

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

DR. SABINA BURTON,

Plaintiff,

v.

Case No. 14-CV-0274

BOARD OF REGENTS UNIVERSITY OF  
WISCONSIN, et al.,

Defendants.

---

DECLARATION OF ELIZABETH A. THROOP

---

I, Elizabeth A. Throop, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an adult resident of the State of Wisconsin. I make this declaration based on personal knowledge.
2. I am currently the Dean of the College of Liberal Arts and Education (LAE) at the University of Wisconsin-Platteville. I have held this position since June of 2012. In this position, I oversee over two hundred employees, including both faculty and staff. I am responsible for curriculum and personnel matters within LAE. Prior to my time at UW-Platteville, I was the interim dean at Buena Vista University.
3. UW-Platteville is organized into 24 academic departments, almost all of which are chaired by a tenured faculty member. Dr. Sabina Burton is a

tenured faculty member in the Department of Criminal Justice (CJ). Dr. Michael Dalecki served as the interim chair of the CJ department from August, 2013 until August, 2015.

4. The CJ Department is within the College of Liberal Arts and Education, of which I am the Dean. I report to the Provost and Vice Chancellor for Academic Affairs, Dr. Mittie N. Den Herder, who in turn reports to the Chancellor, Dennis Shields. Mr. Shields then reports to the Board of Regents and University of Wisconsin System President Dr. Ray Cross.
5. The CJ department offers a Bachelor's of Arts and a Bachelor's of Science in Criminal Justice, a Bachelor's of Science in Forensic Investigation, an online undergraduate Bachelor's of Science degree in criminal justice, and an online Masters of Science in Criminal Justice.
6. As of 2014, the CJ department had sixteen faculty and academic staff, approximately 800 on-campus students enrolled, and 200 online students enrolled.
7. UW-Platteville has never offered a cybercrime course as part of its regular, undergraduate criminal justice curriculum.
8. In October of 2012, Dr. Burton applied for a \$7,000 donation from AT&T to assist in the development of a cybercrime curriculum at UW-Platteville.
9. Although I did not see the grant application at the time it was submitted, I later learned that Dr. Burton had represented that, "The Department of Criminal Justice at the University of Wisconsin at Platteville is in the process of developing a curriculum for cyber-security." In this application, she

also represented, “Our cyber-security curriculum will be designed to educate our students in recognizing cyber-criminals, understanding their modus operandi, identifying and articulating what evidence should be seized, and preparing reports that will hold up in court. The curriculum will include the vulnerabilities of our public and private sectors, identifying security concerns and illicit activity, and methods to provide better private and public community and security agency services.” A true and correct copy of the application is attached as **EXHIBIT GGG**.

10. I felt these statements were untrue. Because I am responsible for curriculum matters within LAE, I know that no such curriculum had been developed, nor had it been approved or even reviewed by the college.

11. In or around November of 2012, I discovered that Dr. Burton had created two online websites regarding a proposed cybersecurity program at UW-Platteville. A true and correct copy of screen shots of those websites is attached as Exhibits **HHH** and **III**.

12. Dr. Burton did not obtain permission from me to make any representations about the status of her proposed cybersecurity program at UW-Platteville on the websites she created.

13. When I saw the websites, I had serious concerns about the representations being made because I was worried that students would make arrangements to come to UW-Platteville anticipating matriculating in a program that did not, and still does not, exist. Students would be rightfully very upset if this

happened. In addition, Dr. Burton asserted expertise on these websites without any evidence that the CJ department, in fact, had such expertise.

14. These websites were not officially sanctioned by the University, and they were not part of UW-Platteville's website. However, Dr. Burton had placed the UW-Platteville logo on the website. This concerned me because someone viewing the website could conclude that the website and its content were officially sanctioned and supported by the University.

15. In December 2012 or January of 2013, I learned that Dr. Burton had won the \$7,000 donation from AT&T and learned about a proposed press release concerning the grant. Like the grant application, the release contained a number of misstatements about the existence and status of a cybersecurity program. I was concerned that Dr. Burton was making representations about a program that had not received the required approvals from the CJ department, the college of LAE, or the University's faculty.

16. I drafted an email to the Provost, Mittie N. Den Herder, on January 24 when I learned of Dr. Burton's misrepresentations. A true and correct copy of that email is attached as Exhibit **JJJ**. I am not certain whether I sent the last email in the chain.

17. Although I was concerned about Dr. Burton's misleading statements and insisted that they be corrected in the release, I made sure to express my support for Dr. Burton's initiative and efforts in obtaining the \$7,000 grant and for her work and her passion in the CJ department. As a result, I wrote Dr. Burton an email on January 24, 2013, a true and correct copy of which is

attached Exhibit **KKK**, reiterating my support for her efforts and explaining my concerns.

18. Dr. Burton ultimately received the donation from AT&T during a public ceremony, which Provost den Herder and others attended. A true and correct copy of the check is attached as Exhibit **LLL**.

19. I asked to meet with Dr. Burton and Dr. Caywood, then the CJ chair, to discuss the AT&T incident and to attempt to resolve any differences moving forward. Dr. Burton refused to meet. An email reflecting this is attached as Exhibit **NNN**.

20. Instead, Dr. Burton sent an email to Dr. Caywood and myself with a link to a webpage from the Wisconsin Department of Workforce Development's Equal Rights Division that related to employment discrimination, with no further explanation. I believed that Dr. Burton was attempting to provoke Dr. Caywood and myself, while at the same time refusing to discuss the concerns we both had expressed regarding her misleading statements about the proposed cybersecurity program. As a result, I advised Dr. Caywood not to respond. A true and correct copy of this email is attached as Exhibit **OOO**.

21. I do not believe that Dr. Burton is an expert in cybersecurity. I have examined her publication record, and Dr. Burton has not published anything on the topic that has been reviewed by her national peers, nor has she presented at any national peer conferences on the topic that I am aware of. In higher education, peer-reviewed publication is the acknowledged standard for the establishment of expertise.

22. In July of 2013, Dr. Caywood stepped down as the chair of the CJ department. With the new school year set to begin in less than sixty days, I chose to appoint an interim chair while a national search was conducted.

23. I selected Dr. Dalecki as interim chair based upon recommendations from others, and because I believed that someone from outside the CJ department would be a good choice while a nationwide search was conducted in light of the personality conflicts between certain individuals in the department, including but not limited to Dr. Burton.

24. Dr. Burton did not express to me any desire to be appointed as interim chair of the CJ department.

25. In September of 2013, an election was conducted for the chair of the CJ department. Of the eight eligible voting members, no individual received a majority of votes in the election. Dr. Gibson received the most votes, with only three votes. Dr. Gibson was not tenured. This reaffirmed my decision to retain Dr. Dalecki as the interim chair.

26. I did not appoint Dr. Dalecki as interim chair to dissuade Dr. Burton from pursuing an EEOC charge or this or any lawsuit.

27. On August 29, 2014, I attended a CJ department meeting. During that meeting, I remarked to the department members present that I had received requests to postpone the search for a permanent chair because the department also had three faculty searches and an academic staff search to conduct. I asked those present whether they would prefer that the search for

a permanent chair be postponed and provided a secret ballot. Ultimately, the department chose to proceed with searching for a permanent chair.

28. During that same meeting, the department also discussed whether the chair of the search committee for the permanent chair should be appointed from within CJ or from a different department at UW-Platteville. I offered a secret ballot, but the faculty ultimately agreed to decide the issue on a voice vote and concluded that an outside chair for the search committee was preferable.

29. Dr. Dalecki was not present for the August 29, 2014 meeting, other than to introduce me.

30. I have since learned that Dr. Burton surreptitiously recorded this meeting. Her recording confirms my memory that the department agreed that a chair of the search for the permanent chair should come from outside the department.

31. I am not in charge of posting job advertisements, including the job advertisement for the permanent CJ department chair in 2014. Human resources has that function. I made some changes to the criteria and rewrite the advertisement to be more professional, and to encourage a wider applicant pool than the original advertisement permitted.

32. Dr. Burton did not express any desire to me to be considered for the permanent chair position of the CJ department in 2014.

33. As time passed, Dr. Burton's behavior toward me as well as her colleagues in the CJ department became increasingly unprofessional, distracting, and disturbing. For example, Dr. Burton sent dozens of inflammatory emails to

her colleagues and myself over the course of 2013 and 2014, often copying the entire CJ department. The tone of these emails was unprofessional and often accusatory. In some cases, Dr. Burton even sent such emails to the Provost and the Chancellor, the two highest-ranking leaders at UW-Platteville.

34. True and correct copies of examples of these emails are attached as Exhibits **PPP, QQQ, RRR, SSS, and TTT**. These are only examples of Dr. Burton's unprofessional communications; I have produced others in this litigation.

35. Dr. Burton's frequent, virulent, and often lengthy emails caused consternation for the entire department. In one instance, Dr. Burton wrote an email on June 6, 2014 to the entire CJ department accusing colleagues who had recently resigned of unethical behavior and threatening to involve the Wisconsin Attorney General's office in investigating what she characterized as a conspiracy. Dr. Burton provided no basis for her claims, but indicated that she intended to involve UW-Platteville students in the issue. A true and correct copy of this email is attached as Exhibit **UUU**. I did not reprimand Dr. Burton for this email at that time.

36. Dr. Burton repeatedly attempted to undermine Dr. Dalecki's leadership during his time as interim chair of the CJ department by sending such emails and, in at least one instance, by telling CJ students who had a concern about another professor that Dr. Dalecki was biased and the students should not go to him with their concerns. I was disturbed by this both because our procedures encourage students to report any concerns to the department chair and because it seemed that Dr. Burton was dragging UW-Platteville



students into her personal conflict with Dr. Dalecki. I did not immediately reprimand Dr. Burton for this behavior.

37. In October of 2014, Dr. Burton threatened a junior faculty member's tenure bid over email after what the faculty member engaged in what Dr. Burton believed was a violation of policy. The junior faculty member, Dr. Pat Solar, attempted to resolve the issue with Dr. Burton, who refused to budge on it. Dr. Solar then expressed a concern that he would not be treated fairly by Dr. Burton. Having read the exchange, a true and correct copy of which is attached as Exhibit VVV, I believe that his concern was valid and that Dr. Burton's tone and threats of "repercussions" were inappropriate. I did not reprimand Dr. Burton for this email at that time.

38. On or about October 28, 2014, I wrote Dr. Burton a letter of direction to address a number of concerns arising out of her interactions with myself and her CJ colleagues, including but not limited to those above. A true and correct copy of that letter is attached at Exhibit WWW.

39. My intention in writing this letter was to encourage Dr. Burton to resolve any legitimate disagreements she had with her colleagues through the proper channels—namely, by addressing such issues at the local level first without involving unnecessary groups or individuals, such as students or the chancellor, in these disputes. In light of the escalation of Dr. Burton's unprofessional behavior, I believed that writing the letter to advise her of my concerns and warn her of the consequences should her behavior continue was appropriate.

40. Instead of following the letter of direction or discussing it with me, Dr. Burton provided a lengthy, argumentative “rebuttal” contending, among other things, that Dr. Dalecki and I are bullies and that the letter of direction violated her due process rights guaranteed by the U.S. Constitution. A true and correct copy of this document is attached as Exhibit **XXX**.
41. In light of Dr. Burton’s repeated and public criticisms of Dr. Dalecki, I determined that she could not objectively evaluate his candidacy for permanent chair of the CJ department. I explained this reason to Dr. Burton and ultimately removed her from the search and screen committee when she refused to recuse herself from considering Dr. Dalecki’s candidacy.
42. Base salary is the amount of money professors are compensated for teaching four courses during the fall and spring semester of a nine-month academic year. The base salary also requires some academic advising and service to the university. This service typically involves sitting on department, college, or university committees.
43. UW-Platteville professors have several ways of earning extra income beyond their base salary payments. The most common way is through teaching overload courses. Any course a professor teaches during the nine-month school year that exceeds four classes each semester counts as an overload. A professor may also earn additional compensation by developing graduate courses, supervising summer interns, and obtaining grants that cover payments for salary over and above one’s teaching responsibilities.

44. The Provost, in consultation with the Dean of the college, is in charge of setting base salaries. In March 2014, I recommended Dr. Burton for an equity adjustment effective August of 2013, without a request from her. She ultimately received that adjustment to her base salary. Specifically, I provided Dr. Burton with an equity adjustment to cure a salary inversion.

45. An equity adjustment to a professor's salary reflects a change due to a factor other than promotion. Such an adjustment may be recommended or made because the market for similar talent demands a higher salary or to cure a salary inversion. An equity adjustment is not an admission that there was any sort of discrimination occurring at UW-Platteville, regarding either Dr. Burton or any other individual.

46. A salary inversion occurs when a lower-ranking faculty member is paid more at the time of hire than a higher-ranking faculty member. This may occur for any variety of reasons. In this case, the incoming faculty member, Dr. Solar, was hired at a higher salary than others before him because he had highly desirable academic credentials and over thirty years of professional experience in policing, including experience as a police chief. His salary was the product of negotiations between Dr. Solar and the University. After Dr. Solar was hired, I requested the equity adjustment for Dr. Burton to cure the disparity.

47. In the CJ department, new professors are hired through a committee called a search and screen committee. The CJ department chair appoints a faculty member to be the chairperson of that committee. The committee is generally

comprised of three or four other faculty, a diversity advocate, and one student. The committee recruits, interviews, and recommends one or more professors to hire for the department.

48. I removed a letter of direction I had issued to Dr. Eugene Alcalay from his file as a result of negotiations and because Dr. Alcalay agreed to comply with the directions in the letter.

49. At no time did I tell Dr. Burton to withdraw her EEOC charge or this lawsuit, nor did I take any actions against her as a result of Dr. Burton's decision to file those charges or this lawsuit.

50. At no time did I engage in any adverse action against Dr. Burton because she is a woman.

51. At no time did I engage in any adverse action against Dr. Burton because she helped a student express a concern about Dr. Lorne Gibson in the fall of 2012.

PURSUANT TO 28 USC § 1746, I VERIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS IN THIS DECLARATION ARE TRUE AND CORRECT AND BASED UPON MY PERSONAL KNOWLEDGE.

Dated: November 9, 2015

/s/Elizabeth A. Throop

Elizabeth A. Throop