



## MEMORANDUM

**DATE:** August 12, 2020  
**TO:** Aaron Kunin  
**FROM:** Avis Hinkson, *Vice President of Student Affairs and Dean of Students*  
**Cc:** Brenda Rushforth, *Assistant Vice President and Chief Human Resource Officer, and Grievance Officer*; Susan McCarthy, *Title IX Coordinator*  
**RE:** Determination of Sanctions — Harassment and Discrimination Complaint

### INTRODUCTION

On October 3, 2019, Pomona College received a formal complaint of race and gender discrimination from Professor Valorie D. Thomas against Associate Professor Aaron Kunin alleging discrimination and harassment toward her based on race and gender, in addition to retaliation against her for speaking out against Professor Kunin relating to such conduct. Following the College's retention of independent investigator Angela J. Reddock, Associate Professor Kyla W. Tompkins, submitted similar allegations of discrimination, harassment and retaliation against Professor Kunin. Reddock's 178-page investigation report was submitted to the College on or about March 17, 2020, along with a voluminous Appendix of Exhibits.

The factual findings of the investigator as accepted by Pomona College, and the College's conclusions regarding applicable policy violations, were communicated to the parties, including Respondent Professor Aaron Kunin, in a Statement of Policy Violations/Results Notification Memorandum dated April 24, 2020. Thereafter, all parties to the complaint submitted Impact or Mitigation Statements, as appropriate, including Professor Kunin's Mitigation Statement dated May 27, 2020.

### FINDINGS RELEVANT TO DETERMINATION OF SANCTIONS

This Determination of Sanctions incorporates by reference the Investigation Report, the Appendix of Exhibits, the Statement of Policy Violations/Results Notification Memorandum, and the Impact and Mitigation Statements. Given the comprehensive treatment of the complaint and factual findings set forth in those documents, this Determination of Sanctions will not repeat them verbatim here. For clarity, however, the College confirms its specific conclusions regarding violations of policy:

- 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; further, there is no legitimate business reason supporting these inconsistencies and the challenges Kunin posed to Thomas' various requests, and the College adopts the Investigator's finding that Kunin's actions were in retaliation for Thomas' protected assertions of racial discrimination.

- The College 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.

#### DETERMINATION OF SANCTIONS

The purpose of this document is to provide Professor Kunin with the College's determination of sanctions related to the findings; in addition to outlining the sanctions and associated deadlines, a rationale for the sanction is offered to clarify the purpose of the sanction and what is to be achieved by the completion of the specific sanction.

- **Complete Implicit Bias Training by May 31, 2021** – In reading the documents, especially the accounts of the various interpersonal interactions, considering the difference between impact and intent, and acknowledging the desire of all the individuals involved to move forward, an implicit bias training will provide Professor Kunin with intentional space to learn, question and reflect on the role that implicit bias has played in the circumstances that led to the filing of these charges. The specific training will be identified by the College and will include individual or small group training to provide adequate opportunity for Professor Kunin to engage with the material covered in an interactive format.
- **Prohibited from holding the position of Chair of the English Department or any other academic department prior to Fall 2030** – acknowledging that Professor Kunin's tenure as chair of the English department was plagued by a lack of leadership skill, allowing 10 years to pass before he steps into this role or a similar role again will afford him the opportunity to see culture change in the department enacted and learn from the leadership styles of two or more chairs of the department. While focused on Professor Kunin's relationship to the English Department, this sanction is broadened to include other academic departments in the case that another department would be put into receivership and faculty from outside of that department would be considered for the role of chair.
- **Complete Leadership Training prior to being eligible to chair a faculty committee** – recognizing that one develops leadership skills by both learning about various methods or styles of leadership and practical experience, Professor Kunin must complete a leadership training for academics identified by the College that will expose him to leadership models and theories in a one on one or small group setting so that he is able to fully engage in an interactive way. The completion of this training is required in advance of him being eligible to chair a faculty committee although he is certainly expected as a member of the faculty to participate on various faculty committees prior to completion of his training. His service on faculty committees is important work for the governance of the college and simultaneously, will enhance Professor Kunin's ability to observe and serve alongside various leaders with different leadership styles. This training is a required condition and should be completed no later than May 31, 2021.

- **Prohibited from having any role in the promotion activities of Professor Tompkins** – in light of the specific findings related to Professor Kunin’s acts of retaliation within the English Department, and in recognition of Professor Tompkins central role as a professed complainant and key witness in this matter, the College must take remedial actions to ensure that there is no opportunity for the reasonable perception of retaliation; accordingly, Professor Kunin will not participate in any departmental or individual contributions to Professor Tompkins’ promotion process including but not limited to surveys, meetings with members of the FPC or the drafting of any letters of recommendation.

In conclusion, the purpose of the above sanctions is to provide educational opportunities to support Professor Kunin’s readiness to function as a skilled leader and able member of the governance structure at Pomona College. Additionally, the last sanction is in place to protect fairness in the future promotion process of Professor Tompkins. As in any sanctioning process, the desired outcome is dependent on the individual being sanctioned and their openness to learning new ways of thinking, functioning and engaging with others. With that in mind, it must be noted that Professor Kunin used much of his mitigation statement to rehash and defend his position as opposed to demonstrating serious reflection. Professor Kunin’s last bulletpoint asserting that he has “completed all my assigned trainings to prevent harassment and discrimination” is actually concerning as it might suggest that while the trainings were completed they were not fully embodied based on his subsequent behavior. Therefore, in the fulfillment of these sanctions, space is being offered and will hopefully be used to reflect on all that has happened and what is incumbent on him to do to positively contribute to the progress of the English department and its development of a strong commitment to inclusivity and respect.

While not a requirement of this sanction process, Professor Kunin is urged to consider the value of an apology to Professor Thomas and Professor Tompkins as an “olive branch” towards reconciliation of the individuals involved and the Department.

The impact and mitigation statements of all three professors speak to their desire for the positive future of the English department and many recommendations of resources and services that could aid in that process. Those recommendations will be reviewed and decided on by the Dean of the College with the goal being that all department members will fully commit themselves to the culture change that is needed. May it be so...