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# Ex-Malverne teacher not discriminated against, jury finds

March 17, 2016 By Sid Cassese [sid.cassese@newsday.com](mailto:sid.cassese@newsday.com)



From left, teachers Kenneth Smith of [South Hempstead](#); Sherwyn Besson of Rockville Centre, and Betsy Benedith, of Brooklyn, are pictured on Dec. 15, 2011. (Credit: Chris Ware)

For the second time in three months, a federal jury has ruled that Malverne School District officials did not discriminate against a black teacher.

The eight-member jury ruled against Sherwyn Besson of Lakeview, 47, a business teacher who had alleged denial of promotion and

opportunities for extra pay because of racial discrimination and because of his public criticism of Superintendent James Hunderfund.

He also said he had been assigned daily administrative duties while some other teachers were exempted.

In effect, he said in court papers, he was reduced to part-time work in the 2011-2012 school year, with no medical benefits. As a result, he quit, he said.

On Wednesday, the jury ruled against him and in favor of school officials, which also included Malverne High School Principal Vincent Romano.

In mid-December, another federal jury had ruled against math teacher Kenneth Smith, 48, of South Hempstead, who also had alleged racial discrimination was behind his denial of promotion and opportunities for extra pay.

Both cases were before U.S. District Court Judge Joan M. Azrack in Central Islip.

The Besson and Smith cases were two of three originally filed together. The third case, which is



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still pending, involves Betsy Benedith, 45, of Brooklyn, an assistant principal, who said she was denied tenure and fired because of race.

In August 2014, U.S. District Court Judge Arthur Spatt granted three separate trials, which was sought by the district.

Neither Besson nor his lawyer of record, Jonathan A. Tand could be reached.

“We are gratified that the jury has confirmed what the Board and administration always knew - this was a clear decision based upon seniority, with no other personal factors at play,” Hunderfund said in a news release.

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