

Every Allegation in Former Grammy Chief Deborah Dugan's Recording Academy Complaint

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Sexual harassment, racial discrimination, corruption, and a claim that former Grammy head Neil Portnow is facing an allegation of rape

In May 2018, after Neil Portnow said that women needed to “step up,” the longtime head of the Grammys found himself out of a job. Six months ago, Deborah Dugan—the former CEO of (RED)—was brought on to replace him. That tenure lasted until last week, when she was ousted and put on “administrative leave” under unclear circumstances involving an undisclosed allegation of misconduct.

Today, Dugan filed a discrimination complaint with the Equal Employment Opportunity Commission. In the complaint, Dugan alleged that she was sexually harassed by Joel Katz, legal counsel for the Recording Academy and a former board of trustees member. She also stated that she was informed that former Grammys CEO Neil Portnow is facing an allegation of rape from a female recording artist.

The complaint (which isn't a full-on lawsuit) filed by Dugan details what she calls the “historic” underrepresentation of women and minority groups within the Grammys Awards, noting that the Academy has “routinely faced criticism for failing to honor Black artists,” and alleges instances of racial discrimination within the Academy. Dugan's complaint also states that the Grammy nomination and voting processes are “ripe with corruption,” and asserts that another reason she was pushed out of the Academy was because she planned to reform what she viewed to be huge payouts to “male partners of large law firms who are extremely conflicted with respect to their work for the Academy.”

The Recording Academy responded to Dugan's filing in a statement tonight, asserting that she “never raised these grave allegations” until after she faced accusations of bullying from a female employee. They also claimed that Dugan “demanded” \$22 million to step down from her position. “Our loyalty will always be to the 21,000 members of the recording industry,” they wrote. “We regret that Music's Biggest Night is being stolen from them by Ms. Dugan's actions and we are working to resolve the matter as quickly as possible.” Dugan's lawyers responded, calling the Recording Academy's assertions “not credible.” Pitchfork has reached out to Portnow, who has not yet commented.

Here's an outline of everything contained within Dugan's complaint.

Alleged Sexual Harassment and Rape

On January 17 of this year, Dugan was placed on administrative leave by the Academy in the midst of an investigation into allegations of abuse levied against her by a former assistant to Portnow, as *the New York Times* reported. In the complaint filed with the EEOC today, Dugan states that she believes the reason she was placed on administrative leave was because of an email she sent to the human resources department on December 22.

In the December 22 email—the text of which is included in today’s complaint—Dugan outlined an allegation of sexual harassment by Joel Katz, an attorney at the law firm Greenberg Traug. Katz is currently general counsel to the Academy; he’s also a former member and Chair of the Academy’s board of trustees. The email alleges that in May 2019, before Dugan began working at the Academy, she was invited to a private one-on-one dinner with Katz.

The email states that during the meal, Katz displayed “disconcerting and utterly inappropriate” behavior toward Dugan, calling her “baby”, discussing her appearance, and telling her she was “very pretty.” Katz allegedly suggested that the two of them “spend time together,” and said that “traveling to my many homes could be something nice for us to share.” He allegedly attempted to kiss Dugan at the end of dinner despite her stated and repeated disinterest. According to Dugan, these inappropriate actions “continued unabated” following their initial meeting.

Elsewhere in the complaint, Dugan alleged that during a May 2019 meeting of the board—before she officially started the job as president—she was informed for the first time that a foreign recording artist (and member of the Academy) had accused Portnow of raping her following a performance she gave at Carnegie Hall. While this information was allegedly presented to Dugan as if the board had just learned of it, the complaint claims that they were aware of the allegation when Dugan was hired and that she was intentionally not informed.

The full board was reportedly not made aware of the allegation despite a vote scheduled for the following day that would determine whether to give Portnow a bonus for his past work at the Academy. Dugan says she insisted that a vote on the bonus should not occur until the full board was told of the allegation. Prior to informing Dugan of the accusation against Portnow, the board had previously asked Dugan to hire Portnow as a consultant for \$750,000. Dugan says she refused.

Racial and Gender Discrimination

In March 2018, the Academy established a task force to examine issues of diversity and inclusion, specifically “conscious and unconscious bias” in the music industry. The task force was helmed by Tina Tchen, former chief of staff to Michelle Obama and the current

president of Time's Up. The task force was provided with data that highlighted the Academy's lack of diversity in its voting membership; one major takeaway concluded that the makeup of the 12,000 voting members who participate in Grammy nomination and awards decisions is overwhelmingly white and male.

The complaint includes an outline of the Grammy's history of "male dominated leadership" and the underrepresentation of women and minority groups, both in award recipients and Academy membership. It highlights the fact that prior to Dugan's hire, "only two women at the Academy had ever attained the title of Senior Vice President; one eventually retired after receiving no further promotions and the other departed after her requests to be promoted were repeatedly ignored."

Dugan states in the complaint that the discrimination she faced at the Academy began as early as her hiring, as evidenced by the fact that she was "offered significantly less compensation than her male predecessor, Portnow, was being paid." It also alleges that when Dugan asked to be paid commensurate with Portnow's compensation, "her request was rejected and she was told that she should be happy to be earning more than she had in her previous role."

The complaint outlines the stories of several other women. Megan Clarke, who was the Academy's prior Chief Information Officer, reported to HR that she had been harassed by a male board member. One hour after Clarke followed up on her complaint, she was informed that she would be terminated if she did not resign from her role. Clarke reportedly warned Dugan, "If you open your mouth, you're gone."

In 2019, Dana Tomarken, former Vice President of the Academy-run non-for-profit MusiCares, alleged in a lawsuit that she had been terminated in April 2018 because she "blew the whistle on financial improprieties, and on the basis of her gender and age." Tomarken had been with MusiCares for 25 years. Prior to filing suit, she wrote to the Academy's board of trustees and accused Portnow of taking funds away from MusiCares to cover costs of the 2018 Grammys. Tomarken also alleged that she was wrongly accused of using an unsold \$2,500 hotel certificate from a MusiCares auction to go to Portugal. (In November 2019, Tomarken settled her lawsuit against the Recording Academy for an undisclosed sum.)

Instances of racial discrimination perpetuated by the Academy are also outlined in the complaint. One example offered is that of a gay, black temporary worker who suffered a discrimination-induced mental breakdown after colleagues hung up a "demeaning picture depicting him as a caricature with huge exaggerated lips." According to the complaint, the picture was hung up for months and was even brought to the Staples Center when Academy employees were setting up for the Grammys. Though the person who hung the picture was eventually terminated, the employees who enabled this conduct and failed to report it were apparently not disciplined.

A Corrupted Nomination Process

In addition to its critiques of an alleged lack of diversity within the membership of Grammy voters, Dugan's complaint also alleges that the process of voting on Grammy nominees is corrupted by conflicts of interest and used by the Academy's board of trustees "as an opportunity to push forward artists with whom they have relationships." According to the complaint, submissions to each awards category are first voted on by the Academy's 12,000 voting members, and the top 20 selections in each category are then reviewed by nominating committees.

However, according to the complaint, the board is permitted to select artists for nomination that are not represented in the top 20 vote-winners. "Naturally, the members of the board and the secret committees chose artists with whom they have personal or business relationships," the complaint reads. It also alleges that the board abuses the process to ensure that songs that Grammys producer Ken Erlich wants performed at the event are nominated for awards, and that the board allows artists who are in consideration for a particular award nomination to sit on the nominating committee for that award.

The complaint specifically alleges that the nomination committee for the Best Jazz Vocal album included an artist later nominated for the award, that a total of 30 artists not selected by the voting membership were added to possible nomination lists, and that an artist who "initially ranked 18 out of 20 in the 2019 'Song of the Year' category" was ultimately nominated that same year. Dugan states that this same artist was allowed to sit on the Song of the Year nomination committee and that this artist is represented by a member of the board of trustees.

Legal Conflicts of Interest

According to the complaint, the Academy routinely pays large legal fees to attorneys who are "extremely conflicted with respect to their work for the Academy." The complaint details \$250,000 yearly retainer fees and several other payments to Katz, and an equivalent yearly retainer to Chuck Ortner, both current members of the Grammy Museum Board of Directors. Both Katz and Ortner also represent individual board of trustees members, recording artists, and "other entities and individuals in the music industry with personal interests in decision making at the Academy," according to the complaint, leaving them in "unique and conflicted positions to curry unwarranted favor from the board" and to unfairly influence nominations.

"The Little Situation"

According to Dugan, the woman who has accused her of misconduct is Claudine Little, the former executive assistant to Portnow. (*The New York Times* reported that the allegation came from Little shortly after Dugan's ouster.) As Dugan says in the complaint, she

attempted to negotiate to resolve with Little, as her executive assistant, but she was

attempted to continue to work with Little as her executive assistant before it became apparent that she “was not up to the task.” Attempts to find her another job at the organization were apparently fruitless until Little took a leave of absence from the Recording Academy at the end of October 2019, scheduled to return on November 25.

In the complaint, Dugan states that once it “became clear” that Little had chosen not to return in November, she was allegedly confronted by the executive committee of the board of trustees about what they referred to as “the Little situation.” Harvey Mason—the Chair of the board of trustees and interim CEO who replaced Dugan—sent her an email on December 9 that prohibited her from hiring or terminating staff without board approval, assigning new projects, or selecting new outside counsel for the Academy. According to Dugan’s December 22 email to the head of the Academy’s HR department, the executive committee of the board put outside pressure on Little to assert “baseless legal claims” against Dugan, in an effort to have an excuse to oust her from her position.

Little has retained attorney Kerry Garvis Wright—an attorney who works at the same law firm as Charlie Walk and Harvey Weinstein attorney Patty Glaser—to represent her in a planned lawsuit against Dugan. Wright has not commented.

To conclude her December email to Academy HR, Dugan characterized the organization as a “boys’ club” and said she was warned ahead of time of the organization’s corruption by another woman, but chose not to see things that way. “At the time,” she says, “I didn’t want to believe it, but now after five months of being exposed to the behavior and circumstances outlined here, I have come to suspect she is right.”

