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Two COD administrators appeal their firings, don't want board to act as judge



Two former College of DuPage administrators who were fired for failing to protect the financial integrity of the school are appealing their terminations. But Thomas J. Glaser , left, and Lynn Sapyta want an independent third party -- not COD's board of trustees -- to rule on their appeals.



Robert Sanchez

Two high-ranking College of DuPage administrators who were fired last week for what their boss called failure to protect the financial integrity of the school are appealing their terminations.

But Thomas J. Glaser and Lynn Sapyta want an independent third party -- not COD's elected board of trustees --

to rule on their appeals. Attorneys for both said the board already is biased against their clients and is incapable of making a fair decision concerning the appeals. Glaser served as senior vice president of administration and treasurer until he was fired last Wednesday by Acting Interim President Joseph Collins. On the same day, Collins fired Sapyta from her position as assistant vice president of financial affairs and controller. Before being let go, Glaser and Sapyta had been on paid leave since June.

Their attorneys already have said they plan to sue the Glen Ellyn-based community college. Both administrators have contracts that were scheduled to run through June 2017 and both received contract extensions in February.

Before Glaser and Sapyta can sue the state's largest community college, however, they must appeal their firings. That happened on Monday.

COD attorney Daniel Kinsella said Monday the college will follow its procedure for administering the appeals and that the process "satisfies all the elements of due process."

According to school policy, trustees will decide, by majority vote, whether to hear the appeals for Glaser and Sapyta directly or to refer them to a board-appointed hearing officer.

Even if a hearing officer is appointed, that individual would only conduct the hearing. The board still would serve as judge in both cases.

"If the case is heard by a hearing officer, a written summary and tape recording of the hearing will be submitted to the board for deliberation and decision in closed session," the policy reads. But attorneys for both administrators said having trustees rule on their clients' appeals would be unfair to Glaser and Sapyta because four of the seven board members have been seeking to oust the administrators.

"Obviously, if the board's going to be the judge, it's sort of a futile endeavor," said attorney Peter S. Lubin, who is representing Sapyta.

Lubin also said he may call board members as witnesses, so it would be inappropriate for them to serve as judges.

Both attorneys said they want their clients' appeals heard at the same time because, among other things, they will be making many of the same arguments and calling many of the same witnesses.

"I have a right under Illinois law to have my appeal heard in front of an impartial decision-maker, free of bias and conflicts of interest," Sapyta said Monday in a statement released by her attorney. "If I receive such an appeal hearing, I am confident I will be successful."

In his written appeal, Shelly B. Kulwin, Glaser's attorney, called the complaints against his client "vague, unsubstantiated, and/or insufficient to support termination." He also said Glaser's removal was the result of "a biased decision-maker" and "an invalid" pre-termination hearing.

"Acting Interim President Collins, who was appointed by and serves at the pleasure of a biased board of trustees, has, among other things, a pecuniary interest in Mr. Glaser's termination," Kulwin wrote. "He was therefore incapable of impartiality."

A college spokesman declined to comment Monday when told what Kulwin wrote in his appeal.

Glaser and Sapyta were among three high-ranking COD administrators -- President Robert Breuder is the other -

- put on leave after trustees Deanne Mazzochi, Frank Napolitano and Charles Bernstein were elected in April to the seven-member board and Kathy Hamilton became chairwoman.

Breuder was put on leave in April; Sapyta and Glaser followed in June after an audit revealed the college lost \$2.2 million in what was described as a risky investment fund.

The board majority has started termination proceedings against Breuder as part of what it says are sweeping reforms in the midst of federal and state investigations into the administrative and financial practices at COD.

About a month after being placed on leave, Sapyta and Glaser received a letter from Collins listing the complaints against them.

Lubin said Sapyta is being wrongly blamed for questions about the school's investments and past problems at the COD radio station and the Waterleaf restaurant, which was closed recently after losing almost \$2.2 million in a four-year span.

Kulwin, meanwhile, accused COD of making an "alphabet soup" of claims against Glaser.

Glaser and Sapyta each met separately with Collins and other COD representatives to respond to the allegations. But their attorneys say Collins refused to speak or answer questions during both of the hearings.

"His partiality and complete indifference to the factual disputes underlying the charges defeated the purpose of the pre-termination hearing and thereby violated due process," Kulwin wrote.

Glaser, who started at COD in May 2009, was paid \$232,112 a year. A five-year COD administrator, Sapyta was paid \$163,828 a year.