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# 'Slaveholder' Comment Roiled CUNY Law for Months Prior to Dean's Mea Culpa

Minority faculty at the City University of New York School of Law in December asked outgoing dean Mary Lu Bilek to publicly disclose a racism controversy that had been festering behind closed doors.

By [Karen Sloan](https://www.law.com/newyorklawjournal/author/profile/Karen-Sloan/) | March 23, 2021 at 12:27 PM

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Mary Lu Bilek, Dean of CUNY Law. Courtesy photo

A New York law dean's [decision to retire](https://www.law.com/2021/03/22/slaveholder-comment-prompts-cuny-law-deans-departure/) after referring to herself as a “slaveholder” during a faculty meeting in the fall was preceded by months of escalating

tension with the school's faculty, stemming from her push to grant early tenure to a white professor ahead of several minority professors.

City University of New York School of Law Dean Mary Lu Bilek explained in a March 20 email to the law school community that her use of the offensive racial term during a personnel and budget committee meeting was the reason for her upcoming retirement—which she initially announced Jan. 19 with no mention of the incident. She apologized in the March 20 email, said she was in counseling, and urged university officials to name an interim dean before her planned departure in June.

But letters from faculty dating back to December suggest that her departure isn't the result of a single offhand comment—some people on social media have decried the situation as an example of so-called “cancel culture” spiraling out of control. Rather, the correspondence indicates that Bilek's handling of the tenure controversy and her delay in acknowledging and apologizing for her “slaveholder” comment eroded trust with many faculty members, who issued a series of accountability and governance demands they say were not met. (Bilek did not respond to multiple requests for comment.)

“We are disappointed that Dean Bilek failed to respond meaningfully to the requests by faculty of color and allies for reparative action, and that she stalled the process of mending the harm,” according to a March 22 letter signed by 45 CUNY Law faculty. “Nonetheless, her decision to retire creates an opportunity to envision a future for the law school that more fully embodies our anti-racist goals and aspirations.”

Professor Julia Hernandez, who was among the faculty who signed the March 22 letter, said Tuesday that the situation had reached an impasse.

“For months, many faculty members tried hard to work with Dean Bilek to address the conditions under which the early tenure action arose, as well as her statement, and we continued to do that even after the retirement announcement,” she said. “Unfortunately, many of our demands were met with resistance and it became clear that Dean Bilek was not willing to work with us.”

Students were also dismayed by the events leading to Bilek's departure, which they did not learn of until they were discussed at a March 19 faculty meeting—one day before the dean sent out her message explaining the reason for her departure.



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“CUNY Law will never be able to deal with the anti-Black racism in its institutional fabric if it is unwilling to admit that it is there,” wrote student government leaders and third-year students Maya Kouassi and Ariel Federow in a March 20 message to the student body that provided a timeline of the events leading up to Bilek’s departure. “As the student body—not to mention the staff, alumni and other members of this community—we deserved better, but there is always time to make things right.”

Letters show that the tenure conflict began in June, when Bilek suggested to the personnel and budget committee that it grant early tenure to professor Allie Robbins, who is white. Robbins had recently been selected as the school’s next assistant dean for academic affairs. But a minority committee member objected, pointing out that several non-white faculty members were ahead of Robbins on the tenure track, that tenure has not previously been a requirement for assistant deans, and that minority faculty had been discouraged in the past from seeking early tenure. (The student letter makes clear that Robbins herself was not seeking early tenure.)

CUNY law professor Sarah Valentine—who chaired the academic dean search committee that selected Robbins—said in an interview Tuesday that her committee recommended to Bilek that Robbins be offered early tenure, and refuted critics who say the move was intended to fast-track a white professor over faculty of color. The committee argued that the position of academic dean is best filled by someone with tenure because it involves sensitive matters such as the reimbursement of faculty expenses and teaching assignments. An untenured academic dean could face repercussions for such decisions once they return to the

faculty and seek tenure, Valentine said. Moreover, accepting the academic dean position requires leaving the faculty and setting aside scholarship, which effectively stops a professor's own tenure clock.

"We assumed she would be offered tenure," said Valentine of Robbins, noting that most recent academic deans had tenure, though not all. "And I want to clarify that early tenure doesn't mean you get tenure when you don't deserve it. It means that you have met all the tenure requirements, but don't have to wait for your seven-year clock to run."

Valentine acknowledged that CUNY Law had previously discouraged anyone from seeking early tenure—the last time it granted early tenure was the early 1990s. But she said there was a general sense that the school was softening that stance.

The personnel and budget committee ultimately did not grant Robbins early tenure, but the attempt drove a wedge within the faculty. The matter resurfaced during an October personnel and budget committee meeting when Bilek expressed her disappointment in the decision. In her own letter, Bilek wrote that her comments in that meeting were meant to direct responsibility toward herself and away from Robbins for the controversy.

"In a misguided effort to draw an analogy to a model of reparations in order to place blame on myself, as Dean, for racial inequities at our school, I thoughtlessly referred to myself as the 'slaveholder' who should be held responsible," wrote Bilek. "I realized it was wrong the minute I heard myself say it and couldn't believe the word had come out of my mouth."

According to the students' letter, Bilek said: "I am the slaveholder here, not Allie," and "If anyone should have to pay reparations, it should be me."

Because personnel and budget committee meetings are confidential, members had to clear a number of bureaucratic hurdles before they could reveal what had been said to other faculty, which they did in early December. On Dec. 26, an ad hoc group of 22 minority faculty members wrote to Bilek to condemn her actions and "slaveholder" comment, and to demand a series of accountability and governance changes. Those included Bilek issuing a public apology no later than Jan. 19; her resignation from any positions or roles in which she is described as an "antiracist" dean; and the creation of a

Faculty of Color Caucus that could approve or veto chair assignments and job vacancy notices for tenure and tenure and tenure-track positions. They stopped short of calling on Bilek to leave the deanship, however.

“Your racist actions and statements have caused substantial injury and damage,” wrote the ad hoc group of minority faculty. “They have also demoralized the faculty and risk undermining the reputation of our law school. We therefore hope that our initiative will serve to heal, repair and improve our community.”

Bilek did not issue a public apology by that Jan. 19 deadline, but instead issued a short email to the faculty that day saying that she would be retiring from the law school June 30. The message made no mention of the tenure controversy or her “slaveholder” comment.

But the matter came to a head during a March 19 meeting with faculty, staff and students, in which students first learned the details of the incident and during which faculty made clear that they would go public about the controversy. Bilek issued the letter explaining her reason for stepping down the following day. She wrote that rebuilding the trust needed to lead the law school “is a burden I don’t want to impose on the faculty or the community.”

Student government representatives Kouassi and Federow wrote that Bilek’s actions fly in the face of CUNY Law’s mission of social justice and the work students have done to advance equity and justice.

“What disturbs us the most as we reflect on what we learned in the faculty meeting was the juxtaposition between student activism yielding concrete benefits for us all and the dean of our law school envisioning herself a slaveholder, relegating us all, and specifically the Black members of our community, to those she enslaves,” they wrote. “This is disturbing, anti-Black, and unacceptable.”

In their own response letter, the 45 CUNY faculty members apologized for letting the matter fester behind closed doors for months.

“In retrospect, it was a mistake to have withheld the facts described in this letter while trying to work with Dean Bilek to ensure accountability and full disclosure to the entire CUNY community,” they wrote. “Faculty who were working towards disclosure were harmed by carrying the burden of this information for too long, as were our students, staff and other members of our faculty who

now must process Dean Bilek's conduct as well as disappointment and frustration that faculty did not share this information earlier. For this we are deeply sorry."

Bilek assumed the deanship at CUNY Law in 2016. Before that, she was dean of the University of Massachusetts School of Law.

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