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Westchester Community College v. Westchester Community College Federation of Teachers Local 2431

United States Court of Appeals, Second Circuit - February 25, 2015 - F.3d - 2015 WL 774615

Adjunct professor brought action against community college, college officials, and union alleging that college violated her constitutional rights by firing her for comments she made in class and that union breached its duty of fair representation. The District Court granted in part and denied in part college's motion to dismiss, and it filed interlocutory appeal.

The Court of Appeals held that community college in State University of New York (SUNY) system was not entitled to Eleventh Amendment immunity; abrogating *Davis v. Stratton*, 575 F.Supp.2d 410, *Staskowski v. Cnty. of Nassau*, 2006 WL 3370699, *Kohlhausen v. SUNY Rockland Cmty. Coll.*, 2011 WL 1404934.

Community college in State University of New York (SUNY) system was not entitled to Eleventh Amendment immunity in former adjunct professor's wrongful termination suit against it, even though college received one-third of its budget from state, governor appointed four of its ten board members, college's officers, curriculum, and budget are subject to board approval, and SUNY provided standards and regulations governing its organization and operation, where local sponsors were required to levy taxes if college's budget exceeded maximum costs allowed by state, there was no indication that state had control over its day-to-day operations, and college was statutorily distinct from SUNY.