



AARON B. KUNIN
ASSOCIATE PROFESSOR OF ENGLISH

CROOKSHANK HALL 213
140 W 6TH ST
CLAREMONT, CALIFORNIA 91711
EMAIL: AARON.KUNIN@POMONA.EDU
URL: HWWW.POMONA.EDU/DIRECTORY/PEOPLE/AARON-B-KUNIN

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To Dean Robert R. Gaines:

Thank you for your thoughtful consideration. Contrary to what you may read in the Confidential Investigation Report, I very much respect Professors Valorie Thomas and Kyla Tompkins and find their work to be enriching and essential to the English Department at Pomona College. I am hurt, saddened, and frustrated by their allegations.

The 4/24/2020 Statement of Policy Violations/Results Notification Memorandum does not precisely state which policy provision I violated, but on behalf of the College, Brenda Rushforth and Sue McCarthy disagreed with and amended many of the determinations made by investigator Angela Reddock-Wright of the Reddock Law Group. I was ultimately found not responsible for discrimination, harassment, or retaliation against Professor Tompkins.

My understanding is that I was also found not responsible for discrimination or harassment against Professor Thomas; however, I was found responsible for retaliating against her after she exercised rights under the Discrimination and Harassment Investigation and Response Procedures by making a complaint against me for racial discrimination. I purportedly implemented Robert's Rules of Order inconsistently in a way that singled her out and thwarted her efforts to teach a 170 course in the Spring 2020 in favor of my own proposed course. Her other allegations, many of which do not involve me and which predate my service as Department Chair (some date back to the late 1990s [[Exhibits 8-15, 43](#)]), were not part of this investigation or were found to be unsubstantiated.

In hindsight, I recognize that I could have been more vocal about my reasons for adhering to Department rules and my general concerns about the Department's lack of oversight of fund requests, but I believed at the time that I was acting in the best interest of the Department and Pomona College. I never intended for any of my actions to negatively impact Professors Thomas or Tompkins or the Department. I am open to considering what I can do to be more sensitive about my decisions in the future.

However, using me as a patsy to resolve the historical institutional discrimination, harassment and retaliation that Professors Thomas and Tompkins feel they have experienced at the hands of the College, the Department, me, and others, based on their race and gender over many years, will not bring about lasting closure to these issues. The most sustainable solution is to continue to improve the English Department's infrastructure and engage in mandatory mediation with a professional mediator approved



by all members of the Department to openly address concerns about race, gender, and the ways we can accept and support each other moving forward.

In spite of my personal frustration, I remain hopeful that we can resolve our differences, address issues that appear to have plagued Pomona College for decades, and strengthen the English Department in the process. I do not want any of my colleagues to feel alienated, unwanted, or unappreciated. That does not benefit our students, our community, or our intellectual endeavors.

In this statement, I am supposed to explain the factors that should mitigate or otherwise be considered in determining the sanction(s) imposed against me. I found several inaccuracies in the Analysis and Findings section of Ms. Reddock-Wright's report, which were relied upon to support the College's determinations. The following facts should not only mitigate any potential sanctions but also prompt reconsideration of the finding that I retaliated against Professor Thomas as a result of her complaints:

FINDINGS RELATED TO INCONSISTENT IMPLEMENTATION OF ROBERT'S RULES:

The College found: "Kunin's initial adoption of Robert's Rules and other budgeting and administrative processes, such as the deliberation and reimbursement processes, did not violate Policy. This structure was found to be proposed and implemented for legitimate, non-discriminatory reasons." However, "Kunin's implementation of the rules was inconsistent and unnecessarily burdensome, and the inconsistencies and manner of implementation are found to have targeted and singled out Complainant Thomas[.]" (Statement of Policy Violations/Results Notification Memorandum, p. 6.)

1. Regarding Thomas' \$300 Request for Zines. (Investigation Report, pp. 169-171.)

Investigation Report: "Kunin's conduct in having Thomas undergo such an extensive process to obtain funding for her course, amounts to conduct against Thomas in violation of the Policy." (p. 171.)

It is inaccurate to say that Professor Thomas underwent an "extensive process" to obtain \$300 for zines for her "Afrofuturisms" course. On 2/1/2019, Professor Thomas asked me how she could request a "course improvement grant" to obtain money for zines for her Afrofuturisms course. (Exhibit 88.) I told Professor Thomas that she could apply for a "Wig grant"¹ through the Dean's Office. Wig grants are available for one-time costs associated with teaching, like zines. Professor Thomas confirmed that she would pursue the Wig grant. In the same email conversation, I approved Professor Thomas' request for two honoraria for guest lecturers at \$499 each in her Afrofuturisms course.

¹ Mr. and Mrs. R. J. Wig established the "Distinguished Professorship Endowment Fund" in 1955 to further the teaching mission of the College. This fund is used to support the Wig Distinguished Professorship awards, to help subsidize sabbatical salaries, and to facilitate the biannual trustee-faculty retreat. It is also used to support pedagogical and curricular innovation through grants for auditing, course development, teaching innovation, and travel to teaching conferences. These grants are available to all tenure-track faculty and full-time faculty on multiyear contracts. (<https://www.pomona.edu/administration/academic-dean/funding/teaching-and-learning>)



On 2/11/2019, Professor Thomas again proposed to pay for the zines by requesting a Wig grant, but she asked for immediate funding through the Department, which would later be reimbursed when the Wig grant was approved. (Exhibits 98-101.) I assured Professor Thomas that she would receive the money to pay for the zines while the Wig application was pending.

Because Professor Thomas could not wait for the Wig grant to be processed, I suggested to have the Department pay for the zines using my personal opportunity fund. (All faculty in the English Department have an opportunity fund of \$5,000 annually, which they are free to spend at their discretion.) This was partly because I thought Professor Thomas could be seen as making multiple requests for the same purpose (i.e., a request for a Wig grant, and also a request from the Department, both to pay for the zines), which was a prohibited use of restricted Department funds, and partly because I thought that borrowing money from a colleague, rather than the Department's restricted funds, might incentivize Professor Thomas to apply for the Wig grant, as she had initially proposed.

I did not propose that Professor Thomas borrow money from my opportunity fund to degrade or discriminate against her. My actions had nothing to do with her gender or race. I sincerely thought that I was being helpful to Professor Thomas by accommodating her request, while also following the Department rules and exercising responsible oversight over the Department's restricted funds.

The zines were an appropriate use of Wig funds and the request was likely to be approved, freeing up Department funds that could be used for other requests. Having a wealth of Department funds is not a good excuse to spend them when there is a viable source of funding elsewhere, especially in a scenario like this where Professor Thomas planned to apply for a Wig grant, and there was no question that her zines would be funded while she awaited approval.

Professor Thomas received funding for the zines in February 2019. She never applied for the Wig grant and did not undergo any burdensome or extensive process to receive funding for the zines.

Investigation Report: "There is no indication as to whether [other] faculty members personally chose to use WIG grants or were told to apply for WIG grants." (p. 170.)

There was no rule in the English Department that faculty had to use Wig funds to cover teaching expenses. The Department never voted on this question. However, the consensus in meetings was that faculty should use Wig funds before going to the Department. (One such meeting occurred on 11/13/2018, when Professor Thomas took minutes.) (Exhibit 85.)

Investigation Report: "I find Kunin's defense that he also required his white, male colleague Kirk to obtain funds from the WIG grant first or use his [Kunin's] opportunity funds not persuasive as Kirk's requests were not comparable." (p. 170.)



Professor Kirk's request (9/12/2018) is similar to Professor Thomas' in that he had previously informed me that he was applying for a Wig grant for teaching expenses. (Exhibit 238.) He received the Wig grant but still needed over \$1,000. In accordance with the rules approved by the Department, he had to request the additional funds at the Department meeting.

The difference between Professor Kirk's request and Professor Thomas' request is that Professor Kirk proposed to apply for a Wig grant for teaching expenses, he applied for a Wig grant, and then he followed the approved rules to request restricted Department funds over \$1,000. The same goes for other members of the Department who have used Wig grants to subsidize Wig-appropriate requests, including Professors Rosenfeld, Tompkins, and Wittman.

To my knowledge, no one in the Department has ever proposed to obtain funding through a Wig grant, then changed their mind and asked to forego the Wig grant process, even though the Wig request had a high likelihood of approval, and the faculty member would receive the requested funds while approval was pending. The only faculty who ever addressed requests for teaching expenses directly to the Chair or to the Department were Professor Thomas and Professor Kirk. Other faculty paid for their teaching expenses by applying for Wig grants or using their opportunity funds.

Investigation Report: "In [an email] exchange, [Kunin] grants Raff \$1,000 for a speaker honorarium without requiring a Department meeting, even though the request is '\$1,000 or more.'" (p. 170.)

I did not grant Professor Raff \$1,000 for a speaker honorarium without requiring a Department meeting. Professor Raff's email about the honorarium for Peter Brooks (10/2/2019 [Exhibit 242]), was about the use of money (\$2,000) that had already been approved in a Department vote on 5/9/2019. (Exhibit 120.) I never personally approved a request for \$1,000 or more without a Department meeting.

Investigation Report: "I credit Gray and Coffey's assessment that the funding that Thomas sought for classes like Afrofuturism was outside of Kunin's comfort zone in terms of what he considered to be traditional Department expenses and that he implicitly challenged Thomas' need for the funds through the funding process."

Zines for the Afrofuturisms course were not at all "outside of my comfort zone." I thought the zines were a great idea and assured Professor Thomas that she would receive funding for the zines. I asked her to request a Wig grant because she said she would, and the zines were a one-time cost associated with teaching, the exact type of expense covered by Wig grants. I personally approved Professor Thomas' use of \$998 in restricted Department funds for two guest lecturers in Afrofuturisms on the subject of the zines, which contradicts any assessment that funding for Afrofuturism was outside of my comfort zone. (Exhibit 88.)



Statement of Policy Violations/Results Notification Memorandum: “[T]he College adopts the Investigator’s finding that Kunin’s actions were in retaliation for Thomas’ protected assertions of racial discrimination.” (p. 6.)

Retaliation is defined in Pomona’s policies as “the taking of an adverse action by any student, faculty or staff member against another individual as a result of that individual’s exercise of a right under these Procedures, including participation in the reporting, investigation or disciplinary process.” I did not take adverse action against Professor Thomas; I made sure she received the funding she requested. The fact that the funds were not issued from the source she preferred is not an adverse action, nor is it an action intended to improperly deter involvement in Pomona’s Discrimination and Harassment Investigation and Response Procedures.

My application of the Department rules towards Professor Thomas’ request for funds for the zines occurred in February 2019, eight months before Professor Thomas informed Dean Gaines that she wanted a formal investigation into me and the English Department. I did not learn of Professor Thomas’ request for formal investigation until 11/12/2019. My conduct cannot be construed as retaliation for Professor Thomas’ exercise of rights under the Procedures when Professor Thomas had not exercised rights under the Procedures as of February 2019.

2. Regarding \$2,400 Request for Innerlight Method Course (Investigation Report, pp. 171-172.)

Investigation Report: “With respect to Thomas’ May 2019 request for \$2,400 for her Inner-light Method course, I find that Kunin violated the Policy as against Thomas by not allowing the Department to meet through remote means. Kunin’s own rules allowed for video conference participation, and he overlooked them in order to block Thomas from receiving the requested funding.” (p. 171.)

The English Department met on 5/9/2019 in person to approve funding requests. During that meeting, Professor Thomas was allocated **\$31,500** for various requests for the 2019-2020 school year, several thousand dollars more than anyone else in the Department requested (even though she falsely claimed during the investigation that she had only been granted access to “\$7,000 toward an art exhibition that cost \$30K overall and a later offer of half the cost to produce a catalogue for that show.”) (Exhibits 33, 43.) Professor Thomas unfortunately forgot to present her request for \$2,400 for an “Innerlight Method course”² during the 5/9/2019 budget meeting. (Exhibit 120.)

After the 5/9/2019 meeting, on 5/15-17/2019, Professor Thomas wrote to me requesting an additional \$2,400 for the “Innerlight Method” course. (Exhibit 130.) Some of the irregularities in her emails are worth noting:

² “Innerlight Method” is described online as “a holistic mindfulness-based wellness program that helps highly sensitive people increase self-regulation and restore emotional/physical balance. The Innerlight Method is specifically designed to support the socio-emotional and energetic wellbeing of students who struggle with mood, learning and behavior challenges.” (<http://www.jumakae.com/innerlight>)

- She initially suggested that we had already discussed her request at the fall Department meeting, but her minutes do not mention a request for money for the Innerlight Method course. (Exhibit 85.)
- She seemed to be asking me to approve the expense myself. Since the request was for a sum greater than \$1,000, I did not have the authority to approve it. I offered to approve a request for a smaller amount.
- She asked me to organize a vote by email. However, the Department had decided on 9/11/2018 that votes by email were not valid. (Exhibits 21, 150.) I previously discussed with her the reasons why the Department does not vote by email. (Exhibit 29, “These rules are intended to encourage participation, transparency, and efficiency, and to avoid leaving big decisions to the personal judgment of the chair.”)
- She avoided mentioning that she was requesting money for a course at the Innerlight Sanctuary and implied instead that the course was offered through the University of LaVerne.

On 5/17/2019, Professor Thomas asked me to organize an emergency meeting. I knew that Department faculty would not be thrilled to attend another meeting after the two-hour 5/9/2019 budget meeting that was supposed to be the last meeting of the semester, but I thought an emergency meeting might be possible immediately following the Department reception for graduating seniors, since all faculty are expected to attend the reception. Professor Thomas is the only member of the faculty for whom I have ever tried to organize an emergency meeting. Unfortunately, Professor Thomas did not attend the Department reception. The other Department faculty waited for twenty minutes for Professor Thomas to show up, but she did not show up or respond to our messages.

On 5/22/2019, Professor Thomas asked me to organize a second emergency meeting after her application for a Wig grant to cover the costs of the course was denied. Professor Thomas wrote to the Department: “I move to cancel Robert’s Rules of Order as a department rubric or whatever this is.” She also appeared to mock my demeanor in chairing meetings and referred to me as “a payday loan shark setup down on Holt.” I do not appreciate the reference to an antisemitic stereotype. (Exhibit 136.) In response, I offered that we should save the issues for discussion with a mediator. (Exhibit 137.)

I did not prohibit any member of the Department from meeting through remote means. I did not call a subsequent meeting over the summer because the English Department has never met over the summer. We only meet during the school year. Part of the point of scheduling the two-hour budget meeting on 5/9/2019 was to give faculty an opportunity to present requests for large amounts of money to the Department, so that they could plan their requests for the next year, and with the idea that we would not meet again until September.



The Department rules would allow for participation by videoconference, and some faculty have occasionally taken advantage of this provision. However, even in this age of social distancing, we still have never had a Zoom meeting where the entire membership of the Department participated remotely, and we have never met over the summer, not even remotely. I did not overlook Department rules in order to block Professor Thomas from receiving requested funding. I acted consistent with the way Department meetings have always been conducted.

Professor Thomas ultimately received the \$2,400 through a Small Research Grant from the Dean's Office on 5/30/2019. (Exhibits 139-140.)

Investigation Report: "I also find that that Kunin inappropriately shut down the Department for the summer." (p. 171.)

I did not shut down the Department for the summer. I continued to approve requests for money in amounts smaller than \$1,000, as I am permitted to do. The two requests I received over the summer were Professor Thomas' request for money for Afropunk (\$999) (Exhibit 130) and Professor Tompkins' request for NCFDD renewal (\$480). I approved them both.

Investigation Report: "Given that Thomas adamantly requested the emergency meeting and expressed a real urgency for the funds, I do not find that she would purposely ignore a meeting that would benefit her." (p. 172.)

Documentary evidence shows that Professor Thomas ignored the meeting, or she ignored my attempts to schedule the meeting. In my email to Professor Thomas on 5/17/2019 at 3:53 PM, I proposed an emergency meeting after the reception. (Exhibit 131.) At the conclusion of my email, because Professor Thomas had made a number of requests that were against the rules, I wrote: "Please don't ask me to bend the rules. I'm not going to do it and I don't like being asked." I did not think it was appropriate for a full professor to pressure an associate professor to bend the rules for handling Department money.

On 5/17/2019 at 4:45 PM, I emailed the Department asking, "Are people available for a brief meeting on Saturday at 1? Val has a request for money that has to be voted on by the department. If we can get a quorum together after the reception, our business shouldn't take long." (Exhibit 131.)

On 5/18/2019 at 1:43 PM, Professor Thomas emailed the Department to explain why she missed the reception and the meeting: "I didn't expect to miss the meeting obviously but you know, selfcare, bc the intensity and density of the process and the emails has been trying." "I did not have a discussion with Aaron about when I could attend an emergency meeting. I went off email briefly yesterday and today as I said because of the emails and the situation that lead me to pursue – with intense turmoil – the emergency meeting." (Exhibits 132-134.) In essence,



Professor Thomas requested an emergency meeting then ignored emails she received to schedule the emergency meeting.

On 5/18/2019 at 7:31 PM, Professor Thomas admitted that she had seen my emails about the emergency meeting: “I took that break from email yesterday exactly because of emails I had received on this and another issue from the chair. Who has accused me of insisting that he ‘bend the rules.’” In other words, she didn’t see my email because she took a break from email after she saw my email about the emergency meeting, in which I told her not to ask me to “bend the rules.” She was prompted to take a break from email *after* she saw my email agreeing to schedule an emergency meeting. The record establishes that she purposely ignored the emergency meeting.

Investigation Report: “Based on the Policy, Kunin’s behavior in refusing to consider Thomas’ request outside the guidelines of the rules and processes had the impact of creating an unnecessarily hostile environment for Thomas, and of violating the College’s foundation of respect and violating the sense of community vital to the College’s educational enterprise.”

- It seems unusual that a faculty member can walk into a Department meeting and receive \$20,000 (or \$31,500) simply by asking for the money. In other academic departments, no matter how wealthy, requests for money are typically submitted with a budget and reviewed by a committee. In addition to receipts, there is usually oversight to account for how the money is spent after it is allocated. The budget process in the English Department at Pomona College is dangerously casual, with obvious opportunities for misuse and self-dealing.

As Department Chair, I tried to reform our lax treatment of Department funds and to maintain a minimal system of oversight. It was unreasonable to expect me to relax our minimal rules for a full professor and the senior member of the department who was accustomed to a system with more casual oversight and less accountability. The wealth of the Department is not a good reason to handle the money casually; on the contrary, it is a reason to be especially careful with the money to avoid possible misuse.

Professor Thomas was able to receive considerable funding during my time as Chair as a result of greater budgetary transparency. For instance, Professor Thomas said that she only became aware of the Warren fund on 5/9/2019. In other words, she became aware of the Warren fund because the budget became transparent to the Department through my reforms. She requested and received \$31,500 during the 5/9/2019 budget meeting; she exhausted her \$5,000 opportunity fund; and she received additional grants for course materials and professional development. The idea that I tried to block Professor Thomas’ access to funding is simply ludicrous and not at all supported by the evidence.

I advocated for more accountable spending practices across the board, not aimed at any faculty member in particular, in several Department meetings and to Pomona administrators, and my



concerns about accountability over Department funds were not groundless. Here are a few examples of ways in which the English Department does not keep track of expenses:

- On 9/11/2019, Professor Dettmar was allocated \$20,000 for use by the Humanities Studio. What did the Humanities Studio do with the money? The department does not follow up on such expenses.
- On 5/9/2019, Professor Thomas was allocated \$15,000 (among her other requests) to print a catalog documenting her exhibit “Vertigo at Midnight.” The money was paid to a firm called “Air Philosophy LLC,” a digital production company specializing in video and photography for marketing, advertising, promotional & experiential campaigns, on 6/11/2019. Was the catalog printed? We do not keep any record of this.
- Each year, thousands of dollars of the college’s money go to “Innerlight Sanctuary LLC,” a “secular spiritual” organization managed by Niki Elliott. Should the English Department consider this a single expense, or do the different events constitute separate charges? What is the Innerlight Sanctuary, and what is its relationship to the English Department?

The only way to answer these questions is to audit the Department, as I suggested to Dean Gaines in a phone call on 9/27/2019.

- It is alarming that the investigator saw my behavior as “creating an unnecessarily hostile environment for Thomas” when Professor Thomas frequently berated me with insults, i.e. calling me a “little twit” (Exhibit 173), to colleagues and the College administration.

Despite Professor Thomas’ often unprofessional, disrespectful, and downright abusive attitude towards me (Exhibits 31, 44, 51, 53, 104, 105, 140, 147, 153, 154, 173, 174, 175, 179, 184), in all of my communications with her, I tried to be patient, respectful, and accommodating. (Exhibits 31 (p. 463), 104, 105, 147, 173.)

My attempts to improve budget practices in the English Department by introducing a minimal system of oversight for handling requests for money were met with objection from the senior member of the Department who was not willing to adapt to the new system. She pressured me, the English Department, and College to give her access to restricted funds without seeking the approval of the chair or the Department, and, remarkably, the administration accommodated her.

Statement of Policy Violations/Results Notification Memorandum: “[T]he College adopts the Investigator’s finding that Kunin’s actions were in retaliation for Thomas’ protected assertions of racial discrimination.” (p. 6.)

I did not take adverse action against Professor Thomas. Professor Thomas received \$31,500 in funding and likely drew more on restricted funds while I was Chair than ever before. I tried to



arrange an emergency meeting for her so that she had at least two opportunities to present her request for an additional \$2,400 to the Department. She ultimately received the \$2,400 through a grant from the Dean's Office.

My application of the rules towards Professor Thomas' request for funds for the Innerlight Method Course occurred in May 2019, five months before Professor Thomas informed Dean Gaines that she wanted a formal investigation into me and the English Department. I did not learn of Professor Thomas' request for formal investigation until 11/12/2019. My conduct cannot be construed as retaliation for Professor Thomas' exercise of rights under the Procedures when Professor Thomas had not exercised rights under the Procedures as of May 2019.

FINDINGS RELATED TO COURSE PROPOSAL FOR ENGLISH 170B

"The Investigator finds that "on its face, Kunin's proposal to teach the Five American Authors course is not based on any discriminatory or retaliatory intent or motive toward Complainants. . . . The College, however, adopts the Investigator's finding of evidence of retaliatory intent in Kunin's sustained effort to thwart Thomas' efforts to teach her proposed course in favor of his own proposal, motivated at least in part by Thomas' prior and sustained complaints regarding her sincerely held concerns over the race issues associated with his proposal and more generally within the Department." (Statement of Policy Violations/Results Notification Memorandum, pp. 7-8.)

Investigation Report: "I find that Kunin improperly derailed Thomas' 170 Ellison course proposal for the Spring 2020 semester. (p. 177.)

The investigator's report is inaccurate regarding Professor Thomas' course proposal for English 170C "Ralph Ellison." The investigator never informed me that Professor Thomas' proposal was part of the investigation. We touched on the subject briefly in the nine hours she spent interviewing me, and she seems to have misunderstood what I said. I told her that I approved the course when it appeared on the Pomona portal, but Professor Thomas never submitted a course schedule.

The investigator seems to have heard me say that "Thomas did not submit a course schedule in time to make the spring schedule." That is not true at all. Professor Thomas simply never submitted a course schedule.

When a professor submits a course proposal through the Pomona portal, it automatically goes to the chair of the Department. When the Department chair approves the course and submits comments, the portal automatically generates a course scheduling form. This form goes to the professor, not the chair; when the professor submits the course scheduling form, it goes to the academic coordinator, not the chair. The process of submitting a course schedule is in the hands of the professor, and is separate from the Curriculum Committee's approval of the course.



Professor Thomas submitted her course proposal on 10/14/2019. (Exhibit 193; Attachment A.) I approved it on 10/15/2019 and received notice that Professor Thomas had received a course scheduling form. (Attachment B.) From that point, it was up to Professor Thomas to submit a course schedule if she wanted to teach the course in Spring 2020.

Not only did I approve Professor Thomas' course proposal, in my Chair comment, I described it as "a welcome addition to our curriculum" and expressed my willingness to have the department curriculum include both Professor Thomas' 170C and my 170B courses. I even suggested that "students might profitably take both courses." (Attachment G.)

In my Chair comment, I noted a possible scheduling problem in Spring 2020, and this part of my comment resulted in some confusion on the part of the Curriculum Committee, which held up their approval of the course for a week. As I wrote in my chair comment, I was not sure when Professor Thomas intended to teach her seminar. When I wrote to her on 10/3/2019 to ask if she would be willing to offer a 170 seminar in Spring 2020, she said that she had other courses planned for Spring 2020, and she submitted course scheduling forms for those courses. (Exhibit 179.) It seemed possible that she wanted to teach English 170C in a later semester. I received no clarification on this point from Professor Thomas herself.

Mediator Nyree Gray subsequently advised me not to engage with Professor Thomas by email (Attachment C), and when she tried to set up a meeting between Professor Thomas and me, Professor Thomas refused the meeting. However, when I spoke with Dean Coffey and Nyree Gray, they seemed convinced that Professor Thomas wanted to teach the course in Spring 2020. After speaking with Dean Coffey, Nyree Gray, and again seeking the advice of the Department regarding the scheduling issue in a Department meeting on 10/23/2019, I clarified to Dean Coffey and the Curriculum Committee that my intention was to approve the course for scheduling. (Attachment D.)

The Curriculum Committee then approved the course for Professor Thomas. However, Professor Thomas still did not submit a course scheduling form, so the course was not scheduled for the Spring 2020 semester. My endeavors to have Professor Thomas teach her course cannot possibly be interpreted as attempts to "derail" or "thwart" her efforts to teach the course.

Investigation Report: "Kunin submitted the Fall 2019 proposal at a time he knew Complainants had filed formal complaints against him with the College and that their complaints ultimately resulted into a formal investigation (the current investigation)." (p. 175.)

I did not know about the complaints when I submitted my course proposal. On 10/3/2019 I wrote to Professor Thomas about my intention to teach the seminar that we had discussed in 2017 on American writers (including Ellison) who criticized the social sciences. I submitted my course proposal on 10/9/2019. (Attachment E.) Only in April 2020 did I learn that Professor Thomas had requested a discrimination investigation on 10/3/2019. (Exhibit 1.) I was first



informed of the existence of the complaint on 11/12/2019, in a meeting with Dean Gaines. Therefore my course proposal could not have been conceived in retaliation to their complaints.

Investigation Report: “Many witnesses stated that they felt that Kunin, in proposing the class, was intentionally trying to provoke and hurt Thomas. Some witnesses found it offensive that Kunin proposed to teach this 2019 class in a manner that refuted the Complainants’ entire method of teaching, Thomas in particular.” (p. 175.)

It is absurd to suggest that I wanted to teach English 170B to “provoke or hurt Thomas,” to “refute the Complainants’ entire manner of teaching,” or to retaliate against them. I can’t imagine that any professor would want to teach a semester-long course in retaliation against a colleague. My primary motive for teaching the course was the same as for any of my courses: to study a problem in literary history with a group of intelligent, passionate, curious students.

A secondary motive was to set an example of intellectual bravery. A major problem at Pomona College is the atmosphere of self-censorship. This problem is documented in a Gallup poll taken at Pomona a few years ago. Eighty-eight percent of students agreed with the statement that they sometimes could not say what they believed to be true because they feared the social consequences of speaking.³ The result of self-censorship is academic dishonesty, and the only cure for self-censorship is not to do it. My motive was not retaliation against Professor Thomas, but to contribute to an atmosphere of friendly debate, where my colleagues and I might disagree about many things (literature, race, society, education) but could still pursue our intellectual interests in our writing and in our classrooms. An intellectual atmosphere of friendly debate is good for the English Department and the College.

Investigation Report: “On or about October 9, 2019 Kunin submitted his course proposal to the Curriculum Committee. On this same day, he shared the proposal with the Department during a Department meeting. Prior to the meeting, Thomas requested that the discussion on Kunin’s proposal be delayed so she could be present. She was not able to attend the meeting because it was on the same day of an event she planned that involved a guest lecturer.” (p. 176.)

The investigation report implies that I scheduled the meeting knowing that Professor Thomas would be absent because she was hosting a lecture. In Fall 2019, the English Department met every other week at the same day and time, and Professor Thomas received the meeting schedule on 8/12/2019 like everyone else in the Department. (Attachment F.) It was inappropriate for Professor Thomas to schedule a lecture to conflict with a Department meeting.

Investigation Report: “The only reasonable conclusion is that Kunin pushed for his own course proposal, in lieu of others, to prove a point to Thomas and Tompkins based on their prior and repeated complaints and criticisms against him.” (p. 177.)

³ <https://www.pomona.edu/public-dialogue/survey>



This is not a reasonable conclusion. I did not have a responsibility to cancel my course when other professors (including Dettmar and Thomas) belatedly proposed other 170 seminars. If I had canceled my course in order to avoid possible controversy, the cancellation would have contributed to an atmosphere of self-censorship at the school. (The technical name for that kind of cancellation is “Heckler’s Veto,” and it is a bad policy both for individuals and for institutions.) If I had canceled my 170 seminar so that Professor Dettmar could teach his seminar, wouldn’t that look as though I had a particular issue with Professor Thomas’ seminar? Instead I maintained a consistent policy with both Professor Dettmar and Professor Thomas.

Additional observations:

- Professors Thomas and Tompkins engaged in a sustained effort to stop me from teaching my 170B course through abusive emails sent to the entire Department and the Dean and President of the College:
 - Professor Thomas, 10/3/2019: “Had I been consulted on it in the first place I would have said no when you first proposed it but I was not informed that anything so obviously undermining and destructive was on the table.” (Exhibit 179.)
 - Professor Tompkins, 10/5/2019: “The class is terrible and the proposal totally devoid of scholarly value.” (Exhibit 179.)
 - Professor Thomas, 10/9/2019: “It should not be considered a serious proposal at this point anyway.” (Exhibit 187.)
 - Professor Thomas, 11/12/19: Misrepresented that I threatened to teach my Ellison course “in part as a punitive response to [her] not attending meetings and if [she] did not agree to teach a 170 this spring.”

They also wrote a joint letter to the Curriculum Committee, although I have not been provided a copy of that letter. The investigator interpreted these as complaints submitted in good faith, when neither professor seems to have had any idea what course I proposed. Both had the mistaken impression that the course proposal was the same as the single-author course on Ellison that I submitted in 2016, rather than the new course “Five American Writers.” There is obvious bad faith in attacking a colleague’s course proposal without even consulting the title or course description:

- By 10/15/2019, Professor Tompkins had discovered the title of my new course: “I literally have no idea what this title means.” (Exhibit 56.)
- Professor Thomas, 10/16/2019, also mocked the title of my course: “5 Americans Walk into a Bar.” (Exhibit 195.)



It is remarkable that the investigator read this series of emails and concluded that the hostility in the English Department came from me.

The timing of the initial complaint, 10/3/2019, the same day when I wrote to Professor Thomas about my 170 seminar, also suggests that the complaint itself may have been intended to stop me from teaching my seminar. It seems improper to use the complaint process as part of a campaign to thwart my efforts to teach a seminar.

Of note, Professor Thomas has been teaching at Pomona College for twenty years, but she has never taught a seminar on Ellison. She only proposed to teach the seminar on Ellison after she learned that I was planning to teach a seminar on Ellison. She recently submitted her course schedule for Fall 2020, but she did not put an Ellison seminar on the schedule. It may also be worth noting that Professor Thomas seems to have made no complaint about my handling of her course proposal; the investigator actually created the complaint.

- After making a complaint, Professors Thomas and Tompkins actively interfered with my review for promotion to full professor. (Exhibit 8, 17-18, 204, 206.) The fact that they tried to intervene is less concerning than the fact that the Dean and the President of the College accommodated them.
- Professors Thomas and Tompkins have aggressively misrepresented my views on literature, race, and education to the Dean's Office, and I have not had a chance to defend myself. (Exhibits 8, 153, 184, 193, 204.)
- Professors Thomas and Tompkins pressured the Dean's Office to remove me from chairing the Department, and the Dean's Office took their side. (Exhibits 153, 154, 160, 183.)
- Since 2013, I have completed all my assigned trainings to prevent harassment and discrimination. (Exhibit 41.) In contrast, Professor Tompkins has not completed any of her assigned trainings, and Professor Thomas last completed training in 2013.

I do not highlight these facts to be petty or to create additional conflict within the Department. I regret any misunderstanding between me and Professors Thomas and Tompkins, and I think it is clear that their antagonism towards me is unwarranted. I request that the findings be amended to reflect that I did not discriminate, harass, or retaliate against either of them, and I hope the College will facilitate a resolution.

Respectfully submitted,

Aaron B. Kunin
Associate Professor of English