

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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DR. SABINA BURTON,  
Plaintiff,

v.

Case No. 14-CV-274

BOARD OF REGENTS UNIVERSITY OF  
WISCONSIN, et al.,  
Defendants.

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**DECLARATION OF TIMOTHY E. HAWKS**

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Pursuant to 28 U.S.C. § 1746, Timothy E. Hawks declares, as follows:

1. I am an attorney representing the Plaintiff in the above-named matter and I make this declaration based on personal knowledge to authenticate the attached documents.

2. On July 23 and 24 and October 22, 2015, I attended the deposition of Plaintiff.

True and correct copies of the following exhibits from her deposition are attached and marked as follows:

a) Ex. 2, Answers and Responses of Plaintiff to Defendants' First Set of Discovery, served on June 18, 2015, is attached as Ex. 1, Dkt. No. 53-1.

b) Ex. 17, UW-Platteville Memorandum of Agreement for Online Course Development, is attached as Ex. 2, Dkt. No. 53-2.

c) Ex. 19, Letter to Dr. Burton from UW System Institute on Race and Ethnicity, regarding FDRA-04 Working Profiles of Domestic Terrorists, dated June 13, 2011, is attached as Ex. 3, Dkt. No. 53-3.

3. On August 21, 2015, I attended the deposition of Dr. Thomas Caywood. True and correct copies of the following exhibits from his deposition are attached and marked as follows:

a) Ex. 6, email from Dr. Caywood to Dr. Burton, dated January 24, 2013, is attached as Ex. 4, Dkt. No. 53-4.

b) Ex. 9, email exchange between Dr. Caywood and E. Jeanne Durr, dated October 17, 2012, regarding faculty issue is attached as Ex. 5, Dkt. No. 53-5.

c) Ex. 18, Memorandum from Dr. Caywood, dated October 16, 2012, is attached as Ex. 6, Dkt. No. 53-6.

d) Ex. 23, Memorandum from Dean Mittie Nimocks to the faculty and academic staff of the CJ Department, regarding departmental conflict, dated April 26, 2010, is attached as Dkt. No. Ex. 7, Dkt. No. 53-7.

e) Ex. 24, email from Dr. Burton to Dr. Caywood, dated Sept. 12, 2012, forwarding emails between Dr. Burton and James F. Jermain, AT&T, dated Sept. 11-12, 2012, is attached as Ex. 8, Dkt. No. 53-8.

f) Ex. 27, email from Dr. Caywood to Dr. Burton regarding cyber crimes, dated November 19, 2012, and Dr. Burton's related email exchange with Dean Throop, of the same date, forwarding to her Dr. Caywood's email, is attached as Ex. 9, Dkt. No. 53-9.

g) Ex. 30, Final Report, Program Review of UW-Platteville Bachelor of Science in Criminal Justice, Bachelor of Science in Forensic Investigation, prepared by Dr. Stan Stojkovic, dated May 10, 2014, is attached as Ex. 10, Dkt. No. 53-10.

4. On October 7, 2014, I attended the deposition of Dr. Michael Dalecki. True and correct copies of the following exhibits from his deposition are attached and marked as follows:

a) Ex. 32, partial transcript, Dr. Dalecki-Mr. Jacobus meeting, is attached as Ex. 11, Dkt. No. 53-11.

b) Ex. 40, Memorandum from Dominic Barraclough to Chancellor Shields, dated April 8, 2015, is attached as Ex. 12, Dkt. No. 53-12.

c) Ex. 47, emails between Dr. Dalecki and Dr. Burton regarding meeting, dated October 2 and 8, 2014, is attached as Ex. 13, Dkt. No. 53-13.

d) Ex. 48, emails between Dr. Solar, Dr. Burton, Dr. Dalecki, Mr. Lohmann, regarding CJ search violation, dated October 16, 2014, is attached as Ex. 14, Dkt. No. 53-14.

e) Ex. 52, student evaluation report Dr. Burton, CJ 3230, comparative criminal justice systems, Spring 2014, is attached as Ex. 15, Dkt. No. 53-15.

5. On October 28, 2015, I attended the deposition of Dr. Elizabeth Throop. True and correct copies of the following exhibit from her deposition is attached and marked as follows:

a) Ex. 62, email chain regarding press release & agenda, dated January 23-24, 2013 is attached as Ex. 16, Dkt. No. 53-15.

b) Ex. 99, December 13, 2013, letter to Chancellor Shields from Shane Drefcinski, complaints and grievances commission, is attached as Ex. 17, Dkt. No. 53-17.

c) Ex. 78, Complaint against Dr. Burton, pursuant to UWS §6.01, dated January 5, 2015, is attached as Ex. 56, Dkt. No. 53-56.

6. A true and correct copy of the following documents produced by the Defendants during the course of this litigation, the relevant portions of which constitute admissions by a party opponent, are marked as follows:

a) November 15 and 16, 2010, emails regarding blue form for Sabina Burton for CJ 7920, between Dr. Cheryl Fuller and Dr. Burton are attached as Ex. 18, Ex. Dkt. No. 53-18.

b) March 28, 2012 email from Michael P. Gay, Director, UW-Platteville Center for New Ventures to Edward F. Wall, Wisconsin Department of Justice, copy to Dr. Caywood, Dr. Burton and others, Re: In response to your site visit to UW-Platteville, with 3 page attachment is attached as Ex. 19, Dkt. No. 53-19.

c) April 9 and 10, 2012 emails from Dr. Caywood to Dr. Burton and others regarding establishment of a work group folder for cyber security activity are attached as Ex. 20, Dkt. No. 53-20.

d) 2012 Midwestern Criminal Justice Association annual meeting (partial) schedule, Sept. 29, 2012, and abstract of presentation by Dr. Burton, with email from Dr. Burton to Dr. Caywood and Professor Lomax is attached at Ex. 21, Dkt. No. 53-21.

e) October 8, 2012 email from Dr. Burton to Dr. Caywood regarding journal is attached as Ex. 22, Dkt. No. 53-22.

f) October 10, 2012 emails between Dean Throop and Dr. Burton regarding proposal is attached as Ex. 23, Dkt. No. 53-23.

g) October 11, 2012 email exchange regarding note and IRB concern, between Dr. Caywood, Dr. Burton, Dean Throop, Director of Human Resources E. Jeanne Durr, and Provost Mittie N. Den Herder is attached as Ex. 24, Dkt. No. 53-24. (notations in original)

h) October 11, 2012 email exchanges regarding note between Dr. Burton, Dr. Caywood, and Alexandra Zupec are attached as Ex. 25, Dkt. No. 53-25.

i) October 11, 2012 email exchange between Dr. Burton and Dean Throop regarding Lorne is attached as Ex. 26, Dkt. No. 53-26.

j) October 11 and 12, 2012, email exchange between Dr. Caywood and Dr. Burton regarding Lorne is attached as Ex. 27, Dkt. No. 53-27.

k) October 12, 2012 email from Dr. Burton to Alexandra Zupec regarding follow up is attached as Ex. 28, Dkt. No. 53-28.

l) October 17, 2012 email exchange between Dr. Burton and Dr. Caywood, copy to Dean Throop, regarding research methods is attached as Ex. 29, Dkt. No. 53-29.

m) October 17, 2012 email exchange regarding faculty issue, between UW-Platteville Director of Human Resources E. Jeanne Durr, Dr. Caywood, Provost Mittie N. Den Herder, and Dean Throop is attached as Ex. 30, Dkt. No. 53-30.

n) November 19, 2012 email exchange between Dr. Burton and Dr. Caywood, following up his email regarding cyber crimes is attached as Ex. 31, Dkt. No. 53-31.

o) April 17, 2013, memorandum from complaints and grievances committee to Chancellor Shields regarding addendum to the Burton-Caywood Grievance is attached as Ex. 32, Dkt. No. 53-32.

p) November 6, 2013 email from Dr. Burton to Shane Drefcinski filing Dr. Burton's grievance against Dean Throop is attached as Ex. 33, Dkt. No. 53-33.

q) December 13, 2013, letter to Chancellor Shields from Shane Drefcinski, complaints and grievances commission, is attached as Ex. 34, Dkt. No. 53-34.

r) July 2, 2014 email exchange between Dr. Banachowski Fuller and Dr. Burton, copying Dr. Dalecki, is attached as Ex. 35, Dkt. No. 53-35.

s) Notes of John Lohmann, dated December 11, 2013, is attached as Ex. 36, Dkt. No. 53-36.

t) Emails between Dr. Burton and Dr. Dalecki regarding mentoring Valerie Stackman, dated August 7-8, 2014, are attached as Ex. 37, Dkt. No. 53-37.

u) Memorandum from Dean Throop to Povost Den Herder regarding Sabina Burton, dated March 13, 2014, is attached as Ex. 38, Dkt. No. 53-38. (notation in original).

v) UW-Platteville memorandum of agreement for online course development, CJ7430 Cyber-Crime, is attached as Ex. 39, Dkt. No. 53-39.

w) Notes on meeting among LAE Dean Throop, CJ Chair Caywood, and Provost Den Herder, dated July 8, 2013, is attached as Ex. 55, Dkt. No. 53-55.

7. Ex. 39, Dkt. No. 53-39, is a true and correct copy of Answers of Plaintiff to Defendants' Second Set of Interrogatories, served on Defendants.

8. On November 17, 2015, I attended the deposition of John Lohmann. True and correct copies of the following exhibits from his deposition are attached and marked as follows

a) Ex. 145, email exchange between Dr. Burton and Mr. Lohmann, December 10, 2014, is attached as Ex. 40, Dkt. No. 53-40.

9. On November 17, 2015, I attended the deposition of Deborah Rice. True and correct copies of the following exhibits from her deposition are attached and marked as follows:

a) Ex. 148, emails between Laurie Hamer, Dr. Burton and Ms. Rice regarding press release, dated Aug. 26-28, 2013, is attached as Ex. 41, Dkt. No. 53-41.

b) Ex. 149, press release UW-Platteville students learn about German criminal justice system and culture during study abroad experience in Brandenburg, Germany, is attached as Ex. 42, Dkt. No. 53-42.

10. On June 17, 2015, Plaintiff produced true and correct copies of the following documents in response to Defendants' first set of discovery requests:

a) Letter of Dr. Caywood to University of Wisconsin System Institute on Race and Ethnicity, Ref: Letter of Guarantee for Grant Application for Dr. Sabina Burton, dated April 1, 2011, identified as Bates # SB000356, is attached as Ex. 43, Dkt. No. 53-43.

b) Emails from Dr. Burton to Dr. Caywood and Dean Throop regarding a proposal for a cyber security program, with attached "A Proposal for a Cyber-Security/Homeland Security Program at UW-Platteville, identified as Bates # SB000856-SB000862, dated are attached as Ex. 44, Dkt. No. 53-44.

c) Minutes of the Criminal Justice Department meeting November 15, 2012, identified as Bates # SB000827-SB000830, is attached as Ex. 45, Dkt. No. 53-45.

d) Pre-proposal feedback from Applied Research-WiSys Technology Advancement Grant Pre-proposal Feedback, with pre-proposal form and attachment Cyber-Security, identified as Bates # SB000875-SB000878, is attached as Ex. 46, Dkt. No. 53-46.

e) Emails between Dr. Cheryl Banachowski-Fuller and Dr. Burton regarding Spring 2015 cyber-crime, dated July 15-16, 2014, identified as Bates # SB001375-SB001376, are attached as Ex. 47, Dkt. No. 53-47.

f) Email from Dr. Burton to Dr. Caywood regarding meeting with Liz Throop, dated November 14, 2012, identified as Bates # SB00870, is attached as Ex. 48, Dkt. No. 53-48.

g) NSF transmittal, with attachments, for project Institutionalizing Cyber Education, dated April 20, 2012, identified as Bates #SB001217-SB001240, is attached as Ex. 49, Dkt. No. 53-49.

h) Email from Dr. Burton to Mr. Roberts, regarding Cyber-security program at UW-Platteville, with attached proposal, identified as Bates #SB000879-SB000881), dated January 15, 2013, is attached as Ex. 50, Dkt. No. 53-50.

i) Emails between Dr. Burton and Dean Throop, regarding request to chair search & screen, dated December 10-11, 2012, identified as Bates #SB000003-SB000005), is attached as Ex. 57, Dkt. No. 53-57.

11. Attached as Ex. 51, Dkt. No. 53-51 is a true and correct copy of the July 21, 2015 email transmittal, by my assistant, to the EEOC of the supplement to Plaintiff's Charge No. 443-2015-00090C, dated July 21, 2015.

12. Attached as Ex. 52, Dkt. No. 53-52 is a true and correct copy of my letter to the EEOC, dated July 27, 2015, requesting a notice of right to sue in Plaintiff's Charge No. 443-2015-00090C.

13. Attached to this declaration are true and correct copies of the following unreported decisions cited in Plaintiff's brief:

a) *Laird v. Cragin Federal Bank*, No. 92-C-8441, 1994 WL 13662, at \*6 (N.D. Ill Jan. 18, 1994), Ex. 53, Dkt. No. 53-53.

b) *Yasiri v. Board of Regents*, No. 99-C-0051, 2000 WL 34230253 (W.D. Wis. Jan. 28, 2000), Ex. 54, Dkt. No. 53-54.

14. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 1, 2015

s/Timothy E. Hawks  
Timothy E. Hawks