

Memorandum

To: James C. Schmidt, Chancellor

From: Teresa E. O'Halloran, Director of Affirmative Action & Title IX Coordinator

Date: May 14, 2020

Pursuant to concerns raised in Angie Swenson-Holzinger's February 3, 2020 email to me and David Miller, the attached investigative report was completed by UW System Shared Services.

The investigators found that there was insufficient evidence to conclude that UW-Eau Claire policy was violated. Therefore, after reviewing the report, I am dismissing this matter according to UW-Eau Claire's Discrimination, Harassment, and Retaliation Policy.

This dismissal may be appealed by submitting in writing the reasons for the appeal to you within 15 calendar days of the date of this memorandum.

c: Angie Swenson-Holzinger
Albert Colom
David Miller, Director of Human Resources



May 13, 2020

INVESTIGATIVE REPORT TO UW-EAU CLAIRE CHANCELLOR JAMES SCHMIDT

COMPLAINT BY ANGELA SWENSON-HOLZINGER

In a memo dated February 3, 2020, former Associate Director of Advising Angela Swenson-Holzinger alleged that she was discriminated against because of her gender. The memo alleged that she experienced gender-based negative treatment when Vice Chancellor Albert Colom (her supervisor) created a hostile work environment.

NATURE OF COMPLAINT

In her complaint Swenson-Holzinger alleged that Colom's behavior towards her and other females created a hostile work environment. Swenson-Holzinger also alleged that Colom bullied employees and created negative work environments that were not gender-based.

SUMMARY OF FINDINGS

UW-Shared Services investigators Christine Buswell and Richard Thal conducted an investigation into Swenson-Holzinger's allegations. During the investigation, in addition to interviewing Swenson-Holzinger and Colom, the investigators interviewed the following five employees, all of whom reported directly to Colom: Billy Felz, Special Assistant to the Vice Chancellor; Staci Heidtke, Associate Director of Career Services and current interim Director of Advising and Career Services; Nikki Andrews, Director of Enrollment Management/Financial Aid Director/Continuing Education Director; Quincy Chapman, Director of Housing and Residence Life; and Kim O'Kelly, Director of Enrollment Management/Registrar/Bursar. Also interviewed were Heather Kretz, former Director of Admissions, Chancellor James Schmidt, and several others who worked with Colom and possess firsthand information relevant to our investigation. Documentary evidence and submissions that commented on Colom's reputation and character were also reviewed.

Based on the information obtained during the investigation, the undersigned investigators find that there is insufficient evidence that Colom violated UWEC's [Sexual Violence and Sexual Harassment Policy](#) or Regent Policy [RPD 14-2, Sexual Violence and Sexual Harassment](#). In addition, we find that there is not sufficient evidence to conclude that Colom bullied employees.

BACKGROUND

Colom was hired in October 2018, by UW-Eau Claire (UWEC) to head up the newly formed Enrollment Management Division. He was hired to be a change agent for UWEC, to increase enrollment retention to 90%, and to find and implement creative ways to increase enrollment in the face of predictions of future declining enrollment. Colom brought 36 years of higher education experience to UWEC.

Swenson-Holzinger was hired in May 2017 as the Associate Director of Advising, within the Advising, Retention, and Career Center (ARCC), a department under the Enrollment Management Division that was established to provide centralized support for students. Swenson-Holzinger was hired during the period when ARCC was being created. Swenson-Holzinger started reporting to Colom in June 2019 when Felz, her former supervisor, was promoted from his former position as the executive director of advising and retention to a position as Colom's special assistant.

Kretz was hired by UW-Eau Claire in 2001 and held various roles. She was promoted to the position of interim Director of Admissions in June 2013, and subsequently she became the Director of Admissions. Kretz resigned her position as admissions director on January 11, 2019, because she believed that Colom, her supervisor, wanted her to resign and because she believed that Chancellor Schmidt "wasn't going to do anything about the toxic work environment [created by Colom]" that she had described to the Chancellor. Prior to submitting her resignation, Kretz informed her staff that she planned to resign, and four of her staff chose to also resign.

On January 14, 2019, Chancellor Schmidt wrote a memo to faculty, staff, and student leaders in which he showed support for Colom. In that memo Schmidt stated:

[I]n the relatively short time Vice Chancellor Colom has been with us, the university has made significant progress toward creation and implementation of a comprehensive recruitment, enrollment, retention and student success strategy. I support this comprehensive approach to enrollment management and believe the university, especially our students, will benefit greatly from it.

The resignations of Kretz and her four staff members were much publicized and commented on after Swenson-Holzinger's resignation.

SCOPE OF THE INVESTIGATION

This investigation focused on the allegations contained in the complaint by Swenson-Holzinger. Under UW-Eau Claire's [Sexual Violence and Sexual Harassment Policy](#) as well as Regent Policy [RPD 14-2, Sexual Violence and Sexual Harassment](#), UWEC must provide an environment free of discriminatory harassment. The investigators also reviewed Heather Kretz's undated statement in which she chronicled her experiences with Colom prior to her resignation.

UWEC's [Discrimination, Harassment, and Retaliation Policy](#) includes a definition of discriminatory harassment. Under that definition discriminatory harassment is a form of discrimination consisting of unwelcome verbal, written, graphic or physical conduct that:

- Is directed at an individual or group of individuals on the basis of the individual or group of individuals' actual or perceived protected status...
- Is sufficiently severe or pervasive so as to interfere with an individual's employment...and creates a working, learning, program or activity environment that a reasonable person would find intimidating, offensive or hostile.

INVESTIGATION

The following information was also collected and reviewed as a part of the investigation:

Position of Angela Swenson-Holzinger

Swenson-Holzinger stated that she started reporting to Colom in June 2019 when Felz was promoted to be Colom's Special Assistant. She stated that Colom started questioning her competence at their first meeting because she and her team had not attained a 90% student retention rate. In her complaint Swenson-Holzinger wrote:

When I attempted to engage him in conversations about the complexities of retention that cannot be controlled by advising, he would repeatedly interrupt me. Overall, he would speak at me in our individual meetings for approximately 95% of the time and I would only have space to try to respond a few words at a time, nearly always being interrupted by him. Early in our meetings over the summer of 2019, Albert began demanding that I rank from 1 to 30 the 30 academic advisors I supervised from best to worst. When I would inquire about what metric he wanted this done, he would huff and say, "from best to worst." When I would explain this was an impossible task as they were all very different and excelled and struggled in different ways, he would become frustrated and imply or say explicitly that this was an indication that I was a weak leader.

Swenson-Holzinger indicated that Colom unfairly criticized her. For example, she stated that he saw her and her team as too passive. Swenson-Holzinger stated that when she created an ARCC document for Colom, he advised her to recreate the document using bullet points because he wouldn't read a draft that is too wordy. According to Swenson-Holzinger, Colom was much less critical of her when she and Heidtke met with Colom. She said in those meetings Colom was "tamer" than in her one-on-one meetings with him.

Swenson-Holzinger helped create and manage Fostering Success, a program designed to provide resources and support for UWEC students who are former foster youth or identify as homeless. In February 2019 Colom suggested how the Fostering Success program could be modified. When his suggested change was not adopted, Colom was frustrated that the Leadership Fellows team (the team that developed the Fostering Success program) didn't change their program as he had suggested. He then called their project a "nice little boutiquey project" and told Swenson-Holzinger it wouldn't get her to the Vice Chancellor level.

Swenson-Holzinger stated that Colom wanted her to show loyalty to him, and he became frustrated with her when she did not agree with him. She characterized Colom as an "either you're with me or you're against me" type of person. In her complaint Swenson-Holzinger wrote: "He said I needed to agree with his ideas, 'have his back over the backs of the team' that I supervise . . ."

Swenson-Holzinger stated that Colom regularly made disparaging remarks about the Provost and other female administrators. She stated that he was friendly and jovial with males, which was different than his interactions with females.

Swenson-Holzinger indicated that even if there is not sufficient evidence to show that Colom discriminated against her and other women because of their gender, there is abundant evidence that shows that he bullied employees and created negative work environments.

Position of Albert Colom

Colom stated that Swenson-Holzinger performed excellent work providing day-to-day management of the advisors, but she had difficulty handling change. For example, she resisted changing “things not broken.” Colom stated he asked Swenson-Holzinger to “reimagine the experience,” to look at creating advising on a continuum rather than semester by semester, to anticipate student needs. He stated she often looked at things narrowly and was not willing to consider new ideas.

Colom stated he pushed staff to look at things from a different angle, to challenge conventional thinking. He said that other directors were willing to disagree with him and would push back, opening dialogue and providing alternative options for moving forward or solid reasons something he proposed would not work. Colom shared that meetings with Swenson-Holzinger contained long pregnant pauses that he felt the need to fill. He acknowledged that he generally failed in his attempt to connect with Swenson-Holzinger.

Colom stated that overall Swenson-Holzinger did a great job, and he supported her (and other females) for equity pay increases. Colom stated he had returned from an HLC accreditation meeting and told Swenson-Holzinger, “We need to show information and numbers” for advising, but he noted that the conversation was not going well. He pressed for evidence and data to show what ARCC was doing, but Swenson-Holzinger was puzzled as to why he was asking for that information. He stated he wanted her to think at a level that would help to recreate and define advising in preparation for 2025, when the pool of college applicants will decline.

Colom stated he asked Swenson-Holzinger to come up with metrics to help the team get to a 90% retention rate, a goal for UW-Eau Claire. Felz looked at the first draft and informed Colom it was not substantive enough. In response to Swenson-Holzinger’s allegation that Colom wanted her to rank her staff from best to worst, Colom denied that he did that. Rather, according to Colom, he asked her to grade her staff. He did note this conversation was tense and extremely frustrating.

Regarding Kretz’s resignation, Colom stated he was surprised when she resigned. Colom stated that as a vice chancellor he wanted to build on Kretz’s accomplishments as director of admissions and draw from her experiences. He further stated, however, that he observed that Kretz was often unwilling to embrace new enrollment management plan ideas or to implement changes. Colom said that he consulted with Chancellor Schmidt regarding Kretz failing to embrace newly established goals and objectives. Colom stated that Kretz particularly resisted changes designed to make the admissions process easier for students, often rejecting a proposed change with the comment that the change being considered was not the Wisconsin way. Kretz, for example, resisted the decision that the Student Enrollment Communications Center would be involved in the student recruitment process.

Interview with Billy Felz

Felz shared that Swenson-Holzinger was very good at the day-to-day management of advisors, but she wanted to protect the advisors from changes. According to Felz, Colom liked to move fast, to make changes quickly. And Colom frequently changed his mind. In contrast, Swenson-Holzinger was cautious when changing how students were advised. Swenson-Holzinger was careful, methodical, and contemplative; Colom was not.

It was Felz’s opinion that gender was not a factor when Colom directed the work of his subordinates. According to Felz, Colom was sometimes unfiltered, but he was that way with the women and men he supervised. Felz stated that none of Colom’s decisions involving equity based and merit-based raises were motivated by the employees’ gender. He indicated that

Colom advocated for proper titling and raises for many women based on the quality of their work.

Interview with Staci Heidtke

Heidtke, Associate Director of Career Services and current interim Director of Advising and Career Services, stated that she had a good working relationship with Colom; her interactions with him were mostly positive; and he encouraged her growth as a supervisor.

Heidtke stated that Colom treated her and Swenson-Holzinger differently. Colom had reasonable expectations for Heidtke but not always for Swenson-Holzinger. For example, Colom wanted Swenson-Holzinger to think of more efficient ways to supervise her 30 direct reports so she would be available when he needed her to do something.

Heidtke said that one of Colom's strengths was that he was willing to be an agent of change (and he wanted directors to understand his ideas). A weakness was that Colom sometimes spoke without thinking.

Interview with Nikki Andrews

Andrews, Director of Enrollment Management/Financial Aid Director/Continuing Education Director, characterized Colom as an intense person with high energy and high expectations. She described the process of how she learned to work well with Colom. He would push to get things accomplished. That was sometimes uncomfortable, but it was usually productive. Andrews indicated that she also learned to negotiate with Colom. When she disagreed with one of Colom's proposals, she offered other options instead of simply rejecting the proposal. Andrews thought Colom presented some exciting ideas and proposals.

Andrews said that Colom talked a lot and didn't like silence. He would fill gaps with words. She stated Colom was an emotional person and would react instantly, but he was willing to reconsider his views on a topic. He was not particularly good at getting people to follow him, and he tried to make changes at UW-Eau Claire at a pace faster than many employees could handle. Andrews commented that Colom did criticize others during conversations, typically for being a roadblock to implementation of enrollment management changes that he wanted to implement. But he criticized men at least as often as he criticized women. He also promoted women as often as he promoted men.

Interview with Kim O'Kelly

O'Kelly, Director of Enrollment Management/Registrar/Bursar, described Colom as passionate and easily excited. According to O'Kelly, Colom held people accountable for what they said. O'Kelly said that when Colom wanted to do something she objected to, she would not explicitly object. Rather, she would raise concerns that Colom had not considered. Colom was sometimes frustrated that changes happened slowly at UW-Eau Claire, and he was also frustrated with those who stood in the way of what he saw as needed changes. O'Kelly stated that Colom grew frustrated with men and women, and he did not treat employees differently based on their gender. She reflected that Colom challenged the status quo and ruffled a lot of feathers, and there were things he could have done better to convince others to cooperate with him.

Interview with and information received from Heather Kretz

Kretz, former Director of Admissions, resigned on January 11, 2019, less than four months after Colom became her supervisor. Kretz stated that she tried to work with Colom, but he viewed her as a threat and didn't want her on his team. Kretz resigned after concluding that Colom

created a toxic environment. A few months after she resigned, Kretz wrote a statement describing her “awful experience” of having Colom as a supervisor.

According to Kretz, her experience was awful because Colom was erratic and vacillated. As an example of how he vacillated, Kretz stated that one day he would tell her that she was qualified to become a vice chancellor, and the next day he would tell her that he felt she lacked what it took to do her job and her poor attitude was rubbing off on others. As another example, Kretz stated that at the November 28, 2018 meeting of the Enrollment Management Division directors Colom praised her great work, and the next day when he met with her, Colom called Kretz the weakest link in the Division, and he told her it was time for her to look for a new job.

Kretz stated that Colom convinced Chancellor Schmidt that Kretz was not on board with Colom, that she was not willing to help him make changes to support his approach to enrollment management. Kretz denied this accusation. She claimed that she had tried to support Colom.

Kretz stated that it was difficult for her to read the complaint that Swenson-Holzinger submitted to Affirmative Action Director Teresa O’Halloran because Swenson-Holzinger’s allegations against Colom were so similar to what she had experienced.

Interview with Quincy Chapman

Chapman, Director of Housing and Residence Life, stated that his office was moved to the newly created Enrollment Management Division because housing and resident life on campus play a significant role in the retention of students. As a direct report of Colom, Chapman stated he experienced a “mostly positive” relationship. Chapman said that the work environment was challenging because of Colom’s high expectations and because of the pressure he felt to meet established goals. He stated Colom did not want to hear “this is what we’ve always done.” He also stated that some direct reports were afraid to question Colom’s decisions. Chapman opined that Colom treated men and women similarly. Colom, for example, did not treat Kretz differently than he treated the men he supervised. Rather, Kretz resigned because – like Colom’s other direct reports – she was expected to help implement the established new goals of UW-Eau Claire’s enrollment management plan.

Chapman maintained a good relationship with Colom, but he said he lost a lot of sleep because of what he perceived as Colom’s expectations. Chapman stated that his job was particularly stressful during periods when Colom would lay out a direction in a meeting and then change course the next day. Furthermore, according to Chapman, Colom sometimes failed to clearly prioritize goals, and that made it difficult to achieve goals.

Interview with James Schmidt

In 2018 Chancellor Schmidt oversaw the creation of the UW-Eau Claire’s Enrollment Management Division and the hiring of Colom to lead that division. The creation of that division was consistent with Schmidt’s goal to create a comprehensive recruitment, enrollment,

retention, and student success strategy. With respect to Kretz’s role as the Director of Admissions, Schmidt stated that Kretz had long done a good job leading the Admissions Office, and she had a positive and effervescent personality. According to Schmidt, however, Kretz was often not open to proposed changes that affected the work of the Admissions Office employees. When a change was proposed, Kretz would usually explain why the proposal was not a good idea for UWEC. Schmidt acknowledged that Kretz told him that she was on board with Colom, but Kretz rarely agreed to actually support UW-Eau Claire’s new and established enrollment

management goals. Schmidt stated that despite Kretz's resistance to certain proposed changes, he encouraged Kretz to stay and support the new goals of the Division.

Additional information received

One of Colom's former direct reports stated that Colom was unpredictable. One minute he would have a positive attitude; the next minute he would be negative. He had "rollercoaster" emotions. Loyalty was very important to Colom. Colom had a charming side but would easily flip. Colom would tell an employee they were doing a great job and then tell the employee maybe it was time for the employee to leave UWEC.

Colom was inconsistent and unpredictable. It was difficult to know what would set him off. Because his expectations would change, employees never knew what side of Colom they were going to get. With some direct reports, he talked 95% of the time, discouraging employees from asking questions or providing him with feedback. Colom would build employees up and then bring them down. For example, one minute he would tell direct reports that they were doing a great job, and the next minute he would tell them that if there is not demonstrable improvement soon, they (including him) would be looking for new jobs. He is very intelligent but highly critical of others.

Colom was hired to help UW-Eau Claire meet its student recruitment and retention goals. The formation of the Enrollment Management unit challenged the view of those who resisted change to the way things have been done at UW-Eau Claire. Colom had many ideas on how to move the university forward. Many of the ideas were bold and challenged UW-Eau Claire employees to think differently.

One employee supervised by Colom stated that she did not always agree with Colom, but she always felt that her input was heard and respected. She stated that Colom and she would work collaboratively when making decisions and plans. Another employee stated:

Did Colom challenge my way of thinking? Yes. Did he question my ideas and opinions? Yes. Did he give me stretch goals? Yes. Those are things that I think are critical for someone to be an effective leader and help others grow and think outside the box.

INVESTIGATORS' FINDINGS

Based on the information gathered in this investigation, the investigators find that Albert Colom did not treat Angela Swenson-Holzinger differently based on her gender; therefore, Colom did not violate UW-Eau Claire or UW System anti-harassment policies.

Swenson-Holzinger alleged that Colom treated her with a pattern of disdain, and he did not treat the men who reported to him that way. Swenson-Holzinger further alleged that Colom repeatedly made disparaging remarks about the Provost and other female administrators at UW-Eau Claire. Swenson-Holzinger also complained that, in addition to her, other female UW-Eau Claire employees had "volatile interactions" with Colom.

As Swenson-Holzinger suggested, she was not the only woman who didn't like working with Colom. In a statement prepared after she resigned, Kretz opined that Colom created a toxic work environment. Several of Colom's former female direct reports, however, said that Colom respected them, and that they generally had a good working relationship with Colom. And even

direct reports who agreed that Colom was volatile and too impatient did not think that Colom treated them differently because they are women. Moreover, Special Assistant to the Vice Chancellor Felz credibly stated that Colom was sometimes unfiltered, but he was that way with the women and men that he supervised.

Swenson-Holzinger contended that even if there is insufficient evidence to show that she was discriminated against on the basis of her gender, there is evidence to show that Colom bullied employees and created negative work environments. This investigation, however, did not substantiate the contention that Colom bullied employees.

With respect to Swenson-Holzinger's allegation that at a minimum Colom created "negative work environments," the investigators recognize that because of his management style, Colom created a challenging work environment for the employees that he supervised. But his creation of challenging work environments is not evidence of conduct for which he should have been sanctioned.

Colom tended to be blunt and inconsistent. His blunt, unfiltered communication style resulted in Colom telling Swenson-Holzinger what he wanted done without consideration of how she would respond to his direction. Unlike some of Colom's direct reports, Swenson-Holzinger was not comfortable disagreeing with Colom. Several of Colom's direct reports learned how to disagree with Colom, and their ability to question Colom helped them connect with him. But, as Colom acknowledged, he was not able to connect with Swenson-Holzinger. Colom stated that during the many long pauses in their talks, he filled the silences by talking. Colom perceived that he dominated his one-on-one meetings with Swenson-Holzinger because of her reticence. In contrast, Swenson-Holzinger viewed Colom's domination of their meetings as evidence of his disdain for her and evidence that he created a negative work environment. Given their different perceptions, Colom should have tried to communicate better. Moreover, Colom should have disclosed his inability to connect with Swenson-Holzinger so that he could have been provided with counseling on how to better communicate with her and with the other employees who thought that Colom discouraged them from providing him with feedback.

The evidence gathered in this investigation showed that several women supervised by Colom liked the way that he encouraged them to be creative; to make needed changes; and to think outside the box. The information gathered also showed that some of Colom's direct reports (both women and men) had negative experiences with Colom similar to Swenson-Holzinger's experiences. Kretz, for example, indicated that Colom targeted her in a manner that resulted in her doubting her self-worth. And Chapman said he lost sleep because of what he perceived as Colom's expectations.

Colom may have created challenging work environments for the employees that he supervised. But the information gathered does not show that Colom bullied his direct reports. The evidence also shows that Colom could have communicated better with his direct reports to make it easier for them to work with him; however, we find that his weaknesses as a communicator are not grounds for finding that Colom was a bully.

Dated this 13th day of May 2020.

Christine Buswell

Richard Thal