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2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE WESTERN DISTRICT OF WISCONSIN  
5 \* \* \* \* \*

6 DR. SABINA BURTON,  
7 Plaintiff,  
8 -vs- Case No. 14-CV-0274  
9 BOARD OF REGENTS OF THE UNIVERSITY  
10 OF WISCONSIN SYSTEM, DR. THOMAS  
CAYWOOD and DR. ELIZABETH THROOP,  
11 Defendants.  
12 \* \* \* \* \*

13  
14  
15  
16 DEPOSITION OF SABINA BURTON, Ph.D.  
17 Thursday, July 23, 2015  
Friday, July 24, 2015  
18 12:53 p.m.  
19 12:56 p.m.  
20  
21 Reported by: Lisa A. Creeron, RPR  
22  
23  
24  
25

1 I N D E X

2 Examination by: Page  
3 Attorney Bensky 4  
4 Attorney Spitz 158  
5 Attorney Hawks --  
6 Exhibits Nos.: Identified  
7 1 - Amended complaint 142  
8 2 - Answers and responses of plaintiff to  
defendants' first set of discovery 138  
9 3 - Curriculum vitae 4  
10 4 - 2012 evaluation for Aric Dutelle 99  
11 5 - E-mail from S. Burton to T. Caywood dated  
12 10-8-12 195  
13 6 - Letter to Dr. Burton from Dr. Caywood dated  
14 1-24-13 214  
15 7 - Press release dated January 30, 2013 250  
16 \* \* \* \* \*  
17 SABINA BURTON, Ph.D.,  
18 called as a witness, being first duly  
19 sworn in the above cause, testified  
20 under oath as follows:  
21 \* \* \* \* \*  
22  
23  
24  
25

1 DEPOSITION of SABINA BURTON, Ph.D., a plaintiff  
2 in the above-entitled action, taken at the instance of the  
3 defendants, under the provisions of the Federal Rules of  
4 Civil Procedure, taken pursuant to notice, before  
5 LISA A. CREERON, a Registered Professional Reporter and  
6 Notary Public in and for the State of Wisconsin, at Hawks  
7 Quindel, S.C., 222 West Washington Avenue, in the City of  
8 Madison, County of Dane, and State of Wisconsin, on the  
9 23rd and 24th days of July, 2015, commencing at 12:53 and  
10 12:56 p.m. respectively  
11 A P P E A R A N C E S  
12 TIMOTHY E. HAWKS,  
HAWKS QUINDEL, S.C.,  
13 Attorneys at Law,  
222 East Erie Street, Suite 210,  
14 Milwaukee, Wisconsin 53202, appearing  
on behalf of the plaintiff;  
15 ANNE BENSKY and KATHERINE D. SPITZ,  
Assistant Attorneys General,  
16 WISCONSIN DEPARTMENT OF JUSTICE,  
17 17 West Main Street,  
Madison, Wisconsin 53703, appearing on  
18 behalf of the defendants.  
19 ALSO PRESENT: ROGER BURTON  
20  
21 \* \* \* \* \*  
22 (Original transcript is filed with Attorney Bensky)  
23 \* \* \* \* \*  
24  
25

1 (Exhibits 1 and 2 are marked for identification)  
2 EXAMINATION  
3 BY MS. BENSKY:  
4 Q Can you state your name, please?  
5 A Sabina Burton.  
6 Q Have you ever had your deposition taken before?  
7 A No.  
8 Q Okay. Well, you're in for something great. I have a  
9 curriculum vitae that you provided, and let's just  
10 mark this Exhibit 3.  
11 (Exhibit 3 is marked for identification)  
12 Q Please page through this document and tell me if it  
13 is up to date as of today's date.  
14 A Okay. Yes, it is.  
15 Q Do you have any other degrees that are not included  
16 in your CV?  
17 A No, these are correct.  
18 Q Do you have any certificates that are not included on  
19 your CV?  
20 A I think it's included, but I'll just double check  
21 really quick. No, they are all good.  
22 Q Have you given any papers? When I say given any  
23 paper, I mean at some sort of a presentation. Have  
24 you given any papers that are not included on your  
25 CV?

<p>1 A They're all included.</p> <p>2 Q Have you written any papers that are not included on 3 your CV?</p> <p>4 A No.</p> <p>5 Q Have you written any books that are not included on 6 your CV?</p> <p>7 A There is one in Germany that I co-wrote. I didn't 8 include it because it's all in German. It's a 9 textbook on qualitative research that I did with my 10 mentor.</p> <p>11 Q A textbook on what type of research?</p> <p>12 A Qualitative research.</p> <p>13 Q Qualitative. And when did you write that textbook?</p> <p>14 A That was in -- that was for several years. It 15 started in 19 -- let's see, we started in 1986 and I 16 think it was done in '88. I didn't participate in 17 editing of it. So they published it I think in '88 18 or '89, I believe.</p> <p>19 Q So you said the topic was qualitative research?</p> <p>20 A Social research.</p> <p>21 Q Social research.</p> <p>22 A Correct.</p> <p>23 Q I'm just a dumb lawyer. So can you give me a little 24 more explanation of what the book is about?</p> <p>25 A Okay. Sure. We have two major kinds of research</p> <p style="text-align: right;">5</p>	<p>1 least of parts of it. So I've been working on that, 2 started to work on that, and I have the rights to do 3 that, so --</p> <p>4 Q Now, you have a Bachelor of Science in chemistry?</p> <p>5 A Correct.</p> <p>6 Q Have you used your chemistry degree in your capacity 7 as an expert in criminology?</p> <p>8 A I use it. I mean it helps me understand articles and 9 understand when I read, you know, medical reports. 10 So in this capacity, it has helped.</p> <p>11 Q But you don't teach any chemistry?</p> <p>12 A No.</p> <p>13 Q Have you ever been involved in any capacity in the 14 chemical analysis of evidence, for example, what a 15 crime lab would do?</p> <p>16 A I've been in crime labs. I have -- you know, I have 17 done experiments in labs, not as the investigator.</p> <p>18 So in Germany it was very strict that we could 19 not actually partake in what had to do with the chain 20 of evidence. So they didn't want us to handle 21 anything, but I was -- they had some new methods and 22 I was interested in learning about them, so I did 23 observe them, but I did not actually conduct them 24 myself.</p> <p>25 Q So you have spent time in crime labs?</p> <p style="text-align: right;">7</p>
<p>1 methods. There's one, qualitative research, it's 2 standardized questions that we use that can be coded 3 and then you get numbers out of it. Qualitative 4 social research includes kind of a variety of 5 research methods, basically from observation, kind of 6 participant observation, so when you participate and 7 you're kind of a known participator. It can also be 8 that you participate, but you're not known as a 9 researcher to your subjects.</p> <p>10 It can be interviews, so kind of open-ended 11 interviews. So they're not standardized. So kind of 12 they're different types, you know -- it can be open 13 and it can be closed, but they do not provide 14 questions that you have to mark. Yeah, these are the 15 main ones, so that kind of variation.</p> <p>16 This was experiments. You can do experiments, 17 quasi-experiments and all that for some of the 18 qualitative social research.</p> <p>19 Q Was the book mainly about social research methods, or 20 did it talk about social research methods in relation 21 to criminal justice?</p> <p>22 A We had examples. We incorporated -- it was written, 23 the main author was a sociologist or is a 24 sociologist, and this is actually I included it 25 because I've been working on doing a translation at</p> <p style="text-align: right;">6</p>	<p>1 A Yes.</p> <p>2 Q But you never worked as a crime lab analyst?</p> <p>3 A No, I did not.</p> <p>4 Q Now, you were an adjunct instructor at the University 5 of Milwaukee in January 2015 to the present?</p> <p>6 A Correct.</p> <p>7 Q What did you teach?</p> <p>8 A A course in cybercrime.</p> <p>9 Q A course on cybercrime?</p> <p>10 A Correct.</p> <p>11 MR. HAWKS: Could you repeat that 12 question, please?</p> <p>13 (Reporter reads back last question and answer)</p> <p>14 Q What was the title of the course?</p> <p>15 A It was -- it had something before it, but on 16 cybercrime. It's like -- what did they call it? 17 Something with topics, special topics, cybercrime.</p> <p>18 Q Was that the first -- the spring semester 2015, was 19 that the first time you taught at the University of 20 Wisconsin-Milwaukee?</p> <p>21 A Correct.</p> <p>22 Q When did you apply to teach there?</p> <p>23 A I never applied. After a conference in Chicago, I 24 believe, if I remember correctly, it was in 2014, 25 late September 2014, Dean Stan Stojkovic after a</p> <p style="text-align: right;">8</p>

<p>1 presentation on cybercrime, hacker profiles, asked me 2 whether I could teach a course for them on 3 cybercrime. They didn't have anybody. 4 Q What was the class schedule? 5 A It was an online course. It was for graduate 6 students and I think some undergraduate -- senior 7 undergraduate students qualified too. 8 Q What does that mean, an online course? 9 A It was taught exclusively online. So they used a 10 platform D to L, Desire to Learn is the name for the 11 platform, and I created the course myself and they 12 give you basically a course shell. You create the 13 course. You -- I created the assignments, the 14 teaching material. 15 I was in charge of which book to use or books to 16 use and student -- it's offered to students, and they 17 enroll in it, and you teach it online and 18 communicated for office hour by phone, Skype. 19 Q You said you created the course. When did you create 20 the course? 21 A I created the course about a month to two months 22 before it started. So they -- I believe they opened 23 the shell, basically the course for me to start 24 working on it in late fall of 2014 and then I had the 25 winter break. It was started, if I remember</p> <p style="text-align: right;">9</p>	<p>1 A No. 2 Q -- giving a lecture and then upload it? 3 A No. I had a presentation, a presentation I gave that 4 was videotaped that I could upload, and I think I 5 made that available to students, I believe. 6 Q It was a presentation that you gave? 7 A Yeah. 8 Q When? 9 A At a conference and it had to do with hacker 10 profiling and it's pretty new research, so I included 11 that. So I added some, you know, PowerPoint. I had 12 PowerPoints that I modified for that class that I 13 presented that I prepared for topics. And so it 14 didn't take me very long to do that, very comfortable 15 with this field. 16 Q About how many hours a week did you need to devote to 17 the class between January 2015 and May of 2015? 18 A It depends on the assignments. For example, if 19 there's an exam due or something, it's a bit more. 20 So I would say an online course probably takes about 21 six to ten hours, depending on the level and 22 depending on your level of experience with online 23 teaching. 24 So in the beginning it takes more. It probably 25 takes about 20 hours when you start teaching online.</p> <p style="text-align: right;">11</p>
<p>1 correctly, in late January and I had pretty much 2 everything uploaded that I wanted to upload. 3 Q Once you had -- so you had everything uploaded by 4 January of 2015? 5 A Correct. 6 Q After you had everything uploaded, did you need to do 7 anything else throughout the semester? 8 A Yeah. One thing is I ran a lot of discussions, group 9 assignments and I supervised those. I gave feedback 10 to postings. So instead of participating in class by 11 voice, students participate -- are supposed to 12 discuss the topic in these virtual classrooms, and 13 they had a minimum number of posts required, and I 14 gave them feedback on the quality of the posts and, 15 of course, students who were kind of reluctant to 16 post -- participate, I taught them how to post 17 substantive posts, and when there were assignments 18 due, I gave feedback within -- as fast as possible, 19 so within days. We tried to do it within, you know, 20 two, three days is kind of recommended and then 21 discuss any further questions students have. 22 Q Did you give any lectures? 23 A No. I mean I gave -- I uploaded some lectures as -- 24 in digital form, so I did that. 25 Q Did you video record yourself --</p> <p style="text-align: right;">10</p>	<p>1 And the more often you do it, it becomes more 2 routine. 3 Q So just so I'm clear, you spent probably six to ten 4 hours a week teaching this course? 5 A Yeah, I would say that, that period. 6 Q You worked as an adjunct faculty member at East 7 Central College in Missouri in January of 2009, is 8 that correct? 9 A Yes. That is correct. 10 Q What did you teach? 11 A I taught -- it was a criminal justice course. It was 12 a criminal justice program within -- under the 13 umbrella of sociology. The name -- I have to 14 remember. I believe it had something to do with 15 police administration. 16 Q Was that the only course that you taught at -- 17 A East Central. 18 Q -- East Central College? 19 A Correct, yes. 20 Q And the spring semester of 2009 was the only period 21 of time where you taught at East Central College? 22 A Correct. 23 Q Had you applied for a tenure track position at East 24 Central College? 25 A No, not interested.</p> <p style="text-align: right;">12</p>

1 Q Had you applied for any tenure track position in  
2 Missouri at all?  
3 A I believe I inquired at a school in St. Louis, a big  
4 one. I don't remember whether I actually sent in an  
5 application. I don't know whether they actually had  
6 any openings, but I'm pretty sure I inquired to see.  
7 The school was recommended to me by my former chair  
8 in California.  
9 Q Under research experience, you talk about research  
10 project proposals. What is a research project  
11 proposal?  
12 A A proposal is when you usually get funding for  
13 research. Most research is pretty expensive. It's  
14 either funding or release time, which then you have  
15 to get funding for. So you have to come up with, of  
16 course, at least an abstract, depends on to whom  
17 you're applying how much is required. It can be  
18 anything from an abstract to a few pages to 20 pages.  
19 You have to outline what your research is all  
20 about, your topic, what you would like to research,  
21 kind of what kind of impact you think it would have  
22 on the field. You're supposed to outline the --  
23 maybe an anticipated outcome, so what you think you  
24 will get out of the research. So you have -- of  
25 course, there's no guarantee that this actually will

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1 substantiate and then a time plan, take time to plan,  
2 and if you ask for money, then in general a budget  
3 has to be included.  
4 Q What does it mean for you to be the primary  
5 investigator?  
6 A You head the investigation, so most of the work is on  
7 you. So you kind of -- anything from supervising to  
8 delegating, depending on what qualifications your  
9 co-researchers bring on board. For example, they may  
10 have a scientific background that you don't have.  
11 Then you delegate certain tasks to -- that you cannot  
12 perform yourself to that person who is better  
13 qualified for that, but you will write -- your name  
14 is first on the report. You are responsible for --  
15 primarily responsible. You are responsible for  
16 editing and, yeah, it's -- basically you develop the  
17 research proposal, the outline, the goal of the  
18 research.  
19 Q Now, the first bullet point under research experience  
20 says Research Project Proposal on Cybercrime,  
21 (Primary Investigator, National Science Foundation,  
22 April 17, 2012). Does this mean that you submitted  
23 the proposal to the National Science Foundation on  
24 April 17th, 2012?  
25 A Correct.

14

1 Q What was the outcome?  
2 A It made it through -- made it through several  
3 readings, made it all the way to the last level of  
4 readings, which I was told by Bob Roberts, who at  
5 that time was the interim director of sponsored  
6 program and kind of oversaw that research project  
7 from the university side, he said that's quite an  
8 accomplishment.  
9 So it was rejected based on that -- when that  
10 was explain by Bob Roberts to me that they wanted to  
11 see some beginnings, some -- a first stage of kind of  
12 the project, like that NSF does not do curriculum  
13 funding, so curriculum development funding.  
14 Q When did you find out that it was rejected?  
15 A I believe it was in July or August. So I was updated  
16 from the steps -- about the steps in between and  
17 there was access to the account where I could read  
18 the feedbacks. So reviewers left feedback, and it  
19 was I think rejected in July or August.  
20 Q Of 2012?  
21 A Correct.  
22 Q Wow, I can't believe that they actually made a  
23 decision that quickly. Were you asking for a  
24 particular amount of money?  
25 A Yes. There was a budget included. I did not write

15

1 the budget. The budget was written by sponsored  
2 program.  
3 Q Sponsored programs?  
4 A It's with the University of Wisconsin-Platteville.  
5 So we have a -- I believe it's still the same name  
6 that they have of sponsored programs. They also had  
7 an entrepreneurship at that time included. I think  
8 both of them are separate now.  
9 Sponsored program is a department that consists  
10 of grant writers. Bob Roberts was the primary, he  
11 was the director and so they handle -- they  
12 understand what needs to go in a proposal, the form,  
13 they understand the form, they understand the budget.  
14 For example, when it comes to budget, there are a lot  
15 of fringe costs that have to be included, had to have  
16 formulas for. He handled all that.  
17 So I gave him -- he contacted me and says, okay,  
18 now we're working on the following part and, you  
19 know, I need to know the following, basically what  
20 kind of experience -- for example, experiences of all  
21 the researcher staff, their CV, and there were very  
22 specific questions we had to answer.  
23 Then, of course, there was what the proposal is  
24 all about, what are you going to do with it. He  
25 added things to it. He was in communication with the

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1 chair about that and I don't know who else.  
 2 Sponsored programs coordinates all these things, and  
 3 they came up with an outline. I basically gave them  
 4 the meat of what kind of research I would like to do,  
 5 and they came up with how that whole thing would look  
 6 like for UW-Platteville.  
 7 Q Were you satisfied with the assistance Bob Roberts  
 8 gave to you in this proposal?  
 9 A Yes, um-hum.  
 10 Q Do you recall what the final budget was?  
 11 A Okay. This is -- best of my recollection, I believe  
 12 it was 320,000, something like that.  
 13 Q That's fine. I'm not going to hold you to it here.  
 14 Did that budget include paying for release time for  
 15 you to work on the research?  
 16 A I'm pretty sure it did, yeah.  
 17 Q How does that work? How does release time work if  
 18 you get money through a grant and part of that is for  
 19 release time for you? Does that mean that the grant  
 20 money funds your salary, but you don't have to teach  
 21 as much? What does it mean?  
 22 A It actually -- well, from what I know, and this is  
 23 kind of an educated guess based on the sabbatical  
 24 that I got, when the sabbatical was paid directly  
 25 through our department, I did not get any money from

1 that. I was still on a salary. I got my salary just  
 2 as usual, my monthly pay for the teaching which I  
 3 didn't do.  
 4 Dr. Caywood had money available, the chair at  
 5 that time, to hire adjuncts to fill in, either  
 6 adjuncts or have other faculty staff do over -- my  
 7 courses as overload. So that's why you provide --  
 8 when you need release time, there is usually a  
 9 certain time frame for you to request that. In the  
 10 case I had before it was -- for the sabbatical, I got  
 11 that money -- I mean I got the response from the  
 12 institute in the summer and my sabbatical, my  
 13 proposed sabbatical was for spring. So they had half  
 14 a year to hire people or to get others to accept some  
 15 of my courses as overload.  
 16 Q So when you were on sabbatical, your salary did not  
 17 change?  
 18 A No, it did not.  
 19 Q When you were on sabbatical, did you receive any  
 20 additional funding from a grant that was given to you  
 21 above your salary?  
 22 A No.  
 23 Q Now, going back to your CV, and I'm still looking at  
 24 this research project proposal one, there's a  
 25 semicolon and then it says investigative and

1 enforcement methods, January 2012 to January 2013.  
 2 What are you talking about there? Is that something  
 3 different?  
 4 A No. It had to do with cybercrime, the investigation  
 5 of cybercrime and how to enforce cybercrimes.  
 6 Q Was the investigative enforcement methods a separate  
 7 proposal?  
 8 A No. That was part of it. That was kind of what I  
 9 wanted to focus on.  
 10 Q Oh, okay. So you wanted -- your proposal was for  
 11 investigative and enforcement methods related to  
 12 cybercrime and you proposed to do this work between  
 13 January 2002 and January 2013?  
 14 A Yeah. I think that was the first step that we did  
 15 and that we were supposed to do. But it is -- okay,  
 16 if I remember correctly, you were asked for a total  
 17 amount and the amount is broken up into different  
 18 kind of steps and you have to fulfill these kind of  
 19 steps so that you qualify for the next portion.  
 20 So the entire amount is promised to you under  
 21 the condition that you fulfill the steps. If you,  
 22 for example, your research team falls apart or you  
 23 get sick or things like this, then they keep the rest  
 24 of the money. They don't ask that they will be  
 25 repaid back, but there are other ways of -- they

1 often distribute the monies then to other  
 2 institutions who also apply and they can finish or  
 3 take over the project. I don't know exactly how that  
 4 works, but Bob Roberts explained something like that  
 5 to me, that there's often additional money available  
 6 that comes from basically research proposals that are  
 7 not fulfilled.  
 8 Q Okay. So basically what did you propose to research?  
 9 A What we wanted to build actually for -- because I was  
 10 part of a team, we wanted to implement a program for  
 11 our students so that they would have another job  
 12 opportunity in the criminal justice field. So we  
 13 wanted to have something that kind of combines some  
 14 of the qualities, the experiences from kind of the  
 15 computer science field, but we wanted to make it more  
 16 applied for law enforcement.  
 17 So it kind of would help us create courses, for  
 18 example, in computer science tailored for criminal  
 19 justice students so that they didn't have a rude  
 20 knowledge, a basic knowledge about cybercrime, so  
 21 that they -- for example, cyber forensics, that they  
 22 have some basic understanding without having to get a  
 23 degree in it or take more sophisticated credit  
 24 courses in programming on cyber -- computer science  
 25 courses.

<p>1 Q So was the research project proposal on cybercrime to 2 build a cybercrime curriculum?</p> <p>3 A The name of it, what Bob Roberts put in as the name 4 on it, on the proposal was the Institutionalization 5 of Cybersecurity at UW-Platteville, and in the 6 abstract it says that we anticipate to then one day 7 give a degree, a Bachelor of Science in cyber -- I 8 believe he called it cybercrime or cybersecurity.</p> <p>9 Q So the 320 some odd thousand dollars was supposed to 10 be used to create a cybercrime curriculum at 11 UW-Platteville?</p> <p>12 A Yeah, um-hum.</p> <p>13 Q At the time that you submitted the proposal on 14 April 17th, 2012, there was no cybercrime curriculum 15 at UW-Platteville?</p> <p>16 A No. And it was taught I believe twice as a current 17 topics course.</p> <p>18 Q It was taught as a current topics course?</p> <p>19 A Correct.</p> <p>20 Q Who taught it?</p> <p>21 A Bob Roberts taught one. And I taught the other one.</p> <p>22 Q What dates?</p> <p>23 A I think the one -- at that time, let's see, I think 24 the first time, if I remember correctly, the first 25 time I believe it was in fall of 2013 that I taught</p> <p style="text-align: right;">21</p>	<p>1 A My best guess. Could be a year before or something 2 or spring. I'm not quite sure.</p> <p>3 Q That's fine. Did that course get approval through 4 this curriculum committee?</p> <p>5 A Didn't have to. If it's a current topics, you don't 6 need to get approval. You only -- basically what 7 happens is the chair is interested in offering 8 students current topics, they are -- because they're 9 4000 level, the upper division, students are very 10 interested in getting upper division credit or 11 specializing in a certain field and pretty much asks 12 faculty, in general just faculty but anybody's 13 interested in teaching current topics and what would 14 you like to teach.</p> <p>15 And most of the time there was really no problem 16 as long as that course has not been taught more than 17 three times. You can have -- I mean it hasn't taught 18 more than two times, then you can teach it.</p> <p>19 Q Did you definitely teach that current topics in 20 cybercrime course after Bob Roberts?</p> <p>21 A I was -- yeah, I was -- I don't even think I asked 22 for it. I was asked to teach it, whether I could 23 teach it again. Students requested it, I guess, and 24 it was successful and Bob Roberts already got a lot 25 of interest at that time. So, you know, we only</p> <p style="text-align: right;">23</p>
<p>1 it for the first time at UW-Platteville.</p> <p>2 Q That you taught it for the first time, fall of 2013?</p> <p>3 A Yeah, I believe so. Yeah, that's my best 4 recollection. And Bob Roberts, I'm not quite sure. 5 It was maybe a year before.</p> <p>6 Q Fall of 2012?</p> <p>7 A Could be, yeah.</p> <p>8 Q And I'm sorry, what was it called again? Was it 9 introduction to cybercrime?</p> <p>10 A Current topics. It was a 4000 level course. It only 11 can be taught three times, and if you're going to 12 teach it again, they have to go through a curriculum 13 committee and they have to be approved by -- at that 14 time it was just we only had IA&amp;E curriculum 15 committee.</p> <p>16 Q IA&amp;E?</p> <p>17 A Yeah, liberal arts and education. It's a college 18 level, and they have to approve a course. So then it 19 has a course number and a title. Current topics can 20 be anything that, you know, if it's current topics, 21 police homicide were topics, criminal profiling. And 22 because they're current topics, it's not an 23 ongoing -- it's not a part of the scheduled routine.</p> <p>24 Q Makes sense. So you said Bob Roberts taught 25 cybercrime current topics in fall of 2012?</p> <p style="text-align: right;">22</p>	<p>1 have -- we cater to a lot of students, so we like to 2 come up with topics that fill the class.</p> <p>3 Q So he taught it, students liked it, and then you were 4 asked to teach it --</p> <p>5 A Yeah.</p> <p>6 Q -- and then you taught it?</p> <p>7 A Yeah, I just made -- he taught it his way. I didn't 8 take his syllabus or his teaching. I think I even -- 9 I don't even think he had a book. I then requested a 10 book. We had funding available. So I was able to 11 get a textbook for the class.</p> <p>12 Q You created your own curriculum for that course?</p> <p>13 A Correct, yeah.</p> <p>14 Q To keep it Burton?</p> <p>15 A Sometimes it's easier because you have your own 16 ideas.</p> <p>17 Q Sure. Where did the funding -- you mentioned that 18 there was funding for the textbooks. Where did that 19 money come from?</p> <p>20 A I believe there was funding within the department, 21 and then there is additional funding in IA&amp;E, in the 22 college, the college level. How that exactly looks 23 like, I'm not sure. But I think when the department 24 doesn't have any money available, then they can check 25 with the dean's office to see whether there's money</p> <p style="text-align: right;">24</p>

<p>1 available for books or the dean's office contacts the 2 department that there's still money available for 3 books. 4 Q Does somebody have to give you approval to use that 5 money for your course? 6 A Well, for -- I don't know if you're familiar, but 7 UW-Platteville uses a textbook loan service. So we 8 purchase the books and the students get them free, 9 they loan them free. And so we can only usually 10 adopt a new book every five years because it's quite 11 a financial obligation by the school. And so you can 12 apply if you want a new textbook and if there's 13 funding available and if you had the book for about 14 four years or you have another good reason why you 15 need a new textbook, then you may get granted or may 16 not. So usually depends on budget. 17 Q I wish the law school did that. 18 A Yeah. I know, books are expensive. 19 Q Who do you have to apply to when you apply for money 20 to get a textbook? 21 A We have a form that we fill out, and it's -- I think 22 we hand it in to Sheri Kratcha, who is our secretary 23 and program coordinator. I don't know exactly what 24 her official name is, but she usually handles them 25 and they're turned in. I don't know how -- where it</p>	<p>1 Sheri Kratcha. It has an attachment to it with all 2 the course listings for the following semester with 3 the textbooks and she always asks is there any 4 changes that you would like to make. If you do, then 5 you have to fill out an extra form, and it's 6 submitted to her, and I believe it goes to the chair 7 and then it goes to the dean's office. I believe 8 that's the chain, that's the routing it takes. 9 Q Can you spell Sheri's last -- first and last name? 10 A Okay. Sheri, S-h-e-r-i, and I believe it's short for 11 Sharon, but she is -- you know, when you type it in, 12 it comes back as Sheri. Kratcha, K-r-a-t-c-h-a. 13 Q Did you have any conversations with Tom Caywood about 14 ordering textbooks for the cybercrime program? 15 A I really don't recall. 16 Q Do you know if he approved your request for textbooks 17 for the cybercrime program -- I'm sorry, course? 18 A Yeah. He must have because I believe if he would not 19 have been happy with it, you know, I would have been 20 contacted. 21 Q On Page 2 of Exhibit 3, you talk about related 22 professional experience and you mention -- the first 23 bullet point is hacker profiling project. 24 A Correct. 25 Q Can you tell me what U-N-I-C-R-I is?</p>
<p>1 goes from there. We never had any department 2 meetings where we discussed funding for it. 3 Q Do you need approval from the -- let me ask it a 4 different way. Do you know if the form contains a 5 box for approval from the department chair? 6 A I don't recall. I'm pretty sure it does. My guess 7 is because the department chair is informed of that 8 request. So I doubt that it goes over his head, his 9 or her head. 10 Q In the fall -- let me ask a different question first. 11 Do you recall when you turned in the form to apply 12 for those textbooks for the course that you taught in 13 cybercrime in the fall of 2013? 14 A They usually have to be turned in by the semester 15 before. So I believe if you ask for a new textbook 16 for fall, I believe the deadline is somewhere around 17 March. I think it was a fall course. If it's a 18 spring course, then I believe the deadline is 19 somewhere in October, if I remember correctly. 20 Q Was Caywood the department chair in March of 2013? 21 A Yes. 22 Q Did you have to ask his approval to get a new 23 textbook? 24 A It usually does not come directly through him. 25 There's an e-mail that is sent out by our secretary,</p>	<p>1 A UNICRI, it's a research team with a DUN and it's -- 2 Q A research -- 3 A Yeah, it's a research group. They have various 4 research focuses. I think they're mostly cyber 5 related. UNICRI -- so it's a research forum for the 6 UN and they are located in Italy. 7 Q And here it says June 2013 to the present. What is 8 it that you are doing for UNICRI? 9 A Okay. When I took a group of students to Germany, I 10 was approached by a member of that team whether I 11 would like to be part of it, mostly because of my 12 work and research experience in criminal profiling. 13 And so I've been in contact with him and have 14 provided some assessments on hackers, mostly 15 personality traits, trying to identify signatures of 16 certain hackers similar to what we see with other 17 sort of criminals. 18 So it's a project to determine whether we can 19 develop profiles, basically deductive profiles, and 20 from there, the next step would be then to work on 21 tools to conduct deductive profiling of a cybercrime 22 scene. 23 Q When -- can you give me a date, approximate date of 24 when you were approached to work on this? 25 A Yeah, I believe -- okay, it was before we left on</p>

1 June 19th, there were -- we were probably the first  
 2 people there, which was probably around the 7th  
 3 because in France and Germany, he works for -- he's  
 4 an instructor at the police academy and command  
 5 college near Berlin.

6 He approached me when he heard that I have an  
 7 interest, research interest and teaching interest and  
 8 I had a working background in profiling, criminal  
 9 profiling. So he asked me about whether -- he said  
 10 something, you know, how you think about applying  
 11 that to hacking, to the cybercrime of hacking. So we  
 12 kind of talked about that, so I think that was the  
 13 first time that was brought up was the first week.

14 And then I believe it was June 17th that he then  
 15 said that we would like to have you as part of the  
 16 team and consult with you on the HPP project.

17 Q So it was 2013?  
 18 A Definitely, um-hum.

19 Q Okay. And who was your contact person that  
 20 approached you?  
 21 A Franz, F-r-a-n-z.

22 MR. HAWKS: I'm sorry, could you --  
 23 that strikes me as -- I didn't get the name.  
 24 THE WITNESS: F-r-a-n-z.  
 25 MR. HAWKS: C?

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1 THE WITNESS: Um-hum.  
 2 MR. BURTON: Z, not a C.  
 3 THE WITNESS: Like zebra.  
 4 MR. HAWKS: Is that a first name or  
 5 last name?  
 6 THE WITNESS: Last name.  
 7 MR. HAWKS: First name?  
 8 THE WITNESS: I believe it's Robert.

9 Q Are you working with Mr. Franz for the social  
 10 networking as community policing tool in rural areas  
 11 research project?  
 12 A I believe he was to some degree involved in that too.  
 13 He was actually with Thomas Rudiger, who was another  
 14 instructor at the police academy and researcher, so  
 15 he is I think currently working on his Ph.D. So I've  
 16 been in contact with him since spring 2012.

17 We share a lot of very common interests. His  
 18 specialty is Internet crimes against children, and  
 19 that was actually a project that was born while being  
 20 in Germany. That was a joint project that we wanted  
 21 to do between Platteville and the state of  
 22 Brandenburg. It's from an East German state.

23 Q What was the project that you wanted to do?  
 24 A The state of Brandenburg and the state of Wisconsin  
 25 is kind of more agrarian states. Agricultural is

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1 very dominant, very rural states and get -- I mean  
 2 the population numbers are fairly low in comparison  
 3 to the area, to the size.

4 And social networking, we wanted to explore  
 5 whether social networking could be a useful tool for  
 6 community policing. You know, for example, for a  
 7 police department who have a -- not necessarily a  
 8 large population but a population that's spread out  
 9 over a larger territory, how do you practice  
 10 community policing. If you're in the city, you just  
 11 walk around, you talk to people. But in the  
 12 countryside, in a rural area, it's a lot harder.

13 Q What is the Brandenburg cybercrime at the European  
 14 Union in Brussels?  
 15 A They actually have an office there. So they're a  
 16 part of a European research -- they basically advise  
 17 the European Union, the European parliament  
 18 on legislature on cybercrime.

19 Q What is your role with that?  
 20 A I'm a consultant.  
 21 Q When did your role as a consultant for the  
 22 Brandenburg cybercrime at the EU begin?  
 23 A That began -- I believe it was before we went to  
 24 Germany. So that would be in -- should be in spring  
 25 2013. I believe it's the first time we talked about

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1 legislature.  
 2 They were especially interested in what kind of  
 3 legislature exists in the United States and kind of  
 4 compare what kind of efforts have been made in, for  
 5 example, dealing with stalking incidents on the  
 6 Internet of, you know, anything from how to combat  
 7 Internet pornography, especially child pornography,  
 8 these kind of things.

9 Q Before the spring of 2013, did you ever have any  
 10 formal consultant role in any other cybercrime  
 11 project?  
 12 A Not really consulting. I mean I did work for an  
 13 agency, so that was -- and actually part of my job,  
 14 so it wasn't really consulting.

15 Q You did work for what agency?  
 16 A It was an intelligence agency.  
 17 Q Intelligence agency?  
 18 A Yeah.  
 19 Q Are you allowed to say what that intelligence agency  
 20 is?  
 21 A Not really. Not without their approval, and I doubt  
 22 I would get it.

23 Q No, don't. So you did -- you worked for an  
 24 intelligence agency in what capacity? Can you tell  
 25 me that?

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1 A Intelligence, counterintelligence.  
 2 Q Counterintelligence?  
 3 A Correct.  
 4 Q And how is that related to cybercrime?  
 5 A Because the one thing is the military and, you know,  
 6 intelligence used on the Internet a lot earlier than,  
 7 for example, like e-mail did, and there was a lot of  
 8 espionage that had to do with -- on the Internet with  
 9 cyber technology and so part of the  
 10 counterintelligence -- part of an intelligence agency  
 11 to is protect our industry, our research. And so as  
 12 part of that, you were -- I did not do the cyber  
 13 forensics.  
 14 You know, I'm not a computer scientist, but I  
 15 did a lot on who are the players in it, how can we  
 16 protect, how can we educate people in this field so  
 17 that they -- basically practice target hardening. If  
 18 we came across breaches, then how can we enforce  
 19 them, especially if they happened within our  
 20 jurisdiction. If they happened on foreign soil, then  
 21 you have some ways of going after the perpetrator  
 22 there.  
 23 Q What dates did you work for this intelligence agency?  
 24 A I started in -- kind of as an intern when I was a  
 25 little bit over 16, in there. So then I was on and

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1 off even throughout my study. Actually while I was  
 2 going to school, I was already on their payroll.  
 3 And at about the time I left for the United  
 4 States, there was some project I was still working  
 5 for them. I don't know whether one could call that a  
 6 consulting position because I was still with the  
 7 agency at that time. So there were two quarters,  
 8 because they were on a quarter system, that I had to  
 9 take off to do some work for them.  
 10 Q Was this in Germany?  
 11 A Yes.  
 12 Q When did you top working for this intelligence  
 13 agency?  
 14 A Let's see, the last time when would I have? It was  
 15 '12 or '13. It was in Israel, the hostage crisis  
 16 with an Israeli military person was held hostage for  
 17 I believe five years, and I did some work with them.  
 18 They had give us some names that came up and these  
 19 names were in a report I wrote and so they asked me  
 20 for some input and who to contact. So the German  
 21 government was very instrumental in getting the  
 22 Israeli released.  
 23 Q When was that?  
 24 A I believe that's 2012 or '13, sorry. Oh, yeah, I  
 25 have it here. It was actually before. So it was

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1 like 2011, I believe it was that long ago.  
 2 Q Did you get paid for that work?  
 3 A I did not want any money or anything, and here I  
 4 think they did something for my family.  
 5 Q You did not get paid for that work?  
 6 A My dad was involved in things like this, too, so it  
 7 was -- went to a family account. I did not accept  
 8 any money here because I was officially -- I wanted  
 9 to distance myself from this kind of work.  
 10 Q Okay. So in exchange for your work, money was put  
 11 into a family account?  
 12 A I believe so. Well, it's kind of difficult. My dad  
 13 did a lot of work for intelligence. You know, it had  
 14 to do with duties of political prisoners in the  
 15 former Soviet Union.  
 16 Q Did your work for this agency in 2001 have anything  
 17 to do with cybercrime?  
 18 MR. HAWKS: 2001 or --  
 19 Q I mean, I'm sorry, 2011.  
 20 A There was some information that -- I mean at that  
 21 time there was a lot of information that was  
 22 intercepted or was cyber information, so that had to  
 23 do with developing programs to intercept e-mails, for  
 24 example, and you pick certain phrases. You know, for  
 25 example, attacks -- terrorists, for example, don't

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1 use the word attack. They use a certain phrase. For  
 2 a while it was wedding, for example, was a big thing,  
 3 are you going to a wedding. But wedding doesn't mean  
 4 wedding, it's something else.  
 5 So in this regard, there was some cyber work, so  
 6 it was almost impossible to separate it nowadays when  
 7 it comes to counterterrorism work or intelligence.  
 8 Q When you -- let me go back to previous questions. I  
 9 don't think I got an answer. You worked for this  
 10 intelligence agency and you can't tell me what it is,  
 11 that's fine. I want to know what dates you worked  
 12 for them.  
 13 A Okay. Again difficult to do because I also worked  
 14 for the federal police and when I was hired by them,  
 15 they then transferred me to that agency, but I was  
 16 paid by another one. So you're not actually paid by  
 17 the agency you work for.  
 18 Q I don't care about who was paying you, but I want to  
 19 know the dates that you did work for this  
 20 intelligence agency. Are you able to do that?  
 21 A Yeah. '83 to -- you know, with having worked with  
 22 some other agencies in between, so pretty much until  
 23 1990.  
 24 Q And then when did you start doing work for them  
 25 again?

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1 A That was in -- I don't know which quarter it was,  
2 whether it was the third or fourth quarter that they  
3 had to do with the terrorist group where they needed  
4 my assistance. So that would be then -- maybe 1993.  
5 Q Until when?  
6 A It was for about three months and then there was a  
7 break and then there was another quarter that I went  
8 back to do some more work. And it might have been in  
9 1993, too, or might be '94.  
10 Q So you worked for them between 1983 and 1990 and then  
11 you did another stint in 1993, possibly going into  
12 1994?  
13 A Something like that, yeah.  
14 Q And then when did you work for them again?  
15 A I did not. I mean I just -- there were some  
16 questions on names, so sometimes just connections. A  
17 big thing has to do with in terms of assisting who  
18 was connected with whom. So we tried to find out who  
19 is getting financing from whom or how was that back  
20 when you worked the case. We looked for names,  
21 somewhere where you can start.  
22 So in there, there was maybe a phone call or so  
23 where they were -- when I was in Germany where they  
24 asked to talk to me. So when I was there visiting my  
25 family, they usually knew right away that I was

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1 there. So I had maybe a meeting where they invited  
2 me for dinner and then they asked -- we talked  
3 work.  
4 Q But pretty informal?  
5 A It was pretty informal, yeah. It was mostly about --  
6 it had to do with past arrests that we did.  
7 Q It had to do with what?  
8 A Past arrests that we did.  
9 Q Oh, past arrests.  
10 A Yeah. Kind of some them, they were released again.  
11 Some of them, they couldn't -- you know, the charges  
12 didn't all stick, so they were only in like two or  
13 three years, so a suspicion that they were active  
14 again or a connection, so just looking for names or  
15 some kind of other connection.  
16 Q Now, in 2001 -- or 2011 you started formally working  
17 for them again?  
18 A In 2011?  
19 Q Yes.  
20 A No.  
21 Q Okay.  
22 A No, I never formally worked for them again after  
23 that.  
24 Q But you had talked about earlier that you were  
25 working on programs to intercept e-mail with the

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1 Israeli hostage?  
2 A Oh, that was not really -- that was again when they  
3 asked for -- again it was some of the phrases that  
4 they were looking for. They wanted to pinpoint where  
5 he was probably held hostage, whom to talk to so that  
6 one gets him released.  
7 They like to use German negotiators. Germans  
8 were well received in the Middle East, especially by  
9 Peret because of the unfortunate German past, so they  
10 kind of liked that image, so because they thought,  
11 you know, you're probably not on the side of the  
12 Israelis. So we kind of used those kind of  
13 connections to be able to just talk. So we were  
14 actually kind of the mediator between the Israeli  
15 government and Peret, Hamas.  
16 Q When was that?  
17 A That was in 2011.  
18 Q Only in 2011?  
19 A Yes, um-hum.  
20 Q About how many hours total do you think you spent  
21 working on that?  
22 A It probably -- close to 20 probably.  
23 Q Did you develop programs to intercept e-mail for  
24 them?  
25 A I worked with programmers on that. We based on

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1 profiles that we developed, we looked for certain  
2 characteristics, certain writing. You know,  
3 everybody has their own writing style. So we look  
4 for that, what combinations of phrases, readings --  
5 Q So you were consulting with the programmers?  
6 A Correct, yeah. So they knew what to put in. So they  
7 did technical stuff. They load the program, the  
8 software.  
9 Q Okay. I think I get it finally. On the next page  
10 you have presentations. The first one is Human  
11 Trafficking in the Midwest. Would you consider that  
12 topic related to cybercrime?  
13 A There is certainly components in it that are related  
14 to cybercrime. A lot of human traffickers lure  
15 American victims on the Internet. So we -- so they  
16 use the Internet as a medium for their recruitment.  
17 They certainly also advertise for their victims,  
18 especially for the area of sex trafficking very  
19 heavily, labor trafficking less, but in sex  
20 trafficking there's a lot. You look at Craigslist, a  
21 lot of human trafficking victims are advertised on  
22 sites like Craigslist. And there are certain things  
23 you can look for, and I actually made an exercise for  
24 my students where we went onto sites like Craigslist  
25 where I taught them what to look for and kind of

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1 addressed human trafficking in this context.  
 2 Q What is the Midwest Criminal Justice Association?  
 3 A That is kind of a private association. I think it's  
 4 similar to their national conferences. So the  
 5 professional association, not state funded or  
 6 anything, so I guess they're privately funded by  
 7 membership fees and by fees for conferences and they  
 8 put on yearly annual conferences.  
 9 Q Did they invite you to give these talks?  
 10 A Yes, yeah.  
 11 Q At their Chicago, Illinois September 2004 conference?  
 12 A Yeah --  
 13 MR. HAWKS: 2014.  
 14 A '14, yeah. They have them every year. Every fall in  
 15 Chicago.  
 16 Q Do you recall when you received the invitation to  
 17 give those cybercrime talks?  
 18 A It's usually in -- they usually send an invite to me  
 19 in late spring, early summer.  
 20 Q So in late spring or early summer of 2014 you  
 21 received an invitation?  
 22 A I believe so.  
 23 Q From someone at the Midwest Criminal Justice  
 24 Association?  
 25 A Yeah, it's usually that they -- what do you call

1 A I believe so. Because anybody can send something in,  
 2 and they have members who present, members who don't  
 3 present. So I even encourage my students. So I  
 4 usually invite some of my students to submit  
 5 something.  
 6 Q Now, you were a featured speaker at the Human  
 7 Trafficking Conference in Minneapolis, Minnesota in  
 8 March of 2014, is that correct?  
 9 A Yes.  
 10 Q Did somebody ask you to speak on that topic?  
 11 A Yes. The person who put it together, Audrey is her  
 12 first name. But her last name I don't know.  
 13 Q When were you asked to speak at the Human Trafficking  
 14 Conference?  
 15 A I believe it was fall 2013.  
 16 Q Were you asked to speak on a particular topic?  
 17 A She asked me whether I could talk about -- especially  
 18 the role of law enforcement in human trafficking.  
 19 Q Is that what you spoke about?  
 20 A Yes.  
 21 Q Do you know why she asked you to speak?  
 22 A Somebody recommended her -- recommended me to her. I  
 23 forgot who that was.  
 24 Q Now, you gave some talks to German police officers in  
 25 June of 2013?

1 them, director, president or vice president send  
 2 these invitations out.  
 3 Q Do you recall if you were asked specifically to give  
 4 talks about cybercrime?  
 5 A I don't think they did. There was a forensics  
 6 association, I believe they had a conference in  
 7 Florida and they wanted something on cybercrime. But  
 8 the Midwest to my knowledge, they did not ask for  
 9 anything in specific.  
 10 Q They just wanted you?  
 11 A Yeah.  
 12 Q And you chose the topic?  
 13 A Yeah. You can choose the topic. You submit an  
 14 abstract and they decide on whether they want it or  
 15 what panel it would fit.  
 16 Q Do you know why they asked you to talk at this  
 17 conference?  
 18 A It's I guess where there's interest, whether you  
 19 generated interest, whether you have credibility in  
 20 the field. So they want to have good names there.  
 21 They want to have people who have interest in topics  
 22 or especially current topics, current research.  
 23 Q So one of the reasons that you were asked to talk at  
 24 this conference in September of 2014 is because you  
 25 have credibility in the criminal justice field?

1 A Correct.  
 2 Q I assume that was in Germany?  
 3 A Yes, yeah. That was outside of Berlin.  
 4 Q And would you agree that these talks included topics  
 5 about cybercrime?  
 6 A Yes.  
 7 Q Who asked you to speak to the -- German police?  
 8 A Thomas-Gabriel Rudiger.  
 9 Q Why don't you spell that for our court reporter?  
 10 A Okay. R and then it's u. Now, the German way would  
 11 be with two dots on it, but it's R-u-e-d-i-g-e-r, and  
 12 then Thomas-Gabriel, so it's hyphenated, Gabriel. He  
 13 is an instructor and researcher with the police.  
 14 He's been speaking to the parliament, the European  
 15 and the German parliament on Internet crimes,  
 16 especially Internet crimes against children. Child  
 17 pornography on the Internet is his primary research  
 18 and work focus.  
 19 Q Why did he ask you to speak to the German police?  
 20 A Because when he -- he contacted me actually. I was  
 21 asked by Dr. Caywood to use my international  
 22 contacts, especially my German contacts to build a  
 23 study abroad program. And so I contacted -- it's  
 24 kind of complicated in Germany because they do not  
 25 have the same kind of openness, the police does not

<p>1 have the same kind of openness to the public as here.  2 For example, there are no ride-alongs, there are no  3 police cadet programs.  4 So I had to go through -- I had to use my  5 contacts in Berlin and I was with kind of the  6 equivalent to the FBI and they oversee those kind of  7 requests. They don't have many. It's very unusual.  8 And then they sent them out to the different states,  9 they only have state police, state and federal police  10 in Germany. And Brandenburg was a state I was very  11 interested in the contacts.  12 And Mr. Rudiger or Dr. Rudiger now, he sent me  13 an e-mail and I guess he looked me up online, too,  14 and says, "Hey, I've seen you've done stuff I'm  15 following and we have some criminality here and it  16 would be nice to work together."  17 Q When did he send you that e-mail?  18 A The first one somewhere in spring of 2012, I would  19 say. I don't recall the month exactly.  20 Q But you didn't give the talk until June of 2013?  21 A Yes. He invited me to a conference before that, but  22 for -- I think they would have taken over some of the  23 funding, and my family lives in Munich. Because this  24 is in Berlin, the other end of Germany, so I would  25 travel to Germany on my own costs or partially on my</p>	<p>1 Q You mentioned you had this whole conversation with  2 him about funding. Do you remember when that  3 occurred?  4 A We had to come up with a budget with the costs for  5 the university in fall.  6 Q Of 2012?  7 A 2012, correct. It takes a while for the  8 international programs to kind of facilitate the  9 program, advertise it. You have to give students an  10 idea of what the costs would be, and the budget was  11 due September, October, something like that.  12 So I was in contact with West German authorities  13 that time and we discussed -- you know, I got them  14 through my contacts, I got them very inexpensive stay  15 at the police facility for like 12 bucks and I -- we  16 got them -- and then the transportation was the big  17 thing. Usually students pay into an account or pay  18 that themselves. But the police president actually  19 through his representative said they could probably  20 make a bus available, and then we discussed how we  21 would finance the police bus and the driver that we  22 had actually available for the entire two weeks.  23 Q So let's look at the bottom bullet point on the  24 presentations page. It's the one that's Bates  25 numbered SB 211. There's a listing, Cybercrime 2012,</p>
<p>1 own costs to visit with family. So that was during  2 the school time, so I'm kind of reluctant to take  3 time off school.  4 Q When did he ask you to speak to the German police?  5 You spoke with them in June of 2013.  6 A Correct.  7 Q Do you know what I'm asking?  8 A Yes. When we came up with the visit to Germany and  9 it was a faculty led student group, he asked me, was  10 it a month later or so, it was like would you be  11 willing to give presentations there.  12 And we actually came up with a plan where that  13 would then free up funds for transportation for our  14 students so we would not have to use public  15 transportation. So they would make funds available,  16 and so we could cover more area and there was some  17 extra money left.  18 Q When did he ask you?  19 MR. HAWKS: If you don't know, you  20 shouldn't guess.  21 THE WITNESS: Yeah, okay.  22 A There was -- yeah.  23 Q Was it in 2013?  24 A Latest, yeah, yeah. Because -- yeah. We had a few  25 months to prepare for it.</p>	<p>1 The Hacker Community, Midwest Criminal Justice  2 Association. September 2012, is that the date that  3 you gave the presentation?  4 A Correct. It's usually -- it's always the last  5 weekend in September that they have the conference.  6 Q Did you write that presentation for the September  7 2012 conference?  8 A Correct.  9 Q Had you ever given that presentation before?  10 A Not in this form.  11 Q I'm sorry?  12 A Not in this form.  13 Q Had you given a cybercrime presentation about hackers  14 at any time in any form prior to September of 2012?  15 A I gave one in the LA&amp;E lecture series. I believe  16 that was before. It was a bit different than that  17 one.  18 Q LA&amp;E?  19 A Sorry, liberal arts and education.  20 Q Did you give that LA&amp;E presentation at Platteville?  21 A Correct. I don't know if I have it listed somewhere  22 in here. I believe so, I have it included somewhere.  23 Q I just want to finish with your resume and then if  24 you want to take a break, let me know. And if you  25 don't, then we'll just keep going.</p>

1 On the next page where it says grants and  
2 fellowships, what's Kang Scholarship?  
3 A The Kang Scholarship is a formal -- it's in honor of  
4 a former professor in -- at the UW -- at  
5 UW-Platteville. I don't recall what department he  
6 was in, but the Kang Scholarship is given through a  
7 PACCE project.  
8 PACCE is -- it's a department within the  
9 UW-Platteville that provides funding for service  
10 learning, community service learning, and the funds  
11 come in through tuition. So there is a portion of  
12 tuition that goes to PACCE. And the Kang Scholarship  
13 is associated with PACCE.  
14 Q Did you have to apply for the scholarship?  
15 A Yes.  
16 Q Who did you apply to?  
17 A Directly to PACCE, to the director of PACCE,  
18 Dr. Kevin Bernhardt.  
19 Q Is he part of UW-Platteville?  
20 A Yes.  
21 Q How much money did you get?  
22 A I believe it was just \$1,000.  
23 Q What's the money for?  
24 A That can be covering costs by -- to work on a  
25 particular research project. It can be for -- you

1 It was the first step, so since it didn't do the  
2 second step, I was encouraged to do the second step,  
3 but then with Caywood saying, you know, I'm not  
4 behind this or never was behind it, I didn't bother  
5 to go for the second step. So it wasn't completed.  
6 Q Let me back up on this. What was it -- it was a  
7 grant that you were applying for?  
8 A Yeah, it was through Wisconsin -- I believe it was  
9 through the UW System, and it should be in the notes  
10 that you got, in the package. There certainly was an  
11 e-mail exchange that I submitted.  
12 Q Yeah, I didn't go through everything.  
13 A Yeah, I'm sure you didn't.  
14 Q I will. I haven't yet. So it was a UW System grant  
15 that you applied for?  
16 A Yeah, I believe -- I don't know -- I'm pretty sure it  
17 was UW System. It was some kind of growth, it was  
18 something again that Bob Roberts encouraged me to do.  
19 Q Growth something?  
20 A I believe it was, yeah.  
21 Q When did you apply for it?  
22 A The first time must have been in early December. At  
23 the first step -- it was a two-tier process, and if  
24 you make it through the first tier, then you are in a  
25 smaller group of candidates and you have a better

1 know, if you need a computer software program, you  
2 know, you submit a budget. It can be traveling  
3 costs.  
4 Q Was that the first time you applied for a Kang  
5 Scholarship?  
6 A No, I believe it was the second time.  
7 Q When was the first time you applied?  
8 A I believe it was the year prior.  
9 Q Now, we talked about research project proposals  
10 earlier. Are there any proposals or scholarship  
11 requests that you have applied for but not received  
12 that are not on your resume?  
13 A No.  
14 Q Except for you applied for a Kang Scholarship that  
15 you did not receive?  
16 A Correct. That's the only one.  
17 Q That's the only one?  
18 A Um-hum.  
19 Q So every single grant that you've ever applied for,  
20 whether or not you received money, is on your resume?  
21 A There was one, and I'm going to just -- it had to do  
22 with the Wisconsin System Growth something. I  
23 forgot, but it was just the first step. It didn't go  
24 to a second step. The main reason is because that's  
25 when -- that was in -- the first one was in December.

1 chance of making it. So they go through --  
2 Q December of what year?  
3 A December of 2012.  
4 Q How much money would this grant have been for?  
5 A I don't remember. I don't recall.  
6 Q What was Caywood's involvement?  
7 A For any grant, you always have your chair sign off.  
8 And that was pretty much what in our department was  
9 required to get the support of the department. So  
10 Bob Roberts was the person who passed on  
11 opportunities for grants to people he thought had  
12 chances in the department of CJ. It was mostly me.  
13 I know he had some projects or some things going  
14 with Mr. Dutelle, D-u-t-e-l-l-e, and so he passed on  
15 that opportunity and said, "You may want to put in  
16 for that, especially since you got money from AT&T."  
17 They like to see that somebody else is interested,  
18 that you already attracted funding. So it was the  
19 first -- for the first one, it was just a page and a  
20 half that I had to submit. So I did that. And it  
21 received positive marks and they were especially  
22 happy to see that I already attracted funding from  
23 private industry and encouraged me to make it through  
24 Round 2. In fact, when I didn't submit for Round 2,  
25 they contacted me again and says you should -- you

1 know, why didn't you put in for it.  
 2 Q Did Caywood tell you that you could not submit for  
 3 Round 2?  
 4 A No. But it was pretty much when I got the e-mail  
 5 from him that he was just not -- he didn't want to be  
 6 part of it or he was never a part of it is how he  
 7 claimed it, I felt like, well, then it wasn't even  
 8 worth bothering.  
 9 Q When you were contacted about applying for Step 2,  
 10 who contacted you?  
 11 A The person who handled all applications. So you had  
 12 to send them to -- there was a name for -- I can look  
 13 it up again, but I cannot recall who that was or what  
 14 the proper name was. But it was definitely a  
 15 Wisconsin grant. That individual contacted me, sent  
 16 me an e-mail.  
 17 Q And you said you think you turned over that e-mail?  
 18 A The e-mail, I don't think I did. I don't even know  
 19 whether I still have it. I probably can find it  
 20 again.  
 21 Q This e-mail would have been sent to you in beginning  
 22 of 2013?  
 23 A Yes. Should be probably first couple of months of  
 24 2013, something like this. I would guess probably in  
 25 February.

1 located.  
 2 Q Is that one of the conversations that you recorded?  
 3 A No.  
 4 Q Why did you not record that conversation?  
 5 A There was really no need for me. Bob Roberts was  
 6 always very favorable, very helpful to me, so I did  
 7 not feel that there would be any contradiction into  
 8 what he said before.  
 9 Q Are there any e-mails between you and Bob Roberts  
 10 discussing applying for Step 2 of this university  
 11 growth grant?  
 12 A There might be. I can check again. We often talked  
 13 on the phone. He very often called me from his cell  
 14 phone. He commuted a lot. He had a three-hour  
 15 commute. So he called a lot from his phone. So I  
 16 don't know whether it was by e-mail or by phone that  
 17 we talked about it. But I can check.  
 18 Q Are you still in contact with Bob Roberts?  
 19 A Just here and there. I know he sent me a LinkedIn  
 20 invitation. He is at UW-Oshkosh and he's director of  
 21 grant writing there, I believe.  
 22 Q Do you recall when he went to Oshkosh?  
 23 A I believe it was summer 2013.  
 24 Q Do you consider now, do you consider Bob Roberts a  
 25 social friend?

1 Q Did you respond by e-mail?  
 2 A To my recollection, I sent back that, you know,  
 3 what's going on with my department, it's not a good  
 4 time to apply to it at this point.  
 5 Q Did Caywood ever tell you not to apply for that  
 6 grant?  
 7 A Bob Roberts told me when I told -- when Bob Roberts  
 8 learned what was going on in the department, he says,  
 9 you know, you may just not want to waste any time on  
 10 this right now until this has cleared up.  
 11 Q Bob Roberts told you that you may not want to waste  
 12 time on applying for Round 2?  
 13 A Correct, yeah. Because Round 2 would have required  
 14 his cooperation because that's when he worked with  
 15 budgets in sponsored programs.  
 16 MR. HAWKS: Whose cooperation?  
 17 THE WITNESS: The cooperation with  
 18 sponsored programs.  
 19 A They signed kind of anything from the budget to -- I  
 20 guess the outlines, it has to follow certain steps,  
 21 certain form.  
 22 Q Was this a telephone conversation with Bob Roberts?  
 23 A I talked to him in his office in Pioneer Tower.  
 24 Q Where?  
 25 A Pioneer Tower. It's where sponsored programs is

1 A We have not really been in contact anymore. So I  
 2 mean we left as friends. I mean when he left, he was  
 3 always very supportive, helpful to me. So I don't  
 4 see what would have changed. He was a friend of  
 5 Dutelle's too.  
 6 Q Back in around 2012 or 2013, did you consider  
 7 Bob Roberts a social friend? And when I say that, I  
 8 mean did you socialize with him outside of the  
 9 business setting?  
 10 A We had some together with some other department  
 11 members where we met for dinner at one point.  
 12 Bob Roberts invited me to the graduation party of his  
 13 son, so my husband and I went. So I think one of our  
 14 daughters went. So he invited us to that. So I  
 15 guess in this regard, one could say social friend,  
 16 yeah, contact.  
 17 Q Tell me everything that you remember about the  
 18 conversation between you and Bob Roberts around  
 19 February of 2013 about Step 2 of the growth grant.  
 20 A I let him know that I got -- that Dr. Caywood sent an  
 21 e-mail to Dean Throop with an attachment and he  
 22 called it Letter to Sabina. I believe that was the  
 23 name of the attachment where he basically said that  
 24 he never supported any cybercrime program or this  
 25 kind of development.

1 And so I passed it on to Roberts and he seemed  
 2 very surprised because Roberts -- I mean that's how  
 3 it started in Caywood's office, Roberts having this  
 4 idea, trying to get me away from counterterrorism,  
 5 and he says let's do cybercrime, it fits better in  
 6 our forensic -- in our original vein of forensics.  
 7 So he seemed very surprised. And he says, you know,  
 8 we probably should just wait for a while before we  
 9 submit to anything else.

10 Q Did Bob Roberts tell you that he would not assist you  
 11 with putting together the materials for the second  
 12 tier of the grant process?

13 A No. He never said that. He never said that he would  
 14 withheld support -- I mean if I wanted to do it, I  
 15 mean it never came to that. It was pretty clear, I  
 16 mean from my point of view that it would be futile to  
 17 submit anything. I mean you can't -- even if you get  
 18 money, if all of a sudden you don't have support  
 19 anymore, why bother? It just can't be a one-person  
 20 project.

21 You need support. I mean it would entail later  
 22 to hire people, to have the facilities, to have the  
 23 classrooms, recommendation, to offer several courses.  
 24 So I didn't -- I mean I knew we first would have to  
 25 have that support again from the school.

1 Q The IA&E office?

2 A Yeah, absolutely. That's kind of -- I mean it has to  
 3 go all the way up to the chancellor's office because  
 4 these courses, if you implement a program, it has to  
 5 be signed off, anything from an emphasis. With  
 6 courses, you need the approval from the college, and  
 7 then I'd go through the university curriculum  
 8 committee. So it goes through that route, which  
 9 is -- these are independent committees.

10 The approval goes from faculty who are on the  
 11 committee. If you implement a program and you --  
 12 that would require space, administrative personnel,  
 13 maybe hiring of other faculty or staff, you have to  
 14 get the approval for certain from the school and  
 15 probably with the regents. And I don't know whether  
 16 that's different for an emphasis versus for a minor  
 17 or a major for sure with the UW Regents. So I didn't  
 18 think that big. I just wanted to get something going  
 19 for our students.

20 Q So you felt that Caywood would not support the  
 21 development of a cybercrime program at  
 22 UW-Platteville?

23 A At that stand, after that e-mail, I mean after that  
 24 letter, it totally surprised me because I was under a  
 25 very different impression.

1 Q For the cybercrime program?

2 A Um-hum, yes.

3 Q I'm just talking about this growth grant.

4 A Okay.

5 Q Would the growth grant be to develop -- be used to  
 6 develop the cybercrime program?

7 A Yes, um-hum. That was what I was there for.

8 Q And so you did not apply for the second tier of that  
 9 process because you felt that Caywood would not  
 10 support a cybercrime program?

11 A That's what he stated in his letter, yeah, that he is  
 12 not in support of it.

13 Q I'm asking a question that's a little bit different,  
 14 and I probably asked a terrible question. So I'm not  
 15 blaming you, but I want to find out what your  
 16 motivation was and what your thought process was for  
 17 not applying for the second round of this grant.

18 A I saw it as it would be disrespectful to kind of go  
 19 for something that your supervisor does not approve.  
 20 So I would not do anything behind somebody's back. I  
 21 only did things -- do things that I know I have the  
 22 support of my superior.

23 Q And your feeling was when you say your superior,  
 24 you're talking about Caywood?

25 A Caywood, the IA&E office.

1 Q You're talking about the January 24th, 2013 letter?

2 A Correct.

3 Q Did you have any conversations with Caywood after he  
 4 sent that letter to you? About the cybercrime  
 5 program?

6 A About the cybercrime program, I think it was pretty  
 7 clear, I mean he made it very clear he was not on  
 8 board.

9 Q That's not what I asked, though.

10 A Did I have a conversation --

11 Q Did you talk to him about the contents of his letter?

12 A I don't think so. I don't think so. I think I may  
 13 have attempted an e-mail at one point, I believe so.  
 14 But not in person, not verbal.

15 Q Who was on this IA&E committee?

16 A You mean the curriculum committee?

17 Q You talked about --

18 A For approval for a curriculum?

19 Q Yes.

20 A The IA&E curriculum committee consists of 10 to 12  
 21 people, I believe. It's chaired by the associate  
 22 dean, who is currently Kory Wein, Dr. Kory Wein. I'm  
 23 right now on the IA&E curriculum committee. I'm a  
 24 member.

25 Q Is it IA&E?

1 A Correct. LA -- yeah, and they have the and sign, E.	1 but certainly the ones I taught the most.
2 Q Oh, LA, ampersand?	2 Q How many courses did you teach each semester?
3 A Yeah.	3 A It was before -- they were on a quarter system, so it
4 Q E?	4 was anywhere from one to four.
5 A Correct.	5 Q Every semester?
6 Q Okay.	6 A Correct.
7 MR. HAWKS: Are we off of the resume?	7 Q Between 1996 and 2008?
8 MS. BENSKY: Oh, you want to take a	8 A Correct.
9 break?	9 Q Did you ever apply for a tenure track teaching
10 MR. HAWKS: Yes, yes.	10 position at UC-Irvine?
11 MS. BENSKY: Okay. Let me finish just	11 A No, because UC-Irvine does not hire from within.
12 my thought with this curriculum committee.	12 They don't hire people who got a degree at UW-Irvine.
13 Q You are on the LA&E curriculum committee now?	13 Q Is that a policy of theirs?
14 A Correct. Yeah, currently I am.	14 A I believe so, yeah.
15 Q Do you know who was on it in the spring of 2013?	15 Q That they do not -- UC-Irvine has a policy where they
16 A No. The year before I put something through, and	16 do not hire tenure track professors if those
17 there were some folks I knew on it, but in 2013 I	17 professors graduated or earned their Ph.D. from
18 don't think I submitted anything. I don't know.	18 UW-Irvine?
19 Q That's fine. So is it fair to say that you did not	19 A Yeah, I don't know whether it's a written policy or
20 speak with anybody on the LA&E committee any time in	20 what it is, but the coordinator of the program,
21 the spring of 2013 about development of a cybercrime	21 Judy Oniya, who has since retired, I had a talk with
22 program?	22 her because they had an opening and I know for
23 A No.	23 faculty, she says they don't want to hire -- they
24 MS. BENSKY: We can take a break.	24 hired one person at one point, it was
25 (Short recess is taken)	25 Dr. Paul Jesilow, but they made an exception because
61	63
1 Q Switching gears, let's talk about your experience at	1 he has a major disability. But otherwise they don't
2 the University of California-Irvine.	2 hire from within.
3 A Okay.	3 Q So you inquired about an opening in their criminal
4 Q Is that where you received your Ph.D.?	4 justice department and they told you that they will
5 A Correct.	5 not hire from within?
6 Q Did you start at UW-Irvine in 1992 as a student?	6 A Correct.
7 A In 1991.	7 Q And when you say hire from within, does that mean
8 Q And you received your Ph.D. in 1996?	8 that they wouldn't hire somebody who received their
9 A Correct.	9 Ph.D. from UW-Irvine, or does it mean they would not
10 Q You were hired immediately as a lecturer?	10 hire somebody who was teaching there as a lecturer?
11 A Yes.	11 A They don't like to hire or they don't hire people who
12 Q What courses did you teach? Just give me everything	12 received their degree from that university, only for
13 that you can remember.	13 lecturing position but not for full-time faculty.
14 A Yeah. The first one was a current topics course,	14 Q Were you on salary as a lecturer?
15 current topics in policing. I taught criminal law,	15 A Yes.
16 civil law there, police litigation. I taught -- what	16 Q Between 1996 and 2008, did you apply for any tenure
17 do they call it, legal systems.	17 track positions at any university or college?
18 Q I'm sorry, what?	18 A I don't think so. I don't recall.
19 A Civil legal systems. It's kind of civil systems in	19 Q Why not?
20 various countries, so they mix the common law, civil	20 A Because we had two young kids and my older daughter
21 law system. Then psychology and the law. Sometimes	21 needed some special care.
22 I taught --	22 Q Do you recall what your base salary was when you left
23 Q I'm just going to ask you to speak up --	23 in 2008?
24 A Introduction to criminology law in society. These	24 A I believe 20,000.
25 are the ones. I don't know what else, anything else,	25 Q Per year?
62	64

1 A Yeah.  
 2 Q Was there a chair of the department that you worked  
 3 at?  
 4 A Yes. Several. They rotated chairs every three  
 5 years.  
 6 Q Did you receive annual evaluations?  
 7 A Yes.  
 8 Q When you were working at UC-Irvine, did you ever feel  
 9 you were discriminated against in any way?  
 10 A No.  
 11 Q And now in 2008 you left California to go to  
 12 Missouri?  
 13 A Correct.  
 14 Q Why?  
 15 A For my husband's job.  
 16 Q What was his job?  
 17 A He was building a business, an aviation business with  
 18 a partner. Aviation business.  
 19 Q Aviation business?  
 20 A Yeah, aviation business with a partner in Missouri.  
 21 Q Did your husband have a job in California?  
 22 A Yes, flight instructor.  
 23 Q Was it a permanent job?  
 24 A Yes.  
 25 Q Did he voluntarily leave that job?

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1 did not pull his weight.  
 2 Q Did you or your husband end up losing money because  
 3 of it?  
 4 A Yes.  
 5 Q I imagine that was upsetting?  
 6 A Um-hum.  
 7 Q Is that a yes?  
 8 A Yes.  
 9 Q I'm just making sure that the court reporter --  
 10 A Oh, I understand.  
 11 Q -- gets yes or no's.  
 12 A I understand.  
 13 Q She doesn't like um-hums.  
 14 A Yeah, I get it.  
 15 Q Was Platteville the only place that you applied?  
 16 A No.  
 17 Q Where did you apply?  
 18 A I got three other offers. Boston, Atlanta, Southern  
 19 Arkansas.  
 20 Q What university in Boston?  
 21 A Don't recall.  
 22 Q But some college in Boston?  
 23 A Yeah.  
 24 Q And then you got an offer from where else?  
 25 A Atlanta, Georgia.

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1 A Yes.  
 2 Q When you left California to relocate to Missouri, did  
 3 you intend to stay in Missouri permanently?  
 4 A We were -- yeah, we were -- if the business would  
 5 have worked out, probably, yeah.  
 6 Q Did the business work out?  
 7 A No.  
 8 Q How did you feel about moving to Missouri?  
 9 A Not too happy.  
 10 Q Did you buy a house in Missouri?  
 11 A No.  
 12 Q When did you move to Platteville?  
 13 A June 2009.  
 14 Q Had you already received an offer from Platteville?  
 15 A Yes.  
 16 Q When did you apply for the position at Platteville,  
 17 do you recall?  
 18 A Either late February or early March.  
 19 Q Of 2009?  
 20 A 2009, correct.  
 21 Q By that time, did you know that the business in  
 22 Missouri was not going to work out?  
 23 A Yes.  
 24 Q What happened with the business?  
 25 A It didn't work out well with the partner. He kind of

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1 Q Do you remember what institution?  
 2 A No. One of the big universities. University of  
 3 Georgia.  
 4 Q And then you got an offer from a school in Arkansas?  
 5 A Yeah, the University of Southern Arkansas.  
 6 Q Why did you choose Platteville?  
 7 A The Midwest reminded me of my hometown -- I mean home  
 8 state. Platteville reminded me of the town I grew up  
 9 in. We have horses, so we were looking for an area  
 10 where we could keep the horses nearby and I wouldn't  
 11 have to commute far. Platteville had all that.  
 12 Q My husband grew up in Aschaffenburg and he says  
 13 Madison is very similar.  
 14 A Yeah.  
 15 (Discussion off the record)  
 16 MS. BENSKY: Back on the record.  
 17 Q Do you recall if you sought any treatment from any  
 18 psychiatric treatment providers when you were in  
 19 Missouri?  
 20 A No, no treatment sought.  
 21 Q Do you remember how much money you were offered to go  
 22 to Boston, Atlanta or Arkansas?  
 23 A The only place that made a financial offer was  
 24 Southern Arkansas, and they offered to match what  
 25 Platteville would pay.

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<p>1 Q Who did you interview with at UW-Platteville?</p> <p>2 A The chair of the search and screen was Dr. Caywood.</p> <p>3 So I made first contact with him by e-mail, and the</p> <p>4 search and screen consisted of Dr. Caywood,</p> <p>5 Dr. Fuller, Bob Roberts, Joe Lomax.</p> <p>6 Q Who?</p> <p>7 A Joe Lomax.</p> <p>8 Q Oh, Joe Lomax?</p> <p>9 A Joe Lomax and a student.</p> <p>10 Q A student?</p> <p>11 A Um-hum, a student representative.</p> <p>12 Q Is that typical for a student to be on a search and</p> <p>13 screen?</p> <p>14 A Yes, yeah.</p> <p>15 Q How was the student chosen?</p> <p>16 A The search and screen that I led, you usually get a</p> <p>17 very responsible student. You want to get a junior</p> <p>18 or a senior, somebody who has a good GPA, is very</p> <p>19 serious about the program and you want to get</p> <p>20 feedback from that student, and the student is a</p> <p>21 liaison to when you solicit feedback from the class a</p> <p>22 professor is presenting in.</p> <p>23 Q Who selects the student?</p> <p>24 A In general, the chair of the search and screen.</p> <p>25 Q Do you recall the name of the student who sat on the</p>	<p>1 Q Were there other members of the search and screen</p> <p>2 committee there?</p> <p>3 A No.</p> <p>4 Q It was just you and Caywood?</p> <p>5 A Correct.</p> <p>6 Q And Caywood -- what did Caywood say the salary would</p> <p>7 be?</p> <p>8 A 50,000, for nine month.</p> <p>9 Q For nine months?</p> <p>10 A Um-hum.</p> <p>11 Q And he told you that he thought that was low for you?</p> <p>12 A Correct.</p> <p>13 Q And what did you say?</p> <p>14 A I agreed. And he said there are -- he tried to</p> <p>15 entice me by saying there are ways to beef up the</p> <p>16 salary through overload and through summer teaching,</p> <p>17 and he told me what the maximum was that one could</p> <p>18 get additional.</p> <p>19 Q And what did he tell you that number was?</p> <p>20 A 12,000 for overload during the nine months, 10,000 in</p> <p>21 the summer.</p> <p>22 Q So is that a university rule?</p> <p>23 A Yes. One can get more, but one needs to get</p> <p>24 permission.</p> <p>25 Q You can get more?</p>
<p>1 search and screen that hired you?</p> <p>2 A I remember that his first name was Nathan. I don't</p> <p>3 remember the last name.</p> <p>4 Q Do you know who made the decision to hire you?</p> <p>5 A No.</p> <p>6 Q Who offered you the position? Who told you that you</p> <p>7 had -- that you were being given an offer?</p> <p>8 A Three weeks after the interview, I received a letter</p> <p>9 from HR with a contract in it.</p> <p>10 Q Did the letter from HR with the contract contain a</p> <p>11 salary?</p> <p>12 A Yes.</p> <p>13 Q Did you attempt to negotiate the salary?</p> <p>14 A I asked Dr. Caywood later -- he wanted -- he offered</p> <p>15 to negotiate for me when he made -- when he let me</p> <p>16 know what the salary would be. He was very</p> <p>17 forthcoming with the salary. After the interview, he</p> <p>18 said, you know, with your qualifications, that's kind</p> <p>19 of low and we'll see what we can do. I later asked</p> <p>20 him and he says, well, he never did check, so --</p> <p>21 Q So after the interview, was that when you had a</p> <p>22 conversation with Caywood about salary?</p> <p>23 A Correct, yeah.</p> <p>24 Q Right after the interview?</p> <p>25 A Um-hum, yes.</p>	<p>1 A Yeah. If there is a need for it and not enough</p> <p>2 instructors, there is what they call a pink slip.</p> <p>3 Q Pink slip?</p> <p>4 A Yeah, they call it pink slip, I don't know why. So</p> <p>5 it's kind of weird. But you have to fill out the</p> <p>6 pink slip to turn it into the chancellor's office and</p> <p>7 if the chancellor's office signs off, then they can</p> <p>8 lift that cap.</p> <p>9 Q So the cap is 12,000 for the school year and 10,000</p> <p>10 for the summer?</p> <p>11 A Correct.</p> <p>12 Q So any calendar year you could get the \$22,000</p> <p>13 additional compensation?</p> <p>14 A Correct.</p> <p>15 Q If you get a pink slip, you can get more?</p> <p>16 A Yeah.</p> <p>17 Q Did you receive any credit toward tenure or promotion</p> <p>18 at the time you were hired?</p> <p>19 A No.</p> <p>20 Q What were you told about when you would be eligible</p> <p>21 for tenure, if anything?</p> <p>22 A The contract contained that.</p> <p>23 Q What did the contract say?</p> <p>24 A With teaching, it required a certain number of years</p> <p>25 of teaching for a promotion to associate, I believe</p>

<p>1 it was five years. And for a tenure, I think in the 2 fifth year, you could put in for tenure request. I 3 did both things at the earliest time I could, so when 4 I put in for promotions was at the first opportunity 5 and so it was for tenure. 6 Q When did you receive tenure? 7 A I received tenure in summer of 2013. 8 Q And you started -- when you say summer of 2013, does 9 that mean that the tenure started January 1st or 10 July 1st of 2013? 11 A I believe the start date is August 23rd. That's when 12 our official nine-month contract for each year 13 starts, around that date. 14 Q You started teaching around August 23rd of 2009? 15 A Not teaching. This is the first week when you have 16 to be on campus, that they have convocation, 17 department meetings. Teaching usually starts after 18 Labor Day. 19 Q Okay. So you started teaching in the fall of 2009? 20 A Correct. 21 Q So you received tenure four years after you started 22 at the university? 23 A I believe -- yeah. 24 Q And when were you promoted to associate professor? 25 A The promotion was the year prior, so that was in --</p>	<p>1 Tenure Board. Those two committees make that 2 assessment and make a recommendation to the 3 chancellor's office. 4 Q When did you first request promotion to associate 5 professor? Do you remember about the date? 6 A January of 2012. 7 Q Did you make the case that you should be given 8 credit -- two years credit for your prior teaching? 9 A I submitted my teaching evaluations after I inquired 10 with the dean's office. It was under interim Dean 11 Anderson that I would be eligible and she said I 12 would be. And I submitted my teaching evaluations, 13 basically a proof of teaching and letters of 14 recommendation that outlined my teaching experience 15 at UW-Irvine together with my files at 16 UW-Platteville, so I had the required numbers of 17 years and submitted that to the DRB. 18 Q Who was on the DRB? 19 A Dr. Caywood, Joe Lomax, Aric Dutelle, Bob Roberts. I 20 believe that's all of them. Oh, no, John Rink, 21 R-i-n-k. He is not with our own department. He's 22 with political science. And Dr. Mike Dalecki, 23 sociology. 24 Q Do you know if everybody on that DRB who you just 25 mentioned had voting capacity to recommend that -- to</p>
<p>1 you know, August 2012. 2 Q You were promoted to associate professor in August 3 2012, three years after you began teaching? 4 A Correct. 5 Q But you just told me the contract said you could 6 apply to be an associate professor after five years. 7 A It has to be five years teaching. They used -- my 8 teaching time at UC-Irvine qualified me for -- my 9 prior teaching at UC-Irvine qualified me for being 10 promoted. 11 Q Okay. So even though your contract that you received 12 in 2009 didn't give you any credit toward promotion, 13 you ultimately received two years' credit toward 14 promotion? 15 A I don't see that -- it's not considered credit. It's 16 a requirement by the state is that you have to have 17 that much teaching experience. So they do not 18 specify that as teaching experience at 19 UW-Platteville. 20 Q Who made the decision that your prior teaching 21 experience would qualify you to get those additional 22 two years? 23 A That was reviewed, it goes through the DRB, the 24 Department Review Board, and then it is -- it goes 25 through the CRST, which is the College Review and</p>	<p>1 recommend promotion? 2 A Yes. 3 Q They did? 4 A They had all voting -- actually I was a member of the 5 DRB too. Even though I wasn't tenured, I was still 6 probation faculty at that time. I just had to excuse 7 myself when it came to my file. So I couldn't vote 8 on myself, of course. 9 Q Was it a unanimous vote? 10 A It was actually rejected at first. 11 Q It was rejected at first? 12 A Correct, um-hum. 13 Q Who on -- do you know if the committee voted on it? 14 A Yes, they voted. 15 Q And who voted to reject it? 16 A I wasn't privileged to that information. I just was 17 told later by Aric Dutelle that especially 18 Dr. Dalecki was very adamant against it. So I don't 19 know who else voted against. 20 Q So to this day, do you know who else voted against 21 it? 22 A No. 23 Q And the only reason that you think that Dalecki voted 24 against it is because of what Aric Dutelle told you? 25 A And by a statement that Professor Lomax made later.</p>

1 Q A statement that he made later?  
 2 A Yeah. When a second request when I asked them to  
 3 reconsider, I brought forward some good arguments and  
 4 something that left -- was taken, I guess taken out  
 5 of my DRB folder and then I replaced again and they  
 6 found it also in my personnel folder. So then they  
 7 said, oh, yeah, you have the required five years of  
 8 teaching. Professor Lomax said that Dalecki was  
 9 still against it and said this is on your back now or  
 10 your shoulders, something like that.  
 11 Q But ultimately you were recommended for promotion?  
 12 A Yes.  
 13 Q And you received your promotion?  
 14 A Yes, um-hum.  
 15 Q Is it a set salary increase with a promotion?  
 16 A Yes.  
 17 Q How much?  
 18 A I believe it was \$2,000. It wasn't much.  
 19 Q Did you receive that increase at the time that you  
 20 were supposed to receive it?  
 21 A Yeah, it was for the academic year 2009-2010 -- I'm  
 22 sorry, 2012-2013 for the first time.  
 23 Q Now, in your lawsuit, you have an Equal Pay Act  
 24 claim. And your complaint lists Eric Dutelle, it's  
 25 A-r-i-c, and Lorne Gibson, L-o-r-n-e, as being

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1 Q Do you know if he was making more money than you at  
 2 any point between 2009 and 2013 -- I mean '14?  
 3 A Not more because he never taught overload. So  
 4 because of that, you know, if you count that in, I  
 5 don't think so.  
 6 Q What about base salary?  
 7 A I can't think of his base salary now. I know it's  
 8 Dr. Solar, I know for sure that his base salary was  
 9 above mine after the promotion and the higher  
 10 seniority than I have. And seniority, considering  
 11 seniority, so it's above that in his first year  
 12 already.  
 13 Q So when Solar was hired in August 2013, he was hired  
 14 at a base salary higher than the salary that you were  
 15 making?  
 16 A Correct.  
 17 Q Now, that salary differential was corrected, right?  
 18 A Yeah. I got an adjustment. I got mine I guess up to  
 19 what Dr. Solar makes.  
 20 Q When did you get that, do you remember?  
 21 A Yeah. So 2014. Dean Throop contacted me in I  
 22 believe April of 2014.  
 23 Q What did she tell you?  
 24 A That I would get an adjustment.  
 25 Q Did she say why?

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1 comparators to you. My question is are there any  
 2 other men who you feel at any time before  
 3 August 29th, 2014 were making more money than you for  
 4 the same work?  
 5 A What is the date again?  
 6 Q I'm looking at the date that the amended complaint  
 7 was filed.  
 8 A Okay.  
 9 Q That's August 29th, 2014. So I'm talking about the  
 10 period between when you started on August 23rd, 2009  
 11 up until August 29th, 2014. So in that five-year  
 12 period, other than Dutelle and Gibson, are there any  
 13 other male professors who you feel were making more  
 14 money than you for the same work?  
 15 A Yes.  
 16 Q Who?  
 17 A Dr. Patrick Solar.  
 18 Q When was he hired?  
 19 A August 2013.  
 20 Q Anybody else?  
 21 A We have another -- or had another male faculty  
 22 member, but I don't recall what his salary is at this  
 23 point. That's Dr. Reed.  
 24 Q Rex Reed?  
 25 A Rex Reed, correct.

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1 A She said it would be a salary adjustment because they  
 2 found out I was underpaid.  
 3 Q Who found out you were underpaid?  
 4 A I do not know who made that discovery. Dr. Dalecki  
 5 hinted at it at one point a few months prior to that.  
 6 But who discovered it, I don't know.  
 7 Q What did Dr. Dalecki say?  
 8 A He said that someone, I don't know who, put in an  
 9 equity pay request.  
 10 Q Somebody put in an equity pay request?  
 11 A Yes.  
 12 Q On your behalf?  
 13 A Correct.  
 14 Q Do you know who?  
 15 A No.  
 16 Q And Dr. Dalecki told you this?  
 17 A Correct.  
 18 Q Do you remember anything else about that  
 19 conversation?  
 20 A No. I just said great, thanks.  
 21 Q And then you did receive a pay raise?  
 22 A Correct.  
 23 Q Do you recall if it was made retroactive to August  
 24 2013?  
 25 A Yes -- I don't know whether it's August 2013, but it

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<p>1 was -- yeah, it went back a few months.</p> <p>2 Q When did you find out that Patrick Solar was making</p> <p>3 more in base salary than you?</p> <p>4 A I'm on a subcommittee, and that evaluates pays. It's</p> <p>5 a 15-year planning committee. It's a subcommittee.</p> <p>6 It has to do with compensation, and they did an</p> <p>7 evaluation of the salaries on campus for the entire</p> <p>8 school and we received a list and Kory looked and</p> <p>9 they said how much people were overpaid or underpaid.</p> <p>10 And with Solar, I believe it had 11 percent above</p> <p>11 what he should be paid and mine was below what I</p> <p>12 should be paid.</p> <p>13 Q When was this list made available to you?</p> <p>14 A I believe it was fall of 2014.</p> <p>15 Q When you received this, what did you do?</p> <p>16 A I forwarded the list to my attorney.</p> <p>17 Q And you said -- I'm sorry, fall of 2014?</p> <p>18 A Correct.</p> <p>19 Q Did you talk to anybody -- I don't want to know what</p> <p>20 you talked to your attorney about, but did you talk</p> <p>21 to anybody at the university about this list?</p> <p>22 A No.</p> <p>23 Q Isn't fall of 2014, though, after you received your</p> <p>24 adjustment to get you even with Solar?</p> <p>25 A Correct.</p> <p style="text-align: right;">81</p>	<p>1 A Four courses, correct. It requires academic</p> <p>2 advising.</p> <p>3 Q Four courses per semester?</p> <p>4 A Four courses per semester, correct. It requires</p> <p>5 academic advising, student advising. It requires</p> <p>6 committee work -- I mean service to the university.</p> <p>7 Q Does it specify what type of service or how much?</p> <p>8 A No, it does not.</p> <p>9 Q It just says you have to do service to the</p> <p>10 university?</p> <p>11 A Correct.</p> <p>12 Q It doesn't say what committees you have to be on?</p> <p>13 A No.</p> <p>14 Q Doesn't say how many hours you have to do?</p> <p>15 A No.</p> <p>16 Q What is your understanding of what your teaching</p> <p>17 contract requires of you in terms of service to the</p> <p>18 university?</p> <p>19 A My understanding is to be -- you know, be at least on</p> <p>20 one committee in the department, especially as</p> <p>21 faculty. I find that very important. Then on</p> <p>22 university or college level to be at least on one</p> <p>23 more committee. So it depends on the work required.</p> <p>24 We have some committees that have bimonthly meetings</p> <p>25 and it lasts quite long. We have other committees</p> <p style="text-align: right;">83</p>
<p>1 Q But he was still making more than you?</p> <p>2 A Um-hum, yes.</p> <p>3 Q Is he still there?</p> <p>4 A Correct, yes, he is.</p> <p>5 Q Is he still making more than you?</p> <p>6 A I have not checked any salaries lately.</p> <p>7 Q And Dutelle is gone, right?</p> <p>8 A Correct.</p> <p>9 Q What was your base salary when you came in 2009?</p> <p>10 A Actually the first note I got after I got the</p> <p>11 contract, which was in summer, was that we had the</p> <p>12 furlough.</p> <p>13 Q Furlough?</p> <p>14 A Yeah, so it was minus -- 50,000 minus, I forgot, was</p> <p>15 it 2,000, 3,000, something like that. So it was</p> <p>16 48,000, around that amount.</p> <p>17 Q Okay. And all Wisconsin state employees received a</p> <p>18 furlough?</p> <p>19 A Yes, um-hum.</p> <p>20 Q What did the -- let's talk about the base salary, and</p> <p>21 I want to know what the base salary required you to</p> <p>22 do.</p> <p>23 A It's for nine months teaching. It requires to teach</p> <p>24 four courses. It requires --</p> <p>25 Q Four courses?</p> <p style="text-align: right;">82</p>	<p>1 that have at best one meeting a month and don't</p> <p>2 require any extra work.</p> <p>3 Q So is it fair to say that some professors are very</p> <p>4 busy with active committees and other professors are</p> <p>5 not as busy with inactive committees?</p> <p>6 A Yes, um-hum.</p> <p>7 Q And your interpretation of the service that you need</p> <p>8 to provide under your contract is that you sit on at</p> <p>9 least one department committee for those nine months?</p> <p>10 A Correct.</p> <p>11 Q And that you sit on at least one college or</p> <p>12 university committee?</p> <p>13 A Correct.</p> <p>14 Q Did you sit on any committees in the fall of 2009?</p> <p>15 A Yes. I sat on two.</p> <p>16 Q On two. A department and --</p> <p>17 A No. Actually I sat on two on university level and I</p> <p>18 sat on -- at least one on department level.</p> <p>19 Q You can go back and look at your CV if you want. If</p> <p>20 you need anything to refresh your recollection in the</p> <p>21 documents, just let me know.</p> <p>22 A Thank you.</p> <p>23 Q Now, going into the spring of 2010, do you recall if</p> <p>24 you sat on at least one department committee and one</p> <p>25 college committee?</p> <p style="text-align: right;">84</p>

1 A Yes. Again on two -- university committees and on  
2 one department.  
3 Q Same question for the fall of 2010, did you sit on at  
4 least one department committee and one college  
5 committee?  
6 A Yes.  
7 Q Now, same question for the spring of 2011, did you  
8 sit on at least one department committee and one  
9 college committee?  
10 A Correct.  
11 Q Fall of 2011, did you sit on at least one department  
12 committee and one college committee?  
13 A Correct.  
14 Q Spring of 2012, did you sit on at least one college  
15 committee and one department committee?  
16 A That was my sabbatical and I was formally excused  
17 from all committee work. In fact, I wasn't supposed  
18 to. I was asked to stay only on a college committee  
19 for the search and screen for the dean and so I  
20 remained on that.  
21 Q Who asked you to stay on that?  
22 A The provost.  
23 Q Mittie?  
24 A Yeah, Mittie and Dr. Caywood wanted me to stay on it.  
25 Q Who asked you to? Was it the provost, or was it

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1 A They had a lot of conflict from the beginning since I  
2 was hired.  
3 Q The two of them didn't get along?  
4 A Not at all.  
5 Q And that's why Caywood wanted you to stay on the  
6 search and screen?  
7 A Correct.  
8 Q So the first thing that happened was the provost,  
9 Mittie -- what's her name now?  
10 A Den Herder.  
11 Q Den Herder, D-e-n H-e-r-d-e-r?  
12 A Correct.  
13 Q So the provost sent you -- sent everybody on that  
14 committee an e-mail asking you to serve again?  
15 A Correct.  
16 Q Had you e-mailed her back saying that you would?  
17 A I don't know whether I e-mailed her or whether I  
18 e-mailed the chair of the committee. That was  
19 Bob Demaree, so I don't know. But I notified --  
20 MR. HAWKS: How do you spell Demaree?  
21 THE WITNESS: D-e-m-a-r-e-e.  
22 A And so either one of those two I e-mailed back after  
23 Dr. Caywood asked me to serve another time.  
24 Q Did you ever say to anybody that you were not  
25 supposed to serve because you were on sabbatical?

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1 Dr. Caywood?  
2 A The provost sent out -- I believe it was an e-mail  
3 that she sent out. She addressed all members of it  
4 and requested that we would serve for another round  
5 of search and screen.  
6 Q She asked all of the members --  
7 A Yeah. We were all addressed --  
8 Q -- of the committee?  
9 A Yeah. It was the first search failed because even  
10 though we produced three candidates, the chancellor's  
11 office wanted to have a new round of search.  
12 Q Do you know why?  
13 A I guess wasn't happy with our candidates, the  
14 candidates we produced. We produced three candidates  
15 and so I didn't ask any further questions. And then  
16 Dr. Caywood wanted me to stay on there I think mainly  
17 for departmental reasons, inner departmental reasons,  
18 sorry.  
19 Q Interdepartmental --  
20 A Inner. No, inner.  
21 Q Inner?  
22 A Yeah.  
23 Q What does that mean?  
24 A He wanted to keep Dr. Fuller off the search.  
25 Q Do you know why?

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1 A I mentioned it -- I mentioned it a couple times to  
2 Caywood with some of the work including the advising,  
3 but he said, you know, "We are really short staffed  
4 in the department and we kind of need you." That was  
5 all he had to say.  
6 Q Were you short staffed in the department at the time?  
7 A Yes.  
8 Q Now, going to the fall of 2012, did you serve on at  
9 least one department committee and one college  
10 committee?  
11 A Yes.  
12 Q Spring of 2012, did you serve on at least one  
13 department committee and one college committee?  
14 A Yes.  
15 Q Fall of 2013, did you serve on at least one  
16 department committee and one college committee?  
17 A Yes.  
18 Q And in the spring of 2014, did you serve on at least  
19 one department committee and one college committee?  
20 A Spring '14. I was still officially not in the  
21 department in spring '14 -- no, I'm sorry.  
22 Q Looks like you were on the Team Destiny 15-year  
23 planning committee --  
24 A Yeah.  
25 Q -- in the spring of 2014. Is that a college

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<p>1 committee?</p> <p>2 A That's a university committee. I don't think I was</p> <p>3 on a department committee. I did department work,</p> <p>4 but I was not on a department committee.</p> <p>5 Q You were on a compensation committee in spring of --</p> <p>6 A That was also university. That was a subcommittee to</p> <p>7 the Team Destiny.</p> <p>8 Q Pardon me?</p> <p>9 A It's a subcommittee to Team Destiny.</p> <p>10 Q So in the spring of 2014 you served on two university</p> <p>11 committees, but you don't recall doing any -- serving</p> <p>12 on any --</p> <p>13 A Department.</p> <p>14 Q -- department committees?</p> <p>15 A No, I don't think I was put on any.</p> <p>16 Q Do you recall -- when you say you don't think you</p> <p>17 were put on any, did you request to be put on a</p> <p>18 committee?</p> <p>19 A Yes.</p> <p>20 Q What committee did you request to be on?</p> <p>21 A The curriculum committee.</p> <p>22 Q Curriculum committee is a department committee?</p> <p>23 A Correct.</p> <p>24 Q And you requested to be on that committee?</p> <p>25 A Um-hum, yes.</p> <p style="text-align: right;">89</p>	<p>1 the department did before breaking for the summer in</p> <p>2 spring of 2013 when we only had one meeting.</p> <p>3 Dr. Fuller and I were still on there. And then the</p> <p>4 following year when department work picked up again,</p> <p>5 I was asked -- I was not allowed to be on it.</p> <p>6 Q You lost me there, I'm sorry. We were talking about</p> <p>7 a curriculum committee in the spring of 2014 that you</p> <p>8 did not get on and that you believe was Dr. Dalecki's</p> <p>9 decision, right?</p> <p>10 A Correct.</p> <p>11 Q Did Caywood have anything to do with that curriculum</p> <p>12 committee decision in the spring of 2014?</p> <p>13 A Not in 2014.</p> <p>14 Q Now, in the spring of 2014, did Liz Throop have</p> <p>15 anything to do with who was on the curriculum</p> <p>16 committee?</p> <p>17 A Not to my knowledge.</p> <p>18 Q Now, were you on a -- you were on an IA&amp;E curriculum</p> <p>19 committee in the fall of 2013?</p> <p>20 A Correct.</p> <p>21 Q And is that a department committee?</p> <p>22 A It's a college committee.</p> <p>23 Q It's a college committee?</p> <p>24 A Yeah, it's a college level.</p> <p>25 Q That's different from the curriculum committee that</p> <p style="text-align: right;">91</p>
<p>1 Q But you were not chosen?</p> <p>2 A No.</p> <p>3 Q Whose decision was it to not choose you?</p> <p>4 A Dr. Dalecki had the final say on who would serve on</p> <p>5 it.</p> <p>6 Q Who ended up serving on this committee?</p> <p>7 A Best recollection I have is Dr. Reed who is no longer</p> <p>8 with us, Dr. Nemmetz, Dr. Stackman, Dr. Solar.</p> <p>9 Steve Elmer.</p> <p>10 Q Steve who?</p> <p>11 A Steve Elmer, E-l-m-e-r, an academic staff member. I</p> <p>12 believe that's all of them.</p> <p>13 Q Okay. So Reed. Nemmetz, Amy?</p> <p>14 A Amy Nemmetz, correct. Yeah.</p> <p>15 MR. HAWKS: N-e-m-e-t-z?</p> <p>16 THE WITNESS: Yeah, Nemmetz, um-hum.</p> <p>17 Q And then Stackman, her name is Valerie?</p> <p>18 A Valerie Stackman, yeah.</p> <p>19 Q And then Pat Solar. And who is Elmer, what's his</p> <p>20 first name?</p> <p>21 A Steve Elmer, Steven Elmer. I don't know exactly when</p> <p>22 they formed the curriculum committee, but it was in</p> <p>23 2014. When exactly they formed it -- it was</p> <p>24 officially put on while Dr. Caywood was still chair,</p> <p>25 and it was the last -- one of the last actions that</p> <p style="text-align: right;">90</p>	<p>1 you're talking about for the spring of 2014?</p> <p>2 A Correct.</p> <p>3 Q What department committee were you on in the fall of</p> <p>4 2013?</p> <p>5 A Search and screen committee.</p> <p>6 Q And you served on that in -- for how long?</p> <p>7 A I believe it ended either December or January of --</p> <p>8 so December of 2013 or January 2014. I don't know</p> <p>9 whether we had one more meeting in January.</p> <p>10 Q When did that committee start working together?</p> <p>11 A It started in September of 2013.</p> <p>12 Q Did it produce any candidates?</p> <p>13 A It produced two candidates.</p> <p>14 Q Was that Stackman?</p> <p>15 A And Nemmetz.</p> <p>16 Q And Nemmetz. Now, you were also on a search and</p> <p>17 screen committee in the spring of 2012 when you were</p> <p>18 on sabbatical?</p> <p>19 A That was the IA&amp;E dean search and screen. That was</p> <p>20 the one they wanted to keep me on.</p> <p>21 Q Oh, okay. That was a university search and screen?</p> <p>22 A That produced Dr. Throop.</p> <p>23 Q That was the university search and screen?</p> <p>24 A That was -- no, it was on college level. So what</p> <p>25 they have, department service and then combine</p> <p style="text-align: right;">92</p>

<p>1 college and university.</p> <p>2 Q Oh, okay. So the college is the college of letters,</p> <p>3 arts and education?</p> <p>4 A Yeah. Liberal arts and education.</p> <p>5 Q Liberal arts and education, okay. That's the</p> <p>6 college. The university is the University of</p> <p>7 Platteville?</p> <p>8 A Correct.</p> <p>9 Q The department is the criminal justice department?</p> <p>10 A Correct.</p> <p>11 Q Okay. And the college level has its own search and</p> <p>12 screen?</p> <p>13 A Correct, for the dean position.</p> <p>14 Q For the dean position. And the department has its</p> <p>15 own search and screen?</p> <p>16 A Correct.</p> <p>17 Q For its own employees?</p> <p>18 A Correct.</p> <p>19 Q Does the university have a search and screen?</p> <p>20 A They had a search and screen for the chancellor</p> <p>21 position, yeah.</p> <p>22 Q Chancellor?</p> <p>23 A Um-hum.</p> <p>24 Q It's good when you learn something when you take a</p> <p>25 deposition.</p> <p style="text-align: right;">93</p>	<p>1 Are there any expectations that any professor</p> <p>2 should be on more than one college or university</p> <p>3 committee?</p> <p>4 A No, no numbers were ever specified.</p> <p>5 Q Do some professors sit on more than one college or</p> <p>6 university committee?</p> <p>7 A Yeah. I usually sat on more than what I saw as the</p> <p>8 minimum.</p> <p>9 Q But there are only so many positions open?</p> <p>10 A Correct.</p> <p>11 Q Is there any expectation that a professor sit on more</p> <p>12 than one department committee?</p> <p>13 A No.</p> <p>14 Q Now, you have never been the department chair?</p> <p>15 A No.</p> <p>16 Q Does the department chair get release time or more</p> <p>17 money?</p> <p>18 A He used -- definitely more money. He used to get</p> <p>19 release time. I believe on Caywood, it was 50</p> <p>20 percent. It was Dalecki, Dalecki was our interim</p> <p>21 chair.</p> <p>22 Q Dalecki was what?</p> <p>23 A Our interim chair. I believe he got -- he taught one</p> <p>24 course. I don't know whether it was an overload, but</p> <p>25 he got more release time than what Dr. Caywood had.</p> <p style="text-align: right;">95</p>
<p>1 Other than your contract and your own</p> <p>2 understanding of what is required of you in terms of</p> <p>3 university service, are there any other expectations</p> <p>4 about the amount of service to the university that a</p> <p>5 professor is supposed to do?</p> <p>6 A I already mentioned the advising, so that certainly</p> <p>7 is one. And then there's community service that</p> <p>8 they're also expected to do.</p> <p>9 Q Was that in your contract?</p> <p>10 A I don't think community service is in the contract.</p> <p>11 It's in the DRB -- the form we have to fill out, it</p> <p>12 has community service listed.</p> <p>13 Q Now, getting back to service to the university and</p> <p>14 committees, you said that your own idea of what a</p> <p>15 professor should do is at least one department</p> <p>16 committee and at least one college committee?</p> <p>17 A College, university, yeah.</p> <p>18 Q I'm asking are there any other expectations out</p> <p>19 there? Are there any policies or --</p> <p>20 A There is scholarly work, what they call scholarly</p> <p>21 work, which is doing some research or presentations</p> <p>22 at conferences.</p> <p>23 Q Publications, okay.</p> <p>24 A Publications, okay.</p> <p>25 Q I don't think I'm asking my question the right way.</p> <p style="text-align: right;">94</p>	<p>1 Q Was Aric Dutelle ever a department chair?</p> <p>2 A No.</p> <p>3 Q Was Lorne Gibson ever a department chair?</p> <p>4 A No.</p> <p>5 Q The only department chairs that have -- that you've</p> <p>6 worked under are Caywood and Dalecki?</p> <p>7 A Correct.</p> <p>8 Q You have a new department chair. Who is that?</p> <p>9 A Dr. Staci Strobl.</p> <p>10 Q Strobl. Is she in the criminal justice department?</p> <p>11 A Yes.</p> <p>12 MR. HAWKS: How do you spell that?</p> <p>13 THE WITNESS: S-t-r-o-b-l.</p> <p>14 Q When was she hired?</p> <p>15 A She was -- I know she started July 1st. Her hiring</p> <p>16 date I'm not quite sure. It was -- I think the</p> <p>17 contract went out in April or May.</p> <p>18 Q July 1st of what year?</p> <p>19 A This year. 2015.</p> <p>20 Q She was hired on as the department chair?</p> <p>21 A Correct.</p> <p>22 Q Where did she come from?</p> <p>23 A John Jay College, New York.</p> <p>24 Q Did she serve as a department chair there?</p> <p>25 A No.</p> <p style="text-align: right;">96</p>

1 Q Who decided that Staci Strobl would be department  
2 chair?  
3 A There was a search and screen for the chair. They  
4 made recommendation to the dean, and I was not part  
5 of the following discussion anymore. So who exactly  
6 made the call that went back and forth between the  
7 department and dean, I got some glimpse, but I don't  
8 know the whole story.  
9 Q Do you know who was on the search and screen that  
10 hired Staci Strobl?  
11 A I know some people.  
12 Q Who are they?  
13 A Dr. Tim Zauche, chemistry, was the chair. I was on  
14 it at first. I was replaced by Dr. Fuller.  
15 Q Why were you replaced?  
16 A I was supposed to excuse myself from interviewing --  
17 from being part of the screening of a candidate and I  
18 didn't think it was appropriate for myself to be  
19 excused -- or excusing myself from it as a member of  
20 the search and screen. So I was then replaced.  
21 Q Why were you -- why was it not appropriate for you to  
22 be involved in that?  
23 A I don't know. We had two internal candidates.  
24 Q Who were they?  
25 A Dr. Dalecki and Dr. Gibson.

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1 Q What are your feelings about Dr. Dalecki?  
2 A I don't think he's a good leader. We have a very  
3 divided department now. We lost seven people in 12  
4 months. I don't think that's a very good record.  
5 The morale is pretty low in the department. We had a  
6 department that prided itself of having faculty and  
7 staff with a very strong background in the criminal  
8 justice field. That gave us a lot of credibility.  
9 Having a chair with no background in criminal justice  
10 is -- takes away from that reputation.  
11 Q How do you feel about Lorne Gibson?  
12 A With Lorne Gibson, he has some good qualities. He  
13 has an interesting educational background. He has a  
14 degree in -- a doctor's degree in education and one  
15 in I believe criminal justice.  
16 Q He has two doctorates?  
17 A Yeah, he has two doctorates. He is I believe a very  
18 bright person, bright man, so interesting to talk to.  
19 I never really sat in his class, never really got the  
20 opportunity. You know, we just hear secondhand  
21 things from students, and a lot of students were not  
22 so happy with him. So there were some issues that I  
23 did not prefer to investigate or anything. It was  
24 not up to me. It was just something brought to my  
25 attention that was not very positive.

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1 Q Did you bring any grant money to UW-Platteville other  
2 than the AT&T \$7,000?  
3 A No.  
4 Q Now, we talked some about Aric Dutelle. Do you know  
5 when he became a tenure track professor?  
6 A Yes.  
7 Q When was that?  
8 A In 2010.  
9 Q But he had started teaching at the university in  
10 2004?  
11 A I believe so.  
12 Q Do you know if he had the same contractual  
13 expectations that you did in terms of his base  
14 salary?  
15 A I don't know. I've never seen his contract.  
16 (Exhibit 4 is marked for identification)  
17 Q I'm handing you Exhibit 4. It should be a five-page  
18 document. Please turn to the third page in.  
19 A Okay.  
20 Q Should be a photocopy of a book cover. It says An  
21 Introduction to Crime Scene Investigation by  
22 Aric Dutelle. Are you familiar with this book?  
23 A Yes.  
24 Q How are you familiar with it?  
25 A I got a copy from him when it got published.

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1 Q Do you remember when it got published?  
2 A I believe in 2010.  
3 Q Do you know if he uses it in his classes?  
4 A He used to.  
5 Q Do you know if anybody else uses it?  
6 A I will be using it this fall. I will be teaching  
7 Intro to CSI.  
8 Q And you will be using this book?  
9 A Yes. It's the book that we have on loan for the  
10 class. It's actually the second edition.  
11 Q This is the second edition?  
12 A This is the first edition. The second edition has a  
13 different picture.  
14 Q Oh, okay. When did the second edition come out?  
15 A Two years later. I believe 2011 or '12.  
16 Q Are you satisfied teaching from this book?  
17 A Yeah, it will work for the class.  
18 Q Please turn to the next page. It says Criminal  
19 Investigation, Fourth Edition. Are you familiar with  
20 this book?  
21 A Yeah, I've seen it.  
22 Q How are you familiar with it?  
23 A It was displayed in our department at one point, and  
24 I always pick up what my colleagues work on.  
25 Q So this is a book that Dutelle wrote in conjunction

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<p>1 with someone named Ronald Becker?</p> <p>2 A Correct.</p> <p>3 Q Do you know who Ronald Becker is?</p> <p>4 A No, I don't.</p> <p>5 Q Do you know what Dutelle's contribution to this book</p> <p>6 is, was?</p> <p>7 A No, I don't.</p> <p>8 Q Is it a textbook?</p> <p>9 A Yes. It's just like the first one, a textbook, yeah.</p> <p>10 Q Do you know if this textbook is used by any</p> <p>11 professors?</p> <p>12 A No, I don't. No.</p> <p>13 Q Turn to the next page, please. It should be a book</p> <p>14 cover. It says Ethics for the Public Service</p> <p>15 Professional. Are you familiar with this book?</p> <p>16 A Yes, I am.</p> <p>17 Q How are you familiar with it?</p> <p>18 A I actually loaned Aric a couple books for his work,</p> <p>19 research on it.</p> <p>20 Q Okay. So you were aware that he was writing it?</p> <p>21 A Yes.</p> <p>22 Q Have you read the book?</p> <p>23 A No, I have not.</p> <p>24 Q Is it a textbook?</p> <p>25 A To my knowledge, it is.</p> <p style="text-align: right;">101</p>	<p>1 A Yes, I was on there, um-hum, on the DRB.</p> <p>2 Q So in the fall of 2010, spring of 2011 you were on</p> <p>3 the criminal justice DRB?</p> <p>4 A Correct.</p> <p>5 Q Did you recommend that Dutelle be retained?</p> <p>6 A Yes, um-hum.</p> <p>7 Q So the second line of the second paragraph said he</p> <p>8 was granted two years toward tenure with his tenure</p> <p>9 track appointment.</p> <p>10 A Right.</p> <p>11 Q Do you have any reason to disagree with that?</p> <p>12 A With that it is true or --</p> <p>13 Q That it was true.</p> <p>14 A I know that he was granted two years toward</p> <p>15 tenure.</p> <p>16 Q Okay. How do you know?</p> <p>17 A He told me.</p> <p>18 Q Did you have anything, any input in that decision?</p> <p>19 A No. There was something that was not run by the</p> <p>20 search and screen to agree or disagree with.</p> <p>21 Q Now, you received tenure at your four-year</p> <p>22 anniversary of teaching in Platteville, right?</p> <p>23 A Yeah, 2013 -- yeah, summer 2013.</p> <p>24 Q Is that the first time that you were allowed to apply</p> <p>25 for tenure?</p> <p style="text-align: right;">103</p>
<p>1 Q Do you know if anybody is using this textbook?</p> <p>2 A I don't know.</p> <p>3 Q Are you familiar with Dutelle's committee work?</p> <p>4 A I know of some committees that he was on.</p> <p>5 Q Do you know if he served on more than one department</p> <p>6 committee during any one school semester?</p> <p>7 A I believe that he always served on at least one. He</p> <p>8 had several searches going on and we sat on each</p> <p>9 other's searches. I believe his service work was</p> <p>10 very similar in amount to mine.</p> <p>11 Q Please turn to the second page of Exhibit 4. This is</p> <p>12 a letter that you produced as part of discovery. You</p> <p>13 can see it says SB at the bottom and then there's a</p> <p>14 number.</p> <p>15 A Okay.</p> <p>16 Q It's a document, looks like a memo dated</p> <p>17 January 27th, 2011. Do you recognize this document?</p> <p>18 A Looks like a letter, yeah, that was written by</p> <p>19 Caywood. I don't know whether I saw that before. I</p> <p>20 probably did, but I don't recall.</p> <p>21 Q Okay. The first line says, "In agreement with the</p> <p>22 criminal justice DRB, I highly recommend we retain</p> <p>23 Aric Dutelle."</p> <p>24 Do you recall if you were on the criminal</p> <p>25 justice DRB, it would have been in the fall of --</p> <p style="text-align: right;">102</p>	<p>1 A Yes.</p> <p>2 Q If someone doesn't get tenure after their sixth year</p> <p>3 of teaching, then they're done, right? Do you have</p> <p>4 to get tenure in the seventh year?</p> <p>5 A Yeah, that's my understanding. There are exceptions,</p> <p>6 though.</p> <p>7 Q So typically, correct me if I'm wrong, but typically</p> <p>8 most people would get tenure after their sixth year</p> <p>9 of teaching?</p> <p>10 A Yes, typically.</p> <p>11 Q And you got tenure at the beginning of your fourth</p> <p>12 year of teaching?</p> <p>13 A Correct.</p> <p>14 Q Would you agree that you got tenure -- you were</p> <p>15 granted tenure two years earlier than somebody with</p> <p>16 no prior teaching experience?</p> <p>17 A With no prior teaching experience, yes.</p> <p>18 Q So would then you agree that in essence you were</p> <p>19 given two years of credit toward tenure?</p> <p>20 A I don't know whether it was two years credit because</p> <p>21 it was in the contract, and my contract did not</p> <p>22 specify -- I mean there were no two years. So that's</p> <p>23 with my teaching past, that was the timing. So it</p> <p>24 was within the normal -- I guess the time span when</p> <p>25 you can apply for the first time. So I don't know</p> <p style="text-align: right;">104</p>

<p>1 whether that would translate to credit given.  2 Q Okay. Let me put it this way. And if you don't know  3 the answer, just tell me. If somebody with no  4 teaching experience prior to their tenure track  5 appointment had applied for tenure after four years  6 of teaching, do you know if it would have been  7 granted?  8 A I have no idea.  9 Q Okay. Now, going back to this letter, the next  10 sentence says, "He continues to be an integral part  11 of our department." Do you agree or disagree with  12 that sentiment?  13 A I agree at that time, yeah.  14 Q The next one, "He is the program coordinator of the  15 forensic investigation program." Is that true?  16 A That was true at that time, 2011.  17 Q What does a program coordinator do?  18 A He oversees who is teaching what in the FI program.  19 We have a forensics house, crime scene house. The  20 scheduling of the crime scene house for classes, you  21 know, visits or usage by other departments is to be  22 scheduled and they coordinate and oversees that.  23 Q Is it sort of like a chairperson of the program?  24 A Not that much because the chair of the criminal  25 justice department is also the chair of the FI</p> <p style="text-align: right;">105</p>	<p>1 different than doing research for a textbook.  2 Q You said you come from a research facility?  3 A Correct.  4 Q What does that mean?  5 A That means that you have to do qualitative and  6 quantitative research on a topic that has not been  7 researched yet.  8 Q So you disagree with this statement because your  9 definition of researcher as you understand it does  10 not include writing textbooks?  11 A Correct. That's what I was taught.  12 Q Do you know if Dutelle wrote more textbooks than any  13 other instructor or professor in the criminal justice  14 department?  15 A Yes.  16 Q He did?  17 A Yes.  18 Q Do you know if he had a number of articles published  19 in 2010?  20 A In 2010, I don't know when he had -- I read that he  21 published something. But I don't know when that was  22 and how many.  23 Q Do you have any reason to believe that that statement  24 is not true?  25 A No. I believe it probably is true.</p> <p style="text-align: right;">107</p>
<p>1 program. So in this regard, there is no -- you know,  2 the same administrative responsibilities.  3 Q Okay. Do you know if Dutelle had any administrative  4 responsibilities other than the ones that you just  5 mentioned as part of his role as program coordinator  6 of the forensic investigation program?  7 A I don't know of any others.  8 Q You're not aware of any or he didn't have any?  9 A I'm not aware of any.  10 Q Was he instrumental in the design and development of  11 the forensic investigation research facility?  12 A That was before I came to Platteville, but from what  13 I've heard, yes, he was one of the major players in  14 developing and implementing the program.  15 Q The next line says, "He is the most prolific  16 researcher in our department."  17 Do you agree or disagree with that statement as  18 of January 27th, 2011?  19 A I would disagree. Dutelle does not have a research  20 background.  21 Q At all?  22 A No.  23 Q What about the textbooks?  24 A The textbooks are -- I come from a research facility  25 and the way we see research at our facility, it's</p> <p style="text-align: right;">106</p>	<p>1 Q Going a few sentences down, it says, "He was the  2 principal investigator for two United States  3 Department of Justice grant proposals." Is that  4 true?  5 A To my knowledge, it's true.  6 Q And the last sentence of that second paragraph says,  7 "Over the course of his time with this department,  8 Aric has obtained over \$100,000 in grants and  9 external funding for the forensic investigation  10 program." Do you know if that's true?  11 A I don't know.  12 Q Do you have any reason to believe that it's not true?  13 A No. I've never seen any evidence that's ever been  14 shared with the department, so I don't know.  15 Q So you just don't know either way?  16 A I don't know either way.  17 Q And then the first sentence of the last paragraph  18 says, "He is well liked by our students and he is  19 respected by his peers."  20 Do you agree or disagree with that statement as  21 of January 27, 2011?  22 A The first part, I would from what I've seen, I would  23 agree with. The second part, you know, it depends to  24 whom you talk to.  25 Q Are you aware of anybody as of January 27, 2011 who</p> <p style="text-align: right;">108</p>

<p>1 did not respect Dutelle?</p> <p>2 A Yeah.</p> <p>3 Q Who?</p> <p>4 A Dr. Fuller.</p> <p>5 Q And what was -- what was her feelings about him as 6 you understand them?</p> <p>7 A She was concerned that the FI program would pull down 8 the quality, academic quality of our criminal justice 9 program.</p> <p>10 Q Why is that?</p> <p>11 A It is more of a technical program, something that you 12 would find at a college, technical college. That was 13 her concern.</p> <p>14 Q So forensic investigation is not as intellectual?</p> <p>15 A It is more hands-on kind of fingerprinting and --</p> <p>16 Q So that was her concern?</p> <p>17 A That was her concern, yeah. To my knowledge from 18 what she said and what I've heard from others is 19 that -- and what Mr. Dutelle complained about is that 20 she was very resistant in establishing the program.</p> <p>21 Q And your understanding is that she was resistant in 22 establishing that program because she thought it 23 wasn't academic enough?</p> <p>24 A Correct.</p> <p>25 Q What to your knowledge and based on your years in</p> <p style="text-align: right;">109</p>	<p>1 Q So turning to the first page of this document, looks 2 like this -- you had given a number of these. This 3 looks like a DRB evaluation for Dutelle, is that 4 right?</p> <p>5 A Correct.</p> <p>6 Q How did you come to possess this document?</p> <p>7 A As a member of the DRB, we all have access to 8 everybody's folder or everybody's file for 9 evaluation. So we can check it out and, you know, if 10 need be, can make notes, copies if needed, so there's 11 no instructions in this regard. So we are supposed 12 to -- actually we are expected to prepare for the DRB 13 meetings and review the files for the other 14 candidates.</p> <p>15 Q So when you are up for review, you make your DRB 16 folder available to everyone else?</p> <p>17 A It is kept in our mailroom and everybody on the DRB 18 is notified that all folders are, you know, in a 19 certain location and are open for review -- available 20 for review.</p> <p>21 Q Kept in whose mailroom?</p> <p>22 A The CJ mailroom. They put it either on a cabinet, 23 filing cabinet or in -- or in a cabinet itself, in a 24 drawer.</p> <p>25 Q Are they always there year-round?</p> <p style="text-align: right;">111</p>
<p>1 academia, what are some reasons, what are some valid 2 reasons why professors may have a concern about 3 starting a new program?</p> <p>4 A Concerns would be certainly money, you know, what it 5 would cost, whether it would attract enough students, 6 whether students would get jobs with their degree. 7 Certainly whether it is -- you know, depending on 8 what kind of institution you are, whether you're a 9 research facility, whether a teaching facility, 10 whether you are a university or whether it's a 11 technical college or whether it fits with the makeup 12 of your institution.</p> <p>13 Q So do you think that in general, Dr. Fuller's concern 14 was a valid concern?</p> <p>15 A I could see some validity in her concerns, yes.</p> <p>16 Q You could see what?</p> <p>17 A I could see some validity in her concerns.</p> <p>18 Q Okay. And did you agree? Did you have those 19 concerns?</p> <p>20 A I had concerns in regard to what the -- kind of the 21 critical component is, the critical thinking 22 component that we are supposed to include in our 23 courses as being part of our college because it is a 24 more technical program, but I saw potential for FI as 25 well.</p> <p style="text-align: right;">110</p>	<p>1 A No. They're only available a couple weeks prior or a 2 week prior to the DRB meeting.</p> <p>3 Q And then what happens to them?</p> <p>4 A Then they go to the chair, who will make the 5 recommendation to the CRST, and then the folders with 6 the recommendation will go to the CRST, and they are 7 available for review for CRST members. And after 8 that they go to -- I believe to the dean's office, 9 then to the chancellor's office.</p> <p>10 Q And then what happens to the folders?</p> <p>11 A After the chancellor has reviewed them and sends out 12 the letters in regard to retention, they will be 13 returned to the owner of the folder.</p> <p>14 Q Okay. So the professor for most of the year is the 15 custodian of their folder?</p> <p>16 A Correct, yes.</p> <p>17 Q So you had access to these and you made copies?</p> <p>18 A Yes.</p> <p>19 Q Now, Dutelle had been marked outstanding for teaching 20 effectiveness. Is that mark -- who decides what mark 21 he gets?</p> <p>22 A The teaching effectiveness, this is going to -- here, 23 peer evaluation, so it is in general the DRB chair is 24 supposed to assign who is reviewing whom.</p> <p>25 Q So somebody reviews -- somebody on the DRB committee</p> <p style="text-align: right;">112</p>

<p>1 reviews student evaluations?</p> <p>2 A The student evaluations are made available. There</p> <p>3 are scores that are attached to it. There are</p> <p>4 comments of students often included. With the peer</p> <p>5 evaluation, that is up to the DRB then, so we have</p> <p>6 not really done much in this regard. It's been very</p> <p>7 arbitrary.</p> <p>8 Q Just the whole process is arbitrary for everybody?</p> <p>9 A So far it has been, yeah.</p> <p>10 Q Okay. Is it correct to say that everybody on the DRB</p> <p>11 committee does have some input in how a candidate is</p> <p>12 peer reviewed?</p> <p>13 A Yes.</p> <p>14 Q Do you agree that between January 2011 and December</p> <p>15 2011, Aric Dutelle was outstanding for teaching</p> <p>16 effectiveness?</p> <p>17 A I don't know.</p> <p>18 Q What about for scholarly and professional activity?</p> <p>19 A I would say he was.</p> <p>20 Q What about university service?</p> <p>21 A That's probably, yeah, either above normal to</p> <p>22 outstanding. I would not contest that.</p> <p>23 Q And what about community service?</p> <p>24 A That I would contest.</p> <p>25 Q Why?</p> <p style="text-align: right;">113</p>	<p>1 for the U.S. Department of Justice's international</p> <p>2 criminal investigation training program?</p> <p>3 A No. I have no proof or anything. I've not seen any</p> <p>4 proof or documentation.</p> <p>5 Q Now, do you contend that Dutelle was provided</p> <p>6 additional income such as merit pay in a way that you</p> <p>7 were not?</p> <p>8 A It wasn't merit pay. It was release time that</p> <p>9 allowed him to do his publications.</p> <p>10 Q Do you know if his release time was the result of</p> <p>11 grants being brought in?</p> <p>12 A No.</p> <p>13 Q You don't know either way?</p> <p>14 A What I know what Caywood said is as the coordinator</p> <p>15 of FI, he got 50 percent release time.</p> <p>16 Q Do you know whose decision that was?</p> <p>17 A To my knowledge, Caywood's.</p> <p>18 Q Do you know if Dutelle was doing anything as the</p> <p>19 coordinator of FI that would warrant release time?</p> <p>20 A Not that amount.</p> <p>21 Q Well, what extra things did he have to do as</p> <p>22 coordinator of FI that someone who was not a program</p> <p>23 coordinator would have to do?</p> <p>24 A You assign instructors to courses and you schedule</p> <p>25 the facility, which didn't happen very often.</p> <p style="text-align: right;">115</p>
<p>1 A Because they counted paid work, which is not supposed</p> <p>2 to be community service.</p> <p>3 Q Who counted paid work?</p> <p>4 A The chair of the department.</p> <p>5 Q Caywood?</p> <p>6 A Yes.</p> <p>7 Q Did anyone besides you disagree?</p> <p>8 A I know Dr. Fuller brought it up. Dr. Fuller was not</p> <p>9 a member of the DRB at that time. She was on the</p> <p>10 CRST.</p> <p>11 Q Did anybody else think that he should have been given</p> <p>12 credit -- did anyone else on the DRB think he should</p> <p>13 have been given credit for paid work?</p> <p>14 A I don't know. We didn't really talk about it.</p> <p>15 Q What paid work was it?</p> <p>16 A He did a summer camp on -- forensics camp on campus</p> <p>17 for high schoolers that, you know, they paid -- the</p> <p>18 instructors were paid for it.</p> <p>19 Q Do you know if he did any other unpaid community</p> <p>20 service in 2011?</p> <p>21 A That was the biggest one that was announced. That</p> <p>22 was brought up repeatedly.</p> <p>23 MR. HAWKS: We're at 4:00.</p> <p>24 (Discussion off the record)</p> <p>25 Q Do you know if Aric Dutelle was a forensic instructor</p> <p style="text-align: right;">114</p>	<p>1 Q Anything else?</p> <p>2 A No. Those were the big ones.</p> <p>3 Q Do you know if he was involved in any grant writing</p> <p>4 or principal investigation that would require release</p> <p>5 time?</p> <p>6 A I know that he was involved in it, but he did not</p> <p>7 receive release time. Neither did I nor Gibson, who</p> <p>8 also wrote grants. So that was not ever offered to</p> <p>9 anybody in the department.</p> <p>10 Q But with your grants, you wrote a grant that was not</p> <p>11 funded, right?</p> <p>12 A Correct.</p> <p>13 Q So you don't know whether you would have gotten</p> <p>14 release time had that grant been funded?</p> <p>15 A If it is funded, then you do. You know, your</p> <p>16 position changes, you know, according to what the</p> <p>17 money is there for. We did not get release time for</p> <p>18 writing a grant proposal. I don't know whether</p> <p>19 Dutelle did it. I just know that he got release</p> <p>20 time, 50 percent release time for being the</p> <p>21 coordinator. That's all I know.</p> <p>22 Q Okay. But you don't know if that release time or</p> <p>23 part of that release time was a result of his</p> <p>24 activities in a grant that he had already gotten? I</p> <p>25 don't know if I'm asking a clear question. If I'm</p> <p style="text-align: right;">116</p>

1 not, just tell me.  
 2 A No. It's all I know from Caywood, what he stated is  
 3 that Dutelle got 50 percent release time for being  
 4 the coordinator, and that's what Dr. Dalecki  
 5 reiterated from at one point.  
 6 Q What Dr. Dalecki reiterated?  
 7 A Yeah. He said that was too much at one point.  
 8 Q Dalecki said it was too much?  
 9 A Yeah, that's not in place anymore, we don't give 50  
 10 percent release time for the -- now they call it  
 11 director of FI position.  
 12 Q Who is the director of FI?  
 13 A Dr. Solar right now.  
 14 Q Does he get release time?  
 15 A I believe he gets 25 percent release time.  
 16 Q Do you believe that Dutelle received any bonuses that  
 17 you did not receive?  
 18 A I know of opportunities for, you know -- not merit  
 19 bonuses, they were not paid out even though  
 20 applications were turned in. I know of extra income  
 21 opportunities that have been provided to some more  
 22 than others.  
 23 Q Extra income opportunities?  
 24 A Correct.  
 25 Q I want you to list for me all the extra income

1 opportunities that are available to you at  
 2 UW-Platteville or available to professors in your  
 3 department.  
 4 A Okay. That is teaching in the undergraduate online  
 5 program, teaching the graduate online program,  
 6 teaching on campus. Summer session, we have summer  
 7 session in the summer and we have interim. Then  
 8 invitation to -- there are projects, for instance,  
 9 right now we have a project, the Rockford project,  
 10 and it has to do with --  
 11 MR. HAWKS: The what program?  
 12 THE WITNESS: Rockford, they call it  
 13 the Rockford project.  
 14 MR. HAWKS: How do you spell that?  
 15 THE WITNESS: Like the city of  
 16 Rockford.  
 17 MR. HAWKS: Oh, Rockford, okay.  
 18 A To recruit inner city kids into our program. So that  
 19 was a project he worked on, and that was not made  
 20 available to everyone equally.  
 21 Q What do you mean, not made available to everyone  
 22 equally?  
 23 A For instance, in getting release time for  
 24 recruitment, which is basically getting some time  
 25 off, that was, you know, for instance, made available

1 to -- Joe Lomax had it at one point, Aric Dutelle had  
 2 that for recruitment, but it was not rotated. It was  
 3 not made available to anybody else.  
 4 Q So when did Joe Lomax have release time for  
 5 recruitment?  
 6 A I don't know exactly how long he had it, but he had  
 7 it until he retired.  
 8 Q Release time for recruitment to the CJ major?  
 9 A Department. It's kind of for, I guess, advertising  
 10 the program, doing some visits.  
 11 Q And Dutelle had release time for recruitment?  
 12 A Um-hum.  
 13 Q Was it for the FI program?  
 14 A It was predominantly for the FI program, yeah.  
 15 Q Were his recruitment efforts successful?  
 16 A I would say so, yeah.  
 17 Q But release time doesn't mean extra money, right?  
 18 A No. It means time available to do other projects,  
 19 which can translate to financial projects -- I mean  
 20 projects that bring in extra income.  
 21 Q Okay. So if you got release time for recruitment,  
 22 how would that be a financial gain to you?  
 23 A Well, the one thing is you can make contacts in the  
 24 field. You can use the time also to do research, to  
 25 gather data. And in Dutelle's case, he used the time

1 to also advertise his book.  
 2 Q Which was more financial gain for him?  
 3 A Correct.  
 4 Q So he was just working less at -- he didn't have as  
 5 many classes to teach?  
 6 A Correct.  
 7 Q So he had more time to do other things?  
 8 A Correct.  
 9 Q And part of that release time was spent recruiting?  
 10 A Yes.  
 11 Q You would agree that he did recruit?  
 12 A Yeah. So did I.  
 13 Q And you did -- but you did not receive release time  
 14 to recruit?  
 15 A No.  
 16 Q Why is that?  
 17 A Because -- I guess because of the way the budget was  
 18 divided up.  
 19 Q What did you do to recruit people to the CJ program?  
 20 A I gave interviews on television -- for the Iowa  
 21 television station that actually resulted in students  
 22 coming to Platteville.  
 23 Q You gave an interview?  
 24 A Yeah.  
 25 Q What was the interview about?

1 A It was about -- we actually introduced our crime  
 2 scene house, reconstructed a crime scene, and as part  
 3 of my criminal profiling class, I included students  
 4 and the students were interviewed as well. I  
 5 requested that my students be part of that interview.  
 6 Q What was the purpose of the interview? What was the  
 7 primary purpose of it?  
 8 A The primary purpose was to get some academic insight,  
 9 expert insight about a kidnapping case in Iowa.  
 10 Q So would you say the reason why you gave this  
 11 interview was for law enforcement purposes?  
 12 A It was mostly for PR. It was just to -- it's part of  
 13 advertising our school. So the same that I did radio  
 14 shows for and, you know, that kind of gets the name  
 15 of the university out and what we're doing and it's  
 16 very good advertisement.  
 17 Q What else did you do to recruit?  
 18 A Go to schools, talk to students.  
 19 Q Go to what schools?  
 20 A To high schools. Go to functions out in the field,  
 21 do -- present at, for example, I did a presentation  
 22 in Galena, and that gets the name out.  
 23 Q Did you go to high schools and talk to students about  
 24 coming to school at Platteville?  
 25 A Yeah. Basically when high school teachers ask do we

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1 doing.  
 2 Q Did Caywood specifically ever tell you to go on any  
 3 particular recruitment missions?  
 4 A No.  
 5 Q Do you know what Dutelle did to recruit?  
 6 A I believe he visited high schools.  
 7 Q Was his primary purpose when he visited high schools  
 8 to be a guest speaker, or was it to recruit?  
 9 A Not quite sure. All I know is that he visited high  
 10 schools here and there and it was basically to get  
 11 our name out.  
 12 Q What is your understanding of why -- let's just talk  
 13 about base salary. At any time when Dutelle and you  
 14 were both at the university, was he making more in  
 15 base salary than you?  
 16 A Not in base salary, no.  
 17 Q Not in base salary?  
 18 A Not that I know of.  
 19 Q But he made more money than you in over -- when you  
 20 consider overload or additional income opportunities?  
 21 A Correct.  
 22 Q And you believe that he was given additional income  
 23 opportunities by Caywood that were not available to  
 24 you?  
 25 A Correct.

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1 have somebody come in and talk about a particular  
 2 subject, and I take advantage of the situation to  
 3 advertise our program.  
 4 Q Okay. So you -- so the primary purpose of you going  
 5 to school was to be a guest speaker?  
 6 A Correct.  
 7 Q And you took advantage of that by also plugging the  
 8 program?  
 9 A Um-hum. Going to conferences. I took always some  
 10 advertisement for our program, for our online or  
 11 campus program. We had a table at one point at one  
 12 of the conferences where we introduced our school.  
 13 Q Did anybody tell you to engage in these recruitment  
 14 efforts?  
 15 A We were certainly encouraged, yes, absolutely, by  
 16 administration to do that.  
 17 Q Who in the administration?  
 18 A It's been, you know, from the chancellor's office  
 19 down. It's been brought up at convocation. It's  
 20 been brought up at IA&E, college meetings. It's  
 21 brought up in department meetings. So that it's been  
 22 encouraged that we kind of do this kind of  
 23 advertisement. I've been very active in taking  
 24 students to rotunda, and that kind of gets the name  
 25 of the university out so it displays what we're

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1 Q Now, you mentioned recruitment. What other income  
 2 opportunities over and above your base salary were --  
 3 was Caywood -- was Dutelle given that you were not  
 4 given?  
 5 A They had a project that had to do with evaluating,  
 6 you know -- it had to do with recruitment, student  
 7 numbers that I was not offered equally in the  
 8 department.  
 9 Q And when you say not offered equally, I want you to  
 10 tell me specifically what makes you think that.  
 11 A It's because who was kind of invited to be on it. I  
 12 know Lorne Roberts was on it for a while.  
 13 Q Dutelle was invited to be on it?  
 14 A Dutelle was, yeah.  
 15 Q Roberts was?  
 16 A Um-hum.  
 17 Q And who invited them to be on it?  
 18 A That was something that Caywood discussed with them.  
 19 So the meetings on what to do in the department and  
 20 where to take the department were done under  
 21 Caywood's chairship, done by Caywood, Roberts and  
 22 Dutelle almost exclusively.  
 23 Q This is Bob Roberts?  
 24 A Bob Roberts, correct.  
 25 Q The same Bob Roberts that we were talking about

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<p>1 earlier?</p> <p>2 A Correct.</p> <p>3 Q Was he part of the criminal justice department?</p> <p>4 A Yes. He was actually a tenured faculty member -- he</p> <p>5 was not tenured, sorry, he was a tenure track faculty</p> <p>6 member.</p> <p>7 Q When somebody wants to teach an overload course, what</p> <p>8 do they have to do?</p> <p>9 A In general, the chair asks if anybody is interested</p> <p>10 in teaching. Dr. Caywood sent out e-mails in the</p> <p>11 past where he requested that we teach overload to</p> <p>12 cover the courses that we need to offer.</p> <p>13 Q So the department chair, and I'm just asking you so I</p> <p>14 understand, the department chair e-mails everyone in</p> <p>15 the department and says I have an extra section of</p> <p>16 such-and-such class, can anybody teach it?</p> <p>17 A Correct.</p> <p>18 Q When Caywood was department chair, would he send</p> <p>19 those out to all of the faculty who were qualified to</p> <p>20 teach the course he needed to fill, or would he just</p> <p>21 select people?</p> <p>22 A He did both. So sometimes he sent them out to</p> <p>23 everyone. Sometimes he gave them to people</p> <p>24 individually.</p> <p>25 Q Did he ever give you any individually?</p> <p style="text-align: right;">125</p>	<p>1 A That course has been on rotation or was on rotation,</p> <p>2 on spring rotation every year since I've been on</p> <p>3 campus.</p> <p>4 Q What year was it that you were not asked to teach</p> <p>5 that course?</p> <p>6 A I was interested in the course ever since I came to</p> <p>7 Platteville, and at first it was taught by Roberts</p> <p>8 and then Roberts had to leave the department. It</p> <p>9 was -- I believe he taught it as an adjunct one more</p> <p>10 time and then it was given to somebody else as an</p> <p>11 overload course.</p> <p>12 Q Who? Who was it given to?</p> <p>13 A Dana Cecil. She was an academic staff member. She</p> <p>14 was just newly hired. She was hired as the</p> <p>15 coordinator for the undergraduate on that program.</p> <p>16 Q Okay. So her name was Janice?</p> <p>17 A Dana Cecil.</p> <p>18 Q Oh, Dana Cecil, D-a-n-a?</p> <p>19 A Correct.</p> <p>20 Q C-e-c-i-l?</p> <p>21 A Correct.</p> <p>22 Q And who gave Dana Cecil the opportunity to teach this</p> <p>23 course?</p> <p>24 A Dr. Caywood.</p> <p>25 Q Dr. Caywood. Do you know why he did that?</p> <p style="text-align: right;">127</p>
<p>1 A The only time -- I mean I taught overload quite a bit</p> <p>2 because there was a need, and whenever there was a</p> <p>3 need, I always said, yeah, I'm willing to do that.</p> <p>4 Q My question is did Caywood -- do you recall Caywood</p> <p>5 ever going to you personally and saying, Dr. Burton,</p> <p>6 will you teach this overload class, I'm asking you</p> <p>7 before anyone else?</p> <p>8 A No.</p> <p>9 Q Do you know if he did that to anybody else, gave</p> <p>10 anyone else the first right of refusal to teach an</p> <p>11 overload course?</p> <p>12 A There were courses that were -- I know, for example,</p> <p>13 with the comparative criminal justice course, that</p> <p>14 was taught as an overload by somebody else and I was</p> <p>15 not asked even though I would have been the logical</p> <p>16 choice for it. So I assume that it was offered to</p> <p>17 somebody without me -- asking me first or asking me</p> <p>18 to.</p> <p>19 Q So there was no global e-mail that was sent out?</p> <p>20 A Correct. This is one example that comes to mind</p> <p>21 right now.</p> <p>22 Q Okay. And tell me what that example, what course was</p> <p>23 it?</p> <p>24 A That was comparative criminal justice systems.</p> <p>25 Q When was the course taught?</p> <p style="text-align: right;">126</p>	<p>1 A I don't know.</p> <p>2 Q Do you think he was discriminating against you</p> <p>3 because you're a woman by giving this course to</p> <p>4 another woman?</p> <p>5 A When he gave it to Dana Cecil, that was the time when</p> <p>6 it was not about me being a woman, it was about me</p> <p>7 having reported a sexual harassment claim by a</p> <p>8 student.</p> <p>9 Q Okay. And so what year did he give that overload</p> <p>10 course to Dana Cecil and not you?</p> <p>11 A That was in spring 2013.</p> <p>12 Q Did you ever ask to teach that course?</p> <p>13 A Oh, yes, in the very beginning.</p> <p>14 Q From the very beginning?</p> <p>15 A Correct.</p> <p>16 Q Of when you started --</p> <p>17 A Correct.</p> <p>18 Q -- working at Platteville?</p> <p>19 A Correct.</p> <p>20 Q But Bob Roberts was teaching that course?</p> <p>21 A Um-hum, yes.</p> <p>22 Q So you'd always been asking to teach that course, but</p> <p>23 you asked to teach that course in fall of 2009?</p> <p>24 A No.</p> <p>25 Q Did you ask --</p> <p style="text-align: right;">128</p>

<p>1 A It was not offered in fall of 2009. Only spring 2 2010. 3 Q When was the first time you were asking to teach that 4 course? 5 A When I learned that we had comparative criminal 6 justice systems, which was in the fall of 2009. 7 Q Fall of 2009, okay. So when was the first time you 8 asked Caywood to teach that course? 9 A Fall 2009. 10 Q And what did he tell you? 11 A He said Bob Roberts is already teaching it. 12 Q When was the next time you asked to teach that 13 course? 14 A I actually asked one more time because I said it's, 15 among others, about the German criminal justice 16 system, and I think I'm better qualified to teach 17 about German policing than Bob Roberts is even though 18 I highly respected Bob Roberts. And he says, "Well, 19 he already has it." 20 So I asked then the following year. I always 21 asked. I says, "I'm really interested in teaching 22 that course." 23 Q And he just said, no, Bob Roberts is already teaching 24 it? 25 A Yeah.</p> <p style="text-align: right;">129</p>	<p>1 A Correct. 2 Q Do you have any other explanation as to why Caywood 3 would not let you teach that course before the spring 4 of 2013? 5 A No. 6 Q Now, in the spring of 2013, the course came open, 7 Roberts stopped teaching it? 8 A Correct. 9 Q And were you aware that Roberts was leaving? 10 A Yes. 11 Q Did you ask Caywood if you could teach that course? 12 A Yes. 13 Q What did he tell you? 14 A He didn't say much. 15 Q When was this conversation? 16 A That was in fall 2012. 17 Q When did you find out that Roberts was going to be 18 leaving? 19 A After the DRB meeting in 20 -- let's see, '11. I'm 20 sorry. No, 2012, January 2012. 21 Q So in January 2012 you found out that Roberts was 22 going to be leaving Platteville? 23 A Yeah, I think that's my best recollection. He was 24 not leaving Platteville. He was -- he didn't get his 25 Ph.D. when he was supposed to. He actually was</p> <p style="text-align: right;">131</p>
<p>1 Q And when he -- so in the fall of 2009, you asked 2 Caywood if you could teach that course and Caywood 3 said no? 4 A Right. 5 Q Was Caywood saying no because he was discriminating 6 against you in any manner? 7 A I don't know. 8 Q And as you -- this incident where you reported the 9 student having this issue with Dr. Gibson, that 10 happened in the fall of 2012, right? 11 A Correct. 12 Q But way before the fall of 2012, you had asked 13 Caywood several times to teach that course? 14 A Correct. 15 Q And Caywood said no? 16 A Correct. 17 Q So you agree that he was not retaliating against you 18 when he told you that you could not teach that course 19 prior to -- 20 A No, it was not retaliation. 21 Q It was not retaliation? 22 A To my knowledge. 23 Q And the only explanation you have is the explanation 24 that Caywood gave you, which is Roberts was already 25 teaching it?</p> <p style="text-align: right;">130</p>	<p>1 allowed to stay on longer than -- Dr. Fuller was very 2 instrumental in pushing to get him out. She was very 3 unhappy about that. 4 Q Pushing to get him out? 5 A Yes. She considered it a violation. He transferred 6 to sponsored programs in I believe it was summer of 7 2012. 8 Q Okay. So he was not part of sponsored programs when 9 he was teaching in criminal justice? 10 A No. He taught overload while being in sponsored 11 program. He still taught a course for us as 12 overload. 13 Q Okay. 14 A And it was either -- I believe it was 2012 that he 15 moved to sponsored programs. 16 Q Okay. So you found out in the beginning of 2012 that 17 he would no longer be part of the criminal justice 18 department? 19 A At the DRB when it was kind of voted or CRST that he 20 would not be retained. 21 Q Okay. So the DRB or CRST voted that Roberts would 22 not be retained for the following year? 23 A Yeah. It was already in 2011, he got an extra year 24 to appeal and then it was the same again. So he got 25 I think one or two extra years.</p> <p style="text-align: right;">132</p>

1 Q Okay. So you knew sometime in the spring of 2012  
2 that he would not be available to teach the  
3 comparative --  
4 A Criminal justice systems.  
5 Q Criminal justice systems course?  
6 A Correct.  
7 Q In 2013?  
8 A Correct.  
9 Q When did you ask Caywood?  
10 A I asked every year.  
11 Q But I'm trying to get a timeline here.  
12 A Okay.  
13 Q And I know this is a long time ago. So just do your  
14 best and if you don't remember, you don't remember,  
15 it's fine. You found out in the beginning of 2012  
16 that that course was going to be available. Do you  
17 recall when you first went to Caywood and said, hey,  
18 I want to teach that?  
19 A When course assignments were due, which is usually  
20 about mid -- for spring, it's about around October,  
21 early October.  
22 Q Early October?  
23 A Yeah. About the same time when requests for current  
24 topics courses go out.  
25 Q So in early October of 2012 you asked Caywood if you

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1 UW-Platteville in criminal justice.  
2 Q Was she pretty young?  
3 A Yes. She was my graduate student actually.  
4 Q At Platteville?  
5 A Correct.  
6 Q So when did you find out that she had been assigned  
7 to teach that class?  
8 A When it came to advising season. That's when the  
9 schedules were from, which was in fall. The  
10 assignment for spring is two weeks -- two, three  
11 weeks prior to Thanksgiving.  
12 Q So early November?  
13 A Correct.  
14 Q Early November 2012 you found out that Dana Cecil was  
15 teaching that comparative criminal justice course.  
16 What did you do?  
17 A Well, disappointed, but that was right when Caywood  
18 was really upset with me because of the student  
19 complaint.  
20 Q When did the student complaint occur? Do you recall  
21 the date?  
22 A Yes. The student came to me on October 10th and I  
23 reported it on October 11th to Caywood and student --  
24 Q You reported it on October 11th?  
25 A Correct.

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1 could teach that comparative course?  
2 A Yeah. That's about the time. That's where I would  
3 put it.  
4 Q And where did this conversation occur?  
5 A In his office.  
6 Q Who else was there?  
7 A I don't think anybody else was there. The door was  
8 open. I walked in and said, you know, "Just so you  
9 know, I'm still interested in teaching the course, I  
10 really would like to teach it."  
11 Q What did he say?  
12 A Not much. Just basically noted, something like that,  
13 along that line.  
14 Q Okay. And then when did you -- at that time was this  
15 Dana Cecil a professor there?  
16 A She never was a professor. She was a lecturer.  
17 Q Okay.  
18 A She was a part-time lecturer. I think she taught one  
19 course as part of her assignment or contract, and  
20 then she taught another one as overload to my  
21 knowledge.  
22 Q What was her specialty, do you know?  
23 A Her specialty was, she worked one year private  
24 security at Kohl's and she had a degree,  
25 undergraduate and a graduate online degree from

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1 Q Who did you go to first to report that?  
2 A The student came to me the evening -- I had an  
3 evening class, late afternoon class. So  
4 administration was really gone at that time. So I  
5 briefly mentioned it to Dean Throop just to check in  
6 with her by e-mail what I should do. I had no  
7 experience in how to report this kind of complaint at  
8 UW-Platteville. And then the next morning I reported  
9 it first thing to our chair even though the student  
10 didn't want that.  
11 Q Your chair?  
12 A Correct.  
13 Q Who?  
14 A Dr. Caywood.  
15 Q You reported it to Dr. Caywood?  
16 A Um-hum.  
17 Q Didn't you report it to somebody else first?  
18 A No.  
19 Q You reported it to him first?  
20 A Um-hum.  
21 Q Did he think that you reported it to somebody else  
22 first?  
23 A He stated at one point that I reported to him last in  
24 the afternoon or 24 hours later, but that's  
25 incorrect.

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<p>1 Q Was he angry with you that you did not report it to 2 him earlier? 3 A I think he was upset that I reported it outside of 4 the department. 5 Q Okay. He was upset that you told the dean? 6 A Yes. And student affairs. 7 Q And student affairs. How did he want you to handle 8 it? 9 A All student complaints should be reported to only 10 him. 11 Q To only him? 12 A Correct. 13 Q Did he give any indication of how he would handle the 14 situation? 15 A He outlined it and his -- the policy he wrote for our 16 department that he would interview both sides, the 17 student and about whom the student complains. 18 Q Did he feel that you were going above his head by 19 going to other people? 20 A He made it look that way. 21 Q If you know. 22 A He made it look that way. 23 Q And I don't want you to speculate about anything that 24 you don't know, but based on what you do know, do you 25 have any opinion as to why he was so upset about the</p>	<p>1 present lawsuit with, and I'm just going to go 2 through and try to figure out who these people are. 3 A Okay. 4 Q So we have a half an hour left today, and so let's 5 just go through it quickly, and if I interrupt you, I 6 apologize in advance. I just want to try to get 7 through this quickly. 8 A Got it. 9 Q Okay. So Richard Schauer, S-c-h-a-u-e-r, 10 Richard Schauer, who is that? 11 A He is somebody I -- whose name I got from a friend at 12 school. 13 Q Somebody whose name you got from a friend at school? 14 A He's a former chair of the math department in UW 15 System. 16 Q Former chair of a math department in UW System? 17 A Correct. 18 Q What did you talk to him about? 19 A I told him that I have a very difficult situation at 20 work and, you know, as a former chair, I also asked 21 him for advice how to handle it. 22 Q When did you reach out to him? 23 A Last year, I believe it was, in either late fall -- 24 late summer or early fall. 25 Q Summer or fall of 2014?</p>
<p>1 way you handled it? 2 A From what he said is that he -- you know, stands up 3 for he called it his men, you know. 4 Q Is that what he said? 5 A Yeah. 6 Q When did he say that? 7 A At a department meeting. 8 Q What department meeting? 9 A The department meeting when he introduced the policy. 10 Q What date is that? 11 A That was about a week past -- I believe a week past 12 the student complaint. So later October, I believe. 13 Q When he said he stands up for his men, is that the 14 exact language that he used? 15 A That's how I recall it, yeah. 16 Q Do you know if -- did you get -- again if you don't 17 know, don't tell me. But did you get the impression 18 that he was expressing that he stood up for his 19 professors or only for his male professors? 20 A Don't know. 21 Q Let's look at Exhibit 2. These are your discovery 22 responses. 23 A Okay. 24 Q So the first interrogatory asks to give the name and 25 contact information for people you have discussed the</p>	<p>1 A Correct. 2 Q Did you talk to him specifically about this lawsuit? 3 A Yeah, I mentioned it, yeah. He knows about it. 4 Q Did you talk to him about Mike Dalecki? 5 A Yes. 6 Q Did you talk to him about Caywood? 7 A Yes. 8 Q And how many times did you talk to him? 9 A I'm going to estimate about five times. 10 Q Are you still in contact with him? 11 A I have not talked to him lately. 12 Q Have you exchanged any e-mails with him about any 13 subject of the lawsuit? When I say subject of the 14 lawsuit, I mean anything that is in the complaint, 15 the amended complaint that you filed on August 29th, 16 2014. 17 A I'm not sure. 18 Q You don't know if you've exchanged e-mails with him? 19 A Yeah. I don't recall that I forwarded anything on 20 that particularly. Most of the communication was 21 verbal. 22 Q Was it by phone? 23 A Yes. 24 Q Any in person? 25 A Yes.</p>

1 Q Where --  
 2 A One time.  
 3 Q Where did you meet with him in person?  
 4 A Actually at his place.  
 5 Q At his house?  
 6 A At his house, yes.  
 7 Q Who else was there?  
 8 A My husband.  
 9 Q And was the purpose of the meeting to talk about this  
 10 lawsuit?  
 11 A Yeah, get some advice.  
 12 Q And tell me everything you remember about that  
 13 in-person conversation.  
 14 A I asked him for feedback as a chair, how to evaluate  
 15 that, what kind of policies are in place especially  
 16 in regard to filing grievances, and you know, I  
 17 didn't get a grievance hearing in the last year.  
 18 Q This had to do with Mike Dalecki, right?  
 19 A Correct.  
 20 Q It did not have -- and you agree that Mike Dalecki is  
 21 not a defendant in the present lawsuit?  
 22 A Correct, yeah. That was actually my primary concern,  
 23 my primary questions for him.  
 24 Q Was about Mike Dalecki?  
 25 A Correct.

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1 Q Do you recall having any conversations with Mr. Spoto  
 2 or Dr. Spoto about the allegations made in the  
 3 amended complaint of this lawsuit?  
 4 A I did, yes. I told him that I have -- that I filed a  
 5 grievance, that they didn't give -- they decided the  
 6 source, that the grievance decision was overturned  
 7 and I was forced to go to the ERD or the EOC, so he  
 8 knows about that, yes.  
 9 Q Did he give you any advice?  
 10 A He actually pointed out some policies, some things to  
 11 look up, how the faculty senate operates.  
 12 Q Did he have any opinion about any potential sex  
 13 discrimination or retaliation?  
 14 A I can't recall that he really mentioned anything. I  
 15 know that he mentioned another case, but --  
 16 Q Sheri Kratcha, she's at the university?  
 17 A Correct.  
 18 Q And she's an assistant of some sort?  
 19 A She is our secretary, and she coordinates most of the  
 20 business -- program manager, I think that's her  
 21 official title, program manager.  
 22 Q Is she still there?  
 23 A Yes.  
 24 Q Deborah Rice, she is currently a CJ professor?  
 25 A She is academic staff.

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1 Q I'm trying to separate out. Do you contend in this  
 2 lawsuit that any of your claims are based on anything  
 3 that Mike Dalecki did or did not do?  
 4 A On this particular one, no.  
 5 Q I mean on this lawsuit.  
 6 A Against Throop and Caywood.  
 7 Q Yeah. Exhibit 1, your amended complaint that was  
 8 filed August 29th, 2014, can you tell me if anything  
 9 in this amended complaint is related to anything that  
 10 Mike Dalecki did or did not do?  
 11 A I believe it is related, absolutely.  
 12 Q Okay. Next page, Dr. Ray Spoto, who is that?  
 13 MR. HAWKS: Spoto.  
 14 A Spoto, he's a faculty in IA&E, faculty member in  
 15 IA&E.  
 16 Q When did you speak with him?  
 17 A We've been on committees. I talked to him on the  
 18 phone a few times.  
 19 Q Was it about --  
 20 A Throughout the last year.  
 21 Q I'm sorry, was it about this lawsuit specifically?  
 22 A Yeah. It was about policy issues as -- to get  
 23 information on grievances, on procedures, on faculty  
 24 senate decisions. He's been a long-time faculty  
 25 member at the university, very experienced.

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1 Q Are you social friends with her?  
 2 A I used to.  
 3 Q You used to?  
 4 A Yes.  
 5 Q Are you social friends now?  
 6 A I doubt it.  
 7 Q Why not?  
 8 A She is saying pretty untruth -- pretty bad things  
 9 about me, and I don't know where that comes from.  
 10 Q What is she saying about you?  
 11 A She claimed in front of colleagues of mine and  
 12 students that I have a mental illness.  
 13 Q When did she say that?  
 14 A In fall last year and again she repeated it, I guess,  
 15 with the HR director.  
 16 Q Lohmann?  
 17 A Correct.  
 18 Q Did you report this to anyone?  
 19 A I reported it to Lohmann.  
 20 Q Did Lohmann do anything?  
 21 A He called her in. He talked her. She didn't deny  
 22 it.  
 23 Q She didn't deny it?  
 24 A No.  
 25 Q Do you know if she was disciplined?

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<p>1 A The last thing I heard is that Lohmann because 2 Deborah still didn't want to apologize, did not 3 want to correct it, that Lohmann would write a report 4 to the chancellor. I don't know what happened to it. 5 Q Who is Catherine Douillet? 6 A Catherine Douillet, she is an academic staff in the 7 sociology department. 8 Q In the sociology department? 9 A Correct. 10 Q Are you social friends with her? 11 A I'm I think more acquaintance. I wouldn't really 12 call her a friend. 13 Q Have you spoke with her about this lawsuit? 14 A It actually came up just accidentally, just mentioned 15 it briefly. I met with her because of her -- she had 16 a fellowship in Moldavia and I was interested -- 17 MR. HAWKS: In where? I didn't catch 18 that. 19 THE WITNESS: Moldavia. 20 A And I was interested and we just met and talked about 21 that, and it came up that we have Dalecki and she 22 kind of was -- you know, just asked questions about, 23 you know, how is it going with Dalecki. She used to 24 work under him. 25 Q Under Dalecki?</p> <p style="text-align: right;">145</p>	<p>1 about what her sexual harassment was about. 2 Q What Throop's -- you talked to Kristy Gruley about 3 Liz Throop? 4 A She brought Dean Throop up. 5 Q She brought Dean Throop up? 6 A Correct. 7 Q Did you talk to Kristy about your experiences with 8 Dean Throop? 9 A Yeah, I mentioned it to her. 10 Q Now, do you believe that Dean Throop has 11 discriminated against you because you're a woman? 12 A No. With her, it was really not discrimination. It 13 was more retaliation. 14 Q Retaliation based on what? 15 A Based on having reported the retaliation of Caywood. 16 Q You think that Liz Throop has retaliated against you 17 for doing what? 18 A She said that I couldn't handle it on a local level. 19 Q Couldn't handle what on a local level? 20 A My problems with Caywood. 21 Q Your problems with Caywood? 22 A Yes. 23 Q So you went to Throop with your problems with 24 Caywood? 25 A Correct.</p> <p style="text-align: right;">147</p>
<p>1 A Correct. 2 Q Did you have any conversations with her about 3 Caywood? 4 A I don't recall. I don't think so. 5 Q What about Liz Throop? 6 A I don't think so either. 7 Q Who is Kristy Gruley? 8 A Kristy Gruley, she is a former -- she's a graduate 9 student who worked -- actually I forgot how the 10 program is called, but she was an instructor at 11 UW-Platteville and she had -- she was sexually 12 harassed by students and they had a report in 13 Exponent about her. 14 Q She was sexually harassed by students? 15 A Correct. Or by a student. 16 Q By a student. Was she a student at the time? 17 A She was a student teacher or student instructor. 18 There is some kind of program in place for graduate 19 students on what graduate students can teach in UW 20 System. And she taught in the geography department. 21 Q But she was a student at the time? 22 A She was a graduate student, yeah, I believe at 23 UW-Madison. 24 Q Okay. And you talked to her about Caywood? 25 A It was more about Throop, I wanted to learn more</p> <p style="text-align: right;">146</p>	<p>1 Q And Throop said I'm not helping you? 2 A The first time she was actually interested in 3 helping. And I think she got annoyed when I had to 4 bring it up again with her. 5 Q What were your problems with Caywood at that time? 6 A He would not talk to me anymore. He would exclude 7 me. He would exclude me from talks. He would -- he 8 was very hostile, very apprehensive. When I wanted 9 to ask him a question, he wouldn't want to talk to 10 me. When he -- actually that was the time the news 11 station came for the interviews. He was not 12 supportive at all. 13 You know, I thought that would be a great 14 opportunity to kind of bring them in and they wanted 15 to film the department and take pictures of the 16 university and all that. So he was very hostile 17 during that time. 18 Q Why do you think he was acting that way toward you? 19 A He was upset with me. He made it very clear. He was 20 very upset how I handled the student complaint. 21 Q All of this was about the handling of the student 22 complaint? 23 A Oh, yeah. 24 Q Did you ever have any problems with Caywood prior to 25 that student complaint issue?</p> <p style="text-align: right;">148</p>

1 A Not really. I mean it's not like we saw eye to eye  
2 on everything, but I had no problem working under  
3 him. I mean it wasn't -- he had his views that I  
4 didn't agree with, but I managed. I mean we met  
5 socially, the two of us. I think it was a decent  
6 relationship.  
7 Q What were his views that you didn't agree with?  
8 A He preferred to talk to males about the -- where the  
9 department is going. He excluded female members. It  
10 wasn't just me.  
11 Q Who else was it?  
12 A It was Dr. Fuller. It was -- I didn't like how he  
13 handled Dr. Nemmetz's application. I had views he  
14 didn't want to sign off on when I had the contract  
15 for the graduate online teaching. He put me through  
16 that every single time. When he needed a  
17 representative, he always appointed a male that was  
18 on campus even though Dr. Fuller was the most senior  
19 faculty member.  
20 Q But you said they did not get along at all, right?  
21 A They did not get along, no. But he used also  
22 academic staff over me to appoint them as his  
23 representative when he was off campus.  
24 Q Okay. And what is your view about why he was doing  
25 those things?

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1 A To my knowledge, she's an academic staff member. He  
2 is a tenured full professor in the department -- in  
3 the music department.  
4 Q Are they social friends?  
5 A Yes.  
6 Q Are they still social friends?  
7 A Yes.  
8 Q Who is Lana Theis?  
9 A Lana Theis is my best friend.  
10 Q Who is Millie Moe?  
11 A Millie Moe is kind of my surrogate mom in -- American  
12 mom.  
13 MR. HAWKS: I'm sorry, I didn't hear  
14 again.  
15 THE WITNESS: My surrogate American  
16 mom. She views herself that way.  
17 Q Who is Ronald Jacobus?  
18 A He is a former student, and after he graduated, he --  
19 you know, we became kind of -- became friends with  
20 his family.  
21 Q He was a former student at Platteville?  
22 A Yeah, he was actually -- he then a year later  
23 enrolled in the graduate program.  
24 Q At Platteville?  
25 A Correct.

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1 A I think very old-fashioned in his views.  
2 Q Who is Susan Amundsen?  
3 A Let me see, Amundsen, oh, she is the -- she's the  
4 physician or physician aide to help me with anxiety  
5 and sleep problems.  
6 Q She's a physician --  
7 A Correct, yeah.  
8 Q -- you went to with sleep problems?  
9 A Correct.  
10 MR. HAWKS: I think that may confuse  
11 the record. I believe she's listed here as a  
12 PA, which would be a physician's aide, not a  
13 physician.  
14 THE WITNESS: Correct, yeah.  
15 Q Okay.  
16 A Okay, got it.  
17 Q Okay. Who is Dr. Bryan Feyen?  
18 A Gastroenterologist.  
19 Q Who is Teresa Burns?  
20 A She is the chair in humanities and vice chair of the  
21 faculty senate.  
22 Q And Eugene Alcalay and Ruth Elizabeth Alcalay are  
23 both at the university?  
24 A Correct.  
25 Q Are they professors?

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1 Q Is he there now at Platteville?  
2 A I believe he will not come back for fall.  
3 Q Have you talked to him about this lawsuit?  
4 A Yes.  
5 Q What did you say to him?  
6 A He was very negatively affected by being my research  
7 assistant, the graduate research assistant.  
8 Q How was he negatively affected?  
9 A He didn't get the funding that he should have gotten  
10 for traveling to a conference.  
11 Q When did that happen?  
12 A In February of 2013.  
13 Q Why didn't he get the funding?  
14 A Because of, you know -- we put in for funding before  
15 and seemed to be no problem and when we put in for  
16 the conference, Caywood wasn't going to and  
17 afterwards --  
18 Q I'm sorry, Caywood wasn't what?  
19 A Caywood was supportive of us going to the conference  
20 and the department does have funds available for  
21 students to travel. And so I told him like we have  
22 green light, we can go to the conference and then  
23 after the student complaint, suddenly, no, we don't  
24 have money for it and you already went to a  
25 conference this last year and, okay, this is really

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1 difficult because we already put in and so he only  
 2 got partial funding later on. I was able to get him  
 3 some through a donation I got and he felt --  
 4 Q Is any of this -- I'm sorry to cut you off. Is any  
 5 of this in writing?  
 6 A There is some on the discussion about the funds for  
 7 my students in writing, yes, with Dr. Caywood.  
 8 Q Is it something that you turned over as part of the  
 9 discovery process in this lawsuit?  
 10 A I don't think that was requested.  
 11 Q I don't think it was requested either. All right.  
 12 Christine Wunderlin and Kevin?  
 13 A Yeah.  
 14 Q Who are they?  
 15 A I don't know if he has the same last name. So they  
 16 are married. He was a former police officer in  
 17 Platteville. They are social friends.  
 18 Q Who is Jenna?  
 19 A Jenna is Dr. Stackman's fiancée. I don't know  
 20 whether they're married now.  
 21 Q Are they social friends?  
 22 A They're social friends, yeah.  
 23 Q Current social friends?  
 24 A Well, I have not -- I see her on campus. She's a  
 25 student and she's always been friendly. So I tried

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1 A I think they're doing one right now. It's in  
 2 production.  
 3 Q Okay. When did he ask to come to Platteville?  
 4 A That was the summer before the student complaint --  
 5 summer 2012. That was when they were discussing a  
 6 television series on court cases.  
 7 Q So in the summer of 2012 he asked to come to  
 8 Platteville, and when did you tell him no?  
 9 A That was just when he asked whether I would be --  
 10 whether I would consider being part of the show so I  
 11 could be the -- kind of the academic side in the cold  
 12 case research. Then in -- after Dr. Dalecki -- I  
 13 mean Dr. Caywood was not responsive at all with the  
 14 camera team coming in from Iowa, I just felt like  
 15 this is not a really good time to kind of consider  
 16 this right now.  
 17 Q When did you tell him that?  
 18 A Around the time fall, I think November or December  
 19 2012.  
 20 Q Did it ever come up again?  
 21 A No. But he checked in -- he checks in on me  
 22 periodically.  
 23 Q Who is Petra Reinhardt?  
 24 A She is together with Christine Wunderlin, they are  
 25 part of a German American group. She's German too.

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1 to help her with kind of being a student here in  
 2 Platteville.  
 3 Q Jenna's the student and Dr. Stackman is --  
 4 A She is --  
 5 Q -- in a tenure track position?  
 6 A Correct. She's one of our new hires.  
 7 Q But the two of them are your social friends?  
 8 A Yeah. I mean that's like right after she -- I mean  
 9 she applied in 2011 and then I contacted her again  
 10 when the position was open. Because we stayed in  
 11 touch and she does very interesting research. It's a  
 12 very interesting education. So we stayed in touch.  
 13 Q But she's still at Platteville?  
 14 A She is at Platteville, correct.  
 15 Q Who is Steve Moore?  
 16 A Steve Moore is an FBI agent. He was with the FBI for  
 17 35 years with counterterrorism. So he is a  
 18 professional contact and friend.  
 19 Q And why were you talking to him about this lawsuit?  
 20 A Because he wanted me to be part of a television  
 21 series and they considered about coming to  
 22 Platteville and do filming and I told him with what's  
 23 going on, this is really not a good idea, and he  
 24 asked whether he could be of any help.  
 25 Q When did he want to do this television series?

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1 So she's a social friend.  
 2 Q Who is Jeffrey -- oh, Jeffrey White is one of your  
 3 medical providers?  
 4 A Correct.  
 5 Q Who is Karen Gagne?  
 6 A Gagne. She is a former professor in the sociology  
 7 department.  
 8 Q At Platteville?  
 9 A Correct.  
 10 Q Who is Natalie -- oh, boy.  
 11 A Kozelka.  
 12 Q Yeah.  
 13 A She -- I don't know whether she worked in political  
 14 science or kind of in social sciences at Platteville.  
 15 I talked to them -- or her name to me as people who  
 16 also had trouble and I was interested in their  
 17 experiences.  
 18 Q Had trouble with what?  
 19 A The school.  
 20 Q What school?  
 21 A The school, Platteville.  
 22 Q They had trouble with Platteville?  
 23 A Correct.  
 24 Q Did they have trouble with Caywood?  
 25 A No, with Dr. Dalecki.

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1 Q They had trouble with Dalecki?  
 2 A Um-hum.  
 3 Q What were their problems with him?  
 4 A Neither one of them is with Platteville anymore.  
 5 Q And did they tell you it was because of Dalecki?  
 6 A Yes.  
 7 Q And did they say that he was discriminating against  
 8 them in any way?  
 9 A Yep.  
 10 Q What did they tell you?  
 11 A With Natalie, it's a pretty complicated case. She  
 12 had a legal case against the university.  
 13 Q She had a legal case against the university?  
 14 A Yeah, so we didn't really talk about that because --  
 15 but she had some troubles with the school. She's  
 16 teaching somewhere else now.  
 17 Q Okay. Do you know what the substance of her legal  
 18 case was? Was it sex discrimination or something  
 19 else?  
 20 A Something along that line, those lines, yes.  
 21 Q Who is Dr. Vernon Carl Allsup?  
 22 A He was the chair of the ethnic -- ethnic and race  
 23 department or -- I think race studies at  
 24 UW-Platteville. He was also on the chair search.  
 25 MR. HAWKS: And that brings us to 5

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1 Q And I'm looking at your response, and I'll come back  
 2 to some of Dr. Caywood's comments in a little while.  
 3 But I want to call your attention to the fourth to  
 4 last line of your response where you say that you ask  
 5 Dr. Caywood about extra income opportunities and  
 6 pointed out that Roberts and Gibson had extra  
 7 opportunities. Do you see that?  
 8 A Correct, yeah. Yes.  
 9 Q Do you recall when you asked Dr. Caywood about these  
 10 extra income opportunities what he said?  
 11 A Yeah. It was in fall of 2012.  
 12 Q Do you remember what he said to you when you raised  
 13 this issue with him?  
 14 A Yeah. He brought up with Roberts, his financial  
 15 situation, it's really difficult, he's going through  
 16 a divorce and with his kids, he's kind of primary  
 17 provider. And with Gibson, his wife doesn't work,  
 18 he's the primary breadwinner. So in general, he  
 19 viewed the income of a woman secondary to that of a  
 20 man. And I reminded him that just like when -- in  
 21 fall of 2009, you know, nothing changed in our  
 22 family. I'm the primary breadwinner in our family  
 23 right now.  
 24 Q Okay. When you had this conversation with  
 25 Dr. Caywood in 2012, do you recall if you asked for a

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1 o'clock as well. Your timing was impeccable.  
 2 MS. BENSKY: Okay. You called it off.  
 3 We're done. I'm just looking at my notes.  
 4 MR. HAWKS: We can go off the record.  
 5 (Deposition adjourned at 5 o'clock p.m.)  
 6  
 7 (Friday, July 24, 2015, 12:56 p.m.)  
 8 EXAMINATION  
 9 BY MS. SPITZ:  
 10 Q Good afternoon, Dr. Burton.  
 11 A Good afternoon.  
 12 Q I'd like to pick up where we kind of left off  
 13 yesterday with your discovery responses that were  
 14 previously marked as Exhibit 2. Could you take a  
 15 look at those?  
 16 A Sure. Thank you.  
 17 Q Sure. The good news is we're not going to go through  
 18 all of these the way we went through Interrogatory 1  
 19 yesterday.  
 20 A Okay.  
 21 Q But there are a few that I'd like to ask you a couple  
 22 questions about. So if we could turn to your  
 23 response to Interrogatory No. 6, please. It should  
 24 be on Page 6, I believe.  
 25 A Yeah, I think I've got it.

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1 specific opportunity or if you were asking about  
 2 extra income opportunities in general?  
 3 A I brought up kind of specific -- one is that, for  
 4 example, Dr. Gibson was allowed to teach two overload  
 5 courses. I asked in a previous meeting and Caywood  
 6 said, oh, no, no, no, categorically, no, that's way  
 7 too much, you can't do that much. And so I was very  
 8 surprised that he would allow a more junior faculty  
 9 member to do two overload courses.  
 10 The other thing has to do with opportunities for  
 11 teaching in the undergraduate online program.  
 12 Especially it was in the summer that I was --  
 13 repeatedly asked for, especially during summer  
 14 session. We rely very heavily on adjuncts, and there  
 15 were certain professors in the department given  
 16 access to teaching in the undergraduate online  
 17 program. I was -- to this day have not received an  
 18 opportunity to do so even though I mentioned it  
 19 repeatedly that I was interested in teaching in the  
 20 undergraduate program.  
 21 Q So you mentioned Dr. Gibson and teaching two overload  
 22 courses in the same semester, is that fair?  
 23 A Yes.  
 24 Q Okay. Did you ever prior to 2012 ask if you could  
 25 teach two overload courses in the same semester?

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<p>1 A Yes. It came up at a department meeting or -- I mean 2 it was a Christmas meeting, and Dr. Caywood and 3 Professor Lomax were discussing the issues we had 4 with understaffing and covering. And I said, "You 5 know, I'm very comfortable teaching, especially with 6 the courses I've been teaching, I can handle another 7 overload course and I'll be happy to do this." 8 And he says, "No, you can't do this, it's too 9 much for you, absolutely not." 10 Q Just for clarification, this was a Christmastime 11 meeting in what year? 12 A That must have been around the holiday season of 13 '11-12, so it would have been December 2011. 14 Q Do you recall any instances prior to December of 2011 15 in which you asked to teach two overload courses per 16 semester? 17 A Not perceived what kind of time, but it came up 18 another time where -- you know, where I mentioned to 19 him I'm open to teach one and one overload course. 20 Q Okay. Do you recall whether that was prior to or 21 after December of '11, of 2011? 22 A Not sure. 23 Q And you mentioned that Dr. Caywood said that he 24 denied your request, correct? 25 A Correct.</p> <p style="text-align: right;">161</p>	<p>1 And that really surprised me because his performance, 2 teaching performance was not stellar. 3 Q Do you recall how many classes total then he would 4 have been teaching as 150 percent equivalent to six 5 courses, four regular and two overload? 6 A Correct. 7 Q Okay. Do you have any documentary evidence to 8 suggest that Dr. Caywood's decision in December of 9 2011 was motivated by your gender? 10 A It would be in context of statements that he made 11 about salary and abilities of women in general. He 12 made some derogatory statements about women going 13 into the field of criminal justice. So he felt like 14 that was more of -- more for males, so he was more 15 supportive of male students in this regard -- 16 Q Okay. I'm asking a slightly different question. I 17 don't mean to cut you off. 18 A Okay. 19 Q Do you have any documentary evidence? 20 A Document, no. 21 Q And in terms of sort of the statements that you're 22 talking about, do you have any individuals that you 23 could point to who would have also heard the 24 statements that you're referring to where you believe 25 that Dr. Caywood was more supportive?</p> <p style="text-align: right;">163</p>
<p>1 Q And he said that it was too much for you? 2 A Um-hum. 3 Q Is that a yes? 4 A Yes. 5 Q Okay, thank you. Did he give you any other reason at 6 that time in December of 2011 for why he denied your 7 request? 8 A No. Just said it would be too much. 9 Q Do you believe that Dr. Caywood denied that request 10 by you in December of 2011 because you're a woman? 11 A At that time I didn't think so. I thought he truly 12 felt that teaching a total of six courses would be 13 too much for an instructor. 14 When I learned that Dr. Gibson was allowed to 15 teach two, then I was wondering whether, you know, my 16 gender had something to do with it. 17 Q So at the time the comment was made, you didn't 18 believe there was a discriminatory intent? 19 A I did not have a reason to assume it was gender 20 related. 21 Q And so you found out that Dr. Gibson was teaching two 22 overload courses in 2012? 23 A Yeah. He did it for more than one semester and so he 24 actually during his appeals hearings, he listed that, 25 that he taught 150 percent for several semesters.</p> <p style="text-align: right;">162</p>	<p>1 A I'm pretty sure there are other faculty staff members 2 who have heard similar. He was not very secretive 3 about his views. Even in the classroom, he has 4 mentioned things like that. 5 Q Okay. As you sit here today, can you identify anyone 6 specifically who would have -- who would have 7 testimony to support your belief that in December of 8 2011 Dr. Caywood may have denied your request to 9 teach an extra overload course because you were a 10 woman? 11 A So to put me on the spot, I can't really think about 12 somebody specifically who I could be sure that they 13 heard it or could repeat that. 14 Q Okay. So we've talked about your request in December 15 of 2011 that was denied. When was the next time that 16 you asked Dr. Caywood to teach an extra overload 17 course and he denied that request? 18 A It did not come up after that anymore. I brought it 19 up one time letting Dr. Caywood know that I thought 20 it was very strange that he felt comfortable with 21 Dr. Gibson teaching two courses and not me. So that 22 was not per se a request to teach an extra course, 23 but I brought up the issue. 24 Q And is that the discussion in October of 2012 that 25 you're referring to in your response to Interrogatory</p> <p style="text-align: right;">164</p>

1 No. 6 where you were talking about Gibson's extra  
2 income opportunities, or is that some other time?  
3 A That was another time. That was actually when -- it  
4 was after the presentation that Dr. Gibson gave to  
5 the appeals committee where he had slides and had an  
6 outline that he taught 150 percent for several  
7 semesters.  
8 Q Do you remember when, specifically in what year or  
9 what month of what year?  
10 A Oh, let me think. I believe it was April of 2014.  
11 2013. 2013, yeah, because Dr. Gibson still had one  
12 year after that. So Dr. Caywood was still the chair  
13 at that time.  
14 Q Okay. And so at that point you had a discussion with  
15 Dr. Caywood about Dr. Gibson teaching additional  
16 overload compared to you, but you didn't per se ask  
17 if you could do so at that time?  
18 A No. I just said like I find this really odd that he  
19 obviously taught 150 percent for several semesters  
20 and you never thought of allowing me to teach two  
21 courses.  
22 Q Are there any other occasions on which you directly  
23 asked Dr. Caywood whether you could teach an extra  
24 overload course besides the ones that we've already  
25 talked about?

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1 A No.  
2 Q We've talked about Dr. Gibson and the extra overload.  
3 Were there any other extra income opportunities that  
4 you believe that Dr. Gibson had that were denied to  
5 you that you're referring to in Interrogatory No. 6?  
6 A Yeah. Dr. Gibson was invited to be part of -- I  
7 think a grant that was mentioned before or yesterday  
8 that Dutelle got. It was actually a joint grant that  
9 they got for recruitment efforts, and that was  
10 something that surprised me why Dr. Gibson was  
11 invited to be working on that and be able to use that  
12 as an extra income source and why that opportunity  
13 was not made available to other members of the  
14 department, especially faculty members.  
15 Q So just so I'm clear, Dutelle and Gibson were joint  
16 recipients of this grant, correct?  
17 A The details were never really made available at the  
18 department meeting. Now, that just stayed within the  
19 chair's office. So to what degree and how it was  
20 divided up, just the announcement was made that  
21 they are working on it and Gibson made a comment,  
22 too, at one point that he's getting extra income from  
23 that.  
24 Q Do you recall if you were told how much extra income?  
25 A No.

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1 Q We can agree that it would have been separate from,  
2 for example, what your base salary versus what his  
3 base salary was?  
4 A Correct.  
5 Q When this issue came up, the recruitment, did you  
6 inquire of Dr. Caywood or anyone else as to why you  
7 were not considered for the recruitment opportunity  
8 for this grant?  
9 A When that came up, I already had a strained  
10 relationship because of that student complaint. So I  
11 knew pushing for anything like this would be futile,  
12 so I tried to avoid topics that would further  
13 aggravate the situation. I just wanted to mention --  
14 I felt like if I mentioned it and if it ever comes  
15 up, maybe they would remember it, but I didn't push  
16 for it.  
17 Q Okay. Just so I'm clear, you didn't directly ask  
18 Dr. Caywood if you could be included?  
19 A Um-hum.  
20 Q Yes?  
21 A I did not.  
22 Q Okay, thank you. Did you ask anyone else in the  
23 administration at UW-Platteville if you could have  
24 been included in this opportunity?  
25 A I asked Mr. Dutelle. I asked him, "Hey, you know,

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1 why didn't you ask me?"  
2 And then he -- especially at the beginning, the  
3 first years he was very friendly with me and we  
4 considered each other kind of being friends, were  
5 friendly colleagues. So we did some -- he was a  
6 family friend. He was invited to our home several  
7 times. So I was kind of surprised that he wouldn't  
8 think of me.  
9 Q And when did the discussion with Dr. Caywood  
10 mentioning this grant, when did that occur?  
11 MR. HAWKS: Objection to form. Could  
12 you clarify the question?  
13 MS. SPITZ: Sure.  
14 Q Okay. So we've been talking about the extra income  
15 opportunity for a grant that involved recruitment,  
16 correct?  
17 A Correct.  
18 Q And you mentioned a few moments ago that there was a  
19 discussion about -- that Dr. Caywood was involved in  
20 that involved the fact that Dutelle and Gibson were  
21 co-recipients of this grant, is that right?  
22 A Something like that, yeah. So that's how it sounded.  
23 Q And when did this conversation take place?  
24 A I just could give a time frame. It was probably  
25 around 2012-13 is my guess at this point.

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<p>1 Q Do you remember whether it was in the fall semester 2 of '12, the spring semester of '12 or the spring 3 semester of '13?</p> <p>4 A I don't. I just remember there was an announcement 5 made at a department meeting and after some of the 6 folks left, we still talked a bit about it.</p> <p>7 Q Okay. So we've talked about as far as Dr. Gibson 8 goes the overload courses and the recruitment grant, 9 we'll call it. Are there any other extra income 10 opportunities that Dr. Gibson was afforded that you 11 believe that you were not given a chance to pursue 12 that you're referring to in Interrogatory No. 6?</p> <p>13 A During the summer, that does not count as overload, 14 that summer teaching. He was asked by Dr. Caywood to 15 teach in the online undergraduate program. And so 16 that does not count as overload. That is summer 17 teaching. So it's additional income.</p> <p>18 Q How much additional income would that have been to 19 you had you been able to do that?</p> <p>20 A I believe per course, it can be as much as 3,000. It 21 depends on -- I think in the summer it depends on 22 enrollment numbers. I only have that experience with 23 the graduate program. I assume it's very similar in 24 the undergraduate program where it's 250 per student, 25 I guess, depending on how big the courses are.</p> <p style="text-align: right;">169</p>	<p>1 me, I mean when it comes to scheduling, why don't you 2 bring that up?" And I says, "I'm really interested. 3 So you know I'm interested, so I'm around in summer, 4 so please do that."</p> <p>5 The nice thing is with online teaching is that 6 you do not have to be at the location. So even if 7 you travel or you do something with the kids, you can 8 still -- it's asynchronous teaching, so it gives you 9 quite some flexibility. And I made this -- I 10 mentioned it multiple times including to the 11 undergraduate online coordinator.</p> <p>12 Q Okay. And who was that?</p> <p>13 A In the beginning it was Amy Nemmetz, and I think in 14 2012, summer of 2012 it became Dana Cecil.</p> <p>15 Q Okay. You mentioned that you told Dr. Caywood that 16 you were interested. Did you ever explicitly ask him 17 for an opportunity to teach a specific course?</p> <p>18 A Not a specific course. I said I'm open to anything. 19 I mean I looked at the list of the courses that they 20 have and any course would have worked for me.</p> <p>21 Q Did you, for example, during any of the spring terms 22 approach Dr. Caywood and explicitly ask him if you 23 could teach a course that summer?</p> <p>24 A Oh, yes. Absolutely. I said like I'm very 25 interested in income opportunities for the summer. I</p> <p style="text-align: right;">171</p>
<p>1 Q And during what time period or time periods do you 2 believe that Dr. Gibson was given the opportunity to 3 teach summer online graduate programs and you were 4 not?</p> <p>5 A It was not graduate. It was undergraduate.</p> <p>6 Q Undergraduate, forgive me.</p> <p>7 A To my knowledge, he did it every summer since he was 8 hired until Caywood was ordered to step down from the 9 chair position, which was in summer of 2013. So I 10 don't know whether Gibson did teach in summer of 11 2013. I would assume he did because the schedule is 12 made in spring of 2013 when Caywood was still the 13 chair.</p> <p>14 Q Did you ever approach Dr. Caywood about -- and ask 15 him for the opportunity to teach summer online 16 undergraduate courses?</p> <p>17 A Yes. Oh, yeah. It's ever since the beginning -- one 18 thing that he told -- Dr. Caywood told me at the 19 interview in March of 2009 is that, well, to beef up 20 your income, you can do summer teaching, and he said, 21 well, you know, you can make \$10,000 there. And when 22 the opportunities really didn't come around and then 23 later I learned that they had used adjuncts, they 24 used later Gibson and some other folks in the 25 department, and I says, "Why is this never offered to</p> <p style="text-align: right;">170</p>	<p>1 made that clear every summer -- I mean every spring.</p> <p>2 Q Okay. You mentioned that Gibson taught as far as you 3 know every summer since you had been there. Do you 4 know whether his contract provided for him to teach 5 online undergraduate summer courses?</p> <p>6 A No, it did not. I know that because I was the chair 7 of the search and screen when he got hired. So the 8 advertisement, the contract would go in line with the 9 job description, and that was not included.</p> <p>10 Q Have you seen the contract yourself?</p> <p>11 A No, not the contract.</p> <p>12 Q Does your own contract provide either way for the 13 ability to teach an online undergraduate summer 14 course?</p> <p>15 A It is a part of the stipulation in the faculty -- in 16 the employment handbook that talks about summer 17 income opportunities for full-time faculty and 18 full-time academic staff. It does not mention 19 adjuncts.</p> <p>20 Q I'm sorry, I didn't mean to cut you off. So there's 21 a stipulation in the employment handbook that 22 explains about the online summer courses, but my 23 question --</p> <p>24 A Correct.</p> <p>25 Q -- is a little bit different. In your particular</p> <p style="text-align: right;">172</p>

1 employment contract with the university, is there any  
 2 mention --  
 3 A No.  
 4 Q -- of teaching the summer courses?  
 5 A The contract is a nine-month contract, and that's  
 6 what I signed up. So, therefore, we are not  
 7 contractual obligated to teach in the summer.  
 8 Q Okay. Have we now talked about all of the extra  
 9 income opportunities that you believe that Dr. Gibson  
 10 received that you did not receive?  
 11 A Well, when it comes to -- one can certainly see that  
 12 when it came, for example, to Dutelle that there was  
 13 a more lax policy in regard to double dipping where  
 14 you could -- where he could teach a course  
 15 periodically as a hybrid course, so to take on other  
 16 income sources that were not related to the UW  
 17 System.  
 18 Q Okay. But I'm asking just for the moment about  
 19 Dr. Gibson only.  
 20 A Okay.  
 21 Q Have we talked about all of the instances --  
 22 A Yes. That I know of, yeah.  
 23 Q Okay. In terms of the online course teaching that  
 24 we've just been talking about with Dr. Gibson,  
 25 did Dr. Caywood have to approve that for him every

1 Q When you spoke with Dr. Caywood about the possibility  
 2 of teaching these online courses, did he ever give  
 3 you a reason why he did not approve of you to do this  
 4 or why he did not specifically approach you to do  
 5 this?  
 6 A No. He was -- didn't really particularly like to  
 7 talk about these things. It was more kind of  
 8 nodding, is this okay. You know, please keep me in  
 9 mind when the next one comes up and I'm really  
 10 interested and then he didn't say anything. It  
 11 usually remained at that.  
 12 Q Did he ever affirmatively turn you down for the  
 13 opportunity to teach these online summer courses?  
 14 A No.  
 15 Q Do you have any documents of any written evidence  
 16 that Dr. Caywood turned you down or otherwise had  
 17 input into a decision that you would not be teaching  
 18 online summer courses that reflects reasoning that  
 19 you were not granted permission to do this because  
 20 you were a woman?  
 21 A I don't have anything in my hands, but what he  
 22 communicated to the undergraduate online coordinator  
 23 I'm not sure.  
 24 Q And then just so I'm clear, the determination of who  
 25 would ultimately teach the online courses, was that

1 year?  
 2 A For the online undergraduate?  
 3 Q Correct.  
 4 A I believe so. I think the graduate online program  
 5 was in the hands of Dr. Fuller at that time. Now,  
 6 even those courses still required Dr. Caywood's  
 7 signature. With the undergraduate one, that was  
 8 handled by the undergraduate coordinator who worked  
 9 under Dr. Caywood. So there was a slight distinction  
 10 between those two undergraduate -- I mean online  
 11 programs.  
 12 Q Okay. But you believe that Dr. Caywood would be in a  
 13 position to approve or at least his approval would be  
 14 needed along the way in being granted permission to  
 15 teach an online undergraduate summer course?  
 16 A To my knowledge, his signature was required.  
 17 Q Is it your belief that Dr. Caywood would have  
 18 approved Dr. Gibson's application to do this but not  
 19 yours because you're a woman?  
 20 A That seems to me a logical -- you know, a logical  
 21 assumption because otherwise, you know, if you look  
 22 at my teaching records and my performance, I was very  
 23 reliable, that there was really nothing that could  
 24 indicate that he would not want to rely on me to do  
 25 that.

1 Dr. Caywood's or the undergraduate online coordinator  
 2 to your understanding?  
 3 A I believe it was a decision they both made.  
 4 Q So we've talked a little bit about Dr. Gibson and you  
 5 also mentioned in your interrogatory response  
 6 Bob Roberts receiving some extra income opportunities  
 7 that you believe you were not equally given, is that  
 8 right?  
 9 A Um-hum, correct.  
 10 Q Which opportunities were those with regard only to  
 11 Bob Roberts?  
 12 A With Bob Roberts, it was the same thing. When it  
 13 came to research grants that they -- there was a  
 14 small group within the department that talked about  
 15 these things, so it was not advertised. It was not  
 16 discussed at department meetings. So it was a very  
 17 small group. It was Roberts, Caywood and Dutelle who  
 18 did discuss these things. Later Gibson came to it.  
 19 So instead of making it available or discussing  
 20 within the department at department meetings, which  
 21 faculty or even staff member would be beneficial to  
 22 work on those kind of projects, that never occurred.  
 23 So that kind of robbed -- it was kind of where you  
 24 had to be part of that privileged group in order to  
 25 get these opportunities.

<p>1 The second is that even after Bob Roberts left, 2 he was given opportunities to teach in our department 3 and so basically teach, for example, the comparative 4 criminal justice course and also do internships. So 5 they were still given to him, and from what I heard, 6 that was against policy. So if he's not with the 7 department anymore, internships have to be supervised 8 or advised by full-time faculty and staff.</p> <p>9 Q Let's talk a little bit about sort of the research 10 grant group that you mentioned a moment ago. Is it 11 your understanding that it is the function of the 12 chair of the department to determine who applies for 13 which grants?</p> <p>14 A Yes.</p> <p>15 Q And why do you believe that?</p> <p>16 A Because he had to -- he signed off on everything. It 17 was not a department decision. We did not have a 18 forum where we would discuss things like this, 19 anything from what kind of course work we should 20 have, we should pursue, what courses should be 21 introduced to what kind of research the department 22 would need to further advance.</p> <p>23 Q So when it came to applying for a research grant, 24 before applying for a grant, would you have to clear 25 it with Dr. Caywood?</p> <p style="text-align: right;">177</p>	<p>1 perish place.</p> <p>2 Q Okay. To who in that group did you express your 3 interest in joining that group?</p> <p>4 A To Dr. Caywood, to Professor Lomax, who had joined 5 the group too, to -- certainly Bob Roberts knew and 6 Dutelle as well, they all knew.</p> <p>7 Q And how did this small group -- how did being a part 8 of this small group constitute an extra income 9 opportunity for you if you had been involved?</p> <p>10 A Any grant that you get, you know, that allows you -- 11 either provides release time to further pursue 12 something that's prestigious that can give you later 13 an extra position and through consultation, you can 14 then get additional income, that it makes you more 15 interesting on the market if you ever want to go 16 somewhere else.</p> <p>17 You know, the fundraising or grant raising is 18 nowadays also well perceived for higher academic 19 positions, for example, for the dean's position. 20 When you work on a project and you work maybe five to 21 ten hours on that, you are paid from that extra 22 fund.</p> <p>23 Q So in terms of the release time, that would be sort 24 of what was discussed yesterday where instead of 25 being paid to teach, you would be paid instead to</p> <p style="text-align: right;">179</p>
<p>1 A Yes.</p> <p>2 Q And how long had that policy been in place?</p> <p>3 A I have no idea. For as long as certainly I've been 4 there and I worked under Dr. Caywood.</p> <p>5 Q You mentioned that there was a small group in the 6 department that directed sort of who would apply for 7 what grants, is that fair?</p> <p>8 A The small group made decisions for the entire 9 department, period. So if it had anything to do with 10 who we would want to hire, how many people to hire, 11 where we want to take the department, anything from 12 when the decision was made to turn FI from an 13 emphasis into a minor and then a major, so those 14 decisions were made in that small group, not in 15 department meetings.</p> <p>16 Q Focusing just on sort of the research grants for just 17 a moment, did you ever ask to be part of that group 18 once you knew that it existed? Did you ask to be 19 part of the group deciding who should be applying for 20 which grants?</p> <p>21 A Oh, I indicated on multiple occasions I was very 22 interested in doing research because that's one of 23 the reasons that I liked Platteville is that it would 24 give me the opportunity to do research, but it 25 wouldn't require it. It wouldn't be a publish or</p> <p style="text-align: right;">178</p>	<p>1 research, which may then lead to other opportunities 2 down the road?</p> <p>3 A Correct.</p> <p>4 Q Did any one of the individuals in this small group 5 that you've been talking about ever tell you that you 6 could not be involved?</p> <p>7 A No.</p> <p>8 Q You also mentioned that Bob Roberts had an 9 opportunity to teach within the department and also 10 to supervise interns after he left, is that correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. So with regard to teaching, is it your 13 position that this is an extra income opportunity 14 because that is a course that you may have otherwise 15 been assigned to teach?</p> <p>16 A Possibly. Yeah, possibly.</p> <p>17 Q Is there some other basis for why you believe that 18 that opportunity was an extra income opportunity for 19 him that you should have received?</p> <p>20 A After he left, he was not a member of the department 21 and I think any extra opportunities should be first 22 made available to members of the department.</p> <p>23 Q Do you believe that the opportunity to teach for that 24 extra course or that extra semester after he left, do 25 you believe that that opportunity was given to him</p> <p style="text-align: right;">180</p>

<p>1 and the benefits of that opportunity not given to you 2 because you're a woman and he's a man? 3 A Now I have to speculate what went on in Dr. Caywood's 4 mind. I think I could feel that from statements that 5 he made throughout from how he treated males versus 6 female employees, that would not be far-fetched. 7 Q Did anyone ever say that Bob Roberts was given this 8 opportunity because he's a man and you or someone 9 else is a woman? 10 A I believe statements like that were made by some 11 folks who thought that Bob Roberts got a break 12 because he's a male. 13 Q Can you tell me who made such statements? 14 A I know Dr. Fuller made statements like that. 15 Deb Rice did not particularly like or respect 16 Bob Roberts and she thought because he was male that 17 he was given special opportunities. 18 Q So Deborah Rice didn't really -- she and Bob Roberts 19 didn't get along? 20 A No. They don't have any respect for each other. 21 Q And then Cheryl Fuller and Dr. Caywood really didn't 22 get along either, right? 23 A Not from the beginning, yeah. 24 Q Did you ever -- did anyone ever give any other reason 25 why Bob Roberts was given this opportunity to teach</p> <p style="text-align: right;">181</p>	<p>1 male and especially between male and female staff 2 members. The male staff members tended to get I 3 think close to, if not the same number of interns as 4 faculty versus female staff got clearly less. For 5 example, for many years female staff members didn't 6 get any interns. As for example, Deb Rice and 7 Amy Nemmetz really had to struggle, maybe got one or 8 two. So it then hurt actually full-time faculty and 9 staff members when the number was artificially 10 limited by giving to a nondepartment member. 11 Q Okay. So it's your position that everybody is hurt 12 sort of across the board because Bob Roberts was able 13 to use, let's say -- 14 A Correct. 15 Q -- how many interns he was assigned that year and 16 those could have been spread out among the rest of 17 the department? 18 A Correct, yeah. 19 Q And how does having an intern assigned to you 20 translate into extra income for you? 21 A Well, at that time I was -- it's a certain percentage 22 of our income. So the higher ranking you are, the 23 more seniority you have, the more you get. I think 24 it was at that time per intern, it was over \$950 per 25 intern. They've since then cut this due to budget</p> <p style="text-align: right;">183</p>
<p>1 for the extra semester? 2 A Caywood said just that, you know, Bob Roberts needed 3 more money. 4 Q And when did he say that? 5 A He said that on a few occasions. I think it was 6 especially around 2012. 7 Q Early 2012, late 2012? 8 A Probably around summer. 9 Q Okay. And you also mentioned that Roberts was given 10 the opportunity to supervise interns, is that right? 11 A Correct. 12 Q And how did Roberts' supervision of interns become an 13 extra income opportunity for him that you did not 14 have an opportunity to receive? 15 A We have a certain number of interns and they're 16 divided up. The idea is to divide them up equally 17 among faculty and staff members. And in general it 18 was done that the more local interns go to the most 19 senior faculty members as they require less 20 traveling. But the number was kept pretty equal 21 among faculty, and then the second tier academic 22 staff members under Caywood didn't get as many. 23 So he made some exceptions to certain staff 24 members. I don't know exactly why. They were 25 usually all males. He made a distinction between</p> <p style="text-align: right;">182</p>	<p>1 reasons. But at that time it was a significant 2 amount of money per intern. 3 Q But we can agree that the fact that Bob Roberts had 4 interns hurt the total number of interns for everyone 5 across the board, man or woman, correct? 6 A Correct. 7 Q Let's take a look at Interrogatory No. 10 for a 8 minute. And that's on Page 7. And it looks like 9 what we have here are a list of some meetings with 10 Dr. Caywood and other faculty that you were involved 11 in. And I'm not going to ask you a lot of specifics 12 about these, but I was wondering if you could tell me 13 whether there were minutes taken of these meetings 14 that are listed here. 15 MR. HAWKS: What interrogatory are you 16 on? 17 MS. SPITZ: Interrogatory 10, 18 Page 7. 19 MR. HAWKS: Thank you. 20 A I do not recall any minutes at any of those, but 21 Mr. Roberts often stated that he summarized the 22 discussion in an e-mail afterwards. 23 Q But no official minutes? 24 A No official minutes that I know of. 25 Q Were there typically agendas for these meetings?</p> <p style="text-align: right;">184</p>

1 A Some of them had. It was in general fairly informal.  
 2 For example, let's see, the first one, CJ conference  
 3 room, I was just invited -- it was actually I was  
 4 invited more last minute. I didn't even know exactly  
 5 what it was all about. The idea -- and I learned is  
 6 that because of my Ph.D. and my research background,  
 7 I was -- they hoped I would give their endeavors,  
 8 their plans more weight to attract grants.  
 9 Q Okay, got it. But as far as you can recall, there  
 10 weren't agendas typically for these minutes?  
 11 A Not agendas that they shared with me at least.  
 12 Whether that day they shared some with other members,  
 13 I'm not sure.  
 14 Q Did you take notes during or immediately after any of  
 15 these meetings?  
 16 A I'm pretty sure I took some notes. Certainly names  
 17 and who the individuals are.  
 18 Q And have you turned those over with your discovery  
 19 responses? I'm not sure we asked for them.  
 20 A No, I don't think they were asked for. It didn't  
 21 come up in my preparations.  
 22 Q Do you still have them in your possession?  
 23 A I might.  
 24 Q Let's turn to your response to Interrogatory 15, if  
 25 we can. That's on Page 10. And do you recognize

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1 trigeminal nerve issue that we were able to kind of  
 2 keep under control with some migraine medications at  
 3 that time. Any injury, a knee injury.  
 4 Q So she is just generally your primary physician?  
 5 A Correct.  
 6 Q Dr. Bryan Feyen, what type of doctor is he?  
 7 A Gastroenterology.  
 8 Q And did you see him with regard to any concerns that  
 9 you raise in your lawsuit, any damages you claim in  
 10 your lawsuit?  
 11 A Yeah, actually he was then recommended when I had my  
 12 hospital stay in 2014. Summer of 2014, August. I  
 13 had severe stomach issue that didn't allow me to eat  
 14 much, lost quite some weight and they wanted to clear  
 15 up certain medical issues.  
 16 Q Where is he located?  
 17 A He actually now he's located in Florida. He moved to  
 18 Florida I believe in January. He was with the  
 19 hospital gastroenterology department at Mercy  
 20 Hospital and also Medical Associates Surgical Center  
 21 in Dubuque.  
 22 Q Okay. Next we've got Susan Amundsen. It looks like  
 23 is she a physician's aide?  
 24 A Physician's aide, correct.  
 25 Q Where is she employed, with what hospital?

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1 this as a list of medical providers that you provided  
 2 in response?  
 3 A Yes.  
 4 Q I'd like to walk through these just kind of quickly  
 5 and ask you a few questions about each.  
 6 A Okay.  
 7 Q Letter A, Dianna Bearse?  
 8 A Correct.  
 9 Q What type of doctor is Dr. Bearse?  
 10 A General practice.  
 11 Q And where does she practice? What's the name of the  
 12 clinic?  
 13 A Medical Associates in Platteville. She also has some  
 14 other areas. I think Cuba City. She is also in Cuba  
 15 City.  
 16 Q But you went to see her in Platteville?  
 17 A Correct.  
 18 Q When did you first start seeing Dr. Bearse?  
 19 A I seen her probably not too long after we moved to  
 20 Platteville. I also would say she's been with the  
 21 clinic for multiple years. So maybe 2010.  
 22 Q And you mentioned she's a general practitioner. What  
 23 do you generally go to see her for?  
 24 A Anything from having a cold, sinusitis. I had some  
 25 kind of not really headache issues, I had a

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1 A She is also with Mercy Hospital. I think she's with  
 2 Medical Associates for psychiatry and psychology.  
 3 Q And what sorts of reasons did you see her for? Were  
 4 they related to psychology or psychiatry?  
 5 A Yeah, Dr. Bearse wanted a more specialized doctor or  
 6 physician's aide to oversee my sleep problems and so  
 7 she then took over.  
 8 Q And when did you first start seeing Susan Amundsen?  
 9 A I believe it was in February of 2013.  
 10 Q And where is Mercy Hospital located? Is that in  
 11 Platteville?  
 12 A That's in Dubuque.  
 13 Q Dubuque, thank you. Next, Dr. Scott Brock I see.  
 14 When did you first start seeing him?  
 15 A I also had an appointment or a couple of appointments  
 16 with him after my hospital stay last year. He is an  
 17 endocrinologist, also with Mercy Hospital.  
 18 Q And so he's with Mercy Hospital. So the first time  
 19 you saw him was in 2014?  
 20 A Yes.  
 21 Q How about Dr. Michael Connolly, when did you first  
 22 see him, roughly? Estimate is okay.  
 23 A Yeah, probably after I moved for some kind of minor  
 24 medical questions in 2000 -- I don't know, since  
 25 2010, so here and there. So when Dianna Bearse is

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1 not available, they often offer other physicians, and  
 2 he's one of them that is available.  
 3 Q So he's located at the same clinic?  
 4 A Same facility, yeah, in Platteville.  
 5 Q Do you see him then similarly for other sort of  
 6 primary practice concerns?  
 7 A Correct. And that's the same as Candy Temperly.  
 8 Q So she's also where Bearse and Connolly are located?  
 9 A Yeah.  
 10 Q How about Marian Walker, what kind of a doctor is  
 11 Marian Walker?  
 12 A Oh, I believe Marian Walker had to do with the eye  
 13 problem that I had. Right now I cannot place her  
 14 anywhere else, so that's my best guess.  
 15 Q Okay. Do you remember roughly when you would have  
 16 first seen Dr. Walker?  
 17 A The eye issue, I had issues in 2011 and I think 2012.  
 18 I believe during that time for several months, I  
 19 actually had -- my eye was fire red. So I had  
 20 problems with both of them, but one in particular  
 21 which wasn't contagious or anything, but I wanted to  
 22 make sure that I didn't have anything like pink eye,  
 23 and they checked that out and diagnosed it as a  
 24 severe inflammation.  
 25 Q I've been there myself. It's not fun.

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1 A No, it's not fun. And people definitely notice.  
 2 Q Yeah, they do. Where is Dr. Walker located?  
 3 A I don't know exactly where located, but if it is, if  
 4 I'm not mistaken here, that is the doctor who has to  
 5 do with the eyes, then they -- that doctor came to  
 6 the Medical Associates facility certain days a week.  
 7 Q Okay. How about Alison Ragatz, it looks like another  
 8 physician's assistant?  
 9 A Correct. Also it's just when Dr. Bearse is not  
 10 available and you can consult with her, and I think  
 11 Alison Ragatz tried to first treat my inflammation  
 12 with some over-the-counter or mild prescription  
 13 medications.  
 14 Q Okay. Michael Connolly looks like he's listed here  
 15 twice.  
 16 A Yeah.  
 17 Q So we'll skip him a second time.  
 18 A Yeah.  
 19 Q How about Matthew Arensdorff, when did you first see  
 20 him?  
 21 A I think he's another eye doctor, so probably around  
 22 2011-12.  
 23 Q Where was he located? Was he also with the Medical  
 24 Associates?  
 25 A Correct, yeah. So where his primary facility is, I

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1 don't know, but he's not there every day.  
 2 Q How about Dr. Marsha Horwitz, when did you first see  
 3 her?  
 4 A She's a neurologist, and I saw her -- I believe it  
 5 was fall of 2012.  
 6 Q And where is her office or clinic or hospital?  
 7 A She's with Mercy Hospital in Dubuque.  
 8 Q And how about Dr. Jeffrey White, is that --  
 9 A He was one of the treating physicians at Southwest  
 10 Hospital in Platteville.  
 11 Q And when did you see him?  
 12 A That was summer 2014 or August 2014.  
 13 Q And that was when you were having the  
 14 gastroenterological issues?  
 15 A Yes. When I lost a lot of weight and I was really  
 16 dehydrated too.  
 17 Q How about Dr. Terrence Jorton, when did you first see  
 18 him or her?  
 19 A My best guess is it was also a doctor at Southwest  
 20 Hospital and that was during the same time. The name  
 21 otherwise does not sound familiar. I think he showed  
 22 up on medical reports and that's why we put him down.  
 23 Q How about Dr. Stephen Frommelt, Ph.D.?  
 24 A Yeah, he's a psychologist at the same facility where  
 25 Medical Associates, Mercy Hospital where

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1 Susan Amundsen is.  
 2 Q When did you first see Dr. Frommelt?  
 3 A I don't know whether it was February, February or  
 4 April, around that time of 2013.  
 5 MR. HAWKS: What year? I didn't catch  
 6 that.  
 7 THE WITNESS: February through April  
 8 2014.  
 9 MR. HAWKS: '14?  
 10 THE WITNESS: '13, sorry.  
 11 MR. HAWKS: '13.  
 12 THE WITNESS: Correct.  
 13 Q How about Dr. Arnold Wald, when did you first see  
 14 him?  
 15 A He was consulted by -- he is with UW Health in  
 16 Madison, and I saw him for the first time January of  
 17 2015.  
 18 Q How about Dr. Brian Covey?  
 19 A Dr. Brian Covey took over after Dr. Bryan Feyen left.  
 20 So he is now the gastroenterologist surgeon who did  
 21 my endoscopic surgeries.  
 22 Q And finally how about Kari Ernst, ARNP?  
 23 A Kari Ernst works in the same office as Brian Covey  
 24 and so she assists with --  
 25 Q Nurse practitioner?

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1 A Yeah, nurse practitioner.  
 2 Q And when did you first work with her, just recently?  
 3 A That was fall of last year.  
 4 Q Fall of 2014?  
 5 A Correct.  
 6 Q Thank you. The reason that I'm running through this  
 7 quickly is we'll provide some releases to your  
 8 attorney that we'll ask you to sign after the  
 9 deposition, and we can talk with your attorneys about  
 10 appropriate protective orders, if necessary.  
 11 MR. HAWKS: Good.  
 12 Q Let's take a look at just a couple of these  
 13 documents, and if we want to take a break, that's  
 14 fine. In response to No. 2, Document Request No. 2,  
 15 so Pages 10 and then on to Page 11, there's a listing  
 16 of audio recordings that you've listed in response.  
 17 Do you see that?  
 18 A Yes.  
 19 Q Again I'm not going to ask you about these in detail,  
 20 but can you confirm that the disks that your  
 21 attorneys provided with your discovery responses  
 22 contain audio recordings that you took of meetings or  
 23 conversations that you were present at?  
 24 A Correct.  
 25 Q Did you record every meeting that you had with

1 Platteville faculty or administration?  
 2 A No.  
 3 Q Why did you choose to record the conversations and  
 4 the meetings that are listed in response to Document  
 5 Request No. 2 but not others?  
 6 A Sometimes because of the sensitivity of items  
 7 addressed, I became especially very -- after the  
 8 department meeting in 2013 -- I'm sorry, 2012, after  
 9 the student complained and some of the discussion and  
 10 when the situation became more and more aggravated  
 11 that I felt -- I actually came across some of the  
 12 contradictions, things that were said that were  
 13 contradicted or was done and I felt I had to protect  
 14 myself.  
 15 So whenever I could, whenever I thought of --  
 16 you know, I wasn't totally paranoid running around  
 17 with a recorder the whole time, but when I could  
 18 think of it, when I thought it would be a good idea,  
 19 I tried to bring one.  
 20 Q Did you ever tell any of the individuals who are  
 21 listed in the response to Document Request No. 2 that  
 22 you were going to record them before you did so?  
 23 A No.  
 24 Q And then just one more on here. If we can flip over  
 25 to document Request No. 26, it's on Page 15.

1 (Exhibit 5 is marked for identification)  
 2 Q The reporter is handing you what's been marked as  
 3 Exhibit No. 5. And this is a document that was  
 4 produced with your responses that includes a link to  
 5 a website for something called the Journal of  
 6 Criminal Justice. Do you recall this?  
 7 A Yes, um-hum.  
 8 Q And along with this, I didn't bring it, did you  
 9 provide a screen shot from the Criminal Justice --  
 10 Journal of Criminal Justice website that you had  
 11 started?  
 12 A I'm pretty sure we provided one, yeah.  
 13 Q Okay. And I was just wondering, it came across kind  
 14 of dark. Do you have a copy of that in color  
 15 somewhere?  
 16 A Yeah, we can get you one, yeah.  
 17 Q Great. You can set that one aside. Are you doing  
 18 all right, or would you like to take a break?  
 19 A I'm doing okay, thanks.  
 20 Q Okay. Then what I'd like to do next, and you can go  
 21 ahead and set Exhibit 2 aside if you want and  
 22 Exhibit 5, whatever you'd like, I'd like to talk  
 23 about the cybercrime program that you wanted to  
 24 establish at Platteville.  
 25 And just to confirm, in your complaint you

1 assert that Dr. Caywood wrote you a letter in January  
 2 of 2013 that withdrew his support for your proposal  
 3 to develop that program, is that right?  
 4 A Yes.  
 5 Q What were your initial goals for the cybercrime  
 6 program?  
 7 A Initially I just wanted us to include cybercrime  
 8 education to broaden the education of our students to  
 9 make it -- make it more current. We have not revised  
 10 the curriculum in the criminal justice department  
 11 since mid-1990s. So I felt there was definitely a  
 12 need to update our curriculum.  
 13 In the news, I mean cybercrimes came up more and  
 14 more often. You know, the FBI director, the  
 15 president mentioned it as the number one problem. So  
 16 it made a lot of sense going that route. And  
 17 obviously that was viewed the same by -- especially  
 18 by Bob Roberts, who has always been very interested  
 19 in cybersecurity, cybercrime. So in this regard, it  
 20 didn't take much persuasion to get me on board even  
 21 though I was -- you know, my background is for  
 22 terrorism.  
 23 So when that was offered to me, when I was asked  
 24 whether I'd like to be part of forensics and kind of  
 25 build this cybersecurity program, I was on board

1 pretty quickly.

2 Q When did you first become involved in developing the

3 cybersecurity program at Platteville?

4 A Well, in the preliminary stages of planning, which

5 was like who would do what and how could we get

6 funding, the first meeting we really had was an

7 informal meeting. It was -- I don't believe Dutelle

8 was there, but it was Caywood, Roberts and I in

9 Caywood's office. Dutelle may have attended a bit

10 later, and that was the first informal meeting.

11 Caywood started drawing something that looked

12 like a house and the idea was to actually find a

13 position for Bob Roberts whose teaching position, his

14 tenure track position was basically in great jeopardy

15 and he was on his way out because he could not get

16 his Ph.D.

17 Q Okay.

18 A And that would have then secured -- it was kind of

19 like it included his expertise of grant writing and

20 kind of administrative tasks. So he would be kind of

21 the director -- facilitate the program. Caywood

22 would be officially named as the director and Dutelle

23 would work mainly on his fingerprint research and I

24 would be the cybersecurity program. And then if we

25 wanted to, we could add more parts to it.

1 your steps include applying for the NSF grant that we

2 were talking about yesterday?

3 A That's what actually Bob Roberts then brought up.

4 He's the one that monitored grant opportunities for

5 us and what he did, he approached people who were at

6 the probably most promising chances to get grants.

7 And in our department, he believed it was Mr. Dutelle

8 and I.

9 Q So Roberts was sort of on the lookout for these

10 opportunities?

11 A Correct.

12 Q And he believed that both you and Dutelle together

13 had the best chance of getting these grants, right?

14 A Yeah. Not necessarily that we would do it together.

15 And later on when we had this meeting with actually a

16 representative of DOJ where also Michael Gay was

17 involved, they thought -- in an e-mail it stated that

18 cybercrime would be actually the most compelling idea

19 that would attract grants. So that's the highest

20 demand.

21 Bob Roberts even mentioned that the amount of

22 money available for grants jumped from like I think

23 46 million to over 100 million and then did another

24 jump. So the projection for money was very, very

25 positive, and so he thought I would actually have the

1 Q Okay. So when was this first meeting in Caywood's

2 office when there was Caywood, Roberts and you and

3 you don't think Dutelle was there, when did that

4 happen?

5 A That was in February. I believe it was probably

6 early to mid-February is my best guess.

7 Q Which year, please?

8 A That was 2012.

9 Q So you talked kind of about who would do what, how to

10 divvy up responsibilities. What steps did you take

11 after that initial meeting, just you, what steps did

12 you take?

13 A I actually started looking things up and just what

14 kind of programs exist already, what kind of courses

15 do they have, what kind of enrollment numbers they

16 have. So I just did some research just looking up

17 some cybercrime programs in this regard.

18 I had a pretty good idea what kind of subjects

19 to cover just by -- because I followed this issue for

20 long periods of time. But I thought to put something

21 together so when we talk about it more in depth, we

22 have a little bit more idea of what the program

23 looked like. I actually printed out some curriculums

24 from some other schools as examples.

25 Q In addition to sort of curriculum development, did

1 greatest chance to attract grants.

2 We had another meeting in the fall that he had

3 as director of sponsored programs where he invited

4 people from various departments in all the schools

5 and even there at that meeting discussed that, for

6 example, the associate dean of engineering was there,

7 Lisa Riedle, and it was discussed that my cybercrime

8 idea of what he envisioned for me would be the best

9 prospect.

10 Q Okay. So by the time of this meeting in fall of

11 2012, Roberts had already moved over to the sponsored

12 programs area?

13 A Yeah, yeah. I believe that was about the time that

14 he moved over.

15 Q Okay. And then in terms of the grants for which you

16 were applying in 2012, we talked about the NSF grant.

17 That was for I think you said \$320,000?

18 A Yeah, that's my best recollection.

19 Q Were there any other grants for which you were

20 involved in the application process for this

21 potential cybercrime program during the spring or

22 summer of 2012?

23 A I think there were about three or four that

24 Bob Roberts identified that he wanted to pursue. The

25 NSF was certainly the biggest one and he wanted to

1 wait and see what the responses were. He found them  
2 to be very positive for kind of the first time doing  
3 this and considering, too, we were applying.

4 So we were kind of at a disadvantage not being  
5 an R1 school. But he felt like that with that, just  
6 we can learn from their feedback and now we know what  
7 to target and how to write it better. There was  
8 another round supposed to come up in October and  
9 another one in December that he identified and then I  
10 identified another Wisconsin growth grant and I  
11 didn't pursue it.

12 Q And that was the one we talked about yesterday?

13 A Correct.

14 Q And you got through the first round and you chose not  
15 to pursue the second round after Dr. Caywood sent you  
16 the letter?

17 A Correct.

18 Q So if I understand you correctly, Roberts identified  
19 three or four of these other opportunities, but did  
20 you all agree not to pursue these until you heard  
21 back from NSF or how did that work?

22 A I'm trying to remember. He certainly had -- I mean  
23 if the NSF proposal would have come through, then we  
24 would not have gone for another one because we would  
25 use that and try to create something. When we then

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1 him on that. So you got very little window in  
2 getting everything in. So I tried to do some  
3 preparation so that when he says I'm ready, you know,  
4 I can jump on it, I can provide the information that  
5 he needs. So in this regard, we communicated well  
6 and it was a very friendly, collegial environment.

7 He had something in October, he wanted to do  
8 that. It was articulated to our new dean. The  
9 former dean's office -- I mean interim dean signed  
10 off on the NSF and then she took over and it took a  
11 while to kind of work into everything. I mean she  
12 took the ground running.

13 Q Sure.

14 A But it takes a while. So but she felt a little bit  
15 overwhelmed and didn't like the idea while she was  
16 even traveling or attending some kind of important  
17 meeting that -- she said she would be willing to kind  
18 of get the information beforehand and then kind of  
19 review it and support it, but they didn't have --  
20 Bob Roberts wasn't able to get it done in time, so  
21 they said like, okay, we'll do this and we only need  
22 her signature and then we can send it out.

23 And she says, "I need a little more time to  
24 review that." She was especially concerned about  
25 fringe benefits.

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1 learned that they would not fund a program from the  
2 bottom up, we thought like let's get funding for --  
3 let's get funding from a grant program that would  
4 allow us to do that and he pursued -- he had like two  
5 or three that came to mind.

6 He also even traveled to Washington, DC, even  
7 indicated that he wanted me to go, too, and he said  
8 he'd talk to some people, he had good contacts there  
9 and they were very interested in us building a  
10 cybercrime program.

11 Q But ultimately these additional grant opportunities  
12 weren't pursued in the spring or the summer of '12,  
13 right?

14 A They actually were pursued. There was an attempt in  
15 October and Bob Roberts was highly overworked. It  
16 was an understaffed department. They got a lot of  
17 pressure from -- especially from EMS, from our  
18 engineering school, engineering, math and science  
19 school and also to some degree from BILSA business,  
20 and they have agriculture and biology there that he  
21 was highly overworked.

22 He did a lot in addition to his very long  
23 commute. So he did a lot of these grants very last  
24 minute. So he worked on them like day and night for  
25 a few days. So it was very difficult to work with

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1 MR. HAWKS: This might be a good time  
2 to take a short break if you have no  
3 objection.

4 MS. SPITZ: Yeah. Let me ask just one  
5 quick clarifying question.

6 MR. HAWKS: No problem.

7 Q So in October 2012 there was this opportunity that  
8 Bob had considered pursuing but because of the  
9 transition of the deanship, it ended up not going  
10 forward, correct?

11 A Correct. It was put on wait and he mentioned to the  
12 dean, too, there was another opportunity in December,  
13 I believe, and we all agreed then, okay, let's kind  
14 of take a little bit more time and do it around then.

15 MS. SPITZ: Okay. Let's go off the  
16 record, please.

17 (short recess is taken)

18 Q Before we go into the cybersecurity program a little  
19 bit more, I want to go back and ask a quick  
20 clarifying question about some of those extra income  
21 opportunities we were talking about earlier. And I  
22 remember at one point you said, I believe, that  
23 Dr. Caywood had offered these opportunities to  
24 Roberts and to Gibson, right?

25 A Yes.

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1 Q How do you know that?  
 2 A Talks in the department. Sometimes these things were  
 3 mentioned at a department meeting as, you know, we're  
 4 doing this now and so-and-so and so-and-so is working  
 5 on it.  
 6 Q Were you ever there when Caywood offered these  
 7 opportunities directly to Roberts or to Gibson?  
 8 A He would do that in his office very often behind  
 9 closed doors.  
 10 Q Okay. So you weren't there?  
 11 A No.  
 12 Q So you're not sure what words he might have used with  
 13 either of these guys?  
 14 A No.  
 15 Q Let's go back to talking about the cybersecurity  
 16 program that you were working on in 2012. And we  
 17 talked a little bit about the various grant  
 18 opportunities that you and the others in the  
 19 department were looking into. Did I hear you  
 20 correctly that if Platteville had won the \$320,000 or  
 21 so NSF grant in 2012 that you wouldn't have needed to  
 22 pursue other grants at that time?  
 23 A Certainly not right away. We would have first wanted  
 24 to basically meet the requirements or meet what we  
 25 promised to do with the money. That would be our

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1 first goal.  
 2 Q But a larger sum like that would have been sufficient  
 3 to at least start the program, right?  
 4 A Yes, um-hum.  
 5 Q Let's talk a little bit about I guess maybe the  
 6 logistics of getting a program like that started. Do  
 7 you know whether starting a program like the  
 8 cybersecurity program that you had proposed required  
 9 approvals?  
 10 A Oh, absolutely.  
 11 Q Whose approvals would have been required, if you  
 12 know?  
 13 A You usually want to start manageable. I mean you  
 14 need to have people who teach, so when you get the  
 15 courses established, they have -- in our case, we  
 16 didn't have a department curriculum commonly. So if  
 17 you had a signature from the chair on your proposal,  
 18 you would take it to the college curriculum review  
 19 board and they would then discuss it and see whether  
 20 it fits the catalog.  
 21 You have to articulate how you would staff the  
 22 course, what kind of rotation it would be on, fall,  
 23 spring or year-round, the anticipated number of  
 24 students, things like that.  
 25 Q So you'd have to get the approval certainly of the

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1 department chair which in that case would have been  
 2 Dr. Caywood, correct?  
 3 A Correct.  
 4 Q And then you mentioned the college curriculum  
 5 committee. Would that have been the IA&E committee?  
 6 A Yes.  
 7 Q Would there have been additional administrative  
 8 approval such as the chancellor that you needed?  
 9 A I think the next after that, it would go through the  
 10 university curriculum committee.  
 11 Q And do you know of other approvals that might have  
 12 been necessary after that?  
 13 A For a regular course, that would be it. That should  
 14 be it, yeah.  
 15 Q And how about just for the cybersecurity program, you  
 16 were -- just to be clear, everybody was contemplating  
 17 doing more than one course, right?  
 18 A Yes.  
 19 Q You were thinking about either a concentration or  
 20 possibly a major within criminal justice?  
 21 A Yeah. That was kind of -- Caywood and also our  
 22 interim dean talked about that the chances of trying  
 23 to allocate money for an IA&E building, and within  
 24 that, we would have a bigger track for criminal  
 25 justice since we had the second largest program on

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1 campus. And the idea was we would then have room and  
 2 stuff -- you have to certainly have a plan how to use  
 3 it. Otherwise just basically the space would be made  
 4 available to somebody else. So we wanted to be ready  
 5 for that.  
 6 Q So just to make sure that I've got this right, so if  
 7 you're looking to have an approval for a major or a  
 8 concentration like that, you would need the  
 9 department chair for criminal justice, the IA&E  
 10 curriculum committee and the university curriculum  
 11 committee. Are you aware of any other approvals?  
 12 A That would be for courses. So if you then want to  
 13 move for an emphasis, I'm not quite sure how that  
 14 works university-wide, but in general the chair can  
 15 help with that or the dean know where to take that  
 16 next.  
 17 If it goes minor, major, then certainly it has  
 18 to be approved by the regents and in the UW System.  
 19 It's so that you do not directly compete with other  
 20 universities, so as long as the program you're  
 21 creating is not in direct competition to a program  
 22 started somewhere else. And we actually looked into  
 23 that. That was part of what Dr. Caywood and  
 24 Mr. Roberts did to kind of assess what kind of other  
 25 programs related to cybersecurity are out there.

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1 Q So fair to say that if you're going for an emphasis  
2 as opposed to a simple course, there would be more  
3 approvals needed rather than less, yes?  
4 A Yeah, I'm not quite sure, emphasis or even giving a  
5 certificate, what exactly that entails. And I didn't  
6 care so much about the steps. I just wanted to get  
7 something going and so it was like if you have  
8 something, it works, then we can grow from there.  
9 Q So were you involved at all in seeking these  
10 approvals for the program?  
11 A I didn't have to, no. That was all done by Roberts  
12 and Caywood. I guess they handled it. I think at  
13 one point Caywood even walked the proposal over to  
14 the dean's office. He offered to do that.  
15 Q Okay. But you weren't actually part of the group  
16 that was securing these various university level  
17 approvals?  
18 A No.  
19 Q We had talked before the break a little bit, you  
20 state in your complaint that Caywood withdrew his  
21 support for your proposal. And so when did Caywood  
22 first express support for a cybersecurity program?  
23 A The first time he mentioned it, the idea, which, you  
24 know, since it came from him with Roberts was in  
25 February of 2012.

1 there and so on.  
2 He also opened an S drive, which is an internal  
3 drive where you can upload things in the department  
4 or the school can access that. So that was something  
5 that he facilitated.  
6 Q Okay. So the meeting with representatives of the DOJ  
7 at which Caywood was named the director, when was  
8 that?  
9 A I would have to look that up. It was in spring, I  
10 believe. Was it April? My best guess or my best  
11 recollection, I think it was April.  
12 Q That's fine.  
13 A It was in a meeting that lasted --  
14 MR. HAWKS: What year?  
15 THE WITNESS: 2012.  
16 MR. HAWKS: Thanks.  
17 A It lasted all -- started in the early afternoon, I  
18 believe we first met in a conference room and at the  
19 student center, the Markee Student Center and then  
20 later drove out to the crime scene house. Actually I  
21 drove with Caywood. Caywood invited me to ride with  
22 him.  
23 Q And so Caywood during this meeting with the DOJ in  
24 the spring of 2012 continued to express support for  
25 the program?

1 Q And was that in the in-person meeting that we  
2 described earlier?  
3 A Correct.  
4 Q Do you recall what specifically Dr. Caywood said  
5 during this meeting that was an expression of support  
6 for the program?  
7 A That we would create this forensic center. He even  
8 thought about a name. It would be the Joe Lomax  
9 Center and it would be -- so basically his legacy  
10 behind, what he wanted to leave behind, not just like  
11 a forensic investigation program, basically as a  
12 major, but also a center that would be known in  
13 Wisconsin and across the state border.  
14 Q And what was your response when Dr. Caywood sort of  
15 proposed this during that meeting?  
16 A It was exciting. I thought it was a great idea.  
17 Q Did Dr. Caywood express support for the program at  
18 other points after that February of 2012 meeting?  
19 A At the meeting with representatives of the DOJ, he  
20 was actually named as director of that center then at  
21 one point. He was there, he was at all those  
22 meetings. He also went out to the crime scene house  
23 with us where he even discussed whether we could use,  
24 for example, the basement for cybercrime related  
25 research, maybe, for example, put computers down

1 A Yeah. There was another meeting, too, with two  
2 legislators. That was with -- what's her name? Now  
3 special assistant to the chancellor, Rose Smyrski was  
4 there. At that time I don't think she was special  
5 assistant to the chancellor yet. There was a little  
6 bit of a rivalry between her and Michael Gay and who  
7 gets to be instrumental in putting this together, but  
8 Dr. Caywood was there too. It was Mr. Dutelle and  
9 Mr. Roberts and then the two politicians.  
10 Q Okay. Did Dr. Caywood continue to attend these  
11 meetings and express support after the NSF grant did  
12 not come through for the group?  
13 A Yeah. It didn't die because of that. So Bob Roberts  
14 didn't see that as the end at all. He saw that as,  
15 you know, we made a good first attempt and let's  
16 learn from that and take it to the next round, and  
17 Caywood actually even tried to cheer me up a bit and  
18 says, hey, you know, there will be other  
19 opportunities, so we'll try it again.  
20 Q Was there any point prior to January 24th of 2013 at  
21 which you believed Dr. Caywood withdrew his support  
22 for the program?  
23 A Never articulated that he was not on board with it  
24 anymore. There was actually in December an e-mail  
25 exchange I had with him where I updated him that I

1 made it through the first round of the Wisconsin  
 2 grant, growth grant and he just said something like,  
 3 oh, congratulations, and so it wasn't really what are  
 4 you doing here or for what. You know, so he seemed  
 5 positive.  
 6 Q Other than the meetings that you've just talked about  
 7 with the two representatives and the DOJ, did  
 8 Dr. Caywood continue to attend meetings in support of  
 9 the cybersecurity program after that date or after  
 10 those meetings?  
 11 A I know that Roberts stopped by at Caywood's office  
 12 and talked about any grant proposals, grant ideas  
 13 concerning my cybercrime idea and Dutelle's plans for  
 14 forensics, and he then stopped by my office and --  
 15 but I was like -- you know, I was in class and he was  
 16 with Caywood and Mr. Dutelle and it was during our  
 17 difficult schedule. But there were more talks along  
 18 those lines.  
 19 Q Okay. So there were more internal talks, but were  
 20 there any further sort of external meetings with  
 21 others, such as the DOJ or other sort of outside  
 22 groups that Dr. Caywood was in that you recall?  
 23 A No, I can't think of any right now.  
 24 (Exhibit 6 is marked for identification)  
 25 Q So the reporter is showing you what's been marked as

1 Exhibit No. 6. This is a letter you received on  
 2 January 24th of 2013, is that right? And it's  
 3 two-sided?  
 4 A Yeah, yeah, yeah. Sorry. Yes, yes. This was the  
 5 one that was attached to an e-mail.  
 6 Q Right. And this was sent to you in an e-mail by  
 7 Dr. Caywood, right?  
 8 A Correct.  
 9 Q Does it appear to be a fair and accurate copy to you?  
 10 A Yeah, that looks like what he wrote.  
 11 Q And then that handwriting at the top of the first  
 12 page that says Exhibit D, is that your handwriting?  
 13 A No.  
 14 MR. HAWKS: Is this Exhibit 7?  
 15 MS. SPITZ: 6.  
 16 Q Do you recall turning this letter -- a copy of this  
 17 letter over with your discovery responses?  
 18 A Yes, um-hum.  
 19 Q Is it your belief that this letter caused damage to  
 20 your reputation?  
 21 A Yes.  
 22 Q Why do you believe that?  
 23 A It was defamatory to the dean, saying that he never  
 24 supported the cybercrime program or the idea of  
 25 establishing that cybercrime program at

1 UW-Platteville.  
 2 Q So where do you believe it says that in the letter?  
 3 A By saying, "I'm not aware that the CJ department  
 4 approved the cybersecurity program or they developed  
 5 one" -- "the development of one."  
 6 Q Okay. So you conclude from that statement that  
 7 Dr. Caywood was saying that he had never supported  
 8 it?  
 9 A Yes.  
 10 Q Did Dr. Caywood ever tell you directly that he never  
 11 supported the program?  
 12 A No. Quite the opposite.  
 13 Q Is it correct that you believe that this letter was  
 14 written as part of a conspiracy between Dutelle and  
 15 Caywood?  
 16 A I suspected it. The writing is not -- it's not the  
 17 kind of writing that Caywood uses. He writes his  
 18 e-mails very differently, his announcements. So it  
 19 seemed to come from somebody else. This was also I  
 20 think he didn't seem to have that much time to write  
 21 it. So from that, I assume -- I suspected that  
 22 somebody else was behind it.  
 23 Also there was some inaccuracies and  
 24 inconsistencies in it that came from a conversation I  
 25 had with Mr. Dutelle in -- a few months prior to that

1 that reminded me of the conversation I had with  
 2 Dutelle.  
 3 Q Okay. Let me break that down a little bit. Did you  
 4 ever tell one of the faculty grievance committees or  
 5 anyone with whom you filed a grievance that you  
 6 believed that this letter was written as part of a  
 7 conspiracy between Dutelle and Caywood?  
 8 A I don't think I used the term conspiracy, but I think  
 9 I shared my suspicion.  
 10 Q And so you believe that this was written by  
 11 Mr. Dutelle and Mr. Caywood -- or Dr. Caywood signed  
 12 his name to it?  
 13 A Yes.  
 14 Q And if I understand you correctly, you believe that  
 15 because, first of all, this is not Caywood's typical  
 16 style of writing?  
 17 A Correct.  
 18 Q Let's start there. What kind of differences jump out  
 19 to you that indicate to you that Dr. Caywood did not  
 20 write this letter?  
 21 A Dr. Caywood's writing is poor in comparison. He  
 22 makes a lot of mistakes, especially when he is  
 23 emotional about something, when he's upset.  
 24 Q And so the fact that you don't see that in this  
 25 letter leads you to believe that Dr. Caywood didn't

<p>1 write it?</p> <p>2 A Correct, yeah.</p> <p>3 Q Any other reason or anything else that jumps out at you as not his style?</p> <p>4</p> <p>5 A The way it is described again reminded me of a</p> <p>6 conversation I had had with Mr. Dutelle, you know, a</p> <p>7 month or two prior to that.</p> <p>8 Q Okay. I'll get to that in just a second. But in</p> <p>9 terms of the writing style, there's nothing else that</p> <p>10 really jumps out at you as to --</p> <p>11 A No. It just does not read like a Caywood letter.</p> <p>12 Q Okay. I think you also mentioned that you didn't</p> <p>13 believe Dr. Caywood had the time to write this sort</p> <p>14 of letter, did I hear you correctly?</p> <p>15 A Um-hum.</p> <p>16 Q Yes?</p> <p>17 A Correct.</p> <p>18 Q And what caused you to believe that he didn't have</p> <p>19 time to write this sort of letter?</p> <p>20 A He was on the phone a lot this morning. He also had</p> <p>21 students there. I believe he even had a class to</p> <p>22 teach. So then he left -- he left to go home, what</p> <p>23 he usually does, he likes to go home for an hour to</p> <p>24 two and either lays down or he likes to watch soccer.</p> <p>25 I mean that's not a secret because he shared that</p> <p style="text-align: right;">217</p>	<p>1 Dutelle would write it on Caywood's computer.</p> <p>2 Q Let's talk about sort of what you referred to as the</p> <p>3 inaccuracies --</p> <p>4 A One more thing. It was never denied. It came up at</p> <p>5 the grievance hearing and Dr. Caywood never denied</p> <p>6 that he didn't write it.</p> <p>7 Q Okay. So did you ask him that at the hearing?</p> <p>8 A I had it in my grievance hearing and he wrote a very</p> <p>9 long rebuttal, and that was not one thing that he</p> <p>10 addressed. And neither did Mr. Dutelle.</p> <p>11 Q Did he respond to every other one of your questions</p> <p>12 contained within your packet?</p> <p>13 A Pretty much anything he felt that was not accurate,</p> <p>14 he did.</p> <p>15 Q And how do you know that he responded to everything</p> <p>16 that he thought was not accurate?</p> <p>17 A I read his rebuttal.</p> <p>18 Q Did he tell you that he had responded to everything</p> <p>19 that he believed was not accurate?</p> <p>20 A It came up at the grievance hearing and he did not</p> <p>21 respond to it either.</p> <p>22 Q Okay. So you believe that because it was not in his</p> <p>23 written rebuttal and because it didn't come up during</p> <p>24 the grievance hearing that he never denied it as</p> <p>25 inaccurate and therefore it must be true?</p> <p style="text-align: right;">219</p>
<p>1 with us. He then came back. Actually I saw him at</p> <p>2 the door, and right after that, he sent it. So the</p> <p>3 timing was kind of -- it just seemed off.</p> <p>4 Q Okay. So the information you have about</p> <p>5 Dr. Caywood's typical schedule is based on what he</p> <p>6 told you then?</p> <p>7 A Not just he told us, but what others said, oh, he's</p> <p>8 going home to take a nap or he's going to take the</p> <p>9 dog for a walk. So it was just he left every lunch</p> <p>10 time to go home unless there was -- a visitor coming.</p> <p>11 Q So to your knowledge, he was gone over the lunch</p> <p>12 period on January 24th, 2013?</p> <p>13 A Yes. We saw him leaving. He locked his door and</p> <p>14 then he came back. So he walked by my office every</p> <p>15 single time.</p> <p>16 Q You mentioned he was on the phone and you believe he</p> <p>17 had a class that day. Do you know for certain that</p> <p>18 the letter had to have been written on January 24th,</p> <p>19 2013 in order to be dated that way?</p> <p>20 A I actually suspected it was written before by Dutelle</p> <p>21 and sent to him. That's just based on kind of the</p> <p>22 information. This is a suspicion. I don't have any</p> <p>23 evidence. I think I could look into that. That</p> <p>24 certainly could be cyber forensically established</p> <p>25 from what computer wrote it out. I doubt that</p> <p style="text-align: right;">218</p>	<p>1 A I would assume not. If somebody would write</p> <p>2 something and I would say that you didn't write this,</p> <p>3 I would certainly address that.</p> <p>4 Q Let's talk about what you characterized as the</p> <p>5 inaccuracies in a conversation that you had with</p> <p>6 Aric Dutelle that you believe are reflected in this</p> <p>7 letter. When did that conversation take place,</p> <p>8 approximately?</p> <p>9 A I have it written down somewhere because the meeting</p> <p>10 was kind of formally scheduled in Dutelle's office.</p> <p>11 I wanted to discuss my ideas for the program. I</p> <p>12 could tell that Mr. Dutelle was apprehensive. So</p> <p>13 that was probably -- I would say in December,</p> <p>14 somewhere in December.</p> <p>15 Q December of 2012?</p> <p>16 A Yes.</p> <p>17 Q And what were the -- what inaccuracies from that</p> <p>18 conversation do you believe are reflected in this</p> <p>19 letter? Can you point them out to me on Exhibit 6?</p> <p>20 A Okay. The first thing is Dutelle says like, "You</p> <p>21 need to get the support of the department."</p> <p>22 And I says, "Okay, Aric, I cannot talk to people</p> <p>23 about it and they -- there's a pretty strong</p> <p>24 consensus now in the department that this program is</p> <p>25 a good idea."</p> <p style="text-align: right;">220</p>

1 Q Okay. So just a moment. So where within the -- can  
2 you point me to the language?  
3 A That would be basically that I'm not aware that we  
4 approved it. So that was one thing that I did not  
5 understand when he brought it up at the meeting  
6 because we did not have an approval process within  
7 the CJ department for any grants, any ideas, whether  
8 they had to do with FI or CJ. We didn't have a  
9 curriculum committee where you would run something  
10 like this by. The decision for the department was  
11 made by the chair.  
12 Q Did you ever directly ask Dr. Caywood to approve your  
13 cybersecurity program?  
14 A Absolutely. I would not go with an NSF proposal or  
15 anything like that without his approval.  
16 Q When did you ask him for approval?  
17 A That -- the one thing was at the meeting. It wasn't  
18 just his approval. He wanted me to do it. So in  
19 this regard when your boss requests that you work on  
20 something, you assume that he is approving of it.  
21 And then when he signed it, he gave his approval to  
22 it.  
23 Q So when he signed the NSF grant --  
24 A Correct.  
25 Q -- proposal?

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1 department meeting. Then --  
2 Q But ultimately if for the sake of argument it was a  
3 departmental decision that must be approved by the  
4 department, whose approval would have been necessary,  
5 if you know?  
6 A The chair's.  
7 Q So Caywood?  
8 A Caywood.  
9 Q I'm sorry, please continue.  
10 A Then another thing was when -- yeah, the part about  
11 the FI program, the paragraph on the other side here,  
12 anything from when the forensic investigation program  
13 is the latest expansion, and it really kind of goes  
14 on and on about that, which really has kind of his  
15 signature on it.  
16 The department chair, Joe Lomax, was involved in  
17 every step of the process, and yeah, that was right,  
18 but there was no department -- other department  
19 members involved in it. In fact, there was pretty  
20 strong opposition from department members, I know  
21 from Dr. Fuller, from Dr. Hilal who were not a fan of  
22 it. They brought in an outside evaluator, which was  
23 Dr. Stan Stojkovic from Milwaukee.  
24 Q Right.  
25 A Who also was very critical of the program. So that

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1 A Oh, yeah.  
2 Q Okay. So I guess my question is a little bit  
3 different. I understand the meeting. I understand  
4 the discussions and his signature. But did you ever  
5 specifically ask Dr. Caywood for approval for a  
6 cybersecurity program or the development of one?  
7 A I didn't see where I would have done that when he  
8 asked me to do that. You know, that's kind of weird  
9 to ask in return.  
10 Q But the answer to my question would be no?  
11 A Yeah. Yeah, that would be no.  
12 Q Okay. So we've talked about that statement. And  
13 then, I'm sorry, I think I cut you off in terms of  
14 the other portions of the conversation with Dutelle.  
15 Where in the letter do you see sort of shades of that  
16 discussion?  
17 A The decision is a department decision and must be  
18 approved by the department.  
19 Q Is that something that Dutelle said to you?  
20 A That was something that he said, yeah. Again when I  
21 asked him how would that look like and he did not  
22 give me a specific answer because I felt like where  
23 the heck do I go, do I raise it at a department  
24 meeting, and I brought it up at department meeting.  
25 I mean we talked about these kind of things at a

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1 kind of leaving that out, that sounds a lot like  
2 Dutelle was in denial about that he did not have that  
3 kind of support.  
4 Q Just going back for a moment because I think you  
5 highlighted kind of language here with FI program and  
6 just right at the top of 428 where it says, "FI  
7 program not only verbal support but financial  
8 support," do you dispute that there was financial  
9 support for the FI program?  
10 A The FI program got the financial support not because  
11 it went through the regents or approval procedures,  
12 it got it from the chancellor's office. The interim  
13 chancellor, Butts, thought it was a good idea because  
14 of CSI shows to kind of do that and get some students  
15 in.  
16 Q But there was financial support available for it from  
17 somewhere?  
18 A They had still money -- yeah, the university still  
19 had money for things like that at that time.  
20 Q So the discussion on FI and then we talked about the  
21 two other comments toward the beginning of the  
22 letter. Are there any other shades of Aric Dutelle  
23 in this letter that make you believe that he wrote  
24 it?  
25 A Where he said you advertised in press releases and

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1 websites, I said I did not advertise. That came up  
2 at one point.  
3 Q That came up in your discussion with Dutelle?  
4 A Yeah, yeah. Oh, yeah, here. "Teaching current topic  
5 courses, which you have taught a number of different  
6 topics, would not be sufficient to justify new  
7 courses, new emphases or new majors. My vision of  
8 the future is exactly that, my vision."

9 Aric Dutelle told me in that conversation that,  
10 "You are not an expert," and I thought, well, that's  
11 kind of interesting for you to evaluate. You're not  
12 maybe the person who should do that. And I tried to  
13 explain to him why I do have respect for the  
14 knowledge I have in this field.

15 And he says, "Oh, let's not get nitpicky." So  
16 that was one of the statements that he did. Then he  
17 also even said, you know, a lot -- another thing that  
18 comes out where he mentions Joe Lomax kind of built  
19 this program, he told me, "You know, Joe Lomax and  
20 Van Buren kind of built this program and we should  
21 not mess with something that is great as it is."

22 And I thought that was a -- you know, at that  
23 point I felt like, you know, it doesn't make sense to  
24 argue. He is obviously very protective of what there  
25 is in place. But to say that we have to be stagnant

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1 He was very upset. I knew that he was going for  
2 tenure, and I looked at my contract and I talked to  
3 the interim dean and she said, yeah, you can put in  
4 for tenure. So I said great.

5 And I did not think that would offend  
6 Mr. Dutelle that much, especially since he was hired  
7 after me and especially since he only has a master's  
8 degree, and I didn't even have an issue if he would  
9 get it at the same time. For goodness sake, I mean  
10 it was the same with getting two years toward  
11 promotion, which was not part of the agreement. So I  
12 mean I could live with that. You know, I know life  
13 is not fair necessarily.

14 Q So when you say not part of the agreement, you mean  
15 part of Dutelle's employment contract when he was  
16 brought on into a tenure track position in 2010, was  
17 it?

18 A Correct.

19 Q Okay. So you believe that this letter was written to  
20 you because Dutelle was upset that both of you were  
21 going for tenure at the same time?

22 A Yes. Right before Christmas I had a better working  
23 relationship with Dr. Caywood, again after my husband  
24 talked to him, and he didn't want to talk to me, so  
25 he -- that's not unusual. He was more comfortable

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1 as a criminal justice program, that does not sound  
2 very realistic.  
3 Q Okay. So just if I understand you correctly, the  
4 statement about teaching current topic courses, you  
5 believe that Dutelle wrote the letter because this --  
6 strike that. I'm going to start over with a better  
7 question.

8 So the statement that is in the letter signed by  
9 Caywood about the current topics courses, you believe  
10 that Dutelle wrote it and possibly the rest of the  
11 letter because he told you during that December  
12 conversation, December 2012 that you were not an  
13 expert in cybersecurity?

14 A Correct. When I read the letter for the first time,  
15 I heard Aric Dutelle in it. It was just my first  
16 impression it sounded like a letter that would come  
17 from Aric Dutelle, not from Dr. Caywood.

18 Q Okay. Why do you believe that this letter, whether  
19 written by Dr. Caywood or as you argue by  
20 Mr. Dutelle, was written to you? Why do you believe  
21 it was written to you?

22 A Written to me?

23 Q Yeah. Why do you believe you received it?

24 A The timing -- the one thing is it was after I put in  
25 for tenure, which really, really upset Mr. Dutelle.

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1 talking to a man, and they had social contact outside  
2 of school, so -- and that seemed to kind of ease the  
3 tension a bit. That's why the letter actually really  
4 surprised me.

5 And the only thing that was different was that I  
6 put in for tenure and Aric Dutelle's demeanor changed  
7 very drastically. He became very hostile toward  
8 me.

9 Q Do you believe that there's any other reason that  
10 this letter was sent to you or that you received this  
11 letter?

12 A The letter was a sign to stop the cybercrime efforts  
13 cold in the track, ended. I believe it was seen as a  
14 threat to Aric Dutelle's endeavors.

15 Q Okay. So we've got that Dutelle was upset that you  
16 both were going for tenure and Dutelle was upset  
17 about the cybersecurity program, wanted to stop it.

18 A Um-hum.

19 Q Any other reason why you believe you received this  
20 letter?

21 A Yeah. Ever since the student complained, Caywood  
22 was -- he had a really tough time with me on  
23 conversing and he was not as outspoken anymore, he  
24 was not really supportive, he was not acting on. So  
25 I believe it didn't take much to kind of turn him

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1 against me again, and he brought it up later again  
 2 that he was very mad and he still is mad that I  
 3 reported the student complaint outside of the  
 4 department. So that was something that he never let  
 5 go, that he kept bringing up.  
 6 Q But you mentioned a couple of minutes ago, if I  
 7 remember correctly, that things had been getting  
 8 better between you and Caywood until this letter came  
 9 along, correct?  
 10 A Yeah. Until -- yes, correct. Until I put in my  
 11 tenure request. And he made it very clear that he  
 12 was not supportive of my tenure request.  
 13 Q Caywood did or Dutelle did?  
 14 A Caywood.  
 15 Q Did anyone ever tell you that your actions in  
 16 applying for the AT&T grant, which we'll talk about a  
 17 little bit in a minute, had put the university and  
 18 its reputation at risk because there was not a  
 19 cybersecurity program in place?  
 20 A No. Quite the opposite.  
 21 Q Did anyone ever tell you that you had put the  
 22 university or its reputation at risk because such a  
 23 program had not yet been approved?  
 24 A Never claimed that we had the program approved. It  
 25 was we were working on building -- I mean developing

1 Dutelle, who had this kind of rivalry of -- and it's  
 2 not that unusual to have that. It's not unusual for  
 3 a department to have that. Usually what you need is  
 4 a chair that keeps it at bay, and that did not  
 5 happen.  
 6 Q So the he that you're referring to in your last  
 7 response in terms of not supporting is Dr. Caywood,  
 8 correct?  
 9 A Yes.  
 10 Q Okay. Do you have any evidence of I guess pretext,  
 11 do you have any documentary evidence, any paperwork  
 12 showing that Dr. Caywood wrote this letter for a  
 13 different reason than what is stated in it, namely,  
 14 that the approvals weren't received?  
 15 A I don't have any written indication, nothing that he  
 16 said, I write that because I'm mad at you or  
 17 anything. He never said that.  
 18 Q Did he ever tell you it was because of the student  
 19 complaint that you had involvement with in 2012?  
 20 A No. But he certainly did not let me forget that he  
 21 was mad because of the way I handled it.  
 22 Q Okay. But he never actually connected the two --  
 23 A No.  
 24 Q -- in discussions with you?  
 25 A No.

1 a skeleton and something that we could then show off.  
 2 I mean you have to have something that you could show  
 3 an idea, something that can be then installed, can be  
 4 applied as a first step. You can't just walk around  
 5 with just an idea in your head.  
 6 Q Okay. So a couple of the statements that you talked  
 7 about in the letter seemed to express at least on  
 8 paper why Dr. Caywood was upset concerning that the  
 9 cybersecurity program had not been approved by the CJ  
 10 department and that the decision was a departmental  
 11 one and departmental approval was needed. I take it  
 12 you don't believe that that reason was a legitimate  
 13 one for the letter?  
 14 A No, absolutely not.  
 15 Q And would that be because of the reasons that we've  
 16 already discussed, or are there others?  
 17 A The reason is that he did not want to support  
 18 anything I was doing since that time, including when  
 19 we had the filming of the interview out there. He  
 20 didn't want to be there, he didn't want to see it.  
 21 He didn't want to announce it in the department. He  
 22 didn't use it as a PR tool for recruitment even  
 23 though it was a great tool to do.  
 24 So anything that I did he didn't want to support  
 25 anymore, and that certainly made it easier for

1 Q Did anyone else connect the two in conversations with  
 2 you? Did anyone say, hey, Dr. Caywood says that  
 3 because you went above his head --  
 4 A No.  
 5 Q -- or helped with this complaint, he's not going to  
 6 help you?  
 7 A No.  
 8 Q Let's talk a little bit more about the AT&T grant  
 9 that went in this letter. In October of 2012 you  
 10 applied for a grant of \$7,000 from AT&T and won,  
 11 correct?  
 12 A Yes.  
 13 Q And as part of that proposal, you had initially  
 14 contemplated using some of the funds so that you  
 15 could have some release time and devoted to research,  
 16 correct?  
 17 A No. That money would not -- could not be used for  
 18 release time.  
 19 Q So you had initially -- I think did you reach out to  
 20 AT&T and ask or talk about what the budget would be  
 21 used for when you were applying and find out?  
 22 A The first time I reached out, it was actually to  
 23 Travis Tranel, the state representative for Grant  
 24 County, and I asked him -- I said I have a proposal  
 25 going and we made it to the last round, it kind of

1 went really well, if we didn't get -- we need some  
2 funding to kind of get something started.

3 He says, "Let me talk -- this sounds like a  
4 really great idea and let me find out." So he talked  
5 to Wisconsin Technology Council and then he came up  
6 with -- he contacted me back and says, "You know  
7 what, you will hear from AT&T soon. They really like  
8 your idea."

9 So AT&T then contacted me. I sent them a  
10 summary of our NSF proposal to let him know this is  
11 what we had signed off, this is what we put in for  
12 but didn't get funded. And he says, "That sounds  
13 like a really great idea and we need more people like  
14 you being passionate about things. AT&T would like  
15 to help with some moderate beginnings."

16 Q So you put in for the grant?

17 A It wasn't putting in -- it wasn't a grant or  
18 anything. It was a donation.

19 Q Donation?

20 A But you had to fill out a form they want for their --  
21 the administration needed some kind of -- I don't  
22 know, for filing or for donation. I don't know how  
23 that works for tax reasons. So they needed to file,  
24 and what it was for, it also needed to be -- they  
25 wanted some kind of demographics information too, and

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1 whether they'll let us do that. So we probably have  
2 to use that money in a certain way." But he seemed  
3 pretty cheerful about it.

4 Q So at the time that you told Dr. Caywood to kind of  
5 cheer him up, as you put it --

6 A Yes.

7 Q -- did you tell him that you were applying for this  
8 donation so that it would go to the cybersecurity  
9 program?

10 A Absolutely.

11 Q What was his reaction when you told him that?

12 A Positive.

13 Q So his comments about the computers, in what context  
14 did that come up?

15 A I think -- I don't know, whatever, some kind of joke  
16 that he made. He had some kind of off jokes here and  
17 there. I mean things like when he tells the  
18 students, you know, you're just here -- we just want  
19 your money and stuff. So it's along those lines. He  
20 wanted to be funny.

21 Q Okay. So you don't think he was serious about using  
22 the donation for computers? You thought he was aware  
23 of and supportive of using it for cybersecurity?

24 A Yeah. I perceived it that he was just trying to be  
25 funny.

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1 all that was done by sponsored programs. So because  
2 I didn't have those numbers handy, so they helped  
3 with it, and I had Kathy Lomax, who was at that time  
4 the director of sponsored programs, looking over it.

5 Q So Kathy Lomax was eventually replaced by  
6 Bob Roberts?

7 A Correct.

8 Q And in terms of who you may have spoken with before  
9 applying for this donation, it sounds like you worked  
10 with sponsored programs. Did you work with anybody  
11 within criminal justice before putting in for the  
12 donation?

13 A At that time Dr. Caywood was in the hospital, I  
14 believe. When I heard that when Jim Jermain, the  
15 assistant -- or regional director contacted me and  
16 said, you know, we will have some money available, he  
17 wasn't quite sure how much they could make available,  
18 our secretary, Sheri, said, "You should tell Caywood.  
19 That would be something to cheer him up."

20 So I sent it to him and really -- he liked to  
21 hear it. He says, "Oh, this is great." He seemed  
22 very, very happy and he had immediately plans --  
23 actually when he came back in the office, "Oh, we can  
24 buy new computers for everybody."

25 And I says, "Well, you know, I don't know

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1 Q Did he tell you that he was supportive of its use for  
2 cybersecurity, that donation?

3 A He seemed very happy that we got this in the  
4 beginning and especially he's very close with  
5 Bob Roberts and Bob Roberts was absolutely ecstatic.  
6 He says, "It's fantastic, it's a great beginning,  
7 great job."

8 When I told Dean Throop about it, she said, "I'm  
9 so proud of you." That's something I didn't keep  
10 secret. I let people know. The only one that was  
11 kind of hesitant to congratulate me was  
12 Mr. Dutelle.

13 Q So did you, I guess, tell Dr. Caywood and Dean Throop  
14 and these other individuals about the donation while  
15 you were applying for it or only after it was  
16 received?

17 A I mentioned to Dr. Caywood at one point that since we  
18 didn't get the NSF proposal that I'll try and see  
19 that I can get some private funding. I can imagine  
20 that private industry would be very interested in us  
21 starting a program. And he says, "Great, go ahead."  
22 That was pretty much it.

23 Q Do you have any documents, maybe e-mails or notes --

24 A That was just when I was on campus in the summer and  
25 we talked here and there. I mean that was how we

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<p>1 usually handled things.</p> <p>2 Q I guess I'm talking about a little bit later in time.</p> <p>3 With regard to the specific \$7,000 donation for which</p> <p>4 you applied, are there any e-mails in which --</p> <p>5 MR. HAWKS: I'm going to object to the</p> <p>6 form of the question. I don't believe the</p> <p>7 testimony reflects that there was an application</p> <p>8 or an applying process here.</p> <p>9 Q Let's try this. You mentioned earlier that you had</p> <p>10 to work with sponsored programs in order to, let's</p> <p>11 say, fill out some paperwork before you would be --</p> <p>12 before Platteville would be eligible for the</p> <p>13 donation, correct?</p> <p>14 A Correct.</p> <p>15 Q So at any point during that process when you were</p> <p>16 filling out whatever paperwork needed to be filled</p> <p>17 out, were you in written communication with</p> <p>18 Dr. Caywood or others in criminal justice making them</p> <p>19 aware of what you were doing for this donation?</p> <p>20 A I mentioned to Dr. Caywood in person that what we</p> <p>21 have to do is we have to exactly fill out a form. I</p> <p>22 asked him for some information. He says, "You should</p> <p>23 go and talk to Bob about it."</p> <p>24 And then Bob referred me to Kathy Lomax, and</p> <p>25 Kathy Lomax got my access code to the website where I</p> <p style="text-align: right;">237</p>	<p>1 Q So that would have been in the fall or winter of</p> <p>2 2012?</p> <p>3 A That was, yeah, fall 2012.</p> <p>4 Q And then in January you provided a proposal to the</p> <p>5 Wisconsin DOJ regarding a cybersecurity program, is</p> <p>6 that right, January of 2013?</p> <p>7 A Yeah. These were the contacts that were established</p> <p>8 with Dr. Caywood being there and a representative of</p> <p>9 the DOJ actually wrote letters of support of our</p> <p>10 application to the NSF, the proposal that was sent</p> <p>11 off by Dr. Caywood.</p> <p>12 So I was in contact with them because they were</p> <p>13 very interested in starting a program and being able</p> <p>14 to educate and train our students in a field that</p> <p>15 they had great use for. So the one individual I had</p> <p>16 a phone conversation with and I said like, hey, I can</p> <p>17 write something up, an idea of what we can do and</p> <p>18 tried to get his input.</p> <p>19 Q Okay. Let me break down the timeline a little bit.</p> <p>20 You mentioned that you had sort of DOJ sign off or</p> <p>21 maybe support when you were applying for the NSF</p> <p>22 grant, right?</p> <p>23 A Correct.</p> <p>24 Q And Caywood knew about that obviously?</p> <p>25 A Um-hum.</p> <p style="text-align: right;">239</p>
<p>1 had to put the data in and she said that she would</p> <p>2 fill out all of the rest. I also gave the access</p> <p>3 code to Stacy Nemitz, something like that. She works</p> <p>4 for the foundation. The money was actually not given</p> <p>5 directly to me or the department. It was given to</p> <p>6 the foundation.</p> <p>7 Q Okay. So when you talked to Dr. Caywood about sort</p> <p>8 of this process, did you specifically tell him that</p> <p>9 these funds were intended to be used for the</p> <p>10 cybersecurity program, these \$7,000?</p> <p>11 A Yes.</p> <p>12 Q And was that the reaction that you heard him say was,</p> <p>13 "Oh, great, we can buy new computers" or something</p> <p>14 along those lines?</p> <p>15 A No. That was before. That was the first time I said</p> <p>16 that we'd probably get a donation. I mean we got the</p> <p>17 okay that we would get money from AT&amp;T. At that time</p> <p>18 I didn't know exactly how much it would be.</p> <p>19 Later on I gave him a copy of the budget that I</p> <p>20 worked out and I had to rewrite it several times</p> <p>21 because at first I put in release time and they said</p> <p>22 we can't give you that. So I kind of came up with a</p> <p>23 budget, and it was just very short, it was just</p> <p>24 \$7,000, but I gave him a copy of it and he says</p> <p>25 great.</p> <p style="text-align: right;">238</p>	<p>1 Q Yes?</p> <p>2 A Yes. He was there.</p> <p>3 Q And that would have been in the spring of '12, right,</p> <p>4 spring of 2012?</p> <p>5 A Yes.</p> <p>6 Q So the phone conversation that you had with DOJ, did</p> <p>7 you have another phone conversation with a</p> <p>8 representative of DOJ in late 2012 or early 2013,</p> <p>9 right around the time of the donation?</p> <p>10 A I believe it was late 2012. Just kind of checking</p> <p>11 in, maintaining the contacts.</p> <p>12 Q Okay. And prior to that conversation, did you tell</p> <p>13 Dr. Caywood that you were reaching out to the DOJ?</p> <p>14 A I do not really -- I don't recall, but he was aware</p> <p>15 that we maintained our contacts. In fact, I was</p> <p>16 encouraged.</p> <p>17 Q When did he last encourage you to do that? When did</p> <p>18 Dr. Caywood last encourage you to do that?</p> <p>19 A At department meetings he said it was kind of</p> <p>20 important that we maintain our contacts through the</p> <p>21 field.</p> <p>22 Q And I guess when date-wise or maybe season-wise if</p> <p>23 you can't remember a month?</p> <p>24 A We usually had at least one department meeting per</p> <p>25 semester. So probably a department meeting in early</p> <p style="text-align: right;">240</p>

1 fall, I would say.  
 2 Q So closer to September maybe?  
 3 A Yeah. He was always very supportive in maintaining  
 4 those contacts.  
 5 Q Let's talk a little bit about the press release and  
 6 sort of the events that occurred after the donation  
 7 was officially given to UW-Platteville. When you won  
 8 the grant for Platteville, AT&T wanted to do a press  
 9 release and a ceremony, is that right?  
 10 A Correct.  
 11 Q When did AT&T first tell you that they wanted to do  
 12 these things?  
 13 A It was either in a phone conversation or e-mail.  
 14 Jim Jermain delivered the check in person before  
 15 Christmas with a promise that AT&T would provide more  
 16 money the following year. They really liked the idea  
 17 of us starting something or working on something on  
 18 that development for cybersecurity. So they wanted  
 19 to be very supportive of our efforts.  
 20 He said -- he requested that we could have a  
 21 photo op for the check presentation and would like to  
 22 have a representative of the chancellor's office  
 23 there and certainly from the CJ department, maybe the  
 24 dean's office, and I then suggested -- and also  
 25 Travis Tranel be present. I suggested that we could

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1 do it at the beginning of the semester, the spring  
 2 semester when I would teach a cybercrime class, that  
 3 that would be a nice time, a nice event to use for  
 4 that presentation. And he agreed.  
 5 Q Okay. So just so we're clear, so that discussion  
 6 would have taken place in December of '12  
 7 anticipating a ceremony sometime in January of 2013?  
 8 A Yeah, he brought the check. I took it over to the  
 9 foundation and I gave it to the director of the  
 10 foundation and he put it in their account. So it was  
 11 in the possession of UW-Platteville ever since.  
 12 Q And then the cybercrime class that you described for  
 13 the spring of 2013, was that a stand-alone class, or  
 14 had there been an entire curriculum for cybersecurity  
 15 that had been approved by that time?  
 16 A That was a stand-alone class. It has not gone  
 17 through LA&E curriculum review yet. That was  
 18 actually planned then to do in spring so that we  
 19 could put it on a rotation.  
 20 Q Okay. So that particular class was up for curriculum  
 21 review in the spring of '13?  
 22 A Correct.  
 23 Q Okay. How about the larger program that you had  
 24 talked about sort of in the abstract in 2012 and you  
 25 had been working on sort of looking at other sample

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1 programs, had you submitted any like proposed  
 2 curriculum or something similar to either Dr. Caywood  
 3 or anyone else at the university by that time?  
 4 A No. That's what I wanted to do with the money.  
 5 Basically the money would help us -- would facilitate  
 6 that we could visit schools that already had  
 7 something, talk to some instructors there, take some  
 8 students along, let them know what the prospects are,  
 9 get an idea of job opportunities out there, also like  
 10 going to conferences.

11 We actually put in for a cybercrime presentation  
 12 with the American Academy of Forensic Scientists,  
 13 which is the biggest forensics conference in the  
 14 United States. We were accepted out of -- there were  
 15 only five undergraduate students. Three of them were  
 16 ours. So we put in for that and the money, the  
 17 donation was supposed to pay for events like that.

18 Q So it sounds like you had a number of ideas for  
 19 developing this program by the time that you received  
 20 this donation?

21 A Yeah, we wanted to start -- I wanted to get workshops  
 22 going where we can invite police officers, like  
 23 police departments in the area, banking, insurances,  
 24 just kind of see what need is there. So kind of like  
 25 do some brainstorming, get information, how we want

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1 to build this program so we would then have a more  
 2 specific plan.

3 Q So instead of, for example, seeking approval for  
 4 these individual uses of the funds, for example,  
 5 bringing in police or sending people to conferences  
 6 or structuring a curriculum, you thought it best to  
 7 get the money first and then seek approval later?

8 A You don't have to have approval for going to a  
 9 conference. This is something we're always  
 10 encouraged to do. Nobody ever had to get approval.  
 11 When it's during -- if it's on a weekend, you can go.

12 When it's during the week, you get approval from  
 13 the chair, which the chair happily gives. And this  
 14 is actually encouraged and it's been -- at  
 15 convocation it's been very strongly encouraged. The  
 16 chancellor himself encouraged us to go out there and  
 17 look for donation. So we had green light to do these  
 18 kind of things because of the budget cuts.

19 Q Is it the same way with the curriculum, were you  
 20 expected to be able to just develop the curriculum  
 21 later or get approval for curriculum later after you  
 22 had --

23 A You first need to have it developed before you can  
 24 take it to the curriculum committee. They will  
 25 not -- they want to see a syllabus, they want to see

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1 books, they want to see the whole thing. That has to  
2 be developed first and then you take it and then they  
3 often make some suggestion. They look for, you know,  
4 what kind of course number, who will teach it, what  
5 kind of rotation, things like this.

6 But you first have to have it ready. I mean in  
7 the grad count, it's different. They have a process  
8 where you go to the meeting and you have -- you need  
9 to get permission to develop. You don't have that on  
10 IA&E level.

11 Q Okay. So you didn't need permission to go ahead and  
12 develop the curriculum?

13 A No, not for undergraduate.

14 Q Okay. So had you started developing the IA&E? Did  
15 you have a full proposal with sort of a list of  
16 courses and things that you had submitted for  
17 approval --

18 A No --

19 Q -- by the time of the donation?

20 A -- not yet, and that was kind of the plan and that's  
21 what I told Jim Jermain too. That is what I kind of  
22 envisioned doing next.

23 Q Okay. So you told Jim Jermain that. Had you told  
24 Dr. Caywood that that was the timeline for your plan,  
25 that you were planning to get donations first and

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1 A Yes. It was even his idea.

2 Q We talked a little bit about the press release.

3 (Exhibit 7 is marked for identification)

4 Q So before -- I guess was there a draft press release  
5 that was circulated to you at some point by AT&T?

6 A Yes, AT&T contacted me the night before and said they  
7 have something in mind and they asked me to review  
8 it. Now, I said I have some preparations -- that was  
9 Wednesday night. I think the entire press release  
10 was due then on Thursday, if I remember correctly.

11 The check presentation, the official check  
12 presentation was supposed to be on a Monday, and I  
13 said, "I'm sorry, I've got to work on my class  
14 material first. My class has to come first. I hope  
15 to be able to attend to this in the morning before  
16 class."

17 So it was really late, and I remember  
18 Ms. Erickson apologizing that it was so late notice.  
19 So in the morning I think I looked at it. I made  
20 some minor changes. She wanted me to fill in  
21 locations. So I tried to make that really quickly  
22 and send it back. I actually walked into  
23 Dr. Caywood's office. It was a pretty crazy morning  
24 for me. I had just got a call from Germany that my  
25 father was terminally ill.

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1 seek approval later?

2 A Yeah. That was from the beginning, that was what  
3 Bob Roberts made clear, too, because that's the stage  
4 that we wanted to get into.

5 Q When did you tell Dr. Caywood that that was your  
6 plan?

7 A That was discussed in the summer of 2012.

8 Q Do you have any documents, any e-mails showing that  
9 that was your proposal?

10 A No, those were meetings with Bob Roberts and him.

11 Q Do you have any other -- would Mr. Roberts support  
12 your recollection that you affirmatively told  
13 Dr. Caywood that this was the timeline in terms of  
14 seeking funding --

15 MR. HAWKS: Objection, form. She  
16 can't answer what he might say.

17 Q Is it your belief based on the fact that  
18 Bob Roberts -- Bob Roberts attended the meeting with  
19 you, right, the meeting to which you refer?

20 A Yes.

21 Q So I could ask Bob Roberts about his recollection of  
22 whether you affirmatively asked Dr. Caywood about  
23 this sequence of events that you had proposed?

24 A Um-hum.

25 Q Yes?

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1 So I told him, you know, this is going on, I've  
2 got the news from Germany, I may have to leave on  
3 short notice, so I don't know what's going on. And  
4 he just -- so I told him about the press release  
5 thing, and he mentioned something that, "Yeah, I've  
6 been in" -- I sent something to Kory Wein, I believe,  
7 in the evening before and I invited him too, and it's  
8 like if the dean's office wants to come, that would  
9 be great and says this is kind of what we have for  
10 work on this press release.

11 And he said, yeah, he was on the phone or in a  
12 conversation with Dean Throop. He didn't say  
13 anything else. I said, hey, I'm heading off to class  
14 and try to kind of check in when I can in between  
15 classes and office hours.

16 Q Okay. So in terms of the press release, so sort of  
17 in that late January period is when you first sort of  
18 told Dr. Caywood, hey, this is coming, we're looking  
19 at sending this out or AT&T is looking at sending  
20 this out?

21 A He knew about the press release. He knew about the  
22 check. He knew about that AT&T wanted to do a press  
23 release and a photo, an official thing. I told him  
24 and they would bring in a big check. So he knew  
25 about that. It was just I did not have a press

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<p>1 release until that morning.</p> <p>2 Q Okay. So you went into his office and you sort of</p> <p>3 dropped off the draft, if you will, right?</p> <p>4 A Correct.</p> <p>5 Q Okay. And then eventually it came back to you that</p> <p>6 there was some concern over the wording of the</p> <p>7 release and possibly remarks that you would make, is</p> <p>8 that right?</p> <p>9 A I was cc'd on the e-mail that was sent to Erickson</p> <p>10 where it was basically said you shouldn't even have</p> <p>11 the official check presentation, and I thought that</p> <p>12 was a very, very damaging e-mail. I thought it was a</p> <p>13 slap in the face of AT&amp;T. I was pretty shocked by</p> <p>14 that time. I mean I was in between classes and with</p> <p>15 all that going on, I thought what the heck is going</p> <p>16 on here.</p> <p>17 Q And just to be clear, who wrote that e-mail that was</p> <p>18 suggesting --</p> <p>19 A That came from Dean Throop.</p> <p>20 Q Were you surprised by Dean Throop's reaction?</p> <p>21 A Absolutely.</p> <p>22 Q Why?</p> <p>23 A Because that was nothing new. She knew about the</p> <p>24 donation, so did Caywood. I thought it was a</p> <p>25 generous first step from AT&amp;T to do that for our</p> <p style="text-align: right;">249</p>	<p>1 A Yes.</p> <p>2 Q We'll talk about that more in just a second. But to</p> <p>3 sum up in terms of the donation that you received</p> <p>4 from AT&amp;T, UW-Platteville still received the \$7,000,</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q And there was still a check presentation for you,</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q And you were able to cite the fact that you had</p> <p>11 facilitated this donation and the amount when you</p> <p>12 were requesting consideration for tenure in 2013,</p> <p>13 right?</p> <p>14 A Mention -- where do you say mention? Certainly not</p> <p>15 in this article here.</p> <p>16 Q Oh, I'm not talking about the press release</p> <p>17 specifically.</p> <p>18 A Okay.</p> <p>19 Q I'm just saying that generally when urging the</p> <p>20 committee to accept your application for tenure,</p> <p>21 we'll put it --</p> <p>22 A Okay.</p> <p>23 Q -- you were able to point to the fact that you had</p> <p>24 gone out and gotten this money successfully?</p> <p>25 A Yeah, I included it in my DRB file.</p> <p style="text-align: right;">251</p>
<p>1 school. There were certainly -- if there were</p> <p>2 problems with the wording, one could have addressed</p> <p>3 those without making offensive remarks, defamatory</p> <p>4 remarks.</p> <p>5 Q So what's been marked as Exhibit 7 and placed in</p> <p>6 front of you, does that appear to be an accurate, if</p> <p>7 small print copy of what's found -- what was found on</p> <p>8 the UW-Platteville website after you won the \$7,000</p> <p>9 donation?</p> <p>10 A Yes, that sounds like that's the right one.</p> <p>11 Q Okay. And I know the picture is a little bit fuzzy,</p> <p>12 but does that appear to be you third from the left?</p> <p>13 A Yes.</p> <p>14 Q Or third from the right?</p> <p>15 A Third from the right, correct.</p> <p>16 Q And your name is mentioned in the caption, correct?</p> <p>17 A Yes. It's in the caption.</p> <p>18 Q Do you believe that individuals at Platteville, like</p> <p>19 Dean Throop, raised concerns about the wording of the</p> <p>20 press release because you're a woman and other grant</p> <p>21 applicants were men or donation applicants were men?</p> <p>22 A No. I believe it was done in retaliation to my</p> <p>23 student -- the reporting of the student complaint.</p> <p>24 Q And was Dean Throop aware that you had been involved</p> <p>25 in assisting this student in the fall of 2012?</p> <p style="text-align: right;">250</p>	<p>1 Q And you could also cite the fact that you had</p> <p>2 facilitated this donation when you were requesting</p> <p>3 consideration for things like merit pay, correct?</p> <p>4 A Correct.</p> <p>5 Q Let's talk a little bit more about the student</p> <p>6 complaint in 2012 that you've mentioned a couple of</p> <p>7 times. It sounds like you believe that the AT&amp;T</p> <p>8 incident and the pulling of support for the program</p> <p>9 are a result of a student complaint in October of</p> <p>10 2012 with which you had some involvement. Can you</p> <p>11 describe the circumstances of that complaint? Was it</p> <p>12 a male or a female student?</p> <p>13 A It was a female student.</p> <p>14 Q And who was that student complaining about?</p> <p>15 A Dr. Gibson.</p> <p>16 Q What was the general substance of the student's</p> <p>17 complaint?</p> <p>18 A The student received a note that she found very</p> <p>19 disturbing. That note was given to her in class</p> <p>20 while she was working a group project. My</p> <p>21 understanding is that Gibson approached her or walked</p> <p>22 up to her and slipped her a note. And when she first</p> <p>23 saw the note, she kind of didn't really know what to</p> <p>24 do with it. I don't know whether other students saw</p> <p>25 it at that point. She read the note and was very</p> <p style="text-align: right;">252</p>

1 uncomfortable with it. This is what she presented to  
 2 me on Wednesday afternoon after class.  
 3 Q And this was in October of 2012, just so we're clear?  
 4 A October 2010 -- sorry, sorry. 2012, yeah. It was  
 5 October 10, 2012.  
 6 Q Okay.  
 7 A And she then proceeded to show me a picture of it.  
 8 She said she took a picture with her phone. And I  
 9 didn't really know what to say. I was pretty  
 10 shocked. I was on a search and screen that hired  
 11 Gibson. So it was kind of -- that made me especially  
 12 uncomfortable because we wanted to hire a good  
 13 candidate and I thought what is going on here. I was  
 14 hoping there was some kind of explanation for it.  
 15 I said I would take her complaint seriously and  
 16 I'm concerned about her not being comfortable in  
 17 class anymore. She said she was very uncomfortable,  
 18 she didn't want to go back. There was some other  
 19 incidents with Gibson that aggravated the situation  
 20 more. She shared those with me in an e-mail later,  
 21 and she asked me to help with handling the  
 22 situation.  
 23 Q So the student approached you after one of your own  
 24 classes and you told her that you would take the  
 25 complaint seriously, and did you offer to help, or

1 did she ask for your help?  
 2 A She asked for help.  
 3 Q You mentioned that the student said she felt  
 4 uncomfortable and then later shared some additional  
 5 incidents. Did you say that was an e-mail?  
 6 A Yes.  
 7 Q Have you provided that with your discovery responses?  
 8 A I believe it was included.  
 9 Q And so after the student came and approached you,  
 10 what actions did you take?  
 11 A I actually talked them over with her. I told her  
 12 that the chair needed to know. I said this would be  
 13 my first step to tell the chair of the department,  
 14 Dr. Caywood. She immediately said, "I'd rather not  
 15 talk to a male about it."  
 16 So I said, okay, I will see what I can do, but  
 17 he probably still needs to know, being the chair of  
 18 the department. I asked her to send me a picture of  
 19 the note so that I would have something to show what  
 20 actually occurred. She said she would later e-mail  
 21 me that picture. I believe she sent it later that  
 22 night, around 10 o'clock.  
 23 I kind of back home, in the evening, I needed to  
 24 answer an e-mail to Dean Throop about a grant  
 25 question and I added to it there was an incident on

1 campus that involved a student and a professor and it  
 2 seems to be it appears inappropriate. So I tried to  
 3 keep it vague. I didn't mention a name. I told her  
 4 that I would inform the chair of the program and  
 5 whether there was anything else I should do.  
 6 She e-mailed back and says talk to Artanya West.  
 7 Actually her correct name is Wesley or was Wesley,  
 8 and she was the dean of students. So the next  
 9 morning after dropping off my kids, arrived about  
 10 8:10 at my office, dropped off my bags. Dr. Caywood  
 11 was in the office across from mine. I was in an  
 12 office, a storage office for the CJ department. I  
 13 asked him whether I could have a few minutes. I  
 14 almost closed the door to give us some privacy, and I  
 15 shared with him what the student told me.  
 16 Q Okay. Let's stop there for just a moment. So the  
 17 first person that you contacted about the complaint  
 18 after you spoke with the student was Dean Throop,  
 19 correct?  
 20 A Yes.  
 21 Q And so when you met with Dr. Caywood, what did you  
 22 tell him?  
 23 A I only told him that a student approached me with a  
 24 note, that she showed me a note that she received  
 25 from Dr. Gibson and the note said call me tonight and

1 had three exclamation points and she was very upset  
 2 about that, very uncomfortable.  
 3 Q And how did he react, Dr. Caywood?  
 4 A He was shocked. He didn't say much. He was just  
 5 shocked. He didn't say much. I told him that I  
 6 would report it to student affairs next.  
 7 Q And what did he say when you told him you planned to  
 8 report it to student affairs?  
 9 A Nothing. I think he was still in shock about the  
 10 news. He was kind of pretty flabbergasted that  
 11 happened and was probably still thinking how to  
 12 respond to it.  
 13 Q Okay. During this conversation, did you inform  
 14 Dr. Caywood that you had already communicated with  
 15 Dean Throop about the incident?  
 16 A I can't recall. I'm not sure that I mentioned it.  
 17 Q Do you recall how the complaint was resolved?  
 18 A I was updated to some degree what happened. After I  
 19 walked over to the student affairs office, they asked  
 20 me to let the student know that they would like to  
 21 talk to her and they would help her, make her  
 22 comfortable however they can, so they would take it  
 23 very seriously, her discomfort in class very  
 24 seriously.  
 25 So I then forwarded the e-mail or wrote an

1 e-mail to the student, and Dean Throop later  
2 contacted me on the matter. There was also another  
3 e-mail request from -- I think around noon, there was  
4 an e-mail request from Caywood to send him the note  
5 or I sent it to him. But he received the note too.  
6 He asked for the note. He then around noon contacted  
7 me with an e-mail and says, oh, it was just a breach  
8 experiment. So basically he talked to Gibson, it was  
9 just a breach experiment.

10 My first reaction was like ahh. I mean you're  
11 kind of concerned about the department when something  
12 like this happens. And I passed that information on  
13 to Dean Throop, and I said it sounds like it's not as  
14 serious or there might be explanation, it's a breach  
15 experience. Hopefully he had the necessary approvals  
16 for any experiments with the students and passed that  
17 on. And she just at a later point told me that she  
18 had discussions with HR director Jeanne Durr and with  
19 the chancellor's office, ongoing discussions Thursday  
20 and Friday.

21 Q Okay. So if I understand correctly, your involvement  
22 in this incident was essentially that the student  
23 came to you and then you reported what the student  
24 had told you to Dean Throop?

25 MR. HAWKS: Objection to that as not

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1 Q And you did?

2 A I did.

3 Q Did you do anything else --

4 A No.

5 Q -- in terms of assisting the student?

6 A I went to class. I had class. I came back from  
7 class. I saw the e-mail from Caywood saying it was a  
8 breach experiment.

9 Q And did you have any reason to believe that it was  
10 not a breach experiment?

11 A At that time, no.

12 Q I notice you say at that time. Has your perspective  
13 on that now changed?

14 A Yes, because there were conflicting messages. At one  
15 point it was said it wasn't a breach experiment.  
16 Maybe because a breach experiment would require our  
17 ERB approval, which is kind of a committee in our  
18 school that handles human subject experiments. Any  
19 time you do an experiment that involves people, you  
20 have to get approval first.

21 Q And where is that policy? Is that a verbal policy, a  
22 written policy?

23 A That's on -- it's a university policy. That's  
24 online. That's a very, very serious policy.

25 Q So you found out later that there was a conflict or a

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1 being a characterization of her testimony.

2 Q Did you e-mail Dean Throop and inform her about the  
3 incident that the student had spoken to you about?

4 A No. I did not inform her. I just said something  
5 occurred between a student and a professor that  
6 appeared inappropriate. I kept it vague on purpose.  
7 I did not know who the proper person was to report it  
8 to at that time.

9 Q So the first thing that you did, your first sort of  
10 involvement was talking with the student, correct?

11 A Correct.

12 Q And then you that evening in the course of another  
13 e-mail to Dean Throop informed her at a high level  
14 that something inappropriate may have occurred?

15 A Correct.

16 Q And then the following day you reported what the  
17 student had told you to Dr. Caywood or were you  
18 again --

19 A I reported to Dr. Caywood first around -- I would say  
20 8:15, 8:20.

21 Q The morning after you had e-mailed Dean Throop?

22 A Correct. That would be October 11th.

23 Q And then you told Dr. Caywood that you would report  
24 to student affairs?

25 A Correct.

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1 difference of opinion as to whether this was a breach  
2 experiment?

3 A Yes. I believe Dean Throop, she had some clue that  
4 there was no approval thoughts or there was no  
5 evidence, there was no signature, that the ERD did  
6 not know about it -- ERB, sorry.

7 Q So is it your position that if someone did not seek  
8 the formal approval, that that person could not have  
9 intended passing the note that you mentioned as a  
10 breach experiment?

11 A That exposes the school to major liability,  
12 absolutely.

13 Q Okay. But I guess my question is a little bit  
14 different. I understand the liability point of view.  
15 But is it your position that if this professor did  
16 not get advanced signoff for a breach experiment that  
17 the note in question could not be part of a breach  
18 experiment?

19 A He could call it an unofficial experiment, I guess,  
20 an unsanctioned experiment, but it could certainly  
21 not be an official experiment.

22 Q So why do you believe that the conversations or  
23 communications that we've just described regarding  
24 this student incident led to retaliation against you?

25 A Caywood's tone against me, toward me changed

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1 significantly. He became very cold, didn't want to  
2 talk to me, started to really build up Gibson, seemed  
3 very upset that he was called in to talk with Gibson,  
4 talk to Jeanne Durr, the HR director, Dean Throop,  
5 and I guess the provost then heard I was there too.  
6 He at one point made a comment that he hated to be  
7 chewed out by three women.

8 And he had at a department meeting made very  
9 strong comments that someone, and because of rumors  
10 that were I guess going around, people knew about it  
11 and actually talked to me later about it, that I was  
12 the person who I guess violated his policy, kind of  
13 took this matter, this very harmless matter all the  
14 way to the provost and made basically a big deal  
15 about it. And there seemed to be some kind of outcry  
16 in the department, oh, my gosh, why did you do that,  
17 and this will be really harmful to the department and  
18 the wrong thing to do. He distributed his policy on  
19 how to handle student complaints.

20 Q Okay. So is that policy something that was only  
21 released in writing after this incident occurred?

22 A Yes.

23 Q But the meeting -- start over here. So the incident  
24 that you've just described in the meeting in which  
25 Dr. Caywood -- was he visibly upset?

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1 know that Dr. Caywood was referring to you when he  
2 said that someone went all the way to the provost?  
3 A Someone in the department, he said. And that someone  
4 was just me.

5 Q Did he ever say directly to you that he was referring  
6 to you?

7 A No, but you saw all eyes were on me. So it was very  
8 clear.

9 Q So other people looked at you?

10 A Oh, yes.

11 Q And so you assumed that Dr. Caywood must be talking  
12 about you?

13 A Oh, yeah. And he was -- the way -- the looks he gave  
14 me, he was pissed. I mean he made it very clear that  
15 he was upset with me.

16 Q Did you ever tell Dr. Caywood that you didn't go to  
17 the provost?

18 A I mentioned it at one point, yeah, I think in an  
19 e-mail, too, I didn't do that. It's not like that it  
20 helped.

21 Q Okay. You mentioned an e-mail. Did you turn that  
22 over with your discovery responses?

23 A I believe we turned over all the e-mails. So I don't  
24 know whether it was an e-mail or a verbal -- now I  
25 can't recollect where it was.

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1 A Oh, yes.

2 Q And so he was upset that you had basically gone to  
3 the provost without speaking with him first, is that  
4 what he said?

5 A He said somebody took it -- kind of took it totally  
6 out of proportion and run with it all the way up to  
7 the provost. So that's how he said. He didn't say  
8 when he learned about it or anything like that. He  
9 just said I made this big deal about it, this big  
10 stink and, you know, now the chancellor's office is  
11 all upset and everybody is kind of upset and he had  
12 to go in and talk to them and he had to listen to  
13 them. He was very upset.

14 Q Was Dean Throop the provost?

15 A No. Dean Throop was the dean of IA&E and  
16 Mittie Nimocks Den Herder was the provost, was at  
17 that time too.

18 Q Maybe I missed this. Did you talk with Den Herder  
19 about the --

20 A No. I don't know where he got that from. That was  
21 absolutely inaccurate. I believe Dean Throop talked  
22 to the provost. She mentioned I believe in an e-mail  
23 at one point that they had a conversation about the  
24 incident.

25 Q Well, since you didn't go to the provost, how do you

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1 Q Well, either way, do you recall how Dr. Caywood  
2 responded when you told him?

3 A He did not want to talk to me. He just -- he was  
4 upset. He did what Caywood always does when he is  
5 upset about -- especially when -- when he deals with  
6 a woman. I saw that the way he acted with  
7 Dr. Fuller. He just does not want to talk to you.

8 Q So he had prior incidents where he got upset with  
9 people and before this complaint ever occurred -- let  
10 me ask it a different way.

11 Prior to October of 2012, did you ever have an  
12 issue with Caywood where you had an exchange and as a  
13 result, Dr. Caywood got upset or did not want to  
14 respond to you?

15 A I had one incident. It was not nearly that bad. It  
16 was just where -- it had to do with Dr. Nemmetz, the  
17 treatment she got and Dr. Caywood did not want  
18 Amy Nemmetz to be hired. I was the chair of the  
19 search and screen. He made it very clear to me that,  
20 "Dr. Nemmetz will not get hired. I don't want to see  
21 her even on campus."

22 And I said, "You know, it's not my call. I'm  
23 the chair of the search and screen, I'm facilitating  
24 it. It's not my" --

25 He says, he repeated, "If you want to do well in

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1 DRB, she is not getting hired." He did not want  
 2 Dr. Fuller to have, you know, support, more support  
 3 in the department.  
 4 I then said, "Well, let's look at her  
 5 qualifications and everything. It looks like that  
 6 she's probably not the best qualified person for it."  
 7 That position was theory and research. She had an  
 8 online degree. Online degrees are not big on  
 9 research, on actual research. She had very limited  
 10 research she can do.  
 11 So we had I think 12, 13 candidates applying,  
 12 most of them with pretty decent research backgrounds.  
 13 So based on that, when everybody voted, she was not  
 14 one of our top candidates. So it really wasn't so  
 15 much of an issue that I had to worry about getting  
 16 more threats from Caywood. So pretty much naturally  
 17 with the selection process, she did not advance as  
 18 quickly.  
 19 Q So safe to say that Dr. Caywood when he feels  
 20 strongly about something can get rather angry?  
 21 A Yes. He then because she -- because Amy Nemmetz was  
 22 very upset that she couldn't get an interview on  
 23 campus and wasn't considered, there was some problems  
 24 between those two.  
 25 And in the summer when she also wanted to have

1 very quickly that he does not take that well from a  
 2 woman.  
 3 Q Do you know that he took confrontation well from any  
 4 men in the department?  
 5 A Yes. In fact, they talked about it. Dutelle talked  
 6 about it, Roberts talked about it and says, "Oh, we  
 7 bring things up and he doesn't like to hear it and  
 8 then he pouts maybe for a day or two and then he  
 9 forgets about it."  
 10 So I felt like, okay, I can bring this up to him  
 11 and kind of confront him a little bit that I don't  
 12 think we were fair with Amy Nemmetz and then maybe  
 13 he'll be upset for a day or two, but it actually took  
 14 a lot longer. So he did not like it and it was very  
 15 clear.  
 16 So I knew I had to be extremely careful as a  
 17 woman, and I was warned that he would not take that  
 18 well from a woman.  
 19 Q Okay. Let's break that down a little bit. So when  
 20 Dutelle and Bob Roberts said that Caywood would sort  
 21 of pout and let things go after a couple of days,  
 22 were you ever present when either one of those  
 23 gentlemen or another man in the department raised an  
 24 issue with Caywood that made him upset?  
 25 A Yeah. Dutelle -- I can't really remember the

1 interns, she was at that time still an academic staff  
 2 member, she was not given any, I believe, and then  
 3 Bob Roberts received interns and I asked Caywood,  
 4 well, you know, we should give her at least interns.  
 5 I mean just because she applied for the position and  
 6 it didn't work out, we shouldn't punish her for that.  
 7 He says, "I'm not punishing. She's not getting  
 8 any interns because she is the undergraduate  
 9 coordinator, which is the 12-month appointment. So,  
 10 therefore, it's not fair to give her additional  
 11 income."  
 12 Q Okay.  
 13 A And I bought this. But then the following year, we  
 14 had Dana Cecil taking over her -- Amy Nemmetz's  
 15 position. She got interns. She got the same amount  
 16 of interns that I did. And that's when I contacted  
 17 Caywood and says, "How is that fair, how is that fair  
 18 to Amy Nemmetz?"  
 19 Now I wanted to understand his thinking, and he  
 20 did not like me questioning his decision. But that  
 21 was --  
 22 Q And that occurred prior to this incident?  
 23 A Correct. That was actually in summer of 2012. So  
 24 that was the first time when I kind of took him on a  
 25 bit, confronted him about something and I learned

1 details, but there was something that Dutelle brought  
 2 up at a department meeting and where he disagreed  
 3 with Caywood, it didn't happen very often. Caywood  
 4 didn't like that. It was very unusual.  
 5 Q Did it have to do with staffing, like with Nemmetz?  
 6 A I really -- no, it didn't have to do with Nemmetz. I  
 7 think it had something with where they didn't see eye  
 8 to eye and Dutelle had a strong opinion about  
 9 something else that Caywood didn't share, and Dutelle  
 10 joked around and that the next day that Caywood  
 11 didn't really want to talk to him or didn't want to  
 12 see him. And then he says, okay, but now he's over  
 13 it.  
 14 So I thought -- I took it like I didn't want to  
 15 just assume the rumors that Caywood was sexist and  
 16 would treat women differently. So I thought, well,  
 17 you know, I need to see it for myself before I make  
 18 that kind of judgment. And when I confronted him on  
 19 the Amy Nemmetz internship thing, I learned very  
 20 quickly that I did not have the right in his mind to  
 21 question his decision.  
 22 MR. HAWKS: Kate, before we go on to  
 23 the next question, how much longer do you think  
 24 you're going to be going?  
 25 MS. SPITZ: Well, at least until 4:00.

1 I mean I know that we had agreed to stop at  
 2 4:00, but you know, from there, I think we'll  
 3 probably have to have a discussion off the  
 4 record.  
 5 (Discussion off the record)  
 6 Q Let me ask you a little bit more specific question.  
 7 So after you sort of raised the issue of the student  
 8 report in October of 2012, did -- Dr. Caywood had  
 9 sort of this incident where he was angry and upset in  
 10 the meeting that you mentioned, correct?  
 11 A Yes.  
 12 Q Did Dr. Caywood ever indicate to you that he -- let's  
 13 try that again.  
 14 Do you think Dr. Caywood ever got over that  
 15 issue the way that he got over the issues that  
 16 Dutelle and Roberts raised?  
 17 A No, he did not.  
 18 Q And you believe that because of the incidents with  
 19 the AT&T grant, et cetera, that we've been talking  
 20 about, correct?  
 21 A It kept flaring up. It was definitely a very  
 22 sensitive issue for him. I actually tried to contact  
 23 and tried to talk to him. I wanted to find out what  
 24 did I do wrong, if I did something wrong, I want to  
 25 make it right. If I didn't do anything wrong, if I

1 handled it correctly, then you cannot treat me like  
 2 that.  
 3 The policy that he put in place, that was put in  
 4 place after the fact and he could not make it apply  
 5 retroactive and also it was a violation of  
 6 UW-Platteville policy on how to handle student sexual  
 7 harassment complaints.  
 8 Q Did Dr. Caywood at any point after the student  
 9 incident in October of 2012 tell you that any of the  
 10 concerns he raised with the cybersecurity program or  
 11 with the ceremony for the AT&T grant or the press  
 12 release had any connection whatsoever to that  
 13 incident?  
 14 A No, he did not. I saw him one time and I asked, you  
 15 know, for example, with the money, what we could do.  
 16 I think that's an e-mail that I shared or forwarded  
 17 to Dean Throop when he came up, well, maybe we can do  
 18 some kind of emphasis or so first. So that would be  
 19 probably the quickest and least expensive  
 20 possibility, and I was very interested in doing that,  
 21 to start getting something off the ground.  
 22 During the entire conversation, he was very  
 23 difficult to talk to. He was kind of very cold, very  
 24 short with me, couldn't wait to get me out of the  
 25 office again. So he kind of dealt with that, but

1 very differently than how he dealt with me before.  
 2 Q But he never actually told you that there was a link  
 3 between the two, correct?  
 4 A No.  
 5 Q Let's talk about a few comments that you have  
 6 attributed to Dr. Caywood in your discovery  
 7 responses. You mentioned I think earlier today as  
 8 well as in your responses to your interrogatories  
 9 that Dr. Caywood told you that a woman salary's is  
 10 secondary to a man's salary, is that right?  
 11 A Yes.  
 12 Q Is that a conclusion that you drew from his behavior,  
 13 or were those the exact words that he said to you?  
 14 A The exact words he said.  
 15 Q How many times did he say that to you?  
 16 A He said it at least twice that I can recall.  
 17 Q When was the first time?  
 18 A The first time was when I started. I would say it  
 19 was in September, and it had to do with my salary and  
 20 I actually asked him, I says, "So you wanted to  
 21 renegotiate my salary and did you do it?"  
 22 And he says, "No, I didn't."  
 23 I was like, "Why not?"  
 24 And he says, "Well, it's I don't think such a  
 25 big deal and we have expenses and we don't have as

1 much money available anymore. And a woman's salary  
 2 is kind of more secondary anyway."  
 3 And I says, "What do you mean by that?"  
 4 He says, "Well, you know, males are the  
 5 breadwinners."  
 6 And I said, "You know, I don't know whether  
 7 you're familiar with our situation, but I'm actually  
 8 right now the primary breadwinner in my family. So  
 9 that is really not fair."  
 10 Q And how did he react when you told him that?  
 11 A Didn't really say much. Just seemed like  
 12 uncomfortable to keep talking about it, wanted to  
 13 change the subject.  
 14 Q Was anyone else there?  
 15 A No.  
 16 Q You've told me about how you responded, correct? Is  
 17 there anything else you recall about that  
 18 conversation?  
 19 A No. He went over to kind of talk about class  
 20 assignments.  
 21 Q Is there a reason that you didn't file a complaint or  
 22 raise an objection at that time when he made that  
 23 comment to you?  
 24 A I being kind of the first in law enforcement in  
 25 Germany, female in law enforcement, I was very

1 accustomed to statements like that. So if I would  
2 have raised a stink every single time, you never get  
3 anything done.

4 So I just felt like, well, I'll prove you --  
5 I'll show you that I'm just as good, even better.  
6 That was something I learned to do and I hoped that  
7 through my teaching profession that I could  
8 eventually change that picture in society.  
9 Q Did you get the impression at that time that the  
10 comment that Dr. Caywood made was one of those joking  
11 comments of the sort you mentioned earlier, like  
12 telling students that the university is only  
13 interested in their money?

14 A He seemed very serious and from other statements that  
15 he made and from the kind of attitude that he had to  
16 all the female colleagues, I believe this to be his  
17 true attitude, his true belief.

18 Q You mentioned there was a second incident when  
19 Dr. Caywood told you that a woman's income is  
20 secondary to a man's.

21 A Correct.

22 Q When was that?

23 A That was in early -- early fall 2012. It could have  
24 been September or October. It had to do with  
25 Lorne Gibson teaching two overload courses and I

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1 a very conservative state in Germany, so I knew that  
2 was hard to overcome.

3 Q Okay. Did you complain to anyone in 2012 after  
4 Dr. Caywood made the statement to you?

5 A I think -- I believe I made -- I shared this comment  
6 with Dr. Fuller once and she said, "Yeah, that's  
7 typical. That's him."

8 Q And Dr. Fuller and Dr. Caywood didn't get along,  
9 correct?

10 A No. They found -- I guess here and there they found  
11 some kind of working relationship. But ever since  
12 Dr. Fuller reported to the dean, they tried to avoid  
13 each other.

14 Q Got it. In your responses, you also indicated, I  
15 believe, that Dr. Caywood referred to you as the  
16 token woman on a search committee at one point, is  
17 that correct?

18 A Yes, um-hum.

19 Q How many times did Dr. Caywood say this to you?

20 A Once.

21 Q Did he say it directly to you, or did he say it to  
22 someone else?

23 A He said it directly to me.

24 Q And when did he say this to you?

25 A He said that to me in -- it was September of 2012.

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1 asked him about that and he says, "Well, you know, he  
2 needs the money for his family."

3 And I was says like, "Well, it could have been  
4 nice -- it would have been nice to have for myself  
5 too."

6 And it was like -- and it was like he brought  
7 the same dumb argument up, "Well, you know, a woman's  
8 salary is kind of secondary to that of a man."

9 And I says, "You know, nothing changed in my  
10 family. And just like last time, it's still the  
11 same, and I think that's just not a right position to  
12 have."

13 Q Okay. Was anyone else present when Dr. Caywood made  
14 this comment to you in 2012?

15 A I don't think so. I know the door at that time was  
16 open. We usually kept our office doors open. So if  
17 somebody else heard it, I'm not sure.

18 Q And this was an oral comment to you, correct?

19 A Oral comment, correct.

20 Q After this conversation with Dr. Caywood, were you  
21 upset?

22 A Yes, I was upset just like the first time. I mean it  
23 just rubbed me the wrong way. This is a dumb,  
24 old-fashioned view. My father had a very similar  
25 view, so I'm kind of accustomed to that. I came from

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1 We had two searches going on at that time, at least  
2 two that I know of. One I was supposed to chair. At  
3 that time I had chaired one search. So that was  
4 supposed to be my second search.

5 Dr. Gibson was given the other search to chair.  
6 For whatever reason, I don't know who made the  
7 decision, they decided that maybe we should combine  
8 those two searches and have them run by one chair.  
9 That's when in the hallway I believe Gibson was  
10 there, I believe Dutelle was near, was in the hallway  
11 as well. Lomax might have been. There were  
12 definitely some folks around.

13 But he said, "You don't have to worry about it,  
14 Sabina. The next search you will get."

15 And I just said, "Hey, I just remember I need to  
16 build my DRB file, too, because I want to work on my  
17 tenure eligibility."

18 And he says, "Yeah, don't worry about it. The  
19 next chair search is yours." So he says like, "So  
20 Gibson then can build his portfolio, and you know,  
21 you will still be on the search."

22 He didn't want Fuller to be on the search  
23 because he tried to keep her out as much as possible.  
24 "You will be our token woman on that search. So we  
25 have to have at least one woman on it. That will be

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<p>1 you." 2 Q And how did you react when Dr. Caywood said this? 3 A I shook the head. I was like great, another Caywood 4 dis. 5 Q And after you shook your head in response, did anyone 6 else react to the comment? 7 A Not unique to Caywood. Everybody knew how he felt 8 more or less in this regard. 9 Q Did you get the sense that he was serious or that he 10 was joking, or what was the demeanor like in what he 11 was saying? 12 A For him I think it was normal. That was just how he 13 felt. I don't think he even said it to be offensive. 14 Just sort of, "You're our token woman." 15 Q Are there any other times at which Dr. Caywood 16 referred to you as a token woman that you're aware 17 of? 18 A No. Not that I'm aware of. 19 Q And have we talked about all instances when 20 Dr. Caywood said that a woman's salary is secondary 21 to a man's to your knowledge? 22 A I know that he made that statement once more to my 23 husband, and that was it. You know, one of those 24 functions we attended, there was a CJA, Criminal 25 Justice Association, pizza dinner thing and he made</p> <p style="text-align: right;">277</p>	<p>1 shall we say, is that fair? 2 A Correct. 3 Q Okay. When was the first time that you asked to be 4 considered for tenure formally? 5 A The first time was in early January of 2013. 6 Q Was 2013 through 2014 academic year the first year in 7 which you would have been eligible for tenure? 8 A Correct, yes. 9 Q And would you have been -- would it have been 10 considered early for you to be made in August of 11 2013? 12 A I'm not sure whether it was considered early. It was 13 probably the earliest time I could have gotten it. 14 So it wasn't really that any years were given to it 15 because it was part of the contract. I actually did 16 contact HR to double check with them. 17 Q And so the search and screen committees, you 18 mentioned that you had chaired one previously and 19 that you expected to chair one of the two in fall of 20 2012. Do people who are serving on these committees, 21 whether a member at large or the chair, receive 22 additional money from the university? 23 A They don't receive additional money, but they are 24 considered prestigious assignments and they look very 25 good on your DRB review. So, for example, getting an</p> <p style="text-align: right;">279</p>
<p>1 that at that dinner. 2 Q And were you present when that happened? 3 A Yeah. We sat at the same table. 4 Q So you heard him? 5 A I overheard it. I wasn't part of the conversation, 6 so they had a conversation. I heard him making that 7 statement. He says, yeah, well -- you know, he made 8 statements like that quite frequently. 9 Q Okay. So by quite frequently, you mean the three 10 times that we've talked about? 11 A I mean he made statements that would certainly fall 12 in the category of sexist, you know, frequently. Not 13 sexist in the way that he commented on a woman's 14 figure or anything like that, but kind of more very 15 conservative in the role distribution. 16 Q Okay. So we talked about the three instances of sort 17 of woman secondary to man salary category, correct? 18 A Correct. 19 Q Are there any others that you're aware of? 20 A No. 21 Q Let's see what I can do quickly here. We talked a 22 little bit about the search and screen chairing, and 23 I believe you expressed a concern in the 2012 24 discussion that we were just talking about about 25 making sure that your tenure file was sufficient,</p> <p style="text-align: right;">278</p>	<p>1 outstanding for department service or university 2 service, so that pretty much gets it for you. And 3 Gibson I believe received outstanding because of 4 that. 5 Q Do you recall what rating you received in that 6 category for that semester? 7 A I would have to look it up. 8 Q But it would be reflected in the documents, correct? 9 A Yes, certainly. 10 Q Would you agree that someone serving as the chair of 11 a search and screen committee should have a good 12 working relationship with the other members of the 13 committee? 14 A Yes. 15 Q When these committees are formed, are they usually 16 formed on a department-wide basis or are they formed 17 with more targeted groups, so, for example, by 18 somebody who would just be concentrating in 19 forensics, or is it everybody? 20 A Well, I did serve on search and screens for 21 members -- I mean for candidates for the forensic 22 investigation program. You know, Dutelle chaired 23 them. So it's up to the chair. In general the idea 24 is that people are supposed to be invited in the 25 department. Faculty, it should be offered to them to</p> <p style="text-align: right;">280</p>

1 serve on the search and screen. And under Caywood,  
 2 it was unlikely as an academic staff member to be on  
 3 it. Caywood said academic staff almost didn't have a  
 4 vote on it.  
 5 Q Okay. So I'm just trying to make sure I understand  
 6 this process correctly. So for the search and screen  
 7 committees, is it fair to say that the person who's  
 8 selected to chair the committee has something to do  
 9 with the area of expertise for the position being  
 10 hired, or is that not true?  
 11 A In general it should be that way. I mean it is  
 12 beneficial when candidates then inquire about the  
 13 position that they are able to talk to someone who  
 14 understands the position.  
 15 Q Okay. And so the fall of 2012 when you were set to  
 16 chair your second committee, what sort of position  
 17 was the university hiring for within criminal  
 18 justice?  
 19 A I believe that was for Bob Roberts' position. That  
 20 was for -- the courses he covered, police function,  
 21 interviewing. I'm not sure what else he had, but it  
 22 was kind of like the law enforcement emphasis.  
 23 Q Okay. And do you recall what the second committee  
 24 was examining, what sort of job description they were  
 25 looking at? Was it the same thing or something

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1 different?  
 2 A I believe it was something similar to that because  
 3 that was our strongest emphasis within the criminal  
 4 justice department. And if I think about the  
 5 candidates that we got on board, they seemed to be  
 6 very similar in this regard. So it seemed to be,  
 7 from what I recall, a more law enforcement oriented  
 8 position.  
 9 Q Given that the two positions were at least somewhat  
 10 similar, did it make sense to you that the two  
 11 searches might be consolidated under one chair?  
 12 A Yeah.  
 13 Q Who did you believe that that chair should have been?  
 14 A I was satisfied with the offer to chair the next  
 15 search. So I did not have a problem with Gibson  
 16 chairing the search. I mean I believed Caywood that  
 17 I would get a next search. So that's fine. I want  
 18 to be a good colleague and if that helps my new  
 19 colleague to advance, then I have no problem with  
 20 that.  
 21 Q And so when within 2012 was the decision made to sort  
 22 of consolidate these two search and screens under  
 23 Gibson?  
 24 A Fairly early. So that was when -- I don't think I  
 25 even had a meeting with my search and screen

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1 committee at that time yet. So it was done at the  
 2 earliest convenience. Probably in the first or  
 3 second week of September.  
 4 Q So that predated when you assisted the student who  
 5 approached you, correct?  
 6 A Yes, correct.  
 7 Q Have there been incidents when you have volunteered  
 8 to serve as chair of a search and screen committee  
 9 and been refused other than the fall of 2012 search?  
 10 A A more recent one, yeah.  
 11 Q And when was that?  
 12 A There was a 2014.  
 13 Q Spring or fall?  
 14 A Fall.  
 15 Q So that post-dates the date of your amended  
 16 complaint, correct?  
 17 A Right.  
 18 Q That happened after. Are there any other search and  
 19 screen committees for which you volunteered to serve  
 20 as chair and were told no that we haven't talked  
 21 about?  
 22 A No.  
 23 MS. SPITZ: I'm afraid if I get into  
 24 another area here, we're going to run over, so  
 25 let's go off the record.

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1 Q One quick clarifying question, sorry. So just that  
 2 I've got the record straight, you put in for tenure  
 3 in spring of 2013 for the '13-14 academic year,  
 4 correct?  
 5 A Correct.  
 6 Q And the appropriate committees at all levels approved  
 7 your tenure request that year, correct?  
 8 A Correct.  
 9 Q And so you were awarded tenure effective August of  
 10 2013?  
 11 A Correct.  
 12 MS. SPITZ: Thanks.  
 13 (3:54 p.m.)  
 14  
 15  
 16  
 17  
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 23  
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ERRATA SHEET				<Dates>	January 24th, 2013	205.20,	12-month 266.9.
1				1/29/17 286.26.	60:1, 218:12,	\$7,000 99:2, 232:10,	12:53 1:26, 2:9.
2	Witness Name:	Sabina Burton		2012, January 2012	131:20.	237:3, 238:10,	12:56 1:27, 2:10.
3	Date Taken:	July 23 and 24, 2015		2014, August	108:21,	238:24, 250:8	13 265:11.
4	Case Name:	Burton v. Board of Regents		187:12.	108:25.	251:4.	138 3:10.
5	Page/Line	Reads	Should Read	Reason		\$950 183:24.	14-CV-0274 1:11.
6						'11 161:21.	142 3:7.
7						'11-12 161:13.	15 185:24.
8						'11, 131:19.	15-year 81:5,
9						'12 34:15, 100:15,	88:22.
10						250 3:22.	15, 194:25.
11						169:2, 202:12	150 162:25, 163:4,
12						240:3, 242:6.	165:6, 165:19.
13						'13 34:24, 169:3,	158 3:4.
14						192:10.	16 33:25.
15						242:21.	17 2:22.
16						'13-14 284:3.	19 5:15.
17						'13, 34:15,	195 3:17.
18						1:24.	1983 37:10.
19						'14 41:14, 79:2	1986 5:15.
20						88:21, 192:9.	1990 36:23,
21						'14, 88:20.	37:10.
22						'83 36:21.	1991 62:7.
23						'88 5:17.	1992 62:6.
24						'88, 5:16.	1993 37:4, 37:9,
25						'89 5:18.	37:11.
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						(3:54 284:13.	1996 62:8, 63:7,
						-vs- 1:11.	64:16.
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						135:14.	.
						October 10, 2012	<1>
						253:5.	1 3:7, 4:1, 142:7,
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						226:12.	2 3:9, 4:1, 27:21,
						October 2010	52:24, 53:3, 53:9,
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Sabina Burton

1	STATE OF WISCONSIN )			64:23, 65:11,	193:4, 279:6,	5 195:3.	281:13.
2	COUNTY OF DANE )	ss.		2009 12:7, 12:20,	283:12.	50 95:19, 115:15,	above 3:29, 18:21,
3				66:19, 66:20,	2014, 79:21, 88:25,	116:20, 117:3,	79:9, 79:11, 81:10,
4				73:14, 73:19,	90:23, 165:10,	117:9.	113:21, 124:2
5				74:12, 79:2, 82:9,	187:12.	50,000 71:8,	137:18, 232:3.
6	I, LISA A. CREEERON, a Registered Professional			84:14, 128:23	2015 8:18, 10:4,	82:14.	above-entitled
7	Reporter and Notary Public in and for the State of			129:6, 129:7,	11:17, 96:19,	53202 2:16.	22.
8	Wisconsin, do hereby certify that the foregoing is a			129:9, 130:1,	192:17, 285:3.	53703 2:23.	abroad 44:23.
9	true record of the deposition of SABINA BURTON, who was			159:21,	210 2:15.	.	Absolutely 59:2.
10	first duly sworn by me; having been taken on the 23rd and			170:19.	211, 47:25.	.	122:15, 142:11,
11	24th days of July, 2015, at Hawks Quindel, S.C., 222 West			2009-2010 77:2.	214 3:20.	<6>	161:9, 171:24,
12	Washington Avenue, in the City of Madison, County of Dane,			2009, 129:1.	222 2:7, 2:15,	6 3:19, 158:23,	206:10, 221:14,
13	and State of Wisconsin, in my presence, and reduced to			2010 84:23, 85:3,	286:12.	158:24, 165:1,	230:14, 235:10,
14	writing in accordance with my stenographic notes made at			99:8, 100:2, 103:2,	23rd 2:9, 286:11.	166:5, 169:12	236:5, 249:21,
15	said time and place.			107:19, 107:20,	24 136:24, 285:3.	213:24,	260:12,
16	I further certify that I am not a relative			129:2, 186:21,	24th 2:9, 286:12.	220:19.	262:21.
17	or employee or attorney or counsel for any of the			188:25,	25 117:15.	6 214:1, 214:15.	abstract 13:16,
18	parties, or a relative or employee of such attorney			227:16.	250 169:24.	.	13:18, 21:6, 42:14,
19	or counsel, or financially interested in said action.			2011 35:1, 38:16,	26 194:25.	.	242:24.
20	In witness whereof, I have hereunto set my hand			38:18, 39:17,	.	<7>	academia 110:1.
21	and affixed my seal of office this 31st day of July, 2015.			39:18, 85:7, 85:11,	211, 47:25.	7 3:22, 184:18,	academic 77:21.
22				100:15, 103:2	214 3:20.	214:14, 247:3	83:1, 83:5, 90:11,
23				105:16, 114:20,	222 2:7, 2:15,	250:5.	109:8, 109:23,
24				132:23, 154:9	286:12.	7 184:8.	121:8, 127:13,
25				161:14, 161:21,	23rd 2:9, 286:11.	7th 29:2.	143:25, 145:6,
				162:6, 162:10,	24 136:24, 285:3.	.	149:22, 151:1,
				163:9, 164:8,	24th 2:9, 286:12.	.	155:11, 172:18,
				164:15,	25 117:15.	<8>	179:18, 182:21,
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Notary Public, State of Wisconsin  
My Commission Expires: 1/29/17

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