

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Sabina Burton,

Plaintiff,

v.

Case No. 14--CV-274

University of Wisconsin Regents, et al,

Defendants.

DECLARATION OF MICHAEL G. DALECKI

I, Michael G. Dalecki, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an adult resident of the State of Wisconsin. I make this declaration based on personal knowledge.

2. I am currently the Associate Director and Coordinator of Graduate Programs in the School of Education at UW-Platteville. I have held this position since August 2015. Prior to that, I served as the Interim Chair of the Department of Criminal Justice (“CJ”) at UW-Platteville from August 2013 to August 2015.

3. I earned a Bachelor of Science degree from UW-Platteville with a double major in Sociology and Political Science and a Master of Science degree from Texas Christian University in Sociology – Applied Social Research. I also earned a Ph.D. from Pennsylvania State University in Rural Sociology.

4. I was previously employed as a professor of the Department of Social Sciences at UW-Platteville from August 1991 until August 2013, teaching courses such as Crime and Delinquency and Social Research, courses which satisfy the Criminal Justice core requirements in Etiology and Research.

5. During my 24 years at UW-Platteville, I have served on numerous committees and boards including, but not limited to, serving as a member and Chair of the Academic Standards Committee, serving on the Department Review Board and serving on the Faculty Senate.

6. Some of my duties as the Interim Chair of the CJ Department included producing class schedules, overseeing hiring processes, ensuring curriculum is managed properly, addressing student concerns and problems, initiating new programs, overseeing online programs, supervising academic staff and faculty, and budgeting. These duties are set forth in the Policies and Procedures for the Criminal Justice Department attached hereto as **EXHIBIT B**.

7. I am aware that Dr. Sabina Burton (Dr. Burton) has made allegations against me that I coerced her to drop her lawsuit by stating to her “you can’t file a lawsuit without consequences” and that nobody wanted to hear about her complaints anymore. During my first year as Interim Chair, I had several conversations with Dr. Burton about her success in the Criminal Justice Department. If she wanted to be Chair, as it appeared she did, it was my job as a mentor to help her achieve that goal. I wanted her to think about her actions and how those actions presented her in a certain light to other people, including the

present lawsuit. The Department Chair serves at the pleasure of the Dean, and the Dean has to have confidence in that person's abilities that they will pursue the Dean's agenda and policies. I wanted her to think about what things she had done to make people believe she has the background and experience to serve as Chair, such as serving on university-wide committees. If the Dean does not have confidence that a potential Chair candidate can be effective, then the Dean can pursue other candidates. True and correct copies of my contemporaneous notes from several of my mentoring meetings with Dr. Burton are attached as **EXHIBIT C**.

8. I am aware that Dr. Burton has made allegations against me that I threatened a graduate student who had reported a colleague's defamatory statement against her. I do not believe I "threatened" the graduate student. I attempted to mentor him as I did not think, as a graduate student, that he should get in the middle of a dispute between two faculty members. I learned during my deposition in this lawsuit that the graduate student had audio recorded his conversation with me.

9. I have a background in organization theory. To me, leadership is helping people improve themselves to assist them with their academic growth or to be successful in their careers. I often informally attempt to mentor students and faculty who are under my leadership. I want people to be as successful as they can. Their success is my success.

10. When I speak to people, I often speak in metaphors. It is natural for me to use language that is colorful and varies in its nature. I like to say the same

things in multiple different ways because you never know what will resonate with people.

11. I am aware that Dr. Burton has alleged that I limited her assistance with the visiting delegation of German students. In the fall of 2013, Dr. Burton came to my office and asked me to support her bringing some German students to Platteville. I told her I would support it as long as it did not cost the department any resources as I was still new as Interim Chair and did not yet have a complete handle on spending tempos and budget issues. Dr. Burton emailed me on June 9, 2014 and told me that she did not want to worry about the German delegation visit due to her mother's health and that I "inherited it as Chair." A true and correct copy of Dr. Burton's email from June 9, 2014 is attached as **EXHIBIT D**.

12. As such, I had to spend about 15 hours the week before the German students came to campus making arrangements, and another 40 hours during the week of June 16, 2014 driving them around and attending to them while they were on campus, in addition to my normal duties as Interim Chair.

13. Three other CJ faculty members helped out with the German delegation visit by driving the students around and organizing trips. Two of those faculty members were paid for their work, while the other faculty member and I were not paid.

14. I had to pick the German students up at the Dane County Regional Airport in Madison on June 16, 2014. On our way to Platteville from the airport, a tornado struck Platteville. The residence hall in which they were supposed to be

staying had broken windows and was flooded. Part of the roof was torn off. There was no power anywhere in town and the university had shut down. I had to move them to a new location and finally got them settled in at about 1:30 a.m.

15. During this time, I was in severe physical pain with sciatica. I had back surgery to relieve this condition three weeks later on July 8, 2014.

16. I am aware that Dr. Burton has made an allegation against me that I told her “I know where the skeletons are buried.” By this statement, I meant that I know who the people are that are issues on campus, I know what pushes people's buttons, and I know how people respond to particular types of situations. As Chair, you have to have experience in knowing how to deal with different personality types, understand what drives their behavior, and what problems they may have had in the past in order to get anything done. A Chair needs to be someone with enough experience to lead and understand the politics of the organization – essentially, someone who knows where the skeletons are buried.

17. I am aware that Dr. Burton has alleged that I did not allow her to teach online courses as part of her normal course load and that, per her letter of appointment, she was allowed to teach 25% of her normal course load online. I have never seen this letter of appointment that says she is allowed to teach 25% of her normal course load online. A true and correct copy of my response to Dr. Burton's email from July 28, 2014 is attached as **EXHIBIT E**.

18. Online courses are assigned by the coordinator of the online CJ program. They are then approved by the Department Chair. The online courses are

typically assigned to adjunct professors, who are part-time department members, or may be taught by full-time department members as an overload. An overload is a teaching responsibility over and above a professor's contracted-for course load of four 3-credit courses per semester.

19. During my time as Interim Chair, I do not recall an instance where a full-time CJ faculty member taught an online course as part of their normal course load.

20. For overload courses, professors are paid \$260.00 per student enrolled in a course.

21. Face to face upper level courses typically have an enrollment of 25-30 students per course and lower level courses typically have an enrollment of 40-50 students per course. Online elective courses generally have between 8-14 students per class, while online core courses average around 17-20 students per class.

22. Due to the lower enrollment rates of online courses, the online courses are not a fiscally responsible option as they do not generate as much revenue for the university as face to face courses.

23. During my time as Interim Chair, the CJ Department was short-staffed. As such, I needed full-time experienced faculty members like Dr. Burton on campus teaching face to face courses.

24. I am aware that Dr. Burton has alleged that I assigned her lower level courses. Dr. Burton sent me an email on April 2, 2015, which she copied the Dean, Provost, and Assistant Chancellor, stating her discontent with the fact that I

assigned a probationary faculty member to a course she wanted to teach. She contends that as a tenured associate professor, she should have priority over a probationary assistant professor. (Bensky Decl., Ex. K.)

25. As Interim Chair of the CJ Department, I had to concern myself with scheduling courses for all faculty and academic staff within the department. Rearranging a schedule for one faculty member has a domino effect for the rest of the department. If I move one person's schedule around, then I have to rearrange everyone else's schedule. Because the CJ Department was short several full-time staff members during the spring of 2015, the remaining staff members had to pick up that load. It was my goal to facilitate everyone's schedules so as not to overload them or assign staff to courses they had not taught in previous semesters. A true and correct copy of my email response to Dr. Burton regarding her course scheduling concerns, along with my email to the entire CJ Department regarding scheduling is attached as **EXHIBIT F**.

26. I am aware that Dr. Burton has alleged that she received a lower peer evaluation in January 2015 from the CJ Department Review Board (DRB) and that I assigned Dr. Caywood to the DRB knowing she had filed a lawsuit against him. The DRB is composed of tenured faculty, of which Dr. Caywood was one. I did not assign him. As I was Interim Chair of the CJ Department, I was not a voting member of the DRB at that time and have no knowledge as to why she received a lower peer evaluation.

27. I am aware that Dr. Burton has alleged that I refused mediation with her. After Dr. Burton bailed on the German delegation trip, I did not believe I could trust her to follow through on commitments and I needed her to be a well-functioning member of the department.

28. Around June 26, 2014, HR Director John Lohmann suggested mediation between Dr. Burton and me. Jen DeCoste, the Chief Diversity Officer and Assistant Chancellor for Diversity and Inclusion, also attended the initial mediation. DeCoste was direct with Dr. Burton at the beginning of the mediation and told Dr. Burton she considered an email she had reviewed to be bullying behavior on Dr. Burton's part.

29. I decided not to continue with the mediation after being advised by my attorney to limit communication with Dr. Burton. I found out a couple of months after the mediation that Dr. Burton may have audio recorded the mediation.

30. I am aware that Dr. Burton has made allegations against me that I have refused to assign her Chair responsibilities in search and screen committees. Search and screen committees are made up of typically three or four faculty members, one student and one diversity representative. These committees are used to search for and assess prospective CJ faculty candidates. Committee members are chosen by the Department Chair.

31. I named Dr. Burton as the Chair of the fall 2013 search and screen committee. In the fall of 2014, a search and screen committee was formed to hire three new faculty members. Dr. Burton wanted three separate committees, but

there was only a need to form one committee, as it was a more efficient use of time. I assigned another faculty member to Chair that search as it is my duty to spread the work around amongst all of the faculty members in the CJ Department and generate committees which will produce the best results. (Bensky Decl., Ex. L.)

32. I do not recall any other faculty member ever complaining to me while I was Interim Chair that they were not on a search and screen committee.

33. Dr. Burton made a lot of complaints and had a tendency to call out other staff members through long e-mail chains to the entire CJ Department and she would copy upper administration members such as the Dean, Provost, and Chancellor on those e-mails. She had an inability to solve problems on her own or at a local level, without involving upper administration.

34. As an example, Dr. Burton sent me a confrontational email on April 2, 2015 accusing me of defamation. She copied several members of upper administration on this email, including the Chancellor, Assistant Chancellor and Dean. (Bensky Decl., Ex. I.)

35. In another instance, Dr. Burton sent me an email on June 6, 2014 in which she copied the entire CJ Department with the subject line that read "Can we call a spade a spade?" In this email she talks about how inconsiderate and unprofessional her colleagues are and refers to the departure of two faculty members as a "train wreck," thereafter requesting an investigation into "a conspiracy to damage the department." I responded to her that these kinds of conversations are not suitable for e-mail and I would rather have an open dialogue

in person to avoid potentially unnecessary conflict and misunderstanding. (Bensky Decl., Ex. H.)

36. On May 9, 2014, I sent an email to the CJ Department advising them that graded materials should not be left outside of faculty offices as it is a FERPA violation. My intention was not to call out a specific staff member, but to address the entire department as a whole. Dr. Burton responded in an email to the entire CJ Department calling out Dr. Caywood for the violation. (Bensky Decl., Ex. J.)

37. Dr. Burton would also involve students in faculty matters. In the fall of 2012, Dr. Burton sent me an email requesting I allow one of her students to take an exam late. The student had approached me late and I had to write a separate exam for him. I told Dr. Burton that the student should have been more responsible by notifying me in advance of his inability to take the exam at the scheduled time, and that by her enabling his behavior the “monkey is on your back, not on his, where it belongs.” Dr. Burton falsely told the student that I had called him a monkey, causing the student to become upset and call me unprofessional. A true and correct copy of this email chain is attached as **EXHIBIT G**.

38. Dr. Burton would complain if other faculty members received an award or praise about an accomplishment because she felt this was somehow retaliation against her.

39. I received an email from Dr. Burton on September 18, 2013 demanding to know why a second-year faculty member was receiving the college Professional Development Award, and requesting that the nomination be withdrawn. As it

turned out, the faculty member was receiving an Alumni Award, not the Professional Development Award. I advised her not to sweat the little things and to talk to me if she has a concern before committing things to email. (Ex. C, p. 2.) True and correct copies of the Alumni Award announcement and Dr. Burton's emails from September 18, 2013 are attached as **EXHIBIT H**.

40. In another instance, two junior colleagues were praised for an accomplishment in a department email, and again, she sent me an email upset that they got praise while she did not get praise in a department email for other work she has done. (*See* Ex. D, ¶¶ 5-6.)

PURSUANT TO 28 USC § 1746, I VERIFY UNDER PENALTY OF PERJURY THAT THE STATEMENTS IN THIS DECLARATION ARE TRUE AND CORRECT AND BASED UPON MY PERSONAL KNOWLEDGE.

Dated: November 6, 2015

/s/Michael G. Dalecki

Michael G. Dalecki