

TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

**California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, CA 90802**

March 9, 2016

Presiding: Lou Monville, Chair

9:30 a.m. Board of Trustees Dumke Auditorium

Call to Order

Roll Call

Public Speakers

Chair's Report

Chancellor's Report

Report of the Academic Senate CSU: *Chair—Steven Filling*

Report of the California State University Alumni Council: *President—Dia S. Poole*

Report of the California State Student Association: *President—Taylor Herren*

Board of Trustees

Consent Agenda

1. Approval of the Minutes of the Board of Trustees Meeting of January 27, 2016
2. Election of Five Members to the Committee on Committees for 2016-2017, *Action*
3. General Counsel's Annual Litigation Report, *Information*
4. Approval of Committee Resolutions as follows:

*The Board of Trustees is a public body, and members of the public have a right to attend and participate in its meetings. This schedule of meetings is established as a best approximation of how long each scheduled meeting will take to complete its business. Each meeting will be taken in sequence, except in unusual circumstances. Depending on the length of the discussions, which are not possible to predict with precision in advance, the scheduled meeting times indicated may vary widely. The public is advised to take this uncertainty into account in planning to attend any meeting listed on this schedule.

Committee on Campus Planning, Buildings and Grounds

1. Amend the 2015-2016 Capital Outlay Program for Parking Lot C Reconfiguration for California State Polytechnic University, Pomona, *Action*
2. Amend the 2015-2016 Capital Outlay Program for Parking Lot N for California State University, San Bernardino, *Action*
3. Amend the 2015-2016 Capital Outlay Program for South Parking Facility Improvements for San José State University, *Action*

Committee on Institutional Advancement

1. Naming of the Ramiro Compean and Lupe Diaz Compean Student Union – San José State University, *Action*
2. Naming of Bob Bennett Stadium – California State University, Fresno, *Action*
3. Naming of the John D. Welty Center for Educational Policy and Leadership California State University, Fresno, *Action*

Committee on Finance

2. Approval to Issue Trustees of the California State University Systemwide Revenue Bonds and Related Debt Instruments for a Project at California State University, San Bernardino, *Action*
3. Conceptual Approval of a Public/Private Partnership Mixed-Use Development Project at California State University, Fullerton, *Action*
4. Conceptual Approval of a Public/Private Partnership Faculty Staff Housing Development Project at California Polytechnic State University, San Luis Obispo, *Action*
5. Conceptual Approval of a Public/Private Partnership Junior Giants Urban Youth Academy at San Francisco State University, *Action*
6. Approval to Issue Trustees of the California State University Systemwide Revenue Bonds and Related Debt Instruments to Refinance and Restructure State Public Works Board Debt, *Action*

Committee on Educational Policy

1. Academic Planning, *Action*

Committee on University and Faculty Personnel

1. Executive Compensation: President – California State University Channel Islands, *Action*
2. Executive Compensation: President – California State University, Chico, *Action*

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**MINUTES OF THE MEETING
OF BOARD OF TRUSTEES**

**Trustees of the California State University
Office of the Chancellor
Glenn S. Dumke Auditorium
401 Golden Shore
Long Beach, California**

January 27, 2016

Trustees Present

Lou Monville, Chair
Rebecca D. Eisen, Vice Chair
Silas Abrego
Kelsey Brewer
Adam Day
Douglas Faigin
Debra S. Farar
Margaret Fortune
Lillian Kimbell
J. Lawrence Norton
Peter Taylor
Steven Stepanek
Maggie K. White
Timothy P. White, Chancellor

Chair Monville called the meeting of the board of trustees to order.

Public Comment

The board of heard from several individuals during the public comment period: Richard Shave, CSULA community, spoke regarding ongoing noise issues; Elena Macias, faculty, CSULB, spoke about AB 2000; Gabriela Amel Peralta, student, CSULA, spoke about AB 2000; Pat Gantt, president, CSUEU spoke about inclusivity and opportunity; Loretta Seva'aetasi, vice president, CSUEU, addressed the board regarding impact and workload on staff; Rocky Sanchez, bargaining unit 7 representative CSUEU spoke about IRP (in range progression); Neil Jaklin, President of organizing, CSUEU, also spoke about IRP and the process; John Lee, student, CSULB, COUGH member spoke about tobacco free policies; Shanna Dayan, student, CSU, San Diego, COUGH member spoke about smoke and tobacco-free policies; Jennifer Eagan, East Bay CFA president, spoke about policies that effect staff.

Report from the California State Student Association

CSSA President Taylor Herren complete report can be viewed online at the following URL:
<http://www.csustudents.org/public-resources/public-documents/reports/>

Chair's Report

Chair Monville's complete report can be viewed online at the following URL:

<http://calstate.edu/BOT/chair-reports/jan2016.shtml>

Chancellor's Report

Chancellor Timothy P. White's complete report can be viewed online at the following URL:

<http://calstate.edu/bot/chancellor-reports/160127.shtml>

Report of the Academic Senate CSU

CSU Academic Senate Chair, Steven Filling's complete report can be viewed online at the following

URL: http://www.calstate.edu/AcadSen/Records/Chairs_Reports/documents/ChairsBoardofTrusteesReportJan2016.pdf

Report of the California State University Alumni Council

Alumni Council President, Dia S. Poole's complete report can be viewed online at the following

URL: <http://www.calstate.edu/alumni/council/bot/20160127.shtml>

Board of Trustees

The minutes of the meeting of November 18, 2015 were approved as submitted.

Chair Monville moved all the consent items for approval. There was a second. The Board of Trustees approved all of the resolutions on the Consent Agenda as set forth below. It is noted that Trustee Peter Taylor was a no vote on Item 1, Committee on Organization and Rules, Amendment to the California State University Board of Trustees' 2016 Meeting dates.

The Board of Trustees approved the following resolutions:

Committee on Campus Planning, Building and Grounds

Amend the 2015-2016 Capital Outlay Program for California State University, Fullerton, California State University, Long Beach, California State University, Northridge, California State University, Sacramento, and San Diego State University (RCPBG 01-16-01)

RESOLVED, by the Board of Trustees of the California State University, that the 2015-2016 Capital Outlay Program be amended to include:

1. \$14,745,000 for preliminary plans, working drawings, and construction for the California State University, Fullerton Solar Photovoltaic Array with a solar bid response less than or equal to projected investor owned utility rates;

2. \$5,250,000 for preliminary plans, working drawings, construction, and equipment for the California State University, Fullerton One Banting Tenant Improvements;
3. \$18,000,000 for preliminary plans, working drawings, and construction for the California State University, Long Beach Parking Lots 7 and 14 Solar Photovoltaic with a solar bid response less than or equal to projected investor owned utility rates;
4. \$5,000,000 for preliminary plans, working drawings, and construction for the California State University, Long Beach Parking Lot 7 Expansion;
5. \$5,000,000 for preliminary plans, working drawings, and construction for the California State University, Northridge Bookstore Renovation;
6. \$48,911,000 for preliminary plans, working drawings, construction, and equipment for the California State University, Sacramento Parking Structure V;
7. \$4,500,000 for preliminary plans, working drawings, construction, and equipment for the California State University, Sacramento Folsom Hall Renovation;
8. \$981,000 for preliminary plans, working drawings, construction, and equipment for the California State University, Sacramento Lassen Hall Elevator;
9. \$1,000,000 for preliminary plans, working drawings, and construction for the California State University, Sacramento Eureka Hall Network Cabling; and
10. \$2,585,000 for preliminary plans, working drawings, and construction for the San Diego State University Entrance Elements.

Approval to Set Aside and Vacate the 2007 Campus Master Plan Revision and Partially Decertify the Environmental Impact Report for San Diego State University (RCPBG 01-16-02)

RESOLVED, by the Board of Trustees of the California State University, that:

1. The Board of Trustees hereby sets aside and vacates its November 14, 2007, approval of the San Diego State University Campus Master Plan Revision (“Project”) and its findings.
2. The Board of Trustees hereby decertifies the EIR for the Project but only with respect to the specific issues described in paragraph 3 (a) through (c) below.

3. Prior to taking any action to reapprove the Project, the Board of Trustees, in any EIR, will proceed in accordance with the standards and procedures required by CEQA, including its provisions for public comment, and will make all required findings in good faith and on the basis of substantial evidence as to those issues described in paragraph 3 (a) through (c) below:
 - (a) Traffic: In response to the decision rendered by the California Supreme Court on August 3, 2015 (Case No. S199557), the Board of Trustees, based on a re-evaluation of the off-site mitigation measures and further good faith negotiations with the City of San Diego, the San Diego Association of Governments, and the San Diego Metropolitan Transit System, will reassess San Diego State University's fair share of such mitigation costs (and, based on the record here, forego financial infeasibility arguments as to such costs in this case), consistent with the views expressed in the Supreme Court's decision;
 - (b) Transit: The Board of Trustees will evaluate the potential transit impacts of the Project consistent with CEQA and the directives contained in the decision rendered by the Court of Appeal on December 13, 2011 (D057446); and
 - (c) Transportation Demand Management: The Board of Trustees will re-evaluate the transportation demand management mitigation measure in the Final EIR consistent with the directives contained in the decision rendered by the Court of Appeal on December 13, 2011 (D057446).

Committee on Audit

Assignment of Functions to Be Reviewed by the Office of Audit and Advisory Services for Calendar Year 2016 (RAUD 01-16-01)

RESOLVED, By the Committee on Audit of the California State University Board of Trustees that the 2016 internal audit plan, as detailed in Agenda Item 1 of the Committee on Audit at the January 25-27, 2016 meeting, be approved.

Committee on Educational Policy

Recommended Amendment to Title 5 Regarding AB 2000 (REP 01-16-01)

RESOLVED by the Board of Trustees of the California State University that the following section be amended to Title 5 of the California Code of Regulations:

Title 5. California Code of Regulations
Division 5. Board of Trustees of the California State Universities
Chapter 1. California State University
Subchapter 5. Administration
Article 4. Nonresident Tuition
§ 41906.5. Nonresident Tuition Exemption for California High School Students

(a) Any student, other than a student who is nonimmigrant alien under Title 8, United States Code, Section 1101(a)(15), shall be exempt from paying nonresident tuition at any California State University campus if he or she:

~~(1) Attended high school in California for three or more years.~~

(1) Satisfied either of the following:

(A) High school attendance in California for three or more years (grades 9-12); or

(B) Attainment of credits earned in California from a California high school, with those credits being equivalent to three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools.

(2) Graduated from a California high school or attained the equivalent of such graduation; and

(3) Registered for or enrolled in a course offered by a California State University campus for any term commencing on or after January 1, 2002.

(b) Any student seeking an exemption under subdivision (a) shall complete a questionnaire furnished by the California State University campus of enrollment verifying eligibility for this nonresident tuition exemption and may be required to provide verification documentation in addition to the information required by the questionnaire. Nonpublic student information so provided shall not be disclosed except pursuant to law.

(c) In addition to the requirements of subdivision (a), any student without lawful immigration status shall file with the California State University campus an affidavit of enrollment on a form furnished by the campus stating that he or she has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to do so.

(d) A student seeking this tuition exemption has the burden of providing evidence of compliance with the requirements of this section.

(e) Nothing herein modifies eligibility standards or requirements for any form of student financial aid.

Title 5. California Code of Regulations
Division 5. Board of Trustees of the California State Universities
Chapter 1. California State University
Subchapter 5. Administration
Article 4. Nonresident Tuition
§ 41906.6. Nonresident Tuition Exemption for Crime Victims.

Students who are victims of trafficking, domestic violence, and other serious crimes who have been granted T or U visa status, under Title 8, United States Code, Sections 1101(a)(15)(T) or (U), are exempt from paying nonresident tuition if they: (1) ~~attended high school in California for three or more years, satisfied either of the following: (A) high school attendance in California for three or more years (grades 9-12), or (B) attainment of credits earned in California from a California high school, with those credits being equivalent to three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools;~~ (2) graduated from a California high school or attained the equivalent; and (3) registered as an entering student or are currently enrolled at a CSU campus.

Committee on University and Faculty Personnel

Executive Compensation: President – San José State University (RUF 01-16-01)

RESOLVED, by the Board of Trustees of the California State University, that Dr. Mary Papazian shall receive a salary set at the annual rate of \$371,000 effective the date of her appointment as president of San José State University; and be it further

RESOLVED, that Dr. Mary Papazian shall receive additional benefits as cited in Item 1 of the Committee on University and Faculty Personnel at the January 25-27, 2016 meeting of the Board of Trustees.

Executive Compensation: President – Sonoma State University (RUF 01-16-02)

RESOLVED, by the Board of Trustees of the California State University, that Dr. Judy K. Sakaki shall receive a salary set at the annual rate of \$298,000 and an annual housing allowance of \$60,000 effective the date of her appointment as president of Sonoma State University; and be it further

RESOLVED, that Dr. Judy K. Sakaki shall receive additional benefits as cited in Item 2 of the Committee on University and Faculty Personnel at the January 25-27, 2016 meeting of the Board of Trustees.

Committee on Organization and Rules

Amendment to the California State University Board of Trustees' 2016 Meeting Dates (ROR 01-16-01)

RESOLVED, By the Board of Trustees of The California State University, that the following amended schedule of meetings for 2016 is adopted:

2016 Meeting Dates

January 26-27, 2016	Tuesday – Wednesday	Headquarters
March 8-9, 2016	Tuesday – Wednesday	Headquarters
May 24-25, 2016	Tuesday – Wednesday	Headquarters
July 19-20, 2016	Tuesday – Wednesday	Headquarters
September 20-21, 2016	Tuesday – Wednesday	Headquarters
November 15-16, 2016	Tuesday – Wednesday	Headquarters

Committee on Institutional Advancement

Annual Report on Philanthropic Support for 2014-2015 (RIA 01-16-01)

RESOLVED, by the Board of Trustees of the California State University, that the Annual Report on Philanthropic Support for 2014-2015 be adopted for submission to the California Joint Legislative Budget Committee and the California Department of Finance.

Committee on Governmental Relations

Federal Agenda for 2016 (RGR 01-16-01)

RESOLVED, by the Board of Trustees of the California State University, that the Federal Agenda for 2016 be adopted.

Sponsored State Legislative Program for 2016 (RGR 01-16-02)

RESOLVED, by the Board of Trustees of the California State University, that the legislative proposals described in this item are adopted as the 2016 Board of Trustees' Legislative Program.

Following approval of the consent agenda, Chair Monville presented an action item to confer the title of Trustee Secretariat Emerita to Leticia Hernandez in recognition of her many years of dedicated service to the CSU and Board of Trustees. The following resolution was approved.

Board of Trustees

Conferral of the Title of Trustee Secretariat Emerita—Leticia Hernandez (RBOT 01-16-01)

WHEREAS, Leticia Hernandez joined the California State University Chancellor's Office in April 1992 as the assistant to Mr. William Dermody, Chief of Staff to Chancellor Barry Munitz, and was later appointed as the Trustee Secretariat in January 2001, and served ably for 23 years; and

WHEREAS, Ms. Hernandez, as assistant to the Chancellor's Chief of Staff from 1992 to 2001, provided exemplary service and organization to the Executive Office assisting with numerous presidential searches during her tenure; and

WHEREAS, Ms. Hernandez, as Trustee Secretariat to the Board of Trustees from 2001 through 2015, demonstrated strong leadership and collegiality with trustees, presidents, elected officials, CSU staff, students, faculty and the community; and

WHEREAS, Ms. Hernandez brought a keen attention to detail and successfully streamlined many Board of Trustees' processes enhancing efficiency and productivity of board meetings; and

WHEREAS, Ms. Hernandez served as an excellent leader and ambassador of the CSU among her professional peers in her involvement with the National Association of Governing Boards of Universities and Colleges; and

WHEREAS, Board members, CSU students, faculty, staff and members of the public over the past 15 years are profoundly grateful for Ms. Hernandez's astute, professional and thoughtful leadership during her tenure as Trustee Secretariat ensuring the CSU Board of Trustees continued to serve as an example of highly efficient and effective board governance; now, therefore, be it

RESOLVED, by the Board of Trustees of the California State University, that the title of Trustee Secretariat Emerita be conferred on Leticia Hernandez, with all the rights and privileges thereto.

Chair Monville called on Trustee Abrego to present Item 3, Exemption from Post-Retirement Employment Waiting Period, from the Committee on University and Faculty Personnel. Trustee Abrego stated the committee recommended approval of the resolution. The following resolution was approved.

Exemption from Post-Retirement Employment Waiting Period (RUF 01-16-03)

RESOLVED, by the Board of Trustees of the California State University, that Dr. Andrew Zed Mason is exempt from the 180-day waiting period and is eligible to be employed as a rehired annuitant following the date of his retirement as cited in Agenda Item 3 of the Committee on University and Faculty Personnel at the January 25-27, 2016, meeting of the CSU Board of Trustees.

BOARD OF TRUSTEES

Election of Five Members to the Committee on Committees for 2016-2017

Presentation By

Lou Monville
Chair of the Board

Summary

At the January 25-27, 2016 meeting of the CSU Board of Trustees, five trustees were nominated to serve as members of the Committee on Committees for the 2016-2017 term.

The following resolution is recommended for approval:

RESOLVED, By the Board of Trustees of The California State University, that the following trustees are elected to constitute the board's Committee on Committees for the 2016-2017 term:

Debra S. Farar, Chair
Adam Day, Vice Chair
Kelsey Brewer
Lou Monville
J. Lawrence Norton

BOARD OF TRUSTEES

General Counsel's Annual Litigation Report

Presentation By

Fram Virjee
Executive Vice Chancellor and General Counsel

Summary

Attached with this item is the Office of General Counsel's (OGC) annual report on the status of significant litigation confronting the California State University (CSU), and is presented for information. "Significant" for purposes of this report is defined as litigation: (1) with the potential for a systemwide impact on the CSU; (2) that raises significant public policy issues; (3) brought by or against another public agency; or (4) which, for other reasons, has a high profile or is likely to generate widespread publicity.

The cases contained in this report have been selected from 107 currently active litigation files.

Board of Trustees Annual Litigation Report 2016

Channel Islands

Matter Name and Number	Borgstrom v. CSU, et al. (15-1208)		
Date Filed	08/31/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Ventura	Case/Docket #	56-2015-00471716-CU-PT-VTA
Litigation Report Text	<p>Petitioner Daniel Borgstrom is a former police officer at CSUCI who was terminated for falsifying time cards. In addition to appealing his termination to the State Personnel Board ("SPB"), Borgstrom filed a petition for writ of mandate or injunctive relief, asking the Court to find that CSU and Channel Islands police chief John Reid violated the police officer's "bill of rights." The petition alleged the chief improperly interrogated Borgstrom and improperly denied him a promotion, and requested the CSU retroactively promote Borgstrom to sergeant as of 2013. The petition further requested that the Court hold that Borgstrom's termination was based on evidence that was used in violation of the statute of limitations for discipline, and order that evidence suppressed in the SPB matter. Plaintiff dismissed the writ without prejudice midway through discovery.</p>		

Matter Name and Number	Khosh v. CSU, et al. (14-0084)		
Date Filed	01/09/2014	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Ventura	Case/Docket #	56-2014-00447304-CU-
Litigation Report Text	<p>On March 16, 2013, Al Khosh, an employee of an outside electrical contractor, sustained catastrophic arc flash burn injuries while working on a construction project on the CSUCI campus. Following the accident, Khosh sued CSU, the general contractor, and the electrical subcontractor, alleging three causes of action: general negligence, product liability, and premises liability. Thus far, Khosh has already incurred nearly \$5,000,000 in medical bills. The general contractor filed a motion for summary judgment, arguing that it was not liable because it acted only in a general supervisory role, and the Court granted it. Plaintiff has indicated that he will appeal that ruling, which will likely stay the case pending appeal. The case remains in the discovery phase.</p>		

Chico

Matter Name and Number	CSU v. Pacific Gas & Electric Company (14-0156)		
Date Filed	02/04/2014	Matter Type	Environmental (Lit)

Court/Forum	Superior Court of State of California, Butte	Case/Docket #	161356
Litigation Report Text	The campus and its Research Foundation have sued PG&E to recover money spent on costly remedial activities and disposal of waste discovered during the construction of an activity center on the Chico campus. The waste was created by an old manufactured gas plant. PG&E is responsible for the manufactured gas plant. The Court vacated all dates so the parties can pursue ongoing settlement discussions. The case is in the discovery phase.		

Matter Name and Number	Fayek v. CSU, et al. (13-0798)		
Date Filed	06/19/2013	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Butte	Case/Docket #	159799
Litigation Report Text	Plaintiff, Abdel-Moaty Fayek, was a faculty member in the Department of Computer Science. He contends he entered into a self-funded buy out agreement with the campus where he would gain industry experience while on an approved leave. From approximately 1997 to 2006, plaintiff received his campus salary and reimbursed it to the Research Foundation as part of the alleged agreement. The campus discovered this arrangement and immediately contacted CalPERS and the State Controller's Office to correct the employee's payroll records. Plaintiff has sued the campus, the Research Foundation, three individual defendants and CalPERS to restore his service credit. The Court granted CSU Defendants' motion challenging all claims except one, and dismissing CalPERS. Plaintiff accepted CSU's offer of \$27,000 to resolve the remaining claim, and the Court entered judgment. Plaintiff is appealing the CSU motions dismissing the claims against CSU and CalPERS.		

Matter Name and Number	Feaster, et al. v. CSU Chico, et al. (14-0358)		
Date Filed	03/27/2014	Matter Type	Other (Lit)
Court/Forum	Superior Court of State of California, Butte	Case/Docket #	161637
Litigation Report Text	Over the past several years, community member Jeff Sloan has issued a number of California Public Records Act requests to CSU Chico regarding emails sent and received by several CSU employees who also hold positions or roles with the Chico Unified School District. CSU agreed to provide some responsive documents, and the School District objected. The School District then filed a petition for writ of mandate, seeking a court ruling that CSU Chico is not legally required to produce emails that pertain to School District business. The case was referred to a special master, who issued a recommendation finding that the records were indeed public records and overruling most of the School District's claimed exemptions. The parties then stipulated to release most of the records to Mr. Sloan. The court then dismissed the petition, reserving jurisdiction over the issue of entitlement to attorney's fees and costs. The District agreed to pay CSU's court costs, and CSU is now out of the case.		

Matter Name and Number	Lor, et al. v. CSU, et al. (14-0826)		
Date Filed	06/26/2014	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Butte	Case/Docket #	162480

Litigation Report Text	On August 27, 2013, Pa Houa Lor, a student at CSU Chico, was struck by two falling tree limbs while sitting in a courtyard on the CSU Chico campus. Ms. Lor died as a result of the injuries she sustained. The complaint, filed by Ms. Lor's parents, is asserted against the University, as well as Richard's Tree Service, Inc., the CSU vendor responsible for tree maintenance at CSU Chico. The single cause of action is for wrongful death. Co-defendant Richard's Tree Service cross-claimed against CSU for equitable indemnity. Richard's Tree Service filed a motion for summary judgment, arguing that it did not owe a duty to plaintiff, and that the limb that caused plaintiff's death fell from a natural, undetectable cause unrelated to any work done by Richard's. That motion will be heard in March 2016. The case is in the discovery stage.
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Matter Name and Number	Schmidt v. CSU, et al. (10-0569)		
Date Filed	04/27/2010	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Butte	Case/Docket #	150151
Litigation Report Text	Diane Schmidt, a tenured faculty member in the Department of Political Science and Public Administration, sued the CSU, four of her faculty colleagues and the former Vice Provost for Faculty Affairs for discrimination, harassment, retaliation and intentional infliction of emotional distress based on failure to accommodate her disability. CSU's motion for summary judgment was granted on August 26, 2011. Plaintiff appealed. The appellate court remanded the case to the trial court after finding a factual dispute as to whether a settlement agreement operated to waive plaintiff's claims. The trial court granted CSU's motion to bifurcate the trial, to first address whether plaintiff was fraudulently induced to sign the settlement agreement at issue. CSU received a complete defense verdict in the jury trial of the fraudulent inducement issue, and pursuant to a settlement of subsequent grievances, CSU waived costs from suit.		

Dominguez Hills

Matter Name and Number	Butts v. CSU, et al. (09-0260)		
Date Filed	12/31/2008	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	TC 022325

Litigation Report Text	<p>Sheila Butts was the Director of Alumni Relations at CSUDH. She alleges age, gender, and race discrimination, harassment, and retaliation arising out of her non-retention from this MPP position. She had been employed on campus in various positions for the previous 27 years. She also alleges violation of the Equal Pay Act. On June 13, 2012, after a month-long trial, the jury returned a unanimous verdict in favor of CSU. In September 2012, Butts appealed the judgment against her.</p> <p>The appellate court reversed the trial court judgment with respect to its holdings on the plaintiff's right to claim retreat rights under California Code of Regulations, Title V section 42723 as an MPP employee who had permanent status prior to January 1, 1984. The appellate court remanded the case to the trial court for proceedings to determine the plaintiff's right to claim retreat rights. Once the case was remanded back to the trial court, plaintiff filed an amended complaint which includes discrimination allegations and an independent claim for damages for denying her retreat rights under Title V, Section 42723. CSU filed an opposition attempting to dismiss the amended complaint, but the court granted plaintiff's right to proceed with her complaint. CSU has answered the complaint. The case is in the discovery stage with no trial date set.</p>
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East Bay

Matter Name and Number	City of Hayward v. CSU* LEAD CASE (09-1195)		
Date Filed	10/29/2009	Matter Type	Environmental (Lit)
Court/Forum	California Court of Appeal	Case/Docket #	RG09-480852

Litigation Report Text	<p>The City of Hayward filed a CEQA challenge to the 2009 CSUEB Master Plan Environmental Impact Report, claiming the University failed to adequately analyze impacts on public services, including police, fire, and emergency services. The City demanded that the University provide funding for additional fire facilities.</p> <p>The Hayward Area Planning Association and Old Highlands Homeowners Association, two local residential homeowners' associations, filed a second CEQA challenge to the 2009 CSUEB Master Plan EIR, alleging shortcomings in nearly every aspect of the environmental findings, with an emphasis on the University's alleged failure to consider bus and other improvements to public transit access to the campus. On September 9, 2010, the trial court ruled in favor of the petitioners on nearly every issue and enjoined the University from proceeding with construction. The University appealed.</p> <p>In June 2012, the Court of Appeal ruled the CSU East Bay Master Plan EIR is adequate, except for failing to analyze impacts on local recreational facilities. The Court's ruling includes a finding that CSU's determination that new fire protection facilities will not result in significant environmental impacts was supported by substantial evidence. Importantly, the Court also held that the obligation to provide adequate fire and emergency services is the responsibility of the City of Hayward, and the need for additional fire protection services is not an environmental impact that CSU must mitigate. The City and HAPA/OHHA filed a petition for review with the California Supreme Court.</p> <p>Following the California Supreme Court's decision in the City of San Diego matter, on October 14, 2015, the Court transferred the case back to the Court of Appeal.</p> <p>After further briefing, the Court of Appeal largely reissued its original decision, reiterating that the obligation to provide adequate fire and emergency services is the responsibility of the City of Hayward, and the need for additional fire protection services is not an environmental impact that CSU must mitigate.</p> <p>In January 2016, the City filed a new Petition for Review with the Supreme Court. A ruling on this Petition is expected in March 2016.</p>
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Matter Name and Number	Hayward Area Planning Assoc. v. CSU (09-1196)		
Date Filed	11/02/2009	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, Alameda	Case/Docket #	RG09-481095
Litigation Report Text	See Matter no. 09-1195		

Matter Name and Number	Liu v. CSU (12-1140)		
Date Filed	08/10/2012	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Alameda	Case/Docket #	HG12643064

Litigation Report Text	<p>Jerry Liu, a former East Bay Assistant Professor of Finance, was denied tenure and promotion. He filed this national origin discrimination, hostile work environment, and retaliation claim arguing his failure to advance resulted from having blown the whistle on alleged favoritism and various financial irregularities in the College of Business and Economics, and for filing various grievances, discrimination complaints, and participating anonymously in the Dean's five-year review. Liu was also disciplined (suspended and then terminated during his terminal year) for a wide variety of escalating and disruptive, harassing, disturbing and threatening behaviors toward colleagues, administrators and staff.</p> <p>After a month long jury trial ending in April 2014, the CSU prevailed with a complete defense verdict and an award of its costs in the amount of \$42,615.00 against Liu. Liu appealed the verdict.</p> <p>On July 1, 2015, the Court of Appeal affirmed the judgment against Liu. On September 9, 2015, the California Supreme Court denied Liu's petition for review, ending this litigation.</p>
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Fresno

Matter Name and Number	O'Brien v. Welty, et al. (12-1446)		
Date Filed	11/14/2012	Matter Type	Student (Lit)
Court/Forum	United States District Court, Fresno	Case/Docket #	12-cv-02017-AWI-DLB
Litigation Report Text	<p>Student Neil O'Brien filed a civil rights complaint against university administrators and faculty members, alleging they violated his First Amendment rights when they reported him to campus police after he videotaped them without consent. He also claims campus administrators violated his due process rights during a student disciplinary process which resulted in his probation. The CSU filed a motion to dismiss the complaint which was granted by the court without leave to amend. The court entered judgment on behalf of the defendants and dismissed the case. O'Brien appealed to the Ninth Circuit. The Ninth Circuit heard oral arguments in September 2015 and is expected to reach a decision within several months.</p>		

Fullerton

Matter Name and Number	Case v. CSU, et. al. (15-0176)		
Date Filed	01/13/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Orange	Case/Docket #	30-2015-00765845-CU-

Litigation Report Text	Eve Himmelheber and Debra Lockwood, female tenured faculty members in the Department of Theatre and Dance, and Evelyn Case, a lecturer in the Department of Theatre and Dance, complain of gender discrimination, Labor Code violations, and discrimination in violation of public policy on the grounds that each of them are paid less than male employees performing the same work. CSU successfully moved to have the three lawsuits consolidated into one, and the case is in the discovery phase. Trial is set for October 3, 2016.
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Matter Name and Number	Dell'Osso v. CSU, et al. (14-1025)		
Date Filed	07/29/2014	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, Orange	Case/Docket #	30-2014-00736841
Litigation Report Text	Gary Dell'Osso, a former student, alleged liability based on Government Code section 815.2 and U.S.C. section 1983 and violation of the due process clause under the U.S. and California constitutions based on his administrative graduation from Fullerton, in January 2014. He sought to be re-enrolled to complete a B.S. in Mathematics and monetary damages. Trial started on October 19, 2015. After Petitioner/Plaintiff rested his case-in-chief, CSU moved for judgment, wherein Petitioner/Plaintiff agreed to settle the matter. The matter has been dismissed and the parties are finalizing settlement.		

Matter Name and Number	Himmelheber v. CSU, et al. (15-0175)		
Date Filed	01/13/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Orange	Case/Docket #	30-2015-00765743-CU-
Litigation Report Text	Eve Himmelheber and Debra Lockwood, female tenured faculty members in the Department of Theatre and Dance, and Evelyn Case, a lecturer in the Department of Theatre and Dance, complain of gender discrimination, Labor Code violations, and discrimination in violation of public policy on the grounds that each of them are paid less than male employees performing the same work. CSU successfully moved to have the three lawsuits consolidated into one, and the case is in the discovery phase. Trial is set for October 3, 2016.		

Matter Name and Number	Lockwood v. Board of Trustees of the CSU, et al. (15-1137)		
Date Filed	08/07/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Orange	Case/Docket #	30-2015-00803333-CU-
Litigation Report Text	Eve Himmelheber and Debra Lockwood, female tenured faculty members in the Department of Theatre and Dance, and Evelyn Case, a lecturer in the Department of Theatre and Dance, complain of gender discrimination, Labor Code violations, and discrimination in violation of public policy on the grounds that each of them are paid less than male employees performing the same work. CSU successfully moved to have the three lawsuits consolidated into one, and the case is in the discovery phase. Trial is set for October 3, 2016.		

Humboldt

Humboldt

Matter Name and Number	Bolman v. CSU, et al. (15-0704)		
Date Filed	05/07/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Humboldt	Case/Docket #	DR150245
Litigation Report Text	<p>Plaintiff Jacquelyn Bolman, former director for the Center for Academic Excellence in STEM at Humboldt State, claims her First Amendment and procedural due process rights were violated, and she was retaliated and discriminated against based on her race and/or national origin (Native American) in violation of FEHA when she was nonretained in October 2014. She further claims Humboldt State failed to prevent the retaliation and discrimination. CSU removed the case to federal court and is in the discovery phase. Trial is set for January 30, 2017.</p>		

Long Beach

Matter Name and Number	Lane, et al. v. CSU (15-0600)		
Date Filed	04/07/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	LC102821
Litigation Report Text	<p>Plaintiffs and former CSULB faculty Brian Lane, Micheal Pounds, Maria Beatty, and Hamid Hefazi claim CSU incorrectly calculated and reported to CalPERS their salary, resulting in CalPERS under-calculating their respective retirement benefits. Plaintiffs claim CSU should have recorded monthly pay as what they earned each academic year (annual salary ÷ 9 months), which would have resulted in a larger monthly figure for purposes of determining Plaintiffs' retirement benefits with CalPERS.</p> <p>Plaintiffs Lane, Pounds, and Hefazi also claim CSU classified a portion of wages paid in their last paycheck as "final settlement pay," causing these wages to be excluded for purposes of determining Plaintiffs' "final compensation" and pension benefit. Because Lane, Pounds, and Hefazi retired during the middle of an academic year, CSU paid these them a reduced "settlement" amount for the time remaining on their appointments, through their last academic years. Plaintiffs claim this final payment was "deferred payment of regular compensation that [Plaintiffs] had previously earned," and not settlement pay, and therefore should have been added to their regular earnings to increase their pension benefits.</p> <p>Beatty does not assert a claim regarding final settlement pay because she retired effective 8/22/10, the last day of her last academic year. Therefore, Beatty did not begin the appointment or receive a settlement for the succeeding year.</p> <p>CSU has filed a motion for summary judgment. This matter is in the discovery phase pending resolution of that motion.</p>		

Los Angeles

Matter Name and Number	Park v. Board of Trustees (14-0855)		
Date Filed	05/27/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC546792
Litigation Report Text	Sungho Park, an assistant professor of education, was denied tenure due to unsatisfactory professional achievement. He sued the University for national origin discrimination and failure to prevent discrimination. The University's special motion to strike the complaint was denied by the trial court, but then granted by the Court of Appeal. The plaintiff has filed for review by the California Supreme Court.		

Monterey Bay

Matter Name and Number	Keep Fort Ord Wild v. County of Monterey, et al. (11-1411)		
Date Filed	11/10/2011	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, Monterey	Case/Docket #	M114961
Litigation Report Text	Keep Fort Ord Wild filed a petition against the Fort Ord Reuse Authority and the County of Monterey alleging they failed to comply with the California Environmental Quality Act in connection with a proposed roadway project. Keep Fort Ord Wild also named CSUMB as a party because a portion of the roadway is on property that will be deeded to the campus in the future. The case has been inactive and the administrative record has yet to be prepared.		

Matter Name and Number	Nguyen v. CSU, et al. (15-0220)		
Date Filed	01/30/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Monterey	Case/Docket #	130876
Litigation Report Text	Thanh Nguyen is employed in the Police Department at CSU Monterey Bay. In 2014, the campus served Nguyen with a notice of proposed discipline. It inadvertently contained documents that had never been provided to him before. In February 2015, the campus rescinded the original notice, and reissued a second notice of discipline. Nguyen filed an appeal with the SPB and also filed a writ petition in Superior Court, alleging violations of the Public Safety Officers Procedural Bill of Rights Act. The trial court issued a ruling in favor of Nguyen. The parties then reached a settlement that resolved both the SPB appeal and the writ matter. The SPB appeal was withdrawn. The writ matter was dismissed. In exchange, CSU agreed to pay \$30,000 to Nguyen and his counsel, and to modify the discipline to a temporary demotion from Corporal to Police Officer.		

Northridge

Matter Name and Number	Serrato, et al. v. Pi Kappa Phi Fraternity, et al. (LEAD) (15-1228)		
Date Filed	07/01/2015	Matter Type	Other (Lit)
Court/Forum	Los Angeles Superior Court	Case/Docket #	BC586769
Litigation Report Text	<p>The mother and stepfather of former CSUN student Armando Villa assert claims for negligence and violation of "Matt's Law" (hazing) against CSUN, CSUN's President and CSUN's Vice President, Student Affairs, arising out of Armando's death while on a fraternity-led pledge hike. Also named are the fraternity (PKP) and various national PKP officials, and multiple PKP fraternity members. Armando's father has filed a similar companion case.</p> <p>After the cases were first transferred to Burbank, then Glendale, resulting in much delay, the court set CSU's the demurrers and motions to strike to be heard on March 11, 2016. The two cases have also now been consolidated. Discovery continues.</p>		

Office of the Chancellor

Matter Name and Number	Gibson v. CSU, et al. (13-0874)		
Date Filed	07/15/2013	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC515192
Litigation Report Text	<p>Plaintiff Bruce Gibson was the Senior Director of Human Resource Services and Systemwide EEO & Whistleblower Compliance. CSU terminated Gibson's employment in September 2012 based on performance. This lawsuit claimed the termination was in retaliation for his having made various disclosures he claimed were protected. The matter proceeded to trial in February 2015 and the jury found in favor of CSU on all counts. Judgment was entered in CSU's favor in May 2015, and then plaintiff agreed to dismiss any right to appeal in exchange for CSU waiving its right to recover court costs after trial.</p>		

Sacramento

Matter Name and Number	Mattiuzzi v. CSUS (15-0452)		
Date Filed	05/19/2015	Matter Type	Other (Lit)
Court/Forum	Sacramento County Superior Court	Case/Docket #	34-2015-80002047
Litigation Report Text	<p>Petitioner Paul Mattiuzzi sent a Public Records Act request to CSU Sacramento, seeking records showing why a college Dean was non-retained. The campus declined to provide the records, asserting the personnel record exemption. Mattiuzzi filed suit to challenge that decision. At hearing, the judge denied the request, ruling that the campus properly withheld the personnel records, and entering judgment in favor of CSU.</p>		

Matter Name and Number	Naghash v. CSU, et al. (11-1408)		
Date Filed	11/14/2011	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Sacramento	Case/Docket #	34-2011-00113923
Litigation Report Text	Ashley Naghash, a freshman at CSU Sacramento, alleges she was sexually assaulted in a campus dormitory by a fellow student after she had consumed numerous alcoholic beverages. She claims that CSU failed to prevent the incident from occurring and failed to provide adequate protection in the dorm. The court granted CSU's challenge to the sufficiency of the original, first and second amended complaints, but gave plaintiff an opportunity to amend. Plaintiff did not amend her complaint and the court subsequently granted CSU's motion to dismiss and for entry of judgment. Plaintiff filed a notice of appeal. The appeal is fully briefed and under consideration by the court of appeal.		

San Bernardino

Matter Name and Number	Choi v. Aurora Wolfgang, et al. (14-1048)		
Date Filed	08/09/2014	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Riverside	Case/Docket #	5:14-CV-01707
Litigation Report Text	This is the second of three concurrent cases filed by Plaintiff Myung Choi, a former tenure-track professor, stemming from a denial of promotion and tender. This federal action was filed against the individuals involved in the promotion and tenure review process and asserts claims of civil rights violations for alleged race discrimination, retaliation, violation of freedom of speech, equal protection violations, and conspiracy. In light of Plaintiff's appeal of the state court's ruling in a parallel action granting CSU's special motion to strike the complaint as an impermissible attack on protected activity, Plaintiff stipulated to stay this action pending the ruling on the appeal.		

Matter Name and Number	Choi v. CSU (14-1293)		
Date Filed	10/28/2014	Matter Type	Employment (Lit)
Court/Forum	United States District Court, Los Angeles	Case/Docket #	2:14-CV-08337-MRP
Litigation Report Text	This is the third of three concurrent lawsuits filed by Plaintiff Myung Choi, a former tenure-track professor, after a denial of tenure and promotion. In this federal action, Plaintiff alleges employment discrimination based on race and retaliation. In light of Plaintiff's appeal from the court's granting of CSU's special motion to strike the complaint as protected activity under the anti-SLAPP statutes, the court stayed this action pending the ruling on the appeal in the state court action.		

Matter Name and Number	Choi v. CSU (LEAD CASE Superior Court) (14-1035)		
Date Filed	08/13/2014	Matter Type	Employment (Lit)

Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC554054
Litigation Report Text	This is first of three concurrent actions filed by Plaintiff Myung Choi, a former tenure-track professor as a result of a denial of promotion and tenure. Plaintiff alleges four claims against CSU for employment discrimination based on race, retaliation and failure to prevent discrimination and retaliation. The trial court granted CSU's special motion to strike the complaint as an impermissible attack on protected activity. Plaintiff has appealed the trial court's ruling. Briefing is complete, and the parties are awaiting scheduling of oral argument.		

Matter Name and Number	Lewis v. SPB, CSUSB, et al. (14-0750)		
Date Filed	05/08/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	CIVDS 1406439
Litigation Report Text	<p>This petition for administrative mandate arose from the dismissal of Police Sergeant Shannon Lewis by CSUSB, for unprofessional conduct, dishonesty and failure and refusal to perform the normal and reasonable duties of his position. Misconduct included receiving at least 26 off-campus haircuts while supposedly on duty. Lewis appealed his dismissal by CSUSB to the State Personnel Board. The Administrative Law Judge appointed by the SPB held an evidentiary hearing and sustained Lewis's dismissal. The SPB then agreed and adopted the decision of the ALJ. Lewis next petitioned the Superior Court to overturn the decision of the SPB.</p> <p>In a court trial in February 2015, the judge denied the petition and affirmed the SPB decision. Judgment in CSU's favor was entered on April 2, 2015.</p>		

San Diego

Matter Name and Number	Burns v. SDSU, et al. (14-0194)		
Date Filed	02/19/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37201400003408CU COCT
Litigation Report Text	Former women's basketball coach Beth Burns has sued the University for breach of contract, breach of the covenant of good faith and fair dealing, and retaliation. She contends that she was forced to resign for having demanded that women's basketball be given all of the same facilities, equipment, marketing, and staffing as the men's basketball program. She further contends that the reasons given by the University were a pretext. Discovery is nearly complete. Trial is scheduled for May 27, 2016.		

Matter Name and Number	City of San Diego, et al. v. CSU -- LEAD CASE FOR DOCUMENT PURPOSES (07-1441)		
Date Filed	12/14/2007	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2007-00083773- CU-MC-CTL

Litigation Report Text	Case is consolidated with 05-1170 for reporting purposes.
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Matter Name and Number	City of San Diego v. Trustees, et al. (05-1166)		
Date Filed	12/14/2007	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	GIC 855701
Litigation Report Text	SEE 05-1170. Cases have been consolidated for reporting purposes.		

Matter Name and Number	Del Cerro Action Council v. Trustees, et al. - LEAD CASE FOR (05-1170)		
Date Filed	12/14/2007	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	GIC 855643

Litigation Report Text	<p>The Environmental Impact Report ("EIR") for the 2005 SDSU Master Plan was challenged in three lawsuits filed by the City of San Diego, Alvarado Hospital and Del Cerro Neighborhood Association, each alleging the EIR did not adequately address necessary mitigation measures. The Alvarado lawsuit was dismissed.</p> <p>After the Supreme Court's City of Marina decision, SDSU prepared a revised 2007 Master Plan EIR which was challenged again by the City of San Diego, the San Diego Metropolitan Transit System and the San Diego Association of Governments. Each alleged that the EIR did not adequately address necessary mitigation measures and that the University must fund all mitigation costs, irrespective of Legislative funding. The Del Cerro lawsuit and these three lawsuits have been consolidated.</p> <p>In February 2010, the court denied the challenges to SDSU's 2007 Master Plan EIR, finding the University met all of the requirements of the City of Marina decision and CEQA by requesting legislative funding to cover the cost of local infrastructure improvements. The University is not required to fund those projects on its own, or to consider other sources of funding for them. The decision also held that the EIR properly considered potential impacts and was supported by substantial evidence, that the University properly consulted with SANDAG, and that petitioners were barred from proceeding on other sources of funding because it was not raised in the underlying administrative proceedings. Del Cerro agreed to dismiss its lawsuit for the University's waiver of costs; the City of San Diego, SANDAG and MTS appealed. On December 13, 2011, the Court of Appeal reversed the trial court's decision and ordered the Master Plan be vacated.</p> <p>The California Supreme Court granted CSU's petition to review whether CSU's determination that mitigation was infeasible satisfied its obligations under CEQA. On August 3, 2015, the Court ruled that CSU did not meet its CEQA obligations. The Court held that CSU cannot rely on the absence of separate funding from the legislature to justify a finding of infeasibility; CSU must examine other sources of funding. In reaching this decision, the Court recognized that education is a core function of the University, but that CSU must still mitigate environmental effects of its projects. The Court noted that, if we determine it is truly infeasible to mitigate off-campus effects of a project, a decision by CSU that the benefits of the project outweigh its environmental effects will be subject to review based on abuse of discretion.</p> <p>In November 2015, the trial court entered judgment for the City, SANDAG, and MTS, and issued a peremptory writ of mandate. CSU has filed its response ("return") to the writ and is awaiting the trial court's discharge of the writ.</p>
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Matter Name and Number	Doe v. Superior Court of San Diego County; CSU, et al. (15-1237)		
Date Filed	08/27/2015	Matter Type	Other (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	30-2015-00029558-CU-WM-CTL

Litigation Report Text	In August 2015, SDSU initiated student conduct proceedings against John Doe, alleging that he had violated the terms of a prior disciplinary probation and suspension held in abeyance when he used and offered drugs to a female student. In addition, John Doe was alleged to have sexually assaulted the female student. Doe was placed on an interim suspension during the pendency of the disciplinary process. Doe filed this petition, alleging that neither the investigatory findings nor the interim suspension are supported by the evidence and that he was denied due process. Doe filed an ex parte application seeking a temporary restraining order to end the interim suspension. On September 3, 2015, the trial court denied his request, finding that Doe would not likely prevail on the merits. The trial court cited Doe's extensive disciplinary record and the thoroughness of CSU's investigation. Doe appealed the trial court's decision. On September 10, 2015, the Court of Appeal denied his appeal. Subsequent to the Court of Appeal decision, and following a hearing on the merits, the campus expelled Doe. Doe has since amended his petition to challenge his expulsion, but has not yet served the amended petition. The case is still in the pleading stage.		
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Matter Name and Number	SANDAG v. CSU, et al. (07-1432)		
Date Filed	12/14/2007	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2007-00083768-CU-TT-CTL
Litigation Report Text	SEE 05-1170. Cases have been consolidated for reporting purposes.		

Matter Name and Number	SDMTS v. CSU, et al. (07-1431)		
Date Filed	12/14/2007	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2007-00083692-CU-WM-CTL
Litigation Report Text	SEE 05-1170. Cases have been consolidated for reporting purposes.		

San Francisco

Matter Name and Number	City and County of San Francisco v. Regents of the University of (14-0065)		
Date Filed	01/14/2014	Matter Type	Other (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CPF-14-513434
Litigation Report Text	The City and County of San Francisco filed a lawsuit against the CSU, the University of California, and U.C. Hastings College of Law attempting to compel the Defendants to collect and remit to the City a 25% parking tax on all university parking spaces. Defendants asserted a sovereign immunity defense. The court ruled in favor of the Defendants and denied Plaintiff's petition. The City appealed the ruling. The appellate case is in the briefing stage.		

San Jose

Matter Name and Number	CSU v. Clark, et al. (12-0404)		
Date Filed	11/30/2011	Matter Type	Construction (Lit)
Court/Forum	Superior Court of State of California, Santa Clara	Case/Docket #	1-11-CV-214032
Litigation Report Text	<p>CSU filed this complaint for breach of contract and negligence against the architect and general contractor for plumbing repair and replacement costs for SJSU's Campus Village dormitory complex. Construction was completed in 2005. CSU has repaired or replaced major portions of the plumbing system with final repair work completed in summer 2012. CSU's complaint seeks approximately \$29 million in damages.</p> <p>CSU settled with all defendants, for a total of \$12.4 million. The case has been dismissed.</p>		

Matter Name and Number	J.A.L. v. Santos, et al. (15-0219)		
Date Filed	01/26/2015	Matter Type	Personal Injury (Lit)
Court/Forum	United States District Court, San Jose	Case/Docket #	CV 15-00355 LHK
Litigation Report Text	<p>SJSU police officers Mike Santos and Frits Van Der Hoek confronted Antonio Guzman Lopez, a homeless man holding a sharp object, on the edge of campus. After Lopez ignored their instructions and moved quickly toward Van Der Hoek, Officer Santos fired, killing Lopez. Plaintiff J.A.L. is Lopez' minor son; through his guardian ad litem, J.A.L. brings claims against Santos and Van Der Hoek, for unreasonable search and seizure, violation of due process, wrongful death and negligence.</p> <p>Depositions of expert witnesses are scheduled. CSU has filed a motion for summary judgment, asking the judge to dismiss the case in its entirety on the basis that the officers' use of force was objectively reasonable and that they have qualified immunity. The hearing on the motion has been canceled and a ruling is expected shortly. Trial is set for July 18, 2016.</p>		

Matter Name and Number	Johnson v. CSU, et al. (SJSU) (15-0641)		
Date Filed	03/17/2015	Matter Type	Personal Injury (Lit)
Court/Forum	United States District Court, San Jose	Case/Docket #	15-CV-00750 NC
Litigation Report Text	<p>Plaintiffs are parents of Gregory Johnson, Jr., an African-American who had been a student at SJSU. In November 2008, Johnson was found hanging in the basement of the fraternity house where he lived. The authorities concluded that Johnson had committed suicide. His parents have contended the death was the result of murder rather than suicide, and in February 2015, they filed a lawsuit against SJSU and the fraternity, more than six years after their son's death.</p> <p>SJSU filed a motion to dismiss the lawsuit on the basis it is time-barred, and on July 15, 2015, the court granted the motion and dismissed the lawsuit. The ruling has not been appealed, and the case is therefore closed.</p>		

Matter Name and Number	Tiggs v. CSU, et al. (15-0929)		
Date Filed	05/07/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Santa Clara	Case/Docket #	115CV280317
Litigation Report Text	<p>Brenden Tiggs was an SJSU freshman who, in February 2014, committed suicide in his SJSU dorm room. Plaintiffs, his parents, contend SJSU was negligent in failing to monitor their son's mental and emotional health and breached its obligation to provide him a safe and secure environment.</p> <p>CSU's motion to dismiss the lawsuit on timeliness grounds was granted. The case has been dismissed. Tiggs has not yet filed any appeal.</p>		

Matter Name and Number	Williams v. CSU, et al. (SJSU) (15-1338)		
Date Filed	08/14/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Santa Clara, Civil	Case/Docket #	115CV284396
Litigation Report Text	<p>Plaintiff Donald Williams, Jr., an African-American student at SJSU, was subjected to harassment and abuse by four of his White suitemates in Fall 2013, when he was a freshman. The incidents included putting a bike lock around his neck and referring to him as "Fraction" and "Three-Fifth." He alleges SJSU was negligent and violated his civil rights in failing to properly supervise and control the suitemates' conduct, and in failing to prevent him from being subjected to racial discrimination.</p> <p>The judge denied CSU's motion to dismiss the lawsuit. The case is in the discovery phase. On February 22, the jury verdict was announced in a related criminal prosecution of the individual defendants. The defendants were all found guilty of misdemeanor battery, but none of them was convicted of a hate crime.</p>		

San Luis Obispo

Matter Name and Number	Alliance of SLO Neighborhoods v. CSU (14-0774)		
Date Filed	06/20/2014	Matter Type	Environmental (Lit)
Court/Forum	Superior Court of State of California, San Luis Obispo	Case/Docket #	14CV0334

Litigation Report Text	Alliance of SLO Neighborhoods (ASLON), an affiliation of San Luis Obispo residents, filed suit challenging the Trustees' May 2014 approval and certification of a project Environmental Impact Report for a 1,475 bed freshman student housing complex on the southeastern edge of the Cal Poly campus. The proposed project will be located on campus land in close proximity to homes owned by ASLON members. ASLON's primary contention is that CSU failed to adequately analyze alternative project sites that would have placed the dorms further away from their homes and the surrounding community, but which would also place them further away from other student freshman housing and amenities like dining facilities, which are located near the project site. The matter was tried in April 2015. CSU prevailed and the matter was dismissed.		
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Matter Name and Number	In re: Albert Stephen Moriarty, Jr. (USBK - CA) - LEAD CASE (15-0307)		
Date Filed	09/10/2014	Matter Type	Other (Lit)
Court/Forum	United States Bankruptcy Court	Case/Docket #	9:14-ap-01131-PC
Litigation Report Text	Bankruptcy Trustee, Michael P. Klein, filed this 2014 action to recover a 2009 \$625,000 gift made by alumnus Albert Moriarty whose 2012 Chapter 7 Bankruptcy is pending in the State of Washington. Pursuant to the gift agreement, the funds were used to build a scoreboard in Spanos Stadium, bearing the name "Moriarty Enterprises" for the life of the scoreboard. The Trustee alleges that Moriarty was insolvent at the time of the gift and that it was a product of Moriarty's fraudulent conduct in connection with a Ponzi scheme. The Trustee claims that Cal Poly should have known it was benefitting from Moriarty's fraudulent activity, and alleges causes of action for avoidance of fraudulent transfer and recovery of avoided transfer. The case settled for a payment of \$480,000 by the Cal Poly Foundation on behalf of it and the University in order to purchase back the naming rights. The matter has been dismissed.		

San Marcos

Matter Name and Number	Jennum v. CSU, et al. (15-0199)		
Date Filed	01/23/2015	Matter Type	Other (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2015-00002485
Litigation Report Text	<p>Ms. Jennum is the former women's basketball coach at CSU San Marcos. She contends that the defendants wrongfully concluded after an investigation that she had discriminated against, harassed, and retaliated against players on her team on the bases of race and disability. Based on the results of this investigation, she alleges, the campus notified her that her employment was being terminated. In this lawsuit, she alleges causes of action for defamation based on the campus having disclosed her termination prior to it being final and intentional infliction of emotional distress.</p> <p>CSU challenged the complaint on the ground that her lawsuit was a strategic lawsuit against public participation ("SLAPP"). CSU filed an anti-SLAPP motion, seeking to have the case dismissed. On or about July 18, 2015, the Court granted CSU's SLAPP motion and dismissed Jennum's claims. The only remaining issue is the award of attorney's fees that CSU is to receive from the plaintiff for having to bring its motion. The parties expect a resolution of this issue by the end of March 2016.</p>		

Matter Name and Number	Mackey, et al. v. CSU, et al. (15-0596)		
Date Filed	04/06/2015	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2015-00011529-CU-
Litigation Report Text	<p>Plaintiffs Lynette Mackey, Kianna Williams, Danielle Cooper, Sierra Smith, and Crystal Hicks, all current or former African American basketball players on the CSU San Marcos women's basketball team, filed a lawsuit alleging claims against the University and Coach Sheri Jennum for race discrimination, harassment, retaliation, and negligence.</p> <p>Mediation took place on November 4, 2015, but it was not successful. Trial is currently set for May 20, 2016.</p>		

Sonoma

Matter Name and Number	Riley v. CSU (13-0871)		
Date Filed	06/28/2013	Matter Type	Employment (Lit)
Court/Forum	United States District Court, San Francisco	Case/Docket #	C13-2983
Litigation Report Text	<p>Susan Riley, employed as Executive Assistant to the Vice President of Development, sued CSU for discrimination based on gender and age, as well as for violation of the Equal Pay Act. The case settled for \$100,000, and Riley agreed to resign in 2016.</p>		

Matter Name and Number	Sargent v. CSU (14-0715)		
Date Filed	06/06/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Sonoma	Case/Docket #	SCV-255399
Litigation Report Text	<p>Plaintiff Thomas Sargent, a current facilities department employee, claims he was retaliated against when he complained about alleged health and safety issues resulting from asbestos-related remediation efforts. He also claims he has been discriminated against, harassed, and retaliated against as a result of an alleged disability. The case is in the discovery phase. Trial is set for July 29, 2016.</p>		

Systemwide

Matter Name and Number	CSU v. SELF (14-1263)		
Date Filed	10/15/2014	Matter Type	Other (Lit)

Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC560824
Litigation Report Text	<p>This lawsuit involves an insurance coverage dispute between CSU and School Excess Liability Fund ("SELF"). SELF is a Joint Powers Authority which provides insurance to its membership. CSU was a member of and insured by SELF. CSU alleges that SELF wrongfully and improperly refused to fully indemnify CSU in connection with five discrimination lawsuits filed against CSU while it was insured by SELF.</p> <p>The parties were required to first address the coverage dispute through non-binding arbitration. The required, but non-binding, arbitration resulted in an award of \$5.24 Million to CSU. SELF did not pay the award, and CSU filed this lawsuit seeking approximately \$7.14 Million in damages. SELF has filed a motion asking the Court to dismiss all or some of CSU's claims. SELF's motion is currently scheduled for hearing on March 28, 2016.</p>		

Matter Name and Number	Donselman, et al. v. CSU (09-0874)		
Date Filed	07/31/2009	Matter Type	Student (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-09-490977
Litigation Report Text	<p>Five students brought this class action to challenge the state university fee and non-resident tuition increases, and newly implemented Graduate Business Professional fee, from Fall 2009. The court granted plaintiffs' motion to certify two subclasses that exclude four campuses where fees were posted late and/or students received financial aid to cover their increased fees. The two subclasses comprise approximately 175,000 students. CSU filed writs in the Court of Appeal and the California Supreme Court to challenge the class certification decision. Both were denied. After plaintiffs changed their legal theories to add alternative contract formation arguments, CSU filed a motion to decertify the class, but that was denied. CSU prevailed on pre-trial motions dismissing the breach of implied contract claims. CSU then successfully sought bifurcation of all claims regarding the Graduate Business Professional Fee, and they were separated from the rest of the case. The remaining claim for breach of the implied covenant of good faith and fair dealing was tried to a jury in April 2015, and CSU won a defense verdict. Plaintiffs have appealed that portion of the case. In the meantime, both sides reached an amicable settlement of \$1.4 million for all claims involving the Graduate Business Professional Fee, so the claims of that subclass are resolved.</p> <p>Plaintiffs' appeal challenges of our partial summary judgment ruling and our defense verdict at trial. We have appealed the granting of class certification and the partial denial of our summary judgment motion.</p>		

Matter Name and Number	Sackos, et al. v. NCAA; NCAA Division I Member Schools; et al. (14-1264)		
Date Filed	10/20/2014	Matter Type	Student (Lit)
Court/Forum	United States District Court	Case/Docket #	1:14-CV-1710-WTL-MJD

Litigation Report
Text

This case is a collective action brought under the federal Fair Labor Standards Act, filed by Samantha Sackos (a student-athlete from the University of Houston) against the NCAA and all Division I member institutions. She alleged that the NCAA and all D-I institutions have conspired to violate the wage-and-hour laws by unlawfully failing to classify student-athletes as temporary employees. The complaint compares student-athletes to work study employment, and suggests that athletes should earn minimum wage for all time spent in athletics programs. Plaintiff contends that athletics is a non-academic function, earning her no academic credit, and is actually work that benefits the member schools and the NCAA. Plaintiff also contends that scholarship funds are not compensation. She seeks monetary damages and injunctive relief. The NCAA retained the Littler law firm (at the NCAA's expense) to represent it and all D-I institutions at the pleading stage. The preliminary strategy was to seek dismissal on various theories, such as: lack of standing; failure to state a claim; 11th Amendment immunity (for public institutions); and lack of personal jurisdiction. After the motions to dismiss were filed, the plaintiff voluntarily agreed to dismiss all public institutions from the case based on their 11th Amendment immunity. CSU is no longer a party to this case, as it and all other public institutions were dismissed in March 2015.

BOARD OF TRUSTEES

Conferral of the Title of Trustee Emerita–Margaret Fortune

Presentation By

Lou Monville
Chair of the Board

Summary

It is recommended that Trustee Margaret Fortune, whose term expires on March 31, 2016, be conferred the title of Trustee Emerita for her service. The granting of emerita status carries the title, but no compensation.

The following resolution is recommended for approval:

WHEREAS, Margaret Fortune was appointed as a member of the Board of Trustees of the California State University in 2008 by Governor Arnold Schwarzenegger, and since that time has actively served in that position; and

WHEREAS, throughout her service as a member of the Board of Trustees, she has provided a valuable voice to the consideration of matters imperative to the purpose of this system of higher education; and

WHEREAS, Ms. Fortune is a strong advocate for education in California, utilizing her capacity within the California State University to develop pathways for all students to have opportunities for a quality education and a lifetime of consequential success; and

WHEREAS, Ms. Fortune is a statewide leader in primary, secondary and higher education, serving as president and chief executive officer of the Fortune School of Education, and has dedicated her career to closing the achievement gap for underserved students, particularly in California's African American communities; and

WHEREAS, Ms. Fortune served as committee chair for Campus Building, Planning, and Grounds, vice chair for Educational Policy, and a member of the committees for Audit, Finance, Governmental Relations, Institutional Advancement, Organization and Rules, and University and Faculty Personnel during her tenure; and

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WHEREAS, Ms. Fortune's service to the Board and the aforementioned committees has been influential to deliberations and decisions, so that the California State University may continue to serve the present and future good of California and its people; and

WHEREAS, it is fitting that the California State University recognize those members who have made demonstrable contributions to this public system of higher education and the people of California; now, therefore, be it

RESOLVED, by the Board of Trustees of the California State University, that this board confers the title of Trustee Emerita on Margaret Fortune, with all the rights and privileges thereto.