but she never has “accepted” the LOD due to its’ completely absurd and unacceptable basis, its reliance on false entry and its author’s violation of Dr. Burton’s rights. She has asked for and been unfairly denied a grievance hearing to address the LOD.

Dean Throop is not a credible witness. Dr. Burton contends that she lied under oath and she lied in the LOD and she lied in the hearing on 5-25-17. But Dr. Burton was not allowed to cross-examine her. Also, Dr. Burton wrote in her rebuttal to the LOD that she did intend to follow the LOD directive. Dr. Burton contends that it is not disrespectful to point out

violations of law and policy by other persons, but a moral obligation and a duty. Dean Throop's statement in the hearing of 5-25-17 that Dr. Burton "did tell me that she would not" is contradicted by Dr. Burton's assertion on 11-30-17 when 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.*" (tr.5-25-17 pg 39), (tr. 11-30-17 pg 31). Dr. Burton indicated to Dean Throop that she intended to follow the directions (tr. 11-30-17 pg. 66).

No Campaign

Dr. Burton has not been on any campaign against her colleagues. She has been trying to gain fair treatment and help protect students. She has filed grievances but her due process rights have been repeatedly violated. Dr. Burton contends that Dr. Caywood retaliated against her because of the October 2012 sexual harassment incident and that the UWP administration and attorney Lattis began to retaliate against her because she filed complaints about Dr. Caywood's retaliation and because she invited Republican Representative Travis Tranel to come to a check presentation ceremony in one of her classes. Even Attorney Lattis, in this brief, attempts to cover up Dr. Gibson's acts. Dr. Gibson gave a note to a student, in class, on which he wrote "Call me tonight !!" and his personal cell phone number (Appendix O: CallmeNote). It was not a sanctioned breach experiment. Dr. Burton contends that the "experiment" was a cover story. The student filed a sworn deposition in which she stated "*Dr. Gibson walked up beside me and slipped a note under my books, in plain view of the other students in my group... I was shocked and incredibly embarrassed by the note and that he had given it to me in front of the other students... I was uncomfortable about going to Dr. Caywood because my impression of him was that he couldn't*

care less about me... I felt that Dr. Gibson was mocking me by his email, like I never should have brought up what happened... It made me feel small because, as a student, those things should not be swept away and since it was, I felt like I was just a nobody to the school and the Department, and like what happened to me was not important to them... Sometime later, Dr. Caywood called me into his office. He said that this was all a misunderstanding, that the note from Dr. Gibson was an experiment and that he had approved it... I continued to be embarrassed by the situation and I was afraid to continue to attend Dr. Gibson's class... I did not to pursue it any further because I was told that it had been handled and because the Chair and my professor had been so dismissive of the significance of my being upset and my embarrassment... As a result, I concluded that it would only make me feel worse if I pursued the incident any farther.”

Later Caywood admitted that the incident was “sexual harassment” and that he owed Dr. Burton an apology for the way he poorly handled the incident.

Attorney Lattis sides with Dr. Gibson by calling the incident merely a “breach experiment.” The incident that Attorney Lattis calls a “breach experiment” was sexual harassment, according to Dean Throop, HR director Durr and chair Caywood. Lattis’ assertion that it was an unsanctioned human subjects breach experiment makes Dr. Gibson’s actions worse, not better. Attorney Lattis seems to be trying to convince the Board that a male faculty member carrying out unsanctioned human subjects breach experiments by sexually harassing a student is appropriate while simultaneously arguing that Dr. Burton’s legitimate attempts to gain fair treatment, mischaracterized as somehow violating some unnamed person’s trust, are worthy of termination. The logic behind this cover up is absurd.

Sexual Harassment complaint - October 2012 - Grievance Committee

A Complaints and Grievances Committee sent a letter to Chancellor Shields expressing their findings about Gibson's actions (Appendix P). In this letter they wrote "*his actions were so egregious*" and "*Dr. Gibson showed extremely poor judgment in conducting an in-class example of a study,*" and "*Dr. Gibson's email is beyond reprehensible.*" The committee made recommendations for dealing with Dr. Gibson but they do not seem to have been followed. Gibson confirmed that the phone number on the note given to a student was his personal cell phone number. The committee wrote that his actions "*undermines Dr. Gibson's competence to teach research methods ethically.*" They called his apology to the class "*slut-shaming*" and wrote that Gibson "*has serious liabilities and lacks even a fundamental understanding of structural sexism.*" The department was not made aware of Dr. Gibson's actions and he was later elected to be the chair of the Criminal Justice Department.

Attorney Lattis fails to explain how Dr. Burton gaining tenure, or an inequity adjustment, would affect how UWP handled a sexual harassment complaint. The two events have nothing to do with one another. There is no rational nexus, except bribery. Attorney Lattis appears to be complaining that Dr. Burton was not willing to be "*bought off*" by bribes.

Dr. Burton gained tenure because she is a fantastic teacher who had an exemplary record until her personnel record was artificially and unfairly altered and smeared with fraudulent LOD's, fake police reports and altered evaluation scores.

Dr. Burton was aware that she received one "inequity adjustment" that she perceived to be a "bribe" by Dean Throop and that did not bring her pay to "equity" with her peers. Dr. Burton did not know of any "raises."

Dr. Burton is blamed for the acts of other people

Attorney Lattis blames Dr. Burton for a student writing an email informing the Chancellor that the student doesn't feel safe because the Chancellor mishandled a student sexual harassment incident. Rather than attempting to make the student safe Chancellor Shields decided to file charges to fire the only faculty member in UW Platteville courageous enough to advocate for students and he uses the student's email as support for his argument to fire her. There is no rational nexus between anything Dr. Burton did and any impropriety or harm in this matter.

Attorney Lattis doesn't really give any explanation how the "disappointed student" email supports dismissing Dr. Burton. It really supports Dr. Burton's argument that the UWP administration covers up sexual harassment complaints and retaliates against victim advocates.

Dr. Solar included the disappointed student's name and email address in his complaint against Dr. Burton. This seems to be a FERPA violation. He was not disciplined yet Dr. Burton is threatened with termination for audio recording open meetings. That is disparate treatment.

Dr. Burton wrote a Facebook post, on her personal Facebook page, asking for people who were friends with her, on her personal Facebook page, to support the student victim of Dr. Gibson sexual harassment in 2012. Dr. Burton doesn't "friend" any students until after they graduate so this Facebook post did not go out to any current students. Lattis is unclear why Dr. Burton's Facebook post is included in the package against Dr. Burton. She seems to be making some allegation of wrongdoing but provides no rational nexus between Dr. Burton's post and any harm. Lattis seems to be promoting the idea that anyone who suggests to former students that they should stand up for sexual harassment victims should be fired. This flies in the face of President Cross' message to the Board on 2-9-18 when he 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."* Attorney

Lattis seems to be advocating for a policy of “*zero-tolerance for sexual harassment victim advocates*” in stark contravention to President Cross’ message.

Students made the following comments at a forum called for by Dr. Strobl chair of the CJ department: (Audio recording A37)

32:40 – Female Student: “*I’ve been in this position before. I have fought the university one time and I’m afraid to do it again.*” 33:05

“*How are we going to be able to trust anyone in our department to go and report this or do anything with it or take our case somewhere else?*”

1:20:45 Female Student: “*We won’t be able to trust anyone in our department. I won’t be able to go to <name> without fearing what I’m telling her is gonna basically get her stripped of her job. Or telling another department staff or telling my own boss, <name>. If I go to her and be like hey this is what’s going on; with me just telling her what happened she might lose her job.*”

123:06 - Female Student: “*Us, as women, if we are violated any way by a professor or faculty or staff member or anywhere else, we now know that if we go to any one of our professors. So if we trust Joe, like I do, and went to him and I told him I would be fearing that I would be making him lose his job because I told him something of a personal matter. Or Kaitlin If I went to Kaitlin and I told her, this is what happened. I would fear that I’m losing her job more than I’d fear for my own safety. I’ve been in that position.*

We’ve got one professor, one faculty member who is willing to risk losing their job for us reporting but if this keeps happening and we keep reporting, we’re going to be down to a department of none. And this isn’t right. This isn’t right, We shouldn’t have to...

I guarantee that every single woman in this room fears walking alone on campus or fears walking on campus in the daylight or in the dark. Sorry men but that’s how it is. The ratio is

outrageous. And that's how it is for women. But with that fear in our mind and us now knowing that we can't go to department staff and not fear them losing their job. This is basically telling all women that we need to shut up and not report it because we're gonna get people canned and we're gonna get blamed for it. And we're gonna get all this other stuff done on like,

I'd rather sit and wallow in my own room about it than go and fear getting your job lost...and putting you in that position and getting all the blaming victims."

Female student: "I was just going to say, I struggle with how we're going to change the dean's mind when I have a friend who was drugged and raped and she went and talked to the dean and he blamed it on what she was wearing ... And then they said they weren't going to do anything to him because he was with good academic standing or something like that."

Male Student: This is the rape culture we've been seeing in the news for the past year.

Female Student B: That's what's going through every single woman's mind on this campus, with a campus that is three fourths of the way filled with guys.

Female Student B: I'm sorry but if the department is not gonna help us and they're not gonna back us, and we're just gonna to get slut shamed again what's the point of even saying anything?

1:41:55

Female Student: While we're here why don't we make a list

If we sign a petition, who all gets to see that? I mean because there are professors who Sabina has mentioned that I have. I mean if that professor sees my name how is that going to affect my grade? I mean, I want to graduate but I want this to continue.

Female Student C: *We're told it's our fault, we shouldn't dress provocatively, we shouldn't be out late, we shouldn't be out by ourselves, we shouldn't drink.*

One of the students said to Dr. Burton “*what can we do for you?*”
<http://istandwithburton.com/DiggingDeeper-WKOW-TV.MOV> .

Students clearly support Dr. Burton and want her in the classroom. Dr. Strobl said “*students were coming to me as the chair and saying “What are you doing to protect students?” ... they were - - continued to be concerned in many cases because they felt that Dr. Burton's critique held water.*” (tr. 5-25-17 pg59).

According to WKOW.com “*newly released open records have revealed that there have been 96 formal investigations of employee sexual misconduct since 2014. 11 of those cases led to the employee's resignation or termination. The cases in the open records specifically focused on teaching, supervisory, and advising staff members. UW-Milwaukee had the most investigations of any UW System school with 34. They were followed by UW-Oshkosh (19), UW-Whitewater (11), UW-Madison (7), UW Colleges (5), and UW-Green Bay (4). UW-Stevens Point, UW-Platteville and UW-Stout each received 3 complaints. UW-River Falls and UW-Eau Claire both had two. Three UW campuses - UW-Parkside, UW Extension and UW-Superior - investigated just one case each.*” Dr. Burton contends that the reason UW Platteville's numbers are so low is because of the intimidation students and their advocates receive when reporting sexual harassment. Sexual abuse is way under reported at UW Platteville.

False Allegations from long ago

Attorney Lattis seems to be trying to get Dr. Burton fired for the allegations in the LOD's rather than for the allegations in the current charges. If the things Dr. Burton did that

led to the October 28, 2014 LOD and the June 3, 2016 LOD were so bad, why wasn't Dr. Burton disciplined then? The allegations in both LODs are false and/or bogus. Dr. Burton asked for a grievance hearing to address the Throop LOD and she was promised a hearing but never given one. UWP Personnel Rules and Procedures Part III, Article IX Section 2 states "*The following procedure shall be followed: ...The aggrieved faculty member is entitled to a hearing before the commission within twenty calendar days of the written submission of the grievance to the commission chair.*" Dr. Burton contends that the eleven months she waited, and begged for, a hearing long exceeded twenty days and therefore the university violated this policy. For this reason alone, the Throop LOD should be voided and removed from her record. But there are also many more reasons it should be voided.

False Statements in Appeal Hearings:

Dr. Burton contends that during hearing testimony on 5-25-17 Dr. Fuller, Dr. Throop, Dr. Solar and/or Dr. Strobl violated Wis. Stat. 943.30 by maliciously accusing Dr. Burton of offense to compel her to leave UWP by influencing the official action of the panel and the Board of Regents.

Dr. Burton contends that Chancellor Shields, Attorney Lattis, Dr. Fuller, Dr. Throop, Dr. Solar and Dr. Strobl violated Wis. Stat. 942.01 by communicating false defamatory matter to others, without Dr. Burton's consent, with intent to defame her and with malicious intent to injure Dr. Burton's occupation. Dr. Burton provided extensive rebuttal explaining the falsehood of the defamatory statements, but the panel excluded much of her rebuttal from the record. A small portion of her arguments and evidence is provided in this brief.

False statements in the 9-19-17 hearing:

Chancellor Shields' testimony is not credible because Dr. Burton has alleged, and provided evidence to support her allegations, that Chancellor Shields has violated numerous policies and laws in his handling of the sexual harassment incident and in his handling of Dr. Burton's complaints and grievances and in his handling of complaints against Dr. Burton. Dr. Burton contends that the following statements by Chancellor Shields are false:

1. *"I would say her admission that she knows that she can be intimidating is a threatening -- is a self awareness on her part about this."*

a. Dr. Burton never admitted that she can be intimidating or threatening. This was a half-twist of truth from Dr. Burton's interview to the Roter report and another half-twist of truth to the Statement of Charges. It is a false statement and Dr. Burton contends that Chancellor Shields knew it to be false with intent to defame Dr. Burton and convince the panel to recommend dismissal on false and misleading testimony.

2. *"He (Gibson) was gone, you know, within months after that (the 2012 sexual harassment incident)."*

a. Gibson was employed for two and a half years after the incident. He was elected to be department chair after the incident. He received was awarded merit pay after the incident. He was never disciplined for the sexual harassment incident of 2012. Chancellor Shields and Attorney Lattis still attempt to protect Gibson by claiming that his act was an experiment and not sexual harassment.

3. *“Over the course of five or six months this had turned into an extraordinary circumstance. This university was pilloried, all kinds of things were said about us, on University Corruption, on social media, and all kinds of ways.”*

a. The website was publicized at the same time as the M. D. Kittle Watchdog article, on Oct 26, 2016. The complaint against Dr. Burton was issued on Dec 16, 2016, less than two months after publication of the first Watchdog article, not five or six months after.

b. UniversityCorruption.com contained truthful account of events leading up to that point in time and was maintained by Dr. Burton’s husband. It was published to help Dr. Burton gain fair treatment and to stimulate conversation leading to openness and accountability that would make students safer by providing truthful and accurate account of events that show how the UWP administration covers up sexual harassment incidents by retaliating against student’s advocates.

c. Chancellor Shields emailed students a copy of the court case decision. Dr. Burton had nothing to do with that. This action brought students into the situation who otherwise would not have known of it.

d. Chair Strobl attempted to address the matter with concerned students by calling for a meeting to address issues but she did not show up for the meeting. This caused students frustration and angst that led to more dysfunction in the CJ department.

False statements in the 5-25-17 hearing:

Attorney Lattis' false statements – 5-25-17:

Attorney Lattis is not credible because she has been inappropriately involved in Dr. Burton's retaliation since the beginning of the matter and Dr. Burton has alleged multiple violations of ethics code, law and policy. Dr. Burton contends that the following statements by Attorney Lattis are false and that she violated Wis. Stat. [943.30](#):

1. *“And to be clear, the source of this dysfunction is Dr. Burton and only Dr. Burton.”*

a. Chancellor Shields said that others in the department created dysfunction in the CJ dept. (tr. 9-19-17 Pg73 ln11-13). None of them were processed for termination.

b. The Roter report did not specify who was responsible for the dysfunction in the CJ department. It was vague. Almost everything in the charges and complaints against Dr. Burton are vague. The source of the dysfunction is not Dr. Burton.

Chancellor Shields false statements -5-25-17:

1. *“The department voted not to retain that faculty member, (Gibson) and even upon his appeal, I denied that appeal, and he departed I think right away almost. He didn't -- he didn't use the additional year that he had to find another circumstance.”*

a. Gibson stayed with the university for two and a half years after the sexual harassment incident.

b. The department voted for Dr. Gibson to be chair of the department, but Dean Throop violated policy and appointed Dr. Dalecki to be interim chair (Appendix V).

c. Chancellor Shields signed Gibson's non-renewal letter on September 23, 2014 and Gibson continued to teach until about June 2015. An email he sent to the department demonstrates that Gibson was still involved in departmental matters even in Feb 2015, when he explained some of the dysfunction in the department (Appendix Z).

2. *"Yes. This is the report that Dr. Roter presented."*

a. Dr. Burton contends that it is not the report Dr. Roter presented. Dr. Burton contends that Dr. Roter's report was altered and that the document Chancellor Shields identified as Dr. Roter's report is a forgery.

b. Chancellor Shields refused to provide the original report that Dr. Roter submitted.

c. Why didn't Shields provide the original? Why isn't the report signed? Who wrote it? Why did Shields present it as Dr. Roter's report if it isn't? Who altered Roter's original report?

3. *"I would remind this panel that every one of those has been adjudicated in a number of different forms"*

a. This is a false statement.

b. Dr. Burton's grievance concerning the Throop LOD was never adjudicated.

c. Dr. Burton's other grievances were also denied and mishandled.

Dr. Throop's false statements:

Dr. Burton was not in attendance of the hearing where Dr. Throop testified due to severe illness. Dr. Burton was not allowed to cross-examine Dr. Throop and her testimony was wildly outside the scope of charges. Throop's testimony is not credible for many reasons: Dr. Throop perjured herself in a federal deposition; she wrote a LOD that Dr. Burton was not allowed to address in a grievance hearing and the current charges were based on that LOD; she violated policy by appointing Dr. Dalecki as CJ department chair. Dr. Burton contends that the following statements by Dr. Throop are false and that she violated Wis. Stat. [943.30](#):

1. *“In December (2012) her department chair had discovered she had constructed two websites that had the University of Wisconsin-Platteville logo, but were not actually associated with the university, in which she claimed that there was a cyber security curriculum, which there wasn't, and that she was an expert in cyber security, which she isn't.”*

a. There was never a logo on the websites.

b. Throop also made this same false statement under oath in a federal lawsuit deposition on 10-28-15. The record contains no mention, between Oct 2012 and 10-28-15, of a logo on the websites. Dr. Burton contends that Throop violated Wis. Stat. [946.31](#).

c. Dr. Burton did not claim in the websites that there existed a cyber-security curriculum. A screen shot of the websites disproves Throop's statement.

d. Dr. Burton did not claim to be a cyber-security expert on the website. A screen shot of the websites disproves Throop's statement.

e. Dr. Burton does have expertise in cyber-security as Dr. Throop verifies in the opening five minutes of a faculty forum (DataStick:Exhibit D/media/Media/V1-FacForum-Burton).

2. *"She (Dr. Burton) did tell me that she would not (comply with the Letter of Direction)."*

a. Dr. Burton asserts that she never told Dean Throop that she would not comply with the LOD. In fact, she stated in her written rebuttal to the LOD that she would comply with the directive by continuing to keep students uninvolved in her disputes. Also, Dr. Burton stated in her testimony that she told Throop she would comply with the directives.

3. *"That (page 45 of the Exhibit C) was a student who wrote -- obviously wrote an e-mail to the Chancellor, to myself, to Dean Gormley, and to an academic staff member who basically repeats things that Dr. Burton has written in social media.... almost verbatim some of the things that I saw on social media that Dr. Burton had herself posted"*

a. There is no rational nexus between the student email and any of Dr. Burton's posts.

b. There is no evidence of any "almost verbatim" repeating in the record.

4. *"She (Dr. Burton) is telling her students, who are Facebook friends, one, a number of falsehoods, two, that she is urging them to get involved in her campaign."*

a. Dr. Burton never allowed current students to be friends on Facebook. Only after they graduated would Dr. Burton allow her students to be friends on Facebook.

b. Dr. Burton did not tell falsehoods. Throop did not identify any statements by Burton as falsehoods.

c. Dr. Burton did not conduct any campaign. She was trying to keep from being fired unfairly and to protect students from sexual abuse.

5. *“She (Burton) kept telling him (Solar) that he was doing things wrong. And he wasn't doing things wrong.”*

a. Dr. Solar violated policy and that is what Dr. Burton pointed out.

b. Throop admitted that she did not investigate Dr. Burton’s allegations against Solar.

c. Dr. Solar lied about his violation of policy.

6. *“She (Dr. Burton) called them (DOJ Bureau of Investigation) and wanted to file a criminal complaint against Dr. Solar.”*

a. Dr. Burton did not call the DOJ wanting to file a criminal complaint against Dr. Solar.

b. Throop claims to know what Dr. Burton wanted but she can’t even get her facts straight.

c. The record contains no evidence to support Throop’s statement.

7. *“He (Solar) performed very well, and we were able to hire a couple wonderful junior faculty members.”*

a. Dr. Solar failed to fill any of the three spots he was tasked with filling during the period in question. The search for all three new faculty members failed. Nobody was hired from the search Solar chaired. Part of the reason for the failed search was that the advertisement was poorly worded. Dr. Burton was excluded from the process of writing the advertisement, in violation of policy.

8. *“There’s no basis in fact for anything that she (Dr. Burton) has said.”*

a. Dr. Burton has told nothing but the truth.

9. *“this is a textbook example of bullying.”*

a. A textbook example of bullying is what Dean Throop did to Dr. Burton, not what Dr. Burton has done.

Dr. Strobl’s false statements:

Dr. Burton was not in attendance of the hearing where Dr. Strobl testified due to severe illness. Dr. Burton was not allowed to cross-examine Dr. Strobl and her testimony was wildly outside the scope of charges. Dr. Strobl’s testimony is not credible because Dr. Burton had exposed Dr. Strobl’s violations of the terms of a federal grant application; Dr. Strobl had resigned her position as chair of the CJ department citing “lack of institutional support” and Dr. Burton had expressed her desire for a new chair instead of re-instating Dr. Strobl. Dr. Burton contends that the following statements by Dr. Strobl are false and that she violated Wis. Stat.

[943.30](#):

1. *“I did in late October receive some complaints, so the student -- and I did meet with some students, a handful, who claimed to be representing others, and through other*

sort of rumors there were complaints that in a seminar class, Dr. Burton was expressing her dissatisfaction with the university.”

a. Students from Dr. Burton’s seminar class confirmed that Dr. Burton did not express her dissatisfaction with the university in her seminar class.

b. Dr. Strobl was vague about who made the complaints and rumors.

c. Dr. Burton contends that no students made any such complaint or rumor.

d. Dr. Burton contends that Dr. Strobl made up the complaints and rumors and that she made up the meeting with “a handful” of students, who claimed to represent others. She gave no evidence whatsoever, to support this statement.

2. Q how did Dr. Burton interact with other colleagues in the Department of Criminal Justice in the fall of 2016? A *“Very strangely. She was in the fall of 2016 engaged in routinely, on a daily basis, name calling and bullying, using various social media outlets, including Facebook, Twitter, Google Plus, and her own -- or her husband's, excuse me, but perhaps she had a hand in that as well, universitycorrection.com.”*

a. Evidence on record does not support this. Dr. Burton did not engage in name calling or bullying. She did not send out daily emails. The record does not support the allegations. It is a fabrication.

b. Dr. Burton did not bully anyone.

c. Dr. Burton did not engage in name calling

d. The record identifies only one Facebook post from Dr. Burton that was identified in complaints against her and no Twitter or Google Plus posts.

3. *“So she had sent e-mails to -- I think this was not this past year but the academic year before, that an e-mail to all the members of the faculty senate that Deb was a criminal, she was in violation of a Wisconsin statute for defamation, which was a false allegation.”*

a. This is false. Dr. Burton sent an email to the faculty senate asking them to help her get a grievance hearing (Appendix W).

b. Dr. Burton did not refer to Deb Rice as “a criminal.” Defamation is a misdemeanor. Dr. Burton contends that Deb Rice violated Wis. Stat. 942.01.

c. There has been no valid investigation into Dr. Burton’s allegations against Deb Rice.

d. Dr. Burton contends that Dr. Strobl violated Wis. Stat. 943.30 by making this statement.

4. *“So she (Dr. Burton) appeared to be determined to discredit Dr. Solar as somebody who -- she accused him of racism, I believe, in an e-mail. ... was -- I'd have to look through the packet.... it went around to many people within the department.”*

a. Dr. Burton sent an email to Dr. Strobl pointing out some things Dr. Solar had done that Dr. Burton felt were inappropriate. Dr. Burton sent her email only to Dr. Strobl and not to others in the department. Dr. Burton was not trying to discredit Dr. Solar but she was trying to bring transparency

into the decision making process for a grant application. Her efforts were for the good of the department.

b. The record does not support the claim that a “*packet*” “*went around to many people within the department.*”

5. “*She (Dr. Burton) also came to me to express frustration with him (Dr. Solar), that he was teaching things in class that were inappropriate because -- I I don't know how she knew that.*”

a. Dr. Strobl did because Dr. Burton explained it in an email and attached a student’s paper, which made the claim. (Appendix S)

6. “*So one of the most disturbing things that I think occurred is, on social media she referred to Valerie's partner, Jenna, and in essence outed her, her sexual orientation, in a very public way.*”

a. Evidence does not support this. It is common knowledge that Dr. Stackman is married to another woman. Dr. Stackman asked Dr. Burton to be in her wedding. There no indication anywhere else in the record that Dr. Stackman or her partner were disturbed by anything Dr. Burton did.

7. “*It got to the point where the department couldn't hold a meeting because folks were not talking about anything.*”

a. The emergency department meeting of November 4, 2016 shows this statement to be false (DataStick:Exhibit D/media/Media/ A36-EmergDeptMtg-11-4-16). There was plenty of talking.

8. *“I couldn't get the faculty to transparently discuss nor agree on anything because they were so worried that if they said something that Dr. Burton didn't like, it was going to be on social media the next day.”*

a. The emergency department meeting of November 4, 2016 shows this statement to be false. (DataStick:Exhibit D/media/Media/ A36-EmergDeptMtg-11-4-16)

b. Dr. Burton has been trying to bring transparency to the department for years.

c. Dr. Strobl and Dean Gormley were trying to stifle transparency. Dr. Burton contends that their reason for doing so was to maintain cover-ups.

9. *“I reached out to campus security.”*

a. Campus police records do not support this statement.

b. There is no evidence to support this in the record

10. *“I'll be completely honest, the dean and the -- the then dean -- no, she wasn't dean at that time, the Interim Provost, Dean Throop often minimized my concerns, to be completely frank. A lot of the attitude was that social media didn't matter, nobody looks at it, don't worry about it, she's just really angry, she's not going to do anything. There was a lot of minimization. I had been going into the dean's office, Dean Throop's office for at least ten months, every monthly meeting, saying, "This has to stop. We are in trouble here. My people are suffering." And that did not -- there was no action taken.”*

a. At the time in question Dr. Burton was being processed for dismissal on bogus charges by Deb Rice, with no evidence.

b. The record does not support Dr. Strobl's assertion that she complained to Throop during the ten months prior to Oct 26, 2017.

c. Dr. Strobl made an affirmation of honesty in this statement so Dr. Burton contends that she violated Wis. Stat. [946.31](#).

11. *"Dr. Burton's CV was a confusing mess, to be honest."*

a. Dr. Burton has one of the strongest CVs of any faculty member in the CJ department.

b. Dr. Strobl made the affirmation of honesty in this statement so Dr. Burton contends that she violated Wis. Stat. [946.31](#).

12. *"there was an ongoing case since her time in the federal prison of the 1980s."*

a. Dr. Burton has never been incarcerated.

13. *"I was scared. I know a lot about, unfortunately, active shooters. I know a lot about workplace violence. It's something I studied in graduate school. It's something I keep abreast of as part of my intellectual interest. And I saw somebody -- and a husband of somebody, to be completely frank, Roger Burton, who fits the profile of somebody who eventually snaps in a really violent way in the workplace, ...I was also targeted."*

a. Neither Dr. Burton nor her husband match any such profile.

b. Dr. Strobl did not give any specifics about her profiling technique or information she used to come to her conclusion.

c. Dr. Burton was not given opportunity to debunk this dangerous allegation in cross-examination.

d. Dr. Burton contends that Dr. Strobl fears being exposed for her violations of law, not for any risk of Dr. Burton or her husband "snapping."

e. Dr. Burton is not a threat to anyone's physical safety. She has however, pointed out numerous violations of law, which can be perceived as threatening by those people she named.

f. Dr. Burton's husband is not a threat to anyone's physical safety. He has however, helped Dr. Burton expose violations of law.

Dr. Fuller's false statements - 5-25-17:

Dr. Burton was not in attendance of the hearing where Dr. Fuller testified due to severe illness. Dr. Burton was not allowed to cross-examine Dr. Fuller and her testimony was wildly outside the scope of charges. Fuller's testimony is not credible for many reasons: She allowed Dr. Caywood to sit on Dr. Burton's performance evaluation committee while Dr. Burton was suing Dr. Caywood in federal court; Dr. Burton accused Dr. Fuller of altering her evaluation records; and Dr. Fuller lacked candor in her deposition in a federal lawsuit. Dr. Fuller provided no evidence of her allegations.

Dr. Burton contends that the following statements by Dr. Fuller are false and that she violated Wis. Stat. [943.30](#):

1. *“Not only were the tapes on there, but all the evaluations of all the faculty, not all the faculty but many of the faculty, so there were peer evaluations, student evaluations of faculty, nontenured and tenured, adjunct, as well as vetoes. And the evals were summary evals with all the comments.”*

a. The record does not support this. The website did not include the documents cited.

2. *“Everybody in the department was professionally threatened.”*

a. Dr. Burton did not professionally threaten anyone.

b. Dr. Burton has pointed out specific violations by specific people.

There are several department members Dr. Burton has not complained of.

3. *“Two-thirds of our department, since she's been here, have been threatened personally or physically.”*

a. Dr. Burton did not threaten anyone, professionally or physically.

b. Dr. Burton has not complained about two-thirds of the department.

c. The valid record does not support this statement.

d. Dr. Fuller did not identify any people who were “threatened.”

4. *“ten percent of the university campus has been personally attacked.”*

a. Dr. Burton has not personally attacked anyone.

b. Dr. Burton has not complained about anywhere near ten percent of the people in the university.

c. Dr. Burton had previously filed complaints and/or grievances against Chancellor Shields, Dr. Throop, Attorney Lattis, Dr. Solar, Dr. Dalecki, Dr. Caywood, Mr. Dutelle, Dr. Fuller, Dr. Strobl. Tellingly, the UHIC and the appeal were circumscribed to include testimony from only those people Dr. Burton had complained of. This is not ten percent of the university.

d. The allegation is not supported by the record.

5. *“Dr. Burton's behavior was erratic, threatening. E-mails every day; everybody got e-mails every day, coming in daily. If you weren't copied on something, you were contacted directly.”*

a. Dr. Burton’s behavior was not erratic or threatening.

b. Dr. Burton did not send emails every day.

c. Dr. Burton did not send emails to everybody.

d. Dr. Fuller seems to blame Dr. Burton for emails she received from others.

e. The record does not support this statement.

Dr. Solar’s false statements - 5-25-17:

Dr. Burton was not in attendance of the hearing where Dr. Solar testified due to her severe illness. Dr. Burton was not allowed to cross-examine Dr. Solar and his testimony was outside the scope of charges. Solar’s testimony is not credible because Dr. Burton had previously complained of his violation of policy and his lies about it, because Dr. Solar had threatened her with *“consequences of (his) choosing,”* and because Dr. Solar had filed a hidden complaint against Dr. Burton. Dr. Burton contends that the following statements by Dr. Solar are false and that he violated Wis. Stat. [943.30](#):

1. Q Has Sabina ever accused you of being a "liar," with that word? A *“Yes. She most certainly has. And in all honesty I'm still trying to figure out exactly what she is referring to.”*

a. Dr. Burton appropriately alleged that Dr. Solar violated policy and lied about it. She did not call him a “liar” in the sense that he lies habitually but she stated that he lied in that occasion about her specific allegations.

b. Dr. Solar did know what Dr. Burton was referring to because this was made clear in several communications.

2. *“She’s also accused me of being a racist.”*

a. Dr. Burton reported to Dr. Strobl that Dr. Solar had put a poster outside his door that portrayed what seemed to be a racist message.

b. The record does not support the allegation that Dr. Burton referred to Dr. Solar as “a racist.”

3. *“She claims that I preach to my students that – who are a year or so away from becoming police officers that they should shoot people in the head.”*

a. Dr. Burton received a student report which contained a quote from Dr. Solar that caused Dr. Burton some concern. Dr. Burton sent the student report to Dr. Strobl in hopes that she would resolve the matter with Dr. Solar (Appendix S). Dr. Burton did not claim that Dr. Solar “preaches” to his students *“that they should shoot people in the head.”* The record does not support Solar’s testimony.

4. *“she (Dr. Burton) was never here, she was always absent.”*

a. Dr. Burton has missed only one day of class in her entire teaching career (not counting her extended medical leave due to severe ulcers and Chancellor Shields’ order banning her from campus). She missed that one

day because of the severe stress created by Dr. Caywood and Dean Throop destroying her chance to obtain a half-million dollar grant to build a cyber-security program at UWP. Dr. Burton has been very punctual. Dr. Solar's allegation is unsupported and false.

Recording department meetings is allowed by law

Dr. Burton recorded only open meetings in accordance with Wisconsin Open Meetings Law. Dr. Burton had all the approval she needed to make such recordings. Her own. Wis. Stat. [968.31](#) and Wis. Stat. [19.90](#) allows Dr. Burton to record these meetings with her own consent. The intent of the law is for this very situation. The laws allow an individual to record such meetings to expose corruption and to keep corruption in check. Dr. Burton was not trying to record any confidential information, she was trying to record evidence to support her very serious allegations of corruption, so she wouldn't be fired and to protect students.

There is no policy or law against giving open meeting audios to a reporter. Dr. Burton denies the allegation that she provided any recordings to her husband for posting on the public site. She provided some recordings to her husband for cataloging. He chose what to post online and Dr. Burton trusted his discretion.

Dr. Burton recorded open meetings. Dr. Throop is not a credible witness and Dr. Burton was not allowed to cross-examine her. If Throop really considered the audios to be confidential she would have immediately asked Dr. Burton to remove them from the website, but she didn't. If she really considered the audios and their transcripts to be confidential she would have redacted them in her complaint exhibits, but she didn't.

Dr. Solar

Dr. Solar wrote to Dr. Burton and her husband “*Your failure to comply will result in consequences of my choosing*” (Appendix K). It was Dr. Solar who threatened Dr. Burton and her husband not the other way around.

Dr. Nemmetz

Dr. Burton’s email to Dr. Nemmetz was written in response to Dean Throop’s sworn deposition on 10-28-15 in which Dean Throop said that Dr. Nemmetz had complained to her about Dr. Burton. In that deposition Dean Throop also falsely claimed, under oath, that the governor’s office had complained to Throop about an email Dr. Burton had sent them. Evidence of this was contained in Dr. Burton’s extensive rebuttals but the rebuttals were not included in the record. (Appendix R)

Dr. Strobl

There were never any investigations into Dr. Burton’s allegations against Dr. Strobl. However, the allegations were accurate and true. It is outrageous that the UWP administration has been allowed to get away with violating policy and law for so long that they don’t even seem to realize when they are doing it.

Harm to the University

Attorney Lattis fails to explain any rational nexus between Dr. Burton’s actions and any harm to the university that can be supported by any valid evidence or credible testimony.

Dr. Burton's conduct has been legitimate, reasonable, courageous, important for the public and within the law and policy.

There is not just cause to dismiss Dr. Burton. Her behavior has been exemplary, and her teaching skills are "*absolutely astounding*" according to Dr. Throop. Attorney Lattis fails to show that Dr. Burton had "done" anything wrong. She points to statements from non-credible hostile witnesses who have not been cross-examined and spoke wildly outside the scope of charges to make her point without credible evidence of any actual wrongdoing on Dr. Burton's part. Anyone looks bad if the Chancellor and the Provost and the Dean and the Chair and two colleagues bad mouth them and use words like "bully," "unprofessional," "threatening" and "nasty." But what exactly did Dr. Burton "do?" Did she violate any policy or law? No. Did she violate Dean Throop's LOD? The only directive Dr. Burton might possibly have violated was directive #3, which directed her to "*treat (her) colleagues in the criminal justice department with respect.*" So, the question is whether her emails are disrespectful and whether Dr. Burton's communications are protected speech. A close look at the evidence shows that Dr. Burton's communications are not disrespectful and that some of them are protected speech. They do not come even close to the level to fire a tenured faculty member.

What was the "conduct complained of?" the Throop/Gormley complaint and the Chancellor's statement of charges specify that Dr. Burton wrote emails. There are a handful of emails that were identified as problematic, but they are not. What else was Dr. Burton accused of "doing?" What was her "conduct?" Did she commit a felony? No. Did she make a false statement? No. She wrote emails and posted on Facebook. That's it. She wrote emails and posted on Facebook. That is the only specific charge against her. There is not even any

explanation what she said that was supposedly problematic. There were vague charges that she violated laws by recording open meetings but even the panel didn't buy that. There were allegations that she threatened people, but the threats were all said to have been delivered by email. So, look at the emails and see that Dr. Burton's conduct does not rise to meet the Safransky standard.

Just Cause:

Lattis argues on page 7, that "*the Board should apply the same "just cause" definition it has applied in prior decisions dismissing tenured professors.*" Dr. Burton agrees that the Board should apply the same standards or risk treating some employees disparately. In Dr. Burton's case, Attorney Lattis and Chancellor Shields misinterpreted the Safransky standard in arguments and instructions to the panel. Attorney Vaughan failed to correct their misinterpretations to the panel. Attorney Vaughan's failure to correctly instruct the panel helps explain the panel's support of Chancellor Shields' recommendation that Dr. Burton be terminated.

The Safransky Standard:

Chapter UWS 4.01(1), Wis. Admin. Code provides that faculty members at University of Wisconsin System institutions "may be dismissed only by the board and only for just cause"

In the matter of Baica—the, Board applied the standard for just cause set forth by the Wisconsin Supreme Court in *Safransky v. State Personnel Board*, 62 Wis. 2d 464 (1974). That

case held that in determining whether there is just cause to dismiss a tenured government employee, "... *one appropriate question is whether some deficiency has been demonstrated which can reasonably be said to have a tendency to impair his performance of the duties of his position or the efficiency of the group with which he works.*" [Id., at 473-74, citing *State ex rel Gudlin v. Civil Service Comm.*, 27 Wis. 2d 77, 87 (1965).]

The Regents have consistently used this standard, and only this standard, and it has become boilerplate text in their Decisions and Orders. In every one of nine recent dismissal decisions¹ by the University of Wisconsin Board of Regents (Regents), [Henige (UW-Whitewater, 2018); Kung (UW-Madison, 2016); Baica (UW-Whitewater, 2016); Siegel (UW-Eau Claire, 2009); Elechi (UW-Parkside, 2008); Cohen (UW-Madison, 2006); Coronado (UW-Madison, 2006); Marder (UW-Superior, 2001); Yao (UW-Madison, 2000)] the Regents have cited in their "decision and order" that just cause for these dismissals met the standard set in *Safransky v. Personnel Board*, (62 Wis. 2d 464, N. W. 2d 379 (1974)), (*Safransky*) stating that:

"'just cause' exists when the individual's conduct reasonably can be said to have a tendency to impair the individual's job performance or the efficiency of the group with which he works."

The conduct complained of must have a deleterious effect on job performance. Attorney Lattis seems to think that this means that someone else's conduct can be used to fire Dr. Burton if it is complained of by unnamed persons who aren't even affected. This is of course absurd. Many of the allegations against Dr. Burton are for conduct by other persons. Dr. Burton's ability to perform her job has not been hampered. She is an excellent teacher, and nobody disputes that. Her job performance was not affected even by the severe corruption she has faced. Even the

¹ See, e.g., *In the Matter of Kung (UW-Madison)*; *Yao v. Board of Regents of the University of Wisconsin System*, 256 Wis.2d 941 (2002); *Marder v. Board of Regents of the University of Wisconsin System*, 286 Wis.2d 252 (2005).

deleterious effects of years of retaliation against Dr. Burton has not caused Dr. Burton's job performance to suffer. There are no allegations that Dr. Burton's job performance was deleteriously affected. So, the only question that remains here is whether the job performance of others in the department were deleteriously affected by something that Dr. Burton did. Dr. Burton contends that any deleterious effect on the ability of other members of the department to perform their jobs had no rational nexus to any misconduct of hers.

Other cases mentioned vary considerably from Dr. Burton's case.

The Henige case is currently under court review. In Kung it was demonstrated that Kung failed to meet requirements of all three areas of teaching, research and service. In Baica it was demonstrated that Baica failed to meet requirements in the areas of teaching and service. In Siegel, it was demonstrated that Siegel failed to appear for work and effectively abandoned his position. In Elechi, the circumstances were similar.

In a number of cases the conduct was even more egregious. In Yao it was demonstrated that Yao had tampered with a colleague's experimental materials. In Coronado, Coronado had been convicted of felony sexual assault of a child. In Cohen, Cohen was charged with sex crimes against a child and pled no contest to a lesser count. In Marder it was demonstrated that Marder had engaged in sexual misconduct.

Dr. Burton's conduct does not meet the Safransky standard, and she argues that the application of that standard is flawed as presented to the Board.

The appointing authority has committed arbitrary and capricious action resulting in major violations of Dr. Burton's individual rights to due process of law.

Dr. Burton's misconduct, if any at all, certainly has not undermined the efficient performance of her duties of employment and has had at most, insignificant affect on the department's ability to perform.

By arguing that the Board use the Safransky standard of just cause, Attorney Lattis supports Dr. Burton's retention. However, this is not the same standard of just cause Attorney Lattis and Chancellor Shields instructed the panel to use.

All the other charges were shifting, vague references to vague, unspecified "behaviors" that were never identified. Exposing corruption does not rise to the level of just cause to fire a tenured faculty member. Trying to keep from being fired does not justify terminating an employee. Attempting to protect students from sexual predators is not good reason to fire an employee. Contacting politicians of the party opposite the existing power structure does not warrant dismissal.

The Chancellor and the Dean and the Provost and the panel published the same materials, unredacted. The unwritten trust and faith rule seems to disparately apply only to Dr. Burton. This arbitrary and capricious application of unwritten, vague and shifting after-rule indicates pretext. There is no way Dr. Burton could have known of any rule or standard concerning a violation of trust regarding audio recordings she made years earlier. Dr. Burton made the recordings to protect herself from corruption. She made the recordings in an effort to provide evidence to support her case, not to harm anyone. She didn't publish the recordings. They had been published long ago. There is no rational nexus between Dr. Burton's recording of open meetings and the alleged harm to the functioning of the university.

Attorney Lattis and Chancellor Shields through their statements, and the Regents through their past decisions, have suggested that their citation of a single passage from

Safransky may serve as the sole applicable standard for just cause. However, their citation of *Safransky* has been modified, is incomplete and has been taken out of its original context.

Safransky decision states:

“The court has previously defined the test for determining whether ‘just cause’ exists for termination of a tenured municipal employee as follows: ‘... one appropriate question is whether some deficiency has been demonstrated which can reasonably be said to have a tendency to impair his performance of the duties of his position or the efficiency of the group with which he works. The record here provides no basis for finding that the irregularities in appellant’s conduct have any such tendency. It must, however, also be true that conduct of a municipal employee, with tenure, in violation of important standards of good order can be so substantial, oft repeated, flagrant, or serious that his retention in service will undermine public confidence in the municipal service.’ State ex rel. Gudlin v. Civil Service Comm. (1965), 27 Wis. 2d 77, 87, 133 N.W.2d 799.” (Gudlin)

Dr. Burton has not violated any law, rule or policy and therefore no deficiency has been demonstrated. Allegations of Dr. Burton’s conduct have not shown any rational nexus to tendency to impair the efficiency of the department. It is not rational to consider testimony by hostile witnesses who lack credibility and/or were not cross-examined. It is likewise not rational to consider a written report that is not signed by the investigator and is likely a forgery. Dr. Burton has not violated any important standard of good order. A violation of an unwritten and unspecified rule of some unspecified person’s trust cannot be considered to be an “important standard of good order,” especially in light of the numerous violations of policy, guidelines and laws that have been committed against Dr. Burton. Holding Dr. Burton to an unwritten standard while ignoring multiple felonies against her is not rational. Conduct that

Dr. Burton is accused of was not substantial. Dr. Burton acted to audio record meetings within the law, so her conduct cannot be considered “flagrant.” The audios and the transcripts were published by Throop/Gormley, Shields and the panel so it can’t really be considered serious unless those persons are also disciplined, which they weren’t. At issue are three audio recordings Dr. Burton made in 2014 so the allegations can’t be considered “oft-repeated.”

The Safransky standard is more than one appropriate question. It must also be true that Dr. Burton’s conduct also undermines public confidence. Not only does Dr. Burton’s conduct fall far short of the first appropriate question but it does not meet the second appropriate question either. There is no valid indication that Dr. Burton’s retention will undermine public confidence in the municipal service, in fact, there is evidence that public confidence will soar when Dr. Burton returns to the classroom. Students will feel safer.

Attorney Lattis wrote “*The basis for such a requirement of ‘just cause’ or rational nexus is between conduct complained of and its deleterious effects on job performance as constituting grounds for termination of tenured government employees has been to avoid arbitrary and capricious action on the part of the appointing authority and the resulting violation of the individual’s rights to due process of law. Only if the employee’s misconduct has sufficiently undermined the efficient performance of the duties of employment will ‘cause’ for termination be found.*”

By this statement even Attorney Lattis acknowledges that 1) the conduct complained of must be Dr. Burton’s conduct (the employee’s), and not someone else’s conduct; 2) the conduct must be “misconduct” and cannot be conduct to which, vague, arbitrary or capricious non-rules have been applied; 3) that there must be a rational nexus between Dr. Burton’s actual

misconduct, not the misconduct of others, and a sufficient undermining of efficiency of performance of the duties of employment. The charges against Dr. Burton fail on each of these requirements.

Even if all of these requirements were met, which they are not, the charges must be dropped due to the numerous and serious violations of policy and law committed against Dr. Burton.

Further Dr. Burton asserts that a tenured faculty member is due the right of Academic Freedom that was not the case with Safransky. Some of the emails Dr. Burton sent fall under this protection.

Dr. Burton did not receive due process

Dr. Burton contends that the appeal process provided by UWP was neither full nor fair opportunity for her to appeal the charges against her. The process was not held in accordance with UWP policy and it was not held in accordance with UWS 4. The courts have been clear that this must be done. *“When published rules and regulations establish a particular statutory procedure for the termination of a teacher's employment, they may add to the constitutional minimum. If they do, such regulations must also be followed.”* [Ferguson v Thomas, 430 F.2d 852 (1970)] and:

“The substance of due process requires that no instructor who has an expectancy of continued employment be deprived of that expectancy by mere ceremonial compliance with procedural due process.” [Ferguson v Thomas, 430 F.2d 852 (1970)] UWP provided nothing more than the appearance of an appeal hearing, a mere ceremony they attempt to pass off as due process.

Attorney Lattis misdirects the Board in the law by stating “*Dr. Burton received all process required by UWS 4.05, and nothing more is owed.*” This statement exemplifies the central problem faced by the Board of Regents in this case. Attorney Lattis argues, literally, that UWP is not required to follow the procedures in UW Platteville’s Faculty Policies and Procedures 6.3.12.3. However, the panel’s chair stated at the beginning of the hearing “*this appeal will be conducted according to policies and procedures set forth in chapter UWS 4 and UW-Platteville Faculty Handbook chapters 6.3.12.3 and 6.3.13.*” The absurdity of Attorney Lattis’ statement is evidence that she is attempting to cover up violations of policies and procedures by misdirecting the panel and board that they are not applicable. Attorney Lattis’ misdirection fails further because UWP failed even to meet the requirements of UWS 4.05.

Dr. Burton did not receive all process required by UWS 4.05. The following were not afforded her:

1. UWS 4.05(1)(b) was not afforded to Dr. Burton. The record contains faculty senate meeting minutes that were not provided to Dr. Burton until she received them in the record from the board.
2. UWS 4.05(1)(c) was not adequately afforded to Dr. Burton. Dr. Burton’s voice was heard for a short time but she was not heard in her defense of the statement of charges. To be heard in one’s defense requires opportunity to be heard on ALL charges. The volume of documentation in this matter is staggering yet Dr. Burton was given less than two hours to be heard in her defense. There is no way she could possibly address all the allegations against her. She was not given opportunity to speak to the current charges against her. She didn’t even have time to address all of the Throop LOD. The university level is the right place to hear such arguments, not in higher

adjudication where time is more precious. The initial schedule provided for eight hours of testimony on two days. But Dr. Burton was ultimately given only two four-hour hearings which cut her available time to testify or cross-examine witnesses in half. The time limits were set arbitrarily and unreasonably and then her time was reduced.

3. UWS 4.05(1)(e) was not afforded to Dr. Burton. The record is clear that Dr. Burton did not cross-examine Dr. Roter, Dr. Fuller, Dr. Strobl, Dr. Solar, Provost Throop or Dean Gormley. Attorney Lattis argues that Dr. Burton had a chance but she spent her time on other things. Whatever Dr. Burton spent her time on is irrelevant. The law requires that she be given opportunity to cross-examine witnesses and this was not afforded her. Plain and simple, she was not given adequate due process.

4. UWS 4.05(1)(g) was not afforded to Dr. Burton because the written “findings of fact” she was given contain almost all opinion and very little fact. The hearing record is severely flawed. The record, as defined by Wis. Stat. 19.32(2), excludes almost all of Dr. Burton’s rebuttals and evidence even though these documents were made available to the panel on the website.

5. UWS 4.05(1)(h) was not afforded to Dr. Burton.

a. 227.45(1) The panel did not admit all testimony having reasonable probative value. Dr. Burton provided thousands of pages of rebuttal and evidence, but she was not allowed to testify to them. Also, the record does not contain all of Dr. Burton’s objections, rebuttals and other evidence. For example: (Appendix G) was not included but clearly should have been.

b. 227.45(2) Most of the evidence Dr. Burton provided was excluded from the record. Also, she was not afforded nearly adequate opportunity to

rebut or offer countervailing evidence. The panel, which was hand-picked by Dr. Anderson in violation of policy, clearly was not interested in hearing Dr. Burton's side of the story.

The Status Quo is Too Expensive

According to WorkplaceBullying.org, "*good employers purge bullies.*" At UWP and in UWS Legal there are a lot of bullies. Purging them will require an in-depth investigation but the allegations in Dr. Burton's briefs, and evidence she can provide, gives the board solid legal recourse to remove the bullies from their entrenched seats thereby reducing legal costs. Even one felony violation should be reason enough to remove a Chancellor, an attorney or an upper level faculty member from a university. The benefit of purging UWP and UWS Legal of dead wood employees who falsify documents and target valuable and dedicated employees would be phenomenal. This action would block abuse at UWP and send a strong message to other universities in the UW System that the Board of Regents will not tolerate those who protect sexual predators by violating the rights of victim advocates. It would help stop the facticide of conservative faculty in the UW System that has long silenced conservative voices of reason and would bring about a more politically diverse conversation on university campuses across our great state.

The Board of Regents has a fiduciary responsibility to take steps that will benefit the founders, sponsors, students, families, alumni, and public. Each time a university replaces a faculty member it spends about \$160,000. Dr. Burton has seen a mass exodus of instructors from UWP in the past five years. Some of those who left were Dr. Burton's supporters, targeted by corrupt administrators. Some of them were her antagonists, who ran afoul of upper management. They didn't want to leave. They were either non-renewed or harassed until they

gave up and left. Dr. Burton knows of one tenured full professor who was forced to leave after his due process rights had been repeatedly violated, as were Dr. Burton's. The university settled with this professor and a lesser qualified faculty member took over his position. This sort of corruption decreases the quality of education and further entrenches corrupt forces at UWP, and it happens over and over at UWP.

The psychological stress for targeted UWP employees is enormous, and the insurance costs of their counseling and other care can add up quickly. The cost of hundreds of visits to the doctor each year for targeted employees should be added to the tally sheet for maintaining the status quo at UWP. This can affect insurance rates that trickle back to the bottom line.

Targeted employees will often miss work due to the severe stress they feel. Dr. Burton has been a rare exception and has maintained a stellar attendance record. Who fills in for teachers when they are too stressed out to work? Sometimes the classes are just cancelled and other times someone is hired on short notice to fill in, at additional expense. This reduces quality of education and subtracts from the bottom line.

The investigations Chancellor Shields ordered into complaints against Dr. Burton were expensive and the reports that Chancellor Shields produced are worthless because they are not even signed. Chancellor Shields paid Dale Burke \$9,682.38 to investigate Dr. Burton when he could have allowed a grievance committee to consider the issue for free. His apparent vendetta against Dr. Burton has created dysfunction in the university and has wasted valuable resources. He threw away an opportunity to build a new Cyber-Security program. His pressure on department chair Strobl seems to have caused her to falsify an application for a grant, thereby losing another opportunity for grant funding. He paid Dr. Caywood full Chair salary after he

had been removed as Chair. He paid Dr. Strobl full chair salary during the time she was not working after resigning as chair of the department. Chair Strobl allowed Deb Rice to take a two-week paid vacation after she filed false charges against Dr. Burton, seemingly as a reward for her false allegations. Chancellor Shields suspended, for no good reason, one of the best instructors in the Criminal Justice program while paying her full salary but refusing to allow her to contribute. Non-tenured adjunct instructors are teaching the classes that Dr. Burton should be teaching. This all wastes money and reduces quality.

Chancellor Shields sent an email to students that confused and angered them and created a situation that he claims is making student retention difficult. Chair Strobl called a meeting to address students' concern but cancelled at the last minute and thereby further upset students, making many of them question whether UW Platteville is a safe place for them.

The UWP status quo is not a sustainable way of doing business. It allows the least qualified and most corrupt people to advance into the highest positions. This seems to have been going on at UWP for decades, but there is a chance to reverse the trend.

Firing a Chancellor and an attorney could be an expensive proposition if they decide to sue for wrongful termination. But with strong evidence that the Chancellor and Attorney committed multiple felonies, so they could fire a quality instructor on fraudulent allegations because she advocated for a victim of sexual harassment, they might decide not to sue. Most of the targeted employees forced out by Chancellor Shields and Attorney Lattis decided not to sue.

Allowing the current administration to continue protecting sexual predators may very likely bring a major lawsuit to the surface. This is especially important to address sooner than later in light of the recent #MeToo movement. By taking action that supports a zero-tolerance

policy against sexual harassment the Board will demonstrate that it is on the side of sexual harassment victims and not in line with those who would protect their abusers. The cost of such a lawsuit could be significant. Though the UW System is represented by state funded attorneys there must be a limit to the state's commitment to protecting sexual predators and litigating against victim advocates.

Putting Dr. Burton back in the classroom at UWP will save money because she would not need to be replaced. When Dr. Burton's name is on a class roster, the class gets filled. Students flock to her classes. Her classes are money makers for the university because she is an excellent teacher and because the students know she cares about them and want to learn from her.

The UWP administration has already lost numerous opportunities to increase income and quality of instruction by throwing Dr. Burton's AT&T grant out the window and destroying her efforts to obtain a half-million dollar grant for a state of the art cyber-security program at UWP. Tech companies and police departments all need personnel trained in cyber-security and the need for people in these fields is expected to continue to grow at a rapid rate. Giving UWP students the option of a Cyber-Security degree would help our graduates get good paying jobs when they graduate and will help reverse the down trend in enrollment that Chancellor Shields has caused.

Dr. Burton has attempted to make students safe. When they see Dr. Burton back in the classroom they will feel safe. This will encourage students to come back to UW Platteville and will support the bottom line.

Conclusion

At the Board of Regents meeting on February 9, 2018, UW System President Ray Cross called for zero tolerance of sexual misconduct. 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. Chancellor Shields' recommendation that the board fire Dr. Burton is part of his continuing efforts to cover up his serious mishandling of a 2012 sexual harassment incident. His cover up has created severe dysfunction in the UWP Criminal Justice Department and makes students unsafe.

Dr. Burton contends that the panel was hand-picked by Dr. Anderson to deliver findings that support Chancellor Shields' charges, so it is not surprising that the panel agreed with the Chancellor. Dr. Burton contends that the entire appeal process was rigged and that the panel's findings are void due to the numerous policy and legal violations, including multiple felonies, committed against her. Additionally, the university administration has failed to meet its burden of proof and Dr. Burton's conduct falls far short of any legitimate standard of just cause to fire a tenured faculty member.

An investigation into Dr. Burton's allegations should lead to removal of many upper level managers and attorneys. That would make UWP safer for students, improve political diversity and would reduce fraud, waste and abuse.

Putting Dr. Burton back in the classroom where she belongs, where she can advocate for students and where she can positively shape the minds of Wisconsin's next generation of law enforcement professionals in the way of truth and integrity is the right thing to do.

Dr. Burton brings hope for sexual abuse victims. She brings hope that targeted employees can be treated fairly and that the environment of the workplace at UW Platteville can be turned upside down. Bullies will be punished instead of rewarded and hard work, student

advocacy and quality of instruction will be praised instead of wasted. Dr. Burton cannot change for the better, she is as good as they get. She just needs to be allowed to contribute again.

The department of Criminal Justice needs to be staffed by tenured faculty members, not by adjuncts who call themselves faculty. Putting Dr. Burton into a position where she can influence future departmental decisions will help create an environment where important matters are addressed properly, quickly and effectively and where students will feel safer, and be safer. Dr. Burton's integrity, common sense and foresight can be the driving force behind a renewed effort to make UW Platteville a leader in Cyber-Security, to gain grants that will help support the bottom line and to prepare our graduates to find the best jobs available in today's market place.

Conducting an in-depth investigation into Dr. Burton's numerous allegations is warranted and necessary. Putting Dr. Burton back into the classroom makes good common sense, it makes good fiduciary sense and it is the right thing to do.

Respectfully submitted,



s/Roger L. Burton

Roger L. Burton

April 5, 2018

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

Appendix:

Appendix A: Hearing Notice-5-3-17

**University of Wisconsin-Platteville
APPEALS COMMISSION**

TO:

Dr. Sabina Burton
5768 Maple Glen Lane
Platteville, Wisconsin 53818

Ms. Jennifer Sloan Lattis
Deputy General Counsel
University of Wisconsin System Administration
Office of General Counsel
1802 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin 53706

FROM:

Brian Peckham (608-342-1752; peckham@uwplatt.edu)
Chairman pro tem, Appeals Commission
Department of Social Sciences
University of Wisconsin-Platteville
Platteville, Wisconsin 53818

BP

SUBJECT:

Dr. Burton's Appeal of Order Terminating Her Tenured Faculty Academic Appointment

DATE: 30 April 2017

In an order, dated 30 March 2017, Chancellor Dennis Shields of the University of Wisconsin-Platteville (UW-P), after consideration of a complaint against Dr. Sabina Burton filed by Interim Provost Elizabeth Throop and Interim Dean Melissa Gormley and the report of an investigation of the charges asserted in that complaint by Dr. Petra Roter, entered a provisional order dismissing Dr. Burton for cause from her tenured faculty position at UW-P.

Exercising her rights under UWS 4.04, Dr. Burton filed a timely notice of her intention to exercise her right to an appellate hearing before the UW-P Appeals Commission (the Commission), the "standing faculty committee" authorized under UWS 4.03 to operate as a "hearing agent" for the UW Board of Regents (the Board) in cases of this kind. Pursuant to UWS 4.03 the Commission must use this hearing to receive all relevant testimony which will as a result allow it to reach reasonable judgments regarding the merits of the chancellor's order and to make appropriate recommendations to the Board.

At the Commission's meeting of 26 April 2017 Dr. Laura J. Anderson, under

Dr. Sabina Burton
Ms. Jennifer Sloan Lattis
30 April 2017
Page Two

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. As a result of these actions the special panel consists of Professor Susan Hansen (Director, School of Business), Professor Abulkair Masoom (Department of General Engineering), Professor Barb Barnet (Department of Mathematics), Professor Sheryl Wills (Department of Mathematics), Professor Robert Demaree (Department of Performing and Visual Arts), and Professor Brian Peckham (Department of Social Sciences). Under the provisions of UWS 4.06 (1)(d) either of the parties in this case may request the Commission to “disqualify any one of its members for cause by a majority vote.” I would like to request that any such motions for disqualification be filed with the Commission through me within five business days from the receipt of this letter.

At the same meeting of 26 April 2017 the members of the special panel, after consideration of their academic schedules, proposed that the hearing in this case take place on 25-26 May 2017 in an appropriate venue on the UW-P campus and that, in preparation for this hearing, all of the parties participate in a pre-hearing teleconference via a Wisline telephonic network on Thursday, 18 May, at a specific time to be negotiated, in order to reach agreement on the procedural rules to govern the hearing. The Commission hopes that these proposals are acceptable to all of the parties and that if they are not, they will so inform me as soon as possible so that I can propose alternative arrangements.

It is understood that in conducting the hearing the Commission will strive to accord all parties their full rights to due process by adherence to the regulatory requirements of UWS 4.05 and UWS 4.06, including the important mandate of UWS 4.06 (1)(a) that the Commission must, in weighing all of the relevant evidence, place the burden of proof on the chancellor to show just cause for his order dismissing Dr. Burton from her academic position.

It is further understood that, at the request of Dr. Burton and pursuant to UWS 4.06 (1)(c), the hearing will be open to the public.

In order to facilitate its examination of all of the relevant documentary evidence in this case, the Commission requests that all parties submit to me at the above address on or before 15 May 2017 seven (7) copies of any exhibits that they wish to introduce into the official record of the hearing, which I will distribute to the two parties and the members of the Commission.

Appendix B - Chancellor-Suspends-Burton-1-3-17



UNIVERSITY OF WISCONSIN
PLATTEVILLE
OFFICE OF THE CHANCELLOR

January 3, 2017

Dr. Sabina Burton
5768 Maple Glen Lane
Platteville, WI 53818

2689 S. River Road
Galena, IL 61036

Dear Dr. Burton,

On December 19, 2016, I received the attached complaint from Interim Provost Elizabeth Throop and Interim Dean Melissa Gormley seeking your dismissal as a tenured faculty member at the University of Wisconsin-Platteville.

I have reviewed the complaint and the attachments and I find that these allegations are substantial such that, if true, they would warrant your dismissal. I am therefore initiating the dismissal process pursuant to Wisconsin Administrative Code chapter UWS 4 (copy attached).

As a result, I am instigating an investigation. I will provide further information about the investigation as soon as possible. I expect you to give your full cooperation to the investigator.

In addition, I have consulted with the Executive Committee of Faculty Senate regarding your alleged unprofessional behaviors including your involving students into your personal concerns and the broken trust your behavior has generated in your colleagues. I have found that the requirements of Wis. Admin. Code § UWS 4.09 have been met; that is, I have found that substantial harm to the institution may result if you are continued in your position. I am therefore relieving you of your duties immediately. Your pay will continue until a final decision is reached by the Board of Regents of the University of Wisconsin System.

During this suspension, you are not to enter onto the UW-Platteville campus without permission to do so. Please contact Human Resources Director Janelle Crowley if you need to come on to campus for any purpose. You will be allowed to collect personal items from your office with an escort from Campus Police with reasonable notice and not later than January 18, 2017. You must return to Dr. Crowley your keys, ID badge, key fobs, access cards, and any other UW-Platteville property in your possession, such as a computer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis J. Shields'.

Dennis J. Shields
Chancellor

Attachments

2508 Ullsvik Hall 608.342.1234 Fax: 608.342.1270
1 University Plaza Platteville WI 53818-3099 www.uwplatt.edu

Appendix C: Peckham-resigns-5-17-17

Resignation from the Hearing Panel (Burton Case)

Brian W Peckham <peckham@uwplatt.edu>

Wed 5/17/2017 3:18 PM

To: Laura J Anderson <andersla@uwplatt.edu>;

Cc: Brian Vaughan <brian.vaughan@wisc.edu>; Jennifer Lattis <jlattis@uwsa.edu>; Susan L Hansen <hansens@uwplatt.edu>; Abulkhair M Masoom <masoom@uwplatt.edu>; Sheryl <wills@uwplatt.edu>; Barbara A Barnet <barnetb@uwplatt.edu>; Sabina Burton <sabinaburton@live.com>;

Dr. Laura Anderson
President, Faculty Senate
UW-Platteville

Dear Laura,

As it is now apparent that I no longer enjoy the full confidence of all of the parties in the appeal of Dr. Burton, who apparently is convinced that I cannot conduct a hearing in this case in a fair and impartial manner, I think that the public interest would best be served by my withdrawal from participation in this matter. Accordingly, I wish to submit to you my resignation from the special panel of the Appeals Commission charged with conducting a hearing in the Burton appeal.

I wish to apologize for whatever errors that I may have committed that make it inexpedient for me to continue my work with you and the other members of the hearing panel.

Moreover, I wish to express my deep gratitude to the learned and brilliant counsel to the panel, Mr. Brian Vaughan, for the invaluable assistance that he has provided me over the past several weeks.

Please accept my assurances that I shall cooperate fully with my successor as chair to facilitate preparations for the hearing next week.

Brian Peckham

Appendix D: Shields claims Roter report is Roter's



UNIVERSITY OF WISCONSIN
PLATTEVILLE
OFFICE OF THE CHANCELLOR

March 4, 2017

Dr. Sabina Burton
5768 Maple Glen Lane
Platteville, WI 53818

Dear Dr. Burton:

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

Wis. Admin. Code § UWS 4.02 provides that, prior to reaching a decision on filing charges, must offer to discuss the matter informally with you.

Please contact my assistant, Joyce Burkholder, no later than March 10 to schedule this meeting. You may have your attorney present and my counsel, Jennifer Lattis, will also be in attendance.

Sincerely,

A handwritten signature in blue ink that reads 'Dennis J. Shields'.

Dennis J. Shields
Chancellor

DJS/jb

Attachment

cc: Jennifer Lattis, Deputy General Counsel, UW System Administration
Kara Amouyal, Esq, Blake Horwitz Law Firm, Ltd.

Appendix E: Shields Refuses to provide original Roter report

Subject: Re: Request for original investigation reports
From: Roger Burton <rogerburton@plattevillerealestate.net>
Date: 3/20/2018 7:50 PM
To: Dennis J Shields <shieldsd@uwplatt.edu>

Chancellor Shields,

I have already asked Attorney Lattis to deliver the document and she has refused. I consider your response to be your refusal to deliver the requested document.

Sincerely,

Roger Burton

On 3/20/2018 6:56 PM, Dennis J Shields wrote:

Mr. Burton:

I am represented by counsel. You should direct any requests to her. Attorney Lattis is, I believe, out of the office this week. She will respond when she returns. I have copied her on this message.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Roger Burton <rogerburton@plattevillerealestate.net>
Date: 3/20/18 5:11 PM (GMT-06:00)
To: Dennis J Shields <shieldsd@uwplatt.edu>
Subject: Request for original investigation reports

Dear Chancellor Dennis Shields,

I represent Dr. Sabina Burton in her appeal to the Board of Regents regarding your recommendation that her employment at UW Platteville be terminated.

I am writing to you in reference to the investigation report that you emailed to Dr. Burton on 3/4/2017 at 1:38 PM and identified as "*the investigation report prepared by Dr. Petra Roter.*" That report, dated March 1, 2017, stated "*Submitted to Chancellor Dennis Shields, UW-Platteville as per his Charge and Request.*" I have reason to believe that the investigation report that you presented to Dr. Burton had been altered from the original version by someone other than the

1 of 2

3/21/2018 1:55 PM

Re: Request for original investigation reports

investigator. I would like to ask, if you would be so kind, that you please provide me with a signed and notarized copy of the original version of the investigation report that Dr. Roter submitted to you around March 1, 2017 so I can compare it to the investigation report that you emailed to Dr. Burton on March 4, 2017 and used as basis for your statement of charges.

If you do not deliver the requested document by March 27, 2018 I will consider your non-production to be your refusal to provide the requested document. I think seven days is a reasonable amount of time for you to fill this reasonable request.

Sincerely,

Roger Burton
608-331-0000

Lattis-Refuses to provide original Roter report

From: Roger Burton <rogerburton@plattevillerealestate.net>
Sent: Wednesday, March 7, 2018 2:39:37 AM
To: Jennifer Lattis
Subject: Request for Recordings and Original Document

Hello Jennifer,

I am representing Dr. Sabina Burton in her appeal to the Board of Regents.

I have been working on an exceptions brief and came across the email of March 16, 2017 at 8:50 you sent to Attorney Amouyal, who was representing Sabina in her appeal at that time.

In Attorney Amouyal's email to Dr. Roter, she asked Dr. Roter a few questions, to which you responded. One of your responses indicated that you would provide the audio recordings of Dr. Roter's interviews of witnesses upon reasonable request. It seems to me that Attorney Amouyal's email constituted a reasonable request for the audios but perhaps her request was too politely worded and you understood it only to be a question as to whether the audio recordings existed with the expectation that she would request them if they did. Whatever the case, I would like to request that you please provide me with any and all audio recordings of Dr. Roter's interviews regarding her investigation into charges against Dr. Burton, except the audio of her interview with Dr. Burton as we already have that one. If any interview was not recorded, kindly explain why Dr. Roter did not audio record it.

I have reason to believe that the investigation report that was presented to the hearing panel has been altered from the original version by someone other than the investigator, Dr. Roter. I would like to ask, if you would be so kind, that you please provide me with a signed and notarized copy of the original investigation report that Dr. Roter presented to Chancellor Shields so I can compare it to the investigation report Chancellor Shields used as basis for his statement of charges. If Dr. Roter gave her original report to someone other than Chancellor Shields then I would like a copy of the report that she presented to that person and I would like the name of that person. Please state in your reply, words to the effect that "This is the original version of the report that Dr. Roter herself, delivered to <name of person who received the original report>." In your response to Attorney Amouyal you indicated that the report in the appeal documentation was the "final version of the report" but I would like to see the "original version of the report" that Dr. Roter herself produced before anyone else had opportunity to alter it. If you can't get the requested document signed and notarized in time then a signature might be good enough for now. If you can't get the signature in

1 of 2

3/7/2018 10:07 AM

Re: Request for Recordings and Original Document

time then your personal assertion of the authenticity of the original report may possibly suffice for now. I'd like to request that you please make every effort to deliver the report and audios to me by March 13, 2018. In the event that you are unable to give me the notarized copy of the original investigation report by March 13, I request that you do so as soon as possible thereafter.

If I do not receive the requested document and recordings by March 13, 2018 I will assume that you have refused my request. I think six days is a reasonable amount of time for you to fill this request.

--
Sincerely,

Roger Burton
608-331-0000

Appendix F: Throop Reports Burton to Police for contacting Gov. Walker

University of Wisconsin-Platteville Police Department -- (608) 342-1584
134 Brigham Hall, 1 University Plaza, Platteville, WI 53818

Incident No: 15-007905

Status: Closed

Date Reported: Fri 09/04/2015 14:30:00

Dispatch Time: Arrival Time: Clear Time: 14:40:00

Officers: IHM, REGINALD WILLIAMS, JASON Detective:

Classification: MUTUAL AID -- (UWP07)

Location: GARDNER HALL (900 GREENWOOD AVE) Section / Nbh: Academic /
160, PLATTEVILLE (LAE (LIBERAL ARTS &
EDUCATION))

Description: Miscellaneous Assistance Calls Entered: IHM

Complainant: (UWP07 MUTUAL AID)

THROOP, ELIZABETH, A DOB: [REDACTED] Age: 56

Race: White Sex: Female Hair: Brown Eyes: Brown Ethnicity: Non-Hispanic/Latino
Height: [REDACTED] Weight: [REDACTED] Build: Stocky Complex: White Resident: Non-resident of community where
offense occurred

Other: (UWP07 MUTUAL AID)

BURTON, SABINA, L DOB: 06/29/1965 Age: 50

5768 MAPLE GLEN LANE Phone: (949)510-0285 (WORK)
PLATTEVILLE, WI 53818 Phone: (608)342-1650 (WORK)
Phone: (608)331-0203 (HOME)

Race: White Sex: Female Hair: Brown Eyes: Brown Ethnicity: Unknown
Height: 504 Weight: 120 lbs. Build: Small Complex: White Resident: Non-resident of community where
offense occurred

INITIAL INCIDENT Reporting Officer: IHM, REGINALD 09/04/15

NARRATIVE OF REPORTING OFFICER

On the incident date above, I was working as a police officer for the University of Wisconsin Platteville Police Department. I was wearing the uniform of a UW-Platteville Police Officer including badge, nametag, shoulder patches, and duty belt.

Narrative :

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 sent a copy of the letter to Chief Williams. I asked if Burton had returned to work. Throop said she had seen Burton on campus. I asked Throop is 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. I contacted Chief Williams. He stated he would check Throop's e-mail and enter the information into his case.

Reported By: _____ Reviewed By: _____ Date Printed: 09/21/2017

Jason J Williams

From: Elizabeth A Throop
Sent: Friday, September 04, 2015 2:53 PM
To: Jason J Williams; Janelle Crowley
Cc: grabandt@platteville.org
Subject: FW: Sabina Burton Case

Jason, Janelle, and Josh,

Please see the complaint filed with Gov. Walker's office below. I spoke with Reggie in campus police and he suggested that I call Platteville Police directly. Josh will contact the sheriff's office as well. No contact will be made with Dr. Burton, but Josh wanted a coordinated information base. Janelle and Jason, I will catch up with you after the holiday.

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 interesting in filing a complaint at this juncture, or even a BRRR report, but I do want everyone to be in the loop.

Josh and Reggie took very good care of me and I am much less worried now!

Thanks, and I will be in touch Tuesday. If you have any questions, my work cell is [REDACTED] and my personal cell is [REDACTED]

Liz

Dr. Elizabeth A. Throop
Dean, College of Liberal Arts and Education
University of Wisconsin-Platteville
160 Gardner
1 University Plaza
Platteville, WI 53818
608-342-1151 (office)
608-342-1409 (fax)
throope@uwplatt.edu
<http://www.uwplatt.edu/lae>

From: Jennifer Lattis [mailto:jlattis@uwsa.edu]
Sent: Friday, September 04, 2015 11:10 AM
To: Elizabeth A Throop <throope@uwplatt.edu>; Mittie Den Herder <denherderm@uwplatt.edu>
Subject: FW: Sabina Burton Case

Jennifer Sloan Lattis
Deputy General Counsel
University of Wisconsin System Administration
Office of General Counsel

Attachment

email from Elizabeth Throop.pdf 1

Page: 2

1802 Van Hise Hall
 1220 Linden Dr.
 Madison, WI 53706
 (608) 262-0747 phone
 (608) 263-3487 fax

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: Jennifer Lattis
Sent: Friday, September 04, 2015 10:46 AM
To: 'Timothy Hawks'
Subject: FW: Sabina Burton Case

From: Sievert, Daniel - GOV [<mailto:Daniel.Sievert@wisconsin.gov>]
Sent: Tuesday, August 25, 2015 2:56 PM
To: James Villa
Cc: Jeff Buhrandt; Nicholas Probst
Subject: Sabina Burton Case

Jim,

Would the UW be able to look into Ms. Burton's allegations?

Daniel Sievert Office of Governor Scott Walker Constituent Services Deputy Director 608.266.1212

From: Website Contact Submission [<mailto:sabinaburton@live.com>]
Sent: Saturday, August 22, 2015 6:06 PM
To: Governor Scott Walker
Subject: Follow up to March 2015 Lincoln Dinner in Des Moines, Iowa

Name:	Sabina Burton	Address 1:	5768 Maple Glen Ln
Phone:	608.331.0203	Address 2:	
Email:	sabinaburton@live.com	City, State, Zip:	Platteville Wisconsin 53818

Subject: Follow up to March 2015 Lincoln Dinner in Des Moines, Iowa

Dear Governor Walker,

I had the great honor of meeting you in person in Des Moines, IA in March 2015. My friend Tamara Scott, national committee woman at the RNC in Iowa, introduced me to you so I could share some of the troubles I am facing at UW-Platteville. A very corrupt, liberal administration is mercilessly harassing employees and students who are standing up for what is right. I have very damaging evidence in documentation and audio-recording. Yet, the administration does not seem impressed at all and continues in their illegal actions. In 2011 the chancellor's office under Shields rejected the LAE Dean's search committee's top candidate, a conservative, who

Reported By: _____ Reviewed By: _____ Date Printed: 09/21/2017

believed in faculty retention and then again pressured the committee to forgo our #1 male candidate in favor of a very outspoken liberal and strong critic of yours from Iowa: Dr. Elizabeth Throop. Throop has since fired numerous tenured and nontenured faculty and managed to be named in 3 federal lawsuits and at least one other ERD/EEOC complaint for severe employment violations.

My question and request to you is: Please look into public corruption at UW system universities, especially UW-Platteville. Why do abusive UW administrators who blatantly violate WI state law and federal law enjoy the protection of the WI AG's office while victims are unprotected and don't even get grievance hearings? Why does my hard-earned money pay not just for my attorney but through taxes also pays those liberal bastards attorneys? Multiple AG attorneys are currently defending UW-Platteville administrators and the UW-Platteville chancellor's office is not at all concerned about the costs as they are paid by the taxpayer not them. How is that fair? How is that right? How is that justice? I am determined to fight this liberal administration with all I have. I will put WI and Platteville on the national and international map and expose the corruption going on here. A student get sexually harassed by faculty and when another faculty member assists the young female student in filing a sexual harassment complaint with Student Affairs, the administration retaliates against the faculty/staff member without mercy. The school even hacked in my employment accounts and falsified records. They have done so with at least one other employee. Yet when I asked WI DCI for help in investigating this public corruption they had to say "no" because of conflict of interest. Attorneys from their DOJ's office were working for the school's defense. Are you aware of this? What remedies and protection do we, your WI citizens, have against this corruption?

I know you are running for President of the USA and I hope you will be successful but please don't forget about your WI people. I just live in the middle of cow-country in Platteville but I do care deeply for the young people of this great state who I have in my classes. I am well liked by my students who have been very supportive of me. I wish I would have some more powerful support from people in your office as well. Please don't forget about me. I am still waiting to hear from you.

Sincerely,

Sabina Burton
Associate Professor in Criminal Justice

The results of this submission may be viewed at: <http://walker.wi.gov/node/9/submission/38042>

Submitted on Saturday, August 22, 2015 - 18:05

Appendix G: Burton-email-5-12-17

From: Sabina Burton <sabinaburton@live.com>

Sent: Friday, May 12, 2017 9:26 AM

To: peckham@uwplatt.edu

Cc: yangq@uwplatt.edu; andersla@uwplatt.edu; bockhopr@uwplatt.edu; leejo@uwplatt.edu; zidon@uwplatt.edu; enrightc@uwplatt.edu; vances@uwplatt.edu; wills@uwplatt.edu; demaree@uwplatt.edu; reddya@uwplatt.edu; stanleya@uwplatt.edu; hansens@uwplatt.edu; dalecki@uwplatt.edu; liq@uwplatt.edu; barnetb@uwplatt.edu; masoom@uwplatt.edu; peckham@uwplatt.edu; Kara Amouyal; Brian Vaughan

1 of 5

5/12/17, 8:23 PM

Mail - sabinaburton@live.com

https://outlook.live.com/owa/?path=/mail/sentitem

Subject: Appeal issues

Dear Dr. Brian Peckham,

In your letter of April 30, 2017 you wrote "Dr. Laura J. 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" ([Letter from Peckham-4-30-17](#)). There are five problems with this statement:

1) [Faculty Bylaws, Part II, Article III, Section 6\(b\)\(iii\)](#) states: "A panel of five members shall be selected by the Commission to hear a particular case according to the following: 1. No member of the appealing member's department or DRB may serve on the appeal panel for that faculty member." So, according to this bylaw, Laura Anderson is not vested with authority to select the hearing panel members; instead, the 9-member committee selected by the Faculty Senate has that authority and responsibility. Please convene a meeting of the membership of the committee and select a hearing panel in accordance with this policy or dismiss the charges against me.

2) The Faculty Handbook 6.3.12.3 section 4 says "Appointment of an Appeal Panel - An appeal panel of five members shall be selected by the Appeals Commission to hear a particular case (see section 4.2 "The Faculty Bylaws" of this handbook; specifically, Part II, Article III, Section 6 "Appeals Commission" of the Faculty Bylaws)." The Appeals Commission, not the Faculty Senate Chair, selects the Appeal Panel. This seems to be another violation of policy. Please correct this or dismiss the charges.

3) The Faculty Handbook 6.3.12.3 section 4 says "Appointment of an Appeal Panel - An appeal panel of five members shall be selected by the Appeals Commission to hear a particular case (see section 4.2 "The Faculty Bylaws" of this handbook; specifically, Part II, Article III, Section 6 "Appeals Commission" of the Faculty Bylaws)." There must only be five panel members of the hearing panel according to this policy, but you sent me a list of six panel members. This seems to be yet another violation of policy.

4) [Faculty Bylaws, Part II, Article III, Section 6\(b\)\(iv\)](#) states "The Appeals Commission shall select its own Chair, and when constituted, each panel shall select its own Chair." So, according to this policy, Laura Anderson does not have the authority to select the chair of the hearing review panel. This seems to be yet another violation of policy. Please go back to the beginning and start this process again and do it correctly or dismiss the charges against me.

5) The Appeals Commission should not have consented to Dr. Anderson appointing you chair of the Appeal Hearing Committee. According to [Faculty Bylaws, Part II, Article III, Section 6\(b\)\(iv\)](#), it is a violation of policy for her to appoint you chair of the hearing panel. The members of the Appeals Committee should know the procedures and they should follow the procedures. They should not allow the administration to influence the process or their decisions but should instead follow procedures. Please go back to the beginning and start this process again and do it correctly or just dismiss the charges against me.

On the university website the Appeals Commission Current Membership lists Susan Hansen and you, Brian Peckham, as (Co-chairs) <https://www.uwplatt.edu/provost/appeals-commission-current-members>. However, [Faculty Bylaws, Part II, Article III, Section 6\(b\)\(iv\)](#) states "The Appeals Commission shall select its own Chair." Note: the policy uses the singular form of the word "chair." You cannot be in compliance with the policy when there are two chairs of the Commission. Please conduct a fair vote within the membership of the Commission to select one chair before you proceed with any of the other duties or responsibilities of the Commission in regard to my appeal, or dismiss the charges against me. To do otherwise seems to be a violation of policy.

In your letter of April 30, 2017 you refer to yourself as "Chairman pro tem, Appeals Commission." There are two problems with this statement:

1) You are listed as "Co-chair" of the Appeals Commission on the university website. We should not elevate ourselves artificially ([Titles mean something](#)). It seems you may be trying to convince me that you have more authority than you actually do. Please correct the website if it is in error.

2) You refer to yourself as "Chairman" instead of the gender-neutral term "Chair" as the position is referred to in all policy and UW System references I've read. Please use proper terminology going forward to avoid confusion and the implication that you are not supportive of efforts to help women achieve equality in the workplace. There is a reason the name of the position was changed from "Chairman" to "Chair" long ago ([Titles mean something](#)).

1 of 5

5/12/17, 8:23 PM

Mail - sabinaburton@live.com

https://outlook.live.com/owa/?path=/mail/sentitem

Your notification did not include a copy of the appeal hearing procedures so it seems to be in violation of [Faculty Bylaws 6.3.12.3 section 6](#) which says "the chairperson must ... send a copy of the appeal hearing procedures with each written notification of the hearing."

I believe these failures to adhere to policy explains why the policies were withheld from me. I believe there is a conspiracy to deny my due process rights by keeping me in the dark as to my rights while behind my back policies are violated without my knowledge. This wanton disregard for adherence to policy further violates my due process rights and my procedural guarantees. Wisconsin Statute [36\(13\)](#) says: "(5) PROCEDURAL GUARANTEES. Any person having tenure may be dismissed only for just cause and only after due notice and hearing. ... The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227." The procedures have been established and promulgated. The great state of Wisconsin has GUARANTEED me that the Appeals Commission, its chair, the Appeal Hearing Panel and its chair will follow the established procedures. Please do so.

Since the university seems unable or unwilling to follow its own rules I request the charges against me be dismissed. If the decision is made to continue with the proceedings I request that the committee select a new set of members and start this process again.

Your unwillingness or inability to adhere to established procedures and the manner, in which you became chair of the appeal hearing panel indicate that you are unlikely to treat me fairly going forward. For this reason, you should recuse yourself from the appeal process. If you remain on the panel a cloud of illegitimacy will hover over any decision the panel makes against me. Please recuse yourself and allow someone on the panel who wants to follow the rules.

The failure to adhere to procedures is reminiscent of then-Dean Throop's decision to forego an election in the Criminal Justice program and instead appoint Dr. Dalecki as interim chair, thereby violating policy ([Criminal Justice Dept](#)). She later agreed that she should have held an election rather than appointing Dr. Dalecki. Please go back to the beginning of the appeal process and follow the established procedures in selecting the hearing panel and hearing panel chair before we move forward.

If this university is ever to shed the shackles of corruption now is a good time for decent men and women to stand up and be counted.

Hearing coordination:

The suggested hearing dates of May 25 and 26 may not allow enough time for the hearing panel to learn the appeal procedures, to be re-constituted in compliance with those procedures and to study my lengthy rebuttals to the many false charges against me. For this reason, I believe a delay of two to four weeks is warranted. I believe the volume of charges and evidence that needs to be addressed will necessitate many more than two days, as allowed under 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." Please ensure adequate time for me to address each and every allegation in the documents identified in my [proposed schedule of discussion](#).

In compliance with your instructions I am now providing a copy of my appeal documents to each hearing panel member by providing you all this link:

<http://universitycorruption.com/uw/upaft-3-7-17-pub/Appeals-Schedule.htm>. Please forward this link to anyone else you feel needs copies of the documents. This links to a document that contains links to rebuttals to the various charges and investigations that I feel must be considered in these hearings. I request that the hearing panel members all familiarize themselves with the rebuttals before the hearings. This will help the process move more quickly.

Also, noted in my proposed schedule are witnesses I wish to call for each of the rebuttal discussions. I request that you make arrangements for these witnesses to attend the discussions indicated in the proposed schedule.

The order of discussion of the rebuttals can be adjusted but I ask that you ensure completion of each rebuttal discussion before moving on to another rebuttal discussion to maintain order and to ensure we don't skip anything.

You have indicated that the hearings will be conducted in open session as allowed by [UWS 4.06](#). I don't anticipate needing more than 100 seats for the public but I would like to ask that the hearing room be large enough to accommodate a larger crowd if necessary. Media representatives may also attend.

I request that you advertise each hearing in accordance with [Wis Stat 19.84](#). I request that the hearings be advertised in "The Platteville Journal" and "The Exponent" in accordance with Wisconsin Open Meetings Law. I request that the advertisements be published at least 24 hours in advance of each hearing as required by Wisconsin Open

of 5

5/12/17, 8:23 PM

ail - sabinaburton@live.com

https://outlook.live.com/owa/?path=/mail/sentitem

Meetings Law and that they be advertised on a day other than Saturday (to increase readership exposure). I request specifically that the advertisement include a statement that the hearings will be held in Open to the Public as required by Wisconsin Open Meetings Law. I request that you please inform me when and where the advertisements will be published.

I request that the hearing panel chair comply with [Faculty Bylaws 6.3.12.3 section 6](#) to include the written notification provisions.

I request that a short public comment period be permitted at each hearing session as allowed by [Wis Stat 19.83\(2\)](#) and [19.84\(2\)](#). If the public comment period is not allowed please state the reason(s) for denial of my request in writing. If the public comment period is allowed please include a statement about the public comment period in the meeting notice as provided by Wisconsin Open Meetings Law (page 20 of the [compliance guide](#)).

For your convenience here is a link to the Wisconsin Open Meetings Law compliance guide: Wis. Stat. § 19.96, <http://www.doj.state.wi.us/sites/default/files/dls/open-meetings-law-compliance-guide-2010.pdf>. It has been my experience that other faculty members at UW Platteville are not aware of the requirements of this law. Please ensure all members and alternates of the hearing panel familiarize themselves with the Wisconsin Open Meetings Law and its requirements.

I would like to ask that the meeting room be equipped with a Windows based computer which is attached to a large screen where I can present electronic files for view by the hearing panel members and other attendees. The computer needs to be able to play audio loud enough for all in the room to hear. Please ensure the computer contains the normal suite of programs available on faculty computers, specifically: Microsoft Word, Power Point, Adobe Reader and an up to date internet browser. Please ensure that wifi capability is available and password access, if needed, is on the computer or provided to me.

Faculty Bylaws 6.3.12.3 section 6 says: "Notices of meetings must be posted in a public forum (without identifying the appellant) and must indicate whether the meetings will be open or closed." Please inform me where this notice will be posted and ensure that it is posted in accordance with this policy. I request that the notice identify me as "Dr. Sabina Burton."

I request that the hearing sessions all be recorded. I intend to record the hearings as well.

Chancellor Shields has banned me from campus. I request that the hearings be held off campus so I can attend.

Concerning the dismissal of Dr. Demaree from the hearing panel:

You wrote "Professor Anderson, the president of our Faculty Senate, has authorized me to advise you that..." This statement is problematic because [Faculty Handbook 2016](#) 6.3.12.3 section 6 says "Once the appeal panel is appointed, the chairperson of the panel assumes responsibility for the appeal process." This policy gives the hearing panel chair responsibility to process the appeal, not the Faculty Senate Chair. The hearing panel chair should call for a vote from within the hearing panel to make the determination about disqualification of a member, not Laura Anderson. Your statement gives the impression that the hearing panel is being manipulated by higher authority rather than acting as an autonomous unit, as policy intends, and seems to be another violation of policy. Please act in the capacity of chair of the hearing panel or step down and allow the hearing panel to elect someone who will execute the responsibilities of the position correctly.

The fact that [Attorney Jennifer Sloan Lattis](#) is involved in this process is troubling. I filed a complaint against her with the Office of Lawyer Regulation, which is still pending ([OLR-Complaint-Lattis-4-19-16](#)). Allowing her to influence or direct the appeal process is a clear conflict of interest that would invalidate any finding against me. A recent example of Attorney Lattis' over-involvement is her letter asking that Dr. Demaree remain on the hearing panel. There is no provision in the policies or procedures that allows an attorney to attempt to influence the appeal hearing panel in this way. She seems to have violated policy by producing this letter and I believe she will continue to do such things as the hearings progress. She was integral in denying me an informal meeting that Chancellor Shields was required to offer me, but never did. She was instrumental in denying me access to the appeal procedures. She seems to be instrumental in forging the "Roter report," as I will explain during the hearing proceedings. These things demonstrate that Lattis has a stake in this process. I believe she is corrupt and I believe I have enough evidence to convince a reasonable jury of this. I request that she be completely excluded from any future involvement in the appeal process.

of 5

5/12/17, 8:23 PM

ail - sabinaburton@live.com

https://outlook.live.com/owa/?path=/mail/sentitem

Attorney Lattis knows that the charges against me are bogus so she is trying to turn this appeal process into a kangaroo court. Please exclude her from the process so that doesn't happen. If I am wrong; Lattis should not be concerned about allowing another attorney to take her place. If I am telling the truth; she must cheat or be exposed. So, please keep Attorney Lattis out of the process so the hearing panel can fairly decide whether I am telling the truth or not.

Respectfully,
Dr. Sabina Burton

WI [36.01\(2\)](#) states "Basic to every purpose of the system is the search for truth."

Appendix H: Amouyal-Lattis-5-15-17-InformalMtg

Kara Amouyal <kamouyal@bhlffattorneys.com>
To: Jennifer Lattis <jlattis@uwsa.edu>
Cc: Joyce Burkholder <burkholj@uwplatt.edu>, Dennis Shields <shieldsd@uwplatt.edu>

Wed, Mar 15, 2017 at 12:41 PM

Jennifer,

First and foremost, I want to make it abundantly clear for the record that Dr. Burton does intend to exercise her right to an informal meeting with Chancellor Shields.

Second, I was able to confirm that the complaint against you has not been closed and was able to tentatively confirm that there is a pending investigation against you. My understanding is that OLR referred the matter to an outside law firm for investigation due to some conflict. Despite two phone calls and an email, I have been unable to get in touch with the outside firm, but that is the information from OLR.

Given that, I do not think it reasonable to consider a meeting wherein you participate to be "informal". Dr. Burton has no problem with someone from your office being present, but we consider any insistence of your presence to be a violation of Dr. Burton's right to an informal meeting. Therefore, we ask that you recuse yourself from this investigation and any resulting action while the OLR complaint is still open. We can either reschedule the meeting with someone else from your office at a later date, or go forward with the meeting tomorrow with someone else from your office, or, in the spirit of it being an informal meeting, Chancellor Shields can meet with Dr. Burton one-on-one.

Please let me know how Chancellor Shields intends to move forward and to ensure that Dr. Burton's right to an informal meeting is preserved.

Thank you,

<https://mail.google.com/mail/u/0/?ui=2&ik=06035bbb67&view=pt&q=jlattis%40uwsa.edu&qs=true&search=query&th=15ad7a061019d085&dsqt=1&si...> 11/29

5/14/2017

Gmail - Monday, March 13th

Kara

On Tue, Mar 14, 2017 at 1:57 PM, Jennifer Lattis <jlattis@uwsa.edu> wrote:

I need to be clearer here. I would have put this in a letter, but I am otherwise occupied today. Here is the situation:

Dr. Burton has been offered the opportunity to have an informal meeting with the chancellor on the complaint for termination. If that is not scheduled by tomorrow, we will consider that she has waived her right to the meeting. If there is a meeting, Dr. Shields will be represented by me whether or not there is a pending OLR claim.

Jennifer Sloan Lattis
Deputy General Counsel
University of Wisconsin System Administration
Office of General Counsel
1802 Van Hise Hall
1220 Linden Dr.
Madison, WI 53706
(608) 262-0747 phone
(608) 263-3487 fax

Appendix I: Burke Investigation Report was “edited by a third person”

Dale Burke <dgburke911@gmail.com>

Wed 12/7/2016 11:57 AM

To: Sabina L Burton <burtons@uwplatt.edu>;

Cc: Janelle Crowley <crowleyja@uwplatt.edu>; mkittle@watchdog.org <mkittle@watchdog.org>; regents@uw.edu <regents@uw.edu>; Dennis J Shields <shieldsd@uwplatt.edu>; Melissa E Gormley <gormleym@uwplatt.edu>;

Dr. Burton,

The statement you refer to is indeed inaccurate. My final draft was edited by a third person prior to delivery to the University. My "final draft" stated that Dr. Crowley "has yet to confirm for me the exact number of grievances filed against Rice by Burton with the UW-Platteville HR office," which is a true statement. Dr. Crowley never "confirmed" any specific number of grievances against Rice that originated from you.

My goal was to be fair and factual in my report and I apologize for this error. I would appreciate it though if in the future you find what you believe to be inaccuracies, that you contact me directly for clarification before making accusatory statements against innocent people.

Respectfully, Dale Burke

Sent from my iPad

On Dec 7, 2016, at 12:08 AM, Sabina L Burton <burtons@uwplatt.edu> wrote:

Director Crowley,

From Dale Burke's investigative report, p. 7:

"Investigator's note: HR Director Crowley confirmed for me that 4 grievances have been filed by Burton with the UW-Platteville HR office, specifically naming Rice. "

I only filed one grievance against Rice and that was in April 2016. You could not provide any evidence to support your false claim to Burke. Why did you lie to investigator Burke?

I also making an open records request for my HR personnel file. I would like to come in during final's week and make copies.

Dr. Sabina Burton

Appendix J: Lattis- Ex Parte Communication

Subject: Re: Scheduling Changes

From: Roger Burton <rogerburton@plattevillerealestate.net>

Date: 3/28/2018 12:18 PM

To: Jess Lathrop <jlathrop@uwsa.edu>

CC: Sabina Burton <sabinaburton@live.com>, Jennifer Lattis <jlattis@uwsa.edu>, Wade Harrison <wharrison@uwsa.edu>, Megan Wasley <mwasley@uwsa.edu>, rcross@uwsa.edu

Dear Jess Lathrop,

Your communication yesterday caught me by surprise. I strenuously object to any extension of time or scheduling change in this matter for the following reasons:

1. Ex-Parte communication: I object to the ex parte communication wherein Attorney Lattis requested an extension and failed to copy me. Attorney Lattis requested an extension of time in ex parte communication and her request was approved before I was given opportunity to file objection and countervailing argument. I was not given opportunity to weigh in on Attorney Lattis' request for extension prior to the decision to extend the deadline and completely rearrange the schedule. In an email to the hearing panel chair on May 12, 2017 Attorney Lattis asked the committee to ensure that Dr. Burton's ex parte communication be included in the record and sent to the Board of Regents. Dr. Burton was representing herself and was not aware of the requirement to copy Attorney Lattis at the time because she is not an attorney and because she had never done this before. However, Attorney Lattis cannot claim ignorance as an explanation for her ex parte request for extension. I consider her failure to copy me to be an attempt to gain unfair advantage by extending the time she is allotted and delaying the decision of the Board without giving Dr. Burton opportunity to address her request prior to a decision.

2. Defendants have requested that Federal Court action be held in abeyance awaiting the Board's decision: Recent developments in Dr. Burton's federal lawsuit indicates that the court is likely to decide to hold the case in abeyance until the Board has delivered a decision. By extending Attorney Lattis' deadline for submission of her response to Dr. Burton's exceptions brief and by delaying the hearing before the board the court may be unnecessarily delayed by an indeterminate amount of time for unexplained reason after ex parte communication has prevented Dr. Burton's input in the decision making process. It is my understanding that the court will not want the Board to delay its decision any longer than is necessary. I do not believe an extension of the March 29 deadline is necessary. I believe Attorney Lattis has had plenty of time to respond to Dr. Burton's brief. Dr. Burton is not asking for more time to respond to Attorney Lattis' brief.

3. Disparate treatment: Dr. Burton requested that the hearing of 5-25-17 be postponed due to her severe illness but Attorney Lattis requested that the hearing continue in Dr. Burton's absence and that her request to postpone be denied. The chair of the hearing panel, Dr. Susan Hansen, who had been appointed by Dr. Laura Anderson in violation of policy, approved Attorney Lattis' request and the hearing was conducted in Dr. Burton's absence. Dr. Burton's valid request was denied but Attorney Lattis' request, which seems to be unsupported by any explanation, has been approved without Dr. Burton's input. Dr. Burton's requests have all been denied for invalid reasons while all of Attorney

Lattis' requests are approved without valid, or any, explanation for the decision. This is disparate treatment and is unfair to Dr. Burton.

4. No Explanation: Your email informing me of the extension and schedule changes contained no explanation as to why Attorney Lattis' ex parte extension request was granted. Not only have I been denied opportunity to respond to Attorney Lattis' ex parte extension request prior to a decision in the matter but I have not even been told what reason(s) she posed in her request for said extension. There has been no openly expressed reason to extend the deadline.

5. Request for extension is unreasonable: This matter was heard at the university level in one lop-sided three-hour hearing and two-three hour appeal hearings; a total of six hours of hearings and three hours of un-cross examined hostile witness testimony. It was then deliberated in one closed session of the hearing panel and quickly sent to the Board of Regents under pretense that it had been adjudicated. Attorney Lattis' request to extend her allotted time supports Dr. Burton's assertion that the matter was never properly adjudicated on the university level. Attorney Lattis was given a deadline of March 29, 2018, as was Dr. Burton. There has been no openly expressed reason or reasons for the decision to extend the deadline and change the schedule. There is no valid reason to approve Attorney Lattis' request and there are plenty of good reasons to deny her request.

I request that the decision to alter the schedule be reversed until we have settled the question of whether such scheduling change is necessary, reasonable and fair.

I further request that Attorney Lattis' ex parte communication and this email be included in the record to the Board of Regents which is, of course, the final decision maker in this case.

I would also like to ask that you please send me the communication from Attorney Lattis in which she made the request for extension and give me an opportunity to address her request before making any decision on her request.

I cc President Cross in this email because Attorney Lattis told me I should direct my communications to the Board and because I believe he should be made aware of the severe and ongoing legal violations against Dr. Burton primarily because she advocated for a student victim of sexual harassment by a male faculty member, complained of retaliation she received for her advocacy and because she contacted Governor Walker.

Sincerely,

Roger Burton

On 3/27/2018 1:01 PM, Jess Lathrop wrote:

Dr. Burton and Attorney Lattis,

I am writing to provide you with two scheduling changes in the matter of Chancellor Shields' recommendation to dismiss, with cause, Dr. Sabina Burton.

Briefing schedule: My email/letter to both parties on February 19, 2018, indicated that reply briefs are due to me March 29, 2018. Attorney Jennifer Lattis, representing UW-Platteville, has requested an extension. As such, **both parties will be granted an extension until the close of business on Thursday, April 5, 2018.**

Oral arguments: My email/letter to both parties on March 15, 2018, indicated that oral arguments before the Board's personnel Matters Review Committee were scheduled for April 24, 2018. **Due to scheduling conflicts, this hearing has been cancelled and will be rescheduled for late-April or early-May.** Please note that I will be in contact with more information regarding the rescheduled hearing time as soon as I have additional information.

If you have any questions or need additional information, please let me know.

Thank you,

Jess Lathrop

Jess Lathrop
Interim Executive Director and Corporate Secretary
Office of the Board of Regents
University of Wisconsin System
608-262-2326

Appendix K: “Consequences of my choosing” - Solar

Subject: Re: Fw: University Corruption Material
Date: Sat, 19 Nov 2016 13:59:40 +0000
From: Patrick J Solar <solarp@uwplatt.edu>
To: Roger Burton <rogerburton@plattevillerealestate.net>

Sabina and Roger,

Sorry, I cannot help you out. Dean Throop’s action was both appropriate and reasonable in this case. Senior, Tenured Faculty members should not attempt to intimidate junior, probationary faculty in this way. Especially when the alleged violation is not objectively indicated.

So let me be perfectly clear. I have no interest in your ongoing difficulties and I wish to be extricated from the situation. I have asked you nicely to remove me from your web site and you have refused. I am now demanding that you do so immediately. Your failure to comply will result in consequences of my choosing.

Patrick J. Solar, M.P.A., Ph.D.
Assistant Professor Criminal Justice
Chief of Police (Ret.) FBINA 188
University of Wisconsin-Platteville
1 University Plaza
Platteville, WI 53818
ULS1145
608.342.6126

Appendix L: LOD - Unacceptable

Re: Letter of Direction - Sabina Burton

<https://outlook.office365.com/owa/project>

Re: Letter of Direction

Sabina Burton

Wed 11/12/2014 3:34 PM

Sent Items

To: Elizabeth A Throop <throope@uwplatt.edu>;

Cc: Michael Dalecki <dalecki@uwplatt.edu>; John A Lohmann <lohmannj@uwplatt.edu>; Dennis J Shields <shieldsd@uwplatt.edu>;
Mittie Den Herder <denherderm@uwplatt.edu>; "sabinaburton " <sabinaburton@live.com>;

Dean Throop,

I am sorry, but I cannot accept your letter of direction dated Oct 28, 2014 and delivered on Oct 29, 2014.

I have filed a grievance against you concerning your letter of direction and look forward to resolving the issues soon.

Sabina Burton

Appendix M: Burton Rebuttal to LOD (partial) - Nov 12, 2014

Direction #3. You will hence forth treat your colleagues in the criminal justice department with respect and keep your comments about them to the appropriate arena.

When a faculty member violates policy and lies to me about it I have every right, and even the obligation, to tell him that he has violated policy and suggest that he stop doing so. I have an obligation to write about his infraction in his annual report on prospects for tenure. I am trying to keep my comments in the appropriate arena but I have been denied access to appropriate mediation, grievance hearings and investigations.

Direction #4. You will apologize to Dr. Solar for your inappropriate comment regarding his progress toward tenure. When it becomes time to consider Dr. Solar for tenure, you will recuse yourself if you are unable or it appears that you are unable to consider his application fairly.

None of my comments to Dr. Solar were inappropriate. I am able to consider his application fairly when it comes time for that. Dr. Solar owes me an apology for excluding me from the search process and lying to me.

Direction #5. You will cease involving students in your personal disputes and grievances.

I have not involved students in my personal disputes and grievances so I cannot cease doing so, by definition of the word "cease." I will continue keeping students uninvolved in my complaints and grievances against faculty members.

Failure to follow these directions will likely result in disciplinary action.

Dean Throop's letter of direction violates my right to due process guaranteed by the 14th Amendment of the United States Constitution.

I filed a grievance on Aug 27, 2014 which was not scheduled for hearing for well over two months. This is a violation of my due process rights.

I believe Dean Throop wrote this letter of direction with ill intent and malice. I believe the letter is intended to provoke me, cause me stress related health issues, make me want to quit my job and to lay the groundwork for her to fire me on fabricated charges some time in the future. I believe the letter is written as retaliation against me for having filed a federal lawsuit against her.

I strongly suggest that you contact the University's Employee Assistance Program for confidential help (608-342-1530; voelz@uwplatt.edu).

Yours very truly,

Dr. Elizabeth Throop

Dean, College of Liberal Arts and Education

THROOP EXHIBIT WWW - 038

Appendix N: Burton – Required to Schedule any Medical Emergencies – 5 days notice



UNIVERSITY OF WISCONSIN PLATTEVILLE

August 2, 2017

Dr. Sabina Burton
5768 Maple Glen Lane
Platteville, WI 53818

Dr. Burton:

On July 25, the following email was sent to you and Attorney Lattis asking for a response regarding a hearing date. The July 28 deadline has passed with no response from you. This letter is a final request for a hearing date. Please respond by **August 8, 2017**. My email address is: hansens@uwplatt.edu.

"The Panel would like to offer Dr. Burton an opportunity to respond to testimony provided during the May 26 hearing. As I'm sure you can appreciate, the logistics for setting up the hearing are considerable. Once the academic year begins, availability of the Panel becomes much more limited. Thus, I'd like to begin preparations as soon as possible.

Two dates for a September hearing are available, Sept 13 or 19 from 4pm-7pm. Should the Panel determine that additional testimony is needed before making its recommendation, an additional date/time will be scheduled.

Please provide me with your availability on both dates by July 28. Once the final date is determined, we will move ahead with arrangements. Once the hearing date is set, the Panel will expect both parties to participate unless it receives notification no less than 5 days prior to the hearing of an inability to appear. If the reasons are related to health concerns, medical documentation is required.

If neither date is workable, the Panel will accept written responses no later than 5 days prior to the scheduled hearing date."

On August 8, the Panel will begin preparations for a hearing. If there is no response to this letter, the Panel will assume you do not wish to pursue a hearing. If you wish to provide a written response to the May 26 testimony instead, please notify me of your intention by August 8, 2017. We expect responses to be submitted no later than 3 pm September 6, 2017.

Dr. Susan Hansen
University of Wisconsin-Platteville
1 University Plaza
Platteville, WI 53818
hansens@uwplatt.edu

Appendix O: Note Gibson gave to female student



To: Chancellor Dennis Shields
From: Complaints and Grievances Committee
Re: Addendum to the Burton-Caywood Grievance
Date: April 17, 2013

Dear Chancellor Shields,

In the course of reviewing a complaint brought by Dr. Sabina Burton against Dr. Tom Caywood, specific information was discussed related to a third party. While the grievance committee was not paneled to determine a course of action related to this third party, his actions were so egregious that the committee felt compelled to provide this letter to your for review.

The Facts

On Wednesday, October 10, 2012, by his own admission, Dr. Lorne Gibson conducted a “sample breaching experiment” in two of his Criminal Justice research methods courses. In both cases, he approached a female student prior to the start of the lecture and handed her a note without saying a word. On the half-page of paper was a handwritten note :”call me tonight!!!642-0020” Dr. Gibson confirmed to his department chair, Dr. Caywood, that is indeed his personal cell phone number. The next day, upon learning from Dr. Caywood that one of the two women selected for this “experiment” had complained to another faculty member, Dr. Gibson emailed all his students in both sections an explanation of the events of the previous day. Included in this email were the following statements:

I would like to apologize to any students who weren’t aware of the experimental nature of the note. I made a mistake in assuming it was easily apparent given the context of the lesson topic and how often I make fun of myself. I apologize to anyone who wasted time outside of class in reacting to my example, or for any anxiety it may have caused. Please do not feel compelled to identify yourself as one of the example subjects or groups.

Our Concerns (in ascending order of seriousness)

1. Dr. Gibson showed extremely poor judgment in conducting an in-class example of a study, *which purpose is to elicit strong, uncomfortable reactions in the participant*. The committee also questions Dr. Gibson’s use of his personal number, as that had no relevance to the alleged purpose.
2. Dr. Gibson, it appears given his email of the following day, failed to debrief his class about the nature of this experiment. This is concerning for any first year research student and undermines Dr. Gibson’s competence to teach research methods ethically and effectively.
3. Dr. Gibson’s email is beyond reprehensible. Given the likelihood his note passing was witnessed by at least one other student, his “please do not feel compelled to identify yourself” comment rings hollow. He effectively “outed” the young women by his email, which he then compounds by suggesting they were too stupid (“I made the mistake of assuming it was easily apparent”) and over-reactive (“anyone who wasted time outside of class”). This version of “slut-shaming” suggests Dr. Gibson has serious liabilities and lacks even a fundamental understanding of structural sexism.

Our Recommendations

1. Dr. Gibson should be required to attend instruction in maintaining an equitable and safe classroom for all his students
2. All of Dr. Gibson’s lectures and “class-room activities” should be reviewed by the Criminal Justice Department for appropriateness.
3. Dr. Gibson should take a refresher course in professional ethics as it relates to research participants.

Appendix Q: Depositions – Throop/Rice

Page 13

1 Dr. Burton; isn't that true?
 2 A It is true.
 3 Q And in that letter of direction you identified a
 4 number of specific areas in which she was to change
 5 her behavior; isn't that true?
 6 A Yes.
 7 Q And did you have any conversation with Dr. Burton
 8 about any of those areas or those issues prior to the
 9 time you issued the letter of direction?
 10 A I think you need to define what you mean by -- do you
 11 mean face-to-face conversation?
 12 Q Yes.
 13 A No.
 14 Q I believe in that letter of direction you refer to an
 15 issue involving Dr. Stackman, a CJ faculty member; is
 16 that true?
 17 MS. BENSKY: I object to the form of the
 18 question. You're asking about a document she doesn't
 19 have in front of her.
 20 THE WITNESS: I don't recall.
 21 BY MR. HAWKS:
 22 Q Okay. On December 12th, 2014, you wrote an e-mail to
 23 Dr. Burton, in which you found that she had -- or
 24 alleged, you stated that she had skipped the final
 25 day of classes in the fall semester of the 2014/2015

Page 14

1 school year and that you were going to discipline
 2 her; isn't that true?
 3 A I don't recall the exact wording of the e-mail.
 4 Q Have I summed up the content of the e-mail?
 5 A I don't recall.
 6 Q Did someone provide you with information that
 7 Dr. Burton had skipped the last day of classes in the
 8 2014/2015 school year?
 9 A Yes.
 10 Q Who was that?
 11 A Deb Rice.
 12 Q And when was that information shared with you?
 13 A I don't recall exactly.
 14 Q Was it the same day?
 15 A I don't recall exactly.
 16 Q As the class was to be conducted?
 17 A I believe it was after that.
 18 Q All right. Was it the same day that you issued --
 19 you sent Dr. Burton that e-mail?
 20 A I don't recall.
 21 Q What did Dr. Rice tell you?
 22 A Dr. Rice told me that two students had told her that
 23 Dr. Burton had canceled the last day of class in the
 24 fall semester to fly to Germany to see her ailing
 25 mother.

Page 15

1 Q All right. And did you make any effort to verify?
 2 A I asked Professor Rice to go back to those students
 3 and make sure that that's what they understood to be
 4 the case.
 5 Q But you're not the chair of the department, are you?
 6 A No.
 7 Q Do you know whether or not Dr. Rice had shared this
 8 information with the chair of the department?
 9 A I believe she did.
 10 Q On what do you base that belief?
 11 A Dr. Dalecki had told me later that, in fact, it was
 12 Dr.-- not Dr. Rice -- Professor Rice who had told him
 13 about it as well.
 14 Q All right. And how did he communicate that
 15 information to you?
 16 A I don't know. I don't recall.
 17 Q E-mail?
 18 A I don't recall.
 19 Q Okay. Do you know why Dr. Rice shared this -- or
 20 Professor Rice shared this information with you?
 21 A I don't.
 22 Q Did you make any effort to contact Dr. Burton before
 23 sending that letter out?
 24 A I did not.
 25 Q Did you ask the chair of the department to verify the

Page 16

1 information before sending the letter out?
 2 A I did not.
 3 MR. HAWKS: I believe our next exhibit
 4 number is 61, but I am relying on memory right now.
 5 (Exhibit 61 marked for identification.)
 6 BY MR. HAWKS:
 7 Q Take a moment to review this, please.
 8 A (Reviewing document.)
 9 Q Are you familiar with the incident that led up to --
 10 first of all, can you identify this document?
 11 A I can't. I've never seen it before.
 12 Q Appears to be a letter written from a grievance
 13 committee to Chancellor Shields; is that fair?
 14 A I have no idea.
 15 Q And are you familiar with the breach incident of
 16 Dr. Gibson?
 17 A Yes, I am.
 18 Q Can you describe that in general terms, please?
 19 A It's -- well, I believe the document explains what I
 20 understand to have happened, which is that Dr. Gibson
 21 handed a note to a student in his class and the note
 22 said what this indicates it did, "Call me," smily
 23 face, and provided his cell phone number.
 24 Q Did you have any conversations with Dr. Gibson about
 25 that matter?

Page 12

1 somebody from the Grievance Committee here.
 2 Does that make sense?
 3 Q. Could be. Would it be fair to say that
 4 your belief at this moment is that there is
 5 nothing pending about this issue against you
 6 because, at least in part, because you believe
 7 there was nothing ever filed formally about this
 8 issue?
 9 A. That's my understanding.
 10 Q. So, when -- was Dr. Barraclough and --
 11 A. Dr. McDermott.
 12 Q. I know Dr. Barraclough. I don't know
 13 Dr. McDermott.
 14 A. Dr. McDermott is the assistant dean in
 15 ag sciences.
 16 Q. And they called you to a meeting?
 17 A. Uh-huh. In the chancellor's office, in
 18 the chancellor's conference room up there. I, I
 19 don't remember when. I really don't.
 20 Q. What month even?
 21 A. No.
 22 Q. Snow on the ground?
 23 A. You know, I really, really don't. I'm
 24 sorry.
 25 Q. But you're sure it was last semester?

Page 13

1 A. Maybe, you know, one of the e-mails
 2 that I got from Sabina -- I'm trying to think.
 3 Did I get that -- I got that maybe three weeks
 4 afterwards. And she was ripping on myself and
 5 Dr. Dalecki and the dean, and so I forwarded it
 6 back on to Dr. Barraclough and said, "Do I have
 7 to put up with this? What's going on?"
 8 And Dominic said what? What did he
 9 say? He said that they didn't have anything to
 10 do with it anymore or something like that. And
 11 he just left it at that.
 12 Q. So, this is a -- now, this is a phone
 13 conversation you're having?
 14 A. No, no, no. This was over e-mails.
 15 Q. This is an e-mail communication between
 16 you and Barraclough?
 17 A. Yes.
 18 Q. And that's after the meeting that you
 19 had with Barraclough and McDermott?
 20 A. Yes.
 21 Q. And in the -- your takeaway from the
 22 communication was that Barraclough had nothing
 23 more to do with it?
 24 A. Right. That was my takeaway.
 25 Q. And was that also during the second

Page 14

1 semester of last year?
 2 A. It was shortly after. It was like
 3 three or four weeks after I had met with them.
 4 And I really, you know, I'm sorry, but I --
 5 everything all just blurs together, to be
 6 truthful. I have had an extremely busy last
 7 couple years.
 8 Q. Do you recall at some point in time
 9 informing Dean Throop that Sabina had canceled
 10 her classes on the last day of the first
 11 semester of last school year?
 12 A. No, I did not.
 13 Q. Do you recall informing Dr. Dalecki
 14 that Sabina had canceled her classes?
 15 A. No, I did not.
 16 Q. Did you inform either of them that two
 17 students had reported that she had canceled her
 18 classes?
 19 A. No, I did not.
 20 Q. Did you have any conversation with
 21 either of those two about Sabina canceling those
 22 classes?
 23 A. No, I did not.
 24 Q. Well, let's -- are you aware that
 25 Dean Throop accused Dr. Burton of canceling her

Page 15

1 last class in the fall semester of the 2014-15
 2 school year?
 3 A. Directly am I, no, I was not aware
 4 directly. Did I hear through other people
 5 talking about it, yes. Did I hear directly from
 6 Dean Throop, no.
 7 Q. Who did you hear from the -- who are
 8 the other people that --
 9 A. I don't know. It was just talked about
 10 in the office.
 11 Q. So, if Dean Throop testified, if she
 12 testified that you had provided information that
 13 two students had complained that Burton had
 14 canceled classes, that testimony would be false,
 15 in your opinion?
 16 A. That's correct. Because I did not say
 17 that she canceled classes.
 18 Q. What did you say, if anything?
 19 A. I said to Mike Dalecki that two
 20 students had come in and told me that Dr. Burton
 21 was going to Germany on Friday.
 22 Q. Okay.
 23 A. Okay. I didn't know anything about --
 24 I don't know what her class schedule is. I do
 25 not follow Sabina's class schedule. And all I

Appendix R: Throop Deposition

Page 13

1 Dr. Burton; isn't that true?
2 A It is true.
3 Q And in that letter of direction you identified a
4 number of specific areas in which she was to change
5 her behavior; isn't that true?
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7 Q And did you have any conversation with Dr. Burton
8 about any of those areas or those issues prior to the
9 time you issued the letter of direction?
10 A I think you need to define what you mean by -- do you
11 mean face-to-face conversation?
12 Q Yes.
13 A No.
14 Q I believe in that letter of direction you refer to an
15 issue involving Dr. Stackman, a CJ faculty member; is
16 that true?
17 MS. BENSKY: I object to the form of the
18 question. You're asking about a document she doesn't
19 have in front of her.
20 THE WITNESS: I don't recall.
21 BY MR. HAWKS:
22 Q Okay. On December 12th, 2014, you wrote an e-mail to
23 Dr. Burton, in which you found that she had -- or
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1 school year and that you were going to discipline
2 her; isn't that true?
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4 Q Have I summed up the content of the e-mail?
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7 Dr. Burton had skipped the last day of classes in the
8 2014/2015 school year?
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18 Q All right. Was it the same day that you issued --
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23 Dr. Burton had canceled the last day of class in the
24 fall semester to fly to Germany to see her ailing
25 mother.

Page 15

1 Q All right. And did you make any effort to verify?
2 A I asked Professor Rice to go back to those students
3 and make sure that that's what they understood to be
4 the case.
5 Q But you're not the chair of the department, are you?
6 A No.
7 Q Do you know whether or not Dr. Rice had shared this
8 information with the chair of the department?
9 A I believe she did.
10 Q On what do you base that belief?
11 A Dr. Dalecki had told me later that, in fact, it was
12 Dr.-- not Dr. Rice -- Professor Rice who had told him
13 about it as well.
14 Q All right. And how did he communicate that
15 information to you?
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20 Professor Rice shared this information with you?
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22 Q Did you make any effort to contact Dr. Burton before
23 sending that letter out?
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25 Q Did you ask the chair of the department to verify the

Page 16

1 information before sending the letter out?
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4 number is 61, but I am relying on memory right now.
5 (Exhibit 61 marked for identification.)
6 BY MR. HAWKS:
7 Q Take a moment to review this, please.
8 A (Reviewing document.)
9 Q Are you familiar with the incident that led up to --
10 first of all, can you identify this document?
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13 committee to Chancellor Shields; is that fair?
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16 Dr. Gibson?
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19 A It's -- well, I believe the document explains what I
20 understand to have happened, which is that Dr. Gibson
21 handed a note to a student in his class and the note
22 said what this indicates it did, "Call me," smily
23 face, and provided his cell phone number.
24 Q Did you have any conversations with Dr. Gibson about
25 that matter?

Page 113

1 BY MR. HAWKS:
 2 Q My first question to you focuses on the phrase,
 3 "which I double-checked."
 4 How did you double-check the accuracy
 5 of the student reports?
 6 A By asking Deb Rice to go and speak with the students
 7 who had reported to her again and report back to me.
 8 Q And did she report back to you?
 9 A She did.
 10 Q So she reported to you that she spoke to them again
 11 and they, again, confirmed that Burton had skipped
 12 class?
 13 A They -- yes.
 14 Q Do you know whether or not there was any effort made
 15 to discipline those students for providing that false
 16 information?
 17 A I don't know.
 18 Q In your next sentence you write that it appears that
 19 the student reports conflict with other student
 20 reports.
 21 You did not write that those student
 22 reports, those initial student reports, were false,
 23 did you?
 24 A I wrote that it appeared they conflicted with other
 25 student reports.

Page 114

1 Q And how many other student reports did you receive?
 2 A I believe there were three or four in response to an
 3 e-mail that Dr. Burton sent containing, as I say
 4 there, considerable factually inaccurate statements.
 5 Q Can you please identify what Dr. Burton wrote that
 6 you considered to be factually inaccurate?
 7 A Statement No. 1 -- and this is Exhibit J to my
 8 Chapter 6 complaint, which is Exhibit 78 on the
 9 second to last page of the entire document.
 10 The first false statement:
 11 "Dr. Throop wants to fire me." That's not true.
 12 "Extremely harsh." Not true.
 13 "Dean Throop wants to fire me." Not
 14 true.
 15 "Dean Throop wants to discipline me."
 16 Not true.
 17 "She is just looking for reasons to
 18 discipline me." Not true.
 19 "Could save me from severe discipline
 20 that I don't deserve." Not true.
 21 "Why does Dean Throop want to hurt
 22 me?" Not true.
 23 "On October 11, 2012, a female student
 24 came to me with a complaint of a sexual advance by a
 25 male faculty member." That's not true. She came to

Page 115

1 me with a complaint of a biased student. It was not
 2 a sexual advance.
 3 "I have helped the student -- I helped
 4 the student report the complaint to student affairs."
 5 My interaction was with HR, but...
 6 "I've been mercilessly harassed since
 7 then for my actions in assisting that student." That
 8 is completely untrue.
 9 "I need your help." That's not true.
 10 Q Did you not write on December 12 -- or on
 11 December 12, 2014 that you would discipline her?
 12 A Yes. I didn't say it would be extreme discipline,
 13 severe discipline.
 14 And, furthermore, she -- this entire
 15 e-mail is almost completely false.
 16 Q Do you have any doubt today whether or not Dr. Burton
 17 taught that course --
 18 A I have no doubt. No, I have no doubt.
 19 Q I believe in the complaint you write that members of
 20 the department find Dr. Burton difficult at best.
 21 Do you recall writing that?
 22 A Please tell me where I said it.
 23 Q I'm looking. It's in the summary.
 24 A Yes, I see that.
 25 Q Who -- which departmental colleagues had told you

Page 116

1 that they find Dr. Burton to be difficult at best?
 2 A Dr. Caywood, Dr. Reed, Dr. Gibson,
 3 Dr. Banachowski-Fuller, Professor Rice, various
 4 adjunct professors.
 5 I need to consult -- I have a question
 6 for my lawyer.
 7 MR. HAWKS: I have no objection.
 8 (A recess was taken from 1:31 p.m. to 1:34 p.m.)
 9 THE WITNESS: Dr. Dalecki, Dr. Solar,
 10 Dr. Stackman, Dr. Nemmetz, as well as other members
 11 outside of her department, other community members
 12 outside of her department.
 13 BY MR. HAWKS:
 14 Q Not employees of the University of Wisconsin?
 15 A Yes.
 16 Q They are employees of the university?
 17 A Yes.
 18 Q Who are they?
 19 A Dr. Balachandran [phonetic], who was the chair of the
 20 grievance commission -- well, I'll put a full stop
 21 there.
 22 Q Dr. Reed has retired?
 23 A He has.
 24 Q Dr. Caywood has retired?
 25 A He has.

Page 117

1 Q You did not include Dr. Lomax in your list.
 2 A He's an adjunct.
 3 Q He's an adjunct. And has he ever complained about
 4 Dr. Burton?
 5 A Actually, I don't believe he has.
 6 Q He's a former chair of the department?
 7 A Okay.
 8 Q When was the last time someone complained to you that
 9 Dr. Burton was disruptive?
 10 A I would say it was in September.
 11 Q Of this year?
 12 A Mm-hmm.
 13 Q Who -- which of the members of the department
 14 complained?
 15 A It wasn't a member of the department.
 16 Q Who was it?
 17 A It was the governor's office.
 18 Q Other than --
 19 A Actually, I shouldn't characterize it as
 20 "disruptive." She had sent an e-mail to them.
 21 Q My question -- that's really not an answer to my
 22 question.
 23 My question was: When was the last
 24 time that someone told you that Dr. Burton had been
 25 disruptive?

Page 118

1 A I believe it was the night before she was granted
 2 emergency medical leave in January or early February.
 3 Q Of 2015?
 4 A Of this year, yes.
 5 Q Okay. And who was it then?
 6 A Dr. Dalecki primarily.
 7 Q Have you had any communications with Dr. Strobl, the
 8 new chair, the permanent chair of the CJ department,
 9 regarding -- have you had any communications with her
 10 at all?
 11 A Yes, of course.
 12 Q Of course. And have you had any communications with
 13 her regarding Dr. Burton?
 14 A Yes.
 15 Q What, if anything, did you say to her, and what, if
 16 anything, did she say to you?
 17 A I certainly gave her the information that there was a
 18 lawsuit filed by Dr. Burton, and I offered to provide
 19 her with the papers and so forth if she so wanted to
 20 read them.
 21 And I think we also talked about
 22 course scheduling for Dr. Burton and her -- any sort
 23 of medical accommodation she might need.
 24 Q Any other conversation?
 25 A Dr.--

Page 119

1 Q Any other subject matters?
 2 A Dr. Strobl has been quite pleased with her
 3 interactions with Dr. Burton since she started.
 4 Q Did you ask, for example, Dr. Strobl if Dr. Burton
 5 had been disruptive in any way?
 6 A I did not.
 7 Q Did Dr. Strobl volunteer that Dr. Burton had not been
 8 disruptive in any way?
 9 A I don't understand that question.
 10 Q Well, you testified that Dr. Strobl informed you that
 11 she was pleased with Dr. Burton?
 12 A Yes.
 13 Q Would that suggest to you that Dr. Burton was not
 14 being disruptive --
 15 A It would, this semester, yes.
 16 Q Okay. Same question with regard to Exhibit 68, the
 17 summary section of your complaint.
 18 A 78.
 19 Q 78. You write that "Her departmental colleagues
 20 avoid interacting with her."
 21 Upon what information do you base that
 22 statement?
 23 A Their reports to me.
 24 Q Okay. And who has reported to you that the
 25 colleagues avoid interacting with her?

Page 120

1 A The list I just gave you.
 2 Q Okay. And then do you have -- did Dr. Strobl --
 3 other than saying that Dr. Burton -- that she's
 4 pleased with Dr. Burton, did Dr. Strobl say anything
 5 with specificity regarding Dr. Burton's interactions
 6 with other members of the department since Dr. Strobl
 7 became chair?
 8 A She has not said anything about that.
 9 Q All right. Do you have any reason to believe that
 10 today departmental colleagues are avoiding
 11 interacting with Dr. Burton?
 12 A Yes.
 13 Q And what reason is that?
 14 A Their history with her.
 15 Q Other than the history.
 16 A That's pretty -- it's a pretty strong history.
 17 Q You next write that "They spent hours upon hours
 18 attempting to manage their interactions with her."
 19 You mention that the chair, former
 20 chair, had to spend time dealing with issues raised
 21 by Dr. Burton.
 22 What other departmental members spent
 23 hours upon hours attempting to manage their
 24 interactions with Dr. Burton?
 25 A At the time of this writing, all of them.

Page 121

1 Q Lomax?
 2 A With the exception of Lomax.
 3 Q And upon what basis do you answer that question that
 4 way?
 5 A Their reports to me.
 6 Q They -- all the members of the department, except for
 7 Lomax, have reported to you that they spent hours
 8 upon hours managing their interactions --
 9 A Yes.
 10 Q -- with Dr. Burton?
 11 A Either through interacting with Dalecki or with me or
 12 with HR or with others.
 13 Q What do you mean by "interacting with Dalecki"?
 14 A How do we respond to this latest e-mail from
 15 Dr. Burton.
 16 Q And how do you know that?
 17 A Because they told me.
 18 Q They told you or Dr. Dalecki told you?
 19 A They told me.
 20 Q They told you that they told Dalecki or wrote to
 21 Dalecki to say --
 22 A Yes.
 23 Q -- how do we respond to this e-mail from Burton?
 24 A Yes.
 25 Q And that's every member of the department?

Page 122

1 A The ones I named, yes, with the exception of Lomax.
 2 Q You next write that she has no support -- oh, by the
 3 way, do you believe that's still the case?
 4 A I don't know.
 5 Q And other than Dr. Strobl telling you that she's
 6 pleased with Dr. Burton, do you have any reason to
 7 believe that that's still the case?
 8 A The managing interactions piece?
 9 Q Right.
 10 A I have no reason to believe that Dr. Burton is
 11 creating the kind of problems that she was causing.
 12 Q You next write that Dr. Burton has no support among
 13 her colleagues.
 14 Upon what basis do you make that
 15 allegation?
 16 A Their characterizations to me.
 17 Q In your next sentence you refer to senior leadership
 18 of the department.
 19 Who specifically do you include in the
 20 group senior leadership?
 21 A It's not of the department. It's of the university.
 22 Q Okay. Thank you for that clarification.
 23 Who do you include in that group?
 24 A Me, the director of HR, the provost, the chancellor.
 25 Q How many hours would you say the chancellor -- well,

Page 123

1 would you say the chancellor spent 20 hours a week
 2 trying to find ways to redirect Dr. Burton's poor
 3 behaviors?
 4 A No, but I certainly did.
 5 Q And the provost?
 6 A Some weeks it might be ten hours for her.
 7 I am considered a senior leader.
 8 Q I understand.
 9 You next write that you request a
 10 formal letter of reprimand and that you explore
 11 further disciplinary options.
 12 What further disciplinary options did
 13 you want or were you asking the Chapter 6 committee
 14 to further explore?
 15 A I'm not asking the committee for anything. This went
 16 to the chancellor.
 17 Q Thank you.
 18 What -- same question. What are you
 19 asking the chancellor to further explore in terms of
 20 disciplinary actions?
 21 A I had nothing particular in mind.
 22 Q But any other action would be more serious than a
 23 letter of reprimand?
 24 A I suppose so.
 25 Q Oh, you know, in your letter withdrawing the

Page 124

1 admonition -- I can call it back up. I just --
 2 A It's okay. I remember it.
 3 Q -- you don't CC the chair of the department.
 4 A I don't remember that part.
 5 Q Okay.
 6 A You're correct, I didn't. I cc'ed other people but
 7 not him.
 8 Q You had cc'ed him on your original letter informing
 9 her that she was going -- you were going to
 10 discipline her, correct?
 11 A I did, yes.
 12 Q Did you ever inform Dr. -- did you ever inform
 13 Dr. Dalecki that you had withdrawn your letter of
 14 admonition?
 15 A Yes.
 16 Q And when did you do that?
 17 A I presume the same day as I wrote that e-mail.
 18 Q And did you do it in writing, or did you do it -- did
 19 you do it by e-mail, or did you do it by phone call?
 20 A I believe I did it with a phone call.
 21 Q Do you believe that you owe Dr. Burton an apology for
 22 falsely accusing her of canceling a class?
 23 A I think I do.
 24 Q Okay. What permissions are required to apply for an
 25 NSF grant, if you know?

Appendix S: Student paper – shoot for the head – pg 5

5

ARMED OFFICERS: IN THE UNITED STATES AND THE UNITED KINGDOM

inflammatory agent. It amplifies allergic sensitivities, it irritates and damages eyes, membranes, bronchial airways, the stomach lining -- basically what it touches. It works by causing pain -- and, as we know, pain is the body warning us of an injury." (Payne-James, 2013) They have had great success being portrayed by the media as real heroes on United States news networks. The public seems to get behind the idea of using non-lethal force to eliminate a deadly threat. On a statistical basis, having officers that are not armed with deadly force creates fewer deaths. Some people however, do struggle with the idea of having unarmed police officers in the United Kingdom. It puts officers at a bigger risk when being attacked by an assailant. Many departments will send officers out in pairs so they have a greater chance of stopping an assailant.

Many police departments in the United States will refrain from using non-lethal defense mechanisms such as Tasers or pepper spray because of legal liability. Patrick Solar (former Police Chief of Sycamore, IL) states, "I told my officers, if they are going to fire their side arm, shoot for the head. This will lessen the chance of legal liability arising after the case. Only fire your side arm if you have no other option. Always try to create distance before discharging a round." It might seem morbid to teach this philosophy, but many people fail to understand that police officers just want to go home to their families at the end of the day. The general public continues to preach the method "all lives matter." If this statement is held to an absolute standard, that includes police officers lives as well.

The police in the United States have a use force policy that is upheld in the court of law. *Graham v. Conner* states, "All claims that law enforcement officials have used excessive force -- deadly or not -- in the course of an arrest, investigatory stop, or other "seizure" of a

Appendix T: Erickson denies Open Records Request



PLATTEVILLE
COMMUNICATIONS

November 29, 2016

Dear Dr. Burton,

I have received your records request for investigation report(s) completed by Dale Burke. I am denying your request because I am prohibited by Wis. Stat. section 19.36(10)(b) from releasing "Information relating to the current investigation of . . . possible misconduct connected with employment by an employee prior to disposition of the investigation."

The matters discussed in this investigation report have yet to be disposed of. Because I have denied your request, I am required to inform you that you may seek review of my decision from the local district attorney, the Wisconsin Attorney General, or through mandamus action in circuit court.

Please feel free to contact me with any questions.

Sincerely,

Paul Erickson
Public Information Officer

Appendix U: Erickson denies Open Records Request again for the same reason

Open Records Request

Paul J Erickson <ericksop@uwplatt.edu>

Wed 11/29/2017 9:26 AM

To: Sabina Burton <sabinaburton@live.com>;

 2 attachments (225 KB)

CJ Minutes 11217 not yet approved by dept at Dec mtg.pdf; image002.jpg;

Dr. Burton,

Attached are two of the items you have requested. image002.jpg is your UW System record of Leave of Absences. CJ Minutes 11217 is a document of the unapproved minutes from the Nov. 2, 2017 Criminal Justice department meeting. Those minutes, and any changes, will be approved at the December meeting.

In regards to the November, 2016 request, no record exists of any department meeting minutes from that month.

Finally, in regards to the Dr. Solar memorandum, because that memo is directly related to the disciplinary matter involving you and that process is ongoing, I cannot release it to you under Wis. Stat. sec. 19.36(10)(b) in response to a public records request.

Because I have partially denied your request, I am required to inform you that you may seek review of my decision from the local district attorney, the Wisconsin Attorney General, or through mandamus action in circuit court.

Sincerely,

Paul Erickson
University of Wisconsin–Platteville
Director, Communications/
Public Information Officer
Ullsvik Hall, Room 1519
608.342.1194
uwplatt.edu

Appendix V: Gibson was elected chair



UNIVERSITY OF WISCONSIN
PLATTEVILLE
COLLEGE OF LIBERAL ARTS
AND EDUCATION

Memorandum

To: Dr. Mike Dalecki, Chair, Department of Criminal Justice
Faculty and Academic Staff, Department of Criminal Justice ✓

From: Dr. Liz Throop, Dean, College of Liberal Arts and Education *LAT*

CC: Chancellor Dennis J. Shields
Provost Mittie Den Herder
Director Jeanne Durr, Human Resources

Date: September 17, 2013

Re: Results of Department Vote for Recommendation of Chair

I am in receipt of the results of the vote, held today, regarding a recommendation for Chair of the Department of Criminal Justice. I understand that Dr. Lorne Gibson has been recommended by the ranked faculty. I appreciate the attention to the shared governance process paid by the faculty of the Department of Criminal Justice, and I thank Dr. Dalecki for his quick communication of the results of the recommendation vote.

As I believe I made clear in our discussions last week, however, the position of chair has a number of responsibilities and challenges associated with it so that it is simply not feasible, reasonable, or practical to appoint a faculty member who is untenured—indeed, it would be profoundly unfair, to Dr. Gibson's path to tenure as well as to the department, to appoint someone who is only in his second year at UW Platteville. Such an appointment also would be highly unusual in the University, and, nationally, it would be far from a best practice. Therefore, I am afraid I cannot agree with the department's recommendation.

As a result, I reaffirm Dr. Mike Dalecki's appointment as chair and will extend his interim appointment to last through August 2015 (a two-year term). The department has begun a number of exciting and important initiatives, and I would like everyone to have some breathing room to get those initiatives off the ground. I also want the current tenure-track faculty searches (for which Dr. Dalecki advocated quite strongly) to be completed successfully without the faculty having to worry about the stresses and strains of a national search for a permanent chair. When those tenure-track faculty searches have resulted in signed contracts, I will convene the faculty to discuss the next step toward finding the next chair for the Department of Criminal Justice.

I look forward to working with a re-energized and productive department. I fully support Dr. Dalecki in his chair role, and I fully support every person in the department interesting in moving forward in a positive and student-focused direction.

Appendix W: Burton's email to Faculty Senate requesting a grievance hearing

From: Sabina L Burton <burtons@uwplatt.edu>

Sent: Sunday, May 8, 2016 11:14 PM

To: Teresa M Burns; James A Swenson; Christopher A Baxter; Michael E Compton; Evan Larson; Colleen A McCabe; Michael R Penn; Mary R Williams; James N Almquist; Misty J Lemon-Rogers; Benjamin Collins; Rea H Kirk; Abulkhair M Masoom; Tera L Montgomery; Laura J Anderson; Amanda Tucker; T A Sandberg

Cc: henn@aft-wisconsin.org; Raymond Spoto; board@uwsa.edu; sabinaburton@live.com

Subject: Fw: Denied Grievance Hearing at UW-Platteville

Dear Members of the Faculty Senate,

Please review the below email sent to Grievance Chair, Mr. Fairchild.

The grievance process at UW-Platteville is severely flawed and in essence non-existent. I have been denied grievance hearings in a timely manner since 2014 while being subjected to unfair discipline in retaliation for having filed legitimate complaints.

An employee at UW-Platteville is currently without protection when false allegations are filed. I have proof that Dean Throop fabricated allegations against me, including the false accusation that I had canceled class and that I had forced a colleague to house-sit for me. My proof are declarations and depositions made under penalty of perjury by multiple individuals, including students, as well as audio recordings yet I have not been given an opportunity to defend myself against these false allegations.

To this day an Oct. 2014 Letter of Direction by Dean Throop that is based on false allegations and half-truth is still in my personnel folder and Dean Throop's Jan. 2015 Complaint that Dr. Barraclaugh investigated and issued a report for in Oct. 2015 has to this day not been decided on by Chancellor Shields. The administration is literally holding a Damocles Sword over my head. The administration is also protecting people who have defamed me. These are unfair and illegal employment practices. This is abuse!

How did all this start you may ask? I wasn't willing to take the retaliation by my former department chair, Dr. Caywood, for having assisted a female CJ student with a sexual harassment complaint against a fellow faculty member. Dr. Caywood admitted in his Aug. 2015 deposition that he 'probably owes me an apology.'

The administration at UW-Platteville is practicing constructive termination. This is an illegal practice. I care to much about my profession, my students and my colleagues to just take this abuse without a fight. I have not yet taken this matter to media but it will most likely be my next step. I know I am not the first case of abuse nor will I be the last if this issue is not being addressed. I have talked to others who have experienced similar adverse actions here on campus and who have been forced to leave the university.

Thank you for reading.

Warm regards,

Sabina Burton

From: Sabina L Burton

Sent: Friday, May 6, 2016 11:09 PM

To: G D Fairchild

Cc: board@uwsa.edu; mbradleybor@aol.com; tevers@uwsa.edu; mfarrow@uwsa.edu; michael.grebe@huscointl.com; thiggins@uwalumni.com; tklein@uwsa.edu; jlangnes@uwsa.edu; rmmillner@uwalumni.com; jmueller@uwsa.edu; andrew.petersen@tdstelecom.com; bryansteil@uwalumni.com; markt@oemfab.com; Nic.harsy@gmail.com; cpruitt@abdata.com; apurath@uwsa.edu; jvasquez@uwsa.edu; henn@aft-wisconsin.org; Raymond Spoto; sabinaburton@live.com

Subject: Denied Grievance Hearing at UW-Platteville

Mr. Fairchild,

I emailed you on Tuesday, May 3, 2016 regarding your refusal to hear my grievance. I asked you to provide the policy upon which you base your decision to deny me a fair grievance hearing. I questioned the "300 day window" you cited in the attached confidential letter which you initialed. I found the policy that states that I am entitled to a grievance hearing within 20 days. You violated this policy when you delayed my request for a grievance hearing against Dr. Dalecki in fall 2014 for 2 months and again violate it now by refusing to hear my grievances. I can find no reference whatsoever, to a 300 day window that would support your refusal to hear my grievances and you have decided not to cite any policy even after I requested it from you. I ask that you please answer these questions:

- Why do you ignore my request to send me the policy that addresses the "300 day window?"
- Did you just make up the "300 day window?"
- Why did you deny my grievance hearing request against Ms. Rice using the made up "300 day window" when 300 days has not even passed in that case?
- Why did you deny my grievance hearing request against Dean Throop when her letter of direction is still in my official record and is still doing me damage so the damage is still within your "300 day window?"
- How can you justify refusing to give me a grievance hearing against Dean Throop when I filed the grievance well within your made up "300 day window" and you and others delayed my requested hearing for over 300 days?
- Why did you interfere with my right to a grievance hearing in 2014? Why again now?
- Are you protecting someone? Who? Are you violating my rights because certain people have dirt on you or because they threatened your employment?
- Why were you, out of all possible people, assigned to be the chair of the grievance committee for my grievance? Who appointed you? Were you selected specifically to deny my grievance hearings?
- As I informed you Dean Throop has issued two adverse employment actions against me. I can prove that her allegations are false but I can't do that without an opportunity to present my evidence. What is the real reason that I am not getting an opportunity to disprove her allegations?
- The grievance committee is made up of faculty members not administrators. Isn't its purpose to ensure that faculty members of UW-P can address their grievances in a fair, impartial hearing? Am I not an faculty member of UW-P?
- Don't you think an employee should have a right to defend herself against false allegations that threaten her employment status and to address severe retaliation?
- Are you aware that defamation is a crime in the state of Wisconsin?
- Shouldn't an employee of UW-P get an opportunity to address defamatory statements made by another UW-P employee in a grievance procedure?

- Why do you ignore my repeated request to hear my grievance against Ms. Deborah Rice who defamed me repeatedly?
- Why do you protect Ms. Deborah Rice from the truth?

I am saddened and deeply disappointed by the way you have treated me. Since you refuse to give me a grievance hearing and you ignore my request to show me the policy I have to assume that your refusal is discriminatory in nature and a retaliatory act for the lawsuit I filed in federal court. I believe you are acting as an emissary of Dean Throop to protect her from the truth. Ever since I assisted a student with a sexual harassment complaint I have been harassed by the administration. My due process rights have been continually violated and I have become the victim of severe retaliation from many individuals including administrators, colleagues and faculty from inside and outside my department. Your actions have violated my civil right to due process as an employee of this university and as a citizen of the United States of America. Provost Den Herder has pressured others not to communicate with me in this matter.

I therefore, will file a new federal complaint against you, Dean Throop, and Provost Den Herder.

Respectfully,
Dr. Sabina Burton

Attached: Mr. Fairchild's refusal letter
CC'd to UW-Regents, WI-AFT Union, Dr. Ray Spoto, AFT at UW-Platteville

— Fairchild refusal letter.jpg —

May 3, 2016

To Sabina Burton *hds*
From: Dan Fairchild *hds* University Complaints and
Grievances Commission
Re: Request to file a grievance against Debora Rice and
Elizabeth Throop

CC
Deb Rice
Elizabeth Throop
Christine Buswell
Scott White
John Rink
Beth Freiders
Qiong (June) Li

The University Complaints and Grievances Commission will not consider your grievance request dated April 26, 2016. The 300 day window for filing the request after the alleged incidences has expired.

Appendix X: Burton's email of Jun 5, 2014

Zimbra

burtons@uwplatt.edu

Re: EMAIL UPDATE - Can we call a spade a spade?

From : Sabina Burton <burtons@uwplatt.edu>

Thu, Jun 05, 2014 10:45 PM

Subject : Re: EMAIL UPDATE - Can we call a spade a spade?

To : Michael Dalecki <dalecki@uwplatt.edu>

Cc : Thomas E Caywood <caywood@uwplatt.edu>, Dana L Cecil <cecild@uwplatt.edu>, Steven Elmer <elmerst@uwplatt.edu>, Cheryl Fuller <banachoc@uwplatt.edu>, Lorne Gibson <gibsonlo@uwplatt.edu>, Joe Lomax <lomaxj@uwplatt.edu>, Rex Reed <reedre@uwplatt.edu>, Deborah L Rice <ricede@uwplatt.edu>, Edward Ross <rosse@uwplatt.edu>, Pat Solar <solarp@uwplatt.edu>, Sheri Kratcha <kratcha@uwplatt.edu>, Amy Nemmetz <nemmetza@uwplatt.edu>, Valerie Stackman <stackmanv@uwplatt.edu>, Diana Johnson <johnsondi@uwplatt.edu>

I plan to tell students the truth about what's been happening in the department. I would like to know how long Dutelle (who ironically wrote a book on "ethics") or Johnson knew they would be leaving before they told the department about their plans to do so. Both waited until the last minute to inform the department of their decision to depart, leaving their students (and us) hanging. I have never worked with such inconsiderate and unprofessional colleagues before. I think the students deserve to know who is responsible for the "train wreck" and put blame where blame is due. Our FI students were aggressively recruited into a program with, as confirmed by the recent reports, at least partially false information or intentional lack of information. Their prospect for being hired into an FI job after graduation is poor. Most states require CSIs to have LE field experience. Academies and police/Sheriff's departments train in fingerprinting, photography etc. in a much shorter time-span. Police officers can specialize in forensics in in-departmental training at low or no cost.

This "train wreck" shouldn't be our mess to clean up. FI students deserve to know what they are up against so they can make meaningful, informed career choices before it is too late for them to do so, before we take their money for a program we know is flawed and understaffed. Let the students know who abandoned them and give them some options for moving forward into a field of study that has some hope of securing them a good paying job. My focus is on the CJ program. I recommend that the FI program be turned back into an emphasis and that we put our attention on restorative justice, cyber-crime/cyber-forensics, homeland security

and white collar crime. We had two outside evaluators and nationally recognized (and not self-proclaimed!) experts with no personal stake in this department or program give us their "2 cents." Let's talk about their recommendations and how we can apply them to our department.

I would like to see an investigation into this matter. Dutelle and Johnson both leaving on short notice seems like a conspiracy to damage the department (and the students). I wouldn't be surprised if we get at least one more sudden "resignation" at the worst timing for students. As a public institution there really should be an investigation into potentially corrupt behavior that if substantiated would allow for legal remedies (e.g., tuition reimbursement for students who cannot continue their FI education as planned). As a parent of a student myself, I would want to know what is going on. I think the Attorney's General office would be a good institution to look into this mess.

Letting your employer know that you are leaving as soon as you accepted a new position is not just ethical but demonstrates professional courtesy and maturity. Ed Ross, who will be dearly missed by all of us, has been a great recent example (and he has not been kept out of his office because of giving notice!).

We wouldn't have a job without our students. Our actions or inaction affects their futures. Many of our students (and their parents) have made great sacrifices to be here. They don't deserve to pay the cost of some faculty selfishness or pettiness.

I must say I am very glad that my daughter chose a different program than FI ...

We have a chance now to make some difficult decisions and effect some changes for the better. Let's do it right this time. Let's start being transparent in our dealings. Let's keep open minds as we look to the future of our department. Let's work together for the good of the school and students. Let's follow policy. Let's follow policy and law. Let's use some good old common sense going forward. I have many ideas for moving past this point in our department's history. Most of my suggestions in the past have been ignored or have been thrown back in my face. I hope those days are behind me. I hope those of us remaining in the department can act like professionals.

My 2 cents ...

Sabina

----- Original Message -----

From: "Michael Dalecki" <dalecki@uwplatt.edu>

To: "Michael Dalecki" <dalecki@uwplatt.edu>, "Sabina Burton" <burtons@uwplatt.edu>, "Thomas E Caywood" <caywood@uwplatt.edu>, "Dana L

Appendix Y: Burton email to Solar
Re: CJ Search Violation

From : Sabina Burton <burtons@uwplatt.edu>

Thu, Oct 16, 2014 04:34 PM

Subject : Re: CJ Search Violation

To : Patrick Solar <solarp@uwplatt.edu>

Cc : John A Lohmann <lohmannj@uwplatt.edu>

Dear Pat,

I'm sorry if you are offended by anything I have to say but if you would follow policy I would not have to say these things. Please move forward in your journey at UW-Platteville with a renewed sense of commitment to doing things the right way.

I understand that you had difficulty in finding the policy for search and screens. I was able to locate it with a simple google search in about ten seconds. You could have asked me for the policy. You could have asked HR for the policy. You could have asked Mike for the policy or you could have just followed Mike's directions in the department meeting of 8-29-14.

My notes of the department meeting indicate that Mike talked about the position description but the draft was not read to, distributed to, discussed by or endorsed by the department. There was a draft of the position description at that time but Mike didn't want to have everybody look at it and agree on it at that time. He said there needs to be a conversation about the position description and that we'll then get the department to endorse it in another short meeting. You should perhaps start taking notes at meetings about assignments that you will be responsible for. Perhaps that will help you avoid future violations.

Asking the web folks is probably not the most reliable way of finding the policy. I once asked the guy in the back of the pet shop if the guinea pig I wanted to buy was male or female. He told me the guinea pig was male but somehow my other male guinea pig got him pregnant. My husband now teases me about reliability of my comments by asking "did the guy in back tell you that?" The point here is that you need to seek out information from reliable sources and not give up looking for your answer until you have found it. There are many avenues to find out information you will need to fulfill your duties at the school. I know you are still learning the ropes so ask someone for help. By the way, did you ask the web folks for the policy before you published the job announcement or after?

Pat, you failed to distribute the draft position description to the department and failed to call a short meeting to discuss and endorse it.

Plain and simple, you violated policy. Mike is responsible for your violation as he put a green faculty member in a position above his head and did not offer the proper supervision.

I am doing my best to treat you with the respect and collegiality due a junior faculty member by a senior tenured faculty member. I will be writing an annual evaluation of your performance giving you my input about your possibilities for tenure as I am required to do by policy. I will of course reference this violation but I'm sure that with your hard work and commitment to following policy in the future I will have fabulous things to say about you that may help offset this little bump in the road.

I will not withdraw my allegation of your, and Mike's, violation because this affects not just one but three searches and needs to be corrected.

I'm sorry you made this mistake. I hope that any repercussions you face for this infraction take into account that you have not been well trained by your mentor and that it was your first search and screen attempt.

Sabina

Appendix Z – Gibson’s email to the department of 2-17-15

Subject: Fw: Chair Recommendation
From: Sabina Burton <burtons@uwplatt.edu>
Date: 2/17/2015 2:47 PM
To: "sabinaburton " <sabinaburton@live.com>
CC: Roger Burton <rogerburton@plattevillerealestate.net>

From: Lorne Gibson
Sent: Tuesday, February 17, 2015 2:19 PM
To: Elizabeth A Throop; Steve Elmer; Cheryl BanachowskiFuller; Sabina Burton; Thomas E Caywood; Steven Elmer; Amy J Nemmetz; Rex R Byberg-Reed; Deborah L Rice; Patrick Solar; Valerie R Stackman
Subject: Re: Chair Recommendation

Suggestions on how to proceed:

Dear Department,

I don't think I can make a Wednesday morning meeting (so this is long) and I'm sorry for the delay in providing suggestions, but I am sure many of you can guess what I would advise at such a meeting. With the risk of stating the obvious, consider the same advice I have been providing since August 2013: Follow the bylaws. This simple principle would have prevented the numerous fiascoes that have since taken place and currently taking place.

More specifically....

I recommend the department follow the official established and approved procedures for new appointments and for chair selection—I can't believe I still have to say that. The “process” thus far that was made up by a few people has already violated state statute and has already tainted any appointment that is made; and of course has directly resulted in this current fiasco. I recommend starting over and following the bylaws. But in absence of that, I recommend at least adherence from this point forward; as the whole purpose of maintaining procedures is to ensure effective operations and limit mistakes and corruption.

Adherence at this point would be dissipating the Dean's "special" committee and involve department screening of all candidates according to its own prioritization of qualifications and a resulting approval of a single candidate—forwarded by an elected acting department chair—for the college dean to then accept or reject. This is lawful and rational as well. The eventual chairperson will be representing, working for and closely with, and potentially fired by, the criminal justice department. It is logical to have the department select and approve of him or her from the start. You certainly do not want someone outside the department eliminating candidates and then unilaterally selecting a candidate that has minimal understanding of how to behave or perform the duties required of this department's chair.

Consider this officer meme while you decide whether or not to continue making this up as you go along:
Five reasons personnel fail to follow regulations/orders:

- 1 Unmotivated.
- 2 Arrogant.
- 3 Corrupt.
- 4 Incompetent.
- 5 Resource and time deficiency.

I worry about a department, administrator, or any organization that thinks so little of regulations,

procedure, and process—especially when 1 thru 4 are so strongly at play and 5 is not.

Dr. Throop,

I appreciate you heeding my input regardless of how I deliver it. I suggest you take no action until you receive a single department approved candidate. But if you note above, I also recommend the "process" be started over and be completed in accordance to bylaws/regulations/statute with the department 1) electing an acting department chair for the purpose of the search and screen, 2) determining the final announcement and qualifications, 3) establishing a committee from its members, and 4) eventually approving/selecting the final candidate. More specifically, that would involve you only consulting and not making unauthorized changes to the position description and qualifications, not selecting the search committee and its chair, and not selecting or even ranking candidates on behalf of the department. In general, I suggest ensuring this department, as well as your office, operates in compliance with state/system/university/school/department bylaws and regulations.

Rex,

No need to apologize. The committee has no legitimate business providing Dr. Throop with a recommendation. That is the department members' duty and privilege. Furthermore, the committee as constructed has no legitimate business screening candidates or making recommendations to anyone. So ultimately it failed to do something it shouldn't do in the first place.

all,

Regarding this issue of private "inputs", IF, Steve didn't make it clear enough, there is a reason for transparency and public testimony: Without it, no one can offer rebuttal because they have no idea what was said. Nor can anyone "cross examine" to demonstrate the person giving "input" is wrong, incompetent, corrupt, or so on. Additionally, groups cannot learn from ideas and build on ideas of which they are not made aware of. This is Decision Making 101 and fundamental to collaboration. Lastly, a large step in reducing the fear of giving public testimony would be discontinuing the practice, promotion, and tolerance of retaliation. This can be accomplished, in large part, by following and creating procedures, especially when it comes to personnel evaluations.

Thanks for considering any or all of this. I'll see what I can do to make it Wednesday

Respectfully,
wishes for all,
and just try to enjoy the silence of engine loss,

LG

From: Elizabeth A Throop
Sent: Thursday, February 12, 2015 7:30 PM
To: Steve Elmer; Cheryl BanachowskiFuller; Sabina Burton; Thomas E Caywood; Steven Elmer; Lorne Gibson; Amy J Nemmetz; Rex R Byberg-Reed; Deborah L Rice; Patrick Solar; Valerie R Stackman
Subject: Re: Chair Recommendation

I appreciate your point of view, Steve. However, a number of people have expressed concern about offering opinions publicly. I must respect those concerns given the experiences I have had of this department. I will heed all input provided regardless of how it is delivered.

Dr. Elizabeth A. Throop