Resolution Number: RS22-429
April, 2022

Whereas:
RATIONALE: Chancellor Castro resigned on February 17, 2022 after extensive criticism emerged regarding his mishandling of sexual harassment, bullying and retaliation complaints while he was president of CSU Fresno. Prior, a 2019 Title IX investigation had found that then-President Castro violated CSU executive order 1096, the CSU “Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties,” which had established the systemwide procedure for addressing complaints. Subsequent to his resignation, Chancellor Castro was afforded the option to exercise retreat rights to assume the position of a faculty member, was allowed to keep his $7917 monthly housing allowance through August 2022 and was offered a generous financial compensation package including a $400,000 salary and the title of “advisor” to the CSU Board of Trustees for one year. Despite years of complaints about one of his top administrators at CSU Fresno, Frank Lamas, then-President Castro nominated him to be President of CSU San Marcos, repeatedly gave him positive performance evaluations, nominated him for a lifetime achievement award, and afforded him substantial pay increases. The purpose of this resolution is to promote transparency and due diligence in the hiring, transfer, and promotion of top-level administrators, as well as to denounce any actions that reward those found guilty of misconduct, such that individuals in positions of power are satisfactorily vetted and held accountable for their actions (including failures to act).

Whereas:
the California State University system is dedicated to building campuses and communities free from sexual harassment, dating and domestic violence, stalking, and other forms of sexual misconduct including but not limited to providing safe spaces free from retaliation for victims to report violations; and

Whereas:
employees with responsibilities to administer, oversee and enforce CSU gender discrimination policies must be held to the highest standard of ethics and professionalism with accountability and transparency; and

Whereas:
generous compensation packages should only be awarded to members of the CSU campus community in good standing rather than individuals who are under investigation or who have been found guilty of misconduct; therefore be it

Resolved:
that the Academic Senate urges the California State University system not to grant generous financial compensation packages and retreat rights to top-level administrators who are under investigation and deny them to those found guilty of misconduct; and be it further

Resolved:
that the Academic Senate urges the California State University Board of Trustees to revoke the agreement on the termination/departure, including retreat rights and title, offered to former Chancellor Castro; and be it further

Resolved:
that the failure of a top-level administrator to prevent, to investigate, and to take appropriate action on misconduct by other individuals be considered equivalent to misconduct on the part of that administrator; and be it further

Resolved:
that if an employee or administrator is found guilty of significant misconduct or multiple violations, the California State University Board of Trustees and Campus Presidents should be urged to terminate employment and revoke any agreements for tenure or retreat rights; and be it further

Resolved:
that the SF State Academic Senate urges the entire California State University system to fully vet all candidates for hiring, transfer and promotion of Title IX officials and university administrators, with special attention to: 1) any actions or speech in conflict with SF State anti-gender-discrimination policies and values; 2) any failures to keep a record of complaints and to follow up consistent with fair, impartial due process for all stakeholders; 3) any attempts to otherwise conceal wrongdoing; and 4) any attempts to shield those found guilty from scrutiny, censure or discipline; and be it further
Resolved:
that this resolution be distributed to President Mahoney, SF State campus Vice Presidents, the Academic Affairs Council, the President and Board of Directors of the Associated Students, the Academic Senate of the California State University, the Chairs of the Academic Senates of the California State University System, the CSU Board of Trustees, the Chancellor’s Office, Interim Chancellor Jolene Koester, the California Faculty Association, the California State University Emeritus & Retired Faculty & Staff Association, CSU Alumni Council, the California Senate Education Committee, the California Assembly Higher Education Committee, and California Governor Gavin Newsom.