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Jury Awards Former CSUSB Palm Desert Campus Associate Dean \$6M In Gender Discrimination Lawsuit

Jurors find the university failed to take all reasonable steps to prevent harassment, retaliated against Anissa Rogers for reporting harassment and constructively discharged her.

by **Alicia Ramirez**
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A jury last week awarded former associate dean at California State University San Bernardino's Palm Desert Campus Anissa Rogers \$6 million in damages as a result of her 2023 gender discrimination, harassment and retaliation lawsuit. (Courtesy CSUSB Palm Desert Campus)

A jury last week awarded former associate dean at California State University San Bernardino's Palm Desert Campus (PDC) Anissa Rogers \$6 million in damages as a result of [her 2023 gender discrimination, harassment and retaliation lawsuit](#).

"I think the biggest takeaway is that even public educational institutions have to immediately address complaints of harassment," attorney Andrew Friedman, representing Rogers, said in an interview with *The Riverside Record*. "In this case, there were innumerable complaints of gender harassment made to innumerable officials over several years, and the institution did nothing."

Friedman said it was his hope that the university would take this verdict as a sign to do a full audit of its human resources department, policies and practices and remove those who fail to comply with the university's rules surrounding harassment claims.

"I'm afraid none of that's going to happen," he said. "We have a companion case that's going to be going to trial early next year alleging much the same claims, and I think CSU is going to just like it did in this case, obstinately deny that anything wrong happened, and we'll have a jury sort it out."

The jury reached the verdict three days after the trial concluded, finding that Anissa Rogers was personally subjected to severe or pervasive harassing conduct because of her gender that resulted in a hostile, intimidating, offensive, oppressive or abusive workplace that caused her harm.

The jury further found that not only did California State University fail to take all reasonable steps to prevent the harassment, but also retaliated against Rogers for reporting the harassment and intentionally created or knowingly permitted the intolerable working conditions that led to Rogers' constructive discharge from the university.

"We were disappointed by the verdict reached by the jury on Monday, and we will be reviewing our options to assess next steps," the university said in an email to *The Riverside Record*. "The university is not commenting beyond this statement."

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The verdict came after the jury heard nine days of testimony in which attorney David Derubertis argued that the university failed not only to prevent and respond to the reported harassment of Rogers and other women by former PDC Dean Jake Zhu, but that the toxic climate at the university was an ongoing problem that officials were made aware of back in 2016 when [the results of a climate survey were presented](#).

“When the culture at the top is rotten, the tree gets infected to the roots,” Derubertis said in his closing argument, according to court transcripts obtained by *The Record*. “That’s unfortunately this college.”

Derubertis said the lack of action taken by the university in response to complaints about Zhu took a “catastrophic toll” on Rogers, a statement backed up by the testimony of her colleagues.

“It was a very sad transition,” Michael Salvador, former PDC associate dean and current faculty member, said according to court transcripts. “I saw Dr. Rogers go from someone who was enthusiastic, smiling — she was a vibrant part of the campus — and toward the end, it was a different person, sunken shoulders and looking down and dark eyes. It was quite stunning to see it.”

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Kathryn Robinson, who was Zhu’s executive assistant during Rogers’ tenure at PDC, during her testimony recalled one time when she was in the room with Zhu and Rogers during a meeting in which Zhu raised his voice at Rogers.

“She got very silent, and kind of shrunk back into the chair and looked down,” Robinson said, according to court transcripts. “She was not argumentative...it was as if she realized what we all realized when he goes into those...rampant tirades: You just get quiet because you’re not going to win.”

Derubertis argued that the jury should not only find in favor of Rogers, but that they should award her \$9 million for past harm and \$20.2 million for future harm, according to court transcripts.

Michael Healy, attorney for the university, argued that Rogers took the job despite making up her mind during the interview process that Zhu was an “outrageous sexist,” despite not seeing him interact with anyone else at the school, because she was sure that she would be able to “outlast” him at the campus.

“What I would say is Dr. Rogers [is] finding a way to read in a failure or a slight or a gender bias anywhere she can, because that’s what she did from the moment she met him,” Healy said in his closing argument according to court transcripts. “She shows up, and from Dr. Zhu’s perspective, she’s good. He sees and values her as someone who is contributing to the PDC.”

In support of this, Healy pointed to the two glowing reviews Zhu gave Rogers during her tenure as associate dean, saying that Zhu could have used both of those reviews as opportunities to criticize her, but didn’t, because his goal wasn’t to demean her.

Healy also pushed back on including the 2015 survey, saying that not only did it pre-date Rogers’ time at PDC, but was also before Zhu was appointed dean, making it irrelevant to the case.

“The fact that the case spent as much time on a climate survey that’s a decade old or a September 20, 2022, meeting that happened nine months after Dr. Rogers retreated, I think gets away from what I said is what this case is about and is true when you’ve got claims for harassment [and] retaliation,” Healy said in his closing argument according to court transcripts. “This case is about how Dr. Rogers was treated and why did she resign.”

According to Healy, Rogers resigned from her associate dean position because she “didn’t want to work, didn’t want to get any kind of criticism from Jake Zhu,” and ultimately left the university of her own volition, not because she was forced out.

“She thought she could outlast that man, and it is the end of October 2021 when she realizes she can’t outlast that man,” he said, according to court transcripts.

Healy argued that the jury should not even get to the question of damages, but if they did, suggested it should be based on her salary and limited to the 29 months that she served as associate dean, maxing out at under \$350,000, according to court transcripts.

As for the question of what comes next, Friedman said it depends on the university.

The first potential outcome would be that the university would file its post-trial motions, or an appeal, and attorneys for Rogers would file their motion for costs and attorneys

tees with the court deciding the outcome of those motions. Alternatively, Friedman said the university could contact Rogers' attorneys to negotiate a settlement. So far, he said, the university hadn't reached out.

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ALICIA RAMIREZ

Alicia Ramirez is the publisher of The Riverside Record and the founder and CEO of its parent company Inland Empire Publications. [More by Alicia Ramirez](#)

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