

# Judge says College of DuPage controller did not engage in misconduct



Lynn Sapyta, former College of DuPage controller, did not engage in misconduct or intentionally violate school policy, according to a court ruling. (Armando L. Sanchez / Chicago Tribune 2015)

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**F**ired College of DuPage controller Lynn Sapyta did not engage in misconduct or intentionally violate school policy, according to a ruling that could bolster her wrongful termination claim.

A state administrative appeals court found Sapyta "used her best practices to perform her job," in spite of the college's assertions that her mismanagement cost the school millions and allowed fraud to occur. As a result, Sapyta is entitled to unemployment benefits dating to September, when she was terminated, according to a ruling issued by the Illinois Department of Employment Security.

The college had fought Sapyta's unemployment claim, saying she violated several school policies and failed to keep adequate records.

"While she may not have used the suggested or recommended methods of accounting that the employer's expert financial witness stated were used in the industry, (Sapyta) stated she followed the methods that were in place when she was hired ... (her) actions did not constitute a deliberate or willful disregard of the employer's interests," administrative appeals Judge Nancy Lee Burds wrote last week.

The college intends to appeal the decision, spokesman Joseph Moore said.

"It's our policy not to comment on pending litigation, but we disagree with the outcome and intend to appeal," he said.

Sapyta, who worked for the college for more than five years, was fired along with Treasurer Thomas Glaser. The college cited violations of the school's investment practices and accounting problems tied to the college's radio station and high-end restaurant, Waterleaf. Sapyta and Glaser also were accused of using school resources to campaign against three board of trustees candidates in the April 2015 election.

Burds found nothing improper with Sapyta using her college email account to urge a friend to vote against a slate backed by former Chairwoman Katharine Hamilton.

"(Sapyta) may have used poor judgment in telling a friend not to vote for certain officials in an election, but the comments made to a friend while voicing her frustrations with her job did not amount to campaigning on the job," Burds wrote.

The ruling applies only to Sapyta. Glaser did not file for unemployment compensation, his attorney said.

Interim President Joseph Collins has said he made the decision to fire Sapyta and Glaser, whose annual salaries were \$232,112 and \$163,828 respectively.

Both officials filed a wrongful termination lawsuit in December, accusing Hamilton of political retaliation and conspiring with others to oust them from their positions in September.

Sapyta's attorney, Peter Lubin, said the ruling backs Sapyta's wrongful termination claims and bodes well for her lawsuit's outcome.

"It proves what we have said all along that Lynn was scapegoated and targeted by Hamilton and Collins for removal even though she had performed her job properly, received outstanding performance reviews and had her contract renewed after all the purported grounds for her termination were known," he said. "Lynn's good name and reputation were destroyed by COD's baseless accusations against her."

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