

## A Public Letter

Dear President Cross and UW System Regents,

The briefs and testimony I delivered in support of Dr. Burton, a tenured faculty member of UW Platteville who faces imminent termination, demonstrate that policy and law have been repeatedly violated by Chancellor Shields and other members of the UW System. Dr. Burton was reported to the Campus Police, City Police and the Sheriff's office because she asked Gov. Walker for help. An investigation report seems to have been forged. Attorney Lattis and Chancellor Shields have lied repeatedly to the Board. Attorney Lattis misrepresented the requirements of the Wisconsin Open Meetings Law. Dr. Burton has alleged that agents of the UW System have committed fraud, forgery, perjury and extortion. So far, there has been no investigation into Dr. Burton's allegations, yet the board meets tomorrow to decide whether to fire Dr. Burton.

In a grievance hearing on Dec 2, 2013 a UW System employee stated *"I do want to point out though that article Wisconsin 36.09 does begin with the statement that all of the decisions are ultimately the decision of the chancellor and the chancellor's advisory, so basically the Provost and the Dean. So, Bottom line is that faculty governance is not a legal contract. That, in the end they can do whatever they choose to do. And that is the case. So it seems to me that arguing that these laws, which are not really laws, were broken is not real useful to us at this point. I think what's more useful to us is to just look at: Was procedure violated, was there clarity in why procedure might have been violated, or, I shouldn't say violated, was procedure followed and if there wasn't a following of that procedure was there clarity provided in why that procedure was not followed? And then from there it's up to whoever, to either go to the courts of law to make those decisions or to settle for what has been passed down. I think that's where we are."* Attorney Lattis was present at this hearing and did not correct the statement. Contrary to this statement Wis. Stat. 36.09(1)(f) states *"The board shall delegate to each chancellor the necessary authority for the administration and operation of the institution **within the policies and guidelines established by the board** (emphasis added)."* This statement is on an audio recording provided to the Board by the UW Platteville appeal hearing panel (USB data disk \Exhibit D\media\Media\A13 - 29-GrievanceMeeting-12-2-13.mp3 - at 54: 20 to 55:44).

There is a pervasive belief among UW faculty that the Board of Regents will rubber-stamp any recommendation by a Chancellor, even if policy and law is violated repeatedly, blatantly and recklessly. In this case, the pervasive belief seems justified. The committee of the Board of Regents has decided to recommend that the full board uphold Chancellor Shields' recommendation to fire Dr. Burton. If the board upholds the Chancellor's recommendation it will force Dr. Burton to take this matter to the courts. But the Board has an opportunity to place blame where it belongs instead of firing one of its finest instructors.

In my briefs supporting Dr. Burton I spell out many truths and demonstrate that Dr. Burton's due process rights have been violated repeatedly. That alone should be enough to convince the Board to put Dr. Burton back in the classroom or at the very least, to initiate an investigation into Dr. Burton's allegations. The charges against Dr. Burton are fabricated and bogus. A reasonable person who searches for truth can see this. The evidence Dr. Burton provided to the hearing panel clearly shows that the charges are the culmination of years of retaliation against Dr. Burton because she helped a student victim of sexual harassment in 2012, because she complained of that retaliation and because she asked Governor Walker for help. But the Chancellor knows it is illegal to fire her for those acts, so

he and attorney Lattis have fabricated a string of false statements of fact, misdirection in law and artifice to keep Dr. Burton's voice silent and to present his alternative truth to the Board. Wis. Stat. 36.01(2) states "*Basic to every purpose of the system is the search for truth.*" Will the Board of Regents search for truth or will it take Chancellor Shields and Attorney Lattis at their word? The briefs can be found in the record of this case and on my website [IStandwithBurton.com](http://IStandwithBurton.com).

Lattis' address to the panel established a clear causal link between the sexual harassment incident and the termination recommendation. President Cross asked the Board of Regents to take steps to create a culture of zero tolerance for sexual harassment. Excusing a male faculty member who conducts unsanctioned sexual harassment experiments on students while firing the female faculty member who advocated for his victim is not zero tolerance of sexual harassment, it is zero tolerance for victim advocacy.

On May 10, 2018 a four-member committee of the Board of Regents, Mr. Jones, Ms. Klein, Mr. Delgado and Mr. Tyler heard testimony concerning the recommendation by UW Platteville Chancellor Dennis Shields that Dr. Sabina Burton, a tenured faculty member of UW Platteville's Criminal Justice department, be fired. The Board's committee decided to recommend that the full board follow Chancellor Shields' recommendation. I represent Dr. Burton in this matter and I request that the full board consider the arguments I laid out in my briefs as well as this letter.

I represented Dr. Burton at the hearing. I was shocked by the steady flow of unsupported allegations and misdirection by Chancellor Shields and Attorney Lattis. I expected that I would be given fair opportunity to speak during the question and answer period, but the Chancellor and his attorney dominated the question and answer period with a steady stream of unsupported and misleading statements. When I objected to the unfair dominance of the discussion I was not allowed to speak. I am not an attorney and am not experienced at debate. I expected that I would be given opportunity to respond at some point, but the meeting was quickly moved into closed session immediately after the Chancellor delivered his final flawed argument where he made clear that he seeks Dr. Burton's dismissal because she published audios and transcripts of specific meetings of governmental bodies.

I made a recording of the hearing of May 10, 2018. In the recording, starting at 103:28, a Board member asked "*Just a point of clarification. Did UW Platteville or the UW System publish or release these transcripts?*" Attorney Lattis answered "No." Dr. Burton said "Yes." This can be heard on my website [IStandwithBurton.com](http://IStandwithBurton.com). Contrary to Attorney Lattis' statement, the record shows that several agents of UW Platteville published or released the transcripts/audios.

It seems the Board's committee decided to recommend Dr. Burton's dismissal because her husband posted specific audios and transcripts to a website and for no other reason, except that the Chancellor says so. But Chancellor Shields' argument has many holes in it, and just does not hold water.

- The meetings Dr. Burton recorded were open meetings of a governmental body as defined by [19.82\(2\)](#), [19.82\(1\)](#), [19.83\(1\)](#) and [19.85\(1\)](#). No motion was made to close any meeting recorded by Dr. Burton. Perhaps the chair of the meetings should be held accountable for not closing the meetings. There is no law or policy that would prohibit making or publishing a recording of an

open meeting. In fact, Wisconsin Open Meetings law requires the body to make reasonable effort to accommodate any person desiring to record the meeting (Wis. Stat. [19.90](#)).

- Public interest in nondisclosure is outweighed by the public's right of inspection of the information (audios and transcripts).
- Dr. Burton recorded the meetings in good faith to document violations of policy and law. The recordings evince assault, violation of Wisconsin Open Meetings Law and other matters of public concern such as cover up of sexual abuse.
- Dr. Burton's actions regarding this charge are protected by the whistleblower law (Wis. Stat. [230.80](#) through [230.85](#)).
- Firing Dr. Burton for publishing or releasing these audios and transcripts would be disparate treatment because other members of the UW System published or released them. The record contains the unredacted audios in a USB datastick provided by the appeal commission (E:\Exhibit D\media\Media). The following agents of the UW System published or released the unredacted audios/transcripts:
  - Dean Melissa Gormley
  - Interim Provost Elizabeth Throop
  - Chancellor Dennis Shields
  - The author of the investigation report (author's identity has not been confirmed)
  - Members of the UW Platteville appeal panel
    - Dr. Susan Hansen (chair)
    - Dr. Barnet
    - Dr. Bockhop
    - Dr. Hill
    - Dr. Masoom
  - Jessica Lathrop
- The administration knew the audios and transcripts were online on 11-9-16. The date on the files contained in the hearing panel's USB data stick show that the files were created on that date. Chancellor Shields delivered to Dr. Burton his suspension order and banishment order on 1-4-17. Nobody ever asked Dr. Burton to remove the audios/transcripts at any time. The administration failed to mitigate any perceived harm by failing to ask Dr. Burton to remove the information from her husband's website. Even the complaint against Dr. Burton did not contain any request, suggestion or demand that the files be removed from the website. If the administration had been concerned about publication of the files they would have asked Dr. Burton to remove them and they would have redacted any part of the files that they felt were problematic before publishing them.
- Dr. Burton never published the audios or transcripts. She knew that her husband was publishing some files on the internet but did not know what he would publish. On 1-4-17 she found out that Dean Gormley and Interim Provost Throop had filed a complaint about the audios and transcripts and asked her husband to remove them from the website, which he did.
- Dr. Burton's attorney released the audios in 2015 to the court and provided them to the UW System. There was no mention of impropriety at that time. The UW did not investigate the matter at that time. The UW System did not inform Dr. Burton of their findings concerning the matter within 30 days after her attorney released the information to them per Wis. Stat. [230.82](#).

- Disclosure of the information is not expressly prohibited by state or federal law rule or regulation (see Wis. Stat. [230.83\(3\)](#)).
- Dr. Burton's actions are protected by Wis. Stat. (230.85(6)(b) )
- Attorney Lattis herself released a document in this case without redacting the student's name. Dr. Burton contends that she violated FERPA law in so doing.
- There is nothing in the record indicating that the junior colleagues, whose trust Dr. Burton is charged with violating, ever made any complaint about the audios/transcripts. There was no harm done.

Dr. Burton earned tenure. Firing her for the reasons stated by Chancellor Shields would send a clear message that tenure is meaningless in the UW System. Dr. Burton made great sacrifices to build her career. Firing her would take away her family's main income. She was an outstanding employee at one of the top national universities. She had no disciplinary issues until after she advocated for a student victim of sexual harassment.

Please address the injustice, the corruption, the damages done to Dr. Burton. Give her an opportunity to go back to the classroom where she can be a driving force in rebuilding UW-Platteville the right way, and to make it a beacon of light in higher education. Please take sexual abuse in the classroom seriously and honor the concept of academic freedom.

The Board can remand this matter back to the university level and appoint an unbiased "umpire" to ensure that policy and law are followed next time, or it can refuse Chancellor Shields' recommendation and put Dr. Burton back into the classroom where she belongs. I ask the Board to be fair to Dr. Burton. This is a serious matter that warrants serious and informed consideration. A federal court awaits the Board's decision. Dr. Burton does not desire to take this to state court too.

Sincerely,

Roger Burton

Representing Dr. Sabina Burton