

Honorable John C. Coughenour

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PERRY MILLS,

Plaintiff,

v.

ANDREW BODMAN,

Defendant.

NO. CV05-1315

DECLARATION OF  
MARK KUNTZ

I, Mark Kuntz, hereby declare under penalty of perjury under the laws of the State of Washington and of the United States that the following facts are true and correct:

1. I am a tenured faculty member at Western Washington University ("WWU"). I have served as Chair of the Theater Department from June 2000 to September 2005, except for short periods I was away on professional leave. I make this declaration based on my personal knowledge and WWU's business records.

2. I had learned soon after joining Western's faculty that Professor Perry Mills' manner of communication was to confront others, to frequently use profane and crass words in describing others, and to complain about everything. When he sought a promotion from Associate Professor to Professor in 1998, his request was denied. Among the reasons was an increasingly abusive communication style. A copy of the 1998 evaluation of Prof. Mills' performance is attached

1 as Exhibit A. I attempted to model professional behavior in department meetings, and found that  
2 Prof. Mills frequently monopolized meeting time, brought up issues not on the agenda, and verbally  
3 attacked others who disagreed with him, which was frequent.

4 3. On October 5, 2004, two students came to me to lodge their concern that  
5 earlier that day, Prof. Mills had pulled his knife after class and used it in a discussion with a group  
6 of males in class. The students felt Prof. Mills' actions to be threatening and inappropriate and  
7 wanted me to do something about it. A similar event occurred in 2000, and I had given Prof. Mills a  
8 warning then and again 2001 about not bringing knives to campus and to cease making off-color  
9 remarks to others. Attached as Exhibits B, C, and D are copies of WWU's policy ban on weapons  
10 on campus, and my memoranda of 2000 and 2001 asking Prof. Mills to comply with WWU's policy  
11 on weapons.

12 4. Probationary, tenure-track faculty at WWU serve in that status until they are  
13 reviewed for tenure. The tenured faculty in the department has input as to evaluations, renewal  
14 decisions and tenure recommendations about probationary, tenure-track faculty. Prof. Mills as a  
15 tenured faculty member had input over such faculty. Two probationary faculty who were frequent  
16 victims of his abuse were Professor Deborah Greer Currier and Professor Gregory Lawrence Pulver.  
17 I witnessed his verbal abuse towards them frequently prior to their being awarded tenure. I have  
18 tried to intervene on those occasions when I was witness to their treatment, but undoubtedly failed  
19 from time to time. Prof. Mills has become increasingly, invidiously mean to almost everyone in the  
20 department from time to time. I expressed my concern as early as September 21, 2001, that his  
21 abusive, confrontational approach was getting "darker, more disconnected, and less stable" in 2001.  
22 Exhibit E.

23 5. Dean of the College of Fine and Performing Arts Carol Edwards shared with  
24 me the letters of complaint she received from Professors Currier and Pulver. I have found  
25 Professors Currier and Pulver to be honest and forthright, and have no reason to believe they have  
26 fabricated any of their statements.

1           6. I received a note from a student at the beginning of Fall Quarter regarding  
2 Prof. Mills' treatment of her in a course in Spring Quarter 2004. I understood from her that she  
3 didn't bring it up in the Spring, because she was enrolled in the course and was fearful of retaliation  
4 from Prof. Mills if she were to complain while she was in his class. I promised her I would keep her  
5 complaint in confidence but that I felt the need to share its substance with the administration. A  
6 copy of the student's complaint is attached as Exhibit F. I have redacted her name from the exhibit.

7           7. The student's [redacted name] note was appended to the Statement of Charges  
8 given to Prof. Mills on June 6, 2005. The student stated that she had been diagnosed with ovarian  
9 cancer in Fall 2003, left WWU for surgery and chemotherapy, and returned to study Spring Quarter  
10 2004. She stated that she was very sensitive about her baldness and faced insecurities daily. During  
11 the Fall Quarter 2003 and when she returned in Spring 2004, she was enrolled in Prof. Mills'  
12 dramatic writing course, which was a required course for her major. Prof. Mills was aware of her  
13 illness. During a class session, she volunteered to put up a piece of her work in front of the class.  
14 Then, when called upon, she expressed nervousness. According to her, Prof. Mills stated, "[redacted  
15 name], if you can't even put up your piece for class then you should have just died of cancer." She  
16 let me know about Prof. Mills' unacceptable behavior and asked me to do something about it. She  
17 said that she was fearful of Prof. Mills and did not want to be publicly humiliated in the process.  
18 Unfortunately, Prof. Mills publicized the student's complaint and medical status in the university  
19 newspaper. See Exhibit G.

20           8. I worked with the Provost and Dean Carol Edwards in considering the  
21 complaints and supported the Provost's conclusion that Prof. Mills should be suspended with pay  
22 from his duties. I made arrangements for Prof. Mills' Fall Quarter 2004 classes to be covered by  
23 other faculty on staff and hiring a temporary faculty member from outside the university. I regularly  
24 assign the faculty of the Theater Department to teach the classes available through this department.

25           9. On March 9, 2005, I attended the meeting with the three-member panel, Dean  
26 Edwards, Senior Counsel Bohlke, Prof. Mills and his attorney. The March 9 meeting concluded with

1 the panel unable to effect an adjustment; it directed the parties to work towards Prof. Mills  
2 submitting a resignation in return for a payment for his tenure rights. The parties continued  
3 discussions. Those discussions occurred up until early May 2005, when I was informed that counsel  
4 had come to an agreement. I was then informed that Prof. Mills had withdrawn from the agreement  
5 and had fired his attorney.

6 10. To my knowledge, Prof. Mills has not suffered any diminution of salary or  
7 benefits in the course of these proceedings. I have refused to assign Prof. Mills to teach any classes  
8 since his suspension in October 2004. He, however, has been able to work on scholarly and creative  
9 works during his suspension.

10 11. In response to Prof. Mills' and others' criticism of the use of student course  
11 fees, an internal audit was commenced and various management charges were instituted. The final  
12 audit report, including the implementation of changes, was issued in July 2004. A copy is attached  
13 as Exhibit H.

14 DATED this 31<sup>st</sup> day of August, 2005.



17 **MARK KUNTZ, Professor**  
18 **College of Fine and Performing Arts**  
19 **Western Washington University**

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**CERTIFICATE OF SERVICE**

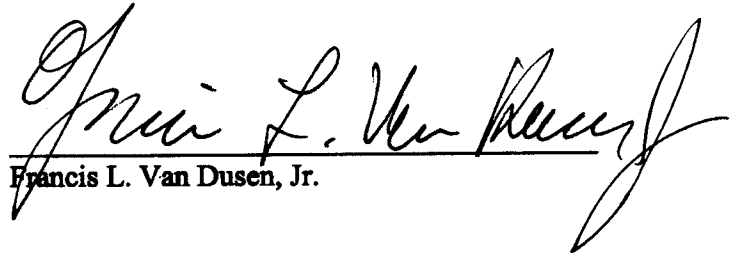
I hereby certify that on this 6<sup>th</sup> day of September, 2005, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James E. Lobsenz

Lobsenz@carneylaw.com

Wendy Bohlke

Wendyb@atg.wa.gov

  
Francis L. Van Dusen, Jr.

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