

Oct 9, 2018

To: Patrick Kenney

From: Lawrence Krauss

RE: Conciliation Agreement

I just received from the President a copy of the conciliation committee report along with his instructions, based on their recommendation, "to directly discuss with each other whether there are terms that can be agreed to", by close of business tomorrow.

I believe it is in the interests of all parties that we negotiate a settlement. I believe there is no legal justification for dismissal of a tenured faculty member on the basis of the largely spurious and false claims that I addressed in my appeal document. As you are aware, none of my students, faculty colleagues, postdoctoral researchers at ASU, or a single participant in my many Origins Projects events has launched a complaint against me. I recognize that going through the appeals process and the legal process following it will drag on for some time, be costly for everyone—financially and otherwise, especially considering that, under ABOR 6-201, I will continue to be paid at least until the conclusion of hearing procedures, up to and including an appeal to Superior Court if necessary. I also recognize that independent of the facts, at this point the University would prefer me to leave, and I now find little left to induce me to remain at ASU. Thus I propose:

1. I retire when I turn 65 at the end of May, 2019. However, if we can come to agreement on the other terms, I would retire effective Dec 31, 2018. I would receive all standard faculty retirement benefits after that time.
2. The University ends my administrative leave effective immediately and reinstates my normal status with the understanding that I will be primarily working from Portland, with periodic travel to Phoenix for research meetings and arrange details of my office there.
3. There is a consideration of emeritus status, and the possibility of retaining my office and my executive assistant (who you are aware has stated that not only has she not been harassed but has witnessed no harassment by me of anyone during the 9 years she has worked for me) for 2 years following retirement.
4. I was planning not to retire until the age of 72 at least, as my divorce agreement indicates that I will pay my ex-wife alimony equal to approximately half of my ASU salary until that time. As it now stands I am required to pay this amount to my ex-wife until I am 65 regardless of my job status at ASU. Thus, retirement in December 2018 implies I will lose 7.5 years income, at the very least will be required to pay approximately \$12K/mo to my ex wife through May 2019. As a reasonable compromise I would ask for a retirement monetary package equal to 3 years of my 2017-2018 12 month salary of \$335K/yr, plus \$12K/yr for family health coverage costs, plus \$15K/yr in lost retirement benefits, plus the lost income I experienced as a result of the University putting me on administrative leave

and sending out a press release to this effect in March. That amount is approximately \$265K and includes lawyers fees required because of lack of cooperation from OEI during their investigation. This total is \$1.35 million dollars.

5. I raised over \$2.5 million dollars to support my work with the Origins Project, and have brought in over \$1.5 Million dollars in external research funding. I would like the remaining ASU Foundation Funds that were raised to support the Origins project, and the RID funds allocated to support my research arising from Federal grants to ASU during the period of my employment at ASU, to be transferred to another non-profit organization to be used to support my research and outreach activities.

6. A University statement with the following content, although the exact wording is negotiable:

“The University recognizes and appreciates the significant contributions to teaching, research, and public outreach at ASU that Prof. Krauss has made over the past decade. Following the termination of the Origins Project that Professor Krauss led at ASU for the past decade, Professor Krauss has chosen to retire from ASU effective xxx and will continue to carry out his research, writing, and outreach activities elsewhere after that time. We thank him for his service. We note that while allegations have been made in the press and to the University regarding Professor Krauss, none of Prof. Krauss’ students, faculty colleagues, or postdoctoral researchers during his time at ASU have issued any complaints against Prof. Krauss, nor were there complaints raised by any of the many participants in his Origins Project events over the past decade. Moreover, a University investigation uncovered no substantiated violations of University policy involving ASU faculty staff or students justifying dismissal. Prof. Krauss will remain at the University as a regular tenured faculty until his retirement at the end of this year. ASU acknowledges the difficulties the University’s procedures over the past year have caused for his professional and private life, and Prof. Krauss understands the University’s need to seriously address all allegations they receive.”

I look forward to hearing back from you regarding these proposals or modifications to them, to see if we can come to final agreement on the framework of a conciliation.