



NEW YORK CITY LAW DEPARTMENT
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Press Release

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For Immediate Release

**APPEALS COURT SUPPORTS CITY'S RIGHT TO FIRE
STATEN ISLAND SCHOOL DEAN FOR DRUG POSSESSION**

***COURT CALLS ARBITRATOR'S DECISION TO HAVE THE CITY RETAIN SCHOOL DEAN
"IRRATIONAL" AND ONE THAT "DEFIES COMMON SENSE" IN LIGHT OF DEAN'S DUTIES
AS A STUDENT DRUG COUNSELOR***

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New York, July 7, 2005 – The Appellate Division, First Department, in a unanimous 5-0 decision, today invalidated an arbitrator's determination that barred the New York City Department of Education from dismissing a dean of students, Michael Campbell, following Campbell's criminal conviction for drug possession. In so doing, the Appellate Division reversed a lower court decision affirming the arbitrator's determination.

Campbell had been employed as a dean of students at Intermediate School 72 in Staten Island. His responsibilities included counseling students as part of a program designed to prevent student drug abuse. On April 14, 2002, Campbell was arrested in a vehicle containing 10 aluminum bags of cocaine and one bag of marijuana. He subsequently pled guilty to the felony of attempted criminal possession of a controlled substance in the fourth degree.

In arbitration, Campbell challenged disciplinary charges brought against him by the Department of Education as a result of his criminal conviction. The arbitrator's determination barred his dismissal, requiring that, following successful completion of a drug treatment program, Campbell be reinstated to his former, or a similar, position. In reversing the lower court, the Appellate Division found the arbitrator's decision to be "irrational and to defy common sense," because the ruling allowed Mr. Campbell "to be placed back into a position where he would administer a program designed to discourage use among students."

"We are pleased by this decision, which supports the City's commitment to protect our children from drugs," noted Assistant Corporation Counsel Mordecai Newman, who handled the appeal for the Department of Education.

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