

September 10, 2014

Via Email and Regular Mail

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Re: *Dr. Sabina Burton v. UW Board of Regents et al*
W.D. Wis. Case No. 14-CV-274

Dear Ms. Bensky:

Enclosed please Plaintiff's First Set of Interrogatories and Requests for Production of Documents. Thank you.

Cordially,

FOX & FOX, S.C.



Mary E. Kennelly

Enclosure

CC: Sabina Burton (w/enc.)

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DR. SABINA BURTON

Plaintiff,

-vs-

Case No: 14-CV-274

BOARD OF REGENTS OF THE UNIVERSITY
OF WISCONSIN SYSTEM, et al

Defendants.

PLAINTIFF'S FIRST SET OF INTERROTORATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS

To: Board of Regents of the University of Wisconsin System
C/o Anne M. Bensky
Assistant Attorney General
17 West Main Street
P.O. Box 7857
Madison, WI 53707

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure the plaintiff hereby requests the defendants to answer, under oath, the following interrogatories and request for documents within thirty (30) days after service of these interrogatories upon counsel for defendants.

INSTRUCTIONS

In answering these interrogatories you are required to furnish all information that is available to you or subject to your reasonable inquiry, including information in the

possession of your attorneys, accountants, advisors, other persons directly or indirectly employed by or connected with you or your attorneys or anyone else otherwise subject to your control.

In answering these interrogatories you must make a diligent search of your records and of other papers and material in your possession or available to you or your representatives.

Answer each interrogatory separately and fully in writing under oath unless you object to it, in which case state the reasons for your objections in lieu of the answer.

If you cannot answer any interrogatory in full, answer to the extent possible, specify the reason for your inability to answer the remainder, and state whatever information or knowledge you have concerning the unanswered portion.

These interrogatories are deemed to be continuing in nature and should you, your counsel, or anyone representing your interest become aware of or acquire any additional knowledge which affects the accuracy or completeness of any answer herein, or which relates to the matters into which these interrogatories inquire, it is hereby demanded that such knowledge be immediately transmitted to the undersigned attorneys by way of supplemental answers. You are also under a continuing duty to supplement your response with respect to any questions directly addressed to the identity and location of persons having knowledge of this case or the matters addressed in these interrogatories including the identity of each person expected to be called as an expert witness at trial and the subject matter about which that person is expected to testify.

Answers are to be signed by the person making them, and the objections should be signed by the attorney making them.

DEFINITIONS

The following terms are defined as follows for the purpose of these interrogatories:

You or Your. “You” or “your” means the answering respondent, (his/her/its/their) agents, and all persons acting or purporting to act on (his/her/its/their) behalf.

Document. “Document” shall mean any written, printed, typed, or other graphic matter of any kind or nature and all mechanical and electronic sound or video recordings or descriptions in possession and/or control of the respondent or (his/her/its/their) agents known to exist.

Identify or Identity. “Identify” or “identity” when used in reference to any individual person means to state:

- a. His or her full name;
- b. His or her present or last known address; and
- c. His or her present or last known business affiliation.

“Identify” or “identity” when used in reference to a document means to state:

- a. The type of document (e.g., letter, memorandum, print-out, report, newspaper, etc.);
- b. The date, if any, of the document;
- c. The author;
- d. The addresses;
- e. The present location;
- f. The person or persons having custody or control over it; and
- g. The person or persons executing this document.

If any such document was, but is no longer, in your possession, custody or control, state what disposition was made of it. In all instances in which the following interrogatories ask for detailed descriptions of documents, copies of such documents must be attached to your answers in lieu of the detailed description if copies are available.

Detail or Describe in Detail. “Describe” or “describe in detail” when used in reference to a document or other written or oral communication means to state:

- a. The type of document or other communication;
- b. Date made;
- c. Persons involved in communication;
- d. Present location or possession of the document or written or other recorded evidence of communication; and
- e. Summary of matter discussed in the document or other communication, including factual setting in which made, substantive content, and purpose for the communication.

INTERROGATORIES

INTERROGATORY NO. 1: For the period January 2009 to the present identify all persons employed as faculty in the criminal justice department at UW Platteville and for each person provide the following information:

- a. Date of hire and date of termination, if applicable;
- b. Positions held (e.g. whether assistant, associate, adjunct or full professor, lecturer or instructor) and dates in each position;
- c. Whether tenured and, if so, the date tenure was awarded;
- d. Gender;
- e. Annual salary and all salary increases including the date of each increase and the reasons therefore;

- f. Annual overload pay and the reasons therefore;
- g. Committee assignments (e.g. search and screen, curriculum, CRST etc.)

including the date of each assignment and whether it included an appointment as chair;

- h. Course and/or teaching assignments for the fall, spring and summer terms;
- i. DRB evaluations and/or Recommendations for Reappointment or Tenure;
- j. Release time awarded to work on grant opportunities or other projects and

dates of the release.

INTERROGATORY NO. 2: For the time period covering the 2012-2013 academic year describe in detail defendant's policies and procedures governing student complaints of sexual harassment at UW Platteville and identify all related documents.

INTERROGATORY NO. 3: Describe in detail all actions taken by the Board to investigate, remedy and/or address the student complaint of sexual harassment and/or inappropriate behavior by Dr. Gibson made on or about October 2013 and identify all related documents.

INTERROGATORY NO. 4: Describe in detail all actions taken by the Board to investigate, remedy and/or address plaintiff's complaint to Dean Throop that Dr. Caywood was retaliating against her for her involvement in the student complaint and discriminating against her on the basis of her sex with respect to committee assignments and other career advancement opportunities made on or about December 2013 and identify all related documents.

INTERROGATORY NO. 5: Identify all complaints (both formal and informal) by current or former employees of defendant Board regarding any sexually

discriminatory and/or harassing behavior by Dr. Caywood and describe in detail the substance of each complaint and identify all related documents.

INTERROGATORY NO. 6: For each complaint identified in response to Interrogatory No. 5, above, describe in detail all actions taken by the Board to investigate, remedy and/or address the discriminatory and/or harassing behavior including any disciplinary action imposed on Dr. Caywood and identify all related documents.

INTERROGATORY NO. 7: Describe in detail the complete factual basis for the statement that “[a]ll decisions related to pay were determined by non-gender based reasons” as set forth in paragraph 7 of defendant’s affirmative defenses (Answer, 6/20/14) and, in particular, describe in detail each and every non-gender based reason plaintiff was and/or is being paid less than Aric Dutelle, Lorne Gibson and Pat Solar.

INTERROGATORY NO. 8: Describe in detail all actions taken by the Board to implement the Complaints and Grievances Committee’s recommendation to Chancellor Shields that some action “be taken to remedy the harm done to Dr. Burton’s professional reputation” as stated in the Committee’s memorandum to Chancellor Shields dated July 10, 2013 at p. 2 and identify all related documents. If no action was taken, describe in detail each and every reason why no action was taken.

INTERROGATORY NO. 9: Identify all courses to which Dr. Caywood was referring in his letter to plaintiff dated January 24, 2013 (attached as Exhibit A) when he stated that the department “got courses passed through the appropriate curriculum committees before offering a single course” and provide the date when each course was approved by the committee and identify all related documents.

INTERROGATORY NO. 10: For each course identified in response to Interrogatory No. 9, above, state whether departmental approval was obtained for the course and, if so, provide the date and describe the process by which approval was obtained and identify all related documents.

INTERROGATORY NO. 11: Describe in detail all communications both written and oral between and among Dr. Caywood, Dean Throop, Dr. Nimocks-Den Herder, Chancellor Shields and/or any other managerial employee of UW Platteville regarding the \$7,000 Innovation and Investment Award from AT&T that was awarded to plaintiff and identify all related documents.

INTERROGATORY NO. 12: Describe in detail all communications both written and oral between and among Dr. Caywood, Jeanne Durr, Dean Throop, Dr. Nimocks-Den Herder, Dr. Shane Drefcinski, Chancellor Shields and/or any other managerial employee of UW Platteville regarding the grievance plaintiff filed against Dr. Caywood with the Complaints and Grievances Committee and identify all related documents.

INTERROGATORY NO. 13: Describe in detail all communications both written and oral between and among Dr. Caywood, Dean Throop, Dr. Nimocks-Den Herder, Chancellor Shields and/or any other managerial employee of UW Platteville regarding the decision to appoint Dr. Michael Dalecki as interim chair of the criminal justice department and identify all related documents.

INTERROGATORY NO. 13: Describe in detail all communications both written and oral between and among Dr. Caywood, Dean Throop, Dr. Nimocks-Den

Herder, and any representative of AT&T regarding the \$7,000 Innovation and Investment Award from AT&T that was awarded to plaintiff and identify all related documents.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Federal Rule of Civil Procedure 34 plaintiff requests that defendant produce the following documents:

REQUEST NO. 1: Any and all documents defendant identified and/or relied upon in responding to plaintiff's interrogatories, above.

REQUEST NO. 2: Any and all documents defendant contends support any of its defenses to the complaint, including any affirmative defense asserted in its answer to the complaint.

REQUEST NO. 3: All payroll records or other documents reflecting regular salary, overload pay and all salary increases for each person identified in response to Interrogatory No. 1, above.

REQUEST NO. 4: All documents reflecting committee assignments (e.g. search and screen, curriculum, CRST etc.) for each person identified in response to Interrogatory No. 1, above, for the period January 2009 to the present.

REQUEST NO. 5: All documents reflecting course and/or teaching assignments for the spring, fall and summer terms for each person identified in response to Interrogatory No. 1, above, for the period January 2009 to the present.

REQUEST NO. 6: All DRB evaluations and Recommendations for Reappointment or Tenure for each person identified in response to Interrogatory No. 1, above, for the period January 2009 to the present.

REQUEST NO. 7: All documents reflecting release time awarded to work on grant opportunities or other projects for each person identified in response to Interrogatory No. 1, above, for the period January 2009 to the present.

REQUEST NO. 8: All documents that support the contention in Dr. Caywood's letter to plaintiff dated January 24, 2013 (attached as Exhibit A) that Dr. Butts supported the development of the Forensics Investigation program and "allocated the FTE (at that time) and ensured funding for textbooks, classroom equipment and supplies."

REQUEST NO. 9: All documents that support the contention in Dr. Caywood's letter to plaintiff dated January 24, 2013 (attached as Exhibit A) that the Forensics Investigation program "had the overwhelming support of the department", that "department chair Joe Lomax was involved in every step of the process" and that the department "convened advisory board meetings to get input from those in the field as to the need and type of courses necessary to benefit students going into the field."

REQUEST NO. 10: All documents that support the contention in Dr. Caywood's letter to plaintiff dated January 24, 2013 (attached as Exhibit A) that the department "created a position description, created a search and screen committee and then conduct[ed] a nation-wide search."

REQUEST NO. 11: All documents that support the contention in Dr. Caywood's letter to plaintiff dated January 24, 2013 (attached as Exhibit A) that the department "got courses passed through the appropriate curriculum committees before offering a single course."

REQUEST NO. 12: All documents that support the allegations in paragraph 7 of defendant's affirmative defenses (Answer, 6/20/14) that all decisions related to pay were determined by non-gender based reasons.

REQUEST NO. 13: All handbooks, personnel policies, procedures, manuals, and other documents describing in any way defendant's policies and procedures governing complaints of sex discrimination, sexual harassment and/or retaliation for complaining about sex discrimination or sexual harassment from January 2009 to the present including all supervisory or procedure manuals that may or may not be disseminated to employees.

REQUEST NO. 14: All handbooks, personnel policies, procedures, manuals, and other documents describing in any way defendant's policies and procedures governing faculty salaries at UW Platteville and pay adjustments and/or salary increases from January 2009 to the present including all supervisory or procedure manuals that may or may not be disseminated to employees.

REQUEST NO. 15: Plaintiff's complete personnel records, including plaintiff's official personnel file, employment application and all documents and writings (including drafts) that were used to determine plaintiff's qualifications for employment, starting pay, pay increases and/or promotions.

REQUEST NO. 16: All notes, memoranda, emails or other writings taken regarding plaintiff's hiring, job performance and written and/or verbal requests for promotion and/or pay increases and/or pay adjustments.

REQUEST NO. 17: All job descriptions applicable to plaintiff during her employment.

REQUEST NO. 18: All documents identified in defendant's Rule 26 Initial Disclosures.

REQUEST NO. 19: For the period January 2009 to the present all documents that evidence any steps taken by defendant to guard against, prevent, remedy or uncover any type of gender discrimination or bias in connection with its hiring, promotion or compensation decisions or policies at UW Platteville.

REQUEST NO. 20: For the period January 2009 to the present all documents constituting or reflecting any policies or programs concerning affirmative action, diversity or the recruitment, hiring or promotion of women to faculty positions at UW Platteville.

REQUEST NO. 21: For the period January 2009 to the present all studies, analyses and/or self-evaluations conducted by defendant with respect to faculty compensation and pay equity at UW Platteville.

REQUEST NO. 22: For the period January 2009 to the present all consolidated EEO-1 reports and individual business area, business unit, or facility EEO-1 reports or similar workforce profiles submitted to the EEOC, OFCCP or any state government agency as well as documents describing or explaining the methods and techniques used in compiling, editing, modifying or updating such reports.

REQUEST NO. 23: For the period January 2007 to the present any OFCCP investigation, report or correspondence with the OFCCP concerning any investigation or inquiry by it of the treatment of female faculty and/or faculty compensation at UW Platteville including any internal memoranda, or notes concerning such investigation, report or correspondence.

REQUEST NO. 24: For the period January 2009 to the present all minutes, agendas, or reports of or to the CRST concerning faculty compensation in the department of criminal justice.

REQUEST NO. 25: For the period January 2009 to the present all documents that refer to any proposals, whether by officer, employee, or otherwise, for glass ceiling reviews or concerning gender discrimination in general.

REQUEST NO. 26: For the period January 2009 to the present all minutes of criminal justice department and/or faculty meetings.

REQUEST NO. 27: All notes, memoranda, emails or other writings taken regarding plaintiff's grievance against Dr. Caywood filed with the Complaints and Grievances Committee.

REQUEST NO. 27: All notes, memoranda, emails or other documents regarding plaintiff's grievance against Dr. Caywood filed with the Complaints and Grievances Committee.

REQUEST NO. 28: All notes, memoranda, emails or other documents regarding plaintiff's grievance against Dean Throop filed with the Complaints and Grievances Committee.

REQUEST NO. 29: For the period January 2009 to the present all contracts, job offers, appointment letters or letters of reappointment issued to each faculty member identified in response to Interrogatory No. 1, above.

REQUEST NO. 30: All files (other than plaintiff's official personnel file) compiled and/or maintained by Dean Throop, Dr. Caywood, Dr. Dalecki, Dr. Nimocks-Den Herder, Jeanne Durr, Dr. John Lohmann, Dr. Jennifer DeCoste and/or Chancellor

Shields, regarding any aspect of plaintiff's employment at UW Platteville and/or her grievances against Dr. Caywood and/or Dean Throop.

REQUEST NO. 31: All files or other documents maintained and/or compiled by the Complaints and Grievances Committee and/or individual members of the Committee regarding plaintiff's grievances against Dr. Caywood and/or Dean Throop.

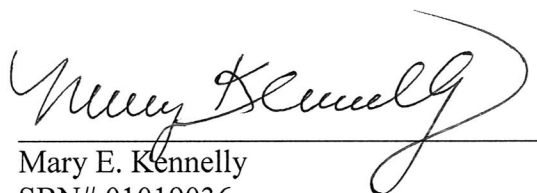
REQUEST NO. 30: All written communications and/or other documents related to the \$7,000 Innovation and Investment Award from AT&T that was awarded to plaintiff.

The defendant should produce said documents within thirty (30) days of this request at the law offices of FOX & FOX, S.C., 124 West Broadway Monona, Wisconsin 53716. The respondent is further instructed to produce said documents as they are kept in the usual course of business.

Dated at Monona, Wisconsin this 10th day of September, 2014

Respectfully submitted:

FOX & FOX, S.C.



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