

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3542-22/FA (Rev)
March 17-18, 2022

**LOSS OF CONFIDENCE IN THE BOARD OF TRUSTEES' AND THE CALIFORNIA
STATE UNIVERSITY ADMINISTRATION'S HANDLING OF THE HIRING AND
SEPARATION PROCEDURES FOR CSU ADMINISTRATORS**

- RESOLVED:** That the Academic Senate of the California State University (ASCSU) has lost confidence in the Board of Trustees' and CSU administration's ability to proactively and reactively address Title IX violations, broader cases of discrimination, harassment, and/or retaliation (DHR), and other forms of inappropriate behaviors by those in power within the CSU system as evidenced in their providing a sinecure to former Chancellor Castro (reinforcing the same dynamic employed by Castro during the Lamas affair); and be it further
- RESOLVED:** That the ASCSU renew its call for an independent legislative investigation into Title IX violations to proactively address the practices and behaviors identified above; and be it further
- RESOLVED:** That the ASCSU call for a second independent legislative investigation into the Executive Transition Plan (ETP); and be it further
- RESOLVED:** That the ASCSU applaud the Board of Trustees for suspending the ETP for new administrative hires and convening a task force to review the practice at their March meeting; and be it further
- RESOLVED:** That the ASCSU assert that "golden handshakes" provide perverse incentives to those in power in the CSU, signaling that they will be rewarded for engaging in or covering up inappropriate behavior; and be it further
- RESOLVED:** That the ASCSU find the separation agreement negotiated with former Chancellor Joseph I. Castro by the CSU Board of Trustees inappropriate in light of the actions he took and did not take during the Lamas affair; and be it further
- RESOLVED:** That the ASCSU encourage the Board of Trustees to immediately rescind former Chancellor Castro's sinecure as "Advisor to the Board" within the ETP – especially given Castro's judgment during his tenure as President at

CSU Fresno – and damages the reputation of the CSU throughout California, throughout the U.S., and throughout the world; and be it further

RESOLVED: That the ASCSU call for a reform of personnel practices within the CSU to suspend the right to exercise their privilege in the ETP by existing administrators if found to have committed a serious violation of university policy or state or federal statutes upon conclusion of a mandatory internal or independent investigation into alleged misconduct; and be it further

RESOLVED: That the ASCSU call for the CSU Board of Trustees to terminate the ETP for any future hires; and be it further

RESOLVED: That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Interim Chancellor Koester, CSU campus Presidents, CSU campus Senate Chairs, CSU campus Senate Executive Committees, CSU Provosts/Vice Presidents of Academic Affairs, the California Faculty Association (CFA), California State Student Association (CSSA), CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA), California Senate Education Committee, California Assembly Higher Education Committee, and California Governor Gavin Newsom.

RATIONALE: *On February 3, 2022, USA Today journalist Kenny Jacoby broke the story on the Lamas affair at California State University (CSU) Fresno: that former Vice President for Student Affairs Frank Lamas had been credibly accused of sexual harassment, and this had been handled by a “golden handshake” deal between Lamas, then-President of CSU Fresno Joseph I. Castro, and a retired federal judge as mediator. This deal included a \$260,000 payout, retirement benefits, and a letter of recommendation from Castro¹. This was confirmed by a statement released by then-Chancellor Castro² following the breaking of the USA Today story. Three days later, a follow-up story by USA Today revealed the year-long efforts to withhold the investigative reports and to pressure those with access to the reports to sign non-disclosure agreements³. This affair was ongoing during the Chancellor search process (of which Castro was a finalist) and information on the events withheld by Castro during the process. (Lamas*

¹ Jacoby, K. (2022) *Fresno State president mishandled sexual harassment complaints. Now he leads all 23 Cal State colleges.* USA Today February 3.

² Castro, J. (2022) *An Open Letter from Chancellor Castro to the CSU Community.* February 4.

³ Jacoby, K. (2022) *Fresno State stonewalled the release of sexual harassment investigation reports, sought NDA.* USA Today February 7.

has since founded a higher education consulting service, advertised on his LinkedIn profile⁴.)

On February 17, 2022 Castro resigned as Chancellor of the CSU following a several hours long meeting with the Board of Trustees⁵. As part of his resignation, the Board agreed to a settlement that included a one-year salary of \$401,364; six months' housing allowance of \$7,917 per month (notably more than the overall monthly salary of most faculty in the system); classified his position as advisor to the Board, representing either continued undue influence within the system during that year, or providing an inappropriate perception of Castro's continued position during this time; and confirmed his retreat rights to Cal Poly San Luis Obispo.

The current practice of providing "golden handshakes" upon separation through the [Executive Transition Program](#) with its [minimal oversight and potential for abuse](#), particularly during situations in which misconduct was engaged upon, withheld, and/or enabled creates a disturbing environment in which those with power within the CSU are effectively rewarded when such activities come to light.

This kind of cronyism undermines the hard work of the faculty and staff of the CSU and helps to reinforce and reify the power dichotomies that allow such situations to continue to thrive within the system. It further reinforces this perception when, as part of this instance of a "golden handshake," the former Chancellor is given a job title that implies he will continue to influence the Board and its decisions during the next 12 months – a dynamic called into question by his withholding information from the Board during the Lamas affair. Such dynamics have no place within a public institution.

Since this incident happened, several additional cases of misconduct also utilizing the Executive Transition Program or retreat rights have made local and national news, including (but not limited to)⁶:

⁴ [LinkedIn profile](#) for Dr. Frank Lamas, showing his current employment activities as Founder and President at Lamas Education Advisory Services (LEADS). Last accessed February 12, 2022.

His About section states, "Lamas Education Advisory Services (LEADS) founder and president, former Chairman of Board of NASPA and experienced Vice President for Student Affairs and Enrollment Management. Long history of working in the higher education industry setting university/divisional vision/goals with strong track record of accomplishments. Highly skilled and experienced in the following areas-Student Success, Wellness, Student Involvement/Engagement, Enrollment Management, Technology/Data Analysis, Student Diversity/Social Justice, First Generation, Basic Needs, Academic Support Services, Residence Life, Academic Advising, Crisis Management, Fundraising and Building Projects/Master Planning among other areas. Faculty Teaching, Community Outreach and National/Local Boards leadership experience. Experienced in assisting institutions in finding qualified individuals to fill open or interim position vacancies."

⁵ CSU Press Release (2022). [Dr. Joseph I. Castro Resigns as CSU Chancellor: University to Launch Systemwide Title IX Assessment](#). February 17.

⁶ For a brief summary of the above cases, see Peele, T., A. Smith, and D. Willis (2022) [More CSU sexual harassment and abuse cases made public](#). EdSource: May 6.

- *CSU Bakersfield Vice President for Academic Advancement in 2016*
- *CSU Chico Vice President for Student Affairs in 2019*
- *CSU Monterey Bay Dean of the College of Extended Education and International Programs in 2016-2017*
- *CSU Monterey Bay Financial Aid Director in 2015-2016*
- *Sonoma State University “administrator” in 2019 (Colin Perry)*
- *San José State University Director of Sports Medicine*
- *Sonoma State University President’s husband*
- *CSU Fullerton Music Director*
- *Humboldt State University Dean of College and Professional Studies in 2016, possibly the most egregious case as their retreat rights placed them in the same department as one of their victims*

Established procedures in how these incidents have been addressed in the past have made what is happening now across our campuses the inevitable result, particularly in situations that could lead to Separation for Cause. The practice of taking the most economically expedient solution, focusing on a cost-benefit analysis to taxpayers, minimizes the impact this has on the CSU as an institution; on CSU students, staff, and faculty; and on the CSU’s reputation with the residents of the State⁷. This is especially critical as this is proving to be a systemic crisis of leadership in the system that has seen a normative culture of abuse of power. We strongly encourage that, as continued examples of abuses of leadership in the CSU and rewarding of that abuse through the Executive Transition Program are coming to light, the Board of Trustees take holistic, proactive action to prevent this from recurring in the future, especially with existing administrators already legacied under the ETP.

We thank the Board of Trustees for taking the first step in addressing the ETP by suspending it for new hires and establishing a task force to review the program. We want to also reinforce our call for independent investigations from the State Legislature, both in Title IX practices and in the interpretation and implementation of the existing ETP, in order to begin reestablishing the trust and reputation of the CSU with the State. This is particularly important in light of the potential legal and contractual implications of providing benefits under the ETP when also under investigation for misconduct that could lead to further legal and contractual action – against the administrator. Misconduct

⁷ Kuwada, R. (2022) [California legislators request audit into sex harassment claims at Fresno State, CSU system.](#) Fresno Bee, May 2.

includes serious violations of campus and system policy and state and federal statutes. Misconduct also includes inappropriate behavior that may not be captured in existing campus and system policy. Discrimination, harassment (including exploitation and bullying), and retaliation are all violations of existing professional codes, such as the American Sociological Association's Code of Ethics⁸ and the American Association of University Professors' (AAUP's) Statement on Professional Ethics.⁹ An independent investigation thereby can generate the sunshine necessary to begin to de-institutionalize the culture and practices that have allowed these cases to occur again and again within the system with little redress.

We recognize that systemic change can be slow. Board of Trustees Chair Kimbell showed in February, when she released a statement about the Castro story in USA Today less than 24 hours after it broke, that the Board CAN take swift steps to communicate its position and plans while it also does the hard, slow work necessary to implement those plans – we need active and swift leadership, in this form, from the Board of Trustees now more than ever.

Approved – May 19-20, 2022

⁸ <https://www.asanet.org/sites/default/files/savvy/images/asa/docs/pdf/CodeofEthics.pdf>

⁹ <https://www.aaup.org/report/statement-professional-ethics>