



UNIVERSITY OF WISCONSIN
PLATTEVILLE

HUMAN RESOURCES AND
PAYROLL OFFICE

April 28, 2015
Via U.S. Mail & Email

Sabina Burton, Ph.D.
5768 MAPLE GLEN LN
PLATTEVILLE, WI 53818-9634

Re: Request for accommodations

Dear Dr. Burton,

I received your request for disability accommodations and supporting materials from Dr. Bearse. I have written to Dr. Bearse requesting additional information your requests. I am including herewith a copy of that letter.

I also wanted to share with you my preliminary thoughts on your requests and ask you to respond to them with any additional information or discussion that you think would be helpful to us as I make my decision(s).

Regarding your request to work at home for the rest of the spring and the summer semester, I believe we will be able to grant that request. You would likely be assigned to work on your own research to finish out the semester. You will not be on contract over the summer. You are, of course, free to use your campus office and the other campus resources during this time.

Your request to teach two on-line courses during the fall semester is not something we can accommodate at this time. The teaching contracts for the on-line courses to be offered in the fall semester have already been entered into. If we were to breach these contracts we would be liable for damages. In the current budget climate, it would not be realistic for us to reassign these courses to a different instructor as we lack the funds to be able to pay you to teach those courses and also to pay damages to the instructors to whom we have already made contractual agreements. I am told that we have approximately seven hundred on-campus students majoring in criminal justice and we need to provide traditional face-to-face instruction for these students. For this reason, I have written to your doctor to find out whether reducing your full time appointment to 50% would also serve as a reasonable alternative that would also accommodate your disabilities, while also serving the needs of our students.

In my letter to your doctor, as you will see I have asked for further information about her recommendation that I or the next Director of Human Resources schedule your classes. Paraphrasing what I stated to Dr. Bearse, I have no knowledge or training in the scheduling of courses. It is really outside of my bailiwick. Additionally my appointment in this position expires on June 30th of this year. The next individual in this position may be a person whom you do not know at all.

The accommodations you requested in your formal communication of April 17 also raise some concerns. I am looking to you and your health care provider to provide more information in the hopes that reasonable alternatives can be developed.

I have spoken with Dean Throop and Acting Chair Dalecki about your request to work at home during the fall semester as much as possible. They are willing to work with you to accomplish

Sabina Burton, Ph.D.
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that to the extent that they are willing to remove you from any committee work or service obligations such as attending department meetings that would require you to be on campus. Some of your regular duties such as course assessment and preparation could be performed at home and we are open to additional ideas from you.

Regarding student advising, the Interim Chair is willing to assign you two distance students for advising and one local student. For the local student, some travel is required. Dr. Dalecki indicated that you told him you could not drive. If that is the case I will need some verification of that from your health care provider. The department will need you on campus to teach your courses. I asked Dr. Bearse if a fifty percent (50%) appointment would be a different accommodation that might work so as to get you in front of as many sections of live classes as possible under the circumstances. As we have discussed previously, Dr. Dalecki has agreed to move your office to Dr. Caywood's current office space, upon his retirement. This space has two windows and will hopefully help with your vision.

I am not in support of you advising a student organization at this time. Unlike scheduling for individual advisees, a group would need to have a set, predictable and reliable schedule to meet. I am concerned with the intermittent nature of your condition and the need to rest at unpredictable times that the students would not be best served. In my decision making this is no reflection on your abilities or achievements. It is only my concern for the students' needs that leads me to this conclusion.

It would appear at this stage that unless there is a radical and unexpected change in the budget situation, the Department will be unable to provide you with release from teaching your courses in order to perform other tasks. No one in the department will be receiving release time in the fall to serve as the Director of Forensic Investigation or to work on recruitment. Those duties will be absorbed in addition to a full-time teaching load for the individuals asked to handle them. The curriculum review is being performed by an elected committee and Dr. Solar has already been given a one-course release to do that work. I am told that he is the only faculty member in the Criminal Justice Department who has been given any release time whatsoever for the fall semester. Unfortunately the current financial challenges prevent any allocation of funds to hire any graduate assistants in the Department during the fall.

I acknowledge and empathize with the stress you have felt when working with Dr. Dalecki and Dean Throop. However, the position of the University is that it has no basis to believe and does not believe that they have harassed you nor that they require being ordered not to harass you.

As you know, there will be a new chair of the Department of Criminal Justice in the fall and she will be primarily responsible for assigning your duties once she arrives. Dean Throop will continue to serve as Dean and will directly supervise the new chair. Dr. Dalecki will make all course assignments for the fall semester, including yours, until such time as the new chair assumes her duties. Physical challenges are trying. I wish you the best during this difficult time.

Sincerely,



John A. W. Lohmann, J.D., M.B.A.
Interim Director of Human Resources



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Dianna Bearse, DO
Medical Associates Clinic, P.C.
1240 Big Jack Rd.
Platteville, WI 53818

RE: Sabina Burton, Ph.D.

Dear Dr. Bearse,

I have received the return to work authorization for your patient and our employee, Dr. Sabina Burton. In order to evaluate her accommodation request, I am hoping you will provide additional information about her disability.

Would you please expand upon your thoughts as to why Dr. Burton's condition requires her to teach two on-line courses in the fall semester? For example, in your osteopathic-medical opinion is she unable to teach full-time on campus in face-to-face courses? Would a reduction in her appointment to teaching on campus in face-to-face courses limited fifty percent (50%) of the time serve as an alternative accommodation if she were off work for the other fifty percent (50%) of the time? The term we use to describe such an arrangement is a "fifty percent appointment". If you could elucidate on how her condition, symptoms, and/or sequelae are creating any functional limitations and what those limitations are, it would help me a great deal.

Second, while I believe I am on good terms with Dr. Burton, I have no knowledge or training in the scheduling of courses. It is really outside of my bailiwick. Additionally my appointment in this position expires on June 30th of this year. The next individual in this position may be a person whom Dr. Burton does not know at all. If you could suggest other alternatives in this regard I would appreciate it.

I thank you in advance for your kind attention.

Sincerely,

A handwritten signature in blue ink that reads "John A. W. Lohmann".

John A. W. Lohmann, J.D., M.B.A.
Interim Director of Human Resources

cc: Sabina Burton, Ph.D.