

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

14-CV-274

Transcript of the Testimony of:

Dr. Michael Dalecki

October 7, 2015



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DR. SABINA BURTON,
Plaintiff,

vs.

Case No. 14-CV-274

BOARD OF REGENTS OF THE UNIVERSITY
OF WISCONSIN SYSTEM, DR. THOMAS
CAYWOOD, DR. ELIZABETH THROOP, and
DR. MICHAEL DALECKI,

Defendants.

Deposition of DR. MICHAEL DALECKI

Wednesday, October 7, 2015

9:55 a.m.

at

WISCONSIN DEPARTMENT OF JUSTICE
17 West Main Street, Room 144
Madison, Wisconsin

Reported by Kaila M. Macek, RMR

1 Deposition of DR. MICHAEL DALECKI, a witness in
2 the above-entitled action, taken at the instance of
3 the Plaintiff, pursuant to the Federal Rules of
4 Civil Procedure, before Kaila M. Macek, Registered
5 Merit Reporter and Notary Public, State of
6 Wisconsin, at WISCONSIN DEPARTMENT OF JUSTICE, 17
7 West Main Street, Room 144, Madison, Wisconsin, on
8 the 7th day of October, 2015, commencing at 9:55
9 a.m. and concluding at 4:36 p.m.

10

11

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

13

HAWKS QUINDEL, S.C.

14

By: Mr. Timothy E. Hawks

15

222 East Erie Street, Suite 210

16

Milwaukee, Wisconsin 53201

17

Appeared on behalf of the Plaintiff

18

WISCONSIN DEPARTMENT OF JUSTICE

19

By: Ms. Katherine Spitz and

20

Ms. Anne M. Bensky

21

P.O. Box 7857

22

Madison, Wisconsin 53707

23

Appeared on behalf of the Defendants

24 Also Present:

25

Roger Burton

26

Jennifer Schuchart, Paralegal with
the Department of Justice

27

28

29

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1 TRANSCRIPT OF PROCEEDINGS
 2 MICHAEL DALECKI, called as a witness herein,
 3 having been first duly sworn on oath, was examined
 4 and testified as follows:
 5 BY MR. HAWKS:
 6 Q And you are Michael Dalecki?
 7 A Yes.
 8 Q Professor Dalecki, formerly the interim chair of the
 9 criminal justice department at the University of
 10 Wisconsin-Platteville?
 11 A Yes.
 12 Q From August of 2013 until approximately August of
 13 2015?
 14 A Yes.
 15 Q In paragraph 98 of her complaint, Professor Burton
 16 alleges that Dean Throop changed the organizational
 17 structure such that the chair of the department was
 18 thereafter an administrative position, subordinate to
 19 the dean and not accountable to the department.
 20 Is that a true statement?
 21 A I don't know.
 22 Q Did you from time to time say, while you were chair
 23 of the department, that you were accountable to the
 24 dean?
 25 A In words to that effect.

Page 6

1 Q Who words might you have used?
 2 A "I answer to the dean."
 3 Q In paragraph 99 of the complaint, Professor Burton
 4 alleges that you had applied for a tenure track
 5 position in the criminal justice department in 2010
 6 and 2011, and on both occasions your application was
 7 rejected, as you did not meet the minimum
 8 requirements for membership in the department. You
 9 denied that allegation; is that correct?
 10 A That's correct.
 11 Q What part of that allegation is incorrect, in your
 12 opinion?
 13 A I don't recall applying twice. Second, I was already
 14 tenured. I would not have moved over to CJ without a
 15 tenure mind following me. And the question of
 16 qualified is open to opinion.
 17 Q Well, what is your opinion?
 18 A More than qualified.
 19 Q All right. And did you -- is it true that you did
 20 apply in either 2010 or 2011 for membership in the
 21 criminal justice department, but that application was
 22 denied?
 23 A I applied. I was not hired.
 24 Q Was someone else hired?
 25 A I don't know.

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1 Q Professor Burton alleges in paragraphs 100 and 101 of
 2 her complaint that you never taught a course offered
 3 by the criminal justice department and that you were
 4 not and are not now qualified to teach most courses
 5 offered by the criminal justice department; is that
 6 correct?
 7 A Yes.
 8 MS. SPITZ: Just one second here. Tim, if
 9 you're going to go through the specific allegations
 10 of the complaint, are you going to put it in front
 11 of him?
 12 MR. HAWKS: I don't have an extra copy of
 13 the complaint with me.
 14 BY MR. HAWKS:
 15 Q Dr. Burton alleges that in September of 2013 the
 16 criminal justice department elected Dr. Gibson as
 17 chair, but Dean Throop vetoed the choice of
 18 Dr. Gibson and continued you as the interim chair
 19 over the objections of the plaintiff, Dr. Burton, and
 20 nearly all of the faculty, criminal justice
 21 department.
 22 That allegation is denied. Do you know
 23 what part of that allegation is incorrect?
 24 A Dr. Gibson did not receive a majority.
 25 Q What did he receive?

Page 8

1 A Three votes out of eight.
 2 Q And how many participated in the election?
 3 A Eight.
 4 Q In paragraph 103 of the complaint, Dr. Burton alleges
 5 that Dean Throop failed to conduct another election
 6 as required by the LA&E constitution, article 6,
 7 section 4, which states, "Should the dean not concur
 8 with the department's choice, he or she will inform
 9 the members of the department of the reasons and
 10 conduct a new election."
 11 That's a legal conclusion, but what part of
 12 that assertion is incorrect, to your knowledge?
 13 A I don't know.
 14 Q Is it true that at least one grievance committee had
 15 recommended that the next search for the criminal
 16 justice department be conducted in accordance with
 17 the LA&E constitution?
 18 MS. SPITZ: Object to form.
 19 THE WITNESS: I don't know.
 20 BY MR. HAWKS:
 21 Q In paragraph 105 of her complaint, Dr. Burton alleges
 22 that nearly all faculty and staff to the criminal
 23 justice department, including her, objected to your
 24 appointment as interim chair.
 25 Do you know whether or not that's true?

Page 9

1 A I do not.
 2 Q Do you know whether or not any members of the
 3 department objected to your status as the interim
 4 chair in the department?
 5 A Other than Dr. Burton, no.
 6 Q You don't know?
 7 A No.
 8 Q Dean Throop -- in paragraph 107 of the complaint,
 9 Dr. Burton alleges that Dean Throop refused to
 10 solicit nominations for chair from the department.
 11 That allegation, you denied, on the basis of the
 12 reference to "chair" being vague.
 13 Did you understand that reference to be
 14 referring to chair of the criminal justice
 15 department?
 16 MS. SPITZ: Object to form.
 17 MR. HAWKS: Subject to that, you can
 18 answer the question.
 19 THE WITNESS: Would you please repeat it.
 20 BY MR. HAWKS:
 21 Q The allegation in the complaint reads that Dean
 22 Throop refused to solicit nominations for chair from
 23 the department. Is that a true or false statement?
 24 A I don't know.
 25 Q There was a search conducted for the permanent chair

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1 for the criminal justice department. Are you aware
 2 of that search?
 3 A Yes.
 4 Q Were there qualified, available, willing faculty
 5 members in the criminal justice department capable of
 6 chairing that search, including Dr. Burton?
 7 A Clarify. This is for the search for the chair?
 8 Q Yes. Permanent chair.
 9 A I don't know.
 10 Q Was Dr. Fuller qualified, available, and willing to
 11 serve as chair of the search committee?
 12 A I don't know.
 13 Q Was Dr. Burton qualified, available, and willing to
 14 chair the search committee?
 15 A From what I have heard.
 16 Q What did you hear?
 17 A Well, she's made that claim.
 18 Q Yeah. And what is your opinion?
 19 A My opinion is she's not.
 20 Q Not what?
 21 A Qualified to chair that search.
 22 Q Please state each and every reason why you hold that
 23 opinion.
 24 A Her background and experience is very limited.
 25 Q And what is the limit?

Page 11

1 A She served on very few university and college
 2 committees. She has not been on department
 3 committees dealing with adverse employment decisions.
 4 In general, she is inexperienced, though she had been
 5 recently tenured.
 6 Q Do you know the years in which Professor Burton
 7 served on the DRB of the --
 8 A No, I do not.
 9 Q Do you know the years in which she served on the CRST
 10 of the college?
 11 A No, I do not.
 12 Q If you do not know those things, how can you say she
 13 has not had service, in your experience, in that
 14 capacity?
 15 A I did not say she did not have service. Her service
 16 is limited, and there are far more experiences one
 17 needs to be able to understand how to chair a
 18 department. For example, serving on faculty senate,
 19 serving on the academic planning council, serving on
 20 the academic standards committee.
 21 Q And do you know whether or not she's served on any of
 22 those committees?
 23 A I do not believe she ever has.
 24 Q Do you know?
 25 A No.

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1 Q In paragraph 111, Dr. Burton alleges that Dr. Zauche
 2 -- am I producing that name correctly?
 3 A Yes.
 4 Q Zauche is and was at the time tenured in the
 5 chemistry department and has no affiliation with the
 6 criminal justice department. That allegation you
 7 denied on the basis of the claim he has no
 8 affiliation.
 9 What affiliation does Dr. Zauche have with
 10 the chemistry department -- or, with the criminal
 11 justice department?
 12 A Currently, I don't believe any.
 13 Q And in the past?
 14 A He had served as chair of the chemistry department.
 15 Q And what -- how does that establish some affiliation
 16 with the criminal justice department?
 17 A Our criminalistics major is a lab version of the
 18 forensic investigation major, which is done in
 19 chemistry. And chemistry and criminal justice,
 20 through this forensic investigation discipline, have
 21 had a close working relationship over the years.
 22 Q Do you recall when Dr. Zauche was chair of the
 23 chemistry department?
 24 A I believe 2010 to 2013.
 25 Q And isn't the course that the criminal justice majors

Page 13

1 are required to take in chemistry a core course for
 2 all students?
 3 A I don't know.
 4 Q Dr. Burton alleges in paragraph 112 of the complaint
 5 that Dean Throop changed the wording of the
 6 advertisement for the criminal justice department
 7 chair without obtaining the consensus of the
 8 department. Do you deny that?
 9 A I don't know.
 10 Q Were you chair of the department on October 7, 2014?
 11 A Yes. Interim chair.
 12 Q And was there -- I'm sorry?
 13 A Interim.
 14 Q Interim chair. Thank you. And isn't it true, at
 15 that time, the department had drafted its own job
 16 description for the vague -- for the chair of the
 17 department?
 18 MS. SPITZ: Object to form. You can
 19 answer.
 20 THE WITNESS: I don't recall exactly.
 21 BY MR. HAWKS:
 22 Q Well, you were chair of the department at the time?
 23 A Right.
 24 Q What do you recall?
 25 A I also was a candidate.

Page 14

1 Q Okay. What do you recall about --
 2 A I recall --
 3 Q -- the department?
 4 A -- recusing myself from those kinds of deliberations
 5 and decisions because it was a conflict of interest
 6 for me to be involved.
 7 Q So you did not attend to the definition of the
 8 department chair, the job description, the job of
 9 department chair that was drafted by the
 10 department --
 11 A Correct.
 12 Q -- itself? In paragraph 117 of her amended -- second
 13 amended complaint, Professor Burton alleges on
 14 November 21 and 22, 2013, Dr. Dalecki printed,
 15 signed, and gave Dr. Burton a certificate reading,
 16 "Sabina won." You admit that; is that correct?
 17 MS. SPITZ: One moment, Tim. We've been
 18 able to secure additional copies. I'm going to put
 19 that in front of him.
 20 MR. HAWKS: Fine. Please provide the
 21 witness with a copy.
 22 BY MR. HAWKS:
 23 Q Would you please refer to the defendant's answer to
 24 the second amended complaint, specifically to
 25 paragraph 118 -- 117. Excuse me.

Page 15

1 A I did print, sign, and give Dr. Burton a certificate
 2 reading "Sabina won."
 3 Q To what were you referring? What did she win?
 4 A Given the long history in the department of conflicts
 5 amongst members of the department and her beliefs
 6 that she had been treated either unfairly or
 7 inequitably, the fact that I was there in the
 8 previous chair, was no longer the chair, might have
 9 indicated that perhaps some of her concerns were seen
 10 as legitimate.
 11 And, thus, if his removal and my
 12 installation as interim wasn't clear, it seemed to me
 13 that it could be a -- an indication of having at
 14 least some of her concerns recognized.
 15 Q You became the -- Dr. Caywood was your predecessor;
 16 correct?
 17 A That's correct.
 18 Q And he was removed or he stepped down effective
 19 August of 2013; correct?
 20 A I believe so.
 21 Q And you printed, signed, and gave Dr. Burton the
 22 certificate on November 21 and 22 of 2013; isn't that
 23 correct?
 24 A No.
 25 Q What is not correct?

Page 16

1 A I didn't do it over two days.
 2 Q Okay. So it was in either the 21st or the 22nd?
 3 A I don't recall the exact date. Probably somewhere
 4 around that time.
 5 Q All right. That would have been at least
 6 three months after Dr. Caywood had departed his chair
 7 of the department?
 8 A Yes.
 9 Q So what was the immediate cause for you to write,
 10 print, and sign this certificate?
 11 A Having a conversation with Dr. Burton in attempts to
 12 do some mentoring about her future in the department
 13 and the university.
 14 Q And when did that conversation occur?
 15 A Whatever day I gave her that.
 16 Q In paragraph 121 of her complaint, Dr. Burton alleges
 17 that on December 10, 2014, Dean Throop removed her
 18 from the search committee for the chair of the
 19 criminal justice department. Are you aware of that?
 20 A I'm aware she was removed; I don't know as to the
 21 date.
 22 Q And she was removed by Dr. -- or, by Dean Throop; is
 23 that correct?
 24 A I have no direct knowledge of that.
 25 Q What indirect knowledge do you have of that?

Page 17

1 A That she was removed.
 2 Q And who -- how did you acquire that knowledge?
 3 A Dr. Zauche informed me.
 4 Q When did he inform you of that?
 5 A Probably that week. I had called him and asked to
 6 know the composition of the search committee, as any
 7 candidate would be able to ask, and he informed me
 8 that a change had been made.
 9 Q And specifically, to the best of your recollection,
 10 what did he tell you about the change that had been
 11 made?
 12 A That she was no longer on the committee. I don't
 13 even recall who replaced her or even if she was --
 14 Q Did he explain the basis for her not being on the
 15 committee?
 16 A No.
 17 Q Did you object to her presence on the committee?
 18 A No.
 19 Q In paragraph 122 of her complaint, Dr. Burton alleges
 20 that on October 28, 2014, Dean Throop issued a letter
 21 of correction to her based upon false claims against
 22 the plaintiff and directing plaintiff to engage in a
 23 number of actions based upon false claims.
 24 Are you aware of the letter of direction
 25 that Dean Throop sent to Dr. Burton?

Page 18

1 A I am.
 2 Q And was that letter of direction based in whole or
 3 part on information that you had provided to Dr. --
 4 to Dean Throop?
 5 A Yes.
 6 Q In paragraph 125 of her complaint, Dr. Burton alleges
 7 that on December 16, 2014, Dean Throop falsely
 8 accused her of canceling classes and threatened
 9 disciplinary measures in an e-mail, a copy of which
 10 was sent to you; is that true?
 11 A I don't recall.
 12 Q Did you receive a copy of an e-mail from Dean Throop
 13 to Dr. Burton falsely accusing her of canceling
 14 classes?
 15 A I don't recall.
 16 Q December 16, 2014, was a Tuesday. Prior Friday was
 17 December 12, 2014. That would have been the last day
 18 of classes in the fall semester of the 2014/2015
 19 school year.
 20 Did Dr. Burton attend to her classes on
 21 that day?
 22 MS. SPITZ: Object to form.
 23 THE WITNESS: I don't know.
 24 BY MR. HAWKS:
 25 Q Did you see Dr. Burton in class that day?

Page 19

1 A No.
 2 Q In her office that day?
 3 A I don't recall.
 4 Q So you didn't -- you didn't see her or you did see
 5 her or you don't recall whether you saw her?
 6 A I don't recall if I saw her.
 7 Q Okay. In paragraph 127 of the complaint, Dr. Burton
 8 alleges that you saw her on the premises in the
 9 morning of December -- and there's an error in the
 10 complaint -- of December 16. That should read
 11 December 12th -- and knew she was attending her
 12 classes, but did not inform Dean Throop of that fact.
 13 Your answer to that allegation is to deny
 14 it. Would it be more correct to say you don't
 15 remember, or is it that you deny that you saw her on
 16 the premises in the morning of December 12th?
 17 MS. SPITZ: Object to form. You can
 18 answer.
 19 THE WITNESS: Seeing her in the
 20 department, which I do not recall, is not the same
 21 as having her attend class. I could have seen her
 22 and she may not have attended class. I don't know.
 23 BY MR. HAWKS:
 24 Q Are you -- are you alleging or do you assert that
 25 Dr. Burton did not attend her classes on December 12

Page 20

1 of 2014?
 2 A No.
 3 Q Dr. Burton alleges on October 17 of 2013, upon
 4 learning that she had filed a complaint with
 5 Chancellor Shields regarding Dean Throop's
 6 appointment of you as the interim chair, you called
 7 her into your office and berated her.
 8 Do you recall that event?
 9 A I recall the meeting. I did not berate her.
 10 Q The meeting occurred on or about October 17, 2013?
 11 A Yes.
 12 Q And you called the meeting?
 13 A Yes.
 14 Q She alleges that at that time you told her that you
 15 knew, quote, where the skeletons were buried, closed
 16 quote.
 17 Did you say that to her, or words of
 18 similar effect and meaning?
 19 A Yes.
 20 Q At that time and at that meeting, Dr. Burton alleges
 21 that you told her you can't -- quote, you can't
 22 expect to file a lawsuit without consequences, close
 23 quote.
 24 Did you say that to her or words to similar
 25 effect and meaning?

Page 21

1 A I don't recall that.
 2 Q You don't recall?
 3 A No.
 4 Q I need to make this-- we need to be clear on the
 5 record. You don't deny, you don't admit, you don't
 6 remember; is that correct?
 7 A I don't recall specific words.
 8 Q Or words -- you don't recall whether or not you used
 9 any words of similar effect or meaning as those, "you
 10 can't expect to file a lawsuit without consequences"?
 11 A Yes.
 12 Q She alleges in paragraph 134 that you told her that
 13 her complaints were old news.
 14 Do you recall saying that to her at that
 15 time?
 16 A Or words to that effect. Yes.
 17 Q And she also alleges that you said to her that nobody
 18 wanted to hear about them anymore.
 19 Do you recall saying that or something to
 20 that effect?
 21 A Or something to that effect. Yes.
 22 Q In paragraph 135 of her complaint, second amended,
 23 Dr. Burton alleges that at that time she explained to
 24 you that her damages had not been adequately remedied
 25 and that she had been in the right.

Page 22

1 Do you recall her saying that to you or
 2 words to similar effect and meaning?
 3 A I do.
 4 Q She alleges in paragraph 136 of her complaint that
 5 you responded to that remark with words, quote,
 6 nobody cares about that anymore, close quote, that
 7 she should let it go, that people will forgot, or
 8 words to similar effect and meaning.
 9 Did you say those things or words similar
 10 to those things to her at that time?
 11 A Yes.
 12 Q In paragraph 137 of her complaint, second amended,
 13 Dr. Burton alleges that in late March of 2014, after
 14 she had requested and received her right to sue
 15 letter from the EEOC, but prior to the end of the
 16 90-day window in which she had to file a suit, you
 17 asked her about her intentions regarding a lawsuit;
 18 do you recall that?
 19 A I do not.
 20 Q Do you deny that that happened?
 21 A I don't recall.
 22 Q Okay. She alleges that you asked her whether it
 23 was -- "it" being the lawsuit -- was still on; do you
 24 recall that?
 25 A Yes.

Page 23

1 Q That would have -- when you recall that, would you --
 2 would it have been in approximately late March of
 3 2014 that you had said that?
 4 A I don't recall exactly when it was.
 5 Q Dr. Burton alleges in paragraph 138 of her complaint
 6 that you became upset when the plaintiff informed you
 7 that she had not dropped her intention to sue; do you
 8 recall that?
 9 A No.
 10 Q She alleges that at the same time, she explained to
 11 you that her damages had not been fairly addressed
 12 and that she had not done anything wrong when she
 13 handled the student's sexual harassment complaint in
 14 October of 2012.
 15 Do you recall her saying that to you in
 16 March of 2012 --
 17 MS. SPITZ: Object to form.
 18 MR. HAWKS: -- or March of 2014?
 19 THE WITNESS: No, I do not.
 20 BY MR. HAWKS:
 21 Q She alleges in paragraph 140 of her second amended
 22 complaint that you became annoyed and told her again
 23 that she should, quote, get over it, closed quote.
 24 She was getting a, quote, pay raise, closed quote,
 25 and nothing good would come from her bringing legal

Page 24

1 action.
 2 Do you recall saying that to her at or
 3 about that time?
 4 A No.
 5 Q Do you recall saying that to her at any time, or
 6 words to similar effect at any time?
 7 A No.
 8 Q Do you deny having said that at any time?
 9 A I don't recall ever having said it.
 10 Q Okay. In paragraph 141 of her complaint, Dr. Burton
 11 alleges that your demeanor toward her became hostile
 12 after March of 2014; do you deny that?
 13 MS. SPITZ: Object to form.
 14 THE WITNESS: Yes. I deny it.
 15 BY MR. HAWKS:
 16 Q Does teaching higher-level courses support an
 17 application for a promotion at UW-Platteville?
 18 A I have never heard that it does.
 19 Q Would it help?
 20 A I don't really think so.
 21 Q In paragraph 144 of the complaint -- you may want to
 22 refer to your answer to the second amended complaint.
 23 A 144?
 24 Q Uh-huh. Dr. Burton alleges in her complaint that
 25 during the month of June 2014, personal circumstances

10/7/2015

Dr. Michael Dalecki

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Page 25

1 required her to limit her participation in support of
 2 a visiting delegation of German students to
 3 UW-Platteville.
 4 It appears that in answer to that, you
 5 admit that portion of that paragraph 144; is that
 6 true?
 7 A Please repeat the question.
 8 Q It would appear, based upon your answer to that
 9 allegation, that you admit the first sentence to be
 10 truthful; is that correct?
 11 A As far as I know.
 12 Q All right. The second sentence of that paragraph
 13 reads, "although plaintiff was volunteering her time
 14 and committed to help as much as reasonably possible,
 15 Dr. Dalecki refused her offers in significant
 16 respects."
 17 It would appear from your answer that you
 18 denied the truth of that sentence; is that correct?
 19 A Correct.
 20 Q What part of that sentence or what aspect of that
 21 sentence do you assert is not true?
 22 A The ambiguity of the sentence, first, making it
 23 impossible to assign specificity to any particular
 24 offer or circumstance.
 25 Q Okay. Let me break it down, then, to understand what

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1 you dispute.
 2 The sentence alleges that she was
 3 volunteering her time; is that true?
 4 A I don't know. She told me it was on me.
 5 Q Well, is Dr. Burton's contract limited to a certain
 6 period of time?
 7 A I believe it is.
 8 Q And isn't that period of time typically in the month
 9 of May of each calendar year?
 10 A Typically from mid August to mid to late May.
 11 Q All right. And this event occurred in June of 2014;
 12 isn't that true?
 13 A That's correct.
 14 Q And so she would not have been under contract of
 15 employment with the University of
 16 Wisconsin-Platteville at the time the German
 17 delegation came to visit, would she?
 18 A That's correct.
 19 Q And is it also true that during that period of time,
 20 that you were under a 12-month contract to provide
 21 services to the University of Wisconsin-Platteville?
 22 A Yes.
 23 Q The second aspect of that sentence in paragraph 144
 24 alleges that Dr. Burton was committed to help as much
 25 as reasonably possible. Do you dispute that

Page 27

1 allegation?
 2 A I don't know.
 3 Q The next aspect of that sentence alleges that you
 4 refused her offers of help in significant respects.
 5 Do you dispute that allegation?
 6 A I don't know what it means.
 7 Q Did she offer to help?
 8 A I don't recall that she did.
 9 Q In paragraph 145 of her complaint, Dr. Burton alleges
 10 that upon information and belief, you informed Dr. --
 11 or, Dean Throop that she had abandoned her
 12 responsibility that -- abandoned her responsibility
 13 that she did not possess.
 14 Your answer denies that allegation. What
 15 aspect of that allegation do you dispute?
 16 A She asked me, the previous fall, to support her
 17 bringing the Germans to Platteville.
 18 Q How does that contradict anything found in paragraph
 19 145? I hope you have a copy of it in front of you.
 20 Do you have a copy of --
 21 A Uh-huh.
 22 Q -- your answer?
 23 A Uh-huh.
 24 Q And a copy of the complaint?
 25 A Uh-huh.

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1 Q Okay. And my question is: What about her allegation
 2 in paragraph 145 is it that you dispute?
 3 A She practically begged me to do it. I told her that
 4 I would support it in as much as it did not cost the
 5 department any resources, as at the time, I was a new
 6 chair and the spending tempos and physical tempos of
 7 the department were not yet clear to me. And she
 8 agreed to all of that and left the office quite
 9 animated and excited that she was going to be able to
 10 work to bring these German visitors to Platteville.
 11 Q Okay. Let's break this allegation down to its
 12 component parts and ask you, with regard to each
 13 part, whether you dispute the truthfulness of the
 14 allegation.
 15 In paragraph 145, Dr. Burton alleges that
 16 you informed Dean Throop and others that she
 17 abandoned a responsibility. Is that true or false?
 18 A True.
 19 Q All right. And then she adds in her complaint the
 20 allegation that she -- that that was a responsibility
 21 that she did not possess; is that true or false?
 22 A False.
 23 Q In paragraph 146 of her second amended complaint,
 24 Dr. Burton alleges that you requested mediation and
 25 that she was willing to participate. In your answer,

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1 you respond by saying mediation was suggested. Who
2 suggested mediation?
3 A I believe it was John Lohmann, who was the interim HR
4 director at the time.
5 Q And was plaintiff willing to participate in -- was
6 Dr. Burton willing to participate in mediation?
7 A She showed up at the first meeting, so I believe so,
8 yes.
9 Q That's a yes? Okay. So the aspect of that
10 allegation that you dispute is whether or not you
11 requested mediation, and instead you assert that it
12 was suggested by somebody else?
13 A I believe that's correct.
14 Q In paragraph 147 of the complaint, Dr. Burton alleges
15 that you refused to participate in mediation, and
16 that, you deny. What part of that allegation is
17 untrue?
18 A I was instructed by UW System legal counsel to no
19 longer do --
20 MS. SPITZ: Object.
21 A -- mediation.
22 MR. HAWKS: The answer is in the record.
23 BY MR. HAWKS:
24 Q All right. In paragraph 148 of her second amended
25 complaint, Dr. Burton alleges that you withdrew your

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1 earlier decision that she should mentor a new
2 colleague, Dr. Valerie Stackman, and you assigned
3 yourself to be Dr. Stackman's mentor; is that true?
4 A Yes.
5 Q In paragraph 149, Dr. Burton alleges that mentoring
6 responsibilities support an application for academic
7 promotion. In your answer, you write that is true,
8 but it's only a minor element.
9 Can you elaborate on that response, please?
10 A In my long experience serving on department review
11 boards, I can never remember that being an issue to
12 the positive in any instance.
13 Q But it can be a positive, based upon your answer?
14 A At best, minor.
15 Q In paragraph 150 of the second amended complaint,
16 Dr. Burton alleges that on July 1, 2014, her health
17 had deteriorated and she requested an accommodation
18 for severe headaches and job-related stress. What do
19 you know about that matter?
20 A Very little.
21 Q My question is how little? What do you know?
22 A I know she claims her health had deteriorated.
23 Beyond that --
24 Q How do you know that?
25 A Well, it's in the record.

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1 Q How do you know that, though? How do you,
2 personally, know that?
3 A It's -- I don't recall how I became aware of it. I
4 know in one of her e-mails to me she had indicated
5 that she had headaches. Beyond that, I don't know
6 anything about the specifics.
7 Q Do you dispute the truthfulness of her statements
8 that she had heard that her health deteriorated?
9 A I don't dispute them.
10 Q Okay.
11 A I don't know.
12 Q In paragraph 151 of her complaint, Dr. Burton alleges
13 that you denied her request to teach an online course
14 as part of her normal load.
15 Is it true that you denied her request to
16 teach an online course as part of her normal load?
17 A Yes.
18 Q She also alleges that her letter of appointment
19 specifies that she is to teach 25 percent of her
20 load in online courses. Do you dispute that
21 allegation?
22 A I don't know. I have never seen the letter.
23 Q You have never read the letter? Okay. Just take a
24 look at your answer to that allegation, please. It's
25 paragraph 151. Your answer, as I understand it, is

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1 that you admit you did not assign her to teach an
2 online course, but you denied the rest of the
3 allegations to that paragraph.
4 How could you deny the truthfulness of the
5 letter of appointment if you had never read it?
6 MS. SPITZ: Object to form. You can
7 answer.
8 THE WITNESS: I don't know that such a
9 letter even exists.
10 BY MR. HAWKS:
11 Q My question is: How could you deny it if you never
12 read it?
13 A Then the answer is a misspeak in the sense that I
14 don't know what the letter said. So maybe the answer
15 should have been lack of knowledge or doesn't know or
16 I don't know.
17 Q Okay.
18 MS. SPITZ: At this point, I'm just going
19 to interpose an objection. Dr. Burton is not the
20 only defendant who's answering this complaint. I
21 just want to put that on the record.
22 MR. HAWKS: Yeah, but this paragraph is
23 specific to Dr. Dalecki's conduct.
24 MS. SPITZ: And all the defendants filed a
25 combined answer, so I'm just putting that out there,

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1 just to put it on the record. That's all.
 2 BY MR. HAWKS:
 3 Q In paragraph 152 of the second amended complaint,
 4 Dr. Burton alleges that on August 29, 2014, you
 5 assigned a junior faculty member as chair of a search
 6 and screen committee to hire three new faculty
 7 members and they refused to let her be a member of
 8 the search committee.
 9 I believe your answer is -- admits
 10 assigning a newer member to chair that committee, and
 11 you deny the rest; is that correct?
 12 A That, actually, I believe, was three faculty members.
 13 Three positions.
 14 Q Okay. So let's break it down. On August 29, 2014,
 15 did you assign a junior faculty member to be chair of
 16 the search and screen committee?
 17 A Yes.
 18 Q Who was the junior faculty member?
 19 A Dr. Patrick Solar.
 20 Q And for how long had Dr. Solar been employed by the
 21 University of Wisconsin-Platteville at the time you
 22 assigned him to chair this committee?
 23 A A year.
 24 Q And did he have prior experience before in being
 25 employed at UW-Platteville in academia?

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1 A Yes.
 2 Q What was his prior experience?
 3 A He's taught for some other universities and an online
 4 program, and I don't remember all the specifics of
 5 it, but he's been doing it for a while.
 6 Q Okay. And that search and screen committee did, in
 7 fact, or was, in fact, responsible for hiring three
 8 new faculty members; is that correct?
 9 A Yes.
 10 Q And did Dr. Burton request to be included on that
 11 search and screen committee?
 12 A I believe so.
 13 Q And did you refuse that request?
 14 A Yes.
 15 Q So then returning to paragraph 153. What part of
 16 paragraph 153 do you deny?
 17 A Okay. That's that misspeak thing. The -- we
 18 developed the committee. Dr. Solar was the chair of
 19 that committee. It was three people that the
 20 committee was to attempting to hire.
 21 Q Okay. So --
 22 A So --
 23 Q -- just to clarify the record, you do admit, then,
 24 the allegations of paragraph 153 of the complaint?
 25 MS. SPITZ: Object to form. You can

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1 answer.
 2 THE WITNESS: Would you repeat that,
 3 please.
 4 BY MR. HAWKS:
 5 Q So rereading the allegations of paragraph 153, you
 6 admit those; isn't that true?
 7 A Yes.
 8 Q Okay. In paragraph 154, Dr. Burton alleges that you
 9 refused her subsequent request to chair a search
 10 committee for even one of the three new faculty
 11 members. And the answer to the complaint, you deny
 12 that allegation in your answer; why?
 13 A The previous year Dr. Burton had chaired a search
 14 committee that produced two faculty members.
 15 Q Actually, I think you're misunderstanding my
 16 question, so let me repeat it. Looking at paragraph
 17 154 --
 18 A Uh-huh.
 19 Q -- Dr. Burton alleges that you subsequently refused
 20 her request to chair a search committee for even one
 21 of the three new faculty members. My question is:
 22 Is that true, or is that false?
 23 MS. SPITZ: Object to form. Go ahead.
 24 THE WITNESS: It's true.
 25 BY MR. HAWKS:

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1 Q So you admit the allegations of paragraph 154?
 2 A I do. I'm not sure why it says "deny" in here, but
 3 it's --
 4 Q Okay.
 5 A -- it's true.
 6 Q In paragraph 155, Dr. Burton alleges that
 7 participation on such committees, particularly as
 8 chair of the committee, supports an application for
 9 academic promotion. Do you believe that to be true
 10 or false?
 11 A At best, it's minor.
 12 Q Okay. And she also alleges it gives a good first
 13 impression on new hires. Do you believe that to be
 14 true or false?
 15 A I don't know what that means.
 16 Q Okay. In paragraph 156, Dr. Burton alleges that a
 17 grievance committee recommended on April 19, 2013, in
 18 response to her allegation that Dr. Caywood had
 19 retaliated against her due to her advice that a
 20 student reported suspected sexual harassment to
 21 student affairs, rather than the department chair,
 22 that, quote, "the criminal justice department takes
 23 advantage of Dr. Burton's willingness to be more
 24 actively involved in the hiring of new faculty
 25 members."

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<p>1 Now, my question is specifically with</p> <p>2 regard to the quote from the committee. Do you know</p> <p>3 whether or not that grievance committee made that</p> <p>4 recommendation?</p> <p>5 A No.</p> <p>6 Q You've never -- to be sure, did you read the</p> <p>7 grievance committee's recommendation of April 19,</p> <p>8 2013, at any time?</p> <p>9 A I don't ever recall seeing it.</p> <p>10 Q In paragraph 157, Dr. Burton alleges you violated</p> <p>11 this recommendation. Now, without regard to whether</p> <p>12 you knew about it or not, did you take advantage of</p> <p>13 her willingness to be more actively involved in the</p> <p>14 hiring of new faculty members?</p> <p>15 MS. SPITZ: Going to object to form.</p> <p>16 THE WITNESS: She chaired the search in</p> <p>17 the fall of 2013 that ended up producing two new</p> <p>18 faculty members.</p> <p>19 BY MR. HAWKS:</p> <p>20 Q Other than that?</p> <p>21 A No.</p> <p>22 Q In paragraph 158 of her complaint, Dr. Burton alleges</p> <p>23 that in October of 2014, you refused to investigate</p> <p>24 her allegation that a colleague had excluded her from</p> <p>25 the process of formulating a job description for the</p>	<p>1 A I don't recall that. No.</p> <p>2 Q Dr. Burton alleges in paragraph 161 of her complaint</p> <p>3 that from that date forward, that's from October 2,</p> <p>4 2014, forward, you excluded -- he refused to talk to</p> <p>5 her with regard to department business. Is that true</p> <p>6 or -- is that allegation true or false?</p> <p>7 A It's false.</p> <p>8 Q When -- please identify each and every time you spoke</p> <p>9 to Dr. Burton after October 2, 2014, with regard to</p> <p>10 department business.</p> <p>11 A I don't recall the specifics and what I did or</p> <p>12 didn't, but there were numerous instances where</p> <p>13 communications on department issues were done.</p> <p>14 Q The specific question is whether or not you talked to</p> <p>15 her as opposed to communicating with her. Did you</p> <p>16 talk to her about your issues or about department</p> <p>17 business subsequent to October 2, 2014?</p> <p>18 A I don't recall doing it.</p> <p>19 Q In paragraph 162 of her complaint, Dr. Dalecki,</p> <p>20 Dr. Burton alleges that you excluded her from the</p> <p>21 department curriculum committee; is that true or</p> <p>22 false? You deny it in the complaint. What part of</p> <p>23 that allegation is untrue?</p> <p>24 MS. SPITZ: Object to form. You can</p> <p>25 answer.</p>

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<p>1 search he was chairing. In your answer, you denied</p> <p>2 that allegation. What part of that allegation is</p> <p>3 untrue?</p> <p>4 A I don't believe she was excluded. All department</p> <p>5 members were encouraged to offer input.</p> <p>6 Q Did you investigate her allegation that she had been</p> <p>7 excluded?</p> <p>8 A No.</p> <p>9 Q In paragraph 159 of her complaint, Dr. Burton alleges</p> <p>10 that you refused her request to meet to discuss the</p> <p>11 problems between her and you; is that true or false?</p> <p>12 A I don't recall.</p> <p>13 Q Dr. Burton alleges in paragraph 160 that you based</p> <p>14 your refusal on the advice of Dean Throop and the</p> <p>15 university system's general counsel's office. Is</p> <p>16 that true or false?</p> <p>17 MS. SPITZ: Object to the extent you're</p> <p>18 asking for advice from the university system general</p> <p>19 counsel's office. I instruct him not to answer.</p> <p>20 MR. HAWKS: Okay. That's fine.</p> <p>21 BY MR. HAWKS:</p> <p>22 Q Did you base your refusal on the advice -- did you</p> <p>23 tell Dr. Burton that you were refusing to meet with</p> <p>24 her to discuss your problems with her on the basis of</p> <p>25 advice from Dean Throop?</p>	<p>1 THE WITNESS: The department curriculum</p> <p>2 committee was produced by election. She was not</p> <p>3 elected.</p> <p>4 BY MR. HAWKS:</p> <p>5 Q In paragraph 163 of her complaint, or second amended</p> <p>6 complaint, Dr. Burton alleges that on November 2014,</p> <p>7 [REDACTED], criminal justice graduate student,</p> <p>8 informed her on November 13 of 2014 he attended a</p> <p>9 social event organized by the department and attended</p> <p>10 by other students and department faculty. Were you</p> <p>11 present at that gathering?</p> <p>12 A Yes.</p> <p>13 Q Do you recall [REDACTED] being present at that</p> <p>14 gathering?</p> <p>15 A Yes.</p> <p>16 Q Okay. Now, your answer is that, for lack of</p> <p>17 knowledge, it's denied. What part of 163 do you not</p> <p>18 have knowledge about?</p> <p>19 A I don't know. I'm not sure as to why it's denied.</p> <p>20 It's -- I was there. He was there.</p> <p>21 Q Okay.</p> <p>22 A So I'm not sure why --</p> <p>23 Q In paragraph -- by the way, were you provided with a</p> <p>24 copy of the answer to the complaint before it was</p> <p>25 filed with the court?</p>

1 A I don't believe so.

2 Q In paragraph 164, the plaintiff alleges that

3 [REDACTED] told her that at the department social

4 function, one of the plaintiff's colleagues publicly

5 informed others that Dr. Burton had a mental

6 disorder, that she would not be at UW-Platteville

7 much longer, and that she had negative sentiments

8 toward people from East Germany.

9 You were at that meeting. Did you hear

10 someone saying those things at that meeting?

11 A No.

12 Q How many students were present at that meeting, would

13 you estimate? And I'm not holding you to an exact

14 number.

15 A One.

16 Q There was only one student at the meeting?

17 A Yes.

18 Q Okay. How many other faculty members were there?

19 A I want to say about eight to ten.

20 Q All right.

21 A Somewhere in that range.

22 Q Criminal justice faculty or academic staff, for the

23 most part?

24 A Faculty and academic staff.

25 Q And so the only student there was [REDACTED]?

1 A That's false.

2 Q What part of it is false?

3 A I was never directed to reprimand her.

4 Q Did you meet with Mr. John Lohmann with regard to

5 this incident?

6 A I believe I did.

7 Q Who else was present at that meeting?

8 A I don't believe anybody else.

9 Q And do you recall whether or not Dean Throop was

10 present at that meeting?

11 A I don't recall that she was.

12 Q Do you recall whether or not Dr. Burton did complain

13 to Mr. John Lohmann about what she had heard was said

14 about her?

15 MS. SPITZ: Object to form.

16 THE WITNESS: I know that she had

17 complained to him.

18 BY MR. HAWKS:

19 Q Okay. In paragraph 167, Dr. Burton alleges that you

20 met privately with [REDACTED] to give him a little

21 bit of advice, and you admit that, having done so; is

22 that correct?

23 A Yes.

24 Q In paragraph 169, Dr. Burton alleges that you warned

25 him that he should be, quote, very careful, closed

1 A To my recollection, yes.

2 Q In paragraph 165, Dr. Burton alleges that you did not

3 inform her of the malicious statements; is that true?

4 You deny that. Is that because you didn't hear them?

5 A Yes.

6 Q Okay. When did you first become aware that those

7 malicious statements had been made?

8 MS. SPITZ: Object to form.

9 THE WITNESS: I'm not sure whether the

10 statements were malicious or not. I did not hear

11 them. And so to characterize them in that fashion

12 is beyond my knowledge.

13 BY MR. HAWKS:

14 Q Yeah.

15 A I don't recall when I was made aware of that, but it

16 was at some point later when the -- it became

17 apparent that he had relayed some comments to

18 Dr. Burton. I don't remember the exact date. It

19 would have been in that time frame. Somewhere in

20 that area.

21 Q Okay. In paragraph 166, Dr. Burton alleges that you

22 did not reprimand her calling for making the

23 statements until you were directed to do so by

24 John Lohmann, the director of HR for UW-Platteville.

25 Is that a true or a false statement?

1 quote, about passing information to others because

2 passing on the information was akin to having

3 something explode in one's face and being hit by

4 shrapnel.

5 Your answer is that you counseled him, but

6 you deny the rest. So I need to know what exactly

7 you deny in paragraph 169.

8 A Well, I --

9 Q I've got a question for you.

10 A Okay. So --

11 Q Did you warn him that he should be, quote, very

12 careful about passing information on to others?

13 A In the context of his understanding that there would

14 be ramifications for what he does.

15 Q And did you use the expressions of similar effect and

16 meaning that it was akin to have something explode in

17 one's face and being hit by shrapnel?

18 A I don't recall those words in that context at all.

19 Q Did you ever say anything like that to anybody?

20 A Oh, yes.

21 Q In paragraph 170, Dr. Burton alleges that you told

22 [REDACTED] that you recalled a time when you were a

23 master's student when someone gave you a chance,

24 rather than cut -- being cut off at the knees and let

25 yourself crawl away bleeding. Do you recall having

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1 said that to [REDACTED]?

2 A Yes.

3 Q So what part -- what aspect of paragraph 170 do you

4 deny?

5 A I don't know. I think that 170 is factual.

6 Q Is true?

7 A I think it is. Yeah. I mean, I --

8 Q Paragraph 171, Dr. Burton alleges that you told

9 [REDACTED] that he should cast his lot with the side

10 that was paying him and that he should learn from his

11 mistake.

12 What aspect of that is -- first of all, do

13 you recall having said that or anything like that to

14 [REDACTED] at that meeting?

15 A I recall the second part because in my mind what he

16 did was going to have further ramifications for him.

17 Not from me. The first part, casting his lot, I

18 don't recall saying that.

19 Q By the way, did you ever meet with the Dr. Burton's

20 colleague who was alleged to have made these remarks?

21 A Yes.

22 Q And did she admit or deny having made them?

23 A She admitted having made some remarks. The exact

24 one, I can't say, but she was --

25 Q Along the lines of the three points that

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1 Dr. Burton -- that [REDACTED] shared with

2 Dr. Burton?

3 A Probably something similar, as in along the lines in

4 a general sense.

5 Q Okay. In paragraph 172, Dr. Burton alleges that in

6 the summer of 2015, that's just this last summer,

7 UW-Platteville canceled the graduate assistant

8 position that [REDACTED] had received the prior

9 year. Let's stop there. Is that true or false?

10 A I believe that's true.

11 Q And she goes on to say "although there was money

12 available for this position." Is that true or false?

13 A I don't believe that's true.

14 Q Okay. And she goes on to say that "the director of

15 the graduate assistant program was confident that

16 [REDACTED] would get the position." Is that true or

17 false?

18 MS. SPITZ: Object to form.

19 THE WITNESS: I don't know.

20 BY MR. HAWKS:

21 Q Okay. In paragraph 173, Dr. Burton alleges that the

22 graduate program director had already begun the

23 reapplication process with [REDACTED]. Is that true or

24 false, or do you have knowledge?

25 A I have no knowledge.

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1 Q Okay. In paragraph 174, Dr. Burton alleges that in

2 approximately January of 2015, the criminal justice

3 DRP assigned her a lower peer evaluation grade than

4 those that she had received prior to her advice to

5 the student who was complaining of sexual harassment.

6 Were you chair of the department in January

7 of 2015?

8 A Yes.

9 Q As chair of the department, are you an ex officio or

10 a member of the DRB?

11 A Yes.

12 Q And did you attend the meetings of DRB in January of

13 2015?

14 A I don't recall.

15 Q Okay. Do you know what Dr. Burton's evaluations were

16 prior to the time that you commenced as interim chair

17 of the department?

18 A I have a sense of them. I don't remember them

19 exactly.

20 Q As chair of the department and as a -- participating

21 in the DRB process, do you have an opportunity to

22 review the -- each faculty -- tenured faculty

23 member's file with regard to prior evaluations?

24 A Yes.

25 Q In paragraph 175, Dr. Burton alleges that you

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1 assigned Dr. Caywood to the DRB knowing that

2 plaintiff had filed a federal lawsuit against him and

3 allowed him to sit on the committee that would

4 ultimately evaluate her performance.

5 In your answer, you deny that allegation,

6 but allege that the DRB is comprised of tenured

7 faculty so that there was no assignment; is that

8 correct?

9 A Yes.

10 Q Okay. Let's break it down. Dr. Caywood was on the

11 DRB automatically by virtue of his status as a

12 tenured faculty member of the department?

13 A Yes.

14 Q By the way, in the past, had there been a practice or

15 custom in the department of including nontenured

16 faculty in the DRB?

17 A Yes.

18 Q And that had been true in both the time Dr. Lomax and

19 Dr. Caywood were the chairs of the department?

20 A Dr. Caywood, yes. Dr. Lomax, I don't know.

21 Q And didn't Dr. Burton complain to you that

22 Dr. Caywood should not be serving on that committee

23 given the fact that she had named him as a defendant

24 in a federal lawsuit?

25 A I don't recall.

10/7/2015

Dr. Michael Dalecki

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<p>1 Q During this period of time, did you know that</p> <p>2 Dr. Caywood had been named as a defendant in a</p> <p>3 federal lawsuit by Dr. Burton?</p> <p>4 A Yes.</p> <p>5 Q All right. And did you counsel Dr. Caywood to remove</p> <p>6 himself from the DRB in any way?</p> <p>7 A No.</p> <p>8 Q Did Dr. Burton -- in paragraph 176, Dr. Burton</p> <p>9 alleges that she objected to his role in evaluating</p> <p>10 her performance based upon a conflict of interest,</p> <p>11 but then her objection is ignored.</p> <p>12 You deny knowledge sufficient to be able to</p> <p>13 answer that, either to admit or deny it. Are you</p> <p>14 aware that she objected to his role on that</p> <p>15 committee?</p> <p>16 A No.</p> <p>17 Q She never mentioned it to you?</p> <p>18 A I don't recall that she did.</p> <p>19 Q In paragraph 177 to the complaint, Dr. Burton alleges</p> <p>20 that the DRB reaffirmed her lower grade after she</p> <p>21 appealed and gave no justification for its decision.</p> <p>22 Again, you answer that allegation by saying</p> <p>23 you don't have knowledge. Do you not know that she</p> <p>24 appealed the DRB? Did you know that she appealed the</p> <p>25 DRB decision?</p>	<p>1 A Yes.</p> <p>2 Q She alleges, though, that you violated policy by not</p> <p>3 allowing nontenured faculty members to sit on the</p> <p>4 DRB; is that true or false?</p> <p>5 A I would say false.</p> <p>6 Q Why?</p> <p>7 A Our bylaws are contradictory.</p> <p>8 Q Okay. In paragraph 179, Dr. Burton alleges that</p> <p>9 there was -- that no peer evaluator sat in any of</p> <p>10 plaintiff classes since 2009. Is that true or false?</p> <p>11 A I don't have any knowledge of that.</p> <p>12 Q Well, it speaks specifically, then, of the DRB's</p> <p>13 evaluation in 2000- and would have been probably</p> <p>14 around January of 2015 and then a year earlier,</p> <p>15 January of 2014.</p> <p>16 You were sitting on the committee -- both</p> <p>17 of those committees, right, as interim chair of the</p> <p>18 department?</p> <p>19 A I would have been an ad hoc member, yes.</p> <p>20 Q All right. And in both of those committees, they</p> <p>21 would have provided information as to whether or not</p> <p>22 there had been a peer evaluation during the preceding</p> <p>23 calendar year; is that correct?</p> <p>24 A Yes.</p> <p>25 Q All right. And it's true, isn't it, that there was</p>
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<p>1 A I believe that she had, yes.</p> <p>2 Q You knew that?</p> <p>3 A I believe that's correct.</p> <p>4 Q And did you know that the DRB denied her appeal?</p> <p>5 A I believe so. Yes.</p> <p>6 Q All right. And do you know that the DRB offered no</p> <p>7 reason for its denial?</p> <p>8 A That, I don't recall. I can't say one way or the</p> <p>9 other.</p> <p>10 Q All right. They would have responded in writing;</p> <p>11 correct?</p> <p>12 A I would have thought. Yes.</p> <p>13 Q And they would have copied you with their response,</p> <p>14 wouldn't they, as chair of the department, as a</p> <p>15 member of the DRB?</p> <p>16 A One would think.</p> <p>17 Q All right. In paragraph 178, Dr. Burton alleges that</p> <p>18 you violated policy by not allowing nontenured</p> <p>19 faculty members to sit on the DRB as provided by the</p> <p>20 criminal justice department procedures, and she notes</p> <p>21 "see Gibson's appeal findings for reference."</p> <p>22 What part of that is true and what part of</p> <p>23 that is not true, in your opinion?</p> <p>24 A I don't know what Gibson's appeal findings indicate.</p> <p>25 Q Okay. So lack of knowledge on that point?</p>	<p>1 no peer evaluation of Dr. Burton in calendar year '13</p> <p>2 or calendar year '14?</p> <p>3 A I don't know for sure.</p> <p>4 Q In paragraph 180 of the second amended complaint,</p> <p>5 Dr. Burton alleges that late spring of 2015, you</p> <p>6 assigned plaintiff to lower-level classes. You deny</p> <p>7 that complaint; why?</p> <p>8 A Because I didn't.</p> <p>9 Q What -- in the spring of 2015, what higher-level</p> <p>10 course did you assign Dr. Burton?</p> <p>11 A She taught in spring 2015?</p> <p>12 Q Spring of 2015 for the fall semester.</p> <p>13 A Would have been one section of the special topics</p> <p>14 courses, which was a 4000 --</p> <p>15 (Fire alarm disruption.)</p> <p>16 MR. HAWKS: Why don't we take a</p> <p>17 five-minute break.</p> <p>18 (A recess is taken from 11:07 a.m. to 11:11 a.m.)</p> <p>19 BY MR. HAWKS:</p> <p>20 Q Okay. In paragraph 180, we were -- we got</p> <p>21 interrupted in the deposition because of an alarm</p> <p>22 here in the building.</p> <p>23 In paragraph 180, Dr. Burton alleges that</p> <p>24 in late spring 2015, you assigned her to lower-level</p> <p>25 classes. Is that true or false?</p>

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<p>1 MS. SPITZ: Objection. Asked and 2 answered. 3 THE WITNESS: That's false. 4 BY MR. HAWKS: 5 Q What part of it is false? 6 A She was assigned a 4000 level special topics class in 7 cyber crime. She was assigned two 3000 level 8 courses; one of them in law, and one, I believe, 2000 9 level class in police auction. 10 Q Okay. In paragraph 181, Dr. Burton alleges that in 11 late spring, you assigned her to teach a solid 12 three-hour class normally assigned to academic staff, 13 in contravention of plaintiff's physicians's 14 recommendations. 15 In your answer, you admit to assigning her 16 to the solid three-hour class, but you deny knowledge 17 of the medical report; is that correct? 18 A Uh-huh. Yes. 19 Q And is it your testimony that you never saw the 20 medical report that was filed with John Lohmann by 21 Dr. Dalecki's physician? 22 A Burton. 23 Q Dr. Burton's physician. Thank you. 24 A At that time, yes. 25 Q Have you ever seen it?</p>	<p>1 Q Okay. That is, you're explaining the reason why you 2 refused her request, but you're not denying that you 3 refused her request? 4 A Correct. 5 MS. SPITZ: I'm objecting. 6 Characterization. He's given the answer, and it's 7 there on the record. 8 BY MR. HAWKS: 9 Q Okay. Okay. Now, I'm going to turn to some of the 10 -- I'm going to back over some of the issues of the 11 complaint next, but in detail with some exhibits, and 12 going to ask you some questions in relation thereto. 13 So -- 14 A Finished with this for now? 15 Q Yes. You've acknowledged that you were present at 16 the pizza outing at Steve's Pizza on November 13, 17 2014? 18 A Uh-huh. 19 MS. SPITZ: Yes or no? Sorry. 20 THE WITNESS: Yes. Sorry. 21 BY MR. HAWKS: 22 Q And you deny -- as I understand your prior testimony, 23 you deny having heard Dr. Rice making the remarks 24 that she is alleged to have made? 25 A Yes. I don't recall hearing them.</p>
<p>Page 54</p> <p>1 A I have seen a letter from her, I believe, attorneys, 2 I think from you, that detailed some of those 3 requirements dated, if I remember correctly, 4 April 30. 5 Q Okay. In paragraph 182, Dr. Burton alleges that you 6 refused to grant her request to teach an online 7 course as part of her load. 8 In your answer, you admit that you did not 9 assign her to teach an online course, but you deny 10 that you refused her request. Do I characterize your 11 answer correctly? 12 A At the time we were short, I believe, four full-time 13 faculty members. I needed her in the classroom. 14 Q Okay. But the question goes to the complaint, 15 though, that she makes, the allegation of the 16 complaint. She alleges that you refused to grant her 17 request; is that true or false? 18 A Yes. 19 Q That's true? 20 A Yeah. Yeah. Yes. 21 Q So what part of 182 do you deny, if any part of it? 22 A I don't. I'm not sure why it says -- deny some sort 23 of refusal as if it were -- as if it were anything 24 other than trying to do the best staffing pattern I 25 could for the department.</p>	<p>Page 56</p> <p>1 Q Did you at any time demand that Deb Rice apologize 2 for her inappropriate remarks? 3 MS. SPITZ: Object to form. 4 THE WITNESS: I asked her to apologize. 5 BY MR. HAWKS: 6 Q And what did she say or do in response to your 7 request? 8 A She said no. 9 Q In your own words, what did you understand that she 10 admitted having said to Dr. Burton -- about 11 Dr. Burton? 12 A Could you say that again. 13 Q In your own words, describe what you understood 14 Dr. Rice's statements about Dr. Burton to be. 15 A I'm still not understanding. 16 Q Okay. Let me rephrase the question. 17 Did you understand that Dr. Rice had said 18 to others that Dr. Burton was mentally unstable? 19 A I don't recall hearing her say that to me at all. 20 Q No. My question is: Did you understand that that is 21 what she said, not whether you heard her say it? 22 A No. 23 MS. SPITZ: Object to form. 24 THE WITNESS: Because that's what she said 25 [REDACTED] said. I have no direct knowledge that</p>

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1 she said it.

2 BY MR. HAWKS:

3 Q But you met with Dr. Rice; you asked her to

4 apologize. What did you ask her to apologize about?

5 A For anything that she had said that would have upset

6 her.

7 Q What did you do after Mr. Lohmann, Dean Throop, and

8 you agreed that the complaint against Deb Rice had to

9 move forward?

10 MS. SPITZ: Object to form. Assumes facts

11 not in evidence.

12 THE WITNESS: I don't know what that

13 means, what did I do.

14 BY MR. HAWKS:

15 Q Ask this be marked as Exhibit 31.

16 (Exhibit No. 31 was marked for identification.)

17 BY MR. HAWKS:

18 Q Can you identify Exhibit 31?

19 A So, still, I'm not understanding your --

20 Q Can you identify Exhibit -- this is a new question

21 for you. Can you identify Exhibit 31?

22 A No.

23 Q Well, on its face, does it appear to be an e-mail?

24 A It does.

25 Q And on its face, does it appear to be an e-mail

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1 between John Lohmann and Dr. Burton?

2 A It does.

3 Q And on its face, does it appear that e-mail was sent

4 on or about April 23, 2015, which was six months ago?

5 A It does.

6 Q And on its face, do you see in the very first

7 paragraph a sentence that begins, "Something I forgot

8 to mention in my note yesterday"?

9 A Yes.

10 Q Do you see that?

11 A Yes.

12 Q And do you see that Dr. -- or, that Mr. Lohmann

13 writes that "in my conversation with Liz Throop and

14 Mike Dalecki this week, they both agree that the

15 complaint against Deb Rice had to move forward."

16 Do you see that sentence?

17 A I do.

18 Q All right. Does that refresh your memory as to

19 whether or not you had a conversation with Liz Throop

20 and/or John Lohmann in the week prior to April 3,

21 2015?

22 A Yes.

23 Q And did you, in fact, agree that the complaint

24 against Deb Rice had to move forward?

25 A Since an informal resolution wasn't possible, yes.

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1 Q So let's go back to the conversation, then. Did you

2 have a conversation with both John Lohmann and

3 Liz Throop about this incident?

4 A It appears I did.

5 Q All right. It appears, or you did? Do you know?

6 A I know I spoke to John Lohmann about it. I don't

7 recall a conversation with Dr. Throop.

8 Q All right. Did you reprimand [REDACTED] and ask

9 that he apologize to Deb Rice for passing the

10 information on to Dr. Burton?

11 A No.

12 Q Did you have any conversation with any other members

13 of the department about the Rice incident?

14 A I think I did. Yes.

15 Q What other members of the department would you have

16 spoken to?

17 A I don't recall specifically.

18 Q You mention that eight members of the department were

19 present at Steve's Pizza?

20 A I think. Even ten. Something like that.

21 Q All right. Would that be just about everybody in the

22 department except for Dr. Burton?

23 A Perhaps half.

24 Q All right.

25 A If you include adjuncts and part-time people.

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1 Q Do you recall which of the eight were there?

2 A I recall Valerie Stackman was there. I believe

3 Pat Solar was there. Deb Rice was there. I'm trying

4 to go down the hallway, pick names out here. I

5 believe Rex Reed and his wife was there. She's not

6 actually a teacher. I think Amy Nemmetz was there,

7 but I'm not sure; and maybe Joe Lomax, but I'm not

8 sure of that either.

9 Q Okay.

10 A I just remember sitting around a fairly largish

11 table, and that's where the number comes from.

12 Q I was going to ask you next to describe the

13 situation. So you're sitting around a fairly largish

14 table. Would you say the entire group was seated,

15 for the most part?

16 A Yes.

17 Q All right. Were there other patrons of the

18 establishment that were in that room with you at that

19 time, or was it just your folks?

20 A No. There were, I think, others in that room.

21 Q Was there music playing?

22 A I don't recall.

23 Q Was it noisy?

24 A Yeah.

25 Q All right.

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1 A Yes.

2 Q How large -- are we talking the main dining hall of
3 the pizza restaurant or a separate --

4 A Yeah, I would say that. It's got three different
5 places, but it's one of the main three. Yes.

6 Q Okay. I don't know this -- what Steve's Pizza is
7 like. Can you describe it for me?

8 A It's a pizza restaurant. It has a -- sort of a bar
9 arrangement in the front with some booths, and then
10 in the back area there is a large open area with a
11 fake boat, which is -- he named that the "captain's
12 cove," and so that's his motif. And originally, it's
13 south seas and he's got that sort of motif going on
14 there.

15 He's got this big wooden boat that people
16 sit up on top of, and there are generally three or
17 four tables, at least, up on the boat, and then
18 there's a larger number down below, an equal or
19 larger number down below.

20 And then there's another area that's kind
21 of -- I want to say it's walled off, but it's not,
22 really. There's a bricked-in area where windows
23 would be. It's open, and where the doorways are it's
24 open. So it's a semi-secluded area and away, but
25 it's not really excluded because sound moves back and

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1 forth between them.

2 Q So which of those three rooms were you located in?

3 A We were in the boat.

4 Q You were on the boat?

5 A On the boat.

6 Q The boat's elevated somewhat?

7 A Somewhat, yes.

8 Q From the floor?

9 A Uh-huh.

10 Q And you said there are three or four tables on the
11 boat?

12 A Yes.

13 Q And did you occupy just one of those three or four
14 tables, or did you --

15 A Well, we were on the one side of the boat and we had
16 pushed some tables together.

17 Q You pushed some tables together. Was there anybody
18 else on the surface of the boat with you? Anybody
19 outside of the department, other patrons on the
20 surface of the boat?

21 A Yes.

22 Q Okay. Did you think Deb Rice acted appropriately or
23 inappropriately?

24 MS. SPITZ: Object to form. Do you mean
25 at the restaurant or -- just trying to qualify.

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1 MR. HAWKS: Yeah.

2 BY MR. HAWKS:

3 Q At the restaurant, with regard to the remarks she
4 made or alleged to have been made.

5 A I don't know.

6 Q Did you ever inform her that she acted
7 inappropriately?

8 A I don't recall that I did.

9 Q Did you inform her, Deb Rice, that you agreed with
10 Lohmann that the complaint against her needed to move
11 forward?

12 A I don't believe I said it needed to; I said it would.

13 Q Okay. You said to Deb Rice that it would move
14 forward?

15 A That -- yes, that it would move forward.

16 Q But it didn't, did it?

17 A I believe it did.

18 Q What happened?

19 A I don't know any of the details of it, just that I
20 have heard that there's a grievance filed.

21 Q Do you believe that Deb Rice owes Dr. Burton an
22 apology?

23 A I don't know.

24 Q Did you inform ██████████ at your meeting with
25 ██████████ that his report of this information to

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1 Dr. Burton had caused you a huge -- a, quote, huge
2 time suck, closed quote?

3 A I don't recall saying those words.

4 Q Can you explain how passing on information, shared
5 and public, in front of others, was, quote, akin to
6 having something explode in one's face and being hit
7 by shrapnel, closed quote?

8 A No, I can't.

9 MS. SPITZ: Object to form.

10 BY MR. HAWKS:

11 Q Was it a mistake -- do you believe it was a mistake
12 for ██████████ to tell Dr. Burton about Rice's
13 inappropriate statements?

14 A At some levels, yes.

15 Q All right. At what level?

16 A Part of my mentoring conversation with him was to
17 recognize the message he had sent to everyone else,
18 which is they would have to be very careful around
19 him.

20 Q Because?

21 A He would take information and pass it on to others.

22 Q Do you believe that ██████████ passed on untruthful
23 information to Dr. Burton?

24 A I don't know.

25 Q Assume for a moment that it was truthful. Do you

1 have any reason to believe he is lying to Dr. Burton
 2 about what Dr. Rice had said about her?
 3 A I don't know.
 4 Q My question is: Do you have any reason to believe
 5 that he was lying about what Rice said?
 6 A No.
 7 Q All right. All right. So he tells Dr. Burton that
 8 Dr. Rice says that Dr. Burton is mentally unstable,
 9 right, among other things?
 10 MS. SPITZ: Object to form.
 11 THE WITNESS: I'm not sure what you're
 12 asking me.
 13 BY MR. HAWKS:
 14 Q I'm asking you whether or not you understood that
 15 ██████ told Dr. Burton that Dr. Rice had said
 16 that Dr. Burton was mentally unstable.
 17 A I'm still trying to be sure that I understand exactly
 18 what you're asking.
 19 Q That's fine.
 20 A Which is, do I know that he said that she said that.
 21 Q Yes.
 22 A Okay. I know he told her something. I don't know
 23 what Deb Rice said.
 24 Q I got that.
 25 A So I don't know --

1 Q I got that.
 2 A -- how to characterize what he told her.
 3 Q I got that. My question is whether you know that
 4 Dr. -- that ██████ told Dr. Burton that Deb Rice
 5 said that Dr. Burton was mentally unstable?
 6 A I don't know that.
 7 Q All right. Do you know whether or not ██████
 8 told Dr. Burton that Deb Rice said that Dr. Burton
 9 was not going to be around UW-Platteville for very
 10 long?
 11 A No.
 12 Q Do you know whether or not ██████ told
 13 Dr. Burton that Deb Rice said that Dr. Burton had
 14 issues with East Germans?
 15 A No.
 16 Q Okay. What do you know that ██████ told
 17 Dr. Burton?
 18 A I don't know any of it because I was not privy to
 19 that conversation.
 20 Q Why did you call him into your office, then, to
 21 counsel him, in your words?
 22 A Because somehow or another, I don't remember the
 23 exact details of how that transpired, but it became
 24 apparent that he had said something, and I believe --
 25 this is -- I'm not going to say supposition. Somehow

1 or another everybody knew about the meeting;
 2 Dr. Burton knew about it, Dr. Rice knew about it,
 3 ██████ knew about it, at which point I went and
 4 asked Deb Rice to apologize for whatever she had
 5 said. I didn't hear it, so I am going by whatever
 6 everybody else says happened.
 7 Q Well, what did everybody else say happened?
 8 A I don't know. But I'm talking about ██████ and
 9 Dr. Burton. I don't know what he heard. I don't
 10 know what he told her. I don't know how the
 11 translation became convoluted in the process of his
 12 relaying her remarks to Dr. Burton. I don't know
 13 those things.
 14 Q In your prior testimony, I'd asked you a number of
 15 questions about what you had said to Dr. -- or, to
 16 ██████, and for a number of them, you said you
 17 didn't remember.
 18 I would like to play an audio recording of
 19 your conversation with ██████ and ask you to
 20 verify whether or not this is, in fact, what you
 21 said --
 22 A Okay.
 23 Q -- at that time.
 24 MS. SPITZ: Has this been turned over in
 25 discovery, Counsel?

1 MR. HAWKS: Pardon me? It will be right
 2 now.
 3 MS. SPITZ: I'm just going to put a
 4 standing objection on the record as to a lack of
 5 foundation.
 6 MR. HAWKS: Ask this be marked as
 7 Exhibit 32.
 8 (Exhibit No. 32 was marked for identification.)
 9 (Audio recording was played.)
 10 BY MR. HAWKS:
 11 Q Does that appear to be, to your memory, to be
 12 ██████ voice?
 13 A Sounds like it.
 14 Q And does that appear to be your voice in response to
 15 the knock on the door?
 16 A I don't know.
 17 (Audio recording was played.)
 18 MS. SPITZ: Counsel, where is this in the
 19 transcript?
 20 MR. HAWKS: This is the beginning. I'm
 21 moving forward just a little bit.
 22 MS. SPITZ: Can we pause one second and
 23 put an objection on and let you continue?
 24 (Audio recording was paused.)
 25 MS. SPITZ: Just like to object, for the

1 record, to the incomplete transcript, lack of
 2 foundation for the transcript, and again, lack of
 3 foundation for the recording. Please continue.
 4 MR. HAWKS: Thank you.
 5 (Audio recording was played.)
 6 BY MR. HAWKS:
 7 Q So is that your voice?
 8 A It sounds like my voice. Yes.
 9 Q And you're looking at Exhibit 32 in front of you.
 10 Does that appear to be a fair transcription of the
 11 communications that have occurred so far?
 12 MS. SPITZ: Objection. Just the
 13 paragraph -- just that first paragraph?
 14 MR. HAWKS: Just that first paragraph.
 15 MS. SPITZ: Go ahead.
 16 THE WITNESS: I'm not sure where you
 17 stopped it in relation to this, so I can't say it
 18 is. You can play it again and I can verify it.
 19 (Audio recording was played.)
 20 BY MR. HAWKS:
 21 Q Okay. Now, it appears to be an accurate
 22 transcription?
 23 A At this point. Yes.
 24 Q And that's your voice that we're hearing just now?
 25 A I believe so.

1 Q Okay.
 2 (Audio recording was played.)
 3 BY MR. HAWKS:
 4 Q Now, a couple questions on this. Why did you ask or
 5 say to ██████████ that it was difficult to know
 6 where one's loyalties lie?
 7 A I know that he has had a relationship with Dr. Burton
 8 over a period of time and that his -- thought process
 9 should include larger questions of the department and
 10 university and his career and other kinds of things,
 11 in terms of understanding what kind of -- what kind
 12 of outcomes that his behavior might or might not have
 13 for him.
 14 Q Well, is there anything wrong with ██████████ having
 15 any kind of loyalty to Dr. Burton?
 16 A No.
 17 Q And what difference would it make that he is loyal to
 18 Dr. Burton?
 19 A What difference does it make?
 20 Q Right.
 21 A If his loyalty is unabashedly to her and to nothing
 22 else, then that's not likely to end well because in
 23 the end, there has to be multiple awarenesses, I
 24 guess you could call it, of --
 25 Q Any reason to believe that he was loyal to her and

1 nothing else?
 2 A I had no basis to believe one or the other, which is
 3 the -- why the conversation --
 4 Q Okay. Then you said to him that there are no other
 5 pathways by which that information could have been
 6 delivered other than you.
 7 Based on what knowledge or information did
 8 you say that to him?
 9 A I don't recall the specifics, but of trying to
 10 identify whether or not that information moved to her
 11 by him or through some other source.
 12 Q Well, there were eight -- or, according to your
 13 testimony, there were at least eight others there
 14 that could have heard this and passed it on; right?
 15 A Potentially. Yes.
 16 Q Yeah. So why did you believe that it was ██████████
 17 that passed it on as opposed to one of the other
 18 faculty members in the department?
 19 A I think at that point it had come back from Dr. --
 20 from Deb Rice that he said something. I don't
 21 remember the specific chronology of all this, but it
 22 comes to the point where it was clear that it was
 23 him, and therefore, do these kinds of conversations
 24 unless you're pretty sure --
 25 Q Well, let's go back to -- you know, it's possible

1 that Deb Rice told you that he would have shared this
 2 with Burton; is that accurate?
 3 A Yes.
 4 Q And he would have shared -- and did she say to you
 5 what he would have shared with Burton?
 6 A She may have. I don't recall specifically.
 7 Q Okay.
 8 (Audio recording was played.)
 9 BY MR. HAWKS:
 10 Q Let me stop there. What did you do during that hour
 11 and a half of your time that you had spent dealing
 12 with the problem?
 13 A I don't recall specifically.
 14 Q Well, you told him you spent an hour and a half of
 15 your time; is that a truthful statement that you made
 16 to him?
 17 A It -- yes.
 18 Q Okay. So what was it that you did for that time and
 19 a half -- that hour and a half?
 20 A I can't tell you for certain.
 21 Q Well, tell me in general what you may have done or
 22 what you believe you -- occupied your time for an
 23 hour and a half.
 24 A I may have consulted Mr. Lohmann. I may have
 25 consulted Professor Rice. I'm sure I would have done

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1 that.

2 Q Did you talk to Dean Throop?

3 A I don't recall.

4 (Audio recording was played.)

5 BY MR. HAWKS:

6 Q Do you believe that Dr. Burton is mentally unstable?

7 A I don't know.

8 Q Do you believe it is appropriate for any faculty

9 member to say to any other faculty member or say

10 about another faculty member that they're mentally

11 unstable?

12 A I'd say that's inappropriate.

13 Q Inappropriate? And would you say that a faculty

14 member who has been described in those words is

15 entitled to know that information?

16 MS. SPITZ: Object to form.

17 THE WITNESS: Not necessarily.

18 (Audio recording was played.)

19 BY MR. HAWKS:

20 Q Okay. So at this point, it appears that you're

21 telling him that he made a mistake by sharing this

22 information with Dr. Burton; is that accurate?

23 MS. SPITZ: Object to the form.

24 THE WITNESS: I'm pointing out to him that

25 there are ramifications to what he did, including

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1 costing him the trust of somebody who was very, very

2 upset that he did it.

3 BY MR. HAWKS:

4 Q But she wasn't upset about what she said, was she?

5 A No.

6 Q All right.

7 (Audio recording was played.)

8 BY MR. HAWKS:

9 Q Do you think that Dr. Burton places herself ahead of

10 the mission of the group?

11 A It appears that way at times.

12 Q And so when you were -- do you think that your

13 communication to [REDACTED] was to communicate

14 specifically your opinion that Dr. Burton put her

15 interests ahead of the interests of the group?

16 A No.

17 (Audio recording was played.)

18 BY MR. HAWKS:

19 Q Now, do you believe that anybody other than

20 Dr. Burton sometimes puts their interests in the

21 criminal justice department -- sometimes puts their

22 personal interests ahead of the interests of the

23 group?

24 MS. SPITZ: Object to form.

25 THE WITNESS: Restate it, please.

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1 BY MR. HAWKS:

2 Q Do you believe that anyone in the criminal justice

3 department on the faculty, other than Dr. Burton,

4 puts their self-interests ahead of the interests of

5 the group?

6 A Currently or at the time?

7 Q At that time.

8 A I think so. Yes.

9 Q Who?

10 A Dr. Gibson did.

11 Q Was Gibson still employed at that time?

12 A Yes.

13 Q I thought he ended his term in the summer of 2014.

14 He ended his term summer of 2015?

15 A Correct.

16 Q Okay. Who else? By the way, this conversation with

17 [REDACTED] occurred in November of 2015; correct?

18 A I believe that -- '14, I think. We haven't been to

19 November of 2015.

20 Q '14. Thank you. I meant to say 2014. That would

21 have occurred in 2014, so Gibson would have been out

22 of the department at the time this conversation

23 occurred?

24 A No. That is not how it works in academia.

25 Q Okay.

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1 A If you are --

2 THE WITNESS: Should I explain this?

3 BY MR. HAWKS:

4 Q I understand. He would have been out the summer of

5 2014 or the summer of 2013, one of the two?

6 A What happens is if you're on a tenure track and you

7 are not renewed, you get one more year during which

8 time you look for a job. And so he was here during

9 2014/15 but he was going to be leaving by the

10 summertime.

11 Q Okay. I got that. Other than Gibson --

12 A I think there were some others whose behaviors would

13 have maybe suggested that from time to time. I'm

14 trying to think of some specifics.

15 In fairness, probably everybody puts their

16 own interests ahead, at least from time to time, and

17 I'm not going to try to argue that that's not the

18 case.

19 Q Right. Okay. So then what are you telling [REDACTED]

20 then, about this -- about the dysfunctional

21 department, not a functional one? You've been

22 working on it for a year and a half and it's

23 primarily a consequence of people who place

24 themselves ahead of the mission of the group.

25 Are you telling him everybody has

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1 self-interests from time to time, or are you telling
 2 him that in this department, at this time, some
 3 people are placing their self-interests ahead of the
 4 department, turning it into a dysfunctional
 5 department?
 6 A What I'm trying to do is help him understand the
 7 dynamics of what's going on and his role in that as a
 8 graduate student, which, as I indicated earlier in
 9 the transcript, is a kind of a betwixt-and-between
 10 sort of role.
 11 Q Well, what was going on in the department that you're
 12 trying to educate him about?
 13 A Well, we had an instance where he relayed some
 14 information from Deb Rice that she allegedly said to
 15 Dr. Burton.
 16 Q Yeah. And how does that fit into the broader
 17 politics of the department you're discussing here at
 18 this point?
 19 A Because it creates discord and animosity.
 20 (Audio recording was played.)
 21 BY MR. HAWKS:
 22 Q You said to ██████████ "and there are people who
 23 have drawn conclusions about things they have no idea
 24 what they're talking about." What people were you
 25 referring to?

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1 A I don't recall.
 2 Q Were you referring to Dr. Burton?
 3 A I don't believe so.
 4 Q Were you referring to Dr. Rice?
 5 A I don't believe so.
 6 Q Fuller?
 7 A I think there was a generic kind of explanation of
 8 understanding something about politics. This was a
 9 mentoring conversation with ██████████.
 10 Q It says specific, though. "There are people who have
 11 drawn conclusions about things who -- about things
 12 who have no idea what they're talking about." What
 13 conclusions?
 14 A I don't remember specifically what was in my mind at
 15 the time.
 16 (Audio recording was played.)
 17 BY MR. HAWKS:
 18 Q What people were less well-thought of to which you
 19 were referring in that phrase?
 20 A As before, I don't remember the specific instances of
 21 this, but it was a more generic kind of conversation
 22 with ██████████.
 23 (Audio recording was played.)
 24 BY MR. HAWKS:
 25 Q Do you believe that Dr. Burton did not need know that

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1 another faculty member in the department was accusing
 2 her of being mentally unstable?
 3 A A, I don't know that that's what somebody did --
 4 Q That's not my question.
 5 A Well.
 6 MS. SPITZ: Let him finish.
 7 MR. HAWKS: Go ahead.
 8 THE WITNESS: Okay. Those are what her
 9 claims are, and I have no basis for knowing that.
 10 Does she need to know it? I don't necessarily think
 11 so.
 12 BY MR. HAWKS:
 13 Q Does she have a right to know that another member of
 14 the department says in public that she is mentally
 15 unstable, assuming that was what was said?
 16 A I don't know if she has a right to know that.
 17 (Audio recording was played.)
 18 BY MR. HAWKS:
 19 Q Why does -- why did you think ██████████ needed to make
 20 amends with Rice?
 21 A Because she was very upset that he had passed on
 22 something that she had said, whatever it was. I
 23 still don't know what exactly that was. And those
 24 kinds of antagonisms in a department are
 25 dysfunctional for the department.

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1 The logical next step is let's -- and I
 2 tried to do this -- get Deb Rice to apologize to
 3 Dr. Burton, which means rather than going through a
 4 huge formal process, which is a giant time suck,
 5 whether I think it should be done or not -- it still
 6 is -- it's much better if these things can be handled
 7 informally. As I'm sure many know, sometimes we say
 8 things that later on, you said, "I shouldn't have
 9 said that, I apologize."
 10 Q Do you have any reason to believe that Rice would
 11 have resolved this matter, this issue, with a
 12 conversation with Burton?
 13 MS. SPITZ: Object to form. Go ahead.
 14 THE WITNESS: I don't know. But you don't
 15 not try.
 16 (Audio recording was played.)
 17 BY MR. HAWKS:
 18 Q Does this -- were you following the transcript of the
 19 testimony along with the listening to the audio tape?
 20 A Uh-huh.
 21 Q Would you say it's more or less an accurate recasting
 22 of the testimony or the spoken words on the tape --
 23 A Yes.
 24 Q -- on the audio? Who is the person who was paying
 25 ██████████?

<p style="text-align: right;">Page 81</p> <p>1 A The department, I think, is what we're referring to, 2 if we're talking about who's paying him at that time. 3 Q All right. The department, the University, the Board 4 of Regents? 5 MS. SPITZ: Object to form. 6 BY MR. HAWKS: 7 Q Right? 8 A Uh-huh. 9 Q Thank you. 10 MR. HAWKS: Why don't we take a break for 11 lunch. 12 (A recess is taken from 12:06 p.m. to 12:56 p.m.) 13 BY MR. HAWKS: 14 Q Dr. Dalecki, I'm going to return to the tape and just 15 capture the balance of it here. 16 (Audio recording was played.) 17 BY MR. HAWKS: 18 Q Dr. Dalecki, are you trying to follow along on the 19 transcript? 20 A Yes. I was trying to find out where you were at. 21 Q If you go to the second-to-last page, at the 22 beginning, it's -- 23 A Uh-huh. Uh-huh. 24 Q Okay. 25 A We're catching up here.</p>	<p style="text-align: right;">Page 83</p> <p>1 nine years on the Platteville common council, four of 2 them as the president of the common council, in which 3 time we dealt with a number of serious issues, 4 including a police officer that had ended up being 5 investigated by the FBI for crack usage while on 6 duty. And that was a lot of fun, a lot of work and 7 effort to try to restore public confidence in our 8 police officers and to ensure that what we had as a 9 department was not compromised by her behavior. This 10 is the police officer I'm talking about. 11 I can make a hard decision. We dealt with 12 budget crises. We had a housing crisis in 13 Platteville; we dealt with it. We got things done, 14 and we were able to move the city forward. 15 So those are all things that I believe she 16 would have seen. And she never told me what she saw 17 in me. I am just presuming that. 18 Q When did Dean Throop ask you to assume the role as 19 interim chair? 20 A Sometime in early July that year. I want to say the 21 7th or 8th. I can't -- 22 Q 2013? 23 A 2013. Yes. Somewhere in July. I can't remember 24 exactly when it was. 25 Q What did she ask you? What did she tell you about</p>
<p style="text-align: right;">Page 82</p> <p>1 (Audio recording was played.) 2 BY MR. HAWKS: 3 Q Dr. Dalecki, when you refer to -- if everybody -- 4 when you refer to everybody feeling compelled to 5 write an e-mail to the provost, were you referring to 6 Dr. Burton? 7 A No. Everybody. 8 (Audio recording was played.) 9 BY MR. HAWKS: 10 Q How would you characterize the criminal justice 11 department at UW-Platteville, as one where people 12 have your back or one where people are ready to 13 plunge a knife into your back? 14 A That reference was a generic general reference, not 15 related to the department. 16 Q And how would you characterize it, the criminal 17 justice department, on that continuum? 18 A I would say it's -- it's much more collegial than it 19 is plunging a knife in your back. 20 (Audio recording was played.) 21 BY MR. HAWKS: 22 Q What were your theories as to why she thought you 23 were suitable for the position? 24 A I have significant experience in the university, 25 served on a number of committees. I have spent</p>	<p style="text-align: right;">Page 84</p> <p>1 the position? What did she tell you needed to be 2 done with the department? 3 A She said that Dr. Caywood had stepped down and that 4 she needed somebody to go in and take care of it. 5 There were some problems in the department, and she 6 wanted somebody to serve as an interim while they did 7 a search for a permanent chair. 8 Q And what were the problems in the department that she 9 shared with you at that time? 10 A There were -- I haven't thought about that 11 conversation since then until today -- uncertainty 12 about whether the faculty had been adequately 13 supervised in the sense of visiting their classrooms, 14 checking and seeing what they're doing, whether or 15 not they were up to snuff. 16 There were many, many, many interactions 17 amongst the faculty, through e-mail and otherwise, 18 that suggested a difficulty in terms of collegiality 19 and her -- my sense of it was her feelings, which she 20 had to make a change in order to address those 21 issues, and I would be an interim while we moved 22 forward with that. 23 Q Okay. 24 (Audio recording was played.) 25 BY MR. HAWKS:</p>

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1 Q So the position that [REDACTED] was apparently going
 2 to fill was canceled in early summer 2015. Do you
 3 know why it was canceled?
 4 A Funding.
 5 Q Do you know who canceled it?
 6 A No.
 7 MS. SPITZ: One second. Do we need to --
 8 THE WITNESS: I'm okay. I'm just taking
 9 drugs. Don't put that in.
 10 MS. SPITZ: She has to.
 11 THE WITNESS: It's just Ibuprofen.
 12 MR. HAWKS: We'll let you drink.
 13 THE WITNESS: I have a low-back problem
 14 that's, unfortunately, probably chronic. Okay.
 15 MS. SPITZ: Thank you.
 16 BY MR. HAWKS:
 17 Q Who is responsible for either canceling positions or
 18 creating them in the graduate system program,
 19 criminal justice department?
 20 A Either Cheryl Fuller or the online program or both.
 21 I'm not certain about exactly where that
 22 responsibility lies.
 23 Q Okay. Who reassigned [REDACTED] working on a
 24 graduate project with Dr. Burton in the fall of 2013
 25 to working for Dr. Stackman and another -- and other

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1 department members on undergraduate matters?
 2 A I don't know.
 3 Q Are you aware that Dr. Stackman had [REDACTED] copy
 4 her lecture notes for her?
 5 A No.
 6 Q Did Dr. Zauche ever teach in the criminal justice
 7 department?
 8 A I don't know.
 9 Q Has he ever done any research with the criminal
 10 justice department?
 11 A I don't know.
 12 Q Has he served on any criminal justice department
 13 committees, other than chairing the search committee?
 14 A I don't know.
 15 Q Do you know how Dr. Zauche became chair of the search
 16 committee?
 17 A No.
 18 Q Do you know who asked him to chair?
 19 A I believe the dean.
 20 Q Did you recommend him for that role?
 21 A I don't recall that I did.
 22 Q Could you have?
 23 A I could have, possibly. He's certainly a
 24 well-qualified candidate.
 25 MR. HAWKS: Ask that be marked as

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1 Exhibit 33.
 2 (Exhibit No. 33 was marked for identification.)
 3 BY MR. HAWKS:
 4 Q Do you have a copy of Exhibit 33 in front of you,
 5 Dr. Dalecki?
 6 A Yes.
 7 Q And can you identify that document?
 8 A Well, it appears to be from Shane Drefcinski to
 9 Chancellor Shields regarding a complaints and
 10 grievances commission hearing.
 11 Q Have you seen this document before today?
 12 A I believe I have.
 13 Q Earlier I'd asked you a question about a
 14 recommendation of the committee; do you recall that
 15 question?
 16 A No, I do not.
 17 Q Referring you to the last paragraph of this letter.
 18 Do you see the first sentence there reading that the
 19 complaints and grievances commission agrees with
 20 Dr. Burton?
 21 A Uh-huh. Yes.
 22 Q And it was Dr. Burton's position that you were
 23 appointed contrary to the constitution or bylaws of
 24 the college; is that true?
 25 MS. SPITZ: Object to form.

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1 THE WITNESS: I see that that's what that
 2 says.
 3 BY MR. HAWKS:
 4 Q Okay. Were you a part of this grievance at any time?
 5 A No.
 6 Q When did you first see a copy of this grievance
 7 decision?
 8 A It would have been sometime after that date. I don't
 9 recall a specific time I saw it.
 10 MR. HAWKS: Ask this be marked as
 11 Exhibit 34.
 12 (Exhibit No. 34 was marked for identification.)
 13 BY MR. HAWKS:
 14 Q Now, Dr. Dalecki, do you recall that on September 24
 15 of 2014 the criminal justice department voted on a
 16 job announcement for the chair position?
 17 A Could you repeat that, please.
 18 Q Do you recall that on December -- or, on September 24
 19 of 2014, the criminal justice department voted on a
 20 job announcement for the criminal justice chair
 21 position?
 22 A I don't remember specifically.
 23 Q Do you recall that there -- at some point in time,
 24 the department voted on a job description?
 25 A I believe so.

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<p>1 Q All right. Looking at Exhibit 34, can you identify 2 that document? 3 A It appears to be a job description. 4 Q And would this be the job description that the 5 department voted on? 6 A I could not say. It certainly looks like it could 7 be, but I don't know that it was. I don't have 8 that -- my memory -- 9 Q But you would have been chair of the department, and 10 you would have attended the meeting of the department 11 in which that decision was made; correct? 12 A Yes. 13 Q Okay. Reading through this, does it appear to be the 14 one that was discussed and approved at that meeting? 15 MS. SPITZ: Object. Asked and answered. 16 THE WITNESS: Oh. I'm sorry. This is for 17 the chair. I thought it was for the searches we 18 were doing for faculty members. 19 BY MR. HAWKS: 20 Q This is for the chair. 21 A I'm sorry. No. I -- I'm sorry. What I thought you 22 were saying was for the search that we engaged in 23 that fall for faculty members, not for chair. I 24 don't believe I was part of this at all because as a 25 candidate, I needed to recuse myself from all of it.</p>	<p>1 A No. 2 Q Forensic investigator? 3 A No. 4 Q Are you aware that the criminal justice department's 5 draft of this advertisement was changed after the 6 fact and without the consent of the department? 7 A No. 8 Q Ask this be marked as Exhibit 35. 9 (Exhibit No. 35 was marked for identification.) 10 BY MR. HAWKS: 11 Q Do you have a copy of Exhibit 35 in front of you? 12 A I do. 13 Q Can you describe this document? 14 A It appears to be a job announcement for the CJ 15 department chair position. 16 Q And you applied for that position; correct? 17 A Yes. 18 Q And does this appear to be the job announcement that 19 was posted and which -- and upon which you based your 20 application? 21 A It appears to be so. 22 Q Referring to the minimum qualifications, about midway 23 through that paragraph, there's a sentence that 24 begins with the words "the successful candidate will 25 also have." Do you see that?</p>
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<p>1 Q All right. Do you have a doctorate in criminal 2 justice? 3 A No. 4 Q Forensic investigation? 5 A No. 6 Q Criminology? 7 A No. 8 Q Criminal justice? 9 A No. 10 Q Public administration? 11 A No. 12 Q Sociology? 13 A Yes. 14 Q Policing law enforcement? 15 A No. 16 Q Do you hold, at a minimum, a bachelor's degree in 17 criminal justice? 18 A No. 19 MS. SPITZ: Just for the record, I'm going 20 to interpose an objection to Mr. Burton testifying 21 or offering input. He's not an attorney or a party. 22 BY MR. HAWKS: 23 Q Have you ever been employed as a police officer? 24 A No. 25 Q Correctional officer?</p>	<p>1 A I do. 2 Q "An undergraduate or a graduate degree in a closely 3 related field." 4 Do you hold an undergraduate or graduate 5 degree in a closely related field to criminal justice 6 or criminology? 7 A Yes. 8 Q Also, the position here is a 12-month administrative 9 position with no teaching requirement as part of the 10 load. Do you see that? Third sentence. 11 A Yes, I see it. 12 Q Did you teach in the criminal justice department at 13 any time? 14 A I did. 15 Q When did you? 16 A Fall of '14. 17 Q Fall of '14. What course did you teach? 18 A Research methods in criminal justice. 19 Q Can you speak up? 20 A Excuse me. Research methods in criminal justice. 21 It's CJ 3900. 22 Q Any other courses? 23 A No. 24 Q Previously, didn't the chair teach -- didn't 25 Professor Caywood teach a regular load?</p>

1 A I believe he taught some courses. I don't know what
2 it would have been as a regular load.
3 Q And didn't Chair Lomax also teach?
4 A I don't have any direct knowledge of what Mr. Lomax
5 did.
6 Q Is it true that you made your intention of becoming a
7 permanent chair of this criminal justice department
8 known to members of the department and the dean long
9 before the department voted on the job announcement
10 for that position?
11 A Oh, yes.
12 Q When did you first make it known to the department
13 that you intended to become the department chair?
14 A I never did make that statement. I said I would
15 probably be a candidate.
16 Q Okay. It was your intention to become the permanent
17 chair? By being a candidate, you wanted to become
18 the permanent chair of the department; right?
19 A I indicated I would probably apply as a matter of
20 course.
21 Q And when did you first make that statement?
22 A Very early on in the -- in my being a chair, at one
23 of the very first meetings we had.
24 Q Just with regard -- a few questions about your
25 relationship with Dean Throop. Are your neighbors in

1 the community, near neighbors?
2 A Live in the same subdivision.
3 Q About how far apart?
4 A Probably by road a quarter mile, by crow flies less
5 than that.
6 Q Okay. Do you socialize with her?
7 A No.
8 Q Do you spend time with her outside of work?
9 A Please repeat.
10 Q Do you spend any time with her outside of work?
11 A No.
12 Q Do you golf with her?
13 A No. I have one time.
14 Q You golfed with her one time?
15 A Yeah.
16 Q Okay. Now, do you mow her lawn?
17 A No.
18 Q Okay.
19 (Exhibit No. 36 was marked for identification.)
20 BY MR. HAWKS:
21 Q Do you have Exhibit 36 in front of you?
22 A Uh-huh. Yes, I do.
23 Q So do you recognize this e-mail exchange?
24 A I do. I do.
25 Q This indicates that you blind carbon copied

1 Dean Throop with regard to this e-mail; is that
2 correct?
3 A It does indicate that.
4 Q Did you do that, in fact?
5 A I don't have any direct recollection. I assume from
6 this document that I did.
7 Q Okay. And this appears to be a relatively brief
8 note, short note from Dr. Burton, to you asking that
9 her title on the department list reflect that she
10 holds a doctorate, right, by a reference to doctor?
11 A Uh-huh. Yes.
12 Q Why did you send a carbon copy of this to Dean
13 Throop, a blind carbon copy to Dean Throop?
14 A So she would know how I was handling issues like
15 this.
16 Q Did she ask you to send her this or send her,
17 generally, information on how you were handling
18 issues?
19 A She didn't ask me to send this one. She did ask that
20 I keep her informed as needed about topics pertinent
21 to the department.
22 Q And specifically with regard to Dr. Burton?
23 A With regard to everybody.
24 Q Did you send a blind carbon copy of other
25 communications you had with other members of the

1 department to Dr. Throop -- or, to Dean Throop?
2 A Yes.
3 Q Would you have a record of those someplace?
4 A I don't know. We shifted over to a new e-mail system
5 and some of it got purged, and so I don't know what I
6 have or don't have that would say that.
7 Q So whatever record would reflect all the blind carbon
8 copies you sent to Dean Throop regarding all faculty
9 personnel matters?
10 A I don't know that that's the case.
11 Q In your opinion, was Dr. Burton's request
12 inappropriate?
13 A I thought it was undeserving of an e-mail.
14 Q Did you think it was inappropriate?
15 A I don't know.
16 Q Did you believe it was unreasonable?
17 A No.
18 Q Did you blind carbon copy Dean Throop on other
19 communications you had with Burton?
20 A I'm sure I did.
21 Q Why?
22 A Because we needed to have a record.
23 Q How often would you say you sent Dr. -- or,
24 Dean Throop a blind carbon copy of communications
25 with Burton?

1 A It was episodic. I can't give you a frequency
2 because that doesn't fit the pattern. But necessary.
3 Q Pardon me?
4 A I would say occasionally. I don't know what metric
5 you want me to use to describe this.
6 Q Occasionally is your answer?
7 A Somewhat occasionally.
8 Q Isn't it true it only takes a few minutes to change a
9 -- make changes in the e-mail address book?
10 MS. SPITZ: Object to form.
11 THE WITNESS: I don't know how long it
12 takes to make changes in an e-mail address book. It
13 depends which one you're talking about.
14 BY MR. HAWKS:
15 Q To include the word "doctor" Before Dr. Burton's
16 name?
17 A I don't know. I had to figure out why it was doing
18 what it was doing; and given the beginning of my
19 tenure there as an interim chair, dealing with a
20 sudden resignation of one of our key faculty, I was
21 very busy. And this kind of thing struck me as I
22 don't have time to deal with this right now.
23 Q That wouldn't have been a simple matter to ask the
24 secretary to do it?
25 A The secretary doesn't have access to my e-mail

1 MS. SPITZ: Objection to form. Go ahead.
2 THE WITNESS: I don't believe so.
3 BY MR. HAWKS:
4 Q Did you get the faculty consensus before proceeding
5 with the 700-hour academy program?
6 A Yes.
7 Q Did you get faculty consensus to proceed with the
8 Rockford project?
9 A Yes.
10 Q Did you invite Dr. Burton to join you at the visit to
11 Rockford in 2014?
12 A I don't recall.
13 Q Don't you think she should be one of the core people
14 in the development of that project as the senior
15 member of the department?
16 A Not necessarily.
17 Q Isn't it true that Dr. Burton brought the Crawford
18 County Restorative Justice Program to the campus in
19 fall of 2012?
20 A I have no knowledge of that.
21 Q Isn't it true that she facilitated the RJ mediation
22 training for 16 students?
23 A No knowledge.
24 Q Isn't it true that she supervised three direct
25 studies in restorative justice?

1 package. When I found time, I eventually changed it.
2 Q You first assigned Dr. Burton as a mentor of
3 Dr. Solar in August of 2013, but then you gave the
4 mentorship to Dr. Gibson; is that true?
5 A I don't recall that.
6 Q Who was Dr. Solar's mentor?
7 A I'm trying to recollect as to giving you the best
8 that I can in the recollection. I think he was
9 assigned originally by Dr. Caywood, and partway
10 through the fall, I believe I reassigned Dr. Solar to
11 myself as mentor.
12 Q You asked Dr. Solar to be the director of the
13 forensic investigation program in 2013; isn't that
14 true?
15 A Yes.
16 Q Why didn't you ask Dr. Burton to assume that role?
17 A He had recent policing experience and was a chief.
18 Q Do you recall the 700-hour academy program in the
19 fall of 2013?
20 A Yes.
21 Q Did you invite Dr. Burton to be part of that program?
22 A Yes. Everyone was invited.
23 Q That invitation that you made to everybody, didn't
24 that occur months after you had hand-picked Lomax,
25 Solar, and Reed to serve in that program?

1 A I don't know.
2 Q Isn't it true that she engaged in a class project on
3 restorative justice that was featured on a one-hour
4 radio show for the tri-state area and was funded by
5 PACCE?
6 A I think that's true.
7 Q So why did you give Dr. Amy Nemmetz the assignment of
8 teaching the restorative justice course and not
9 Dr. Burton?
10 A Dr. Burton's already doing cyber crime and other
11 things. A good chair distributes the task load as
12 reasonably equitable as he or she can and doesn't try
13 to overburden any one individual. Given that
14 Dr. Burton was already serving as a search committee
15 chair in the fall, and that I'd always had that in
16 mind for her to do, you try to split the work up.
17 Q Did you consult with Dr. Burton before assigning the
18 restorative justice program or course to someone
19 else?
20 A I don't believe so.
21 Q Why not?
22 A No particular reason.
23 MR. HAWKS: Excuse me. I lost my place
24 here.
25 BY MR. HAWKS:

1 Q Didn't you first ask Dr. Burton to serve as a mentor
2 to Dr. Stackman?
3 A I did ask her to serve as a mentor to Dr. Stackman,
4 yes.
5 Q And then didn't you remove that assignment from her
6 without any explanation in the spring of 2014?
7 A It wasn't in the spring of 2014. That's incorrect.
8 Q I misspoke. When was it?
9 A That would have been in the summer of 2014.
10 Q Okay. And why did you not -- or, why did you take
11 the mentorship away from Dr. Burton?
12 A I had had at least two conversations with Dr. Burton
13 regarding power differentials and conflicts of
14 interest and how they needed to be avoided at all
15 costs. And sometimes that even means that we have to
16 do things we'd prefer not to do in order to avoid
17 that even appearance of conflict of interest.
18 When I learned that Dr. Burton had asked
19 Dr. Stackman to house-sit for her that summer, it was
20 clear to me that Dr. Stack -- that, excuse me, that
21 Dr. Burton simply doesn't understand or didn't
22 understand, or whatever the reason was, what that
23 means. And for her to put Dr. Stackman in that
24 position, as a senior tenured faculty member asking a
25 junior untenured faculty member to do something for

1 Dr. Burton a new one, closed quote?
2 A No.
3 Q Because you thought she had something to do with
4 Dr. Stackman moving into a different apartment
5 complex?
6 A No.
7 MR. HAWKS: I'd like to have this marked
8 as the next exhibit, please.
9 (Exhibit No. 37 was marked for identification.)
10 BY MR. HAWKS:
11 Q Showing you what's been marked as Exhibit 37. Do you
12 recognize this document?
13 A I do.
14 Q What is it?
15 A It's an e-mail exchange between Dr. Burton and I,
16 carbon copying everyone else in the department.
17 Q And why did you carbon copy everyone else in the
18 department?
19 A After Dr. Burton's "can we call a spade a spade"
20 e-mail to everyone in the department, she left us, in
21 my opinion, and after I consulted the HR director,
22 who's an attorney, potentially vulnerable to legal
23 action by the people she named in her e-mail. And so
24 I crafted a response to it, not only the demand for
25 investigation, but also other things related to

1 her, meant to me that she could not make that
2 distinction, and I was not going to take a brand new
3 faculty member on our campus and put her in someone's
4 hands for whom those distinctions were unclear.
5 Q Is it common practice for a chair to mentor a new
6 faculty member?
7 A I don't think it is.
8 Q By mentoring Dr. Stackman yourself, did you violate
9 UW-Platteville's recommendation on who to choose as a
10 mentor?
11 A I don't know.
12 Q At that time, what experience did you have in
13 advising criminal justice or forensic investigation
14 students?
15 A I had been doing it for a year as chair.
16 Q One year?
17 A Uh-huh. Yes.
18 Q Isn't it true that you were very upset that
19 Dr. Stackman didn't rent her apartment from your
20 friend in the spring of 2014 after you facilitated a
21 meeting between the two in February of 2014?
22 MS. SPITZ: Object to form.
23 THE WITNESS: No.
24 BY MR. HAWKS:
25 Q Isn't it true that you threatened to, quote, rip

1 telling students certain kinds of details about the
2 program. That was done in response to Dr. Burton's
3 initial e-mail.
4 Q If you go to page 3 of 6 on this exhibit, Dr. Burton
5 asks four questions: Is she wrong in demands
6 transparency; is she wrong in demanding
7 accountability; is she wrong in requesting
8 professional courtesy; and is she wrong in expecting
9 ethical behavior.
10 Did you ever answer those questions?
11 A I don't know that I did.
12 Q Changing your attention to the events, again, of
13 Friday, December 12, 2015. Did you tell Dean Throop
14 that Dr. Burton canceled her class on the last day of
15 instructions?
16 MS. SPITZ: I'm sorry, do you mean 2014?
17 You said --
18 MR. HAWKS: 2014. Thank you.
19 THE WITNESS: Restate the question. You
20 got me in that whole different time thing.
21 BY MR. HAWKS:
22 Q We're moving forward to December 12 of 2014.
23 A Okay.
24 Q The last day of classes in the fall semester of the
25 '14/'15 school year. Did you tell Dean Throop that

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<p>1 Dr. Burton canceled her class on the last day of</p> <p>2 instructions?</p> <p>3 A No.</p> <p>4 Q Do you know who did?</p> <p>5 A The characterization's incorrect. Can I explain</p> <p>6 this?</p> <p>7 Q Please do. Feel free.</p> <p>8 A I'd had a report -- I do not remember who gave it to</p> <p>9 me -- that she had not met her classes. I could not</p> <p>10 confirm. However, I had mentioned it to the dean in</p> <p>11 a phone call, and when I didn't confirm it, I assumed</p> <p>12 that it was not true or, regardless, it was nothing I</p> <p>13 should concern myself with. It's one reason I don't</p> <p>14 remember who told me it, because I just purged. Once</p> <p>15 that was done, it was a nonentity. It was a</p> <p>16 nonissue.</p> <p>17 If there was a mistake involved at all, it</p> <p>18 was me telling the dean that before I was certain as</p> <p>19 to what the facts were.</p> <p>20 Q Let me make sure I understand correctly. Someone</p> <p>21 told you that Dr. Burton had skipped her last day of</p> <p>22 classes; is that correct?</p> <p>23 A I believe someone told me that students had told this</p> <p>24 person that she canceled the classes, and so, as you</p> <p>25 would normally expect the chair to do, you</p>	<p>1 Q Okay. So a member of the faculty tells you that</p> <p>2 Burton has canceled classes, and you then call the</p> <p>3 dean to share that with the dean; is that correct?</p> <p>4 A I spoke with the dean on some other matters, as well,</p> <p>5 as I recall, and noted that. If there's a mistake</p> <p>6 there, it's mine, for mentioning it until I confirmed</p> <p>7 it.</p> <p>8 Q What did the dean have to say?</p> <p>9 A I don't recall her reaction.</p> <p>10 Q Did she tell you to do anything?</p> <p>11 A No.</p> <p>12 Q Did she express surprise?</p> <p>13 A I don't recall.</p> <p>14 Q All right. So what did you do next after -- with</p> <p>15 regard to your investigation of whether or not Burton</p> <p>16 had canceled classes?</p> <p>17 A I followed up. I don't remember the specifics of</p> <p>18 exactly what I did, but I felt the charge was so</p> <p>19 equivocal that it didn't bear inspection, and I just</p> <p>20 dropped it because there was no evidence that I could</p> <p>21 come up with that she hadn't. I didn't know that she</p> <p>22 had, but I think you have to err on the side of the</p> <p>23 person being accused of something like this, and if I</p> <p>24 don't have any evidence of her missing it, I'll</p> <p>25 assume she was probably there.</p>
<p>Page 106</p> <p>1 investigate to see what you can determine. I didn't</p> <p>2 find enough evidence to even warrant pursuing it, and</p> <p>3 so I never said anything to anybody, other than</p> <p>4 having mentioned it to the dean that I had had the</p> <p>5 report and I was investigating.</p> <p>6 Q Did you call the dean?</p> <p>7 A It was a phone call.</p> <p>8 Q What time of day -- what day did you call her? That</p> <p>9 Friday or the following Monday?</p> <p>10 A I think it was that Friday, but I don't recall for</p> <p>11 sure.</p> <p>12 Q Okay. You don't recall what time of day you called</p> <p>13 her?</p> <p>14 A Likely morning.</p> <p>15 Q Was it shortly after you received the information</p> <p>16 from this unknown student?</p> <p>17 A I don't know. Shortly. I don't recall exactly how</p> <p>18 long. It wasn't a whole day.</p> <p>19 Q Why would a student tell you that?</p> <p>20 A No. A student told a member of the faculty that this</p> <p>21 had occurred, who told me. I do not remember who it</p> <p>22 was that told me that.</p> <p>23 Q You don't remember which faculty member told you</p> <p>24 that?</p> <p>25 A No, I don't.</p>	<p>Page 108</p> <p>1 Q So then you left the dean hanging with the</p> <p>2 information that she had not taught the classes. You</p> <p>3 never -- you never -- let me start that question</p> <p>4 again.</p> <p>5 You never corrected the impression you left</p> <p>6 with the dean that Burton canceled classes; isn't</p> <p>7 that true?</p> <p>8 MS. SPITZ: Object to form. Go ahead.</p> <p>9 THE WITNESS: I don't know that I did. I</p> <p>10 believe I told her. I said I was never able to</p> <p>11 confirm.</p> <p>12 BY MR. HAWKS:</p> <p>13 Q When did you tell her that?</p> <p>14 A Sometime later on. I don't recall the exact time.</p> <p>15 Q Before or after she sent her letter of potential</p> <p>16 discipline for canceling classes?</p> <p>17 A I don't recall the dates and the times of that.</p> <p>18 Q Why did you even mention it to dean?</p> <p>19 A It was just in passing of things I was doing.</p> <p>20 Q Now, you were sent a carbon copy of the December 16,</p> <p>21 2015, disciplinary e-mail of Dean Throop to</p> <p>22 Dr. Burton, didn't you?</p> <p>23 MS. SPITZ: '14.</p> <p>24 THE WITNESS: '14.</p> <p>25 BY MR. HAWKS:</p>

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1 Q '14; didn't you?

2 A I have seen that. Yes.

3 Q I've got it in -- my notes all show 2015 here, so

4 feel free to correct me if I do that again. So you

5 were CCd. Did you contact her immediately to let her

6 know that she was off base?

7 A I don't recall.

8 Q Did you contact her ever to let her know that she was

9 off base?

10 A I believe I told her that I could not confirm.

11 Q Did she express remorse?

12 A I don't recall.

13 Q Do you recall saying hello to Dr. Burton on Friday,

14 December 12, while at work?

15 A No.

16 MR. HAWKS: Ask this be marked as the next

17 exhibit, please.

18 (Exhibit No. 38 was marked for identification.)

19 BY MR. HAWKS:

20 Q You recognize this document?

21 A No, I don't.

22 Q Can you describe it, please.

23 A It appears to be a letter to Dr. Burton from

24 Chancellor Shields regarding the claim that she had

25 not met classes in December of 2014.

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1 Q You notice in the very last line on the first page of

2 this document, "further, as an administrator,

3 Dr. Throop is expected to address this type of

4 alleged misconduct. In addition, she did not publish

5 this information to an uninvolved third party."

6 She did publish it to you; correct?

7 A Yes. I was privy to the -- that letter.

8 Q All right. And so, apparently, the chancellor

9 appears to include you in the group of involved third

10 parties, doesn't he?

11 MS. SPITZ: Object to form. You can

12 answer.

13 THE WITNESS: I -- I'm not sure what your

14 question means.

15 BY MR. HAWKS:

16 Q Are you -- do you think -- because you were -- you

17 received a publication by Throop of this information,

18 you would be an involved third party; correct?

19 A I believe that's correct.

20 Q Have you shared with us -- with the -- in your

21 testimony so far, every way in which you were

22 involved in this issue?

23 A Which issue are you referring to?

24 Q The false accusation by Dean Throop that Burton

25 canceled her classes on last day.

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1 MS. SPITZ: Object to form. You can

2 answer.

3 THE WITNESS: I don't recall any other

4 involvement with it.

5 MR. HAWKS: Ask this be marked as the next

6 exhibit, please.

7 (Exhibit No. 39 was marked for identification.)

8 BY MR. HAWKS:

9 Q Do you recognize this document?

10 A No, I do not.

11 Q Did you ever receive a copy of this document?

12 A I don't recall that I did.

13 Q Did the chancellor ever conduct an investigation into

14 this matter, that you are aware of?

15 A According to this letter, he did.

16 Q Uh-huh. Other than that letter, are you aware that

17 he had conducted an investigation prior to reading

18 that letter just now?

19 A No.

20 Q All right. Did the chancellor ever contact you -- go

21 ahead. You have more to add?

22 A Based on the complaint, I was aware that

23 Dom Barraclough had been asked to do an

24 investigation. So in that sense, I was aware of it

25 before now.

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1 Q Okay. Did anyone ever contact you as part of that

2 investigation about what had happened?

3 A I don't recall that they did.

4 Q Okay. So Dom Barraclough didn't contact you?

5 A No.

6 Q The Chancellor didn't contact you?

7 A No.

8 Q No one -- the dean didn't contact you?

9 A I don't recall that either. Correct.

10 Q And the provost didn't contact you?

11 A No.

12 Q So even though the chancellor reports that he

13 conducted an investigation, you don't recall anybody

14 contacting you as part of that investigation?

15 A Correct.

16 Q Even though you were the person who first reported it

17 to the dean?

18 MS. SPITZ: Object to form. Go ahead.

19 BY MR. HAWKS:

20 Q You should answer that question aloud. You nodded

21 your head.

22 A Okay.

23 (Exhibit No. 40 was marked for identification.)

24 BY MR. HAWKS:

25 Q Do you recognize this document?

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Dr. Michael Dalecki

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1 A No.

2 Q I'm sorry, I didn't hear --

3 A No.

4 Q You have never received a copy of this document prior

5 to today?

6 A That's correct.

7 Q The doctor -- or, excuse me. Yeah, Dr. Barraclough

8 makes a conclusion that Dean Throop incorrectly

9 admonished Dr. Barton for canceling her classes; is

10 that true? Does this document reflect that

11 conclusion?

12 A Yes, it does.

13 MR. HAWKS: I'd ask this be marked as the

14 next exhibit.

15 (Exhibit No. 41 was marked for identification.)

16 BY MR. HAWKS:

17 Q Do you recognize this exhibit?

18 A Yes.

19 Q Was this sent to you from Dr. Burton?

20 A Yes.

21 Q Does this -- in this exhibit, Dr. Burton asks you

22 several questions; do you see that?

23 A Yes.

24 Q Did you ever respond to her?

25 A Attorney/client privilege.

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1 Q No. The question is whether or not you ever

2 responded to --

3 MS. SPITZ: Just yes or no.

4 BY MR. HAWKS:

5 Q -- Dr. Burton?

6 A No.

7 (Exhibit No. 42 was marked for identification.)

8 BY MR. HAWKS:

9 Q Can you identify Exhibit 42?

10 A I cannot.

11 Q All right. What was your dissertation about?

12 A Organic farming.

13 Q Organic farming?

14 A Organic farming.

15 Q Are you aware of any illegal actions or actions

16 against UW-Platteville policy committed by

17 Dr. Caywood?

18 MS. SPITZ: Object to form. You can

19 answer.

20 THE WITNESS: No.

21 BY MR. HAWKS:

22 Q Are you aware of any illegal actions or actions

23 contrary to UW-Platteville policy of Mr. Dutelle?

24 MS. SPITZ: Same objection. You can

25 answer.

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1 THE WITNESS: No.

2 BY MR. HAWKS:

3 Q Did you ever have a meeting with John Lohmann

4 discussing the function of the department?

5 A Yes.

6 Q One or more than one?

7 A Numerous meetings with him.

8 Q Regarding what subjects?

9 A Everything from personnel issues unrelated to

10 Dr. Burton, to department issues, to searches, to

11 following the appropriate policy for searches, and

12 other kinds of activities.

13 MR. HAWKS: Ask this be marked.

14 (Exhibit No. 43 was marked for identification.)

15 BY MR. HAWKS:

16 Q Now, Dr. Dalecki, if you note on the lower corner of

17 each of those pages, you see what we call a Bates

18 stamp, UW-P 004840 on the first page; do you see that

19 at the bottom?

20 A Uh-huh.

21 Q Okay. This is a number that was used by the attorney

22 general's office in providing responses to

23 Dr. Burton's discovery request. These are responses

24 to an inquiry that are identified by the defendants

25 as being the notes of John Lohmann.

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1 A Uh-huh.

2 Q And it appears that the first page -- is it a

3 type-written page --

4 A Uh-huh.

5 Q -- of what has been handwritten, subsequently, by

6 John Lohmann? Do you see that?

7 A Uh-huh. Yes, I do.

8 Q Okay. So below, on the first page, below the

9 horizontal bar, we have an entry that is Mike

10 Dalecki. Do you recall having a meeting with

11 John Lohmann on or about December 11, 2013, about the

12 criminal justice department?

13 A That may have happened. I don't have any direct

14 recollection of it.

15 Q Did you ever say to John Lohmann that there was --

16 that a concern in criminal justice is Tom Caywood?

17 A Yes, I do recall a conversation dealing with that

18 subject.

19 Q Okay. And did you say to him, and using his quotes,

20 quote, "women do not belong in the criminal justice

21 field," closed quote?

22 A Yes.

23 Q You said that to him? All right.

24 A Well --

25 Q And be careful, I'm -- I understand. Did you say

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<p>1 that John -- or, did you say that Tom Caywood held</p> <p>2 the view that women do not belong in the criminal</p> <p>3 justice field?</p> <p>4 A I told him that someone had reported that he'd said</p> <p>5 that.</p> <p>6 Q And do you know who made that report?</p> <p>7 A Some student. I don't recall the -- either the</p> <p>8 student or the source of it at the time, just that it</p> <p>9 was a concern.</p> <p>10 Q And when -- so this meeting occurred on or about</p> <p>11 12/11/13. When would the student have made that</p> <p>12 remark to you?</p> <p>13 A I don't know. I'd hear from someone that students</p> <p>14 had said that.</p> <p>15 Q That women don't belong?</p> <p>16 A Yes. That he'd said it in a class. And as with a</p> <p>17 lot of things, unless you have strong evidence of it,</p> <p>18 you don't go flinging it about.</p> <p>19 Q Yeah. Did you follow up in any way?</p> <p>20 A I was not able to do that. Either the student had</p> <p>21 graduated or there was some other reason for being</p> <p>22 unable to do that.</p> <p>23 Q You did mention it to Lohmann, though?</p> <p>24 A Yes. Yes.</p> <p>25 Q Do you know whether or not Lohmann followed up in any</p>	<p>1 that time -- this is right about the date where we</p> <p>2 would have concluded our new hires of Amy Nemmetz and</p> <p>3 Valerie Stackman. Both of them were women. I wanted</p> <p>4 to ensure that we had a fair and equitable</p> <p>5 environment for everyone, regardless of background or</p> <p>6 any other kind of characteristics that they had. And</p> <p>7 so I wanted to make sure that we had a process that</p> <p>8 was not subject to any hanky panky of any kind, that</p> <p>9 it be fair and equitable.</p> <p>10 Q And there's a note next to Lohmann's records here</p> <p>11 that "we need diversity and harassment training."</p> <p>12 Quote, "CJ would be a good first place to start,"</p> <p>13 closed quote. Is that a comment you would have said?</p> <p>14 A It is certainly consistent with what I would have</p> <p>15 believed at the time. I don't remember saying it,</p> <p>16 but that's consistent.</p> <p>17 Q And you believe that you did need -- that the CJ</p> <p>18 department needed diversity and harassment training?</p> <p>19 A Yes.</p> <p>20 Q Would you go to the next page of this exhibit. So</p> <p>21 this is dated November 20 of 2013. The first entry</p> <p>22 seems to be a reference to Liz Throop and the LAE</p> <p>23 dean meeting.</p> <p>24 Would you have attended that meeting?</p> <p>25 A Possibly.</p>
<p>1 way?</p> <p>2 A No, I do not.</p> <p>3 Q The next note he has is "concerned with going</p> <p>4 forward. Tenure progress and hindering of tenure</p> <p>5 progress by Tom and allies." Is that a concern that</p> <p>6 you would have shared with Lohmann?</p> <p>7 A Possibly. Yes. Yes.</p> <p>8 Q Whose -- who would you identify as being Tom's</p> <p>9 allies?</p> <p>10 A At the time it would have been Lorne Gibson, Aric</p> <p>11 Dutelle, possibly Rex Reed, possibly Steve Elmer.</p> <p>12 And that's --</p> <p>13 Q And how would they go about hindering tenure</p> <p>14 progress?</p> <p>15 MS. SPITZ: Object to form. Go ahead.</p> <p>16 THE WITNESS: If people wished to make</p> <p>17 others lives harder, there are ways they can do</p> <p>18 that, and there's a myriad numbers of ways. I</p> <p>19 couldn't sit here long enough to tell you probably</p> <p>20 all of them.</p> <p>21 BY MR. HAWKS:</p> <p>22 Q Identify a few.</p> <p>23 A One way that they could hinder tenure progress is by</p> <p>24 giving them poor evaluations when it came time for</p> <p>25 their annual review. And given that we had just, at</p>	<p>1 Q Okay.</p> <p>2 A I --</p> <p>3 Q You're --</p> <p>4 A You're asking me stuff that's two years ago, and I'm</p> <p>5 -- you know --</p> <p>6 Q I see there's a specific reference to you, though, on</p> <p>7 the first line. Mike Dalecki, interim chair of</p> <p>8 criminal justice, 1807. What does the 1807</p> <p>9 represent?</p> <p>10 A That's my phone number.</p> <p>11 Q All right. That's your phone number on campus?</p> <p>12 A Right.</p> <p>13 Q Then below the bar, there's a line above</p> <p>14 Tom Caywood's name; do you see that?</p> <p>15 A I do.</p> <p>16 Q And then with regard to Sabina is apparently</p> <p>17 mentioned specifically. And there's a note in there</p> <p>18 "emotionally labile." Did you ever use that term?</p> <p>19 A No.</p> <p>20 Q Did you ever hear anybody else use that term to</p> <p>21 describe --</p> <p>22 A No. I don't know what it means.</p> <p>23 Q -- Dr. Burton?</p> <p>24 A I don't know what it means.</p> <p>25 Q Okay. Did you discuss Dr. Burton's evaluation scores</p>

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1 with either Dr. Fuller or other members of the DRB in
2 2014 or 2015?
3 A I think it's likely that I did. I don't have any
4 direct recollection of them.
5 Q My next question is going to be what was the
6 conversation about, if you can recall?
7 A My recollection of her evaluations were they were
8 fine. They were -- when you're a chair, you look for
9 evidence or signs that there are problems, and she
10 didn't have any.
11 Q In fact, they were marked down, though, from the
12 previous evaluation period. The 2014 evaluation was
13 reduced from the 2013 evaluation, wasn't it?
14 A You're talking about the DRB evaluation?
15 Q Yes.
16 A I'm talking about student evaluations.
17 Q Okay.
18 A As a sign of -- you always look for pattern changes.
19 And if suddenly a faculty member's evaluations
20 plunge, that's the time to find out what's going on.
21 Q I see.
22 A And there was no -- there was nothing in the pattern
23 that would suggest a problem.
24 Q Did you -- in the discussions, particularly in
25 January of 2014, was there any explanation given by

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1 any member of the committee as to why Dr. Burton's
2 evaluation scores were reduced from the year earlier
3 rating period?
4 A I don't --
5 MS. SPITZ: Object to form. I'm sorry,
6 which evaluations are we talking about?
7 MR. HAWKS: 2014.
8 MS. SPITZ: By the DRB or students?
9 MR. HAWKS: DRB.
10 MS. SPITZ: Just want to make sure we're
11 on the same page.
12 THE WITNESS: Ask it again, please.
13 BY MR. HAWKS:
14 Q In 2014 in discussions between members of the DRB
15 regarding Sabina Burton's evaluation for the calendar
16 year 2013, was there any explanation or discussion
17 that would explain the reason why her evaluation
18 grades went down from 2013 to 2014?
19 A I don't recall any.
20 Q And was there any -- did anyone express even an
21 awareness of a reduction?
22 A I don't know what that means.
23 Q Did anyone discuss -- did anyone express that they
24 were aware that Sabina Burton's evaluation grades
25 were being lowered?

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1 MS. SPITZ: Object to form. You can
2 answer.
3 THE WITNESS: I don't recall.
4 BY MR. HAWKS:
5 Q Have you ever attended any of Dr. Burton's
6 professional presentations during your interim
7 chairmanship?
8 A I don't recall any off the top of my head.
9 Q And have you ever attended any of Dr. Burton's
10 classroom lectures during your interim chairship?
11 A I don't believe so.
12 Q Have you ever assigned any faculty member to attend
13 Dr. Burton's classroom lecture for peer evaluation
14 purposes?
15 A I don't recall that I have.
16 Q Have you ever discussed peer evaluation of any other
17 department faculty member with the criminal justice
18 faculty or Dr. Fuller?
19 A Yes.
20 Q Who?
21 A It would have been Dr. Fuller, at least, but it was
22 in the context of we need to make sure that we
23 have -- that we're following a peer review of at
24 least untenured faculty members and that we do it on
25 a regular basis.

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1 Q And was it done?
2 A I think it was.
3 Q Can you describe how the peer teaching evaluations
4 were conducted during your chairship?
5 A Faculty would visit the classroom of the person whose
6 peer evaluation was being done and assess them and
7 write up a conclusion about what they had witnessed.
8 Q And is it even possible to properly evaluate a
9 faculty member's teaching performance without having
10 that peer evaluation?
11 A I would say you need it, that it's desirable. And I
12 say that for this reason: If a professor's student
13 evaluations are a disaster, I don't necessarily need
14 to go to the class before I know there's something
15 wrong. But as a general rule, you would like to do
16 that.
17 And I've had such instances in my time on
18 the faculty there were -- suddenly someone's
19 evaluations are just God awful. And you read the
20 comments from the students and you know there's a
21 problem. You don't have to go to the class to find
22 out what's going on; you can tell. Meaning that's
23 the intervention kind of thing. Those instances did
24 not apply to Dr. Burton.
25 Q Was Dr. Burton's planned involvement with the German

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<p>1 delegation an official assignment or voluntary?</p> <p>2 A She begged me to do it.</p> <p>3 Q She -- was she volunteering to do it?</p> <p>4 A Yes.</p> <p>5 Q Okay. And so she was not actually assigned to do it?</p> <p>6 A She asked me to do it and I gave my blessing, as long</p> <p>7 as it didn't cost us any money, since I wasn't sure</p> <p>8 yet about the spending tempos in the department, and</p> <p>9 that she handle the details of it.</p> <p>10 Q Okay. Did you offer her any financial reimbursement</p> <p>11 or release time in order to coordinate this program</p> <p>12 or effort?</p> <p>13 A No.</p> <p>14 Q How many people were involved in handling the German</p> <p>15 delegation visit?</p> <p>16 A Before or after?</p> <p>17 Q Period. How many people were involved in handling --</p> <p>18 A The actual visit themselves?</p> <p>19 Q Uh-huh.</p> <p>20 A Well, there was myself, Deb Rice, Valerie Stackman,</p> <p>21 and Cheryl Fuller. And we had at least one student,</p> <p>22 and I think there was a driver for us one day.</p> <p>23 Q Okay. Then did they all volunteer to do that?</p> <p>24 A Initially they did.</p> <p>25 Q Were they ultimately paid, reimbursed, or compensated</p>	<p>1 directed study with ██████████ in the fall</p> <p>2 semester of 2013?</p> <p>3 A I remember something along those lines. The</p> <p>4 specifics --</p> <p>5 Q Do you recall that the students' project was to</p> <p>6 develop an itinerary for the German delegation visit?</p> <p>7 A I don't know that that's what he was doing.</p> <p>8 MR. HAWKS: Ask this be marked, please.</p> <p>9 (Exhibit No. 44 was marked for identification.)</p> <p>10 BY MR. HAWKS:</p> <p>11 Q Can you identify this document?</p> <p>12 A It looks like an e-mail from Dr. Burton to Deb Rice.</p> <p>13 It's dated October 7, 2014.</p> <p>14 Q Did you ever talk to Deb -- talk with Deb Rice about</p> <p>15 this request by Dr. Burton for this information?</p> <p>16 A I believe I did.</p> <p>17 Q Did you tell her not to answer?</p> <p>18 A I believe I told her she was not obligated to answer.</p> <p>19 Q Why did you tell her that?</p> <p>20 A Because I consulted with either the Dean or the head</p> <p>21 of HR as to what the proper response to this was.</p> <p>22 Q Who officially invited the German delegation to</p> <p>23 Platteville?</p> <p>24 A There's an official document with my name on it</p> <p>25 someplace, and I believe the chancellor.</p>
<p>1 for their time and effort?</p> <p>2 A Deb Rice and Valerie Stackman were.</p> <p>3 Q How much?</p> <p>4 A I don't recall, off the top of my head. It was --</p> <p>5 if I could give you approximate numbers, just</p> <p>6 ballpark, okay: Deb, roughly, 400, 500, somewhere</p> <p>7 in that zone; Valerie, I want to say somewhere in the</p> <p>8 15 range. I don't remember exactly.</p> <p>9 Q Did you officially or unofficially recognize their</p> <p>10 work, compliment them?</p> <p>11 A I'm sure I did. They did a wonderful job.</p> <p>12 Q Did you ever do that with regard to Dr. Burton's work</p> <p>13 with regard to the German delegation?</p> <p>14 A No, I did not, as far as I can remember.</p> <p>15 Q Her work would have been done during the spring</p> <p>16 semester, wouldn't that be true, in terms of</p> <p>17 coordinating the visit, making arrangements for</p> <p>18 travel and accommodations?</p> <p>19 A Presumably. I mean --</p> <p>20 Q During that semester, she had five undergraduate</p> <p>21 courses; right?</p> <p>22 A I don't recall exactly what her load was.</p> <p>23 Q Advised two graduate seminar students?</p> <p>24 A I don't have a record in front of me. I can't say.</p> <p>25 Q Were you aware that Professor Rice supervised a</p>	<p>1 Q All right. They were probably guests of the</p> <p>2 international programs?</p> <p>3 A Not really. Not really.</p> <p>4 Q In an e-mail that you wrote to Dr. Burton, you refer</p> <p>5 to the German delegation as her guests in that</p> <p>6 e-mail, "your guests." Why are they -- why did you</p> <p>7 consider them to be her guests?</p> <p>8 A It was her request to do it. She was the one that</p> <p>9 invited them. I indicated to her that she could do</p> <p>10 it so long as she handled all the details and it</p> <p>11 didn't cost us any money. That did not dissuade her.</p> <p>12 Q Did you ever doubt that Dr. Burton's mother's</p> <p>13 condition was very critical and she was in the</p> <p>14 intensive care unit?</p> <p>15 A I had no way to know what was going on with her.</p> <p>16 However, I immediately expressed my concern and that</p> <p>17 should she need to leave, that was certainly</p> <p>18 understandable.</p> <p>19 Q Did you doubt that she was making daily phone calls</p> <p>20 to her brother, uncle, and her mother in June of</p> <p>21 2014?</p> <p>22 A I have no idea whether she was or wasn't.</p> <p>23 Q So in your opinion it wasn't unreasonable for</p> <p>24 Dr. Burton to put her mother's health issues first on</p> <p>25 the priority list?</p>
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1 MS. SPITZ: Object to form. You can
2 answer.

3 THE WITNESS: She didn't go to Germany.

4 BY MR. HAWKS:

5 Q The question is, is it unreasonable for her -- do you
6 believe that it was unreasonable for Dr. Burton to
7 put her mother's concern first on her priority list
8 and not to attend to the delegation?

9 A Provided that she had to provide specific kinds of
10 support and/or other intervention.

11 Q By the way, was Dr. Fuller on a 12-month deployment
12 during the summer of 2014?

13 A Yes, she was.

14 Q So you and Fuller on 12 months, Rice and Stackman
15 received some compensation for their effort; do I
16 have that right?

17 A Yes.

18 Q Was Dr. Caywood also on a 12-month contract at that
19 time because he didn't -- his position as chair
20 didn't end -- no, it did end by that time, August of
21 2013. Was he on a 9-month or 12-month?

22 A I believe at that time it was a 9-month.

23 Q 9-month. Did you express disapproval of Dr. Burton's
24 behavior with regard to the German delegation to
25 anybody?

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1 A I'm sure I did.

2 Q Dean Throop?

3 A I'm sure that I talked to her about it.

4 Q Anybody else in the department?

5 A Certainly Deb Rice knew of the concerns and the
6 problems that we had.

7 Q Fuller?

8 A Fuller would have known about it.

9 Q Known, and she would have known your own personal
10 opinions about Burton's decision not to participate
11 fully in the German delegation?

12 A She probably would have. Yes.

13 Q Would you say you were upset and angry about it?

14 A Exasperated, to say the least.

15 Q Upset and angry wouldn't be far off the mark, then?

16 A Upset is a fair characterization.

17 MR. HAWKS: We've been going for about an
18 hour now. Why don't we take a five-minute break. I
19 can get some water.
20 (A recess is taken from 2:18 p.m. to 2:26 p.m.)

21 BY MR. HAWKS:

22 Q Dr. Dalecki, could you describe, please, the
23 opportunities you provided to Dr. Burton to serve on
24 CJ department committees?

25 A DRB, which is an important department, committee for

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1 promotion advancement issues, especially for --

2 Q Let me stop you there on that, though. I believe
3 that the answer -- your answer to the complaint,
4 second amended complaint, established that membership
5 on the DRB committee was automatic by virtue of being
6 a tenured member of the faculty?

7 A Uh-huh.

8 Q So you didn't assign her --

9 A Right. She was automatically on that. Yes.

10 Q So I want you to describe the opportunities you
11 provided to Dr. Burton to serve on CJ department
12 committees.

13 A She chaired the major search in the fall of 2014,
14 which started as two separate searches but ended up
15 being combined into one with two positions, which
16 actually was a very efficient way to run that kind of
17 thing. That search produced both Dr. Nemmetz and
18 Stackman. I considered it a very, very successful
19 search.

20 Other committees that she was on, I don't
21 recall off the top of my head of any particulars. I
22 don't know what committee she was on, wasn't on. I
23 don't have that in my head right now.

24 Q And you didn't assign her to any other committees?

25 A I don't recall either way.

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1 Q Did you ask her to serve on any other committees?

2 A You know, I believe I did. I can't remember
3 specifically what they were.

4 Q Did you assign her to engage in other activities or
5 assign -- such as mentoring?

6 A I did initially with one.

7 Q And other than that --

8 A You mean other mentoring activities?

9 Q Other than mentoring activities or other mentoring
10 activities or any other activities, for that matter?

11 A I don't recall any specific others. She was at one
12 point on a college curriculum committee. That's an
13 important position as somebody from CJ advocating for
14 us on that committee.

15 Q Did you ask her to serve in that role?

16 A No. She wanted to serve on it.

17 Q Other than your decision to remove her from being
18 Dr. Stackman's mentor, did you deny other requests
19 she made for serving on CJ department committees?

20 MS. SPITZ: Object to form. You can
21 answer.

22 THE WITNESS: She wanted to serve on the
23 department curriculum committee, but she was not
24 elected.

25 BY MR. HAWKS:

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1 Q Any others? Let's go back to that question though,
2 for a second. That committee was limited to five;
3 correct?
4 A Uh-huh. Yes.
5 Q And you imposed that limit to five; correct?
6 A I -- excuse me?
7 Q You created the limit of five for that committee?
8 A No. It was in the bylaws. Had it been up to me, it
9 would have been three.
10 Q Okay. Did you deny her request to serve? She did
11 request to serve on that committee and you did deny
12 that request?
13 A Right. We did an election; she was not elected.
14 Q Did you deny any other requests by her to serve on
15 committees or to take on an assignment?
16 MS. SPITZ: Object to form. You can
17 answer.
18 THE WITNESS: I don't recall off the top
19 of my head.
20 BY MR. HAWKS:
21 Q Did you approve any requests that she made to serve
22 on a committee or to take on an assignment after she
23 filed her lawsuit in April 14, 2014?
24 A I don't know that I did.
25 Q Did Dr. Burton request to teach online courses?

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1 A Yes.
2 Q Did she request more than one time to teach an online
3 course?
4 A Yes.
5 Q Did you ever agree to her request to teach an online
6 course?
7 A No.
8 Q Please provide the reasons why you assigned Dr. Solar
9 in an online course in the fall of 2014 as part of
10 his normal teaching load.
11 A I don't believe I did. I don't believe that's true.
12 Q 2015?
13 A I don't believe that either. None of it. So to my
14 knowledge, none of our faculty has been teaching
15 online as part of their load. They might teach
16 online as an overload, but not as part of the normal
17 load.
18 Q If Dr. Solar taught an online course in the fall of
19 2014 as part of his normal teaching load, you would
20 have been the one to assign him that course; correct?
21 MS. SPITZ: Objection. Assumes facts.
22 You can answer.
23 THE WITNESS: Sure.
24 BY MR. HAWKS:
25 Q All right. Okay. Why did you deny Dr. Burton's

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1 request to teach online courses as part of her load
2 in the spring of 2015 and the fall of 2015?
3 A We're short, depending on how you want to count it,
4 three to four full-time faculty members. Having
5 enough faculty members with the expertise to teach
6 some of our courses is a real problem, especially in
7 a rural area like we are where you can't just walk
8 out on the street like you can in Milwaukee or
9 Chicago and find someone qualified to teach it. I
10 needed her in the classroom.
11 Q Did you ever ask Dr. Fuller if Dr. Burton was hired
12 to teach online as part of her load?
13 A I don't recall doing that.
14 Q Do you recall her saying anything to you about that
15 subject?
16 A In a vague sense, but I don't recall specifics.
17 MR. HAWKS: Ask that be marked, please.
18 (Exhibit No. 45 was marked for identification.)
19 BY MR. HAWKS:
20 Q Can you identify Exhibit 45, please?
21 A It looks like an e-mail from Cheryl Fuller to
22 Tom Caywood.
23 Q And what year was that?
24 A 2006.
25 Q Would that have been an e-mail in the year prior to

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1 the employment of Dr. Fuller or of Dr. Burton?
2 MS. SPITZ: Object to form.
3 THE WITNESS: I don't remember exactly
4 what year she was hired.
5 BY MR. HAWKS:
6 Q So do you know whether or not the position that's
7 being described in this e-mail is Dr. -- is the
8 position that Dr. Burton ultimately occupied?
9 A I have no idea.
10 Q You did assign Dr. Solar to teach an online course in
11 the fall of 2014, didn't you? Whether it was online
12 or not online?
13 MS. SPITZ: Object to form.
14 BY MR. HAWKS:
15 Q I'm sorry. Whether it was as part of his normal
16 teaching load?
17 A I don't recall doing that.
18 Q Okay.
19 MR. HAWKS: I'd ask that be marked.
20 (Exhibit No. 46 was marked for identification.)
21 BY MR. HAWKS:
22 Q Do you have exhibit 46 in front of you?
23 A I do.
24 Q What is it?
25 A It looks like a class schedule listing for our online

1 master's degree. I've never seen this particular
 2 document before, so give me just a second to see what
 3 we've got for -- okay.
 4 Q And who's teaching it?
 5 A It appears to be three different courses, and all
 6 three of them appear to be taught by Cheryl
 7 Banachowski-Fuller.
 8 Q Thank you. Did you at any time in 2014 tell anyone
 9 in the CJ department, either faculty, staff, or
 10 students, that Dr. Burton wouldn't be around for much
 11 longer?
 12 A No.
 13 Q Do you at any time in 2014 tell anyone in the
 14 criminal justice department that Dr. Burton should
 15 place her loyalty with those who pay them, other
 16 than, of course, [REDACTED]?
 17 A Would you please --
 18 MS. SPITZ: Object to form.
 19 THE WITNESS: -- repeat the question.
 20 BY MR. HAWKS:
 21 Q Did you tell anyone in the CJ department at any time
 22 in 2014 that Dr. Burton -- or that -- or that they
 23 should place their loyalty with those who pay them?
 24 A Other than [REDACTED], I don't recall ever saying
 25 that.

1 Q Did you at any time in 2014 tell anyone in the
 2 criminal justice department that they shouldn't
 3 communicate with Dr. Burton or anything of
 4 that meaning or significance?
 5 A No.
 6 Q Do you recall having an incident with Sheri Kratcha
 7 about March 27 of 2015 in which you yelled at her?
 8 A You'll have to be more specific. I don't remember
 9 what you're talking about.
 10 Q Apparently -- you understand that Ms. Kratcha had
 11 contacted Dr. Burton about her course scheduling?
 12 MS. SPITZ: Object to form.
 13 THE WITNESS: I remember vaguely about
 14 some kind of changes being made.
 15 BY MR. HAWKS:
 16 Q And didn't you become upset with Ms. Kratcha because
 17 she had contacted Dr. Burton about course scheduling?
 18 A I was unhappy with her because those are the kinds of
 19 decisions that are made by the chair, not by an
 20 administrative secretary.
 21 Q Well, the administrative secretary wasn't scheduling,
 22 was she? She was asking for the professor's
 23 preferences; wouldn't that be correct?
 24 A I don't remember specifically what that was about.
 25 Can you elucidate the details of the interaction for

1 me?
 2 Q Apparently you got angry enough that you leaned over
 3 her desk when you yelled at her, and he did this in
 4 front of several students; two of them were employed
 5 in the criminal justice department at the time, [REDACTED]
 6 [REDACTED] and others, and another student helper by the
 7 name of Katie; do you recall that?
 8 A No.
 9 Q Do you know whether or not Ms. Kratcha was ready to
 10 quit that day?
 11 MS. SPITZ: Object to form.
 12 THE WITNESS: I don't know that.
 13 BY MR. HAWKS:
 14 Q Did you exclude Dr. Burton from serving on the search
 15 committee for the three new faculty members between
 16 August and January of 2014?
 17 A I assigned a specific committee; she was not one of
 18 those assigned.
 19 Q Did she ask to be assigned to it?
 20 A I believe she did.
 21 Q Did you deny her request to be assigned?
 22 A I did not assign her. Correct.
 23 Q Was anybody else asked to be assigned to it that was
 24 excluded from the committee?
 25 A I don't recall.

1 Q Please state each and every reason why you refused to
 2 assign Dr. Burton to that committee.
 3 A Attorney/client privilege.
 4 MS. SPITZ: To the extent that you are
 5 relying on attorney's advice, then I instruct you
 6 not to answer. If there are reasons that are apart
 7 from that advice, you can answer the question.
 8 THE WITNESS: Part of the responsibility
 9 of a chair is to balance people's roles and
 10 workloads and give everyone a chance to serve in
 11 important positions in order to contribute to the
 12 department's advancement and activities.
 13 Dr. Burton had served on a very important
 14 search committee, had, in fact, chaired it the
 15 previous year. It was other people's turn to be in
 16 a position where they could do some other kinds of
 17 work. And that's the chair's prerogative. It's not
 18 that she wasn't doing anything.
 19 BY MR. HAWKS:
 20 Q All right. You would agree with me if I characterize
 21 that, the work done by the three members you
 22 appointed to that committee, was a failure?
 23 A Excuse me?
 24 Q You would agree that that search and screen committee
 25 failed in its purpose? It did not hire a single new

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1 faculty member?
 2 A That's correct.
 3 Q And Dr. Solar, I believe you already testified, had
 4 only one year of experience on the faculty at
 5 UW-Platteville in the CJ department?
 6 A That's correct.
 7 Q Who were the other two members on that committee?
 8 A I want to say Dr. Stackman, Dr. Fuller, but, you
 9 know, I'm not certain.
 10 Q Okay. Dr. Burton informed you that Dr. Solar had
 11 excluded her from writing or participating in writing
 12 the job advertisement for the three new faculty
 13 members, didn't she?
 14 A I believe that's correct.
 15 Q What did you do about that?
 16 A Not much. Everyone's invited to offer input.
 17 Q Well, in fact, the job description that was prepared
 18 by the three new faculty members was poorly written,
 19 was it not?
 20 A I disagree.
 21 Q Dr. Burton requested to meet with you to discuss this
 22 on October 2, 2014, did she not?
 23 A I don't recall the exact date. I presume that's
 24 correct. I don't know.
 25 Q All right.

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1 (Exhibit No. 47 was marked for identification.)
 2 BY MR. HAWKS:
 3 Q Do you recognize Exhibit 47?
 4 A I do.
 5 Q Do you see there her initial e-mail to you dated
 6 October 2, in which she wrote that she wanted to talk
 7 about the problems between you?
 8 A I do.
 9 Q And did you meet with her?
 10 A I don't recall that I did.
 11 Q Did you send her an explanation of why you were not
 12 meeting with her?
 13 A I don't recall that I did.
 14 Q Read your e-mail.
 15 A Okay. So what are you asking me?
 16 Q Did you tell her, explain to her, the reason why you
 17 were not going to be meeting with her?
 18 A As far as I said there is as much as I told her.
 19 Q That's all?
 20 (Exhibit No. 48 was marked for identification.)
 21 BY MR. HAWKS:
 22 Q This is an e-mail -- Exhibit 48 is an e-mail from
 23 Dr. Burton to Patrick Solar with a carbon copy to
 24 John Lohmann; do you see that?
 25 A I do.

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1 Q Have you read the -- have you seen this before?
 2 A I believe I have.
 3 Q Do you recall under what circumstances you saw it?
 4 A I think it was forwarded to me by Dr. Solar. I'm not
 5 even certain of that.
 6 Q Okay. I'm going to ask you to refer to the third
 7 page of this document.
 8 A Okay.
 9 Q So Dr. Burton sends an e-mail to you on this -- in
 10 this document dated October 16, 2014, and she asserts
 11 in this e-mail to you that Dr. Solar has violated
 12 university policy by not having a full department
 13 membership vote on the job description and vacancy
 14 announcement before the position was advertised.
 15 Do you concur with Dr. Burton's conclusion
 16 that Dr. Solar violated the university policy by
 17 failing to take a vote of the department faculty?
 18 A He possibly did.
 19 Q This is just a yes or no.
 20 A I don't know. I don't have the policy in front of
 21 me. It's difficult for me to say exactly to what
 22 degree her claim holds water.
 23 Q All right. So we can refer to the policy itself to
 24 determine whether Dr. Burton correctly concluded that
 25 Solar violated university policy?

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1 MS. SPITZ: Object to form. You can
 2 answer.
 3 THE WITNESS: You can refer to it if you
 4 can find it, as he says, so --
 5 BY MR. HAWKS:
 6 Q By the way, did you check -- when you received this
 7 e-mail from Dr. Burton, did you check to see what
 8 university policy was on that regard?
 9 A I don't recall.
 10 Q Isn't it true that Dr. Reed and Dr. Nemmetz initially
 11 welcomed Dr. Burton to serve on the curriculum
 12 committee, writing that all were welcome?
 13 MS. SPITZ: Object to form.
 14 THE WITNESS: I think that's true.
 15 BY MR. HAWKS:
 16 Q Didn't you initially assign Dr. Burton to teach a
 17 three-hour class for the fall semester of the
 18 2015/2016 school year in the evening in a class
 19 that's normally assigned to academic staff?
 20 A No.
 21 Q You did not assign Dr. Burton to teach a three-hour
 22 evening class for the fall of 2015?
 23 A Yes, I did, but it is not normally taught by academic
 24 staff.
 25 Q Do you know the last time a faculty member other than

<p style="text-align: right;">Page 145</p> <p>1 an academic staff member taught that class?</p> <p>2 A The last time a faculty member other than academic</p> <p>3 staff taught that class?</p> <p>4 Q Right.</p> <p>5 A I believe the semester before when Dr. Burton taught</p> <p>6 it.</p> <p>7 Q At some point in time did you receive a letter from</p> <p>8 Dr. -- receive a copy of the letter from Dr. Burton's</p> <p>9 physician regarding her directions for reasonable</p> <p>10 accommodation in light of her illness?</p> <p>11 A Eventually I did.</p> <p>12 Q When did you receive that?</p> <p>13 A Sometime after April 30, 2015.</p> <p>14 Q You don't know when?</p> <p>15 A I think reasonably close to that time. I just know</p> <p>16 that's when the letter is dated.</p> <p>17 Q In the spring?</p> <p>18 A Yes.</p> <p>19 Q Okay. And you received it before or after you</p> <p>20 assigned Burton to teach a three-hour night course?</p> <p>21 A After.</p> <p>22 Q Why did you assign -- you would agree that in the</p> <p>23 summer, a manner and method by which faculty can pick</p> <p>24 up some extra income is to take on internship</p> <p>25 assignments; is that correct?</p>	<p style="text-align: right;">Page 147</p> <p>1 three internships, the visits, if you want to call</p> <p>2 them that, through Skype, which means she would not</p> <p>3 have to travel. Other interns would have been much,</p> <p>4 much further away.</p> <p>5 Q You did also assign interns to two people who were no</p> <p>6 longer with the criminal justice department, didn't</p> <p>7 you; Ed Ross and Rex Reed over the summer of 2013?</p> <p>8 A Yes.</p> <p>9 Q Isn't that a violation of university policy?</p> <p>10 A I don't know that it is.</p> <p>11 (Exhibit No. 49 was marked for identification.)</p> <p>12 BY MR. HAWKS:</p> <p>13 Q Do you recognize this document?</p> <p>14 A No.</p> <p>15 Q Have you ever read it before?</p> <p>16 A I don't know that I have.</p> <p>17 Q Isn't it an expectation of the department chair to be</p> <p>18 familiar with the employee handbook at the</p> <p>19 university?</p> <p>20 A Sure. But I don't have it memorized. It is</p> <p>21 interesting that it says "summer employment is</p> <p>22 contingent upon enrollment, departmental needs, and</p> <p>23 the individual's preparation." So --</p> <p>24 Q And the assignment is to be made to faculty and</p> <p>25 teaching academic staff; correct?</p>
<p style="text-align: right;">Page 146</p> <p>1 A Many do.</p> <p>2 Q According to the records we reviewed, you've assigned</p> <p>3 fewer interns to Dr. Burton than is proportionate to</p> <p>4 her fair share. Do you agree with that?</p> <p>5 A No.</p> <p>6 Q Why not?</p> <p>7 A The original assignments had her having, I believe,</p> <p>8 six interns. My understanding of her conditions was</p> <p>9 that she could not drive extended distances, so to</p> <p>10 accommodate that, we did it in two ways: We assigned</p> <p>11 her interns that were local, I believe; two in</p> <p>12 Lancaster, one in Platteville, or vice versa.</p> <p>13 And there were three students who were</p> <p>14 doing long distance internships; one was in Florida,</p> <p>15 I think one in California, and I believe the third</p> <p>16 was in Washington State.</p> <p>17 And we can't fly people out there, but we</p> <p>18 do require faculty supervisors to visit students</p> <p>19 doing their internships so that they can talk to the</p> <p>20 students, determine the quality of the internship,</p> <p>21 talk to the supervisors, and build professional</p> <p>22 contacts with people.</p> <p>23 But we can't afford to fly people to</p> <p>24 California and Florida and every place else, so as a</p> <p>25 reasonable alternative, we had Dr. Burton do those</p>	<p style="text-align: right;">Page 148</p> <p>1 A Uh-huh. Yes.</p> <p>2 Q And neither Ross nor Reed were faculty or teaching</p> <p>3 academic staff at the time they were assigned these</p> <p>4 interns?</p> <p>5 A I would disagree.</p> <p>6 Q Why would you disagree?</p> <p>7 A Before Dr. Reed retired, he had arranged with a</p> <p>8 student who was going to do an internship in, I want</p> <p>9 to say, Mexico. I think that's where he was at, in</p> <p>10 the correctional system there where Dr. Reed had some</p> <p>11 contacts, and he'd agreed to serve as his internship</p> <p>12 supervisor.</p> <p>13 And since he goes back there during the</p> <p>14 summer, he would be able to visit and it actually</p> <p>15 works in a long distance thing when the faculty</p> <p>16 member is actually there. His resignation letter was</p> <p>17 based on him doing that internship for the student,</p> <p>18 and then his resignation would be effective following</p> <p>19 that internship completion.</p> <p>20 As far as Mr. Ross, Mr. Ross was doing</p> <p>21 academic advising for us, and I considered that to be</p> <p>22 the same as teaching academic staff. I don't see a</p> <p>23 distinction between the two. Regardless --</p> <p>24 Q He does academic advising. Is he doing academic</p> <p>25 advising during the 2015/2016 academic term?</p>

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1 A Yes. His advisees were far, far away.
 2 (Exhibit No. 50 was marked for identification.)
 3 BY MR. HAWKS:
 4 Q Do you recognize Exhibit 50?
 5 A Yes.
 6 Q What is it?
 7 A Internship supervision assignments.
 8 Q How many members of the criminal justice department
 9 were left after you were appointed by Dean Throop as
 10 the interim chair?
 11 A As of this summer, Tom Caywood had retired, Rex Reed
 12 had retired, Aric Dutelle went to Oregon,
 13 Diana Johnson went to Milwaukee, Dana Cecil took a
 14 job at the Department of Justice, and Lorne Gibson is
 15 now working in Maine, I think.
 16 Q So Gibson --
 17 A Six that would be.
 18 Q -- Dutelle, Johnson, Reed, Caywood, Cecil, and Ross;
 19 right? Seven?
 20 A Well, Ross retired, but he's back.
 21 Q During your two-year term as interim chair, how many
 22 search and screens did the department conduct under
 23 your auspices?
 24 A In the fall, the two combined positions was one in
 25 fall 2014, that's the one that Dr. Burton did, and

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1 then there was a -- then we did the search the fall
 2 of 2000 -- excuse me, fall of 2013 was when
 3 Dr. Burton did those searches. 2014 was the search
 4 committee chaired by Dr. Solar, and then we did a
 5 search in the spring of 2015 to try to find some
 6 academic staff.
 7 Q So would it be --
 8 A So three, it would have been. Three --
 9 Q Three, although they were combined units. One had
 10 three, one had two, one had one, for a total of six?
 11 A The second one we were willing to hire two, if we
 12 could find two.
 13 Q All right. And how many were actually hired? Three?
 14 A Yes.
 15 Q And they would be Stackman, Nemmetz, and Solar; is
 16 that correct?
 17 A No. Solar was there when I came on. That was his
 18 first semester. The third one was hired was Nate
 19 Forrest, F-O-R-R.
 20 Q Do you know whether or not Dr. Burton chaired a
 21 search and screen committee prior the time that you
 22 were interim chair?
 23 A I do not know.
 24 Q Who is Dr. Susan Morris?
 25 A Dr. Susan Morris was a an assistant professor in

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1 clinical science at UW-Platteville.
 2 Q And did she file a grievance against you?
 3 A Yes.
 4 Q What was that grievance about?
 5 A Sexual harassment.
 6 Q What was her accusation?
 7 A She made three claims: One was that I had told her
 8 in the hall that I'd had a vasectomy; the second one
 9 she claimed I had grasped her buttocks while she was
 10 standing at the copy machine; and the third wasn't a
 11 sexual harassment part, it was, I guess, ageism or
 12 whatever, that I had asked at one point how old she
 13 was.
 14 Q All right. And what was the outcome of that
 15 grievance that she filed?
 16 A She withdrew it.
 17 Q And under what circumstances did she withdraw it?
 18 MS. SPITZ: Object to the form.
 19 THE WITNESS: I don't know. I presume she
 20 figured out it was false or she was false.
 21 BY MR. HAWKS:
 22 Q And did she receive any consideration in exchange for
 23 withdrawing the grievance that you are aware of?
 24 A No.
 25 Q Was she in the same department as you at that time?

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1 She was not.
 2 A Yeah, she was.
 3 Q She was. All right. And were you a supervisor or
 4 were you the department chair at that time?
 5 A No. I was the chair of the department of the board,
 6 which is the personnel committee, as we call it. The
 7 social science department at that time was composed
 8 of economics, political science, sociology, geology,
 9 geography, and history. It was a megadepartment, and
 10 people from different disciplines served on that
 11 personnel committee.
 12 It was my unhappy duty to happen to be
 13 chair of that committee when the political science
 14 faculty denied her tenure. I was not part of that
 15 decision, but it was my unhappy duty to get to write
 16 the letter and be the point figure for it.
 17 Q Did she file a grievance before or after she received
 18 the notice of nonrenewal?
 19 A After.
 20 Q And is there any record of that grievance process
 21 that you are aware of?
 22 A I don't know what the university has or does not
 23 have. I might have something; I don't know. But --
 24 Q What year was it filed?
 25 A Let's see. Got to count back. Somewhere around

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<p>1 2010, probably.</p> <p>2 Q 2010. Okay.</p> <p>3 A Give or take a year or so in either direction.</p> <p>4 Q You indicated in your testimony just a second ago you</p> <p>5 might have a copy of that grievance?</p> <p>6 A Yeah. I don't even know if I have anything from it</p> <p>7 yet or not, but --</p> <p>8 Q Okay.</p> <p>9 MR. HAWKS: And we have not seen any</p> <p>10 record of it provided in the discovery responses</p> <p>11 from the defendants in the case.</p> <p>12 MS. SPITZ: I don't know that it was</p> <p>13 requested. I'd have to look at the request.</p> <p>14 MR. HAWKS: Okay.</p> <p>15 MS. SPITZ: I don't recall a request for</p> <p>16 that.</p> <p>17 BY MR. HAWKS:</p> <p>18 Q Have you ever called Susan Morris crazy?</p> <p>19 A I don't know if I've used those words exactly, but --</p> <p>20 Q Did you say that exact word to describe her in a</p> <p>21 conversation with Dr. Burton?</p> <p>22 A I may have. I don't recall.</p> <p>23 Q Have you ever brought a gun to campus?</p> <p>24 A No.</p> <p>25 Q Have you ever said to anyone that you, during the</p>	<p>1 Q Okay. Did you ever say to anybody that, during the</p> <p>2 period of time that the Susan Morris grievance was</p> <p>3 pending, you brought a gun to campus to protect</p> <p>4 yourself?</p> <p>5 A No.</p> <p>6 Q Have you ever questioned Dr. Burton's expertise in</p> <p>7 front of others while you were the interim chair of</p> <p>8 the criminal justice department?</p> <p>9 A I don't recall that.</p> <p>10 Q Dr. Burton made a presentation at a faculty forum on</p> <p>11 April 3 of 2014 about, quote, "profiling hackers,"</p> <p>12 closed quote. Did you attend that presentation?</p> <p>13 A No.</p> <p>14 Q Why not?</p> <p>15 A I don't recall.</p> <p>16 Q Is Dr. Burton an expert in cyber security?</p> <p>17 A I don't know.</p> <p>18 MS. SPITZ: Object to form. Go ahead.</p> <p>19 THE WITNESS: I have no idea.</p> <p>20 BY MR. HAWKS:</p> <p>21 Q Have you ever questioned whether she is an expert in</p> <p>22 cyber security?</p> <p>23 A I have asked what qualifications and credentials she</p> <p>24 might have to bolster that kind of claim.</p> <p>25 Q And what answer did she give you?</p>
<p>Page 154</p> <p>1 time that Susan --</p> <p>2 A Time. Let's go back for a second.</p> <p>3 Q Uh-huh.</p> <p>4 A I teach a firearms training class for students. I</p> <p>5 have to amend the previous thing, because I have, but</p> <p>6 there's a context in which you need to know.</p> <p>7 Q Fine.</p> <p>8 A Which is that we'll do a firearms training thing with</p> <p>9 students, and the only building on campus, if you</p> <p>10 want to call it that, is out at the farm. We have a</p> <p>11 crime scene house where we reenact stuff. It's a</p> <p>12 three-bedroom house with cameras and stuff. It's the</p> <p>13 only building on the UW-Platteville campus that</p> <p>14 doesn't have the famous sign on the door that says</p> <p>15 "no weapons allowed."</p> <p>16 So when I would teach this class, the rule</p> <p>17 is you can have ammunition or handguns; you cannot</p> <p>18 have both at the same time. So there were handguns</p> <p>19 there, but there were never any ammunition or</p> <p>20 anything like that that would have enabled that to be</p> <p>21 the case.</p> <p>22 It's a familiarization class. They learn</p> <p>23 how to handle a firearm. They learn trigger control</p> <p>24 and aim, and at a later time we go out to a range</p> <p>25 someplace and introduce them to that.</p>	<p>Page 156</p> <p>1 A I don't recall.</p> <p>2 Q Are you aware that Dr. Throop praised Dr. Burton's</p> <p>3 expertise in cyber security at the presentation of</p> <p>4 February -- of April 3, 2014?</p> <p>5 A I have seen that claim in the complaint.</p> <p>6 Q Are you aware?</p> <p>7 A I have no knowledge of it, other than that.</p> <p>8 Q Okay.</p> <p>9 (Exhibit No. 51 was marked for identification.)</p> <p>10 BY MR. HAWKS:</p> <p>11 Q Dr. Dalecki, this appears to be the spring 2015</p> <p>12 schedule for Dr. Burton, and it appears to reflect</p> <p>13 some changes in the schedule; is that correct?</p> <p>14 MS. SPITZ: Object to form. Changes from</p> <p>15 what?</p> <p>16 BY MR. HAWKS:</p> <p>17 Q The first two pages appear to be one schedule for</p> <p>18 Dr. Burton that was the initial -- wait a minute.</p> <p>19 MS. SPITZ: Are you referring to spring</p> <p>20 2015 versus spring 2014?</p> <p>21 MR. HAWKS: '14. Yes.</p> <p>22 BY MR. HAWKS:</p> <p>23 Q I'm comparing the spring of '15 to the spring of '14.</p> <p>24 Have you had a chance to familiarize yourself with</p> <p>25 those schedules?</p>

<p style="text-align: right;">Page 157</p> <p>1 A Yes.</p> <p>2 Q All right. And the question is why did you change</p> <p>3 her schedule in the spring of '15 from the spring of</p> <p>4 '14?</p> <p>5 A Changes to schedule. I'm going to tell you generally</p> <p>6 because I don't remember the specifics of it because</p> <p>7 I make changes all the times in schedules, and it's</p> <p>8 to accommodate times or load or to release people</p> <p>9 from things.</p> <p>10 There are -- this p.m. schedule for spring</p> <p>11 2015, which was printed off in 2014, August, one of</p> <p>12 the things that a chair tries to do if he or she is</p> <p>13 any good at all is to not overload their instructors</p> <p>14 with huge amounts of preparations. The worst</p> <p>15 schedule that you can ever have is four sections of</p> <p>16 four different courses because you go nuts preparing,</p> <p>17 especially if you have new courses.</p> <p>18 This is actually an attractive schedule</p> <p>19 for most people. It only has two preparations,</p> <p>20 double sections of each. They meet continuously with</p> <p>21 a lunch break in between them, and then a law class.</p> <p>22 That's actually a really sweet schedule.</p> <p>23 Q And why did you assign Dana Cecil to teach the</p> <p>24 comparative criminal justice systems class in the</p> <p>25 fall of -- in the spring of 2014?</p>	<p style="text-align: right;">Page 159</p> <p>1 Q Do you have Exhibit 52 in front of you?</p> <p>2 A I do.</p> <p>3 Q And could -- for the benefit of the uneducated, it's</p> <p>4 the University of Wisconsin-Platteville evaluation</p> <p>5 systems and graphs. Could you explain what these</p> <p>6 represent?</p> <p>7 A They represent answers to ten questions that the</p> <p>8 actual document -- students respond to. It's not</p> <p>9 made a -- is not part of this. But there are ten</p> <p>10 questions, the first nine of which I consider to be</p> <p>11 diagnostic: Did you meet your office hours, you know</p> <p>12 stuff that are specifics about the course. And the</p> <p>13 last item is overall how is this instructor.</p> <p>14 This is a very good evaluation.</p> <p>15 Q It would appear that the highest possible rating is</p> <p>16 5?</p> <p>17 A Yes. These are excellent.</p> <p>18 Q It would appear that nine out of the one, two, three</p> <p>19 four, five, six of the questions, she scored a</p> <p>20 perfect 5 with 21, 22, or 23 responses?</p> <p>21 A Uh-huh.</p> <p>22 MS. SPITZ: Yes or no?</p> <p>23 MR. HAWKS: Yes or no?</p> <p>24 THE WITNESS: Yes.</p> <p>25 BY MR. HAWKS:</p>
<p style="text-align: right;">Page 158</p> <p>1 A It says here that Dr. Burton was teaching it.</p> <p>2 MR. HAWKS: Can we take just a minute,</p> <p>3 please.</p> <p>4 (A recess is taken from 3:11 p.m. to 3:12 p.m.)</p> <p>5 BY MR. HAWKS:</p> <p>6 Q These exhibits aren't the clearest examples. I could</p> <p>7 use one other one.</p> <p>8 I believe in the spring of 2015 you</p> <p>9 assigned Dana Cecil to teach the comparative criminal</p> <p>10 justice system class. We don't have a record of that</p> <p>11 here because we don't have Dana Cecil's --</p> <p>12 A She left.</p> <p>13 Q -- schedule. Right. Did she teach the comparative</p> <p>14 criminal justice class in the spring of 2015?</p> <p>15 A Dana Cecil?</p> <p>16 Q Yes.</p> <p>17 A She was not on campus then.</p> <p>18 Q Who taught it?</p> <p>19 A I think Pat Solar did.</p> <p>20 Q You would agree that Dr. Burton's student evaluations</p> <p>21 for teaching the comparative criminal justice systems</p> <p>22 class are remarkably high?</p> <p>23 A I have no idea what they are.</p> <p>24 (Exhibit No. 52 was marked for identification.)</p> <p>25 BY MR. HAWKS:</p>	<p style="text-align: right;">Page 160</p> <p>1 Q And did Dr. Burton make a request to you to be able</p> <p>2 to teach the comparative criminal justice class in</p> <p>3 the spring of 2015?</p> <p>4 A She made a request at some point. I can't remember</p> <p>5 if that was the semester she made it for, but she did</p> <p>6 make a request.</p> <p>7 Q And you denied that request?</p> <p>8 A Yes.</p> <p>9 Q And why?</p> <p>10 A Because it was not just Dr. Burton's schedule one</p> <p>11 must concern oneself with. It's everyone else's</p> <p>12 schedule, too. It's like dominoes, as soon as you</p> <p>13 move one person, you know, someone else gets moved,</p> <p>14 and before you know it, you got people teaching two</p> <p>15 classes at the same time or four in a row, which is</p> <p>16 an unreasonable expectation for anybody.</p> <p>17 And it's the kind of thing where, based on</p> <p>18 what existed at that time, it would have been a fruit</p> <p>19 basket upset to do that.</p> <p>20 Q Now, Dr. Burton's initial experience with the</p> <p>21 criminal justice system was in Germany, was it not?</p> <p>22 A I believe so.</p> <p>23 Q Was there anyone else on the faculty that had</p> <p>24 experience in the criminal justice system other than</p> <p>25 the U.S. criminal justice system?</p>

<p style="text-align: right;">Page 161</p> <p>1 A I don't know.</p> <p>2 Q Did Solar have experience outside the United States</p> <p>3 in the criminal justice systems?</p> <p>4 A I don't know.</p> <p>5 Q Having that experience would be an advantage to</p> <p>6 teaching a criminal -- a comparative criminal justice</p> <p>7 course, wouldn't you think?</p> <p>8 A Maybe.</p> <p>9 (Exhibit No. 53 was marked for identification.)</p> <p>10 BY MR. HAWKS:</p> <p>11 Q Dr. Dalecki, do you have Exhibit 53 in front of you?</p> <p>12 A I do.</p> <p>13 Q And do you recognize this document?</p> <p>14 A I think so.</p> <p>15 Q It's an e-mail written to you from -- from</p> <p>16 Dr. Burton; is that correct?</p> <p>17 A Yes.</p> <p>18 Q Dated February 8, 2014?</p> <p>19 A Look it's like February 18.</p> <p>20 Q February 18, 2014. Thank you. And did you reply to</p> <p>21 this e-mail?</p> <p>22 A I don't recall.</p> <p>23 Q Okay. I was somewhat confused by your denial of</p> <p>24 having told Dr. Burton that you had -- you were going</p> <p>25 to rip her a new one. Dr. Burton opens up this</p>	<p style="text-align: right;">Page 163</p> <p>1 place?</p> <p>2 A Right.</p> <p>3 Q Just so that I make sure the record is clear on this,</p> <p>4 your testimony is that you were ecstatic about having</p> <p>5 received this information; it clarified for you the</p> <p>6 situation?</p> <p>7 A Yes. I --</p> <p>8 MS. SPITZ: Object to form. Go ahead.</p> <p>9 THE WITNESS: She and I had a conversation</p> <p>10 in her office. In my opinion, that is far superior</p> <p>11 to doing this because you can often resolve concerns</p> <p>12 without lengthy, time consuming e-mail chains when</p> <p>13 you can do something in five minutes.</p> <p>14 And when I found out that, in fact, it was</p> <p>15 baseless, it made me very happy to know that was the</p> <p>16 case. And that's what I told her. I said,</p> <p>17 wonderful, you know. If you had done it, I would</p> <p>18 have torn you a new one. Thank God that didn't have</p> <p>19 to happen. I was really glad it didn't have to</p> <p>20 happen.</p> <p>21 (Exhibit No. 54 was marked for identification.)</p> <p>22 BY MR. HAWKS:</p> <p>23 Q I'm showing you what has been marked as Exhibit 54,</p> <p>24 or you have in front of you what is marked Exhibit</p> <p>25 54. Can you identify this document?</p>
<p style="text-align: right;">Page 162</p> <p>1 e-mail, saying I didn't like hearing you say that</p> <p>2 you, quote, "would have ripped me a new one." So are</p> <p>3 you denying you said that to her?</p> <p>4 A No.</p> <p>5 Q You admit you said that to her?</p> <p>6 A I said had she done something untoward, I probably</p> <p>7 would have turn her a new one, which is euphemism for</p> <p>8 you would have gotten a scolding at the very least.</p> <p>9 And it was in that context that I was happy to hear</p> <p>10 she had not done it, which made me ectatic, which is</p> <p>11 wonderful.</p> <p>12 Q She writes that she didn't deserve a statement like</p> <p>13 that, correct, to you?</p> <p>14 MS. SPITZ: Object to form.</p> <p>15 BY MR. HAWKS:</p> <p>16 Q Refer to this same sentence of this letter. Do you</p> <p>17 see this?</p> <p>18 A Yes. I understand exactly --</p> <p>19 Q "I don't deserve such a statement, nor am I at a</p> <p>20 point in my life where this is at all warranted or</p> <p>21 acceptable." Do you read that?</p> <p>22 A Yes.</p> <p>23 Q All right. And subsequently, she writes -- she</p> <p>24 includes in this e-mail to you the e-mail from</p> <p>25 Valerie Stackman, which is related to renting a</p>	<p style="text-align: right;">Page 164</p> <p>1 A Yes.</p> <p>2 Q What is it?</p> <p>3 A E-mail from me to Dr. Burton.</p> <p>4 Q And what is it regarding?</p> <p>5 A Dr. Caywood had placed exams or papers or something</p> <p>6 outside his office for students to pick up, and it's</p> <p>7 a FERPA violation. No one should know another</p> <p>8 student's grade unless they are a professor with</p> <p>9 reason to know it or the student or the professor who</p> <p>10 gave the grade -- there has to be a basis for it.</p> <p>11 You can't just post student grades on your wall for</p> <p>12 them to come by and see what they are.</p> <p>13 And posting their work with grades</p> <p>14 attached -- or, excuse me, leaving them outside your</p> <p>15 office with grades attached is the same thing; we</p> <p>16 don't do that.</p> <p>17 Q And did you identify Dr. Caywood as being the party</p> <p>18 responsible for --</p> <p>19 A Yes.</p> <p>20 Q -- the violation of FERPA?</p> <p>21 A Yes.</p> <p>22 Q In your initial e-mail to the faculty?</p> <p>23 A I didn't identify it because I don't want to call</p> <p>24 people out if you don't have to call them out. But,</p> <p>25 yes, it was his materials that it referred to in her</p>

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1 e-mail to me and her communication.

2 Q When Dr. Burton wrote the spade is a spade e-mail

3 complaining about, among other things, a failure of

4 Dutelle and Johnson to provide the department with no

5 advance notice of their departure, you wrote a

6 lengthy e-mail to her specifically and shared it with

7 all members of the department; isn't that true?

8 A Yes.

9 Q And in this case, when Dr. Caywood violated FERPA,

10 you not only did not mention his name, you did not

11 write a lengthy e-mail describing the situation, did

12 you?

13 MS. SPITZ: Object to form. You can

14 answer.

15 THE WITNESS: That's correct. They're

16 different.

17 BY MR. HAWKS:

18 Q Dr. Caywood's misconduct was a violation of federal

19 law, wasn't it?

20 MS. SPITZ: Object to form. Calls for

21 legal conclusion. You can answer.

22 THE WITNESS: It was a violation of FERPA.

23 BY MR. HAWKS:

24 Q Right. We all -- anyone who teaches gets a course on

25 FERPA these days, right? Okay. So it was a

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1 violation of FERPA, which is a federal law.

2 Dr. Burton's e-mail didn't constitute a

3 violation of any law or policy, did it?

4 MS. SPITZ: Object to form. You can

5 answer.

6 THE WITNESS: Not that I know of.

7 (Exhibit No. 55 was marked for identification.)

8 BY MR. HAWKS:

9 Q Dr. Dalecki, can you identify Exhibit 55, please?

10 A It appears to be an e-mail from me to John Lohmann.

11 Q Now, in it, you write to John Lohmann that, quote,

12 "in her mind, the position of the CRST is

13 prestigious. It's just another service position in

14 everyone else's mind."

15 Do you think the majority of the University

16 of Wisconsin-Platteville faculty hold that opinion,

17 that CRST service is just another service position?

18 A Yes. I have never heard it described by anyone ever

19 as prestigious, except in one case.

20 Q And it's significant service, is it not?

21 A It's service.

22 Q Is it -- compared to the work that a committee member

23 does on the DRB, is it more or less work?

24 A I'm thinking roughly comparable. Maybe somewhat

25 more.

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1 Q As compared to the work that is done by some of the

2 university-wide committees, would you say it's more

3 or less work?

4 A In some cases more, in some cases less. I can't

5 characterize that.

6 Q Returning to the spade is a spade e-mail exchange --

7 MS. SPITZ: 37.

8 BY MR. HAWKS:

9 Q -- would you say upon receipt you became angry or

10 upset?

11 A I was upset.

12 Q You were upset. Upset enough to have a discussion

13 with Dean Throop about terminating Burton's

14 employment?

15 A I don't recall exactly what conversations I had with

16 the Dean at that time. Most of my conversations with

17 John Lohmann, and most of my concern, was two-fold:

18 One, to avoid being sued by Drs. Caywood,

19 Mr. Dutelle, or Ms. Johnson for defamation, and two,

20 to make sure that, should any communication with our

21 students occur, it be done in the way it should be

22 done, which is, if we lose two members of their

23 major, meaning professors who are teaching in their

24 major, you don't tell them until you tell them how

25 you're filling it. You don't just say we've lot

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1 them. You don't do it in such a way you destroy the

2 confidence of the students in their major. That was

3 my biggest concern at that moment.

4 Q And you could have explained that to Dr. Burton

5 privately, could you not?

6 A That was an option.

7 Q You elected not to follow that option, even though

8 you had previously recommended that be the manner of

9 communication; isn't that true?

10 A That's correct. Uh-huh.

11 Q Dr. Fuller told Dr. Burton that you had shared with

12 Dr. Fuller your discussion with Dean Throop involving

13 the possibility of terminating Dr. Burton. Do you

14 recall that?

15 A No.

16 Q Do you deny that you had a conversation with

17 Dr. Fuller to the effect that you shared with her

18 that you and Dean Throop had --

19 A No. I don't recall that.

20 Q You don't recall?

21 A No.

22 Q Okay. On May 16, 2014, you distributed two very

23 large, voluminous reports that were regarding the

24 performance of the criminal justice department. Do

25 you recall those reports?

1 A Are they from the outside reviewers?

2 Q Yeah, they were from the outside reviewers. We put
3 them in evidence in the deposition of Dr. Caywood,
4 and there's no justification for photocopying all of
5 those pages again.

6 MS. SPITZ: So you don't have copies here
7 for him to look at?

8 MR. HAWKS: I don't have copies for you to
9 look at.

10 BY MR. HAWKS:

11 Q Do you recall the reports?

12 A I recall the report.

13 Q They were fairly critical of the department; is that
14 correct?

15 A I would say they were critical.

16 Q Yeah. And what steps have you taken to implement the
17 recommendations that were made in those reports?

18 A Well, without having those recommendations in front
19 of me, it's difficult to detail all of them. A
20 search for a national chair was one of the
21 recommendations.

22 The curriculum in forensic investigation
23 was viewed as weak and so we initiated some attempts
24 to try to work at improving that. There's, I
25 believe, ongoing curriculum efforts right now that we

1 began last year to do exactly that, and the
2 curriculum committee is part of that effort.

3 Q And that was the curriculum committee that you
4 precluded -- or that, by virtue of the five member
5 limit on the curriculum committee, Dr. Burton was not
6 included in that committee; is that correct?

7 MS. SPITZ: Object to form.

8 THE WITNESS: The department chose not to
9 elect her to it.

10 BY MR. HAWKS:

11 Q Right. At some point you changed the location of the
12 welcome visit for the German delegation, do you
13 recall that?

14 A Yes, I do.

15 Q And is there some reason why you didn't tell
16 Dr. Burton about the change in location?

17 A Yes.

18 Q What is that reason?

19 A A tornado.

20 Q Did you tell her about where it had been changed to?

21 A No.

22 Q And the reason you didn't tell her that is because of
23 a tornado?

24 A Yes.

25 Q Tell us exactly how the tornado caused you not to

1 share that information with Dr. Burton?

2 A I'm going to give you both barrels. You're going to
3 enjoy the story, if nothing else.

4 We're arriving at something like 10:16, or
5 I forgot what it was in the evening in Madison. We
6 take the shuttle up together. We have it set up that
7 the next day there will be a welcome for the Germans.
8 There was some kind of a thing going to be done, I
9 think, in the student center to welcome them and, you
10 know, all the pomp and circumstance and everything
11 else. On the way back, there's a line of storms
12 going through Platteville.

13 Q From the way -- that would be the way back from --

14 A From Madison.

15 Q -- Madison to Platteville?

16 A Yes. And this was a difficult time for me because I
17 was three weeks out from having back surgery. I was
18 riding a little cart around campus. I had sciatica
19 like nobody's business. And on July 8, I had surgery
20 to correct that condition, so it wasn't a happy time
21 for me. But I sucked it up and I went and I got them
22 in Madison and we brought them back.

23 And as we're coming back, I think
24 fortunately one of the Germans had one of their bags
25 lost, so it's 40 minutes of the lost bang dance

1 before we get on our way.

2 40 minutes out from Platteville, I had a
3 call from my wife, "call the tenants in the rental
4 house; something's wrong." I call them; water coming
5 in, glasses breaking, what do I do? I said "hang on,
6 we're 40 minutes out, we'll be there as soon as I can
7 be there, but I need to drop the Germans off at
8 Roundtree Commons, get them settled first." Hang the
9 phone up, I get a call from the RD at Roundtree
10 Commons. I'm in the bus. There's lightning.
11 There's branches --

12 Q And the RD --

13 A The RD is the resident director, who's in charge of
14 the residence hall. Calls me, says "glass is
15 breaking, we're flooding, take them someplace else, a
16 motel. I don't care where you go, but you can't
17 bring them here." Click.

18 It's pretty exciting. I got ten Germans,
19 their eyes as big as dinner plates, trying to figure
20 out what's going on because they're all like --
21 they've never been in anything like that. They don't
22 have weather like this in Germany. I'm trying to
23 figure out what to do.

24 So we get to town. Somebody, in a moment
25 of clarity, calls me on the phone and says take them

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<p>1 to Dobson Hall. We get there. There's no power 2 anywhere in town. I called my wife, said bring every 3 flashlight you got. She'd already taken care of the 4 tenants on her own.</p> <p>5 We finally get them settled about 1:30 in 6 the morning. It wasn't a happy time. I was hurting 7 pretty bad, but I didn't know what else to do except 8 hang on. There's no power. They couldn't check them 9 in. They had no pillows. They had nothing. It had 10 been a long day by that point for me and for 11 everybody else. The Germans have been up since God 12 knows when.</p> <p>13 And so finally at the point of 8:30 we got 14 them in there -- excuse me, by 1:30 we got them in 15 there. I told Mario, who was the leader, I said, 16 "Look, they don't come back at you again. You're 17 going to be safe for the rest of the night. I don't 18 know what else to tell. You're bedded down here. At 19 least you've got stuff. I'll be back as soon as I 20 can and figure out what we're going to do."</p> <p>21 In the meantime, of course, university is 22 shutting completely, utterly. I tried to get my car; 23 window broken, can't get to it. The Roundtree 24 Commons' lines are down. I tried to get to the 25 rental house; can't get to it. They've got it all</p>	<p>1 up. I can't do it.</p> <p>2 University put out cold food for people 3 because they couldn't cook anything. They had all 4 these camps on. They shut the university down. All 5 the kids on campus went home. They're calling 6 parents. We had registrations canceled. We ended up 7 taking the Germans to Cuba City to eat because there 8 was no place in town we could eat.</p> <p>9 So I'm sorry that I didn't think first to 10 notify her, but that's an error on my part, probably. 11 (Exhibit No. 56 was marked for identification.)</p> <p>12 BY MR. HAWKS:</p> <p>13 Q Before we go to 56, did you say to anybody at any 14 time that Dr. Burton had bailed -- quote, "bailed on 15 the German visit," closed quote?</p> <p>16 A I may well have.</p> <p>17 Q And that she had done so because she hadn't gone to 18 Germany?</p> <p>19 A No.</p> <p>20 Q And didn't Dr. Burton explain the circumstances to 21 you of her mother's health?</p> <p>22 A Uh-huh. Yes, she did.</p> <p>23 Q Contemporaneous with her statement that she could not 24 commit herself full-time to the German visit?</p> <p>25 A She did say something like that in an e-mail to me.</p>
<p>1 shut off because of gas leaks and God knows what.</p> <p>2 I'm out of ideas at that point. I've been 3 up for 20 hours, one of the most emotional and 4 painful days I've ever had in my life. Rolled into 5 bed at 2:00 a.m.</p> <p>6 6:00 a.m. there's a phone call from 7 Laura Bayless, who's one of the assistant 8 chancellors. The funniest thing I have ever heard in 9 my life. "Mike?" "Yeah." "Where are the Germans?" 10 Somehow they didn't get the connection that we had 11 them taken care of and they were following up on all 12 the groups, and that was the one group they couldn't 13 figure out where they were because no one told them 14 they were in Dobson Hall.</p> <p>15 Well, by that time, got up, tried to 16 figure out what to do, tried to struggle and get in 17 the shower and get ready for the day. I certainly 18 couldn't go back to sleep. Trying to figure out what 19 to do with them.</p> <p>20 I've got a blasted rental property. I've 21 got a car that's blasted. I've got ten Germans. My 22 back hurts like hell.</p> <p>23 I'm sorry that she wasn't top of my list. 24 But if that's the kind of thing that I'm expected to 25 do under those circumstances, then I quit. I give</p>	<p>1 Yes.</p> <p>2 Q By the way, isn't the CRST service an elected 3 position?</p> <p>4 A I think it might be. I'm not -- yeah. It may be.</p> <p>5 Q Have you ever served on the CRST?</p> <p>6 A No.</p> <p>7 Q Did you tell Dean Throop that Dr. Burton had asked 8 Dr. Stackman in December of 2014 if she and her 9 significant other could house-sit?</p> <p>10 A I believe I probably did.</p> <p>11 Q How did you find out about that?</p> <p>12 A Dr. Stackman told me.</p> <p>13 Q Was Dr. Stackman upset?</p> <p>14 A I don't know if I would characterize it that way. 15 Perplexed, perhaps.</p> <p>16 Q Did you ever explain to Dr. Burton your reasons 17 for -- of concern about her request or a request that 18 Dr. Stackman house-sit?</p> <p>19 A No.</p> <p>20 Q Why not?</p> <p>21 A Attorney/client privilege.</p> <p>22 Q Actually --</p> <p>23 MR. HAWKS: Do you want to take a break?</p> <p>24 THE WITNESS: I'm just -- if you're 25 collecting yourself --</p>

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1 MR. HAWKS: That's fine.
 2 (A recess is taken from 3:42 to 3:49 p.m.)
 3 BY MR. HAWKS:
 4 Q So in this correspondence of April 2, 2015, from --
 5 this is Exhibit 56 that Dr. Burton is asking you
 6 questions regarding -- she's asking you questions
 7 regarding certain decisions you made involving her
 8 course assignments.
 9 And my question is did you respond to this
 10 e-mail?
 11 A I don't believe I did.
 12 Q Why not?
 13 A Attorney/client privilege.
 14 Q Okay. I ask that these three documents be marked,
 15 because they're not stapled together, as 57 a, b, and
 16 c.
 17 (Exhibit Nos. 57 a-c were marked for identification.)
 18 BY MR. HAWKS:
 19 Q Dr. Dalecki, what are the -- first of all, what is
 20 57a?
 21 A It looks like the evaluation sheet and the promotion
 22 and tenure file that faculty submit. Unless they're
 23 promoted, it's just a promotion file.
 24 Q And what is the date on that?
 25 A January 12, 2015.

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1 Q And so this -- is this a sheet that would have been
 2 completed by the DRB in January of 2015?
 3 A Yes.
 4 Q Who actually puts the marks on the peer evaluations
 5 and teaching effectiveness?
 6 A The chair of the committee would do that.
 7 Q Okay. And who was the chair in 2015?
 8 A Cheryl Fuller.
 9 Q And who was the chair in 2014?
 10 A I believe it was her, as well.
 11 Q Who?
 12 A I believe that was her, as well.
 13 Q Cheryl Fuller, as well?
 14 A Yes. I'm sorry.
 15 Q And do you recall who was the chair in 2013, or is
 16 that before your time?
 17 A I don't know.
 18 Q Okay.
 19 A Predates me.
 20 Q So then what is the second page here, 57b?
 21 A It has a -- it's generally a continuation, I think,
 22 of the first page, as well as a summary of the
 23 recommendations for promotion.
 24 Q Okay. So it's actually the chair of the committee
 25 who puts the check marks in on these forms?

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1 A The ones above, yes. Here are the people who are
 2 actually signing.
 3 Q Right. Okay. Got it. And then what is 57c?
 4 A It looks like an earlier version of that.
 5 Q Okay. Going back to 57a, do you see on teaching
 6 effectiveness the two marks in -- I think it's 2S for
 7 spring and 3 in the outstanding category?
 8 A Excuse me, where are you looking? Under teaching
 9 effectiveness. I see.
 10 Q Teaching effectiveness. In the first column there,
 11 the numbers 1, 2F, 3S, 3, 4, 5, and 6; do you see
 12 those?
 13 A I do.
 14 Q What do they signify?
 15 A That's the year that they're at UW-Platteville. In
 16 order to get them under the normal cycle for
 17 promotion and tenure, the second year there's a
 18 double -- there's one done in the fall and one done
 19 in the spring, so that's what 2F and S means. So we
 20 can get them some accelerated feedback and get them
 21 in the cycle.
 22 Q All right. Then on 57a in year four for teaching
 23 effectiveness, do you see what appears to be a white
 24 spot on the check mark in outstanding?
 25 A I do.

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1 Q And do you see that there's a check mark in the
 2 "above normal" for year four?
 3 A I do.
 4 Q Go back to 57c.
 5 A Uh-huh.
 6 Q And how was Dr. Burton rated in terms of her teaching
 7 effectiveness in the fourth year back at the time
 8 that 57c was created?
 9 A According to --
 10 MS. SPITZ: Just one second. I'm just
 11 going to object. There doesn't appear to be a date
 12 on 57c.
 13 MR. HAWKS: We'll try to provide that. It
 14 appears -- do you have --
 15 MR. BURTON: I don't think they have
 16 dates, per se, except down here.
 17 MS. SPITZ: And I'm going to -- excuse me.
 18 And again, I'm going to interpose a standing
 19 objection and ask that Mr. Burton not be consulted
 20 on questions.
 21 MR. HAWKS: He can be consulted on
 22 questions. I don't understand that objection.
 23 MS. SPITZ: He's not an attorney. He's
 24 not a party. I don't understand what his role is
 25 supposed to be. I thought he was supposed to be

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1 here passing you documents, that sort of thing.
 2 MR. HAWKS: That's what he's doing. He's
 3 helping me understand this document, which he copied
 4 this morning and brought in to me.
 5 MS. SPITZ: Just ask that the reporter
 6 pick up what Mr. Burton is saying here.
 7 MR. Burton: -- on the computer --
 8 MR. HAWKS: We're going to see if we can
 9 answer the objection of -- made of not having a date
 10 on this document at the moment.
 11 BY MR. HAWKS:
 12 Q Referring to 57c, Dr. Dalecki, how was Dr. Burton
 13 ranked in her fourth year?
 14 A According to 57c, she was outstanding.
 15 Q All right. And according to 57a, she's ranked as
 16 above normal; do you see that in her fourth year?
 17 A Yes.
 18 Q How can that be?
 19 A I don't know.
 20 Q And it also appears that it was actually changed,
 21 whited out; right?
 22 MS. SPITZ: Object to form. Calls for
 23 speculation. You can answer.
 24 THE WITNESS: It's different than the
 25 other one.

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1 BY MR. HAWKS:
 2 Q All right. Now, previously I had asked you whether
 3 or not in 20 -- by the way, let's try to get in focus
 4 here. When would the evaluation of Dr. -- when would
 5 the fourth year evaluation of Dr. Burton have been
 6 made?
 7 A Are you asking what year?
 8 Q Yeah. Let me -- let's look backwards.
 9 A Probably 2013 if she was hired in 2009.
 10 Q So January 2015 is year five; right?
 11 A No. '14 would be.
 12 Q So -- but on January 12, 2015, there's a check mark
 13 in year five, but not -- so that must be the check
 14 mark that was entered this year; right?
 15 A I'm not sure, but let me try to clarify something
 16 here.
 17 Q Please do.
 18 A That when you see the 1, the 2F, and the 2S --
 19 Q Uh-huh.
 20 A -- that's effectively -- the 2S is the third year.
 21 And the reason why that's done is analogous to what
 22 we talked about with Dr. Gibson, which is, if you are
 23 for whatever reason let go, that you get an extra
 24 year. So the idea is to get them to that point where
 25 that can happen.

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1 So I'm not 100 percent sure which years --
 2 I understand what you're trying to get at here. I'm
 3 not sure how to answer that question.
 4 Q All right. So would it be correct to say there's an
 5 evaluation done in January following the first
 6 calendar year, or is it first half calendar -- well,
 7 your first year of employment as a tenured faculty
 8 member at UW-Platteville, when are you first
 9 evaluated?
 10 A In that January.
 11 Q So it's over half a year performance if you started
 12 in August?
 13 A Right.
 14 Q All right. So that would be conducted during the
 15 first year of employment, the 2F. Would that be in
 16 the fall of the second year?
 17 A Exactly.
 18 Q And would the 2F be in the spring of the second year?
 19 A Yes.
 20 Q And 3 would be actually January of -- in January of
 21 the third full year of employment, full academic
 22 year?
 23 A I'm slightly confused because I want to go back and
 24 double check it, but I'm not so sure it's not the
 25 fourth year. But, I'm sorry, it is -- it is in

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1 January, the --
 2 Q And 4th would be the January -- be conducted January
 3 during the 4th year, and 5 would be the evaluation
 4 that's conducted in January during the 5th year. And
 5 it would appear that the -- that January 12 of 2015
 6 is in Dr. Burton's 5th year; is that correct?
 7 MS. SPITZ: Object to form.
 8 Mischaracterizes.
 9 THE WITNESS: Given that she started 2009,
 10 it seems like it's shy. But, you know, I'm looking
 11 at a document that you have here, one of which has
 12 handwritten Xs in it, one in which has -- I don't
 13 see anything about that one. So it has something
 14 that looks like it was changed.
 15 So would you restate? I'm not sure what
 16 you're asking me.
 17 BY MR. HAWKS:
 18 Q I asked whether or not this January 12, 2015,
 19 evaluation was conducted in Sabina Burton's 5th year
 20 of employment at UW-Platteville?
 21 A I don't think so. I think that was her 6th year.
 22 Q Would it be correct to say that something seems askew
 23 on this document?
 24 MS. SPITZ: Object to form. You can
 25 answer.

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1 THE WITNESS: I would have to go back and
 2 figure out exactly what it all means.
 3 BY MR. HAWKS:
 4 Q Okay.
 5 A Yes. So --
 6 Q Now, you testified the chair puts the marks in on
 7 these documents?
 8 A The chair of the DRB. Yes.
 9 Q And she wouldn't delegate it to a staff, a secretary,
 10 or a staff member --
 11 A No.
 12 Q -- of the department? She would do it herself?
 13 A No.
 14 Q All right. And then the faculty member gets a copy
 15 of these at some point in the process; right?
 16 A Yes. They're placed in their file.
 17 Q And with an opportunity to file an appeal if they
 18 disagree with the committee's recommendations?
 19 A Yes.
 20 (Exhibit No. 58 was marked for identification.)
 21 BY MR. HAWKS:
 22 Q Dr. Dalecki, do you have a copy of Exhibit 58 --
 23 A I do.
 24 Q -- in front of you? What does it appear to be?
 25 A The first part appears to be an e-mail. The second

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1 part, I'm not sure what it is from. It appears to be
 2 an appeal.
 3 Q Okay. So in the appeal letter, Dr. Burton raises a
 4 number of issues. The first issue she raised is
 5 Caywood's participation. Do you recall --
 6 A Excuse me?
 7 Q Did Caywood vote on Burton's evaluation?
 8 A I have no direct knowledge of that.
 9 Q Were you there?
 10 A No.
 11 Q I thought you testified you attended the DRB
 12 meetings.
 13 A There were a few that I couldn't attend for various
 14 reasons, other meetings or difficulties I had to
 15 address. I don't recall being at that meeting.
 16 Q At the meeting at which Burton's evaluation was
 17 conducted?
 18 A Correct.
 19 Q Would there be minutes someplace of those meetings?
 20 A You'd have to ask Cheryl Fuller for whether there are
 21 minutes or not.
 22 Q The chair --
 23 A I don't know.
 24 Q The chair may make minutes of these meetings?
 25 A She may have notes or minutes of what they discussed.

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1 Yes.
 2 Q Okay.
 3 MR. HAWKS: I make that request at this
 4 time that we get copies of the minutes.
 5 MS. SPITZ: Send us a discovery request.
 6 We'll gladly comply.
 7 MR. HAWKS: Okay.
 8 BY MR. HAWKS:
 9 Q Do you know whether he was removed from the board for
 10 the appeal consideration?
 11 MS. SPITZ: Object to form.
 12 THE WITNESS: I don't know. I don't
 13 believe he was.
 14 BY MR. HAWKS:
 15 Q Okay. Did you participate in the appeal
 16 consideration?
 17 A No.
 18 Q Okay. She next notes, objects that the scores last
 19 year were all outstanding at the scores this year are
 20 much lower; what has changed? Do you recall any
 21 discussion of that question?
 22 A No.
 23 Q She next notes that none of her peers ever sat in any
 24 of her classes, and yet she is marked down from her
 25 past grade of outstanding to her current rating of

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1 above normal.
 2 Is it possible for a committee to evaluate
 3 teaching performance without having the benefit of
 4 the peer evaluation?
 5 A Would you restate that, please.
 6 Q Let me try it again. Let me just establish -- first
 7 of all, Dr. Dalecki, are peer evaluations -- are peer
 8 observations conducted of teaching performance of
 9 tenured faculty members?
 10 A I believe they are now. I'm not sure that they were
 11 in the past.
 12 Q So specific to 2014/2015 school year, there would
 13 have been a peer evaluation in the fall of 2014 --
 14 A I don't know that there was.
 15 Q -- of tenured faculty members? Do you know whether
 16 or not there was a peer evaluation of nontenured
 17 faculty members in the fall of 2014?
 18 A Yes. By that time, I asked the committee, I said, I
 19 want you to be doing peer evaluations.
 20 Q Did they actually do it, though?
 21 A To my knowledge, they did.
 22 Q Okay. And -- okay. So the evaluations of teaching
 23 effectiveness for the tenured faculty as of 2014/2015
 24 would have been based solely on student evaluations?
 25 A Probably so. To my knowledge, that's probably

1 correct.

2 Q And with regard to student evaluations, did you

3 review Dr. Burton's student evaluations?

4 A Yes.

5 Q And were they any different in 2015 than they were in

6 2014? Or different in 2014 than they were in 2013?

7 A I don't remember any trend. What I remember is that

8 they indicated no signs of trouble or difficulties,

9 which is typically what I'm looking for is some

10 change in trend that causes one to question if there

11 are problems.

12 Q Well, going back to Exhibit 57c, we can establish

13 that Dr. Burton was ranked as outstanding in second

14 spring, third, and fourth; correct?

15 A For which one, 57? 57c?

16 Q Yes.

17 A Yes.

18 Q Okay. And do you recall looking for a trend that

19 Dr. Burton's student evaluations were lower in year

20 five than they were in year four?

21 MS. SPITZ: Object to form. You can

22 answer.

23 THE WITNESS: I don't remember how they

24 compared, exactly. Actual numbers from semester to

25 semester bounce around. Unless you get 5's, there's

1 only one way to go, which that's the death knell.

2 You can only get worse; you can't get better. But

3 if someone goes from a 5 to a 4.5, I don't consider

4 that a bad trend. I consider it a sign of different

5 class.

6 BY MR. HAWKS:

7 Q Variability. It's noise in the data?

8 A Right. It's noise in the data. You go from a 5 to a

9 2, then I want to find out what's going on. And

10 usually these things vary around some mean, and as

11 long as -- you know, you could have a bad semester,

12 you could have a bad class. It's not -- you know,

13 it's not grounds for anything. There's nothing in

14 her teaching record that, to me, suggests she can't

15 be promoted to full professor.

16 Q In terms of being -- but the question is why did she

17 go down from outstanding to above normal --

18 A I don't know.

19 Q -- in the DRBs? That's the question.

20 A I don't know. I can't -- I don't know.

21 Q And it would appear that the only measure of

22 performance of teaching effectiveness is the student

23 evaluations; correct?

24 A It would appear that way. Unless I misremember what

25 they did, the person that we'd have to get an answer

1 to this from is the chair of that search -- or, the

2 DRB.

3 Q Right. And if we were to go back and take a look at

4 the student evaluations for Sabina Burton and compare

5 them, year four, year five, potentially year six if

6 57a is, in fact, contains an error, we should be able

7 to -- the only known measure is student evaluations.

8 We should see a downward trend in her student

9 evaluations during that time; correct?

10 MS. SPITZ: Object to form. You can

11 answer.

12 THE WITNESS: If that's the only thing

13 that justifies a lower evaluation, then that would

14 make sense.

15 BY MR. HAWKS:

16 Q And as far as you know, that is the only thing;

17 correct?

18 A I don't know of other things.

19 Q Yeah.

20 A Yes.

21 Q Okay. So other than -- if we were to take a look at

22 those student evaluation scores and if they're about

23 the same, except for potentially noise, then would

24 there be any conceivable explanation for the

25 downgrade in her evaluation in teaching performance,

1 other than the fact that she filed these lawsuits and

2 made these complaints?

3 MS. SPITZ: Object to form. Calls for

4 speculation. You can answer.

5 THE WITNESS: Yeah. I don't know. I

6 don't know what deliberations occurred.

7 BY MR. HAWKS:

8 Q Okay.

9 (Exhibit No. 59 was marked for identification.)

10 BY MR. HAWKS:

11 Q I'm showing you what's been marked as -- or you have

12 in front of you what has been marked as Exhibit 59.

13 Do you recognize this to be the statement of

14 Dr. Burton's physician dated on or about April 16,

15 2015, regarding requests for consideration or

16 accommodation?

17 A Ask again, please.

18 Q Pardon?

19 A Ask again, please. I was -- I can't read and listen

20 at the same time, so I should be listening to you.

21 Q I'll wait until you've read it and ask the question.

22 If that's an issue, let me know and I'll make sure to

23 do that.

24 Do you understand that to be Dr. -- do you

25 know this to be Dr. Burton's physician's request for

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1 consideration in light of her illness?
 2 A It looks like that to me.
 3 Q Right. And is this the document that you testified
 4 in your earlier testimony that you received something
 5 in April or so of 2015? Is this the document that
 6 you saw previously?
 7 A No. And I recognize some of this, but I don't recall
 8 when that showed up. The only records I had were the
 9 April 30 thing.
 10 Q The only records you have is the April 30 --
 11 A The only thing I could find -- I don't have this.
 12 And I believe it's the letter from you. There's a
 13 packet of stuff from your firm, anyway.
 14 Q Not to you?
 15 A No, no, no. It was to, I think, somebody else, but I
 16 got a copy of it, which indicated this is the --
 17 these are the circumstances and you need to
 18 accommodate them.
 19 Q Okay. That's what you recall you saw?
 20 A Yeah.
 21 Q My question is when did you first see this document?
 22 A I don't recall exactly when I saw it.
 23 Q I believe other testimony would establish that it was
 24 given to -- sent to John Lohmann?
 25 A Right.

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1 Q Do you recall John Lohmann giving you anything
 2 about -- from Dr. Burton's physician?
 3 A No, I don't.
 4 (Exhibit No. 60 was marked for identification.)
 5 BY MR. HAWKS:
 6 Q Dr. Dalecki, let me know when you have read it.
 7 Have you finished reading?
 8 A Yes.
 9 Q Is exhibit -- can you identify Exhibit 60, please?
 10 A It's an e-mail to me from Sabina Burton,
 11 September 25, 2014.
 12 Q And she asked why she wasn't considered for the
 13 search committee, and you provided her with your
 14 answer to that question in these documents?
 15 A Yes.
 16 Q Thank you.
 17 MR. HAWKS: Ask this be marked, please.
 18 (Exhibit No. 61 was marked for identification.)
 19 BY MR. HAWKS:
 20 Q Do you have Exhibit 61 in front of you?
 21 A I do.
 22 Q Can you read the handwritten Post-it note that's on
 23 the face of this copy?
 24 A It says, "Sabina, this had been opened before. Don
 25 handed me the mail today, so I don't know."

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1 Q Do you know who opened it?
 2 A I have no idea what this is.
 3 Q And did anyone call this to your attention
 4 previously?
 5 A Not that I recall.
 6 Q All right. It's very faint on this picture. Do you
 7 see the word -- the word "polizei"?
 8 A Yes.
 9 Q Does that appear to be a police document?
 10 MS. SPITZ: Object to form. You can
 11 answer.
 12 THE WITNESS: I believe that's the German
 13 word for police, but does it make it a police
 14 document, I don't know.
 15 BY MR. HAWKS:
 16 Q It's the German word for police?
 17 A I believe it is. I'm not a German speaker.
 18 MR. HAWKS: What was that number again?
 19 MS. SPITZ: 61.
 20 (Exhibit No. 62 was marked for identification.)
 21 BY MR. HAWKS:
 22 Q Do you have a copy of Exhibit 62 in front of you?
 23 A I do.
 24 Q Although it needs to be read together, you see a --
 25 an incomplete picture at the bottom of the first page

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1 and again on the second page. And did you see
 2 this -- the heading is "cop beating another unarmed
 3 black man"?
 4 A Did I see it?
 5 Q Yeah.
 6 A I see it. Yes.
 7 Q Okay. Did you see this poster posted on a faculty
 8 member's door in the criminal justice department?
 9 A I don't recall seeing it until after it was brought
 10 to attention.
 11 Q Pardon?
 12 A Until after it was brought to attention.
 13 Q Who brought it to your attention?
 14 A I learned about it during the search, the search for
 15 the chair.
 16 Q You heard about it during the search for the chair?
 17 A Yes. Yes.
 18 Q And who alerted you to this?
 19 A I want to say it was Rea Kirk at the campus
 20 interview. When we do this, you get thrown out there
 21 for anybody that wants to come by and ask.
 22 Q Did you investigate this? Or what, if anything, did
 23 you do after you were alerted to it?
 24 A I asked them to take it down.
 25 Q Who?

<p style="text-align: right;">Page 197</p> <p>1 A Pat Solar.</p> <p>2 Q And what did he do?</p> <p>3 A Took it down.</p> <p>4 Q Did you ask him how long it had been up?</p> <p>5 A I don't recall.</p> <p>6 Q Do you know how long it had been up?</p> <p>7 A No.</p> <p>8 Q And you said it was during the search for the</p> <p>9 permanent chair. That would have been in the spring</p> <p>10 of 2014?</p> <p>11 A '15.</p> <p>12 Q 2015?</p> <p>13 A '15.</p> <p>14 Q Spring of 2015. So it would have been at or about</p> <p>15 the same time as the Baltimore --</p> <p>16 A I don't remember exactly Baltimore. You got</p> <p>17 Baltimore, you got Ferguson. There's a bunch of them</p> <p>18 in there, and I don't have a sequence.</p> <p>19 Q What department are you in now?</p> <p>20 A The school of education.</p> <p>21 (Exhibit No. 63 was marked for identification.)</p> <p>22 BY MR. HAWKS:</p> <p>23 Q Can you identify Exhibit 63?</p> <p>24 A Look it's like a list of faculty and staff for the CJ</p> <p>25 department.</p>	<p style="text-align: right;">Page 199</p> <p>1 A And then another one to Sheri at the bottom.</p> <p>2 Q Uh-huh. And the initial e-mail was between Sabina</p> <p>3 and Sheri Kratcha?</p> <p>4 A Kratcha.</p> <p>5 Q With a CC to you and to Dr. Strobl? Is that -- the</p> <p>6 initial communication was an e-mail from Burton to</p> <p>7 Kratcha with a carbon copy to you and Dr. Strobl?</p> <p>8 A You're looking at the last one?</p> <p>9 Q Yes.</p> <p>10 A It appears to be that. Yes.</p> <p>11 Q All right. And Burton writes to Sheri in her</p> <p>12 questions about the fall, "in regard to your</p> <p>13 questions about the fall schedule." Isn't that the</p> <p>14 issue that caused you to become upset with Sheri?</p> <p>15 A I believe it is.</p> <p>16 Q And can you explain why?</p> <p>17 A Special topics courses are not usually listed by the</p> <p>18 subject matter of the course, and therefore, if</p> <p>19 students take them, they need to know that it's the</p> <p>20 same that's happened before. And since the course</p> <p>21 was substantially the same as what had gone on before</p> <p>22 but the name was being changed, it would give</p> <p>23 students the appearance that this was a different</p> <p>24 course and they should take it again.</p> <p>25 I don't have a problem with taking another</p>
<p style="text-align: right;">Page 198</p> <p>1 Q All right. Are you listed here?</p> <p>2 A I am.</p> <p>3 Q Is that listing incorrect, then?</p> <p>4 MS. SPITZ: Object to form. Do we have a</p> <p>5 date on this?</p> <p>6 BY MR. HAWKS:</p> <p>7 Q Recent vintage. That's the best I could say.</p> <p>8 A Am I a member of the department, no.</p> <p>9 Q All right. And are you a full professor?</p> <p>10 A I am.</p> <p>11 Q Okay.</p> <p>12 MR. HAWKS: Let me speak for a minute with</p> <p>13 my client and -- my client's spouse, rather.</p> <p>14 (A recess is taken from 4:20 p.m. to 4:22 p.m.)</p> <p>15 (Exhibit Nos. 64 a-c were marked for identification.)</p> <p>16 BY MR. HAWKS:</p> <p>17 Q Now, do you recognize Exhibit 64 a, b, and c?</p> <p>18 A I do.</p> <p>19 Q What are they?</p> <p>20 A An e-mail from Sabina Burton to Roger Burton.</p> <p>21 Q And below that?</p> <p>22 A Well, there appears to be quoted an e-mail from</p> <p>23 Sabina Burton to me and then a response from me to</p> <p>24 her.</p> <p>25 Q Uh-huh.</p>	<p style="text-align: right;">Page 200</p> <p>1 course. The problem is you can't take the same</p> <p>2 course twice and get credit for it twice, because</p> <p>3 that's just a problem.</p> <p>4 Q So why would you be upset with Sheri?</p> <p>5 A Because she was making those changes without running</p> <p>6 them by me. There's a good reason why the chair does</p> <p>7 these things.</p> <p>8 There's another thing, too, which is</p> <p>9 naming it cyber psychology. She should have at least</p> <p>10 run that through the psychology department and run it</p> <p>11 through the chair.</p> <p>12 Q Well, it was initially named psychology; correct?</p> <p>13 A I had given it some other kind of name: Hacker,</p> <p>14 stalkers, some kind of fancy name. But the point</p> <p>15 being that you need to make sure that it's not the</p> <p>16 same course.</p> <p>17 Students can't double dip. Once you get</p> <p>18 it done and if we have a new group of students, then</p> <p>19 I don't have a problem with what she calls it because</p> <p>20 I know they're not double dipping.</p> <p>21 And, in fact, I said that to her after we</p> <p>22 get the students in, we name it to whatever works for</p> <p>23 you so whatever appears on the transcript is what</p> <p>24 you'd like it to be, subject to approval by the</p> <p>25 psychology department. It's a little unseemly to</p>

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1 usurp somebody's title without their permission.
 2 Whether she had it or not, I don't know.
 3 Q Dr. Burton's job title on the payroll form was
 4 changed from associate professor to assistant
 5 professor relative -- in the spring of 2015. Were
 6 you aware of that change?
 7 A Repeat the first part, please.
 8 Q Dr. Burton's job title on her payroll form was
 9 changed from associate professor to assistant
 10 professor in the spring of 2015. Were you aware of
 11 that?
 12 A No.
 13 Q Referring back to Dr. Bearse's letter, which is
 14 Exhibit 59 --
 15 A Uh-huh.
 16 MS. SPITZ: Dr. Who?
 17 MR. HAWKS: It's Dr. Bearse, although this
 18 copy isn't signed. From Medical Associates Clinics,
 19 P.C.
 20 BY MR. HAWKS:
 21 Q Dr. Sabina's -- Dr. Burton's physician recommended
 22 that she be allowed to teach two online courses. Had
 23 you received this, would you have scheduled her to
 24 teach one or two online courses? Would you have
 25 taken it into consideration?

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1 MS. SPITZ: Object to form. You can
 2 answer.
 3 THE WITNESS: I would have taken it into
 4 consideration, just as we did with the combinations
 5 for her schedule in the fall, finding class times
 6 that would accommodate her; we'll do the best we can
 7 to do it.
 8 The difficulty with online courses is that
 9 they're huge money losers when you teach them as
 10 part of load. And as you may have heard, we have a
 11 bit of a fiscal crisis where we are. And on top of
 12 that, we still are short, by whose ever count you
 13 want, three, four full-time faculty members, and
 14 we're piecing it together based on academic staff
 15 and whomever we can find that has the qualifications
 16 to do it.
 17 BY MR. HAWKS:
 18 Q Okay.
 19 A To the extent we can honor accommodations, we do it.
 20 Q Do you recall writing an e-mail to John Lohmann in
 21 which you wrote, quote, "my response," parenthesis,
 22 again comma, "coached by John," closed parentheses,
 23 closed quote?
 24 MS. SPITZ: Object to form. Do we have a
 25 document or --

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1 MR. HAWKS: I don't have one.
 2 THE WITNESS: I want to say
 3 attorney/client privilege.
 4 BY MR. HAWKS:
 5 Q Now, are you treating John Lohmann as your attorney?
 6 MS. SPITZ: Let's just clear this up. I
 7 think the question is do you recall writing such an
 8 e-mail. I think you can answer that yes or no.
 9 THE WITNESS: Vaguely. I'd like more
 10 details because you're talking about a two-plus-year
 11 period of time here and --
 12 BY MR. HAWKS:
 13 Q Right.
 14 A -- trying to sequence all this is challenging.
 15 Q My question is why would you need to be coached by
 16 John Lohmann?
 17 A Just like with the e-mail I sent out in response to
 18 let's called a spade a spade, when it appeared that
 19 we may be subject to legal action based on that
 20 e-mail. I consulted him on how to use language that
 21 would be appropriate, and so Mr. Lohmann coached me
 22 on writing e-mails to ensure that they were done
 23 correctly and properly; not coach me what to say, but
 24 how to say it.
 25 Q In a communication you had with Mr. Lohmann, you

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1 wrote that Dr. Burton was slow in providing you with
 2 information regarding the German delegation visit; do
 3 you recall writing that?
 4 A Yes. She was.
 5 Q Do you have -- can you say specifically how much time
 6 it took her to respond to your requests for
 7 information?
 8 A I want to say 24 to 72 hours. Some of it I never got
 9 answers to. At that time it was --
 10 Q Did you ever -- could you have called her to acquire
 11 that information?
 12 A Yes.
 13 Q Did you?
 14 A No.
 15 Q Did you send her an e-mail requesting her to provide
 16 you with the transportation contact information?
 17 A I believe so.
 18 Q You put Deb Rice into a full-time position, did you
 19 not?
 20 A Yes.
 21 Q And so she obtained Ed Ross's position without having
 22 to go through a search and screen process; is that
 23 accurate?
 24 A Yes.
 25 MS. SPITZ: Object to form.

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1 BY MR. HAWKS:
 2 Q And isn't that a violation of university policy?
 3 A I don't believe so. I asked if I was able to do
 4 that, and I had been given approval to do it.
 5 Q Who gave you the approval?
 6 A Kathy Kutka and John Lohmann. Asked can I do this,
 7 because we want to follow the rules.
 8 Q As interim chair of the department, are you
 9 accountable to the department or to the Dean?
 10 A I believe to the Dean.
 11 MR. HAWKS: I think I'm done. Let me ask
 12 one question.
 13 MS. SPITZ: Sure.
 14 (A recess is taken from 4:34 p.m. to 4:35 p.m.)
 15 MR. HAWKS: One last question. Maybe two.
 16 BY MR. HAWKS:
 17 Q Where did the money come from to pay Stackman and
 18 Rice?
 19 A There was money -- I believe it came from money in an
 20 international program.
 21 Q It was, in fact, money that was in a surplus that
 22 Dr. Burton created in the trip to Germany the year
 23 before; is that correct?
 24 MS. SPITZ: Object to form.
 25 THE WITNESS: My understanding was that

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1 the Germans did not charge our students for
 2 everything, and that surplus then was kept.
 3 BY MR. HAWKS:
 4 Q Carried over and then it was used to pay Stackman and
 5 Rice?
 6 A Yes.
 7 MR. HAWKS: No further questions.
 8 MS. SPITZ: Okay. Thank you.
 9 (Proceedings concluded at 4:36 p.m.)
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1 STATE OF WISCONSIN)
 2) SS:
 2 MILWAUKEE COUNTY)
 3 I, KAILA M. MACEK, Registered Merit Reporter
 4 and Notary Public in and for the State of Wisconsin, do
 5 hereby certify that the preceding deposition of
 6 DR. MICHAEL DALECKI was recorded by me and reduced to
 7 writing under my personal direction.
 8 I further certify that said deposition was
 9 taken at WISCONSIN DEPARTMENT OF JUSTICE, 17 West Main
 10 Street, Room 14, Madison, Wisconsin, on the 7th day of
 11 October, 2015, commencing at 9:55 a.m. and concluding at
 12 4:36 p.m.
 13 I further certify that I am not a relative or
 14 employee or attorney or counsel of any of the parties, or
 15 a relative or employee of such attorney or counsel, or
 16 financially interested directly or indirectly in this
 17 action.
 18 In witness whereof I have hereunto set my hand
 19 and affixed my seal of office at Milwaukee, Wisconsin,
 20 this 15th day of October, 2015.
 21 _____
 22 KAILA M. MACEK, RMR
 23
 24 Notary Public in and for the State of Wisconsin
 25 My Commission expires 3/26/2019