



# UNIVERSITY OF WISCONSIN – PLATTEVILLE COLLEGE OF LIBERAL ARTS AND EDUCATION

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*Office of the Dean*

**TO:** *Dr. Tom Caywood, Chair*  
*Department of Criminal Justice*

*Dr. Cheryl Banachowski-Fuller, Director*  
*Criminal Justice On-line Master's Degree Program*

**FROM:** *Mittie Nimocks, Dean*  
*College of Liberal Arts and Education*

**RE:** *Conclusions and Directives*

**DATE:** *26 March 2010*

This memo is an informal document not to be placed in anyone's personnel file. It contains my "findings" and recommendations regarding conflict among Criminal Justice faculty members. Specifically, it is a response to concerns raised by Dr. Tom Caywood, Department Chair, and Dr. Cheryl Banachowski-Fuller, Director of the CJ On-line Program, in a meeting with Human Resources Director Kate Kelley and me (2/24/10). I intend to share this memo with Drs. Caywood and Banachowski-Fuller in a follow-up meeting with Kate Kelley at which time Tom and/or Cheryl may ask for revisions if they perceive errors.

In 2/24/10 meeting, Cheryl reported her belief that Tom had not followed UWP policy in overseeing and participating in the two CJ searches being conducted. She perceives that Tom gives preferential treatment to some members of the department. She feels harassed by Tom and believes others feel harassed as well. Tom requested that the claim of harassment be investigated. As a result, I interviewed tenure line and academic staff members of the CJ department. I began each conversation by stating that I was aware of conflict in the department and my "investigation" was not an attempt to blame or get anyone into trouble but to define the problem so that it could be resolved. I then, asked each person to describe the problem from his or her perspective. Those interviewed were: S. Burton, A. Dutelle, S. Elmer, S. Kratcha, J. LeFevre, J. Lomax, A. Nemmetz, D. Rice, E. Ross.

All individuals acknowledged the conflict and believed it was of long standing rooted in differences of philosophy regarding the future of the program as well as in more personal conflicts – conflicts regarding who should be the department chair, the

creation of the forensic investigation program, the hiring of Aric Dutelle, and the control and oversight of the CJ On-line program.

Most individuals reported that others and/or they themselves perceived preferential treatment. However, very little of this discriminatory behavior was attributed specifically or only to Tom but to the department generally. One person did perceive that women were not treated fairly and had a sense of a "good ol' boys'" club from which the females in the department were excluded. Several people felt that the "quality" of their degree was questioned and their credentials ridiculed.

The most frequently noted disparity was in the treatment of academic staff compared to faculty. Some observations were that even though the academic staff do more work (carry heavier credit loads) and are paid less that they are to be "seen and not heard". Several cited Bob Roberts specifically as a person who was being paid the salary of a tenured professor but who was "never around" and never held to the same standards to which others were held.

One person indicated concern about the manner in which searches were handled and believed that the inconsistencies in process were a "lawsuit waiting to happen."

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Below, I outline each concern raised by Cheryl in the meeting of 2/24. After each concern I indicate what I found and what has been done in response.

- 1) Tom had not followed UWP policy in overseeing and participating in the two CJ searches being conducted. Tom had unilaterally completed Forms 1 & 2 for the searches rather than convening the committees to do this work together.

**Tom admitted completing Forms 1 & 2 to be helpful and speed the process. However, the very first step in a search & screen process is to convene the committee so that the committee has equal participation and responsibility for all facets of a search. This includes Forms 1 & 2. In the future, Search and Screen Committee Chairs should do nothing before convening the committee.**

- 2) Tom supported Aric Dutelle's candidacy for the tenure line position in Forensic Investigation while not supporting Joe Le Fevre and actively discouraging Amy Nemmetz. (Aric has a Masters in Forensic Investigation with no credits toward a doctorate; Joe is working toward his Ph.D.; Amy is ABD.) She argued that Tom has over-reached his authority and his behaved with discrimination toward female faculty and prospective faculty members.

**The Forensic Investigation courses in the Criminal Justice program have proven attractive to students. As a result of this and the hard work of academic staff lecturer Aric Dutelle, the university received**

**entitlement to develop a major program which has only to be approved by system to be in place. In addition, Mr. Dutelle has been central in getting laboratory space at the farm for a "pig dig" and crime scene investigation house. He has also taken students on short term study abroad courses to Honduras to study underwater investigation.**

**It is always risky to have a program so heavily dependent on a single individual; the loss of Mr. Dutelle would greatly diminish the program. (A similar situation in the CJ On-line Program occurred when Dr. Banachowski-Fuller was interviewing for a job with System. This resulted in the creation of the Director's position which she presently fills. The fact that this was done during the summer without input from the faculty has been a continuing source of tension.) Added to this, is the paucity of doctoral programs in the area of Forensic Investigation. For these reasons the tenure-line/tenured faculty of the CJ program chose to create a tenure line position in Forensic Investigation with the Masters of Forensic Science as terminal degree. A national search was conducted yielding 3 applicants, 2 of whom the committee deemed unqualified. The third candidate was Mr. Dutelle who after going through the interview process accepted this position when it was tendered to him.**

**Joe Le Fevre who is teaching academic staff in the CJ department and who also teaches Forensic Investigation courses is presently working toward a Ph.D. in Criminal Justice. Dr. Banachowski-Fuller encouraged him to apply for the position since he would bring what she felt to be a more acceptable terminal degree to the position. Mr. Le Fevre explained that even if he had a Ph.D. that Mr. Dutelle would still be a better candidate for the position for other reasons.**

**Members of the department perceive that Dr. Banachowski-Fuller feels strongly that offering a degree in forensic investigation and having a faculty member without a Ph.D. in a tenure line position damages the credibility of UWP's major. The majority of her colleagues either disagrees or has accepted the decision.**

**Mr. Dutelle reports that he has tried to approach Dr. Banachowski-Fuller to establish a more collegial relationship but that she has reacted with hostility. He says that the hostility began three years ago and is being replayed. He does feel personally targeted by Dr. Banachowski-Fuller.**

**In the search for the Forensic Investigation hire, an exception was made in what is deemed a terminal degree, the ad attracted a very small pool of candidates, and Mr. Dutelle was the only candidate deemed qualified by the committee. In addition, Search & Screen**

**Chair Joe Lomax requested that they forego the campus interview for Aric. However, a national search was conducted according to UWP policies; Mr. Dutelle underwent the application and interview process and was chosen for the position.**

- 3) Tom supported Dr. Michael Dalecki (an internal candidate from the Sociology program) in his application for the tenure line position in CJ research methods while actively discouraging Amy Nemmetz. Tom gave misinformation to Amy and to members of the Search and Screen committee for the research position in an effort to support Mike's candidacy. Specifically, Tom said that Amy was already in a tenure line position and that she would become tenured when her Ph.D. was completed, therefore she did not need to apply for the research position.
- In addition, Tom had appointed Mike to the CJ Department Review Board, a role in which he would be making rank, salary, and tenure decisions about members of the search and screen committee that would be evaluating his application for the research position.

**This concern was actually addressed during the 2/24 meeting by Kate Kelley and me. Kate and I clarified the following in terms of Amy's application and Mike Dalecki's application for the CJ position presently open as well as Mike's possible application for transfer into CJ from Social Sciences:**

- A. Due to budget constraints and failed searches, Amy Nemmetz was hired as academic staff into a line that has historically been a tenure line**
- B. In the event that CJ asks for and is granted permission to reinstate that line as a tenure line, the department must conduct a national search for which Amy may apply but has no guarantee that she would be chosen for the position**
- C. In the meantime, Amy has the right to apply for and be considered for the research vacancy; her present position would be open and would require CJ to conduct a second search. (In fact, at the time I am writing this report, Amy is scheduled for an on-campus interview for this position.)**
- D. Mike Dalecki has two options for joining the CJ faculty. He may apply for the present vacancy. If hired, he would vacate his present line in Social Sciences and fill the line in C.J. In this event, Social Sciences could conduct a search to fill the line in their department that Mike vacated. The second option is for Mike to request a transfer that would need to be approved by the Social Science faculty, the CJ faculty, me, the Provost, and the Chancellor. In this event, Mike would bring his line with him from Social Sciences – adding an FTE to CJ and taking an FTE away from Social Sciences.**

**After this explanation was given, Tom conceded that he had misunderstood the situation and had consequently misinformed the Search and Screen committee for which he apologized.**

**Joe Lomax, as chair of the DRB needed two more tenured faculty from related fields to comprise a 3-member DRB. So it was he, not Tom, who appointed Dr. Mike Dalecki from Sociology (Sociology is considered a closely related field) and Dr. John Rink from Political Science (Dr. Rink advises the UWP Mock Trial team). After the 2/24 meeting, I spoke with Mike Dalecki and he agreed that since he was also a candidate for a CJ position that a conflict of interest might be perceived. So he stepped down from the CJ DRB but did not withdraw as a candidate for the CJ position.**

- 4) Tom holds Amy and Cheryl to stricter requirements for office hours, reporting whereabouts during absences, supplying information, among other professional duties while being lax regarding these same requirements for Robert (Bob) Roberts. In addition, Cheryl cited the fact that Tom granted an 8 week leave of absence for Aric to work in Haiti for a government agency, at the same time requiring her to carefully record any absence from the office.

**When the Provost and I discovered that Aric was in Haiti, I contacted Tom and told him that such absences must be applied for and approved by upper administration.**

**The more pervasive perception among the CJ faculty is that Bob Roberts is not being held to the same standard as others are. There is general resentment that he is "never here" and that students can't find him. Other criticisms are that he gives advisees bad information and is not open to constructive criticism.**

**The CRST did not recommend retention for Bob initially. After a reconsideration hearing they changed their decision and recommended retention. As Cheryl serves on the CRST, this retention issue created more tension in the department.**

**If there are compelling reasons to allow a lighter work load for Bob Roberts, then that rationale needs to be transparent and explained to the department. Otherwise, Bob needs to be on campus the same number of hours as other faculty, needs to study the degree requirements for advising students, and needs to be present at meetings.**

- 5) Tom allowed Bob Roberts to be hired into a tenure line that required a candidate to be ABD when Bob had not completed coursework in a doctoral program.

**According to Robert Roberts' form 5, he was expecting to graduate with a doctorate from Capella University in December 2007 at the time of his hire. I have requested copies of his doctoral transcripts.**

**Cheryl chaired the committee that hired Roberts.**

**The department needs to strongly mentor Bob regarding expectations and regarding documentation of how those expectations are being met for the purposes of annual review.**

- 6) Tom wrote numerous abrasive emails to her demanding information about the On-line program for an APC program review he had been asked to complete. Even after Cheryl assured Tom that she had been responsible for this review in the past and would complete the report herself and get it to him in a timely fashion, Tom continued to demand the information and to remind her that he was the Department Chair.

**The harassing emails from Tom to Cheryl sprang from an incident that is symptomatic of the distress within the department. APC chair, Mike Myer asked Colleen McCabe as the liaison to the CJ program to request the chair of that department to submit an APC review of the CJ On-line Masters' program. Tom complied. He requested information from Cheryl who directs that program. Cheryl had completed a similar report for the Graduate Council recently so she emailed Tom that she would take care of the report but did not supply the information Tom had requested. There ensued a struggle between them as to who should be in charge of the report. Both submitted reports to the APC and that body responded by postponing the program review until the unit could produce a single unified report.**

On the basis of the above behaviors Cheryl requested the following:

- 1) That the conflict of interest created by Mike Dalecki applying for a CJ position while serving on the CJ Department Review Board be addressed by asking him to either withdraw from the search or step down from the DRB

**Cheryl had been chairing this committee but had concerns regarding the membership's ability to evaluate candidates fairly. She volunteered to step down from the committee and requested that Tom and Bob Roberts also step down. Tom and Bob agreed to do so. Joe recruited Theron Parsons from Psychology who has taught classes for CJ to fill out the committee. The reconfigured committee is comprised of Joe Lomax, Chair, Theron Parsons, Sabina Burton, and a CJ student. In the meantime, the search and screen committee narrowed its field of interview candidates to those who had degrees in either Criminal Justice or Criminology. As Mike Dalecki's degree is in Sociology, he is not in the final pool of candidates being interviewed. He still has the option to request a transfer to CJ if he wishes.**

- 2) That possible legal issues regarding the hiring of a probationary faculty member who did not possess minimum requirements (ABD) be investigated

**I have requested transcripts of Robert Roberts. In the event that he was hired when not meeting minimal requirements, I will work with Kate Kelley and System Legal regarding remedies.**

- 3) That restricting chairs from serving on DRBs and search and screen committees be proposed to the appropriate governing bodies

**I asked Laura Anderson, CRSTC Chair, to have the LAE CRSTC consider restricting Chairs/Directors from serving on DRBs and Search and Screen committees. As she also serves on the URSTPC, this restriction might also be discussed at that level.**

- 4) That she report directly to me in her role as Director of the On-line Program because of Tom's harassing behavior towards her.

In turn, Tom requested that the harassing behavior be investigated.

**I investigated Cheryl's concerns through the interview of faculty and staff described in paragraph 2 of this document. In addition, I consulted Distance Learning Coordinator Dawn Drake, Interim Dean of BILSA Susan Hansen, Dean of Graduate Studies David Van Buren, and Interim Provost Duane Ford regarding the organization and chain of command for the CJ on-line program.**

#### Conclusions:

I find that while the level of discord in the department is disabling it does not seem to be directed unilaterally toward one individual or group of individuals but is perceived to come from different sources toward different groups. The biggest problem seems to be poor communication among faculty members.

At least four people in the department felt that Cheryl's strongly held and asserted positions regarding the Forensic Investigation Program and the hiring of Aric Dutelle, coupled with her participation in the last department chair election between Joe Lomax and Tom Caywood is at the root of the conflict. Several reported that she treats Aric with incivility and that ripples out to others in the department.

Most members of the department characterize Tom's communication style as "gruff" and blunt but not harassing. Some felt that he should be more supportive and give messages of appreciation or congratulation to department members. One member of the department did feel a discrepancy in Tom's treatment toward female faculty compared to his treatment of males. Several Teaching Academic Staff members felt that the hires of Bob Roberts and Aric Dutelle into tenure line positions when neither has a higher level of academic credentials than they do is frustrating and discouraging. One person said simply, that this person "wants the same opportunity as Bob".

The Criminal Justice On-line Master's Program is a well-run, highly successful program due almost solely to Cheryl Banachowski-Fuller's energy and leadership. However, it is a Criminal Justice degree granted through our CJ department. In addition, I believe there should be more interworking and greater communication between the online and on-campus programs and faculty. Therefore I recommend that it remain housed in the CJ department under the supervision of the Department Chair. Cheryl has proven herself to be a competent administrator of the program and its budget. While she should keep Tom informed and take his advice, there is no reason that at this time the department chair should "micro-manage" this program. Again, while Tom is Cheryl's immediate supervisor, she should be free to make routine management decisions on her own. Again, I feel that better communication and collaboration between the chair and the director is crucial. For example, the Department Chair is ultimately responsible for those faculty hired in the online program and should be consulted and sign off on all hires for the program. In addition, in formal reports going forth from the online program should be created with input from the chair and vetting by the chair before submitted (e.g., APC report).

I did not find evidence that Tom has been behaving in a harassing manner toward Cheryl except for Cheryl's report that she is being harassed. Whether or not harassment is occurring, the perception of harassment cannot be taken lightly. With that in mind, I am asking that Cheryl report to Tom in regular meetings with me present beginning immediately and continuing until summer 2011, at which time the need for formal communication between the two units will be reviewed.

I ask that Dr. Banachowski-Fuller,

- recognize that UWP has embraced its Forensic Investigation major and that she support her colleagues in making it the best program possible.
- refrain from disparaging the program and the qualifications of colleagues.

- as Director of the Online Degree program, she should meet with the department chair on a regular basis so that that person is always aware of what is happening with the program
- cross-train 1-2 others in management functions for the online program (this obviously requires collaboration and cooperation on Tom's part in providing resources necessary to complete this task)
- work with Tom to create a single document that she can present to the APC; he should certainly be present as well and the two should present a front united in a shared mission

I ask that Dr. Caywood work to improve the departmental climate by:

- giving credit to Dr. Banachowski-Fuller for her effective directorship of the online program; as chair he should understand the management functions of the online program and be able to stand in the role of Director if necessary; however, as long as the Director is handling the program effectively and keeping him clearly informed, he should allow her to do her job
- being scrupulous in overseeing the treatment of individuals or groups within the department by giving equal access and respect to all; he should also hold those he supervises to these standards – the biggest divide seems to be between tenure line faculty and teaching academic staff – I encourage the department to rethink the role of academic staff and include them in department meetings and discussions
- intentionally discovering the accomplishments of the faculty he supervises and communicating appreciation or congratulations
- leaving Prof. Joe Lomax as acting department chair when Tom must be absent
- remaining compassionate regarding the extenuating circumstances affecting Mr. Roberts' performance, but requiring the same level of performance as is required of others – specifically, a tenure line faculty member should be held to an even higher standard than academic staff lecturers
- having regular department meetings (once a month) to increase communication and to encourage collaboration
- require Aric Dutelle to cross-train 1-2 faculty members in the coordinating and teaching of the Forensic Investigation Program
- working with Cheryl to create a single document that she can present to the APC; he should certainly be present as well and the two should present a front united in a shared mission

Finally, I recommend that the department invite a speaker or workshop leader on civility and conflict resolution to work with the department at some date before the beginning of the fall semester 2010. The college will help with the funding of this effort.

Criminal