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Former Cal State dean awarded \$6M in harassment suit. Fresno State cases cited

By Robert Kuwada

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A jury awarded a former associate dean at Cal State San Bernardino Palm Desert \$6 million after finding the university failed to prevent pervasive gender harassment and discrimination and that she had been retaliated against in violation of state law.

In the lawsuit, Anissa Rogers alleged Cal State San Bernardino did not properly handle gender-based harassment and discrimination and that CSU leadership either ignored or mishandled complaints of gender inequity and mistreatment, allowing for a hostile work environment for women at the campus.

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In the lawsuit, which was filed in March 2023, Rogers pointed to former interim chancellor Jolene Koester, alleging "a barrage of witnesses have emerged to corroborate, under penalty of perjury, that, despite Dr. Koester's trite platitudes, Dr. Koester is known to have 'coached' female employees about how best to endure well-documented sex harassment, discrimination and retaliation by high-ranking male employees."

CSU attorneys recently lost a motion to quash a trial subpoena issued to Koester in a discrimination and retaliation lawsuit filed by a Fresno State employee, which is scheduled to go to trial next year.

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ogers, attorneys in the lawsuit also singled out former C50 chancehor Joseph 1. Castro, who was forced to resign in February 2022 for his handling or mishandling of harassment complaints against a senior administrator when he was the president at Fresno State. Castro died in late August.

"Despicably, just like Dr. Koester, who replaced him, Castro did absolutely nothing to prevent the sex harassment from occurring," attorneys said, in the lawsuit.



"He enabled it. Castro recommended the administrator for a top position at defendant CSU's San Marcos campus, lauding the administrator as 'an exemplary colleague and campus leader."

David M. deRubertis, lead trial attorney for Rogers, argued in court that the genderbased mistreatment was inevitable after top university officials ignored a 2015 campus climate survey that suggested a culture of fear, intimidation, gender-based mistreatment and bullying at the university. The survey also recommended adopting an anti-bullying policy and an audit of human resources practices and policies. University president Tomas Morales testifed that neither recommendation was implemented.

"This verdict is a message," deRubertis said, in a press release. "Cal State can't ignore the systemic problems of gender-based mistreatment within its ranks. The jury saw the importance of holding this institution to account, and we're very appreciative of that."

The \$6 million award includes \$3 million each for past and for future noneconomic damages including mental suffering, loss of enjoyment of life, physical pain, physical impairment, inconvenience, grief, anxiety, humiliation and emotional distress.

The case was tried in Los Angeles County Superior Court. Rogers was represented by deRubertis, Courtney Abrams and Andrew Friedman. The three attorneys also represent Clare Weber, a former vice provost at the San Bernardino campus. A lawsuit filed by Weber based on claims of gender pay inequity, harassment and retaliation is expected to go to trial next year.

The award, "represents a resounding rejection of CSU's long-running denials of gender bias within its ranks," Abrams said, in the press release. "Dr. Rogers stood up not only for herself, but also the other women who have been subjected to genderbased double-standards within the Cal State system."

The CSU board of trustees, Morales and former dean of the Palm Desert campus Jake Zhu were named as defendants in the lawsuit

Morales and Zhu, according to the suit, were the subject of a number of reports of gender-based abuse that were made directly to Koester.

Koester "did absolutely nothing," according to the suit, and the abuse continued.

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