

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DR. SABINA BURTON,

Plaintiff,

v.

Case No. 14-CV-274

BOARD OF REGENTS UNIVERSITY OF
WISCONSIN, et al.,

Defendants.

PLAINTIFF'S ADDITIONAL PROPOSED FINDINGS OF FACT

Pursuant to FED.R.CIV.P. 56(c) and the Preliminary Pretrial Conference Order, Dkt. No. 9, Plaintiff hereby proposes additional findings of fact.

Jurisdictional Facts

1. Dr. Burton filed a timely charge of sex discrimination and retaliation with the Wisconsin Department of Workforce Development and the U.S. Equal Employment Opportunities Commission (EEOC) (EEOC Case No. 26G201301269) on August 13, 2013, on which she received a Notice of Right to Sue on February 26, 2014. (Dr. Sabina Burton Decl. ¶2, Ex. 1, Dkt. No. 54-1)

2. Dr. Burton filed an additional charge of sex discrimination and retaliation with the EEOC on December 5, 2014 (EEOC Charge No. 443-201500090) and a supplemental statement with the EEOC on July 21, 2015, on which she received a Notice of Right to Sue on July 31, 2015. (Burton Decl. ¶3, Ex. 2, Dkt. No. 54-2)

3. Dr. Burton filed a timely charge of discrimination and retaliation, identifying conduct by Dr. Dalecki and Dean Throop, in EEOC Charge No. 443-201500090. (Burton Decl. ¶3, Ex. 2, Dkt. No. 54-2)

The UW-Platteville Criminal Justice Department

4. At UW-Platteville, the CJ graduate program is only taught online and not in courses taught on campus. (Burton Dep., Dkt. No. 39, 437:16-21)

5. In 2014, Dean Throop and Criminal Justice (CJ) Department (the Department) interim chair Dr. Michael Dalecki commissioned UW-Milwaukee Dean of the Helen Bader School of Social Welfare, Dr. Stan Stojkovic, to conduct of review of the Department for the purpose of their guidance and direction and to report on his findings. (Timothy E. Hawks Decl. ¶3(g), Ex. 10, Dkt. No. 53-10)

6. Dr. Stojkovic reviewed documents (course syllabi and faculty vitae) and interviewed all CJ faculty and staff. (Hawks Decl. ¶3(g), Ex. 10, Dkt. No. 53-10 at 2)

7. In his May 10, 2014 report, Dr. Stojkovic found, as follows, that some CJ faculty and staff were concerned with the Department's failure to comply with various departmental and University policies and procedures:

Some faculty and staff expressed the point of view that while there are current university policies . . . regarding a host of issues and activities, e.g., personnel policies, disciplinary policies, and designated roles and responsibilities, with attendant levels of authority, many of the policies and procedures are not followed or simply dismissed. This is a theme raised by faculty and staff concerning a number of issues. In fact, many of the problems that have been generated in recent times can be traced back to a lack of adherence to extant policies and procedures.

(Hawks Decl. ¶3(g), Ex. 10, Dkt. No. 53-10 at 9)

8. Dr. Stojkovic coined the term "train wreck," in his report, referring to the FI program, writing:

To suggest the sole source of difficulty with the FI program and the criminal justice department in general lies in departmental leadership, however, misses the larger point that the FI major should not have been ever created in the first place. Departmental leadership is important to addressing the problematic nature of the FI major, but the consequential problems as a result of the creation and perpetuation of the FI program goes well beyond departmental leadership. Campus administration and the dean's office must shoulder some responsibility for the train wreck that occurred much later.

(Hawks Decl. ¶3(g), Ex. 10, Dkt. No. 53-10 at 12-13)

**Professional Advancement, Workload and
Compensation at UW-Platteville**

9. A full teaching load for faculty, including tenured faculty, at UW-Platteville is 12 credits. (Dr. Cheryl Banachowski-Fuller Dep., Dkt. No. 46, 12:3-11)

10. Most online and on-campus courses are three credits, although independent study courses can provide from one to three academic credits. (Fuller Dep., Dkt. No. 46, 11:19-24)

11. Faculty are typically contracted on a nine-month basis and not during the month of June. (Fuller Dep., Dkt. No. 46, 57:12-58:10)

12. In the UW-Platteville College of Liberal Arts and Education (LA&E), faculty members are assessed in three areas: teaching, scholarship, and service to the University and wider community. (Dr. Elizabeth Throop Dep., Dkt. No. 42, 46:24-47:2)

13. The CJ Department Review Board (DRB) makes retention, promotion and salary recommendations based on pertinent data in accordance with the Department's and the LA&E's approved plans, and pursuant to faculty bylaws. (Dr. Michael Dalecki Decl. Ex. B, Dkt. No. 34-1 at 8)

14. The CJ DRB is comprised of at least three tenured CJ faculty members other than the Department chair. (Dalecki Decl. Ex. B, Dkt. No. 34-1 at 8)

15. If there are not three tenured faculty eligible to serve on the DRB, the CJ faculty will approve the needed additional members from other LA&E departments. (Dalecki Decl. Ex. B, Dkt. No. 34-1 at 8)

16. Conference travel, research expenses and professional development fall squarely into scholarship and are an expected part of a professor's job. (Throop Dep., Dkt. No. 42, 47:3-5)

17. Professional advancement is enhanced by a professor's work on grants, which may provide release time from teaching to pursue potentially prestigious work and may lead to other opportunities down the road. (Burton Dep., Dkt. No. 38, 179:10-16, 179:23-180:3; Burton Dep., Dkt. No. 39, 179:23-180:3)

18. Service on a Departmental faculty search and screen committee as a member and as the chair is considered a prestigious assignment that enhances one's DRB evaluation and can result in a DRB rating of outstanding for department or university service. (Burton Dep., Dkt. No. 38, 279:17-280:4; Burton Dep., Dkt. No. 39, 483:10-17)

19. Teaching in a graduate program increases a professor's chances for research opportunities and other professional opportunities. (Burton Dep., Dkt. No. 39, 432:20-25)

20. One of the reasons Dr. Burton was attracted to the CJ Department was because it would provide Dr. Burton the opportunity to do research, but it is not a publish or perish place. (Burton Dep., Dkt. No. 38, 178:21-179:1)

21. The Department chair assigns supervision of summer student interns to faculty members. (Throop Dep., Dkt. No. 42, 74:21-24)

22. Because faculty members are compensated for their supervision of student interns, the chair of the Department is in a position to provide financial benefits to faculty members in the Department. (Throop Dep., Dkt. No. 42, 77:25-75:10)

23. The payment per intern for supervision was a large percentage of a faculty member's salary, until budget cuts reduced the rate. (Burton Dep., Dkt. No. 38, 183: 19-184:2)

Dr. Burton's Academic Assignment and Cybersecurity Expertise

24. Dr. Burton was initially hired as an assistant professor in the Department for the 2009-2010 academic year and her assignment requires that Dr. Burton teach on campus and online courses. (Burton Decl. ¶¶4-5, Dkt. No. 54 at 2)

25. Dr. Burton's contracted assignment that she teach on campus and online courses reflects that 25% of her regular, contracted course load of four courses will be a minimum of one course online. (Burton Decl. ¶¶4-5, Dkt. No. 54 at 2; Hawks Decl. ¶10(e), Ex. 47, Dkt. No. 53-47; Burton Dep., Dkt. No. 39, 416:16, 429:17-430:14)

26. As of January 19, 2012, Dr. Caywood recommended Dr. Burton's retention and promotion to associate professor on the grounds that she exceeded all requirements for promotion and was well liked by students, respected by her peers, and a solid performer. (Dr. Thomas Caywood Dep., Dkt. No. 40, 39:19-20:15)

27. Dr. Burton's background is in terrorism and Dr. Caywood considers Dr. Burton as having an expertise in cybercrime. (Burton Dep., Dkt. No. 38, 196:21-22; Caywood Dep., Dkt. No. 40, 113:9-14)

28. Dr. Burton developed a graduate online course in cybercrime Cyber-Crime CJ7340 and taught it in the summer 2014 and spring 2014. (Burton Dep., Dkt. No. 39, 401:5-13, 404:2-405:4; Kieckhaver Decl. Ex. A, Dkt. No. 33-1, at 024, 025)

29. From June 2013 to the present, Dr. Burton has been part of a Hacker Profiling Project with UNICRI, a research forum for the United Nations in Italy, eventually to develop

tools to conduct deductive profiling of a cybercrime scene. (Burton Dep., Dkt. No. 38, 27:21-30:8; Anne M. Bensky Decl. Ex. FFFF at 002, Dkt. No. 43-8)

30. From June 2013 to the present, Dr. Burton has also engaged in a joint research project between Platteville and the state of Brandenburg, Germany, regarding social networking as community policing tool in rural areas. (Burton Dep., Dkt. No. 38, 30:9-31:12; Bensky Decl. Ex. FFFF at 002, Dkt. No. 43-8)

31. From November 2012 to the present, Dr. Burton has served as a consultant for the European Center for the Monitoring of Suspicious Online Activities. (Bensky Decl. Ex. FFFF at 002, Dkt. No. 43-8)

32. Since the spring 2013, Dr. Burton has also been a consultant for Brandenburg Cyber-Crime at the European Union in Brussels. (Burton Dep., Dkt. No. 38, 31:13-32:8; Bensky Decl. Ex. FFFF at 002, Dkt. No. 43-8)

33. From the 1980's until about 1993, and briefly in 2011, Dr. Burton worked for an intelligence agency in Germany regarding cybercrime aspects of profiling and counterintelligence. (Burton Dep., Dkt. No. 38, 32:12-40:8; Bensky Decl. Ex. FFFF at 002, Dkt. No. 43-8)

34. Dr. Burton has given presentations on topics regarding various aspects of cybercrime at national professional conferences from 2011-2014 and in a lecture series at UW-Platteville. (Burton Dep., Dkt. No. 38, 40:10-44:6, 47:23-48:22; Hawks Decl. ¶6(d), Ex. 21, Dkt. No. 53-21; Bensky Decl. Ex. FFFF at 003-004, Dkt. No. 43-8)

35. To assess Dr. Burton's expertise, Dean Throop examined Dr. Burton's publication record only within the University library's databases. (Throop Dep., Dkt. No. 42, 107:18-108:6)

36. Dean Throop never heard an address to a group by Dr. Burton on the subject of cybersecurity. (Throop Dep., Dkt. No. 42, 135:11-12)

37. Dean Throop never inquired of Dr. Burton whether Dr. Burton had attended classes or seminars in cybersecurity-related topics. (Throop Dep., Dkt. No. 42, 135:14-17)

38. Similarly, Dean Throop never asked Dr. Burton about her professional contacts and in the field. (Throop Dep., Dkt. No. 42, 135:18-20)

39. Dean Throop also never asked Dr. Burton about her work on internet crimes against children, cyber terrorism or online radicalism. (Throop Dep., Dkt. No. 42, 135:21-24)

**Defendants' Support for Development of a Cybercrime Curriculum
and Dr. Burton's Request to AT&T for a Donation**

40. In about early to mid-February, 2012, Dr. Caywood held an initial, informal meeting with Dr. Burton and Bob Roberts, about developing a cybersecurity program which Mr. Roberts, with his expertise in grant writing and administrative tasks, would facilitate. (Burton Dep., Dkt. No. 38, 197:2-198:8, 209:21-210:3; Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 8)

41. Dr. Caywood's initial idea was for an exciting forensic center, to be named the Joe Lomax Center, and the discussion at this preliminary meeting addressed Dr. Caywood as the official director, Mr. Dutelle working mainly on his fingerprint research and Dr. Burton as the cybersecurity program. (Burton Dep., Dkt. No. 38, 197:21-24, 210:4-16)

42. When they asked Dr. Burton to be a part of forensics and to build the cybersecurity program, it did not take much persuasion to get her on board. (Burton Dep., Dkt. No. 38, 196:19-197:1)

43. Dr. Burton's initial goals for the program were to broaden and update the CJ program for students to include cybercrime, as the curriculum had not been revised since the

mid-1990's. (Burton Dep., Dkt. No. 38, 196:5-12; Hawks Decl. ¶3(g), Ex. 10, Dkt. No. 53-10 at 8-9, 11, 19)

44. After the initial meeting, Dr. Burton began reviewing the cybercrime curricula of other academic programs. (Burton Dep., Dkt. No. 38, 198:9-24)

45. Because Mr. Roberts monitored grant opportunities, he thought that Dr. Burton or Mr. Dutelle had the most promising chances to receive grants in the CJ Department, and he raised the possibility of applying for a grant from the National Science Foundation. (Burton Dep., Dkt. No. 38, 198:25-199:14)

46. On March 27, 2012, three representatives of the Wisconsin Department of Justice (DOJ), Dr. Caywood, Mr. Dutelle, Mr. Roberts and Dr. Burton met to discuss development of a CJ cybercrime program. (Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 8; Burton Dep., Dkt. No. 38, 210:17-211:1)

47. In March, 2012, Mr. Roberts, Dr. Burton and three UW-Platteville professors from computer science, business/accounting, and political science met to discuss development of a CJ cybercrime program. (Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 8)

48. On March 28, 2012, Michael Gay, Director of the Center for New Ventures at UW-Platteville, wrote to Edward Wall at the DOJ, following-up on his visit, outlining proposals for expanding the CJ program and seeking a letter of support from the DOJ for the University's application for National Science Foundation (NSF) funding for a three-year cyber scholar project to develop an undergraduate cybercrime curriculum. (Hawks Decl. ¶6(b), Ex. 19, Dkt. No. 53-19)

49. The DOJ was interested in development of a cybercrime program because the program would educate and train UW-Platteville students in a field that they had great use for. (Burton Dep., Dkt. No. 38, 239:12-15)

50. Following a meeting in about April 2012, with Mr. Roberts, Dr. Caywood and Mr. Gay, Mr. Roberts thought that cybercrime would be the most compelling idea to attract grants and that Dr. Burton would have the greatest chance to attract grants in this area. (Burton Dep., Dkt. No. 38, 199:3-200:1, 210:17-22; 211:6-11)

51. Two legislators also met with Dr. Burton, Mr. Gay, Dr. Caywood, Mr. Roberts, Mr. Dutelle, and Rose Smyrski, special assistant to the chancellor, to continue and pursue discussions about a cybercrime program. (Burton Dep., Dkt. No. 38, 211:23-212:9)

52. A DOJ representative wrote letters of support for the NSF proposal. (Burton Dep., Dkt. No. 38, 239:12-15)

53. The NSF proposal was attached to a transmittal form and signed on April 20, 2012, by Dr. Burton, Dr. Caywood, and Kory Wein, and stated:

The University of Wisconsin – Platteville, through a funded National Science Foundation project, intends to develop a multi-disciplinary curriculum designed to streamline partnerships between the private sector, government, and academic institutions with the objective of educating students in the interests of establishing a safe, secure and resilient cyber ecosystem.

(Hawks Decl. ¶10(g), Ex. 49, Dkt. No. 53-49).

54. The proposal identified Dr. Burton as the principal investigator and “expert on international terrorism,” whereas Dr. Caywood’s signature, as department chair, bore the following certification, in pertinent part: “I certify that I have reviewed the proposal and found it to be complete, including required clearances, budget and commitments involving space,

faculty/staff time, and matching funds. In addition, I certify that all resources and other provisions of any award will be fulfilled.” (Hawks Decl. ¶10(g), Ex. 49, Dkt. No. 53-49)

55. On April 5, 2012, Dr. Caywood, Mr. Dutelle, Dr. Burton, Mr. Roberts, Mr. Gay, and two U.S. House of Representatives legislative assistants met to discuss development of a CJ cybercrime program. (Answers and Resps. of Pl. to Defs.’ First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 8)

56. In April 2012, at the direction of Dr. Caywood, the University information technologies staff created an electronic cyber-scholar workgroup folder for all working on the cyber scholar activity and provided access to Dr. Burton. (Burton Dep., Dkt. No. 38, 211:2-5; Hawks Decl. ¶6(c), Ex. 20, Dkt. No. 53-20)

57. On July 30, 2012, Kory Wein, LA&E associate dean, emailed an urgent request to Dr. Burton and others seeking immediate project ideas to support grant requests through the Center for New Ventures. (Burton Decl. ¶7, Ex. 4, Dkt. No. 54-4)

58. Between August 10 and 17, 2012, Ms. Smyrski emailed Dr. Burton and three others an NSF update on Secure and Trustworthy Cyber space (SaTC), closing with this funding opportunity notice: “In addition, the SaTC program seeks proposals addressing Cybersecurity Education with total budgets limited to \$300,000 and durations of up to two years.” In the email exchange, Ms. Smyrski agreed with Engineering, Mathematics and Science Dean William Hudson that they might find opportunities in the investigation of cybercrimes, which is why she sent the notice to Dr. Burton. (Burton Decl. ¶8, Ex. 5, Dkt. No. 54-5)

59. Mr. Roberts conducted another meeting in the fall 2012, inviting people from various departments in all of the UW-Platteville schools, including the associate dean of

engineering, and discussed that Dr. Burton's cybercrime idea would be the best project for grant funding. (Burton Dep., Dkt. No. 38, 200:2-9)

60. During the spring or summer 2012, Mr. Roberts identified about three or four grants that he wanted to pursue for the potential cybercrime program, although the NSF grant was the largest one. (Burton Dep., Dkt. No. 38, 200:19-25)

61. On August 21, 2012, on learning that the April 2012 NSF proposal would not be funded, Mr. Smyrski encouraged Dr. Burton to use the NSF information to prepare another proposal. (Burton Decl. ¶9, Ex. 6, Dkt. No. 54-6)

62. Mr. Roberts was also encouraging in an August 31, 2012 email, because NSF funding is rare and most larger universities are funded only after having made three to five prior funding submissions, and because the NSF feedback indicated that the funds sought will not provide for initial curriculum development. On the same day, Dr. Burton forwarded his encouragement to the three other UW-Platteville professors who contributed to the NSF application, along with a copy of the NSF proposal reviews and the original proposal. (Burton Decl. ¶10, Ex. 7, Dkt. No. 54-7)

63. On learning that NSF would not fund a program from the bottom up, Mr. Roberts had two or three funding sources in mind that would allow them funds to build a cybercrime program and he even traveled to Washington, D.C. to talk to interested contacts. (Burton Dep., Dkt. No. 38, 201:22-202:10)

64. Dr. Caywood's and Mr. Roberts's interest in the cybercrime program continued after the NSF grant was not approved, with both Mr. Roberts and Dr. Caywood expressing positive thoughts about trying for additional opportunities. (Burton Dep., Dkt. No. 38, 212:10-19)

65. Dr. Burton had a green light from the chancellor to go out and look for donations because of the budget cuts. (Burton Dep., Dkt. No. 38, 244:13-18)

66. When it came to applying for a research grant, any grant application would have to be cleared with Dr. Caywood. (Burton Dep., Dkt. No. 38, 177:23-178:1)

67. If they had won the \$320,000 NSF grant in 2012, they would not have needed to pursue other opportunities right away because their first goal would have been to meet the requirements of the NSF grant, and that would have been sufficient at least to start the cybercrime program. (Burton Dep., Dkt. No. 38, 201:18-25, 205:19-206:4)

68. Mr. Roberts did pursue other grant opportunities in October 2012, but his department was overworked and understaffed, with great demand from engineering, math and sciences, and from the business college, and he did a lot of last minute work on the grants, giving others a very small window to provide the information needed for completion. (Burton Dep., Dkt. No. 38, 202:11-203:25)

69. Due to the limited time to obtain the Dean's approval, in October 2012, Dr. Burton, Mr. Roberts and all agreed to put on hold possible cybercrime grant opportunities that Mr. Roberts wanted to pursue in October. (Burton Dep., Dkt. No. 38, 203:7-204:14)

70. Dr. Burton understood the logistics of getting a program like cybercrime started, for which, one usually would want to start with manageable plans, including to have people who can teach the courses, once they are established. (Burton Dep., Dkt. No. 38, 206:5-15)

71. Since there was no CJ curriculum committee in 2012, Dr. Burton knew that a proposal for a new CJ undergraduate cybercrime course would first need the chair's approval and then go to the LA&E curriculum committee, where the proponent would present a completed syllabus with books to be assigned and would articulate, among other things, how the course

would be staffed, the teaching rotation it would be on (whether it would be taught in one semester or year-round) and the anticipated number of students. The committee would determine whether it fits the LA&E catalog. (Burton Dep., Dkt. No. 38, 206:13-24, 244:19-245:5)

72. If the LA&E curriculum committee approved a new undergraduate course, Dr. Burton knew that the next step would be approval by the University curriculum committee. (Burton Dep., Dkt. No. 38, 207:9-13)

73. For a graduate course, the process is different and one needs permission to develop the course. (Burton Dep., Dkt. No. 38, 246:6-13)

74. To propose a new emphasis, a program, a major, or a minor, Dr. Burton knew that the Department chair or the Dean would know the procedure for approval, which would ultimately require Board of Regents approval. (Burton Dep., Dkt. No. 38, 208:7-18)

75. Dr. Caywood and Mr. Roberts assessed whether there were programs related to cybersecurity elsewhere in the UW System, so that a program at Platteville would not be in direct competition with them. (Burton Dep., Dkt. No. 38, 208:17-25)

76. For Dr. Burton, it was important to get something going so that, if it works, they could grow from there and Mr. Roberts and Dr. Caywood handled the approvals needed for the AT&T grant application. (Burton Dep., Dkt. No. 38, 209:6-18)

77. In the summer, 2012, Dr. Burton told Dr. Caywood that, having no initial funding from NSF, she would seek private funding and Dr. Caywood was encouraging. (Burton Dep., Dkt. No. 38, 236:17-237:1)

78. Dr. Burton met with State Rep. Travis Tranel, of Grant County, and informed him that they needed funding to get started on planning a cybercrime program. (Burton Dep., Dkt. No. 38, 232:19-233:2)

79. Rep Tranel liked Dr. Burton's ideas, talked to the Wisconsin Technology Council, and informed Dr. Burton that representatives of AT&T would contact her. (Burton Dep., Dkt. No. 38, 233:3-8)

80. On September 11 and 12, 2012, Dr. Burton and James Jermain, AT&T Regional Vice President, corresponded regarding "Funding Cyber-Crime program at UW-Platteville, Dr. Burton sent him a summary of the NSF proposal, and Mr. Jermain considered it "very exciting plans for a cyber security program at UW Platteville" and AT&T offered to help with a donation for some moderate beginnings, after, at Dr. Caywood's suggestion, the University office of sponsored programs helped Dr. Burton with the required paperwork. (Burton Dep., Dkt. No. 38, 233:9-235:12, 237:9-238:11; Hawks Decl. ¶3(e), Ex. 8, Dkt. No. 53-8)

81. In September 2012, Dr. Burton forwarded to Dr. Caywood emails from an AT&T representative to notify Dr. Caywood that she had secured a donation from AT&T of between \$5,000-\$7,000 for funding a cybercrime program at UW-Platteville. (Hawks Decl. ¶3(e), Ex. 8, Dkt. No. 53-8)

82. The AT&T funding would facilitate Dr. Burton preparing a curriculum proposal. (Burton Dep., Dkt. No. 38, 243:1-4)

83. Dr. Burton envisioned using the AT&T donation to allow CJ faculty and students to visit schools with cybersecurity programs, to talk to other instructors, to learn about job prospects in cybersecurity and to attend conferences. (Burton Dep., Dkt. No. 38, 243:6-10)

84. Dr. Burton and three CJ undergraduate students had applied and been accepted to give a cybercrime presentation at the American Academy of Forensic Scientists, the biggest forensics conference in the United States. (Burton Dep., Dkt. No. 38, 243:11-17)

85. In the AT&T funding application and in Dr. Burton's correspondence to AT&T regarding funding for cybersecurity in the CJ Department, Dr. Burton sought to develop a program, and she did not state that a program had been approved. (Burton Dep., Dkt. No. 38, 229:21-230:5; Throop Decl. Ex. GGG at 002, Dkt. No. 37-1; Burton Decl. ¶12, Dkt. No. 54)

86. In the summer of 2012, Dr. Burton, Mr. Jermain, Dr. Caywood and Mr. Roberts all understood (and Mr. Roberts planned) from the beginning that they would seek the AT&T donation first and then seek approval for a cybersecurity program later. (Burton Dep., Dkt. No. 38, 245:14-246:7)

87. Dr. Caywood, Dean Throop and Mr. Roberts told Dr. Burton they were happy about the AT&T donation for the cybersecurity program. (Burton Dep., Dkt. No. 38, 234:20-21, 236:1-9)

88. The AT&T donation could not be used for faculty release time. (Burton Dep., Dkt. No. 38, 232:13-18)

89. In about September 2012, at a Department meeting, Dr. Caywood encouraged Dr. Burton to maintain their contacts with the DOJ representatives. (Burton Dep., Dkt. No. 38, 240:12-241:4)

90. On October 3, 2012, Dr. Burton and Dean Throop met to discuss the opportunities that developing a cybercrime curriculum will provide to UW-Platteville students, given the wide-ranging nature of cybercrimes and the need for private sector involvement with government in identifying and reporting cybercrime and reporting cybercrime, and Dean Throop was 100% on board, as Dr. Burton reported to Mr. Gay. (Burton Dec. ¶13, Dkt. No. 54)

91. On October 6, 2012, Dr. Burton emailed to Dr. Caywood and Dean Throop her eight-part proposal for cybersecurity/homeland security at UW-Platteville, in which she

proposed that CJ: create cybersecurity and criminal justice journals; create an undergraduate and graduate course for cybersecurity; create an undergraduate and graduate course for homeland security; form workshops as a community outreach program; create more homeland security and cybersecurity courses in the next years; develop an emphasis in homeland and cybersecurity within CJ; turn emphasis into a major in homeland & cybersecurity in the next years; build a UW-Platteville cybersecurity center. (Hawks Decl. ¶10(b), Ex. 44, Dkt. No. 53-44)

92. Dr. Burton's October 6, 2012 proposal stated that she had "already developed a Special Topics in CJ: Domestic Terrorism course that could easily be turned into an elective course for CJ offered at least once a year." (Hawks Decl. ¶10(b), Ex. 44, Dkt. No. 53-44 at 2)

93. Dr. Burton's October 6, 2012 proposal included her thoughts on possible funding sources for the program and notice that she had acquired a \$7,000 donation from AT&T. (Hawks Decl. ¶10(b), Ex. 44, Dkt. No. 53-44 at 2)

94. Dr. Burton's October 6, 2012 proposal also stated that she owns two internet sites for a journal of criminal justice and a journal of cybersecurity, providing the URLs for both sites, stating: "These sites will become open access journals for peer-reviewed articles." (Hawks Decl. ¶10(b), Ex. 44, Dkt. No.53-44 at 2)

95. Independently, Dr. Burton notified Dr. Caywood by email on October 8, 2012, that she had established the online CJ journal and she again provided him the URL for the journal. (Hawks Decl. ¶6(e), Ex. 22, Dkt. No. 53-22)

96. Dr. Caywood did not criticize or object to Dr. Burton's intention to create cybersecurity and criminal justice journals. (Caywood Dep., Dkt. No. 40, 119:2-7)

97. Dr. Caywood did not object to Dr. Burton's intention to create an undergraduate or graduate course for cybersecurity. (Caywood Dep., Dkt. No. 40, 119:9-14)

98. Dr. Caywood did not criticize or object to Dr. Burton's intention to develop an emphasis in homeland and cybersecurity within CJ or to turn that emphasis into a major within the next years. (Caywood Dep., Dkt. No. 40, 119:21-120:7)

99. Nor did Dr. Caywood criticize or object to Dr. Burton's intention to build a UW cybersecurity center. (Caywood Dep., Dkt. No. 40, 120:8-12)

100. On October 10, 2012, Dr. Burton and Dean Throop exchanged emails regarding "proposal," and the October 14 deadline for a renewed NSF cybersecurity proposal grant application. (Hawks Decl. ¶6(f), Ex. 23, Dkt. No. 5-23)

101. On October 15, 2012, Dean Throop and Dr. Burton met again to discuss cybersecurity and the possible uses of the AT&T donation that would move forward the CJ cybersecurity project. (Burton Decl. ¶17, Dkt. Nos. 54 and 54-10)

102. At their October 15th meeting, Dr. Burton again provided Dean Throop the URLs for the two open sources journal pages that Dr. Burton had created, Dean Throop typed the URLs onto her computer and she reviewed favorably the two web pages. (Burton Decl. ¶17, Dkt. No. 54)

103. Prior to October 10, 2012, Dr. Caywood expressed support for submitting an NSF proposal for a cyber scholar capacity building project. (Caywood Dep., Dkt. No. 40, 12:13-17)

104. On November 14, 2012, Dr. Burton emailed a request to meet with Dr. Caywood and Dean Throop, at Dean Throop's request, regarding the cybercrime proposal, and Dr. Caywood did not reply. (Caywood Dep., Dkt. No. 40, 120:21-123:1; Hawks Decl. ¶10(f), Ex. 48, Dkt. No. 53-48)

105. Dr. Burton received comments from the WiSys Technology Advancement Grant on her applied research grant and applied research-WiTAG pre-proposal for an applied research

grant for 2013-14, which stated that the CJ Department “is in the process of developing a curriculum for cyber-security,” in consultation with other University faculty and experts in the field. (Hawks Decl. ¶10(d), Ex. 46, Dkt. No. 53-46 at 1)

106. One commentor wrote “The AR-WiTAG program promotes academic technology transfer and economic development. To that end, program and curriculum development in cyber security may address deficiencies in Wisconsin’s workforce, but it doesn’t appear that any intellectual property will be generated. In light of this, we highly encourage you to also submit your proposal to the UW System’s Grown Agenda for Wisconsin grant program.” (Hawks Decl. ¶10(d), Ex. 46, Dkt. No. 53-46 at 1)

107. Because a cybercrime program had been discussed for as long as eight months prior to the application to AT&T for funds, Dr. Caywood thinks that Dr. Burton may have used the same language that other people in the Department were using about the project when she described the project to AT&T. (Caywood Dep., Dkt. No. 40, 59:4-12)

108. Before Christmas 2012, Jim Jermain of AT&T delivered the check in person and Dr. Burton immediately took the check to the UW-Platteville Foundation, which was the recipient of the donation. (Burton Decl. ¶20)

109. Mr. Jermain promised that AT&T would provide more money the following year. (Burton Dep., Dkt. No. 38, 241:13-16, 242:8-11)

110. Mr. Jermain requested a photo opportunity for a check presentation involving a representative of the chancellor’s office, the dean’s office, someone from CJ, and, at Dr. Burton’s suggestion, Rep. Tranel. (Burton Dep., Dkt. No. 38, 241:20-25)

111. Dr. Burton suggested, and Mr. Jermain agreed, that the presentation could be scheduled in January 2013, at the beginning of the spring semester, when she would be teaching a cybercrime class. (Burton Dep., Dkt. No. 38, 241:25-242:4)

112. The spring 2013 cybercrime class was a stand-alone class, having not gone through LA&E curriculum review, which Dr. Burton had planned for Spring 2013. (Burton Dep., Dkt. No. 38, 242:12-22)

113. Dr. Fuller encouraged and worked with Dr. Burton to start cybersecurity online, where they could get adjunct faculty because the Department did not have enough faculty with that expertise. (Fuller Dep., Dkt. No. 46, 69:22-70:7)

114. On January 15, 2013, Dr. Burton sent to Mr. Roberts a copy of the proposal regarding development of a cybersecurity program in the CJ Department, which she had sent to Mr. Spakowitz at the DOJ. (Hawks Decl. ¶10(h), Ex. 50, Dkt. No. 53-50)

115. In the proposal, Dr. Burton stated that her “short term goal” would be “to create a criminal justice emphasis in cyber-security or at least a cyber-security certificate.” (Hawks Decl. ¶10(h), Ex. 50, Dkt. No. 53-50)

116. In the proposal, Dr. Burton also stated that in Spring 2013, she would teach an undergraduate class on current topics, addressing cybercrime, and will propose in 2013 to the LA&E curriculum committee that her cybercrime course be approved as an annual, elective course. (Hawks Decl. ¶10(h), Ex. 50, Dkt. No. 53-50 at 2)

**Dr. Burton’s Assistance in Furtherance of the Student’s Rights
Under Title IX and Dr. Caywood and Dean Throop’s Retaliation**

117. On October 10, 2012, Dr. Gibson handed a female student, Alexandra Zupec, a disturbing note in his class, and Ms. Zupec saw Dr. Burton and asked Dr. Burton for her help regarding the note. (Alexandra Zupec Decl. ¶¶4-8, 11-17, Dkt. No. 51; Zupec Decl. Ex. A, Dkt.

No. 51-1; Burton Dep., Dkt. No. 38, 252:13-254:2; Caywood Decl. Ex. WW at 001-002, Dkt. No. 36-5)

118. Ms. Zupec was shocked and embarrassed by the note. (Zupec Decl. ¶¶9-12, Dkt. No. 51)

119. Dean Throop also recommended that the student consult with Jeanne Durr, the human resources director, because such Title IX issues were Ms. Durr's responsibility at the time. (Throop Dep., Dkt. 42, 19:8-25)

120. After informing Dr. Caywood about the student's complaint, Dr. Burton walked to the Office of Student Affairs and notified the Assistant Dean of Students, Kate Demarse, of the student's complaint against Dr. Gibson. (Burton Decl. ¶14, Dkt. No. 54; Burton Dep., Dkt. No. 38, 256:18-24)

121. At Ms. Demarse's request, Dr. Burton gave her the student's name and a copy of the note. (Burton Decl. ¶15, Dkt. No. 54)

122. The Student Affairs office asked Dr. Burton to tell the student that they would take very seriously her discomfort in class and would like to talk to her and help make her comfortable, however they can. (Burton Dep., Dkt. No. 38, 256:19-24)

123. Dr. Burton later notified the student that the Student Affairs office would hear her concerns about Dr. Gibson's harassment and a person from that office contacted Ms. Zupec. (Zupec Decl. ¶¶20-21, Dkt. No. 51)

124. Also on October 11, 2012, Dr. Burton emailed Dean Throop that Dr. Burton feared a reprimand by Dr. Caywood for having rightly notified the Dean and student affairs about the note. (Burton Decl. ¶16, Dkt. Nos. 54 and 54-9)

125. Dr. Burton asked Dean Throop, “What shall I tell a student who comes to me with a problem because she trusts me and is afraid to bring up such a sensitive matter to someone else next time? Shall I just tell her it’s not up to me and send her to the chair? I just wanted to help a student who was upset.” (Burton Decl. ¶16 & Ex. 9, Dkt. Nos. 54, 54-9)

126. Dr. Caywood had written to Dr. Burton earlier that same day, refusing Dr. Burton’s request that he notify faculty of future experiments like Dr. Gibson’s, on the basis of Dr. Caywood’s concern that such disclosure to faculty might “bias” the experiment. Dr. Caywood wrote that he would sort out any problem a student might have with a faculty member. (Burton Decl. ¶16 & Ex. 9, Dkt. Nos. 54, 54-9)

127. On October 11, 2012, Dean Throop wrote to Dr. Caywood that she was disturbed by Dr. Gibson’s note and Dr. Caywood’s response because “[i]t could well be a significant HR and Title IX issue.” (Hawks Decl. ¶6(g), Ex. 24, Dkt. No. 53-24 at 3-4)

128. Dean Throop was concerned, as she wrote Dr. Caywood, because “[s]uch a note could be rightly interpreted as sexual harassment regardless of intent.” (Hawks Decl. ¶6(g), Ex. 24, Dkt. No. 53-24 at 4)

129. Later on October 11, 2012, Dr. Burton forwarded Dr. Caywood an email from Ms. Zupec so he would better understand how Dr. Gibson’s note and email explanation to students had affected Ms. Zupec, who wrote that she doesn’t think the incident was “funny” but Dr. Gibson does. (Hawks Decl. ¶6(h), Ex. 25, Dkt. No. 53-25)

130. On October 11, 2012, Dr. Burton kept Dean Throop informed that the student felt violated by Dr. Gibson’s experiment and Dr. Burton forwarded to Dean Throop recent emails with Dr. Caywood, including Dr. Burton’s cautionary message that because sexual harassment is

a very sensitive matter, it is not the best choice for a breach experiment. (Hawks Decl. ¶6(i), Ex. 26, Dkt. No. 53-26; Zupec Decl. ¶¶22-32, Dkt. No. 51)

131. Dean Throop took measures to address the situation, notifying Human Resources, the Provost and the Chancellor, and asking Dr. Burton to reassure the student. (Hawks Decl. ¶6(i), Ex. 26, Dkt. No. 53-26)

132. Ms. Zupec was uncomfortable taking with Dr. Caywood about the note and felt worse about it on receipt of Dr. Gibson's dismissive email, which made her feel like an idiot. (Zupec Decl. ¶¶18-19, 22-32, Dkt. No. 51)

133. On October 12, 2012, Dr. Burton emailed the student to assure her that she had appropriately come forward to disclose the disturbing note and that the University is concerned about her emotional well-being. (Hawks Decl. ¶6(k), Ex. 28, Dkt. No. 53-28)

134. On October 17, 2012, Dr. Caywood sought from Dr. Burton a time line and specifically when and how the student first contacted Dr. Burton, when Dr. Burton notified Dean Throop, Mr. Dutelle, and possibly others, and whether Dr. Burton had tried to contact Dr. Gibson about his note to the student. (Hawks Decl. ¶6(L), Ex. 29, Dkt. No. 53-29)

135. On the same day, the UW-Platteville Director of Human Resources, Jeanne Durr, admonished Dr. Caywood to stop his continuing communications with Dr. Burton over the student complaint and told Dr. Caywood that Dr. Burton had handled the incident properly and had advocated properly for the student, protecting the student's interests. (Hawks Decl. ¶6(m), Ex. 30, Dkt. No. 53-30)

136. In admonishing Dr. Caywood, Ms. Durr wrote: "I do not want there to be any perception that we are retaliating against one of our employees for advocating for, or protecting the interests of our students." (Hawks Decl. ¶6(m), Ex. 30, Dkt. No. 53-30)

137. Dr. Caywood thinks that Dr. Gibson acted appropriately when he gave the female student a handwritten note that asked her to call him on his cell phone after class. (Caywood Dep., Dkt. No. 40, 39:4-16)

138. Dr. Caywood was upset with Dr. Burton because she had bypassed him by notifying the Dean and conveying the student's complaint to the Office of Student Affairs. (Burton Dep. Dkt. No. 38, 231:10-21)

139. Dr. Caywood hated to be chewed out by three women, meaning the human resources director, Jeanne Durr, Dean Throop and the provost, Dr. Mittie Nimocks Den Herder. (Burton Dep., Dkt. No. 38, 261:6-7)

140. Dr. Caywood had exacerbated the problem and had publicly chastised Dr. Burton for going around him. (Throop Dep., Dkt. No. 42, 107:2-5)

141. In the absence of written instructions on how to handle an event such as the student's complaint about Dr. Gibson's harassment, Dr. Caywood also would probably have talked to the Dean. (Caywood Dep., Dkt. No. 40, 48:16-19)

142. Dr. Caywood did not have the responsibility to create a procedure for handling a student's Title IX complaint. (Caywood Dep., Dkt. No. 40, 49:7-16)

143. Nevertheless, on October 16, 2012, Dr. Caywood emailed the CJ faculty with his instructions to the CJ faculty that complaints such as the student's should first be reported to him for his investigation. (Caywood Dep., Dkt. No. 40, 62:3-7, 65:4-6; Caywood Dep. Ex. 18, Hawks Decl. ¶3(c), Ex. 6, Dkt. No. 53-6; Burton Dep., Dkt. No. 38, 261:8-263:15).

144. At the faculty meeting, on presenting his instructions, Dr. Caywood explained that he stands up for his men and made it appear to her colleagues that Dr. Burton had inappropriately gone over his head to report Dr. Gibson's note. (Burton Dep., Dkt. No. 38, 137:18-138:15)

145. Over a month after the incident, on November 15, 2012, Dr. Caywood reiterated his instructions that “student issues” must be taken up by the student first “with the faculty member involved, or to the department chair” and they should “follow the chain of command,” and he made very strong comments, with all eyes on Dr. Burton, that someone had violated his policy and taken a very harmless matter all the way to the provost. (Burton Decl. ¶38, Dkt. No. 54)

146. On reiterating his instructions on the chain of command for student “issues,” Dr. Caywood reminded the assembled faculty that somebody overreacted and brought a student complaint all the way to the provost and everything got out of hand. (Burton Decl. ¶18, Ex. 12, Dkt. No. 54-12)

147. On April 17, 2013, the complaints and grievances committee wrote to Chancellor Shields an addendum to the Burton-Caywood Grievance, regarding its concerns about Dr. Gibson’s “egregious” actions of October 10, 2012. (Hawks Decl. ¶6(o), Ex. 32, Dkt. No. 53-32)

148. The committee was concerned about Dr. Gibson’s use of his poor judgment using his personal number on the note, as that had no relevance to the alleged purpose. (Hawks Decl. ¶6(p), Ex. 33, Dkt. No. 53-33 at 1)

149. The committee was also concerned that Dr. Gibson’s email to the class on the day following the note failed to debrief his class about the nature of the experiment. (Hawks Decl. ¶6(p), Ex. 33, Dkt. No. 53-33 at 1)

150. The committee was concerned that Dr. Gibson’s “beyond reprehensible” email rang hollow, and “effectively ‘outed’” the young woman who complained about having received his note in class. (Hawks Decl. ¶6(p), Ex. 33, Dkt. No. 53-33 at 1)

151. The committee was concerned that Dr. Gibson's email was a version of "slut-shaming," and suggested that the young woman who received his note was "too stupid" and "over-reactive" and that Dr. Gibson "lacks even a fundamental understanding of structural sexism." (Hawks Decl. ¶6(p), Ex. 33, Dkt. No. 53-33 at 1)

152. After the fact, having learned the appropriate response, Dr. Caywood admits that Dr. Burton acted correctly in how she handled the student's complaint. (Caywood Dep., Dkt. No. 40, 50:25-51:2)

153. However, Dr. Caywood never let go of his anger that Dr. Burton had reported the student complaint outside of the Department and he kept bringing it up. (Burton Dep., Dkt. No. 38, 228:21-229:5)

154. After the student complaint, Dr. Caywood's tone and interactions with Dr. Burton changed considerably and he did not want to talk to Dr. Burton, which is how he handles conflicts with female colleagues. (Burton Dep., Dkt. No. 38, 148:5-149:6, 260:25-261:1, 264:3-7)

155. After the student complaint, Dr. Caywood was unsupportive of Dr. Burton, including her recruitment of students and her public relations efforts on behalf of the Department, having failed to respond to Dr. Burton's notice to him, on October 16, of television coverage of Dr. Burton that later resulted in Dean Throop admonishing Dr. Burton because Dean Throop had not known of the University's publicity. (Burton Dep., Dkt. No. 38, 230:17-25; Burton Decl. ¶18, Ex. 12, Dkt. No. 54-12)

156. On January 23, 2013, an AT&T representative contacted Dr. Burton days before the formal check presentation and asked her to review an AT&T draft press release, which they needed revised the next day. (Burton Dep., Dkt. No. 38, 247:4-18)

157. Dr. Burton had a class to prepare for, so she made a few minor changes, took the draft to Dr. Caywood the next morning before her class, and replied to the AT&T representative with her changes to the draft, copying Dean Throop and Dr. Caywood on the email. (Burton Dep., Dkt. No. 38, 247:17-249:4; Hawks Decl. ¶5(a), Ex. 16, Dkt. No. 53-16)

158. On receipt of the draft press release, on January 24, 2013, Dean Throop responded by email to Dr. Burton, Dr. Caywood and the AT&T representative, stating:

All,

This press release concerns me deeply. There are a number of highly inaccurate – indeed, misleading – statements regarding the status of cyber-security curricula at the University of Wisconsin Platteville.

I am not confident that the ceremony being planned is wise given this.

(Hawks Decl. ¶5(a), Ex. 16, Dkt. No. 53-16)

159. Dr. Burton was shocked to read Dean Throop’s email and Dr. Burton felt that the remarks Dean Throop made were offensive and defamatory towards Dr. Burton. (Burton Dep., Dkt. No. 38, 249:5-250:4)

160. Similarly, hours later January 24, 2013, Dr. Caywood wrote to criticize Dr. Burton for language in the draft AT&T press release regarding the development of a cybersecurity program as “bordering on false claims,” stating that wasn’t he “aware the CJ Department approved a cyber security program or the development of one.” (Hawks Decl. ¶3(a), Ex. 4, Dkt. No. 53-4 at 1)

161. Dr. Caywood wrote in his January 24, 2013 message that Dr. Burton is wrong and erroneous to “advertis[e] in press releases and websites that the department and university are supportive of what you are doing,” and that the journal websites should not recite a proposal for

cybersecurity/homeland security program at UW-Platteville. (Hawks Decl. ¶3(a), Ex. 4, Dkt. No. 53-4 at 2)

162. Nobody had ever told Dr. Burton that in applying for the AT&T grant she had put the University and its reputation at risk because there was not a cybersecurity program in place. (Burton Dep., Dkt. No. 38, 229:15-20)

163. Nobody had ever told Dr. Burton that she had put the University and its reputation at risk because a cybersecurity program had yet to be approved. (Burton Dep., Dkt. No. 38, 229:21-230:5)

164. Dr. Caywood's abrupt withdrawal of support for development of the CJ cybercrime program caused Dean Throop to wrongly portray to AT&T and the University community that Dr. Burton had made mistakes and misrepresentations in acquiring the AT&T donation. (Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 11, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 8-9)

165. Dr. Throop's accusations of Dr. Burton's purported mistakes and misrepresentations damaged Dr. Burton's reputation with AT&T, thereby foreclosing additional donations from AT&T as it had planned. Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 9)

166. Dr. Throop's accusations of Dr. Burton's purported mistakes and misrepresentations damaged Dr. Burton's reputation with Wisconsin Rep. Tranel and precluded opportunities for Dr. Burton working with him in the future. (Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 8)

167. Dr. Throop's accusations of Dr. Burton's purported mistakes and misrepresentations and her withdrawal of support for development of the CJ cybersecurity

program caused Dean Throop to deny Dr. Burton the opportunity to be elected chair of the Department, and subjected Dr. Burton to retaliation by Dean Throop's appointed interim chair, Dr. Dalecki. (Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 10, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 9)

168. After the student complaint in 2012, Dr. Burton recorded certain meetings or conversations, when she remembered to have an audio recorder with her, because her worklife was aggravated by her discovery of contradictions in how others conducted the Department business. (Burton Dep., Dkt. No. 38, 194:6-19)

**Dr. Caywood's Sexism and His Discriminatory Treatment
of and Retaliation Against Dr. Burton**

169. In about September 2009, after Dr. Burton had begun work in the Department, Dr. Caywood told Dr. Burton that he had not renegotiated her salary in part because a woman's salary is secondary to that of a man's. (Burton Dep., Dkt. No. 38, 271:5-272:2)

170. Dr. Caywood told Dr. Burton that the reason a woman's salary is secondary is that men are the primary breadwinners. (Burton Dep., Dkt. No. 38, 272:4-9, 273:9-17; Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 6, Hawks Decl. ¶2(a), Ex. 1, Dkt. No. 53-1 at 7)

171. In April and May 2010, on concluding her investigation of departmental conflict, based in part on Dr. Cheryl Banachowski-Fuller's claims of harassment and discrimination by Dr. Caywood, then-Dean Mittie Nimocks instructed Dr. Caywood to arrange a mandatory workshop on conflict resolution, civility and team building, but Dr. Caywood never complied. (Hawks Decl. ¶3(d), Ex. 7, Dkt. No. 53-7; Caywood Dep., Dkt. No. 40, 95:1-97:3)

172. In spring 2010, fall 2010, spring 2011, fall 2011, spring 2012, and fall 2012, Dr. Caywood refused to approve Dr. Burton's requests to teach online graduate courses. (Burton Dep., Dkt. No. 39, 431:10-432:11; Hawks Decl. ¶6(a), Ex. 18, Dkt. No. 53-18)

173. Dr. Burton complained to then-dean Mittie Nimocks Den Herder, who investigated Dr. Fuller's complaint and a complaint by Dr. Amy Nemmetz of the sexist environment in the CJ Department, because Dr. Burton was negatively affected by Dr. Caywood's attitude towards Dr. Fuller following Dr. Fuller's complaint. (Burton Dep., Dkt. No. 39, 433:6-21)

174. In addition to Dr. Fuller, Dr. Amy Nemmetz, Deborah Rice, and Danelle Bemis complained about sex discrimination by Dr. Caywood. (Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 7, Hawks Decl. ¶2, Ex. 1, Dkt. No. 53-1 at 7)

175. Dr. Dalecki was concerned that Mr. Caywood and "his allies" would hinder the tenure progress of women in the Department. (Lohmann Dep., Dkt. No. 48, 16:22-17:13; Hawks Decl. ¶6(s), Ex. 36, Dkt. No. 53-36)

176. Dr. Caywood guaranteed that during the grant period Dr. Burton would not be called upon to serve in a faculty governance or service activity which conflicts with project work. (Hawks Decl. ¶10(a), Ex. 43, Dkt. No. 53-43)

177. Despite the award-based release from all teaching responsibilities and Dr. Caywood's guarantee of Dr. Burton's release from service activities and faculty governance activities, Dr. Caywood asked Dr. Burton to advise 60 students during the semester, which required her working a total of about 30-40 hours with the students. (Burton Dep., Dkt. No. 39, 411:23-412:22, 413:5-15; Hawks Decl. ¶10(a), Ex. 43, Dkt. No. 53-43)

178. Despite the award-based release from all teaching responsibilities and his guarantee of Dr. Burton's release from service activities and faculty governance activities, Dr. Caywood also assigned Dr. Burton to use her German contacts to build a study abroad program in Germany, which resulted in a two-week trip for thirteen CJ majors in the summer of 2013. (Burton Dep., Dkt. No. 38, 44:20-23, 45:18; Burton Dep. Dkt. No. 39, 414:13-415:20; Burton Decl. ¶7, Ex. 4, Dkt. No. 54-4; Deposition of Deborah Rice, Dkt. No. 49, Ex. 148 and 149, Hawks Decl. ¶¶9(a) & (b), Ex. 41 and 42, Dkt. Nos. 53-41 and 53-42; Hawks Decl. ¶10(a), Ex. 43. Dkt. No. 53-43)

179. In 2011 and on other occasions, when Dr. Burton requested two overload courses for the extra income, Dr. Caywood denied them on the ground that it would be "too much" for her to do. (Burton Dep., Dkt. No. 38, 160:24-162:8)

180. Dr. Caywood allowed Dr. Gibson, a man and a more junior faculty member to teach two overload courses, or 150%, for several semesters. (Burton Dep., Dkt. No. 38, 160:5-9, 162:9-163:15)

181. In early fall, 2012, on granting Dr. Gibson and Dr. Roberts two overload courses and again refusing Dr. Burton, Dr. Caywood reiterated to Dr. Burton that men are primary breadwinners for their families. (Burton Dep., Dkt. No. 38, 159:11-160:5, 273:23-274:12; Answers and Resps. of Pl. to Defs.' First Set of Disc., Answer to Interrog. No. 6, Hawks Decl. ¶2, Dkt. No. 53 at 7)

182. In September 2012, Dr. Caywood removed Dr. Burton as chair of a CJ faculty search and screen committee, her second search committee, and combined her committee with one chaired by Dr. Gibson. (Burton Dep., Dkt. No. 38, 275:25-276:8)

183. Dr. Burton told Dr. Caywood that she needed that committee chair position to build her Department Review Board (DRB) file to support her eligibility for tenure. (Burton Dep., Dkt. No. 38, 276:15-17)

184. Dr. Caywood told Dr. Burton that would get the next search and screen chair, and she would remain the “our token woman” on the combined committee led by Dr. Gibson. (Burton Dep., Dkt. No. 38, 275:14-18, 276:13-277:1)

185. Dr. Caywood also made distinctions between male and female academic staff members and generally assigned more student interns to men, along with the accompanying significant opportunity for additional income. (Burton Dep., Dkt. No. 38, 182:23-183:8, 183:19-184; Burton Dep., Dkt. No. 39, 407:7-408:11)

186. Dr. Caywood openly made statements to other faculty members about the abilities of women in general and their role as secondary breadwinners, and to faculty members and to students in the classroom that women do not belong in the criminal justice field. (Burton Dep., Dkt. No. 38, 163:7-20, 164:1-4; Dalecki Dep., Dkt. No. 41, 116:10-117:16; Lohmann Dep., Dkt. No. 48, 14:16-16:20; Hawks Decl. ¶6(s), Ex. 36 Dkt. No. 53-36)

187. Every summer since Dr. Gibson was hired, despite Dr. Burton’s repeated requests, her experience and her reliable performance, Dr. Caywood also awarded him, and not Dr. Burton, the opportunity to teach summer undergraduate online courses for additional income. (Burton Dep., Dkt. No. 38, 160:10-20, 169:13-170:13, 171:21-172:1, 173:23-174:25)

188. Dr. Caywood also assigned more student interns to male faculty members over female members of the Department. (Burton Dep., Dkt. No. 38, 182:12-183:6)

189. After the incident with the student complaint, Dr. Burton and Dr. Caywood had a strained relationship so she tried to avoid pushing topics with him that would further aggravate

the situation, such as her need also for the additional income opportunities he provided to Dr. Dalecki and Dr. Gibson. (Burton Dep., Dkt. No. 38, 167:9-16)

190. Dr. Caywood ignored or denigrated the excellent work of his female colleagues, specifically Dr. Fuller and Dr. Burton. (Throop Dep., Dkt. No. 42, 110:19-111:6)

Dr. Dalecki and Dean Throop's Retaliation

191. Prior to Dean Throop's appointment of Dr. Dalecki as interim chair in July, 2013, Dr. Dalecki taught in the social sciences department. (Throop Decl. ¶22-23, Dkt. No. 37; Throop Dep., Dkt. No. 42, 82:22-83:4)

192. Prior to August 2013, Dr. Dalecki had never taught a course offered by the CJ Department. (Defs.' Answer and Defenses to Pl.'s Second Am. Compl. (Answer), Dkt. No. 31, ¶100)

193. As of August 2013, Dr. Dalecki was not and is not now qualified to teach most courses offered by the CJ Department. (Answer, Dkt. No. 31, ¶101)

194. Dr. Dalecki's dissertation was about organic food and he specializes in rural sociology, which does not overlap with the CJ Department. (Burton Dep., Dkt. No. 39, 260:1-4; Dalecki Dep., No. 41, 114:11-12)

195. Because the CJ faculty was so small, outside faculty sat on the CJ DRB and Dr. Dalecki had been removed from the CJ DRB. (Burton Dep., Dkt. No. 39, 455:22-25)

196. Prior to Dean Throop's appointment of Dr. Dalecki as interim chair, Dr. Dalecki had refused to allow CJ students to enroll in his sociology courses and he made such negative and derogatory statements about CJ students that the CJ students complained about him to the CJ faculty. (Burton Dep., Dkt. No. 39, 455:19-21, 459:5-23)

197. Soon after Dean Throop appointed Dr. Dalecki as interim chair of the Department, Dr. Dalecki asked Dr. Burton repeatedly about the status of her EEOC charge and the lawsuit and tried to convince her that it would be in her best interest to withdraw them. (Burton Dep., Dkt. No. 39, 11:23, 451:16-25, 454:10-455:10)

198. After Dr. Dalecki became interim chair, Dr. Dalecki told Dr. Burton that her complaints were old news and that nobody cares about them or want to hear about them anymore and she should let it go. (Dalecki Dep., Dkt. No. 41, 21:12-21, 22:4-11)

199. After Dr. Dalecki became interim chair, Dr. Dalecki also told Dr. Burton that he knows about her issues with Dr. Caywood and Dean Throop and that Dr. Burton is wrong about Dean Throop. (Burton Dep., Dkt. No. 39, 452:7-10)

200. After Dr. Dalecki became interim chair, Dr. Dalecki asked Dr. Burton what she was going to do next with her grievance. (Burton Dep., Dkt. No. 39, 452:10-13)

201. After Dr. Dalecki became interim chair, Dr. Dalecki tried to convince Dr. Burton not to pursue her lawsuit because Dr. Caywood is gone, things are better now with him in charge and Dr. Burton will not get the remedy she wants. (Burton Dep., Dkt. No. 39, 453:4-13)

202. Dean Throop appointed Dr. Dalecki as interim CJ chair despite the fact that the Department had rejected his application to join the CJ faculty and he did not have a good relationship with the CJ faculty. (Burton Dep., Dkt. No. 39; 455:11-19, 459:24-460:1; Dalecki Dep., Dkt. No. 41, 6:13, 19-23)

203. Dean Throop appointed Dr. Dalecki as interim chair of the CJ Department to pressure Dr. Burton to withdraw her EEOC claim. (Burton Dep., Dkt. No. 39, 451:11-14, 452:23-453:1, 454:3-9)

204. At one of the first CJ faculty meetings after Dean Throop appointed Dr. Dalecki as interim CJ chair, Dr. Dalecki indicated that he would probably be a candidate for the permanent Department chair position. (Dalecki Dep., Dkt. No. 41, 93:11-23)

205. When Dean Throop attended Department meetings after she appointed Dr. Dalecki as interim chair, she made it well known that she did not like Dr. Gibson challenging Dr. Dalecki's appointment and seeking to become chair. (Burton Dep., Dkt. No. 39, 361:20-25)

206. In about March 2014, after Dr. Gibson's retention appeal was successful and the committee determined that he should be retained, Dr. Dalecki sought dirt on Dr. Gibson to support Dr. Gibson's ouster because Dr. Gibson had not supported Dr. Dalecki's appointment as Department chair and would not follow Dr. Dalecki's orders. (Burton Dep., Dkt. No. 39, 362:23-364:17)

207. On learning that Dr. Burton had first complained to the Chancellor and then filed a grievance against Dean Throop regarding Dr. Dalecki's appointment as interim CJ Chair, Dr. Dalecki called Dr. Burton into his office and chastised her for contacting the Chancellor about his appointment, and told her that he is a better choice for chair because he knows where the skeletons are buried. (Burton Dep., Dkt. No. 39, 473:14-474:1; Burton Decl. ¶22-23, Dkt. No. 56; Dalecki Dep., Dkt. No. 41, 20:3-18)

208. In that meeting, Dr. Dalecki told Dr. Burton that she is not chair material, because she has not served on the CRST, does not have support in the Department and does too much complaining. (Burton Decl. ¶23, Dkt. No. 54)

209. Dr. Dalecki also told Dr. Burton in that meeting that she cannot expect to file a lawsuit without suffering consequences. (Burton Decl. ¶23, Dkt. No. 54)

210. In March 2014, soon after the University granted Dr. Burton a salary inequity/inversion adjustment, Dr. Dalecki asked Dr. Burton whether her lawsuit was still on and Dr. Burton responded that she had no plans to drop her lawsuit because she had done nothing wrong in handling the student complaint and her damages were not addressed. (Burton Decl. ¶¶22-23, Dkt. No. 56)

211. That information annoyed Dr. Dalecki, and he told Dr. Burton she should “get over it,” since she was getting a pay raise and nothing good would come from a lawsuit. (Burton decl. ¶32, Dkt. No. 54)

212. Several days later, Dr. Fuller asked Dr. Burton about her intentions regarding her lawsuit and told Dr. Burton that she should not mess with administration and come across as “crazy” and “sue happy,” and that Dr. Burton would be dean material but not with a lawsuit. (Burton Decl. ¶33, Dkt. No. 54)

213. Dr. Fuller reminded Dr. Burton that she had handled her own sexual harassment complaint against Dr. Caywood without filing a grievance and it worked out well for her. (Burton Decl. ¶34, Dkt. No. 54)

214. Reserve.

215. By June, 2014, Dr. Burton was emotionally unable to continue her laborious plans for a visit by German students because Dr. Burton’s mother’s health was failing, Dr. Burton was told that she was near death, and Dr. Burton had to attend to her mother by coordinating with family and medical staff, requiring hours of attention daily before and during the visit of the German delegation. (Dkt. No. 37-15 at 032-033)

216. In 2014, Dr. Dalecki ordered Dr. Burton’s CJ colleagues not to talk to her in much the same way Dr. Dalecki had treated Dr. Gibson with a “gag order.” (Burton Dep., Dkt. No. 39,

476: 3-478:15; Pl's Answers to Defs' Second Set of Interrog., Interrog. No. 1, Hawks Decl. ¶7, Ex. 39, Dkt. No. 53-39)

217. In the fall 2014, after Ronald Jacobus started his CJ graduate studies, Dr. Dalecki told him that he should not align himself with Dr. Burton. (Burton Dep., Dkt. No. 39, 477: 17-20; Ronald Jacobus Decl. ¶¶28-29, Dkt. No. 52)

218. On March 27, 2015, Dr. Dalecki became irate and yelled at the Department secretary in the presence of Mr. Jacobus and other students after Dr. Dalecki learned that she had consulted Dr. Burton regarding the teaching schedule. (Burton Dep., Dkt. No. 39, 477:20-478:14; Jacobus Decl. ¶30, Dkt. No. 52)

219. Dr. Burton had chaired the search committee that hired Dr. Stackman and Dr. Burton was very helpful and supportive of Dr. Stackman. (Stackman Dep., Dkt. No. 47, 8:11-22)

220. Prior to Dr. Stackman's arrival in Platteville, she sought Dr. Burton's advice about which University committees Dr. Stackman should ask to serve on to best apply her expertise. (Stackman Dep., Dkt. No. 47, 10:1-13)

221. In early summer 2014, Dr. Stackman was newly moved to Platteville and her belongings had not arrived yet, Dr. Burton asked Dr. Stackman to house sit while Dr. Burton was away and Dr. Stackman said she would. (Stackman Dep., Dkt. No. 47, 13:11-14:12)

222. Dr. Stackman and her former colleagues often helped one another, including babysitting and house sitting, so Dr. Stackman did not think much about house sitting for Dr. Burton and she was not discomfited by the discussion with Dr. Burton. (Stackman Dep., Dkt. No. 47, 15:3-19, 17:20-25, 18:2-4, 36:16-37:3)

223. Dr. Stackman did not house sit for Dr. Burton because Dr. Dalecki cautioned Dr. Stackman about her potential liability if Dr. Burton's house caught fire or her horses got sick while Dr. Stackman was there. (Stackman Dep., Dkt. No. 47, 14:13-15:4, 18:4-8)

224. Dr. Dalecki also cautioned Dr. Stackman not to house sit because of the power dynamic, because Dr. Burton was tenured and would vote on Dr. Stackman's tenure progress. (Stackman Dep., Dkt. No. 47, 14:17-22)

225. Dr. Burton's attempts to resolve her grievances and requests for investigations were mishandled. (Burton Decl. ¶39, Dkt. No. 54)

226. On August 4, 2014, Dr. Dalecki denied Dr. Burton's request to teach an online course as part of her normal course load. (Dalecki Dep., Dkt. No. 41, 31:12-17, 54:16-18)

227. At Dr. Dalecki's request, Dr. Burton gave up a prestigious position on the CRST, after he promised her she would have other opportunities. (Hawks Decl. ¶6(t), Ex. 37, Dkt. No. 53-37 at 1)

228. In August, 2014, Dr. Dalecki also arbitrarily replaced himself as Dr. Stackman's mentor, although Dr. Burton needed that assignment to build her DRB file for promotion. (Hawks Decl. ¶6(t), Ex. 37, Dkt. No. 53-37)

229. On Aug. 29, 2014, Dr. Dalecki admits that he assigned Dr. Solar, a one-year faculty member, as chair of a search and screen committee to hire three new faculty members and denied Dr. Burton's request to be a member of that search committee. (Dalecki Dep., Dkt. No. 41, 33:14-35:7, 139:14-22)

230. On drafting and advertising a job description for the committee, Dr. Solar did not comply with faculty bylaws regarding recruitment. (Dalecki Dep., Dkt. No. 41, 142:22-143:18; Hawks Decl. ¶4(d), Ex. 14, Dkt. No. 53-14.

231. Dr. Dalecki subsequently refused Dr. Burton's request to chair a search committee for even one of the three new faculty members. (Dalecki Dep., Dkt. No. 41, 35:16-36:5)

232. In early October, 2015, Dr. Dalecki refused to meet with Dr. Burton regarding his unfair treatment of her and, specifically, his denial of her request to serve on the Department curriculum committee. (Burton Dep., Dkt. No. 39, 488:7-16; Burton Decl. ¶38, Dkt. No. 54)

233. Dr. Burton had excellent student evaluations regarding her teaching of the comparative criminal justice systems course in Spring 2014. (Dalecki Dep., Dkt. No. 41, 159:1-24; Dalecki Dep. Ex. 52, Hawks Decl. ¶4(e), Ex. 15, Dkt. No. 53-15; Kieckhafer Decl. Ex. A at 025, Dkt. No. 33-1)

234. Dr. Dalecki refused Dr. Burton's request to teach CJ3230, comparative criminal justice systems, in Spring 2015, and Dr. Dalecki assigned that course to Dana Cecil, who was academic staff. (Dalecki Dep., Dkt. No. 41, 158:8-16, 160:1-7; Caywood Dep., Dkt. No. 40, 132:10-11)

235. In November 2014, Dr. Dalecki attended a social event organized by the Department and attended by a graduate student, Ronald Jacobus, and Department faculty and academic staff. (Dalecki Dep., Dkt. No. 41, 40:5-20, 41:12-42:1; Jacobus Decl. ¶¶12-13, 16, Dkt. No. 52)

236. At the social event, Deborah Rice, academic staff in the CJ Department, told CJ colleagues, including Dr. Dalecki and Mr. Jacobus, that Dr. Burton has a mental illness. (Burton Dep., Dkt. No. 39, 143:24-144:4; Jacobus Decl. ¶¶12-14, 16, Dkt. No. 52; Lohmann Dep., Dkt. No. 48, 6:7-22; Hawks Decl. ¶8(a), Ex. 40, Dkt. No. 53-40)

237. At the same social event, the Provost, Dr. Mittie Nimocks Den Herder, told Mr. Jacobus, Dr. Dalecki and others that Dr. Burton was on a sinking ship by herself. (Burton Dep., Dkt. No. 39, 367:11-368:4; Jacobus Decl. ¶17, Dkt. No. 52; Lohmann Dep. Dkt. No. 48, 54:13-55:16)

238. Mr. Jacobus was surprised by Ms. Rice's and the Provost's statements about Dr. Burton and that Dr. Dalecki did not correct Ms. Rice or reprimand her for making them and he reported Ms. Rice's and the Provost's statements to Dr. Burton, with whom he had worked as an undergraduate assistant and who was his unofficial mentor. (Jacobus Decl., ¶¶2-4, 7-9, 18-19, Dkt. No. 52)

239. On learning that Mr. Jacobus had told Dr. Burton about the statements made about her, Dr. Dalecki met privately with Mr. Jacobus to give him some advice and Mr. Jacobus recorded the meeting. (Dalecki Dep., Dkt. No. 41, 43:19-23, 71:16-24, 77:13-15; Jacobus Decl. ¶¶20-23, Dkt. No. 52; Hawks Decl. ¶4(a), Ex. 11, Dkt. No. 53-11)

240. Mr. Jacobus recorded the meeting with Dr. Dalecki, and the partial transcript of the recording accurately records their conversation. (Jacobus Decl. ¶22-23, Dkt. No. 52; Hawks Decl. ¶4(a), Ex. 11, Dkt. No. 53-11)

241. Dr. Dalecki warned Mr. Jacobus that he should be very careful about passing information on to others and counseled him that there would be ramifications for what he does or consequences of his behavior. (Dalecki Dep., Dkt. No. 41, 44:11-14, 73:24-2; Answer, Dkt. No. 31, ¶169; Jacobus Decl. ¶¶24, 27, Dkt. No. 52; Hawks Decl. ¶4(a), Ex. 11, Dkt. No. 53-11)

242. Dr. Dalecki told Mr. Jacobus that he recalled a time, when he was a master's student, when someone gave him a chance rather than cut him off at the knees and let him "crawl

away bleeding.” (Dalecki Dep., Dkt. No. 41, 44:21-45:7; Jacobus Decl. ¶¶26, Dkt. No. 52; Hawks Decl. ¶4(a), Ex. 11, Dkt. No. 53-11)

243. Dr. Dalecki told Mr. Jacobus that, if his loyalty is unabashedly to Dr. Burton, that’s not likely to end well for Mr. Jacobus. (Dalecki Dep., Dkt. No. 41, 70:4-24; Jacobus Decl. ¶¶27-29, Dkt. No. 52; Hawks Decl. ¶4(a), Ex. 11, Dkt. No. 53-11)

244. Dr. Dalecki warned Mr. Jacobus that he should think broadly about the department, the University and his career, and what might be the outcome of his behavior. (Dalecki Dep., Dkt. No. 41, 70:7-13; Jacobus Decl. ¶¶24, 226-29, Dkt. No. 52; Hawks Decl. ¶4(a), Ex. 11, Dkt. No. 53-11)

245. On December 16, 2014, Dean Throop notified Dr. Burton in writing that she was in violation of the University’s employee handbook and that Dean Throop “will be forced to pursue disciplinary measures” against Dr. Burton because Dr. Burton cancelled a class on December 12, 2014, without notice to Dr. Dalecki and without Dr. Dalecki’s approval. (Bensky Decl. Ex. AAAA at 002, Dkt. No. 43-3)

246. Before Dean Throop admonished had Dr. Burton in writing and announced that she would discipline her, Dean Throop did not seek to verify with Dr. Burton or with Dr. Dalecki whether Dr. Burton had cancelled her class. (Throop Dep., Dkt. No. 42, 15:22-16:2; Burton Dep., Dkt. No. 39, 365:15-21; Rice Dep., Dkt. No. 49, 17:8-18)

247. Dr. Dalecki told Dean Throop that a CJ staff member informed him that Dr. Burton had cancelled the class. (Throop Dep., Dkt. No. 42, 15:11-13; Dalecki Dep., Dkt. No. 41, 105:8-106:7)

248. Ms. Rice told Dalecki that two students told her that Dr. Burton was going to Germany on Friday. (Rice Dep., Dkt. No. 49, 15:16-21, 17:19-18:2, 20:13-22)

249. Dr. Burton did attend the staff meeting the following week, and she has a perfect class attendance record, even meeting classes when she is sick, making arrangements for a class if attends a conference, and is in attendance during finals week. (Burton Dep., Dkt. No. 39, 366:2-4, 21-25; Rice Dep., Dkt. No. 49, 17:25-18:4)

250. The University Director of Graduate Studies and Academic Projects investigated a complaint by Dr. Burton and reported to the Chancellor, on April 8, 2015, that Dean Throop incorrectly admonished Dr. Burton for having cancelled her classes on December 12, 2014. (Dalecki Dep. Ex. 40, Hawks Decl. ¶4(b), Ex. 12, Dkt. No. 53-12)

251. Dr. Burton believed that Dean Throop was going to fire her because, on about June 25, 2014, Dr. Fuller told Dr. Burton that Dean Throop and Dr. Dalecki were talking about ways to terminate Dr. Burton's employment. (Burton Dep., Dkt. No. 39, 357:15-258:1)

252. Dr. Burton was stressed at Dr. Fuller's revelation to her that Dean Throop and Dr. Dalecki discussed her termination and she wrote to Dr. Fuller that she does not feel safe and is being treated for severe tension headaches, which will impede her driving to supervise interns off campus. (Hawks Decl. ¶6(s), Ex. 36, Dkt. No. 53-36)

253. On responding to Dr. Burton's email, Dr. Fuller did not disavow or correct the information conveyed by Dr. Burton that Dean Throop and Dr. Dalecki had discussed her termination. (Hawks Decl. ¶6(s), Ex. 36, Dkt. No. 53-36)

254. Dean Throop's issuance of a letter of direction to Dr. Burton, based on false accusation and without giving Dr. Burton an opportunity to respond, showed to Dr. Burton the Dean's intention to fire her. (Burton Dep., Dkt. No. 39, 358:4-13)

255. The letter of direction to a faculty member is a warning regarding expectations of employment, reciting circumstances alleged, but not proven, by the author. (Lohmann Dep., Dkt. No. 48, 44:21-22, 45:12-25)

256. The letter of direction is a significant event for the Dean to allege that a faculty member has displayed unprofessional conduct with her colleagues. (Lohmann Dep., Dkt. No. 48, 46:14-24)

257. Dr. Stackman never complained to Dr. Dalecki that Dr. Burton had asked her to housesit, having possibly only mentioned it inadvertently. (Stackman Dep., Dkt. No. 47, ¶37:13-22)

258. Tenure doesn't pose a problem to Dean Throop, who can get a tenured professor fired for insubordination. (Burton Dep., Dkt. No. 39, 359:6-19)

259. Despite a lengthy appeals process available for professors to challenge their discharge, a professor can be caused to be removed by creating a hostile environment, refusing requests for certain assignments, marking the professor down in evaluations and by refusing additional salary opportunities. (Burton Dep., Dkt. No. 39, 359:20-360:9)

260. On January 15, 2015, Dean Throop filed with the Chancellor a complaint requesting a formal letter of reprimand against Dr. Burton, pursuant to Wis. Admin. Code § UWS Ch. 6 (Dkt. No. 37-15), which could result in the dismissal of the complaint, referral to a faculty committee, or the invocation of discipline, from a reprimand to dismissal. (Throop Dep., Dkt. No. 42, 68:13-69:15)

261. On September 25, 2015, Dr. Burton submitted to Chancellor Shields and Dr. Barraclough a response to Dean Throop's complaint of January 5, 2015. (Burton Decl. ¶28, Ex. 11, Dkt. No. 54-11)

262. Dr. Caywood believes that Dr. Burton has not acted contrary to policy or bylaws of UW-Platteville during her tenure at UW-Platteville. (Caywood Dep., Dkt. No. 40, 51:3-9)

263. On July 2, 2014, Dr. Burton wrote to Dr. Fuller about Dr. Fuller's "revelation" to Dr. Burton that Dean Throop and Dr. Dalecki discussed Dr. Burton's termination, and on responding, Dr. Fuller did not deny the truth of that information and that she conveyed it to Dr. Burton, in fact she forwarded a copy of the message to Dr. Dalecki. (Hawks Decl. ¶¶6(r), Ex. 35, Dkt. No. 53-35)

264. By the fall and winter of 2014-15, Dr. Burton feared for her job because of the actions of Dr. Dalecki, including his gag order to colleagues. (Burton Dep., Dkt. No. 39, 477:3-478:14; Jacobus Decl. ¶¶30-31, Dkt. No. 52)

265. By the fall and winter of 2014-15, Dr. Burton feared for her job because of the actions of Dean Throop, including the letter of direction of October 28, 2014 (Dkt. No. 35-15 at 4-6), the charge dated December 16, 2014, that Dr. Burton had cancelled a class (Dkt. No. 43-3 at 2), and the §UWS Ch. 6 complaint of January 5, 2015 (Dkt. No. 35-15 at 1-3). (Burton Decl. ¶¶24-25, Dkt. No. 54)

266. Dr. Burton suffered such severe physical symptoms because of her workplace stress that her physician determined that it was necessary for Dr. Burton to take a leave of absence from work for the spring semester, beginning in January 2015. (Burton Decl. ¶¶26-27, Dkt. No. 54; Barse Decl. ¶¶4-9, Dkt. No. 50)

267. Dr. Burton relations with the current Department chair, Dr. Strobl, and Dr. Burton's colleagues is collegial and without disruption. (Throop Dep. 118, 122; Stackman Dep., Dkt. No. 47, 21:6-21)

268. After Dean Throop appointed Dr. Dalecki as interim chair on July 10, 2013, she supported Dr. Dalecki for the position of permanent CJ chair. (Burton Decl. ¶¶29-30, Dkt. No. 54)

269. Dean Throop continued to support Dr. Dalecki for the permanent chair and unilaterally changed the criteria for the CJ chair announcement, which the Department had drafted, to benefit Dr. Dalecki, because the Department's position description contained minimum qualifications that Dr. Dalecki did not possess. (Burton Decl. ¶¶29-31, Dkt. No. 54)

270. In her January 2015 Ch. UWS 6 complaint against Dr. Burton, Dean Throop threatened discipline on a baseless accusation that Dr. Burton had cancelled classes on December 12, 2014, without first notifying Dr. Dalecki and obtaining his permission. (Burton Decl. ¶28, Ex. 28 at 5-6, Dkt. No. 54-11)

271. Dean Throop sharply admonished Dr. Burton and threatened to discipline Dr. Burton for a class *not* on the basis of a rumor that Dean Throop had not substantiated. (Burton Decl. ¶28, Ex. 28 at 5-6, Dkt. No. 54-11)

272. Dean Throop's threatened discipline of Dr. Burton for a class *not* missed was an example of the very tenet that formed the basis of much of Dean Throop's criticisms of Dr. Burton: that she had not "kept it local" by talking face-to-face with a colleague to work out any differences. (Burton Decl. ¶28, Ex. 28 at 5-6, Dkt. No. 54-11)

273. On November 17, 2012, following Dr. Caywood's admonition at a Department faculty meeting the previous day that he should be notified first of a student complaint before a harmless matter is taken all the way to the provost, Dr. Burton notified Provost Den Herder that Dr. Caywood was retaliating against her because of my assistance to the student who was harassed by Dr. Gibson. (Burton Decl. ¶35, Ex. 14, Dkt. No. 54-14)

274. On October 3, 2012, Dr. Burton also met again with the group preparing the NSF proposal resubmission, as they had an October 8, 2012 deadline, and Dr. Burton asked Kathy Lomax, at the UW-Platteville Foundation, to review the AT&T proposal. (Burton Decl. ¶36, & Ex. 15, Dkt. Nos. 54 & 54-15)

275. On October 10, 2012, the group continued efforts to meet the short deadline for NSF proposal resubmission, but because Dean Throop would be unavailable to review the proposal and draft budget, Dr. Caywood advised Dr. Burton and Mr. Roberts to wait until the December deadline, writing: “No need to rush this to get it to the dean by tomorrow if we are not going to do it correctly. I’m sure she wants some time to look everything over before she signs. If there is another cycle in December then that should give us time to get everything ready and to the dean early enough for her satisfaction.” (Burton Decl. ¶37, Ex. 16, Dkt. Nos. 54 & 54-16)

276. On the January 2015 DRB evaluations, Dr. Burton received a lower peer evaluation than she had before, with Dr. Caywood as a member of the committee. (Dalecki Decl. ¶26, Dkt. No. 34)

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