



President's Office

September 6, 2022

Ms. Amanda Nordstrom
Program Officer, Campus Rights Advocacy
FIRE (Foundation for Individual Rights in Education)
510 Walnut Street, Suite 1250
Philadelphia, PA 19106

Dear Ms. Nordstrom:

The Foundation for Individual Rights in Education (FIRE) has a noble mission: the protection of fundamental principles, especially within higher education. Freedom of speech and freedom of thought. Due process. Equality. In our current censorious age, the reinforcement of these rights is especially urgent.

At Claremont McKenna College, where I have served as president for nine years, freedom of expression and academic freedom have been paramount since the founding of the College. We have fully endorsed the Chicago Principles, a widely adopted statement developed at the University of Chicago. We take them further through three *practiced* commitments under our Open Academy: *freedom of expression* (for everyone, including offensive speech and expressive responses to it); *viewpoint diversity* (through open and active listening); and *constructive dialogue* (through and across our differences – both in and outside the classroom – on even the most sensitive and controversial issues).

We have defended serious attacks on freedom of expression, thought, and association. We may be the only college in the nation to suspend students for blockading access to an invited speaker. We have protected our faculty, which is outspoken and politically diverse. During my tenure, Claremont McKenna College has never held a disciplinary review, conducted an investigation, or taken any adverse remedial action against any faculty member for classroom speech.

These efforts have been applauded by FIRE. Claremont McKenna College is the first institution in California and the first liberal arts college to receive a FIRE *green* rating. More recently, in a survey of 37,000 students that FIRE conducted last year, evaluating student attitudes toward free expression, free association, and due process, we ranked first in *every* category.

Against this long record of commitment, accomplishment, and recognition by FIRE, we received FIRE's expression of concern about the reports of three Claremont McKenna College faculty, including one adjunct professor, in a letter dated August 22, 2022, addressed to Dean Heather Antecol. The letter alleged that Claremont McKenna College is "deviating from its strong commitments to academic freedom by punishing and warning faculty members after students complained the faculty taught historical works containing a racial slur." FIRE simultaneously published that letter on its website. The next day, August 23, 2022, FIRE

published a *Newsdesk* article on its own site, entitled “Three Claremont McKenna professors sound alarm over school’s treatment of historical texts with racial slurs.” The article represented the professors’ claims as true in the voice of FIRE’s own assertions.

Any serious, open inquiry into the key assertions in these claims leads to one undeniable finding.

Each one is false.

To be clear, no Claremont McKenna College faculty member has been “warned,” “punished,” or subject to any other adverse investigatory, disciplinary process, or employment action for teaching historical works containing a racial slur.

Indeed, there has been no instance at Claremont McKenna College in which any faculty member was under any investigation, barred, censured, censored, threatened, punished, dismissed, or removed for classroom speech.

The College responds in greater detail below to each claim made in FIRE’s letter.

Reciprocally, we also seek clarification from FIRE of its principles, policies, and practices, including in its treatment of this matter.

Please confirm the following observations:

- It is FIRE’s common practice to wait for an institution’s response to FIRE’s expression of concerns before publishing its initial communication or the claims upon which it is based, and FIRE chose *not* to contact us *before* it sent and published both its letter on August 22, 2022, and an article (based on the letter) on its *Newsdesk* site on August 23, 2022.
- In the past, Claremont McKenna College has consistently responded to each inquiry by FIRE in a timely, comprehensive, and effective manner.
- As a matter of principle, policy, and consistent practice, FIRE extends rights of due process to institutions of higher education and the senior academic leaders who serve them, as well as professors, before publishing claims as true.
- The FIRE *Newsdesk* article published on August 23, 2022 failed to distinguish between *unconfirmed allegations* and *factual findings* in several passages, including the following statements, which claimed that Claremont McKenna College:
 - “warned one faculty member against quoting a Civil Rights Movement-era poem”
 - “investigated another for quoting ‘Huckleberry Finn’”
 - “canceled the teaching contract of a third who quoted ‘The Color Purple’”
 - “The professors faced varying levels of discipline . . . after students complained about the presence of a racial slur”
 - “These actions stand clearly at odds . . .”
- FIRE’s commitments to free speech and thought include protections of those who express offensive speech *and* those who express concerns with such speech.
- When there is no adverse action contemplated, communicated, or initiated, the mere outreach to a professor in order to discuss the quality of a classroom learning experience does not by itself constitute a *warning* or a *punishment*.

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- Such outreach may permissibly include, without limitation, a request to discuss or meet, a question about what occurred, the expression of direct or indirect concerns, communication or advice *in response* to a professor's outreach, or other interactions between a dean, department chair, or administrator and a professor.
- An administrator's advice in response to a *direct* request for such advice from a professor does not constitute either a *warning* or a *punishment*.
- Over-inclusive definitions of punishment impose a chilling effect on the freedom of speech and thought of students, faculty, chairs of departments, associate deans, deans, and other administrators who serve and lead institutions of higher learning.

At Claremont McKenna College, we believe in providing others with the opportunity to be heard before we make critical assertions. We believe in getting the facts before drawing conclusions. We believe that freedom of speech is a fundamental, universal right, deserving of equal treatment. We believe in the power of freely engaging different viewpoints as a way of advancing higher learning. We believe in constructive dialogue to resolve conflicts and sustain shared commitments.

The values at stake here are of vital importance. Stepping up to the challenges of our time requires a rigorous measure of mutual accountability.

To be clear, we stand in full support of the mission and values FIRE strives to uphold. Before we authorize you to publish this letter and response, we invite you to point out any perceived errors or misunderstandings. This courtesy, one we also expect from FIRE, reflects our dedicated practice of open inquiry and the respect we extend to all, including those with whom we disagree.

If you have any objections, questions, or concerns to the foregoing or the report that follows, please let us know by the close of business tomorrow, September 7th, so that we can address them quickly, before we authorize FIRE to publish the final version of our response.

We thank you in advance for your response and pursuit of our common aims.

Very truly yours,



Hiram E. Chodosh
President

Cc: Greg Lukianoff, President and CEO, FIRE
Robert Shibley, Executive Director, FIRE

Attachments

Claremont McKenna College Response to FIRE's Letter of August 22, 2022

The concerns expressed to Claremont McKenna College (CMC) in your letter of August 22, 2022 were based on reports of two tenured CMC faculty members, Professors Christopher Nadon ("Nadon") and Robert Faggen ("Faggen"), as well as former visiting CMC faculty member Eva Revesz ("Revesz").

The response and details on each case below will demonstrate that none of the three faculty members were in any way investigated, warned, disciplined, or non-renewed for their speech in the classroom. None were prohibited from speaking in the classroom in the way they chose. Indeed, we cannot recall any case in which CMC has ever conducted a disciplinary review or investigation or imposed any punishment against any faculty member for speech in the classroom.¹

FIRE's allegations are reproduced below in grey italics, followed by CMC's response. FIRE describes the three faculty members' allegations under a heading entitled, "**CMC Investigates, Warns, Non-Renews Professors Who Used Historical Texts Containing Racial Slur.**" From the content of FIRE's letter, CMC understands that in sum, FIRE's claims are that CMC "investigated" Nadon, "warned" Faggen, and "non-renewed" Revesz.

As the following detailed response will demonstrate, the key assertions in these claims leads to one undeniable finding: each one is false.

I. Professor Eva Revesz

FIRE's introductory paragraph summarized the allegation as follows: "*adjunct Professor Eva Revesz was non-renewed after she quoted from Alice Walker's 'The Color Purple.'*"

This is false, as is described clearly below. FIRE provides additional details in its letter, reproduced below, followed by CMC's responses.

"...in March 2021, former adjunct Literature Professor Eva Revesz taught a Cinematic Adaptions course that included reading the book and viewing the movie 'The Color Purple.' When Revesz quoted text from the book that contained a racial slur, a student confronted Revesz and she apologized for her "insensitivity" in class and later in an email."

It is true that Revesz taught a course in Spring 2022 (not March 2021 as stated in FIRE's letter) that included "*The Color Purple.*" However, it is not true that Revesz was quoting from this or any other book. Rather, **Revesz Exhibit A** documents Revesz's email to her class dated March 23, 2022, which shows that she was not quoting from *The Color Purple* or any other text. Rather, she apologized in her letter for "blurting out" the N-word "mindlessly" in discussion.

"But after students reported the incident to you, administrators called Revesz into multiple meetings and urged her to attend a sensitivity training counseling session, which she did."

¹ President Chodosh's [WSJ Letter](#), "Claremont McKenna Responds on Academic Freedom: Prof. Christopher Nadon was never barred from teaching.", Friday August 26.

Revesz was never “urged” to attend a “sensitivity training counseling session.” She was offered, voluntarily accepted, and thanked CMC's Dean of the Faculty (DOF) for support and resources to help her in her teaching effectiveness. **Revesz Exhibit B** documents this in the communications between the DOF and Revesz between March 29, 2022, and April 1, 2022.

“But on June 15, she was told the needs of the department had changed and her Fall 2021 class was cancelled, despite it already having been put on the schedule with a time slot and classroom assignment.”

Revesz had a one-semester appointment only in Spring 2022, with no promise of reappointment. In an email to her on February 16, 2022, (**Revesz Exhibit C**) the department chair told Revesz that “I will check in with you later about the *possibility* of a couple of FWS sections, one per semester.” (Emphasis added.)

Based on the availability of a long-standing faculty member to teach the next semester, and having nothing to do with Revesz’s use of a racial slur, there was no need to reappoint her for Fall 2022. The College left open the possibility for future hiring opportunities and expressly inquired about her availability to teach in spring or fall 2023. (See **Revesz Exhibit D**, Communication between Department Chair and Professor Revesz, June 14, 2022).

II. Professor Robert Faggen

FIRE's introductory paragraph summarized the allegation as follows: *“an administrator advised Professor Robert Faggen when he asked about having played a recording of poet Robert Lowell’s ‘For the Union Dead.’”*

This is true, as is described below. Faggen voluntarily reached out to a CMC administrator for advice after a student expressed concern directly to him about his decision to play a recording with the N-word.

FIRE provides additional details in its letter, reproduced below, followed by CMC's responses.

“Literature Professor Robert Faggen reports that while CMC was quietly investigating Nadon in the Fall 2021 semester, Faggen also faced fallout from teaching material that included a racial slur in class.”

This is false. As described in the next section, CMC was not “investigating” Nadon, quietly or otherwise. Although it is unclear what is meant by facing “fallout,” Faggen did not face *any* repercussions from *any* College administrator from teaching material that included a racial slur. In sum, he faced no “*fallout*.”

“Faggen said a student strenuously objected to him playing a recording of Robert Lowell reading his poem ‘For the Union Dead,’ because it contains the word ‘nigger.’ After the incident, Faggen consulted with Associate Vice President for Diversity and Chief Civil Rights Officer Nyree Gray, who told him it was acceptable for him to play a recording of a racial slur—but also told him that it is not acceptable for him to say it himself.”

Vice President for Human Relations and Chief Diversity Officer Nyree Gray confirmed that Faggen reached out to her for advice and to discuss the class interaction after he played the recording in class early in the spring semester. Administrators did not initiate a conversation with Faggen.

During the discussion, Faggen told Ms. Gray that he played the recording, and the student approached him to express concern and ask why he played the recording. Faggen explained his reasons for doing so, and Ms. Gray explained her position that he was protected in playing the recording and the student was also protected in expressing concerns directly to Faggen (consistent with CMC's favored practice of direct dialogue to address student or other concerns). After Faggen reached out to Ms. Gray, *nothing further resulted from this classroom experience* for anyone. Because this was an informal conversation in which nothing came of the classroom incident, Ms. Gray did not even raise this with the DOF office.

As FIRE's letter makes clear, Faggen was not in any way punished.

The final claim here is Ms. Gray "told [Faggen] that it is not acceptable for him to say [the n-word] himself" in class. This is completely unfounded.

During that conversation, Ms. Gray made clear that what happened in Faggen's class was protected, as it occurred within the context of the assigned texts and materials, as well as within the scope of any topics a faculty member deems relevant to the course. However, Ms. Gray also clarified, consistent with AAUP policy,² the distinction between discussion that is germane to the subject matter of the course and the use of a racial slur *without connection to course content*. Ms. Gray never told Faggen that he was not permitted to read the N-word aloud or to use the word if he judged doing so to be important to his pedagogical goals. FIRE has produced no documentation to suggest otherwise.

In a conversation on September 1, 2022 with President Hiram Chodosh, Faggen clarified that at no time was he ever "warned" by the College. He also said that his concerns were primarily about "where the College stood on freedom of speech." Faggen also expressed disappointment that FIRE had improperly misstated his concerns. In his own words, he was *advised*, upon his own request and outreach, never *warned*. In his email communication with FIRE on August 22, 2022, he clearly voiced his objection to FIRE's description of his exchange with Ms. Gray. FIRE proceeded to ignore his critical correction and instead characterized the conversation in ways that Faggen himself found misleading, including the use of words with which he expressly disagreed.

² See [AAUP FAQ](#) in pertinent part:

Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matters which are unrelated to their subject, or to persistently introduce material which has no relation to the subject. This doesn't mean teachers should avoid all controversial materials. As long as the material stimulates debate and learning that is germane to the subject matter, it is protected by freedom in the classroom.

The full email exchanges between Faggen and President Chodosh (**Faggen Exhibit A**) and the email exchanges between Faggen and FIRE provide a vivid picture of FIRE's mischaracterizations of Faggen's statements. FIRE initially attempted to characterize the College as having "punished" Faggen. When Faggen strongly disagreed with that characterization (see **Faggen Exhibit B**), FIRE next proposed using the word "warn." Faggen told FIRE, "it would be much more precise to say "an administrator advised" instead of "a dean warned" (Nyree Gray is not a dean, and what she did was advise not warn). Can you make that change?" (See **Faggen Exhibit C**). FIRE eventually agreed to use the word "advised" in its introductory paragraph.

Notwithstanding Faggen's express objection, however, FIRE chose to use the word *warns* in the more dominant, bolded heading in FIRE's letter to CMC and then again in its *Newsdesk* article. See "**I. CMC Investigates, Warns, Non-Renews Professors Who Use Historical Texts Containing Racial Slur**" in the letter, and "**Robert Faggen was warned**" in the *Newsdesk* article. (*Emphasis added.*) The use of the word "*warn*" is misleading and misrepresented Faggen's explicit, clear direction to FIRE.

III. Professor Christopher Nadon

FIRE's introductory paragraph provides this general overview of the allegations:

"Professor Christopher Nadon reportedly faces a behind-the-scenes investigation for accurately answering a student's question about why Mark Twain's Huckleberry Finn was censored, and reading verbatim from Frederick Douglass' Narrative of the Life of Frederick Douglass..."

This is false. To be clear:

- Nadon has never been subject to a disciplinary process or any disciplinary action.
- Nadon has never been subject to an investigation for any reason, including into his "fitness for teaching."
- Nadon has never been subject to an investigation based on his use of the N-word in class or for any other reason.
- Nadon provides no corroboration of his allegations by way of documents or statements from those he claims support his allegations.
- The College's response to a reported concern from a student on October 7th was related to Nadon's express use of the N-word *outside the context of quoting text* and related matters in his fall GOV 80 course (the "October 7th Student Report").
 - Specifically, the DOF's November 6th e-mail provided Nadon with a detailed description of:
 - [Nadon's] explicit use of the n* word to make a point about censorship, which the student recalled as: "Do you know why they don't teach *Huckleberry Finn* in schools anymore? Because it says n* on every other page."

- [Nadon's] engagement in an argument with a student where [he] pressured her to say, again paraphrasing, that *Huckleberry Finn* is not read in schools because of the n* word and that this was censorship.
- [Nadon's] equating of the BLM movement to the Nazis.

The complete email series is included as **Nadon Exhibit A: E-mail Communications Between DOF (Dean Rentz or Dean Antecol) and Nadon re Fall 2021 GOV 80 Concerns**, dated October 14, 2021, through November 24, 2021.

- In addition to the October 7th Student Report, the College received two additional reports of concern related to Nadon's teaching during the 2021-22 academic year:
 - On December 1, 2021, the College received a report of concern from a student related to Nadon's express use of the N-word in his fall FHS course while quoting from a text (the "December 1st Student Report").
 - On February 18, 2022, the College received a report from a student in Nadon's spring 2022 GOV 80 course related to speech the student perceived as unrelated to the course materials and learning objectives (the "February 18th Student Report").
- The DOF, in consultation with the Office of Diversity and Inclusion, the Dean of Students Office, the President, and General Counsel, determined that it was not necessary or appropriate to contact Nadon regarding either the December 2021 or February 2022 Student Reports because: (i) of the nature of the reports, (ii) neither student wanted to proceed with a formal complaint against Nadon, and (iii) both students were concerned about maintaining confidentiality in order to avoid potential retaliation by Nadon.
- A request by the DOF to meet with a faculty member to discuss their pedagogical rationale for the classroom use of the N-word is not a sanction. This conclusion is supported by the AAUP.³
- The DOF's response to the student concern noted in the FIRE letter did not violate Nadon's academic freedom, nor did it deny him any form of academic due process.

³ This question was recently addressed by Gregory Scholtz, the Director of Academic Freedom, Tenure, and Governance at the AAUP in an *Inside Higher Ed* article that reviewed Nadon's Grievance.³ With reference to the AAUP's [Recommended Institutional Regulations on Academic Freedom and Tenure](#), Scholtz notes that, in general, "being asked by an administrator to 'discuss the pedagogy underlying one's classroom use of the N-word is not an oral reprimand, though I suppose it could lead to one.'" Scholtz further notes that "I think most disinterested observers would be hard put to imagine a compelling case that a dean's calling you merely to ask about your pedagogical justification for using the N-word is a sanction."

- Academic freedom and academic due process *do not* entitle a faculty member to be notified of every report of student concern, and FIRE’s unsupported claim to the contrary does not establish any evidence of these perceived violations.

FIRE provides additional details in its letter, reproduced below. CMC responds to each in turn.

“Christopher Nadon is an Associate Professor in the Government Department at CMC. In June 2021, you and Nadon agreed via email that he would teach a Freshman Humanities Seminar (FHS) entitled “Liberty and Excellence.” Nadon told you the reading list for the course would include Frederick Douglass’ “Narrative,” noting expressly that it “contains the word nigger in several key passages that need to be discussed in class to explain the work.” You did not object, and instead thanked him for teaching the course and encouraged him to submit his suggestions for books or readings to the student book club.”

It is true that Nadon is an Associate Professor of Government at CMC. It is true that due to low enrollment in his upper-level elective in fall 2021, he was asked to teach a different course instead. Specifically,

- In May 2021, the DOF contacted Nadon to notify him of the College’s need to cancel his fall 2021 GOV 163 (Democracy in Crisis: The Statesmanship of Abraham Lincoln) elective due to low enrollments and, in the alternative, requested that he teach FHS or GOV 20 for the fall 2021 semester.
- After indicating that he was not qualified to teach GOV 20, Nadon agreed to teach FHS, but cautioned the DOF that, if he did teach FHS, he would use the N-word. The DOF responded by thanking him for his “flexibility and willingness” to teach FHS, and did not raise any question or concern as to his proposed use of the N-word.
- As such, the DOF had direct knowledge that he intended to use the N-word, and the DOF did not provide any basis or information to suggest an intention, let alone a “demand,” to “dictate,” “alter,” or “ban” Nadon, or take any other form of adverse action or sanction, based on his proposed use of the N-word.

The complete series of these e-mail communications is included as **Nadon Exhibit B: E-mail Communications Between the DOF and Nadon re Nadon’s Fall 2021 Courses** dated May 25, 2021, through June 1, 2021.

“On October 14, Ellen K. Rentz, Associate Dean of the Faculty for Curriculum, emailed Nadon to tell him a student had ‘serious concerns about one of [his] courses’ and to ask that Nadon meet with Dean Antecol.”

Dean Rentz requested that Nadon meet with *her* and not Dean Antecol, with the aim of having an informal conversation.

Specifically, in her October 14th email (see **Nadon Exhibit A**), Dean Rentz stated “I’m writing because a student reached out to the DOF office to share some serious concerns

about one of your courses. *I'd* like to find a time to discuss it with you -- is there a convenient time for us to connect today? Here's when *I'm* free: 11:30-12:30, 1:30-2:30 and 3:00-4:30. Let me know if one of those times works for you and the best number to reach you on." (Emphasis added.)

Dean Rentz has no direct authority to discipline faculty members, and does not participate in promotion or salary determinations. It was only when Nadon refused to meet with Dean Rentz that Dean Antecol became involved.

"In the email exchange that followed, Nadon repeatedly requested future concerns be communicated to him in writing, but the Dean's office refused and demanded a meeting."

This statement misrepresents the email communications between the DOF and Nadon. As the e-mail communications in **Nadon Exhibit A** document:

- None of the DOF e-mails (from Dean Rentz or Dean Antecol) include the terms "demand," "ban," "dictate," or "alter," and none of them can be reasonably construed to suggest such actions.
- Most significantly, the DOF's November 6th e-mail provided Nadon with:
 - A detailed description of the reported concerns (see above).
 - A statement that the student was not seeking to file any sort of complaint and that the DOF had not initiated any form of disciplinary review and that Nadon was *not subject* to any form of disciplinary review.
 - A restatement of the DOF's request, but not demand, to meet with Nadon to provide him with an opportunity to offer any feedback or answer any questions he may have, including to confirm whether the reported concerns were accurate and to discuss his pedagogical rationale for expressly using the N-word in the reported ways.
 - In the alternative, the DOF requested, but did not demand, that Nadon provide a written response by November 19, 2021 (if only to confirm receipt of November 6th e-mail and that Nadon had nothing more to add).
 - Nadon's response on November 24th restated his prior concerns related to whether the DOF's Office was conducting some form of investigation or other disciplinary review, even though the DOF had expressly communicated that these concerns were unfounded in e-mails dated October 28th and November 6th.
 - Nadon's November 24th response further indicated that he disputed the description of the October 7th Student Report. However, he did not provide his own account of the incident, and instead closed his message with what can only be described as a disdainful rejection of any administrator's effort to reach out to a faculty member to inquire about their perspective on a

particular day in their classroom. This, in fact, was an essential purpose of the meeting request. Instead of taking this opportunity, Nadon chose intentionally, or with a reckless disregard for the truth, to misrepresent the DOF's purpose in requesting a meeting. The DOF did not respond because Nadon's email made clear he was not interested in further discussion.

"On October 25, Nadon notified Rentz that he told his students about the Dean's emails and you responded that the Dean's office would send him a 'detailed communication' soon."

This statement is essentially true. **Nadon Exhibit A** includes the DOF email to Nadon dated October 28th that stated:

"I am touching base to follow-up on your respective e-mails to me and Dean Rentz on the evening of Monday, October 25, 2021. In view of the concerns that you have expressed, we are preparing a more detailed communication that will hopefully address all of your concerns, and that will potentially avoid the need for a meeting. We hope to provide this response to you *by early next week.*" (Emphasis added.)

"You explicitly told Nadon your communications were not related to any disciplinary action and warned him about the consequences of retaliation or false reporting."

This misrepresents the email communications between the DOF Office and Nadon on October 25th and October 28th (See **Nadon Exhibit A**).

First, the DOF October 28th and November 6th e-mails made it expressly clear that Nadon was not subject to any investigation or disciplinary proceeding. Specifically, on October 28th the DOF stated to Nadon "The Dean of the Faculty Office's attempts to reach you do not relate to any potential disciplinary action." Similarly, on November 6th the DOF stated "Before describing the concerns, it is important to emphasize that the student is not seeking to pursue any type of complaint against you and that the Dean of the Faculty's Office has not initiated any form of disciplinary review related to the student's report."

Second, it is important to fully characterize what Nadon told Dean Rentz in his October 25th email. Specifically, Nadon stated:

"Thank you for your email of October 20th replying but not responding to my requests of October 15 and 14.

In light of your repeated refusal to put what you judge to be "serious concerns" into writing, or even to inform me which of my two classes this semester generated those concerns, I have informed both of my classes of the contents of your emails. I did this because I judged the students in those courses to be at considerable risk of suffering from similar anonymous and unspecified denunciations. Indeed, their risk is likely greater than mine as those concerns would be handled by the Dean of Students, an office that has already been proven in a court of law to have violated student civil rights. It is even possible that the complaint against me has its origins in that office. Is this the case? In

any case, as students will likely not benefit from whatever protections are afforded me by the Faculty Handbook, they need to be forearmed by being forewarned.

While the information I conveyed to my students about your emails will perhaps keep them safer, it will also of course have a chilling effect on class discussions going forward. This seems to me, if not the actual intention, certainly the necessary consequence of your repeated refusal to specify the contents of the “serious concerns” raised about one of my courses.

My insistence that you inform me in writing of the concerns raised about my course does not arise out of a vacuum. It is based on both the Handbook, elementary due process, as well as my experience witnessing the College’s previous treatment of other faculty and staff.

Please forgive the frankness of my communication. I have been formed by a discipline that puts a premium on calling a spade a spade. And the proper term for the Dean of Faculty’s treatment of me is bullying. And the proper time to stand up to and resist such bullying is now.”

As such, on October 28th, the DOF responded to Nadon by informing him that a more detailed communication would be forthcoming (see details above) and by further stating:

“In the meantime, I did want to note the following:

- The Dean of the Faculty Office’s attempts to reach you do not relate to any potential disciplinary action. That being said, a student in one of your classes did report good faith concerns about one of your classes, and it is the College’s responsibility to respond appropriately to those concerns. The written communication we are preparing will provide a detailed description of the student’s concerns. I welcome any reactions or feedback you may have to my communication (whether in writing or an informal meeting with me). Understanding how you chose to address the matters raised by the student in the classroom may provide us an opportunity to freely dialogue as to how controversial topics can be addressed in a manner that is both protective of academic freedom and legitimate student concerns.
- In addition, given your description of the statements you have made to both of your classes regarding these matters, I wanted to ensure that you are aware of the College’s policies that prohibit both retaliation and false reporting. I understand that you made these statements out of concern that students are “at considerable risk.” At the same time, I also want to advise you of the potential for such statements, or other actions that you may decide to take, to be perceived as potential retaliation, even if that is not your intent.
- Finally, your e-mail to Dean Rentz included several statements related to the College’s Civil Rights Grievance Procedures that reflect a potential misunderstanding on a variety of matters, including with respect to how the Grievance Procedures addresses anonymous reports or reports by an individual requesting confidentiality. I have requested that Matthew Bibbens, VP and

General Counsel provide separate written feedback to you that I hope you find useful.”

“On November 6, you emailed Nadon and listed three examples of the student’s alleged concerns about him:

- Your explicit use of the n* word to make a point about censorship, which the student recalled as: “Do you know why they don’t teach Huckleberry Finn in schools anymore? Because it says n* on every other page.”*
- Your engagement in an argument with a student where you pressured her to say, again paraphrasing, that Huckleberry Finn is not read in schools because of the n* word and that this was censorship.*
- Your equating of the BLM movement to the Nazis.”*

As described above, this is true.

“Despite the characterization of the student’s concerns as ‘serious,’ you made clear that the student did not want to file a complaint against Nadon.”

This statement is essentially true.

The November 6th email from the DOF to Nadon stated, “As previously noted the student did not want to file a complaint, but they did express concerns that the statements were inappropriate and unnecessary, even in a Philosophy of Politics class. The student also indicated concerns about potential retaliation by you for reporting these concerns.”

“As of the date of this letter, Nadon has still not received details of any allegations against him, any additional information about the student’s ‘serious concerns,’ or copies of documentation related to any investigation.”

On November 6th, the DOF provided Nadon with information about the student's concern (as described above). Nadon has never been subject to a disciplinary process, any disciplinary action, or an investigation.

“Meanwhile, Nadon is concerned that his future schedule—and whether he will be allowed to teach his regular courses—may be impacted by this controversy.”

These concerns are unfounded. The letter does not provide any documentation to support these concerns.

Nadon was scheduled to teach courses that he regularly teaches in fall 2022, although there was again a schedule change due to low enrollments in one of his regular classes. To provide further context on the question of Nadon’s enrollments, we provide a timeline of the schedule change below.

The complete series of these email communications is included as **Nadon Exhibit C: E-mail Communications between the DOF and Department Chair (former and current) re**

Nadon's Fall 2022 Courses: Need to Cancel GOV 163 and Agreement to Offer GOV 80 on July 29, 2022. As these e-mail communications document:

- On July 19th, the Registrar notified the DOF that there were 0 enrollments in Nadon's fall 2022 GOV 163 (Ending Slavery: The Democratic Statesmanship of Abraham Lincoln and Frederick Douglass) course, which meant that the course was subject to cancellation due to low enrollments.⁴
- The DOF contacted the current and former Government Department Chairs on July 29th to get their recommendations as to how to proceed. The current Government Department Chair recommended that Nadon teach a GOV 80 section, which the DOF approved.

As of the morning of September 5, 2022, Nadon currently has only four (4) CMC students (plus three (3) non-CMC students) enrolled in his GOV 80 class, which is scheduled at 1:15pm to 2:30pm Mondays and Wednesdays – a popular class time. Another section of GOV 80 taught at the same time by a tenured faculty member has thirteen (13) CMC students (plus two (2) non-CMC students). And a third section of GOV, taught by a visiting faculty member at 8:10am to 9:25am Tuesdays and Thursdays, has eleven (11) CMC students (plus two (2) non-CMC students).

Having responded to the specific allegations, CMC makes two additional observations for FIRE's consideration.

First, a request by the DOF to meet with a faculty member to discuss their pedagogical rationale for the classroom use of the N-word is not a sanction. This question was recently addressed by Gregory Scholtz, the Director of Academic Freedom, Tenure, and Governance at the AAUP in an *Inside Higher Ed* article that reviewed Nadon's Grievance.⁵ With reference to the AAUP's [Recommended Institutional Regulations on Academic Freedom and Tenure](#), Scholtz notes that, in general, "being asked by an administrator to 'discuss the pedagogy underlying one's classroom use of the N-word is not an oral reprimand, though I suppose it could lead to one.'" Scholtz further notes that "I think most disinterested observers would be hard put to imagine a compelling case that a dean's calling you merely to ask about your pedagogical justification for using the N-word is a sanction."

The DOF's response to the student concern noted in the FIRE letter did not violate Nadon's academic freedom, nor did it deny him any form of academic due process.

Second, and finally, academic freedom and academic due process *do not* entitle a faculty member to be notified of every report of student concern, and FIRE's unsupported claim to the contrary does not establish these perceived violations.

⁴ Per the CMC Faculty Handbook "Courses may be canceled if fewer than six CMC students pre-register. Exceptions may be made when a course is being offered for the first time, or when a faculty member's other classes are large, or when there is a pressing curricular reason for offering a class." Section 5.2.1 Minimum Class Size.

⁵ "[Addressing the Professor's Use of the N-Word](#)," by Colleen Flaherty, *Inside Higher Ed*, August 25, 2022.

IV. Conclusion

Neither FIRE nor Revesz, Faggen, or Nadon has documented a single concrete justification for concern that CMC has violated or undermined academic freedom. In sum, these assertions are false. CMC never warned, investigated, punished, or took adverse employment action against any of these three faculty members.

In closing, we salute FIRE for its commitment to freedom of speech and academic freedom. We are proud of our strong commitments in both forceful word and consistent practice. We remain open to critical feedback. That is how we learn and get stronger. In this case, we have exhaustively responded to your concerns and the misinformed premises upon which they were based. As a result, we consider this matter with FIRE to be concluded.

Revesz Exhibit A

E-mail Communications from Revesz to her Class re Apology for "Blurting Out" the N-Word

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Revesz Exhibit B

E-mail Communications between the DOF and Revesz re Discussion and Available Resources

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Revesz Exhibit C

E-mail Communications Between Department Chair and Revesz re One-Semester Appointment

[Redacted]

Revesz Exhibit D

E-mail Communications between Department Chair and Revesz re Fall 2022 No Need to Reappoint

[Redacted]

Faggen Exhibit A

E-mail Communications between Professor Faggen and President Hiram Chodosh re
mischaracterizations of his views

[Redacted]

Faggen Exhibit B

E-mail Communications between Professor Faggen and Amanda Nordstrom of FIRE
re his objection to her characterization of *punishment*

[REDACTED]

[Redacted text block]

[Redacted]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Faggen Exhibit C

E-mail Communications between Professor Faggen and Amanda Nordstrom of FIRE
re his characterization of advised over her characterization of *warned*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Nadon Exhibit A

E-mail Communications between DOF (Dean Rentz or Dean Antecol) and Nadon re
Fall 2021 GOV 80 Concerns

[Redacted]

The exchange of emails between Dean Rentz and CJN referred to above replicated here for convenience

[Redacted]

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- | [Redacted list item]
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Nadon Exhibit B

E-mail Communications between the DOF and Nadon re Nadon's Fall 2021 Courses

[Redacted]

Nadon Exhibit C

E-mail Communications between the DOF and Department Chair (former and current) re Nadon's Fall 2022 Courses: Need to Cancel GOV 163 and Agreement to Offer GOV 80

From: Antecol, Heather <heather.antecol@claremontmckenna.edu>
Date: Friday, July 29, 2022 at 10:33 AM
To: Shields, Jon <Jon.Shields@ClaremontMcKenna.edu>, Pei, Minxin <Minxin.Pei@ClaremontMcKenna.edu>
Subject: Mid-Summer Enrollment Check-In

Dear Jon,
Elizabeth did a mid-summer enrollment check-in on course enrollments. Chris Nadon's courses were identified as under-enrolled in this check-in. Specifically:
Govt 163, Ending Slavery: Lincoln-Douglass has 0 students registered
Govt 174, Xenophon: Politics / Philosophy / War has 5 students registered
Despite the hope that *new* upper-level theory courses would help revivify the department's program in political philosophy, the enrollments do not appear to support this pathway.
How would the department like to proceed at this point?
Best,
Heather

From: Pei, Minxin <Minxin.Pei@ClaremontMcKenna.edu>
Date: Friday, July 29, 2022 at 10:51 AM
To: Antecol, Heather <heather.antecol@claremontmckenna.edu>, Shields, Jon <Jon.Shields@ClaremontMcKenna.edu>
Subject: Re: Mid-Summer Enrollment Check-In

Dear Heather:

I want to add one more detail that may be relevant to the situation we are discussing here.

When Jon and I talked to Chris about offering an upper-level class on Feb. 23 this year ([see the email chain below](#)), he agreed to teach de Tocqueville and Democracy. I was pleased with his agreement to teach this course because it had not been taught for some time and should attract more student demand. Unfortunately, he quickly reneged on his agreement. In my judgment, the Department does need more upper-level courses in political philosophy, but they should be the courses that attract students, not those that have a track record of consistent under-enrolment.

Best,

Minxin

[Redacted text block]

From: Antecol, Heather <heather.antecol@claremontmckenna.edu>
Date: Friday, July 29, 2022 at 11:00 AM
To: Pei, Minxin <Minxin.Pei@ClaremontMcKenna.edu>
Cc: Shields, Jon <Jon.Shields@ClaremontMcKenna.edu>
Subject: Re: Mid-Summer Enrollment Check-In

Dear Minxin,
Thanks for this additional detail.
Jon, based on all of this, what are your thoughts on how the department should proceed at this point?
Best,
Heather

Heather Antecol
Vice President for Academic Affairs and Dean of the Faculty
Boswell Professor of Economics

From: Shields, Jon <Jon.Shields@ClaremontMcKenna.edu>
Date: Friday, July 29, 2022 at 11:29 AM
To: Antecol, Heather <heather.antecol@claremontmckenna.edu>, Pei, Minxin <Minxin.Pei@ClaremontMcKenna.edu>
Subject: Re: Mid-Summer Enrollment Check-In

Hi Heather,

Sorry for the slow response -- I've been packing the family all morning and at the airport now. And I'm even more sorry this has been such a headache.

He could offer a GOV 80. That would at least give students who really don't want to offer it a choice. Students who like his teaching can take it. In my view, that's the best option by a mile. We should let him teach the Xenophon course w/5 students.

I'll be out of email contact for much of the day -- but, of course, I'll be around this week if needed.

Best,
Jon

From: Antecol, Heather <heather.antecol@claremontmckenna.edu>
Date: Friday, July 29, 2022 at 11:50 AM
To: Shields, Jon <Jon.Shields@ClaremontMcKenna.edu>
Cc: Pei, Minxin <Minxin.Pei@ClaremontMcKenna.edu>
Subject: Re: Mid-Summer Enrollment Check-In

Dear Jon,
This seems very reasonable.
If his other class drops below 5 we will need to reassess what to do for that course. Let's cross that bridge then.
Can you please let Chris know on a new email thread and CC Elizabeth and I?

Thanks in advance.
Best,
Heather