

Dr. Sabina Burton v. Board of Regents University of
Wisconsin, et al.

14-CV-274

Transcript of the Testimony of:

Cheryl Banachowski-Fuller, Ph.D.

November 17, 2015



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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WISCONSIN

3 = = = = =

4 DR. SABINA BURTON,

5 Plaintiff,

6 -vs-

Case No. 14-CV-274

7 BOARD OF REGENTS
8 UNIVERSITY OF WISCONSIN, et al.,

9 Defendants.

10 = = = = =

11

12

13

Deposition of CHERYL BANACHOWSKI-FULLER, Ph.D.

14

Tuesday, November 17, 2015

15

10:01 a.m.

16

at

17

18 UNIVERSITY OF WISCONSIN-PLATTEVILLE
19 Ullsvik Hall
20 1 University Plaza
21 Platteville, Wisconsin

22

23

Reported By: Christal A. Hansen, CSR-IA/IL, RPR

24

25

1 DEPOSITION of CHERYL BANACHOWSKI-FULLER,
2 Ph.D., called as a witness, taken at the instance
3 of the Plaintiff, under the provisions of Chapter
4 804 of the Wisconsin Statutes, pursuant to Notice,
5 before Christal A. Hansen, a Registered
6 Professional Reporter and Notary Public in and for
7 the State of Wisconsin, at University of
8 Wisconsin-Platteville, Ullsvik Hall, 1 University
9 Plaza, City of Platteville, County of Grant, and
10 State of Wisconsin, on the 17th day of November
11 2015, commencing at 10:01 a.m.

12
13 A P P E A R A N C E S

14 HAWKS QUINDEL, S.C., by
15 Mr. Timothy E. Hawks
222 East Erie Street, Suite 210
16 Milwaukee, Wisconsin 53201-0442
Appeared on behalf of Plaintiff.

17 WISCONSIN DEPARTMENT OF JUSTICE, by
18 Ms. Anne M. Bensky
P.O. Box 7857
19 Madison, Wisconsin 53707-7857
Appeared on behalf of Defendants.

20
21 UNIVERSITY OF WISCONSIN SYSTEM, by
22 Ms. Jennifer Lattis
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23 1220 Linden Drive
Madison, Wisconsin 53706
24 Appeared on behalf of Defendants.
25

1 I N D E X

2 WITNESS Page(s)

3 CHERYL BANACHOWSKI-FULLER, Ph.D.

4 Examination by Mr. Hawks 6/83

5 Examination by Ms. Bensky 80

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7 E X H I B I T S

8 No. Description Identified

9 Exh. 109 Letter to Dr. Burton from
10 Mr. Markee dated 4/15/09 811 Exh. 110 E-mail exchanges between
12 Witness and Dr. Caywood 1213 Exh. 111 E-mail exchanges between
14 Witness and Dr. Caywood 1215 Exh. 112 E-mail exchanges between
16 Witness and Dr. Caywood 1317 Exh. 113 E-mail exchanges regarding
18 On-Campus Visit Schedules 1419 Exh. 114 E-mail exchanges between
20 Dr. Burton, Roger Burton and
21 Dr. Caywood 1522 Exh. 115 E-mail exchanges regarding
23 2009 - 2010 Schedule 1624 Exh. 116 E-mail exchanges regarding
25 Spring 2015 Cyber Crime 18Exh. 117 E-mail exchanges regarding
Cyber Crime Grad Course 2015 21Exh. 118 E-mail exchanges regarding
Cyber Crime Grad Course 2015 21

24

25 (Continued)

1

E X H I B I T S

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E X H I B I T S

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No.	Description	Identified
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(Attached to original transcript; copies provided to counsel)

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(Original transcript filed with Attorney Hawks)

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1 CHERYL BANACHOWSKI-FULLER, Ph.D.
 2 called as a witness, after having been first
 3 duly sworn, was examined and testified as
 4 follows:
 5 EXAMINATION
 6 BY MR. HAWKS:
 7 Q. Can you identify yourself for the
 8 record.
 9 A. Yes. I'm Cheryl Banachowski-Fuller.
 10 Q. And by whom are you employed?
 11 A. UW-Platteville.
 12 Q. And what is your job title?
 13 A. I'm professor of criminal justice. I'm
 14 also the coordinator of the master of science in
 15 criminal justice and the online bachelor's
 16 degree.
 17 Q. And you are tenured?
 18 A. Correct.
 19 Q. When did you acquire tenure?
 20 A. I think I got it in 2002. 2002.
 21 Q. And when did you begin your employment
 22 here at University of Wisconsin-Platteville?
 23 A. 1997.
 24 Q. And by whom were you employed prior to
 25 UW-Platteville?

1 A. Fayetteville State University in
 2 North Carolina.
 3 Q. And prior to that?
 4 A. Sampson Community College in Clinton,
 5 North Carolina.
 6 Q. And prior to that?
 7 A. St. Leo's at Fort Bragg -- I had
 8 several adjunct positions, teaching positions --
 9 North Carolina.
 10 Q. You have your doctorate?
 11 A. Correct.
 12 Q. And where did you acquire it?
 13 A. NC State in Raleigh, North Carolina.
 14 Q. In what area of discipline?
 15 A. Sociology, criminology and family
 16 issues.
 17 Q. And when did you acquire it?
 18 A. 1997.
 19 Q. You obviously know Dr. Burton?
 20 A. Yes.
 21 Q. When did you first meet her?
 22 A. When she was hired, hired to the
 23 department.
 24 Q. Were you on the Search and Screen
 25 Committee?

1 A. I was not. I don't think I was, no.
 2 Q. And how would you describe your
 3 relationship with her in the first few years of
 4 her employment here at UW-Platteville?
 5 A. It was good.
 6 Q. How would you describe it currently?
 7 A. A colleague, a colleague relationship.
 8 Q. Would you describe that it as civil,
 9 collegial?
 10 A. Oh, yes, yes.
 11 Q. I'm going to hand you what we're going
 12 to mark an exhibit here.
 13 (Exhibit No. 109 was marked for
 14 identification by the reporter)
 15 Q. Take a minute to review this and when
 16 you're finished, let me know.
 17 A. That's kind of standard.
 18 Q. Do you recognize that this is the
 19 initial letter of appointment and contract
 20 between University of Wisconsin-Platteville and
 21 Sabina Burton?
 22 A. Yes.
 23 Q. Would you focus on the second page of
 24 this document to Roman III, the Assigned Duties,
 25 please.

1 A. Okay.
 2 Q. That first phrase in that section
 3 reads, "Your principal assignment will be
 4 teaching on campus and online courses." Do you
 5 see that?
 6 A. Correct.
 7 Q. Could you please describe the manner by
 8 which online courses are taught in the CJ
 9 department.
 10 A. Okay. The online programs are
 11 cost-recovery programs.
 12 Q. Are what programs?
 13 A. Cost-recovery programs. They're not
 14 part of an FTE formula like regular on-campus
 15 courses. The distance learning programs are
 16 managed and organized through the Distance
 17 Learning Center. The procedures for assigning
 18 instructors and other things are different than
 19 on campus, because we run the distance learning
 20 courses as a cost-recovery program.
 21 Q. Cost recovery?
 22 A. Recovery cost means that we have to
 23 have enough students in the class before we can
 24 run the class. So, it's got to -- we've got to
 25 gain cost recovery. It's a self-revenued

1 program. What was the second part of your
 2 question?
 3 Q. Describe how they are conducted in the
 4 Criminal Justice Department.
 5 A. Okay. So, and I, and I receive that.
 6 So, for the last many years, I would say, they
 7 were as part of -- excuse me -- as part of
 8 overload. So, any instructors who volunteer to
 9 teach courses online, we had many --
 10 everybody -- there was never a time where we
 11 would have to say no to anybody, but they would
 12 be courses that were taught as an overload, as
 13 part of load.
 14 Q. So, they're online courses --
 15 A. Correct.
 16 Q. -- that are taught to graduate
 17 students?
 18 A. Graduate students. And we also have
 19 undergraduate students, correct.
 20 Q. Online courses that are offered to
 21 undergraduate students?
 22 A. Correct.
 23 Q. And do I understand correctly that you
 24 manage, for the Criminal Justice Department, --
 25 A. Right.

1 Q. -- the online courses taught to
 2 graduate students?
 3 A. Correct.
 4 Q. And that online students [sic] taught
 5 to undergraduate students are managed by
 6 somebody else?
 7 A. By myself for the last year. So, I've
 8 been running the master's program for the last
 9 18 years, and within the last year I took over
 10 the undergraduate online program.
 11 Q. So, we noted a minute ago that
 12 Dr. Burton's principal assignment was to be
 13 teaching on-campus and online courses. Her
 14 principal assignment would not ordinarily be an
 15 overload assignment, would it?
 16 A. It depends where the funding would come
 17 from. And I don't know. I don't -- I'm not
 18 sure how that was. I don't know.
 19 Q. A single course -- how many credits
 20 would a single course in an online course be?
 21 A. It would be three credits. Excuse me.
 22 We have some independent. You can do some
 23 independent study. So, anywhere between one and
 24 three credits.
 25 Q. Would the majority be three-credit

1 courses?
 2 A. Yes.
 3 Q. And a full load here at the University
 4 of Wisconsin-Platteville is 12 credits; is that
 5 correct?
 6 A. For academic staff, I think it's 15.
 7 I'm not sure. Depending on -- yeah.
 8 Q. For tenured faculty --
 9 A. Correct.
 10 Q. -- it would be 12?
 11 A. Correct.
 12 Q. And so one three-credit course would be
 13 25 percent of a full load?
 14 A. Correct.
 15 (Exhibit No. 110 was marked for
 16 identification by the reporter)
 17 Q. Let me know when you've completed your
 18 review of this.
 19 A. Okay. Okay.
 20 Q. Do you recognize this document?
 21 A. I do.
 22 Q. Did you author the document?
 23 A. I did.
 24 (Exhibit No. 111 was marked for
 25 identification by the reporter)

1 Q. Let me know when you've reviewed it.
 2 Do you recognize Exhibit 111?
 3 A. I do.
 4 Q. Did you author the first part of the
 5 document?
 6 A. I did.
 7 Q. Do you note on line three of this
 8 document a statement that online courses must
 9 have 20 students enrolled for the faculty
 10 instructor to get release time?
 11 A. Correct.
 12 Q. That was the case in 2006?
 13 A. Yes.
 14 Q. Is it still the case?
 15 A. Twenty, yes. In the contract, yes.
 16 (Exhibit No. 112 was marked
 17 for identification by the reporter)
 18 A. Okay.
 19 Q. Do you recognize Exhibit 112?
 20 A. I do.
 21 Q. Did you author the top part of the
 22 document?
 23 A. I did.
 24 Q. And you note, looking at the middle of
 25 this page, there's a parenthetical, do you see

1 that, Reminder: There must be 20 students
 2 enrolled in an online course for an instructor
 3 to get .25 release time?
 4 A. Correct.
 5 Q. And that, again, is a rule that was
 6 applicable then and now?
 7 A. Correct.
 8 (Exhibit No. 113 was marked for
 9 identification by the reporter)
 10 Q. You have Exhibit 113 in front of you?
 11 A. Yes.
 12 Q. Do you recognize this document?
 13 A. Yes.
 14 Q. It appears to be an e-mail from you to
 15 Dr. Burton and to then Chair Dr. Caywood and
 16 Laura Anderson. Can you, in your own words,
 17 summarize the content of this e-mail message
 18 that you crafted.
 19 A. I don't remember the -- who's
 20 interviewing -- I don't remember who was -- if
 21 there was somebody interviewing for a position.
 22 This was in 2011. Yeah, I don't know.
 23 Q. It appears to be a request that you not
 24 be removed from the interview schedules because
 25 the position at issue entailed a .25 teaching in

1 the MSCJ program. Did I read that correctly?
 2 A. You are reading that correctly.
 3 Q. And is the MSCJ program the master's?
 4 A. It is.
 5 Q. Science, criminal justice?
 6 A. It is, it is.
 7 Q. And that is a position that you
 8 coordinated, correct?
 9 A. Yes.
 10 Q. And so you obviously would have had an
 11 interest in being involved in interviewing the
 12 position because it's going to be a person
 13 that's affecting your program?
 14 A. Yeah. I -- yeah. I'm kind of vague on
 15 that one.
 16 (Exhibit No. 114 was marked for
 17 identification by the reporter)
 18 Q. Dr. Fuller, this appears to be
 19 correspondence or an e-mail directed to
 20 Dr. Burton inviting her to campus for an
 21 interview and her schedule as well during that
 22 period of time, during that time. I note in the
 23 second page that it identifies you as having a,
 24 as having a 30-minute meeting -- excuse me -- a
 25 15-minute meeting with Dr. Burton as part of

1 that process. Do you recall that meeting?
 2 A. I -- no.
 3 Q. Do you recall whether or not at that
 4 time you had a concern about the adequacy of the
 5 staffing of the criminal justice -- of the
 6 online master's in criminal justice program?
 7 A. 2009, I cannot remember.
 8 (Exhibit No. 115 was marked for
 9 identification by the reporter)
 10 Q. Have you completed your review of this?
 11 A. I did.
 12 Q. Exhibit 115?
 13 A. Yes.
 14 Q. It appears to be an e-mail from then
 15 Chair Caywood to Dr. Burton identifying --
 16 providing her with her fall and spring schedule
 17 for the '09 and '10 school year; would you agree
 18 with that representation?
 19 A. I don't. I'm not familiar with the
 20 schedule back then. I mean, --
 21 Q. Have I fairly described the document?
 22 A. Yeah. I mean, yeah. I don't -- I
 23 haven't seen this. I don't remember the
 24 schedule, but, yeah.
 25 Q. But you see an entry there after the

1 address to Sabina, "Your schedule this fall is,"
 2 and there's four entries. And the fourth entry
 3 is, .25 is for training on D2L for online
 4 classes. Do you see that?
 5 A. Yes.
 6 Q. What is D2L?
 7 A. D2L.
 8 Q. D2L. What is it?
 9 A. It's Desire to Learn. It's a program
 10 that we use to run, it's a program that we use
 11 to run the online courses. It's a course
 12 managerial program.
 13 Q. And assuming that, in fact, this was
 14 her schedule at that time, she would have been
 15 released 25 percent of the time just to be
 16 trained in the online courses?
 17 A. Yeah. That's a lot of time to give
 18 somebody.
 19 Q. Is that correct?
 20 A. Yeah. I wouldn't have that
 21 authorization to do that. I don't think anyone
 22 would have 25 percent for training. That's
 23 huge. I mean, that's a good break.
 24 Q. And then in spring of 2010 her schedule
 25 describes CJ 7330, law as social control

1 graduate/online no set time. Does that reflect,
2 if that, in fact, occurred, would that reflect
3 that Dr. Burton was then scheduled to teach an
4 online course?

5 A. Yes, that would.

6 Q. That would have been a three-credit
7 course, and that would be 25 percent of her
8 load?

9 A. I don't, I don't know. I don't know.
10 I don't know if he was paying her overload or if
11 it was part of load.

12 Q. Well, if you read further on this page,
13 doesn't the schedule actually describe her
14 overloads?

15 MS. BENSKY: Objection. She's
16 not familiar with the document. No foundation.

17 A. Yeah. I don't, I don't know. I mean,
18 I don't know if that was an overload for that
19 course. I have no idea.

20 (Exhibit No. 116 was marked for
21 identification by the reporter)

22 A. Okay.

23 Q. And you've familiarized yourself with
24 Exhibit 116?

25 A. Yes.

1 Q. I'd like to begin with the first
2 message on the, on this chain, which is the last
3 one, actually second page at the bottom.

4 A. Uh-huh.

5 Q. It appears that you're soliciting
6 Dr. Burton to teach an online course as an
7 overload for the spring of 2015; is that
8 correct?

9 A. Correct.

10 Q. And then the next entry on this chain
11 appears to be a statement from Dr. Burton to you
12 saying that she'd love to teach the course again
13 but wasn't sure if she wanted to do it as an
14 overload, but it looked like -- but her contract
15 says that 25 percent of her teaching is online
16 grad work. So, she's making a request to teach
17 it online; is that how you interpret that, or
18 teach it as part of her, her regular load?

19 A. It sounds that way.

20 Q. And the next entry is from you to her.
21 Do you see that?

22 A. From me to her?

23 Q. So, it's the bottom of the first page.

24 A. Okay.

25 Q. And you write that the "part of load"

1 requirement is 25 students?

2 A. Yeah. 20 to 25, correct.

3 Q. And at the last entry you say 20 to 25
4 students, correct?

5 A. 20/25, right. It's on the contract,
6 so, yeah.

7 Q. Right. Just to make sure, I'm trying
8 to understand the difference between 25 and 20.
9 Your first entry says it's 25. It doesn't say
10 20.

11 A. Yeah. And I think I could have
12 e-mailed back and said it was 20. I can't --
13 it's on the contract. It's 20 or 20/25, 20 --
14 it's on the contract.

15 Q. Would it be consistent with the earlier
16 exhibits that we discussed in terms of --

17 A. Yes. The policies. You have to have
18 at least 25 students for the course to be
19 considered as part -- because it's a
20 cost-recovery program. We have to be able to
21 make money from that course.

22 Q. I'm trying to compare.

23 A. It's on the contract. It's in the
24 policy.

25 Q. I'm referring your attention back to

1 Exhibit 111, which makes a reference to a
2 20-student minimum. Is that the reference?

3 A. It's 20 to 25 students. I'm not sure.

4 I'd have to look at the contract. She signed
5 the contract. I don't know the exact number, 20
6 to 25. This is a cost-recovery program. We
7 have to be able to make money or the class would
8 not make --

9 (Exhibit No. 117 was marked for
10 identification by the reporter)

11 Q. This appears to be an e-mail exchange
12 between Dr. Burton and Interim Chair Dalecki on
13 or about August 4th of 2014. You see in
14 Dr. Dalecki's response to Dr. Burton, the last
15 sentence of the second paragraph, and I'll quote
16 it, "And my understanding also is that this
17 graduate course is very unlikely to make the
18 27-student minimum?" Do you see that?

19 A. Correct.

20 Q. His understanding would be in error,
21 would it not?

22 A. The policy is 20 to 25. Everybody has
23 got the contract. It's on the contract.

24 (Exhibit No. 118 was marked for
25 identification by the reporter)

Page 22

Page 24

1 Q. In the exhibit it appears that there's
2 been a photocopy of the first three pages three
3 times.

4 A. I was like, Where am I going with this?

5 Q. So, I'd ask that you focus just on the
6 first three pages of **Exhibit 118**. In the middle
7 of the first page of 118 Dr. Burton writes that
8 she developed a grad course for a class of
9 cybercrime for you; is that correct?

10 A. For the program, correct.

11 Q. How is a grad course cybercrime
12 created?

13 A. Well, she, she was student teaching
14 online and said, "I would like to develop a
15 course." I said, "Fine. Great. You have to go
16 through all the curriculum approvals and things
17 like that, but," I said, "that should be fine.
18 I don't see a problem with it. And when can you
19 do it?"

20 So, I thought it would be a good -- we
21 took it to -- a good fit. And, yeah. I mean,
22 she was excited to do it. And I was happy that
23 she was doing it. And, yeah.

24 Q. Would she have been compensated or
25 given release time in order to create the

Page 23

1 course?

2 A. It would be as overload.

3 Q. As an overload?

4 A. Correct.

5 Q. And has she -- that would have been
6 last year she refers to. When, in fact, in time
7 would that reference to "last year" have been?

8 A. I don't know. I'd have to look at
9 rotation schedules. I don't know off the top of
10 my head on that date, yeah.

11 **(Exhibit No. 119** was marked for
12 identification by the reporter)

13 Q. Have you completed your review of the
14 first page of this document?

15 A. Yes, yes, yes.

16 Q. I'm going to focus my questions on the
17 first page.

18 A. Okay.

19 Q. This appears to be an e-mail that you
20 wrote to former Chair Caywood back in November
21 of 2006; is that a fair recitation?

22 A. Looks like 2006, correct.

23 Q. And there you make a note about each
24 semester, faculty allocations, online teaching
25 program. Let me back up.

1 A. Yeah.

2 Q. You write that the HLC recommends that
3 there should be more on-campus faculty teaching
4 online in the online programs than adjunct
5 off-campus faculty?

6 A. Correct.

7 Q. Is that still the case today?

8 A. Correct. As part -- as overloads.

9 Q. What is HLC?

10 A. Higher Learning Commission.

11 Q. So, you identify four people who are
12 online or on-campus faculty as part of load. Do
13 you not?

14 A. It looks like that, 2006.

15 Q. And you identify four people, and I'm
16 going to ask you to describe who they are.
17 Susan Hilal?

18 A. Susan Hilal was -- oh, my gosh, the --
19 she was a former employee.

20 Q. Was she a faculty member?

21 A. She was.

22 Q. Laura Khoury?

23 A. Yeah, former employee.

24 Q. Cheryl Fuller, that's yourself?

25 A. Correct.

Page 25

1 Q. And Pat Bromley?

2 A. Correct. And she's in the psychology
3 department, psych department.

4 Q. Faculty?

5 A. Yes.

6 Q. And these four individuals were
7 teaching online courses as part of their regular
8 load; isn't that true?

9 A. It looks like it. I can't quite
10 remember. Yeah, 20 --

11 Q. This e-mail that you wrote then goes on
12 to talk about online on-campus faculty as
13 overload, and then it identifies five
14 individuals; is that correct?

15 A. One, two, three -- yeah, it looks, it
16 looks like that.

17 Q. Who is Jonas?

18 A. On-campus faculty.

19 Q. Who is Rink?

20 A. On-campus faculty in the political
21 science department.

22 Q. Who is Winz? Who is Winz, Caywood,
23 Hilal, Khoury?

24 A. All on-campus, yeah.

25 Q. Elmer?

Page 26	Page 28
1 A. Same thing, on-campus. 2 Q. Faculty or adjunct staff? 3 A. Adjunct staff. 4 Q. Parsons? 5 A. Faculty. Once again, 20 students in 6 the course. That's 20 students to make it 7 overtime or part of load, same rule follows. 8 Q. Do you know, first of all, do you know 9 why Dr. Burton was removed from teaching online 10 courses as part of her load? 11 A. I don't know if she was -- I don't 12 know. I mean, I don't know if I understand the 13 question. Yeah, I don't know if she was. 14 Q. In 2009, 2010 were there issues between 15 you and Dr. Caywood? 16 A. Issues? Yeah, I don't know. 17 Q. Did you ever file a grievance against 18 him? 19 A. Did I file a grievance against him, no. 20 Q. Did you ever complain about his 21 behavior? 22 A. I had a complaint about the search and 23 screens, how they were being authorized. 24 Q. In about that period of time, 25 2009-2010?	1 search and screen that you needed more positions 2 in your program than you were getting in search 3 and screen? 4 A. No. 5 Q. What was the issue with search and 6 screen? 7 A. The issue was, Tom Caywood and myself 8 are senior faculty. And it was -- I was -- we 9 had some disagreements on how the department 10 should go in reference to program development. 11 I was against the FI position -- I was against 12 the FI major, the forensic investigation. I 13 opposed the technical development of that 14 program. 15 I wanted to stay focused on liberal 16 arts, four-year, high-quality, critical thinking 17 program. And he was more in favor of the 18 technical forensic program. So, you know, we're 19 senior faculty. It was more of, I think, a 20 power struggle. I also was against bringing -- 21 allowing tenure track advertisement for faculty 22 who were not in a terminal degree, who did not 23 earn a terminal degree, a final degree like a 24 Ph.D. or an Ed.D. or something. 25 So, we had different philosophies on
Page 27	Page 29
1 A. 2009 maybe, something like that, 2010. 2 Yeah, something like that. 3 Q. Did you take that issue up to the then 4 dean of the college? 5 A. Yes. 6 Q. Of LA&E? 7 A. Yes. I met with the HR and the dean, 8 yes. 9 Q. And who was the dean at that time? 10 A. Mittie Nimocks. 11 Q. And who was the head of HR at that 12 time? 13 A. HR, I don't know who was the head of 14 HR. 15 Q. Was Dr. Caywood present for this 16 meeting? 17 A. Yes. 18 Q. And what was the, what was the reason 19 that you all met? 20 A. I had some concerns about the search 21 and screen, how they were being ran. It didn't 22 seem like the department was following protocol 23 correctly. Yeah. And so they corrected it 24 and -- 25 Q. Was the issue with, was the issue with	1 how to run the department. And it was within -- 2 it was a power struggle, because we were 3 pretty -- we were both tenure, pretty elite, 4 so... 5 Q. What was the resolution? 6 A. They fixed the search and screen and -- 7 Q. What did they do to fix it? 8 A. We just made sure the policies were in 9 procedure and made sure that descriptions went 10 back to the department, you know. But, I mean, 11 they -- I think -- you know, I don't know 12 exactly what they did, but we just made sure 13 that, you know, faculty met to talk about the 14 descriptions of the, of the positions going to 15 be announced. But, yeah, it was a power 16 struggle. I was against that, and he wanted 17 that to go forward and -- 18 Q. Was one of the resolutions of that 19 meeting a decision to provide you with a title 20 of coordinator of the program? 21 A. No. I was hired in, actually I was 22 hired in as director of the program. 23 Q. You were hired in as director of the 24 program? 25 A. Yes, yes.

1 Q. What's the difference between director
2 and coordinator?

3 A. Very vague. I don't know. It sounds
4 better maybe, huh?

5 (Exhibit No. 120 was marked for
6 identification by the reporter)

7 Q. Let me know when you're ready.

8 A. Okay.

9 Q. Who is Pat Solar?

10 A. A colleague, faculty member in the
11 department.

12 Q. And in the fall semester of 2014 was he
13 teaching an online graduate criminal justice
14 course?

15 A. I'd have to look, I'd have to look,
16 but, yes, yes.

17 Q. Dr. Burton asserts in this e-mail that
18 that is the case, correct?

19 A. Yeah. It looks like she did, yeah.
20 What is this -- okay.

21 Q. "Pat Solar is teaching an online
22 undergrad course." Okay. Now, it's an online
23 undergrad course?

24 A. Correct.

25 Q. Would that still be under your

1 coordination --

2 A. Yes.

3 Q. -- at this time, 2014, fall?

4 A. I got it a year ago. I could have.
5 The contracts are given out the semester before.
6 But, yeah, could be -- I took over a year, but
7 that contract would have been the semester
8 before. I could have been in charge. I don't
9 know. But it was all overload, all overload.
10 The contract stands 20 to 25 students.

11 Q. She writes that he was teaching this as
12 a fourth course. That would be within his
13 regular load, would it not, if it's true?

14 A. Yeah. No.

15 Q. If you don't know, you don't know, but
16 if it's true, he was teaching an online course
17 in his regular load?

18 A. I would say that's wrong.

19 Q. Why?

20 A. Because they're all overloads. All
21 these are overloads. I don't give any contracts
22 out unless, like I said, 20 to 25 students. I
23 stick to the policies.

24 Q. I'm confused. 20 to 25 students is,
25 itself, not an overload, is it? What am I

1 missing?

2 A. No. If you have, if you have 20 --
3 I've got to look at the contract, but you have
4 to have at least 20 to 25 students enrolled in
5 the course to request for overload.

6 Q. To request for overload?

7 A. To request as part of load.

8 Q. Part of regular load?

9 A. Exactly. Yes.

10 Q. So, if I had 20 to 25 students in a
11 course ready to go, signed up for it, it could
12 be part of my regular load?

13 A. It depends. It depends on -- faculty
14 always -- on-campus coverage always stood first,
15 always was priority over online teaching.
16 Online teaching is overload funding. It's
17 always been like that.

18 (Exhibit No. 121 was marked for
19 identification by the reporter)

20 Q. Do you have Exhibit 121 in front of
21 you?

22 A. I do.

23 Q. Can you describe it.

24 A. This is an overload payment permission
25 form. So, when a, when a faculty is teaching on

1 campus, they want to teach beyond their teaching
2 responsibilities, they can teach an online
3 course as an overload.

4 Q. In order to be compensated for teaching
5 this course -- let me try this question again.
6 In order to even be able to teach an online
7 overload course like this, permission would have
8 to be granted first; is that true?

9 A. Yes. I mean, you have to -- yeah.

10 Q. So, you would need to sign this as a
11 program coordinator?

12 A. Correct.

13 Q. And the executive directors do not sign
14 or do sign?

15 A. Yes, they'll sign.

16 Q. And the department chair signs?

17 A. Yes.

18 Q. And the dean and the provost all have
19 to sign?

20 A. Correct.

21 (Exhibit No. 122 was marked for
22 identification by the reporter)

23 Q. Can you describe Exhibit 122, please.

24 A. This is a contract to teach an online
25 course as overload.

Page 34 1 Q. There seem to be three boxes for 2 potential check marks. Do you see those? 3 A. Correct. 4 Q. In the second box there's a sentence, 5 "Compensation for this appointment period is 6 considered part of load." 7 A. Correct. 8 Q. "Instructors who have an enrollment of 9 20 or more students in a class will, at the 10 discretion of the Dean, receive release time 11 from on-campus duties." Is that the reference 12 to 20 or -- 13 A. Yes. 14 Q. That you were referring to in your 15 prior testimony? 16 A. Yes. But I don't know if this is, if 17 this is an updated contract. Maybe it is. 18 Okay. Yes. 19 Q. It shows a revision date of May of 20 '14 -- 21 A. Yeah. 22 Q. -- in the bottom of the second page. 23 So, this would be a current, relative -- fairly 24 current? 25 A. Right.	Page 36 1 prospective faculty members." 2 A. She may have wrote something like that, 3 yeah. I can't quite remember the document, 4 though. 5 Q. Well, could you put it in context. 6 A. I don't know. 7 (Exhibit No. 124 was marked for 8 identification by the reporter) 9 Q. Exhibit 124 appears to be a repetition 10 of a prior e-mail that we discussed a few 11 minutes ago. 12 A. Yeah. 13 Q. Did you respond to this e-mail? 14 A. Well, maybe I did down here. Oh, no. 15 Q. And did you have any communication with 16 Mittie Den Herder, the provost? 17 A. No. 18 (Exhibit No. 125 was marked for 19 identification by the reporter) 20 Q. This is a short one. I assume you -- 21 A. Yeah. I'm trying to connect it. 22 Q. Were you the chair of the Department 23 Review Board in January of 2015? 24 A. Yes. 25 Q. Did you conduct a review of
Page 35 1 Q. So, that reference to the 20 is the 2 reference that you were making before? 3 A. Correct. 4 (Exhibit No. 123 was marked for 5 identification by the reporter) 6 A. Okay. 7 Q. Exhibit 123 appears to be an e-mail 8 from Dr. Burton to you in October of 2014; is 9 that correct? 10 A. It appears to be. 11 Q. Did you reply to this e-mail? 12 A. No. 13 Q. Did you ever complain of sex 14 discrimination -- 15 A. No. 16 Q. -- by Tom Caywood, against Tom Caywood? 17 A. No. 18 MS. LATTIS: Let me remind you 19 again to let him finish the question before you 20 answer. 21 A. Okay. 22 Q. Have you ever seen a document in which 23 Dr. Nimocks Den Herder wrote, and I quote, "Tom 24 has overreached his authority in his behavior of 25 discrimination toward female faculty and	Page 37 1 Sabina Burton as part of that Board's 2 responsibilities? 3 A. Yes. The Review Board did, yeah. 4 Q. Who were the members of that 5 Review Board? 6 A. Oh, jeez. So, 2015. So, that was just 7 last year. Tom Caywood, I think. Was he still 8 here? He retired in 2015. Tom Caywood, 9 Theron Parsons, if I'm not mistaken. I'd have 10 to go check the -- and then myself. Yeah, I 11 think that's -- 12 Q. Would Dr. Rink have been on that 13 committee? 14 A. No. 15 Q. Were you also the chair of the DRB the 16 prior year in January of 2014? 17 A. Yes. 18 Q. Do you recall who was on that 19 committee? 20 A. I don't know if I was a chair of that 21 one. I'd have to look back because I was on 22 CRST. I'd have to look back on my notes on that 23 one. I could have been on the CRST. I'd have 24 to look back at my notes. 25 Q. Dr. Caywood was on the DRB, the Board,

1 for -- in January of 2015?
 2 A. I think, I think.
 3 Q. Do you recall Dr. Burton objecting to
 4 Dr. Caywood being a member of that Board on the
 5 basis that he was named as a defendant in a
 6 lawsuit that she had brought against him and
 7 others?
 8 A. I do not recall that. I mean, I don't,
 9 I don't have any evidence of any of that. I
 10 don't recall that.
 11 Q. Do you think -- do you believe that
 12 that would create a conflict of interest?
 13 A. Yeah, I don't want to speculate. I
 14 don't want to speculate. I don't know. Yeah,
 15 no. The answer is, no, I don't know of it or
 16 anything about it.
 17 Q. If he did serve on the committee, do
 18 you believe it would have -- it would constitute
 19 a conflict?
 20 A. It possibly could.
 21 Q. Do you recall that Dr. Burton appealed
 22 the results of the DRB?
 23 A. In what year?
 24 Q. In January of 2015.
 25 MS. LATTIS: Can you tell the

1 witness what you think the results were so she
 2 can remember that.
 3 Q. Actually, look at **Exhibit 125**. Isn't
 4 this the appeal?
 5 A. But I don't know what she is appealing.
 6 Q. If the appeal goes to you, what is the
 7 process after that?
 8 A. I'd have to look at the procedures
 9 again. She has so many days to -- she requests
 10 written appeal and/or face-to-face appeal with
 11 the DRB members.
 12 Q. Do you recall whether or not in January
 13 of 2015 Dr. Burton was on a medical leave of
 14 absence?
 15 A. Yeah, I don't know. I don't know.
 16 Q. Once she requests the appeal, what
 17 happens next?
 18 A. So, she can request face-to-face and/or
 19 written. Okay. Then when she does that, then
 20 the committee meets and they give their
 21 recommendations for change or to keep the same.
 22 And then it goes to the -- they changed the
 23 structure, but I think it -- then it goes to the
 24 CRST, which is the College Review Board.
 25 Q. And do you recall meeting to review,

1 with the Board in January or February of 2015,
 2 to review Dr. Burton's appeal?
 3 A. I think we met, yes.
 4 Q. And describe the conversation that
 5 occurred that day.
 6 A. Oh, jeez. I don't recall.
 7 Q. Are there any notes kept of those
 8 meetings?
 9 A. I don't, I don't think I -- I don't
 10 know. Yeah, I don't know. Like, a secretary
 11 or -- yeah.
 12 Q. Or even informal. Did you keep any
 13 notes, any personal notes?
 14 A. I could have -- no, I did not.
 15 Q. Do you know whether or not all the
 16 members of the Board attended?
 17 A. Yes. Mandatory by rule.
 18 Q. Including Dr. Caywood?
 19 A. Yes.
 20 (**Exhibit No. 126** was marked for
 21 identification by the reporter)
 22 A. Okay.
 23 Q. So, could you describe **Exhibit 126**,
 24 please.
 25 A. It looks like her appeal to the DRB in

1 2015.
 2 Q. And who's it addressed to?
 3 A. Cheryl Fuller.
 4 Q. And does she lay out a number of
 5 grounds to support her appeal?
 6 A. I mean, she lays six -- what is it --
 7 yeah, I mean, she can appeal whatever she wants
 8 to appeal. She lays out seven points of
 9 concern.
 10 Q. And how long did the committee meet to
 11 deliberate about the appeal?
 12 A. Oh, jeez. Good question. An hour,
 13 maybe longer.
 14 Q. Was there more than one appeal that the
 15 committee had to take up?
 16 A. I'd have to look at the records on
 17 that. I can't remember. I can't remember. We
 18 may have had some small issue. I can't
 19 remember. Or a calendar we had to put together.
 20 We met, I think, for about an hour, if I'm not
 21 mistaken.
 22 Q. Her first point in the appeal states
 23 that Dr. Caywood should not be allowed to sit on
 24 any Board that evaluates her. "I have made
 25 formal, unresolved, complaints against him.

1 This is a serious conflict of interest." Did
2 you discuss that matter?

3 MS. LATTIS: That matter with the
4 Board?

5 A. Oh, no. I didn't even know there were
6 complaints. I had no knowledge of any
7 complaints.

8 Q. Well, she's written it here. You had
9 it in your hands. I'm missing something.

10 A. Yeah.

11 Q. You had this appeal in your hands --

12 A. Right.

13 Q. -- at the time you met with the Board.

14 A. Right.

15 Q. She's made this allegation, right?

16 A. Correct. On paper I can see, yes.

17 Q. Did the Board discuss this allegation?

18 A. No. Oh, did we discuss it? No. I
19 mean, I said, Is there any grievances? I --
20 yeah. It was vague. I didn't -- yeah, we
21 didn't discuss it. It was -- we didn't --
22 yeah.

23 Q. Going to paragraph 2.

24 A. Yeah, we didn't -- yeah.

25 Q. She alleges that her evaluation scores

1 the prior year were all outstanding, yet this
2 year they're much lower and asks what changed.
3 Did you discuss that allegation?

4 A. Apparently we did. I mean, I can't
5 quite remember, but apparently we talked -- you
6 know, they decided that her evaluations were not
7 as strong as last year.

8 Q. Did you answer the question she asks,
9 what has changed?

10 A. Oh, yeah. Well, the scores on her
11 student evaluations have changed. They weren't
12 quite as good. All the standard --

13 Q. You're sure of that?

14 A. Yeah, I'm positive. We have numbers,
15 and we have rubrics, and we have policy that we
16 have to follow to get that. So, the numbers
17 were not quite as strong as they probably were
18 the year before. I'd have to even -- yeah,
19 above normal. I was marked above normal instead
20 of outstanding.

21 Q. Now, did you -- she alleges here that
22 none of her peers had come to any of her
23 classrooms in either of the last two years. Do
24 you have reason to believe that that is a true
25 statement?

1 A. I don't know. I did not, I did not.

2 Q. Did the Board discuss the fact that
3 there were no peer reviews?

4 A. We, I think we talked about it. Did
5 anybody go to her classroom? I don't know if
6 anybody went to her classroom. I don't know if
7 she was evaluated by any faculty members in her
8 classroom. Back in 2015? Yeah, it's vague for
9 me right now, to be honest with you.

10 Q. Paragraph 4 she writes that she was
11 ranked above normal with great --

12 MR. HAWKS: My apologies for that
13 distraction.

14 A. That's all right.

15 Q. Paragraph No. 4 she notes that she was
16 ranked above normal in the previous year, but --
17 she was above normal in this evaluation period,
18 but she was marked as outstanding in the
19 previous year. Do you know what had changed?
20 Can you tell us?

21 A. Well, I don't know if any, I don't know
22 if anything changed. I don't know if that
23 statement is correct. I mean, I'd have to pull
24 out her green form that trails all the scores.

25 Q. Do you recall the Board's discussion

1 about that issue?

2 A. Yeah. I think, I think we looked at
3 her -- you have a yearly thing. We looked at
4 that. And I don't think there was really
5 anything that changed. Yeah, I --

6 Q. I believe when I asked you whether or
7 not you had been a chair of the prior year's DRB
8 you did not remember.

9 A. Yeah, yeah.

10 Q. Were you on the prior year's DRB as a
11 member, not the chair?

12 A. I was on the -- I was a chair in 2015
13 of the DRB. I'd have to look at my notes. And
14 then I was a college -- you can't be on both of
15 them, so I think I was on the college -- I, I
16 can't remember if it was in 2013, 2014. I'd
17 have to look that over, exactly what -- where I
18 sat. I'm on a million -- I'm on a lot of
19 committees. I'm on very many, many, many
20 committees. And I can't remember exactly which
21 one I chaired when. I'd have to look at my --
22 look at some notes.

23 Q. Well, do you remember anything else
24 about the conversations that the Board had with
25 regard to this appeal document?

1 A. I do not. I just know we had scores
2 from student evaluations that followed the
3 protocol and procedures of our DRB.

4 (Exhibit No. 127 was marked for
5 identification by the reporter)

6 Q. Do you recognize Exhibit 127?

7 A. Correct.

8 Q. Do you provide -- and this is a
9 document that, in this case, denied the request
10 for the appeal that Dr. Burton made, correct?

11 A. It basically concurred with what we
12 originally said, yes.

13 Q. And she was appealing what you
14 originally said?

15 A. Yeah, yeah. Reconsideration, yeah.

16 Q. And it provides no reason, does it?

17 A. No. Dr. Burton receives merit, DRB
18 merit.

19 (Exhibit No. 128 was marked for
20 identification by the reporter)

21 Q. Let me know when you're ready. This
22 appears to be a communication from Dr. Burton to
23 you, and she begins by saying, "I can't think of
24 any other cybercrime experts who are currently
25 looking for an online teaching job. Sorry."

1 Did you make a request for someone to do that?

2 A. Well, I asked her if she wanted to
3 teach a cybercrime, that she so wanted to do.
4 And then she decided she wouldn't be there to do
5 it.

6 Q. Do you know when Aric Dutelle was
7 hired?

8 A. I'm guessing 2005 maybe.

9 Q. Do you know when he would have first
10 been eligible for promotion?

11 A. I don't know. He was academic staff
12 for six years or something like that. I don't
13 know the date. It's, like, 10 years ago. That
14 was a long time ago. Ten years ago. I can't --
15 yeah.

16 Q. Did Aric Dutelle have a terminal degree
17 in his field?

18 A. That was a, that was a -- it's a vague
19 degree. That was a -- always questionable. I
20 mean, there's, there's folks that said yes, and
21 there's folks in the professional field that
22 said no.

23 Q. And did Dr. Caywood get a consensus of
24 the department before writing a letter to the
25 CRST that he had a terminal degree?

1 A. Ask that one more time.

2 Q. Do you know whether or not Dr. Caywood
3 obtained a consensus of the department to send a
4 letter to -- to approve the letter he sent to
5 the CRST Dutelle had a terminal degree?

6 A. He did not get consent. Let me -- I
7 think I should rephrase that just to say that I
8 wasn't -- if there was consent, I wasn't part of
9 that process.

10 Q. So, on March 15th, 2011, Dutelle got a
11 grant for \$2,000 for grant writing. Do you have
12 any memory of that?

13 A. I do not.

14 Q. Do you have any recollection whether or
15 not it was discussed in your department?

16 A. I do not.

17 MS. BANACHOWSKI-FULLER: Can I
18 take a two-minute break?

19 MR. HAWKS: Yes. That's
20 absolutely fine. That's fine.

21 MS. BANACHOWSKI-FULLER: Thank
22 you.

23 (Recess)

24 EXAMINATION

25 BY MR. HAWKS: (Continued)

1 Q. Did you support Aric Dutelle's husband
2 for tenure?

3 A. I did.

4 Q. Did you support him initially?

5 A. I don't know if there was an initial.
6 I'm going to say when I got tenured, I supported
7 him.

8 Q. Now, he and Dr. Burton were up for
9 tenure at the same time, were they not?

10 A. If I'm not mistaken, they went up for
11 early tenure, Sabina did. I'd have to look at
12 the dates, but Sabina's was early tenure.

13 Q. At the same time?

14 A. Yes. His was tenure, but hers was
15 early tenure.

16 Q. And did Dr. Caywood oppose Dr. Burton's
17 request for tenure at that time?

18 A. Tenure decisions are made by tenured
19 faculty. At that time the two only-tenured
20 people were Tom Caywood and myself,
21 Cheryl Fuller. When we got to our discussion,
22 Tom said, "I have some concerns about tenuring
23 Sabina." "What are your concerns?" "Not a team
24 player." "Is it in the DRB regulations that
25 you've got to be a team player?" "I didn't see

1 one." "We're going to tenure her." Okay.
 2 Two-minute conversation.
 3 Q. Do you recall a conversation that you
 4 initiated with Dr. Burton about the process
 5 of -- that you and Caywood went through in
 6 determining tenure for both Dutelle and for her?
 7 A. No.
 8 Q. Do you recall congratulating her?
 9 A. Yes. I think there's a dinner, if I'm
 10 not mistaken, for tenured people.
 11 Q. Do you recall saying to her that
 12 Dr. Caywood initially did not want to support
 13 her request for tenure?
 14 A. Yes.
 15 Q. Do you recall saying to her that
 16 Caywood wanted her to wait another year?
 17 A. No.
 18 Q. That's no, you don't recall, or no --
 19 A. No, I don't recall.
 20 Q. Do you recall telling Dr. Burton that
 21 you told Caywood that Burton deserved tenure
 22 then?
 23 A. Don't recall.
 24 Q. Do you recall telling her that you made
 25 it clear to Caywood that if he wanted to grant

1 tenure to Dutelle, he was going to have to grant
 2 tenure to Burton, too?
 3 A. I don't recall.
 4 Q. But you don't deny having that --
 5 having said that or something like that?
 6 A. Yeah. I don't recall.
 7 Q. Do you recall having a conversation
 8 with Dr. Burton about Dr. Burton being
 9 potentially dean material?
 10 A. Excuse me?
 11 Q. Being potentially dean material.
 12 MS. LATTIS: Are you saying did
 13 she use those words?
 14 Q. Or words with that effective meaning.
 15 MS. LATTIS: What does that mean?
 16 A. Like, as dean --
 17 Q. That she would be qualified to be a
 18 dean someday in her career.
 19 MS. LATTIS: Oh, okay.
 20 A. I'm going to -- no, no.
 21 Q. You don't recall, or you did not have
 22 that conversation?
 23 A. I don't, I do not recall.
 24 Q. Did you ever have any conversations
 25 with her regarding her lawsuit?

1 A. No.
 2 Q. Did you ever have any conversations
 3 with her regarding any of the grievances that
 4 she's filed?
 5 A. The only conversation I had with her
 6 was that she said she filed the lawsuit, I can't
 7 remember when, and I said, "Sabina, you've got
 8 to do what you've got to do." But specific
 9 details, no.
 10 Q. That's about the lawsuit, though?
 11 A. That's the lawsuit, yeah.
 12 Q. My question now --
 13 A. No.
 14 Q. -- was about the grievances.
 15 A. No, no, no.
 16 Q. No conversations?
 17 A. No.
 18 Q. How many times did Dr. Dalecki apply
 19 for a position in the Criminal Justice
 20 Department?
 21 A. I know one. I don't, I don't -- maybe
 22 one. I think there was one. I'm going to say
 23 one.
 24 Q. It could be two, you just don't recall?
 25 A. No. I'm going to say I know one.

1 That's it, period. I don't know two. I don't
 2 know.
 3 Q. What's your annual base salary?
 4 A. My annual base salary is as -- I
 5 started off less, but as director of the program
 6 I'm making 82.
 7 Q. Coordinator in the program?
 8 A. Coordinator, right.
 9 Q. And do you receive additional
 10 compensation in the form of grants or overload
 11 pay?
 12 A. No, no.
 13 Q. In the spring of 2013 would you have
 14 been eligible to be chair of the department?
 15 MS. LATTIS: Can you -- I'm
 16 sorry.
 17 Q. Would you be eligible to be chair --
 18 MS. LATTIS: Would you have been
 19 eligible in the spring of 2013?
 20 A. I could apply or request it. It's not
 21 an automatic thing.
 22 Q. There's nothing to bar you from being
 23 chair?
 24 A. No. Correct.
 25 Q. Have you ever heard anyone in the

Page 54 1 department describe Dr. Burton as being 2 emotionally unstable? 3 A. No. 4 Q. Just the same question. Crazy? 5 A. No. 6 Q. Same question. Mentally ill? 7 A. No. 8 Q. Anything at all to suggest that someone 9 in the department has disparaged Dr. Burton's 10 emotional health? 11 A. No. 12 Q. Have you ever heard anyone in the 13 department say something to the effect that 14 Dr. Burton wouldn't be around much longer? 15 A. Yeah. I'm not sure -- "around" as 16 unemployed? 17 Q. Not employed. 18 A. No, no. 19 Q. Have you ever heard anyone outside of 20 the department say such a thing? 21 A. No. 22 Q. I'm going to turn to the German 23 delegation visit that occurred in the summer of 24 2014. I have a few questions about that. 25 A. Correct.	Page 56 1 Q. Two and a half weeks into what? 2 A. Into the Germans coming over, flying 3 over, getting dorms, getting food, traveling, 4 scheduling visits. 5 Q. So, to make sure I understand your 6 testimony, she notified the chair of the 7 department two and a half weeks prior to the 8 delegation coming in? 9 A. Yes. Two and a half weeks. I'm not 10 sure of the exact date. Two and a half to three 11 weeks, something like that. 12 Q. Why do you, why do you believe that it 13 was her responsibility? 14 A. Because she was the one that initiated 15 the, the -- this was her, her program. She took 16 students over the year before to Germany. She 17 did the partnership. She negotiated the idea to 18 bring them over. In fact, I said, "Sabina, you 19 know, that seems like a lot of work." You know, 20 so, she was -- I don't know if the word is 21 responsible, but her, her partnership, she was 22 the, the person in charge of the partnership of 23 that student exchange group. 24 Q. Did Dr. Burton share with you the 25 information she shared with Dr. Caywood about
Page 55 1 Q. Do you believe that Dr. Burton dumped 2 her guests? 3 A. She dumped -- I'm speculating. This is 4 just -- I believe she -- how is the term? She 5 didn't do her responsibilities. 6 Q. Are you aware of the circumstances of a 7 family illness that occurred at or about that 8 same time? 9 A. She may have had some -- mom sick or 10 something. I can't recall. There could have 11 been, there could have been something 12 medically -- 13 Q. Did you ever talk to her about the 14 reasons why she was unable to attend to all of 15 the duties? 16 A. Yeah. After the fact she mentioned 17 that her mom -- and I don't know the exact 18 things. It was after the overwhelming, 19 overwhelming work that was -- that we had to do 20 within the two weeks to get it all going. Plus, 21 we had a tornado. It was just an overwhelming 22 job that was just really irresponsible. There 23 was no forewarning. There was no forewarning, 24 like, I'm not -- it was two weeks in or two and 25 a half weeks in and --	Page 57 1 the reasons why she wasn't going to be able to 2 be fully engaged? 3 MS. BENSKY: You mean Dalecki. 4 Q. Dalecki. Thank you. 5 A. No, no. 6 Q. Did Dr. Caywood -- excuse me -- 7 Dr. Dalecki share with you the reasons why 8 Burton was not going to be fully engaged? 9 A. No, no. 10 Q. So, what is your source of information? 11 A. Sabina, after the fact. 12 Q. Are you salaried on an annual basis or 13 a nine-month basis? 14 A. I am annual, annual. 15 Q. Dr. Caywood -- Dr. Dalecki was salaried 16 on an annual basis? 17 A. Annual. 18 Q. Dr. Stackman is on a nine-month basis? 19 A. Correct. 20 Q. And Dr. Rice is on a nine-month basis; 21 is that correct? 22 A. I think. I'm not sure about Rice. I'd 23 have to check that. 24 Q. And Dr. Burton is on a nine-month 25 basis?

1 A. I, I -- yeah. I, I don't know the
 2 contracts. Yes, I think so. I don't, yeah, I
 3 don't know the exact -- I would imagine. I
 4 don't -- yeah, I don't know.
 5 Q. And typically the faculty member on a
 6 nine-month --
 7 A. Right.
 8 Q. -- basis is not under contract to work
 9 in the month of June, are they?
 10 A. Correct.
 11 Q. So, did Dr. Dalecki tell you anything
 12 at all about the reasons why --
 13 A. No.
 14 Q. -- Dr. Burton wasn't able to be fully
 15 engaged?
 16 A. No, not that -- I'm going to say not
 17 that I recall. It, it was a busy couple weeks.
 18 I just -- yeah. I'm going to say I don't recall
 19 on that one.
 20 Q. Did Dr. Dalecki complain to you that
 21 Dr. Burton was slow to provide him with
 22 information when he would request it?
 23 A. I don't recall.
 24 Q. Did he complain that Dr. Burton was
 25 interfering with Dr. Rice's efforts to --

1 A. I think there was some issues with
 2 that, yes.
 3 Q. Did it appear to you that Dr. Dalecki
 4 was angry about Dr. Burton's decision not to be
 5 fully engaged?
 6 A. I'm not going to say "fully engaged,"
 7 but a little bit upset about the ball being
 8 thrown at a late date.
 9 Q. Did that help inform your opinion?
 10 A. Well, I mean, I think he had to
 11 reschedule surgery for his back. My, my --
 12 everybody had personal things going on, I think.
 13 It was just a real, it was just a really, really
 14 overwhelming, over, overwhelming task that we
 15 had to get through, and it just involved a lot
 16 of quick action. And it turned out great.
 17 (Exhibit No. 129 was marked for
 18 identification by the reporter)
 19 Q. Disregard that. It talks about the
 20 reason. So, that is not an exhibit. We'll mark
 21 the next one as Exhibit 129 and toss that one.
 22 (Exhibit No. 129 was remarked for
 23 identification by the reporter)
 24 Q. This is a longer document, so feel free
 25 to take your time to review this.

1 A. Okay.
 2 Q. Can you describe, in general, this
 3 document, Exhibit 129.
 4 A. It was a report -- well, back in 2009,
 5 '10, we talked about it briefly, this is a
 6 report that was created by Mittie Nimocks, Dean
 7 of LA&E back in 2010, I think it happened. I
 8 can't remember exactly.
 9 Q. In 2010?
 10 A. Yes. Looks like 2010, March.
 11 Q. This was a report that followed the
 12 meeting about which you testified earlier?
 13 A. Correct.
 14 Q. So, I'm going to ask you to refer to
 15 page 2, and beginning in paragraph enumerated
 16 one, I'd ask whether or not the dean fairly
 17 summarized your complaint as described there.
 18 A. Correct.
 19 Q. So, it is your, it was then your
 20 opinion that a search such as, such as these
 21 should involve the entire department; is that
 22 correct?
 23 A. Entire department and the, and the
 24 committee, Search and Screen Committee, more
 25 specifically search and screen, yeah.

1 Q. Then paragraph 2. My question is, does
 2 the dean accurately describe your concern as
 3 expressed in that paragraph?
 4 A. I don't -- and, for the record, I had
 5 concerns over this whole document. I mean, the
 6 whole document. I didn't respond to it. I
 7 didn't make any corrections. My argument was
 8 preferential treatment toward individuals who
 9 were in favor of the forensic investigation
 10 technically defined program and disagreement
 11 with Tom and I about allowing applicants,
 12 applicants to apply for a -- and I'm not sure if
 13 I'm wording that correctly but apply for a
 14 tenure track position with a non-terminal
 15 degree. That was our dispute.
 16 Q. I'm going to refer your attention to
 17 the last sentence of paragraph 2 specifically.
 18 A. Last sentence.
 19 Q. So, Mittie writes that you argued that
 20 Tom has overreached his authority and has
 21 behaved with discrimination toward female
 22 faculty and prospective faculty members. Do you
 23 recall making that argument?
 24 A. I cannot recall making that argument.
 25 Q. Would it be your testimony that

1 Mittie's making that up out of thin air?
 2 A. No, that is not my testimony.
 3 Q. I'm going to refer your attention now
 4 to paragraph 3. Let me know when you're ready.
 5 A. Okay. I'm looking at this one. Okay.
 6 Q. Does the dean fairly describe your
 7 concern as she expresses it in paragraph 3?
 8 A. Okay. You're talking about one, two --
 9 starting with the numbers?
 10 Q. Just in the light -- the non-bolded
 11 type appears to be her restatement of your
 12 concern. The bolded type --
 13 MS. LATTIS: I think you're
 14 looking -- you're looking on page 4, right?
 15 MR. HAWKS: Yes.
 16 MS. LATTIS: He's looking on
 17 page 4. So, it's right there where he wants you
 18 to read.
 19 A. Read this?
 20 MS. LATTIS: Yes.
 21 Q. You don't have to read all of it. Just
 22 the light type.
 23 A. Oh, the light type up here?
 24 (Indicating)
 25 Q. Right. By way of explanation, it

1 appears to me, at least, and you can correct me
 2 if you think I'm wrong, that the light type is
 3 the dean's restatement of your concerns, and the
 4 emboldened type is her statement of what
 5 conclusions she's reached about those concerns.
 6 Is that a fair interpretation of this document?
 7 A. Gosh, I just -- it's been such a long
 8 time. It's been such a long time.
 9 MS. LATTIS: Well, I think we've
 10 established that she didn't write this document,
 11 and so your supposition is just as fair as
 12 anything else, but she can't say anything more
 13 about it.
 14 Q. So, limiting your attention to the
 15 lighter type --
 16 A. Right.
 17 Q. -- in the paragraph following the
 18 number three, does that statement of your
 19 concern appear to accurately reflect your
 20 position?
 21 A. Okay. Let me read it one more time.
 22 What do I say? I don't know. I mean, I am
 23 not -- does this reflect -- it's fuzzy. It's
 24 foggy. It's -- what's the right term? Fuzzy?
 25 I don't, I don't -- I'm unclear of this

1 statement right now as it's stated.
 2 Q. You're unclear whether this statement
 3 accurately expresses your concern?
 4 A. Exactly.
 5 Q. At that time?
 6 A. Exactly.
 7 Q. Again, do you think that the dean would
 8 have had any reason to exaggerate or embroider
 9 on the concerns that you had expressed to her?
 10 A. No, I don't think.
 11 Q. You don't think so?
 12 A. I don't think so.
 13 Q. Going to paragraph 4 on the next page,
 14 5. Do you see there the dean is writing that
 15 you had a concern that Tom holds Amy and Cheryl
 16 to stricter requirements? And I have the same
 17 question about that paragraph as to whether or
 18 not that accurately states your concern as it
 19 existed at that time.
 20 A. Yeah. I'm going to say yes. That's --
 21 Q. Turning, then, to paragraph 5, same
 22 question, does that paragraph accurately -- does
 23 the dean accurately state your concern as it
 24 existed at that time?
 25 A. Yes.

1 Q. Paragraph, same question, paragraph 6.
 2 Does that paragraph fairly state your concern as
 3 it existed at that time?
 4 A. Yes.
 5 Q. Then the dean writes that you have
 6 requested certain things, that you had requested
 7 certain things. Same set of questions.
 8 A. Uh-huh.
 9 Q. She enumerates the requests that you
 10 made in paragraph 1. Does that accurately state
 11 the requests that you made?
 12 A. Yes.
 13 Q. Paragraph 2, does that accurately state
 14 the requests that you made?
 15 A. Vague on No. 2.
 16 Q. Does she, with regard to paragraph 3,
 17 does she accurately state a request that you
 18 made?
 19 A. Yes.
 20 Q. And with regard to paragraph 4, does
 21 she accurately state a request that you made?
 22 A. Yes. I'm going to add, for the record,
 23 for No. 4, it -- for No. 4, I requested that I
 24 report to her and not to Tom so I could
 25 effectively run the master's program. I guess

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1 we had different philosophical ideas on what
 2 should be ran. And she, she said she would
 3 think about it. So, yeah.
 4 Q. I would ask you to turn to page 8.
 5 A. Page 8. Okay.
 6 Q. And it appears to be the second
 7 paragraph of that page. It is the paragraph
 8 beginning with the word, "Most members of the
 9 department..." Do you see that paragraph?
 10 A. Yes.
 11 Q. The third sentence in that paragraph
 12 reads, "One member of the department did feel a
 13 discrepancy in Tom's treatment toward female
 14 faculty compared to his treatment of males."
 15 Was that member you?
 16 A. No.
 17 Q. Do you know who it was?
 18 A. No.
 19 (Exhibit No. 130 was marked for
 20 identification by the reporter)
 21 Q. This is a document that was provided to
 22 us in Response to a Request for Production of
 23 Documents. Do you recall any meeting with
 24 anybody on or about January 16 of '07 --
 25 A. No.

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1 Q. -- in which you were confronted about
 2 your personal attacks on Aric?
 3 A. I do not recall.
 4 Q. Do you recall ever being told by anyone
 5 to stop your personal attacks on Aric?
 6 A. No.
 7 Q. Did you ever personally attack
 8 Aric Dutelle?
 9 A. No.
 10 Q. Do you know whether or not Dr. Dalecki
 11 excluded Dr. Burton from serving on the
 12 Department Curriculum Committee?
 13 A. No.
 14 Q. Do you know when it was formed?
 15 A. I'm thinking last year that he -- his
 16 second year, so maybe that was 2014, spring of
 17 2014 maybe.
 18 Q. Do you know who served on the committee
 19 at that time?
 20 A. No.
 21 Q. Is there currently a Department
 22 Curriculum Committee?
 23 A. Yes.
 24 Q. Who serves on it now?
 25 A. I don't know all the members, but there

1 is one. I think it's an elected, the faculty
 2 elects who's going to be on the curriculum
 3 committee.
 4 Q. Would you consider it highly irregular
 5 not to have a Department Curriculum Committee?
 6 A. The department should. And I think we
 7 had one. It was -- what was the question again?
 8 Q. Highly irregular not to have one.
 9 A. I think if it's a big department, if
 10 it's a big department, it's irregular not to
 11 have one. If it's a smaller department, then
 12 conversation takes place at faculty meetings.
 13 Q. CJ is one of the bigger departments
 14 here?
 15 A. Well, now, yeah. Years ago it wasn't.
 16 But now it's huge, yeah, the last few years.
 17 Q. How long has it been huge?
 18 A. I mean, we're pretty popular. At one
 19 point we were much smaller. I mean, we grew
 20 exponentially in probably the last three or four
 21 years or so.
 22 Q. So, my question is, the current
 23 department size is 800; is that about right?
 24 A. Right, right, right.
 25 Q. Do you know when it exceeded 400?

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1 A. I do not.
 2 Q. You know, before there was a curriculum
 3 committee, how were new courses or new programs
 4 approved?
 5 A. That's a good question. In the
 6 department meetings, in the department meetings,
 7 yeah.
 8 Q. Do you know how Dutelle got his FI
 9 program approved?
 10 A. I'm not sure. I ran the, I ran the
 11 MSCJ program, and I'm kind of out of the
 12 department. I didn't go to a lot of the
 13 department activities because I just was so busy
 14 with that. So, I could have missed a lot of
 15 these things.
 16 Q. Did members of the department support
 17 Dr. Burton's interest in a cyber security course
 18 and ultimately a program?
 19 A. I don't know. The department --
 20 Q. Did you?
 21 A. Did I?
 22 Q. Support her interest in building a,
 23 first a course in cyber security.
 24 A. I think a course. She may have
 25 mentioned that to me, but I think we just didn't

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1 have enough faculty at that point with that
 2 expertise to be able to do that. It was very
 3 vague. I will add, for the record, because of
 4 that and the lack of staff that I encouraged her
 5 to possibly start something online where we'd
 6 get adjunct faculty, and I really worked with
 7 her on that.
 8 Q. So, you're familiar with
 9 Dr. Lorne Gibson?
 10 A. Yes.
 11 Q. And the department made a decision to
 12 non-renew him. That would have been made in the
 13 spring semester of 2014?
 14 A. Correct.
 15 Q. Dr. Gibson appealed the department's
 16 decision to non-renew him?
 17 A. Correct. The department, correct.
 18 Q. And that appeal was taken up to the
 19 CRST?
 20 A. He did take it to the CRST. He
 21 appealed it. If I'm not mistaken, he decided
 22 not to -- he appealed it before it got to the
 23 CRST. He decided not to go to the CRST but to
 24 take it to the Appeals Commission.
 25 Q. And the CRST, in a document written by

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1 Kory Wein, wrote that the committee also has
 2 some concerns with how the Criminal Justice
 3 Department's DRB plan was followed. Do you
 4 share those concerns?
 5 A. No.
 6 Q. Did you support the decision to not
 7 renew and therefore not tenure Dr. Gibson?
 8 A. It wasn't tenure. There was no tenure.
 9 It was a renewal. Yes, I did not -- I agreed
 10 not to retain him.
 11 Q. And what was the basis for that? What
 12 was your thinking?
 13 A. Well, it's not what I was thinking.
 14 It's what -- the DRB went through our procedures
 15 and processes and our scores of students, our
 16 student evals and our point system. And as a
 17 result of policies and procedures, we didn't
 18 retain him. We did not vote to recommend -- we
 19 didn't -- we voted not -- to recommend not to
 20 retain him. We're only a recommendation team.
 21 Q. Do you recall, do you know whether or
 22 not -- or, first of all, do you know a former
 23 student by the name of R.J.?
 24 A. Yes.
 25 MS. LATTIS: And we talked about

1 this before. We're going to say R.J., but while
 2 we ask the questions, that's fine.
 3 A. Is it because it's a student?
 4 MR. HAWKS: Off the record.
 5 (Off-the-record discussion)
 6 Q. Was R.J. initially employed to work
 7 with Dr. Burton on graduate level projects?
 8 A. No.
 9 Q. Do you know why he was initially hired?
 10 A. Excuse me?
 11 Q. Do you know why he was initially hired
 12 to work?
 13 A. He was hired as a graduate assistant
 14 for the graduate program. The graduate program
 15 funds the graduate assistants. We have no
 16 graduate assistants on the -- so, graduate,
 17 graduate assistants are funded by the
 18 graduate -- funded by the DLC, the Distance
 19 Learning Center, because our program is a
 20 distance -- so, all duties for the grad
 21 assistant must be associated to graduate work.
 22 Q. So, he would work with, he would work
 23 with any faculty member as it bore relationship
 24 to a graduate program?
 25 A. Just as long as -- and the work is

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1 graduate, graduate work related, online, yes,
 2 because they funded it. They funded the, the
 3 DLC funded the money for the position.
 4 Q. And was Dr. Burton working on any
 5 graduate level projects at the time that --
 6 A. No.
 7 Q. Wasn't she working on creating --
 8 A. No.
 9 Q. -- that cyber security --
 10 A. No, no. That's when she -- we got in,
 11 and she bailed out of the cybercrime. She said,
 12 "I don't want to teach anymore because I'm
 13 teaching from Milwaukee."
 14 (Exhibit No. 131 was marked for
 15 identification by the reporter)
 16 MS. BENSKEY: A page appears to be
 17 missing.
 18 MS. LATTIS: At least from our
 19 copy. We don't have page 2.
 20 Q. My questions are on page 1. 5801
 21 should have been in here, and it's not. I'm
 22 interested in page 1 only, Dr. Fuller.
 23 A. Yeah. Okay. Yeah.
 24 Q. One, two, three, fourth -- first of
 25 all, this is a document that's written, that was

1 written by Dr. -- by Provost Den Herder
 2 according to its face.
 3 A. Yeah.
 4 Q. It describes a meeting, according to
 5 it, of Dr. Caywood, Dean Throop,
 6 Provost Den Herder that supports having
 7 Dr. Caywood step down. The fourth paragraph on
 8 the first page of this document writes: During
 9 that -- Dr. Caywood served as department chair
 10 for seven years extending back to the time when
 11 she; meaning, Den Herder, was dean of the
 12 college and his direct supervisor.
 13 She writes: During that period of
 14 time, two other women in the department, you and
 15 Amy Nemmetz, believe that they had experienced
 16 sexual discrimination within the department but
 17 especially from Dr. Caywood. Do you see that
 18 sentence?
 19 A. Yes.
 20 Q. Did Provost Den Herder accurately
 21 describe your belief in that sentence?
 22 A. No. It was preferential treatment
 23 toward individuals who were in favor of the
 24 forensic investigation department and moving the
 25 department in another direction.

1 Q. So, she mischaracterized your position?
 2 A. Unclear, fuzzy.
 3 Q. Does she correctly describe Lecturer
 4 Amy Nemmetz's position?
 5 A. Oh, I don't know.
 6 Q. To your knowledge.
 7 A. To my knowledge, I do not know.
 8 (Exhibit No. 132 was marked for
 9 identification by the reporter)
 10 Q. Have you seen this document before?
 11 A. I have.
 12 Q. Can you describe it in general terms,
 13 please.
 14 A. It's, I think it's the final report of
 15 the initial report written by Mittie Nimocks.
 16 Q. And now Mittie Nimocks Den Herder?
 17 A. Correct.
 18 Q. On the second page of this document,
 19 the second to the last paragraph of that page
 20 beginning with the words "Finally, I charge
 21 Dr. Caywood," can you read that paragraph.
 22 So, my question is, did either
 23 Dr. Caywood or Dr. Dalecki invite a speaker or a
 24 workshop leader to conduct a workshop for
 25 department members on conflict resolution,

1 civility and team building?
 2 A. Not under my knowledge. Not that I'm
 3 aware.
 4 (Exhibit No. 133 was marked for
 5 identification by the reporter)
 6 Q. Can you describe in general terms what
 7 Exhibit 133 is.
 8 A. This is a, this is a permission form
 9 that needs to be signed off by the chair, the
 10 dean, the provost on if someone is making over
 11 two-ninths of their salary, if it exceeds
 12 two-ninths of their salary for summer, for
 13 summer employment, yes, for summer employment.
 14 Q. My question, is this fairly
 15 substantial, excess, \$16,407?
 16 A. It looks to be larger than what I've
 17 seen.
 18 Q. Was there any discussion in the
 19 department with regard to the grant-writing
 20 opportunity that Dutelle was compensated for?
 21 A. I'm not aware of it. There is a
 22 grant-writing, there is a grant-writing
 23 faculty -- internal grant that people can apply
 24 for. I don't know if this one is the one,
 25 though.

1 Q. Do you recall you or anybody else in
 2 the department being offered that grant-writing
 3 opportunity?
 4 A. I'm not aware, I'm not aware.
 5 Q. Now, this treats the FI coordinator
 6 compensation of \$5,000 as being compensation
 7 above and beyond his base. Does that appear to
 8 be the case to you?
 9 A. Yes. And I'm assuming he's under the
 10 nine-month contract. I don't know.
 11 Q. So, this would compensate him for the
 12 summer months?
 13 A. Correct.
 14 Q. Do you know -- there's a note. The
 15 last note here is FI/CU internship.
 16 A. Correct. And that was a, that was a
 17 norm. I mean, we had -- most of our interns,
 18 we'd get about 40 interns in the department, 40
 19 to 45, and I think every faculty member got a
 20 pretty big chunk.
 21 (Exhibit Nos. 134 - 135 marked
 22 for identification by the reporter)
 23 Q. Wednesday, July 2 at 12:16 p.m.,
 24 document with two pages is numbered as what,
 25 what number is that?

1 A. 134.
 2 Q. Do you recognize Exhibits 134 and 135?
 3 A. Let me see 134. Yes. These -- yes.
 4 Q. So, let's begin with 135 so I
 5 understand this. This appears to be a, first an
 6 e-mail from Dr. Burton to you --
 7 A. Uh-huh.
 8 Q. -- in which she writes, opens up with
 9 the sentence, "I know you are trying to help me,
 10 but your revelation that Dalecki and Throop
 11 discussed my termination really stressed me."
 12 You then don't write -- you don't respond to her
 13 but instead forward to Dalecki telling him that
 14 you don't know what she's talking about?
 15 A. I don't know what she's talking about.
 16 Q. So that we're clear on the record, did
 17 you have a conversation with Dr. Burton in which
 18 you said on or about July 2, 2014, this would
 19 have been in context of the, of the German
 20 delegation, in which you said to her that
 21 Dalecki and Throop had a conversation about
 22 terminating Burton?
 23 A. That did not happen.
 24 Q. Then looking at **Exhibit 134**.
 25 A. 134. Okay.

1 Q. This exhibit is your response to
 2 Burton. Do you, at any point in your response,
 3 dispute her first sentence?
 4 A. I did not.
 5 (Exhibit No. 136 was marked for
 6 identification by the reporter)
 7 Q. Let me know when you're ready.
 8 A. Okay.
 9 Q. And can you summarize this e-mail chain
 10 in your own words.
 11 A. Confused.
 12 Q. What context is -- first of all, the
 13 last of the e-mail chain is an e-mail from
 14 Lorne Gibson to all members of the department,
 15 including yourself; isn't that true?
 16 A. Correct.
 17 Q. And it's in context of, apparently of
 18 the process by which the department is about the
 19 business of selecting a new chair?
 20 A. Correct.
 21 Q. And the chair of the -- and Gibson is
 22 complaining about the process?
 23 A. Right.
 24 Q. Is that true?
 25 A. Correct.

1 Q. He writes that it's a process made up
 2 by a few people that has already violated state
 3 statute. Do you know to what he is referring?
 4 A. No.
 5 Q. It has already tainted any appointment
 6 that is made. Do you know to what he was
 7 referring?
 8 A. No.
 9 MR. HAWKS: Thank you. I have no
 10 further questions.
 11 MS. BENSKY: I just have a couple
 12 of questions.
 13 EXAMINATION
 14 BY MS. BENSKY:
 15 Q. Would you turn back to **Exhibit 109**,
 16 please. It's the teaching contract. So,
 17 Dr. Fuller, you're looking at **Exhibit 109** from
 18 this deposition, and this is Sabina Burton's
 19 teaching contract. Were you a signatory to the
 20 contract?
 21 A. No.
 22 Q. Looking at the contract, do you see
 23 anywhere on the contract, the page you're
 24 looking or the second page, that says 25 percent
 25 of Dr. Burton's teaching schedule must be for

1 online courses?
 2 A. I do not see it.
 3 Q. Based on your knowledge, do you have
 4 any opinion as to whether the contract requires
 5 25 percent of regular course load teaching to be
 6 online?
 7 A. One more time on that one.
 8 Q. Based on your knowledge, do you have
 9 any opinion about whether the contract requires
 10 25 percent of regular load teaching to be
 11 online?
 12 A. I have no opinion.
 13 Q. Do you have the authority to bind the
 14 University of Wisconsin-Platteville to a
 15 particular interpretation of that contract that
 16 is **Exhibit 109**?
 17 A. I'm not -- I have no comment. Yeah, I
 18 guess I don't understand the question maybe.
 19 One more time.
 20 Q. Do you have the authority to legally
 21 interpret --
 22 A. Oh, no.
 23 Q. -- the contract that is 109?
 24 A. No.
 25 Q. And let's look at **Exhibit 117**. 117 is

1 an e-mail chain between Dr. Dalecki and
 2 Dr. Burton about her course load. Do you think,
 3 based on your knowledge and experience, that
 4 Mike Dalecki should have allowed Dr. Burton to
 5 teach that course as part of her regular load?
 6 A. Not according to the policy. Policy is
 7 20, 25 students. The policy states 20, 25
 8 students.
 9 Q. And it is your opinion that there would
 10 not have been 20 students in that class?
 11 A. Exactly. It's an elective.
 12 Q. Do you know if Dr. Burton ever taught
 13 25 percent of her regular course load online?
 14 A. Did she ever, not to my knowledge.
 15 Q. Can you think of any regular full-time
 16 faculty with a nine-month contract who did teach
 17 25 percent of their --
 18 A. No one did.
 19 Q. -- regular load online?
 20 A. No one did.
 21 Q. And last question. Let's look at 128
 22 very quickly. Grab **Exhibit 128**, please.
 23 Dr. Burton wrote an e-mail to you. In the
 24 second paragraph, middle of the second paragraph
 25 she wrote, "You were right when you warned me

1 condition, though, if she taught that load --
 2 A. Well, everybody, everybody who teaches
 3 courses, overload, also have to go through
 4 training. Training is mandatory for everybody.
 5 Q. Do you have any reason to dispute that
 6 was her schedule the first semester of her
 7 teaching experience here at UW-Platteville?
 8 A. Well, I think this is a break. This is
 9 a -- she got a break.
 10 Q. My question isn't whether it's a good
 11 deal or a bad deal. Do you have any reason to
 12 deny that it happened that way?
 13 A. I don't know if that happened. I have
 14 no -- I don't know if she got quarter time
 15 release time for training. I have no idea.
 16 Q. And you also don't know if she got
 17 paid -- she had her online teaching course in
 18 the second semester counted toward her full load
 19 duty?
 20 A. I am not sure.
 21 Q. You don't know?
 22 A. I don't know.
 23 Q. She would know, you would not?
 24 A. I would not. You'd have to look at the
 25 contract, yeah.

1 about him when he applied for the position in CJ
 2 in 2010 and 2011. I wanted to give him a fair
 3 chance, but you were correct when you told me he
 4 is sexist," and she's referring to Dalecki. My
 5 question is, do you recall ever telling
 6 Dr. Burton that Dr. Dalecki was sexist?
 7 A. Absolutely not.
 8 MS. BENSKY: That's all I have.
 9 MR. HAWKS: I will have just a
 10 question or two.
 11 EXAMINATION
 12 BY MR. HAWKS:
 13 Q. Could you return to **Exhibit 114**.
 14 A. 114.
 15 Q. Please. Not 114. That's the wrong
 16 one. May I see that pile of exhibits for a
 17 second? I'm showing you 115. You've previously
 18 identified that. Okay?
 19 If Sabina Burton taught the schedule
 20 as described as, "Your schedule for this fall
 21 is," she would have had three courses, not a
 22 full load, and released 25 percent time to learn
 23 how to teach online, correct?
 24 A. I am not sure.
 25 Q. My question is, as stated in the

1 MR. HAWKS: Thank you. Thank you
 2 very much.
 3 MS. BENSKY: And I have no
 4 further questions.
 5 (Deposition was concluded at
 6 12:48 p.m.)
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1 STATE OF WISCONSIN)
2) ss:
3 COUNTY OF DANE)
4 I, CHRISTAL A. HANSEN, a Registered
5 Professional Reporter and Notary Public in and
6 for the State of Wisconsin, do hereby certify
7 that the foregoing deposition was taken before
8 me at the University of Wisconsin-Platteville,
9 Ullsvik Hall, 1 University Plaza, City of
10 Madison, County of Grant, and State of
11 Wisconsin, on the 17th day of November 2015;
12 that it was taken at the request of the
13 Plaintiff, upon verbal interrogatories; that it
14 was taken in shorthand by me, a competent court
15 reporter and disinterested person, approved by
16 all parties in interest and thereafter converted
17 to typewriting using computer-aided
18 transcription; that said deposition is a true
19 record of the deponent's testimony; that the
20 deposition was taken pursuant to Notice; that
21 said CHERYL BANACHOWSKI-FULLER, Ph.D., before
22 examination was sworn by me to testify to the
23 truth, the whole truth, and nothing but the
24 truth relative to said cause.
25 Dated November 24, 2015.
Notary Public, State of Wisconsin

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