

Testimony of Barry Lituchy, Adjunct Assistant Professor of History in the Social & Behavioral Science Department at Medgar Evers College to the Committee on Higher Education of the New York City Council, November 12, 2020

Dear New York City Council,

I am compelled to provide this testimony because as one of the 66 Adjunct professors not re-appointed at Medgar Evers College, despite the fact that we were entitled to a renewal of our the three year contracts based both on the recommendations of our departments and the binding collective bargaining agreement between CUNY and the PSC, I believe that many vitally important issues relating to this matter were left unaddressed as well as unexplained at today's hearing. I have taught at Medgar Evers College for the past 13 years and in CUNY for over 30 years, and I can say without being too immodest that I know more than most people about what is going on in CUNY and more particularly what is going on at Medgar Evers College.

First of all, it needs to be said at the outset that the current administration at Medgar Evers College, led by Rudy Crew and Augustine Okereke, have used the Covid 19 crisis as a smokescreen to carry out pernicious policies that have harmed Medgar Evers College, its faculty and students, and have done so continuing a pattern of misadministration that has been going on for years. This did not begin in 2020! For the past ten years they have been undermining and destroying the only historically black college in CUNY and in New York City. And if you don't believe me, then ask the widow of the man for whom the college is named, Myrlie Evers-Williams. (See <https://diverseeducation.com/article/185884/> and <https://nypost.com/2020/08/01/widow-of-medgar-evers-slams-brooklyn-college-named-after-husband/>.) If the phrase Black Lives Matters has any meaning at all, it should mean excellent educational and life opportunities for African American students in New York City. Unfortunately, the administration at Medgar Evers College has failed in its specific mission to do this, and has failed its students, its faculty, and the community which it serves. Based on what I witnessed at today's council hearing chaired by Councilwoman Inez Barron and Councilman I. Daneek Miller, the central CUNY administration is allowing malfeasance to occur at Medgar Evers College and is throwing up additional smokescreens to obscure and deflect their own culpability in allowing the administration at Medgar Evers College to act in this manner and to do so with impunity.

The flagrant violation of academic and contractual norms by the Crew-Okereke team at Medgar Evers has nothing to do with the Covid crisis! They attempted to violate the very same three year contract stipulation three whole years before Covid even began, in the spring of 2017, just weeks after the collective bargaining agreement between CUNY and the PSC was signed. Crew & Okereke refused to abide by the collective bargaining agreement and unilaterally refused to offer three year contracts to all eligible faculty at Medgar Evers College clearly in a very deliberate and flagrant violation of the binding agreement when appointments came up in May 2017. Without any explanation, 66 professors were denied what was due to them based on the contract CUNY and based on their own departments' recommendations. I was the faculty member who immediately filed a grievance against this malfeasance in May 2017. By the beginning of 2018 the

CUNY administration admitted they were wrong and conceded that it must reverse itself just as the matter was going to arbitration. Had we not fought for the three year contracts in 2017 we would not have gotten them because the Medgar Evers College administration was deliberately trying to cheat the adjunct faculty and undermine the Professional Staff Congress. Is this an anti-union tactic? The answer obviously is yes. In May 2020 the Medgar Evers College administration once again refused to renew the three contracts of the 66 professors whose three year contracts were ending, although this time they sent out two form letters to this effect to the 66 professors. The first stated that it was due to budgetary constraints brought about by Covid but the second letter said that it did not, thus contradicting themselves (I have attached both letters of non-reappointment). The truth is that this was part of a pattern by Crew and Okereke to avoid responsibility for fulfilling the obligations of the college to its faculty, staff, and students. Moreover, in doing so they have been consistently conniving and untruthful. They took this action in direct opposition to the recommendations and decisions of the department chairs at the college. During August 2020 the chair of my department, Dr. Maria DeLongoria, assigned courses to several non-reappointed professors. So too did the chairs of other departments at Medgar Evers College. Okereke responded by terminating the email accounts of all 66 professors who were not re-appointed and made untruthful statements to the chairs that he could not allow any of the 66 three year contracts to be renewed or even re-hired for one year contracts because of “litigation.” In doing this he also created in effect a “do not hire” list that all departments had to follow and he claimed he was “only following orders” of the central CUNY administration.

This was all a bald faced lie by Okereke. Yes, within 24 hours of the first non-reappointment letter, two faculty members, Frank Laude, and myself, requested that the PSC file a grievance against Medgar Evers College, and so the grievance currently in progress was commenced. But for Crew and Okereke to lie in this manner was outrageous. Whether there was litigation or not had absolutely nothing to do with the hiring of adjunct faculty for contracts shorter than three years. Nor did it justify the punitive actions taken by them against adjunct faculty. And also, due to the evasiveness of the central CUNY administration (fully on display at your hearing today), we do not know the full extent of CUNY central’s role in all of this. And by the way, this current grievance was another unmentioned elephant in the room during today’s City Council hearing. Why was this issue not even addressed?

However, the questioning posed by City Council member Rosenthal was excellent and came closest to uncovering the malfeasance and harm being done to CUNY, to its faculty, and to African American students in New York City today. She asked very accurately whether the non-reappointment of the three year contract adjuncts at Medgar Evers College raised a red flag for the CUNY central administration and what they said or did about it. CUNY administrators Sapienza and Silverblatt simply did not answer the question. Councilwoman Rosenthal clearly and correctly saw that they were evading their responsibilities as administrators by refusing to cooperate with the City Council hearing and failing to answer her questions, and she said as much during the hearing. Thus, these administrators once again provided cover for flagrant violations committed at Medgar Evers College that harms this particular college, the one and only historically black college in CUNY.

It is exactly this kind of evasiveness, dishonesty, malfeasance, lack of accountability, and may I add racism, that currently plagues CUNY, and cheats not just CUNY faculty of contractual promises, but cheats the people of New York City, and particularly the African American population of New York City, of the fair and appropriate educational opportunities that they deserve. (For more on the misadministration at Medgar Evers College see News 12 tv reports <https://bronx.news12.com/school-of-silence-student-staff-member-say-there-is-a-culture-of-silencing-at-medgar-evers-college> and <https://bronx.news12.com/school-of-silence-thousands-of-dollars-in-misused-funds-end-up-in-wrong-hands-at-medgar-evers-college> and <https://www.nydailynews.com/news/politics/ny-laurie-cumbo-medgar-evers-college-bedford-union-armory-20200921-i7tpsyi56rcatgq73qisdsk277q-story.html>.)

I thank the City Council members for their attention to the problems facing CUNY, and more especially Medgar Evers College. I strongly urge that the City Council take all necessary action to address the destruction of Medgar Evers College by CUNY administrators and the flagrant violations of contractual agreements by CUNY and Medgar Evers administrators made between the CUNY administration and the PSC-CUNY faculty union.

Sincerely,

Barry Lituchy

917-254-5164, kcchistory31@aol.com

Below are the two contradictory form letters of non-reappointment sent to me and 65 other three year contract adjuncts.



MEDGAR EVERS
COLLEGE
The City University of New York



Office of Academic Affairs

1650 Bedford Avenue
Brooklyn, NY 11225
T: (718) 270-5010

May 12, 2020

VIA USPS CERTIFIED MAIL AND EMAIL

Prof. Barry Lituchy
3402 Avenue I, Apartment 2B
Brooklyn, NY 11210-4102
blituchy@mec.cuny.edu

RE: Notification of Decision Not to Offer a Three Year Adjunct Appointment

Dear Prof. Lituchy,

We regret to inform you that Medgar Evers College, City University of New York is unable to offer you a Fall 2020 – Spring 2023 three-year adjunct appointment.

This decision comes after much deliberation including analysis of MEC fiscal and programmatic needs, consideration of full-time faculty priority in course assignments, enrollment forecasts, and budget shortfalls. Moreover, the Personnel and Budget Committee and President of Medgar Evers College did not recommend you for a three-year appointment.

Your current adjunct appointment in the rank of Adjunct Assistant Professor in the Department of Social and Behavioral Sciences in the School of School of Liberal Arts will terminate at the end of your current appointment, **Friday, May 22, 2020**.

MEC has not fully realized the impact of the COVID-19 pandemic on its budget and programmatic needs of the Department of Social and Behavioral Sciences as well as other Departments in MEC. MEC is still exploring the changes that will be required as a result of the pandemic. In view of those facts, MEC may have need for an adjunct professor with your experience and qualifications.

Accordingly, MEC would like to offer you a conditional one-year adjunct appointment. This letter is not a reappointment letter and the proposed conditional one-year adjunct appointment is not being offered under the provisions of Appendix E Paragraph 2 of the PSC/CUNY Contract.

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Office of Academic Affairs

1650 Bedford Avenue
Brooklyn, NY 11225
T: (718) 270-5010

We apologize for having to take this action. We know these are hard times. We understand that it is difficult for you to be in flux about your employment status.

You may contact Tanya Isaacs, Executive Director of Human Resources in the Office of Human Resources/Labor Designee, with any questions or concerns. She can be reached via email at tisaac@mec.cuny.edu.

Thank you for your service to MEC.

Sincerely,

Augustine Okereke, Ph.D.
Provost and SVP Office of Academic Affairs

Cc: Dr. Ethan Gologor, Dean, School of School of Liberal Arts
Dr. Maria DeLongoria, Chair, Department of Social and Behavioral Sciences
Tanya Isaacs, Executive Director, Human Resources/Labor Designee
Personnel File

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The City University of New York



Office of Academic Affairs

1650 Bedford Avenue
Brooklyn, NY 11225
T: (718) 270-5010

May 26, 2020

VIA USPS CERTIFIED MAIL AND EMAIL

Prof. Barry Lituchy
3402 Avenue I, Apartment 2B
Brooklyn, NY 11210-4102

RE: Notification of Three Year Adjunct Appointment Decision

Dear Prof. Lituchy,

This letter supersedes the May 12, 2020 letter sent to you regarding the same above subject.

We regret to inform you that Medgar Evers College, City University of New York is unable to offer you a Fall 2020 – Spring 2023 three-year adjunct appointment.

This decision comes after much deliberation including analysis of MEC fiscal and programmatic needs, consideration of full-time faculty priority in course assignments, enrollment forecasts, and budget shortfalls. Moreover, the Personnel and Budget Committee and President of Medgar Evers College did not recommend you for a three-year appointment.

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We apologize for having to take this action. We know these are hard times. We understand that it is difficult for you to be in flux about your employment status.

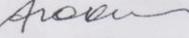
You may contact Tanya Isaacs (Executive Director of Human Resources in the Office of Human Resources/Labor Designee) with any questions or concerns. She can be reached via email at tisaacs@mec.cuny.edu.

Thank you for your service to MEC.

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Letter to Prof. Barry Lituchy
May 26, 2020
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Sincerely,



Augustine Okereke, Ph.D.
Provost and SVP Office of Academic Affairs

Cc: Dr. Ethan Gologor, Dean, School of School of Liberal Arts (*via email*)
Dr. Maria DeLongoria, Chair, Department of Social and Behavioral Sciences (*via email*)
Tanya Isaacs, Executive Director, Human Resources/Labor Designee (*via email*)
Personnel File