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RE: FW: Sabina Burton v. UWP

From: **Mary Kennelly** (mkennelly@foxquick.com)
Sent: Wed 8/20/14 6:56 PM
To: Roger Burton (rogerburton@plattevillerealestate.net)
Cc: Sabina Burton (sabinaburton@live.com)

I will see you at 1 pm on Saturday then. I agree that the mediation is not likely to resolve any issues at this point. By complaint I was referring to the ERD/EEOC process. We can discuss where to go from here on Saturday. Thanks.

From: Roger Burton <rogerburton@plattevillerealestate.net>
Sent: Wednesday, August 20, 2014 8:14 PM
To: Mary Kennelly
Cc: Sabina Burton
Subject: Re: FW: Sabina Burton v. UWP

Mary,

Sabina and I believe that the chance of mediation coming to satisfactory resolution is at or near zero. We had hoped that you might be able to effect some relief by bringing the issue to higher authority. Sabina wants to do something to get Dalecki to stop discriminating against and harassing her. When you say "file another discrimination complaint" we hope you mean a complaint with ERD/EEOC rather than another UWP Grievance. We have lost faith in the grievance process since the Chancellor has overridden the findings of two grievance committees and an appeals committee. That process just wastes time and nothing would change.

The mediation hearing is now scheduled for:

Time: Tuesday, August 26, 2014 4:00 PM - 5:30 PM
GMT -06:00 US/Canada Central
Location: 2510 Ullsvik (Chancellor's Conference Rm)

We have some things scheduled for Friday that would make meeting you difficult. We could drive up to Madison to meet with you on Saturday, Aug 23 at 1 pm. We are flexible that day so we could also meet a bit later if that is more convenient for you.

Thank you,

Roger

On 8/20/2014 5:06 PM, Mary Kennelly wrote:

Roger—

Here is the most recent communication from Anne Bensky. I had not told her that the Friday meeting needed to be rescheduled because of Sabina. So I'm not sure where that came from. Hopefully, we will get this set up for next Tuesday or Wednesday.

Trying to work through this with the University may not be very fruitful (i.e. there may be no changes regarding the mentoring or class assignments) and you will need to decide whether to file another discrimination complaint regarding these recent events. You have no legal rights per se working through these mediations. It was the process that had been started before I was involved and does make sense to continue it if there is a chance to effect a resolution. It may also help to keep lines of communication open. However, we have no authority to compel a particular result.

I would very much like to meet with both of you to discuss what your expectations are. Of course, I realize that you would like the work environment to change. Nonetheless, there are limits to what the legal process can accomplish in these settings. We need to talk about what can and cannot be accomplished from a legal standpoint. Please let me know when you can meet.

FYI: The attorney, Anne Bensky, said UWP would not allow the meeting to be tape recorded. So I am not sure if that makes a difference to you. Let me know. Thanks.

From: Mary Kennelly
Sent: Wednesday, August 20, 2014 4:28 PM
To: 'Bensky, Anne M.'
Subject: RE: Sabina Burton v. UWP

Thanks for getting back to me. We did want to reschedule it for next week--Tuesday or Wednesday would work well. For clarification I did not ask to reschedule the Friday meeting for any reason having to do with Dr. Burton. Rather it was my schedule that necessitated the change. You had also indicated that you would want to attend a meeting if I did and so, I was trying to coordinate it with you. Thank you.

Mary E. Kennelly

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From: Bensky, Anne M. [<mailto:benskyam@doj.state.wi.us>]

Sent: Wednesday, August 20, 2014 4:24 PM

To: Mary Kennelly
Subject: RE: Sabina Burton v. UWP

Dear Mary,

At your request, I have asked for the Friday mediation be postponed due to Dr. Burton's illness. I have not been able to directly connect with Jennifer deCoste but will suggest to her that Dr. Burton reschedule the mediation at her convenience when she is well enough to attend.

I appreciate you reaching out to me prior to this meeting and agree your presence, without DOJ's participation, would create an ex parte communication issue given the current lawsuit. Should Dr. Burton elect to reschedule the mediation for next week, I can make myself available.

I will confirm cancellation of the meeting when I receive it.

Sincerely,

Anne M. Bensky
Assistant Attorney General

Wisconsin Department of Justice

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From: Mary Kennelly [<mailto:mkennelly@foxquick.com>]
Sent: Tuesday, August 19, 2014 12:41 PM
To: Bensky, Anne M.
Subject: Sabina Burton v. UWP

Hello Anne:

This is a follow up to my phone call yesterday regarding the mediation/meeting that is set for this Friday. We would like to try to reschedule that to the following week –all days are good except Monday 8/25. I will be attending the meeting. In the interim I would ask that the issues to be addressed i.e. the mentorship of Valerie Stackman and teaching assignments be placed on hold and that no final decision be made on those issues until we have had an opportunity to meet. I thank you for your consideration.

Mary E. Kennelly

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