

1 PLAINTIFF KATHERINE A. JONES alleges as follows:

2 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

3 1. This case arises out of decades of systemic gender discrimination by The Salk Institute
4 of Biological Studies. While The Salk Institute claims to be “where legacies begin,” there are and never
5 have been the same opportunities for legacies for female scientists. Rather, The Salk Institute, dominated
6 by males with overtly and hopelessly outdated chauvinistic mentalities, promotes, encourages and
7 rewards only males at the expense of female scientists, who – small in number – are only reluctantly
8 tolerated for public appearance reasons. The Salk Institute is widely perceived as supporting an “Old
9 Boys Club” culture that actively and blatantly discriminates in the hiring, promotion, retention, and
10 inclusion of female faculty, most notably at the senior level of tenured Full Professor. Senior women
11 have been largely excluded from committee and leadership positions, been paid less than their male
12 counterparts, and given access to far fewer institute-generated or supported research resources. Because
13 of the lack of formal governing guidelines to ensure equitable treatment of women faculty, The Salk
14 Institute’s administration has historically demonstrated a lack of desire to address, or even admit, the
15 problems encountered by its tenured women professors.

16 2. The Salk Institute’s yearning for scientific advancements is stifled by its stagnant,
17 archaic and discriminatory practices. The Salk Institute has created a culture where women are paid less,
18 not promoted, and denied opportunities and benefits simply because they are women. To date, the
19 culture of discrimination and the resulting hostile work environment encountered by some senior female
20 faculty, past and present, has persisted because The Salk Institute has allowed the culture to exist. While
21 The Salk Institute has publicly portrayed it is supportive of women scientists, the reality is The Salk
22 Institute is highly dependent on public donations and support, and created a fund-raising campaign to
23 promote the false idea that The Salk Institute strongly supports women in science.

24 3. At all relevant times, Plaintiff Katherine A. Jones, PhD (“Plaintiff” or “Dr. Jones”), was,
25 and is, an individual residing within the State of California, County of San Diego.

26 4. Defendant The Salk Institute for Biological Studies (hereinafter “Defendant” or “Salk”)
27 is a business entity doing business in the State of California, County of San Diego and is subject to suit

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1 under the California Fair Employment Housing Act (hereinafter “FEHA”), California Government Code
2 § 12940.

3 5. The true names and capacities of Defendants designated herein as DOES 1 through 50,
4 whether each is an individual, a business, a public entity, or otherwise, are presently unknown to
5 Plaintiff, who therefore sues said Defendants by such fictitious names, pursuant to Code of Civil
6 Procedure section 474. Plaintiff will amend the Complaint to state the true names and capacities of said
7 Defendants when the same have been ascertained.

8 6. Each DOE defendant is responsible in some actionable manner for the events alleged
9 herein as the agents, employers, representatives or employees of other named Defendants, and in doing
10 the acts herein alleged were acting within the scope of their agency, employment or representative
11 capacity of said named Defendant.

12 7. Each Defendant conspired with each other Defendant, and other unknown parties, to
13 commit each of the acts alleged herein.

14 8. The acts alleged herein were performed by management-level employees, professors and
15 superiors of Plaintiff working for and at the direction of Defendants. Defendants allowed, ratified and/or
16 condoned a continuing pattern of discriminatory and unfair practices.

17 9. At all times mentioned herein, California Government Code § 12940, et seq., was in full
18 force and effect and was binding on Defendants.

19 10. The actions of Defendants against Plaintiff constitute unlawful employment practices in
20 violation of California Government Code § 12940, et seq., as herein alleged, and have caused, and will
21 continue to cause, Plaintiff’s emotional distress, loss of earnings, loss of benefits and loss of career
22 enhancement opportunities.

23 11. At all times mentioned herein, California Labor Code § 1197.5(a) was in full force and
24 effect and was binding on Defendants.

25 12. The actions of Defendants against Plaintiff constitute unlawful employment practices in
26 violation of California Labor Code § 1197.5(a), as herein alleged, and have caused, and will continue to
27 cause, Plaintiff’s emotional distress, loss of earnings, loss of benefits and loss of career enhancement
28 opportunities.

1 13. Defendants had actual or constructive knowledge of the tortious acts alleged and
2 thereafter ratified the conduct by failing to reprimand or terminate wrongdoers and by perpetuating the
3 conduct through its policies and practices. The discriminatory practices at Salk are institutional and
4 result in the systemic marginalization of women professors.

5 14. Defendants' discriminatory conduct has continued from the beginning of Dr. Jones'
6 employment with Salk to this day. The discrimination has been consistent and similar over the years,
7 has been reasonably frequent, and in fact continuous, and has never stopped.

8 15. The actions of Defendants, and each of them, against Plaintiff constitute unlawful
9 employment practices in violation of public policy, and caused, and will continue to cause, Plaintiff's
10 loss of earnings, benefits, opportunities and employment.

11 16. Defendants' discriminatory and demeaning treatment of Plaintiff over the past 30 years
12 has also caused her tremendous mental and related harm, including mental suffering, loss of enjoyment
13 of life, anxiety, humiliation and emotional distress.

14 17. Defendants' actions warrant the assessment of punitive damages in an amount sufficient
15 to punish Defendants and deter others from engaging in similar conduct.

16 18. Plaintiff seeks compensatory damages, punitive damages, costs of suit, and attorney's
17 fees as a result of the wrongdoing alleged herein.

18 **ADMINISTRATIVE REMEDIES**

19 19. Dr. Jones filed her charges of discrimination against Salk with the California Department
20 of Fair Employment and Housing (DFEH) January 20, 2017, and thereafter, on the same day, received
21 from DFEH the "Right to Sue" letter, which is attached hereto as "Exhibit A."

22 **SPECIFIC FACTUAL ALLEGATIONS**

23 **Background on Salk's Structure**

24 20. Salk is home to scientists who research a broad range of biological science topics which
25 include aging, cancer and immunology, diabetes, brain science and plant biology. Salk is supported by
26 on campus research centers and core facilities as well as development staff to facilitate donor outreach
27 and provide links to foundations that support research, and technology development staff to assist with
28 its intellectual property.

1 21. Salk appoints scientists as Assistant Professors for a period of six years. Then, upon
2 review of each Assistant Professor’s performance, and upon approval by a majority vote of the
3 appropriate resident faculty and Non-Resident Fellows, Salk promotes Assistant Professors to Associate
4 Professor.

5 22. Associate Professors are appointed for a period of no more than six years. Ordinarily, an
6 Associate Professor is reviewed for possible promotion to Full Professor, the highest ranking professor
7 at Salk, at the end of their fifth year. Salk, however, sometimes promotes males to Full Professor in as
8 little as one year. By contrast, Salk has never “fast tracked” a female scientist to Full Professor.
9 Although the 2003 Women at Salk report recommended that Salk support early promotions for women,
10 to date this has never occurred.

11 23. Salk is relatively small, consisting of only 45-50 individual research laboratories. In the
12 absence of chancellors or deans, there is very little oversight of fairness or transparency for promotions,
13 individual laboratory support, and leadership opportunities for female faculty. At present and in the past,
14 Salk’s faculty has supported an “old boys club” culture that has been outright hostile, or in other cases
15 indifferent, to female faculty, particularly senior females.

16 24. Because Salk lacks any effective leadership or review structure, some overtly chauvinistic
17 males, and other indifferent ones, have both intentionally discriminated against women scientists and
18 ignored the problem to what is starkly obvious. Salk’s severe and obvious “women scientist” crisis has
19 been documented over the years, including the 2003 report on treatment of women faculty at Salk and
20 the 2016 “white papers” on women at Salk. Salk’s lack of equitable resource distribution and
21 transparency has become an “inconvenient truth,” in which there is no political benefit or sense of
22 responsibility to admit the problem, compensate the affected women faculty, and provide a mechanism
23 to prevent these problems going forward. Because of institutional failures to curb both explicit and
24 implicit biases and treatment, women scientists, particularly senior women scientists, continue to endure
25 “second class citizen” treatment at Salk to this day.

26 **Plaintiff Dr. Jones’ 30 Year Career at Salk**

27 25. Salk hired Dr. Jones as an Assistant Professor in 1986 and she has worked for Salk her
28 entire 30 year career. Despite being burdened with both discriminatory lack of support and demands over

1 the course of her career, Dr. Jones has accomplished significant scientific achievements in her field. She
2 currently has two full National Institute of Health (“NIH”) RO1 grants, two grants from the State of
3 California, is a member of the Faculty of 1000, is on the editorial board for eLIFE, is the North American
4 Editor for Experimental Cell Research, and was on the external advisory board for the National Cancer
5 Institute and the UCLA Johnsson Cancer Center, and holds several U.S. patents. She also was a
6 longstanding member of the Salk Cancer Center.

7 26. Dr. Jones was promoted to Full Professor in 1998. Defendant Salk has not promoted any
8 other females to the position of Full Professor since Professor Beverly Emerson, PhD was promoted in
9 1999. In other words, Salk has not promoted any female to the position of Full Professor this century.

10 **Salk’s Lack of Women Promoted to Full Professors**

11 27. Of the 33 Full Professors at Salk, only of them are female. Of the 29 male Full Professors,
12 all but two have funded endowed chairs. Dr. Jones has never had an endowed chair, even though she is
13 one of the longest tenured professors.

14 28. 60% of the female Full Professors are members of the National Academy of Science,
15 while only 33% of the male Full Professors are members.

16 29. Professors with endowed chairs receive yearly revenue of \$100,000 from donors and
17 \$50,000 goes to Salk.

18 30. Since 2009, Salk has created 21 new endowed chairs. Of those 21 endowed chairs, Salk
19 has awarded 19 of them to male Professors, and only 2 of them to female Professors. Salk’s funding
20 decisions disproportionately affect female scientists.

21 31. Even though Dr. Jones has been at Salk for thirty years, she still does not have an endowed
22 chair despite having similar accolades and more experience than some of her male colleagues who hold
23 endowed chairs.

24 32. Dr. Jones is the longest-serving faculty member of Salk whose laboratory does not have
25 an endowed chair.

26 33. In 2014, Dr. Jones complained to former Salk President William Brody and COO Marsha
27 Chandler about Salk denying her laboratory an endowed chair. They told her that Salk would not
28 provide an endowed chair for her scientific area of expertise. After the conversation, however, and in

1 2014 and 2015, Drs. Alan Saghatelian and Reuben Shaw, two male scientists who are by far junior and
2 less experienced than Dr. Jones and whose expertise overlaps with that of Dr. Jones, received their
3 endowed chairs. Drs. Saghatelian and Shaw are both male.

4 34. Dr. Jones also raised the issue separately with former Salk President, Dr. William Brody.
5 She pointed out to him that she was qualified and should be considered for the recently vacant Nomis-
6 endowed chair because Dr. Jones was a member of the Nomis Faculty interest group and her research
7 was similar to the prior Nomis-endowed chair's research in HIV/immunology. Instead, the Salk Institute
8 used the Nomis chair for fund-raising purposes, and it sat vacant for three years before it was finally
9 accepted. In the intervening time, Salk did not expend any effort to identify a donor to support Dr. Jones'
10 research, although it was requested that she help identify candidate faculty recruits for the chair. Based
11 on information and belief, no women were considered for or offered the Nomis-endowed chair.

12 35. There is not sufficient transparency for Salk's hiring practices. Salk does not conduct
13 open searches for all its positions. To the contrary, Salk's leadership, including President Brody and Dr.
14 Inder Verma, offer opportunities, promotions and advancements to men disproportionately higher than
15 to equally qualified women. Women faculty and scientists are not even provided the opportunity to apply
16 or be considered for certain faculty positions, including some for senior faculty.

17 **Dr. Jones Is One of the Lowest Paid Professors Because She is a Woman**

18 36. Based upon information and belief, female Full Professors at Salk, such as Dr. Jones,
19 have been the lowest paid professors relative to their male counterparts even though their job duties,
20 education, accolades, and experience warrant equal and in some cases higher pay.

21 37. Based upon information and belief, Dr. Jones has been one of the lowest compensated
22 Full Professors at Salk, despite having similar, if not more prestigious, achievements and accolades as
23 many of her more highly paid male counterparts.

24 38. Two previous Salk Presidents told Dr. Jones that her salary was below that of her male
25 counterparts, and that they were planning or attempting to correct it. In 2014, based on information and
26 belief, Beverly Emerson, PhD ("Dr. Emerson") and Dr. Jones were still among the two lowest paid Full
27 Professors (for total compensation) at Salk despite having similar job duties, education, accolades, and
28 experience as many of their male counterparts. Although in 2009, Dr. Jones' salary was increased based

1 on Salk’s review of the salary, she was never retroactively paid the wages she lost because of wage
2 discrimination.

3 39. Salk’s IRS Form 990 for 2014 listed total compensation for several professors for that
4 year. Dr. Jones’ salary was among the lowest. In fact, one male professor who is considerably more
5 junior and less accomplished than Dr. Jones, had higher compensation.

6 **Salk Does Not Provide Resources Equitably for Women**

7 40. Additionally, Salk’s institutional discriminatory practices, acts and ratification are
8 exemplified in its inequitable resource distribution. The success of each laboratory is dependent on
9 laboratory funding. Laboratory funding is provided by three main sources: (1) grants awarded by The
10 National Institute of Health (“NIH”); (2) grants awarded by the State of California or other research-
11 supporting foundations; and (3) Salk-generated funding provided by donors or outside agencies solicited
12 by Salk. Salk discriminatorily favors male Professors over equally qualified female Professors in Salk
13 funding decisions and provides male Professors preferable access to donor donations and grants to the
14 detriment of equally qualified female Professors.

15 41. Each laboratory at Salk is akin to a corporate subsidiary, and each is headed by a
16 Professor. All Professors are responsible for applying for laboratory funding, hiring laboratory staff, and
17 conducting research. Professors must continuously apply for NIH and donor grants to help cover the
18 direct and indirect costs of running the laboratories.

19 42. NIH grants are especially valuable to Salk as they pay full indirect costs (currently 94%)
20 to Salk. This means NIH grants in part are paid directly to Salk to cover some of the overhead expenses
21 Salk would typically cover, thus saving Salk money.

22 43. Dr. Jones runs her own laboratory at Salk. For the past 30 years Dr. Jones has consistently
23 received funding from sources other than Defendant Salk, including grants from the NIH, in order to run
24 her laboratories. Currently, Dr. Jones’ laboratory has two full NIH RO1 government grants, as well as
25 two other research grant awards from the State of California.

26 44. Despite Dr. Jones’ ongoing recognizable achievements, Dr. Jones’ laboratory is the fifth
27 smallest laboratory out of the 26 non-Howard Hughes Medical Institute (non-HHMI) Full Professor
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1 laboratories. Non-HHMI laboratories are required to obtain funding through private grants or through
2 Salk.

3 45. Given the amount of funding Dr. Jones has acquired, she should have a laboratory staff
4 of 8 to 9, according to Salk's standards. Indeed, 4-5 laboratories run by males at Salk currently have
5 laboratories of that size despite the fact that those laboratories bring in very similar external funding as
6 Dr. Jones. By contrast, Dr. Jones' lab consists of only 4 postdoctoral fellows, and no technicians or other
7 scientific staff support of any kind. That difference in size is directly due to the fact that Salk provides
8 far smaller financial support of female-lead laboratories than male-lead laboratories. Thus, on average,
9 female-lead laboratories at Salk are approximately half, or less, the size of male-lead laboratories.
10 Instead of receiving Salk and donor funding to support the laboratory she deserves and should have, Dr.
11 Jones has spent the last 5 to 6 years constantly fighting to keep the small laboratory staff she does have.

12 46. Despite Dr. Jones' success in obtaining funding, Salk has consistently pressured Dr. Jones
13 to fire some of her laboratory staff and reduce the size of her 4 person laboratory. Despite Salk's pressure
14 and threats, Dr. Jones refuses to fire any of her staff as further reducing the size of her laboratory will
15 put her at a disadvantage in terms of making discoveries, and receiving new funding or even renewing
16 existing grants. Reducing her laboratory further would have meant that she would no longer have even
17 one researcher to investigate HIV-1 infection, despite an active ongoing full NIH RO1 grant, as well as
18 a separate State of California grant, concerned exclusively with understanding HIV-1. Consequently,
19 she would have been left with two grants for which there would not have been even one individual left
20 in the lab to investigate the problems for which they were funded. Salk would have continued to accept
21 the grant funding, despite having deliberately shut off that line of research in the laboratory.

22 47. Based upon information and belief, through Salk's strategic plan discussions, a lab with
23 a staff of less than 5 is considered to be "non-sustainable"; meaning that the laboratory could not be
24 reasonably expected to be able to renew its existing NIH grants. Without external grant support, the
25 faculty member is then not able to continue their lab post-tenure. Thus, by unfairly reducing lab sizes,
26 Salk can and has pressured faculty to retire, or leave Salk prematurely. In the past, this has predominantly
27 affected senior female faculty. Salk's unspoken campaign to force senior female professors out
28 continues to this day.

1 48. Based upon information and belief, Salk routinely provides less financial support to
2 laboratories run by female Full Professors than laboratories run by their male counterparts. Examples
3 are Drs. Emerson and Jones' laboratories, as well Dr. Vicki Lundblad's laboratory. The average size
4 laboratory at Salk for non-HHMI male Full Professors is 11 full-time employees, whereas the average
5 laboratory size for female Full Professors is only 3 full-time employees. Indeed, the average size Salk
6 laboratory among *all* levels of faculty is 11 full time employees. Despite that, female Full Professors
7 are forced to run their laboratories with virtual skeleton crews.

8 49. Based upon information and belief, there is no correlation between funding provided by
9 Salk to laboratories, and those laboratories' ability to either generate external support or to produce high-
10 profile publications in peer-reviewed journals. For example, some laboratories with large numbers of
11 staff (headed by males) generate little or no external funding, yet are heavily subsidized by Salk, while
12 inexplicably Dr. Jones, Dr. Emerson and Dr. Lundblad's laboratories which *do* generate external funding
13 receive less funding from Salk and then so, only reluctantly.

14 50. Based upon information and belief, non-HHMI female Full Professors have received far
15 fewer Salk resources or equal access and assistance applying for grants from private donors/foundations
16 (routinely in the range of \$10-50,000) relative to many of their male counterparts who have received
17 awards of up to \$5 million or more. Based upon information and belief, non-HHMI female Full
18 Professors receive relatively lower levels of support and access to private donors/foundations through
19 Salk's Development/External Relations Department than their male counterparts.

20 51. Based upon information and belief, when non-NIH external funding *is* awarded to non-
21 HHMI female Full Professors, the money is routinely used to pay their salaries rather than to support
22 their research. Thus, these awards and donations directly benefit Defendant Salk, which is contractually
23 obligated to pay faculty salaries.

24 52. A small laboratory is at a significant disadvantage vis-a-vis a larger laboratory in terms
25 of its ability to make important discoveries, thereby making it less competitive when that laboratory
26 applies for future NIH funding. Furthermore, a small laboratory has difficulty recruiting the best staff,
27 which also makes the laboratory less competitive. It is a vicious cycle in that smaller laboratories cannot
28 get proper funding and because they cannot get proper funding, they cannot grow. Drs. Jones, Emerson

1 and Lundblad all deserve larger, competitive laboratories. Because of Salk’s discriminatory practices,
2 however, they have been underfunded and not reached their full research ability. Furthermore, the
3 mechanism by which salaries are determined are not transparent, although administration officials have
4 suggested that compensation is based on in-house assessments of publication records and impact factors,
5 which have never been discussed or identified to Dr. Jones or others. Dr. Jones and other female tenured
6 Full Professors are measured against metrics and standards that are never explained to them.

7 53. In addition, Salk discriminates against senior women in committee assignments,
8 international meetings, and other “leadership” positions.

9 54. Defendant Salk has forced Dr. Jones to reduce her staff by 50%, from a high of 8 to 4
10 currently, despite having external funding equivalent to that of many male counterparts with much larger
11 laboratories. By contrast, other laboratories run by male Full Professors function with a team of
12 anywhere between 4 and 53 full time employees with some receiving little or no external funding.
13 Indeed, the combined laboratory staff size of 4 female Full Professors’ laboratories is smaller than that
14 of many individual male professors’ laboratories who receive much less NIH grant support.

15 55. In January 2016, the average staff in a laboratory run by a non-HHMI male Full Professor
16 was 11. The average staff for a lab run by a female non-HHMI Full Professor was 3. There is no non-
17 discriminatory reason for that profound difference in support, funding and employment conditions.

18 56. Based upon information and belief, this discrepancy is not based upon scientific
19 accomplishments, but rather is subjective and left to the discretion of Salk’s administration and those
20 that influence that administration. The data and facts alone demonstrate a strong bias against all female
21 Full Professors, including but not limited to Dr. Jones. Salk’s agenda, through its practices and
22 management, is to weaken female Full Professors by giving them less resources and bare bones
23 laboratories and staff, as well as below average equipment and facilities, so that they will become less
24 productive and will not be able to maintain their NIH funding and not extend their science beyond their
25 tenure contract. This pattern of conduct has continued without interruption from the date of Dr. Jones’
26 hiring until the present.

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Salk Does Not Promote Women to Positions of Power

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2 57. In addition to the discriminatory funding practices, Salk also fails to provide opportunities
3 to qualified women equivalent to its male scientists and professors and fails to promote female professors
4 to positions of leadership.

5 58. Salk is designated a National Cancer Institute (NCI) Cancer Center. NCI provides the
6 Cancer Center with grants to be used to cover direct costs (salary support for scientific “core facilities,”
7 new faculty members, and internal pilot grants) and indirect costs. There are 29 Salk faculty members
8 that work under the auspices of the Cancer Center. Of these 29 faculty members, 22 are Full Professors,
9 3 of which are female. Dr. Jones was a member of the Salk Cancer Center for many years.

10 59. There are 8 leadership positions within the Cancer Center, all of which are held by male
11 Full Professors. The Cancer Center Director, currently Reuben Shaw (a male), assigns 7 leadership
12 positions to Full Professors. A female has never been assigned a leadership position within the Cancer
13 Center.

14 60. Dr. Jones has had continuous NCI funding since 2006, has been a member of the
15 Scientific Advisory Board for the UCLA Jonsson Comprehensive Cancer Center since 2011, and served
16 on the NCI Board of Scientific Counselors from 2003 to 2008. Dr. Jones is more than qualified to serve
17 in leadership positions in the Salk Cancer Center, but has been constantly overlooked by Salk.

18 61. In addition, and throughout the years that Dr. Jones was a member of the Cancer Center,
19 Salk consistently undervalued and under supported her work. Indeed, the main support money Salk
20 provided her through the Cancer Center was to pay for dry ice, liquid nitrogen, and some equipment
21 service contracts, worth only a few thousand dollars per year. At the same time, some male Full
22 Professors received partial salary support, which the Cancer Center has never provided any female Full
23 Professor.

24 62. In late 2015, Dr. Jones resigned from the Cancer Center because she would no longer
25 tolerate the pervasive gender discrimination. At that time, Dr. Jones emailed the Cancer Center’s
26 Director, Reuben Shaw, to complain about the lack of Full Female Professors in leadership roles at the
27 Cancer Center. Dr. Shaw responded by saying that currently there were no females available for
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1 leadership positions at the Cancer Center, because they were all too junior. However, at the time Dr.
2 Jones was senior to 4 of the 8 male Full Professors already in leadership positions at the Cancer Center.

3 63. Based on information and belief, Dr. Emerson also contacted Dr. Shaw to complain about
4 gender bias and improper treatment of women and the lack of financial transparency at the Cancer
5 Center.

6 64. Dr. Jones has complained about Salk’s discriminatory practices both in person and in
7 writing. Most recently, Dr. Jones was asked to participate in a committee to write “white papers” about
8 Salk’s discriminatory resource distribution and how those discriminatory practices negatively impact
9 women. Dr. Jones spent time, resources and energy compiling information and drafting a “white paper.”
10 Her “white paper” contains detailed information regarding the lack of gender parity and transparency in
11 distributing Salk funds and/or Salk-generated research funds. Upon information and belief and despite
12 her efforts, Salk never in fact presented her “white paper” to the Board of Trustees. Indeed, upon
13 information and belief, Salk failed to change its practices or take into account her “white paper” in any
14 way despite her detailed information about the lack of gender parity or transparency in distributing Salk
15 funds and/or Salk-generated research funds. Dr. Jones is informed that Dr. Emerson also wrote a “white
16 paper” on the unequal and disparate treatment of women at Salk, which likewise was never presented to
17 the Board of Trustees.

18 65. Despite the continuous discrimination towards female Full Professors, Salk attempts to
19 project an outward image of gender equality for the purposes of public relations by showcasing women
20 scientists, including Dr. Jones, in promotional materials, by holding regular “Women & Science” events,
21 by regularly asking female Full Professors to speak before public audiences, and by claiming that the
22 increased number of Junior Female Faculty proves that Salk no longer has a “women’s professor
23 problem” – a “problem” well recognized in the Salk and larger scientific community.

24 66. Salk continues to use its female faculty members and scientists as “donor-bait” by sending
25 mailers like that pictured below to potential donors and to the public in an effort to make it appear that
26 Salk recognizes the importance of retaining and promoting and paying women equally. In reality, Salk’s
27 systemic practices and treatment of women have been and continue to be discriminatory.

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10 67. Upon information and belief, Salk’s new President, Elizabeth Blackburn, has attempted
11 to address the systemic gender bias and disparate treatment, but has received no support from Salk, from
12 her predecessor, President Brody, or from others in management and administration. When Dr.
13 Blackburn arrived, Dr. Jones met with her on several occasions, alone and in the presence of Drs.
14 Emerson and Lundblad, to discuss the problems confronting the senior female faculty. Dr. Jones also
15 met in December 2016 with the newly-appointed Chief Scientific Officer to address many issues,
16 including the Salk Cancer Center and the distribution of Helmsley funding, which discriminated against
17 senior female faculty. Since that time, Salk has continued its discriminatory practices.

18 68. Salk has subjected female employees, including Dr. Jones, to a pattern and practice of
19 systemic unlawful disparate treatment and unlawful disparate impact discrimination comprised of (a)
20 assigning female employees to lower classifications than similarly situated male employees performing
21 the same job duties; (b) paying female employees less than their male counterparts; and (c) denying
22 female employees development, promotion, and advancement opportunities resulting in their relegation
23 to lower classifications and compensation levels.

24 69. These problems affecting pay, promotion, and assignments are systemic and continue to
25 the present day. They stem from Salk’s common employment policies, practices, and procedures,
26 including promotion, evaluations, personnel management, and, compensation policies, practices, and
27 procedures. Such policies, practices, and procedures are not valid, job-related, or justified by business
28 necessity and all suffer from: a lack of transparency; inadequate quality standards and controls;

1 insufficient implementation metrics; and inadequate opportunities for redress or challenge. As a result,
2 employees are assigned, evaluated, compensated, developed and promoted within a system that is
3 insufficiently designed, articulated, explained, or implemented to consistently, reliably, or equitably
4 manage or reward employees.

5 **FIRST CAUSE OF ACTION**

6 **GENDER DISCRIMINATION**

7 **(Disparate Treatment)**

8 **California Government Code § 12940(a)**

9 **Against all Defendants**

10 70. Dr. Jones alleges and incorporates as if fully stated herein each and every allegation
11 contained in every preceding paragraph above.

12 71. At all relevant times, California Government Code section 12940(a) was in full force and
13 effect and was binding on Defendants as Dr. Jones' employer.

14 72. Dr. Jones believes and thereon alleges that her gender was a substantial motivating factor
15 in Defendant's discrimination against her, as set forth herein. Such actions are in violation of
16 Government Code section 12940(a).

17 73. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Jones has
18 sustained and continues to sustain substantial losses in earnings, employment benefits, employment
19 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the
20 time of trial.

21 74. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and
22 demeaning treatment of Dr. Jones over the past 30 years, she has also suffered tremendous mental and
23 related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and emotional
24 distress, all in a sum to be established according to proof at the time of trial.

25 75. As a result of Defendants' deliberate, outrageous, and despicable conduct, Dr. Jones is
26 entitled to recover punitive and exemplary damages in the amount commensurate with each of
27 Defendants' wrongful acts and in an amount sufficient to punish and deter future similar reprehensible
28 conduct.

1 76. Dr. Jones has also incurred and continues to incur legal expenses and attorney's fees. In
2 addition to such other damages as may be properly recovered herein, Dr. Jones is entitled to recover
3 prevailing party attorney's fees and costs pursuant to California Government Code section 12965.

4 **SECOND CAUSE OF ACTION**

5 **GENDER DISCRIMINATION**

6 **(Disparate Impact)**

7 **Cal. Gov't Code § 12940(a)**

8 **Against all Defendants**

9 77. Dr. Jones alleges and incorporates as if fully stated herein each and every allegation
10 contained in each and every preceding paragraph above.

11 78. At all relevant times mentioned herein, California Government Code section 12940(a)
12 was in full force and effect and binding on Defendant.

13 79. At all relevant times mentioned herein, Defendants had a practice of failing to treat Dr.
14 Jones, as a woman, and other women, in an equitable fashion and thereby wrongfully discriminated
15 against Dr. Jones. Defendants' policies included failing to provide adequate funding or resources to Dr.
16 Jones, as a woman and because she was a woman, and failing to pay Dr. Jones similarly to her male
17 colleagues who performed substantially similar work to Dr. Jones and failing to promote Dr. Jones when
18 she was qualified, because she was a woman. Defendants' policies had a disproportionate adverse effect
19 on women, like Dr. Jones.

20 80. Dr. Jones was subjected to discrimination on the basis of her gender, as set forth herein.

21 81. Defendants' policies were a substantial factor in causing Dr. Jones' harm.

22 82. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Jones has
23 sustained and continues to sustain substantial losses in earnings, employment benefits, employment
24 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the
25 time of trial.

26 83. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and
27 demeaning treatment of Dr. Jones over the past 30 years, she has also suffered tremendous mental and
28

1 related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and emotional
2 distress, all in a sum to be established according to proof at the time of trial.

3 84. As a result of Defendants' deliberate, outrageous, despicable conduct, Dr. Jones is
4 entitled to recover punitive and exemplary damages in an amount commensurate with Defendants'
5 wrongful acts sufficient to punish and deter future similar reprehensible conduct.

6 85. In addition, to such other damages as may properly be recovered herein, Dr. Jones is
7 entitled to recover prevailing party attorney's fees and costs pursuant to Cal. Gov't Code § 12965.

8 **THIRD CAUSE OF ACTION**

9 **FAILURE TO PREVENT DISCRIMINATION**

10 **Cal. Gov't Code § 12940(k)**

11 **Against all Defendants**

12 86. Dr. Jones alleges and incorporates as if fully stated herein each and every allegation
13 contained in each and every preceding paragraph above.

14 87. At all relevant times mentioned herein, California Government. Code section 12940(k) *et*
15 *seq.* was in full force and effect and binding on Defendant.

16 88. Dr. Jones was subjected to discrimination on the basis of her gender, as set forth herein.

17 89. Defendants failed to take reasonable steps to prevent the discrimination as described
18 herein.

19 90. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Jones has
20 sustained and continues to sustain substantial losses in earnings, employment benefits, employment
21 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the
22 time of trial.

23 91. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and
24 demeaning treatment of Dr. Jones over the past 30 years, she has also suffered tremendous mental and
25 related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and emotional
26 distress, all in a sum to be established according to proof at the time of trial.

27 ///

28 ///

1 92. As a result of Defendants' deliberate, outrageous, despicable conduct, Dr. Jones is
2 entitled to recover punitive and exemplary damages in an amount commensurate with Defendants'
3 wrongful acts sufficient to punish and deter future similar reprehensible conduct.

4 93. In addition, to such other damages as may properly be recovered herein, Dr. Jones is
5 entitled to recover prevailing party attorney's fees and costs pursuant to Cal. Gov't Code § 12965.

6 **FOURTH CAUSE OF ACTION**

7 **GENDER PAY DISCRIMINATION**

8 **Cal. Labor Code § 1197.5**

9 **Against all Defendants**

10 94. Dr. Jones alleges and incorporates as if fully stated herein each and every allegation
11 contained in each and every preceding paragraph above.

12 95. California Labor Code § 1197.5 prohibits an employer from paying any of its employees
13 at wage rates less than the rates paid to employees of the opposite sex for substantially similar work,
14 when viewed as a composite of skill, effort, and responsibility, and performed under similar working
15 conditions.

16 96. Defendants have discriminated against Dr. Jones in violation of the California Equal Pay
17 Act, Cal. Lab. Code § 1197.5. Defendants have paid Dr. Jones less than similarly-situated male
18 colleagues in the same establishment performing equal work on jobs the performance of which requires
19 equal skill, effort, and responsibility, and which are performed under similar working conditions.

20 97. As described herein, Defendants violated the California Labor Code by paying Dr. Jones
21 less than similarly situated male colleagues performing substantially similar work, when viewed as
22 composite of skill, effort and responsibility, and performed under similar working conditions.

23 98. The differential in pay between male and female employees was not due to seniority,
24 merit, or the quantity or quality of production, or any other bona fide factor, such as education, training,
25 or experience, but was due to gender. In the alternative, to the extent that Defendants' relied upon one
26 or more of these factors, said factor(s) were not reasonably applied and did/do not account for the entire
27 wage differential.

28 ///

1 99. As a result of Defendants’ unlawful acts, Dr. Jones has been deprived of compensation
2 in an amount to be determined at trial, and is entitled to recovery of the unpaid balance of the full amount
3 of the above noted compensation, interest, reasonable attorney’s fees, and costs of suit pursuant to
4 California Labor Code § 1194(a).

5 100. Dr. Jones is therefore entitled to all legal and equitable remedies, including doubled
6 compensatory awards for all willful violations.

7 101. Attorneys’ fees should be awarded under California Labor Code §1197.5(g). Dr. Jones is
8 also entitled to recover, as liquidated damages, an amount equal to the balance of wages she is owed,
9 pursuant to Labor Code § 1197.5(g).

10 **FIFTH CAUSE OF ACTION**

11 **UNFAIR BUSINESS PRACTICES**

12 **Cal. Bus. & Prof. Code §§ 17200 *et seq.***

13 **Against all Defendants**

14 102. Dr. Jones alleges and incorporates as if fully stated herein, each and every allegation
15 contained in each and every preceding paragraph above.

16 103. California Business and Professions Code § 17200 prohibits unfair competition in the
17 form of any unlawful, or unfair business act or practice.

18 104. Defendants are “persons” as defined under California Business and Professions Code §
19 17021.

20 105. Defendants’ willful failure to pay women equally and otherwise offer women equal
21 employment opportunities as alleged above, constitutes unlawful and/or unfair and/or fraudulent activity
22 prohibited by California Business and Professions Code § 17200.

23 106. As a result of Defendants’ unlawful and/or unfair acts, Defendants reaped and continue
24 to reap unfair benefits at the expense of Dr. Jones. Defendants should be enjoined from this activity.

25 107. Accordingly, Dr. Jones is entitled to restitution with interest and other equitable relief,
26 pursuant to Cal. Bus. & Prof. Code § 17203.

27 108. In addition, Dr. Jones seeks injunctive relief in the form of an order preventing
28 Defendants from continuing their discriminatory practices.

1 **SIXTH CAUSE OF ACTION**

2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

3 **Against all Defendants**

4 109. Dr. Jones alleges and incorporates as if fully stated herein, each and every allegation
5 contained in each and every preceding paragraph above.

6 110. Defendants' intentional conduct, as set forth herein, was extreme and outrageous.
7 Defendants intended to cause Dr. Jones to suffer extreme emotional distress. Dr. Jones did suffer extreme
8 emotional distress.

9 111. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Jones has
10 sustained and continues to sustain substantial losses in reputation, promotions, and other employment
11 opportunities.

12 112. As a further direct, foreseeable, and proximate result of Defendants' intentional and
13 outrageous discriminatory and demeaning treatment of Dr. Jones over the past 30 years, she has also
14 suffered tremendous mental and related harm, including mental suffering, loss of enjoyment of life,
15 anxiety, humiliation and emotional distress, all in a sum to be established according to proof at the time
16 of trial.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, PLAINTIFF prays for judgment against Defendants SALK INSTITUTE FOR
19 BIOLOGICAL STUDIES, and DOES 1 through 50 as follows:

20 1. For general and compensatory damages, in an amount according to proof, including but
21 not limited to back and future pay, and past and future promotional opportunities, benefits and other
22 opportunities of employment;

23 2. For special damages in an amount to be proven at trial;

24 3. For punitive damages in an amount necessary to make an example of and to punish
25 Defendants, and to deter future similar misconduct;

26 4. For mental and emotional distress damages;

27 5. For an award of interest, including prejudgment interest, at the legal rate as permitted by
28 law;

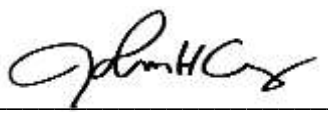
- 1 6. For restitution with interest and other equitable relief, including injunctive relief, pursuant
- 2 to Cal. Bus. & Prof. Code § 17203;
- 3 7. For costs of suit incurred herein, including attorney’s fees as permitted by law; and
- 4 8. For such other and further relief as the Court deems just and proper.

JURY DEMAND

6 Plaintiff demands a jury trial for all claims so triable.

8 Dated: July 11, 2017

Respectfully submitted,
GOMEZ TRIAL ATTORNEYS

By: 

John H. Gomez, Esq.
Allison C. Worden, Esq.
Deborah S. Dixon, Esq.

**Attorneys for Plaintiff
Katherine A. Jones, PhD**

EXHIBIT A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

January 20, 2017

Katherine Jones
344 Santa Helena
Solana Beach, California 92075

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 809554-249797
Right to Sue: Jones / Salk Institute For Biological Studies

Dear Katherine Jones,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 20, 2017 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing