

Investigative Report of
Stephen P. Hurley & Marcus J. Berghahn

To

Raymond W. Cross, Ph.d., President
University of Wisconsin System

And

University of Wisconsin System Board of Regents

**REGARDING PERSONNEL INVESTIGATION CONCERNING
SEXUAL HARASSMENT ALLEGATION AGAINST ALAN HILL
AND TO WHAT EXTENT UNIVERSITY OF WISCONSIN WHITEWATER
ADMINISTRATION WAS AWARE OF THOSE ALLEGATIONS**

We were asked to conduct a personnel investigation at the University of Wisconsin Whitewater (UWW). We were charged with investigating allegations of sexual harassment against Alan "Pete" Hill (Hill), and to what extent UWW administration was aware of any of those allegations. As part of our investigation we were asked to determine whether any incidents of alleged sexual harassment were directed against individuals who were students or employees of the University of Wisconsin System at the time of the event, and whether or not the event took place on campus or at a university event.

A. Summary

Investigators interviewed 28 individuals with knowledge of the subject matter of the investigation. *See* Appendix A. Five additional individuals declined to speak with investigators. The investigation was primarily performed by Tom Marquardt (FBI, retired) and Attorney Marcus Berghahn. Attorneys Patrick Fiedler and Stephen Hurley supervised the interviews; Attorney Hurley was responsible for the interview with Chancellor Kopper. Investigators requested emails relevant to the investigation, but they have not been provided to counsel as of the time of this report.

1. Based on the investigation that has been completed to date, we conclude that there is credible evidence that Pete Hill engaged in sexual harassment of both employees, and students (who were either employed directly by UWW or by companies that contracted with UWW) and that these incidents occurred, mainly, on campus or UWW-related properties, like the Chancellor's residence during official events.
2. No witness or document provides direct evidence that Chancellor Kopper knew of, or facilitated Hill's improper behavior. At least one witness reports that when Chancellor Kopper learned about the allegations made by [REDACTED], she expressed surprise.

However, the investigators are not aware of any statement made by Chancellor Kopper in which she acknowledges the impact that Hill's improper behavior has had on employees and students.

The large number of complainants suggest that Hill's unprofessional and improper behavior toward women was pervasive and well-known; indeed, a number of university employees made note of his behavior and took steps to protect one another from Hill. At best, this suggests that Hill's behavior was a blindspot for the Chancellor. It may be that his behavior was dismissed as anachronistic and little or no consideration was given to the effect it had on women, or for the potential conflict of interest that existed based on his relationship to the Chancellor for anyone who thought his behavior was problematic. As summarized by one witness: "When the Chancellor's husband is involved, it's difficult."

3. We found no direct evidence that Chancellor Kopper obstructed or interfered with the investigation of the claims against Hill.
4. We found no direct evidence that Chancellor Kopper retaliated against women who made claims of harassment against Pete Hill.

However, there is some evidence to suggest that Chancellor Kopper may have taken action against one woman prior to her complaining about Hill's inappropriate behavior. In that case, Chancellor Kopper's actions against the employee appeared to be informal or indirect [REDACTED]

[REDACTED]). While reasonable explanations unrelated to retaliation exist for such actions, Chancellor Kopper's actions did affect the employee's ability to perform her job effectively. Even if there was no intent to retaliate, a number of witnesses reported that they perceived Kopper's actions to be an effort to silence them; the effect was the same as if she had directly acted against the employees, and the result was just as destructive to employees's morale.

5. Some witnesses who work closely with Chancellor Kopper on a daily basis, were very complimentary of her management style. But investigators also spoke to a number of witnesses, most of whom had left UWW (either for an early retirement or to accept other employment), who were critical of her management style and competence. Some of the criticism was by comparison to Chancellor Kopper's predecessor, and was made by employees who had a negative interaction with Chancellor Kopper. Witnesses offered examples such as her lack of understanding of budget documents,

her need to micro-manage decisions (such as having to sign off on the hiring of janitors), and what they perceived as her inability to explain why a project had come up short in the Chancellor's eyes.

6. Four points stand out from the interview of Chancellor Kopper.
 - a. Chancellor Kopper did not know whether Pete Hill completed sexual harassment awareness training either in relation to the recommendations arising from the Dowling investigation in 2017, or as part of routine employee training in 2018.
 - b. Chancellor Kopper took no steps to inform herself about the allegation other than to be satisfied with Hill's denial of the allegations. She believed that each allegation was the result of a grudge that the complainant had against her (not Hill), *i.e.*, each complaint had a "back story."
 - c. Chancellor Kopper claims not to have discussed the allegations with Hill. She noted that he was represented by counsel and she stayed removed from the facts, because she was "wearing her Chancellor's hat."
 - d. Chancellor Kopper took 84 days after learning from President Cross that Hill was banned from UWW to inform her cabinet and the campus of the news. (She took almost three weeks to acknowledge the letter from President Cross.) To date, her public statements make no reference to the effect that Hill's behavior (*i.e.*, sexual harassment) had on employees or students. During the interview she commented only on the effect it has had on her.
7. Emails relating to the points of inquiry have been requested by the investigators. The emails may provide additional evidence and clarity in regard to the aforementioned points.

B. Investigation

1. Victims of sexual harassment. The investigation identified at least seven (and, potentially, up to ten) women who claimed – either directly to investigators, or to other witnesses who recounted the same information to investigators – that they were sexually harassed by Hill.
 - a. Three of these women were previously identified in earlier investigations.
 - i. John Dowling investigated claims by [REDACTED] in May 2017. The incidents occurred during official UWW events held at the Chancellor's residence. Mr. Dowling concluded that [REDACTED] claims could not be substantiated.
 - ii. Shannon Bradbury investigated claims by [REDACTED] and [REDACTED] in June 2018. The claims were substantiated and found to be credible. The incidents occurred at the UWW.
 - b. The complainants include employees of the University of Wisconsin Whitewater or former UWW students.
 - i. [REDACTED] and [REDACTED] were both employed by UWW as [REDACTED]. Both [REDACTED] and [REDACTED] provided statements about physical contact by Hill that was unprofessional, and unwanted. Both described Hill as making statements laden with sexual innuendo that made them feel uncomfortable and violated. Both believed (at least initially) that reporting Hill's conduct would place them in an untenable position because of his relationship with Chancellor Kopper. [REDACTED] believed that her ability to perform her job was affected by the Chancellor – and believed, too, that the Chancellor

would not meet with [REDACTED] and [REDACTED] identified by her.

- ii. [REDACTED] are all former UWW students who were employed [REDACTED] for events at the Chancellor's residence. [REDACTED] made a report of Hill's behavior to another student; this resulted in a report to the Dean of Students. While witnesses describe that Hill engaged in similar behavior toward [REDACTED] and [REDACTED], neither made a report to UWW. Nor did these witnesses wish to speak with investigators.

As described by two supervisors at [REDACTED] who witnessed Hill's behavior at the Chancellor's residence (and at other locations on UWW property), Hill acted inappropriately with the employees. Hill interacted with the students in a way that made them feel uncomfortable. His actions constituted sexual harassment and gave the witnesses cause for concern about the safety of their employees. The supervisors noted that often alcohol was involved. They further reported that Hill offered to meet with employees off-campus to discuss career advancement.

- iii. [REDACTED] is former UWW student. She was employed by UWW [REDACTED]
[REDACTED]
[REDACTED] recounted that Hill was often in the [REDACTED] and that he'd often use the conference room. When he arrived, Hill would regularly hug [REDACTED]. She physically resisted his hugs, and tried to get him to stop by telling him that she was not a hugger—to which he replied, "we'll have to work on that."

[REDACTED] description of Hill's hugs resembles what [REDACTED] recounted (as well as the behavior that was observed by the supervisors [REDACTED]). She reports that, in

addition to hugs, Hill would kiss her on the neck. Hill commented "damn, you look good today." Hill would also make statements about the conference room that [REDACTED] perceived as laden with sexual innuendo. [REDACTED] took Hill up on his offer to talk about career advancement off campus, but noted that she made the meeting at a public coffee house, because she was concerned that he might try to hug her or have other physical contact with her. During their meeting at coffee shop Hill said "I am very attracted to you, but you probably already know that." [REDACTED] made contemporary notes of Hill's conduct on her phone, which she provided to investigators.

- iv. [REDACTED] is a former UWW student. Her recounting of harassment by Hill is found in a Facebook post, which she later took down. The post took the form of an open letter to Chancellor Kopper and described a number of incidents with Hill. The post was reported on by the Milwaukee Journal Sentinel.

[REDACTED] reports that, in 2015, she ran into Hill outside of a coffee shop in Whitewater. During this meeting she reports that Hill slid his hand down her back and reached under her skirt and touched her sexually while hugging her. "I felt guilty for wearing a skirt, like [REDACTED] should know better." [REDACTED] Through her lawyer, [REDACTED] declined to be interviewed by investigators.

- v. [REDACTED] is the [REDACTED] for UWW. After Chancellor Kopper was appointed, Pete Hill volunteered to assist with corporate fund-raising in the [REDACTED]. She reports that on one occasion, following a meeting in her office, Pete Hill grabbed her shoulders with both hands and demanded that she kiss him. Startled, she did, and he quickly left the office. While she did not report to Pete Hill, he provided "oversight" [REDACTED] and

he would often make requests using words to the effect of "that's what the Chancellor wants." The report of other employees suggests that Hill's involvement [REDACTED] [REDACTED] was problematic and ripe with conflict of interest which was not recognized. One might question whether [REDACTED] removal from her position as [REDACTED] was, in some way, related to sexual harassment by Hill, or based on his influence.

- vi. During the investigation, an anonymous report form was filed through a UWW sexual harassment reporting platform. The reporting person appears to be a UWW employee. But the individual did not wish to be contacted by investigators. The information provided by the anonymous complainant is consistent with the complaints made by other employees and students.
 - vii. A current UWW employee, who recounted sexual harassment by Pete Hill to another witness, declined to speak with investigators.
- c. John Dowling concluded that [REDACTED] report was unsubstantiated. In isolation this result is not surprising given the broad claims made by [REDACTED] (words to the effect that she was touched/harassed by Hill at least 20 times, when it is not likely that [REDACTED] was at the residence that often) and Hill's denials. However, when the statements of her supervisors and additional employees's claims are examined, the investigators believe that [REDACTED] claim should be deemed substantiated.
- i. Neither [REDACTED] nor the two former student employees were interviewed by investigators. However, the reports of her supervisors ([REDACTED]) are consistent and credible, because the reports potentially expose the supervisors to derision and liability. The supervisors described taking steps to shield certain female employees from Hill, and of their fear that disclosure of their concerns would have negative consequences for the [REDACTED] company. For

example, on some occasions a supervisor would send young women who were working at the Chancellor's residence home early, or she would redirect the women if Pete Hill was speaking with them.

- d. In addition to the statements made by complainants, a number of other witnesses, who did not make allegations of harassment, corroborated some of the complainants' statements, or offered their own observations of Hill's behavior that was, if not harassing, troubling for its lack of appreciation of proper, professional boundaries.
 - i. For example, an employee in the [REDACTED] office describes Hill hugging her "way too long and too hard." And he would also run his thumb down the small of her back. Too, a witness described that she would act to prevent Hill from meeting one-on-one behind closed doors with other female employees, believing that his behavior was "creepy." She also noted that Hill would call her "sweetie, honey or baby."
- e. There is some anecdotal evidence that a female employee (previously mentioned in (B)(1)(b)(vii)) was subjected to sexual harassment by Hill. This woman, who remains employed at UWW, did not wish to provide investigators with information about sexual harassment.
 - i. This employee described being sexually harassed by Hill to another employee [REDACTED]. The report was unsolicited and occurred when they were traveling together.
 - ii. Some after-the-fact anecdotal evidence suggests that this woman could have suffered an employment consequence (directed by Chancellor Kopper) which may have been motivated in part because of the employee's interactions with Hill. Judi Trampf, the former head of HR at UWW, now believes that with the benefit of hindsight, action taken against this employee

could have been motivated, in part, by some interaction between the employee and Hill. The Chancellor directed Trampf to terminate the employee, an action that Trampf thought was unwarranted and excessive. The employee had no prior discipline; and termination for the offense would not have been the usual response. At the time, the Chancellor's strident reaction did not make sense to Trampf; it made sense to Trampf only after she learned about the employee's allegations from [REDACTED].

2. Pete Hill was not interviewed. Investigators made a request to speak with Pete Hill through his lawyer, Bob Kasietta. Hill did not respond to the request for interview. Hill was interviewed by Shannon Bradbury earlier this year; she concluded that he did not deny the allegations, at least with regard to the complaints made by [REDACTED] and [REDACTED].
 - a. Pete Hill was not an "employee" of UWW insofar as he was not paid for the work he performed as the "Associate to the Chancellor."
 - i. However, because he was assigned an email address and was provided keys to UWW buildings, his name was on the list of employees who were required to complete the UWW's mandatory sexual harassment awareness training. Investigators do not believe that he ever completed the training.
 - ii. As reported to investigators by a witness, through the intervention of the Chancellor's office Hill sought an exemption from the training in 2018. Based on the request for exemption, Human Resources removed Hill from the list of individuals who were required to complete the training. This occurred prior to LaDonna Steinart leaving UWW (no later than June 2018). Emails related to the request for exemption have been requested, but investigators have not yet been able to review them.

- iii. Emails provided by UWSA reference that Hill was to have been personally counseled about sexual harassment by Shenita Brokenburr (UWSA's head of HR) after John Dowling completed his investigation (in 2017).
 - iv. Investigators have not seen records corroborating whether such counseling ever occurred. Investigators are unaware of any training that Hill has completed through UWW, and do not know whether he was exempted from completing the training.
- b. In his written response to President Cross's letter banning him from UWW facilities, Pete Hill responded that "I have never sexually harassed or created an unprofessional work atmosphere; I base this on my over 35 years of professional experience and understanding of HR policies and procedures."
- i. Hill also claimed that he was in possession of information that would refute the claims made against him: "It would not serve any of us well for me to provide a full set of rebuttals to the report at this time, but I can assure you there are many." Investigators are not aware of any information rebutting the findings made by Shannon Bradbury.
- c. Witnesses offered the observation that Pete Hill had an outsized influence in the Athletic Department. Witnesses noted that Hill would invoke the Chancellor's name when advancing projects that he favored. Two witnesses describe that Hill did not understand or appreciate the manner in which the department's funds were managed, or the planning process related to procurement.
- i. One witness also raised questions with respect to Hill's involvement in the Athletic Department, noting that he met regularly with male coaches (often for meals or drinks), but he did not have similar meetings with female coaches. The witness reported this to the

Athletic Director as she was concerned this could create issues and morale problems for the department.

3. Intimidation/Obstruction. We found no direct evidence that Chancellor Kopper obstructed or interfered with the investigation of the claims against Hill.
 - a. A number of witnesses, all of whom were employed at UWW (and who have now left for reasons of employment or retirement) spoke to investigators about behavior they believed was meant to intimidate or dissuade others from complaining about the Chancellor.
 - b. The Chancellor, even before [REDACTED] complained about Hill, had cut [REDACTED] out of [REDACTED] meetings. Her supervisor, [REDACTED], knew that Chancellor Kopper did not want anything to do with [REDACTED]. [REDACTED] reports that on a routine trip to [REDACTED], the Chancellor made it clear that she did not want to work with [REDACTED]; she stayed at separate hotels, and traveled to the same meeting in separate rental cars – which was not routine. Shannon Bradbury concluded that Chancellor Kopper not taking [REDACTED] on [REDACTED] trips was detrimental to [REDACTED] career at UWW.
 - c. Emails may provide additional information about Chancellor Kopper's actions, if any.
4. Leadership issues arising from allegations. A number of witnesses, all of whom were at relevant times employed at UWW, or who remain employed at UWW, offered observations about the culture of leadership at UWW. A number of witnesses recounted variations on a similar theme: that the Chancellor would micro-manage decision making, even for tasks that should have been delegated. For example, at least four witnesses reported that the hiring of custodians had to be approved by the Chancellor; and given the fact that she was often traveling, the hiring decisions could not be finalized for long periods of time. One witness, acknowledging that a new Chancellor meant change for the institution aptly summarized the difficulty presented by Chancellor Kopper's

approach to management: "the greatest hindrance to change was either the Chancellor's lack of trust or her need for power."

- a. As to general management, one witness who worked in the budget office believed that the Chancellor's budget was in the red, including operational, travel and furniture. The witness did not know where the money came from or went to. This is a claim that was not investigated as it was beyond our charge, but which we felt ought to be reported.
- b. Two witnesses who were responsible for preparing and presenting budgets to Chancellor Kopper commented that they did not believe Chancellor Kopper had an understanding of the budget documents that were presented to her; that she did not possess a strong grasp of program funding, *e.g.*, she did not understand why planning was required to secure funding for repairs to UWW buildings.
- c. A number of witnesses recounted that Chancellor Kopper would become red-faced when yelling at her direct-report employees, and that Deans would regularly leave meetings with the Chancellor in an emotional state, with some calling the meetings "floggings." The Chancellor denied that she was intemperate.
- d. One witness involved in the initial investigation of [REDACTED] claims who has experience in conducting investigations into sexual harassment noted that Hill's behavior, as reported, related to an imbalance in a power dynamic. As said by another witness, "when the chancellor's husband is involved, it is difficult." Chancellor Kopper did not acknowledge the existence of such an imbalance of power.
- e. Since she took on the role of Chancellor, the UWW has lost a great number of senior administrators and with this, a loss of collective experience. Some retired early, others left for positions at other universities (or with UWSA). The loss of senior staff may reflect that some of these individuals found employment with greater responsibility (*i.e.*, "better" jobs), and this may reflect positively on Chancellor Kopper. During

the interviews, however, many of the witnesses who had left UWW noted that their leaving was the result of frustration with the Chancellor, either on a personal or policy level. These witnesses do note that the Chancellor made numerous changes on campus, and that change can be challenging.

- f. Investigators also spoke to two witnesses, one of whom is a former UWW employee, but who work closely with UWW and are substantial donors. These witnesses reported that the relationship between the Chancellor and the community (*i.e.*, their constituency) is poor. Both mentioned that they experienced difficulty in communicating with the Chancellor about student housing and they were concerned about declining enrollment numbers. In part, their concern stemmed from the fact that the previous Chancellor was, in their view, more accessible and would communicate with them about these issues. The Chancellor perceived the two as inappropriately interfering with her decision making. Both they and the Chancellor reported animus in dealing with one another.
- g. Investigators also spoke with three members of Chancellor Kopper's cabinet all of whom spoke highly about her. One noted that Kopper's style was "thoughtful" and that she expects employees to "do the right thing." Another describes Chancellor Kopper as "a phenomenal leader." And a third told investigators that "[s]ince Kopper assumed the role of Chancellor, she feels that there is more accountability on campus. The faculty has been less impacted by events going on campus as their love is the classrooms. UWW is a healthy campus and expectations are high."

5. Chancellor Kopper was interviewed.

- a. She reported that Hill was not assigned duties in his role as "Associate to the Chancellor." "He would volunteer and make donations to the Athletic Department." "He offered to help with fund-raising." Chancellor Kopper denies that she directed his activities. She explained that Hill would attend various booster club activities and "periodically, people would take him up on his offers to volunteer." "It would be

incorrect to see him as an ambassador for me.” Hill was not authorized to act on her behalf, Chancellor Kopper stated.

- b. Chancellor Kopper did not perceive that Hill’s role at the Athletic Department created any potential for conflicts of interest. Hill “did not keep me up to date on the Athletic Department.” “We did not talk about it much.” (Chancellor Kopper’s assessment of Hill’s role with respect to the Athletic Department was discordant with information provided by other witnesses, who described Hill as being quite involved with the department’s operation.)
- c. As for Hill completing any sexual harassment awareness training Chancellor Kopper told investigators that “I don’t know if he took the online [sexual harassment] training.” “I did not speak to anyone [at UWW] about [Hill’s completing (or not) the online sexual harassment training].” “I did not ask anyone to exempt him [from the online sexual harassment training].” “I did not speak with anyone about the training.”
- d. When Chancellor Kopper talked to Hill about the sexual harassment allegations, “I was very upset.” Kopper explained that Hill was working with his attorney; “I kept my Chancellor’s hat on.” When she asked him about the allegations, Hill responded “no.” “I accepted his answer.” “When I look at all the back story on each allegation ... it did not connect.” “I married him for his heart.” Kopper continued, “there are so many things that I know ... it doesn’t compute.”
- e. Chancellor Kopper was informed about President Cross’s decision on June 22. She did not reply to President Cross until July 10. Hill replied on July 24, “I knew that he replied.” “He said I think I’m gonna reply” and Chancellor Kopper replied “you work with your attorney. This is where we’re drawing a line.” (Earlier in the interview Chancellor Kopper noted that she had not previously seen or reviewed Hill’s response to President Cross’s decision.)

C. Conclusion

There is credible evidence that Alan Hill sexually harassed employees and students at the University of Wisconsin Whitewater.

Investigators found no credible evidence that Chancellor Beverly Kopper interfered with the investigation into these allegations, and there was no definitive evidence that she retaliated directly against anyone who made a report of sexual harassment against Hill.

Chancellor Kopper's lack of insight into Hill's behavior and his role at UWW raises questions about whether Hill operated in her blindspot. The manner in which Hill carried himself on campus, according to numerous witnesses, was such that a number of employees and students believed that they had to take care in their conduct with Hill. That ought not have been necessary. Moreover, Kopper readily and uncritically accepted Hill's denials. (The same can be said about her knowledge of Hill's activities in the Athletic Department.) As each new allegation arose, Chancellor Kopper chose not inquire into the allegation, because she was wearing her Chancellor's hat. At the same time, Chancellor Kopper perceived that each allegation was retaliation against her (*i.e.*, each allegation had a back story: [REDACTED] was reprimanded for poor service; [REDACTED] works [REDACTED]; and an employee was disciplined). But such a "back story" does not exist for a number of complainants. Chancellor Kopper did not seem to understand that, as expressed by one witness, "When the Chancellor's husband is involved, it's difficult."

It is noteworthy that Chancellor Kopper delayed disclosing the findings of the Bradbury report (which led to Hill being banned from UWW campus) to her management team or the campus for 84 days (June 22 to September 24, 2018), and issued a public statement only when she was informed that UWS was going to release information about the report in response to an open records request. Chancellor Kopper's statement mainly reflected the need to move forward. Her statements have not acknowledged the effect that Hill's conduct had on employees and students.

Finally, a number of witnesses were critical of Chancellor Kopper's management style, and noted her perceived shortcomings. Some of these comments can be understood to be the result of a significant change in the style of leadership that occurs when there is a change in management in the Chancellor's office. Indeed, much of the criticism was by comparison to the previous Chancellor. Other

witnesses were complimentary of Chancellor Kopper and her leadership. The discrepancy between the two groups of witnesses suggests that a 360 evaluation of the Chancellor may have value in order to more deeply understand her strengths and weaknesses.

#

Appendix A

Individuals Interviewed

Aimee Arnold

Dean Arnold

Anne Bilder

Shannon Bradbury

Grace Crickett

[REDACTED] *

Susan Elrod

[REDACTED]

[REDACTED]

Jodi Hare Paynter

Kari Heidenreich

[REDACTED]

[REDACTED]

[REDACTED]

Karen Kachel

Larry Kachel

Jeffrey Knight

Beverly Kopper

Sara Kuhl

[REDACTED] *

[REDACTED] *

[REDACTED] *

[REDACTED]

[REDACTED]

Paige Smith

LaDonna Steinart

Judi Trampf

Artenya Wesley

Other Witnesses (Not Interviewed)

Anonymous*

[REDACTED] *

John Dowling

Alan Hill

[REDACTED] *

[REDACTED] *

[REDACTED] *

[REDACTED] *

* denotes that investigators believe that there is credible evidence that the witness may have been sexually harassed by Alan Hill, based on their own statements to investigators, their statement to other witnesses, or statements made in a public forum. If, in these cases, sexual harassment occurred, it is likely that the harassment occurred at the UWW or at official UWW events.