

AGENDA

COMMITTEE OF THE WHOLE

Meeting: 10:00 a.m. Wednesday, September 17, 2003
Glenn S. Dumke Auditorium

Debra S. Farar, Chair
Murray L. Galinson, Vice Chair
Roberta Achtenberg
Bob Foster
Eric Z. Guerra (non-voting)
William Hauck
Alice A. Huffman
Ricardo F. Icaza
Kathleen E. Kaiser
M. Alexander Lopez
Shailesh J. Mehta
Dee Dee Myers
Ralph R. Pesqueira
Frederick W. Pierce, IV
Charles B. Reed, Chancellor
Kyriakos Tsakopoulos
Anthony M. Vitti
Daniel Weinstein

Consent Items

Approval of Minutes of Meeting of July 16, 2003

Discussion Items

1. Litigation Report No. 18, *Information*

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

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

July 16, 2003

Members Present

Debra S. Farar, Chair of the Board
Roberta Achtenberg
Robert G. Foster
Murray L. Galinson
Harold Goldwhite
Alice A. Huffman
Ricardo F. Icaza
M. Alexander Lopez
Shailesh J. Mehta
Ralph R. Pesqueira
Frederick W. Pierce IV
Charles B. Reed, Chancellor

Members Absent

William Hauck
Dee Dee Myers
Kyriakos Tsakopoulos
Anthony M. Vitti

Chancellor's Office Staff

David Spence, Executive Vice Chancellor and Chief Academic Officer
Richard P. West, Executive Vice Chancellor and Chief Financial Officer
Jackie R. McClain, Vice Chancellor, Human Resources
Christine Helwick, General Counsel
Karen Y. Zamarripa, Governmental Affairs

Chair Farar called the meeting to order at 9:00 a.m.

Approval of Minutes

The minutes of March 11, 2003 were approved as submitted.

Chair Farar explained to the committee that the information item was to provide status to the Trustees on the Title 5 smoking policy.

Vice Chancellor Jackie McClain stated that at last September's board meeting, the trustees amended Title 5 of the California Code of Regulations and delegated authority to campus presidents and the Chancellor to adopt rules regulating smoking on CSU properties. A handout was provided to the Trustees summarizing the progress. She said that four campuses are in the process of completing their policies and will have them done in the fall. The remainder of the campuses have completed their secondhand smoke policies. Vice Chancellor McClain concluded by saying that the presidents are moving in the direction that the Chancellor asked them to and will have this accomplished by the end of the year.

Adjournment

The meeting adjourned at 9:01 a.m.

COMMITTEE OF THE WHOLE

Litigation Report No. 18

Presentation By

Christine Helwick
General Counsel

Summary

This is the biannual report on the status of significant litigation confronting the CSU, which is presented for information. "Significant" for purposes of this report is defined as litigation: (1) with the potential for a systemwide impact on the CSU; (2) which raises public policy issues of significant interest or concern; (3) brought by or against another public agency; or (4) which, for other reasons, has a high profile or is likely to generate widespread publicity. *New information since the date of the last report is printed in italics.*

The cases contained in this report have been selected from 135 currently active litigation files.

New Cases

CSU v. California Faculty Association – Los Angeles County Superior Court
CSU v. California Faculty Association – Los Angeles County Superior Court
The Board of Trustees has filed a complaint to recover \$45,000 from the California Faculty Association for costs incurred in gathering and providing information requested by the union. A related petition to compel arbitration has also been filed to require the parties to arbitrate the dispute as required under the contract. Both cases are in the early pleading stage.

CSU v. Southwest Industries, et al. – San Diego County Superior Court
CSU contracted with Southwest Industries to perform necessary mold remediation and abatement after settlement of an earlier case with Blake Construction for defective construction at Chapultepec Residence Hall. CSU is now suing Southwest Industries for breach of its contract because it fell behind the construction schedule and failed to adhere to the contract specifications for mold removal and remediation. This case is in the early pleading stage.

Construction Industry Force Account Council, et al. v. CSU, et al. - Butte County Superior Court
Plaintiffs Construction Industry Force Account Council and Foundation for Fair Contracting claim to be organizations representing construction trade groups, labor unions and contractors throughout California. Plaintiffs allege that the Chico Research Foundation is the alter ego of CSU and is therefore obligated to follow all statutory competitive bidding and prevailing wage requirements imposed on CSU as a public agency. Plaintiffs claim that the Foundation did not follow all such requirements in awarding a recent contract for the renovation of administrative offices, and seek injunctive and declaratory relief, as well as

attorneys' fees under California's Unfair Business Practices Act. Plaintiff Delbert Baker is an individual who failed to receive the contract award. The successful bidder, BCM Construction Company, Inc., has also been named as a defendant. The case is in the discovery phase.

Jouganatos v. CSU, Sacramento -- Sacramento County Superior Court

George Jouganatos, a part-time Lecturer at CSU, Sacramento, alleged that he was the victim of discrimination based on his Greek ancestry and subjected to offensive comments of a sexual nature by two faculty members. He further alleged that he was not hired as a tenure-track faculty member in the Economics department in retaliation for his complaining about the discrimination and harassment. The case is in the discovery phase.

Pacific Engineering Builders, Inc. v. CSU - San Francisco Superior Court

American Manufacturers Mutual Insurance Company v. CSU - San Francisco Superior Court
Pacific Engineering Builders, Inc. contracted with the University to seismically retrofit Hensill Hall, which houses the Biology Department. PEBI failed to complete the first of three phases of the project and in April 2002, the University terminated PEBI. The University then entered into a Project Takeover and Completion Agreement with the bonding company, American Manufacturers Mutual Insurance Company. PEBI has sued the University alleging breach of contract, negligence, defamation and interference with economic advantage. The bonding company has also sued separately for breach of contract. Both cases are in the pleading stage.

Washington v. CSU, et al. – Los Angeles County Superior Court

Pat Washington, an African-American woman and former SDSU tenure-track faculty member in the Women's Studies Department, sued the University and the Women's Studies Department Chair alleging she was improperly denied tenure because of racial discrimination and retaliation. The University will move to have this matter transferred to the San Diego County Superior Court. This case is in the early pleading stage.

Construction Cases

BDM Construction Co. v. CSU – Sonoma County Superior Court

BDM Construction Co. built student apartments at Sonoma State University, and is now suing for over \$4 million for delays, costly changes in the project, and change orders that it alleges were signed under fraud and duress. The CSU Claims Review board previously granted BDM \$58,204.00 and CSU \$1,542,510.00. Two subcontractors have now sued BDM. BDM has in turn filed a cross-complaint for indemnification against CSU. The cases are in the discovery phase. CSU filed a motion for summary judgment on some of the claims in the cross-complaint, which is scheduled for hearing on September 23, 2003.

CSU v. Huntcor et al. -- Los Angeles County Superior Court

CSU filed this action to redress construction defects which are now appearing in Cal Poly Pomona's Classroom, Laboratory and Administration Building, completed in 1992. There is significant water infiltration throughout the building and the exterior skin is not holding up. *Several defendants have filed early motions to dismiss, which will be heard in late August and September. An early date set for mediation had to be postponed, and the January trial date set by the first judge assigned has been vacated as a result of two changes in the judges assigned to this case. The parties have agreed in a proposed case management order to schedule a mediation conference sometime before November 30, 2003.*

Employment Cases

Barcelo, et al. v. CSU, Fullerton - Los Angeles County Superior Court

Six Hispanic plaintiffs, employed in several different departments at CSU, Fullerton claim that they have been harassed, discriminated and retaliated against on the basis of their race. Two have left the university. Four remain employed at CSUF. *The case was settled in April 2003 for \$200,000 to be split amongst all six plaintiffs and their attorney.*

Boze v. CSU – San Diego County Superior Court

Gomez v. CSU – San Diego County Superior Court

Fraday v. CSU – San Diego County Superior Court

These cases were brought by three former employees of the Fiscal Operations department at CSU San Marcos. Each claims that she was subjected to gender and pregnancy discrimination, harassment, retaliation, and denied promotional opportunities. Boze, a Filipino, also alleges race and national origin discrimination. All three were originally represented by the same law firm, but Fraday ended up representing herself. *CSU settled with Fraday for \$18,000. In Gomez, the court granted CSU's motion for summary adjudication, in part, dismissing three of her claims. In June 2003 a jury returned a verdict in favor of CSU on Gomez' remaining claims. In Boze, the court granted CSU's motion for summary judgment on the entire case. CSU is seeking an award of costs against Gomez and Boze.*

Brown v. California State University - Fresno County Superior Court

Horsford, et al. v. California State University - Fresno County Superior Court

Snow v. California State University – Fresno County Superior Court

Auwana Brown, a former employee in the CSU Fresno Police Department, filed a lawsuit claiming to have been sexually harassed by the former chief of police, Willie Shell. As a part of the settlement of this lawsuit, Brown agreed to resign her university employment. After Brown's resignation became effective, however, she petitioned the State Personnel Board to reinstate her. The State Personnel Board refused, and Brown then filed a second action, which asks the Court of Appeal to order the State Personnel Board to set aside her resignation. *The court instead sent the case back to the State Personnel Board for further findings. The State Personnel Board has not scheduled a new hearing yet.* Brown subsequently filed yet another action, which seeks monetary damages and to rescind her resignation under the settlement agreement. *The court has stayed all further proceedings in this action until the State Personnel Board case has been*

completed. Brown is represented in the current actions by the same attorneys who represented her in the in the earlier sexual harassment case, and who also represent the plaintiffs in the Horsford and Snow cases, as well as the Zamora case (described separately below).

Daniel Horsford and five other employees or former employees in the CSU Fresno Police Department filed a separate lawsuit claiming that a variety of actions in the CSU Fresno Police Department while Shell was chief constituted reverse discrimination. The plaintiffs in this action are white, Hispanic and Asian; Shell is black. Shell resigned his employment at CSU Fresno before any of the lawsuits were filed, and later pled no contest to felony charges of misconduct while he was chief of police at CSU Bakersfield before coming to Fresno. CSU filed motions for summary judgment against all six plaintiffs. Three were granted. The other three were granted in part, leaving significant but narrowed issues for trial. The trial of this case began in May and continued through August 2000. The jury rendered a verdict for plaintiffs in the total amount of \$4.25 million. In December 2000, the court reduced this verdict to \$1.17 million. The court awarded plaintiffs' attorneys \$1.2 million in fees. Both the verdict and the attorneys' fee award are on appeal. Briefing is underway.

Richard Snow, one of the Horsford plaintiffs, suffered a work-related hip fracture in November 2000 and was deemed disabled as a police sergeant in subsequent workers' compensation proceedings. His disability retirement became effective in February 2003. Snow filed a new lawsuit shortly thereafter, alleging that the university discriminated against him because of his disability, failed to accommodate him, and retaliated against him because of the Horsford verdict and other protected activities. The matter is in the *discovery* stage.

Dupris, et al. v. CSU – United States District Court, San Francisco
Hill v. CSU et al. --United States District Court, San Francisco

Three professors in the Native American Studies Department at Humboldt State University filed this action against the university and its foundation, alleging race, national origin (Native American) and religious discrimination, improper termination from a grant-funded project, retaliation, refusal to grant promotion, hostile work environment, conspiracy to violate their civil rights, and violation of copyright. A second lawsuit was filed when one of the plaintiffs was not reappointed. *On May 15, 2003, both cases were settled for a combined sum of \$350,000 and have been dismissed.*

Elsayed v. CSU, Hayward, et al. – United States District Court, Oakland

Osman Elsayed, an African male, was denied tenure at Hayward in May of 1996. He sued claiming to have been the victim of discrimination on the basis of his Islamic religion, race and national origin. The case was tried for two weeks in September 2000. The jury returned a verdict for the plaintiff in the total amount of \$637,000 -- \$100,000 for economic loss, \$500,000 for emotional distress, and \$37,000 in punitive damages against the president, provost and a dean. In a post trial ruling, the court dismissed the provost and reduced the punitive damages to \$22,000. CSU appealed the judgment. In August 2002, the Court of Appeal granted CSU's

request to vacate the jury's verdict, and ordered the case back to the District Court for a new trial. Elsayed filed a petition for rehearing which the Court denied. *In a mediation on May 22, 2003, the lawsuit was settled for \$495,000.*

Green v. SFSU -- San Francisco County Superior Court

Marcia Green, a 15 year Lecturer at San Francisco State University, was not hired into a tenure track position and subsequently was not rehired as a Lecturer. She alleged that she was the victim of discrimination on the basis of her Polish ancestry, marital status and age. The case was tried for three weeks in August and September 2000. The jury returned a verdict in favor of CSU on the discrimination claim, but awarded Green \$1.56 million for retaliation. CSU appealed. Judgment was affirmed on October 1, 2002 and has been paid. *A settlement agreement for attorneys' fees and costs in the amount of \$375,000 was reached in April 2003 and has been paid.*

Green and her husband, Geoffrey, who is also a professor at SFSU, filed a second lawsuit in which they claim to have been retaliated against following the verdict in Ms. Green's first lawsuit. Trial is set for *November 10, 2003*. The case is in the discovery phase.

Koslosky v. CSU – Alameda County Superior Court

Major v. CSU – Alameda County Superior Court

Carole Koslosky, an office assistant in the Department of Public Safety at CSU Hayward, claims she was sexually harassed by her supervisor, Bob Pitta, and is seeking damages resulting from that harassment and retaliation. Her husband, Michael Koslosky, has filed a loss of consortium claim. The case settled for \$98,500 at a mediation held on November 11, 2002.

Darryl Major, an African-American police officer at CSU Hayward, claims he has been discriminated against on the basis of his race and disability. He further claims he was harassed and retaliated against for complaining about the discrimination. He is represented by the same counsel as Koslosky. *This lawsuit and an unrelated worker's compensation claim settled for a total of \$40,000.*

May v. Trustees – Monterey County Superior Court

James May is a former faculty member at CSU Monterey Bay who retired in 2000. He alleges that he was forced to take an early retirement due to continuing mistreatment, race, disability and age discrimination, harassment, retaliation, failure to prevent discrimination, and wrongful termination. On February 28, 2002 the jury returned a \$375,000 verdict in favor of May for harassment and retaliation on the basis of race and national origin. On May 9, the court granted CSU's motion for a new trial. May has appealed both the trial court's grant of a new trial and the defense verdict on his discrimination claims. *Briefing is underway.*

Triggs v. California State University, Fresno – Fresno County Superior Court

Charles Triggs, a part-time temporary parking officer, alleges that from July 1999 through August 2000 he was subjected to unwanted sexual harassment and discrimination by CSU Fresno police dispatcher Melinda Combs. *This case settled in April 2003 for \$10,000 paid to Triggs' Trustee in bankruptcy.*

Zamora v. Trustees, et al. - Fresno County Superior Court

Mark Zamora, formerly an officer in the CSU Fresno Police Department, filed a lawsuit claiming that Sgt. Lupe Shrum sexually harassed him and then retaliated against him from January 1995 through December 1999, and that Chief Lynn Button and Lt. Sergio Silva did nothing to stop it. Zamora also complains that the university discriminated against him because of his disability (diabetes), and refused his requests for reasonable accommodation. Zamora resigned from his university employment, but claims that he was constructively discharged. Zamora is represented by the same attorneys who represent the plaintiffs in the Brown and Horsford cases (described above). The case is in the discovery stage. Trial is scheduled to begin on *March 8, 2004*.

Environmental Cases

City of Marina v. CSU, et al. – Monterey County Superior Court

Fort Ord Reuse Authority v. CSU, et al. – Monterey County Superior Court

Plaintiffs in these two lawsuits are challenging the adequacy of the final environmental impact report prepared for CSU Monterey Bay's Physical Master Plan. They allege that the city and FORA will suffer unmitigated adverse impacts if the plan is implemented and that the CSU improperly fails to recognize the jurisdiction of FORA over campus development that does not involve education or research. After settlement discussions failed, the court issued its decision in favor of the City of Marina and FORA. CSU filed an appeal. *On June 17, 2003, the Court of Appeal reversed the trial court and ruled that CSU is not required to contribute to the cost of local infrastructure improvements, notwithstanding the mitigation requirements of environmental law. This opinion will have far-reaching implications for all CSU campuses. On July 17, 2003, the Court of Appeal denied the Petition for Rehearing filed by FORA and the City of Marina. FORA has now filed a Petition for Review with the California Supreme Court.*

Neighborhoods North of Foothill, Inc v. Trustees of the California State University, et al. - San Luis Obispo County Superior Court

Neighborhoods North of Foothill, Inc., a homeowners' association in San Luis Obispo, filed a petition challenging the Trustees' certification of the environmental impact report for the faculty and staff housing project on the Cal Poly campus. The petition alleges that the EIR failed to adequately address a number of impacts, including traffic safety and circulation. Additionally, the complaint asks for a judicial declaration that the project is subject to planning and zoning laws of the County and/or City of San Luis Obispo.

In December 2002, the court found that there were several deficiencies in the environmental impact report. CSU was ordered to prepare a Supplemental Environmental Impact Report which

must be re-certified by the Board. The court further ruled the project is not subject to local zoning or building regulations and ordinances

A Supplemental Environmental Impact Report is on the agenda for approval at the September Board meeting (see, Committee on Planning, Buildings & Grounds).

Personal Injury Cases

Birk v. SDSU, et al. – San Diego County Superior Court

Malik Birk, a student at SDSU, sued the University, the Inter-Fraternity Council, the United Sorority Fraternity Council, Nu Alpha Kappa fraternity, and several third parties for serious head injuries he suffered in an automobile accident on Highway 8 near San Diego in the early morning of October 28, 2001. Birk alleges he was returning to campus from a fraternity “pledge weekend” when another fraternity member fell asleep at the wheel causing their car to strike a fence. Birk has petitioned the court to approve a settlement with his fraternity brother for his insurance policy limits of \$100,000. *In July 2003, Birk dismissed the CSU from his suit. Conversations are ongoing with the Inter-Fraternity Council and the United Sorority Fraternity Council concerning their role in the monitoring and regulating of SDSU fraternities.*

Mora v. State of California et al. - Los Angeles County Superior Court

Timoteo Mora, a CSU Dominguez Hills student, received a significant electrical shock upon plugging in a microscope in his chemistry class in February of 1999. A campus investigation determined that the plug was faulty. Mora filed this action to recover for his physical injuries. The university confessed liability and the only remaining issue to be tried was the extent of Mora’s injuries attributable to this incident. The case was tried in May 2002, and the jury returned a verdict in Mora’s favor in the amount of \$420,000. (He had asked the jury for \$10,000,000.) Because the jury awarded Mora less than was offered in settlement, CSU was entitled to offset costs (approximately \$120,000) against the amount of the judgment. Mora filed bankruptcy immediately following the jury verdict and the case was stayed until the bankruptcy issues were resolved. *Settlement discussions with the bankruptcy Trustee resulted in a resolution of the case for \$320,000.*

Sy, et al. v. Union Pacific Railroad Company, et al., San Luis Obispo County Superior Court

Plaintiffs, Enrique Sy (father), Amelia Finocchio (mother) and Erika Sy (sister and personal representative), filed this action for the wrongful death of Cal Poly student Jason Sy, who, while riding his bike to attend classes at Cal Poly, was struck by a freight train at a grade crossing located adjacent to the campus. The defendants are the landowner Union Pacific Railroad Company, and adjacent landowners, CSU, The Church of Jesus Christ of Latter Day Saints, First Worthing Company, and City of San Luis Obispo. Causes of action against CSU include dangerous condition of public property and nuisance.

Motions to dismiss plaintiffs' complaints have been granted. A new motion on a Third Amended Complaint is set for hearing on October 29, 2003.

Walker, et al. v. Trustees et al. -- Butte County Superior Court

This is a wrongful death action resulting from an automobile accident that killed Carlos Rojas, age 8, and seriously injured his brother Cecilio Rojas, age 10. The driver, CSU Chico student Victor Lopez, Jr., lost control of his car and drove off a mountain road on the way back from a sledding event sponsored by Community Action Volunteers in Education, a program administered by the Chico Associated Students. *In June 2003, plaintiffs voluntarily dismissed their claims against CSU. The case continues against the Chico Associated Students.*

Student Cases

Fields v. CSU Hayward – United States District Court, San Francisco

Philip Fields, a student at CSU Hayward, filed this action alleging violations of the Americans With Disabilities Act and various other civil rights statutes. Fields claims he has been discriminated against because of his disabilities, which he describes as mobility impairments, vision problems and learning disabilities. He also claims he has been retaliated against for complaining about the alleged discrimination. His claims are primarily that the accommodations the University provided for a chemistry course he took were inadequate. Fields moved for a temporary restraining order to require the University to provide him with further accommodations. The court denied his motion. In December 2002, the Court granted a portion of CSU's motion for summary judgment and dismissed several of Fields' claims. *On March 6, 2003, the parties settled the remaining claims in this case for \$99,000.*

Neal, et al. v. Board of Trustees of the CSU, et al. - United States District Court, Fresno

Members of the CSU Bakersfield wrestling team, both men and women, filed this lawsuit to enjoin the elimination of wrestling, or the placement of any cap on the male membership of the team, in order to comply with the Consent Decree in the Cal NOW litigation. The plaintiffs argued that both the Consent Decree and the federal regulations implementing Title IX are discriminatory.

In December of 1997, the court ruled that achieving proportionality in male and female participation in athletics is not a "safe harbor" against claims of (reverse) discrimination. The opinion acknowledged its inconsistency with five federal appellate opinions that have considered this same issue. It followed instead a lone Louisiana district court opinion.

In February 1999, the court granted plaintiffs' request for a preliminary injunction, stating that capping men's teams is a quota in violation of Title IX. CSU appealed. In December 1999, the Ninth Circuit Court of Appeals reversed the lower court, ruling that the capping of men's teams is not a violation of Title IX.

The plaintiffs filed and lost a petition for rehearing in the Ninth Circuit. The case was returned to the trial court, where the plaintiffs argued a need for further discovery. On September 25, 2001, the court granted CSU's motion for summary judgment. In conformity with the Ninth Circuit's earlier decision, the court ruled that Title IX does not prevent a university from making gender-conscious decisions where there is a disproportionately higher percentage of athletic availability for the male students. Plaintiffs appealed this ruling to the Ninth Circuit. The Ninth Circuit affirmed the trial court's decision. *Plaintiffs filed a petition with the U.S. Supreme Court. CSU has filed its opposition. The Court has not yet decided whether to hear the case.*

Rodgers v. SDSU, et al. –United States District Court, San Diego

Susan Rodgers, a Caucasian woman, was denied admission to a graduate program in the SDSU Department of Counseling and School Psychology. She was placed on the waiting list and was advised that she would be admitted to the program only if another Caucasian candidate dropped out. She sued the University for race and sex discrimination. *In August 2003, the case was settled for \$42,000.*

Other Cases

Board of Trustees v. Bello's Sporting Goods – San Luis Obispo County Superior Court

This lawsuit sought a permanent injunction to prevent Bello's Sporting goods, a store in San Luis Obispo, from engaging in further sales of clothing and other merchandise bearing the "Cal Poly" name. Bello's contends that it has a right to do so because: (1) it sold clothing with the "Cal Poly" name before CSU began doing so; and (2) CSU waived its rights by not filing suit earlier. In April 1999, the court denied CSU's request for a preliminary injunction.

The court subsequently granted CSU's request to amend its complaint to include claims against Bello's based upon state and federal trademark, unfair competition and anti-dilution laws. Bello's filed a cross complaint for damages against CSU and Cal Poly Foundation. After further motions, Bello's dropped its complaint for money damages, seeking an injunction only to prevent the CSU from enforcing its trademark rights.

In July 2001, the trial court denied most of the relief sought by CSU in a decision that ruled the phrase "CAL POLY" is not protected under trademark law because it is not understood by the public as a name for a particular educational institution but instead is a generic term that identifies and refers to all polytechnic or technical schools located in California. Thus, Bello's Sporting Goods can continue using the phrase because it is generic. However, the court did enter a limited injunctive order directing that Bello's Sporting Goods place labels on all goods indicating that the CSU did not approve, sponsor or authorize the clothing goods sold by Bello's that are marked with the words CAL POLY. Also, the court denied and dismissed Bello's cross-complaint against CSU. Both CSU and Bello's appealed this ruling.

Whole
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Effective January 2, 2002, the Legislature amended the Education Code to clarify that the name “Cal Poly” and other abbreviated campus names are state property and may not be used without CSU’s express permission.

In July 2003, the Court of Appeal issued a decision which reverses the trial court's ruling and remands the matter for further hearing on the newly enacted Education Code provision.

Villanueva v. CSU – Sacramento County Superior Court

Ricardo Villanueva completed his doctorate degree in Theater in 1994 and was a participant in the CSU Forgivable Loan/Doctoral Incentive Program. He claims that CSU breached its contract and defrauded him because no campus has hired him for a tenure-track faculty position, and as a result his loans have not been forgiven. *The case has been ordered to non-binding arbitration.*