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News - Thursday, February 26, 2004

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## CSU pays again because of suit against ex-dean

By RAHAF KALAAJI

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Colorado State University has agreed to pay \$227,000 to settle a lawsuit filed against the former dean of the College of Business.

It's the second award the university has shelled out in response to lawsuits against former dean Dan Costello, which have cost the university nearly \$745,000.

Jon D. Clark filed the suit against CSU and Costello in August 2001, six months after Clark was demoted to a teaching position from his post as associate dean of research and administration in the College of Business.

Clark claimed the demotion was retaliation by Costello, coming four months after Clark completed an unfavorable report on gender discrimination and sexual harassment complaints made by female colleagues against Costello.

The settlement of the lawsuit does not assign blame, Clark said.

"It's a shame it couldn't have been resolved without a lawsuit, but this is satisfactory at this point in time," Clark said.

In August 2003, Myron Hulen, an associate professor of accounting, was awarded \$518,000 in compensation and punitive damages after a jury found his right to free speech was violated when he was unfairly transferred by Costello from his post after criticizing another tenured professor.

That judgment, and the settlement awarded Clark, will be paid by the State Office of Risk Management. The risk management office provides insurance for tax-supported state officials and agencies, but ultimately taxpayers pay the bill.

Costello, who stepped down as dean in 2002, now teaches in CSU's management department. He did not return calls for comment Wednesday.

Clark said he believed the large judgment awarded to Hulen, which included \$250,000 in punitive damages against Costello and retired CSU President Albert Yates, led CSU to seek an-out-of-court settlement in his suit.

"That, I think, changed the university's position on settling with me because they lost a pretty significant case," Clark said.

CSU associate general counsel Lawrence Pendleton declined to comment on whether the Hulen case prompted the settlement with Clark.

"The university believes it has acted appropriately at all times," Pendleton said. "We wanted to resolve this in order to put this matter behind us."

Clark said he thought his job was secure when he submitted the "Report on Gender Equity Issues in the College of Business" to the university's Office of Equal Opportunity. He served as the college's associate dean from 1992 to 2001.

The account included reports of gender bias related to the salaries and privileges of female staff members, as well as complaints of sexual harassment by faculty and staff members in the college who said Costello had talked about them inappropriately and touched them.

"Within a week of my submitting the report, (Costello) began removing some of my responsibilities," he said.

Kristina James, an attorney with the Denver law firm McNamara & Martinez representing Clark, said he was moved out of his office, given an unsatisfactory job performance review for the first time in his career and lost salary when he was demoted. She said it could hurt his career advancement chances.

"It's very possible that the university's actions have made it so Jon will never be able to be a dean at another college," James said.

"We think it's such a shame an institution of higher education such as CSU hasn't learned to lead by example," she added. "Here they shot the messenger rather than punish the wrongdoer."

Clark said he plans to continue teaching but hasn't ruled out leaving CSU.

**Originally published Thursday, February 26, 2004**

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