



UNIVERSITY OF WISCONSIN
PLATTEVILLE
OFFICE OF THE CHANCELLOR

To: Shane Drefcinski, Chair
Complaints and Grievances Committee

From: Chancellor Dennis J. Shields

A handwritten signature in black ink, appearing to read "Dennis J. Shields".

Re: Sabina Burton grievance

Date: June 4, 2013

Dr. Sabina Burton filed a sex discrimination grievance with the Committee against the chair of her department, Dr. Thomas Caywood. The Committee made no finding of sex discrimination, but recommended four actions to be taken in response to the grievance.

I thank the committee for your time and effort in hearing this case and making recommendations. However, I have two primary concerns regarding them.

First, as the grievance from Dr. Burton was against Dr. Caywood only, recommendations regarding the Criminal Justice department as a whole and Dean Elizabeth Throop seem beyond its scope. Secondly, your memo provided insufficient information regarding the facts you uncovered in the hearing, what conclusions you drew from these facts, and how they led you to the recommendations you make.

For these reasons, I find that I have insufficient information to make a final determination; therefore, I am remanding this matter to the committee. Below I address my concerns regarding each recommendation separately.

(1) The Committee recommended, "the Dean of the College of Liberal Arts and Education write a letter of explanation to AT&T which clarifies the status of a cyber-security program at UW-Platteville and which also tries to restore Dr. Burton's professional reputation."

I do not see sufficient support in the Committee's report for this recommendation. In particular, while the Committee recommends that the Dean take this very specific action, there is nothing in the Committee's report establishing that Dr. Caywood's actions regarding the AT&T grant violated the university's rules or policies, or adversely affected Dr. Burton's performance. There are no facts found by the Committee, which show that Dr. Caywood misled AT&T about the status of a cyber-security program at Platteville, nor did anything to damage Dr. Burton's professional reputation. It appears that the Committee is recommending a remedy for a violation that it did not establish.

In this regard, I am concerned that the Committee did not interview the Dean and gain full information on the AT&T grant proposal matter prior to making its recommendation. The recommendation itself, which orders the Dean to write to AT&T, appears to be outside the scope of the grievance which was aimed at the Chair, but even if it is within the scope of the grievance, the Dean should have been interviewed, and the Committee should have made findings

establishing the facts explaining the violation it seeks to remedy, and linking both to its recommendation.

(2) The Committee recommended, "the Criminal Justice department take steps to resolve the dysfunction within the department, such as communication training."

I do not see sufficient support in the Committee's report for this recommendation and it appears to be outside of the scope of the grievance, which was limited to alleged sex discrimination against Dr. Burton by Dr. Caywood. If the committee intends to broaden this grievance to include an examination of dysfunction within the department, a wider investigation and findings to support such a recommendation are required. Because this recommendation is outside the parameters of the grievance, I recommend that, on remand, the Committee withdraw the recommendation.

However, because of the concerns you raised regarding dynamics within the Criminal Justice department I am charging Provost Mittie Nimocks Den Herder with investigating the matter and, if deemed necessary, taking steps to restore collegial working relationships within that academic unit.

(3) The Committee recommended, "the Criminal Justice department take advantage of Dr. Burton's willingness to be more actively involved in the hiring of new faculty members."

Because there were no findings by the Committee prompting this recommendation, I do not understand the underlying factual issue. The Committee found that there was "the appearance of favoritism towards one of Dr. Burton's male colleagues," but did not further support that finding. If that finding was meant to be addressed by this recommendation regarding faculty hiring, I need to know what facts specifically prompted the Committee's decision. I would also request that the committee look at the Department's rules regarding search committees and make a recommendation that would clearly be permitted by the rules and that relates specifically to the findings made.

(4) The Committee recommended, "a third party needs to investigate further how the breach experiment which prompted a student complaint was handled before and after the experiment took place."

The student complaint about the breach experiment matter was investigated by the HR Department and resolved. The Committee did not acknowledge the HR investigation explain why it was deficient, nor did it explain what a "third party" investigation would entail. More importantly, however, while Dr. Burton may not have agreed with the decision not to publicly reprimand the faculty member, it is entirely unclear why she was harmed by that action. The underlying matter of the breach experiment appears to be outside the scope of the grievance.

The only matter related to the breach experiment that concerns Dr. Burton was Dr. Caywood's disapproval of how she handled the student's complaint. If the Committee wishes to make a recommendation on that part of Dr. Burton's grievance, I request that it make specific factual findings and a recommendation that is limited to Dr. Burton's part in the matter.

Finally, I would ask that the Committee inform me, within thirty days, how it plans to address the concerns I have raised. I am open to meeting with the Committee to understand the facts of this grievance and the Committee's recommendations.

- C:** *Sabina Burton, Criminal Justice Department*
Thomas Caywood, Chair, Criminal Justice Department
Elizabeth Throop, Dean, College of Liberal Arts and Education
Mittie Nimocks Den Herder, Provost and Vice Chancellor
Jeanne Durr, Director of Human Resources
Member of the Complaints and Grievances Committee