

Denial of record's access

Sabina Burton

Fri 12/2/2016 9:56 AM

To:ericksop@uwplatt.edu <ericksop@uwplatt.edu>;

Cc:kilpatricksc@doj.state.wi.us <kilpatricksc@doj.state.wi.us>; crowleyja@uwplatt.edu <crowleyja@uwplatt.edu>; regents@uw.edu <regents@uw.edu>; mkittle@watchdog.org <mkittle@watchdog.org>;

1 attachments (355 KB)

Erickson.Denial11.30.16.pdf;

Paul Erickson,

This email is in response to your denial of record access (attached).

You wrote on 11/30/16: *"I have received your records request for investigation report(s) completed by Dale Burke. I am denying your request because I am prohibited by Wis. Stat. section 19.36(10)(b) from releasing "Information relating to the current investigation of ... possible misconduct connected with employment by an employee prior to disposition of the investigation.""* You further stated, *"The matters discussed in this investigation report have yet to be disposed of. Because I have denied your request, I am required to inform you that you may seek review of my decision from the local district attorney, the Wisconsin Attorney General, or through mandamus action in circuit court."*

I believe this is yet another example of the runarounds I have received at UW-Platteville in an effort to deny me fair due process.

You did not include all of the applicable text of Wis statutes. Wis. Stat. section 19.36(10) says *"Employee personnel records. Unless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35 (1) to records containing the following information, except to an employee or the employee's representative to the extent required under s. 103.13."*

Wis. Stat. section 103.13 (2) states: *"Open records. Every employer shall, upon the request of an employee, which the employer may require the employee to make in writing, permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records, except as provided in subs. (5) and (6). An employee may request all or any part of his or her records, except as provided in sub. (6). The employer shall grant at least 2 requests by an employee in a calendar year, unless otherwise provided in a collective bargaining agreement, to inspect the employee's personnel records as provided in this section. The employer shall provide the employee with the opportunity to inspect the employee's personnel records within 7 working days after the employee makes the request for inspection. The inspection shall take place at a location reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work with that employer, the employer may provide some other reasonable time for the inspection. In any case, the employer may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee."*

According to the statute, it seems to me that you have 7 working days to comply with my reasonable

request before you, Paul Erickson - Public Information Officer for UW-Platteville, are in violation of statute 103.13 (2). You may already have violated the statute by your written denial. I made my request to Dr. Janelle Crowley on Monday, Nov. 28, 2016. I requested the investigative reports of the Oct. 2015 investigation by Dr. Barraclough and the Oct. 2016 investigation by Dale Burke.

I re-iterate my request that you please send me, or allow me to access in an appropriate way, 1) The report issued by Dr. Barraclough (about Oct 2015) dealing with his investigation into Dean Throop's UWS 6.01 complaint against me and 2) The report issued by investigator Dale Burke (about Oct 2016) dealing with his investigation into Deb Rice's complaint against me. My request for both of these documents constitutes one single request. I maintain the option of making a second request, under the provisions of the above statute, to access my entire personnel file this calendar year.

Following your recommendation to take this matter to the WI AG's Office I cc'd the Assistant Attorney General in this communication.

Thank you,

Sabina

Dr. Sabina Burton
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