July 24, 2018

Dear Katie and Sara,

This letter is to request the following records under the state's Open Records Law (19.31-39, Wisconsin Statutes):

Copies of any/all records pertaining to complaints of sexual harassment against Pete Hill from the time Chancellor Kopper arrived at UW-Whitewater (as provost, I believe, in 2010?) through her time as vice chancellor, and in her current role. I've been told there have been multiple investigations of sexual harassment complaints against Mr. Hill since Ms. Kopper began working at UW-Whitewater, including an investigation completed last spring by UW System General Counsel Quinn Williams.

Please be aware that the Open Records law defines "record" to include information that is maintained on paper as well as electronically, such as data files, unprinted emails and text messages. Wis. Stat. § 19.32(2).

Please include, in addition to complaints and emails that pertain to the cases, all investigation reports of findings, specific type of actions taken related to the complaints, his current employment status/or any restrictions placed on him, and details of any financial settlements.

The Open Records law "shall be construed in every instance with the presumption of complete public access consistent with the conduct of governmental business. The denial of access generally is contrary to the public interest and only in exceptional cases can access be denied."

If you deny my request, the law requires you to do so in writing and

state what part of the law you believe entitles you to deny my request. Wis. Stat. § 19.35(4)(a).

As you know, the law requires you to respond to this request "as soon as practicable and without delay."

Thank you for your time and consideration. If you could pass this along to UW-Whitewater's open records custodian, Sara, I would appreciate it.

Sincerely, Karen Herzog



Office: 414-224-2193 <u>kherzog@jrn.com</u> Twitter: @HerzogJS <u>jsonline.com</u> Tom - FYI

--- On Thu, 7/13/17, John Dowling wrote: > From: John Dowling > Subject: RE: Hill: Notice of retainer > To: "Robert J Kasieta" <rjkasieta@kasieta.com> > Date: Thursday, July 13, 2017, 8:06 AM > Sorry, Bob, but I cannot agree to written > questions and answers. I need to do this interview > orally, face-to-face with Mr. Hill (and you, of course) so > that I can follow-up and amend my questions as needed. > I'm sure you understand that. > > I think that your client and you will > find my process to be very straight forward. I have no > agenda here and am not advocating for any particular > result. My job is simply to try to find out what, if > anything, happened. I can only do that by interviewing > Mr. Hill in person. >> I look forward to hearing from you soon > about scheduling the interview at a mutually convenient time > and place next week > > Thank you, Bob. >> > John Dowling. > > ----> On Thu, 7/13/17, Robert J Kasieta > <rjkasieta@kasieta.com> > wrote: > > Subject: RE: Hill: Notice of retainer > To: "John Dowling" > Cc: "Inbox" <add.task.10314143.188353102.3692bf57a1e27224@todoist.net> > Date: Thursday, July 13, 2017, 6:09 > AM>> #yiv5932169485 > #yiv5932169485 --> _filtered #yiv5932169485 >> {font-family:Wingdings;panose-1:5 > 000000000;> _filtered #yiv5932169485 > {panose-1:2 4 5 3 5 4 6 3 2 4;} > _filtered #yiv5932169485

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> Certainly, there is value in > live interviews (follow up, > etc.), but in a case like this, where > there is no meaningful > outcome to the investigation for my > client, I much prefer > written questions and answers. >> Thanks for your consideration. I > am in Minneapolis today, but I will > check email and I can > reach my client if necessary. bob > > > > > > > > > > > Robert J > Kasieta > > Managing Member, Kasieta Legal Group, >LLC > > 608-662-2286 > | > rjkasieta@kasieta.com > |> www.kasieta.com > | > 559 D'Onofrio Drive, Suite 222, > Madison, WI 53719 > | > Certified Civil Pre-trial and > Trial Specialist by the > National Board of Trial Advocacy >> > > > > > > IMPORTANT: The contents > of this email and any attachments are > confidential. They are > intended for the named recipient(s) > only. If you have > received this > email by mistake, please notify > the sender immediately and > do not disclose the contents to anyone > or make copies

> thereof. > > > > > > > > From: John Dowling > > > > Sent: Wednesday, July 12, 2017 12:00 > PM>> To: Robert J Kasieta <rjkasieta@kasieta.com> > > Subject: Re: Hill: Notice of retainer > > > > > > Hi Bob - It's my > understanding that you have had an > opportunity to explore > these issues with Tom Stafford. > > > > > > I would like to schedule > an oral interview of your client next > week. Please let me > know where and when would be most > convenient for you and > your client. As I mentioned before, > I do not think that it > will require more than an hour. > > > > > > Thanks. > > > > > > John D. > > > > Sent from my iPad >

> > > > On Jul 7, 2017, at 9:35 AM, Robert J > Kasieta <rjkasieta@kasieta.com> > wrote: > >> > John, > > It was great to talk with you this > morning. I'm glad you are well. > > As we discussed, I am very > respectful of you and UW here, and so > is my client. I am > also duty bound to zealously represent > my client's > interests, of course. As attorneys, we > are respectful of > process, especially > due process. There seems to me > here to be a legitimate > process issue here because none of the > people involved with > the investigation were acting as > employees, students, or > agents of the UW at any material time. > I need a few > questions answered before I can > responsibly counsel my client on > whether to participate in > an interview. > > What is the authority for this > investigation?What rules/procedures of > UW, > common law, or statutes apply to your > investigation?What are the possible > outcomes of > the investigation? (That is, assume > there is a finding of > some kind – which we vigorously > assert would not be > justified --> what happens? What are the > potential > consequences?)What are the > consequences if my > client accepts my possible eventual > counsel not to > participate in an interview? > > You kindly suggested that I could > contact Tom Stafford directly. I am

> not comfortable with

> that because I am not sure, given the > absence of structure, > what role he might play in any > eventual decisions. So, > I am directing my inquiries to > you. > > Please understand that my client > vehemently denies any wrongdoing. I > would not want my > message to be misread as an expression > of concern that there > was some wrongdoing here. The above > questions come from me > as the lawyer, not from my > client. I need this information > to be able to responsibly counsel my > client. >> Thanks for your kind attention. > bob > > > > <image001.png> >> > Robert J. Kasieta > Board Certified Civil Pretrial and > Trial Specialist by the National Board > of Trial > Advocacy > Kasieta Legal Group, LLC > 559 D'Onofrio Drive, Suite 222, > Madison, WI 53719 > (608)662-2286 Direct; (608)662-9977 > fax; > Website: www.kasieta.com; E-mail: rjkasieta@kasieta.com > > > Information in this transmission is > intended for the personal and > confidential use of the > designated recipient. > > This transmission may be an > attorney-client communication, and is > privileged and > confidential. > > If the receiver of this transmission > is > not the intended recipient or agent > responsible for > delivering it to the intended > recipient, > you have received this document in

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> From:
> John Dowling
>
> Date: Tuesday, July 4, 2017 at 12:44
> PM
>
> To: Bob Kasieta <rjkasieta@kasieta.com>
>
> Subject: Re: Hill: Notice of retainer
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>
> Thanks, Bob. I look forward to
> hearing from you. Please feel free
> to call my cell phone -
> 608-217-4864. I should be available
> just about any time
> after 10:30 tomorrow (Wednesday).
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> John D.
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> Sent from my iPad
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> On Jul 4, 2017, at 11:18 AM, Robert J > Kasieta <rjkasieta@kasieta.com> > wrote: >> > > John, >> I > have been retained to represent Peter > Hill regarding the > issue about which you contacted him. I > will try to phone you > tomorrow to discuss. I'll be in > Detroit preparing > witnesses > to testify, but I will try to > take a break during the day > to reach you. > > In > the meantime, I hope you are enjoying > a pleasant holiday. It > will be good working with you again to > address an > issue. > > All the best, bob > > > >> <image001.png> > > Robert > J. Kasieta > Board > Certified Civil Pretrial and Trial > Specialist by the > National Board of Trial Advocacy > Kasieta > Legal Group, LLC > 559 > D'Onofrio Drive, Suite 222, > Madison, WI > 53719 > (608)662-2286 Direct; (608)662-9977 > fax; > Website: www.kasieta.com; E-mail: rjkasieta@kasieta.com > > > Information in this transmission is > intended for the personal and > confidential use of the > designated recipient. > > This

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 From:
 John Dowling

 To:
 Tomas Stafford

 Subject:
 Fwd: Hill: Notice of retainer

 Date:
 Tuesday, July 4, 2017 12:39:51 PM

 Attachments:
 image001.png image002.png image003.png

FYI.

Sent from my iPad

Begin forwarded message:

From: Robert J Kasieta <<u>rjkasieta@kasieta.com</u>> Date: July 4, 2017 at 11:18:09 AM CDT To: John Dowling Subject: Hill: Notice of retainer

John,

I have been retained to represent Peter Hill regarding the issue about which you contacted him. I will try to phone you tomorrow to discuss. I'll be in Detroit preparing witnesses to testify, but I will try to take a break during the day to reach you.

In the meantime, I hope you are enjoying a pleasant holiday. It will be good working with you again to address an issue.

All the best, bob



Robert J. Kasieta Board Certified Civil Pretrial and Trial Specialist by the National Board of Trial Advocacy Kasieta Legal Group, LLC 559 D'Onofrio Drive, Suite 222, Madison, WI 53719 (608)662-2286 Direct; (608)662-9977 fax; Website: <u>www.kasieta.com</u>; Email: <u>rikasieta@kasieta.com</u>

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Sexual Misconduct Reporting Form Submitted on May 26, 2017 at 2:18:25 pm CDT

Type: Urgency: Sexual Assault Sexual Misconduct Reporting

Incident Date:2017-04-03Incident Time:April 2017Incident Location:Off-campus, in the City of Whitewater

Reported by

Name: Title: Email: Phone: Address: Artanya Wesley Dean of Students wesleya@uww.edu 262-472-1533

Involved Parties

Complainant (victim)

Female

Questions

Please specify the student status of the alleged complainant: **UWW Employee**

Please specify the student status of the alleged respondent: **Non-Student**

Were alcohol or other substances involved? $\ensuremath{\textbf{No}}$

If yes, list the substance and which party used it:

If there was a weapon involved, list the type here:

Were there any injuries sustained? If so, please specify:

Did the victim receive medical care? No

If the victim received medical care, list the location:

Please describe the incident with as much detail that you know:

I received a called from Beth John, Director of First Year Experience Office on Thursday, May 26th, 2017 regarding a student who needed to speak with me in person. I met with Beth John and **States** on Thursday, May 26th and again on Friday, May 27th to collect all required information to complete the sexual misconduct reporting form.

(student employee in the FYE Office) reported that had some concerns with her employment environment. At the time of the incidents, was a

uncomfortable when working at the chancellor's home.

stated that in the month of April on multiple

occasions Pete Hill grabbed her butt. He has touched/rubbed other female student's shoulders, he would get very close to them and state how pretty they are. **Second** reported that **Second** is sure other student workers have observed this behavior but are afraid to speak up about it. **Second** stated **Second** did report this to her supervisor but she is unsure who exactly. **Second** confronted Pete Hill about his behavior but she did not get much of a response from him. **Second** is unsure if the behavior ended after **Second** confronted him.

graduated in

reported that

is very concerned about sending student workers to the chancellor's home in fear they will be subjected to the same experience.

Complete this section if what you are reporting is a sexual assault.

Section 940.225 of the Wisconsin Statutes creates four degrees of sexual assault. The degrees are based upon the amount of force used by the assailant and the harm done to the victim. First, second and third degree sexual assaults are felonies; fourth degree sexual assault is a misdemeanor. Please select the degree of sexual assault committed: Fourth Degree Sexual Assault: Having sexual contact with a person without that person's consent. Sexual contact means any of the following: Intentional touching, by the complainant or defendant, either directly or through clothing by the use of any body part or object, of the complainant's or defendant's intimate parts if that intentional touching is either for the purpose of sexually degrading or humiliating the complainant, or sexually arousing or gratifying the defendant.

The misconduct was reported to: **Dean of Students Office**

Has the victim been informed of support services and of their rights? Please visit UW-Whitewater Sexual Misconduct Information for more information.

No

Does the victim wish to speak with a counselor? Please call Counseling Services at (262) 472-1305 for more information or to schedule an appointment. **Unsure**

The victim wishes to initiate: **Unknown**

If you have any other information, please provide it here:

Pending IR #00005554 Submitted from 140.146.130.118 and routed to Tim Fredrickson (Coordinator of Student Conduct) Copies to: wesleya@uww.edu,reedp@uww.edu

From:	Robert J Kasieta
To:	Tomas Stafford; John Dowling
Subject:	Investigation
Date:	Thursday, September 14, 2017 9:59:52 PM
Attachments:	image001.png
	image002.png
	image003.png

Gentlemen,

Can you please fill me in on what's going on with the investigation?

Thank you for your attention. bob



Robert J. Kasieta Board Certified Civil Pretrial and Trial Specialist by the National Board of Trial Advocacy Kasieta Legal Group, LLC 559 D'Onofrio Drive, Suite 222, Madison, WI 53719 (608)662-2286 Direct; (608)662-9977 fax; Website: <u>www.kasieta.com</u>; Email: <u>rjkasieta@kasieta.com</u>

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https://www.lawyer.com/robert-kasieta.html



Hi Bob,

I returned your call and left a voice mail a few minutes ago. I will be at a campus tomorrow and will try to reach you again via cell phone. The applicable UWW policy can be found at

https://www.uww.edu/system-harassment

It is my understanding that this complaint is being processed under the informal resolution section of the policy.

TLS

Tomas L. Stafford General Counsel University of Wisconsin System Office of General Counsel 1856 Van Hise Hall 1220 Linden Dr. Madison, WI 53706 tstafford@uwsa.edu (608) 263-6105 phone (608) 263-3487 fax

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From:	John Dowling
To:	Robert J Kasieta
Cc:	Tomas Stafford
Subject:	Re: Hill: Notice of retainer
Date:	Friday, July 7, 2017 6:48:10 PM

Bob - I have forwarded your letter below to Tom Stafford, General Counsel for the UW System and, therefore, legal counsel in this matter. Tom suggests that you contact him to discuss the issues. Tom can be reached as follows:

Direct telephone - 608-263-6105 E-mail - <u>tstafford@uwsa.edu</u>

Thanks.

John D.

Sent from my iPad

On Jul 7, 2017, at 9:35 AM, Robert J Kasieta <<u>rjkasieta@kasieta.com</u>> wrote:

John,

It was great to talk with you this morning. I'm glad you are well.

As we discussed, I am very respectful of you and UW here, and so is my client. I am also duty bound to zealously represent my client's interests, of course. As attorneys, we are respectful of process, especially due process. There seems to me here to be a legitimate process issue here because none of the people involved with the investigation were acting as employees, students, or agents of the UW at any material time. I need a few questions answered before I can responsibly counsel my client on whether to participate in an interview.

- What is the authority for this investigation?
- What rules/procedures of UW, common law, or statutes apply to your investigation?
- What are the possible outcomes of the investigation? (That is, assume there is a finding of some kind which we vigorously assert would not be justified -- what happens? What are the potential consequences?)
- What are the consequences if my client accepts my possible eventual counsel not to participate in an interview?

You kindly suggested that I could contact Tom Stafford directly. I am not comfortable with that because I am not sure, given the absence of structure, what role he might play in any eventual decisions. So, I am directing my inquiries to you.

Please understand that my client vehemently denies any wrongdoing. I would not want my message to be misread as an expression of concern that there was some wrongdoing here. The above questions come from me as the lawyer, not from my client. I need this information to be able to responsibly counsel my client.

Thanks for your kind attention. bob

<image001.png>

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https://www.lawyer.com/robert-kasieta.html

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From: John Dowling Date: Tuesday, July 4, 2017 at 12:44 PM To: Bob Kasieta <<u>rjkasieta@kasieta.com</u>> Subject: Re: Hill: Notice of retainer

Thanks, Bob. I look forward to hearing from you. Please feel free to call my cell phone - . . . I should be available just about any time

after 10:30 tomorrow (Wednesday).

John D.

Sent from my iPad

On Jul 4, 2017, at 11:18 AM, Robert J Kasieta <<u>rjkasieta@kasieta.com</u>> wrote:

John,

I have been retained to represent Peter Hill regarding the issue about which you contacted him. I will try to phone you tomorrow to discuss. I'll be in Detroit preparing witnesses to testify, but I will try to take a break during the day to reach you.

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All the best, bob

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July 10, 2018

President Ray Cross University of Wisconsin System 1700 Van Hise Hall 1220 Linden Drive Madison, WI 53706-1559

Dear President Cross;

I want to thank you and your staff for following proper procedures in an objective manner while conducting an independent investigation into the allegations against the Associate of the Chancellor, my husband Alan Hill. The decision you made was put into effect immediately. As Chancellor, I support your decision.

As you may know however, I do have concerns regarding certain statement of facts and interpretations made by the investigator in the report.

As Chancellor, my top priority is to ensure that UW-Whitewater is a welcoming campus for all and that students, faculty, and staff have a positive and safe environment in which to work, learn and live.

Sincerely,

Beverly Kopper Chancellor

UNIVERSITY OF WISCONSIN SYSTEM

ACADEMIC SUPPORT SERVICE AGREEMENT

This agreement is entered into between the Board of Regents of the University of Wisconsin System on behalf of the University of Wisconsin-____System Administration_____ (hereafter University) and (hereafter Contractor):

Contractor's Name: Shannon Bradbury	*Social Security No
Business Name (if applicable)	Oľ
Address	Fed. Emp. ID No
City/State/Zip	Indicate Visa Status if not U.S. citizen (*Sole proprietor, please provide SS#)

PERFORMANCE PERIOD	COMPENSATION INFORMATION	
Beginning Service Date April 17, 2018	Fee not to exceed \$15,000	
Ending Service DateJune 17, 2018	Expenses not to exceed \$included	
Location (Bldg., Room)	List expenses to be paid:	
PAYMENT TERMS	LIAISON	
Payment will be made within 30 days upon completion of services or other (please specify):	Represents the University's interest and related considerations as outlined in this agreement.	
	Liaison's NameQuinn Williams	
	DepartmentLegal Counsel	
	Telephone608-263-6105	

SCOPE OF SERVICE (Identify type of service and any conditions. Attach appendix if needed):

Personnel investigation on behalf of UW System. The investigation shall be confidential unless otherwise provided by law. The investigator will provide a confidential report to UW System Administration.

Travel Expenses are included in this fee.

CONTRACTOR ACCEPTANCE I agree to the terms above and on the reverse side of this agreement. I verify that I am d willing to perform the services as an independent contractor. The fees under this Agree exceed my normal and customary rate. I certify that the Social Security Number or Fede Identification Number provided is correct. I am not a current University of Wisconsin Sy	ment do not ral Employer
CONTRACTOR'S SIGNATURE Sugure E. Fradburg	DATE 4/16/18
UNIVERSITY ACCEPTANCE: The services to be provided are essential, reasonable and conform with applicable State Statute policies and cannot be provided by current UW System employees. LIAISON'S SIGNATURE	bs and UW System DATE <u> </u>
DEAN OR DEPARTMENT APPROVAL	DATE TIZOTO
CHANCELLOR OR DELEGATED DESIGNEE APPROVAL	DATE DATE <u>4/23/18</u>

STANDARD TERMS AND CONDITIONS

TERMINATION OF CONTRACT: This Agreement may be terminated in whole or in part in writing by either party provided that no such termination may be effected unless the other party is given not less than thirty (30) days written notice of intent to terminate, and an opportunity for consultation with the terminating party prior to termination. Final payment will be adjusted to reflect actual work completed.

CHANGES: The University may, from time to time, request changes in the scope of services to be performed by the Contractor in this Agreement. These changes, including any increase or decrease in the amount of compensation which is mutually agreed upon by and between both parties, shall be incorporated in written modifications to this Agreement.

NONDISCRIMINATION IN EMPLOYMENT: In connection with the performance of work under the Agreement, the Contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, developmental disability as defined in Wisconsin Statutes s.51.01(5) or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other form of compensation; and selection for training, including apprenticeship. The Contractor further agrees to take affirmative action to ensure equal employment opportunities for persons with disabilities. The Contractor agrees to post in conspicuous place, available for employees and applicants for employment notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

EXAMINATION OF RECORDS: All records incurred under this Agreement are subject to audit by the University and/or the cognizant federal audit agency. The Contractor agrees to give government auditors access to its records where necessary to support costs relating to this contract.

COPYRIGHT: The Contractor affirms that to the best of its knowledge all materials furnished and used are its own original material or material which they have obtained the copyright to use for the purposes of this Agreement. Written copies of copyright clearances may be required by the University.

The Contractor agrees that the copyright and all other rights pertaining to the work furnished under this Agreement, including any royalties or fees that may accrue, shall belong to the Board of Regents of the University of Wisconsin System.

PUBLICATION REQUIREMENTS: Any publication resulting from this Agreement must include the following acknowledgement of support, whether copyrighted or not: "This material is based upon work supported by...." The University and/or the sponsoring government agency reserve a royalty-free, nonexclusive and irrevocable License to reproduce, publish, otherwise use and to authorize others to use the work for government purposes.

LIABILITY: The Contractor shall save, keep harmless and defend The State of Wisconsin, The Board of Regents of The University of Wisconsin System and all of its officers, employees and agents against any and all liability claims, costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incidental to or arising out of the services performed under this Agreement.

INSURANCE: The Contractor may be required to show evidence of financial responsibility by providing certificate of insurance for worker's compensation and liability coverage as determined by UW System Administration Risk Management Office. Liability coverage shall include the Board of Regents of the University of Wisconsin System on behalf of the UW institution as additional named insureds.

EMPLOYMENT: This Agreement does not and shall not create nor imply an employee/employer relationship between the Contractor and the University.



Office of the President

1700 Van Hise Hall 1220 Linden Drive Madison, Wisconsin 53706-1559 (608) 262-2321 Phone (608) 262-3985 Fax

e-mail: rcross@uwsa.edu website: www.wisconsin.edu/

June 22, 2018

Alan Hill

Dear Mr. Hill,

Effective today, we are revoking your appointment as an Associate of the Chancellor for the University of Wisconsin-Whitewater. Please make arrangements with Dr. Shenita Brokenburr to return your staff identification card, keys, and any university property in your possession.

Sincerely,

Ray Cross UW System President

cc: Chancellor Beverly Kopper Dr. Shenita Brokenburr July 24, 2018

Mr. Quinn Williams, General Counsel University of Wisconsin-System Administration 1700 Van Hise Hall 1220 Linden Drive Madison, WI 53706

Dear Mr. Williams,

I have had time to review the report and consult with my attorney and other advisors about it.

I do disagree with the statements and definitely with the report's conclusion. I unequivocally state 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.

As just one example of how I feel the report is off base, the report states that I complimented a woman on her appearance. Yes, this is true; the comment was based on her My comment to her was merely

meant to reflect on and personally praise her

In fact, I have complimented men on weight loss as well through the years.

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.

Nevertheless, I already have begun to comply with the report's recommendations and will continue to do so based on my respect for your leadership and because I care deeply for my wife, and want to help her, myself, and the University at this important time.

Sincerely,

a I Hill

Cc: Attorney Robert Kasieta

Mr. Hill:

On behalf of the UWSA Office of General Counsel, I am investigating a complaint of sexual harassment, allegedly committed by you against an employee of UW-Whitewater.

If substantiated, these acts could potentially represent violations of but not limited to UW-Whitewater's Sexual Harassment Policy and UW-Whitewater's Title IX and Sex Discrimination Policy.

You are entitled to have a personal representative attend to represent you at this interview. If your personal representative will be joining us, please let me know in advance.

I would be willing to meet with you sometime in the week after May 1, and can do so in Whitewater, Madison or Milwaukee. Let me know where and when you would like to meet and I will try to set something up.

Thank you.

Shannon Bradbury Special Investigator, UWSA

Phone:



Office of the President

1700 Van Hise Hall 1220 Linden Drive Madison, Wisconsin 53706-1559 (608) 262-2321 Phone (608) 262-3985 Fax

e-mail: rcross@uwsa.edu website: www.wisconsin.edu/

June 22, 2018

Chancellor Beverly Kopper UW-Whitewater Hyer Hall, Suite 421 800 W. Main Street Whitewater, WI 53190

Dear Chancellor Kopper,

We have concluded an independent investigation into the allegations made against Alan Hill, your husband, who is an unpaid employee of the Board of Regents and UW-Whitewater. I write to give you the resolution we have decided upon.

We have determined that the allegations have merit and we are ending Mr. Hill's unpaid academic staff appointment as Associate of the Chancellor, effective immediately. We have also decided to restrict Mr. Hill from attending any UW-Whitewater events and from the UW-Whitewater or UW-Rock County Campuses. The purpose of these restrictions is to make sure that Mr. Hill does not have contact with UW-Whitewater employees.

As you know, retaliation against any complainant or witness is expressly prohibited by law and by Board policy.

Sincerely,

Ray Cross UW System President

cc: Alan Hill

Universities: Madison, Milwaukee, Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, Whitewater. Colleges: Baraboo/Sauk County, Barron County, Fond du Lac, Fox Valley, Manitowoc, Marathon County, Marinette, Marshfield/Wood County, Richland, Rock County, Sheboygan, Washington County, Waukesha. Extension: Statewide. Mr. Kasieta:

I will make the call on Tuesday, 6/12 at 9:30 a.m. to 608-662-9999.

Thank you.

Shannon Bradbury Special Investigator, UWSA

Phone:

From: Robert J Kasieta <rjkasieta@kasieta.com> Sent: Monday, June 4, 2018 9:42 PM To: Shannon E Bradbury Subject: RE: Follow up Interview

My apologies for the confusion, but I must ask that we set the phone conference for Tuesday, June 12, instead of Monday, June 11. Please phone me at 9:30 a.m. If Mr. Hill is not with me at that time, I will conference him in; I will be in the office. Please call 608-662-9999 and ask to be put into the conference room.

Thank you. bob



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From: Shannon E Bradbury Sent: Monday, June 4, 2018 12:46 PM To: Robert J Kasieta <rjkasieta@kasieta.com> Subject: Re: Follow up Interview

Mr. Kasieta:

I can offer some possible times for next week as well. I would be available:

Monday 6/11 in the morning Tuesday 6/12 in the morning Wednesday 6/13 anytime Thursday 6/14 anytime

Let me know when you can if any of those days will be suitable.

Thank you.

Shannon Bradbury Special Investigator, UWSA

Phone:

From: Robert J Kasieta <<u>rjkasieta@kasieta.com</u>> Sent: Monday, June 4, 2018 12:12 PM To: Shannon E Bradbury Subject: RE: Follow up Interview

I am sorry, but my client is out of state this week.



Robert J Kasieta Managing Member, Kasieta Legal Group, LLC 608-662-2286 | rjkasieta@kasieta.com | www.kasieta.com | 559 D'Onofrio Drive, Suite 222, Madison, WI 53719 | Certified Civil Pre-trial and Trial Specialist by the National Board of Trial Advocacy



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From: Shannon E Bradbury Sent: Monday, June 4, 2018 9:59 AM To: Robert J Kasieta <<u>rjkasieta@kasieta.com</u>> Subject: Follow up Interview

Mr. Kasieta:

Another female employee has reported to this investigator an incident of inappropriate conduct on Mr. Hill's part. I would like to speak to Mr. Hill briefly to ask him about his recollection of this incident. I believe my questions will be very brief and can be accomplished by telephone.

If you and your client are willing to speak to me, I would be available any time Tuesday 6/05, Wednesday afternoon 6/06, anytime Thursday 6/07 and any time Friday 6/08.

Thank you.

Shannon Bradbury Special Investigator, UWSA

Phone:

Mr. Kasieta:

On behalf of the UWSA Office of General Counsel, I am investigating a complaint of sexual harassment at UW-Whitewater. This is an employer's interview pursuant to the employer's obligations to investigate when allegations of workplace sexual harassment are made. Mr. Hill is the party complained of.

If Mr. Hill declines to participate, the employer will have to reach its conclusions based upon the information otherwise available.

I would be willing to come to Madison to conduct the interview at your offices.

If you wish to go forward, I would be available any day next week except Monday (5/8 through 5/11).

Thank you.

Shannon Bradbury Special Investigator, UWSA

Phone:

From: Robert J Kasieta <rjkasieta@kasieta.com> Sent: Friday, May 4, 2018 2:24 AM To: Shannon E Bradbury Subject: Pete Hill: Notice of Representation

Ms. Bradbury,

I have been retained by Pete Hill to represent him regarding the investigation referenced in your email to him of April 27. Kindly communicate with Mr. Hill through me.

Please tell me more about this investigation so that I can determine whether Mr. Hill must, or will, submit to an interview. If we consent to an interview, I request that it be held at my offices or at some mutually convenient place off campus.

I look forward to hearing from you. Thank you for your kind attention.



Robert J Kasieta

Managing Member, Kasieta Legal Group, LLC 608-662-2286 | rjkasieta@kasieta.com | www.kasieta.com | 559 D'Onofrio Drive, Suite 222, Madison, WI 53719 | Certified Civil Pre-trial and Trial Specialist by the National Board of Trial Advocacy

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Chancellor Kopper:

On behalf of the Office of General Counsel of UW System Administration, I am investigating a report of inappropriate conduct of a sexual or physical nature by your husband. I understand that you wish to be interviewed.

I would like to interview you confidentially by phone. The call should not take a great deal of time, perhaps 30 minutes. I would be available:

Wednesday 5/30 before 5:30 p.m. Thursday, 5/31 before 11:00 a.m. Friday, 6/01 before 2:30 p.m.

If none of these times is convenient, I am also available in the evenings, or we can find another time.

Let me know when you might be available and we will set something up.

Thank you for your consideration.

Shannon E. Bradbury Special Investigator, UWSA

June12, 2018

MEMORANDUM

- TO: Quinn Williams General Counsel University of Wisconsin-System Administration
 Jennifer Lattis Senior System Legal Counsel University of Wisconsin-System Administration
 From: Shannon E. Bradbury Special Investigator
 Re: Investigation Report University of Wisconsin Whitewater
 - University of Wisconsin-Whitewater Office of University Advancement

STATEMENT OF FACTS

This investigation involving the University of Wisconsin-Whitewater (hereinafter *UWW*) was commenced pursuant to an oral report of inappropriate physical contact. The report was made in April 2018 b

report alleges that she had been subjected to several incidents of unwanted and unwelcome touching by Alan "Pete" Hill (hereinafter "*Mr. Hill*"), the spouse of UWW Chancellor Beverly Kopper. Mr. Hill holds an unpaid appointment at UWW as "Associate of the Chancellor". In his capacity as the Chancellor's spouse he is frequently asked to participate in fundraising, alumni and at athletic functions in a largely ceremonial capacity.

reports three specific instances of inappropriate physical contact by Mr. Hill.

Incident No. 1

In 2015,

had an office on

On an unspecified day in ut the office door behind him,

2015, she states that Mr. Hill came to her office, shut the office door behind him, and walked around her desk to where she was. He proceeded to give her a "full-

body" frontal hug which she reported as lasting "too long", and whispered something in her ear. Whatever he may have said was unintelligible or is unremembered.

He then stepped back, made some small talk about work and left her office.

Incident No. 2

On another indeterminate date in 2015 (but within days or weeks of the first incident) passed by in the hall outside Mr. Hill was seated at the conference table apparently reviewing stacks of documents. He waved into the room. As she came into the room, she reports that he stood uncomfortably close ("invaded her body space"), took her face in his hand and leaned in for what thought was going to be a kiss on the mouth. She turned her head quickly and Mr. Hill kissed her on the cheek, again whispering something in her ear.

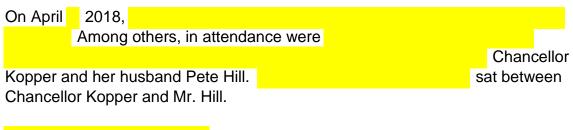
At the time of these two incidents in 2015, **Second Second** did not report them to anyone except to her own husband. She and her husband were afraid of retribution that would jeopardize her employment.

In 2016,

believed that if she had fewer encounters with Mr. Hill, that he would leave her alone. This proved to be accurate until recently.

In January 2018, and a relayed these incidents to a colleague who was soon to be her supervisor, and a reported them to the Chief of Institutional Policy and Compliance, Paige Smith. Ithen also talked to Ms. Smith but did not want to come forward unless there were further incidents with Mr. Hill.

Incident No. 3



grabbed her knee under the table and tablecloth. In reference to ongoing work matters under discussion, he made some type of conversational point like "I can help you with that", squeezing her knee each time. She reported that the Chancellor could not have known this was happening because she was sitting on the other side of the second left the left

She reported this incident to her supervisor the next day.

On or about April 2018 a meeting was convened with

When asked whether her employment would be "100% protected" because she was making allegations of sexual harassment, she understood him to equivocate.

came away from that meeting feeling that her employment would not be protected. [Note: In response to her question, said something like "As much as anybody's is", meaning to covey that her employment would be protected from retaliation *due to these sexual harassment allegations*, just not protected in perpetuity should performance issues arise in the future.]

Nevertheless, on or about April 2018 a subsequent meeting was convened, this time with Ms. Smith and Director of Human Resources LaDonna Steinert. At this meeting Ms. Smith outlined the sexual harassment reporting process, and asked meeting to make a formal report. She told her that her employment *would be* protected from retribution and that the UWSA Office of General Counsel would be advised of these events.

Additionally, reports that Mr. Hill frequently calls her "babe", "sweetie" or "sweetheart" instead of her name when they encounter one another.

DISCUSSION

Is it more likely than not that the instances of unwelcome touching of by Pete Hill took place as alleged?

Yes.

had a great deal of trepidation in formally reporting these incidents. She did not want to make any reports.

She did not initially report the hugging and kissing incidents on 2015 for fear of retribution. She was afraid that her employment would be in jeopardy, and with it the health insurance needed She feared that if she reported, Mr. Hill would lie about her work performance to the Chancellor and the Chancellor might believe him. She was concerned because her job depends upon maintaining a "friendly" working relationship with the Chancellor and the Chancellor is spouse and finally, she did not want to embarrass the Chancellor. She did not know to

whom to report, because she did not know what Paige Smith's role was on campus. ¹ And she hoped that would resolve the situation so she would not have to report anything.

In his first interview for this investigation, Mr. Hill did not categorically deny hugging or kissing in 2015 as described. He stated that he "did not remember" doing it and asked for more specificity on the dates in question (They could not be specified).

As to the Aprill 2018 incident of grabbing the second seco

extreme trepidation in reporting speaks to her credibility. In her position she had everything to lose (employment, health insurance, reputation) and nothing to gain by making a report. She did not want to embarrass the Chancellor or damage her relationship with the Chancellor in any way; she just wanted Mr. Hill's unwelcome advances to "go away". She thought they had when

She would not have reported those incidents unless there had been a recurrence.

Mr. Hill's denials are less credible. He does not categorically deny hugging or kissing he just "doesn't remember" doing so. Furthermore, he did not clearly remember calling the women colleagues "sweetie" and "honey" instead of their names. He said he "probably" did that but did not recall ever calling by those names.

Does Mr. Hill's conduct constitute sexual harassment?

Yes.

Applicable to UWW, there are several laws and policies that define sexual harassment, which among other forms is described as unwelcome or unwanted touching that unreasonably interferes with an individual's ability to perform his or her job.

UWW has an extensive web page of sexual harassment information, <u>http://www.uww.edu/compliance/title-ix</u>. The UWW Sexual Violence, Sexual Harassment and Intimate Partner Violence Policy, <u>file:///C:/Users/Bradb/AppData/Local/Temp/UWW-Sexual-Violence-Harrassment-Policy.pdf</u>

defines Sexual Harassment to be:

Sexual Harassment: Unwelcome sexual advances, ...and other verbal or physical conduct of a sexual nature ...when (1) submission to such conduct is made ...implicitly a

term or condition of an individual's employment ...; ... or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work ... or creating an intimidating, hostile, or offensive working ... environment. (Appendix A Pg. 10)

Hostile Environment is defined to be:

Hostile Environment: ...(P)hysical acts ...that are sufficiently severe or pervasive so as to interfere with an individual's employment, ...or participation in institution programs or activities and creates a working, program or activity environment that a reasonable person would find intimidating, offensive or hostile in nature. (Appendix A Pg. 8)

UW System Administration also has a policy applicable to all UW institutions. <u>Regent</u> <u>Policy Document RPD 14-2 Sexual Violence and Sexual Harassment</u> has definitions similar to those of the UWW policy,

Sexual Harassment. Unwelcome sexual advances, ...and other verbal or physical conduct of a sexual nature ...when (1) submission to such conduct is made ...implicitly a term or condition of an individual's employment ..., or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work ...performance or creating an intimidating, hostile, or offensive working or learning environment. [Adapted from <u>29</u> <u>C.F.R. § 1604.11 (1980)</u>].]

Hostile Environment. A hostile work, ...or program-related environment is created when one engages in harassment that consists of unwelcome ...physical conduct directed at another individual because of that individual's gender, and that has the purpose or effect of creating an intimidating, hostile, or offensive work, ...or program-related environment or has the purpose or effect of substantially interfering with that individual's work ...performance. Substantial interference with an employee's workperformance or creation of an intimidating, hostile, or offensive work...or program-related environment is established when the conduct is such that a reasonable person under the same circumstances as the ...employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's workperformance or to create an intimidating, hostile, or offensive work...environment. (...)

Under Wisconsin law (*Sex, sexual orientation; exceptions and special cases,* $\underline{\$}$ <u>111.36(1)(b)</u>, <u>Wis. Stats.</u>) employment discrimination because of sex includes the following actions by any employer or another person,

(b) Engaging in sexual harassment; ...or making ...submission to ...or permitting sexual harassment to have the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, hostile or offensive work environment. Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere

substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.

Mr. Hill's conduct towards constitutes "unwelcome physical conduct of a sexual nature", the submission to which may be considered implicitly a condition of her employment. This physical conduct interferes with her ability to work.

Mr. Hill's conduct also meets the standard for creating a hostile work environment. His physical acts have taken place frequently enough to be considered pervasive, and they interfered with working environment so that she was trepidatious about every potential encounter. A reasonable person would find this behavior intimidating.

Mr. Hill's conduct is made more offensive because he holds a position of power over and over other employees at UWW due to his familial relationship with the Chancellor. Should anyone reject or rebuff Mr. Hill's physical contact, there is always the unspoken presumption that the Chancellor could end that employee's employment should Mr. Hill request it. In this way, a harasser can continue his or her behavior long after he or she should have been found out because the targets are too intimidated and vulnerable to step forward.

Is report an isolated indication of inappropriate conduct on Mr. Hill's part?

No.

Because of this investigation, another female employee of

Final and the second se

She also stated that he "used to" call her things like "babe" and "sweetie" but has recently been more professional.

In his second interview, Mr. Hill categorically denied that the above incident ever took place.

It is worth noting that two additional females, one a current UWW employee and one a former UWW employee, were approached for comment on their reputed experiences with Mr. Hill. Neither was willing to speak on the record for fear of retaliation and ruin to their careers.

CONCLUSIONS

Mr. Hill is unlikely to change his conduct to meet the professional standards of UW-Whitewater.

In his first interview, Mr. Hill did not express any remorse or take responsibility for inappropriate treatment of a female colleague. Indeed, he did not appear to have much understanding of why this behavior would be inappropriate. He didn't remember the specific instances of making advances to and only said he "probably" used terms like "honey" or "sweetie" to address professional colleagues. He didn't recall calling anything like that.

The standards for professional gatherings may be different in a small city or on a smaller campus like UW-Whitewater, than they would be in a larger city or campus. In a smaller milieu where people are familiar with one another, greeting hugs may be more common than handshakes. By all accounts Mr. Hill is a tactile person who frequently hugs rather than shakes hands with both men and women in professional gatherings. He himself said that that he greets alumni the same way he greets colleagues ("*I don't discriminate*").

This does not explain walking into a female colleague's office without invitation and giving her a long bear hug, or kissing her in a conference room. It doesn't explain touching a female colleague and making a suggestive comment about her appearance. And no informal standard of professional behavior encompasses grabbing a woman's knee under the tablecloth

No one changes behavior that is unacknowledged, and there is no indication that Mr. Hill acknowledges his behavior. Furthermore, there appears to be some pattern to this behavior, as is not the only person to have been subjected to it. It is unlikely that Mr. Hill can or would amend his behavior to comport with the needs of the employer.

¹ Among her duties as the Chief of Institutional Policy and Compliance, Ms. Smith was the Title IX Coordinator, to whom all incidents of sexual harassment were to be reported.

May 27, 2015

Alan Hill

Dear Alan:

This letter recognizes your unique service to the University of Wisconsin System and to the University of Wisconsin-Whitewater and offers you a formal appointment as an unpaid member of the academic staff with the title of Associate of the Chancellor, effective July 1, 2015.

Your appointment as an Associate of the Chancellor recognizes that your volunteer public service responsibilities on behalf of the University of Wisconsin-Whitewater may require the use of campus facilities, equipment, and vehicles to discharge appropriately the duties associated with your status. Attached is a copy of a paper describing background and procedures for this title.

This letter will authorize you to acquire staff identification credentials for your institution and to access appropriately resources of other UW System institutions. Via a copy of this letter to UW-Whitewater Director of Human Resources, Judi Trampf, I am asking her to provide you with a staff identification card for UW-Whitewater.

I am pleased that your service to the UW-Whitewater and the UW System will be recognized in this manner and I look forward to your valuable contributions to the UW System. Please sign and return to me one copy of this letter at your earliest convenience.

Sincerely,

Raymond W. Cross President

Attachment

cc: Judi Trampf w/attachment

ACCEPTED BY: