
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; reddy@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
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 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](#)).

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 ([CriminalJusticeDept](#)). 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 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.

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.***"