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Two fired administrators sue College of DuPage



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Robert Sanchez

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Thomas Glaser and Lynn Sapyta are suing the college, Chairwoman Kathy Hamilton, and the school's Acting Interim President Joseph Collins, claiming the September firings violated their constitutional rights of free speech and free association. Glaser and Sapyta campaigned against three candidates that Hamilton supported during the spring election.

After the three candidates -- Deanne Mazzochi, Frank Napolitano and Charles Bernstein -- won the election and elevated Hamilton to the post of board chairwoman, Hamilton used her position to create policy for the state's largest community college, "including directing defendant Joseph Collins to unlawfully terminate" Glaser and Sapyta, according to the 29-page lawsuit.

Shelly Kulwin, one of attorney's representing Glaser and Sapyta, said in a written statement that his clients "have been devastated by the defendants' actions."

"They have not only unfairly lost their jobs, but they have had their long-standing and hard-earned professional reputations wrongly destroyed by the conduct set out in (the lawsuit)," Kulwin said. "The trial in this case will show that irresponsible and reckless allegations may make for juicy headlines, but they wither in the bright light of a court of law."

Glaser and Sapyta were fired in September by Collins for what he said was a failure to protect the financial integrity of the Glen Ellyn-based school. Glaser served as senior vice president of administration and treasurer, and Sapyta was assistant vice president of financial affairs and controller.

Sapyta, Glaser and former COD President Robert Breuder all were put on leave after Mazzochi, Napolitano and Bernstein were elected in April and Hamilton became chairwoman.

Breuder, who was put on leave in April, was fired as part of what the board majority has said are sweeping reforms in the midst of federal and state investigations into the administrative and financial practices at COD.

Now Breuder is suing COD's seven-member board of trustees and specifically four of its members -- Hamilton, Mazzochi, Napolitano and Bernstein.

Sapyta and Glaser were put on leave in June after an audit revealed the college lost roughly \$2.2 million in the Illinois Metropolitan Investment Fund.

But the lawsuit says Hamilton planned to fire Glaser and Sapyta before an internal investigation into their actions was completed.

Hamilton, according to the lawsuit, developed "a political animus" against Glaser and Sapyta between April 2013 and May 2015 because:

- Glaser and Sapyta didn't support Hamilton's political agenda for COD "which she was pursuing, in significant part, to further her own political career."
- Glaser and Sapyta opposed and campaigned against Hamilton's three "hand-picked candidates" in the spring election.

- Hamilton perceived Glaser and Sapyta to be "Democrats who opposed her political beliefs and/or principles and/or the political party with whom she and her political allies on the COD board and elsewhere were associated."

Hamilton, according to the lawsuit, directly -- or through her paid political consultant Christopher Robling and others -- accused Glaser and Sapyta of being "Cook County Democrats" who weren't working in the best interests of the COD taxpayers.

Glaser, who was hired in April 2009, served as an administrator who reported to the college president and had no policymaking authority.

Sapyta, who was hired in June 2010, was an administrator who reported to Glaser and had no policymaking authority.

Both worked previously for Democratic administrations in Cook. However, the COD board that appointed Glaser and Sapyta didn't consider their political affiliations when it hired them.

During their time with COD, Glaser and Sapyta fixed administrative and financial systems that were "antiquated, inadequate, and mismanaged," according to the lawsuit. They also worked together to help "overhaul COD's financial management tools to make them more consistent with prudent public sector financial norms."

Glaser and Sapyta received "superior annual performance reviews," the lawsuit states. They each had contracts that were scheduled to run through June 2017, and they both received contract extensions in February.

After the April election, Hamilton and the board majority appointed Collins to the position of acting interim president.

"Defendant Collins, in turn, agreed to terminate both plaintiffs to support Hamilton," the lawsuit reads.

The COD board hired the Chicago-based law firm of Schuyler, Roche & Crisham to investigate concerns that were raised about the college's operations and governance. But the lawsuit claims the investigation was done "in order to create a justification for COD's unlawful termination of" Glaser and Sapyta."

In June, Glaser and Sapyta were each summoned to lengthy interviews attended by multiple legal and accounting professionals retained by COD. The next day, they were placed on administrative leave pending the outcome of an investigation.

According to the lawsuit, the college issued a news release where it falsely reported that Glaser and Sapyta increased the college's IMET investment "without board authorization or endorsement" and that they "failed to reply to any recommendations made by (COD's internal auditor James) Martner."

About a month after being placed on leave, Sapyta and Glaser received a letter from Collins listing the complaints against them. That list includes blaming them for questions about the school's investments, past problems at the COD radio station and the Waterleaf restaurant, which was closed after losing more than \$2.1 million in a four-year span.

The lawsuit states that the allegations against Glaser and Sapyta were false and a mere pretext to mask the fact that both administrators were terminated exercising their First Amendment rights.

Peter Lubin, one of the attorneys representing Glaser and Sapyta, said in a statement that every reason given for

his clients' terminations was known to the board and Collins when their contracts were extended.

"Our federal constitution prohibits firing civil servants due to their perceived political or party affiliation and for exercising free speech rights," said Lubin, adding that Hamilton and Collins "wrongfully engineered Lynn Sapyta and Thomas Glaser's terminations simply so Hamilton could advance her agenda to run for higher office."

Attorneys for Glaser and Sapyta want the case heard by a jury. The lawsuit is seeking various items of relief, including back wages and benefits lost, loss of earning capacity, compensatory damages in an amount to be determined and punitive damages in an amount to be determined.

At the time of the firing, Glaser was paid \$232,112 a year. Sapyta was paid \$163,828 a year.

Kulwin said he hopes the board of trustees and Collins "choose to do the right thing here and fairly resolve this case instead of wasting additional taxpayer dollars on exorbitant legal fees defending it."

This is a developing story. For more on the lawsuit -- and COD's reaction -- check back at dailyherald.com.