

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 22, 2017

Presiding: Rebecca D. Eisen, Chair

10:00 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—Christine Miller*

Report of the California State Student Association: *President—David Lopez*

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

Board of Trustees

Consent

Approval of the Minutes of the Board of Trustees Meeting of February 1, 2017

1. Appointment of Five Members to the Committee on Committees for 2017-2018, *Action*
2. General Counsel's Annual Litigation Report, *Information*
3. Approval of Committee Resolutions as follows:

Committee on Institutional Advancement

1. Naming of the Lawrence de Graaf Center for Oral and Public History – California State University, Fullerton, *Action*

Committee on Educational Policy

1. Academic Planning, *Action*

Committee on Finance

3. Conceptual Approval of a Public-Private Partnership to Develop an Extended Learning and Student Services Project on Real Property Adjacent to California State University, San Marcos, *Action*

Discussion

Committee on Finance

4. Tuition Increase Proposal for the 2017-2018 Academic Year, *Action*

*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.

**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**

February 1, 2017

Trustees Present

Rebecca D. Eisen, Chair
Adam Day, Vice Chair
Silas H. Abrego
Douglas Faigin
Debra S. Farar
Hugo N. Morales
John Nilon
J. Lawrence Norton
Jorge Reyes Salinas
Steven Stepanek
Peter Taylor
Maggie K. White
Timothy P. White, Chancellor

Chair Eisen called the meeting of the Board of Trustees to order.

Public Comment

The board heard from the following individuals during the public comment period: Madiha Patel, CSU Long Beach Student; Alyssa Juguilon, CSU Long Beach Student; Justin Blakely, CSU Dominguez Hills, Student; Jordan Sylvestre, CSU Dominguez Hills, Student; Marquel Reid, CSU Dominguez Hills, Student; Marvin Flores, CSU Long Beach, ASI President; Dale Landrum, CSU Long Beach, Student; Celia LoBuono Gonzalez, SFSU, Student; Steven H Gomez, SFSU Student; Pat Gantt, President (CSUEU); Loretta Seva'aetasi, VP (CSUEU); Rocky Sanchez, Chair (CSUEU); Ricardo Uc, Vice Chair (CSUEU); Hector Fernandez, Manager/CEO (SETC-United); Jordan James Harvill, SFSU Student; William Blischke, President, CSU Emeritus (CSU-ERFA)

Chair's Report

Chair Eisen's complete report can be viewed online at the following URL:
<https://www2.calstate.edu/csu-system/board-of-trustees/reports-of-the-chair>

Chancellor's Report

Chancellor Timothy P. White's complete report can be viewed online at the following URL: <https://www2.calstate.edu/csu-system/chancellor/the-chancellors-communications/Pages/state-of-the-csu-feb-2017.aspx>

Report of the Academic Senate CSU

CSU Academic Senate Chair, Christine M. Miller's complete report can be viewed online at the following URL:

http://www.calstate.edu/AcadSen/Records/Chairs_Reports/

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/20170201.shtml>

Report from the California State Student Association

CSSA President David M. Lopez complete report can be viewed online at the following URL: http://www.csustudents.org/wp-content/uploads/2017/02/01-17-bot_report_lopez.pdf

Board of Trustees

The minutes of the meeting of November 16, 2016 were approved as submitted. Chair Eisen asked to move all the consent items for approval. There was a second. The Board of Trustees approved the following resolutions:

Committee on Finance

Approval to Issue Trustees of the California State University Systemwide Revenue Bonds and Related Debt Instruments for Projects at California State University, Long Beach and California State Polytechnic University, Pomona (RFIN 02-17-01)

Orrick, Herrington & Sutcliffe LLP, as bond counsel, prepared resolutions presented at the January 31-February 1, 2017 meeting of the CSU Board of Trustees that authorize interim and permanent financing for the projects described in Agenda Item 1 of the Committee on Finance. The proposed resolutions will achieve the following:

1. Authorize the sale and issuance of Systemwide Revenue Bond Anticipation Notes and/or the related or stand-alone sale and issuance of the Trustees of the California State University Systemwide Revenue Bonds in an aggregate amount not-to-exceed \$172,690,000 and certain actions relating thereto.
2. Provide a delegation to the chancellor; the executive vice chancellor and chief financial officer; the assistant vice chancellor, Financial Services; and the assistant vice chancellor, Financing, Treasury, and Risk Management; and their designees to take any and all necessary actions to execute documents for the sale and issuance of the bond anticipation notes and the revenue bonds.

Committee on Campus Planning, Building and Grounds

California Polytechnic State University, San Luis Obispo Gold Tree Solar Photovoltaic Project: Approval of the Amended 2016-2017 Capital Outlay Program (RCPBG 02-17-01)

RESOLVED, by the Board of Trustees of the California State University, that the 2016-2017 Capital Outlay Program be amended to include \$7,796,000 for preliminary plans, working drawings, and construction for the California Polytechnic State University, San Luis Obispo Gold Tree Solar Photovoltaic.

California State University, Long Beach College of Continuing and Professional California State Polytechnic University, Pomona and California State University, San Bernardino: Approval of the Amended 2016-2017 Capital Outlay Program and Schematic Plans (RCPBG 02-17-02)

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

1. The California State Polytechnic University, Pomona Student Housing Replacement, Phase 1 project is consistent with the Campus Master Plan approved in November 2016.
2. The project will benefit the California State University.
3. The 2016-2017 Capital Outlay Program is amended to include \$185,000,000 for preliminary plans, working drawings, construction, and equipment for the California State Polytechnic University, Pomona Student Housing Replacement, Phase 1 project.
4. The schematic plans for the California State Polytechnic University, Pomona Student Housing Replacement Project, Phase 1 are approved at a project cost of \$185,000,000 at CCCCI 6255.

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

1. The California State University, San Bernardino College of Extended Learning Expansion is consistent with the Campus Master Plan.
2. The project will benefit the California State University.
3. The 2016-2017 Capital Outlay Program is amended to include \$50,895,000 for preliminary plans, working drawings, construction, and equipment for the California State University, San Bernardino College of Extended Learning Expansion project.
4. The schematic plans for the California State University, San Bernardino College of Extended Learning Expansion are approved at a project cost of \$50,895,000 at CCCCI 6255.

**Approval of Schematic Plans for CSU Projects at Sacramento and Stanislaus
(RCPBG 02-17-03)**

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

1. The California State University, Sacramento Science II Replacement Building, Phase 2 is consistent with the Campus Master Plan approved in July 2015.
2. The project will benefit the California State University.
3. The schematic plans for California State University, Sacramento Science II Replacement Building, Phase 2 are approved at a project cost of \$91,558,000 at CCCI 6255.

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

1. The California State University, Stanislaus University Union Renovation and Expansion is consistent with the Campus Master Plan approved in March 2009.
2. The project will benefit the California State University.
3. The schematic plans for California State University, Stanislaus University Union Renovation and Expansion are approved at a project cost of \$53,400,000 at CCCI 6255.

Committee on Governmental Relations

**Statement of State Legislative Principles for 2017-2018
(RGR 02-17-01)**

RESOLVED, by the Board of Trustees of the California State University, that the Statement of Legislative Principles for 2017-2018 be adopted; and be it further

RESOLVED, that the chancellor is authorized to take positions on pending legislation on behalf of the California State University system; but prior to taking or changing such positions on legislative matters, the chancellor shall consult, when practical, with the chair and vice chair of the Committee on Governmental Relations; and be it further

RESOLVED, that any unresolved positions on a legislative proposal will be decided by the chancellor in consultation with the chair of the board; and be it further

RESOLVED, that the chancellor shall keep the Board of Trustees regularly informed of the positions taken and of such other matters affecting governmental relations as deemed necessary and desirable.

**Sponsored State Legislative Program for 2017
(RGR 02-17-02)**

RESOLVED, by the Board of Trustees of the California State University, that the legislative proposals described in this item are adopted as part of the 2017 Board of Trustees' Legislative Program.

**Federal Agenda for 2017
(RGR 02-17-03)**

RESOLVED, by the Board of Trustees of the California State University, that the Federal Agenda for 2017 be adopted.

Committee on Institutional Advancement

**Naming of the Patricia A. Chin School of Nursing and the Chin Family Institute for Nursing – California State University, Los Angeles
(RIA 02-17-01)**

RESOLVED, by the Board of Trustees of the California State University, that the School of Nursing in the Rongxiang Xu College of Health and Human Services at California State University, Los Angeles be named the Patricia A. Chin School of Nursing and the Chin Family Institute for Nursing be established.

**Naming of the Clorinda Donato Center for Global Romance Languages and Translation Studies – California State University, Long Beach
(RIA 02-17-02)**

RESOLVED, by the Board of Trustees of the California State University, that the new academic center at California State University, Long Beach, be named the Clorinda Donato Center for Global Romance Languages and Translation Studies.

**Annual Report on Philanthropic Support for 2015-2016
(RIA 02-17-03)**

RESOLVED, by the Board of Trustees of the California State University, that the Annual Report on Philanthropic Support for 2015-2016 be adopted for submission to the California Joint Legislative Budget Committee and the California Department of Finance.

Committee on Educational Policy

Recommended Amendments to Title 5 Regarding Admission of Veterans (REP 02-17-01)

RESOLVED by the Board of Trustees of the California State University that Title 5, California Code of Regulations sections 40756.1 and 40805.1 be amended as follows:

Title 5. Education

Division 5 – Board of Trustees of the California State Universities

Chapter 1 – California State University

Subchapter 3 – Admission Requirements

Article 4. Admission as First-Time Freshman

§ 40756.1 Veterans.

An applicant who is not otherwise eligible under the provisions of this Article may be admitted to a campus as a first-time freshman if the applicant is an eligible veteran ~~as that term is defined in subdivision (a) (1) of Section 1652, Title 38, United States Code~~ and a California resident. For purposes of this section only, eligible veteran means a person who served, or is currently serving, in the active Armed Forces or Reserve Component. Eligible discharged servicemembers at a minimum must be released under conditions other than dishonorable. Armed Forces means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including their Reserve components. Reserve Component means the Army, Naval, Marine Corps, Air Force, and Coast Guard Reserves and the National and Air National Guard of the United States. The Chancellor is authorized to establish and from time to time to revise procedures appropriate for the administration of this section.

Note: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

Title 5. Education

Division 5 – Board of Trustees of the California State Universities

Chapter 1 – California State University

Subchapter 3 – Admission Requirements

Article 5 – Admission as an Undergraduate Transfer

§ 40805.1. Veterans.

An applicant who does not meet the requirements of Sections 40803, 40804 and 40805, but who has completed less than 60 accredited units of college transfer work may be admitted to a campus under the requirements for a first-time freshman if the applicant is an eligible veteran and a California resident. Additionally, an eligible veteran who has completed 60 semester (90 quarter) units or more of transferable college credit, and who is not otherwise eligible under the provisions of this Article, may be admitted. The exception to this rule is Section 40759, Early Admission.

An applicant who is not eligible for admission as a first-time freshman on the basis of the admission requirements in effect at the time of application for admission as an undergraduate transfer, who has not completed ~~56 semester (84 quarter) units of college credit for admission prior to fall term 2005~~ and 60 semester (90 quarter) units of college credit commencing with admission to the fall 2005 term, and who is not otherwise eligible under the provisions of this Article, may be admitted to a campus as an undergraduate transfer; ~~provided, that the applicant is an “eligible veteran” as that term is defined in subdivision (a)(1) of Section 3452, Title 38, United States Code~~ and if the applicant is an eligible veteran and a California resident.

For purposes of this section only, eligible veteran means a person who served, or is currently serving, in the active Armed Forces or Reserve Component. Eligible discharged servicemembers at a minimum must be released under conditions other than dishonorable. Armed Forces means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including their Reserve components. Reserve Component means the Army, Naval, Marine Corps, Air Force, and Coast Guard Reserves and the National and Air National Guard of the United States. The Chancellor is authorized to establish and from time to time revise procedures appropriate for the administration of this section.

NOTE: Authority cited: Sections 66600, 89030 and 89035, Education Code. Reference: Sections 66600 and 89030, Education Code.

BOARD OF TRUSTEES

Appointment of Five Members to the Committee on Committees for 2017-2018

Presentation By

Rebecca D. Eisen
Chair of the Board

Summary

At the January 31-February 1, 2017 meeting of the CSU Board of Trustees, five trustees were nominated to serve as members of the Committee on Committees for the 2017-2018 term.

The following resolution is recommended for approval:

RESOLVED, by the Board of Trustees of The California State University, that the following trustees are appointed to constitute the board's Committee on Committees for the 2017-2018 term:

Peter J. Taylor, Chair
Silas H. Abrego, Vice Chair
John Nilon
Lateefah Simon
Maggie K. White

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 2017**

Channel Islands

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	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's appeal was denied, and the case remains in the discovery phase.		

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	Doe v. CSU (Chico) (17-0211)		
Date Filed	12/30/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS167261
Litigation Report Text	John Doe, a student at CSU Chico, brought this writ action challenging his expulsion following a disciplinary proceeding where Doe was found to have committed sexual misconduct. Doe alleges that CSU's disciplinary procedures did not afford him due process and that CSU's decision and findings were not supported by the evidence. The case is in the pleadings stage.		

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	<p>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.</p>		

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	<p>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.</p>		

Matter Name and Number	Hutchinson v. Mendez (17-0282)		
Date Filed	02/27/2017	Matter Type	Other (Lit)
Court/Forum	Butte County Superior Court	Case/Docket #	17-0102
Litigation Report Text	<p>Axel Flores Mendez, a student at CSU Chico, threatened University President Gayle Hutchinson, while he was in a counseling session with a therapist, soon after he was interim suspended for threatening behavior from the campus. After receiving the counselor's notification, the campus sought and was granted a temporary restraining order against the student. The matter is set for hearing on the permanent restraining order on March 20, 2017.</p>		

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	<p>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. The case settled at mediation. CSU paid \$1,000,000.00 and Richard's Tree Service paid \$500,000.00.</p>		

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>After Sheila Butts was nonretained as the Director of Alumni Relations at CSUDH, she filed a complaint alleging age, gender, and race discrimination, harassment, retaliation and violations of the Equal Pay Act. Because she had been employed as a represented employee on campus in various positions for the previous 27 years, she also sought retreat rights. In 2012, after a month-long trial, the jury returned a unanimous verdict in favor of CSU. The appellate court reversed the trial court judgment solely with regard to 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 case was remanded to the trial court to determine whether plaintiff was actually entitled to retreat rights.</p>		

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>		

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		

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 that 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.</p> <p>On April 7, 2016, the Ninth Circuit issued its decision upholding the CSU student conduct code regulation as being compliant with the First Amendment. Further the Ninth Circuit held that the regulation as applied to O'Brien supported the University's decision to impose discipline. The Ninth Circuit, however, reversed the district court's complete dismissal of the case and held that O'Brien's complaint stated a plausible First Amendment retaliation claim against some defendants. The Court remanded the case to the District Court for further proceedings solely on the retaliation claims. After the case was remanded to the District Court, the parties submitted initial pleadings. The parties also initiated settlement negotiations and ultimately CSU agreed to a settlement and release of all claims with prejudice for \$25,000. The case was then dismissed on December 1, 2016.</p>		

Fullerton

Matter Name and Number	Barrett v. Greenup, et al. (12-1374)		
Date Filed	09/21/2012	Matter Type	Other (Lit)
Court/Forum	United States District Court, Santa Ana	Case/Docket #	30-2012-00600019
Litigation Report Text	<p>John Barrett, a CSU Fullerton student, is suing another CSU Fullerton student, Nolan Greenup, a CSU Fullerton Parking Services Officer. Greenup wrote Mr. Barrett a ticket for not displaying a disabled parking placard while parked in a disabled parking space. Barrett backed out of the space as the ticket was being written, ran over Greenup's foot, and drove away. Barrett was later arrested and subjected to student discipline. Barrett is suing Greenup for defamation, malicious prosecution, violation of federal civil rights and false imprisonment. CSU filed a motion to strike on Greenup's behalf, arguing that in writing his report and speaking to the police, he was supporting a criminal prosecution and immune. CSU's motion was sustained on the defamation, malicious prosecution and false imprisonment claims. CSU was awarded approximately \$5,500 for its fees and costs in filing (and winning) the motion to strike. In a second amended complaint Plaintiff added two new CSU defendants Jose Rosales and Peter Dupree, University police officers involved in his arrest. Plaintiff then filed a third amended complaint adding new causes of action against new non-CSU defendants, the Orange County Sheriff's Department and certain employees of the Orange County Jail. In September 2014, CSU's motion to move the case to federal court was granted. In September 2014 the Orange County defendants settled with the Plaintiff. Trial started on January 6, 2015; at the end of the second day CSU successfully moved for mistrial based on Plaintiff's failure to comply with pre-trial orders of the court excluding evidence of the disposition of the criminal charges against the defendant. Thereafter CSU was granted summary judgment. Plaintiff appealed and appellate court upheld the district court's grant of summary judgment.</p>		

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	<p>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, complained of gender discrimination, Labor Code violations, and discrimination in violation of public policy on the grounds that each of them were paid less than male employees performing the same work. CSU successfully moved to have the three lawsuits consolidated into one. At a mediation in April 2016, the case settled for \$30,000. CSU also agreed to provide modest salary increases, retroactive to January 1, 2016. Lockwood received a \$768.00 annual increase; Himmelheber got \$1,860.00; and Case got \$1,380.00.</p>		

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, complained of gender discrimination, Labor Code violations, and discrimination in violation of public policy on the grounds that each of them were paid less than male employees performing the same work. CSU successfully moved to have the three lawsuits consolidated into one. At a mediation in April 2016, the case settled for \$30,000. CSU also agreed to provide modest salary increases, retroactive to January 1, 2016. Lockwood received a \$768.00 annual increase; Himmelheber got \$1,860.00; and Case got \$1,380.00.		

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, complained of gender discrimination, Labor Code violations, and discrimination in violation of public policy on the grounds that each of them were paid less than male employees performing the same work. CSU successfully moved to have the three lawsuits consolidated into one. At a mediation in April 2016, the case settled for \$30,000. CSU also agreed to provide modest salary increases, retroactive to January 1, 2016. Lockwood received a \$768.00 annual increase; Himmelheber got \$1,860.00; and Case got \$1,380.00.		

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	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. This case settled. CSU agreed to pay \$105,000.00, split nearly equally between Bolman and her attorney, in exchange for dismissal of her complaint and an agreement not to seek future employment with CSU or its auxiliaries.		

Matter Name and Number	Doe v. CSU, et al. (Humboldt) (17-0268)		
Date Filed	02/10/2017	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS167545
Litigation Report Text	John Doe, a student at Humboldt State, brought this writ action challenging his proposed year-long suspension following a disciplinary proceeding where Doe was found to have committed sexual misconduct. The case is in the pleading stage.		

Matter Name and Number	Doe v. Humboldt State University, et al. (16-0667)		
Date Filed	05/09/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS162417
Litigation Report Text	John Doe, a student at Humboldt State, brought this writ action challenging his proposed year-long suspension following a disciplinary proceeding where Doe was found to have committed sexual misconduct. After the student conduct charges were resolved in a Resolution Agreement providing for a suspension of less than a year, the writ was dismissed with prejudice.		

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>The court dismissed Plaintiff's lawsuit against CSU, but Plaintiffs have appealed.</p>		

Los Angeles

Matter Name and Number	Hicks v. CSU (16-1234)		
Date Filed	08/30/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BC631669
Litigation Report Text	<p>Student Angela Hicks sues following a student conduct hearing decision suspending her from CSU for one year after she perpetrated an attack on her roommates involving pepper spray. She claims gender discrimination and emotional distress. The case is in the pleading stage.</p>		

Matter Name and Number	Hicks v. CSU (Writ) (17-0206)		
Date Filed	11/10/2016	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS166112
Litigation Report Text	<p>Student Angela Hicks was suspended by CSULA after she was found culpable for a physical altercation with her roommates, who she attacked with pepper spray. She filed a writ to challenge her suspension sanction following the student conduct hearing process. The court dismissed the case on a technicality (Hicks failed to pay mandatory court filing fees).</p>		

Matter Name and Number	Hudson v. CSU, et al. (16-1227)		
Date Filed	08/29/2016	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles, Central District of California, Stanley Mosk Courthouse	Case/Docket #	BC631894
Litigation Report Text	Plaintiff Sheila Hudson, the Senior Associate Athletics Director, is suing for violation of the Fair Employment and Housing Act, intentional infliction of emotional distress, violation of the California Equal Pay Act, violation of the California Family Leave Rights Act, and violation of Labor Code section 1102.5 (whistleblower statute). She seeks monetary damages and appointment by the court to the position of Athletic Director. The case is in the discovery phase. Trial is set for October 23, 2017.		

Matter Name and Number	Mendez v. CSU (14-1342)		
Date Filed	11/12/2014	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC563496
Litigation Report Text	Oscar Mendez, a student, sued the University for personal injury after his chair collapsed during an engineering class. The case settled for \$250,000.		

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 California Supreme Court accepted review of the case, and oral argument took place on February 7, 2017. A decision should arrive in or before May, 2017.		

Matter Name and Number	Suppanade v. CSU (15-0630)		
Date Filed	05/27/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC577081
Litigation Report Text	Nathan Danny Suppanade, a student, suffered second degree burns to his face and body when a rocket malfunctioned during an Engineering department field trip to a model rocketry competition. The case was settled for \$67,500.		

Matter Name and Number	Young America's Foundation; et al. v. Covino, et al. (16-0737)		
Date Filed	05/19/2016	Matter Type	Other (Lit)
Court/Forum	United States District Court, Central District of California	Case/Docket #	2:16-cv-03474
Litigation Report Text	Young Americans for Freedom, Ben Shapiro, and two students sued four administrators and five faculty members for damages based on Section 1983 violations. They alleged that the University's employees failed to allow Shapiro to exercise his first amendment rights by making a policy regarding security fees, which were ultimately not charged, too vague; by ordering public safety not to enforce laws; and by blocking or allowing the blocking of the entrance to the auditorium. Motions to dismiss and strike were granted, with leave to amend on some causes of action. After the filing of new motions to dismiss and strike, the plaintiffs agreed to settle by dismissing the lawsuit without any payment by defendants. Each side agreed to be responsible for its own attorneys fees and costs, and the University employees agreed to abide by the campus time, place, and manner policy.		

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 (CEQA) in connection with a proposed roadway project. Keep Fort Ord Wild also named CSU as a party because a portion of the roadway is on property that will be deeded to the CSU Monterey Bay campus in the future, though no relief was sought against CSU. The Court entered an intended decision in favor of Keep Fort Ord Wild on January 11, 2017 ordering the Fort Ord Reuse Authority and County of Monterey Bay to comply with CEQA. The Fort Ord Reuse Authority's and County of Monterey's objections to the Court's intended decision are pending.		

Matter Name and Number	Villarreal v. County of Monterey, et al. (16-1637)		
Date Filed	11/17/2016	Matter Type	Other (Lit)
Court/Forum	United States District Court, Northern District of California	Case/Docket #	5:16-CV-06672-HRL
Litigation Report Text	Brandon Villareal and James Gregory are the minor dependents of Larra Ann Gillis, who was arrested by CSU Monterey Bay police officers for walking in traffic while possibly under the influence of drugs before being transported to the Monterey County Jail. Ms. Gillis died 15 days later while in the custody of the Monterey County Jail. The case is in the pleading stage.		

Northridge

Matter Name and Number	Armitage v. CSU, et al. (14-0914)		
Date Filed	07/22/2014	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	BC552314
Litigation Report Text	<p>Plaintiff Mark Armitage asserts religious discrimination claims arising out of his part-time, temporary staff position serving as a microscope scientist in CSUN's Biology Department, where he assisted faculty and students with the complex lab equipment. Armitage is an Evangelical Christian and Creationist, and claims he was wrongfully terminated for sharing his religious views with students and others and for engaging in research that supports his Creationist views. An early mediation in August 2015 was unsuccessful, and trial was set for August 22, 2016. On August 10, 2016, the parties settled the matter for \$399,500.</p>		

Matter Name and Number	Serrato, et al. v. Pi Kappa Phi Fraternity, et al. (LEAD) (15-1228)		
Date Filed	07/01/2015	Matter Type	Personal Injury (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. The two cases have now been consolidated</p> <p>In March 2016, the court granted CSU's demurrers, with leave to amend. The CSU's demurrers to the amended complaints were granted without leave to amend in October 2016, thus effectively dismissing the CSU from the case.</p>		

Matter Name and Number	SUPA, et al. v. CSU (16-0609)		
Date Filed	04/21/2016	Matter Type	Employment (Lit)
Court/Forum	Los Angeles Superior Court	Case/Docket #	BC617813
Litigation Report Text	<p>SUPA and CSUN police officers Anthony Vargas, Matthew Dunwoody & Thomas Finnerty allege that they suffered unspecified adverse employment actions (whistleblower retaliation) for having complained about purported illegal parking ticket quotas. Plaintiffs also seek declaratory relief from the court that the alleged parking citation quota system is illegal. The Court granted CSU's demurrer to the Complaint, with leave to amend.</p>		

Office of the Chancellor

Matter Name and Number	Roy-Condron v. Nazario, et al. (13-0108)		
Date Filed	05/02/2012	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, Los Angeles	Case/Docket #	NC057546
Litigation Report Text	Plaintiff, Liliane Roy-Condron, was a pedestrian crossing the street at the intersection of Ocean and Golden Shore, when she was hit by a car driven by Chancellor's Office employee Evelyn Nazario in October 2011. Plaintiff filed suit for her personal injuries against Nazario in May 2012, and added CSU as a defendant in January 2013, asserting that Nazario was driving in the course and scope of her employment. CSU filed a motion to dismiss the case based on plaintiff's failure to file a timely government claim. The court granted the motion and CSU was dismissed from the case. Plaintiff appealed. The Court of Appeal ruled in favor of CSU and reaffirmed the dismissal.		

Sacramento

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 claimed that CSU failed to prevent the incident from occurring and failed to provide adequate protection in the dorm. The court granted CSU's motion to dismiss. Plaintiff filed an appeal. The court of appeal upheld the dismissal. Plaintiff filed a petition for review with California Supreme Court. The Court denied the petition and judgment for the University is now final.		

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 and the briefing is complete. On the Court's own motion the case is stayed pending the California Supreme Court's ruling in the case entitled Park v. Board of Trustees of the California State University.		

San Diego

Matter Name and Number	Burns v. CSU, 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 #	37-2014-00003408-CU-CO-CTL
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. Following a four-week trial, the jury awarded \$3,356,250 in economic and non-economic damages. On December 5, 2016, the Court denied our motions for new trial and judgment notwithstanding the verdict. Plaintiff's motion for attorney's fees is scheduled to be heard March 10, 2017. We have appealed the judgment on the verdict.		

Matter Name and Number	Byrd v. SDSU, et al. (16-1489)		
Date Filed	09/22/2016	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2016-00033305-CU-BC-CTL
Litigation Report Text	<p>Clare Byrd is a former SDSU employee who was terminated for dishonesty in connection with the interactive dialogues regarding purported disabilities. She appealed the termination to the SPB where the parties settled the matter. CalPERS subsequently refused to honor part of the settlement. Following unsuccessful efforts to renegotiate the settlement around CalPERS' position, Byrd filed this lawsuit. She alleged rescission of the settlement agreement; breach of written contract; breach of implied covenant of good faith and fair dealing; equitable indemnity; disability/medical condition discrimination; failure to accommodate; failure to engage in the interactive process; retaliation; and wrongful termination of public policy. The case was dismissed after the parties entered into an agreement to allow Byrd to first file a legal challenge to the SPB's decision before pursuing any potential civil claims against CSU.</p>		

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.		

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. The trial court discharged the writ following CSU's filing of its response ("return") acknowledging compliance with the writ.</p>		

Matter Name and Number	Doe v. Superior Court, et al. (San Diego) (15-1237)		
Date Filed	08/27/2015	Matter Type	Student (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	30-2015-00029558-CU-WM-CTL
Litigation Report Text	<p>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. 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, but 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 petitioned for a writ to overturn the expulsion. On February 1, 2017, the trial court ruled that Does was not fully afforded due process rights with respect to the assault allegation but affirmed the expulsion based on the non-sexual assault allegations. The trial court has requested briefing whether CSU can hold a new discipline hearing on the sexual assault allegations if it corrects the due process concerns.</p>		

Matter Name and Number	Hammond v. CSU, et al. (15-1038)		
Date Filed	05/03/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2015-00016117
Litigation Report Text	<p>Plaintiff Bryan Hammond is a Duke tennis player who injured his hand during an intercollegiate match at San Diego State University. He seeks damages based on a theory that the design of the tennis court was a dangerous condition of property. Trial is scheduled for March 24, 2017.</p>		

Matter Name and Number	Johnson v. CSU, et al. (15-1454)		
Date Filed	10/02/2015	Matter Type	Employment (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2015-00033527-CU-WM-CTL
Litigation Report Text	<p>On April 16, 2015, the State Personnel Board upheld the dismissal of former San Diego State Sergeant, Michael Johnson. Johnson had been dismissed for engaging in a number of actions in the course of a few months, constituting unprofessional conduct and failure or refusal to perform the normal and reasonable duties of his position as a police officer. After unsuccessfully petitioning the State Personnel Board for a rehearing, Johnson filed this writ petition, seeking to overturn the State Personnel Board's decision. Johnson claims that the Board's findings are not supported by the evidence, that San Diego State failed to provide a draft investigation report depriving Johnson of a fair Skelly hearing, that the notice of discipline failed to provide any facts supporting dishonesty, and that the campus retaliated against Johnson for union-related activity. The Court granted the writ in part, ruling that discipline was appropriate, but reversed as to the level of discipline. CSU has appealed. The appeal is in the briefing stage.</p>		

Matter Name and Number	Jones v. Augustine Development (HPI) (16-1568)		
Date Filed	08/10/2015	Matter Type	Personal Injury (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2015-00026741-CU-PO-CTL
Litigation Report Text	Eric Jones, filed this lawsuit, alleging that he was electrocuted while installing cabinets at SDSU. He alleges that he contacted wires that were exposed and uncapped. A defendant in the case, HPI Contracting, dba ADC Corp., filed a cross-complaint against the Board for equitable indemnity, contribution & indemnity, and declaratory relief, alleging that an employee of SDSU flipped the circuit breaker, making the wire "live." Trial is scheduled for September 8, 2017.		

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	San Diegans For Open Government v. SDSU, et al. (15-0615)		
Date Filed	04/09/2015	Matter Type	Other (Lit)
Court/Forum	Superior Court of State of California, San Diego	Case/Docket #	37-2015-00011951-CU-MC-CTL
Litigation Report Text	Plaintiff filed this action seeking to set aside lease agreements between CSU and Investigative Newsource, a company that provides investigative reporting for KPBS, a station operated at San Diego State by the San Diego State University Research Foundation. As consideration for the leases, Investigative Newsource provides news reports to KPBS. The complaint alleges that the lease agreements constitute gifts of public funds and misappropriate the campus' intellectual property. CSU filed a motion to strike the complaint on the grounds that it is a strategic lawsuit against public participation (SLAPP) in that it challenges agreements entered to provide services protected by the First Amendment and plaintiff cannot show it has a reasonable likelihood of prevailing. On September 8, 2015, the Court granted CSU's motion to strike the complaint. SanDOG appealed and the case is fully briefed. Oral argument is scheduled for April 14, 2017.		

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	Chili, Enrica by and Through Her Guardian Ad Litem v. CSU (16-0276)		
Date Filed	08/25/2015	Matter Type	Personal Injury (Lit)
Court/Forum	Superior Court of State of California, San Francisco, Civil	Case/Docket #	CGC 15 547632
Litigation Report Text	Plaintiff Enrica Chili is an Italian citizen and former SFSU student who was injured in a vehicle accident while participating in a research program in Tanzania. She asserts claims of negligence and negligent supervision against the CSU, alleging that the vehicle that transported the students was inadequate and the individual who operated the vehicle was reckless. The case is in the discovery stage.		

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. Oral argument took place in the Court of Appeal on March 1, 2017, and we are waiting for a decision.		

Matter Name and Number	Ellis v. SFSU (15-0764)		
Date Filed	05/21/2015	Matter Type	Employment (Lit)
Court/Forum	United States District Court	Case/Docket #	3:15-02273-LB
Litigation Report Text	Plaintiff was a tenured professor in the Museum Studies Program. She claims San Francisco State discriminated against her because of her disability when it terminated from her for failing to take a required fitness for duty examination. Plaintiff alleges the required medical examination was unnecessary and unrelated to her faculty position. The case settled at mediation for \$375,000.		

Matter Name and Number	Gupta v. SFSU (15-0327)		
Date Filed	02/10/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-15-544050
Litigation Report Text	<p>Dr. Rashmi Gupta was a probationary faculty member in the Department of Social Work. SFSU denied her request for tenure and promotion in 2011. Following a hearing held under the faculty grievance procedure, an arbitrator awarded her an additional year of employment and permitted her to apply for tenure again. In 2012, SFSU again denied her tenure request and her employment at the university ended. In this case, Dr. Gupta claimed the university's decision was discriminatory, retaliatory, and based on age, gender, national origin and ancestry rather than legitimate academic reasons. The case went to trial in August 2016, and the jury returned a verdict for plaintiff in the amount of \$378,461. Plaintiff has filed a motion for reinstatement into a tenured faculty position. The CSU opposed the motion and asked the court to enter judgment with monetary damages in lieu of reinstatement. The court tentatively ruled in the university's favor and denied reinstatement with certain conditions that would subject the university to court monitoring and reporting for five years. The CSU opposed the court's conditions. Plaintiff will also be entitled to seek attorney's fees as the prevailing party.</p>		

Matter Name and Number	Hofmann v. CSU (16-0075)		
Date Filed	01/12/2016	Matter Type	Employment (Lit)
Court/Forum	San Francisco Superior Court	Case/Docket #	CGC-16-549831
Litigation Report Text	<p>Plaintiff Mig Hoffman, a former information security officer at SFSU, claims the university terminated her in retaliation for reporting a Trojan virus and notifying outside government agencies of a potential data breach on campus. She alleges claims of whistleblower retaliation and wrongful termination. On February 21, 2017, the parties attempted mediation but did not reach a settlement. The case is in the discovery stage and is set for trial on May 1, 2017.</p>		

Matter Name and Number	Nevatt v. CSU (15-0323)		
Date Filed	01/30/2015	Matter Type	Employment (Lit)
Court/Forum	Superior Court of State of California, San Francisco	Case/Docket #	CGC-15-543905
Litigation Report Text	<p>Aaron Nevatt was hired in 2012 to work as the Director of the Department of Environmental Health and Safety. He was dismissed from his position in March 2014. Nevatt alleges he was dismissed in retaliation for uncovering hazardous conditions in the Science Building which resulted in the building closure for the Spring 2014 semester. CSU filed and lost a summary judgment motion. The case settled for payment to Nevatt of \$650,000.</p>		

San Jose

Matter Name and Number	CSU, et al. v. Perkins & Will (16-0702)		
Date Filed	04/29/2016	Matter Type	Construction (Lit)
Court/Forum	Santa Clara Superior Court	Case/Docket #	16CV294532
Litigation Report Text	<p>CSU is suing the architect on the SJSU Student Union expansion and renovation project, Perkins & Will, on the basis that it failed to adequately and timely perform its services, failed to meet the standard of care, and failed to manage its sub-consultants or adequately staff the project. As a result of P&W's failures, the project experienced millions of dollars in cost overruns.</p> <p>Perkins & Will has filed cross-claims against the contractor, construction manager and five other entities involved with the project, adding them as defendants to the lawsuit. The contractor, Lathrop Construction, and one of the subcontractors, Fundament, have filed motions to dismiss, asking the court to dismiss them from the lawsuit. A hearing on the motions is scheduled for March 17, 2017. Meanwhile, discovery continues as to Perkins & Will.</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. brought claims against Santos and Van Der Hoek, for unreasonable search and seizure, violation of due process, wrongful death and negligence. The court granted our motion for summary judgment on qualified immunity and dismissed the case, and plaintiff appealed. We are waiting on a decision from the Court of Appeals.</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. CSU's motion to dismiss the lawsuit on timeliness grounds was granted and the case was dismissed. Plaintiff appealed. The appeal is in the briefing stage.</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	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. SJSU expelled the suitemates, and they were criminally prosecuted for hate crimes and battery. The jury convicted them of battery charges, but exonerated them on the hate crime allegations. The civil case then settled during a mediation. CSU paid \$225,000, and two individually named suitemates contributed a confidential sum to a separate settlement with the plaintiff.		

San Luis Obispo

Matter Name and Number	Doe v. CSU, et al. (SLO) (17-0271)		
Date Filed	02/10/2017	Matter Type	Student (Lit)
Court/Forum	Los Angeles Superior Court - Central District	Case/Docket #	BS168172
Litigation Report Text	After student Doe was found responsible for engaging in sexual misconduct (nonconsensual intercourse) with complaining student Roe pursuant to CSU Executive Order 1097, Doe was expelled after being afforded a full evidentiary disciplinary hearing pursuant to the University's student conduct process (CSU Executive Order 1098). Doe filed this writ claiming that his due process rights were violated and that he was not afforded a fair hearing. Doe also claims there was not enough evidence to warrant expulsion. This case is in the pleading stage.		

Matter Name and Number	Pergis, J. and Kinkel Estate, et al. v. Fuentes, CSU et al. (16-1038)		
Date Filed	04/26/2016	Matter Type	Personal Injury (Lit)
Court/Forum	San Luis Obispo Superior Court	Case/Docket #	16CVP0109
Litigation Report Text	This wrongful death action involves members of the recognized student organization (club) "Cal Poly Motor Car Association" who engaged in an off-campus, high speed, high risk road race in January 2016 resulting in a head on collision that caused the death of Joni Marie Kinkel, mother of plaintiff Joscelyn Pergis. The Estate and Pergis claim that the students engaged in these activities as a sanctioned organization of the University, and that the club advisor, a faculty member, was negligent in his duties to advise and supervise this off-campus event. The matter is in the pleading stage.		

San Marcos

Matter Name and Number	Doe v. CSU (San Marcos) (16-1478)		
Date Filed	10/21/2016	Matter Type	Student (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2016-00036982-CU-WM-NC
Litigation Report Text	A CSUSM student (Doe) was placed on interim suspension after an investigation concluded he had engaged in sexual misconduct with another student. Doe subsequently filed a petition for writ of mandate in San Diego County Superior Court, alleging that “prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with [CSU Executive Orders 1095, 1097 and 1098, resulting in a denial of [his] right to federal and state due process of law.”		

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	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.		

Matter Name and Number	Lo v. CSU San Marcos (16-0489)		
Date Filed	03/23/2016	Matter Type	Student (Lit)
Court/Forum	San Diego Superior Court	Case/Docket #	37-2016-00009600-CU-WM-NC
Litigation Report Text	CSUSM student, Jason Lo, filed a petition for writ of mandate, challenging the University's decision to place him on interim suspension following a classroom disruption that involved a female co-ed. In his writ petition, Lo requested that the Court issue an order instructing the University to: (1) provide any and all documents obtained through their on-going student conduct investigation; (2) communicate with Lo only through his privately retained counsel and (3) waive the University's requirement that Lo personally appear at the then, upcoming student misconduct hearing. The parties settled the case with each party responsible for its own costs. The court dismissed this case on August 10, 2016.		

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	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. Mediation in November 2015 was not successful. On March 3, 2017, the court granted CSU's motion for summary judgment.		

Sonoma

Matter Name and Number	Benjamin v. CSU, et al. (16-0340)		
Date Filed	02/16/2016	Matter Type	Employment (Lit)
Court/Forum	Sonoma Superior Court	Case/Docket #	SCV-258408
Litigation Report Text	Steven Benjamin, a former electrician at SSU, alleges four causes of action for retaliation for alleged whistleblower activity. Benjamin alleges SSU fired him during his probationary period after he complained of alleged unsafe working conditions and alleged violations of the Labor Code. This case is in the pleading stage.		

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	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. She seeks lost wages and benefits, emotional distress, and attorneys' fees. The case settled for \$100,000, and Riley agreed to resign in 2016.		

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	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 trial is ongoing before a Sonoma County jury.		

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 finally agreed to settle the dispute by paying CSU \$4.5 million.</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. The appeal has been fully briefed, and is awaiting a date for oral argument in the Court of Appeal.</p>		

Matter Name and Number	OnTheGo Wireless v. Cellco Partnership, et al. (15-1667)		
Date Filed	07/05/2012	Matter Type	Contracts (Lit)
Court/Forum	Sacramento County Superior Court	Case/Docket #	34-2012-00127517
Litigation Report Text	<p>This is a multi-party action to challenge how a number of wireless cell providers charged various public agencies for mobile phone services. Originally, a qui tam (whistleblower) plaintiff sued the major wireless carriers asserting various false claims violations, alleging that the carriers overbilled public agencies in violation of contractual terms that required "optimization" (i.e., shifting to lower cost plans when usage goes down). A number of public agencies, including the State of California, the Regents of the University of California, and the CSU, joined the case as intervenors. Collectively, the parties contend that the cell carriers overcharged the agencies by over \$100 million. The case is in the discovery phase.</p>		