



# ESL MiniConference

Late Summer  
2006

Adjuncts Win  
in District  
Court

Review of  
Azar CD-  
ROM

Profile:  
Valerie  
Whiteson

Profile:  
Katherine  
Langan

Profile: Sonia  
Nieto

Title tk

[/Index/](#)  
[/Letters/](#)  
[/Profiles/](#)  
[/Search/](#)  
[/Podcasts/](#)

*Subscribe  
for free!*

## ESL Adjuncts Win in District Court Adjuncts, Arrests, and Free Speech at a Publicly Funded University

Patrick Munroe Describes His Successful, Four-Year Effort to Defend the Free Speech Rights of ESL Adjuncts

On June 15, 2006, a jury in the U.S. District Court for the Southern District of New York handed an adjunct professor a win over administrators who fired him in retaliation for protected speech. The decision in Munroe v. Westchester Community College shields outspoken adjuncts from vindictive dismissal at publicly funded universities.

In spring 2002, Patrick Munroe had been teaching English as a Second Language for 12 years at Westchester Community College in Valhalla, New York. Adjuncts there have no annual contracts. They are re-appointed from semester to semester. (Of the 1,000 teachers at WCC, 800 are adjuncts.) Refusing her an explanation, ESL program head David Bernstein had just fired Linda Ciano, an ESL teacher and the adjuncts' newly-elected union representative. Her colleagues and students regarded her as an excellent teacher. At an ESL faculty meeting in May 2002, Munroe asked Bernstein to explain her firing. He replied, "Why don't we set a time to sit down and talk about it?"

The union filed a grievance for wrongful termination on Ciano's behalf.

In July 2002, Bernstein attended an ESL faculty meeting convened by his immediate supervisor, Marjorie Glusker, a dean. The adjuncts believed this to be the meeting where Bernstein would sit down with them and talk about Ciano's firing. When Glusker told them that union issues were off the agenda, Munroe argued that he and his colleagues deserved to know why Ciano had been fired. Glusker ordered him to sit down. He did, and the topic was dropped, though another teacher commented that there was an elephant in the room.

The day after the July meeting, Munroe hand-delivered identical letters to Bernstein's and Glusker's offices, asking that Bernstein's hire-and-fire power be temporarily delegated to Helaine Marshall, their faculty chair, until the adjuncts' concerns about Ciano were resolved. He received no

reply. His letters to the vice-president of the college and to its president Joseph Hankin also failed to yield a substantive response. Munroe then phoned Hankin's office and left a message with his secretary, but the call was never returned.

For the fall 2002 semester, Bernstein cut Munroe's course load by two-thirds. In September, Munroe and an ESL colleague Phillip Fayon began distributing fliers on campus, seeking students' and staff's support for Ciano. In October, Munroe addressed a WCC faculty meeting called by the union and described the problem in the ESL program. The union vice-president then characterized the administration's response to it as "stonewalling."

On December 31, 2002, Bernstein phoned Munroe, told him that WCC no longer required his services, and wished him and his family a Happy New Year.

Bernstein offered Fayon no courses for spring 2003, and the union filed grievances for him and Munroe.

In May 2003, a week before her arbitration hearing, Ciano accepted a cash settlement from the college and dropped her grievance.

In August 2003, an arbitrator held that WCC did not violate its contract with adjuncts when it declined to re-appoint Fayon and Munroe.

In February 2004, Fayon and Munroe visited the ESL office and asked to see their personnel files. Bernstein had them arrested for trespass. They were handcuffed, taken to a holding cell for booking, and then released for later court appearances.

In March 2004, the same officers who had arrested him for trespass came to Munroe's front door and told him to come with them. He asked them why. They said he had violated an order of protection. He told them that this was the first he had heard of it and invited them in out of the cold. They asked if he had received a letter from the court ordering him not to contact Bernstein. He said no, and that if he had, there would certainly be a record of it—a signed receipt—but that no one had contacted him about it. They asked if he had e-mailed Bernstein recently, and he said yes, that Bernstein was one of over 400 WCC staff he had e-mailed a week before about his trespass arrest. They handcuffed him, drove him to jail again, and booked him for aggravated harassment in the second degree. Before releasing him, they asked him to sign the protection order he had never seen before.

In April 2004, he received an order from a Westchester County judge to turn over his handgun collection to the police and to appear in court to show cause why his pistol license should not be revoked and his weapons disposed of. He handed them over the same day.

In May he represented himself before the county judge and asked her to delay the proceedings until the town court adjudicated his criminal charges. She agreed.

In July 2004, a town judge dismissed Fayon's trespass charge. Munroe's two cases continued to languish in the court files for nearly a year more.

Late in the summer of 2005, an assistant district attorney offered Munroe a deal: plead guilty to disorderly conduct and the ADA would drop the trespass and harassment charges. Munroe refused. In September 2005, moments before the harassment case was to go to a jury for trial, the ADA offered to dismiss the charge in six months if Munroe promised "to stay out of trouble." He agreed.

By fall 2005, Munroe had appeared five times before the county judge in the revocation proceedings. In November she decided the case, rejecting the county's application, renewing Munroe's pistol license, and ordering the police to return his guns. Bernstein had submitted depositions to the town and county courts charging that in e-mails and letters circulated during the Ciano campaign, Munroe had repeatedly threatened to shoot him. Testifying at the civil rights trial earlier this summer, Bernstein repeated those claims. Without knowing of Munroe's successes in the harassment and gun license cases, the federal jury arrived at the same conclusion. They saw through Bernstein's accusations as a pretext for his true reason for firing Munroe.

More than two years after his arrest, a town judge found Munroe guilty of non-criminal trespass, without a fine, in March 2006. Because a different judge had dismissed Fayon's trespass charge on exactly the same facts, Munroe believes he can win on appeal, arguing that his conviction violates his Constitutional right to equal protection of the law.

Inexplicably, the federal jury awarded Munroe zero dollars in damages. Still, they had decided for him and found that the four defendants—the college president, a dean, an assistant dean, and a program director—had falsely characterized him as a physical threat in order to hide their real reason for firing him. Their verdict warns unprincipled administrators that adjuncts who speak out at a state university on matters of public concern have the protection of Constitutional law.

[www.loopsy.com/wccabuseteachers/](http://www.loopsy.com/wccabuseteachers/)

Special Report by Patrick Munroe  
[pjmunroe@yahoo.com](mailto:pjmunroe@yahoo.com)

2006 ESL MiniConference Online



PDF conversion by [PDF Online](#)