

Joyce L Burkholder

From: Dominic J Barraclough
Sent: Thursday, May 26, 2016 2:57 PM
To: Dennis J Shields
Subject: Throop Complaint Memo
Attachments: D. Throop Complaint Result Memo-Final .docx

Here it is, as requested.

Let me know if you'd like anything else from my investigation,

Dominic

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UNIVERSITY OF WISCONSIN
PLATTEVILLE
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TO: Dennis J. Shields, Chancellor

FROM: Dominic Barraclough,
Director of Graduate Studies and Academic Projects

RE: Fact-finding in response to Complaint filed by Dean E. Throop against Dr. S. Burton

DATE: November 24, 2015

This memo is in response to your request for me to do a limited investigation of a complaint submitted to you by Dean Elizabeth Throop against Dr. Sabina Burton, dated January 14, 2015. The investigation was to be limited to simple fact-finding and verification of those claims made in the complaint. As there had been a history of complaints and grievances between the parties involved you instructed me to limit the scope of this investigation to only those matters raised in Dean Throop's complaint. Finally, you made it clear that you were not asking for my opinion or recommendation regarding any action to be taken on your part.

In the process of developing the requested 1-2 page summary of my investigation I spoke with Drs. Throop and Burton. Additionally, I spoke with Ms. Deborah Rice, Dr. Daniel Fairchild, and Dr. Swaminathan Balachandran. The delay in finishing this investigation was due to respecting Dr. Burton's leave of absence during the Spring 2015 semester. I only recently had the chance to speak with her on September 23, 2015. She delivered the last of the documents she wished me to consider on October 2, 2015.

Dean Throop's complaint is requesting that you issue a formal letter of reprimand to be placed in Dr. Burton's personnel file and that you explore further disciplinary options. These actions are to be in response to Dr. Burton's refusal to follow directions, her insubordination, her violation of the Employee Handbook, and for her continued disruptive behavior. After speaking with Dean Throop she chose to strike the portion of her complaint regarding violations of the Employee Handbook (email dated January 26, 2015). This summary is therefore structured around the remaining reasons for the complaint and what could be verified regarding those complaints.

The majority of Dean Throop's complaint is based on her having sent a "Letter of Direction" (LOD) to Dr. Burton on October 28, 2014. In this LOD Dean Throop gave Dr. Burton five directions with which she expected Dr. Burton to comply. On November 12th Dr. Burton e-mailed a response to Dean Throop's LOD by stating "I am sorry, but I cannot accept your letter of direction... I have filed a grievance against you concerning your letter of direction..." (Exhibit B). Within the grievance she filed against Dean Throop, Dr. Burton included a point-by-point rebuttal to Dean Throop's LOD (Exhibit I).

1. Refusal to follow directions

The first point that Dean Throop addresses in her complaint has to do with Dr. Burton's refusal to recuse herself from the search committee for a new Chair of the Criminal Justice Department. Dean Throop first instructed Dr. Burton to recuse herself from the search committee on October 15, 2014. This instruction was not understood by Dr. Burton at the time and an e-mail exchange

took place between Dean Throop, Dr. Tim Zauche and Dr. Burton in early December (Exhibits C through E). After an e-mail dated December 10th from Dean Throop, Dr. Burton recused herself from the search committee and no longer had any interaction in the context of the search.

In the LOD, Dean Throop directed Dr. Burton to also “cease all email activity making groundless and unwarranted accusations against Dr. Dalecki or other members of the university community.” In Dean Throop’s complaint she uses a letter sent from Dr. Burton by e-mail to Dr. Balachandran (December 10, 2014; Exhibit G) as an instance in which Dr. Burton continued such behavior. Dean Throop characterizes the letter as “unprofessional” and “demeaning”. Dr. Balachandran, the recipient of said letter, agreed with Dean Throop’s characterization of the letter as such.

In the LOD, Dean Throop directed Dr. Burton to apologize to Dr. Patrick Solar for what she considered an inappropriate comment made regarding his progress towards tenure. Additionally, Dean Throop directed Dr. Burton to recuse herself when it comes time to consider Dr. Solar for tenure should Dr. Burton be unable to consider his application fairly. Dr. Burton defended her communication with Dr. Solar as a necessary way to provide feedback to a probationary faculty member who she believed had violated a policy. Dean Throop’s complaint asserts that Dr. Burton has refused to apologize to Dr. Solar and has not removed herself from his evaluation. Dr. Burton admits to not having apologized to Dr. Solar and claims that other than advocating for him at the college level of evaluation (as a CRSTC member) she has not been involved with Dr. Solar’s evaluation.

In the LOD, Dean Throop directed Dr. Burton to resolve her “...complaints and issues at the most local level possible: ...before invoking assistance from the administration.” Dean Throop uses the fact that Dr. Burton filed a complaint against Ms. Deb Rice as an example of Dr. Burton’s refusal to follow this direction. Dr. Burton says that she did not file a complaint against Ms. Rice but instead sought the advice and guidance of then Director of Human Resources Mr. John Lohmann on how best to proceed. Mr. Lohmann contacted Ms. Rice and apparently tried to manage the conflict informally. Specifically Mr. Lohmann communicated that Dr. Burton had demanded an apology, which Ms. Rice refused to make. It is clear that Dr. Burton did not attempt to directly resolve her complaint with Ms. Rice directly before going to Mr. Lohmann.

In the LOD, Dean Throop directed Dr. Burton to “...cease involving students in your personal disputes and grievances.” Dean Throop uses four e-mails that she received directly from students regarding an accusation that Dr. Burton had missed a class as evidence of not following this direction. There is clear evidence that Dr. Burton did in fact involve an entire class of students in defending herself against a false accusation of missing class.

2. Insubordination

The second reason for Dean Throop’s complaint against Dr. Burton is for “insubordination”. Dean Throop explained that she considered it insubordination when Dr. Burton disrespectfully refused to follow a direction, as compared to simply refusing to follow a direction.

In the examples of refusing to follow directions that Dean Throop includes in her complaint only one truly stands out as being disrespectful of Dean Throop. There are, however, other instances of Dr. Burton being disrespectful towards others. When Dr. Burton e-mailed students requesting that they e-mail the Dean to confirm that Dr. Burton had indeed been at class, Dr. Burton used such accusatory language as, “Dean Throop... wants to fire me over it... Her extremely harsh

and false accusations... wants to fire me....”, and tells the students that she is being “harassed” by Dean Throop for having helped a student report a sexual advance by a male faculty member. Additionally, Dr. Burton forwarded at least one of these student e-mails to Mr. John Lohmann, Chancellor Shields, Provost Den Herder and others accusing Dean Throop of bullying her and conspiring with Dr. Mike Dalecki to do so.

3. Continued disruptive behavior

Finally, Dean Throop’s complaint against Dr. Burton is also for her continued disruptive behaviors. Dean Throop describes in the summary of her complaint two consequences of Dr. Burton’s ongoing difficulties: interpersonal difficulties within her department (Criminal Justice) and excessive time and energy spent by the administration managing these disputes. Dean Throop concludes that her behavior, “...is significantly interrupting the normal course of business at this university.” Given the difficulties that Dr. Burton was having at the time that this complaint was submitted it is hard to argue that point. Contributing to this, I would note that in many of Dr. Burton’s communications that her tone with her colleagues was quite condescending. Rather than speaking to others as equals who have a disagreement to work through, she took the tone of a presumed superior speaking with someone who is not as knowledgeable as herself. Additionally, Dr. Burton exacerbated her disputes with others by including in her e-mails those that didn’t need to be included (i.e. the Provost, the Chancellor).