



June 13, 2024

Professor Keith Grant
Department of Theatre & Speech
The City College of New York

Dear Professor Grant,

This letter constitutes my response to your December 20, 2023 complaint, which you term a “Whistleblower complaint,” and to numerous subsequent related e-mails.

To begin, I will address your request that I recuse myself from adjudicating your complaint. I see no reason to do so. Your request seems to be based on two things – first, that I have a collegial relationship with Professor Barron. As the College’s chief academic officer, it is part of my job to have collegial relationships with faculty and especially those who are department chairs. The second reason you suggest recusal amounts to disagreeing with my ruling on your 2020 complaint, which is your right but not a reason for my recusal.

I also want to clarify that I will only address your accusations of academic malfeasance and fraud and not your retaliation complaint, which I understand has already been addressed and resolved by Diana Cuzzo, the College’s former Chief Diversity Officer. Furthermore, I will not revisit issues that you reassert in the current complaint that were covered in my April 18, 2022 letter responding to your previous complaint.

I will address the issue of your not being included on Professor Barron’s promotion committee which, although it preceded my time as Provost, I have looked into. Professor Barron’s promotion committee for his promotion to Full Professor in 2018 was an *ad hoc* committee appointed by President Boudreau, consistent with his authority under Section 11.4 of the CUNY Bylaws. Specifically, Section 11.4.A.c of the Bylaws provides in relevant part that the President shall “have the immediate supervision with full discretionary power to carry into effect the bylaws, resolutions, and policies of the board, the lawful resolutions of any board committees, and policies, programs, and lawful resolutions of the several faculties and students where appropriate.” I note that the *ad hoc* promotion committee that the President appointed was comprised of two Full Professors from the Theatre and Speech Department, and one Full Professor from another department.

I note that your accusation of fraud is based entirely on your reading of Professor Barron's CV that was included in his promotion dossier, which provides a very incomplete picture of what was available to external reviewers. While promotion CVs rarely adhere perfectly to our guidelines, minor imperfections hardly constitute a case for fraud. Your accusation, that "Professor Barron defied the CCNY tenure/promotion guidelines when he did not divulge the 'status' and 'nature' of three venues in which he directed/acted," I consider to be a minor imperfection. A reasonably knowledgeable reviewer will know the nature of these venues, and those who don't can easily look them up, as I did. In my judgment, such an imperfection in a promotion CV cannot reasonably be considered to constitute "fraud."

Next, you accuse Professor Barron of defying the CCNY tenure/promotion guidelines "when he included three plays that were written over twenty years ago. These works were therefore well outside the guideline's mandate specifying that only work created seven years after the candidate's last promotion (2011 for Barron) can be included in his 2018 promotion review." Professor Barron's promotion CV listed *performances* that were held since his last promotion. When the play was written is not relevant. Multiple listings are appropriate when the play was included in multiple Theatreworks USA seasons. In my judgment, the nature of these productions would have been quite clear to the reviewers, and furthermore Professor Barron comments directly on them in his statement. I see no improper attempt to embellish his record.

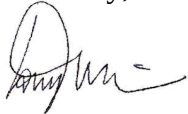
Finally, I reject your objection to his listing theater festivals that occurred on campus. These are clearly listed as "CUNY Theatre Festival" at Aaron Davis Hall, and far from being an embellishment of his record are an important contribution to CCNY, CUNY and our students. In any event, there is certainly no fraud present here.

In summary, I find no merit to your accusations of fraud. Your evaluation of the strength of Professor Barron's record may differ from the several promotion and tenure committees and the external evaluators that reviewed it, and you are certainly entitled to your own opinion. While several faculty members' CVs could be improved, I addressed this matter with the Department as a result of your previous complaint. But none of this constitutes fraud and, in my judgment, the noted flaws or imperfections in Professor Barron's CV are minor, and given the full dossier would not have had any substantial impact on the evaluation of his record.

Before closing, I would like to add a personal comment on your statement that you plan to make your website public. While I respect your right to file a complaint, as you have done, in my judgment it would be inappropriate to publicly post material from, and your comments on, your colleagues' CVs and professional records when this material was made available to you only in the context of confidential

personnel committees and your role as a faculty colleague in the Department. Indeed, the CUNY Board of Trustees policy on personnel and budget committee procedures, known as the “Max-Kahn Memo,” states that “it would be professional misconduct for a member of a P&B committee to disclose the substance or even the nature of the discussion at the P&B meeting.” The clear thrust of the Max-Kahn Memo and related provisions in the CUNY Bylaws is that the deliberations of personnel committees are confidential, and faculty members participating in those personnel committees remain bound by that confidentiality. I therefore suggest that you reconsider your stated intention to make the website public.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony M. Liss', with a stylized flourish at the end.

Tony M. Liss

Provost & Senior Vice President for Academic Affairs