

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

DR. SABINA BURTON,

Plaintiff,

v.

Case No. 14-CV-274

BOARD OF REGENTS UNIVERSITY OF
WISCONSIN, et al.,

Defendants.

**DEFENDANTS' ANSWER AND DEFENSES
TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

NOW COME the defendants, Board of Regents of the University of Wisconsin System, Dr. Thomas Caywood, Dr. Elizabeth Throop, and Dr. Michael Dalecki, by their attorneys, Attorney General Brad D. Schimel, and Assistant Attorneys General Monica Burkert-Brist, Anne M. Bensky, and Katherine Spitz, answer plaintiff's second amended complaint as follows:

I. JURISDICTION AND VENUE

1. Answering paragraph 1 of plaintiff's complaint, defendants ADMIT allegations are brought under 42 U.S.C § 2000e, *et seq.* (Title VII), 20 U.S.C. § 1681 (Title IX), 29 U.S.C. § 206(d) (Equal Pay Act), the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, and 42 U.S.C § 1983; DENY defendants deprived plaintiff of her rights.

2. Answering paragraph 2 of plaintiff's complaint, defendants ADMIT.

3. Answering paragraph 3 of plaintiff's complaint, defendants ADMIT.

II. ADMINISTRATIVE PREREQUISITES

4. Answering paragraph 4 of plaintiff's complaint, defendants ADMIT Burton filed a discrimination charge on August 13, 2013; lack sufficient knowledge or information to form an answer as to the remaining allegation and therefore DENY.

III. PARTIES

5. Answering paragraph 5 of plaintiff's complaint, defendants ADMIT.

6. Answering paragraph 6 of plaintiff's complaint, defendants ADMIT.

7. Answering paragraph 7 of plaintiff's complaint, defendants ADMIT Dr. Caywood is an adult resident of the State of Wisconsin DENIES his current business address is One University Plaza, Platteville, Wisconsin 53818; ADMIT Dr. Caywood was at all times relevant been employed as a professor of the Department of Criminal Justice at UW-Platteville (UWP); AFFIRMATIVELY ALLEGE Dr. Caywood was chair of the department until the middle of August 2013; AFFIRMATIVELY ALLEGE that plaintiff's remaining allegations sets forth a legal conclusion to which no response is required, and therefore DENY.

8. Answering paragraph 8 of plaintiff's complaint, defendants ADMIT Dr. Throop is an adult resident of the State of Wisconsin whose current business address is One University Plaza, Platteville, Wisconsin 53818; ADMIT Dr. Throop is employed as the Dean of the College of Liberal Arts and Education at UWP; DENY Dr. Throop was Dean of the College of Liberal Arts and Education at UWP at

all times relevant to this complaint; AFFIRMATIVELY ALLEGE Dr. Throop started in her position around June 15, 2012; AFFIRMATIVELY ALLEGE that plaintiff's remaining allegations sets forth a legal conclusion to which no response is required, and therefore DENY.

9. Answering paragraph 9 of plaintiff's complaint, defendants ADMIT.

10. Answering paragraph 10 of plaintiff's complaint, defendants ADMIT.

11. Answering paragraph 11 of plaintiff's complaint, defendants AFFIRMATIVELY ALLEGE that plaintiff's allegations sets forth legal conclusions to which no response is required, and therefore DENY.

IV. FACTUAL ALLEGATIONS

12. Answering paragraph 12 of plaintiff's complaint, defendants ADMIT.

13. Answering paragraph 13 of plaintiff's complaint, defendants DENY.

14. Answering paragraph 14 of plaintiff's complaint, defendants DENY all allegations not specifically admitted to; defendants AFFIRMATIVELY ALLEGE Dutelle assisted in drafting the qualifications for his job advertisement and that the provost awarded Dutelle two years toward tenure. ADMIT that at times, Dutelle was paid higher than the plaintiff; DENY plaintiff's qualifications are superior.

15. Answering paragraph 15 of plaintiff's complaint, defendants ADMIT plaintiff has a Ph.D. and that she taught at UC Irvine prior to UWP; defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining assertions and therefore DENY.

16. Answering paragraph 16 of plaintiff's complaint, defendants AFFIRMATIVELY ALLEGE Dutelle worked for the Loveland Police Department between April 2000 and July 2004, and ADMIT the remainder.

17. Answering paragraph 17 of plaintiff's complaint, defendants DENY Dr. Caywood has made exceptions for Dutelle; AFFIRMATIVELY ALLEGE Dutelle was allowed to pursue an opportunity with the Department of Defense while getting full pay by UWP which took him overseas during part of the regular semester; defendants AFFIRMATIVELY ALLEGE that Plaintiff, during some, but not all semesters, taught five courses and that at times, Plaintiff earned less in base salary than Dutelle; defendants DENY the remainder because they lack knowledge as to the time period the allegation refers to and therefore cannot form a belief as to the truth of the allegation.

18. Answering paragraph 18 of plaintiff's complaint, defendants DENY.

19. Answering paragraph 19 of plaintiff's complaint, defendants ADMIT Dutelle received 50% release time for being the forensic investigations coordinator; AFFIRMATIVELY ALLEGE the forensic investigations department received funding to hire an LTE; defendants lack sufficient knowledge or information to form an answer as to the remaining assertions and therefore DENY.

20. Answering paragraph 20 of plaintiff's complaint, defendants DENY.

21. Answering paragraph 21 of plaintiff's complaint, defendants AFFIRMATIVELY ALLEGE that during the 2011-2012 school year Dutelle received more compensation in overload pay than the plaintiff; defendants lack sufficient

knowledge or information to form an answer as to the remaining assertions and therefore DENY.

22. Answering paragraph 22 of plaintiff's complaint, defendants DENY.

23. Answering paragraph 23 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions because, at the time of this answer, not all records required to respond to this allegation were available to defendants and their counsel, and therefore DENY.

24. Answering paragraph 24 of plaintiff's complaint, AFFIRMATIVELY ALLEGE DRB evaluations, once completed, remain in the faculty member's possession only; defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions because, at the time of this answer, not all records required to respond to this allegation were available to defendants and their counsel, and therefore DENY.

25. Answering paragraph 25 of plaintiff's complaint, AFFIRMATIVELY ALLEGE DRB evaluations, once completed, remain in the faculty member's possession only; defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions because, at the time of this answer, not all records required to respond to this allegation were available to defendants and their counsel, and therefore DENY.

26. Answering paragraph 26 of plaintiff's complaint, AFFIRMATIVELY ALLEGE DRB evaluations, once completed, remain in the faculty member's possession only; defendants lack sufficient knowledge or information to form a belief

as to the truth of the assertions because, at the time of this answer, not all records required to respond to this allegation were available to defendants and their counsel, and therefore DENY.

27. Answering paragraph 27 of plaintiff's complaint, defendants DENY.

28. Answering paragraph 28 of plaintiff's complaint, defendants DENY.

29. Answering paragraph 29 of plaintiff's complaint, defendants ADMIT Dutelle's promotion to associate professor was effective August 2012; DENY Dutelle was not qualified to be an Associate professor; lack knowledge as to the remainder and therefore DENY.

30. Answering paragraph 30 of plaintiff's complaint, defendants ADMIT Dutelle had eight years of college level teaching experience; DENY that he was ineligible for promotion.

31. Answering paragraph 31 of plaintiff's complaint, defendants ADMIT plaintiff's promotion to associate professor was first denied due to insufficient documentation; AFFIRMATIVELY ALLEGE that when said documentation was provided, Plaintiff was promoted; DENY all remaining allegations.

32. Answering paragraph 32 of plaintiff's complaint, defendants ADMIT Dr. Caywood initially opposed plaintiff's bid for tenure but later withdrew his opposition noting something to the effect that it "was not worth the fight"; DENY all remaining allegations contained therein.

33. Answering paragraph 33 of plaintiff's complaint, defendants DENY.

34. Answering paragraph 34 of plaintiff's complaint, defendants lack sufficient knowledge or information to form an answer as to whether Dutelle was allowed to use forensic program assistant, Kim Sergeant, to do research for his book and type part of his book and therefore DENY; AFFIRMATIVELY ALLEGE Dutelle, as program director of Forensic Investigation, received release time to perform the duties of director, including promoting the program; DENY all remaining allegations.

35. Answering paragraph 35 of plaintiff's complaint, defendants lack sufficient knowledge or information to form an answer as to whether Caywood called on Plaintiff to advise 60 students and therefore DENY; DENY that plaintiff was awarded a sabbatical; AFFIRMATIVELY ALLEGE plaintiff had been given release from teaching; DENY all remaining assertions contained therein.

36. Answering paragraph 36 of plaintiff's complaint, defendants ADMIT Dr. Caywood asked plaintiff if she wanted to develop a Short Study Abroad Program to Germany; AFFIRMATIVELY ALLEGE that plaintiff voluntarily agreed to develop the program; lack sufficient knowledge or information to form an answer as to the remaining assertions and therefore DENY.

37. Answering paragraph 37 of plaintiff's complaint, defendants ADMIT Caywood did not advertise or assist with the program; lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore DENY.

38. Answering paragraph 38 of plaintiff's complaint, defendants DENY Dr. Caywood favored Dutelle on search and screen assignments; lack sufficient knowledge or information to form a belief as to the truth of the remaining assertion and therefore DENY.

39. Answering paragraph 39 of plaintiff's complaint, defendants DENY; AFFIRMATIVELY ALLEGE offices had been assigned based upon seniority without regard to academic degrees.

40. Answering paragraph 40 of plaintiff's complaint, defendants lack sufficient knowledge or information to form an answer as to whether plaintiff's office lighting was measured to be 6 candles below office space lighting standards on May 15, 2013 and therefore DENY; lack sufficient knowledge or information to form an answer as to whether plaintiff suffered a painful and obvious eye-inflammation and if plaintiff had 20/20 vision all her life, but now requires reading glasses and therefore DENY; DENY all remaining assertions contained therein.

41. Answering paragraph 41 of plaintiff's complaint, defendants ADMIT at least one other female faculty or academic staff had previously complained about Dr. Caywood; lack sufficient knowledge or information to form an answer as to the contents of those complaints and therefore DENY; DENY all remaining assertions contained therein.

42. Answering paragraph 42 of plaintiff's complaint, defendants ADMIT plaintiff complained of discriminatory treatment by Dr. Caywood to Dean Throop and Jeanne Durr, former Human Resources Director; AFFIRMATIVELY ALLEGE

Durr no longer works at UWP; DENY Dr. Caywood treated plaintiff in a discriminatory manner; DENY all remaining assertions contained therein.

Retaliation and continuing sex discrimination

43. Answering paragraph 43 of plaintiff's complaint, defendants lack knowledge or information to form a belief as to how the student felt about the note and therefore DENY; ADMIT plaintiff reported said allegations by student regarding the professor.

44. Answering paragraph 44 of plaintiff's complaint, defendants ADMIT plaintiff reported the incident to Dean Throop, Dr. Caywood, and Dean of Students; lack sufficient knowledge or information to form an answer to the remaining assertions and therefore DENY; AFFIRMATIVELY ALLEGE the allegation as to whether particular behavior violated a policy is a legal conclusion to which no response is required, but to the extent it alleges a fact, defendants DENY.

45. Answering paragraph 45 of plaintiff's complaint, defendants DENY; defendant Caywood AFFIRMATIVELY ALLEGES he was upset the incident was not reported to him and indicated the complaint should have been handled differently.

46. Answering paragraph 46 of plaintiff's complaint, defendants ADMIT plaintiff claimed intimidation to Durr and Dean Throop; ADMIT Durr sent Dr. Caywood an email regarding plaintiff's allegations; lack sufficient knowledge or information to form an answer as to the exact contents of the email and therefore DENY; DENY Dr. Caywood acted in an intimidated manner or bullied plaintiff.

47. Answering paragraph 47 of plaintiff's complaint, defendants DENY Dr. Caywood drafted and distributed a new policy; AFFIRMATIVELY ALLEGE that plaintiff's assertion that the drafted memo was contrary to UWP guidelines is a legal conclusion and therefore DENY; AFFIRMATIVELY ALLEGE Caywood proposed reporting procedures; ADMIT all remaining assertions contained therein.

48. Answering paragraph 48 of plaintiff's complaint, defendants DENY.

49. Answering paragraph 49 of plaintiff's complaint, defendants DENY Dr. Caywood bullied and/or harassed plaintiff over her involvement in the student's complaint; lack sufficient knowledge or information to form a belief as to the truth of the remaining assertions and therefore DENY.

50. Answering paragraph 50 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations and therefore DENY.

51. Answering paragraph 51 of plaintiff's complaint, defendants ADMIT plaintiff had been given a search and screen to chair in the fall semester but the two fall searches were then consolidated; DENY all remaining assertions contained therein.

52. Answering paragraph 52 of plaintiff's complaint, defendants DENY.

53. Answering paragraph 53 of plaintiff's complaint, defendants ADMIT plaintiff has chaired at least one search and screen since August 2009; lack sufficient knowledge or information to form an answer to the remaining assertions and therefore DENY.

54. Answering paragraph 54 of plaintiff's complaint, defendants lack sufficient knowledge or information to form an answer as to whether the Lomax position was Dutelle's fourth opportunity to chair a search and screen and therefore DENY; DENY all remaining assertions contained therein.

55. Answering paragraph 55 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations and therefore DENY.

56. Answering paragraph 56 of plaintiff's complaint, defendants DENY.

57. Answering paragraph 57 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions and therefore DENY.

58. Answering paragraph 58 of plaintiff's complaint, defendants DENY plaintiff was the victim of retaliation and DENY Plaintiff engaged in opposing discrimination by providing a student complaint to the Dean and Human Resources; ADMIT plaintiff sent an email to Dean Throop on December 10, 2012, making the stated allegations.

59. Answering paragraph 59 of plaintiff's complaint, defendants DENY plaintiff complained of sex discrimination; AFFIRMATIVELY ALLEGE that plaintiff claimed "I feel this is a case of discrimination... I don't know if Tom's unfairness in this case is an example of sexual bias but if not then it is an example of professional bias and ignorance of my qualifications;" ADMIT plaintiff complained of all remaining allegations contained therein.

60. Answering paragraph 60 of plaintiff's complaint, defendants DENY.

61. Answering paragraph 61 of plaintiff's complaint, defendants DENY plaintiff asked for assistance in addressing retaliation and discrimination; DENY retaliation and discrimination continued to escalate; AFFIRMATIVELY ALLEGE the plaintiff complained about opportunities within her department; ADMIT all remaining allegations contained therein.

62. Answering paragraph 62 of plaintiff's complaint, defendants DENY.

63. Answering paragraph 63 of plaintiff's complaint, defendants ADMIT that defendant Caywood sent a letter containing the quoted statements.

64. Answering paragraph 64 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions because, at the time of this answer, not all records required to respond to this allegation were available to defendants and their counsel, and therefore DENY.

65. Answering paragraph 65 of plaintiff's complaint, defendants DENY.

66. Answering paragraph 66 of plaintiff's complaint, ADMIT; AFFIRMATIVELY ALLEGE Burton's "proposal for the development of a cyber-crime program" which Caywood positively endorsed was Burton's submission of a National Science Foundation grant proposal that was ultimately not obtained.

67. Answering paragraph 67 of plaintiff's complaint, defendants DENY Caywood gave Burton any guarantees; lack knowledge as to whether Caywood and others encouraged Burton to pursue other grants or funding sources; ADMIT the remainder.

68. Answering paragraph 68 of plaintiff's complaint, defendants ADMIT.

69. Answering paragraph 69 of plaintiff's complaint, defendants ADMIT
Dean Throop sent the January 24, 2012 email making the quoted statements;
DENY all remaining allegations contained therein.

70. Answering paragraph 70 of plaintiff's complaint, defendants DENY.

71. Answering paragraph 71 of plaintiff's complaint, defendants DENY.

72. Answering paragraph 72 of plaintiff's complaint, defendants ADMIT
plaintiff sent the January 24, 2013 email to Dr. Caywood making the quoted
statements; lack sufficient knowledge or information to form a belief as to the truth
of the remaining assertions and therefore DENY.

73. Answering paragraph 73 of plaintiff's complaint, defendants ADMIT.

74. Answering paragraph 74 of plaintiff's complaint, defendants lack
sufficient knowledge or information to form a belief as to the truth of the assertions
and therefore DENY.

75. Answering paragraph 75 of plaintiff's complaint, defendants lack
knowledge or information necessary to form a belief as to whether Plaintiff felt she
did not receive a clear answer regarding the University's grievance process and
therefore DENY; ADMIT that on January 29, 2013 Plaintiff met with Dean Throop
and Durr.

76. Answering paragraph 76 of plaintiff's complaint, defendants lack
sufficient knowledge or information to form a belief as to the truth of the assertions
and therefore DENY.

77. Answering paragraph 77 of plaintiff's complaint, defendants ADMIT Dr. Caywood was uninterested in mediation; lack sufficient knowledge or information to form an answer the remaining assertions and therefore DENY.

78. Answering paragraph 78 of plaintiff's complaint, defendants ADMIT.

79. Answering paragraph 79 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions and therefore DENY.

80. Answering paragraph 80 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions and therefore DENY.

81. Answering paragraph 81 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions and therefore DENY.

82. Answering paragraph 82 of plaintiff's complaint, defendants DENY that the quoted material from Van Buren represents the entirety of the email communication; ADMIT the remaining allegations.

83. Answering paragraph 83 of plaintiff's complaint, defendants DENY.

84. Answering paragraph 84 of plaintiff's complaint, defendants lack sufficient knowledge or information to form a belief as to the truth of the assertions and therefore DENY.

85. Answering paragraph 85 of plaintiff's complaint, defendants DENY.

86. Answering paragraph 86 of plaintiff's complaint, defendants DENY.

87. Answering paragraph 87 of plaintiff's complaint, defendants DENY.

88. Answering paragraph 88 of plaintiff's complaint, defendants DENY the quoted material represents *findings* of the commission; ADMIT that the quote contained in the allegation appears in a letter to the chancellor from the grievance commission.

89. Answering paragraph 89 of plaintiff's complaint, defendants DENY that the finding that there was insufficient evidence of sex discrimination was erroneous; ADMIT all remaining assertions contained therein.

90. Answering paragraph 90 of plaintiff's complaint, defendants ADMIT that this is a correct partial quote.

91. Answering paragraph 91 of plaintiff's complaint, defendants ADMIT.

92. Answering paragraph 92 of plaintiff's complaint, defendants ADMIT on or about July 10, 2013 Dean Throop sent an email to faculty and academic staff stating that Dr. Caywood had made a decision to step away, and DENY all remaining allegations.

93. Answering paragraph 93 of plaintiff's complaint, defendants ADMIT.

94. Answering paragraph 94 of plaintiff's complaint, defendants DENY.

C. The Relationship Between Defendants Dr. Throop and Dr. Dalecki

95. Answering paragraph 95 of plaintiff's complaint, defendants ADMIT.

96. Answering paragraph 96 of plaintiff's complaint, defendants AFFIRMATIVELY ALLEGE the allegation is a legal conclusion to which no answer is required and therefore DENY.

97. Answering paragraph 97 of plaintiff's complaint, defendants DENY.

98. Answering paragraph 98 of plaintiff's complaint, defendants lack knowledge as to the truth of the allegation and therefore DENY.

99. Answering paragraph 99 of plaintiff's complaint, defendants DENY.

100. Answering paragraph 100 of plaintiff's complaint, defendants ADMIT.

101. Answering paragraph 101 of plaintiff's complaint, defendants ADMIT.

102. Answering paragraph 102 of plaintiff's complaint, defendants DENY
Gibson was elected by a majority of the department's members; ADMIT Throop continued Dr. Dalecki as interim chair; lack knowledge or information necessary to form a belief as to the truth of the remaining allegations and therefore DENY.

103. Answering paragraph 103 of plaintiff's complaint, defendants AFFIRMATIVELY ALLEGE the allegation is a legal conclusion to which no answer is required and therefore DENY; ADMIT another election was not conducted.

104. Answering paragraph 104 of plaintiff's complaint, defendants ADMIT at least one grievance committee made the alleged recommendation; lack knowledge or information necessary to form a belief as to the truth of the remaining allegations and therefore DENY.

105. Answering paragraph 105 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

106. Answering paragraph 106 of plaintiff's complaint, defendants ADMIT.

107. Answering paragraph 107 of plaintiff's complaint, defendants DENY because the allegation is vague as to what "chair" position is being referenced.

108. Answering paragraph 108 of plaintiff's complaint, defendants ADMIT.

109. Answering paragraph 109 of plaintiff's complaint, defendants ADMIT.

110. Answering paragraph 110 of plaintiff's complaint, defendants DENY.

111. Answering paragraph 111 of plaintiff's complaint, defendants DENY Zauche had no affiliation with criminal justice; ADMIT Zauche was tenured in the Chemistry Department.

112. Answering paragraph 112 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

113. Answering paragraph 113 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the remaining allegations and therefore DENY.

114. Answering paragraph 114 of plaintiff's complaint, defendants DENY.

D. Defendants' Appeasement of Plaintiff

115. Answering paragraph 115 of plaintiff's complaint, defendants DENY the term "occasionally" properly summarizes Throop's and Dalecki's support for Burton; ADMIT Throop and Dalecki are supportive of Burton.

116. Answering paragraph 116 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the

allegations, because defendants have not yet been able to locate the documents relevant to this allegation, and therefore DENY.

117. Answering paragraph 117 of plaintiff's complaint, defendants ADMIT.

118. Answering paragraph 118 of plaintiff's complaint, defendants ADMIT.

119. Answering paragraph 119 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations, because defendants have not yet been able to locate the video relevant to this allegation, and therefore DENY.

E. Adverse Employment Actions of Defendant Dr. Throop

120. Answering paragraph 120 of plaintiff's complaint, defendants DENY.

121. Answering paragraph 121 of plaintiff's complaint, defendants ADMIT Burton was removed from the search committee; lack knowledge and therefore DENY as to the exact date.

122. Answering paragraph 122 of plaintiff's complaint, defendants ADMIT Throop issued a letter of direction to Plaintiff; DENY the remainder of the allegation.

123. Answering paragraph 123 of plaintiff's complaint, defendants ADMIT Plaintiff filed a grievance, lack knowledge and therefore DENY as to the exact date.

124. Answering paragraph 124 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

125. Answering paragraph 125 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

126. Answering paragraph 126 of plaintiff's complaint, defendants DENY.

127. Answering paragraph 127 of plaintiff's complaint, defendants DENY.

128. Answering paragraph 128 of plaintiff's complaint, defendants DENY.

129. Answering paragraph 129 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

130. Answering paragraph 130 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

131. Answering paragraph 131 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY; ADMIT Burton took medical leave in 2015.

F. Retaliatory Motive of Defendant Dr. Dalecki

132. Answering paragraph 132 of plaintiff's complaint, defendants DENY.

133. Answering paragraph 133 of plaintiff's complaint, defendants DENY.

134. Answering paragraph 134 of plaintiff's complaint, defendants DENY.

135. Answering paragraph 135 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

136. Answering paragraph 136 of plaintiff's complaint, defendants DENY.

137. Answering paragraph 137 of plaintiff's complaint, defendants DENY.

138. Answering paragraph 138 of plaintiff's complaint, defendants DENY.

139. Answering paragraph 139 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

140. Answering paragraph 140 of plaintiff's complaint, defendants DENY.

141. Answering paragraph 141 of plaintiff's complaint, defendants DENY.

142. Answering paragraph 142 of plaintiff's complaint, defendants DENY.

143. Answering paragraph 143 of plaintiff's complaint, defendants DENY.

144. Answering paragraph 144 of plaintiff's complaint, defendants DENY the second sentence of the allegation; ADMIT the remainder.

145. Answering paragraph 145 of plaintiff's complaint, defendants DENY.

146. Answering paragraph 146 of plaintiff's complaint, defendants ADMIT mediation was suggested; DENY the remaining allegation.

147. Answering paragraph 147 of plaintiff's complaint, defendants DENY.

148. Answering paragraph 148 of plaintiff's complaint, defendants ADMIT.

149. Answering paragraph 149 of plaintiff's complaint, defendants ADMIT; AFFIRMATIVELY ALLEGE mentoring is a very minor element of promotion.

150. Answering paragraph 150 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

151. Answering paragraph 151 of plaintiff's complaint, defendants ADMIT Plaintiff was not assigned an on-line course; DENY the remaining allegations.

152. Answering paragraph 152 of plaintiff's complaint, defendants DENY.

153. Answering paragraph 153 of plaintiff's complaint, defendants ADMIT Dalecki assigned a newer faculty member to chair a search and screen committee; lack knowledge as to the number of hires that committee was to produce; DENY all allegations not admitted to.

154. Answering paragraph 154 of plaintiff's complaint, defendants DENY.

155. Answering paragraph 155 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

156. Answering paragraph 156 of plaintiff's complaint, defendants DENY Burton's characterization of the grievance committee's task and findings, which are taken out of context.

157. Answering paragraph 157 of plaintiff's complaint, defendants DENY.

158. Answering paragraph 158 of plaintiff's complaint, defendants DENY.

159. Answering paragraph 159 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

160. Answering paragraph 160 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

161. Answering paragraph 161 of plaintiff's complaint, defendants DENY.

162. Answering paragraph 162 of plaintiff's complaint, defendants DENY.

163. Answering paragraph 163 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

164. Answering paragraph 164 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

165. Answering paragraph 165 of plaintiff's complaint, defendants DENY.

166. Answering paragraph 166 of plaintiff's complaint, defendants DENY.

167. Answering paragraph 167 of plaintiff's complaint, defendants ADMIT.

168. Answering paragraph 168 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

169. Answering paragraph 169 of plaintiff's complaint, defendants AFFIRMATIVELY ALLEGE Dalecki counseled the student on consequences of behavior; DENY the remaining allegations.

170. Answering paragraph 170 of plaintiff's complaint, defendants ADMIT Dalecki attempted to mentor the student; lack knowledge or information necessary to form a belief as to the truth of the remaining allegations and therefore DENY.

171. Answering paragraph 171 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

172. Answering paragraph 172 of plaintiff's complaint, defendants DENY there was money available for the position, ADMIT the graduate assistant position was discontinued, lack knowledge or information necessary to form a belief as to the truth of the remaining allegations and therefore DENY.

173. Answering paragraph 173 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

174. Answering paragraph 174 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

175. Answering paragraph 175 of plaintiff's complaint, defendants DENY; AFFIRMATIVELY ALLEGE The DRB is composed of tenured faculty, of which Dr. Caywood was one. There was no assignment.

176. Answering paragraph 176 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

177. Answering paragraph 177 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

178. Answering paragraph 178 of plaintiff's complaint, defendants ADMIT non-tenured members did not sit on DRB to rate tenured professors; lack knowledge or information necessary to form a belief as to the truth of the remaining allegations and therefore DENY.

179. Answering paragraph 179 of plaintiff's complaint, defendants lack knowledge or information necessary to form a belief as to the truth of the allegations and therefore DENY.

180. Answering paragraph 180 of plaintiff's complaint, defendants DENY.

181. Answering paragraph 181 of plaintiff's complaint, defendants ADMIT Dalecki assigned plaintiff to teach a three hour class; DENY Dalecki was aware of medical recommendations regarding class length; DENY the remainder.

182. Answering paragraph 182 of plaintiff's complaint, defendants ADMIT Dalecki did not assign Plaintiff to teach an on-line course; DENY this was some sort of "refusal."

183. Answering paragraph 183 of plaintiff's complaint, defendants DENY.

184. Answering paragraph 184 of plaintiff's complaint, defendants DENY.

185. Answering paragraph 185 of plaintiff's complaint, defendants DENY.

186. Answering paragraph 186 of plaintiff's complaint, defendants DENY.

V. FIRST CAUSE OF ACTION

Claim Against The Board For Sex Discrimination Under Title VII

187. Answering paragraph 187 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

188. Answering paragraph 188 of plaintiff's complaint, defendants DENY.

189. Answering paragraph 189 of plaintiff's complaint, defendants DENY.

VI. SECOND CAUSE OF ACTION

Claim Against Dr. Caywood Under The Equal Protection Clause

190. Answering paragraph 190 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

191. Answering paragraph 191 of plaintiff's complaint, defendants DENY.

192. Answering paragraph 192 of plaintiff's complaint, defendants DENY.

193. Answering paragraph 193 of plaintiff's complaint, defendants DENY.

VII. THIRD CAUSE OF ACTION

Claim Against Dr. Throop Under The Equal Protection Clause

194. Answering paragraph 194 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

195. Answering paragraph 195 of plaintiff's complaint, defendants DENY.

196. Answering paragraph 196 of plaintiff's complaint, defendants DENY.

197. Answering paragraph 197 of plaintiff's complaint, defendants DENY.

198. Answering paragraph 198 of plaintiff's complaint, defendants DENY.

VIII. FOURTH CAUSE OF ACTION

Claim Against The Board For Retaliation Under Title VII

199. Answering paragraph 199 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

200. Answering paragraph 200 of plaintiff's complaint, defendants DENY.

201. Answering paragraph 201 of plaintiff's complaint, defendants DENY.

IX. FIFTH CAUSE OF ACTION

Claim Against The Board For Retaliation Under Title IX

202. Answering paragraph 202 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

203. Answering paragraph 203 of plaintiff's complaint, defendants DENY.

204. Answering paragraph 204 of plaintiff's complaint, defendants DENY.

205. Answering paragraph 205 of plaintiff's complaint, defendants DENY.

X. SIXTH CAUSE OF ACTION

Claim Against The Board For Violation Of The Equal Pay Act

206. Answering paragraph 206 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

207. Answering paragraph 207 of plaintiff's complaint, defendants DENY.

208. Answering paragraph 208 of plaintiff's complaint, defendants DENY.

209. Answering paragraph 209 of plaintiff's complaint, defendants DENY.

XI. SEVENTH CAUSE OF ACTION

210. Answering paragraph 210 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

211. Answering paragraph 211 of plaintiff's complaint, defendants DENY.

212. Answering paragraph 212 of plaintiff's complaint, defendants DENY.

XII. EIGHTH CAUSE OF ACTION

213. Answering paragraph 213 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

214. Answering paragraph 214 of plaintiff's complaint, defendants DENY.

215. Answering paragraph 215 of plaintiff's complaint, defendants DENY.

XIII. NINTH CAUSE OF ACTION

216. Answering paragraph 216 of plaintiff's complaint, defendants re-allege their responses to the preceding paragraphs as though set forth herein.

217. Answering paragraph 217 of plaintiff's complaint, defendants DENY.

218. Answering paragraph 218 of plaintiff's complaint, defendants DENY.

XIV. JURY DEMAND

219. Answering paragraph 219 of plaintiff's complaint, defendants **AFFIRMATIVELY ALLEGE** that plaintiff set forth a statement to which no response is necessary, and therefore DENY.

220. Answering plaintiff's demands in paragraphs A-G of plaintiff's complaint, Defendants DENY that plaintiff is entitled to any relief she seeks therein.

221. Defendants DENY any and all allegations contained in plaintiff's complaint not specifically admitted above.

DEFENSES

1. All or portions of plaintiff's complaint fail to state a claim upon which relief can be granted.

2. At all times relevant to matters alleged in plaintiff's complaint, the defendants acted in good faith in accordance with established laws and administrative rules.

3. Defendants are entitled to qualified immunity.

4. No answering defendants can be found liable for the actions of any other answering defendants under a theory of respondeat superior or supervisory liability.

5. All of portions of plaintiff's complaint must be dismissed because one or more of the defendants had no personal involvement in the events leading to or surrounding the incident which is the basis of this lawsuit.

6. For purposes of the equal protection claim in this case, the Plaintiff failed to name any proper similarly situated persons.

7. All decisions related to pay were determined by non-gender based reasons, which may include but are not limited to market rates, prior experience, grant monies, additional or different work completed, seniority system, merit system, a system which measures earnings by quantity or quality of production, budgetary issues determined by the state legislature, budgetary issues within the UW System, budgetary issues within UW Platteville, budgetary issues within the plaintiff's academic department, and the need and ability to fill open positions and retain employees.

8. Any pay disparities are attributable to reasonable and legitimate factors other than gender.

9. Defendant's actions were taken for legitimate, non-discriminatory business reasons and not for any unlawful reason.

10. Plaintiff did not suffer any adverse employment actions.

11. All or some of Plaintiff's claims are barred by applicable statutes of limitations.

12. Some or all of the plaintiff's claims are barred by the doctrines of waiver, estoppels, and/or laches.

13. Plaintiff cannot obtain punitive damages under Title VII or Title IX against a state entity.

14. Any damages sustained by plaintiff were caused by intervening and/or superseding causes over which these answering defendants had no control, including but not limited to the acts or omissions of the plaintiff.

15. Defendants reserve the defense of plaintiff's failure to mitigate damages.

16. The defendant reserves the right to name additional affirmative defenses, as they may become known through further discovery or otherwise in this action.

WHEREFORE, the Defendants demand judgment dismissing the Plaintiff's Complaint on the merits with prejudice, and for such other relief as the court deems just and proper, including the award of Defendants' reasonable attorney fees and expenses.

Dated September 25, 2015, in Madison, WI.

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s/Anne Bensky

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