



JOINT LEGISLATIVE AUDIT COMMITTEE RUDY SALAS JR., CHAIR

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Members
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

Dear Members of the Committee:

I respectfully request the Joint Legislative Audit Committee approve an audit of the California State University system (CSU) regarding the handling of sexual harassment and sexual violence complaints that involve faculty and staff. Additionally, the audit should review CSU's executive transition programs that provide postemployment compensation packages and retreat rights to departing executives (a/k/a golden handshakes).

Sexual harassment and sexual violence against university students is an issue of critical importance and prohibited by law. Yet, a 2019 campus climate survey conducted by the Association of American University found that over 26 percent of undergraduate women had been the victims of nonconsensual sexual contact while attending college. Moreover, the survey data reveal that graduate and professional students are particularly vulnerable to harassment from those in position of authority at the college, including faculty and administrator. For example, female graduate students who experienced sexual harassment identified the offender as a teacher or adviser at nearly four times the rate of female undergraduates.

When students suffer sexual assault and harassment, they are deprived of equal and free access to an education. To ensure that students are not deprived of their educational opportunities, Congress enacted Title IX of the federal Education Amendments of 1972 forbidding discrimination on the basis of sex at educational institutions receiving federal financial assistance. The statute offers protection for students, faculty and staff, and has been expanded to cover sexual harassment and violence in addition to sex discrimination. Under Title IX, schools are required to adopt and publish grievance procedures, train employees to handle reports, and protect victims from retaliation.

Recent news reports raise concerns regarding the CSU's handling of complaints relating to sexual violence and sexual harassment, particularly those involving staff and prominent administrators. For example, in April the Los Angeles Times reported that CSU paid \$600,000 this year to settle a claim with a Sonoma State provost who reported retaliation and sexual harassment allegations involving the campus president and her husband. According to the Los

Angeles Times, the former provost accused Cal State of failing to conduct a full-fledged investigation and doing only “very cursory and preliminary interviews”.

Additionally, in November 2021, the Los Angeles Times reported that San Jose State reached a \$3.3 million settlement with 15 former student athletes who were reportedly sexually harassed by a longtime sports trainer. The settlement followed a federal civil rights investigation that found San Jose State did not take adequate action in response to the athletes’ reports and retaliated against two employees who raised repeated concerns to the university about a former trainer and director of sports medicine. The newspaper further reported that the university allowed the sports trainer to continue working at the university until he retired in August 2020, nearly a decade after the first reports of abuse. San Jose State’s mishandling of sexual harassment complaints may have left about 1,000 female student athletes exposed to treatment by the trainer.

Furthermore, the resignation of CSU’s Chancellor in February 2022, amid criticisms that he mishandled allegations of sexual harassment at Fresno State University while he served as president of that campus, further underscore the need for a system-wide review of Title IX compliance. According to news report, when the former Chancellor was president of Fresno State University, he allegedly received at least 12 complaints against a top administrator over a six-year period. The complaints included allegations that the administrator stared at women’s breasts, touched women inappropriately, made sexist remarks and retaliated against employees. The report alleges that the former Chancellor never formerly disciplined the administrator and that upon his retirement in December 2020, the administrator received a \$260,000 payout, retirement benefits and a clean record.

Similarly, in his departure, the former Chancellor was assigned to CSU’s executive transition programs, where he will receive an annual salary of \$401,364, a monthly housing allowance of \$7,917, and “retreat rights” for a tenured faculty position at a CSU campus. Others receiving payments from the program include a former San Jose State president who similarly stepped down amid controversy over her response to reports of sexual harassment. The Times found that since 2015, 11 former top officials have benefited from the executive transition programs. And media reports in 2006 disclosed that CSU had paid more than \$4 million over a decade in salary and benefits to executives after they had stepped down. These generous arrangements are known in the corporate world at “golden handshakes” due to their lucrative nature. But in CSU case, taxpayers are paying for the payout.

The requested audit should review efforts by the following entities to appropriately address allegations of sexual harassment: California State University Office of the Chancellor; California State University, Fresno; San Jose State University; and Sonoma State University. Specifically, the audit should address the following regarding allegations of sexual harassment since 2018:

1. Review the system-wide Title IX office, including its mission, efforts to coordinate and provide consistency and oversight to the university system’s response to sexual harassment, and compliance with federal regulations and best practices. Determine whether the office is doing its best to ensure that investigations are conducted appropriately and timely.

2. Review the structure of the Title IX investigatory process to determine whether it can be strengthened. Identify who within the university system can interfere with the process and determine whether changes can be made to prevent such interference.
3. Determine whether university policies and procedures regarding sexual harassment are adequate to prevent, detect and address sexual harassment. Identify any best practices that could help improve university efforts.
 - a. Review whether the university sufficiently notifies students and employees regarding how to report allegations.
 - b. Review university efforts to keep victims of alleged sexual harassment informed of the status of any investigation.
 - c. Review university policies regarding employees' obligations to report alleged sexual harassment to appropriate parties within the university, including Title IX offices.
4. To the extent possible, identify the total number of sexual harassment complaints as well as the timeliness in resolving the complaints over the past 5 years, broken down by campus and the Office of the Chancellor. Further, provide high-level information on whether an investigation was initiated, the outcome of any investigation, and the number of alleged perpetrators involved in multiple complaints.
5. For allegations made and substantiated, in which the alleged perpetrator was employed by the university, analyze the consistency, reasonableness, and timeliness of discipline administered by the university. To the extent possible, assess whether the discipline administered was proportional to the conduct, adequate to deter future harassment, and consistent with policies, procedures, laws, and best practices.
 - a. Compare and contrast investigations that took place of various groups of individuals, e.g., faculty, non-faculty staff, executives.
 - b. Compare and contrast investigations that took place at different campuses.
6. Review employment agreements for executive staff within the university system with the aim of identifying who does and does not have golden handshakes, including retreat rights within their agreements.
 - a. Review and evaluate any system-wide or campus-specific policies regarding golden handshakes and retreat rights.
 - b. Identify the reasoning or any analysis performed by the university that went into deciding whether to provide retreat rights and whether and how much of a golden handshake to provide in employment agreements.

- c. Compare the university system's golden handshakes to golden handshakes within other non-CSU universities within or outside of the State.
7. Identify instances of executives receiving golden handshakes and retreat rights over the past 5 years.
 - a. Identify the reasons for and appropriateness of the golden handshakes and retreat rights.
 - b. Determine whether the historical use of golden handshakes and retreat rights by the university system can somehow inform future decisions regarding employment agreements and executive compensations and benefits.
8. Review any policies or practices associated with letters of recommendation and employees who are alleged perpetrators of sexual harassment.
9. Follow up on recommendations from prior audit reports regarding the university system, sexual harassment, and golden handshakes.

Because the university system is currently and appropriately conducting its own review, I ask that the State Auditor's Office begin its audit after the university system finishes its review, or 4 months from the date the Committee approves this audit request, whichever occurs first. My hope is that the audit conducted by the State Auditor's Office can benefit from the university system's own internal review.

Thank you for your consideration of this audit request. If you have any questions, please do not hesitate to contact me.



Joint Legislative Audit Committee
Assemblymember, 32nd District






