

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 10:40 a.m. Wednesday, September 17, 2008
Glenn S. Dumke Auditorium

Jeffrey L. Bleich, Chair
Herbert L. Carter, Vice Chair
Roberta Achtenberg
Carol R. Chandler
Debra S. Farar
Kenneth Fong
Margaret Fortune
George G. Gowgani
Melinda Guzman
Curtis Grima
William Hauck
Raymond W. Holdsworth
A. Robert Linscheid
Peter G. Mehas
Lou Monville
Charles B. Reed, Chancellor
Craig R. Smith
Glen O. Toney
Kyriakos Tsakopoulos

Consent Items

Approval of Minutes of Meeting of May 13, 2008

Discussion Items

1. Litigation Report, *Information*

**MINUTES OF THE MEETING OF
COMMITTEE OF THE WHOLE**

**Trustees of The California State University
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California**

May 13, 2008

Members Present

Roberta Achtenberg, Chair
Jeffrey L. Bleich, Vice Chair
Herbert L. Carter
Carol R. Chandler
Debra S. Farar
Kenneth Fong
Margaret Fortune
George G. Gowgani
Curtis Grima
William Hauck
Raymond W. Holdsworth
A. Robert Linscheid
Peter G. Mehas
Lou Monville
Charles B. Reed, Chancellor
Jennifer Reimer
Craig R. Smith
Glen O. Toney

Consent Items

Chair Achtenberg call the committee to order. The minutes of March 11, 2008 were approved by consent as submitted.

Access to Excellence: A New System-wide Strategic Plan and a Process for Implementation

Following the consideration of an information item on this topic at the Board's March 2008 meeting, Chair of the Board Roberta Achtenberg and Executive Vice Chancellor and Chief Academic Officer Gary W. Reichard presented for final action an overview of the proposed new strategic plan and recommended a resolution for Board adoption. The Chair of the Board recognized and thanked key individuals by name, the statewide Academic Senate, CSU Presidents, the Access to Excellence Steering Committee, and internal/external stakeholders. Chair Achtenberg extended her appreciation to the Board and also expressed personal gratitude to the Chancellor for recognizing the value of having a strategic plan that guides an institution forward. Then the Board discussed the environmental scan, commitments for the CSU, priorities

2

Whole

for public policy attention, revisions made to the final draft, and recommendations for implementation. Trustee Holdsworth acknowledged Chair Achtenberg's passion, leadership, and dedication to the process. The committee unanimously recommended approval by the Board of the proposed resolution (RCOW 05-08-01).

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Chair Achtenberg adjourned the meeting.

COMMITTEE OF THE WHOLE

Litigation Report

Presentation By

Christine Helwick
General Counsel

Summary

This is the semi-annual report on the status of significant litigation confronting the CSU, which 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) which raises public policy issues of significant interest or concern; (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. *New information since the date of the last report is printed in italics.*

The cases contained in this report have been selected from 92 currently active litigation files; in three cases CSU is the party pursuing relief.

New Cases

Balderramos v. SJSU

Santa Clara County Superior Court

Alfredo Balderramos, a student at SJSU, filed this writ action to overturn a disciplinary sanction imposed during his freshman year after he was found to have made a threat of physical harm towards other students. His writ challenges procedural aspects of the disciplinary process, including whether hearsay testimony can support the imposition of discipline. The administrative record is currently being prepared.

EEOC v. CSU, et al.

U.S. District Court, San Francisco

Lawford Goddard, a long-term lecturer at SFSU, and then age 61, applied and was a finalist for a tenure-track position in the Department of Black Studies. The successful candidate, Antwi Akom, had a significant publication record and was then age 36. Goddard alleges he was the most qualified candidate and was rejected only because of his age. His complaint for age discrimination is being prosecuted on his behalf by the Equal Employment Opportunity Commission. The case is in the pleading stage. The parties have agreed to mediate the case before conducting any discovery.

EF International v. CSU

Los Angeles County Superior Court

This action was brought by EF International, a former multi-year lessee of space in CSUN's student housing, seeking a judicial declaration that CSU is responsible for approximately \$300,000 EF International was required to pay the L.A. County Tax Assessor as a result of the possessory interest it acquired under the lease. A California Revenue and Taxation Code section requires that when a public entity leases public property to a private party, the lease must contain a provision warning the private party that they may be acquiring a taxable possessory interest by entering into such a lease; if the lease contains no such provision, the public entity may be held liable for the resulting taxes. The parties are actively working to settle the case. Trial has been set for October 20, 2008.

Shubin v. Jenkins, et al.

Sacramento County Superior Court

Rebecca Shubin was a tutor for the men's basketball team at CSU Sacramento who claims to have been subjected to inappropriate sexual comments and touching by the coaching staff. The case is scheduled for an early mediation.

Construction Cases

CH2M HILL v. BOT

San Francisco County Superior Court

CH2M Hill was the general contractor on the SFSU technology infrastructure project. The project was only 50% complete on the date it was scheduled to be fully completed in April 2006. CH2M Hill filed this action to have the court declare the contract illegal and invalid and excuse it from performing. In January 2007, the University terminated CH2M Hill from the project. The case is in the discovery stage, and settlement efforts are underway. Trial is set for January 12, 2009.

Employment Cases

Carreira v. CSU, et al.

Los Angeles County Superior Court

Maria Carreira, a professor in the Department of Romance, German and Russian Languages and Literature filed a lawsuit claiming that she was retaliated against for having previously filed a whistleblower complaint. Although Carreira's whistleblower complaint was intended to be confidential, it was released by faculty members to others in her department and Carreira claims she was then bullied and harassed as a result. An outside investigation concluded that some of her claims had merit, but that she had not suffered any adverse employment consequences.

Appropriate action was taken against those found to be at fault. In 2007 the court allowed Carreira to add a petition for writ of mandate to her existing claims, alleging that CSU abused its discretion in the investigation and response to her whistleblower retaliation complaint. In early 2008 the court granted Carreira's petition, finding that the underlying investigation was legally flawed and ordering that the CSU set aside its determination on Carreira's retaliation complaint. CSU appealed this ruling. *A mediation held in February 2008 was unsuccessful. On March 27, 2008, the court dismissed CSU's appeal, ruling that the writ decision could not be separately appealed while Carreira's other claims are still pending. The court has ordered the parties to attempt further mediation, and trial has been set for February 2, 2009.*

Fayad v. Board of Trustees

Santa Clara County Superior Court

Mohamed Fayad was hired as a full professor in the computer engineering department at SJSU in 2002. He was denied tenure in May 2005 and subsequently hired as a part-time lecturer. He alleges that the denial of tenure and "demotion" were based at least in part upon his Egyptian national origin and his Muslim religion. *This case settled at mediation for \$175,000 and Fayad's reinstatement as a full professor for five years with the right to make application for tenure.*

Johnson-Klein v. CSU, Fresno, et al.

Fresno County Superior Court

Stacy Johnson-Klein was terminated as CSU Fresno's head women's basketball coach in March 2005 for serious performance issues. In September 2005, she filed this lawsuit against CSU, President Welty, retired Athletic Director Scott Johnson, and Fresno State's athletic corporation for gender discrimination, sexual harassment, Title IX violations, retaliation and wrongful termination. She claimed that her supervisors sexually harassed her by making inappropriate comments about her breasts and clothing, and that she was inappropriately touched by one or more of her supervisors. Johnson-Klein alleged that she was terminated in retaliation for complaining about harassment, as well as gender inequities in athletics. After a nine week jury trial in December 2007, a verdict was returned against CSU for \$19.1 million. In response to CSU's post-trial motions, the court ruled the verdict excessive and reduced the amount to \$6.6 million. *The court later awarded \$75,000 in court costs and \$2.5 million in attorney fees. The case has now settled at a cost to CSU of \$7.3 million, consisting of a cash payment of \$5.4 million and the purchase of an annuity that will pay Johnson-Klein \$12,000 per month for 25 years.*

King, Horsford, Snow et al. v. Shell, et al.

Brown v. CSU, et al.

Snow v. CSU, et al.

King v. CSU, et al.

Fresno County Superior Court

Daniel Horsford, Steven King and Richard Snow, three former Fresno campus police officers, recovered a \$1.17 million verdict for reverse discrimination against the campus in 2000, which has been paid. The court also awarded \$3.2 million in attorney fees which has been paid. Plaintiffs have filed an appeal of the attorney fee award, seeking a higher amount. *The Court of Appeal held oral argument on August 12, 2008 on plaintiffs' appeal of the attorney fee award. A written decision is expected by the middle of November.*

Auwana Brown, a former Fresno State police officer, settled a sexual harassment lawsuit against the University in 1998. As a part of the settlement, Brown agreed to a future resignation after she vested in the state retirement plan (i.e., by August 31, 2000). After the Horsford verdict was reached on August 11, 2000, Brown tried to unilaterally rescind her resignation less than two weeks before it was to become effective. The campus denied her request. Brown petitioned the State Personnel Board to reinstate her. The SPB refused, and Brown then petitioned the court to order the SPB to set aside her resignation. The court instead sent the case back to the SPB for further findings. After three years of inactivity, the SPB issued a decision denying Brown reinstatement. Brown also filed a civil suit for damages. Both cases have been consolidated, but her civil suit has been stayed while Brown further challenges the SPB's decision. *The case is in the briefing stage. The writ hearing is on September 12, 2008, and the civil action remains in suspension.*

Richard Snow suffered a work-related hip fracture in November 2000 and is on disability retirement. He filed a new lawsuit alleging that the university discriminated against him because of his disability, failed to accommodate him, and retaliated against him because of the Horsford verdict. Steven King also filed a new lawsuit after the Horsford verdict claiming that the university discriminated and retaliated against him, because he was not appointed lieutenant and/or chief of police in the CSU Fresno Police Department. The Snow and King cases have been consolidated. *Discovery is ongoing. A mediation will be held on October 23, 2008. Trial is set for January 26, 2009.*

Lalehzarian, et al. v. CSU, et al.
Fresno County Superior Court

Hamo Lalehzarian, Prakash Mahajan and Masud Mansui, all former faculty members in the College of Engineering and Computer Science at CSU Fresno, were laid off during the budget crisis of 2004-2005. They filed a wrongful termination case claiming racial and age discrimination. They have a parallel grievance, which has not yet been assigned to arbitration. This case is in the discovery stage. *CSU filed a motion for summary judgment in April 2008. With the motion pending, the parties went to mediation. The case settled for payment of \$1.3 million.*

Levesque v. CSU, et al.

U.S. District Court, Fresno

Virginia Iris Levesque was a clerical employee in athletics at California State University, Fresno from 2000 through 2005, when she was laid off, along with four others, in response to the budget crisis. She has since unsuccessfully applied for many new positions on campus, and alleges that the failure to rehire her is in retaliation for complaints of discrimination and policy violations she made while working for the former men's basketball coach, Ray Lopes. *To settle the matter, the campus agreed to re-employ the plaintiff in an administrative position, and paid her \$125,000.*

Modarres v. California State University, Fullerton, et al.

Orange County Superior Court

Moshen Modarres was a full time lecturer in the Business Department at CSUF. Modarres alleges that he was discriminated against based on his race (Persian), national origin and ancestry because he applied but was not selected for a tenure track position. He also alleges he was wrongfully terminated when he was not reappointed as a lecturer. His complaint names the University and Ellen Dumond, a Department Chair in the College of Business and Economics, as defendants. The University filed a challenge to the legal sufficiency of the allegations against Dumond, which was sustained, leaving CSUF as the only remaining defendant. *The case was settled in May 2008 for \$125,000.00.*

Ohton v. SDSU, et al.

San Diego County Superior Court

David Ohton, SDSU's Athletics Department strength and fitness coach, sued the CSU and various individuals for alleged retaliation under the state "whistleblower" statute, claiming he was retaliated against for statements he made in CSU's investigative audit of alleged improprieties in the SDSU Athletics Department and equipment room. The trial court granted CSU's motion for summary judgment on the ground that Ohton had not sought to reverse the university's administrative determination that there was no retaliation, before filing suit. Ohton appealed. The Court of Appeal reversed and instructed the trial court to give Ohton an opportunity to amend his complaint. Ohton then filed an amended complaint, which added a new petition for writ of mandate to reverse the university's administrative determination. *On August 27, 2008, the court ruled in CSU's favor, finding that CSU met the requirements of the California Whistleblower Protection Act.*

Ohton filed a second lawsuit and writ petition seeking to set aside a later administrative finding that subsequent actions were also not retaliatory for his participation in the 2002-03 audit. This case was consolidated with Ohton's first lawsuit. *The court has granted CSU's motion for a protective order staying discovery in this lawsuit until the writ is heard. The hearing on the writ is set for January 15, 2009.*

Runyon v. CSULB, et al.

Los Angeles County Superior Court

L.R. Runyon, a professor in the Finance Department of the College of Business, alleges he was removed from his position as department chair in retaliation for reporting alleged improper activities by the Dean of the College of Business, Luis Calingo. Runyon made various complaints to his supervisors and others that the Dean made inappropriate and wasteful business trips and spent too much time away from campus. The Dean subsequently removed Runyon as chair of the department citing Runyon's failure to meet certain performance objectives. An extensive investigation into Runyon's claims of retaliation concluded that he was removed as department chair for performance reasons and not in retaliation for his complaints about the Dean. In September 2006, the court granted CSU's motion for summary judgment and dismissed Runyon's case. Runyon has filed an appeal. The parties have submitted their appellate briefs, but the court has not yet scheduled this case for oral argument. *On August 6, 2008, the Court of Appeal requested letter briefs on the effects of a recent California Supreme Court decision involving a University of California whistleblower action.*

Schmidt v. CSU, et al.

U.S. District Court, San Diego

Deena Schmidt, former women's swimming coach at SDSU, filed this lawsuit for discrimination, retaliation and Title IX violations, based on her gender and medical condition (cancer) after her employment contract expired and was not renewed in July 2007. *On August 21, 2008, the parties conceptually agreed to settle the case and are working to finalize the agreement.*

Vivas v. CSU, et al.

Fresno County Superior Court

Lindy Vivas, former head women's volleyball coach at Fresno, filed this lawsuit for discrimination, retaliation and Title IX violations, based on her sexual orientation, gender and marital status, after her employment contract expired and was not renewed in December 2004. Vivas reapplied for the position, and was considered. After evaluating all of the applicants, Ruben Nieves was hired as the new head coach. After a five week trial in July 2007, a verdict was returned against CSU for \$5.85 million. In response to CSU's post-trial motions, the court determined the verdict excessive and reduced the amount to \$4.51 million. The court also awarded \$678,258 in attorney's fees and costs. CSU has appealed. *The appeal is in the briefing stage. Efforts at settlement continue.*

Environmental Cases

Carson Harbor Village v. CSU
Los Angeles County Superior Court

Carson Harbor Village, a mobile home community situated across the street from the Dominguez Hills campus, filed two writ petitions alleging that CSU failed to comply with the California Environmental Quality Act. The first sought to enjoin the construction of the Home Depot Center Hotel and Training Facility on the grounds that CSU improperly submitted a Supplemental Environmental Impact Report instead of a separate Environmental Impact Report. The second sought to enjoin the use of permanent lights at the campus track stadium on the grounds that Carson Harbor Village failed to receive proper notice of the SEIR for that project. The court denied both petitions. Both decisions were appealed. *The appellate court has affirmed the trial court's decision, and denied both of Carson Harbor Village's petitions.*

City of San Diego v. Trustees, et al.
Del Cerro Action Council v. Trustees, et al.
Alvarado Hospital Medical Center v. SDSU, et al.
City of San Diego, et al. v. CSU
SDMTS v. CSU, et al.
SANDAG v. CSU, et al.
San Diego County Superior Court

The environmental impact report for the 2005 SDSU campus Master Plan revision was challenged in three lawsuits filed by the City of San Diego, Alvarado Hospital, and Del Cerro neighborhood association, each alleging the EIR does not adequately address necessary mitigation measures. These cases were consolidated. As a result of the City of Marina decision, CSU decertified its EIR and prepared a supplemental report. The court granted petitioners' request for a total of \$224,788 in attorneys' fees to the three plaintiffs. CSU appealed this award. CSU settled with Alvarado and the City for a total payment of \$81,000. *The Court of Appeal affirmed the trial court's award of fees in the amount of \$96,064.46 and returned the case for further proceedings which exposed CSU to further attorney fees. The parties then settled for a payment to Del Cerro of \$120,000.*

The revised environmental impact report for the 2007 SDSU campus Master Plan revision has been challenged in three new lawsuits filed by the City of San Diego, the San Diego Metropolitan Transit System and the San Diego Association of Governments, each alleging the EIR violates CEQA and does not adequately address necessary mitigation measures. *These actions have been consolidated. No hearing date has been scheduled.*

Lagos v. CSU

San Francisco County Superior Court

Lagos, a private citizen representing himself, filed this action to challenge the Board's approval of the SFSU Master Plan EIR. He generally alleges that the CSU failed to comply with CEQA notice requirements and consider public comments. His lawsuit is not timely and he failed to comply with numerous CEQA requirements. CSU filed a challenge to the legal sufficiency of the complaint. CSU's legal challenge was sustained but he was granted an opportunity to amend his pleadings. His second amended petition has the same flaws and adds the SFSU University Corporation as the "real party interest." *CSU will file another challenge to the legal sufficiency of his claims, which will be set for hearing in September.*

LandValue 77, et al. v. CSU, et al.

Fresno County Superior Court

LandValue 77, a private business entity in Fresno, filed a CEQA challenge to the Campus Pointe project, together with a claim of conflict of interest involving former Trustee Moctezuma Esparza, whose company will operate a movie theater in the project. LandValue briefed the CEQA claim and filed a motion for summary adjudication on the non-CEQA claim. *The hearing on LandValue's CEQA claim took place on May 16, 2008. A ruling is expected in early October. On August 21, 2008, the court denied the motion for summary adjudication on the non-CEQA claim, and ordered that a final hearing on the merits of that claim be set within approximately 120 days.*

Personal Injury Cases

Daniels v. The Fraternity Phi Gamma Delta, et al.

Fresno County Superior Court

Parents of Danny Daniels, a 19 year old student who died of alcohol poisoning in the Phi Gamma Delta fraternity house in January 2007, have filed this wrongful death claim against CSU Fresno. Plaintiffs claim that CSU knew or should have known that the fraternity was serving alcohol to minors. *The case is in the discovery phase. No trial date has been set.*

Jones v. Cal Poly Pomona, et al.

Los Angeles County Superior Court

Paul Jones is an outside high voltage contractor, who suffered severe injuries (and ultimately had his arm amputated) while working at an electrical transformer station at Cal Poly Pomona. He claims that a campus electrician improperly energized the station in violation of campus policies and procedures. His wife is claiming a loss of consortium. The case is in the discovery stage. *Trial has been set for January 27, 2009.*

Student Cases

Every Nation Campus Ministries, etc. v. Reed, et al.

U.S. District Court, San Diego

A group of Christian student organizations and students at the San Diego and Long Beach campuses sued under various legal theories to challenge the constitutionality of the CSU anti-discrimination policy, which refuses recognition of student organizations that discriminate on the basis of religion, sexual orientation or marital status. The plaintiff groups exclude non-Christians, homosexuals and others from joining or becoming officers. They allege that their First Amendment rights of freedom of religion and association trump CSU's anti-discrimination prohibition, and that they must be recognized and provided full access to university facilities. The court denied plaintiffs' motion for a preliminary injunction, and partially granted CSU's motion to dismiss several claims. Both sides filed summary judgment motions, which were heard in July of 2006. The court took the matter under submission, and later issued a statement that it would not rule until the Ninth Circuit issued its decision in a similar case. *In January 2008, the plaintiffs asked the trial court to issue a ruling in this case, and although the judge agreed, he has not yet done so. Several similar cases are making their way through the courts in jurisdictions all over the United States, with mixed results.*

Martinez, et al. v. Regents of the UC, et al.

Yolo County Superior Court

This is a class action filed by non-resident citizen students against UC, CSU, and the California Community Colleges, challenging the exemption from out-of-state tuition for those, including undocumented immigrants, who meet the three year California high school attendance requirement of AB540. Plaintiffs allege AB540 violates federal immigration laws, the U.S. and California Constitutions, and the Unruh Act. Plaintiffs seek an injunction enjoining enforcement of AB540, a declaration that the statute is unlawful, class-wide tuition restitution, damages, and attorney fees. Defendants collectively filed motions to dismiss, which were granted in October 2006. Plaintiffs have appealed. *Oral argument was heard on July 28, 2008, and a ruling is expected within 90 days.*

Other Cases

CFA v. PERB, et al.

Court of Appeal

CFA filed an unfair labor practice charge asserting, among other things, that CSU unilaterally changed its parking practices to bar union employees from using new parking facilities that are limited to students who are paying the higher parking fees. An administrative law judge concluded that use of parking facilities is within the scope of bargaining and that CSU had committed an unfair labor practice. CSU appealed. The full PERB Board reversed the decision and held that parking location is outside the scope of bargaining, and thus there was no unfair labor practice. CFA filed a petition challenging this outcome in the court of appeal. *The court of appeal disagreed with PERB, but remanded the case back to address whether under all of the circumstances this constitutes an unfair labor practice.*

CSU v. CFA

Los Angeles County Superior Court

CSU filed a petition to vacate an arbitrator's supplemental remedial ruling in an arbitration with CFA regarding conditions of employment for FERP faculty. After the arbitrator issued a decision, including remedies, in her initial award, she exceeded her jurisdiction in a supplemental remedial ruling by impermissibly changing the terms of her award in altering the underlying grievance, the class of grievants and the scope of the remedy. *The petition was denied. CSU has filed an appeal.*

CSU v. Dynegy, Inc., et al.

San Diego County Superior Court

In October 2005, CSU filed this complaint against producers, marketers, traders, transporters, and distributors of natural gas for manipulating and fixing their price in violation of state antitrust laws. The case was consolidated with many others in San Diego County Superior Court asserting the same claims. In July, 2007, two of the smaller defendants agreed to settle for an agreement to provide plaintiffs with helpful documents that would otherwise be difficult to procure and cash payments of \$750,000 and \$1,500,000. These proceeds were applied to litigation costs and remaining funds are in a separate trust to cover litigation costs going forward and allocated among all plaintiffs at the end of the cases. This case is now in the discovery stage. *Settlements have been reached between plaintiffs and several defendants, including Duke Energy Corporation for \$16,000,000, and discussions with others are underway. On June 17, 2008 CSU received its pro rata distribution in the amount of \$734,760.26 for settlements with Aquila, Dynegy, Enserco & TXU. Conceptual settlements have been reached with Encana, Reliant and Coral.*

Marketing Information Masters, Inc. v. CSU, et al.

U.S. District Court, San Diego

Plaintiff Marketing Information Masters alleged that SDSU and its employee Robert Rauch violated MIM's copyright by including large portions of its 2003 Pacific Life Holiday Bowl report in SDSU's 2004 Holiday Bowl report. CSU filed a motion to dismiss the complaint. On February 5, 2008, the court dismissed the action, ruling that the changes Congress made to the Copyright Act, which permit suits against the states, are unconstitutional. A claim against Rauch in his individual capacity remains. *Plaintiff has filed a second amended complaint against CSU and Rauch. CSU has moved to dismiss, but the court has not yet issued a decision.*

Rodriguez v. CSU, et al.

Los Angeles County Superior Court

Raul and Crystal Rodriguez are graduates of California State University, San Bernardino, who complain that a 2007 salary increase for CSU executives, approved retroactive to the beginning of the fiscal year, at the first Board meeting following late approval of the state budget, is unconstitutional because it constitutes extra compensation for services already performed and/or a gift of public funds. *CSU's motion for summary judgment was denied on procedural grounds. The parties are working on a stipulated statement of facts upon which to submit the case for resolution.*

Travis v. CSU et al.

Court of Appeal

John Travis, as President of the California Faculty Association, filed a petition for writ of mandate claiming that the appointment of former Chancellor Barry Munitz as Trustee Professor at California State University, Los Angeles violated the Open Meeting Act, and that CSU violated the Public Records Act by not disclosing certain unspecified documents in connection with this appointment. After CSU filed a motion to dismiss, Travis voluntarily dismissed the Public Records Act claim, abandoned his original theory of an Open Meeting Act claim. He amended he petition to claim instead that Chancellor Reed was not permitted to inform the Board in closed session of Dr. Munitz's return to CSU. On January 11, 2007, the court denied this claim, finding that CSU Trustees lawfully discussed Dr. Munitz's return to employment in a closed session under the "personnel" exemption. Travis appealed. *On March 26, 2008, the Court of Appeal affirmed the judgment in CSU's favor, ruling that it was not a violation of the Open Meetings Act for Chancellor Reed to have discussed Dr. Munitz's return with the Board in closed session.*

Travis v. CSU, et al.

Los Angeles County Superior Court

John Travis, President of the CFA, alleged that the current Executive Transition Program is an unlawful gift of public funds and an unlawful dual government retirement benefit. Travis sought

Whole
Agenda Item 1
September 16-17, 2008
Page 12 of 12

to undo the Executive Transition Program in its entirety, and refund the payments made to former executives Peter Smith and David Spence. *CSU prevailed on the merits at a bench trial, and the case has been dismissed.*