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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE WESTERN DISTRICT OF WISCONSIN
5 * * * * *
6 DR. SABINA BURTON,
7 Plaintiff,
8 -vs- Case No. 14-CV-0274
9 BOARD OF REGENTS OF THE UNIVERSITY
10 OF WISCONSIN SYSTEM, DR. THOMAS
CAYWOOD and DR. ELIZABETH THROOP,
11 Defendants.
12 * * * * *
13
14
15 VOLUME 2
16 CONTINUED DEPOSITION OF SABINA BURTON, Ph.D.
17 Thursday, October 22, 2015
18 9:29 a.m.
19
20 Reported by: Lisa A. Creeron, RPR
21
22
23
24
25
330

1 I N D E X
2 Examination by: Page
3 Attorney Bensky 334/501
4 Attorney Hawks 498
5 Exhibit Identified
6
7 8 E-mail to Governor Walker dated 335
8-22-15
8 9 Plaintiff's response to subpoena 335
duces tecum
9 10 E-mail from S. Burton to L. Throop 341
10 dated 3-10-12
11 11 Memo to M. Den Herder from 374
11 E. Throop dated 3-13-14
12 12 Memo to Dr. Gibson and others from 375
13 Dr. Throop dated 10-3-13
14 13 Grievance dated 11-6-13 380
15 14 Dr. Peter Kang grant information 383
16 15 Online instruction payments 393
16 account, fall 2013
17 16 Request for additional payment 397
18 17 Memorandum of agreement for online 404
19 course development
20 18 Internship assignment sheet 405
21 19 Letter to S. Burton from F. James 411
22 dated 6-13-11
23 20 E-mails between S. Burton and 413
23 others dated 10-26-11
24 21 Authorization for additional 414
24 payment dated 12-09-12
25
332

1 CONTINUED DEPOSITION of SABINA BURTON, Ph.D., a
2 plaintiff in the above-entitled action, taken at the
3 instance of the defendants, under the provisions of the
4 Federal Rules of Civil Procedure, taken pursuant to
5 notice, before LISA A. CREERON, a Registered Professional
6 Reporter and Notary Public in and for the State of
7 Wisconsin, at Hawks Quindel, S.C., 222 West Washington
8 Avenue, in the City of Madison, County of Dane, and State
9 of Wisconsin, on the 22nd day of October, 2015, commencing
10 at 9:29 a.m.
11 * * * * *
12 A P P E A R A N C E S
13 TIMOTHY E. HAWKS,
14 HAWKS QUINDEL, S.C.,
14 Attorneys at Law,
15 222 East Erie Street, Suite 210,
15 Milwaukee, Wisconsin 53202, appearing
16 on behalf of the plaintiff;
17 ANNE BENSKY and KATHERINE D. SPITZ,
17 Assistant Attorneys General,
18 WISCONSIN DEPARTMENT OF JUSTICE,
18 17 West Main Street,
19 Madison, Wisconsin 53703, appearing on
19 behalf of the defendants.
20
21 * * * * *
22
23
24
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1 I N D E X (Continued)
2 Exhibit Identified
3 22 Request for additional payment 414
3 dated 4-2013
4 23 Request for summer appointment in 421
5 excess of 2/9
6 24 Letter to S. Burton from 428
7 M. Nimocks dated 8-21-13
8 25 List of CJ courses from Fall 2009 435
8 to Fall 2014
9 * * * * *
10 (Original transcript is filed with Attorney Bensky)
11
12
13
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1 (Exhibits 8 and 9 are marked for identification)
2 SABINA BURTON, Ph.D.,
3 called as a witness, being first duly
4 sworn in the above cause, testified
5 under oath as follows:

6 EXAMINATION

7 BY MS. BENSKY:

8 Q You've been given what's been marked as Exhibit 9.
9 This is a response to a subpoena duces tecum that
10 your attorney just provided. He also gave everybody
11 a colorful flash drive. So it looks like your
12 attorney has provided some audio and/or video
13 recordings on the flash drive and they're identified
14 as A-17, A-21, A-22, A-25, A-27 through A-31. My
15 question to you is did you supply the video and/or
16 audio that is contained on the flash drive that your
17 attorney handed out today?

18 A Yes.

19 Q Can you tell me what A-17 is? Do you know?

20 A Oh, man. I wouldn't know. Not by number, sorry.

21 Q Okay. Do you have a list anywhere of what A-17
22 through A-31 contained?

23 A I know we have it on our hard drive on our computer
24 so we kind of listed -- yes, we listed them, we all
25 numbered them, and we supplied what was asked for.

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1 A I doubt that my political beliefs have anything to do
2 with it because I really do not make them -- do not
3 announce them at work. They're not part of my work,
4 so I don't think they have anything to do with that.
5 It really just started after the student complained
6 in October 2012.

7 Q And you say the liberal administration. Who are you
8 talking about? Are you talking about individuals?

9 A Yeah. Individuals who made it very clear where they
10 stand politically. It's not a secret. I mean it's a
11 small town. You know, these kind of things, you
12 know, have become known.

13 The chancellor's office, the dean's office in
14 our department, Caywood made it very clear. So
15 within IA&E -- I don't know about other departments,
16 but the main administration within IA&E and the
17 chancellor's office made it very clear.

18 Q What students has this administration been harassing?

19 A Students that -- they were students who actually left
20 campus I heard of, but one of the students that came
21 forward was [REDACTED]. There was another one that
22 was affected by the -- one of them was also a student
23 in a group, a student association group because the
24 association group is linked to me.

25 Q How was [REDACTED] harassed by the administration?

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1 Q Do you know if we put this in the computer if it's
2 going to tell us the date of the meeting and who was
3 there?

4 A Yes. Yeah.

5 Q It should?

6 A Um-hum.

7 Q All right.

8 MR. HAWKS: Can we go off the record
9 for a second?

10 MS. BENSKY: Sure.

11 (Discussion off the record)

12 Q Now, you're being handed Exhibit 8. Can you take a
13 look at this and tell me if you know what it is?

14 A Yes.

15 Q What is it?

16 A It's a letter, actually an e-mail message I sent to
17 Governor Walker's office.

18 Q Is this an actual copy of the text that you sent?

19 A It looks like it, yes.

20 Q So on the third line down, it starts, "A very corrupt
21 liberal administration is mercilessly harassing
22 employees." Do you see that?

23 A Yes.

24 Q Now, my question is do you feel that you have been
25 harassed at all because of your political beliefs?

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1 A For example, the funding for presentations and
2 conferences, one of them was delayed for a long time
3 even though he was supposed to get money, another one
4 where he was promised money and then because he
5 passed on to me information about it, the
6 information, he was not given any reimbursement for
7 it, and he ultimately lost his employment as a
8 graduate assistant at the university.

9 Q Any other students?

10 A Yeah, there were some others. It goes back to
11 about -- you know, one time we had a student and
12 their parents, I don't know whether I can recall
13 their names, but they left the chair's office crying
14 because they tried to get some leniency because of a
15 death in their family. They were very, very upset,
16 and I tried to kind of calm them down a bit because I
17 don't like losing our students over things like that.

18 Q Did that have anything to do with the student's
19 political beliefs or the administrator's political
20 beliefs?

21 A No. Not to my knowledge.

22 Q Now, you speak of -- in the fifth line down, it says,
23 "In 2011 the chancellor's office under Shields
24 rejected the IAE dean's search committee top
25 candidate, a conservative who believed in faculty

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1 retention." Who was that person?
 2 A It was a female. I may still have her name
 3 somewhere. But usually it's with a field search, we
 4 were told to then destroy the documents because we
 5 started anew. So I'm not sure whether I still have
 6 her name somewhere. If I remember correctly, her
 7 first name was Elizabeth, but I might be wrong.
 8 Q Were you on the search committee to find a new dean?
 9 A Yes.
 10 Q Who else was on that committee?
 11 A Carl Allsup was on there.
 12 Q Who?
 13 A Carl Allsup. He was the former chair of the ethnic
 14 studies department. Who else was on there? Keith.
 15 His last name I forgot. I talked to him quite a bit.
 16 He is not with the university anymore.
 17 Q How many people were on the committee, the search?
 18 A I would say 10 or 12, yeah. Some were
 19 administrators. We had a community member. His name
 20 is Tom and he runs the DQ and I believe -- what's
 21 that -- another restaurant in town. He was on there,
 22 so I would have to go back and try to recall all the
 23 names.
 24 Q Now, in your letter, you say the administration
 25 "pressured the committee to forgo our No. 1 male

1 candidate in favor of a very outspoken liberal." But
 2 you just said the candidate was a female named
 3 Elizabeth.
 4 A Because that was for the second round, we had our top
 5 candidate was a male. So I was on both of those
 6 searches, so we were asked if anybody was still
 7 interested, the provost sent out an e-mail and asked
 8 if we were willing to serve on the search again
 9 because we were now doing a new round, and they
 10 included a marketing firm and paid a lot of money,
 11 six figures on the marketing firm to do prescreening.
 12 We still pretty much did the same amount of
 13 work, but at the second year, the results in spring
 14 of 2012, our top candidate was a male.
 15 Q And what happened -- what was his name?
 16 A I might be able to find it on an e-mail again, but I
 17 can't recall that right now. Sorry.
 18 Q That's fine. Do you remember where he was from?
 19 A I think he was close to the Tri-State area, if I
 20 remember correctly. He might have been from
 21 Illinois.
 22 Q How did you know he was a conservative?
 23 A No, I don't know whether he was a conservative. It
 24 was just the candidate of the first year. I got to
 25 talk to her, that was after she gave her presentation

1 on campus, we talked. We had German ancestors and so
 2 we got to talk and because -- she didn't mention
 3 anything in her presentation. She really kept that
 4 to herself.
 5 But one thing that gave it a little bit of
 6 weight in her presentation that she made a strong
 7 point on believing in faculty retention. She came
 8 really across as a fiscal conservative in her
 9 presentation. We got to talk a little bit of
 10 politics and we -- afterwards, we talked about the
 11 German chancellor. She had great admiration for the
 12 German chancellor. She is a former East German
 13 citizen. She is a conservative.
 14 Q Okay. So your testimony is that Shields' office
 15 rejected this female candidate with German ancestry?
 16 A Yes.
 17 Q And then you conducted another search?
 18 A Yeah, we had actually three candidates. Our No. 3
 19 candidate was an in-house candidate, Laura Anderson.
 20 So what we do when we have a search, we're supposed
 21 to give our top three rankings, and then within that,
 22 the chancellor's office can pick. So if they have a
 23 preference, they can go with -- or if they have a
 24 reason to go with No. 2, for example, they can do
 25 that. Or if, for example, No. 1 gets a job somewhere

1 else, then they would fall back on No. 2.
 2 Q So the chancellor's office has the discretion to pick
 3 somebody?
 4 A Yes. I mean we are supposed to make a recommendation
 5 of more than one in case our No. 1 candidate falls
 6 out or when they do a background check, something
 7 comes up that disqualifies the candidate.
 8 Q Did you vote against Liz Throop?
 9 A Yes, I voted for the male. I thought he would have
 10 been better for us.
 11 Q Ultimately when she was the one that was hired, did
 12 you support that decision?
 13 A Yes.
 14 Q Why did you support that decision?
 15 A Because I respected the chancellor's office decision
 16 on that. I mean just whether -- I disagreed with the
 17 decision, but I accepted it. And also at that time I
 18 wanted to give her a fair chance.
 19 (Exhibit 10 is marked for identification)
 20 Q So this is Exhibit 10. Can you identify this?
 21 A Yes.
 22 Q What is it?
 23 A It looks like an e-mail I sent to Dr. Throop.
 24 Q Were you being honest when you wrote this e-mail?
 25 A Yes.

1 Q Did your husband sell Dean Throop her house in
 2 Platteville?
 3 A Yeah. She contacted his office after she was
 4 displeased with the agent, real estate agent she had
 5 at that time. So she was looking to find a new one.
 6 Q Did your husband ever contact her?
 7 A I think, yeah, from his office, they contacted the
 8 one thing after the announcement of the top candidate
 9 went out. It was one of the things that realtors
 10 often kind of contact the list of candidates. When
 11 you do a search online, you get their e-mail
 12 addresses. I did not pass them on.
 13 Q Okay. Looking back at Exhibit 8 --
 14 A Oh, the one you just -- okay, got it.
 15 Q Now, about a third of the way down there's a new
 16 paragraph, and it says, "My question and request to
 17 you is". Do you see that?
 18 A One moment. Oh, yeah.
 19 Q Okay. And then there's one sentence. The next
 20 sentence says, "Why do abusive UW administrators who
 21 blatantly violate Wisconsin state law and federal
 22 law," do you see that?
 23 A Yes.
 24 Q What Wisconsin state laws have the UW administrators
 25 violated?

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1 A There's a Wisconsin state law on faculty governance.
 2 Q That's that 36.09(4)?
 3 A Um-hum. Yeah, I believe so.
 4 Q Any other state laws?
 5 A Well, there is one certainly that also regulates
 6 defamation, and to this day, that has not been
 7 properly addressed.
 8 Q And what defamation are you talking about?
 9 A Announcing that I have -- that I'm unstable, that I
 10 have a mental illness, that I dislike, despise East
 11 Germans. All these are lies and they were made in
 12 front of UW administrators and I reported it and that
 13 person admitted it and nothing happened.
 14 In fact, that person got a -- you know,
 15 apparently got an atta girl from the administration
 16 from that, I don't know, encouragement.
 17 Q And that was Deb Rice?
 18 A Yes.
 19 Q Has anyone else defamed you?
 20 A Yes.
 21 Q Who?
 22 A Dalecki.
 23 Q When did Dalecki defame you?
 24 A When it came to the German delegation, he called
 25 them my -- that I dumped my guests on him. I asked

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1 him repeatedly to correct that. They were not my
 2 guests. They were guests of the university, and in
 3 fact, the director of international programs agreed
 4 that she invited them, not me. They were not my
 5 guests. So I did not dump my guests on them. People
 6 were upset because they repeated what he said.
 7 Q Who did he say this to?
 8 A To multiple people in the department. The people who
 9 repeated it to me openly were Deb Rice and
 10 Cheryl Fuller.
 11 Q Anyone else tell you that he said this?
 12 A Not that I can recall right now.
 13 Q Did you ever hear it straight from his lips?
 14 A He wrote it in an e-mail.
 15 Q He wrote it in an e-mail?
 16 A Yes.
 17 Q Saying that you dumped --
 18 A If I remember correctly, I believe he used wording to
 19 that nature, yeah.
 20 Q Do you have a copy of that e-mail?
 21 A I think it was submitted or it will be submitted in
 22 your document request.
 23 Q Who was the e-mail to?
 24 A To me.
 25 Q Anyone else?

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1 A No. But that same wording was repeated by Deb Rice
 2 and Dr. Fuller, and I can't see where else they would
 3 get it from.
 4 Q Now, you ask a question, "Why does my hard-earned
 5 money pay not just for my attorney but through taxes
 6 also pays those liberal bastards' attorneys?"
 7 And my question is who are the liberal bastards
 8 you're referring to?
 9 A From the administrators. I really despise people who
 10 stand up for values but then kick them.
 11 Q When you say administrators, what individuals are you
 12 talking about?
 13 A People in the chancellor's office, but mostly within
 14 IA&E and then our chair's office, which is now
 15 considered an administrative position.
 16 Q Can you give me names of the people who you were
 17 referring to when you wrote liberal bastards?
 18 A People that come to my mind are certainly Throop,
 19 Caywood, Dalecki.
 20 Q Anybody else?
 21 A No.
 22 Q Now, further down in that paragraph, about
 23 three-quarters of the way down, you write, "The
 24 school even hacked in my employment accounts."
 25 A Yes.

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1 Q Do you see that?
 2 A Um-hum.
 3 Q What are you talking about there?
 4 A There were a couple incidents. Actually three that I
 5 can mention here. There is one that happened when --
 6 actually I learned from Tim that Jennifer Lattis
 7 contacted him strangely on a Saturday evening, just
 8 two days before my big birthday, that I put in a
 9 false leave of absence or claimed falsely that I was
 10 there for 16 hours when I wasn't. That was before I
 11 returned back to work.

12 I know how I input the data and I input it
 13 correctly. I've been doing this for quite a while
 14 now and I've been in contact with -- what's her name
 15 again? The HR person, Laufenberg. Laufenberg is her
 16 last name who's been handling the accounts, leave of
 17 absence accounts, and she actually e-mailed me on --
 18 I believe on or around April 17th of 2015, this year,
 19 that I was all squared away with my leave of absence
 20 reports. Okay, and suddenly they were different.

21 So I did not do them incorrectly because I
 22 already got the okay from the person who handles the
 23 account. I went in there and checked and then took a
 24 screen shot and it was like they were twice put in
 25 that I claimed eight hours that I was there that I

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1 mean I can't help but interpret it as harassment and
 2 that it was changed right in front of my eyes. I
 3 wasn't in there, I wasn't changing it. It's
 4 extremely suspect to me. So that's one of the
 5 incidents. The other --

6 Q Was it changed back to zero, the way it should have
 7 been?

8 A Yeah, back -- um-hum, back to how I originally input
 9 it.

10 Q Okay. What's the other one?

11 A Okay. The other one is -- okay. Another one is that
 12 over the summer suddenly my job title on my pay slip
 13 was changed to assistant professor -- from associate
 14 professor to assistant professor only for my pay slip
 15 for UW-Platteville, not for UW-Milwaukee. And so
 16 that's something that doesn't just accidentally
 17 happen. Somebody had to do that.

18 And then there was one more. Let me think. Oh,
 19 yeah, the other one, the other tampering, okay, that
 20 was not with hacking into, but the other issue was
 21 with my DRB folder, that changes were made to my
 22 evaluation for the year, for the calendar year of
 23 2013.

24 Q And who made those changes?

25 A I don't know for sure. I can only suspect. I have

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1 wasn't. Because it was obvious, I mean I had the
 2 doctor's note, I was not there. And also if there
 3 was something incorrect in the past, Laufenberg is
 4 the one who contacts us. Why would that go to UW
 5 counsel? It doesn't make any sense.

6 I would have sent it to Tim and said, hey,
 7 what's going on here. So Laufenberg didn't know
 8 anything about it because I sent her an e-mail then,
 9 too, and I think that's how they picked up that I was
 10 on to them, that -- am I okay, are there any
 11 problems.

12 She said, "No, no. As I said, it's all okay,"
 13 and so I forwarded e-mails that I had from her that
 14 my account -- that everything was squared away
 15 correctly, forwarded -- I don't know whether I
 16 forwarded it directly to Tim or whether I forwarded
 17 it to my private account, but suddenly while I was on
 18 the phone with Tim, they changed it. They went in
 19 there and they changed it back to zero. It happened
 20 right in front of my eyes. I was not -- I just had
 21 the account open because I was on the phone with Tim
 22 on my birthday because they wanted it on Tuesday, I
 23 had to by Tuesday I had to submit the correct leave
 24 of absence reports.

25 So I had to work on that on my birthday, and I

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1 some people in mind.

2 Q What people do you have in mind?

3 A I suspect that Dr. Fuller acted on behalf of Dalecki,
 4 and I believe that Dean Throop had knowledge of that.

5 Q That Dr. Fuller went in and changed your DRB folder?

6 A My -- no, not -- yeah, one thing was something was
 7 taken out and I asked -- actually my first question
 8 was it appears like something is missing in my folder
 9 and these are the green sheets, they're green and
 10 blue sheets, depending on whatever you put in for
 11 promotion or whether it's just retention, basically a
 12 yearly update. On these sheets, our peer evaluation
 13 and student evaluations are marked.

14 And so, you know, every year I look at them, I
 15 mean they're kind of important and they want to see
 16 consistency and all that. I still have a promotion,
 17 one big promotion coming up. So I know for the 2014
 18 year, I was reviewed and very good. I was
 19 congratulated even by people that I've had such
 20 stellar evaluation, they were all outstanding, and
 21 then they were changed and there was a signature page
 22 missing from that previous year. So I was like this
 23 is just not good, something's missing in my DRB
 24 folder.

25 So I actually even asked -- I asked the new

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1 chair and I asked the associate dean in IA&E just to
 2 get a copy of that so I can add that again, so it's
 3 complete, and I was told they do not have any copies
 4 of that file, which I find very strange because, you
 5 know, these are our performance evaluations and why
 6 are there no copies of -- I mean I can see of the
 7 paperwork that we submit, but of the evaluation
 8 sheets, those marks are important.
 9 Q When you talk about falsifying records, is that the
 10 instance that --
 11 A Yeah, yes.
 12 Q The DRB file?
 13 A Correct.
 14 Q Any other instances of falsifying records?
 15 A Yes. There was a previous tampering of my DRB folder
 16 that included my student evaluation for the years --
 17 for some of the years I served at UC-Irvine, and they
 18 required -- those yearly evaluations were required
 19 for my promotional requests. I had them in there.
 20 They were also in my personnel folder. My promotion
 21 request was denied based on that I did not have
 22 enough proof of teaching performance. When I checked
 23 my folder, these evaluations were taken out.
 24 Q When did that happen?
 25 A That was -- January 2012 was the DRB evaluation

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1 A No. I can just speculate, you know, based on who
 2 would maybe benefit from them being taken out or who
 3 was not supportive of my promotion, but it's
 4 speculation. I don't have evidence or anything.
 5 Q You say they have done so with at least one other
 6 employee.
 7 A Correct.
 8 Q Who are you talking about there?
 9 A Danelle Bemis.
 10 Q What did they do to her?
 11 A They -- after she made reports against Aric Dutelle
 12 about some inappropriate actions that he's taken, she
 13 suffered from some harassment herself. I did not
 14 honestly pay a lot of attention at that time because
 15 that was about the time when I had my own issues
 16 with -- after the student complaint, but she sent me
 17 one e-mail during that time. She actually either
 18 cc'd or forwarded an e-mail because it had -- it
 19 included an e-mail response from Dr. Caywood where
 20 she reported to Dr. Caywood and to her immediate
 21 supervisor, Dutelle, that her leave of absence
 22 records were tampered with and that they were all
 23 marked that she was basically absent for entire
 24 months. So for several months she didn't get paid,
 25 and she had to then go through -- jump through some

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1 for -- was the DRB meeting for the promotion request
 2 basically within our department and then it was sent
 3 to the CRST.
 4 When I learned about the denial, I talked to the
 5 chair of the DRB and -- Professor Lomax, and I said
 6 but I had them in there, I had those in there, I mean
 7 the evaluations are on file. He says, "Yeah, let me
 8 look and they're not here."
 9 And then he actually went to the filing cabinet
 10 in the CJ reception, CJ office and he looked in there
 11 and he says, "Yeah, you're right. We have your
 12 previous UC-Irvine evaluations."
 13 Q So they were in a different filing cabinet?
 14 A I think they were double because I submitted them
 15 when I applied for the position, and then I put them
 16 in for the promotion request because it stated on
 17 there -- I don't know whether it was the HR site or
 18 whether it was part of IA&E, it stated how many years
 19 of teaching experience one had to have to be eligible
 20 for promotion. So I included those again in the DRB
 21 folder.
 22 Q And those copies are the ones that you say were
 23 missing?
 24 A Correct.
 25 Q Do you know who removed them?

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1 hoops to get that fixed.
 2 She was very upset, of course. She's a single
 3 mom. She was dependent on that income, and
 4 Dr. Caywood just responded something to the matter
 5 that he would report it to HR. I mean he had a short
 6 reply, that was it. I don't know exactly what
 7 happened or how it got corrected. But she asked me
 8 how can I further pursue this, this is illegal,
 9 somebody hacked into it, and I provided her with some
 10 contact information where she may want to report it
 11 to.
 12 Q Wasn't it Aric Dutelle who complained about Bemis
 13 coming on to him?
 14 A Yeah, I read that, yeah.
 15 Q The end of the --
 16 A But she did not claim that he came on to her.
 17 Q What was her complaint about him?
 18 A The first time I actually heard about it was when
 19 Dr. Caywood said that she accused him of sleeping
 20 with undergraduate students.
 21 Q Okay.
 22 A So he revealed that. I wasn't really aware of that,
 23 so I know that -- I just overheard. Her office was
 24 across from mine.
 25 Q So let me get this straight. Caywood told you that

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1 Bemis accused Dutelle of sleeping with undergraduate
2 students?
3 A It's on the deposition record of when he was deposed.
4 He mentioned that because it came up, Danelle Bemis
5 or I think female employees in the criminal justice
6 department came up and he mentioned her.
7 Q He had his deposition taken?
8 A Yes.
9 Q Do you know why?
10 MR. HAWKS: I took his deposition in
11 this case.
12 A Yeah, there was -- was it September, I believe?
13 Q Aric Dutelle?
14 A No, Caywood.
15 Q Oh.
16 A Caywood, sorry.
17 Q Okay. Other than Caywood's deposition, did you have
18 any independent knowledge of the accusations about
19 Dutelle?
20 A Only from Danelle Bemis recently because she
21 contacted me about getting a reference for a new
22 position that she was applying to and she was, I
23 think, also -- she heard that we have a new chair and
24 she was maybe considering coming back and teaching --
25 not coming back, but kind of teaching in the online

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1 A No. Actually I attended a National Security
2 Conference in Des Moines, Iowa and an
3 acquaintance/friend attended the meeting and I knew
4 her from human trafficking work, so she's very
5 engaged in human trafficking and that's why we
6 connected and we got to talk about human trafficking
7 again, and she then said, "Hey, at dinner you should
8 meet some of my friends and it would be neat for them
9 to see what you're doing."
10 Because I talked about creating awareness among
11 my students, getting them involved, and I did not
12 know that I was delinquent and I thought, hey, great,
13 free lunch -- I mean free dinner, so absolutely. The
14 next thing is as we're walking into this huge
15 convention center with the big Lincoln with over
16 1,000 attendees --
17 Q Let me stop you there. My question was before you
18 wrote the e-mail that's Exhibit 8, did you send any
19 other correspondence to Governor Walker?
20 A No.
21 Q Here you go. So this was marked at Mike Dalecki's
22 deposition as Exhibit 42. There's a string of
23 e-mails, and halfway down the page it says from
24 burtons@uwplatt.edu and then it starts -- the e-mail
25 starts dear student.

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1 program for us because she saw that we were looking
2 for FI instructors, and she's a forensic
3 anthropologist.
4 Q Where is she located now?
5 A She lives with her mom in Colorado. I don't know
6 exactly what city. I mean I know -- I would have to
7 look it up.
8 Q Have you e-mailed with her recently?
9 A Yeah, a couple times. Yeah. She actually said she's
10 ready to apply and would I -- she could use me as a
11 reference.
12 Q Have you discussed the contents of your lawsuit with
13 her?
14 A Yeah. I mentioned that I have a pending lawsuit. I
15 mean that was just recently. Not at that time. She
16 knew that I had problems and she knew about the
17 grievance.
18 Q What did you tell her about the lawsuit?
19 A Just that I had -- that it was not -- my problems
20 were never resolved in-house, on campus, and that
21 it's now in federal court.
22 Q At the end of your letter to Governor Walker, you
23 say, "I am still waiting to hear from you."
24 My question is have you written other e-mail to
25 Governor Walker?

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1 A Okay.
2 Q Look at Page 1 and Page 2, and first off, tell me
3 what this is.
4 A This is an e-mail request I sent to students during
5 finals week about confirming I actually indeed held
6 class on December 12th of 2014.
7 Q Is this an accurate copy of the e-mail that you sent?
8 A Yes.
9 Q Now, below it on the second page is an e-mail from
10 Dean Throop.
11 A Correct.
12 Q Okay. Where in Dean Throop's e-mail does she say
13 she's going to fire you?
14 A She does not say that in this e-mail.
15 Q Did you think that Dean Throop was going to fire you?
16 A Yes.
17 Q Why?
18 A Because statements were made. I was told that
19 Dr. Dalecki and Dean Throop are talking about ways to
20 terminate me.
21 Q Who told you that?
22 A Dr. Fuller.
23 Q And when did she tell you that?
24 A That was the day before the goodbye luncheon for the
25 German delegation. It was a Wednesday. I believe

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1 date-wise, probably around June 25th of 2014.
 2 Q So six months before this e-mail was sent?
 3 A Yes.
 4 Q In that six-month period between June 14th and
 5 December 16th, did anybody ever tell you that the
 6 dean was trying to fire you?
 7 A No, but her actions showed it to me.
 8 Q What actions?
 9 A A letter of direction based on false accusation.
 10 Then -- yeah.
 11 Q Anything else?
 12 A Yeah, refusing to even give me a chance to respond to
 13 those.
 14 Q Refusing to give you a chance to respond?
 15 A Yeah. I wanted a grievance hearing. I addressed
 16 them with her. She did not entertain any of those.
 17 In fact, she at one point denied something that was
 18 even obvious.
 19 She made a reference to an October 2nd -- I
 20 believe it was an October 2nd e-mail in her letter of
 21 direction and then when I asked, I can't find this
 22 letter, can you please give details about what I
 23 allegedly sent or said to the chancellor, and she
 24 wrote back, "You are mistaken or incorrect," and I
 25 had her letter right in front of me. So she didn't

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1 of lengthy process. But I know there are other ways
 2 of how you pretty much can get somebody out of the
 3 department.
 4 Q What are those ways?
 5 A Well, it's by pretty much not giving you any decent
 6 assignments any more to, you know, create a very
 7 hostile environment, to mark you down in evaluations,
 8 to -- you know, to take additional salary
 9 opportunities away from you. I mean I've seen the
 10 whole thing even come down with Gibson. And another
 11 professor had similar experiences.
 12 Q Gibson was never tenured?
 13 A No.
 14 Q Correct?
 15 A No.
 16 Q Did you support his tenure?
 17 A No, not in the last year.
 18 Q What do you mean, not in the last year --
 19 A I mean not tenure, sorry. I mean his retention. We
 20 didn't have -- we had a retention and promotion
 21 request in his last evaluation year, the evaluation.
 22 Q Did you support the retention?
 23 A No.
 24 Q Why not?
 25 A Because of how he responded -- not so much just that

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1 even bother to check. I mean this is pretty serious
 2 and she didn't even give me so much consideration.
 3 Q Were you tenured at the time that Dean Throop sent
 4 you this e-mail on December 16th?
 5 A Yes.
 6 Q What does it take to fire a tenured professor?
 7 A According to Dean Throop, who told me at her house
 8 in -- she invited my husband and I over because my
 9 husband helped her and she asked him a few times for
 10 I think problems with the heater and to kind of show
 11 her gratefulness, she invited us over with at that
 12 time her boyfriend.
 13 And we talked about some issues with some
 14 tenured people who really didn't pull their weight
 15 anymore and one person in particular, and I said,
 16 "Well, you know, they're tenured, so they don't
 17 really have to worry about anything."
 18 And she said, "Oh, that's no problem at all. I
 19 can get them fired for insubordination."
 20 Q Okay. Did you do any independent investigation to
 21 determine what the rules are that must be followed
 22 before a tenured professor is terminated?
 23 A Yes.
 24 Q And what did you do?
 25 A There is like an appeals process and so it is a kind

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1 he sexually harassed a student but that he kind of
 2 blamed her for being too sensitive and kind of
 3 shrugged it off, and students reported to me --
 4 advised or it was reported to me that he was
 5 continuing making kind of problematic remarks, and
 6 one of the students showed me a test that he gave in
 7 class that had a very inappropriate question in
 8 there, and she was upset because she said, "You know,
 9 I shouldn't have to deal with these kind of things.
 10 I was sexually assaulted for real." And she was
 11 pretty upset about that and asked me what she could
 12 do.
 13 Q So you agree with the decision not to retain Gibson?
 14 A Yeah, but for kind of different reasons why he was
 15 actually fired.
 16 Q How do you know why he was not retained?
 17 A Because it was talked upon in Dalecki's office what
 18 he was really upset about.
 19 Q What was Dalecki upset about?
 20 A I know what Dalecki and Throop were upset about
 21 because Dean Throop kind of made it very well known
 22 when she attended department meetings that she did
 23 not like that Dr. Gibson challenged the appointment
 24 of Dr. Dalecki and that he -- not really run but kind
 25 of pushed for a vote within the department.

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1 Q Did Dean Throop ever tell you why she did not support
2 retaining Dr. Gibson?
3 A No.
4 Q Did Mike Dalecki ever tell you why he did not support
5 retaining Dr. Gibson?
6 A Well, one thing that really upset him and --
7 Q Wait. Let me --
8 A Okay.
9 Q I'm going to stop you just because I don't want to be
10 here all day. I'm sure you don't want to be here all
11 day.
12 A No.
13 Q Because I know you have something to do tonight. I
14 want to make sure we get through this.
15 A Got it.
16 Q The question was did Dr. Dalecki ever tell you
17 straight from the horse's mouth why he did not
18 support Dalecki's retention?
19 A He said he would not follow his orders, something
20 like that.
21 Q When did he say that?
22 A That was at -- he actually came to my -- no, that was
23 in my office, and then later he came to my office and
24 he wanted to have anything that I had on Gibson so we
25 can get him out.

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1 Gibson challenged his chairship, and that's when
2 these two started -- were like that, and I told him
3 students are really not happy, this is problematic.
4 We've got to address this. We need some sexual
5 harassment training. I said that repeatedly, but we
6 never got that.
7 And after the appeals hearing when it didn't go
8 his way, that's when he stormed in and says, "I need
9 whatever you have on him."
10 Q When was that? Can you give me an approximate date?
11 A It was -- the appeals hearing if I remember correctly
12 was around April. March -- the appeals hearing was
13 in March and I think within a week or so, they had
14 the findings. So it must have either been -- I think
15 it probably was around late March.
16 Q Of what year?
17 A Of 2014.
18 Q Can a tenured professor be fired after missing a
19 class without getting permission? Do you know the
20 answer to that?
21 A Shouldn't be, but honestly after what I've gone
22 through, it wouldn't surprise me. I mean they really
23 knew that I had health issues, I was already in the
24 hospital.
25 Q Let me ask again. Do you know if a tenured professor

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1 Q What did he say to you when he came to your office?
2 A "I need stuff against Gibson and I need it now."
3 Q Okay. When was that?
4 A That was before -- no. One moment. That was after
5 the appeals hearing, after the appeals committee came
6 back and said that he should be retained.
7 Q Okay. Gibson appealed not being retained?
8 A Yes.
9 Q And there is a committee that heard that appeal?
10 A Correct.
11 Q And the committee said that he should be retained?
12 A Yes.
13 Q And after that, Dalecki came to your office and said
14 that he needed dirt on Gibson?
15 A Yeah. And he didn't want that before because he even
16 said so. When I told him why I believe we should not
17 have him at the university is because of the
18 statements he makes, he makes very sexist statements,
19 female students are very uncomfortable with him and
20 he was says, well, we can't really -- and I mentioned
21 the sexual harassment incident, and he says, "Well,
22 you know, we can't really get rid of him for that
23 because that happened in the past and because he was
24 retained the following year. So we need new stuff."
25 And I know he was very upset with Gibson because

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1 can be fired because that professor missed a class
2 without obtaining permission? Do you know the answer
3 to that question?
4 A Yes and no because, yes, by policy, it would be no,
5 but by practice, I would say it is possible.
6 Q So there's a policy that would prevent --
7 A It would mean that I would have -- there would be a
8 process to go through and my side would be hurt, but
9 so do we have a policy for grievances and that was
10 not followed. So in this regard, I don't know. I
11 don't know whether it's possible.
12 Q After you received the December 16th e-mail from
13 Dean Throop, did you respond to her before sending
14 the e-mail to your students?
15 A I don't think so. One thing why I didn't is because
16 she said I will be disciplined or something to that
17 effect. She did not inquire whether I was there or
18 not. She announced that there would be -- I will be
19 forced to pursue disciplinary measures. So she
20 stated that as a fact, not as an option or not as,
21 you know, I may have if it turns out to be true.
22 Q Why didn't you write to her and say I was in class,
23 you must have mistaken information, who told you
24 this?
25 A Because I also told her that there are allegations in

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1 what she stated in the direction, the letter of
 2 directions were false and she did not want to hear
 3 anything. So why would she suddenly want to hear an
 4 explanation to this claim?
 5 Q So you chose not to respond to Dean Throop because
 6 you were afraid that she wouldn't listen to you?
 7 A Because I was certain she wouldn't listen to me and
 8 because I needed evidence, something that she could
 9 not dispute.
 10 Q So in the letter that you sent to the students, the
 11 top of the second page, it says, "Why does
 12 Dean Throop want to hurt me, you ask." You see that?
 13 A One moment. Yes.
 14 Q Who is you?
 15 A The students. Because I was sure that students would
 16 say, well, why do you have to fear Dean Throop's
 17 punishment.
 18 Q So that was your speculation of what the students
 19 would be thinking once they received this e-mail?
 20 A Yeah, because I would certainly do that if I were a
 21 student. It seems very minor. I have a perfect
 22 attendance record. I don't cut classes. I even come
 23 in when I'm sick. I make arrangements for when I
 24 have to go to a conference that my students wouldn't
 25 miss anything.

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1 there. I wasn't there. So I would have to ask him.
 2 Q Who told you that the provost said this?
 3 A The graduate student.
 4 Q Was the graduate student [REDACTED]?
 5 A Yes.
 6 Q Has [REDACTED] been to your house for dinner?
 7 A Yes.
 8 Q How many times?
 9 A Three -- probably around three times, four times.
 10 Q How old is [REDACTED]?
 11 A He is I believe 23.
 12 Q How old was he in 2014?
 13 A 20 -- I don't know when his birthday is. 22, 23,
 14 something like that.
 15 Q Have you had other students to your house for dinner?
 16 A After they graduated, yes.
 17 Q [REDACTED] was a graduate student during the time
 18 that he went to your house for dinner?
 19 A Correct.
 20 Q He was a student of yours?
 21 A No, because I was not allowed to teach in the
 22 graduate program, so, therefore, he was not a student
 23 of mine.
 24 Q How did you get to have a relationship with him?
 25 A He was -- he did undergraduate research with me

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1 For my programs, I've never, ever been written
 2 up for canceling a class or should -- I mean I'm even
 3 there during finals week when most other faculty and
 4 staff actually take off that week and then there's
 5 one incident and I get written up. In fact, my
 6 students complain that I actually teach 52 minutes to
 7 the second and so, of course, they couldn't believe
 8 it. They said you never cancel class, that's what
 9 they responded to me.
 10 Q So if you were concerned that Dean Throop wouldn't
 11 respond to you, why didn't you write to the provost
 12 or the chancellor to tell them?
 13 A Because the provost said at a meeting that I was on a
 14 sinking ship by myself. So the provost would hardly
 15 be a supporter.
 16 Q When did she say that?
 17 A At a department meeting she attended, an unofficial
 18 department meeting. It was not really a meeting. It
 19 was a department outing at Steve's Pizza in October.
 20 Q October of what year?
 21 A 2014. Just like a couple months before this
 22 happened.
 23 Q And did she say that to you?
 24 A No. She said it to Dalecki and in front of a
 25 graduate student, and I don't know who else was still

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1 because he was and still is very interested in
 2 federal employment.
 3 He wanted to learn more about what I did in
 4 Germany and about especially intelligence work,
 5 counterterrorism. This is the kind of field of work
 6 he would like to do. He also applied with the Los
 7 Angeles Police Department. I used to work there. He
 8 asked for references for federal employment, and I
 9 put him together with some of my contacts to help him
 10 out and I supported his research. He's one of the
 11 grad students -- sorry, not grad students.
 12 He's one of the many -- I mean I have a handful
 13 of students that I've been doing research with and
 14 that I mentor, take to conferences. I encourage them
 15 to write papers. I review their papers. I do that
 16 all without pay and I help them where they could
 17 maybe submit their papers, where they could present.
 18 I support their presentations in symposiums in the UW
 19 System after they're posted at the rotunda. So he
 20 was one of them.
 21 Q So you're a mentor to him?
 22 A Um-hum. Yes.
 23 Q Did you tell him to record conversations with
 24 Dr. Dalecki?
 25 A No, I didn't know he had him scheduled for a time.

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1 Q Pardon me?
 2 A I didn't even know he had one scheduled.
 3 Q How did you come across the recording?
 4 A [REDACTED] contacted me -- I don't know exactly when. I
 5 withdrew from him in fall of 2014 because of the
 6 increased hostility and I was afraid -- I was
 7 concerned that it would affect [REDACTED] I did not want
 8 to be perceived of that we had this close
 9 mentor-student relationship. I thought it would be
 10 best for his well-being at the university not to be
 11 associated, so I actually told him, you know, let's
 12 just keep meetings to a minimum and if you have
 13 questions, you know, you can send me papers and I'll
 14 review them.
 15 I think he sent me one paper that he was writing
 16 in the grad program to ask for some input on it or he
 17 was looking at a not very well researched topic. So
 18 I gave him some feedback on it, but I did not want to
 19 really do much with him during that time. So I think
 20 he -- was it in late October? He actually called me
 21 up and says, you know what, I went to that meeting
 22 and stuff happens, you need to know this.
 23 He was very, very upset. He says, "They said
 24 things about you." I think that night -- I said you
 25 know what, maybe this weekend or something because I

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1 when I actually -- I think I listened to it twice --
 2 I don't know. I think one time only, and if I
 3 remember correctly, it was already spring when he --
 4 yeah, when I listened to it.
 5 Q So [REDACTED] just gave you this recording?
 6 A He said, "You've got to listen to this," yeah. And
 7 the first time he told me that, I says, you know, I
 8 can't handle any more stuff right now. And then at a
 9 later point, he --
 10 Q This was in the spring of 2015?
 11 A I believe so, yeah.
 12 Q When you were taking a leave of absence?
 13 A Yes, yeah.
 14 Q Now, in the spring of 2015 when you were taking a
 15 leave of absence, did you go to Florida to give a
 16 paper?
 17 A No. I think there was a conference scheduled, but I
 18 had to cancel it. It was the American Criminal
 19 Justice Association, if I remember correctly. I was
 20 scheduled to present in Florida, but I had to cancel.
 21 Q But you taught a class?
 22 A Um-hum, correct.
 23 Q For was it Marquette or Milwaukee?
 24 A Milwaukee. I also did -- I believe one or two
 25 graduate seminar papers for UW-Platteville, advised

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1 was just not really open to hearing more negative
 2 stuff. I can't recall exactly what day or when, but
 3 he stopped by and he was still very upset. "You
 4 know, they're saying these things behind your back,"
 5 and it was around -- Dalecki was there and Deb Rice,
 6 he thinks, and on and on and on.
 7 I asked if they're facts, and he says in the
 8 end, he just wanted to storm out. He got his jacket
 9 and he wanted to storm out and there were Dalecki and
 10 Den Herder at the door and he couldn't even pass, so
 11 he was stuck there. And Den Herder told Dalecki
 12 something about, you know, you don't have to worry
 13 about a subpoena in this matter and Dalecki kept --
 14 or, no, you don't have to worry about her.
 15 And [REDACTED] said Dalecki was kind of wondering about
 16 what or who or so on. She says, "Sabina, you don't
 17 have to worry about Sabina. She's alone on her
 18 sinking ship."
 19 Q Okay.
 20 A And I don't know whether he told me then that he had
 21 a recording of it or whether that was just --
 22 Q Does he have a recording of this Steve's Pizza
 23 incident?
 24 A No. That was from -- Dalecki was later -- you mean
 25 what you referred to with the recording, I don't know

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1 them.
 2 Q You advised two papers for Platteville?
 3 A One or two, yes. I don't remember.
 4 Q During the spring of 2015?
 5 A Correct.
 6 Q And you taught a class at UW-Milwaukee?
 7 A Online, yes.
 8 Q An online class?
 9 A Correct.
 10 Q Has the chancellor ever said anything against you
 11 that you're aware of?
 12 A No. Not that I'm aware of.
 13 Q And you didn't think to go to the chancellor with
 14 your concerns about Dean Throop's December 16th
 15 e-mail?
 16 A No, because it was made very clear to me that you do
 17 not bother the chancellor with things like that. I
 18 got in a lot of heat when I just filed the complaint
 19 about the appointment of Dalecki, about the process
 20 that was done.
 21 Q But you thought it was appropriate to e-mail all of
 22 your students --
 23 A Yes.
 24 Q -- during their final exams?
 25 A Yes.

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1 Q How many responses did you get from students, do you
 2 remember?
 3 A Around 30.
 4 Q Do you have those e-mails?
 5 A Yes.
 6 (Exhibit 11 is marked for identification)
 7 Q Do you recall receiving a copy of Exhibit 11?
 8 A Yes.
 9 Q Did you receive a \$3,732 raise retroactive to the
 10 beginning of August 2013?
 11 A Yes.
 12 Q Do you know who was responsible for providing that?
 13 A If I remember correctly, Dr. Dalecki told me in
 14 December, around December of 2013 before the yearly
 15 DRB evaluation in January that he would put in for
 16 equity adjustment. To my knowledge, that's
 17 usually -- that equity adjustment request has to be
 18 done by a faculty member. So I knew that because it
 19 came up with -- Dr. Gibson asked for an equity
 20 adjustment and Dr. Fuller walked him through the
 21 process and just explaining how that would work and
 22 how much one would have to submit for that.
 23 So I thought, wow, this is really nice, I don't
 24 even have to do anything and he's willing to do that.
 25 So I said great, I appreciate that. So I don't know

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1 then --
 2 Q Was it the fall -- I don't want to cut you off. I
 3 just want --
 4 A Fall 2013.
 5 Q That's all I want to know.
 6 A I don't remember whether it was August or early
 7 September.
 8 Q That's fine.
 9 A Yeah.
 10 Q Who were the voting members in the department in fall
 11 of 2013?
 12 A Okay.
 13 Q You?
 14 A Yeah. I was on it. Dr. Fuller. Dr. Caywood.
 15 Mr. Dutelle. Dr. Reed, Dr. Gibson. Deb Rice.
 16 Dana Cecil, Steve Elmer.
 17 Q That's nine people.
 18 A Yeah. I don't remember if we had --
 19 Q If somebody is running for department chair, are they
 20 allowed a vote?
 21 A Yes.
 22 Q Now, in the memo it says, "Of the eight ranked
 23 faculty in the department, five did not vote for
 24 Dr. Gibson." Do you know if that's true?
 25 A I know that Dr. Reed got some votes too. I don't

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1 whether he was responsible or -- I mean he made it
 2 sound like it was him doing it, so I don't know
 3 whether it was him or Dr. Throop who did it.
 4 (Exhibit 12 is marked for identification)
 5 Q This is Exhibit 12. Take a look at this and tell
 6 me if you know what this is.
 7 A Yes, yeah.
 8 Q Have you seen this before?
 9 A It looks familiar. I remember what -- I know what
 10 she's referring to.
 11 Q You know what she's referring to?
 12 A Yes.
 13 Q And this memo is dated October 3rd, 2013?
 14 A Yeah, the time sounds about right, yeah.
 15 Q It's a memo from Dean Throop?
 16 A Correct.
 17 Q Now, this is about Dr. Gibson wanted to be the
 18 department chair for criminal justice?
 19 A It's not just that he wanted to be. He was actually
 20 voted in by the department. I didn't vote for him,
 21 by the way.
 22 Q In the fall of 2013, is that when the election
 23 occurred?
 24 A Yeah. I think it was -- we had one department
 25 meeting and Dean Throop appeared to that one and

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1 remember how many. And I believe there were one or
 2 two absentees, yeah. And so I just know that when it
 3 was counted out, that Gibson had the majority, but I
 4 do not even remember how many votes he got.
 5 Q You don't remember if he got three?
 6 A He got -- I'm pretty sure he got more than three. He
 7 got -- he may have gotten four or five, if I remember
 8 correctly.
 9 Q Who voted for him?
 10 A I don't know. It was a secret ballot. One reason
 11 was because Dalecki was there and people were
 12 concerned.
 13 Q Do you know if this is a true statement? "Of the
 14 eight ranked faculty in the department, five did not
 15 vote for Gibson."
 16 A No, I don't know whether that's true.
 17 Q The next line says, "Dr. Gibson's status as an
 18 untenured faculty member also puts him out of the
 19 running."
 20 Do you know if untenured faculty were eligible
 21 to chair the criminal justice department?
 22 A Yeah, this is an interesting statement because they
 23 actually asked an untenured faculty member to become
 24 the chair of the geography department.
 25 Q That's not my question. My question is do you know

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1 if untenured faculty members were eligible --
 2 A Yes, they are eligible.
 3 Q They are?
 4 A Yes.
 5 Q And they were in the fall of 2013?
 6 A Yes.
 7 Q So you disagree with this statement? "Dr. Gibson's
 8 status as an untenured faculty member also puts him
 9 out of the running."
 10 A Yes.
 11 Q How does one run for department chair? What do you
 12 have to do?
 13 A I mean I had a vote before that, so I'm really not
 14 sure. At the school I came from, they rotated the
 15 chairship.
 16 Q Well, let's talk about -- I want to hear about
 17 Platteville.
 18 A Okay, Platteville.
 19 Q And specifically the criminal justice department.
 20 A Okay.
 21 Q Do you know if Dr. Gibson wanted to be the chair of
 22 the department?
 23 A He did not announce his running for chair. When they
 24 discussed about voting, they wanted to vote, there
 25 were several members of the criminal justice

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1 department who wanted to have a vote within the CJ
 2 department.
 3 I think Caywood, Reed, I think Gibson, Dutelle I
 4 remember as people who were vocal about it. I don't
 5 know who else wanted it. And then Dr. Gibson
 6 recommended Dr. Reed and then Dr. Reed says, "And I
 7 recommend -- or I put up Dr. Gibson."
 8 Q It's done by a nomination?
 9 A Yes. To my knowledge.
 10 Q Okay.
 11 A We never had it before, so I never -- you know, there
 12 was never a need to look up these procedures.
 13 Q So to your knowledge, nobody files a paper saying I
 14 want to be the department chair?
 15 A No.
 16 Q Somebody's nominated?
 17 A Correct.
 18 Q And then everyone votes?
 19 A Um-hum, correct, yes.
 20 Q Can somebody nominate themselves?
 21 A To my knowledge, yes.
 22 Q Have you ever been nominated by a colleague to be the
 23 department chair?
 24 A No.
 25 Q Have you ever nominated yourself to be the department

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1 chair?
 2 A No.
 3 Q Who did you vote for in this election? Do you recall
 4 in fall of 2014?
 5 A I'm trying to think if I voted for Reed or whether I
 6 didn't. I think I was divided between -- I may have
 7 voted for Dr. Reed.
 8 (Exhibit 13 is marked for identification)
 9 Q Do you recognize the document that I handed to you
 10 that's marked as Exhibit 13?
 11 A Yes.
 12 Q What is it?
 13 A It's a grievance that I filed. I think that was
 14 in -- if I remember correctly, it was in response
 15 to -- let me see what the date is. I think I first
 16 filed a complaint with the chancellor and I got an
 17 e-mail back from the chancellor saying it had to go
 18 through the grievance, I believe. And they had cc'd
 19 Melissa Gormley on it as the faculty senate
 20 president, if I remember correctly, and that's why
 21 she was cc'd on this e-mail message as well.
 22 So, yeah, that was the grievance against
 23 Dr. Throop for the process of appointing Dr. Dalecki
 24 as our interim chair, yes, um-hum.
 25 Q Why did she violate the process?

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1 A Because we -- you know, she bypassed faculty
 2 governance in her process. She did not give the
 3 department of criminal justice a chance to vote for
 4 an interim or appoint an interim chair for her to
 5 evaluate whether that person would be a qualified
 6 candidate for interim chair or even allow us to vote
 7 for a permanent chair within the department.
 8 Q So when she bypassed this faculty governance process,
 9 do you consider that a violation of Wisconsin Statute
 10 36.09(4)?
 11 A I have to look it up again. It's been a while. I
 12 would have to look at the statute again, but I
 13 believe at that time I reviewed it and, yes, it
 14 was --
 15 Q When you used the words faculty governance, do you
 16 mean like a democratic voting process within the
 17 department?
 18 A Yes.
 19 Q Is there anything in the IA&E constitution that
 20 allows the dean to appoint an interim chair from
 21 inside the criminal justice department?
 22 A Oh, I would have to look up that constitution again.
 23 It's been a while since I reviewed it.
 24 Q Do you know if the IA&E constitution makes any
 25 distinctions between appointments from inside a

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1 department and appointments from outside a
 2 department?
 3 A I can't recall.
 4 Q Now, you said, "I was a qualified, eligible and
 5 interested candidate for the position."
 6 A Correct.
 7 Q Who did you express your interest to?
 8 A Well, actually I did not per se by e-mail. We were
 9 not asked. If I would have been asked, I would have
 10 announced it. I didn't get a chance to.
 11 Q So nobody asked if you were interested?
 12 A No.
 13 Q Did you once you found out that Caywood was being
 14 removed, did you express interest in being chair to
 15 anybody?
 16 A No, because by that time, they knew interim chair was
 17 already announced.
 18 Q Your answer is no?
 19 A No. It was already after the fact.
 20 Q So the interim chair was announced at the time that
 21 you found out that Caywood was being removed?
 22 A Correct.
 23 Q Was it in the same e-mail?
 24 A Yes.
 25 Q Would Dean Throop have had the authority to appoint

1 you under the IA&E constitution or the faculty
 2 bylaws?
 3 A To my knowledge if I remember correctly, it's if the
 4 department would fail to come to an agreement or
 5 have -- use a majority vote for one candidate, then
 6 the dean would step in and then appoint, could
 7 appoint so that you're not leaderless.
 8 Q But as circumstances stood at that time, she would
 9 not have had the authority to appoint you because
 10 there had not been a failed democratic process in the
 11 department?
 12 A Correct.
 13 (Exhibit 14 is marked for identification)
 14 Q Do you know what the Dr. Peter Kang faculty/staff
 15 professional development opportunity grant is?
 16 A Yes.
 17 Q What is it?
 18 A It's tied to the PACCE project. PACCE is an office
 19 that pays out -- I mean students, part of their
 20 tuition goes into PACCE, which is an office that
 21 funds in community learning, so community service.
 22 And Dr. Kang -- Dr. Peter Kang is the son of a former
 23 professor in political science, and he's still
 24 engaged and supportive of -- in service learning for
 25 our students, and so every year he gives I think a

1 student or one or two student grants and one faculty
 2 grant, faculty/staff grant.
 3 Q Is this a form that you completed?
 4 A Yes.
 5 Q When?
 6 A Sorry.
 7 Q When did you complete it?
 8 A Was it in March -- I believe March or April.
 9 Q Of what year?
 10 A Of, I'm sorry, 2014.
 11 Q So it says, "Please find my itinerary for the German
 12 delegation visit attached." Did you write that?
 13 A Yes.
 14 Q It says, "The delegation was hosted by
 15 Donna Anderson."
 16 A Yes.
 17 Q When did the delegation occur?
 18 A The delegation's visit, let's see, they flew into
 19 Madison the night of June 16th and they left for
 20 Chicago on June 26th.
 21 Q So June 16th of what year?
 22 A 2014.
 23 Q 2014. So I'm confused about the dates. Did you fill
 24 this out before the delegation?
 25 A Yes, yes, um-hum. Yes, it was for a project -- I

1 did -- not a Kang grant, but I did a PACCE grant the
 2 year prior that I requested for students who
 3 presented in Germany, who gave like 50-minute
 4 presentations in Germany and that gave them money
 5 that they could apply to their trip.
 6 Q Okay. So why does it say the delegation was hosted
 7 by? Are you talking about last year, are you talking
 8 about the PACCE --
 9 MR. HAWKS: Where are you referring,
 10 Anne?
 11 MS. BENSKY: The very first page.
 12 Q It says please find my itinerary. It's the second
 13 paragraph.
 14 A Yeah, it's because I had an itinerary that I was
 15 working on. I mean we had to have some kind of a
 16 plan for the German delegation. There was one other
 17 itinerary made that I never received, I was never
 18 given. So that was a visit of the delegation came up
 19 and I was approached by the facilitator of that visit
 20 in Germany about whether we could get some kind of
 21 idea of what their students, their police students
 22 would be doing in Platteville.
 23 Q Wait. Let me stop you there. I'm just looking at
 24 this paragraph that says please find my itinerary.
 25 Now, you testified that you completed this form

1 sometime around March of 2014.
 2 A Yes.
 3 Q And the delegation was started in June of 2014.
 4 A Correct.
 5 Q I'm confused by the language because it says the
 6 delegation was hosted by, and it lists people and
 7 then it says, "Transportation, events and several
 8 meals were paid for by the honorarium for my guest
 9 lectures.
 10 A I'm sorry. Yeah, I'm sure it should say will be
 11 paid.
 12 Q Will be paid?
 13 A Yeah.
 14 Q Okay. So this should have been written in the
 15 present tense?
 16 A Correct.
 17 Q So you completed --
 18 A Oh, no, I'm sorry. This is actually -- I've got to
 19 see if this is afterwards, because I think afterwards
 20 I had to write a report too, so I've got to see. I
 21 don't know whether that was -- because I had to
 22 submit -- afterwards I had to submit to what we
 23 actually did. No, I think that was actually what we
 24 said before. I would have to look at it. There were
 25 two forms submitted. One was before, one was

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1 bottom.
 2 A Okay.
 3 Q And at the bottom it says budget narrative.
 4 A Correct, yes.
 5 Q It says the \$1,000 faculty -- "salary/faculty release
 6 will partially reimburse me for the time and effort I
 7 will devote to the German delegation". Did you write
 8 that?
 9 A Yes.
 10 Q And the "CJ students to facilitate the program,
 11 transportation, meetings and workshops during the
 12 10-day visit"?
 13 A Yes.
 14 Q You wrote that?
 15 A Yes.
 16 Q "I will be the primary tour guide and translator and
 17 be available to our guests every day of their stay."
 18 Did you write that?
 19 A Yes.
 20 Q Was the \$1,000 applied for to reimburse you for time
 21 and effort or to reimburse you for out-of-pocket
 22 expenses?
 23 A I have it -- I had it in the salary/faculty release,
 24 so for time and effort.
 25 Q Time and effort?

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1 submitted after. This looks too short for that.
 2 No, I believe this one was submitted afterwards.
 3 It doesn't have a date. They were submitted -- the
 4 budget -- these things were submitted with an e-mail.
 5 Do you have the e-mail?
 6 Q Yeah. Well, let's see. Budget directions.
 7 A Because, see, it says here that it was scheduled here
 8 June 9th, 2014. So that was the last one. So that
 9 must have been afterwards. I don't know whether
 10 these documents were mixed up. That could be.
 11 Q Okay. That could be.
 12 A But it's -- yeah, I had to submit one afterwards and
 13 what I did is we -- I created a portion of the police
 14 function course was on language as a tool in policing
 15 and I had in fall of 2014, I did that project with
 16 Professor Witteck in Germany, so we created a
 17 Facebook page for that. We had exchanged on that
 18 kind of information, and that's what I spent the
 19 efforts on.
 20 MR. HAWKS: Anne, I just wanted to
 21 point out that this page, the information
 22 contained in the box at the bottom is in the
 23 future tense.
 24 MS. BENSKY: Okay.
 25 Q Look at the page where it says UW-P007264 at the

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1 A Um-hum, yes.
 2 Q Did you in fact receive \$1,000?
 3 A Yes.
 4 Q Please turn to where it says UW-P007266. It says
 5 Tentative Schedule for German Delegation Visit by
 6 Sabina Burton.
 7 A Yes.
 8 Q And it's dated June 9th, 2014?
 9 A Yes.
 10 Q And this is a two-page document?
 11 A Yes.
 12 Q Did you write this two-page document?
 13 A Yes, I did.
 14 Q When did you write it?
 15 A On or before -- it should probably be like before
 16 June 9th.
 17 Q Did you pick up -- on June 16th, did you pick up the
 18 students at UW-Madison? Just you can answer yes or
 19 no.
 20 A No.
 21 Q Did you arrive at Platteville at around 2 a.m. with
 22 them?
 23 A No.
 24 Q On June 17th did you attend a welcome
 25 breakfast/brunch --

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1 A No.

2 Q -- in Pioneer East?

3 A No, I didn't because --

4 Q I know. I just want to try to get through this. I'm

5 sorry. I really don't mean to cut you off.

6 A No, that's okay. No.

7 Q Okay. So at 11 a.m., tour of campus, visit of the

8 Pioneer farm and crime scene house, did you do this

9 with the Germans?

10 A No.

11 Q Early dinner at restaurant of choice in Platteville,

12 did you do that?

13 A No. I can make it shorter for you. I did not attend

14 anything. The schedule was actually changed, and the

15 only thing that I was invited to do was a 7 p.m.

16 presentation to the delegation on a Sunday night, and

17 the leaders of the German delegation asked whether I

18 could come to their goodbye event.

19 Q Now, prior to this, you had some sort of a family

20 emergency?

21 A Yes. Not just prior, during.

22 Q And what was your family emergency?

23 A My mother had hip replacement surgery done on

24 June 2nd, June 3rd, something like that, and she the

25 second day developed severe complications. She

1 She was pretty much out of it. They put her in

2 I think some kind of coma because she was really

3 irate and pulled out the IVs, so they put her in some

4 kind of coma and they said I wouldn't be able to

5 really help with anything at that time.

6 Q Okay. Did you send an e-mail to Mike Dalecki at any

7 time before June 16th indicating that you had a

8 family emergency?

9 A Oh, yes.

10 Q Did you ask for help with the German delegation?

11 A I said I could not lead it. I could not handle it.

12 I just -- I did not know whether at a moment's notice

13 whether I would have to leave. Somebody else had to

14 take over.

15 Q Sure. And how did he respond to you?

16 A His direct response, I'm not quite sure. I would

17 have to look at the e-mail again. At one point he

18 said -- I think he just acknowledged -- the first

19 time he just acknowledged it or said sorry to hear

20 about your mother and then at a later point he said,

21 you know, that -- he rejected my offer to help and

22 says, "No, you're now completely out of it. I don't

23 want you to do anything anymore," even though I tried

24 to help wherever I could. I just could not be in

25 charge of it. It was -- my schedule was pretty much

1 developed internal bleeding. They couldn't stop the

2 internal bleeding, and it really affected her already

3 damaged brain. She was hallucinating. She was

4 delusional. She suddenly was back during World War

5 II. She was put in intensive care. At that time

6 they didn't know whether she would make it.

7 My brother was recovering from -- he was in a

8 coma because of type 1 diabetes, and my sister just

9 suffered her second heart attack in May -- no,

10 actually in June, she had another one in June. So

11 she had one in December and then in June.

12 Q Where does your family live?

13 A In Germany, Switzerland and France.

14 Q In June of 2014 did you travel to Europe to see your

15 family?

16 A No, because I traveled to help make arrangements for

17 my mother's surgery the month before. I went in May,

18 and that was pretty much my allowance of how much

19 money I had set aside for the flight. I would have

20 if my brother asked me to come, I was pretty much on

21 call, but her condition was stabilized about a day

22 later and they were just waiting to see whether --

23 they were trying to stop the bleeding, working on

24 that, and then seeing how she would respond to

25 medication.

1 in a turmoil.

2 And then at one point, I don't know exactly in

3 order, whether it was e-mail No. 2 or 3 or 4, he

4 claimed that I dumped my guests on him.

5 MR. HAWKS: We've been at it for about

6 two hours. I was thinking about suggesting a

7 short break, maybe a few minutes.

8 MS. BENSKY: Okay. Yeah.

9 (Short recess is taken)

10 (Exhibit 15 is marked for identification)

11 Q So you have Exhibit 15. Now, this is a printout

12 that I got from the university. On top it says

13 online instruction payments, dates of service, fall

14 2013, date of payment, November 1st, 2013. Just

15 generally are you familiar with these types of

16 documents?

17 A I have not seen this type of document yet. So no.

18 Q Okay.

19 A But, you know, I --

20 Q I'm just going to ask you some questions. This is

21 more to refresh your recollection.

22 A Okay.

23 Q Now, do you recall -- you can see your name down

24 here.

25 A Yes.

1 Q And it says there's one \$500 payment for CRIMLJUS
2 7920 and one \$1,560 payment for --
3 A Actually two -- oh, no, Section 2. Okay. Got it.
4 Yeah.
5 Q CRIMLJUS 7030?
6 A Yes.
7 Q Do you see that?
8 A Yes.
9 Q Did you teach online courses in the fall of 2013?
10 Did you teach those two courses?
11 A I taught as overload.
12 Q As overload?
13 A Correct.
14 Q Okay. But my question was did you teach online
15 courses, those two online courses in the fall of
16 2013?
17 A Yes.
18 Q Okay.
19 A I think -- I don't know what -- 7030 might be law as
20 social control. I'm just trying to figure out which
21 course that was.
22 Q You taught two online courses?
23 A Yeah, actually it should be -- let's see. It says
24 Section 2, but this is I believe only half pay.
25 Q Right.

1 subsequential to her complaint, it wasn't an official
2 one, it was when he was in the dean's office, they
3 did an investigation and the dean, Mittie Den Herder,
4 at that time came to the resolution of that
5 Dr. Fuller would just report to her instead of him
6 and Caywood was very offended by that and because of
7 that, he did not want to sign it.
8 But he still -- his signature was still required
9 on those forms. He just didn't want to sign it. It
10 said, you know, signature of chair and he didn't want
11 to sign it.
12 Q Okay. So he did not want to sign online instruction
13 payment overload forms because of tension between him
14 and Dr. Fuller?
15 A Correct.
16 Q Did you around November 1st, 2013 receive the
17 payments that are listed on the first page of
18 Exhibit 15?
19 A Yeah, I believe all the payments so far were
20 complete, so there was nothing missing.
21 Q Okay. Same question for the next page, you see dates
22 of service, fall 2013, date of payment, January 1st,
23 2014, the very bottom of the page --
24 A Yes.
25 Q -- you're listed. Did you receive that \$1,000 and

1 A Yeah, okay. Then it makes sense.
2 Q Okay. So who needed to give you permission to teach
3 online overload courses?
4 A The department chair, but Dr. Caywood when I walked
5 into his office to get signatures never wanted to
6 sign those. I then gave them to Dr. Fuller and I
7 don't know where she got the signature from, whether
8 she went directly to the dean or whether she got it
9 from Caywood. But when I walked into his office, he
10 always refused to sign those.
11 Q He refused to sign?
12 A Yes, yes.
13 Q Did he ever sign any documents allowing you to teach
14 overload?
15 A Yes.
16 Q But what about the online?
17 A He did not want to sign anything that was online.
18 Q Why is that?
19 A He became very hostile toward the -- anything pretty
20 much that Dr. Fuller did after she had the complaint
21 in for sexual harassment that she filed with the
22 dean's office and we had the investigation. He was
23 really upset with her over that.
24 Q So she did not report to him, correct?
25 A Yes. I don't know exactly when. I think there was a

1 \$1,820 payment?
2 A Yes.
3 Q If you want to teach an online course as an overload,
4 who has to approve that? Does Dr. Fuller as the head
5 of that program have to give her permission?
6 A There are three signatures required. The chair of
7 the program and -- basically the chair of the CJ
8 program, the director of the graduate online program
9 and the dean.
10 Q Okay. So you just decide I want to teach these two
11 online courses as overload, you submit a form, you
12 get approval, and then you do it, is that the
13 process?
14 A Yeah. In general it's like the director of the
15 graduate online program asks I need instructors for
16 the graduate online program, anybody interested or
17 she comes directly to us with a particular course to
18 ask whether we would be interested in teaching that
19 or whether we could handle -- how many graduate
20 papers can you handle this semester, I'm looking for
21 people who can do seminar papers.
22 (Exhibit 16 is marked for identification)
23 Q Looking at the first page of what's been marked as
24 Exhibit 16, do you know what this first page is?
25 A Yeah, these are green papers. I believe these are

1 the forms that we fill out for -- no, let's see. Oh,
 2 that was, yeah, the winterim pay.
 3 Q Winterim?
 4 A Let's see, yes. Winterim, we have -- it's two weeks,
 5 very intense. It's like four-hour teaching. I
 6 believe that was a winterim course. I'm trying to
 7 see which one. I think it was psychology and the
 8 law -- yeah, psychology and the law for the psych
 9 department here. We taught by student enrollments.
 10 Q Okay. So you taught a winterim course?
 11 A Correct.
 12 Q And the course was psychology and the law?
 13 A Correct.
 14 Q Was this offered through the criminal justice
 15 department or the psychology department?
 16 A The psychology department. Yeah, it has the
 17 signature of our psych chair.
 18 Q Okay.
 19 A Liz Gates, I believe. It should be Gates --
 20 Q This one isn't signed by the -- this is signed by
 21 Dean Throop and Mittie --
 22 A Yeah, I'm just looking --
 23 Q -- Den Herder.
 24 MR. HAWKS: Sabina, you need to talk
 25 up, though.

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1 substance abuse, and he's been teaching that. I
 2 believe it's a cross-listed course. And otherwise I
 3 don't know of anybody else who we had at that time
 4 teaching -- under Caywood's chairship teaching in our
 5 CJ department.
 6 We had adjuncts. I mean they were hired as
 7 adjuncts, and they did not necessarily have to be
 8 from CJ, but they had to be qualified to teach a
 9 particular course.
 10 Q Okay. So people can be qualified to teach one
 11 particular course but not every single course --
 12 A Correct.
 13 Q -- in the department?
 14 A Yes.
 15 Q So, for example, would Tom Caywood be qualified to
 16 teach women and the law?
 17 A He should be. I mean as the chair of, you know,
 18 criminal justice --
 19 Q I'm not asking if he should be. I'm asking based on
 20 your knowledge of his professional work, is he
 21 qualified to teach --
 22 A I don't know.
 23 Q -- women and the law?
 24 A I don't know.
 25 Q Look at the next page of Exhibit 16. This says final

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1 THE WITNESS: Yeah, okay.
 2 MR. HAWKS: I'm having a hard time
 3 hearing you. The court reporter may be as well,
 4 although that's not necessarily --
 5 MS. BENSKY: Lisa has bat ears.
 6 Q Again my question was psychology and the law that you
 7 taught for a winterim course, is that offered through
 8 the psychology department?
 9 A Yes.
 10 Q Are you qualified to teach all of the courses in the
 11 psychology department or just this particular course?
 12 A No. There are a few courses in the psychology
 13 department that I could teach because of -- I got my
 14 degree from social ecology, which behavioral
 15 psychology is part of their fields.
 16 Q So as part of your professional research, there is
 17 some overlap --
 18 A Correct.
 19 Q -- with other departments?
 20 A Correct, yes.
 21 Q And I imagine that there's other professors at the
 22 university who have overlap with the criminal justice
 23 department?
 24 A We only -- we have I believe one professor from
 25 psychology, he teaches a very specific course on

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1 payment for development of CJ 7340 for online
 2 delivery. Can you explain what that is?
 3 A That was -- oh, I need to know what 7340 is. I
 4 wonder what it is -- the online delivery, whether
 5 that was the course development of -- yes, I believe
 6 that was the course development of a cybercrime
 7 course in the graduate online program that I
 8 developed for the director of -- for Director Fuller
 9 in fall -- summer and fall of 2013 to be finished
 10 by -- first taught by 2014.
 11 Q Cybercrime?
 12 A Correct. That must be the one, 7340, I think that's
 13 cybercrime, yes.
 14 Q And what does development of a course mean?
 15 A The course development means there's -- when we
 16 develop a brand new course.
 17 Q And you get paid additional money for developing a
 18 course, creating the curriculum?
 19 A Yes. For graduate courses, yes. Not for
 20 undergraduate courses.
 21 Q Was this course just called cybercrime, or was it
 22 something more specific?
 23 A No, cybercrime.
 24 Q Had you taught cybercrime as an undergraduate course
 25 before?

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1 A Yes.

2 Q And that was for the special topics?

3 A Current -- yeah, special topics or current topics.

4 Q Current topics?

5 A Correct.

6 Q And you taught cybercrime for undergraduates three times as a topic?

7 times as a topic?

8 A Yes. Two times, I believe. Let me see. I believe

9 it was twice. It was taught -- the problem was it

10 was taught I believe once or -- I actually believe

11 twice by Bob Roberts, and that's why the name was

12 changed the third time. It was still the same topic.

13 I wanted to put it so the curriculum committee -- the

14 rule is that a current topics course about a

15 particular topic can only be taught three times.

16 After that it needs to go through the curriculum

17 program to be approved.

18 It was taught three times. I did not want to

19 teach it a fourth time. Then I think Dr. Dalecki

20 changed the name to something. I wanted to teach a

21 different kind of form and different format, but he

22 already had it put in, so it was -- it had a strange

23 name at that time and I was I think kind of pushing a

24 little bit the envelope, but it was not like that was

25 done the first time. So it was being taught actually

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1 four times.

2 Q You taught it four times?

3 A I taught it -- that was the third time that I taught

4 it.

5 Q When did Dr. Dalecki change the name?

6 A It would have been changed in spring of 2014. That's

7 when it goes to the registrar's office.

8 Q It was taught under a different name in the fall of

9 2015?

10 A '14. And then now it's taught again under the same

11 name, but it's the same course. It's actually now

12 taught for the fifth time, at least the fifth time.

13 Q So Dr. Dalecki wanted to keep this course offered?

14 A As a current topics, yes.

15 Q So he changed the name to get around the three-year

16 rule?

17 A Yeah. He basically --

18 Q Who taught it in the fall of 2014?

19 A I did. He gave it to me.

20 Q So he wanted you to teach the cybercrime current

21 topic course a fourth time, so he manipulated the

22 system, so to say?

23 A Yes.

24 Q To allow you to teach that course a fourth time?

25 A He didn't allow me. He assigned it to me and wanted

403

1 me to teach it. So I did not actually ask for it.

2 Q Were you paid -- going back to the Exhibit 16,

3 Page 2, were you actually paid for the development of

4 the graduate online cybercrime course?

5 A Yes.

6 (Exhibit 17 is marked for identification)

7 Q You have Exhibit 17. It's two pages. Can you tell

8 me what this is?

9 A This is a contract between the distance learning

10 program and me to develop the cybercrime graduate

11 course.

12 Q That we just talked about?

13 A Correct, yes.

14 Q And you were paid \$3,750 for that?

15 A Correct.

16 MR. HAWKS: Can we go off the record

17 for a second?

18 MS. BENSKY: Yes.

19 (Discussion off the record)

20 Q How many graduate cybercrime courses did you develop?

21 A One.

22 Q On Exhibit 16, it says that you're being paid a final

23 payment for the development of CJ 7340, but on

24 Exhibit 17, it says you -- it's a memorandum of

25 agreement to develop a course that is criminal

404

1 justice 7430, so the 4 and the 3 are mixed around.

2 A Correct.

3 Q Do you think that that could be a misprint?

4 A I believe so.

5 (Exhibit 18 is marked for identification)

6 Q So you've been handed Exhibit 18. It's just one

7 page. Do you know what this document is?

8 A Yes. It looks like the -- the internship assignment

9 for -- it must have been still under Caywood. What

10 was the date here?

11 Q What's an internship assignment?

12 A We are asked each year usually in spring whether we

13 are interested in taking on internships during the

14 summer, and they in the past were assigned according

15 to academic rank.

16 Q What do you mean, you're assigned according to

17 academic --

18 A If you are interested, you are put in basically a

19 pool of people that get to teach them and then the

20 internships are divided up either according to rank

21 or to other reasons, you know, how many each person

22 gets so there is not really -- there was not really

23 an open role. It was a mix of rank and personal

24 connections, I guess.

25 Q Why did some people get paid more than other people?

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1 A The pay depends on your base salary. For example,
2 some of them, we look at Deb Rice and Ed Ross are
3 academic -- and Steve Elmer are academic staff and
4 they are in a different pay scale. Bemis is also
5 academic staff. So the eight is the credits. So
6 these are eight credits. An internship is for eight
7 credits.
8 Q So why did Lorne Gibson get so much more than you and
9 Aric Dutelle?
10 A These were assigned by Dr. Caywood and -- I mean he
11 also got to do 50 percent overtime, overload --
12 Q I'm not asking about that.
13 A Right, yeah.
14 Q I'm asking about this. Do you have an explanation as
15 to why Lorne Gibson was paid more than you or
16 Aric Dutelle?
17 A No. I mean explanation, yes. The same that why he
18 got more overload, he wanted it, and he was favored
19 in this regard.
20 Q So who set the salaries, do you know?
21 A That was done by Dr. Caywood.
22 MR. HAWKS: Could we establish a date
23 that this is happening?
24 Q I mean I don't --
25 A I can tell you --

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1 more.
2 And he felt -- that time also he said, well, you
3 know, he gave males -- he actually gave the reason
4 twice. He gave it in 2012, too, when Gibson also got
5 more, that, well, you know, Dr. Gibson is the primary
6 salary, breadwinner in the family, so he needs to get
7 more because he supports his family. I remember that
8 because I responded to him, well, you know, it's
9 actually the same case in my family. But he had his
10 own reasons because when I asked him the following
11 year why she listed here --
12 Q You said that somebody only got two internships.
13 A Yes.
14 Q What does that mean, two students?
15 A Correct. Two -- yeah, an internship is one student.
16 Q So the pay is based on the number of students who are
17 assigned to you as interns?
18 A It's based on that and your rank. So you get --
19 Q Rank, what do you mean by rank?
20 A I'm sorry, UW faculty, so if you are -- for example,
21 assistant professor, you have a certain base salary
22 and based on that, you get -- I don't know what the
23 formula looks like, but it used to be like 900 and
24 something and then it went up a bit when I became
25 associate professor and now it's down to 850, I

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1 Q I'm just trying to figure out what this document
2 means.
3 A These were the internships for 2013. The reason I
4 know is because Danelle Bemis was hired in 2012, so
5 she was only with us for one year. So it could only
6 be the year of -- the summer of 2013.
7 Q Thank you. So your testimony is that Dr. Caywood
8 arbitrarily decides how much money people are going
9 to get for this internship work?
10 A Yes.
11 Q How do you know that?
12 A Because that was his explanation in the past when I
13 asked him how internships were divided up, and he had
14 his personal reasons for it.
15 Q Well, okay. So you had a conversation with Caywood
16 about how internships are divided up?
17 A Correct.
18 Q What did he tell you? I want to know --
19 A I had two conversations. I had a conversation with
20 him in -- it was 2011. It was because Dr. Nemmetz --
21 at that time I don't think she had a doctor yet. She
22 only got two internships and she was upset that she
23 only got two when the discussion came up, and I asked
24 Dr. Caywood on what basis, and he said, well, she
25 gets other income, so he didn't think she needed

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1 believe. So it was a pay cut.
2 Q Let me ask you this. Do all associate professors get
3 the same base amount for interns regardless of what
4 their base salary is?
5 A I don't know.
6 Q But you do know that one explanation for different
7 payments could be the number of students?
8 A The number of students is one, and then, for example,
9 staff members get less than faculty members, I know
10 that.
11 Q At the time in 2013 you were an associate professor?
12 A Yes.
13 Q Do you know if Aric Dutelle was an associate
14 professor?
15 A Yes.
16 Q Do you know if Lorne Gibson was an associate
17 professor?
18 A Assistant.
19 Q Assistant. What about Diana Johnson?
20 A Assistant professor.
21 Q Assistant professor. So Diana Johnson made \$500
22 approximately more than you. Can you explain why?
23 A No. I know that Diana Johnson's base salary is lower
24 because she didn't have a Ph.D. So for Ph.D.'s, the
25 income salary was 50,000. Hers I believe was 48 or

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1 something. But how that formula looked like, I don't
 2 know.
 3 Q So she was an assistant professor with a lower base
 4 salary than you, but she made more money for this
 5 summer 2013 internship?
 6 A Yes.
 7 Q Other than her having more students than you, are
 8 there any other potential reasons why she would have
 9 made more money than you?
 10 A I don't think so. I think it's because she had six
 11 listed and I had five.
 12 Q How do you know she had six?
 13 A It says so right in front of the name. This is the
 14 number of interns.
 15 Q Oh, okay. Now, Ed Ross, was he academic staff?
 16 A Correct.
 17 Q And Deb Rice was academic staff?
 18 A Correct.
 19 Q Steve Elmer was academic staff?
 20 A Correct. And Danelle Bemis.
 21 Q If you had five students and Dutelle had five
 22 students and you were both associate professors at
 23 the time, why did he get \$400 approximately more than
 24 you? Do you have any explanation for that?
 25 A Nope.

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1 Q Are you able to quantify that in the number of work
 2 hours that you had to put in?
 3 A That's -- oh, advising goes over two weeks. It's put
 4 in -- advising per week, the hours are usually I
 5 would say about 16 hours a week easily. So --
 6 MR. HAWKS: I'm sorry, I didn't
 7 hear.
 8 THE WITNESS: Sixteen hours at least.
 9 A That's an estimate. It's based on our -- we have 10
 10 hours served for normal office hours and they are
 11 usually full. They're taken and then we have to give
 12 additional office hours for advising, so that
 13 probably averages out to about I would say 15 to 20
 14 hours of advising that we do during advising season
 15 per week.
 16 Q And advising season is two weeks long?
 17 A It's actually three weeks, but the last week it's
 18 much lower. And then you always have some late
 19 people coming in, so it trickles in. So it can go
 20 for a few more weeks.
 21 Q So your estimate is around 30 to 40 hours total?
 22 A Yeah. That's probably accurate.
 23 Q In the spring of 2012 when you had release time, were
 24 you required to have office hours?
 25 A For that purpose, yes. And then --

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1 (Exhibit 19 is marked for identification)
 2 Q Do you recognize this document that is Exhibit 19?
 3 A Yes.
 4 Q What is it?
 5 A It's the notice that I got the grant for the
 6 sabbatical from the UW System, the Institute for
 7 Ethnicity -- Race and Ethnicity.
 8 Q Okay. So you received the faculty diversity research
 9 award in 2011 and this was for work to perform in the
 10 spring of 2012, is that correct?
 11 A Not really work. It was kind of research. It was to
 12 free up time. It was giving me release time for
 13 research and writing on that topic.
 14 Q In spring of 2012?
 15 A Correct.
 16 Q Now, in the spring of 2012 were you released from
 17 teaching all your regular courses?
 18 A Yes, I was. I taught one course, though.
 19 Q You taught one course as an overload, correct?
 20 A Correct. And that had to do with that topic. I got
 21 special permission from the Institute on Race and
 22 Ethnicity for that.
 23 Q And in the spring of 2012, Caywood asked you to
 24 advise 60 students?
 25 A Yes.

411

1 Q But not for advising. Let's just stop -- just in
 2 general did you have to hold office hours even though
 3 you were released from your course load?
 4 A I do not recall.
 5 Q Did you tell Caywood that you were not able to do the
 6 advising?
 7 A I remember having a conversation with him on -- that
 8 had to do actually with the development of the study
 9 abroad that said like, you know, I don't want to get
 10 in trouble with the institute because I'm not
 11 supposed to work on anything else and then he says,
 12 "Oh, don't worry about it, I'll handle this."
 13 So he was very well aware, so when he gave me
 14 the advisees, since I knew he was aware of it, I just
 15 did it.
 16 Q So the answer to my question is, no, you did not tell
 17 him that you were not supposed to take on advisees?
 18 A Not that I specifically recall.
 19 (Exhibit 20 is marked for identification)
 20 Q Do you recognize this e-mail that's Exhibit 20?
 21 Look at just the first e-mail.
 22 A Yes, yes. And Laura Anderson was our interim dean at
 23 that time.
 24 Q Did you end up teaching domestic terrorism for the
 25 spring of 2012?

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1 A Yes.
 2 Q As an overload course?
 3 A Yes.
 4 (Exhibit 21 is marked for identification)
 5 Q You've been handed Exhibit 21. I know it's
 6 virtually illegible in places. This is more just to
 7 refresh your recollection. Did you receive \$3,000
 8 for teaching an overload course in the spring of
 9 2012?
 10 A Yes.
 11 (Exhibit 22 is marked for identification)
 12 Q So Exhibit 22 is a couple pages. Let's just look
 13 at the first page. This is a request for additional
 14 payment, and it says payment for teaching the
 15 short-term faculty-led program UWPSTUDY 3000, police
 16 study in Berlin, Germany, you see that?
 17 A Yes.
 18 Q Did you receive \$3,833 for teaching the listed
 19 program?
 20 A Yes.
 21 Q Was this the program that was in Germany?
 22 A Yes.
 23 Q But the program in Germany was in 2012, wasn't it?
 24 A No. It took about a year to set it up. It had to go
 25 through curriculum committees. It had to be

414

1 listed as 3,000. Do you know why you were paid \$375
 2 more?
 3 A I believe the 3,000 was the amount I was paid as an
 4 assistant professor and the rate was higher for
 5 associate. I believe that's the difference.
 6 Q Okay. Did you --
 7 A And that makes sense, too, because it's very similar
 8 to what was the overload pay in the summer. So
 9 likely more because of the students enrolled.
 10 Q So on a form that says request for additional
 11 payment, that would be considered an overload
 12 payment?
 13 A Yes.
 14 Q And overload is anything that is above your contract
 15 amount?
 16 A Correct. Four courses are regular load and a fifth
 17 course would be considered overload.
 18 Q So as a professor, you have a contract to teach four
 19 courses, correct?
 20 A Correct.
 21 Q And your contract is a nine-month contract?
 22 A Correct.
 23 Q So any work that you do outside of that contract you
 24 get paid for?
 25 A Correct.

416

1 approved, it had to be advertised. It had to go to
 2 the international programs study abroad fair. So
 3 that was all --
 4 Q When did you go to Germany to teach?
 5 A It was during those days. June 4th to June 19th.
 6 And then actually the grading of the papers that the
 7 students wrote about the project, I got about another
 8 week, I believe, after that, the grades had to be
 9 submitted. It was the first portion of summer
 10 session. So summer session is divided up into three
 11 parts that one can teach.
 12 Q Okay. So did this money come from that PACCE grant?
 13 A No, that was actually -- it was a regular course,
 14 like a summer course.
 15 Q But in Germany?
 16 A In Germany, yes. So that's why there are tests and
 17 there are papers that the students have to write and
 18 they have to be graded and I had to -- I gave
 19 lectures in Germany about the German system and in
 20 preparation of the trip.
 21 Q Okay. The next page, now, this says request for
 22 additional payment, has your name, amount to be paid
 23 is \$3,375. Do you see that?
 24 A Yes.
 25 Q Do you know -- the original amount to be paid was

415

1 Q Unless you're volunteering?
 2 A Correct.
 3 Q And when you're getting paid for additional work, you
 4 need to fill out a form to get paid?
 5 A Correct. And there is a limit to how much we can do
 6 if there's -- for the summer and then for overload
 7 during the nine months.
 8 Q So you submitted this request for additional payment
 9 on Exhibit 22, the second page, it says UW-P007093 at
 10 the bottom.
 11 A Okay, yes.
 12 Q Are you looking at 7093?
 13 A 93, sorry, yeah.
 14 Q Okay. So you submitted this to teach CJ 4630
 15 cybercrime?
 16 A Yes.
 17 Q And Tom Caywood signed it?
 18 A Yes.
 19 Q Can you read the date that he signed it?
 20 A It says 11-2-12, I believe.
 21 Q So sometime in November?
 22 A Yes.
 23 Q Of 2012, does that make sense?
 24 A Yes. I wonder what -- oh, yeah, okay. Cybercrime,
 25 that would be for spring, I assume. Yeah, that was

417

1 teaching for spring. Yes. That's about the time in
 2 November when courses have to be submitted.
 3 Q So this is a course you taught in the spring of 2013,
 4 but you needed to get permission to teach it in the
 5 fall of 2012?
 6 A Yeah. The permission actually has to be granted
 7 before that because it has to go -- the advising
 8 season is already pretty much over by the time it was
 9 signed, which means the course had to be already in
 10 the system. Otherwise people cannot enroll in it.
 11 Q Okay. So Tom Caywood approved this?
 12 A Yes.
 13 Q And Dean Throop approved it on November 26th, 2012?
 14 A Correct.
 15 Q And then Mittie Den Herder approved it on
 16 November 27th of 2012?
 17 A Correct.
 18 Q Now, this was soon after that student complaint
 19 incident?
 20 A Correct.
 21 Q Look at the next page. It says 007094.
 22 A Okay.
 23 Q And at the top, it has your name and then in the
 24 middle it says unit providing additional payment.
 25 Then it says distance learning, \$1,000. What does

418

1 A Yes.
 2 Q The next page. It says 7097 at the bottom. And this
 3 is a request for additional payment for \$250 to
 4 supervise one intern.
 5 A Yes.
 6 Q Did you submit this payment request?
 7 A It does not have my signature. I remember that I did
 8 an intern during that time. We had somebody was
 9 supposed to do it and then didn't want to and I was
 10 asked to take over for that person.
 11 Q Who asked you to take over for that person?
 12 A I don't remember, but I remember that it was pretty
 13 late that this intern was assigned to me for spring.
 14 Q Were you in fact paid \$250 --
 15 A Yes.
 16 Q -- for taking on this intern?
 17 A Yes.
 18 Q And Tom Caywood signed this form on December 5th of
 19 2012 --
 20 A Yes.
 21 Q -- do you agree? And Dean Throop signed the form
 22 on --
 23 A Yes. 12-12.
 24 Q Let me finish the question so we have a clean record.
 25 So she signed the form on December 12th, 2012?

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1 that mean?
 2 A Two seminar papers, two graduate seminar papers.
 3 Q And was the \$1,000 in addition to the 3,375 you got
 4 for CJ 4630 cybercrime?
 5 A Correct.
 6 Q Were you in fact paid an additional \$1,000 for
 7 distance learning?
 8 A Yes.
 9 Q And were you in fact paid an additional \$3,375 for
 10 teaching CJ 4630?
 11 A Yes.
 12 Q And this request, was it filled out by you? Is that
 13 your signature?
 14 A Yeah, the distance learning I filled out. The
 15 correction up there, somebody else made those, and I
 16 signed it, yes.
 17 Q Okay. And you signed it November 21st, 2012?
 18 A Correct, yes.
 19 Q And it looks like Tom Caywood signed it
 20 November 21st, 2012?
 21 A Yes.
 22 Q And Dean Throop signed it on November 26th --
 23 A Yes.
 24 Q -- 2012? And they approved this additional payment
 25 after the student complaint?

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1 A Correct.
 2 Q And that was after the student complaint?
 3 A Yes.
 4 (Exhibit 23 is marked for identification)
 5 Q Okay. I'm giving you a form, Exhibit 23. At the
 6 top of the page it says University of
 7 Wisconsin-Platteville, request for summer appointment
 8 in excess of 2/9. I know this paper is not yours,
 9 but do you recognize the form itself?
 10 A Printed on pink paper, yeah. I think these are the
 11 forms for if one exceeds \$10,000 in summer teaching,
 12 one has to get approval. I think it goes through the
 13 system.
 14 Q UW System?
 15 A Yes, I believe so. I had one of those done, too, at
 16 one point.
 17 Q When did you have one of those done?
 18 A I don't remember. But I know I had one -- I'm
 19 familiar with those pink -- we call them pink slips.
 20 It's kind of funny because they're not.
 21 Q Because they pay you extra?
 22 A Yeah.
 23 Q So the pink slip, it's a form that has been printed
 24 that people fill out when they need to exceed the
 25 amount of money that they're allowed?

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1 A Yeah. I think it's for the summer, it's like
 2 one-ninth of the academic year salary and then for
 3 the nine-month appointment is I believe 14,000,
 4 something like that. So if you go over that amount,
 5 you need to get approval by the system.
 6 Q Okay. This is a form for Aric Dutelle, and my
 7 question is he lists grant writing, June through
 8 August. This looks like it's for the -- for sometime
 9 in 2012. Do you have any reason to believe that
 10 Aric Dutelle did not actually do grant writing?
 11 A I think during that time Aric Dutelle -- Lorne Gibson
 12 and I did grant writing, but only Dutelle got paid
 13 for it, so --
 14 Q So you don't think Dutelle did any grant writing?
 15 A No, he did. We all did grant writing, but he got
 16 paid for it, so that's the difference, yes.
 17 Q So Aric Dutelle did grant writing, it looks like?
 18 A Yeah, yes.
 19 Q Do you recognize where it says signature of employee,
 20 do you recognize that signature as Aric Dutelle's?
 21 A I don't remember, but that is -- it's been a while.
 22 Q Okay. That's fine.
 23 A I have no reason to doubt that that is his signature.
 24 Q Do you know if he was the FI coordinator during June
 25 through August of 2012?

1 it anymore either. He think I got bored with it.
 2 When you do something like this multiple times, you
 3 kind of get a little bit burned out.
 4 So I think Diana Johnson did it for one year and
 5 then -- I think it was lack of interest or nobody
 6 there right now who is interested in doing it.
 7 Q Okay. Do you know what Aric Dutelle needed to do for
 8 that camp?
 9 A Yeah. I observed a bit because of my daughter. I
 10 knew some -- I know they did some fingerprinting or
 11 fingerprint dusting. They reconstructed a crime
 12 scene and students walked through it.
 13 Q Do you know if he was teaching for two weeks
 14 straight?
 15 A No. It was -- we had some students who came in and
 16 oversaw that and they got paid for it. I believe
 17 they got some -- because they charged students to do
 18 the camp and so with the money paid, they paid the
 19 instructors, and I think Dutelle started this program
 20 already as an academic staff member and then
 21 continued as a faculty member.
 22 So John Rink and Aric Dutelle were paid, and
 23 then they had some student workers I believe on it.
 24 I don't know who else they brought in, but they had
 25 other activities for the kids too. So it was pretty

1 A To my knowledge, he was, yes.
 2 Q And the next thing, it says some sort of technology
 3 camp for June. Do you know if he did that?
 4 A Yes, that's his so-called community service that he
 5 got paid for.
 6 Q Do you know what it entailed?
 7 A Yes. My daughter actually did this camp, too, one
 8 year.
 9 Q What was it?
 10 A It's a summer camp for high schoolers interested in
 11 forensic investigation. It's done with John Rink,
 12 who does prelaw in our political science department,
 13 and it's pretty much crime scene investigation or
 14 forensic work from kind of the beginning of the crime
 15 to all the way to presenting the case in court. So
 16 they have a mock court, and it's a pretty cool
 17 program.
 18 Q Cool.
 19 A Yeah, it really is. My daughter really enjoyed it.
 20 Q How long does it last?
 21 A I believe it's about two weeks, three weeks, and they
 22 live on campus. Yeah, it's a neat program. We don't
 23 have it anymore, unfortunately.
 24 Q Why don't you have it anymore?
 25 A I think the last year, I don't think Dutelle taught

1 much a camp thing so where the kids lived on campus
 2 and they had a camp counselor hang out with them and
 3 accompany them to breakfast and to lunch and
 4 things.
 5 Q Do you know how many hours Aric Dutelle put in in
 6 order to put that program together?
 7 A I do not know. I'm sure there was at one point it
 8 had to be developed and, you know, I believe that
 9 he -- or he would have been the person to develop it,
 10 and then John Rink did his part of that. And then
 11 later on the amount you spend with the kids in the
 12 classroom.
 13 Q And you just don't know for 2012, June of 2012 how
 14 many hours he actually put in?
 15 A No. I just know that he divided up the time. He had
 16 some of his FI students also take over certain
 17 portions. For example, I remember my daughter
 18 mentioned that there was one of the students that she
 19 clicked really well who did a lot of work with the
 20 group of his.
 21 Q All right. And then the last thing on here, FI/CU
 22 internship, do you know if he --
 23 A I think it's CJ, not CU.
 24 Q Oh, CJ makes more sense. Do you know if he had
 25 interns during --

1 A Yes, he had interns to my knowledge every summer he
 2 was interested in doing those.
 3 Q Let's look at the next page. It says here that
 4 Aric Dutelle is being paid for services outlined in
 5 the Office of Justice Assistance grant. Do you know
 6 anything about the Office of Justice Assistance grant
 7 that Aric Dutelle got?
 8 A No.
 9 Q Do you have any reason to believe that Aric Dutelle
 10 did not actually receive an Office of Justice
 11 Assistance grant?
 12 A No. This is the first time I really heard about
 13 that.
 14 Q Do you know whose signature is at the bottom of this
 15 page?
 16 A I recognize it as Provost Den Herder's signature.
 17 Q And who signed above Provost Den Herder?
 18 A That looks like Caywood's, but I'm -- I don't know.
 19 Q Well, look at the previous page.
 20 A Yeah, I know he wrote different --
 21 Q Tom Caywood definitely signed that, right? You see
 22 his signature?
 23 A The previous page?
 24 Q Yeah.
 25 A Well, yeah, the previous one he wrote -- signed, and

1 this one, I mean it has -- it looks like a T, it
 2 looks like a C, but that's why I hesitated because it
 3 looks different than how he signs it. So
 4 chair/director of the unit, so I just wonder who else
 5 that could be.
 6 Q Okay. So you don't know?
 7 A No.
 8 Q Okay. Look at the next page. This is another one
 9 for Aric Dutelle. And it says this is for work done
 10 on vetting the growth agenda institutional change
 11 grants on campus. Have you ever heard of that
 12 before?
 13 A No.
 14 Q Do you have any reason to believe that Aric Dutelle
 15 did not do work on vetting the growth agenda
 16 institutional change grant on campus?
 17 MR. HAWKS: Object to form. But you
 18 may answer.
 19 A I mean this is the first time I've seen or heard
 20 about that. So that was never shared with the
 21 department or these opportunities were never shared
 22 with anybody else in our department.
 23 Q So but you have --
 24 A I assume he did it.
 25 Q Do you know whose signature is at the bottom other

1 than Provost Den Herder's?
 2 A Again, no. It looks like the same one as on the
 3 previous page.
 4 Q Okay. Let's look at the last page. It says
 5 Lorne Gibson.
 6 A Okay, yeah.
 7 Q Do you have any reason to believe that Lorne Gibson
 8 did not teach this overload course?
 9 A No, I remember that he taught a history of crime
 10 overload course.
 11 Q Moving right along.
 12 (Exhibit 24 is marked for identification)
 13 Q Please look at the first page of Exhibit 24. I
 14 think it's double-sided. So I guess the first and
 15 second pages.
 16 A Okay.
 17 Q Tell me what this is.
 18 A The first is the letter that I got from the provost's
 19 office. It talks about my tenure.
 20 Q Is there anything in your tenure letter that
 21 indicates you will teach 25 percent of your regular
 22 courses as online courses?
 23 A No.
 24 Q And turn to the next page, please. And again it's
 25 two pages. It's double-sided. Is this your teaching

1 contract?
 2 MR. HAWKS: Objection to form.
 3 Q What is this? What is this document?
 4 A This looks like this has the signature of a previous
 5 chancellor, Markee, on it. That was sent to me -- if
 6 I remember correctly, it was sent to me in the mail
 7 before I came to UW-Platteville. This is the
 8 teaching contract at UW-Platteville.
 9 Q Is that your signature --
 10 A Yes.
 11 Q -- on the back page? And that is the former
 12 chancellor?
 13 A Yeah, Markee.
 14 Q Is this the contract that you are still teaching
 15 under?
 16 A Yes. I never got a different contract.
 17 Q Is there any place on this contract that indicates
 18 you will teach 25 percent of your regular course load
 19 online?
 20 A It does not specify, but your principal assignment
 21 will be teaching on campus and online courses. So
 22 that entails a minimum of one course online. Because
 23 we don't have half courses online.
 24 Q So your principal assignment will be teaching on
 25 campus and online courses. You read that partial

1 sentence to mean that you must -- that you are
2 contracted to teach at least 25 percent of your
3 courses online?
4 A Yeah. And we have paperwork to submit to you in a
5 part of what you requested that will support that.
6 Q That will support that interpretation?
7 A .25, yes.
8 Q What paperwork?
9 A From Dr. Fuller to Caywood.
10 Q And what kind of paperwork is it?
11 A It's e-mail based on that. It's including my
12 itinerary and including my schedule for the first
13 year that talks about the .25 appointment online.
14 MR. HAWKS: Those documents are being
15 assembled as part of the plaintiff's response to
16 your supplemental discovery. So you'll be
17 receiving them.
18 MS. BENSKY: Okay.
19 Q In the fall of 2009, did you teach at least 25
20 percent of your regular courses online?
21 A I was -- I got release time, .25 for --
22 Q Let me just try to get a yes or no answer, and then
23 I'll ask the next question.
24 MR. HAWKS: This may require some
25 explanation, counsel, though. It's not readily

1 Q So in the fall of 2010, did you teach any online
2 courses as your regular load?
3 A No.
4 Q And in the spring of 2011 --
5 A No.
6 Q -- did you teach -- what about the fall of 2011?
7 A No.
8 Q What about the spring of 2012?
9 A No.
10 Q What about the fall of 2012?
11 A No.
12 Q So you felt that your contract was being violated
13 this whole time?
14 A Yes.
15 Q What did you do about it?
16 A I told Caywood that I wanted to teach, that was one
17 of the reasons that I came to Platteville, because I
18 had the option. I turned down an offer from a
19 university in Arkansas that did not have graduate
20 teaching involved and my mentor at UC-Irvine said you
21 want to teach in the graduate program because that
22 increases your chances for research opportunities and
23 other professional opportunities.
24 Q Somebody at Irvine told you that?
25 A Yes.

1 answered yes or no.
2 Q Let me try it again. In the fall of 2009, did you
3 teach at least 25 percent of your courses online?
4 A No.
5 Q Why not?
6 A Because I was on -- I had .25 release to learn how
7 the graduate online teaching program worked. That
8 was, by the way, not given to anybody else
9 afterwards.
10 Q In the spring of 2010, did you teach at least one of
11 your regular courses online?
12 A Yes.
13 Q What course was that?
14 A Law as social control.
15 Q And are there any semesters where you did not -- let
16 me ask a different question. Have you always taught
17 at least one course online as part of your regular
18 teaching load?
19 A There needs to be an explanation. Caywood refused to
20 give me to teach .25 to Fuller after she claimed that
21 he sexually harassed her. That was his way of
22 getting even. He says you will no longer teach for
23 her, and they argued over that.
24 Q When was that?
25 A That was in spring of 2010.

1 Q Okay.
2 A Yeah.
3 Q But the person at Irvine who told you that does not
4 have any connection to what happens at Platteville?
5 A No. Only to Madison.
6 Q So other than talk to Caywood about it, did you go to
7 the chancellor?
8 A I complained to our dean at that time and when she --
9 Q That was Mittie Den Herder, right?
10 A Yes, yeah.
11 Q And how did you complain to her, verbally, e-mail?
12 A She called us in to talk about the claim that
13 Dr. Fuller made and she talked to every employee in
14 the CJ department at that time. We had another
15 investigation that was based on Dr. Fuller and
16 Amy Nemmetz's claim in 2011 and that was done by
17 Alison Bunte and I brought it up again during that
18 time that these two don't get along and I'm affected
19 by it because I'm the only employee in the CJ program
20 who has both of them as boss and that it really
21 affects me negatively.
22 Q What was Amy Nemmetz's complaint?
23 A She actually then switched afterwards -- she felt it
24 was a sexist environment. She felt discriminated in
25 the search process. Her dissertation was pulled when

1 she applied for the position in 2011. Her
 2 dissertation was the only one that was pulled and
 3 looked at by Dr. Caywood and he made comments on the
 4 dissertation. He did not pull any other applicant's
 5 dissertation.
 6 Q So she assumed that because he had comments about her
 7 dissertation that he was sexist?
 8 A It was not just about the dissertation, but it was
 9 also other comments that he made.
 10 Q What comments did he make?
 11 A She notified him that he was -- that she was a
 12 finalist for a university in Dubuque and he said he
 13 saw that as an attempt to blackmail him and he took
 14 offense to that and said he would be happy to write
 15 her a letter of recommendation. So he will not, you
 16 know, be pressured into hiring her because of that.
 17 Q And she felt that was sexist?
 18 A I think that was interpreted because when Dutelle
 19 made the same claim, it got him two years toward
 20 tenure and it was not seen as a threat.
 21 Q And how do you know this?
 22 A Because he bragged to me about it. He was a finalist
 23 at the --
 24 Q Who bragged to you about it?
 25 A Aric Dutelle. He said he was a finalist for -- at

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1 MR. HAWKS: Objection to the form of
 2 the question.
 3 A I could only verify information that has to do with
 4 my courses, and from glancing over it, it seems to be
 5 accurate, yeah. I don't see why not.
 6 Q Okay. Looking at the first page, it looks like you
 7 taught three courses, right?
 8 A Yes.
 9 Q Intro to criminal justice, two sections?
 10 A Correct.
 11 Q And women and the law?
 12 A Correct.
 13 Q And then you had 25 percent release?
 14 A Correct.
 15 Q Look at Page 2. Spring of 2010, it looks like you
 16 have one section of U.S. courts and the criminal
 17 justice system. Do you remember teaching that in
 18 spring of 2010?
 19 A Yes, the U.S. courts I got as an overload. Because
 20 my fourth course was the online graduate course.
 21 Q So then you taught women and the law, two sections?
 22 A Correct.
 23 Q And it says 3730. What does that number mean?
 24 A Which one again? 37 --
 25 Q Women and the law. Page 2.

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1 the Upper Iowa University.
 2 Q Did Caywood ever tell you that the reason why
 3 Aric Dutelle got two years toward tenure was because
 4 he had other job offers?
 5 A No.
 6 Q You agree that Cheryl Fuller is not a signatory to
 7 this contract?
 8 A Yes.
 9 (Exhibit 25 is marked for identification)
 10 Q Okay. So you've been given Exhibit 25. This is a
 11 document that I received from the registrar's office,
 12 and it lists the fall and spring criminal justice
 13 courses between the fall of 2009 and the fall of
 14 2014.
 15 A Okay.
 16 Q Your attorney has this as an Excel document. This is
 17 the first time it's been printed.
 18 MR. HAWKS: Did you say we have it?
 19 MS. BENSKY: You have it as an Excel
 20 document.
 21 MR. HAWKS: As an Excel document?
 22 MS. BENSKY: Yes.
 23 Q Dr. Burton, I would just like you to page through
 24 this and tell me if you agree that the information
 25 contained on the spreadsheet is correct.

435

1 A I've got it now. 3730?
 2 Q Yeah, the class?
 3 A This is the course number.
 4 Q The course numbers?
 5 A Yes.
 6 Q What's the difference between 1000 level, 2000 level,
 7 3000 level courses?
 8 A 1000 are mostly freshmen. 2000, we have freshmen and
 9 sophomores in it. 3000, we have sophomores and
 10 juniors in it. And then 4000, we have mostly juniors
 11 and seniors in it.
 12 Q What do you consider upper level courses?
 13 A Upper level are 3000 and then 4000 especially. 4000
 14 are more where the students have to do some more
 15 research.
 16 Q And the 7000, is that graduate?
 17 A Correct.
 18 Q How do you know it's online?
 19 A It's because we only have online graduate program.
 20 Q At Platteville?
 21 A Yes. We don't have on campus.
 22 Q Okay. Now, in the fall of 2010 it looks like you
 23 taught two sections of intro to criminal justice?
 24 MR. HAWKS: What page are you on?
 25 MS. BENSKY: I'm sorry, Page 4 at the

437

1 very bottom.

2 Q You taught two sections of intro to criminal justice?

3 A Yes.

4 Q And four sections of women and the law?

5 A It's actually two -- women and the law is

6 cross-listed with women studies.

7 Q Oh, I see.

8 A Yeah, that one is kind of goofy.

9 Q So only two sections of women and the law?

10 A Correct, yeah.

11 Q And then 4500, directed individual studies, what does

12 that mean?

13 A Those are unpaid. We can take on up to five students

14 for directed studies, and I've done that pretty much

15 from the first year on. We do undergraduate research

16 projects with them.

17 Q Okay.

18 A They can be anywhere from one to three credits.

19 Q Okay. Criminal justice 7030, criminal justice

20 systems, that's an online course?

21 A Correct.

22 Q Did you teach that as an overload?

23 A Yes, that must have been overload because I did not

24 get -- let's see. I'm looking for my regular. I'm

25 pretty sure that was overload.

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1 is a department, but it's so small that it didn't

2 have a chair per se. It has a coordinator. It was

3 too small. It did not have enough -- it had barely

4 any majors in it. So I'm not familiar how many

5 majors, or if any, they have in women's and gender

6 studies.

7 Q Are you qualified to teach any women's studies

8 courses other than women and the law?

9 A Since, yeah, based on my master's degree, yes, I

10 would be qualified to teach in the undergraduate

11 program because it's part of social sciences or

12 sociology, and I have that background.

13 Q What was your master's degree in?

14 A Political science, sociology and law.

15 Q Have you always taught women and the law?

16 A Yes. This is my first semester where I'm not

17 assigned to women and the law. It's not popular.

18 You don't easily find somebody else to teach it.

19 Q Who is Marianne Black? She taught women and the law

20 spring of 2012.

21 A She was -- taught first as an adjunct. I only met

22 her once. She lived too far from campus, and we had

23 three courses -- three sections of women and the law

24 that semester, and she took one.

25 Q Have you ever taught in the forensic investigation

440

1 Q On this document, if there's a class that's a 7000

2 class, is that always an online graduate class?

3 A When it's 7000, yes. All the 7000 courses are

4 graduate.

5 Q And unlike that 4500 where you don't get paid, do

6 people always get paid to teach the classes with the

7 numbers that are in the 7000s?

8 A Yes. The only courses we do not get paid are the

9 directed individual studies. So they are unpaid.

10 They are kind of volunteer. And when we do direct

11 studies in the graduate program, then they are in the

12 form of the seminar papers and are paid.

13 Q So women and the law is cross-listed for women's

14 studies. Is women's studies a major or a program or

15 a department? What is it?

16 A It is -- at that time -- yeah, I believe it's a

17 department. I don't think they had a chair then

18 because it was relatively small. Now it's

19 Melissa Gormley to my knowledge is the chair of women

20 and gender studies. So it is a department. I

21 believe they have majors.

22 Q It's a department?

23 A Yes.

24 Q Just like criminal justice?

25 A Yeah, it's just like -- well, sociology, for example,

439

1 program?

2 A No. I was never allowed to do that.

3 Q Have you ever -- so you've never taught the

4 fingerprint --

5 A No.

6 Q -- class?

7 A No. This is my first semester in teaching the FI

8 program.

9 Q You're teaching in the FI program now?

10 A Yeah, yeah. If I may add, this is something -- can I

11 make a correction to the deposition from August?

12 Q Yes.

13 A You asked me about the textbook of Aric Dutelle. I'm

14 working with this now and you asked about the

15 quality. It's really not good quality. I never

16 really read it, but in working with it now, there's

17 some serious mistakes in it, and the chair of our

18 program now has asked actually me to find a new book,

19 and that was her request, not because of what I said.

20 Q Okay.

21 A So just a correction.

22 Q Have you taught investigative photography?

23 A No. Not at that school. It was part of a program

24 that I taught at another school.

25 Q So in the spring of 2013, you taught two sections of

441

1 the police function?
 2 A Yes.
 3 Q And I'm on Page 16, I'm sorry, at the bottom.
 4 A It was after Bob Roberts, who was assigned to teach
 5 this class, left.
 6 Q But you taught the police function before, hadn't
 7 you?
 8 A That was actually part of -- you know, there are
 9 certain courses that are kind of associated with the
 10 position you have, and that was a course that they
 11 could not -- I mean a position that they could not
 12 fill, and so Dr. Caywood asked me in the summer of
 13 20 -- when did I teach it the first time?
 14 Q I see fall of 2012 you taught police function.
 15 A Yeah, that's when I taught it for the first time
 16 because they had a failed search. So he asked me to
 17 fill in for that course.
 18 Q And you're qualified to teach that course?
 19 A Yeah. That's an easy course to teach.
 20 Q It sounds like it's kind of an important course,
 21 though, police functions?
 22 A It's one of our core courses. It's intro to criminal
 23 justice, police function, correctional philosophy,
 24 criminal law and then seminar courses in CJ.
 25 Q What's a core course, what does that mean?

1 A Yes.
 2 Q As an online course?
 3 A Correct.
 4 Q Was that an overload?
 5 A That was an overload, yes.
 6 Q Did you teach seminar paper research online?
 7 A Correct.
 8 Q Was that an overload?
 9 A That was also overload.
 10 Q Do you agree that the courses you were assigned to in
 11 the spring of 2014 were assigned by Mike Dalecki?
 12 A Yes.
 13 Q Now, Mike Dalecki was not in -- not affiliated with
 14 criminal justice in 2012, do you agree with that?
 15 A Yes.
 16 Q Please turn to Page 24, at the very bottom. Fall of
 17 2014. You taught the police function?
 18 A Right.
 19 Q Now, I have a friend who teaches at Madison and he
 20 teaches, you know, in the history department, he
 21 teaches introduction to history. He was saying that
 22 it's really important to have a really experienced
 23 professor teaching the introduction courses because
 24 all of the students have to go through that, that's
 25 their introduction to the program. Do you agree with

1 A For CJ majors, those are required courses to take.
 2 Q So every student that comes through the program must
 3 take that course?
 4 A Correct.
 5 Q Is every student required to take women and the law?
 6 A It is -- no. They can take -- they have to take a
 7 women and gender course. There's women and gender,
 8 ethnicity and international curriculum that has to be
 9 covered as part of their gen ed requirements.
 10 Q Turn to Page 22, please. Now, is it correct that
 11 courses offered in the spring are assigned the
 12 previous fall?
 13 A Yes. They have to be in the system by -- let's see,
 14 when is it? Late October. That's when student
 15 enrollment starts for seniors.
 16 Q So in the spring of 2014, looking at Page 22, did you
 17 teach the police function?
 18 A Yes.
 19 Q Did you teach comparative criminal justice systems?
 20 A Yes.
 21 Q Is that a core course?
 22 A No. Elective.
 23 Q Did you teach women and the law?
 24 A Yes.
 25 Q Did you teach cybercrime?

1 that statement?
 2 A Yes, I agree. That was actually the same opinion
 3 that my previous school held. At UW-Platteville,
 4 however, lower level courses are predominantly
 5 assigned to adjuncts or staff members.
 6 Q But you don't agree with that practice?
 7 A No. And I suggested at one point that we may want to
 8 combine lower level courses because they are taught
 9 in a lecture format, not really a discussion, that we
 10 should combine and have 200 or 300 students in a
 11 large lecture hall and have them taught by our most
 12 senior faculty and use student assistantship to kind
 13 of facilitate discussions outside of the class.
 14 Q And you said you made that suggestion?
 15 A Yes.
 16 Q Do you remember when you made that suggestion?
 17 A When Dr. Dalecki took over in August, I believe July
 18 or August of 2013, he asked in fall of 2013, he asked
 19 for things that we could do or basically the strength
 20 or weaknesses, he had us go over strengths and
 21 weaknesses of the program. And he actually talked to
 22 me pretty much at length. I used that opportunity to
 23 write something up with some ideas that I had for
 24 him.
 25 He later asked me for another copy of that and

1 basically how we can be more efficient with the
 2 budget and strengths that we've been experiencing,
 3 and that was one of the courses that I suggested that
 4 would benefit from being combined and taught in a
 5 larger format in a larger classroom.
 6 Q The police function course?
 7 A Actually the introduction to criminal justice.
 8 Police function would be another one that would lend
 9 itself to it.
 10 Q On Page 25, if you look down a little bit, you see
 11 Thomas Caywood, do you see him?
 12 A On 25.
 13 Q On Page 25. You're at the top.
 14 A Yes, okay. Yeah. I looked at the bottom.
 15 Q You see Tom Caywood?
 16 A Yes.
 17 Q Do you recall that in the fall of 2014 he was
 18 teaching introduction to crime scene investigation?
 19 A Yes.
 20 Q And is that a core course?
 21 A Yes, that's for FI majors, that's the equivalent to
 22 introduction to criminal justice.
 23 Q Okay. And do you agree that in the fall of 2014,
 24 Tom Caywood was the most senior professor in the CJ
 25 program?

1 Dr. Caywood would no longer allow me to teach --
 2 so I know just from the issue he had with Fuller
 3 that he did no longer share me with Fuller after
 4 she complained for sexual harassment.
 5 Q But to answer his question, the document itself does
 6 not say what courses were taught as overload and what
 7 courses were not?
 8 A No, no.
 9 MS. BENSKY: We'll take a quick break.
 10 I probably have at least an hour left.
 11 (Short recess is taken)
 12 Q Dr. Burton, I'm going to ask you some questions about
 13 the second amended complaint. But before I do that,
 14 we had talked about your allegation that the
 15 appointment of Dalecki as interim chair violated
 16 Section 36.9, Subsection 4 of the Wisconsin Statutes,
 17 remember that conversation? And that section says
 18 the faculty of each institution shall have the right
 19 to determine their own faculty organizational
 20 structure and to select representatives to
 21 participate in institutional governance.
 22 A Correct.
 23 MR. HAWKS: That's not reading the
 24 full part of the section.
 25 MS. BENSKY: I'm not reading the full

1 A Yes.
 2 Q That's all I have.
 3 MR. HAWKS: I have one question just
 4 to clarify the record. If you could turn to
 5 Page 4 and 5, Dr. Burton, and I believe you
 6 testified with relation to teaching the intro to
 7 criminal justice, the women and law and
 8 explained the dual departmental breakdown of
 9 those two sections, you testified that -- well,
 10 let me ask the question a bit differently. Is
 11 there any way you can tell from this document
 12 which of the courses received overload
 13 compensation and which did not?
 14 THE WITNESS: There is -- not from
 15 this -- I mean I know that they did two intro
 16 courses and did two women -- I mean, for
 17 example, there are four women and the law
 18 courses listed, but the cap -- the CJ portion,
 19 basically women and the law listed as CJ at 25,
 20 I taught that course in a classroom with 30
 21 students, so the last five seats are reserved
 22 for students who were enrolled in women and
 23 gender.
 24 And then the criminal justice systems,
 25 that was -- I taught that as an overload because

1 part.
 2 Q I'm just reading what I feel is the operative section
 3 and asking if you agree that when you're talking
 4 about violate -- about the appointment of Dalecki
 5 violating state law, what I just read is the state
 6 law that is being violated?
 7 A Yes.
 8 MR. HAWKS: Objection to the form,
 9 though. There is more to that.
 10 MS. BENSKY: That's fine. You can
 11 object to the form and she answered yes, and so
 12 we'll move on.
 13 Q And you believe that the appointment of Dr. Dalecki
 14 infringed upon your right to select representatives
 15 to participate in institutional governance?
 16 A Yes.
 17 Q Would you agree then that the appointment of Dalecki
 18 also infringed upon the rights of all of the other
 19 criminal justice faculty?
 20 A Yes. And FI.
 21 Q Is FI -- FI is not a separate department?
 22 A It is -- no. It's within the criminal justice
 23 department, so the chair of the CJ department is also
 24 the chair of the FI program, but the FI program also
 25 has its own budget. So I don't know exactly how that

1 works out, but we are always told we have to say
 2 these names separately.
 3 Q Okay. That's why?
 4 A Yeah.
 5 Q And FI has its own director?
 6 A Correct. It used to be the coordinator and
 7 Dr. Dalecki changed it when he gave the position to
 8 Pat Solar, he changed the title to director.
 9 Q So Pat Solar is now the director of the FI program?
 10 A Correct.
 11 Q And the FI program has a separate budget?
 12 A Yes, based on the tuitions of the FI students.
 13 Q Really?
 14 A Yes.
 15 Q Are they higher or lower than the tuition of the
 16 other students?
 17 A I believe it's the same amount. Within LA&E -- I
 18 think the tuition fees for all students to my
 19 knowledge are the same. So there's no difference
 20 whether you are an engineering student or a criminal
 21 justice student.
 22 Q Okay. Here is a copy of the second amended
 23 complaint. We're not going to mark it because it's
 24 in the docket. I'm handing you the second amended
 25 complaint, and at the top you can see that it has

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1 had a talk with him. He had met with every
 2 department member before the semester started. I
 3 don't quite recall when I had my meeting with him.
 4 It was somewhere I believe in August of 2013. He
 5 made a comment back then and --
 6 Q What did he say in August of 2013?
 7 A He thought -- he said, you know, "I know about your
 8 issues with Caywood and Throop." He says, "I'm
 9 reading up on it, and I think you're wrong with your
 10 assessment with Throop," you know, in regard to the
 11 complaint, the grievance I filed against Caywood
 12 where I also mentioned Throop. And he wanted to know
 13 what my next steps were or what I planned to do.
 14 Q And what did you tell him?
 15 A I told him that -- I think what I said -- I tried to
 16 kind of move away from it. I brought up something
 17 else to kind of get on a different subject. I wasn't
 18 really comfortable at that time. It was after I
 19 talked to my lawyer and she advised me against really
 20 talking to anybody. She said if they wanted to know
 21 things, I should hand them her card and have them
 22 call her directly.
 23 Q Do you think that Dean Throop appointed Dalecki for
 24 the purpose of pressuring you to withdraw your EEOC
 25 charge?

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1 been docketed as Document 28 in this case. Please
 2 turn to Page 22. Look at Paragraph 96, please.
 3 A Yes.
 4 Q Do you agree that the appointment of Dalecki did not
 5 infringe upon your constitutional right to equal
 6 protection of the law?
 7 MR. HAWKS: Objection, calls for a
 8 legal conclusion.
 9 Q You can answer.
 10 A I would have to read up on that provision.
 11 Q Sure. 97, "Dean Throop appointed Dr. Dalecki as
 12 interim chair to pressure plaintiff to withdraw her
 13 EEOC charge." Do you see that?
 14 A Yes.
 15 Q My question is why do you think that?
 16 A Because Dr. Dalecki made comments that showed me that
 17 he and Dean Throop talked about my legal case. He
 18 asked me repeatedly about the status of my charge and
 19 my complaint and the lawsuit. He tried to convince
 20 me it would be in my best interest to let go of it
 21 and that with the change now, it would not be
 22 necessary to continue with my legal endeavor.
 23 Q So when did those conversations with Dr. Dalecki
 24 occur?
 25 A Very soon after he took over. Actually we already

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1 A Yes.
 2 Q And that's based on the fact that Dalecki asked you
 3 about the lawsuit?
 4 A He asked me about the lawsuit. He tried to convince
 5 me to not go forward with legal actions. He tried to
 6 assure me that things were taken care of now and he
 7 is not Caywood and things are better and you will not
 8 get the remedy that you want anyway, you cannot
 9 expect that, an apology for what happened, and he
 10 knows that Caywood did these things and I should just
 11 let go because things are different now. "Look,
 12 Caywood is gone, I'm here, that should show you that
 13 we are taking care of matters."
 14 Q What makes you think that Dean Throop put Dalecki up
 15 to saying these things to you?
 16 A Because I didn't really talk officially on campus
 17 about that, especially not at that time, and I didn't
 18 really know what would happen. I kept it in the
 19 grievance committee. That he had that much knowledge
 20 and that he had this interest struck me as odd if he
 21 wasn't really put on by Dean Throop to probe and to
 22 try to convince me. It was what he said, how he said
 23 it, that he kept bringing it up even though I was not
 24 comfortable with it.
 25 Q Did he ever tell you that Dean Throop wanted him to

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1 try to convince you to drop the lawsuit?
 2 A No.
 3 Q So it's pure speculation on your part that
 4 Dean Throop appointed Dr. Dalecki as interim director
 5 for the purpose of pressuring you to withdraw your
 6 EEOC charge?
 7 A It's based on my observations and the timing. Also
 8 when he called me in and --
 9 Q What timing?
 10 A For example, when he called me in that students
 11 praised me and Dean Throop told him and then I got an
 12 e-mail from her right away, it was just like it -- it
 13 happened too closely together. When they were very
 14 friendly with me and when they were not so pleased
 15 with me that, you know, at that time -- in the
 16 beginning I actually did not think right away that he
 17 was put on -- I wanted to give him the benefit of the
 18 doubt.
 19 I was suspicious. I didn't like that he asked
 20 these kind of questions, but I really wanted to make
 21 it work with him. I mean I had -- there were a lot
 22 of rumors about him, and my policy is to give
 23 everybody a fair chance and see, and at first I had a
 24 fairly decent relationship with him, working
 25 relationship. But I did not like -- I was -- I

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1 didn't like the probing. We would talk about a
 2 class, we would talk about a schedule, we would talk
 3 about plans for the department, and then out of the
 4 blue, he would bring up -- he would want to know what
 5 was the legal action or what I want to do with
 6 Caywood or what it is.
 7 You know, it was weird because he kept pushing
 8 it. It wasn't that I brought it up or there was
 9 anything happening that would require him to bring up
 10 the topic.
 11 Q So other than everything that you've mentioned, is
 12 there any other reason why you think Dean Throop
 13 appointed Dr. Dalecki as interim chair to pressure
 14 you to withdraw your EEOC charge?
 15 A That he was appointed, it was a very odd choice
 16 because he was rejected twice from the CJ department
 17 when he applied for a professorship. He did not have
 18 a very good relationship with the CJ department after
 19 he was rejected twice. Students complained about him
 20 making negative, derogatory comments about CJ
 21 students.
 22 In fact, there were issues that he was even
 23 removed from the DRB -- because we are such a small
 24 faculty, they used faculty members from outside of CJ
 25 to sit on the DRB, and he was one of them.

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1 Q Now, I'm going to stop you here because you're
 2 talking about Dr. Dalecki. I'm trying to figure
 3 out -- you make an allegation, Paragraph 97, that
 4 Dean Throop appointed Dalecki for the purpose of
 5 pressuring you and harming you. I'm trying to figure
 6 out why you think that, what evidence you have that
 7 connects the two of them to trying to get you to
 8 withdraw your EEOC charge.
 9 A The way he was appointed, Lana Caywood's statement
 10 that he would put me in place more or less.
 11 Q Lana Caywood?
 12 A Lana Caywood made that in a phone call to us.
 13 Q When was that phone call?
 14 A That was July 11, 2013.
 15 Q Lana Caywood called you?
 16 A Yes. She called my husband.
 17 Q Why did she call your husband, do you know?
 18 A She threatened to come over. She said, "If you hang
 19 up, I'll come over and talk to you."
 20 The kids were at home, so he said like, "Okay,
 21 I'll talk to you."
 22 She was pissed. She cussed. She said pretty
 23 nasty things. She said, "You know, see, with Dalecki
 24 on board, you know, she will have problems with him.
 25 You know, he will put her in her place."

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1 So Throop asked Caywood for a recommendation,
 2 someone she removed because of problems, because of
 3 issues. It's very odd to kind of use someone -- I
 4 mean to ask someone who acted like he did where there
 5 were problems, obviously problems because they now
 6 admit that he was removed. And then --
 7 Q How do you know that Throop asked Caywood for a
 8 recommendation?
 9 A She sent an e-mail out. She said she was going with
 10 this recommendation. The statement was, to add to
 11 that, is when I actually did file the lawsuit and got
 12 the right file from the EEOC, that Dalecki called me
 13 and was very upset. He said, "You know, we gave you
 14 a pay raise." He called the equity adjustment a pay
 15 raise and he said we did, and he was upset that I --
 16 basically why I'm not letting this go, and he said
 17 we, which made me wonder like, okay, so there was a
 18 concerted effort on their part to dissuade me not to
 19 go forward. It was supposed to be a bait.
 20 Q Based on him saying we gave you a pay raise?
 21 A Yeah.
 22 Q Did he ever tell you that Dean Throop told him -- I'm
 23 just trying to ask this in a way that's not going to
 24 sound too confusing. Did Dalecki ever tell you that
 25 Dean Throop told him to persuade you to drop your

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1 EEOC charge?
 2 A No.
 3 Q Same question regarding dropping your lawsuit.
 4 A No. Not in those words.
 5 Q In any words?
 6 A I'm trying to remember what I ever used really in
 7 those conversations when he talked about --
 8 Q Are they recorded?
 9 A I know he said -- no. I know he said a few times
 10 Ms. Throop really likes you, and I thought that was
 11 very strange after everything that happened.
 12 Q What are the minimum requirements for membership in
 13 the criminal justice department? Are there written
 14 requirements anywhere?
 15 A Those requirements were -- I'm trying to think.
 16 Those requirements are made -- given, circulated
 17 among CJ department members when we have a job
 18 advertisement and they've been -- the minimum
 19 requirements are established by department members as
 20 part of faculty governance.
 21 And for those -- for all the positions we've had
 22 so far, we required an educational background in CJ
 23 or related field and a preference in -- a practical
 24 education -- I mean, sorry, a practical background
 25 and a work background in the criminal justice

1 field.
 2 Q And that could be found in the job descriptions for
 3 recruitments?
 4 A Yes, yeah.
 5 Q Paragraph 105, it says, "Nearly all faculty and staff
 6 of the criminal justice department, including
 7 plaintiff, objected to Dean Throop's appointment of
 8 Dr. Dalecki as interim chair." Do you know why they
 9 objected?
 10 A Because of his reputation on campus, because of
 11 statements he made against our students, so those
 12 were known. Because of Dr. Dalecki being kind of
 13 discriminatory against CJ students when it came to
 14 course enrollments. He did not want to add any CJ
 15 students to his courses.
 16 They are courses that are part of, you know, the
 17 gen ed requirements that I taught in sociology or
 18 when students go for their -- you know, minor
 19 requirements, basically instead of picking a minor,
 20 they have to pick three courses from sociology, three
 21 from political science, three from psychology, and he
 22 made it very difficult for students to meet those
 23 requirements. That was one of them.
 24 The other one was because he was rejected twice,
 25 people really did not believe he should be in the CJ

1 department. It's been known that his dissertation
 2 was on organic food, that he specialized in rural
 3 sociology. So there was really nothing that
 4 overlapped with our department.
 5 I think some, because they lived in Platteville,
 6 objected to his politics on the city council who
 7 didn't -- saw him as a political bully there, did not
 8 like that. It became very obvious again in the
 9 department meeting, and that's why I think people
 10 really pushed for having the vote.
 11 Q Pushed for having the vote?
 12 A Having a vote for a chair, yes.
 13 Q In 2013?
 14 A Correct.
 15 Q Looking at 106, it says, "When Dr. Dalecki's term as
 16 interim chair was ending on August 29, 2014,
 17 Dean Throop argued to the department faculty that
 18 they should continue Dr. Dalecki and delay the search
 19 for a permanent chair." How did she do this?
 20 A She tried to debate us. She said you guys need to
 21 hire multiple faculty staff members and she said, you
 22 know, we could either go for all those positions or
 23 we can only go hire some of those -- fill some of
 24 those positions and go for a chair. So she tried
 25 to -- you know, if you keep Dalecki for another year,

1 I can -- basically if you go forgo the CJ chair
 2 search, we would be able to run searches for all of
 3 our missing faculty positions.
 4 Q Okay. And did you record this meeting?
 5 A Yes.
 6 Q Have you listened to the recording recently?
 7 A No.
 8 Q The next page, Paragraph 107, it says, "Dean Throop
 9 refused to solicit nominations for chair from the
 10 department."
 11 A Yes, that's correct.
 12 Q Did that occur at this August 29, 2014 meeting?
 13 A At that meeting and afterwards, she never asked us
 14 for any nominations.
 15 Q She never asked you for nominations --
 16 A Yes.
 17 Q -- for chair?
 18 A Correct.
 19 Q Now, you say there are qualified, available and
 20 willing faculty members in the criminal justice
 21 department to chair the search, including plaintiff?
 22 A Correct.
 23 Q Did you tell anyone that you were interested in
 24 chairing the search for a chair for the department?
 25 A There was an e-mail sent out -- I think at a

1 department meeting I actually brought up that we
 2 should be providing -- the criminal justice
 3 department should be providing the chair.
 4 Dean Throop did not want to go that route.
 5 Q But in fact, you had a vote at that meeting?
 6 A And we did not vote for anybody. We did not vote for
 7 someone.
 8 Q Didn't you vote to look outside the department to
 9 find a chair?
 10 A Inside of -- I think I did not want to chair it.
 11 Yeah, we were not allowed to vote within the
 12 department, so we voted and we said from LA&E. We
 13 wanted to have somebody in LA&E.
 14 Q You were not allowed to vote within the department?
 15 A We did not vote -- we could not vote or recommend,
 16 nominate anybody within CJ to chair the search.
 17 Q Who said that?
 18 A It was made clear to us before that that would be --
 19 you know, we would not because of the internal
 20 problems in CJ, that it was out of discussion that we
 21 would have somebody from within CJ chairing the
 22 search.
 23 Q But wasn't there a vote on that at the August 29th
 24 meeting?
 25 A And we had several abstaining votes. She picked

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1 A We did not vote for anybody. We did not vote for a
 2 chair.
 3 Q That's not what I'm asking. But the first issue on
 4 the table was should you go ahead with a search this
 5 year?
 6 A Yes.
 7 Q Right?
 8 A Yes. And we voted, yes, we wanted to vote -- I mean
 9 we wanted to get a search.
 10 Q She had a secret -- she brought ballots with her to
 11 the meeting?
 12 A Correct.
 13 Q She held a secret election?
 14 A Yes.
 15 Q The people who were there voted?
 16 A Yes.
 17 Q And they voted to go ahead with the national search?
 18 A Correct.
 19 Q Correct?
 20 A Correct.
 21 Q Okay. And you think that the way that she handled it
 22 was putting pressure on the department to not conduct
 23 a search?
 24 A Yes.
 25 Q Is that your testimony?

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1 somebody herself. We did not have any say on that.
 2 Q Let's play some of it.
 3 (Audio recording played at this time)
 4 Q Is this Dalecki talking?
 5 A Yes.
 6 Q Do you agree that this is the beginning of the
 7 August 29th, 2014 meeting? Let's keep listening.
 8 A Yeah.
 9 Q Okay. We've paused the audio. And I want to ask,
 10 Dr. Burton, does this sound like the August 29th,
 11 2014 audio that you provided to your attorney?
 12 A Yes, and that's -- what she was referring to is
 13 with -- that the members kind of told her to hold
 14 back on all that. We talked about that later.
 15 Nobody knows who that was. I think it was Dalecki
 16 who wanted to postpone it. Nobody in our department
 17 really had interest, nobody approached us. So she
 18 always makes these announcements referring to some
 19 person without giving their name.
 20 Q Now, didn't she just say that she brought ballots to
 21 hold a secret vote?
 22 A Yeah.
 23 Q Did she say that?
 24 A Um-hum, after all of us --
 25 Q And did she in fact hold a secret vote?

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1 A Yes.
 2 Q Now, after you decided to do a search for the chair
 3 of the department, you had to pick a chair of the
 4 search committee, right?
 5 A Yes.
 6 Q I'm getting confused between all of these chairs.
 7 A Yeah, I know.
 8 Q So I'll try --
 9 A CJ chair, chair.
 10 Q Chair of the search committee. Now, at the
 11 August 29, 2014 meeting, you had a second vote to
 12 decide whether to choose a chairperson for the search
 13 committee from outside of the criminal justice
 14 department, isn't that correct?
 15 A Yes.
 16 Q Okay. Let's start listening at 40 minutes and we'll
 17 listen to about three minutes of this. And then I'll
 18 ask you some questions.
 19 A Okay.
 20 (Audio recording played at this time)
 21 Q Who is that?
 22 A This is Ed Ross.
 23 Q Who is that?
 24 A Deb Rice.
 25 Q So we just listened to some audio from the

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1 August 29th, 2013 -- or, I'm sorry, 2014 department
 2 meeting. My first question is do you agree that the
 3 audio that we just listened to, which was about 39
 4 minutes to --
 5 MS. SPITZ: 43:17.
 6 Q 43 minutes, do you agree that the audio is an
 7 authentic recording of what occurred at the meeting?
 8 A Yes.
 9 Q And you in fact made the recording?
 10 A Yes.
 11 Q Did anyone else in the room know that you were
 12 recording that meeting?
 13 A No.
 14 Q Ed Ross is a member of the CJ department?
 15 A He was an academic staff member in CJ department.
 16 Q And Ed Ross was the person who suggested that the
 17 chair for the search committee come from outside of
 18 the department?
 19 A Yes, based on that he expected people applying from
 20 within CJ.
 21 Q And there was a discussion about whether or not the
 22 chair of the search committee should be from within
 23 criminal justice or outside of criminal justice?
 24 A Correct.
 25 Q And you made a comment that said the chair of the

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1 search committee is just a facilitator.
 2 A That is true.
 3 Q Now, Lorne Gibson was concerned that finding a chair
 4 from outside of the department would violate the
 5 bylaws?
 6 A Yes.
 7 Q Correct?
 8 A I heard that.
 9 Q And Dean Throop recognized or acknowledged that both
 10 sides had good points --
 11 A Yes.
 12 Q -- do you remember that? And she suggested that the
 13 whole group convene in two weeks so you had a chance
 14 to think about it?
 15 A Correct.
 16 Q And you suggested that you can actually convene in
 17 one week?
 18 A Correct.
 19 Q But then ultimately there was a voice vote on whether
 20 or not to follow the bylaws and choose a chair from
 21 within the department or not follow the bylaws and
 22 choose a chair of the search committee from outside
 23 of the department?
 24 A Correct.
 25 Q And before that voice vote occurred, Dean Throop

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1 asked if the department wanted to have a secret
 2 ballot?
 3 A Yes.
 4 Q But there was no secret ballot? The department chose
 5 to have a voice vote?
 6 A Correct.
 7 Q And you made a statement saying that you thought it
 8 was a good idea to have a vote?
 9 A I believe so, yeah.
 10 Q And there was a voice vote in fact?
 11 A Correct.
 12 MR. HAWKS: Speak up.
 13 A Correct, yes.
 14 Q And the department voted to choose a chair of the
 15 search committee outside of the criminal justice
 16 department?
 17 A Correct. That was also said from within IA&E at one
 18 point.
 19 Q But the vote was to have a chair outside of the
 20 criminal justice department or within the criminal
 21 justice department?
 22 A Find it from outside, yeah.
 23 Q That's what the vote was?
 24 A Yes.
 25 Q And the vote was to choose a chair from outside the

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1 department?
 2 A Yes.
 3 Q Did you vote to choose --
 4 A Yes.
 5 Q Let me finish the question so we get a clean record.
 6 I appreciate you know what I'm going to say and
 7 you're right, but the transcript doesn't read minds.
 8 You voted at the August 29th, 2014 meeting to choose
 9 a chair for the search committee outside of the CJ
 10 department?
 11 A Correct.
 12 Q Now look at Page 24, please, and Paragraph 114. It
 13 states that, "At all times relevant to this amended
 14 complaint, Dr. Dalecki engaged in adverse employment
 15 actions with regard to the plaintiff."
 16 My question is are there any adverse actions
 17 that are not listed in the amended -- in the second
 18 amended complaint? And you can take some time to
 19 look through it.
 20 A Okay.
 21 Q If you want.
 22 A I did not put in the threat, but it will be in the
 23 answer to interrogatories.
 24 Q What threat did he make?
 25 A He pointed out a problem he had with a prior

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1 colleague who he considered kind of going crazy and
2 that he was at a point where he had to bring a gun to
3 school. He then mentioned -- he kind of thought out
4 loud whether, well, bringing a gun to school is only
5 a misdemeanor, so it's really not a big deal.

6 He also talked how his office is much better --
7 his desk position is a lot better than at his
8 previous office in Gardner where he now would have a
9 clean shot. If you look at from the chair's office
10 to the hallway, it's like this. There's his office
11 and there was this office, mine was next to his. So
12 by him looking out, he actually had a clean view onto
13 when I went out -- came out of my office to see me
14 there.

15 So I did not like those comments. I interpreted
16 them as a threat, especially --

17 Q You think that Dalecki was threatening to shoot you
18 with a gun?

19 A He wanted me to feel that way. The first time he
20 mentioned it, I thought like that can't be real, he
21 can't be real. But he actually at one point formed a
22 gun with his fingers and just pointed it at me when I
23 walked by his office.

24 Q When did he do this?

25 A He did it twice. He did it in -- let's see, first

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1 the rumors that I have a mental illness, I thought,
2 what, are they trying to prepare something here. It
3 just really freaked me out a bit.

4 Q Do you feel that Dalecki threatened to kill you or
5 shoot you?

6 A Whether he wanted to actually do it, I must say I
7 can't imagine that he would be that deranged, but I
8 think he wanted me to be concerned. He wanted to
9 scare me.

10 Q Did you file a police report?

11 A No.

12 Q And you didn't --

13 A Because you know what would happen to that.

14 Q What would happen to it?

15 A It's just -- I mean what happened to Bemis, this is a
16 small town and he went to lunch with the police chief
17 all the time, you know, to file a report with the
18 police chief, that would really -- I mean with the
19 police department, that will really do me good.

20 Q Other than your husband, did you tell anybody that
21 Dalecki threatened to shoot you?

22 A I think I mentioned it to --

23 MR. HAWKS: Excluding counsel
24 obviously.

25 THE WITNESS: Yeah.

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1 time, I think I wrote it down somewhere. I told my
2 husband about it too. The first time was in April --
3 no, I'm sorry, not April. That was like around the
4 time of the -- went Dutelle and Johnson left, he was
5 really upset with me then.

6 He did it another time before the semester
7 started in late August, I mean the lecture started --
8 the semester had started. The lecture didn't start
9 yet.

10 Q So you're talking about June of 2014 and August of
11 2014?

12 A Correct.

13 Q That's when he made those threats to you?

14 A Well, the threat, actually the first time he
15 mentioned that was in spring of 2014. I first didn't
16 know to whom he was referring to. So I kind of did
17 some research, who could he mean, who is somebody who
18 made threats. He mentioned that the person felt like
19 he sexually harassed her and grabbed her.

20 So I kind of dug deeper into it. I wanted to
21 know whether he just made up a story to kind of --
22 his sense of humor or whether it has any merit to it
23 so I could then link the story to a person, and a
24 former colleague said that he cultivated her madness,
25 and then I became very concerned when they -- I heard

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1 A I mentioned it to maybe one or two more individuals.
2 I don't remember when. I think I mentioned it to my
3 very close friend.

4 Q And that happened before you filed -- that
5 happened -- those threats occurred over a year before
6 you filed the second amended complaint --

7 A Yes.

8 Q -- correct? And you did not include that information
9 in the second amended complaint?

10 A I focused primarily on things I could document.

11 Q Do you have any audio recordings of Dalecki
12 threatening to shoot you?

13 A No.

14 Q 132 on Page 27. You say Dalecki made a comment about
15 knowing where the skeletons were buried.

16 A Yes.

17 Q Do you have a recording of that conversation?

18 A No.

19 Q You agree that that comment was made within a larger
20 conversation, he didn't just come up to you and talk
21 about skeletons and then walk away?

22 A No. He called me in his office because he was
23 informed that I filed a complaint with the chancellor
24 against the way he was appointed.

25 Q You filed a complaint?

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1 A Correct.

2 Q Do you have a recording of him saying you can't

3 expect to file a lawsuit without consequences?

4 A No.

5 Q Do you have a recording of Dalecki telling you that

6 your complaints were old news?

7 A No.

8 Q Do you have a recording of Dalecki saying to you

9 nobody cares about that anymore?

10 A No.

11 Q Let it go, people will forget?

12 A No.

13 Q Do you have any recordings of Dr. Dalecki asking you

14 anything about the lawsuit?

15 A No.

16 Q What is the basis for your belief on Page 28,

17 Paragraph 143 that says, "Teaching higher level

18 courses supports an application for promotion"? Why

19 do you think that?

20 A It comes from my service on the DRB, that positive

21 comments were made, the level of courses taught, also

22 that low level courses are given often as punishment.

23 Dalecki gave Caywood low level courses to teach.

24 That's why Lana Caywood harassed him, and he filed a

25 police complaint against her. And one of the things

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1 approval of your application for promotion?

2 A No.

3 Q Did you ever ask Valerie Stackman to housesit for

4 you?

5 A Yes. I asked whether she would be available if I was

6 at that point in the planning stage and was

7 soliciting -- basically information from several

8 people. I wanted to kind of have maybe some folks I

9 could ask if we really all traveled so that I could

10 then ask somebody specifically. I asked a few

11 people.

12 Q Okay. So she is one of the people that you asked to

13 housesit for you?

14 A Correct.

15 Q Would that have been in the spring of 2014?

16 A No. That was actually in the summer.

17 Q Of what year?

18 A It's the year of 2014, it was after we got the news

19 that my children's godmother was battling breast

20 cancer and I was looking into the possibility of us

21 all traveling to California to visit with her.

22 Q So that was the summer of 2014?

23 A Yes. It may have been around June or July. I think

24 July maybe. It was about the time my mom was really

25 sick too.

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1 that she expressed was that you gave my husband the

2 intro course to teach, so it's -- and he did the same

3 with Dr. Gibson. So it's -- even though there is

4 merit to having the intro courses taught by your top

5 instructors, it is not a practice or it's not a --

6 yeah, a practice that's recognized at UW-Platteville

7 as a prestigious assignment.

8 Q Do you know of any professor at UW-Platteville who

9 was denied a promotion on the basis of not teaching

10 higher level courses?

11 A No, I don't know that.

12 Q Now, you talked earlier about when you had applied to

13 become an associate professor, there was some

14 information missing from your file.

15 A Correct.

16 Q And on the basis of the missing information, the

17 promotion was initially denied.

18 A Correct.

19 Q And the information was found and you were granted

20 the promotion, correct?

21 A Correct.

22 Q And the missing information had to do with your

23 previous teaching career at UC-Irvine?

24 A Correct.

25 Q Did you lose any money as a result of the delay in

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1 Q It sounds like a stressful summer.

2 A Yeah, it was not a good summer.

3 Q Looking at 152 on Page 29, it says you learned from

4 colleagues in the criminal justice department that

5 Dr. Dalecki had issued a gag order forbidding them to

6 communicate with her.

7 A Yeah.

8 Q Who told you that?

9 A It was the behavior of my colleagues that -- it was

10 very clear it was because Dr. Dalecki actually did

11 issue a gag order against Dr. Gibson, and the

12 behavior of my colleagues was very similar in the

13 behavior that was displayed against Dr. Gibson during

14 that time, also that Professor Lomax indicated at one

15 point that we are not -- we're kind of supposed to

16 avoid me, not talk to me.

17 It was that [REDACTED] when he actually started

18 his graduate studies was told to stay away from me,

19 that it's better not to kind of interact or talk to

20 me. When our secretary actually did consult me on

21 the teaching schedule and asked for my input that

22 Dr. Dalecki got so irate that he actually leaned over

23 the desk and yelled at her in front of students. So

24 there are witnesses to that.

25 Q Who? What person did he yell at?

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1 A Sheri Kratcha, our secretary and program coordinator.
 2 Q How do you spell her last name?
 3 A K-r-a-t-c-h-a. And she then asked Ron to tell her
 4 not -- to kind of whenever possible leave me out of
 5 conversations.
 6 Q Sheri did?
 7 A Yes. Ron was helping in the CJ department at that
 8 time. The other student's name, first name is Abby.
 9 I don't know her last name, but she still is employed
 10 in the CJ department. She was pretty upset, too,
 11 that Sheri was yelled at in front of them and other
 12 students during that time. And after that Dalecki
 13 demanded -- wanted to see all communication, e-mail
 14 communication that Sheri had with me.
 15 Q Let's back up a little bit. You said that
 16 Dr. Dalecki issued a gag order against Lorne Gibson?
 17 A Yeah.
 18 Q What did he do?
 19 A Lorne was upset with what happened on the department
 20 and he tried to engage us in discussions multiple
 21 times, and I tried to kind of respond to them or
 22 responded to them, and Dalecki actually told me like,
 23 you know, "I told you I don't want you to answer
 24 him."
 25 So he said that several times, and then one time

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1 talking about it. I think it could have made some
 2 good points in regard to why we wanted to keep the
 3 search -- why we wanted to have somebody within the
 4 CJ department chair on the search. We had no control
 5 over the process.
 6 Q It's your testimony that everybody was intimidated by
 7 the presence of Dean Throop during that vote on
 8 August 29th, 2014?
 9 A With her being there and Dalecki being there, I think
 10 it influenced, yeah, I strongly believe it influenced
 11 the people who voted and decided on. We did not have
 12 the same kind of talk that we would have had
 13 otherwise.
 14 Q Was Dalecki in the room?
 15 A Yes, he was.
 16 Q Going back to 152, your testimony is that you believe
 17 Dr. Dalecki issued a gag order forbidding other
 18 criminal justice department faculty from
 19 communicating with you because of the way their
 20 behavior changed, is that what you said?
 21 A Yes.
 22 Q Do you have any other reason to believe that he
 23 issued a gag order forbidding criminal justice
 24 department staff or faculty to communicate with you?
 25 MR. HAWKS: Do you mean any other than

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1 in an e-mail he wrote that, too, and it's an e-mail
 2 that we have in the package for you where he also
 3 indicated that I should not respond to Lorne Gibson.
 4 Basically he would then notice that if nobody gets
 5 back to him, we're not talking to him, leave him
 6 out.
 7 Q Do you know why he said that? Did he ever tell you
 8 why?
 9 A He said -- the thing he said, like, you know, Lorne
 10 would get the message and that was one of the reasons
 11 that when we talked about in the department that I
 12 was really not comfortable to address the whole chair
 13 search thing because with both Dalecki and Throop
 14 there, we weren't allowed to talk among each other
 15 how to conduct the search.
 16 The first time we really got to talk about how
 17 we wanted to handle it when we actually got to get it
 18 ourselves, and at 7 o'clock in the morning, I think
 19 on a Thursday morning and -- I have the date
 20 somewhere, I have a recording of that, too, when we
 21 actually as a department, CJ members, the true CJ
 22 members talked about what kind of requirements we
 23 were looking for, and that was then changed by Throop
 24 too.
 25 So that's why I really was not comfortable

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1 those that she's already testified about or any
 2 other than the prelude to your question?
 3 Q Well, let me -- it's a terrible question. I will
 4 rephrase. Did anybody ever tell you that Dalecki
 5 told them not to communicate with you?
 6 A The one I know was told to kind of stay away from me,
 7 not to talk to me was [REDACTED]. He said the other
 8 one that hinted at it was Joe Lomax.
 9 Q So Ron --
 10 A Another one -- yes.
 11 Q [REDACTED] told you that Dalecki told him not to
 12 communicate with you?
 13 A Yeah. Pick your sides. It's a loyalty thing. Who
 14 do you want to be loyal to.
 15 MR. HAWKS: Can we go off the record
 16 for a second?
 17 (Discussion off the record)
 18 Q So your interpretation of the recording that was
 19 played at Dr. Dalecki's deposition is that that
 20 conversation was Dr. Dalecki telling [REDACTED] not
 21 to communicate with you?
 22 A Yeah, he did not want him to talk to -- also like
 23 when Ron actually came to my office after I returned
 24 from my sick leave, he was in my office in either
 25 late April or early May, Dalecki walked by and he

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1 just showed his teeth to [REDACTED] It was very creepy.
 2 Q Did you see that?
 3 A Oh, yes, yeah.
 4 Q You saw Dr. Dalecki show his teeth to [REDACTED]?
 5 A Yeah. He did not like to see [REDACTED] in there. And [REDACTED]
 6 even said like, you know, this is probably getting me
 7 in trouble. But he was already at that point
 8 anticipating problems so that he put in applications
 9 in other areas as well.
 10 Q When was this? When did this occur, the teeth?
 11 A It was either -- it was after I returned to campus,
 12 so I returned -- it was from my sick leave on
 13 April 17th. It would have either been the week after
 14 that in late April or early May. I guess late April
 15 probably because [REDACTED] came -- stopped by shortly after
 16 I came back.
 17 Q Did you interpret that recording between Dalecki and
 18 [REDACTED] as Dalecki instructing [REDACTED] not to get
 19 involved in gossip?
 20 A No, because it wasn't gossip.
 21 Q Didn't [REDACTED] tell you that he heard Deb Rice say
 22 that you were crazy?
 23 A Yes.
 24 Q And that information came to you from [REDACTED]?
 25 A Correct. And it was confirmed by Lohmann talking to

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1 yield any hire, we -- Dalecki arranged that we could
 2 pull two candidates for hire out of my search.
 3 Q So would you say that those two searches were
 4 combined --
 5 A No, definitely not.
 6 Q -- into your search?
 7 A Because mine was for a CJ position and the other one
 8 was for an FI position. So they were really for a
 9 very different assignment.
 10 Q But the same committee -- but Dalecki had decided
 11 that that same committee that you chaired would hire
 12 somebody for CJ and hire somebody for FI?
 13 A No, that person -- we got Dr. Valerie Stackman
 14 and Dr. Nemmetz out of the hire. So Dr. Stackman was
 15 our No. 1 candidate for ethnicity, race and crime,
 16 which was a replacement for Joe Lomax.
 17 And Dr. Nemmetz actually has absolutely no
 18 work -- academic or other practical background in
 19 forensic investigation so is really not able to teach
 20 in this area, so combining it did not make sense. So
 21 they actually created a position for her.
 22 Q They created a position for her?
 23 A Yes.
 24 Q And you were chair of the search and screen committee
 25 that hired both Valerie Stackman and Amy Nemmetz?

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1 Deb Rice. She did not deny that.
 2 Q And that's fine, but you didn't -- you interpreted
 3 the recording as Dalecki telling [REDACTED] not to have
 4 any contact with you?
 5 A Yeah, not to talk to me, yes.
 6 Q You did not interpret that recording as Dalecki
 7 suggesting that [REDACTED] should not take information
 8 he hears from one person and give it to you?
 9 A No.
 10 Q Do members of a search committee get release time?
 11 A No.
 12 Q Do members of a search committee get additional pay?
 13 A No.
 14 Q Do members of a search committee get any other
 15 tangible employment benefit?
 16 A It is viewed as high quality departmental service,
 17 yes.
 18 Q You were the chair of a search committee in 2014?
 19 A '13.
 20 Q '13.
 21 A For 2013.
 22 Q And how many faculty did that produce?
 23 A It was for one position. We advertised -- my
 24 committee advertised one position, but because
 25 another search was run for the FI position didn't

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1 A Amy Nemmetz, yeah, correct.
 2 Q How many people were on that search committee?
 3 A One student on it and -- let's see, I had -- Ed Ross,
 4 Gibson, Rex Reed. I think that was it. We were
 5 pretty small. We had three faculty. I don't
 6 remember if we had a staff member too.
 7 Q Ross, Gibson, Reed?
 8 A Oh, Ross was staff, yeah.
 9 Q You and a student?
 10 A Correct.
 11 Q Five?
 12 A Five, yes.
 13 Q And that committee convened all throughout 2013?
 14 A Yes.
 15 Q And then can you give me approximate starting dates
 16 and ending dates?
 17 A I believe shortly after this semester started, I was
 18 really pushing for it, I wanted to be ahead of the
 19 curve and get somebody hired before the -- to get
 20 somebody a contract before the end of the year.
 21 Q What semester?
 22 A Fall semester of 2013.
 23 Q Fall 2013.
 24 A Yeah, usually our searches kind of by November or
 25 December, we have our phone interviews and then we

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1 get people on campus when spring started, and we
 2 tried to beat that this time because we had several
 3 failed searches. So I tried to be very proactive and
 4 get our job description out as quickly as possible,
 5 get all the forms signed so we were really ahead of
 6 the curve.
 7 Q Who appointed you to be the chair?
 8 A I believe at that time it was Dr. Dalecki. I think
 9 he had -- yeah, he had Dr. Fuller for the FI
 10 position. He had me for the CJ position.
 11 Q What is the department curriculum committee?
 12 A It's a committee that all but CJ I believe had for a
 13 long time, and we actually for the first time, we
 14 convened as a curriculum committee was when
 15 Dr. Caywood was still chair, and that was in May.
 16 That was our last department meeting in fall
 17 of -- I mean, sorry, spring of 2013, and then I think
 18 we had -- in fall we didn't have any meetings because
 19 of a new chair and all the adjustments and then they
 20 actually reconvened the meeting but asked for a new
 21 search, which didn't make sense to me because we
 22 already had people appointed to it in fall of 2014.
 23 Q Okay. So the department curriculum committee
 24 consists of a subgroup of all of the faculty within
 25 the department?

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1 So there's no vote by the department for people
 2 to serve on the curriculum committee?
 3 A It doesn't say anywhere. It says -- what I found
 4 when I looked it up is that one has to have a minimum
 5 of five people on the curriculum committee.
 6 Q If more than five -- well, let me ask you this.
 7 Page 31, 162, you said in the fall of 2014
 8 Dr. Dalecki excluded you from the department
 9 curriculum committee. How did he do this?
 10 A It was the only act where he actually wanted people
 11 to be nominated and have a vote on -- when he
 12 excluded nontenured faculty from the DRB, we didn't
 13 vote on it. It was a single-handed action by him.
 14 So I figured like, great, so I'd nominate some
 15 folks -- I could nominate myself or somebody else.
 16 We had some people nominated, and then out of the
 17 blue when Dr. Dalecki sent out the list to be voted
 18 on, he had Pat Solar added to it. Nobody knew where
 19 that vote came from.
 20 So we all assumed that Dr. Dalecki added him to
 21 it as chair. And then we had, I guess, a ballot vote
 22 that got collected at one point and then counted and
 23 he said like, well, he only wants five people on the
 24 curriculum committee, and they were all untenured or
 25 staff members, which is very unusual and is not

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1 A Yes. It's like a committee so when you want to
 2 create a new course, the proper procedure is by -- I
 3 think was it bylaws, I believe, that you have to get
 4 the okay from your department and then it goes to the
 5 curriculum committee on the college level and then
 6 through the university curriculum committee.
 7 Q Okay. So how does one become a member of the
 8 department curriculum committee?
 9 A Well, the way it's run is anybody who's interested.
 10 And that's pretty much how it is in a lot of
 11 departments. I talked to another dean about that.
 12 It's you want to have as many people on it as
 13 possible because you have -- basically you're
 14 deciding -- you're reviewing, you're revising, you're
 15 creating new courses --
 16 Q I'm going to cut you off because you answered my
 17 question again.
 18 A Okay, got it.
 19 Q I want to get out of here within the next 20 minutes.
 20 So just think getting out of here, getting out of
 21 here. Whenever I interrupt you, I don't mean to cut
 22 you off --
 23 A That's okay, it's not personal.
 24 Q But I'm going to interrupt you so I can get through
 25 this stuff.

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1 recommendable.
 2 Q Was there a departmental vote ultimately on who would
 3 serve on the curriculum committee in fall of 2014?
 4 A Yes, and I don't know how many participated in that.
 5 It was -- you had to put your envelope in -- I don't
 6 know whether they had a basket or something.
 7 Q Was it a secret ballot?
 8 A Yes. There was I think a box or so in the mailroom
 9 that everybody had access to and we could put our
 10 envelope in there.
 11 Q Did you vote?
 12 A Yes.
 13 Q Who did you vote for?
 14 A I believe you could vote for three people. I voted
 15 for myself and then I voted for -- I think I voted
 16 for Valerie Stackman and I believe Rex Reed.
 17 Q Looking at 166, what is the basis for your belief
 18 that John Lohmann requested that Deb Rice be
 19 reprimanded for making statements about you?
 20 A Lohmann, Joe Lohmann e-mailed me that because -- the
 21 first one is from the recording that [REDACTED] made that
 22 instead of really being tough on Deb Rice, he was
 23 tough on [REDACTED]. So he was kind of violating the rule.
 24 I actually talked to somebody in the police
 25 department about that and that individual, that

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1 lieutenant said, you know, if you make these kind of
 2 statements --
 3 Q Let me -- I'm sorry, I'm going to cut you off. 166
 4 says he, meaning Dalecki, right?
 5 A Okay. Yes. Correct.
 6 Q Did not reprimand the colleague. The colleague is
 7 Deb Rice, correct?
 8 A Correct.
 9 Q Dalecki did not reprimand Deb Rice for making the
 10 statements until he was directed to do so by
 11 John Lohmann. My question is how do you know that
 12 Dalecki was directed to reprimand Deb Rice by
 13 Joe Lohmann?
 14 A Joe Lohmann actually told me that he had a talk with
 15 Dalecki, that he needed to talk to Deb Rice that it
 16 was absolutely inappropriate to make these kind of
 17 statements.
 18 Q So Lohmann told you?
 19 A Yes. Yeah, I asked him about this matter a lot.
 20 Q Who was on the DRB committee for criminal justice in
 21 January of 2015?
 22 A Dr. Fuller chaired it. She's currently the DRB
 23 chair. We had on it -- Dr. Caywood was on it.
 24 Dr. Rink with political science. Dr. Parsons from
 25 psychology. There was four of them, yes.

1 That was for -- when I went up for tenure. If I
 2 remember correctly, it was outstanding from peer.
 3 Q And do you recall if you were evaluated by the DRB in
 4 January of 2014?
 5 A Yes.
 6 Q Was Caywood on the DRB at that time?
 7 A Correct.
 8 Q And what grade did you receive from peer evaluation?
 9 A Outstanding.
 10 Q Was Dalecki on the DRB in January of 2014?
 11 A Yes. He came in. He was in.
 12 Q And 175, is it your contention that Dalecki should
 13 have removed Caywood from the DRB committees -- let
 14 me rephrase the question.
 15 Do you believe that Caywood should have
 16 abstained from evaluating you as part of the DRB
 17 committee after you filed a federal lawsuit naming
 18 him?
 19 A Absolutely.
 20 Q Why is that?
 21 A Because it's a conflict of interest.
 22 Q So because you filed a lawsuit naming Caywood as a
 23 defendant, you believe that Caywood has a conflict of
 24 interest in evaluating your teaching performance?
 25 A Yes.

1 Q Did they all teach at least one course offered by
 2 criminal justice?
 3 A No. Dr. Rink does not teach in CJ at all.
 4 Dr. Parsons teaches a course that is I believe
 5 cross-listed and that is substance abuse. He teaches
 6 that once a year. That's cross-listed for psych
 7 students and CJ students. And Dr. Fuller is -- she
 8 does not teach on campus. She only does the online
 9 program.
 10 Q Looking at Page 32 on 174, it says, "In approximately
 11 January 2015, the criminal justice DRB assigned
 12 plaintiff a lower peer evaluation grade than those
 13 which she had received contemporaneously with and
 14 prior to her advice to the student complaining of
 15 sexual harassment."
 16 So you're referring to this October 2012 student
 17 complaint?
 18 A Correct.
 19 Q And were you evaluated in January of 2013 by the DRB?
 20 A I mean -- yes.
 21 Q Was Caywood on the DRB at that time?
 22 A Yes.
 23 Q And what peer evaluation rate did you receive in
 24 January of 2013?
 25 A I'm drawing a blank now. I think it was outstanding.

1 Q So in essence, your testimony is that by you filing a
 2 lawsuit against somebody, you should be able to
 3 control whether or not they vote as a member of the
 4 DRB committee?
 5 MR. HAWKS: Objection to the
 6 characterization of the prior testimony.
 7 Subject to that, you can answer the question.
 8 A I didn't file to control the DRB. I filed as a last
 9 resort, and I think it makes perfect sense. If I had
 10 to be excused -- recuse myself from the chair search
 11 with Dalecki being an applicant, how does that make
 12 sense? It's just like just because I had issues or
 13 filed a grievance, they can use that to control the
 14 makeup of the chair search? I think the
 15 evaluation -- I would not have even complained if the
 16 evaluation was fair, and it wasn't fair.
 17 Q The evaluation in 2015 was not fair?
 18 A No. How can you peer evaluate someone if you never
 19 even come to the class and if two of the members are
 20 not even from CJ?
 21 Q Were the two members who were not from CJ involved in
 22 any way in the criminal justice department in the
 23 fall of 2012?
 24 A The only involvement that John Rink had made at that
 25 time was he did still the summer camps, the forensics

1 camp. He has on and off served on the DRB, but not
2 in a capacity of where he actually sat in class or
3 visited any instructor's class in CJ.
4 Q Was John Rink involved in any manner whatsoever in
5 the student complaint incident?
6 A No.
7 Q What about this other member?
8 A Dr. Parsons.
9 Q Parsons.
10 A Well, he was on the grievance committee against --
11 the grievance -- he was serving on the grievance
12 committee when I had my hearing against Caywood.
13 Q And that grievance committee found that Caywood had
14 not acted properly, right?
15 A Yes.
16 Q They did not find that he sexually harassed you,
17 correct?
18 A I never claimed that he sexually harassed me.
19 Q Did you claim that he was discriminatory against you
20 because you're a woman?
21 A Yes.
22 MR. HAWKS: Objection to the form.
23 And the question -- the objection to the form is
24 the question is unclear as to whether the claim
25 of discrimination occurred in the grievance at

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1 past, we divided up the interns equally. It was not
2 done this time.
3 Q During the summer of 2015 you were also negotiating
4 with Dalecki about what courses you were going to be
5 assigned to teach, is that correct?
6 A Correct.
7 Q And you wanted certain accommodations for your
8 health?
9 A Correct.
10 Q Now, as a result of all of the events complained
11 about in the second amended complaint -- let me
12 rephrase the question.
13 Since starting in October of 2012 to the present
14 is the time frame I'm going to ask you about, have
15 you applied for any grants that you did not receive
16 as a result of the events complained about in the
17 second amended complaint?
18 A Because of it?
19 Q Because of.
20 A No.
21 Q Have you -- same time frame. Have you applied for
22 any promotions that you did not receive as a result
23 of the events complained about in the second amended
24 complaint?
25 A No. I mean I did apply for a promotion, but the

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1 the time or occurred in this lawsuit.
2 MS. BENSKY: I'm talking about the
3 grievance at the time.
4 Q When you made the grievance against Caywood, part of
5 the basis for that grievance is that you believed
6 that he was discriminatory toward you because you're
7 a woman?
8 A Yeah. There were patterns of him treating women
9 differently than men in the department.
10 Q And the grievance committee that Parsons sat on did
11 not find that type of discriminatory behavior, is
12 that correct?
13 A Correct.
14 Q But they did find that Caywood had not acted properly
15 toward you?
16 A And they found there was favoritism in the
17 department, which kind of to some degree supports my
18 claim.
19 Q Looking at 183, summer of 2015, Dalecki assigned
20 fewer interns to plaintiff than her proportionate
21 share. How many interns did you get in the summer of
22 2015?
23 A Three, I believe. Three.
24 Q How many was your proportionate share?
25 A I had less than the others, so what we did in the

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1 reason given made sense.
2 Q What promotion did you --
3 A I put in for full professor in January 2015.
4 Q And what was the reason?
5 A I think you need to serve five years as an associate
6 professor.
7 MR. HAWKS: Did you mean as an
8 associate or as an assistant?
9 THE WITNESS: I'm sorry, for a full
10 professor. I said associate.
11 MR. HAWKS: Okay.
12 A Yeah, it was associate.
13 Q Have you applied for any outside employment since
14 October of 2012?
15 A No.
16 Q Have you been denied any speaking opportunities since
17 October of 2012?
18 A There was -- I had to cancel the faculty forum
19 series. I was scheduled I believe for either
20 February or March of this year to teach -- to talk on
21 human trafficking.
22 Q That was because of your surgery?
23 A And that was -- yeah, and I could not do that. So I
24 put in again for 2015-16 and I did not get that. So
25 that's the only one I can think of. But I don't know

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1 whether it had anything to do with --

2 MS. BENSKY: Let me talk to Kate.

3 I'll just run outside and talk to her for a

4 second.

5 MR. HAWKS: I have a couple of

6 questions too.

7 (Short recess is taken)

8 MS. BENSKY: Okay. We're done.

9 EXAMINATION

10 BY MR. HAWKS:

11 Q In your grievance against Professor Caywood, did you

12 allege that he engaged in retaliation against you?

13 A Yes.

14 Q And did the committee reach a decision on the

15 question or even --

16 MS. BENSKY: Objection, leading.

17 Q Did the committee reach a decision?

18 MS. BENSKY: Objection, leading.

19 Q Subject to that objection.

20 MS. BENSKY: You can't ask a leading

21 question in a deposition that I'm taking.

22 MR. HAWKS: It's not leading.

23 MS. BENSKY: It is leading.

24 MR. HAWKS: I'll try this.

25 MS. BENSKY: Why don't you ask her

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1 outstanding performance. And in my request for

2 reconsiderations, I listed those outstanding remarks

3 and asked for an explanation why my marks for 20 --

4 calendar year 2014 would be lower and no explanation

5 was given.

6 The only notice I got is that they were

7 confirmed and when the forms are -- I still have

8 these two inconsistent forms. I tried to get a copy

9 of -- to view a copy of the evaluation marks, and I'm

10 told that they don't exist, which makes it record

11 tampering. It's actually on the list of record

12 tampering.

13 Q Is there any evidence on either of the histories of

14 evaluations of the department that you believe reveal

15 tampering?

16 A There is history in that there was a statement made

17 in regard to Dr. Gibson when there was a disagreement

18 on the DRB to how he would be ranked. Dutelle and

19 Caywood had a very different understanding of Gibson.

20 And Fuller actually told me not to engage in a

21 discussion with them and said we can always adjust

22 that later.

23 Q Did you teach an online course at Milwaukee, at

24 UW-Milwaukee subsequent to the fall of 2012?

25 A No. I mean subsequent, yes. Since 2012, yes. I

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1 what did the committee find?

2 Q What did the committee find?

3 A The committee found that my reputation with AT&T had

4 to be addressed. They recommended that Dean Throop

5 send AT&T a letter or e-mail, some kind of message in

6 this regard. They found that our -- Dr. Caywood had

7 a -- you know, had a dysfunctional department, that

8 he practiced favoritism in the department, that he

9 basically hung me out to dry after the student

10 complaint.

11 Q And did the committee issue one or more than one

12 decision?

13 A The grievance committee issued more than one

14 decision. I believe three.

15 Q Okay. Early in your deposition you were asked a

16 question about whether you believed documents had

17 been falsified. Do you believe that your DRB file

18 has been tampered with?

19 A Yes.

20 Q Why?

21 A Because there are two files now, two evaluation

22 sheets that do not match up, and I remember very

23 clearly to getting all outstanding marks in 2014, in

24 January 2014 for the year of 2013 and that even

25 Dalecki and Fuller even congratulated me to the

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1 taught one in spring of 2015, and I'm currently

2 teaching one as well.

3 Q When you testified that you had not applied for

4 outside employment, did you consider UW-Milwaukee as

5 part -- when you answered the question?

6 A I did not apply with them. So I was asked to teach.

7 So the question was whether I applied. I did not

8 apply.

9 MR. HAWKS: Thank you. No further

10 questions.

11 REEXAMINATION

12 BY MS. BENSKY:

13 Q I just have a question. Who has your DRB file now?

14 A I do have it now.

15 Q Have you provided copies of the documents you feel

16 have been tampered with?

17 A Yes.

18 MR. HAWKS: Can we go off the record?

19 (Discussion off the record)

20 MS. BENSKY: That's it.

21 (2:29 p.m.)

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