

1 assumption that I had his support"?

2 MS. BENSKY: Object to form. She's never

3 seen the document before.

4 I mean, if you want to read the

5 document, you can read the document, but she hasn't

6 seen it before.

7 THE WITNESS: That's what the letter says.

8 BY MR. HAWKS:

9 Q Okay. Did you have an independent understanding that

10 Dr. Caywood had provided support to Dr. Burton, the

11 work she was doing with regard to cyber security

12 programming and so on, until January 24, 2013, when

13 he wrote her a letter saying that he should not --

14 she should not assume that she had his support?

15 A No.

16 Q Okay.

17 (Exhibit 99 marked for identification.)

18 THE WITNESS: (Reviewing document.)

19 BY MR. HAWKS:

20 Q Have you had a chance to review this document?

21 A I have.

22 Q And did you receive a copy of this document on or

23 about December 13th, 2013?

24 A I believe so.

25 Q And what is the complaints and grievances commission?

1 A It's a commission attached to our faculty senate that

2 hears grievances and complaints. The membership is

3 revolving, and they must be tenured, I believe,

4 faculty members.

5 Q Is Exhibit 99 a letter stating the conclusion of that

6 committee following a hearing on the grievance?

7 A It appears to be, yes.

8 Q Does it make a finding -- does the commission or

9 committee make a finding that you did not follow the

10 LA&E constitution, nor -- excuse me.

11 Does the committee make a finding that

12 you did not follow the LA&E constitution when you

13 appointed Dr. Dalecki?

14 A It does not appear to say that, no.

15 Q Would you please read the last sentence?

16 A Of what?

17 Q Of the letter.

18 A I'll read the last two sentences.

19 "However, we believe that the process

20 for selecting a department chair that is spelled out

21 in the faculty bylaws must be followed nonetheless.

22 It was not followed in the appointment of

23 Dr. Dalecki. It should be followed in the

24 appointment of the next chair of the criminal justice

25 department."

1 Q Thank you for the correction.

2 Your point is that the commission or

3 committee found that the faculty bylaws had not been

4 followed?

5 A Correct.

6 Q Thank you.

7 Did you appeal this decision?

8 A I did not.

9 Q Could you have?

10 A I don't know. Since they didn't reverse my

11 appointment, I didn't see the point.

12 Q They didn't -- they weren't asked to reverse the

13 appointment, were they? Yes or no?

14 A I don't know.

15 Q Would you please refer to Exhibit 99. Go to the

16 second to last paragraph.

17 What did Dr. Burton request as

18 redress?

19 A It appears, according to the letter, as you can read,

20 that she seeks acknowledgment.

21 Q Do you know a graduate, former graduate assistant, in

22 the department of criminal justice known -- named Ron

23 Jacobus?

24 A I know his name.

25 Q Is Ron an applicant for a position for the '15/'16

1 school year?

2 A I -- a position?

3 Q Yes. An advocate -- or an applicant for either a

4 graduate position or an academic staff position.

5 A I don't know.

6 Q Who is Dan Avernarius [phonetic]?

7 A He's something to do with the distance learning

8 center.

9 Q All right. And do you know whether or not Ron

10 Jacobus was an applicant for a graduate assistant

11 position in the master's of science and criminal

12 justice department for the 2015/2016 school year?

13 A No, I don't know.

14 (Exhibit 100 marked for identification.)

15 BY MR. HAWKS:

16 Q So is John Lohmann the HR director who succeeded

17 Jeanne Durr?

18 A Our HR director, yes.

19 Q Are you aware that Dr. Burton was on a medical leave

20 of absence during the second semester of the 2014/'15

21 school year?

22 A I am aware, yes.

23 Q And did she provide a return to work letter to John

24 Lohmann?

25 A I don't know.

1 Q What does this document appear to be?
 2 A It appears that she provided a return to work letter.
 3 Q All right. And who's -- who are included as
 4 recipients?
 5 A Me, Dr. Dalecki, and Dr. Burton.
 6 Q Thank you.
 7 And the note says: "I will review for
 8 restrictions follow up with you."
 9 Did Dr.-- or did Dr.-- did John
 10 Lohmann contact you to review restrictions follow up,
 11 and if so, when?
 12 A I vaguely remember that he did, but I couldn't tell
 13 you when.
 14 Q Okay. Do you know whether or not Lohmann followed up
 15 with Michael Dalecki?
 16 A I don't know.
 17 MR. HAWKS: I have no further questions. I
 18 have nothing further.
 19 MS. BENSKY: Great.
 20 * * * *
 21 (Deposition concluded at 3:54 p.m.)
 22 (Original exhibits retained by court reporter and attached
 23 to original transcript. Copies provided with
 24 additional transcripts.)
 25

1 STATE OF WISCONSIN)
 2)SS:
 3 MILWAUKEE COUNTY)
 4
 5 I, Kealoha A. Schupp, RPR and Notary
 6 Public in and for the State of Wisconsin, do hereby
 7 certify that the preceding deposition was recorded by
 8 me and reduced to writing under my personal
 9 direction.
 10 I further certify that said deposition
 11 was taken at WISCONSIN DEPARTMENT OF JUSTICE, 17 West
 12 Main Street, Madison, Wisconsin, on the 28th day of
 13 October, 2015, commencing at 8:59 a.m.
 14 I further certify that I am not a
 15 relative or employee or attorney or counsel of any of
 16 the parties, or a relative or employee of such
 17 attorney or counsel, or financially interested
 18 directly or indirectly in this action.
 19 In witness whereof, I have hereunto
 20 set my hand and affixed my seal of office on this 5th
 21 day of November, 2015.
 22
 23 _____
 24 Kealoha A. Schupp, RPR
 25 Notary Public
 My commission expires January 10th, 2016.