

9/5/2016

Dr. Burton's response to Chancellor Shields' letter of 8-31-16:

Chancellor Shields' statements are in italic. My (Dr. Burton) response is in standard font.

Dear Dr. Burton:

Dr. Burton's Response: Chancellor Shields, you sent me a letter on April 30, 2012, only a few months before I helped a student report a sexual harassment complaint, in which you used my first name, thanked me for my outstanding job, informed me of a student you had met who spoke highly of me, thanked me for everything I do at UW-Platteville for our students, staff and colleagues. You wrote to me "Sabina, your positive attitude is very rewarding and appreciated by our students. My sincere thanks on behalf of our entire campus community for making UW-Platteville the great campus that it is." Why has your tone changed so? Is it because I helped a student report sexual harassment on Oct 10, 2012 or is it because of my legitimate complaints of retaliation?

This letter is my resolution regarding the Chapter 6 complaint filed against you by then-Dean Elizabeth Throop on October 28, 2014.

Dr. Burton's Response: The UWS 6.01 complaint against me was filed on January 5, 2015, about 2 weeks after Dean Throop falsely accused me of having canceled class and promised discipline without even giving me the professional courtesy of asking if the accusation was true. It concerns me that you and your agents consistently get so many facts wrong. Shortly after Dean Throop issued her UWS 6.01 complaint against me I was forced to go on sick leave due to my severe ulcers which flared up because of the ongoing harassment I had suffered at Dean Throop's hands. Those same ulcers are flaring up again because of your recent harassment. It appears to me that you and your agents are trying to cause my health to fail and cost me excessive legal fees. Please stop harassing me.

After having an investigation conducted, I conclude that there was clearly some merit to the issues raised by Dr. Throop at the time of the complaint and the concerns she expressed were appropriate.

Dr. Burton's Response: You have not identified any merit to Dean Throop's Chapter 6 complaint against me. It had no merit, as I demonstrated in the investigation conducted on Sept 23, 2015 11 AM to 1PM, and that is why you sat on the investigation without acting for almost one whole year. You have not released to me Dr. Barraclough's report on the investigation. Please identify what part(s) of the complaint you found "had merit" and "were appropriate" so that I might show you, again, where your findings are in error. I believe you are complicit in then-Dean Throop's attempts to fire me on trumped up charges and perhaps you orchestrated her actions. A neutral party needs to investigate, not someone you have hired or over whom you

hold sway. There is clear and significant conflict of interest in your kangaroo court investigations.

I have expressed similar concerns in my Letter of Direction to you dated June 3 of this year.

Dr. Burton's Response: Your letter of direction is another malicious attempt to cause me harm. I rebut your letter of direction separately.

I also want to note that you did not include the year in this sentence just as you failed to put a date on this letter. I do not believe you were just sloppy. I believe you left the dates off the letter on purpose to disguise the fact that this letter was issued after I reported to the UW-Regents that your response to the 6.01 Complaint investigation was long overdue. I believe that you omitted the date because it doesn't look good that you (a) issued a letter of direction to me before you produced a finding on the first investigation, (b) ordered another investigation, for basically the same issues, before you produced a finding on the first investigation, (c) mandated a rushed timeline for the first investigation and sat on the results of that investigation for almost a year. You are hiding the truth and confusing the issues...again.

You and your agents have done this before. Provost Den Herder referred to this type of paperwork trickery as "administrative oversight," "office error" and "simply a glitch in process." These types of "administrative oversights" delayed my grievance requests indefinitely. These types of "office errors" seriously threatened my tenure approval. These types of "glitches in the process" resulted in Dr. Caywood, whom I was suing in federal court, sitting on the Departmental Review Board that evaluated and downgraded me. When I appealed their decision asking that Dr. Caywood be removed, because of the obvious conflict of interest, my appeal was ignored and the board, with Caywood still on it, upheld their previous evaluations with no explanation.

Much has transpired since Dr. Throop filed the complaint. There are a number of reasons why I have held off on taking any action on the complaint which I will not belabor at this time.

Dr. Burton's Response: Why do you choose to encumber me with an investigation into essentially the same issues that were investigated in September 2015 while deciding, for no particular reason, not to "belabor" your hidden reasons for covering up the investigation findings? Are you trying to take time away from my efforts to put together a solid appeal to my lawsuit against the university? Are you trying to ruin my health by continuing the harassment I have suffered for four years? Are you retaliating against me for recently filing a complaint against you with the OCR/EEOC or because I am appealing my lawsuit against Dean/Provost Throop, Dr. Dalecki and Dr. Caywood? What are the reasons you decided to "hold off on taking any action?" I believe I deserve to know why you have held a sword of Damocles over my head for the past year.

Notwithstanding my concerns about the substance of the allegations in the complaint, because significant time has passed between the filing of Dr. Throop's Chapter 6 complaint, I am electing at this

time to refrain from making any formal findings of fact or taking any disciplinary action. To be clear, I am taking no action on the complaint.

Dr. Burton's Response: If you found me to be deserving of discipline in the September 2015 investigation against me then please just come out and say so. Are you afraid to discipline me because you will need to defend your reasons for doing so and because there was no substance to the allegations? You have no good reason to discipline me. You have in fact good reason to discipline Ms. Rice but instead you encourage her to harass me. You also have excellent reason to discipline Dean Throop but instead you promoted her to Provost.

Your office "Took no action" on my tenure approval and I had to fight hard to overcome the "glitch in the process" to gain tenure I had earned. On July 8, 2013 you decided "not to weigh in" on an issue pivotal to the resolution of my complaints. Now you decide to "take no action" on an investigation that you rammed down my throat and held over my head for a year. I am the victim. Your deliberate indifference to my complaints of severe systemic retaliation has made this issue a problem for the UW System.

However, I am concerned that you seem to feel there are any number of ongoing controversies as well as new ones arising seemingly each term with regard to your experiences as a faculty member.

Dr. Burton's Response: Do you think my complaints of severe systemic retaliation is merely a "feeling" I am having? Do you "feel" that violating my due process rights is proper behavior for a Chancellor?

The word "controversies" does not adequately describe: (a) two kangaroo court investigations you ordered against me concerning essentially the same matter without any attempt at resolution, (b) you and your agents indefinitely delayed, ignored and denied for invalid reason or for no reason at all, my requests for grievance hearings and investigations, (c) you and your agents manipulated grievance findings, (d) you and your agents ignored grievance committee recommendations, (e) you and your agents, without input, discussion, comment or approval from the Faculty Senate, created new grievance hearing procedures that violate Wisconsin Open Meetings Law while I waited for my grievance hearing, (f) character assassination. I have suffered intense retaliation for four years, not "controversy."

You sent an investigator to my home on 8/17/2016 several days before my 2016/17 contract began and delivered the same complaint to my home by certified mail. You hit me with as much stress as possible. You know I suffer from chronic ulcers but you don't soften your blows you make them as powerful as possible. Your hired "investigator" wanted to question me as early as possible and later admitted that he hadn't even talked to the accuser, Ms. Rice, yet, nor had he even seen any evidence from her. This flouts due process and is an indication that you and your agent are not interested in determining if Rice's complaints have merit, which they don't, but that you are harassing me. You are acting fiercely and quickly on allegations which were made by a disgruntled low level employee who Dean Throop named as the author of the lie that I canceled class on Dec. 12, 2014 which led to Throop's UWS 6.01 complaint against me.

You now force me to endure this second investigation against me when Rice is the person who Dean Throop, Dr. Dalecki and HR director Lohmann agreed should be investigated. Your investigation against me is taking time away from my preparations for classes and from students. During a time of reduced funding for undergraduate research and custodial services you seem to have plenty of money to spend on a private investigator from Madison to collect information you already have instead of allowing the matter to be resolved by a grievance committee that you don't have to pay. You paid the investigator to make a trip from Madison to Platteville to hand-deliver a complaint to my home that instead could have been, and was also, delivered by certified mail. UWS 4.02 (3) only requires one or the other of those methods of delivery but you decided to spend the extra money to deliver the statement of charges in both ways instead of funding a student's trip to a conference. I would classify this as misappropriation of funds. You wasted university funds to harass me. HR Director Crowley ordered me to meet with the investigator tomorrow, Sept 6, 2016 at 4:30 pm so I have scheduled an appointment with your "investigator."

You didn't even identify the matter as a UWS 4 issue. I still don't know if your delivery of these charges was an attempt to meet the requirements of UWS 4.02 (3). Was it?

Through all of the past complaints, etc., it has never been clear to me in most of these cases what outcomes you desired.

Dr. Burton's Response: You are not unclear but deliberately indifferent to my complaints and pleas for your help as shown by the following:

1. In April 2013 a Grievance Committee came to findings that addressed the concerns of my grievance against Dr. Caywood to my satisfaction. You sat on those findings, choosing to ignore your 30-day deadline to deliver a decision on the matter. I had to get the UW Regents involved to get you to do your job. They pointed out your violation, so on June 4, 2013 you sent a letter to the grievance committee ordering them to re-do their initial findings. Atty Jennifer Sloan Lattis later wrongly "framed" my grievance without even talking to me. Three months after the grievance hearing, and without ever talking to me again, the grievance committee produced new findings that had no resemblance to my grievance or to the discussion of the actual grievance hearing. Your findings blamed me equally with Caywood but you didn't even say what I did wrong. You publicly blamed me. What did I do wrong? Seriously Chancellor Shields, what did you blame me for in your July 26, 2013 letter to the Criminal Justice department and your decision concerning the grievance? I still don't know.
2. On July 8, 2013 I personally handed to you, Chancellor Shields, an updated grievance package in which I explained my desired outcomes such as that "Dean Throop immediately hold an election for a new CJ chair as required by LA&E Constitution." You decided "not to weigh in" and Dean Throop later appointed Dr. Dalecki interim chair in violation of policy (finding of Dec. 2, 2013 grievance committee). You publicly applauded her decision to violate policy and ignore my request for an election.
3. On Tue, Jun 25, 2013 09:53 AM I wrote to you: "Since Oct. 2012 the situation in the department has become very difficult for me. I reported an alleged sexual harassment claim by one of our female CJ students against a male CJ faculty member in accordance with UWP policy. Dr. Caywood was upset because I took this matter outside of the department and has

retaliated against me ever since.” I asked you to handle the matter personally but you refused. You showed deliberate indifference to my complaints of an increasingly hostile work environment. Your indifference fanned the flames of the retaliation.

4. On Thu, Jul 11, 2013 01:39 PM - I sent you an email in which I clearly and formally opposed Dr. Dalecki’s appointment as interim chair. Dalecki was made interim chair against my legitimate objection that he would continue the retaliation I suffered. He did.
5. On July 11, 2013 I explained my concerns to you personally in a phone call after you asked me to call you on your cell phone. You told me you would take care of things but two weeks later you delivered a memo to the department blaming me equally with my immediate boss, Dr. Caywood, but did not identify anything I had done wrong.
6. On July 28, 2013 you let the deadline for my requested grievance, which I had handed to you personally 20 days prior, against Mr. Dutelle slip by without giving me my requested hearing. I was never even contacted about scheduling a hearing against Mr. Dutelle, the same person who was later accused of asking for bribes by a DOD contractor but never disciplined for it. You promoted Dutelle to interim director of Sponsored Programs, probably to get him out of the CJ department.
7. On Fri, Aug 09, 2013 07:38 AM - I requested a face to face meeting with you to discuss my concerns. That same morning you asked Provost Den Herder about me but you never responded to my request to meet. I was forced to file a complaint with the ERD four days later, having exhausted all internal means of addressing the severe retaliation I was suffering. You are the reason the UW-System and the State of Wisconsin (Wisconsin taxpayers) have to pay for defending against my retaliation lawsuit. You were unwilling to correct the retaliatory actions of the disgruntled CJ chair, Dr. Caywood, on the university level. Instead you harassed me and encouraged others to harass me. I am the victim.
8. On Wed, Oct 16, 2013 03:07 PM I sent you an email spelling out a grievance against Dean Throop who proceeded to punish me for complaining against Dr. Caywood’s retaliation and for not “handling it on a local level” (Throop, Dec. 2, 2013, audio recorded). You refused to investigate my concerns as I had requested but remanded the issue to a grievance committee. The grievance committee agreed with me that Throop had violated policy in appointing Dr. Dalecki as interim chair of the CJ department but again, you chose not to correct the problem causing me further harm.
9. On 1/1/14 I noticed that all emails I had sent to you and you had sent to me had vanished from my email account. Mysteriously, emails in which I asked you to intervene in the hostile employment actions I had to endure had disappeared. Fortunately, I have saved all of them so I can prove that I asked you for help.
10. Repeatedly you and your agents chastised me for having articulated my concerns in emails. I believe you have done so to minimize record of the retaliation and to make it easier to cover up violations, as evidenced by Dr. Dalecki’s intimidating meeting with a grad student: <https://www.youtube.com/watch?v=MlfsQXNzvKU> For background see my complaint against Deb Rice.
11. On October 02, 2014 8:41 PM – I asked you to conduct an investigation into Dr. Dalecki’s abuse and suggested that you remove him and replace him with Joe Lomax, founder of the CJ program at UW-Platteville. Instead of initiating an investigation as I requested Dean Throop issued a letter of direction specifically naming this email as problematic. Is this the part of the letter of direction that you believe has merit? Mysteriously this email disappeared from my email account and Dean Throop denied admonishing me for sending it. But she did indeed admonish me for sending it in her letter of direction. She

admonished me for asking you for help. Why would she do that? Did you tell her to shut me up?

12. On Oct 11, 2014 12:51 PM – I sent an email cc to you in which I explained again some of the unfair treatment I suffered and asked for a grievance hearing “as soon as possible.” I wrote “The Chancellor’s office should investigate the unfair treatment, intimidation and retaliation I am suffering. It just isn’t right to ignore my complaints.” I was never afforded a grievance hearing. It was promised to me but delayed indefinitely without explanation. You ignored my plea.
13. On 10/20/14 - I filed an EEOC complaint. This document clearly outlined my complaints, including your mishandling of my grievance against Caywood.
14. On 4/2/2015 5:14 PM - I sent you an email requesting an investigation into Dean Throop’s false accusation that I had cancelled class. You responded “Lodging a complaint does not give you the right to dictate who will adjudicate the matter.” I had not attempted to dictate who would adjudicate the matter. I simply requested that one person, whom I believed to be biased, not be allowed to conduct the search. You put words in my mouth. This has been done to me repeatedly in Dean Throop’s letter of direction and in many other communications. It is a testimony to your and your agents’ continued efforts to drum up charges against me.
I asked to be informed who told Throop that I had cancelled class but your findings of the investigation did not reveal who that person was. You were also very vague about your findings and did not address the issue appropriately. In your findings you implied that Dr. Dalecki was involved in the false report to Dean Throop that I had cancelled class. You also found that the allegation of defamation was without merit but your investigator did not even investigate that aspect calling it “outside the scope” of the investigation. You just stated that there was no merit without having looked into that matter. The letter I now rebut has similar findings that come from thin air. In her deposition on 10/28/2015 Dean Throop finally revealed the name of the person who made the false allegation that I cancelled class. Under oath Dean Throop stated that it was Deb Rice. Yet, no disciplinary actions have ever been issued against Deb Rice and now you aggressively pursue her bogus allegations against me with an investigation that threatens my employment. Why are you treating me and Deb Rice disparately? Is it because she is loyal to your attempts to fire me and I filed an OCR complaint against you?
15. Dean Throop also had to admit in her deposition that she never even looked into my allegations that Dr. Solar violated faculty search & screen policy. Instead, you and your agents harassed me and tried to set me up to be fired.
16. HR interim Director Lohmann suggested that Deb Rice apologize for stating in public that I “have a mental illness” and am “biased against east Germans” and that I “wouldn’t be around much longer,” or words to those effects, in spring 2015. Lohmann called Rice’s actions inappropriate. Deb Rice is the primary aggressor but you decided, twice to investigate me, not her. Dean Throop called me “labile” in a high level meeting when deciding who would be the next department chair.

I invite you to meet with me to discuss what steps we can take to make your experience at UW Platteville more productive and to give you my thinking on the concerns you have or may raise.

Dr. Burton’s Response: Despite the abuse I have suffered and the distractions I have been battling I continue to be one of the most productive members and well liked professors of the

University of Wisconsin-Platteville. I don't believe your invitation to be sincere, yet I am willing to meet you. I am concerned however, that this meeting will be just another attempt to intimidate and harass me. Back in 2013 I couldn't wait for the grievance findings to be sent to you. I believed in you as the head of this university and I was convinced you would set things right. Instead you betrayed my trust.

There will be no recording of any such meeting. You can bring someone with you to any such meeting, though I would appreciate knowing who will be accompanying you several days in advance.

Dr. Burton's Response: A man of integrity would not be concerned about his words becoming record. I am not concerned about what I say becoming record and neither are ethical police officers who wear body cameras in many parts of the U.S. nowadays. I plan to bring 3 witnesses to make sure there will be a proper account of what is discussed.

Should you be interested in such a meeting, send an email to my assistant Joyce Burkholder at burkholj@uwplatt.edu and she will get the meeting on my schedule.

Sincerely,

(Signature-Dennis J Shields)

Dennis J. Shields

CC:
Senator Harsdorf
Michael O'Donnell, OCR
Melissa Lawent, EEOC
Jane Radue, UW-Regents
UW-System Sr. Assoc. Vice President Brokenburr
Dr. Strobl, Chair of Criminal Justice, UW-Platteville
Dr. Janelle Crowley, UW-Platteville HR
Dale Burke, The Riesling Group Michael O'Donnell, OCR
Melissa Lawent, EEOC