

# University Appeals Commission Hearing University of Wisconsin-Platteville

Transcript of Proceedings Taken on:

November 30, 2017



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UNIVERSITY OF WISCONSIN - PLATTEVILLE

UNIVERSITY APPEALS COMMISSION HEARING

RE: Revocation of Tenure of Sabina Burton, Ph.D.

University of Wisconsin-Platteville  
Nohr Gallery in Ullsvik Hall  
30 South Hickory Street  
Platteville, Wisconsin 53818

6:00 p.m.

November 30, 2017

1 University Appeals Commission Chairperson:

2 SUSAN HANSEN

3 University Appeals Commission Members:

4 ABULKHAIR MASOOM

BARB BARNET

5 SHERYL WILLS

RICHARD (RICK) BOCKHOP

6

7 Also present:

8 BRIAN VAUGHAN

UNIVERSITY LEGAL COUNSEL

9 UNIVERSITY OF WISCONSIN-MADISON

10 JENNIFER LATTIS

SENIOR SYSTEM LEGAL COUNSEL

11 OFFICE OF GENERAL COUNSEL

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ROBERT J. KASIETA

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MICHAEL J. BREITNER

17 DIRECTOR

OFFICE OF EVENT SERVICES

18

SABINA BURTON, Ph.D.

19

ROGER BURTON

20

21 WITNESSES:

PAGE

22 SABINA BURTON, Ph.D.

Direct Examination by Mr. Kasieta

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23 Cross Examination by Ms. Lattis

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Redirect Examination by Mr. Kasieta

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CHANCELLOR DENNIS J. SHIELDS

25 Rebuttal Testimony

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1 6:00 p.m.  
 2 November 30, 2017  
 3 CHAIRPERSON: Today is November 30th,  
 4 2017, and the time is 6:00 p.m. We are meeting in  
 5 Ullsvik Hall in the Nohr Gallery at the  
 6 UW-Platteville campus.  
 7 I am Professor Susan Hansen, Chair of the  
 8 UW-Platteville Appeals Panel.  
 9 Committee members here in this case will  
 10 introduce themselves.  
 11 MR. BOCKHOP: Rick Bockhop, School of  
 12 Agriculture.  
 13 MS. WILLS: Sheryl Wills, Department of  
 14 Mathematics.  
 15 MS. BARNET: Barb Barnet, Mathematics.  
 16 MS. MASOOM: Abulkhair Masoom, General  
 17 Engineering.  
 18 CHAIRPERSON: Also present is UW-Madison  
 19 Attorney Brian Vaughan, who is advising the  
 20 committee.  
 21 This is an appeal before the University  
 22 of Wisconsin-Platteville Appeals Committee which is  
 23 authorized to hear this appeal pursuant to  
 24 UW-Platteville Employee Handbook, Article III,  
 25 Section 6. This appeal will be conducted according

1 to the policies and procedures set forth in  
 2 Chapters UWS 4 and UW-Platteville Faculty Handbook,  
 3 Chapters 6.3.12.3, and 6.3.13.  
 4 UWS 4.06(1)(c) and Chapter 6.3.12.3 of  
 5 the Faculty Handbook provided that this evidentiary  
 6 hearing may be conducted in open session as  
 7 requested by the appellant. The faculty member in  
 8 this case, Dr. Sabina Burton, has requested that  
 9 this hearing be held in open session.  
 10 I will now note appearances of the  
 11 parties. Please state your appearances for the  
 12 record.  
 13 DR. BURTON: Sabina Burton.  
 14 MR. KASIETA: Attorney Bob Kasieta.  
 15 MR. BURTON: Roger Burton.  
 16 MS. LATTIS: Jennifer Lattis, Deputy  
 17 General Counsel, UW System.  
 18 CHANCELLOR SHIELDS: Dennis J. Shields,  
 19 Chancellor, University of Wisconsin-Platteville.  
 20 CHAIRPERSON: Prior to this appeal  
 21 hearing, a complaint was received by the office of  
 22 Chancellor Shields on December 16th, 2016, seeking  
 23 Dr. Burton's termination from her position as a  
 24 tenured professor in the Department of Criminal  
 25 Justice. Chancellor Shields appointed Dr. Petra

1 Roter to investigate the matter. Dr. Roter  
 2 submitted a report to Chancellor Shields on  
 3 March 1, 2017.  
 4 Dr. Burton was offered the opportunity to  
 5 meet with Chancellor Shields to discuss the matter.  
 6 Chancellor Shields subsequently issued a letter to  
 7 Dr. Burton dated March 30 of 2017 in which he  
 8 determined that the evidence supported dismissing  
 9 Dr. Burton from her tenured position for cause.  
 10 On April 19, 2017, Dr. Burton notified  
 11 the university in writing of her intention to  
 12 appeal that determination.  
 13 The issues before this panel are as  
 14 follows:  
 15 Whether there is just cause to dismiss  
 16 Dr. Sabina Burton from her position as a tenured  
 17 faculty member as set forth in the Statement of  
 18 Charges included in Chancellor Shields' letter of  
 19 March 30, 2017, Sections I, II and III.  
 20 UWS 4.05 and 4.07, as well as Article  
 21 6.3.12.3 of the Faculty Handbook, provide that the  
 22 hearing panel will take evidence and testimony by  
 23 each of the parties and their respective witnesses.  
 24 A brief opening statement and a closing argument  
 25 may be offered by the parties -- have been offered

1 by the parties. Thereafter, the hearing panel  
 2 shall convene in closed session to deliberate and  
 3 prepare its report, findings and recommendations,  
 4 which shall be filed along with the verbatim record  
 5 of the testimony with the Chancellor pursuant to  
 6 UWS 4.07. The record of this appeal shall include  
 7 the exhibits and materials submitted by ther  
 8 parties during the presentation of their respective  
 9 case, the verbatim record of testimony, arguments  
 10 offered, and any other materials as stipulated by  
 11 the parties.  
 12 Because this matter is being conducted in  
 13 open session, does either party wish to request  
 14 that the witnesses be sequestered until such time  
 15 as they will be called to testify?  
 16 MR. KASIETA: Yes, please.  
 17 CHAIRPERSON: And are there witnesses  
 18 here?  
 19 (NO RESPONSE.)  
 20 CHAIRPERSON: Pursuant to UWS 4.06(1),  
 21 the burden of proof of the existence of just cause  
 22 is upon the administration.  
 23 The panel members from time to time may  
 24 ask questions of the witnesses or reserve a time at  
 25 the conclusion of questioning by the parties as

1 they deem appropriate. The parties are reminded to  
2 proceed with examination of their witnesses in an  
3 orderly and prompt manner in order to conform to  
4 the schedule.

5 If you either party needs a recess,  
6 please let me know. The committee may also request  
7 a brief recess at any time as they deem  
8 appropriate.

9 As stated earlier in the prior meeting,  
10 we will allow two hours of testimony for Dr. Burton  
11 and one hour for Chancellor Shields to continue.

12 I am confident that all the parties will  
13 act in a professional and respectful manner during  
14 this review.

15 Following the conclusion of this hearing,  
16 the Committee will meet on December 5th at  
17 4:00 p.m. to deliberate.

18 Does either party have any matters to  
19 raise before we proceed?

20 MR. KASIETA: I do, Dr. Hansen. Just a  
21 few.

22 I would like to have made -- marked on  
23 the record an e-mail exchange that we had regarding  
24 the objections I set out so as not to use up any  
25 portion of our two hours, and I hope that can be

1 CHAIRPERSON: Attorney Lattis.  
2 MS. LATTIS: I don't understand the  
3 objection regarding the open records law. I don't  
4 believe that it's been explained here. If it's  
5 called a public record, I don't understand what the  
6 objection is to that.

7 If the attorney meant to suggest that the  
8 meeting was not properly noticed pursuant to the  
9 open meetings law, I believe that that was this  
10 committee's responsibility, and I believe that  
11 Attorney Vaughn gave notice that in fact the  
12 meeting -- the response is that in fact the meeting  
13 has been noticed.

14 Regarding the document that Dr. Burton  
15 requested for the -- under the public records law a  
16 few days ago, the fact -- as a matter of a public  
17 records response, that request was denied. We felt  
18 it had to be denied pursuant to the exception in  
19 the statute for records relating to a disciplinary  
20 proceeding before conclusion thereof. However, as  
21 a matter of whether or not it should have been  
22 entered into this proceeding, we would have had no  
23 objection at any time, and in fact I would withdraw  
24 any objection that I have to entering it into this  
25 proceeding, now having seen it. So I don't think

1 done without objection.

2 MS. LATTIS: No objection.

3 MR. KASIETA: In addition to those items  
4 that have already been made a record, I would like  
5 to point out that the document which was shared  
6 this afternoon, which we e-mailed you about this  
7 morning, is in fact we believe unfair surprise in  
8 that we now have a document labeled Information  
9 Hostile Work Environment dated November 23, 2016.  
10 It was produced today, although it was previously  
11 requested, and therefore we respectfully request a  
12 recess of the hearing so that we can properly  
13 prepare to deal with this evidence. And that's the  
14 basis for one objection.

15 In addition, we believe that Chapter 19,  
16 the open records law, has not been honored by  
17 proper notification using the appropriate class  
18 notification pursuant to 6.3.12.3, which would  
19 require that the open records law of the state of  
20 Wisconsin be followed, and, as I understand it from  
21 a brief exchange with counsel, Attorney Vaughn,  
22 that didn't happen in this case, and so therefore  
23 we object to the continuing of the hearing when it  
24 has not been subjected to the strict rigor of the  
25 open records law of Wisconsin.

1 that that is a problem. But it certainly should  
2 not be a basis for a recess that they were  
3 surprised and got it so late because they have  
4 known about the existence of this record -- of that  
5 document since the original hearing on May 25th and  
6 since they received the transcript of that hearing  
7 that was just a few weeks after that. So  
8 Dr. Burton has known since early summer about the  
9 existence of this record. That she waited until  
10 the very last minute to request the record cannot  
11 possibly give her grounds to seek a continuance of  
12 this hearing based on surprise.

13 CHAIRPERSON: We note your objection, but  
14 we don't feel that there's a reason to adjourn for  
15 this particular -- or the particular document that  
16 you referred to.

17 With regard to notice of the meeting,  
18 we're here. We have a number of guests here who  
19 obviously knew this was taking place. We're ready  
20 to proceed. I'm wondering what harm there is in  
21 continuing, given the fact that everyone is here  
22 and that everyone we need obviously knows of this  
23 meeting.

24 MR. KASIETA: Are you addressing the  
25 question to me, Dr. Hansen?

1 CHAIRPERSON: Yes.  
 2 MR. KASIETA: All right. And I  
 3 appreciate the question. I'm not counsel, of  
 4 course, for the panel, although I have been counsel  
 5 for panels and I'm not in this case.  
 6 Chapters 19, the open meetings open  
 7 records law, is quite precise in the required  
 8 notice that must apply, and there are certainly  
 9 cases, as I recall that law, having researched it  
 10 just briefly, that suggest that it is a strict  
 11 liability kind of statute: Either you comply with  
 12 the appropriate class notice or you don't, and if  
 13 you don't, it isn't a defense to say, "Well, many  
 14 people heard about the meeting, some people know  
 15 about the meeting, and they are here." The essence  
 16 of the open meetings law is everybody hears about  
 17 it because -- or has the opportunity to hear about  
 18 it because publication occurs or at least a good  
 19 faith effort to publish in the appropriate  
 20 repository of information is made, and that, as I  
 21 understand, it was not done in this case, and so I  
 22 respectfully submit that it does not solve the  
 23 problem by indicating that many people from the  
 24 public are in fact here this evening. They are.  
 25 But that doesn't change the fact that there was a

1 failure of Chapter 19.  
 2 CHAIRPERSON: Can you provide some  
 3 explanation or evidence of the harm of going  
 4 forward at this point?  
 5 MR. KASIETA: All right. The harm is  
 6 it's a violation of Wisconsin law, and that's the  
 7 harm.  
 8 (DISCUSSION HAD OFF THE RECORD.)  
 9 CHAIRPERSON: I would ask Attorney  
 10 Lattis, do you have any comment with regard to the  
 11 the request to continue on the issue that needs to  
 12 be addressed at this meeting?  
 13 MS. LATTIS: Yes. I believe that we can  
 14 go forward with the meeting, and that any technical  
 15 objection to the notice that was given can be  
 16 raised after that, and if a court says that we have  
 17 to do this hearing all over again, that's what a  
 18 court may rule. I am not concerned that that's  
 19 likely to be the outcome.  
 20 CHAIRPERSON: The committee is willing to  
 21 go forward and will adjourn afterwards to  
 22 deliberate. And we have stated already, if we do  
 23 have to reconvene and the court decides we need to  
 24 reconvene, we will do so. But given the time and  
 25 organization necessary to make the hearing happen

1 and the fact that we are here, we would like to  
 2 move forward.  
 3 We note your objection.  
 4 MR. KASIETA: Thank you.  
 5 CHAIRPERSON: Please move forward.  
 6 MR. KASIETA: Very good.  
 7 All right. We will call Dr. Sabina  
 8 Burton to testify, please.  
 9 CHAIRPERSON: We have a place for the  
 10 witness.  
 11 DIRECT EXAMINATION  
 12 BY MR. KASIETA:  
 13 Q All right. Tell us who you are, please.  
 14 A Okay. My name is Sabina Burton. I'm a professor  
 15 at the Criminal Justice Department.  
 16 Q Very briefly, a little bit about your background.  
 17 A Okay. I was born and raised in Germany. I spent  
 18 about, I think, a third of my youth in Italy. My  
 19 father was a scientist, but as a side business he  
 20 did a lot of backroom diplomacy for Germany, United  
 21 States and Israel to free political prisoners and  
 22 people accused of espionage for Western countries  
 23 and from the Soviet Union, and so he -- so I grew  
 24 up in a family with heavy ties to the intelligence  
 25 community, and I was spending much of my upbringing

1 and led to almost like naturally for me to later  
 2 work in that field as well.  
 3 I have a degree in chemistry, and I got  
 4 that at the biggest dairy science university in  
 5 Germany, a state that is very much like Wisconsin.  
 6 It's a dairy state, it's an agrarian state.  
 7 After I got my chemistry degree, I  
 8 pursued then my real passion at school, and I went  
 9 to the criminal justice field, so I had to do the  
 10 chemistry degree to satisfy my dad and I did that,  
 11 and I changed my outlook and focused on political  
 12 science and German law and sociology, and I  
 13 continued in those fields.  
 14 After that I worked -- actually, still  
 15 while I was a student, I did a lot of undercover  
 16 work in political groups, kind of the efforts to  
 17 curb terrorism, to kind of get closer to terrorist  
 18 organizations. I did that work in the fight  
 19 against left-wing and right-wing terrorism. Part  
 20 of that was -- in the early stages was to intern  
 21 for a prosecutor in Venice at a time and height of  
 22 where the (inaudible) terrorists were charged with  
 23 crimes in court, and so I was there as not just as  
 24 an observer but also actively involved in handling  
 25 the cases and learning from that.

1 I later worked in counterterrorism. I  
 2 did a lot of undercover work. I infiltrated groups  
 3 that were identified as terrorist or French  
 4 terrorist groups, and also did some counter  
 5 espionage, and especially against East Germany.  
 6 There was a time I also met now-Russian-President  
 7 Putin. He was stationed at that time in East  
 8 Germany.

9 Q Please tell the panel about your history at  
 10 University of Wisconsin-Platteville.

11 A Okay. I came to Platteville the first time in  
 12 March 27 of 2009, a day I have to remember as a  
 13 really great day. I came on campus, and actually  
 14 I -- it was first time for me in the Midwest and it  
 15 looked really like a place very familiar to the  
 16 place I grew up in, so I felt immediately at home.  
 17 And at that evening, I was in town, I asked the  
 18 hotel manager, "So where do the Platteville  
 19 students hang out?" and he directed me to the  
 20 Second Street. And I walked around Second Street  
 21 and kind of campus and talked to folks there and  
 22 felt like, "Man, you have really great kids here,"  
 23 so I had a great impression, talked to them about  
 24 what they wanted to do and what, and they had  
 25 already plans, and seemed like the kind of students

1 department?  
 2 A The Criminal Justice Department, and my position  
 3 was an assistant professor.

4 Q Now take the panel from that time up until the  
 5 Statement of Charges arrived in very general terms  
 6 in terms of your work.

7 A Okay. I had a background in research, and I tried  
 8 to kind of get my students kind of interested in  
 9 research. I really wanted to -- wanted students to  
 10 think about what they wanted to do long term, and  
 11 really kind of zero in on a particular project or  
 12 projects where they could build some kind of  
 13 portfolio for the job market later on so when they  
 14 have job interviews, that their passion for this  
 15 work would come through. So I did a lot of direct  
 16 studies with my students and also kind of pushed  
 17 and prodded them to kind of go to conferences and  
 18 present there, and I was told I was the first one  
 19 in my department who had students present at  
 20 national and regional conferences. I was the first  
 21 one who participated in my department who  
 22 participated in the poster of the rotunda, and I  
 23 think -- I believe I did this in two consecutive  
 24 years. And I exposed my students to politicians  
 25 and have them kind of explain to them what research

1 that I could identify with, very hard working,  
 2 quite a few first generation students, and so I had  
 3 a very good first impression of the campus. And my  
 4 interviews here and everything seemed to go really  
 5 well and felt like this is the place to be. At  
 6 that time it was really emphasized that  
 7 UW-Platteville was the -- a student-centered  
 8 campus, heavy on teaching. And I was actually at  
 9 that time already teaching, started teaching in --  
 10 for a major university in California in 2000 -- no,  
 11 sorry, 1996 and until 2006-7 just before we kind of  
 12 moved to the Midwest, and I fell in love with  
 13 teaching. The university I worked for was a  
 14 research university and kind of more focused on the  
 15 impression to do research, but my passion, I  
 16 developed a passion for teaching. So I was looking  
 17 for a teaching organization, and Platteville seemed  
 18 to be a perfect fit for me kind of place. It  
 19 remind me of home and great students and a place  
 20 where I could pursue my passion.

21 Q So when were you hired at Platteville?

22 A I was hired -- let me see, the contract I got about  
 23 three weeks later, and my contract started, I  
 24 believe, on August 23rd or 24th of 2009. 2010.

25 Q What was your position at that time, what

1 they were doing, the background, and I thought that  
 2 would show that we have bright minds here at  
 3 Platteville who have great ideas and are thinking  
 4 about the future and, you know, what would benefit  
 5 the state and how we could modernize or improve  
 6 criminal justice system.

7 Q Take a look, if you will please, at Exhibit No. 16  
 8 in the binder.

9 A Okay. Yes.

10 Q Do you have it?

11 A Yes.

12 Q It's a letter dated April 30 of 2012 to you from  
 13 Chancellor Dennis J. Shields. Do you see it?

14 A Yes.

15 Q Tell us what the circumstance was of receiving that  
 16 letter.

17 A I believe Chancellor Shields had invited students  
 18 who did particularly well in their time here at  
 19 UW-Platteville for a special luncheon, and  
 20 according to his letter, he learned a lot of good  
 21 things about me, so I guess I was mentioned quite a  
 22 bit. I remember that Dean Throop made also a  
 23 comment to me in those days that I think there was  
 24 some kind of award ceremony where he actually said,  
 25 we had just come from a luncheon, and students were

1 actually saying really good things about me.  
 2 Q This letter of April 30 of 2012 is about three  
 3 years or almost three years after you started at  
 4 UW-Platteville?  
 5 A Correct. Yes. And I remember that Dr. Caywood,  
 6 who was the chair at that time, said that that was  
 7 a really special thing and I should get it framed  
 8 and hang it up because nobody else in their program  
 9 had one of those, so.  
 10 Q By that time, 2012, April, how are you getting  
 11 along with the chancellor?  
 12 A I think fine. I mean like I met him -- you know,  
 13 he gave a presentation our student association, not  
 14 just the student association, I was at that time a  
 15 co-adviser, and I was at his presentation and was  
 16 very interested in hearing kind of about his  
 17 mission, and I felt like that he used the  
 18 opportunity to kind of share with them what our  
 19 ideas were for the Criminal Justice Program and,  
 20 you know, especially kind of engaging students in  
 21 more, you know, projects, kind of like would take  
 22 them off campus and give them a little bit hands-on  
 23 learning experience.  
 24 Q All right. April 2012, how are you getting along  
 25 with your colleagues in the Criminal Justice

1 very positive event. And we've had several of  
 2 those in the future. And I actually got a little  
 3 bit on the exchange. We were invited to -- for  
 4 some to Dr. Caywood's home, and we were at the Rice  
 5 Spence (sp.) home, and Dutell (sp.) invited us on  
 6 our boat -- on his boat, and so there was a kind of  
 7 an inviting back and forth. It was very collegial,  
 8 very friendly.  
 9 I mean, you know, there was some issues  
 10 in 2010. There was kind of a pretty big flareup  
 11 when Dr. Fuller alleged sexual harassment by  
 12 Dr. Caywood and filed some kind of internal  
 13 complaint. We were all then summoned by the-then  
 14 Dean Mittie Nimocks Den Herder. She interviewed  
 15 all of us on the climate in the department, and I  
 16 was kind of a bit uncomfortable, and I told her  
 17 that I tried to stay out of it as much as possible  
 18 since I worked for both of them. We were --  
 19 Dr. Nimocks Den Herder had issued a  
 20 mandatory communication training at the ending of  
 21 her investigation. That never happened. And as  
 22 soon as she got through, Dr. Caywood just said,  
 23 "That's not going to happen," and it never  
 24 happened.  
 25 Then a year later I believe it was mainly

1 Department?  
 2 A Oh, really well. I was hired into a kind of  
 3 dysfunctional department. I learned that after I  
 4 joined the department pretty soon, that there were  
 5 two fractions within the department, and I had the  
 6 pleasure of working for the bosses of both of those  
 7 fractions, so I was the only one at that time who  
 8 had a contract that extended not just for in  
 9 classroom teaching but also for the online program,  
 10 and I had Dr. Caywood as my immediate superior for  
 11 the on-campus teaching and then I had Dr. Fuller as  
 12 the Director of the Online Graduate Program, and  
 13 they did not get along at all, and that Dr. Caywood  
 14 refused to sign anything that had to do with my  
 15 teaching for Dr. Fuller. So it was kind of like  
 16 walking a pretty thin line, keeping them -- I tried  
 17 to kind of do my part to refine the department as  
 18 much as possible. I had, you know, again, we came  
 19 -- I came here, we moved in late June to -- June  
 20 2009, and then in October it was my husband's  
 21 birthday, so at that time we invite everybody to  
 22 pop into our home and kind of like a welcome thing  
 23 and kind of a unified force in it. I think it came  
 24 off over really well and everybody was pretty  
 25 relaxed. Not everybody came, but it was I think a

1 Dr. Nimocks who alleged also like sexism in the  
 2 department, had to do with her applying for a  
 3 faculty position and Dr. Caywood was against her  
 4 application, didn't want her to be hired, and so  
 5 Dr. Nimocks didn't want -- I'm sorry, Dr. Nemmetz  
 6 alleged sexual -- I think some kind of not really  
 7 sexual harassment but sexism in the department, and  
 8 so we had -- it was then Associate Dean Bunte who  
 9 did the pretty much same investigation as we had  
 10 the year before where everybody in the department  
 11 had to kind of come and see her and answer  
 12 questions, and so there was another report done,  
 13 and I don't know about the details of that report.  
 14 Q What was the year when the associate dean did the  
 15 investigation you just described?  
 16 A That was 2011.  
 17 Q By April 30th of 2012, the date on Exhibit 16, had  
 18 anybody ever suggested to you that you were in any  
 19 way contributing to any problems with the culture  
 20 of the Criminal Justice Department?  
 21 A Quite the contrary. It was said that I really  
 22 tried to get people together in my department, so I  
 23 was seen as somebody who, you know, I tried to  
 24 reach out and work with various members. I also  
 25 tried to reach out outside of the Criminal Justice

1 Department and made contact with faculty and staff  
 2 of other departments.  
 3 Q Please look at Exhibit No. 3. This is the Letter  
 4 of Direction of Dr. Throop dated October 28, 2014.  
 5 Do you see that?  
 6 A Yes.  
 7 Q Prior to the issuance of this Letter of Direction  
 8 arising in October of 2014, had anybody ever  
 9 indicated to you that you were in any way  
 10 contributing to any problems with the culture of  
 11 the Criminal Justice Department?  
 12 A No.  
 13 Q We'll come back to Exhibit No. 3, but let's go now  
 14 to Exhibit No. 1. This is the Statement of Charges  
 15 from the chancellor. What I would like to do,  
 16 Dr. Burton, is walk through this Statement of  
 17 Charges and have you talk about each of those  
 18 charges and tell the panel your position on each  
 19 one of them, okay?  
 20 A Okay.  
 21 Q Okay?  
 22 A Yes.  
 23 Q Now I might interrupt you to direct your attention  
 24 to some of the other exhibits, but I'm just going  
 25 to ask you very generally, first, turn your

1 attention to numeral one on the first page of  
 2 Exhibit 1.  
 3 A Okay.  
 4 Q It says, "You reported a series of UW-Platteville  
 5 internal conversations, meetings and proceedings  
 6 without prior consent or notification."  
 7 A (Nods head.)  
 8 Q Let's stop there. What is your position on that  
 9 charge?  
 10 A Umm, I did not require prior consent. I did not  
 11 require notification under Wisconsin state statute.  
 12 Q Were you in the room at the last session when  
 13 Chancellor Shields indicated that he was not  
 14 critical of you for recording those sessions?  
 15 A Yes. (Nods head.)  
 16 Q Let's continue. "Your husband published them to  
 17 the public with your knowledge and consent." What  
 18 is your position on that charge?  
 19 A That is true. My husband, I knew -- I knew that he  
 20 was publishing things. I did not really pay close  
 21 attention exactly what he did. Umm, my  
 22 understanding was that the documents that were  
 23 submitted to court in discovery were the documents  
 24 that he was -- wanted to upload.  
 25 Q Was your husband an employee of the University of

1 Wisconsin-Platteville?  
 2 A No, he's not.  
 3 Q Has he ever been to your knowledge an employee of  
 4 the University of Wisconsin-Platteville?  
 5 A Definitely not.  
 6 Q Has anyone commenced an action against him for any  
 7 improper uploading or publishing of any  
 8 documentation of any kind?  
 9 A No.  
 10 Q The last section of numeral one, the statement  
 11 charges "and some of the records related to  
 12 confidential personnel matters." What is your  
 13 position on that charge?  
 14 A They -- we had discussions on professors that are  
 15 not with the university anymore, and I recorded  
 16 them because I was concerned about the correctness  
 17 of the proceedings. They were not closed hearings.  
 18 They were open hearings. And in fact, I only had  
 19 -- was only part of one closed hearing in my entire  
 20 time here, and it was a closed hearing of the CTC  
 21 Committee in 2000 and -- I believe it was '15. It  
 22 was only one closed hearing, so all other hearings  
 23 were open.  
 24 Q Now there was one particular meeting where there  
 25 was a specific objection made to the publication of

1 the information of that meeting on a website. Do  
 2 you recall that?  
 3 A Are you referring to the one in fall of 2016?  
 4 Q That's the one.  
 5 A Yah.  
 6 Q What did you do when you received the complaint  
 7 about that?  
 8 A The one thing is that I did not -- I recorded it  
 9 because I felt it was a very needed discussion and  
 10 was likely one where it's a conference (inaudible)  
 11 session, and so I wanted to record that. Then  
 12 Melissa Gormley said that we can all agree on her  
 13 being the public recorder of the meeting, and  
 14 that's -- like I had no problem with that. I did  
 15 not see that being in contrast to me recording the  
 16 hearing as well. It was actually open, common  
 17 practice that we recorded meetings, open meetings  
 18 for colleagues who could not attend, and nobody  
 19 really asked permission to proceed with any of  
 20 these. And I did not make a secret out of it. I  
 21 had my recorder right in front of me.  
 22 And I want to point out too that Melissa  
 23 Gormley promised that she would be the public  
 24 recorder, yet when I asked for the minutes of that  
 25 meeting, I was informed that there was no minutes

1 in existence, so therefore she did not keep her  
 2 word, so if I had not done the -- my own recording,  
 3 there would not be an account of that meeting.  
 4 Q Focusing on numeral one, the first numbered  
 5 paragraph in the Statement of Charges, were you  
 6 ever disciplined for the charges in numeral one  
 7 before they were made part of the Statement of  
 8 Charges leading to termination?  
 9 A Never. And the recordings were actually made  
 10 available to the defense at the university in  
 11 discovery in 2015 already, so they were requested  
 12 at that time and they were handed over, so they  
 13 were already in possession of the university at  
 14 that time. And I was never informed of any  
 15 problems with the recordings.  
 16 Q So the only discipline that has ever been sought by  
 17 the administration regarding numeral one is  
 18 termination along with these other charges?  
 19 A Correct.  
 20 Q And you have been a tenured faculty member here  
 21 since when?  
 22 A Since August 23rd, 2013.  
 23 Q Let's go on to numeral one -- two, please, in the  
 24 Statement of Charges at page one of Exhibit 1.  
 25 "All of your colleagues who were interviewed

1 reported feeling threatened and/or harassed by you  
 2 or witnessed you engage in those kinds of behaviors  
 3 toward others." Let's stop there. What is your  
 4 response to that charge?  
 5 A The first one is, when it comes to all of my  
 6 colleagues, I think that statement is misleading  
 7 as, strictly speaking, only one of the people  
 8 interviewed was a colleague. The others were  
 9 actually my superiors and were administrators.  
 10 Then when it comes to "reported feeling  
 11 threatened and harassed," I did not see any  
 12 evidence of what -- that accompanied that  
 13 statement, so it's, I guess, a statement that one  
 14 has to take at face value. And that is news to me.  
 15 Q Do you know which colleagues were actually  
 16 interviewed?  
 17 A Yes. It was Dr. Solar, Dr. Strobl, who is actually  
 18 an administrator, and Dr. Fuller, who is also an  
 19 administrator.  
 20 Q Are there colleagues that have expressed support  
 21 for you who were not interviewed?  
 22 A There are colleagues that support me, but they were  
 23 certainly not interviewed.  
 24 Q Let's jump back to the audiotape we were talking  
 25 about, a follow-up question there. Did anybody

1 specifically even ask you to remove the -- any  
 2 audiotapes from any website?  
 3 A No. We were never asked, neither my husband nor I,  
 4 at any point when the original complaint that lead  
 5 to this Chapter 4 dismissal charges, which was  
 6 filed in mid December and then the chancellor's  
 7 letter from January 3rd, so at no point did anybody  
 8 here find it necessary to ask for the removal of  
 9 these kind of, I guess, what was considered serious  
 10 violations. When I learned about it, I immediately  
 11 asked my husband to remove them, and he complied  
 12 immediately. So, I mean, we were very reasonable  
 13 in this regard. We want to do the right thing and  
 14 we were absolutely open to it.  
 15 Q Did you -- let's go back to number two. Thank you  
 16 for that. Point number two, page one, Exhibit 1,  
 17 did you ever threaten colleagues?  
 18 A I never threatened colleagues, no. Absolutely not.  
 19 Q The second sentence of that numeral two says "Your  
 20 threats were focused on undermining the  
 21 professional integrity of your colleagues and  
 22 harming their future employment opportunities,  
 23 including tenure and promotion decisions." What is  
 24 your position on that allegation?  
 25 A It doesn't make any sense because I've never done

1 anything like that. In fact, I actually advocated  
 2 for -- for a colleague who was supposed to be  
 3 marked down on scholarly work when I was in a CRST,  
 4 and I obtained -- other CRST members understand  
 5 that the reason that his performance was low in his  
 6 category was because we were a highly understaffed  
 7 department with a very high advising number and  
 8 it's very difficult to make time -- find time for  
 9 scholarly work, and that was an explanation that  
 10 made sense to my fellow CRST members, and instead  
 11 of writing the professor up on that, which was, by  
 12 the way, Solar, he received a good rating by the  
 13 CRST, so. And I believe Dr. -- the person here who  
 14 I threatened, whose employment I threatened,  
 15 actually is supposed to be Dr. Solar, and I did  
 16 exactly the opposite. I think I did what my role  
 17 is as the senior faculty member is when a  
 18 colleague, a junior colleague makes a mistake and  
 19 you point that mistake out and you kind of teach  
 20 them, you know, you don't expect the junior member  
 21 to know everything right away. If the violations  
 22 had been more serious, like violation of policy,  
 23 then that has to be definitely pointed out to that  
 24 member and it has to be straightened out so that  
 25 this will not happen again. And we are all human

1 beings so we all make mistakes, and I made clear to  
 2 that individual that -- that this kind of violation  
 3 of policy there is just kind of a bump in the road  
 4 and will not impact his bid for tenure. I mean I  
 5 tried to, you know, appease him, calm him down that  
 6 he should not worry, that's not -- doesn't mean he  
 7 won't tenure. It just means like you have a mark  
 8 this time where it says it's something you have to  
 9 work on, so I'm doing my job.

10 Q Okay. We're going to come back to that incident,  
 11 but let's go on to numeral three on Exhibit 1, page  
 12 one, the third charge of the Statement of Charges.  
 13 "You have strayed from or violated the Letter of  
 14 Direction provided to you by Professor Throop."  
 15 What is your position on that charge?

16 A That's a false statement. I have not strayed from  
 17 her letter. I provided her a letter, even though  
 18 the allegations in that letter, they are false and  
 19 unfair, and the directives were supposed to be  
 20 disparate treatment. I followed the Letter of  
 21 Directions as best as I could. That was the very  
 22 intention. I wanted to address the falsehood of  
 23 the allegations, but I had no intention of  
 24 violating the directives.

25 Q Let's go to Dean Throop's Letter of Direction,

1 which is Exhibit 3, to talk about that just a  
 2 little further, okay?

3 A Yes, please.

4 Q Let me start with a general question. Explain as  
 5 best you can your understanding of what changed  
 6 between April 30th of 2012, which is the date of  
 7 Exhibit 16, this nice letter from Chancellor  
 8 Shields, and now your receiving a Letter of  
 9 Direction from the Dean of the College of Liberal  
 10 Arts and Education on October 28, 2014; how do you  
 11 explain that?

12 A My life changed, my professional life here changed  
 13 drastically on October 10 of 2012 when a student in  
 14 my class, a female student came to me, pretty  
 15 upset, with a note that stated "Call me tonight,"  
 16 three exclamation points, and underneath it had the  
 17 personal cell phone number of a professor, a  
 18 colleague of mine, and she did not know what to do.  
 19 It made her extremely uncomfortable. There were  
 20 some other actions that this professor took in  
 21 class that she later told me that made her also  
 22 very uncomfortable. And she -- I was shocked,  
 23 surprised. At first I didn't really know what to  
 24 do. I told her like, well, we have to tell the  
 25 chair that. She did not want to talk to the chair,

1 Dr. Caywood, who had a bit of a sexist attitude,  
 2 kind of sexist/old-fashioned, you know, whatever  
 3 you want to call that, so that she wasn't  
 4 comfortable. So I told the student that I would  
 5 help her and I would find out where we can bring  
 6 her concern. I had to write to Dean Throop that  
 7 evening anyway, and so I included a pretty kind of  
 8 more basically formulated sentence, just that it  
 9 appears something inappropriate happened, it was  
 10 done between a professor and student, and how I  
 11 should proceed with that incident. And Dean Throop  
 12 said -- informed the Dean of Students, she would be  
 13 the person to talk to. So the next morning, it  
 14 wasn't even in class, so the next morning -- I  
 15 should say like I was still looking for Dr. Caywood  
 16 that evening, my class was starting around 5:00  
 17 o'clock, so I looked for Dr. Caywood, couldn't find  
 18 him in his office, which was not surprising, you  
 19 know, he often left at 3:00 o'clock, and then I  
 20 just -- basically I went home. I wrote an e-mail  
 21 to Dr. Throop and got a directive from her, and  
 22 then the next morning I first went to my office,  
 23 dropped off my bag, actually saw Dr. Caywood in his  
 24 -- in an office. I briefly informed him of what  
 25 happened and told him that I will inform the

1 student -- Dean of Students next, went to the Dean  
 2 of Students, informed them, and they asked me to  
 3 kind of reach out to that student and have the  
 4 student contact them so that they could take over  
 5 that matter, and I thought that was it. And it was  
 6 far from over then for me. That's when my real  
 7 problems started. I was chastised pretty -- pretty  
 8 severely by my chair, who mentioned that the  
 9 incident was taken out of house, and he was pretty  
 10 fuming mad that he had to sit down with three  
 11 women, how he said, how he called it, Dean Throop,  
 12 HR Director Durer (sp.) and Provost Den Herder, and  
 13 they lectured him on the professor who wrote the  
 14 note, and he thought it was pretty demeaning. He  
 15 then later asked me why I didn't talk to the  
 16 professor myself and I should have done that, and  
 17 at the department meeting he berated me and claimed  
 18 I took it all the way to the provost, and then  
 19 everybody was, "What? She did that? Took it all  
 20 the way to the provost?" And so people started  
 21 getting upset with me for blowing up something  
 22 that, according to Dean Caywood, was a really minor  
 23 thing and it really wasn't anything anyway and that  
 24 he had to listen to all that, and it kind of got  
 25 out of hand. And after that my working

1 relationship with Dr. Caywood deteriorated pretty  
 2 severely, and I -- it really seemed like I couldn't  
 3 do anything right anymore in his eyes. So he was  
 4 -- excluded me from things, he made -- every  
 5 opportunity he had he let me know that he was  
 6 displeased with me, and that I betrayed one of his  
 7 men, and that the student basically should have  
 8 known better and, you know, they know what they're  
 9 getting themselves into, and it had gotten bad.  
 10 And I had a project I was working on, I  
 11 tried to establish cyber security here at  
 12 Platteville, and in January when I informed --  
 13 January 24th, when I informed my -- informed  
 14 Dr. Caywood that I just received a call from  
 15 Germany, from my mom, informing me that my father  
 16 was terminally ill and had only days, maybe weeks  
 17 to live, I informed him that there is a chance that  
 18 I might have to quickly leave for Germany, so even  
 19 though I -- we weren't really on speaking terms, I  
 20 let him know right away. He didn't really say  
 21 anything. Then in the afternoon he wrote a letter  
 22 to me, "you should see the Dean on it," and he  
 23 accused me of faking, a rogue professor who is kind  
 24 of planning this big cyber crime program without  
 25 approval and was putting the cart before the horse.

1 It was a huge blow to me because I had a grant  
 2 application in, I was working on some other grant  
 3 application, and to get money in for the cyber  
 4 crime education on campus, and I had the signature,  
 5 I had the signature of the Dean and I had the  
 6 signature of the Provost on it. And in August of  
 7 2012, the city of Platteville, together with the  
 8 University of Wisconsin-Platteville, published a  
 9 pretty big booklet in which the city and the  
 10 university stated that we would be the leader in  
 11 cyber security in the Midwest. Now how can you  
 12 later when I kind of tried to kind of get something  
 13 going, then it's me -- me being a rogue professor,  
 14 kind of going crazy and without permission.  
 15 Dr. Caywood told Dr. Throop basically I was acting  
 16 without his permission.  
 17 Q Okay. Let's dive into the Letter of Direction of  
 18 October 28, 2014, that forms the third point in the  
 19 Statement of Charges. Okay, so we're on Exhibit 3.  
 20 A Okay.  
 21 Q And I want to walk you through this and have you  
 22 tell the panel what your position is on these  
 23 items.  
 24 A (Nods head.)  
 25 Q Let's go right down to numeral one. Dean Throop

1 says "I have received dozens of your e-mails since  
 2 May 2014 in which you have made serious accusations  
 3 against Dr. Dalecki and have claimed that he has  
 4 abused you. Each time you have failed to support  
 5 your allegations with factual basis." Let's stop  
 6 right there and have you address that statement.  
 7 A Well, the first is, there weren't dozens of  
 8 e-mails, there weren't dozens of e-mails included  
 9 as evidence, so I didn't write dozens. I wrote  
 10 some where I felt that Dr. Dalecki was treating me  
 11 differently than others, that he was excluding me  
 12 from prestigious projects, he kept pressuring me  
 13 not to continue with my efforts to find justice in  
 14 retaliation that I suffered from Caywood in the  
 15 months after the student's sexualized complaint.  
 16 I supported, whenever I wrote a letter, I made  
 17 reference, I included evidence, I gave examples.  
 18 I was always very specific when I made a statement  
 19 like that.  
 20 Q Did you file a grievance against Dr. Dalecki?  
 21 A I did file a grievance against Dr. Dalecki in  
 22 August -- I believe it was August 24 of 2014. That  
 23 was after I -- I actually asked for a mediation,  
 24 and we had one mediation hearing. At that time the  
 25 mediator, that was -- it was a former Ethics -- no,

1 it was from Multiculturalism, assistant chancellor,  
 2 who -- she informed both of us if we were not  
 3 satisfied with the mediation, we could file a  
 4 grievance hearing, and I only had one grievance  
 5 hearing. Dr. Dalecki made a statement that was  
 6 sexually false, and I pointed that out, and after  
 7 that it was they basically shut down the mediation.  
 8 And so I took -- pick up the assistant professor  
 9 and filed a grievance against Dr. Dalecki so he  
 10 could address the problems that he and I were  
 11 having, and I -- you know, in the proper venue.  
 12 And the grievance hearing was supposed to be given  
 13 within 20 days; that's what the policy says. It  
 14 was delayed over and over. And I kept asking, "Why  
 15 is it delayed?" I was given kind of, well, the  
 16 next -- "can you give us days that work for you?"  
 17 I gave days that worked for me. And then nothing  
 18 again. Several weeks, nothing. And I asked again,  
 19 you know, when would be -- when will we have the  
 20 hearing, and it was just pushed out and pushed out  
 21 until pretty much became mute and until the damage  
 22 to me was already done.  
 23 Q Let's continue with the first point, the Dean  
 24 Throop Letter of Direction. The second sentence  
 25 there in numeral one, "This would have been

1 disturbing even if you only sent the e-mail to  
 2 Dr. Dalecki himself or to me, but at times you have  
 3 sent them out to your entire department or to the  
 4 provost and chancellor, such as the e-mail of  
 5 October 2 at 8:40 p.m. It is entirely  
 6 inappropriate for you to engage in this public and  
 7 unsubstantiated campaign against Dr. Dalecki."

8 All right, let's break that down just a  
 9 little bit. Did you send the e-mails regarding  
 10 Dr. Dalecki to the entire department?

11 A No.

12 Q Have you ever seen any evidence provided by the  
 13 administration in support of this assertion in the  
 14 Letter of Direction that you sent e-mails, this --  
 15 these e-mails regarding Dr. Dalecki to the entire  
 16 department?

17 A No. I have not.

18 Q The example, October 2 of -- October 2 at  
 19 8:40 p.m., you see that one?

20 A Yes.

21 Q Look, if you will, please, at Exhibit No. 7. Is  
 22 this your e-mail of October 2, 2014, at 8:41 p.m.?

23 A Yes.

24 Q Regarding Dr. Dalecki, Interim Chair of Criminal  
 25 Justice?

1 A Yes.

2 Q Was that sent to the entire department?

3 A No. That was sent to Chancellor Shields, Provost  
 4 Den Herder, and to Dean Throop. There was an  
 5 e-mail sent after I -- I could not get a grievance  
 6 hearing, in violation of grievance policy, which  
 7 was supposed to be given within 20 days.

8 Q So you couldn't get the grievance hearing and you  
 9 called for an investigation?

10 A Right.

11 Q As a way to try to deal with the issues?

12 A Yes. I wanted to deal with the problems I had in  
 13 the appropriate forums.

14 Q At some point did you go back to Dean Throop and  
 15 address this issue of the October 2nd, 2014,  
 16 8:40 -- or 8:41 p.m. e-mail?

17 A Yes. When I got her Letter of Direction, I  
 18 actually, since she referenced the October 2nd  
 19 e-mail, I looked through my e-mail account, and I  
 20 couldn't find that e-mail anymore. I knew there  
 21 was one, but it was deleted. Not by me. Somebody  
 22 else went into my account and deleted it. I asked  
 23 her then whether she could send me a copy of the  
 24 e-mail. Her response was that "you are mistaken,  
 25 there is no reference to an October 2nd e-mail in

1 the Letter of Direction."

2 Q Look at Exhibit 6, if you will, please. Would that  
 3 be the e-mail exchange you just described where  
 4 Dr. -- where Dr. Throop, Dean Throop says "There is  
 5 no reference to an October 2, 2014 e-mail in my  
 6 Letter of Direction?"

7 A Yes. That's the one.

8 Q And you see in paragraph numeral one clear  
 9 reference to the October 2 --

10 A There is one.

11 Q -- e-mail?

12 A I felt at that time it was like they're playing  
 13 some pretty bad games with me. I mean it was so  
 14 obvious they don't even care about the truth.

15 Q Let's go on to the numeral number two in Dean  
 16 Throop's Letter of Direction, which forms the basis  
 17 for the Statement of Charges for the chancellor  
 18 against you in seeking termination. Numeral two,  
 19 page one of Exhibit 3, "You wrote an inflammatory  
 20 e-mail on June 6, 2014, at 10:45 p.m. to the entire  
 21 Criminal Justice Department, accusing recently  
 22 resigned colleagues of unethical behavior and  
 23 threatened to ask the Wisconsin attorney general to  
 24 investigate what you claim, without supporting  
 25 information, is a conspiracy." What is your

1 position on that statement in the Dean Throop  
 2 letter of direction?

3 A My e-mail was a response to an e-mail that was sent  
 4 out by Dr. Dalecki to the entire department. He  
 5 attached two -- three loaded letters, evaluation  
 6 letters, on the FI program. The FI program did not  
 7 fair well in those evaluations so that they -- it  
 8 came to a pretty -- pretty much to a shock to us to  
 9 read that, --

10 Q That's fine. That's fine.

11 A -- trying to find an investigation program.

12 Q Okay.

13 A Yah.

14 Q Continue.

15 A And, yah, yah, and actually Dean Throop initiated  
 16 the evaluations of the program. We had Dr. Out  
 17 (sp.), Allen Out from Kentucky, a Dean in the  
 18 Kentucky, and then we had Dr. Dean -- Dr. Stan  
 19 Stojkovic, he's the Dean at the University of  
 20 Wisconsin in Milwaukee, come to us. They spoke  
 21 with faculty and staff, the classroom behavior,  
 22 they spoke to students, and they found that the FI  
 23 program lacked economic rigor, that the last two  
 24 years were pretty much just a recap of the first  
 25 two years. They went as far as calling the program

1 a train wreck, that it should be dismantled, that  
 2 it really was not fair to the students, that they  
 3 were misled in the job opportunities that they  
 4 would have later on, so that the letter was pretty  
 5 strongly worded, the evaluation was pretty strongly  
 6 worded. And my response, you know, of course, you  
 7 know, I picked that up and said, "This is -- this  
 8 is pretty serious and this has to be addressed  
 9 properly, and I think we also have to be honest to  
 10 our students." I mean I felt it was not proper, it  
 11 was not ethically right to have them pay money into  
 12 a program that a national expert called a train  
 13 wreck and -- but I also wanted to be part of the  
 14 solution, we've got to fix this. Better yet, we've  
 15 got to do this right. And so I think what was  
 16 inflammatory was maybe they would request that were  
 17 written, because it certainly shook us up, but it  
 18 seemed like the department just wanted to go back  
 19 to, you know, business as usual and forget about  
 20 the reports. Not really anything happened, you  
 21 know, so it's like, "Oh, it's not really that bad,"  
 22 and I saw that as a problem. We lost two -- the  
 23 only two full-time faculty members in the FI  
 24 program left within weeks, both very surprisingly,  
 25 without giving us proper notice, not enough time to

1 take. I think the -- it would have been fairer to  
 2 move them more to the Criminal Justice Program than  
 3 to the FI Program. That was now at that time then  
 4 run with adjuncts only, and adjuncts are not  
 5 properly vetted; they are not going through a  
 6 judge's screen process. They do not do the -- a  
 7 test, a practice teaching in a classroom that is  
 8 monitored by faculty staff members. They don't go  
 9 through their -- the students then issue  
 10 evaluations for that teacher is good or bad. You  
 11 know, that's what do with academic staff and  
 12 full-time faculty members. And we had one faculty  
 13 member then, actually Dr. Caywood, who has no  
 14 backgrounded in the FI Program and he taught  
 15 himself kind of like out of a beginner's book, FI,  
 16 over the summer, that was his thing, so and I  
 17 think fellow students would know that they learn  
 18 from somebody who just kind of quickly learned  
 19 something, you know, out of a book, that person is  
 20 not really much ahead of the student, and that's  
 21 certainly not what our students write up -- sign up  
 22 for. And I wanted what was fairness and honesty in  
 23 this regard. And, you know, we have problems,  
 24 doesn't mean we cannot move past them, but I think  
 25 it required some honest discussions and evaluations

1 fill them -- to even advertise the position and  
 2 fill the position. One of the colleagues cleaned  
 3 out her office before she even notified the chair  
 4 that she was leaving. So they just -- it's almost  
 5 like in the middle of the night, they came in,  
 6 cleaned out the office, and here we go. And they  
 7 did that in such, you know, close proximity  
 8 time-wise that it really seemed, and I wrote on the  
 9 e-mail, it kind of seems like -- almost like they  
 10 conspired to do that, so I -- I expressed an  
 11 opinion, and I said "that this is pretty serious,  
 12 we have some pretty serious violations in that  
 13 program, and it would be good for an outside agency  
 14 to look at it, and I suggested the attorney  
 15 general's office is one of them. I just pretty  
 16 much threw that out as something to be discussed.  
 17 I didn't threaten anything. That was just sent to  
 18 my full-time colleagues.  
 19 Q Let's continue with point number two in this Letter  
 20 of Direction. "You also threatened to involve  
 21 students in your campaign." Do you understand what  
 22 is meant by "campaign?"  
 23 A I have no idea. There was no campaign. I just  
 24 wanted to be honest to students when they come in  
 25 for advising and we advise them what classes to

1 what we can actually do in our program right now.  
 2 Q Look, please, at Exhibit No. 8 in the binder. This  
 3 is an e-mail from you to Dr. Dalecki and other --  
 4 copied to others, June 5th, 2014, at 10:45 p.m.  
 5 The Letter of Direction says June 6th, but do you  
 6 think this June 5th e-mail is the one that's being  
 7 referenced in the Letter of Direction?  
 8 A I believe so, yes.  
 9 Q All right. And so when you say in the first  
 10 sentence of this e-mail "I plan to tell students  
 11 the truth about what's been happening in the  
 12 department," was that your attempt at threatening  
 13 to include students in the turmoil that you have  
 14 described that's going on in the department with  
 15 faculty members leaving and you're trying to draw  
 16 students into that?  
 17 A No. Not at all. I just wanted them to tell that,  
 18 you know, in the moment you would be wiser taking  
 19 courses in the Criminal Justice Program because we  
 20 are at the -- restructuring of our FI Program after  
 21 we lost people, short -- very short notice, and  
 22 that we're better off kind of taking, yes, I was --  
 23 I was prepared to take more students into my  
 24 classes to accommodate them there and make it work  
 25 that way, you know. And just like, you know, for

1 example, I have a background in chemistry. I have  
 2 used that background when I worked counter-  
 3 terrorism, you know, when it comes to kind of the  
 4 components of bomb material, and so I -- so I did  
 5 some forensic work that way. I also was involved  
 6 in some criminal profiling, crime scene  
 7 investigation, in Germany, so I had some knowledge  
 8 that I think I could have contributed to the FI  
 9 Program. But I was already kind of assigned to  
 10 courses, it wasn't just easy to move over, so I  
 11 think we could have maybe developed some hybrid  
 12 class or so to just give our students really a  
 13 quality education that will help them later get a  
 14 job.

15 Q All right. Then five lines down, pretty much in  
 16 the middle of that first paragraph of Exhibit  
 17 No. 8, your e-mail of June 5, 2014, it says, the  
 18 sentence says, "I think the students deserve to  
 19 know who is responsible for the 'train wreck' and  
 20 put blame where blame is due." What did you mean  
 21 by that sentence?

22 A That is -- actually it was taken directly out of  
 23 the evaluation report written by Dr. Stan  
 24 Stojkovic, and he called the FI Program a train  
 25 wreck, and he said that the administration bears a

1 heavy responsibility for the train wreck.

2 Q Was your focus here -- just to sort of cut through  
 3 this, was your focus the students and ensuring that  
 4 the students get the best opportunity for  
 5 education?

6 A Absolutely.

7 Q Well, what kind of response did you get at the time  
 8 from your June 5th, 2014, e-mail?

9 A Oh, my gosh. Pretty harsh one from Dr. Dalecki.  
 10 He pretty much, umm, shut me down, embarrassed me  
 11 in front of my colleagues, sent out an e-mail to  
 12 everybody that was pretty humiliating for me. I  
 13 mean, my e-mails, I -- my intention was to, you  
 14 know, get investigation -- to get communication  
 15 going to see, you know, I was upset about learning,  
 16 how badly it was in the program. It was a program  
 17 that was here as the flagship in our Criminal  
 18 Justice Program. I mean that's where all the money  
 19 went, that's where all the accolades, all the  
 20 attention went, and the next thing you learn is  
 21 that it's a sham. That's pretty serious. And  
 22 there are students out there who put four years in  
 23 it, put a lot of money in it and leave with heavy  
 24 student loans, and now they can't get a good job,  
 25 and that's a problem. And I think we as educators

1 owe them an explanation. And, you know, and I was  
 2 convinced that we can fix this, but it would really  
 3 require, I think, a very honest look at ourselves  
 4 and what we wanted to do with this program. I  
 5 think we had a lot of good beginnings, but maybe  
 6 because of the two temps in within the Criminal  
 7 Justice Department where there was a lot of  
 8 dysfunction, we weren't able to create a very  
 9 productive FI Program.

10 Q Did you ever share Exhibit 8, your e-mail of  
 11 June 5th, 2015, with students?

12 A Never.

13 Q Did you ever involve students, as you are charged  
 14 with doing, in the problems of the department  
 15 beyond counseling specific students regarding which  
 16 courses you pick would serve them best?

17 A Never.

18 Q Why not?

19 A Because, you know, at that time we had -- as a  
 20 department, we had to decide first. I think later  
 21 on it would be good. I always liked the idea of  
 22 getting students involved in -- simply form an ad  
 23 hoc committee to improve the FI Program, and I  
 24 think it would be very valuable to have -- to have  
 25 included FI students in it. I reached out to FI

1 students, students that had already graduated at  
 2 various times, where I asked them, you know, what  
 3 works for you now in the job market, what doesn't  
 4 work, and, you know, asked them whether they could  
 5 come back at one point and kind of inform us, so I  
 6 think that reaching out in this regard would be  
 7 wise.

8 Q Going back to the Throop Letter of Direction,  
 9 Exhibit 3, numeral two on the first page, down to  
 10 the last sentence now. Still referencing this June  
 11 14, 2014, e-mail. "It is entirely inappropriate  
 12 for you to make unsubstantiated and inaccurate  
 13 claims of unethical behavior against people and it  
 14 is particularly wrong and disturbing that you might  
 15 involve students in your personal campaign." Now  
 16 let me ask you regarding that sentence, did you  
 17 ever get from Dean Throop any specifics about which  
 18 were the unsubstantiated or inaccurate claims she  
 19 alleges that you made?

20 A Never.

21 MS. LATTIS: Could we please request a  
 22 break?

23 CHAIRPERSON: Certainly. Five minutes,  
 24 please.

25 (A RECESS WAS HAD.)

1 CONTINUED DIRECT EXAMINATION  
 2 BY MR. KASIETA:  
 3 Q Dr. Burton, let's continue with consideration of  
 4 the Dean Throop letter, and let's go down to  
 5 numeral three on the first page of Exhibit 3. This  
 6 is a reference to colleagues visiting in June 2014.  
 7 You informed the chair you were not going to be  
 8 part of that visit only a few days before the  
 9 German colleagues arrived and Dr. Dalecki assumed  
 10 responsibility, and it says "You knew that you were  
 11 arranging for this visit to take place over the  
 12 summer and you should never have set up this event  
 13 if you were unwilling to follow through." React to  
 14 that statement in the letter  
 15 A I was contractually obligated to take a delegation  
 16 of our students to Germany in June of 2016 -- I'm  
 17 sorry, 2013, and I did that. It was part of an  
 18 exchange program that Dr. Caywood wanted to  
 19 establish in the Criminal Justice Program, and he  
 20 asked me, because he knew I had contacts, to, you  
 21 know, through police and through federal agencies  
 22 to kind of get something going so that he could  
 23 send students back and forth. I was able to secure  
 24 a location and an agreement. The agreement was  
 25 that I would present to federal police and state

1 police, and I had to make a series of five long  
 2 presentations to them, and I worked on some other  
 3 projects, including they asked me to evaluate some  
 4 profiles of sex offenders, and I did that. And our  
 5 students had a great time. They gave us the best  
 6 tour with a driver and she shuttled us around over  
 7 there. And the agreement that was set up with the  
 8 Department of Criminal Justice was that they would  
 9 be able to visit us the following year, so, you  
 10 know, you get -- we get to house your students, you  
 11 get to house our students. Then the next year came  
 12 and they asked for how it would look like with the  
 13 visit, and foreign programs, International Programs  
 14 then wrote a letter inviting the German delegation  
 15 to the United States, to Wisconsin, and it was  
 16 signed by then Director of International Programs  
 17 and Provost Den Herder and some other folks, and  
 18 Dr. Dalecki signed it too, that we would -- a  
 19 company would accommodate the German delegation for  
 20 about roughly the same period of time that they  
 21 accommodated the American delegation, our students,  
 22 over there.  
 23 Q So how did it come to be that you were not then  
 24 involved in the June 2014 visit?  
 25 A I helped out a lot in the beginning phase kind of

1 with thinking about what kind of programs would be  
 2 interesting and come up with some kind of  
 3 itinerary. I translated a lot, you know, from  
 4 German to English and English to German, so I did  
 5 all that, all that while I had a full teaching  
 6 load. I did directed studies and I taught also  
 7 extra course as overload. When the delegation was  
 8 kind of like about to come within I think two  
 9 weeks, I learned that my mother, who had a routine  
 10 hip surgery scheduled, and I was actually in  
 11 Germany before to help set everything up, she  
 12 developed internal bleedings, and I got a pretty  
 13 frantic, scared call from my brother that my mom --  
 14 the state of mother is very grim, they were not  
 15 able to locate the internal bleeding, and that they  
 16 will put her in ICU, and that it is affecting her  
 17 mental capacity and she is pretty messed up. The  
 18 only person who could kind of calm her down  
 19 happened to be me, so I was on the phone a lot  
 20 during that time. My mom felt that she was still  
 21 in World War Second, and they -- her family  
 22 suffered a lot of persecution. They had Gestapo in  
 23 their church because her father helped Jews to  
 24 escape from Nazi German prosecution, and so he  
 25 picked their radar and so they monitored very

1 closely what he did, and that put my mom in a  
 2 pretty frantic state, and I had to -- she kept  
 3 ripping her IVs out and wanted to get up and was in  
 4 no condition, I mean, freshly operated on her hip  
 5 joint to do anything of that. I was -- I wrote a  
 6 short message. I didn't write much around the  
 7 bush. I went right to it. It was an extremely  
 8 stressful time. I had already -- you know, that  
 9 was after the letter that we just went over. Then  
 10 I just told them, "I can't do this. It's on you.  
 11 You know, you are the chair. You're kind of  
 12 like -- you've got to handle this because I can't."  
 13 This was also my three-months-off contract, so I  
 14 was not contractually obligated, not that that  
 15 would have changed something, because, you know,  
 16 that if it's a family emergency, it's a family  
 17 emergency, but I offered to still be involved as  
 18 much as I could. I just could not be in charge of  
 19 it because I don't know, you know, my mom has to  
 20 come first, you know. And the nurses call me and  
 21 ask me, "Can you calm your mom down again," then  
 22 that's something I have to do. I had -- I have  
 23 siblings in Germany, and my sister is an emergency  
 24 doctor who suffered two heart attacks, fortunately  
 25 in the hospital, that saved her, so she was not

1 available. And my brother had a pretty severe  
 2 diabetes attack and was in a comma. So both of my  
 3 siblings were really not available to help, so it  
 4 was on me and my uncle. And my uncle said, you  
 5 know, it's waiting for you coming. And it's also a  
 6 difficult time because my daughter suffered a --  
 7 she was in a car accident in October of 2013 that  
 8 left her with sprain injuries and she was still  
 9 suffering from them and had severe headaches, had  
 10 some blurred vision from it, and was just -- it was  
 11 just really difficult for me just to pack up and  
 12 travel to Germany and just leave her behind.

13 Q Okay. Pardon my interruption here, but we're  
 14 limited in time, so let me, if I may, please, move  
 15 you along just a little bit here. Thank you.

16 CHAIRPERSON: I also want to take this  
 17 opportunity to remind you that you have 20 minutes  
 18 left in the two-hour time frame that we set.

19 MR. KASIETA: I'm intensely aware of  
 20 that.

21 CHAIRPERSON: Thank you.

22 MR. KASIETA: Thank you very much.

23 BY MR. KASIETA:

24 Q All right. So let's move on to number four on the  
 25 first page of Exhibit 3, please. "You asked

1 Dr. Valerie Stackman, a new assistant professor,  
 2 your mentee at the time, to housesit for you during  
 3 the summer. The request was inappropriate and  
 4 placed a junior colleague in an awkward position.  
 5 As a result of this unprofessional demand, as well  
 6 as other poor interactions with Dr. Stackman, we  
 7 had to remove you as her mentor. You have  
 8 continued to complain about this and have refused  
 9 to take responsibility for your own part in your  
 10 removal as Dr. Stackman's mentor."

11 Are you aware of any rule that says that  
 12 you can't ask somebody to housesit for you because  
 13 they happen to be a mentee?

14 A No. Not at all.

15 Q Has anybody in the administration ever provided you  
 16 with such a rule?

17 A No.

18 Q (Interruption.)

19 A Not before or after.

20 Q I beg your pardon?

21 A Not before or after.

22 Q Okay. Thank you. Take a look, if you will,  
 23 please, at Exhibit No. 10. This is a string of  
 24 e-mails that relate to the administration advising  
 25 you that you were no longer going to be mentoring

1 Valerie Stackman, is it?

2 A Yes.

3 Q All right. Anywhere in that string of e-mails,  
 4 where they tell you that you are not going to be  
 5 mentoring Valerie Stackman, is there even a hint or  
 6 a whisper of you having improperly asked her to  
 7 housesit for you, and that, as the Letter of  
 8 Direction says, was a basis for them removing her  
 9 from your mentorship?

10 A Nowhere. And I asked what the reason was  
 11 repeatedly.

12 Q Did they ever point to any rule anywhere that said  
 13 that what you have done here was unprofessional in  
 14 terms of your interactions with this person that  
 15 you were mentoring?

16 A Not at all.

17 Q Look at page -- I beg your pardon. Look at numeral  
 18 five at page two of Exhibit 3, continuing with the  
 19 Letter of Direction. "On October 7, 2014, at  
 20 7:23:18 a.m. you sent an e-mail to academic staff  
 21 member Deb Rice demanding information regarding an  
 22 independent study for a Criminal Justice student.  
 23 The tone you used was unnecessarily accusatory and  
 24 entirely unprofessional." What's your reaction to  
 25 that? And bear in mind now, we've got even less

1 time. We're down to 16 or 17 minutes.

2 A The tone I used was pretty common in the CJ  
 3 Department. I received many e-mails that are  
 4 written by Professor Caywood in that fashion. They  
 5 were kind of short, direct, to the point.

6 Q Look at Exhibit 11, if you will, please. Is this  
 7 the e-mail that Dean Throop alleges was  
 8 unnecessarily accusatory and entirely  
 9 unprofessional?

10 A Yes. That's the one she's referring to.

11 Q Point number six, please, on the Letter of  
 12 Direction, page two of Exhibit 3. "On October 16,  
 13 2014, at 4:34:12 p.m. you threatened Dr. Patrick  
 14 Solar, a second-year assistant professor, with  
 15 consequences to his professional -- or potential  
 16 tenure bid because you were displeased with his  
 17 interpretation of his role as committee chair. You  
 18 said, quote, 'I am doing my best to treat you with  
 19 the respect and collegiality due a junior faculty  
 20 member by a senior tenured faculty member.'" And  
 21 I'm not going to read the rest of it. The panel  
 22 obviously can read it for itself. What is your  
 23 position regarding that point on the Letter of  
 24 Direction?

25 A I didn't threaten him, but I pointed out that he

1 handled the chair search improperly, and if he did  
 2 not follow the direction given to him at the  
 3 department meeting in August, Dr. Dalecki pointed  
 4 out that Dr. Solar should reach out to faculty and  
 5 staff to get the description -- job description  
 6 going, he failed to do that. He excluded members,  
 7 he excluded me. And when I brought it up to him,  
 8 that was after the fact when they -- that the text  
 9 was already out and it states in the advertisement,  
 10 including it was asked for a PhD in Law  
 11 Enforcement, something that doesn't exist, and I  
 12 think that would just undermine our professionalism  
 13 at the school. That was something that could have  
 14 easily been prevented before we published it.  
 15 There were other mistakes done as well, and instead  
 16 of producing candidates for hire, Dr. Solar wasn't  
 17 able to fill even one position, and I thought that  
 18 was a pretty -- not just a waste of time but also a  
 19 waste of money, because searches aren't cheap, you  
 20 bring candidates on campus, you fly them in, you  
 21 pay for their flight, for their travel  
 22 arrangements, for the hotel, for their food. It's  
 23 a type of expense.  
 24 Q All right. Look, please, at Exhibit No. 12. Is  
 25 this the e-mail that is referenced in point six of

1 instigated the complaint against Dr. Stackman."  
 2 Have you ever seen any indication of any evidence  
 3 of any kind that you were part of instigating the  
 4 complaint against Dr. Stackman?  
 5 A That's absolutely absurd. I wouldn't do that.  
 6 It's -- you know, the students sometimes have  
 7 complaints. Sometimes they're valid and sometimes  
 8 they're not and there's nothing really one has to  
 9 worry about. Yah, I think they have to be  
 10 addressed properly and sort it out whether there is  
 11 merit to them or not.  
 12 Q All right. Let's jump back to Exhibit No. 1, the  
 13 Statement of Charges. We've finished up with  
 14 number three now and your reaction to Dean Throop's  
 15 Letter of Direction. Let's go on to number four on  
 16 page one of Exhibit 1. "Your mission to expose  
 17 corruption has pulled students into matters and  
 18 conflicts that are outside of the academic mission/  
 19 environment of the university." You have touched  
 20 upon this somewhat. Without being repetitive, what  
 21 is your position regarding that statement in the  
 22 Statement of Charges?  
 23 A I have not pulled students into that mission. I  
 24 have actually been extremely careful to keep people  
 25 out of it, not include them, so that they would not

1 the Letter of Direction that you just talked about?  
 2 A Yes.  
 3 Q I guess we can leave it for the panel to determine  
 4 whether that in fact is a threatening e-mail.  
 5 Point seven in the Letter of Direction  
 6 references October 23, 2014, that she learned that  
 7 you had told students who wished to pass on a  
 8 concern about Dr. Stackman "to by-pass the interim  
 9 department chair because," you said, "he was  
 10 biased." Let's stop there. Is that accurate?  
 11 A No, it's not accurate. The student actually was  
 12 concerned that the chair was biased. Chair Dalecki  
 13 took on the mentoring rule of Dr. Stackman,  
 14 something that is pretty unheard of. I mean  
 15 Professor Lomax (sp.), who used to be a CJ chair,  
 16 said that it was absolutely not common to do that  
 17 and actually a conflict of interest, and so the  
 18 students may not be comfortable -- the student that  
 19 came was not comfortable going to Dr. Dalecki, and  
 20 so I suggested to her that there is an office on  
 21 this campus that takes on issues that students have  
 22 and works to assist them in these matters.  
 23 Q Let's jump to the last sentence at point number  
 24 seven of page two of the Letter of Direction. Dean  
 25 Throop also said, "I also fear that you may have

1 too be subjected to retaliation. Students first  
 2 learned about my problems, about my case, when  
 3 Dr. Strobl sent out an e-mail with referencing the  
 4 Watchdog.org article and calling for a forum. Then  
 5 the chancellor's office sent out another e-mail,  
 6 that lengthier e-mail where they attached court  
 7 decisions to it, and that informed students what  
 8 was actually going on and that is why exponent  
 9 actually came then to me to ask questions about it.  
 10 Q One final question. Why shouldn't the panel follow  
 11 the recommendation of the chancellor and terminate  
 12 you as a tenured professor at the University of  
 13 Wisconsin-Platteville?  
 14 A It's -- it's false, it's inaccurate, it's without  
 15 -- it's not based on facts, and there are things  
 16 thrown out that are not substantiated.  
 17 MR. KASIETA: Those are all the questions  
 18 I have. Thank you.  
 19 THE COURT: Thank you.  
 20 Attorney Lattis.  
 21 MS. LATTIS: Thank you.  
 22  
 23  
 24  
 25

CROSS EXAMINATION

BY MS. LATTIS:

Q Dr. Burton, you attended a Department Review Board meeting on January 14, 2014, and on November 15th, 2014, did you not?

A Yes.

Q And what are Department Review Board meetings?

A Review meetings are on a departmental level where we discuss anything from the merit pay, equity pay, activity pay, evaluate and making sure that the binders are complete, and do evaluating, whether the department members are meeting the standards.

Q And so you understood that these meetings were evaluation -- evaluative of junior faculty and other faculty members not present at those meetings, didn't you?

A Correct.

Q And you recorded those meetings, didn't you?

A Yes.

Q And you did not tell anyone that you were recording the -- recorded those meetings, did you?

A Correct.

Q And you then prepared your own transcripts of those meetings, didn't you?

A My husband prepared transcripts, yes.

Q And they had edits in -- the transcripts contained edits or your comments on what was said, didn't they?

A There was -- yah, there was some edits, --

Q And --

A -- clarifications.

Q Okay. And you provided the recordings and the transcripts to your husband Roger Burton, didn't you?

A They were first submitted to opposing counsel.

Q Well, that wasn't my question. You provided recordings to your husband Roger Burton, didn't you?

A He got them from the court documents, yes.

Q And he posted those recordings and the transcripts with your edits on an open internet site available to the entire general public, didn't he?

A Yes.

Q And he did that with your knowledge and awareness, didn't he?

A I wasn't aware of all of the additional pieces. I was more focused on heading a class, but I trusted him being responsible.

Q And he was not in this case, was he?

A (No response.)

Q So your trust would appear to have been misplaced, because in fact what you published -- what he published for all the world to hear were confidential evaluations of faculty in the Criminal Justice Department, didn't he?

A Umm, well, was he responsible. The two members in question were already terminated. One was terminated, I think it was a problematic termination because the Review chair said prior to the meeting that --

Q Well, Dr. Burton, you are rather straying from the question.

A Not directly. I think this has to be answered. There was -- it appeared that from the forefront that the meetings would not be done fairly, --

Q And I asked you --

A -- and that's why I wanted to record them.

Q That's not an answer to my question, and so what I am saying is, if you want to clarify something after I'm done with my cross examination, then you still have a little bit of time that you can use to clarify that. But this is my cross examination, so I need you to answer my questions, please.

All right. You received the Letter of Direction from Dean Throop that we have now

discussed pretty significantly -- or pretty substantially in October of 2014, correct?

A Umm hmm.

Q And on November 12, 2014, you sent Dean Throop an e-mail, didn't you, that said, "I am sorry but I cannot accept your Letter of Direction;" didn't you do that?

A Oh, yes.

Q And you never really had any intention of complying with the directions, did you?

A That's two different things. I couldn't accept a letter that is full of falsehood. That had to be addressed. But it doesn't mean that that I will not follow my directions.

Q And did you ever indicate to Dean Throop or anyone else that you intended to follow the directions?

A (No response.)

Q Even though you disputed the factual basis for it, did you ever make that assertion at any time?

A To the best of my recollection, I did state that I had every intention to follow it.

Q Where did you state that?

A I think in conversations. I did not want to put -- you know, push the envelope.

Q The Letter of Direction, so if we can turn back to

1 it, and let's see what -- I don't know what exhibit  
 2 that was of yours. In my -- in our exhibits it is  
 3 Exhibit C, page 21. I can provide that to you if  
 4 you need it. But the Letter of Direction, it  
 5 contained the factual -- or the assertions that we  
 6 have discussed and then it contained the actual  
 7 directions, isn't that correct?  
 8 A Yes.  
 9 Q And the directions are not discipline, they're  
 10 simply directions. For example, direction number  
 11 one, "You will actively work to resolve your  
 12 complaints and issues on the most local level  
 13 possible: Your department, before invoking  
 14 assistance from the administration," so they're  
 15 just directions, correct?  
 16 A Correct.  
 17 Q Now you received a second Letter of Direction later  
 18 on from Chancellor Shields, didn't you?  
 19 A Yes.  
 20 Q And that letter was in June, June 3rd, 2016, so a  
 21 year and a half after Dean -- or after former Dean  
 22 Throop's Letter of Direction?  
 23 A Correct.  
 24 Q And in that Letter of Direction, Dr. Shields brings  
 25 forth a number of other items that he also found

1 Q And you directed it to Dean -- well, Interim Dean  
 2 Gormley, correct?  
 3 A Correct.  
 4 Q And you copied Staci Strobl --  
 5 A Umm hmm.  
 6 Q -- and M. Kittle at Watchdog.org? Now who is that?  
 7 A He's an investigative reporter.  
 8 Q And this is a lengthy e-mail in which you make --  
 9 well, several pages worth of accusations against  
 10 Dr. Strobl, correct?  
 11 A Yes.  
 12 Q And some people could consider this to be harassing  
 13 and threatening, these -- this e-mail which you  
 14 sent to an investigative reporter about Dr. Strobl,  
 15 not a complaint that you endeavored to keep  
 16 internally as you were asked to do, correct?  
 17 A Yes. I had tried to keep complaints internally.  
 18 They were not granted, in violation of policy,  
 19 repeatedly, --  
 20 Q But nevertheless --  
 21 A -- and I --  
 22 Q -- you did not follow Dr. Shield's direction in  
 23 that regard with this letter regarding --  
 24 A Having an --  
 25 Q -- Dr. Strobl?

1 problematic and then he issues some more  
 2 directions, so what he is saying in that is "I am  
 3 directing you to cease using university resources  
 4 to harass, intimidate or threaten your coworkers  
 5 and supervisors, and that I am asking you to make  
 6 additional complaint to Dr. Crowley instead of to  
 7 the department." Do you remember that?  
 8 A Yes.  
 9 Q And did you -- do you believe that you did in fact  
 10 cease using university resources to harass,  
 11 intimidate or threaten coworkers and supervisors?  
 12 A I ceased using university resources to send e-mails  
 13 that I believed were important. I did not harass  
 14 or intimidate.  
 15 Q Well, let's talk about that. So I would like you  
 16 to look at our -- at administration's Exhibit 3,  
 17 page 33. I don't think you have that with you, so  
 18 I'm going to provide you with a copy.  
 19 All right. And you sent Exhibit C -- C,  
 20 page 33; this is an e-mail from you. At the bottom  
 21 it says that you -- the subject is "Chairmanship in  
 22 CJ Department," correct?  
 23 A Yes.  
 24 Q Do you see that?  
 25 A Yes.

1 A Having an outsider reviewing that is not  
 2 harassment.  
 3 Q Well, that may be your opinion.  
 4 A Umm hmm.  
 5 Q Others might have a different opinion, couldn't  
 6 they?  
 7 A They might.  
 8 Q So let's look at Exhibit C-40, so page 40. So this  
 9 is an e-mail that you sent to one of your  
 10 colleagues, right?  
 11 A Yes.  
 12 Q Dr. Nemmetz?  
 13 A (Nods head.)  
 14 Q And this is pretty interesting because in this  
 15 e-mail, you revealed to Dr. Nemmetz some  
 16 information that you had about her hire, didn't  
 17 you?  
 18 A Yes.  
 19 Q So you did not keep confidential information about  
 20 Dr. Nemmetz's hire, you told her about it in this  
 21 e-mail, didn't you?  
 22 A That was actually past her hire. That was when  
 23 Dr. Caywood got involved. It was not part of the  
 24 search and screening.  
 25 Q "You were marked down by two faculty members senior

1 to you stating you were minimally qualified for the  
 2 position; both suggested that you should get a  
 3 lower pay," so it wasn't for the hire, it was for  
 4 -- it was a pay decision?  
 5 A Yes.  
 6 Q Okay. Nevertheless, it's confidential information  
 7 about a pay decision which you revealed to her?  
 8 A (Nods head.)  
 9 Q Then you say -- umm, so you revealed that to her.  
 10 And then you say, "I guess you just had to join the  
 11 retaliation train in hopes of getting accolades  
 12 from the administration. I hope it has paid off.  
 13 I guess it has." Now some people might consider  
 14 that a harassing comment, couldn't they?  
 15 A I guess we have to ask "some people."  
 16 Q Now let's look at Exhibit C-41. Exhibit C, page  
 17 41, this is an e-mail to David Couper, correct?  
 18 A Umm hmm.  
 19 Q And David Couper is an instructional academic staff  
 20 member in the Department of Criminal Justice,  
 21 correct?  
 22 A He's an adjunct.  
 23 Q He's an adjunct what?  
 24 A He's an adjunct lecturer. He's not academic staff.  
 25 Q Adjunct lecturer. Okay.

1 A That's what he is.  
 2 Q So technically David Couper is not a member of the  
 3 faculty, is he?  
 4 A No.  
 5 Q But he is a member of the small faculty in that he  
 6 is a lecturer in the Department of Criminal  
 7 Justice, isn't he?  
 8 A Umm hmm.  
 9 MR. VAUGHN: Is that a yes?  
 10 THE WITNESS: Yes.  
 11 BY MS. LATTIS:  
 12 Q And you say to him both that he is misrepresenting  
 13 himself to students and colleagues and that you do  
 14 not "appreciate your presenting yourself as my  
 15 equal," here in this letter, do you not?  
 16 A Uh huh. Correct.  
 17 Q Now some people could interpret that as being  
 18 pretty unprofessional and almost a harassing  
 19 remark, couldn't they?  
 20 A Addressing things that are maybe uncomfortable to  
 21 some but necessary can easily construct it as  
 22 harassing by someone.  
 23 Q And you felt it --  
 24 A It has to be said.  
 25 Q And you felt it was necessary to follow --

1 A I followed Dr. Throop's directive --  
 2 Q -- to follow Dean Throop's directive?  
 3 A -- of handling my problems with my colleagues on a  
 4 most local level; that was her directive. We have  
 5 not received communication training that was  
 6 promised and mandated twice that was supposed to  
 7 address these things.  
 8 Q So are you telling --  
 9 A I followed her directive.  
 10 Q Excuse me. So are you telling the committee that  
 11 you didn't understand -- know enough about  
 12 communication skills to recognize that this is an  
 13 unprofessional and perhaps demeaning way to address  
 14 a colleague?  
 15 A No, it's not unprofessional. If somebody here  
 16 assumes a position that he doesn't have and tells  
 17 students that he is a faculty member, that is  
 18 lying.  
 19 Q And that --  
 20 A He should not pretend to be faculty when he is not.  
 21 That is serious. Like somebody who is a paralegal  
 22 should not run around saying, "I'm an attorney,"  
 23 right?  
 24 Q But that's -- that's not what --  
 25 A That's exactly what former Chief Couper was doing.

1 Q Oh.  
 2 A That's exactly what he did. He flashed a badge and  
 3 bragged about it that he has a faculty badge.  
 4 That's not even --  
 5 Q He has a faculty badge?  
 6 A Oh, yes. He flashed that repeatedly.  
 7 Q Well, if he has a faculty badge, what's wrong with  
 8 him showing it?  
 9 A He pretends to be faculty when he is not. That  
 10 confuses our students. It makes it look like  
 11 they're getting instruction from a full professor  
 12 when they are not.  
 13 Q Dr. Burton, --  
 14 A They're paying for --  
 15 Q Dr. Burton, do you understand that addressing  
 16 someone in this way and suggesting that he is  
 17 presenting himself as your equal and that -- and  
 18 basically dressing him down for this kind of thing,  
 19 do you understand how he could perceive that as a  
 20 demeaning and unprofessional remark?  
 21 A It was an e-mail between the two of us, not sent to  
 22 anybody else.  
 23 Q But we have it now, correct?  
 24 A Well, if he gave it forward, that was his decision.  
 25 Q Exactly.

1 A So I guess he wasn't too concerned about it.  
 2 Q Well, perhaps. That's one interpretation. So I  
 3 would like you to turn to Exhibit C-42. C-42 is an  
 4 e-mail exchanged between your husband Roger Burton  
 5 and Dr. Patrick Solar, isn't it?  
 6 A Yes.  
 7 Q And on page 44 we have an e-mail from Dr. Solar to  
 8 you, asking you if you would remove material posted  
 9 online, umm, that you had posted online about him  
 10 at your earliest convenience; you see that here,  
 11 don't you?  
 12 A Which is a factual error, because I did not post  
 13 it.  
 14 Q You see that?  
 15 A I see that e-mail, yes.  
 16 Q Okay. Now you shared this then with your husband  
 17 Roger Burton, didn't you?  
 18 A Correct.  
 19 Q And Roger Burton took it upon himself to write a  
 20 pretty unprofessional response to Dr. Solar in  
 21 paragraph -- that begins on page 42, didn't he?  
 22 A I don't see it as unprofessional.  
 23 Q You don't see it as unprofessional?  
 24 A No. I think it's --.  
 25 Q It's perfectly okay for your spouse to write to a

1 colleague and say things like that?  
 2 A Yes.  
 3 MR. KASIETA: Let me object, --  
 4 THE WITNESS: Absolutely.  
 5 MR. KASIETA: Let me object, if I may,  
 6 please.  
 7 Roger Burton is not a part of this in  
 8 terms of potential discipline or part of the  
 9 outcome, nor was he acting as an agent, there  
 10 certainly hasn't been proof of that, so I object to  
 11 these questions about his professionalism in this  
 12 context.  
 13 MS. LATTIS: I believe the witness has  
 14 already answered the question, and I'm going to  
 15 move on.  
 16 BY MS. LATTIS:  
 17 Q Now I'd like you to turn to Exhibit C, page 45, if  
 18 you would. Have you ever posted information on  
 19 your Facebook page that you addressed to students?  
 20 A Yah. In fact, you have that included at the bottom  
 21 of that page.  
 22 Q All right. So at the bottom of the page, that is a  
 23 Facebook post by you?  
 24 A Correct.  
 25 Q And it starts out, "Hello, dear students," doesn't

1 it?  
 2 A Umm hmm.  
 3 Q And it is -- you're talking about the incident with  
 4 Dr. Gibson from four years prior to when you posted  
 5 this, weren't you?  
 6 A Correct.  
 7 Q And you, umm, you actually name the student  
 8 involved here in this -- in this e-mail, don't you?  
 9 A Yup. Alexandra.  
 10 Q So you revealed the student's name publicly to  
 11 other students --  
 12 A Yup.  
 13 Q -- about this incident?  
 14 A With her knowledge and approval.  
 15 Q And then is that the only time that you have ever  
 16 addressed -- you have ever taken -- you've ever  
 17 addressed students directly in this manner?  
 18 A Hmmm.  
 19 Q About this incident, the Gibson incident.  
 20 A Yes. Yah, yah, in this -- in this time.  
 21 Q So you've never otherwise put information out there  
 22 directed towards students about the Gibson incident  
 23 from 2012?  
 24 A No. Not that I can recall.  
 25 Q Let's talk a little bit about the Gibson incident

1 in 2012.  
 2 A Okay.  
 3 Q So that incident was fully resolved, not to your  
 4 satisfaction, but fully resolved by -- before the  
 5 end of 2012, wasn't it?  
 6 A I don't know what you call "fully resolved." The  
 7 effect of the committee described that what you  
 8 have called "fully resolved" as "slut shaming," so  
 9 I don't think that is fully resolved.  
 10 Q The faculty committee did that?  
 11 A Yes.  
 12 Q Never mind. Never mind. You can talk about that  
 13 in your follow up, if you would like.  
 14 A All right.  
 15 Q So that incident was over in 2012. After that the  
 16 incident really became entirely about you and how  
 17 you felt you were being treated, didn't it?  
 18 A Something that I thought would blow over and we  
 19 could move on, yes, manifested itself into an  
 20 attack on me, get rid of me.  
 21 Q So further discussion about that incident with  
 22 students or with others was really a discussion  
 23 about yourself and how you felt you were being  
 24 treated?  
 25 A Except for I did not have discussions in the years

1 between that with students in these matters.  
 2 Q Since that Gibson event you received tenure at this  
 3 institution, didn't you?  
 4 A Yes.  
 5 Q Since that Gibson event you received two raises  
 6 from UW-Platteville, didn't you?  
 7 A I received an equity adjustment. I don't know what  
 8 other raise you are referring to.  
 9 Q A pay raise associated with receiving tenure,  
 10 perhaps?  
 11 A That was before the student sexual harassment  
 12 complaint.  
 13 MR. BOCKHOP: Excuse me? What was that?  
 14 THE WITNESS: The pay raise that she  
 15 thought I received after the student sexual  
 16 harassment complaint I actually received before  
 17 that. I got pay the raise in August of 2012. The  
 18 student sexual harassment complaint was on  
 19 October 10.  
 20 MR. BOCKHOP: I'm sorry. I couldn't hear  
 21 that before. Thank you.  
 22 THE WITNESS: Umm hmm.  
 23 BY MS. LATTIS:  
 24 Q Have you ever raised the Gibson incident with your  
 25 students in class?

1 A Never.  
 2 Q Have you ever raised the Gibson incident with your  
 3 -- in private meetings with students?  
 4 A No.  
 5 Q Did you obtain a graduate student's recording of a  
 6 conversation with Dr. Michael Dalecki?  
 7 A Yes.  
 8 Q And did you -- or I should say, did your husband --  
 9 did you provide that recording to your husband?  
 10 A No. He provided it to my husband.  
 11 Q And was that posted publicly on the public website?  
 12 A Yes.  
 13 Q And the graduate student in that tape recording was  
 14 raising your concerns about a dispute with a  
 15 colleague that you had with Dr. Dalecki, isn't that  
 16 correct?  
 17 A The student was called in by Dr. Dalecki because  
 18 Dr. Dalecki suspected that the student was the  
 19 source of, umm, source of my learning that Deb Rice  
 20 made multiple defamatory statements against me in  
 21 which she called me mentally ill in front of  
 22 colleagues and students, saying that I was manic  
 23 because I liked to work a lot, statements in which  
 24 she said that I did not attend to the German  
 25 delegation because I didn't like East Germans, and

1 that I wouldn't be around much longer.  
 2 Q And did you discuss that conversation with Deb Rice  
 3 with the graduate student?  
 4 A Whether I did -- I'm sorry, did I discuss with the  
 5 student this?  
 6 Q Yes.  
 7 A He informed me -- he contacted me, I don't remember  
 8 exactly when, I think it was months later, that he  
 9 had a conversation that he found very alarming and  
 10 wanted me to hear it. He informed me also that I  
 11 was defamed behind my back. He thought that was a  
 12 nasty thing to do and that it should be handled  
 13 with.  
 14 Q Did you suggest to the student that he record the  
 15 conversation with Dr. Dalecki?  
 16 A No. But my students, many of my students are aware  
 17 of that Wisconsin is a one-party consent state.  
 18 Q Did you discuss that with the student?  
 19 A He took, I think, at least two of my classes, so  
 20 there's a good chance that it came up. We talk  
 21 about recordings, what private people can record  
 22 and what public people can record, police officer  
 23 can record, so if he paid attention, he knew.  
 24 Q During the -- during November of 2016 there came a  
 25 time when the department had a meeting regarding

1 Dr. Strobl's resignation as chair. Do you recall  
 2 that meeting?  
 3 A Yes.  
 4 Q And was that the meeting that you testified earlier  
 5 today that you recorded?  
 6 A Yes. I recorded that meeting.  
 7 Q And is that the meeting that you were discussing  
 8 earlier -- or in your testimony earlier tonight?  
 9 A Yes, I believe it was. It came up, yes.  
 10 Q So you recall then that -- that Interim Dean  
 11 Gormley and others in your department asked you not  
 12 to record it, don't you?  
 13 A Yes.  
 14 Q But nevertheless, you did record it?  
 15 A Yes.  
 16 Q And you provided that recording to Matt Kittle,  
 17 didn't you?  
 18 A Yes.  
 19 MS. LATTIS: I have no more questions.  
 20 (DISCUSSION HAD OFF THE RECORD.)  
 21 MS. LATTIS: No more questions.  
 22 CHAIRPERSON: You still have some time if  
 23 you would like to call some witnesses.  
 24 MR. KASIETA: Let me instead, if I may,  
 25 please, do a brief redirect, very briefly. Thank

1 you.

2 REDIRECT EXAMINATION

3 BY MR. KASIETA:

4 Q Exhibit C that was referenced, that e-mail that was

5 part of the questioning on direct examination, do

6 you have that in front of you still, Exhibit C,

7 page 40?

8 A Is this in yours or --

9 Q This is in the administration's exhibits, not ours.

10 A Okay. Yes, I have it.

11 Q Okay. Starts with Appendix A.

12 A Okay. Yah.

13 Q Okay. Good. Now the paragraph after where counsel

14 stopped reading says, "I will continue to treat you

15 fairly. I don't retaliate and I don't backstab. I

16 am just disappointed. I guess you are entitled to

17 your opinion about me." See that?

18 A (Nods head.)

19 Q What did you mean by that? I mean what were you

20 trying to say there?

21 A That she didn't have anything to fear from me. I

22 just -- I was hurt, that I fought hard that she

23 would get a fair -- a fair procedure and that --

24 such a speedy process. That there was actual

25 battle. I had department members that actually --

1 I can't say broken, but that unauthorized access --

2 access to the files for our candidates and snooped

3 through that. I reported that to Dr. Dalecki and

4 to HR. They were also demands made that if we hire

5 -- if we actually do hire these females, that they

6 should get paid less, and I fought very hard, I

7 like to be fair, that one candidate who made

8 statements sexual in nature that offended one of

9 the panel members and he wanted her to be stricken

10 as a candidate, and he had problems with her

11 sexuality that required intervention from HR person

12 in this regard, so it wasn't exactly easy,

13 especially with (inaudible) Nemmetz. The former

14 chair did not -- he fought very hard not to get her

15 on board. And so I -- because of that I made the

16 effort to welcome her into the department and I

17 ordered a flower arrangement in town for her and

18 for another faculty -- new faculty hire to make

19 them feel welcome, because I was concerned that

20 they may even get the cold shoulder from some

21 people.

22 Q Now there's been talk about this Dr. Gibson

23 incident once again. The former student who was

24 involved in that incident, has she in fact written

25 in support of you?

1 A Yes. She has.

2 Q All right.

3 A And she also -- she wanted to be heard. She asked

4 to talk to the reporter herself and explain --

5 Q And she has written --

6 A -- her position.

7 Q She's written a document that is in the packet for

8 the panel which you previously submitted at the

9 last session?

10 A Yes.

11 MR. KASIETA: Thank you very much.

12 That's all I've got. Thanks.

13 (WITNESS EXCUSED.)

14 THE COURT: Anything else from either

15 side?

16 MS. LATTIS: Yes. Dr. Shields would like

17 to give some rebuttal testimony.

18 CHAIRPERSON: All right.

1 REBUTTAL TESTIMONY

2 DR. SHIELDS: Good evening. I will be

3 brief.

4 A couple of observations. Professor

5 Burton's reporting of the contact with the student

6 that was dealing with harassing is precisely what

7 this university would expect of any faculty member,

8 and in fact any faculty member or staff member is

9 obligated to report those sorts of things. You

10 don't get commendation for it. You don't get to

11 act like it's unusual. It is in fact a

12 requirement, both morally and I believe legally. I

13 believed it then and I believe it now.

14 Second of all, this is a community of

15 professors and teachers, all of whom are committed

16 to great outcomes for students. In fact, as senior

17 faculty members, you probably know that better than

18 I do. Many of you, if not all of you, have been on

19 this faculty longer than I have been here, and in

20 fact that commitment to great student outcomes and

21 caring about teaching is a part of this

22 institution.

23 I'd like to clear something up about who

24 cares about the quality of the program delivered by

25 the Criminal Justice Department. It was in fact

1 Provost Den Herder and then-Dean Throop who engaged  
 2 then-chair of the Criminal Justice Department, I  
 3 believe it was --  
 4 MS. LATTIS: Caywood.  
 5 DR. SHIELDS: -- Caywood, and I had a  
 6 conversation with them about the direction of the  
 7 department, and it was at that point in that  
 8 conversation, I remember it because Provost  
 9 Den Herder came in to have a conversation with me  
 10 about what had just transpired, and it ended up  
 11 with him departing as chair of the department. It  
 12 was at that point that both Provost Den Herder and  
 13 Dean Throop decided that there needed to be a very  
 14 careful review of the Criminal Justice Department,  
 15 so much so that they felt that an external senior  
 16 faculty member with experience as a department  
 17 chair in a related discipline would be best to  
 18 serve as the interim chair and determined that it  
 19 would be entirely appropriate for an external  
 20 national search for a new chair of the Criminal  
 21 Justice Department take place and that outside  
 22 consultants would engaged to review the department  
 23 and provide recommendations and assessment for how  
 24 to proceed. That is exactly how a university  
 25 should operate in determining how to correct course

1 in a department that is struggling. So  
 2 notwithstanding what Professor Burton's views are  
 3 on the matter, the university was doing its job in  
 4 reviewing its programs and correcting course.  
 5 Finally, what I will tell you is that the  
 6 question here isn't really all that back and forth  
 7 over the last five years. There may be a lot of  
 8 things that the university and faculty and the back  
 9 and forth could have been done better or different,  
 10 and in fact some of what occurred there probably  
 11 happens at some level at some point in many  
 12 departments across here.  
 13 What doesn't happen is that a colleague  
 14 violates the trust of her peers, her colleagues,  
 15 and the university by publishing what should be  
 16 confidential evaluative information about their  
 17 peers at a meeting where they know that's what's  
 18 going on. And the question for you in your  
 19 recommendations is whether you think what has  
 20 transpired here rises to the level of a violation  
 21 of the trust and the orderly evaluation of faculty,  
 22 which is an essential core of your jobs as faculty.  
 23 This rises to the level where this crosses a line,  
 24 warranting her -- the termination of tenure for  
 25 this faculty member. That's what's at -- that's

1 what at issue.  
 2 So I wanted to frame that up for you at  
 3 least from my perspective.  
 4 CHAIRPERSON: Thank you.  
 5 Mr. Kasieta, any questions or any further  
 6 witnesses? We have a little bit of time. Any  
 7 comments?  
 8 MR. KASIETA: Are you asking at this  
 9 point for summation?  
 10 CHAIRPERSON: If you are ready to do  
 11 that.  
 12 MR. KASIETA: Okay. I'm happy to do  
 13 that, sure.  
 14 (WITNESS EXCUSED.)  
 15 MR. KASIETA: The chancellor just told  
 16 you that what is before you is whether this rises  
 17 to the level of a violation of trust and that  
 18 statement goes to the heart of the problem here.  
 19 This university through its administration in this  
 20 process is not following the law. What is before  
 21 you is not whether this rises to the level of a  
 22 violation of trust. It is expressly and explicitly  
 23 not that. What is before you is whether the  
 24 statutory standard has been satisfied to terminate  
 25 the employment of a tenured faculty member. You

1 don't get to move the goal line and say, "No, no,  
 2 this is really about whether she violated  
 3 somebody's trust." Each and every one of you and  
 4 Dr. Burton is protected by the statutes that afford  
 5 you great job security because tenure encourages  
 6 the kind of candor, sometimes rough candor, but the  
 7 kind of candor that Dr. Burton exhibited. When she  
 8 writes a colleague and she says, "I don't think  
 9 much of what you did," is that unprofessional? Or  
 10 is that an exercise of a First Amendment right that  
 11 is so fundamental in our country that we wouldn't  
 12 even think -- out there in the public we wouldn't  
 13 even think of threatening that kind of right, and  
 14 yet here we would reduce it to whether it is a  
 15 violation of trust, and you threaten on that and  
 16 that alone to terminate somebody who has a tenured  
 17 faculty position. You just heard it. You just  
 18 heard it.  
 19 What rule has been violated? What  
 20 statutory support has been cited to you? If the  
 21 measure was, was Dr. Sabina Burton dislikeable in  
 22 certain circumstances, that would be a different  
 23 conversation. That isn't what we're talking about.  
 24 And the other thing that applies in the  
 25 law and is so binding is this burden of proof, the

1 burden of proof of clear and convincing evidence.  
 2 The panel is not, I respectfully submit to you, the  
 3 panel is not fulfilling its legal charge if what  
 4 you do in your deliberation is follow the  
 5 chancellor's instruction to violate the law. Ask  
 6 yourself, was there a violation of trust here,  
 7 well, if there was, fire her. What about the law  
 8 that protects someone in a tenured position? What  
 9 about the law that provides for First Amendment  
 10 rights? What about the law that is the cornerstone  
 11 of each and every one of your employment? What  
 12 about that law? There wasn't a whisper of it.  
 13 There's no mention of it. And why? Because there  
 14 couldn't be. Because on October 10th, 2012, the  
 15 unfortunate Dr. Gibson incident occurs. In  
 16 Dr. Burton's opinion, it's mishandled. Now the  
 17 issue before this panel is not whether it was  
 18 mishandled or not. The issue before the panel is  
 19 whether this tenured faculty member will be  
 20 terminated. And Dr. Gibson -- I beg your pardon,  
 21 Dr. Burton certainly made her feelings clear  
 22 regarding the Dr. Gibson incident, just as the  
 23 chancellor indicated he would expect every one of  
 24 the faculty to do, and she took some heat for it  
 25 and she obviously put some people at odds with her,

1 position by the chancellor in a couple of ways.  
 2 One is what I just pointed out to you, the abject  
 3 and bald request that you ignore the law. That's  
 4 very unfortunate. But another way that you have  
 5 been put in an uncomfortable position is, they're  
 6 seeking termination.  
 7 Now why, ask yourself, why is a faculty  
 8 member with the kind of pedigree of this faculty  
 9 member, with the kind of history this faculty  
 10 member has at this institution since 2009, why  
 11 isn't she suspended for this conduct if this  
 12 conduct rises to the level of wrongful behavior?  
 13 Why isn't there a suspension? There's a Letter of  
 14 Direction. We have all heard of progressive  
 15 discipline. We know that the spirit of the rules  
 16 of the faculty and the handbook is progressive  
 17 discipline. Why are you being put in a position of  
 18 having to decide up or down whether the  
 19 professional life of this tenured faculty member  
 20 ends or continues as opposed to a competent,  
 21 qualified administrator saying "I need to exercise  
 22 progressive discipline." And don't get me wrong.  
 23 If you did that, and it isn't progressive  
 24 discipline to say, "I wanted to meet with her. I  
 25 insisted on having my lawyer. She didn't want to

1 because just a few years earlier in 2012 she's  
 2 getting these -- this letter from Chancellor  
 3 Shields, who now seeks to dismiss her, saying that,  
 4 you know, she's doing a great job. That is an  
 5 uncomfortable thing. But it is not a terminable  
 6 offense.  
 7 You heard testimony, it's unequivocal  
 8 here, it's uncontroverted, that this is a  
 9 dysfunctional department. You further heard  
 10 testimony that Dr. Burton is not responsible for  
 11 the dysfunction in this department. It's a whole  
 12 lot bigger than any one faculty member. You might  
 13 recall in the cross examination of Dr. Shields last  
 14 time, he admitted that. Okay. It's a  
 15 dysfunctional department. Do you really fix the  
 16 department, if that is the chancellor's objective,  
 17 by violating the rules of tenure, by ignoring the  
 18 legal mandate that there be clear and convincing  
 19 evidence for tenure, a dismissal, in the hope that  
 20 somebody who is asserting her tenured protected  
 21 rights will go away? I respectfully submit to you  
 22 that if that's what happens, then it is maybe the  
 23 worst miscarriage of justice I've seen in that  
 24 case.  
 25 Now you have been put in an uncomfortable

1 meet with my lawyer until I moved to termination,"  
 2 that's not progressive discipline. That's  
 3 peevishness. That's adolescent behavior. But it  
 4 is not progressive discipline.  
 5 And I'd like you to ask yourself in the  
 6 context of following the law, not looking at  
 7 whether there was a breach of trust, but following  
 8 the law, I'd like you to ask yourself, why are you  
 9 being put in that position? Because that's part of  
 10 the analysis. And there was a better, easier way  
 11 to deal with whatever issues have been presented to  
 12 you. If in fact you conclude that those  
 13 communications were unprofessional, well, then why  
 14 wasn't there a suspension for the unprofessional  
 15 behavior? Why wasn't there a progressive  
 16 discipline so that if we got to the point where we  
 17 sat before you with a request for termination, you  
 18 would be able to look at the history of the matter  
 19 and know that there had been an attempt at  
 20 progressive discipline, so that this faculty member  
 21 had expressed an abject rejection, not of a Letter  
 22 of Direction that we went through, it took a lot of  
 23 time, and I appreciate your patience with that, but  
 24 that Letter of Direction is based on falsehoods,  
 25 it's based on misinformation. And we've got that

1 October e-mail, and it's just Dean Throop says,  
 2 "Well, I didn't even reference the October e-mail,"  
 3 whatever, it's black on white, that's the kind of  
 4 stuff that shouldn't happen.

5 And here's the sad reality: That it has  
 6 happened, and it continues to happen, to a faculty  
 7 member that you have heard from tonight. And  
 8 here's a reality as well, that if you don't speak  
 9 up for her, if this panel doesn't say, one, we're  
 10 going to enforce the law, we are not going to  
 11 subject a tenured faculty member to this kind of  
 12 sliding scale test, fire her if you think she  
 13 violated someone's trust. We are going to enforce  
 14 the burden of proof, and we are going to honor the  
 15 spirit of the law and the letter of the law that  
 16 says tenure in the state of Wisconsin continues to  
 17 be important, because if you don't do it, nobody  
 18 will.

19 And I suspect that even if you recommend  
 20 that Dr. Burton not be terminated, that the  
 21 chancellor will say, "I don't respect your  
 22 recommendation, I'm going to terminate anyway," and  
 23 we'll be fighting this battle before the Board of  
 24 Regents. That's my deep suspicion.

25 But use your voice. Use your voice,

1 please. Stand up for the law. Don't do a favor  
 2 for Dr. Burton. Don't decide whether you like her  
 3 or don't like her. Stand up for the law because  
 4 that's why we're all here.

5 So thank you. Thank you for your  
 6 patience. Thank you for your attention.

7 CHAIRPERSON: Okay. Thank you.  
 8 Ms. Lattis, I take it you have a  
 9 summation?

10 MS. LATTIS: Yes. Thank you, Dr. Hansen.

11 CHAIRPERSON: Briefly.

12 MS. LATTIS: This is not a decision that  
 13 anyone takes lightly here, and Dr. Shields has told  
 14 you that explicitly in May. But the standard for  
 15 just cause that the Board of Regents applies is  
 16 whether or not the actions of the faculty member  
 17 have impaired, sometimes they have said  
 18 "substantially impaired," the efficient functioning  
 19 of the institution, so that's what the standard for  
 20 just cause is.

21 I submit to you that there's no question  
 22 of the facts of what has happened here. We have a  
 23 department that had some issues, and Dr. Shields  
 24 attempted to explain those to you, but it's working  
 25 to correct them. It brought in an interim chair.

1 Then it brought in a new chair. And it's hired new  
 2 faculty. And it has really attempted to turn the  
 3 corner. And you've heard from some of the faculty  
 4 on that point.

5 The one thing that's preventing this  
 6 Criminal Justice Department from operating  
 7 efficiently is the fact that they have a colleague  
 8 among them who they cannot trust to be a decent,  
 9 professional colleague to allow them to accomplish  
 10 their work. This colleague, Dr. Burton, has -- as  
 11 you heard Dean Throop, or former Dean Throop  
 12 explain this in her testimony back in May, that she  
 13 has violated these important norms of not releasing  
 14 confidential information about the performance of  
 15 colleagues, and she's done it repeatedly, and she  
 16 tried to get out of it by saying, "Well, that  
 17 wasn't me, that was my husband." But who recorded  
 18 those meetings? Who provided that information?  
 19 Who edited that? You know, who made -- who edited  
 20 the transcripts and tried to, you know, actually  
 21 even potentially misrepresent or try and call  
 22 attention to what was said, for whose own  
 23 motivations? It was Dr. Burton.

24 And when you know that -- and I want to  
 25 talk about the taping here. So it's not a felony

1 to do a secret recording of a, you know, of -- it's  
 2 not a crime to do a secret recording, but, man, is  
 3 that unprofessional. You know, you have colleagues  
 4 who trust you. You're in -- and you're recording  
 5 everything that you say, and not only that, but  
 6 you're going to give them to your husband with the  
 7 full knowledge that he is going to put them up on  
 8 the internet to try and embarrass you. Now how can  
 9 you work in an atmosphere like that? How can they  
 10 be expected to continue to work with Dr. Burton?  
 11 They can never say anything because they will know  
 12 that every single thing that they say, she's got  
 13 that recorder in her pocket, or maybe she's got it  
 14 sitting out in front of you and she's still saying,  
 15 "Well, I'm not going to move forward with this  
 16 meeting unless I can record it, how can they  
 17 conduct their work in that kind of fashion? And  
 18 then on top of that, we have this campaign that  
 19 Dr. Burton has gone on to try and, for reasons that  
 20 we don't even really understand, I mean Dr. Strobl,  
 21 not even here when the Gibson incident happened,  
 22 not -- had never heard of them, maybe never even  
 23 met Dr. Gibson, and yet Dr. Burton gets into so  
 24 many disputes with her, and she writes this  
 25 scathing, nasty e-mail where she accuses Dr. Strobl

1 of all of these bad behaviors, with no opportunity  
 2 for Dr. Strobl to protect herself. And what does  
 3 she do? She sends it to a reporter who then  
 4 publishes this information. So, you know, you want  
 5 to talk about Dr. Strobl being personally attacked  
 6 and having her integrity questioned and all of  
 7 these things with no real meaningful way to be able  
 8 to defend herself, that's the kind of colleague  
 9 that Dr. Burton is.

10 And say that we didn't do progressive  
 11 discipline. I mean, you know, look, this is a  
 12 professional edu- -- well-educated person,  
 13 PhD-holding person who should have known that you  
 14 don't -- that you need to be professional with your  
 15 colleagues, you need to work with your colleagues  
 16 so that they can get their work done, that these  
 17 kind of public attacks that you make on them so  
 18 that they're completely stressed out, they're  
 19 worried about whether they'll ever get a job, or  
 20 you're writing them and saying, "Well, you made a  
 21 mistake in this hiring -- in this hiring decision,  
 22 and as a member of your tenure committee, I may  
 23 have to take that into account, but I'm sure that,  
 24 you know, you'll be just fine after that," you  
 25 think that's not -- you think that's not

1 unprofessional? You think that's not threatening,  
 2 that's not bullying, threatening a colleague over  
 3 the tenure?

4 And then her -- and then you heard from  
 5 Dr. Solar's testimony that her -- this campaign  
 6 that she had against him. And, again, not involved  
 7 in the Gibson thing at all, not here during that  
 8 time. For reasons that we don't even understand,  
 9 she decides to go after and bully this professor.

10 So we tell her in a Letter of Direction  
 11 from Dean Throop, you can't -- you should -- we  
 12 give her some directions, you know, here's some  
 13 ideas of things that you can do. Keep your  
 14 complaints, you know, local, try to solve them as  
 15 locally as possible, don't use our resources to  
 16 harass and intimidate, you know, the kind of basic  
 17 things that anyone ought to know. And she sends  
 18 something saying, "Well, I don't accept it." Now  
 19 what are we to believe? I really intended to file  
 20 it, you know, and I think I told them that in  
 21 conversations, but she sends an e-mail saying, "I  
 22 don't accept it." And I will tell you that you can  
 23 look at the Federal Court decision and -- the  
 24 Second Circuit decision in Dr. Burton's case,  
 25 which, by the way, fully litigated the question of

1 Dean Throop's Letter of Direction, and the court  
 2 says in two different places, Dr. Burton says she  
 3 wasn't going to follow that Letter of Direction.  
 4 So what are we to think? So they try that.

5 Dr. Burton's behaviors continued, so we  
 6 have then Chancellor Shields, "Okay, we'll ratchet  
 7 this up another level." Now it's not the dean that  
 8 sends a new Letter of Direction, it's the  
 9 chancellor of the university, citing all of these  
 10 things that she said that are examples of bullying  
 11 and nasty and unprofessional attacks on her  
 12 colleagues after having been asked not to behave  
 13 that way. And does she follow the Letter of  
 14 Direction? She does not follow that Letter of  
 15 Direction either. And we -- and then you see  
 16 following up the additional -- the additional  
 17 communications to her about Dr. Strobl and to  
 18 Dr. Nemmetz and so on that followed that.

19 So what are we supposed to do? Is this  
 20 -- is this person going to get the message because  
 21 we suspend her? I mean we've already tried to tell  
 22 her twice. And not only that, but she's just --  
 23 she just continues to engage, you know, record  
 24 these things, we have no trust, so this is not -- I  
 25 mean it truly is an example of trust. What you

1 have is a department, an academic department that  
 2 cannot function with Dr. Burton in it. And so  
 3 that's the question: What are we going to do? Are  
 4 we going to continue to try and change Dr. Burton's  
 5 behavior, because that hasn't seemed to work. Or  
 6 are we going to have to take this drastic step, and  
 7 what Chancellor Shields has asked you to do is to  
 8 consider that drastic step, and -- but to say that  
 9 he had already made up his mind is just not fair.  
 10 There's just not any evidence. We have a process  
 11 here, and we can't even get to the stage unless we  
 12 go through this hearing and go through this  
 13 process. So we are going through this process. He  
 14 has to initiate it, yes. That's what we've done in  
 15 going through this process.

16 So I ask you to consider everything that  
 17 you have heard, all the -- I know it's been  
 18 stretched out for many months, but to go back and  
 19 review the testimony from May and make your  
 20 findings of fact and then issue your recommendation  
 21 accordingly, and then we'll move through the  
 22 process.

23 CHAIRPERSON: All the panel members, do  
 24 any of you have questions you'd like to ask?  
 25 (No response.)

1 CHAIRPERSON: Okay. At this time then  
 2 the committee will stand adjourned for the day,  
 3 having concluded the taking of testimony and  
 4 evidence in this matter, and the session is  
 5 concluded.

6 We will reconvene for the purposes of  
 7 deliberation and preparation of the information on  
 8 Tuesday, December 5th, at 4:00 p.m. Meeting of the  
 9 committee will be held in closed session according  
 10 to Wisconsin Statute 192.25, sub 1.

11 Thank you all very much. And good  
 12 evening.

13 (End of hearing at 8:58 p.m.)  
 14  
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1 STATE OF WISCONSIN )  
 2 ) SS. CERTIFICATE  
 3 COUNTY OF LA CROSSE )

4 I, Beverly A. Rojas, Registered Professional  
 5 Reporter and Notary Public in and for the State  
 6 of Wisconsin, do hereby certify that I have  
 7 carefully compared the foregoing pages with my  
 8 stenographic notes, and that the same is a true  
 9 and correct transcript;

10 I further certify that I am not a relative  
 11 or employee or attorney or counsel of any of  
 12 the parties, or a relative or employee of such  
 13 attorney or counsel, or financially interested  
 14 in said action.

15 Dated at La Crosse, Wisconsin, on this 9th  
 16 day of December, 2017.  
 17  
 18

19 \_\_\_\_\_  
 20 Beverly A. Rojas  
 21 Registered Professional Reporter  
 22 Notary Public

23 My commission expires July 10, 2020.  
 24  
 25

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