

John H. Gomez, Esq. (SBN 171485)
Allison C. Worden, Esq. (SBN 211104)
Deborah S. Dixon, Esq. (SBN 248965)
GOMEZ TRIAL ATTORNEYS
655 West Broadway, Suite 1700
San Diego, California 92101
Telephone: (619) 237-3490
Facsimile: (619) 237-3496

Attorneys for Plaintiff Katherine A. Jones

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

KATHERINE A. JONES,

Plaintiff,

-VS.-

SALK INSTITUTE FOR BIOLOGICAL
STUDIES;
and DOES 1 through 50,

Defendants.

Case No.

COMPLAINT FOR DAMAGES:

1. Discrimination Because of Gender in Violation of FEHA – Government Code § 12940(a) (Disparate Treatment);
2. Discrimination Because of Gender in Violation of FEHA – Government Code § 12940(a) (Disparate Treatment);
3. Failure to Prevent Discrimination – California Government Code § 12940(k);
4. Gender Pay Discrimination – California Labor Code § 1197.5(a);
5. Unfair Business Practices – California Business and Professions Code §§ 17200, et seq.;
6. Intentional Infliction of Emotional Distress

JURY TRIAL DEMANDED

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6 by males with overtly and hopelessly outdated chauvinistic mentalities, promotes, encourages and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
28

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.

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

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

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

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

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

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

ADMINISTRATIVE REMEDIES

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

SPECIFIC FACTUAL ALLEGATIONS

Background on Salk's Structure

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

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

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

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

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

Plaintiff Dr. Jones' 30 Year Career at Salk

25. Salk hired Dr. Jones as an Assistant Professor in 1986 and she has worked for Salk her 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
28

laboratories. Non-HHMI laboratories are required to obtain funding through private grants or through Salk.

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

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

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

27 ///

28 ///

Salk Does Not Promote Women to Positions of Power

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

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

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

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

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

62. In late 2015, Dr. Jones resigned from the Cancer Center because she would no longer tolerate the pervasive gender discrimination. At that time, Dr. Jones emailed the Cancer Center’s Director, Reuben Shaw, to complain about the lack of Full Female Professors in leadership roles at the Cancer Center. Dr. Shaw responded by saying that currently there were no females available for

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.

salk women & science

Where cures begin.

Wednesday, November 6, 2013



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

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

69. These problems affecting pay, promotion, and assignments are systemic and continue to the present day. They stem from Salk's common employment policies, practices, and procedures, including promotion, evaluations, personnel management, and, compensation policies, practices, and procedures. Such policies, practices, and procedures are not valid, job-related, or justified by business 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.

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

SECOND CAUSE OF ACTION

GENDER DISCRIMINATION

(Disparate Impact)

Cal. Gov't Code § 12940(a)

Against all Defendants

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

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

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

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

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

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

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

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 ///

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

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

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

FIFTH CAUSE OF ACTION

UNFAIR BUSINESS PRACTICES

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

Against all Defendants

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

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

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

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

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

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

108. In addition, Dr. Jones seeks injunctive relief in the form of an order preventing 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;

6. For restitution with interest and other equitable relief, including injunctive relief, pursuant to Cal. Bus. & Prof. Code § 17203;

7. For costs of suit incurred herein, including attorney's fees as permitted by law; and


8. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a jury trial for all claims so triable.

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

DIRECTOR KEVIN KISH

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

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

1 PLAINTIFF VICTORIA J. LUNDBLAD alleges as follows:

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

3 1. At all relevant times, Plaintiff Victoria J. Lundblad, PhD (“Plaintiff” or “Dr.
4 Lundblad”), was, and is, an individual residing within the State of California, County of San Diego.

5 2. Defendant The Salk Institute for Biological Studies (hereinafter “Defendant” or “Salk”)
6 is a business entity doing business in the State of California, County of San Diego and is subject to suit
7 under the California Fair Employment Housing Act (hereinafter “FEHA”), California Government
8 Code § 12940.

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

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

18 5. Each Defendant conspired with each other Defendant, and other unknown parties, to
19 commit each of the acts alleged herein.

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

23 7. At all times mentioned herein, California Government Code § 12940, et seq., was in full
24 force and effect and was binding on Defendants.

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

9. Defendants had actual or constructive knowledge of the tortious acts alleged and thereafter ratified the conduct by failing to reprimand or terminate wrongdoers and by perpetuating the conduct through its policies and practices. The discriminatory practices at Salk are institutional and result in the systemic marginalization of tenured women professors due to lack of resources, opportunities for access to funding controlled by Salk and support of scientific discoveries.

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

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

12. Defendants' discriminatory and demeaning treatment of Plaintiff over her tenure has also caused her tremendous mental and related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and emotional distress.

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

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

ADMINISTRATIVE REMEDIES

15. Dr. Lundblad filed her charges of discrimination against Salk with the California Department of Fair Employment and Housing (DFEH) June 30, 2017, and thereafter, on the same day, received from DFEH the “Right to Sue” letter, which is attached hereto as “Exhibit A.”

SPECIFIC FACTUAL ALLEGATIONS

Background on Salk

16. Salk's highest ranking professor-position is full Professor with tenure. There are about 50 individual research laboratories, each supervised by a faculty member, within Salk. Of the faculty, there are 28 men who are full Professors with tenure, and only four women who are full Professors

1 with tenure, but of the four women, there are only three who are paid employees of Salk (hereinafter
2 referred to as “Salk tenured women professors”).

3 17. Salk lacks any oversight of fairness or transparency for compensation, individual
4 laboratory support, and leadership opportunities. Salk does not have written guidelines or information
5 detailing compensation, guidelines for distribution of laboratory space and other resources or access to
6 Salk-funded support. Instead, decisions are conducted behind closed doors with a few dominant senior
7 faculty and Salk administrators determining advancement opportunities and access to Salk-controlled
8 funding opportunities, to the detriment of Salk tenured women professors.

9 18. Salk has allowed an “old boys club” culture to dominate, creating a hostile work
10 environment for the Salk tenured women professors, including Dr. Lundblad. While Salk claims it
11 promotes women, it fails to hire women faculty in a manner proportional to the hiring of male faculty,
12 and only supports junior women faculty early in their career. Salk women faculty who stay at Salk are
13 subjected to mistreatment, inequalities and explicit and implicit discrimination.

14 19. Because of institutional failures to restrict or prohibit both explicit and implicit
15 discrimination and biases, Dr. Lundblad and the other Salk tenured women professors have been
16 treated and continue to be treated as “second class citizens” to this day.

17 **Dr. Lundblad Is a National Academy of Sciences Member**

18 **Who Salk Discriminates Against Because She is a Woman**

19 20. Salk recruited Dr. Lundblad in 2003, she accepted a position in December 2003, and
20 she moved her laboratory to Salk in October 2004. As of June 2017, Dr Lundblad is the only woman
21 to be hired at the full Professor level by Salk over the past 40 years. Prior to Salk, Dr. Lundblad had a
22 notably successful career and was well established in her field of research.

23 21. Dr. Lundblad is recognized as one of the top leaders in her field, culminating with her
24 well-deserved election to the National Academy of Sciences (NAS) in 2015. The scientific
25 community, when evaluating Dr. Lundblad’s science over the past five years, has consistently
26 acknowledged her scientific accomplishments, noting she is “a highly original and creative thinker
27 who has time and again pushed her field forward in unanticipated directions” with “a long track record
28 of productivity and innovation” resulting in “seminal contributions to the field.” Her election to the

1 NAS - considered one of the highest honors that a scientist in the U.S. can receive - further exemplifies
2 her distinguished and continuing achievements in original research.

3 22. Despite Dr. Lundblad's objective achievements, she has not been treated as a highly
4 accomplished scientist by senior members of Salk administration, as well as a group of senior faculty,
5 who have consistently disparaged her for years and created a hostile work environment. Salk's gender-
6 biased policies and practices have led to both explicit and implicit gender discrimination, affecting the
7 women full Professors at Salk, including Dr. Lundblad. For example, at the annual faculty retreat,
8 Salk faculty have an opportunity to present their latest unpublished research findings to their faculty
9 colleagues. This is also an opportunity for Salk's development team to learn about faculty members'
10 research to allow development to find donors and help with funding. Generally, 16 to 18 faculty
11 present their work at these retreats, but the majority of retreats have included only one to two women
12 faculty members as speakers. Dr. Lundblad has only spoken two times at the Salk faculty retreat in 13
13 years, first in 2004 (six weeks after she arrived at Salk) and once again 13 years later; in contrast,
14 numerous male faculty have presented their work repeatedly year after year. The other Salk tenured
15 women professors have similarly presented very few times. As a result, the Salk tenured women
16 professors' research is not presented and they are not given the same opportunities to share their
17 important findings, receive accolades and, importantly, Salk's development team fails to learn about
18 their science to help with donors or funding.

19 23. Since establishing her laboratory as an independent investigator, Dr. Lundblad has
20 received continuous funding from the National Institutes of Health (NIH). In addition, multiple
21 members of her laboratory have been supported by individual, often prestigious, fellowships.
22 Nevertheless, Dr. Lundblad has been under constant pressure for at least five years by Salk senior
23 administration to down-size her laboratory. Based on information and belief known to Dr. Lundblad,
24 two other Salk tenured women professors have also been under similar intense pressure to reduce their
25 laboratories. Dr. Katherine Jones, one of the other three Salk tenured women professors, has
26 maintained a continuous level of NIH support that has exceeded that of a number of her male
27 colleagues, but Dr. Lundblad is aware and hereby alleges, Dr. Jones has had to resist efforts for several
28

1 years to fire one of the only four scientists in her research group because Salk will not provide access
2 to the same resources for women tenured professors as the men.

3 24. Based on information and belief and Dr. Lundblad's own personal experiences, Salk's
4 administration has disproportionately pressured the only three Salk-employed tenured women to
5 reduce their laboratories for many years. As a result, the laboratories run by the only three Salk
6 tenured women professors are three of the smallest research groups at Salk. Salk only employs three
7 women who are Full Professors, yet those same women professors are under constant pressure to
8 reduce their labs, reducing the ability of these labs to conduct cutting edge research. As a result of this
9 Salk-generated pressure, Salk then claims 100% of the Salk tenured women professors' research is not
10 on par with the men, who have access to extensive Salk-controlled financial resources which are not
11 available to Salk tenured women professors.

12 25. As the result of pressure by Salk senior administrators to down-size her laboratory, even
13 during periods where Dr. Lundblad's research program has been supported by more than one federally
14 awarded NIH grant, Dr. Lundblad's laboratory has consisted of only 3 to 4 full-time researchers for the
15 past 5 to 6 years, a size that Salk itself has determined is "non-sustainable." The administration
16 pressure is not warranted or justified, and it is a key example of the gender-biased policies and
17 practices disparately impacting the only three Salk tenured women professors.

18 26. In contrast to Dr. Lundblad's laboratory and that of the only two other Salk tenured
19 women professors, laboratories run by virtually every tenured male faculty are considerably larger.
20 Even male faculty with levels of NIH funding comparable to that of Dr. Lundblad and Dr. Jones
21 maintain laboratories that are two-to-three times larger. In contrast to Dr. Lundblad and Dr. Jones, and
22 based on information and belief, these faculty have the opportunity to apply for extensive financial
23 support from numerous private foundations for their research programs. Receiving foundation support
24 can greatly elevate a laboratories' scientific productivity, which helps a faculty member become more
25 competitive for additional funding. Many institutions, including Salk, receive substantial monies from
26 these privately held funding programs, which have very restricted application procedures. Most
27 institutions have rigorous and transparent internal processes to select the individual faculty member
28 who will be allowed to apply to a particular foundation. In contrast, at Salk, decisions about who will

1 be chosen to apply to private foundations occur behind closed doors, through a non-transparent process
2 that has been heavily influenced for many years by a small cadre of senior faculty, to the detriment of
3 Salk's tenured women professors. Based on information and belief, this same group of senior faculty
4 have also been direct beneficiaries of substantial private foundation support for many years, all of
5 whom as a consequence have laboratories that are much larger than that of the three tenured Salk
6 women professors.

7 27. Both the number of researchers in a laboratory and the amount of support from private
8 foundations have a substantial impact on a laboratories' scientific productivity. This in turn can
9 influence whether a faculty member continues to be competitive for external nationally competitive
10 funding from agencies such as the National Institutes of Health (NIH). By excluding the women-run
11 laboratories from the resources that are available to their male colleagues, and exerting constant
12 pressure on these laboratories to down-size, Salk has created a downward spiral for laboratories run by
13 women faculty. Dr. Lundblad and Dr. Jones nevertheless publish high-quality scientific publications
14 that have been well-received by the scientific community, despite their significantly smaller
15 laboratories. Dr. Lundblad has also built her scientific reputation by publishing high-impact papers, as
16 opposed to a larger number of smaller impact publications. However, the amount of publications is
17 directly correlated to the size of her laboratory and directly impacts the number of publications her
18 laboratory can produce. If Dr. Lundblad had access to Salk-controlled funds comparable to that of her
19 male colleagues, her laboratory would have a larger number of researchers and a comparable increase
20 in the number of publications. Salk has therefore created a situation in which her laboratory is under-
21 valued, relative to the laboratories run by her male colleagues.

22 28. Salk's gender-biased policies and practices have led to both explicit and implicit gender
23 discrimination, affecting the women Full Professors at Salk, including Dr. Lundblad.

24 29. Salk allows a subset of senior men to openly vocalize biases against the only three Salk
25 tenured women professors, which has created a hostile work environment, but also the discrimination
26 has effected these women's advancements within Salk. The pervasive gender discrimination is
27 obvious, yet Salk takes no action to stop such conduct or rectify its damage. For example, Dr.
28 Lundblad repeatedly witnessed Dr. Inder Verma, a senior faculty member, openly disparage the only

1 other two Salk-employed tenured women professors, Dr. Jones and Dr. Emerson, with numerous
2 overtly derogatory comments about them and their science. Based on information and belief and based
3 on conversations with other witnesses, Dr. Verma has made similar comments about Dr. Lundblad.
4 Dr. Verma, as well as a past president of Salk and senior Salk administrators have created a culture and
5 dominating overarching sentiment that the three Salk tenured women professors “do not belong” at
6 Salk because they are women. Even Dr. Blackburn, the newly appointed Salk president and one of the
7 most accomplished scientists in the world, has not been immune to such judgmental comments, with
8 numerous senior male faculty making disparaging remarks about her abilities to function as Salk’s
9 president.

10 30. This hostile work environment was so prevalent that even junior members of Salk
11 administration felt it was permissible to make disparaging comments about the scientific
12 accomplishments of senior tenured women faculty. On one particular example, Dr. Lundblad was
13 astonished to be told by a member of the Research Accounting department that she was “the worst
14 faculty member at Salk;” another administrator in the same department described senior women
15 faculty as “babies” in response to their complaints about the severe gender-specific skewed distribution
16 of resources at Salk. Salk senior administration actively encouraged a hostile work environment that
17 was continuously directed against Dr. Lundblad and her fellow tenured woman faculty colleagues.

18 31. Salk’s administration allows implicit and explicit biases to run rampant. When the only
19 three Salk tenured women professors make significant accomplishments, they are disregarded as
20 “lucky,” with Salk failing to correct or stop such derogatory comments. These type of implicit biases
21 are called “prove it again” biases where women consistently must demonstrate over and over again
22 they are “worthy” of their status, because they are not treated as equals.

23 **Salk’s Resource Distribution is Discriminatory**

24 **Towards the Only Three Salk Tenured Women Professors**

25 32. Another example of Salk’s discriminatory practice and implicit biases against women is
26 the manner in which funding from the Helmsley Charitable Trust has been allotted, which is only one
27 of many examples of the severity of gender-biased distribution of resources at Salk. In 2013, Salk
28 received \$42,000,000 from Helmsley, which was the largest single donation to Salk to date. **None of**

1 the three Salk tenured women professors working in the exact scientific area covered by the Helmsley
2 grant were recipients of any funding from this grant. Based on information and belief of information
3 reported to Dr. Lundblad, the reason that 100% of these three tenured women faculty did not receive
4 funding was because Dr. Inder Verma, who has historically denied support to Salk-employed women
5 faculty, controlled the distribution of Helmsley funds, with the full backing of senior Salk
6 administration. In fact, only one female non-tenured faculty member received any monies from this
7 2013 award, while 11 laboratories run by male faculty received the majority of the funding.

8 33. Then again in 2016, Salk received another \$25,000,000 funding from Helmsley, and
9 again, **none** of the three Salk tenured women professors received any funding, even though their
10 research was highly appropriate to the goals of the Helmsley grant. Whereas, in contrast, 13 of 14 male
11 tenured faculty working in the area covered by the Helmsley grant received funding. Notably, every
12 male NAS faculty member whose research was related to the goals of the Helmsley grant received
13 support, but the sole female NAS faculty member working in this same research area – Dr. Lundblad –
14 did not receive any funding.

15 34. Dr. Lundblad protested this blatant discrimination, but she was told by a member of
16 Salk senior administration that Dr. Verma controlled the Helmsley funding and he alone decided which
17 faculty would receive support for their research, which did not include any tenured women. Of course
18 this came as no surprise to Dr. Lundblad, who has endured years of Dr. Verma's discrimination, which
19 was once again ratified by the Salk administration.

20 35. This gender bias in distribution of Salk-controlled resources is also evident in Salk-
21 sponsored fundraising events, where women are underrepresented. Dr. Lundblad is an accomplished
22 speaker, when explaining biomedical research to lay audiences, and she has participated in numerous
23 fundraising events promoted by Salk over the years. For example, the Salk Women & Science
24 initiative was developed in 2012, with substantial input from Dr. Lundblad. Dr. Lundblad was on the
25 organizing committee, she was the featured speaker at the inaugural event and she was the moderator
26 at a second event. This initiative has been very successful at raising funds to support science in Salk
27 laboratories, but this has not benefited women faculty. Instead, six of the first seven awards have gone
28

1 to labs run by male faculty. Even fundraising initiatives that rely solely on the efforts of Salk women
2 faculty end up primarily supporting their male faculty colleagues.

3 **Salk Will Not Agree to Extend Dr. Lundblad's Professorial Appointment,**

4 **A Benefit Every Male NAS Member Has Received**

5 36. This gender discrimination persists at an institutional level at Salk in regards to
6 implementing Salk procedures. For example, starting in 2012, Salk faculty who were elected to the
7 NAS became eligible for a five-year extension of their professorial appointment, which was granted to
8 every male faculty member who was close to the end of his tenured appointment and also a member of
9 NAS. The week after Dr. Lundblad was elected to NAS, she was told by one of these senior faculty
10 members that she would similarly receive a five-year contract extension. Dr. Lundblad is also aware
11 that even a male faculty member who had not been elected to the NAS was nevertheless granted a five-
12 year extension of his tenure. Dr. Lundblad is the first woman faculty member at Salk elected to the
13 NAS who is eligible for this extension. However, in response to Dr. Lundblad's request for a contract
14 extension, Salk deferred, stating its "current faculty policies and guidelines" were being re-evaluated.
15 This re-evaluation apparently only applied to women members of NAS, because two months later, Salk
16 hired a senior male faculty member, also a member of the NAS, who was granted a professorial
17 appointment that extended to age 70. Salk has selectively decided to implement changes in its policy
18 in a manner that negatively affects and discriminates against the very few tenured women faculty who
19 are NAS members, and specifically against Dr. Lundblad.

20 **Salk's Discrimination Against Women Has Been Documented For Years**

21 37. The lack of parity for women scientists, in general, is well documented in numerous
22 peer-reviewed publications in scientific journals. Notably, Salk is illustrative of one of the worst
23 institutions for ongoing and historical gender disparities. Salk's long-standing issues in this area was
24 assessed in a 2003 report ("Report of the Faculty Development Committee on the Status of Women
25 Faculty at Salk") commissioned by then Salk President Richard Murphy. Dr. Lundblad was hired by
26 Dr. Murphy soon after the completion of the 2003 report and believed she was a part of an intentional
27 change in Salk's culture and treatment of women faculty. She did not imagine the levels of
28 discrimination, humiliation and hostility she would endure and continues to endure. Both female and

1 male non-Salk scientists have also witnessed Salk's discriminatory practices during Dr. Lundblad's
2 employment at Salk, noting "she is the wrong gender" to advance at Salk. In fact, other faculty at Salk
3 know about the mistreatment of women and are similarly dismayed, but fear retaliation for speaking
4 out.

5 38. Based on information and belief, in a recent External Advisory Board (EAB) meeting
6 for the Salk Cancer Center, a member of the EAB addressed Salk's continuous gender inequities,
7 pointing out the obvious lack of women in leadership at Salk, including the fact that in the 30 years of
8 Salk's Cancer Center there have been no women in leadership positions; as she succinctly put it, Salk
9 is still an "old boys' club."

10 39. Salk has not indicated any institutional commitment to change its status as an old boys'
11 club, as only one of the 13 faculty that Salk has hired in the last three years has been a woman. As a
12 consequence of both hiring practices and an inability to retain junior women faculty, the last time Salk
13 promoted a woman scientist to a tenured Professor appointment was in 1999. In fact, in the field of
14 neuroscience, which encompasses approximately 40% of Salk's faculty, the only woman neuroscientist
15 faculty member who has achieved the rank of Professor was hired 49 years ago, in 1968.

16 40. Salk's institutional gender discrimination practices also manifest in its allocation of
17 another Salk-controlled resource, endowed chairs. There is no written policy for endowed chairs and it
18 is done at the discretion of Salk senior administration who have consistently demonstrated animus
19 towards the three tenured women employed by Salk. The main beneficiaries of all the recent endowed
20 chair appointments have been men: 21 chairs were awarded to male faculty, and only two to female
21 faculty. Neither Dr. Lundblad nor Dr. Jones were recipients of these 21 newly endowed chairs. Dr.
22 Lundblad finally received an endowed chair, only after a male chair-holder left Salk for a position at
23 another institution, leaving his endowed chair vacant. Dr. Jones still does not have an endowed chair.
24 Endowed chairs provide the funds to cover a substantial portion of a faculty member's salary, and
25 without an endowed chair, Salk senior administration places the onus on the faculty member to come
26 up with other sources to cover his or her salary, using this as a further rationale to force a laboratory to
27 down-size below a sustainable size. Salk has weaponized the awarding of endowed chairs and, again,
28 perpetuated a negative cycle where female faculty are unable to obtain resources, but then denied

1 further resources or opportunities because they do not have prior access to resources, including an
2 endowed chair, which limits their ability to pursue cutting edge research.

3 41. This continual discriminatory treatment takes a toll on one's psyche and, in particular,
4 on Dr. Lundblad's self-esteem, her motivation and her belief that she could change the system to be
5 equitable. She has now come to realize the discriminatory practices and implicit biases are too
6 engrained in Salk's long history as they continue to manifest to the present. The lack of transparency
7 in decisions by Salk's Finance/Research Accounting department, combined with the completely
8 undefined criteria for distribution of Salk-controlled financial resources, creates a highly politicized
9 environment where a small number of senior faculty and administrators have an inordinate influence
10 on all critical decisions, to the detriment of Dr. Lundblad, as well as the other Salk tenured women
11 professors.

12 42. Since coming to Salk, Dr. Lundblad has been subjected to consistent and pervasive
13 comments, disparate treatment and efforts to undermine her reputation and accomplishments. This was
14 exemplified by Salk President Dr. Brody's comments, when he told Dr. Lundblad, shortly before she
15 was elected to the National Academy of Sciences, that senior faculty had concluded that her science
16 was "in a downward spiral" and "the field had passed her by" (a phrase that was frequently used at
17 Salk to disparage women scientists, including even a female Nobel Laureate).

18 **Salk Does Not Promote Women to Positions of Power**

19 43. In addition to the discriminatory funding practices, Salk also fails to provide
20 opportunities to qualified women equivalent to its male scientists and professors and fails to promote
21 female professors to positions of leadership.

22 44. Without explanation and without regard to merit or accomplishments, senior women
23 faculty are disproportionately denied opportunities for leadership positions at Salk. As a result, senior
24 women are not provided an equal voice to contribute to decisions about the distribution of Salk-
25 controlled funding and other resources. The lack of qualified women in positions of power also
26 negatively impacts their respective compensation and opportunities.

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28 ///

1 **FIRST CAUSE OF ACTION**

2 **GENDER DISCRIMINATION**

3 **(Disparate Treatment)**

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

5 **Against all Defendants**

6 45. Dr. Lundblad alleges and incorporates as if fully stated herein each and every allegation
7 contained in every preceding paragraph above.

8 46. At all relevant times, California Government Code section 12940(a) was in full force
9 and effect and was binding on Defendants as Dr. Lundblad's employer.

10 47. Dr. Lundblad believes and thereon alleges that her gender was a substantial motivating
11 factor in Defendant's discrimination against her, as set forth herein. Such actions are in violation of
12 Government Code section 12940(a).

13 48. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad has
14 sustained and continues to sustain substantial losses in earnings, employment benefits, employment
15 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the
16 time of trial.

17 49. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and
18 demeaning treatment of Dr. Lundblad over the past 13 years, she has also suffered tremendous mental
19 and related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and
20 emotional distress, all in a sum to be established according to proof at the time of trial.

21 50. As a result of Defendants' deliberate, outrageous, and despicable conduct, Dr. Lundblad
22 is entitled to recover punitive and exemplary damages in the amount commensurate with each of
23 Defendants' wrongful acts and in an amount sufficient to punish and deter future similar reprehensible
24 conduct.

25 51. Dr. Lundblad has also incurred and continues to incur legal expenses and attorney's
26 fees. In addition to such other damages as may be properly recovered herein, Dr. Lundblad is entitled
27 to recover prevailing party attorney's fees and costs pursuant to California Government Code section
28 12965.

1 **SECOND CAUSE OF ACTION**

2 **GENDER DISCRIMINATION**

3 **(Disparate Impact)**

4 **Cal. Gov't Code § 12940(a)**

5 **Against all Defendants**

6 52. Dr. Lundblad alleges and incorporates as if fully stated herein each and every allegation
7 contained in each and every preceding paragraph above.

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

10 54. At all relevant times mentioned herein, Defendants had a practice of failing to treat Dr.
11 Lundblad, as a woman, and other women, in an equitable fashion and thereby wrongfully
12 discriminated against Dr. Lundblad. Defendants' policies included failing to provide adequate access
13 to Salk-controlled funding or resources to Dr. Lundblad, as a woman and because she was a woman,
14 and failing to promote Dr. Lundblad to internal leadership positions when she was qualified.
15 Defendants' policies had a disproportionate adverse effect on women, like Dr. Lundblad.

16 55. Dr. Lundblad was subjected to discrimination on the basis of her gender, as set forth
17 herein.

18 56. Defendants' policies were a substantial factor in causing Dr. Lundblad's harm.

19 57. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad
20 has 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 58. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and
24 demeaning treatment of Dr. Lundblad since her employment at Salk, she has also suffered tremendous
25 mental and related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and
26 emotional distress, all in a sum to be established according to proof at the time of trial.

27 ///

28 ///

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

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

THIRD CAUSE OF ACTION

FAILURE TO PREVENT DISCRIMINATION

Cal. Gov't Code § 12940(k)

Against all Defendants

61. Dr. Lundblad alleges and incorporates as if fully stated herein each and every allegation contained in each and every preceding paragraph above.

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

63. Dr. Lundblad was subjected to discrimination on the basis of her gender, as set forth herein.

64. Defendants failed to take reasonable steps to prevent the discrimination as described herein.

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

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

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

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

3 **FOURTH CAUSE OF ACTION**

4 **UNFAIR BUSINESS PRACTICES**

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

6 **Against all Defendants**

7 69. Dr. Lundblad alleges and incorporates as if fully stated herein, each and every
8 allegation contained in each and every preceding paragraph above.

9 70. California Business and Professions Code § 17200 prohibits unfair competition in the
10 form of any unlawful, or unfair business act or practice.

11 71. Defendants are "persons" as defined under California Business and Professions Code §
12 17021.

13 72. Defendants' willful failure to pay women equally and otherwise offer women equal
14 employment opportunities as alleged above, constitutes unlawful and/or unfair and/or fraudulent
15 activity prohibited by California Business and Professions Code § 17200.

16 73. As a result of Defendants' unlawful and/or unfair acts, Defendants reaped and continue
17 to reap unfair benefits at the expense of Dr. Lundblad. Defendants should be enjoined from this
18 activity.

19 74. Accordingly, Dr. Lundblad is entitled to restitution with interest and other equitable
20 relief, pursuant to Cal. Bus. & Prof. Code § 17203.

21 75. In addition, Dr. Lundblad seeks injunctive relief in the form of an order preventing
22 Defendants from continuing their discriminatory practices.

23 **FIFTH CAUSE OF ACTION**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 **Against all Defendants**

26 76. Dr. Lundblad alleges and incorporates as if fully stated herein, each and every
27 allegation contained in each and every preceding paragraph above.

28 ///

77. Defendants' intentional conduct, as set forth herein, was extreme and outrageous. Defendants intended to cause Dr. Lundblad to suffer extreme emotional distress. Dr. Lundblad did suffer extreme emotional distress.

78. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad has sustained and continues to sustain substantial losses in reputation, promotions, and other employment opportunities.

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

PRAYER FOR RELIEF

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

1. For general and compensatory damages, in an amount according to proof, including but not limited past and future promotional opportunities, benefits and other lost opportunities of resources;

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

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

4. For mental and emotional distress damages;

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

6. For restitution with interest and other equitable relief, including injunctive relief, pursuant to Cal. Bus. & Prof. Code § 17203;

7. For costs of suit incurred herein, including attorney's fees as permitted by law; and

8. For such other and further relief as the Court deems just and proper.

///

JURY DEMAND

Plaintiff demands a jury trial for all claims so triable.

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
Victoria J. Lundblad, 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

June 30, 2017

Victoria J. Lundblad
2154 Pinar Place
Del Mar, California 92014

RE: Notice of Case Closure and Right to Sue

DFEH Matter Number: 934142-298283

Right to Sue: Lundblad / Salk Institute For Biological Studies

Dear Victoria J. Lundblad,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 30, 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

**Statement from the Salk Institute regarding lawsuits
filed by Katherine Jones, Ph.D. and Victoria Lundblad, Ph.D.**

Throughout its 57-year history, the Salk Institute's collaborative work environment has enabled Salk scientists to conduct innovative and daring research into the most serious biological questions of our time.

Salk is committed to providing equal employment opportunities to all. Institute policy prohibits discrimination on the basis of gender, race, age, disability and sexual orientation or any other protected classification. The Institute will vigorously defend itself through the legal system against any allegations of gender discrimination with full confidence in prevailing.

Drs. Jones and Lundblad, whose laboratories have received over \$5 million in support from the Institute over the past 10 fiscal years, have been treated generously by the Institute, including relative to their male peers. Each scientist's lucrative compensation package is consistent with well-recognized metrics that have been applied to all Salk faculty in a nondiscriminatory manner. Additionally, the Institute has always strived in partnership with faculty, and within a very competitive environment, to secure the government and foundation grants that are the cornerstone of our funding and which support the research pursued by Drs. Jones and Lundblad and other faculty members.

Female scientists at Salk have conducted acclaimed research programs since the Institute's founding, and in the past ten years Salk has appointed an additional six women scientists to its elite faculty. The Institute is headed by a female President, Dr. Elizabeth Blackburn, and the majority of the executive leadership team is female. Salk's Women & Science program, currently in its fifth year, provides a stimulating forum for community leaders to engage with Salk scientists and has raised over \$450,000 to support the advancement of women in science. Salk denies that Dr. Jones or Dr. Lundblad have suffered any harm or adverse employment action based on their gender.

The Salk Institute takes pride in a culture driven by a shared passion for tackling some of the most challenging problems facing humanity. Salk employees hail from 46 countries around the globe, speak numerous languages and possess a wide range of perspectives, skills, experience and knowledge. As Dr. Blackburn notes, "We must draw on the whole of humanity for the best ideas." That includes and will always include talented female scientists.

July 14, 2017

Contact: Chris Emery
cemery@salk.edu
858-453-4100 x1395

Issues Regarding Katherine Jones' Career

After enjoying a 30-year career at the Salk Institute, a nonprofit research organization, and proceeding through the full cycle of promotions to attain a lucrative full professor position, Katherine Jones, PhD, has now decided, near the end of her contract, to charge the Institute with gender discrimination. The Institute has invested millions of dollars in Dr. Jones, despite her consistently ranking below her peers in producing high quality research and attracting the grants that could advance that research.

The Salk Institute, which is headed by a female president and governed by an executive team that is primarily female, views this issue with gravity. We have undertaken a rigorous analysis in order to fully understand the situation and we find the following to be true:

* Dr. Jones **failed to obtain adequate grants** funding to support laboratory staff and top scientific investigation, thus relying on the Institute to provide supplemental funding. She rarely took advantage of Salk's Innovation Grants, applying only twice out of 19 opportunities. Her applications for non-government grants have been below the number for other faculty members. Her government funding ranks in the bottom quartile.

* Under widely accepted industry measures of productivity, Dr. Jones' compensation has been generous. In the past ten years alone, her laboratory received over \$2.65 million, a sum **\$600,000 higher than her male peers at the Institute**.

* Her salary aligns with those of professors at such prestigious institutions as Stanford University (\$227,000) and Columbia University (\$209,000), yet her performance has long remained within the **bottom quartile of her peers**.

* In the past ten years **she failed to publish a single paper in any of the most respected scientific publications** (*Cell*, *Nature* and *Science*). And her 14 published papers during this ten-year period fell far short of the median 29 papers published by Salk's other full professors.

* Dr. Jones benefited from **more than equitable lab space** at Salk (as measured by industry benchmarks). Despite her allegations that she was pressured to downsize her laboratory, she was never asked to do so.

The Salk Institute takes pride in its 50-year history of scientific discoveries that improve everyone's lives. Salk employees hail from 46 countries, speak numerous languages and possess a wide range of talent. Despite intense competition, Salk has been highly successful in attracting female scientists and over the last five years has appointed six new female professors, including its president, Elizabeth Blackburn. As Dr. Blackburn notes, "We must draw on the whole of humanity for the best ideas." That includes anyone with the skills to succeed.

July 14, 2017

Contact: Chris Emery
cemery@salk.edu
858-453-4100 x1395

Issues Regarding Victoria Lundblad's Career

After enjoying the benefits of a lucrative full professor position for more than a decade at the Salk Institute, a nonprofit research organization, Victoria Lundblad, PhD, has now decided, near the end of her contract, to charge the Institute with gender discrimination. The Institute invested millions of dollars in Dr. Lundblad, despite her consistently ranking below her peers in producing high quality research and attracting the grants that could advance that research.

The Salk Institute, which is headed by a female president and governed by an executive team that is primarily female, views this issue with gravity. We have undertaken a rigorous analysis in order to fully understand the situation and we find the following to be true:

- * Dr. Lundblad **failed to obtain the grants** that support laboratory staff and top scientific investigation, thus relying on the Institute to provide supplemental funding. She rarely took advantage of Salk's Innovation Grants, applying only four times out of 19 opportunities. Her applications for non-government have been below the number for other faculty members. Her government funding ranks in the bottom quartile.
- * Under widely accepted industry measures of productivity, Dr. Lundblad's compensation has been generous. In the past ten years alone, her laboratory received \$2.5 million, a sum **\$600,000 higher than her male peers at the Institute**.
- * Her salary is well above the median for Salk full professors (\$250,000) and more than double the salary of the average biological sciences professor at an educational institution (\$103,879), yet her performance has long remained within the **bottom quartile of her peers**.
- * In the past ten years **she failed to publish a single paper in any of the most respected scientific publications** (*Cell*, *Nature* and *Science*). And her 15 published papers during this ten-year period fell far short of the median 28 papers published by her peer professors at Salk.
- * Dr. Lundblad benefited from **more than equitable lab space** at Salk (as measured by industry benchmarks) and remains well above the norm for the size of her research program.

The Salk Institute takes pride in its 50-year history of scientific discoveries that improve everyone's lives. Salk employees hail from 46 countries, speak numerous languages and possess a wide range of talent. Despite intense competition, Salk has been highly successful in attracting female scientists and over the last five years has appointed six new female professors, including its president, Elizabeth Blackburn. As Dr. Blackburn notes, "We must draw on the whole of humanity for the best ideas." That includes anyone with the skills to succeed.

July 14, 2017

Contact: Chris Emery
cemery@salk.edu
858-453-4100 x1395

Statement from Dr. Edward Callaway, a professor in Salk's Systems Neurobiology Laboratory and past faculty chair of the Institute, on the regarding lawsuits filed by Katherine Jones, Ph.D. and Victoria Lundblad, Ph.D.

I have tremendous respect for Dr. Lundblad and Dr. Jones for their efforts to promote gender equality in the sciences and their commitment to science. It is thus particularly disappointing that they have chosen to pursue this suit against the Institute, a non-profit that works for the betterment of humanity. I am not aware of any factual basis for their claims. The Salk Institute goes to great lengths to ensure all faculty, regardless of gender, are treated fairly, and have equal opportunity to pursue their research.