



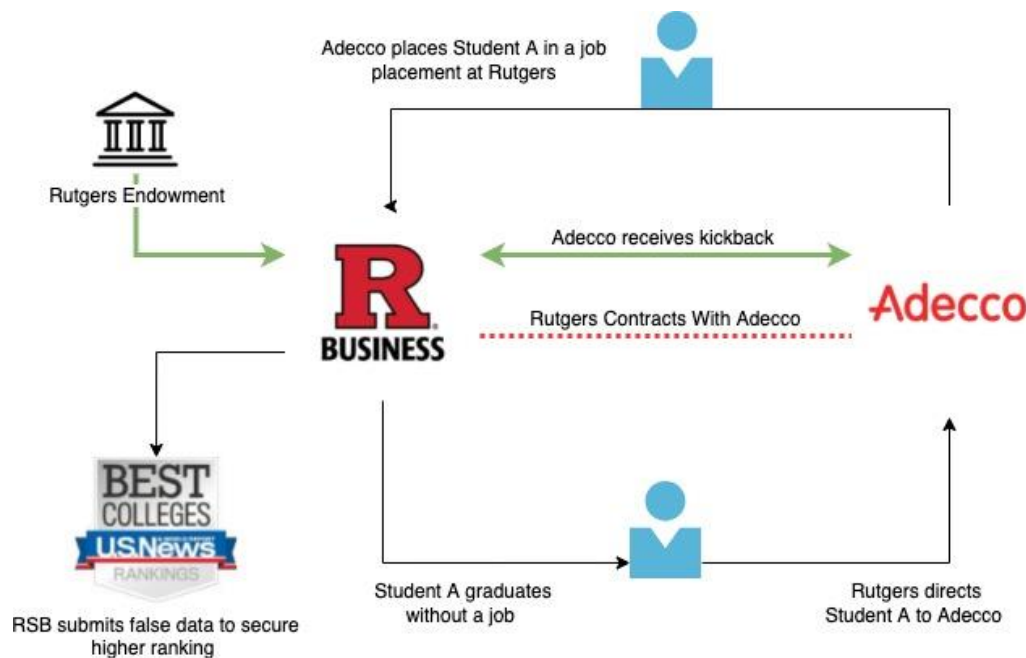
10:5-1, *et seq.* (“NJLAD”) against individuals willing to do whatever is necessary, including engaging in unlawful and retaliatory activities, to maximize pecuniary gain and boost career status.

Plaintiff, the current Human Resources (“HR”) Manager for Defendant RBS, was subjected to retaliation for simply doing her job with integrity, for having a disability, and for objecting to the unlawful activity of her supervisors. Plaintiff reported her direct supervisors, Defendant Rivera and Defendant Lei, for engaging in deceitful conduct in connection with bogus payments to university employees. In response, Defendants intentionally made Plaintiff’s working conditions more difficult, deliberately instituted unreasonable performance standards, tried to circumvent Plaintiff’s refusal to implement the fraudulent scheme, stripped Plaintiff of significant job responsibilities, blocked Plaintiff’s duly earned raise and promotion, refused to accommodate Plaintiff’s disability, and blamed Plaintiff for Defendants’ own departmental failings. The retaliation was so protracted and so severe that Plaintiff’s health physically deteriorated.

But there is an even more sinister reason for Defendants’ conduct. Higher education is “big business” and the formula to achieve accolades and profits is simple – more students paying higher tuition costs means more profits, higher salaries, and more accolades for administrators. For decades colleges and universities across the country have seen yearly tuition increases that far outpace inflation, particularly at the professional and graduate institution level. One of the root causes is blatant fraud. Numerous institutions justified the increase in tuition with deceptive data regarding post-graduation employment opportunities, hiring rates, and salaries. Apparently, Defendant Rutgers is no different.

As discussed below, without disclosing to appropriate publications, governing bodies, donors, alumni, boosters, students, potential students, or parents, Defendant Rutgers hired unemployed MBA students directly by placing them in sham positions through “temp-agency”

Adecco Employment Services, Inc. (“Adecco”). This was a blatant effort to give the impression of a higher overall full-time employability rating with third-parties and to deceptively bolster Defendant Rutgers’s “ranking” with crucial media outlets, such U.S. News & World Report. Defendants intentionally reported false data and made misleading claims in marketing materials, falsely asserting the unemployed students were gainfully employed in full-time MBA-level jobs with a third-party company. The scheme is illustrated below:



The fraud worked. In the very first year of the scheme, Defendant Rutgers was suddenly propelled to, among other things, the “No. 1” business school in the Northeast region.

At every turn, Plaintiff has stood directly in Defendants’ path to illegality. When Plaintiff became aware of, and blew-the-whistle on, Defendants’ scheme to falsify and manipulate post-graduation employment data, Defendants did not investigate and remediate the fraud. Rather, in retaliation, they ignored Plaintiff’s complaint, further ostracized Plaintiff from her department, attempted to cover up the conduct, and disparaged Plaintiff to employees and officials within her department. As Defendant Rutgers has already conducted one sham internal investigation to

subvert Plaintiff's concerns and white-wash Defendants' conduct, Plaintiff brings this lawsuit to once and for all expose the fraud. Plaintiff also seeks a jury trial and redress for the unlawful harassment, discrimination, and retaliation.

### **PARTIES**

1. Plaintiff is an individual residing in Burlington Township, New Jersey, and at all times relevant hereto was employed by Defendant Rutgers Business School as a Human Resources Manager.

2. Defendant RU is a higher education institution with its headquarters and principal place of business located at 57 US Highway 1, New Brunswick, NJ 08901. At all times relevant hereto, Defendant Rutgers is an "employer" as defined under the NJLAD and CEPA, and directly or jointly employed Plaintiff and Defendants.

3. Defendant RBS is the second largest school at Defendant Rutgers, serving over 10,000 students.<sup>1</sup> Defendant RBS is recognized as one of the top three public business schools among Big Ten business schools and is the highest-ranked public business school in the Northeast United States.<sup>2</sup> At all times relevant hereto, Defendant RBS is an "employer" as defined under the NJLAD and CEPA and directly or jointly employed Plaintiff and Defendants.

4. Defendant Lei is a citizen of New Jersey, and at all times relevant hereto, is employed by Defendant Rutgers as the Dean of Rutgers Business School. This claim is brought against Defendant Lei in her individual capacity and/or as an agent or servant of Defendant Rutgers.

5. Defendant Vera is a citizen of New Jersey, and at all times relevant hereto, was employed by Defendant Rutgers as the Assistant Dean and Director at the Office of Career

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<sup>1</sup> <https://www.business.rutgers.edu/about-rbs/at-a-glance> (Last visited, March 17, 2022)

<sup>2</sup> <https://www.business.rutgers.edu/about-rbs/rankings> (Last visited, March 17, 2022)

Management for the Rutgers Business School MBA program. This claim is brought against Defendant Vera in his individual capacity and/or as an agent or servant of Defendant Rutgers.

6. Defendant Rivera is a citizen of New Jersey, and at all times relevant hereto, is employed by Defendant Rutgers as the Associate Dean of Finance and Administration at Rutgers Business School. This claim is brought against Defendant Rivera in her individual capacity and/or as an agent or servant of Defendant Rutgers.

7. Defendant ABC Corporations 1 through 5 are currently unidentified business entities who have acted in concert with Defendant Rutgers, and/or currently unidentified business entities responsible for the creation and/or implementation of harassment or anti-retaliation policies of Defendant Rutgers, and/or currently unidentified business entities who have liability for the damages suffered by Plaintiff under any theory advanced therein.

8. Defendants John Does 1 through 5 are currently unidentified individuals who acted in concert with Defendants and/or currently unidentified individuals responsible for the creation and/or implementation of harassment or anti-retaliation policies of Defendant Rutgers and are currently unidentified individuals who may have liability for the damages suffered by Plaintiff under any theory advanced herein.

**FACTS COMMON TO ALL CLAIMS**

9. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

10. Plaintiff was hired by Defendant Rutgers in November 2015 as a Human Capital Management Specialist. Plaintiff worked in University Human Resources offices for Defendant Rutgers at its New Brunswick location.

11. In May 2017, Plaintiff moved to Defendant RBS in Newark and held the position of HR Manager.

12. Although Defendant RBS serves over 10,000 students and employs over 1,000 employees, Defendant Rutgers only employs Plaintiff and one assistant to handle all HR matters. Defendant RBS has not filled the assistant position after an employee resigned in 2019.

13. In April 2019, after another employee resigned, Plaintiff became responsible for the Part-Time Lecturer (“PTL”) Office and supervising the PTL staff. This position was in addition to her duties as an HR Manager.

14. In October 2019, Defendant Rivera became Plaintiff’s direct supervisor.

15. Defendant Rivera was hired by Defendant Rutgers in 2001 as a student employee. In October 2019, Defendant Rivera became the Associate Dean for Finance and Administration at Defendant RBS. In this role, Defendant Rivers oversees Finance, Human Resources, and Space Management (facilities). Defendant Rivera reports directly to Defendant Lei.

16. As a result of Plaintiff’s complaints concerning Defendants illegal and unethical conduct, Plaintiff suffered repeated and severe retaliation.

17. Plaintiff’s refusal to perform tasks that were fraudulent or violated the law only intensified the retaliation by Defendants.

18. Plaintiff also faced further retaliation by Defendants for taking medical leave in order to care for a serious medical condition, namely, Graves’ Disease.<sup>3</sup>

19. In her role as HR Manager, Plaintiff was privy to Defendants’ scheme to hire graduating MBA students who had not secured employment by the time of graduation so as to

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<sup>3</sup> Graves’ disease is an autoimmune disorder that can cause hyperthyroidism, or overactive thyroid. Thyroid hormones control the way the body uses energy, so they affect nearly every organ in the body, even the way the heart beats. With Graves’ disease, the immune system attacks the thyroid gland, causing it to make more thyroid hormones than the body needs.

inflate Defendant Rutgers' rankings.

20. As a result of Defendants' misleading statistical bolstering, Defendant RBS's overall institutional ranking is artificially inflated. The inflated ranking is false representation to students and potential employers in violation of the Consumer Fraud Act, N.J.S.A. 56:8-1, et seq.

21. As a result of Defendants' misleading statistical bolstering, Defendant RBS's employability rankings are inflated, which gives a false representation to future students and potential employers in violation of the Consumer Fraud Act, N.J.S.A. 56:8-1, et seq.

22. As a result of Defendants' data manipulation scheme, Defendants obtained money and funding from Defendants Rutgers' applicants, students, alumni, and donors.

23. Defendants also boasted about the artificially inflated rankings in marketing materials directed at potential Rutgers' students and donors, which led to millions of dollars a year in increased tuition revenues.

24. By bolstering its employment data, Defendant RBS creates an impression that post-graduation employment is virtually guaranteed.

25. Instead of telling the truth to prospective and current students, Defendant RBS continues to make the claim that virtually all of its graduates are gainfully employed.

26. As a result, students chose to attend Rutgers based on these false representations and manipulated MBA ranking statistics.

27. Defendants' conduct constitutes, among other things, a conspiracy to commit fraud, wire fraud, and consumer fraud in violation of federal and state law.

**PLAINTIFF IS SUBJECT TO DISPARATE TREATMENT, A HOSTILE WORK ENVIRONMENT, AND RETALIATION BECAUSE OF DISABILITY**

28. During the course of her employment, Plaintiff was subjected to a hostile work environment, disparate treatment, and retaliation because of both her complaints concerning

Defendants' illegal conduct and her disability.

29. In 2020, Defendant Rivera became aware that Plaintiff was disabled and was battling a serious medical condition.

30. In fact, before Plaintiff disclosed her disability, Defendant Rivera somehow became "aware" of it and did her own research as to the nature of the disability.

31. Rather than accommodate Plaintiff, Defendant Rivera, with the assistance and approval of Defendant Lei, retaliated to orchestrate Plaintiff's termination and/or resignation.

32. Rather than accommodate Plaintiff, Defendants Rivera and Lei were extremely hostile and did everything in their power to make Plaintiff's job extraordinary difficult.

33. For example, among other things, Defendant Rivera (i) refused to provide Plaintiff with support personnel or allow existing personnel to work overtime (despite approving such support for others); (ii) repeatedly harassed and nit-picked at the timeliness of Plaintiff's work product, despite Plaintiff completing more work than ever before; (iii) eliminated Plaintiff's support personnel – with the approval of Defendant Lei and in a deliberate effort to make Plaintiff's job more difficult – and then blamed Plaintiff for not taking on "leadership" tasks or having "strategic direction"; (iv) screamed, berated, and belittled Plaintiff for allegedly struggling to complete university initiatives that had nothing to do with her core job responsibilities and/or a direct result of Defendant Rivera's stripping Plaintiff of support personnel; and (v) threatened to strip Plaintiff of her job responsibilities while explaining, for example, "I don't know how you got the [PTL] department and I will take it away."

34. As a result of the harassment, discrimination, and retaliation, Plaintiff's disability and medical condition deteriorated.

35. In turn, Plaintiff's doctor put her out on medical leave. Due to the volume of work



to completed, Plaintiff did not begin her leave until August 9, 2021.

36. When Plaintiff returned on August 23, 2021, her intermittent medical/disability leave commenced.

37. Plaintiff informed Defendant Rivera she was taking medical leave.

38. Defendant Rivera was provided copies of Plaintiff's medical/disability leave paperwork.

39. On August 23, 2021, Plaintiff took doctor-approved medical leave to address her medical condition and disability.

40. *Just two days later*, or August 25, 2021, in clear retaliation, Defendant Rivera emailed Plaintiff that she could not hire a second support position back after Plaintiff had it approved by the Chancellor's Office.

41. Defendant Rivera claimed she was going to "repurpose" Plaintiff's position for another department.

42. Moreover, while Plaintiff was out on leave, Defendant Rivera changed Plaintiff's proposal regarding the reorganization of Defendant RBS's HR department.

43. Plaintiffs' proposal involved merging Defendant RBS's HR department and the PTL office, which would have resulted in reclassifications for Plaintiff and her support staff.

44. On her proposal, Plaintiff noted a salary savings of \$65,000 due to the vacant second support position and her additional duties managing the PTL office.

45. Defendant Rivera unilaterally changed the proposal to remove Ms. McDermott-Hicks' vacant position from the budget to use as justification for the reorganization. The other half of Ms. McDermott-Hicks' job was to manage facilities.

46. Defendant RBS's facilities department used the salary savings from Ms.

McDermott-Hicks' vacant position in their reorganization, yet Plaintiff was told that Defendant RBS's HR department could not.

47. Because Defendant Rivera was "repurposing" her second support position, Defendant Rivera told Plaintiff that she could not use that salary savings either.

48. Defendant Rivera's decision was a calculated attempt to punish Plaintiff and to make her job more difficult while denying her a raise/promotion.

49. Yet again, on August 30, 2021, Defendant Rivera berated Plaintiff, telling her that she must "take accountability" for Defendant RBS's HR department.

50. In response, Plaintiff explained that Defendant Rivera was deliberately setting up her to fail and that she did not have the proper "bandwidth" and/or personnel to accomplish the requested duties. This was particularly true in light of Plaintiff's disability and medical leave.

51. In the middle of the aforementioned conversation, Defendant Rivera abruptly hung the WebEx call up on Plaintiff.

52. On September 7, 2021, Plaintiff informed Defendant Rivera that issuing a "class 8" appointment to an employee (who had just received a reclassification and was no longer a nonexempt employee) for the requested duties was against policy and potentially fraudulent.

53. Specifically, between November and December 2020 and July 24, 2021, Thomas Hill, Senior Academic Program Coordinator, Master Quantitative Finance Department, RBS – Newark, and Ms. Cheryl Daniels, MS Financial Analysis Department, RBS – Newark, were told they could put in unlimited overtime as compensation while their reclassifications were pending.

54. Their reclassifications were approved on July 24, 2021, after thousands of dollars had been spent to compensate them through improper overtime.

55. Plaintiff complained to Defendant Rivera this was not permitted because: (1) the

Policy (60.3.14) permits only 80 hours of overtime without approval from the VP or Chancellor; and (2) the additional salary was to compensate them for the time their reclassifications were pending, not for work they performed. Plaintiff was instructed to stand down and that this was coming straight from the top, namely, Defendant Lei.

56. In addition, on June 23, 2021, Defendant Rivera suggested that Ms. Felicia Norott, Assistant Dean III Supervisor, RBS – Newark, and Ms. Kerstin Schnatter, Assistant Dean III Supervisor, RBS – Newark, receive class 8 (secondary) appointments to compensate them while their reclassifications were pending.

57. Plaintiff again objected on the basis that an exempt employee must be performing duties outside of their regular duties to receive a class 8 appointment. She further complained an employee is not supposed to be compensated for a class 8 appointment until it goes through and that the appointment was only being requested for certain employees.

58. Plaintiff also reasonably believed that Defendant Rivera and Defendant Lei were intentionally attempting to deceive Defendant Rutgers and was potentially a violation of law.

59. Defendant Rivera did not deny her conduct, but simply told Plaintiff to confirm with Defendant Rutgers that it was not within Policy.

60. Meanwhile, as of September 9, 2021, Plaintiff was assigned to a major project involving Kronos Dimensions. Plaintiff was responsible for creating the entire Business Structure and Employee Data File for the system, which required validations, reconciliations, and testing. Plaintiff was required to participate in 1-3 meetings per week for the next three months with the IP&O project team and to dedicate hours upon hours to hit the target dates. As if the Human Resources and PTL work was not enough, this project put Plaintiff on extreme overload. Notwithstanding, Plaintiff was able to accomplish all goals for the targeted dates.

61. On September 20, 2021, Plaintiff forwarded the class 8 paperwork to Defendant Rutgers, with Defendant Rivera copied, but she did not receive a response. Plaintiff's concerns were completely ignored.

62. On September 23, 2021, in retaliation, Plaintiff was told by Defendant Rivera that she needed to oversee a virtual staff retreat that was to occur in the beginning of November 2021. This was a completely new duty that Defendant Rivera piled on to Plaintiff's responsibility. Previously, such a project was always handled by event planning.

63. Plaintiff complained to Defendant Rivera, explaining that the additional retreat project was more of the same – retaliation and an attempt to orchestrate her exit from Defendant Rutgers. The additional workload affected Plaintiff physically and mentally, and it exacerbated her disability/medical condition.

64. On October 27, 2021, Defendant Rivera told Plaintiff that she needed to concentrate her time on Finance duties. In turn, Plaintiff was to handle everything HR-related. Defendant Rivera wanted Plaintiff to oversee all meetings with departments to discuss their reorganizations. Once again, in retaliation, Defendant Rivera was stacking Plaintiff with job responsibilities with the goal of making Plaintiff quit or to blame her for deficiencies.

65. On December 1, 2021, Defendant Rivera and Plaintiff spent hours completing a Classification and Recruitment Form ("CARF") to submit for a reclassification for Plaintiff for the additional duties that she had been performing but was not expected to perform.

66. On December 3, 2021, Defendant Rivera informed Plaintiff that although they had completed the CARF, Defendant Rivera decided that "she didn't need that level of support from [Plaintiff]." This was blatant retaliation by Defendant Rivera.

67. After denying Plaintiff the promotional opportunity, Defendant Rivera continued

to terrorize and retaliate against Plaintiff. For example, on December 6, 2021, Defendant Rivera emailed Plaintiff regarding vacant office locations on the Piscataway campus. Plaintiff chose a quiet location to set up her office. Inexplicably, Defendant Rivera then wanted Plaintiff to justify why she needed that office and not another office, which is one of the most exposed locations in the building and noisiest offices on that floor.

68. On December 7, 2021, Defendant Rivera asked Plaintiff's PTL support employee how she could pay a PTL additional money for his appointment. Plaintiff objected and informed Defendant Rivera – again – that this was not permitted.

69. In retaliation, on December 8, 2021, Defendant Rivera met with Plaintiff to discuss the office location that Plaintiff selected. Plaintiff explained:

- a. There is a lot of noise and traffic that is not conducive to HR.
- b. The office has windows surrounding the exterior of the office leading to the student lounge (where there could be 100 students).
- c. There is an open kitchen in that suite where employees gather.
- d. No one could ever come to confidentially speak or meet with Plaintiff.
- e. Melissa insisted that I move to the noisier location because I needed to “change the culture of that suite.”

70. But for Plaintiff's complaints, her disability, and her medical leave the location of Plaintiff's office would not have been in issue.

71. On December 10, 2021, Defendant Rivera and Plaintiff met with Mr. Hill's supervisor and advised him that they were unable to pay Mr. Hill for the class 8 appointment. Defendant Rivera told the supervisor that she would discuss how to pay him with Plaintiff. Plaintiff was in disbelief that Defendant was still attempting to violate, and now circumvent,

policy.

72. On December 13, 2021, Defendant Rivera asked Plaintiff, during a “contentious, heated” conversation, if it was her intention only to prevent Mr. Hill’s appointment. It became clear to Plaintiff that Defendant Rivera was aggravated by the fact that Plaintiff thwarted Defendant Rivera’s attempt to commit fraud and violate policy. Plaintiff specifically told Defendant Rivera that she would not permit Defendant Rivera to commit fraud. In retaliation, Defendant Rivera then falsely accused Plaintiff of submitting a non-approved appointment for another staff member.

73. Incredibly, *two hours after this meeting*, Defendant Rivera began paperwork to post Plaintiff’s position (Plaintiff did not know this occurred until later). That is, in unequivocal retaliation, Defendant Rivera commenced the process to officially post Plaintiff’s position and to remove duties from her purview.

74. In other words, instead of receiving a promotion, Defendant Rivera effectively prevented Plaintiff from being promoted and compensated for the duties she had been performing for the last three years.

75. On January 12, 2022, Defendant Rivera finally informed Plaintiff that she would be removing duties from her, including the PTL office and certain projects (e.g., Kronos).

76. Plaintiff was up for a promotion (they had agreed to put Plaintiff through for reclassification) and removing those duties would prevent her from being compensated for the duties she had been performing for the last three years.

77. The grade 8 CARF had the PTL office duties in it, and, to date, Plaintiff has not seen her revised CARF.

78. On January 13, 2022, Plaintiff was confidentially informed by a co-worker that

Defendant Rivera had a history of retaliatory behavior that warranted discipline.

79. On January 19, 2022, Defendant Rivera indicated that “we are having a bandwidth problem” and that is why she needed to post Plaintiff’s position. This was a lie.

80. In reality, Defendant Rivera was retaliating against Plaintiff for her objections to the illegal, unethical, and discriminatory conduct. In fact, Plaintiff had been complaining for almost three years that she had bandwidth issues and lacked support to perform her duties. This is precisely what Plaintiff feared – that Defendant Rivera intended to accuse her of performance issues after it was Defendant Rivera that denied support and piled on job responsibilities.

81. Defendant Rivera also accused Plaintiff of being “insubordinate,” which was pretext for refusing to go along with the fraud. Defendant Rivera made a “concerted effort” to hold Plaintiff back and punish her not putting through fraudulent transactions.

82. By this point, Plaintiff was being left out of important meetings and she was ostracized from her co-workers in her department.

83. Further, as of January 2022, over 75 transactions (new hires, reclassifications, acting appointments, etc.) had been completed.

84. As of January 24, 2022, over 80 transactions were pending, including five complete department reorganizations and several partial reorganizations.

85. Yet Plaintiff’s support position was still “on hold,” so she still did not have the staff to provide necessary services to Defendant RBS.

86. Further, Defendant Rivera, not surprisingly, failed to follow the formal process to remove responsibilities or “post” a job.

87. The process for posting positions is (1) a position request form must be approved by the Chancellor’s Office, (2) an exception request form must be approved by University Human

Resources, and (3) the position gets submitted into ROCS for UHR approval and posting.

88. Defendant Rivera did not complete step 1 and sent email with high importance to the HR support person to interfere with the completion of step 3. While she had been informing Plaintiff that Defendants were still going through with the reorganization of Plaintiff's department, Defendant Rivera was busy getting approvals to post Plaintiff's position without her knowledge.

89. Posting Plaintiff's position would place a second person in Plaintiff's role and give Defendant Rivera the ability to have someone else submit fraudulent transactions.

90. Further, this will prevent Plaintiff from receiving a reclassification for work that she had been performing for the last three years.

91. Therefore, on January 24, 2022, with nowhere else to turn, Plaintiff filed a complaint with the Office of Employment Equity. Plaintiff based her formal complaint on the Policy Prohibiting Discrimination and Harassment and the Conscientious Employee Protection Act.

92. Plaintiff submitted a detailed timeline and reported the retaliation after Defendant Rivera became aware of her illness/disability, her taking leave, and her objection/refusal to take part in a fraudulent transaction in violation of state policy.

93. But even with the formal complaint the retaliation did not stop.

94. On January 27, 2022, Plaintiff emailed staff about overtime, which she had done previously. Within ten minutes, Nicole McCray, Business Manager II Supervisor, HR– Newark asked Plaintiff if the email was approved by Defendant Lei and asked her to recall the email. Candace Dundas, Director, HR – Newark, asked Plaintiff three times to recall the email, and she recalled it.



95. Shortly thereafter, Plaintiff scheduled a meeting with the Office of Labor Relations (“OLR”) regarding her email. OLR cancelled the meeting and told her to speak to Ms. Dundas. Plaintiff asked Ms. Dundas to provide her with the Policies and Collective Negotiation Agreements (“CNAs”) related to overtime. Plaintiff believed Defendant Rivera was involved in OLR’s decision to cancel her meeting. Indeed, employees began asking Defendant Rivera about overtime.

96. On February 9, 2022, Defendant Rivera sent Plaintiff a list of employees and asked Plaintiff to contact them to inquire if they were available for overtime. Plaintiff stated, “you reprimanded me, had me recall the email, lied about the policies, and now because you don’t want to do the work, you are sending it back to me.” Plaintiff thus refused to send the email, citing Ms. Candice’s advice concerning OLRs disapproval of soliciting employees for overtime.

97. In sum, due to her medical condition/disability complaints, Plaintiff has faced obvious disparate treatment, a hostile work environment, and retaliation from Defendants.

98. Plaintiff further objected to Defendant Rivera allowed two RBS employees to utilize unlimited overtime to compensate them for the time that their reclassifications were pending. Their reclassifications were approved July 24, 2021 after thousands of dollars had been submitted to compensate them. Plaintiff expressed to Defendant Rivera that this practice was illegal and was not permitted. University policy permits only 80 hours of overtime without approval from the VP or Chancellor. The additional salary was to compensate them for the time that their reclassifications were pending *not for work that they were performing*. Plaintiff refused to submit the improper and fraudulent compensation.

99. Plaintiff also objected to Defendant Rivera attempted to classify RBS employees as Class 8 co-adjutant casual employees, in order to pay additional salary to certain employees until their reclassifications went through, a blatant violation of policy. To make matters worse,

Defendant Rivera only requested the class 8 classification for certain employees she saw in good favor. Plaintiff objected to deceitful conduct and did not process the appointments.

100. In turn, Plaintiff was subjected to repeated retaliation in at least the following ways:

- a. Defendant Rivera refused to rehire Plaintiff's second HR support staffer, requesting exception for four positions: an administrative assistant for the Executive MBA program, with just eighty students and four full time employees; an administrative coordinator for the Masters of Information & Technology Analytics Program, and two student counselor positions. Meanwhile, Plaintiff's department serves over ten thousand students and over one thousand employees with just two Human Resources professionals on staff.
- b. Defendant Rivera refused all overtime requests for Plaintiff's single support staffer.
- c. In July 2020, Defendant Rivera harassed Plaintiff via Webex, indicating work was not being processed in a timely manner.
- d. On September 23, 2020, Defendant Rivera harassed Plaintiff concerning the need for Plaintiff to complete "higher level duties", such as strategic planning. Plaintiff explained that in order to complete said higher level duties, Plaintiff needs her second staff position filled, as she is overloaded in transactional work.
- e. Defendant Rivera alerted Plaintiff that she is aware of her medical condition and has been researching it.

- f. On January 13, 2021, Defendant Rivera again harasses Plaintiff concerning her need to complete “higher level duties” and opinion that human resources transactions are not getting completed quickly enough. Plaintiff reiterated the need for her second assistant position to be filled, yet Defendant Rivera denied the request again.
- g. On March 24, 2021, Defendant Rivera continued to harass Plaintiff, again discussing the need for Plaintiff to focus on higher level duties. Defendant Rivera’s beratement of Plaintiff was so reprehensible that it brought Plaintiff to tears, and Plaintiff’s husband even considered intervening in the conversation to stop the antagonizing.
- h. On April 1, 2021, Defendant Rivera lied to Human Resources staff concerning the decision to eliminate Plaintiff’s second support staff position, purporting that Dean Lei made the decision when in actuality Defendant Rivera made the decision to help force Plaintiff out of her role due to her complaints.
- i. On April 29, 2021, Defendant Rivera berated Plaintiff concerning the results of a Diversity, Equity, and Inclusion survey.
- j. On July 27, 2021, Defendant Rivera threatened to remove Plaintiff from her management position after two and a half years of successful management, stating ***“I don’t know how you got the department and I will take it away”***, bringing Plaintiff to tears.

- k. On August 5, 2021, Plaintiff was put on immediate medical leave, but was unable to begin said medical leave until August 9, 2021 due to the tremendous amount of work and pressure from Defendants.
- l. On September 9, 2021, Plaintiff was assigned a major project outside her job duties, rendering her responsible for creating an entire Business Structure and Employee Data File.
- m. On September 23, 2021, Defendant Rivera further assigned plaintiff to oversee a virtual staff retreat, another major project outside of her job duties. Defendants clearly attempted to overload Plaintiff as part of the continual effort to undermine Plaintiff and set the groundwork for termination. Despite Defendants' obvious efforts, Plaintiff successfully handled said duties.
- n. On December 8, 2021, Defendant Rivera berated Plaintiff on why exactly she chose her specific new office location in the Piscataway offices.
- o. On December 14, 2021, Defendant Rivera began paperwork to remove Plaintiff from her position and post the position for hire because of Plaintiff's refusal and complaints concerning Defendants illegal and unethical conduct.
- p. On January 12, 2022, after Plaintiff became eligible for promotion, Defendant Rivera informed Plaintiff that she was removing duties from Plaintiff, thereby effectively preventing her from being promoted and fairly compensated for said duties Plaintiff has performed for the past three years.

Defendant Rivera has failed to follow proper protocols concerning posting Plaintiff's position.

q. On January 19, 2022, Defendant Rivera informed Plaintiff she is "insubordinate."

101. In sum, as a result of the discrimination, disability/medical leave, and her objection/refusal to participate in Defendant's scheme, Plaintiff was subjected to disparate treatment, retaliation, and a hostile work environment.

**DEFENDANTS' SCHEME TO MANIPULATE EMPLOYMENT DATA TO IMPROVE THE BUSINESS SCHOOL'S RANKINGS**

102. For Defendants, ensuring each graduate student received a meaningful education is of little import. Their focal point is "rankings," "employment rates," and other crucial "statistics" that keep students flocking to Defendant Rutgers under the guise that it will, or could, land them a highly coveted, highly paid job.

103. Worse, students and parents are heavily influenced by and rely upon Defendant Rutgers' ranking/statistics, not only when choosing one institution over another, but when making the decision to take out loans to pay for higher education in the first instance.

104. Staggering debt coupled with long odds of landing a high paying job are a recipe for economic disaster; indeed, many economists predict another recession due to the trillions of dollars in unpaid student-loan debt.

105. But none of that matters to Defendants, so long as the Defendant Rutgers "ranks" higher than its competitors and the perks of working in higher education remain.

106. Plaintiff has been subjected to retaliation because (i) she was privy to Defendants' ongoing rankings fraud, and (ii) for complaining directly to Defendant Lei of same.

107. Defendants' effort to orchestrate Plaintiff's termination and/or resignation was

motivated in part by Plaintiff's access to information that Defendant Rutgers cheated the college rankings system.

108. Defendants boasted about the artificially inflated ranking in marketing materials, fraudulently manipulating Defendant Rutgers's students and donors, leading to millions of dollars a year in increased revenues for Defendant RBS.

109. For example, for U.S. News, the "Best Graduate Schools" rankings in are based on two types of data: expert opinion about program excellence and statistical indicators that measure the quality of a school's faculty, research and students." *See* <https://www.usnews.com/education/best-graduate-schools/articles/how-us-news-calculated-the-rankings>.

110. Business schools have their own specific criteria. U.S. News Best Business Schools rankings compare full-time MBA programs on their career placement success, student excellence and qualitative assessments by experts. <https://www.usnews.com/best-graduate-schools/top-business-schools/mba-rankings>

111. To gather data, U.S. News asked deans, program directors and senior faculty to judge the academic quality of programs in their field on a scale of 1 (marginal) to 5 (outstanding).

112. Statistical indicators used in the six disciplines ranked annually fall into two categories: inputs, or measures of the qualities that students and faculty bring to the educational experience, and outputs, or measures of graduates' achievements linked to their degrees.

113. Different output measures are available for various fields. In business, for example, U.S. News uses starting salaries and MBA graduates' ability to find jobs upon graduation or three months later.

114. In fall 2021 and early 2022, U.S. News surveyed all 493 institutions with master's-level business programs in the U.S. accredited by AACSB International, an organization that's widely considered the gold standard of business school accreditation, for data collection.

115. Schools reported on their full-time campus-based and hybrid programs that included a foundation of general management skills and knowledge.

116. These are most often Master of Business Administration programs, although some degree offerings included in this ranking have titles such as Master of Science in Management and Master of Science in Industrial Administration.

117. Among those surveyed as part of the Best Business Schools, a total of 363 survey recipients responded.

118. U.S. News ranked 134 business schools that provided enough data on their full-time MBA programs and had large enough 2021 graduating classes seeking employment for valid comparisons.<sup>4</sup>

119. A significant factor is "placement success," which includes three ranking indicators on employment and earnings that in total contribute 35% to each school's overall rank.

120. U.S. News uses the MBA Career Services & Employer Alliance Standards for Reporting Employment Statistics as the basis for defining how MBA programs should report *full-time* MBA employment statistics and other career information, including starting base salaries, signing bonuses, and what proportion of MBA graduates have jobs at graduation and three months after. See <https://www.mbacsea.org/standards>

121. Defendants Rutgers is a member of the MBA CSEA. Each year the MBA CSEA releases Standards for Reporting Employment Statistics to "ensure peer schools, prospective

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<sup>4</sup> The specific indicators can be found here. <https://www.usnews.com/education/best-graduate-schools/articles/business-schools-methodology>

students and the media have accurate and comparable employment information from graduate business schools.” Specifically:

**MBA CAREER SERVICES & EMPLOYER ALLIANCE**  
**STANDARDS FOR REPORTING**  
**FULL-TIME MBA EMPLOYMENT STATISTICS®**

**THE PURPOSE AND USE OF STANDARDS FOR REPORTING MBA EMPLOYMENT STATISTICS®**

In 1994, MBA career services professionals from around the United States met and expressed their frustration and dissatisfaction with the lack of agreed upon and accepted reporting standards for MBA employment data. They expressed the perception that (a) many MBA employment reports were generated primarily as marketing devices to attract students and employers and to attain media-generated rankings, (b) employment reports did not reflect an accurate representation of graduates’ performance in the job market, (c) salary statistics were inflated by inclusion and/or exclusion of certain populations, and (d) prospective students and employers had no valid way of comparing schools one to another. To address these concerns, the MBA Career Services & Employer Alliance (formerly MBA Career Services Council) developed the Standards for Reporting Employment Statistics® (Standards). Since the development of the Standards, it has continued to be a priority for the Board of Directors to address the need to improve the reliability, usefulness, accuracy and comparability of reported MBA employment data.

In January 2005, the MBA Career Services & Employer Alliance and the Graduate Management Admission Council® (GMAC)® announced to our membership the terms of a strategic partnership to collect and audit employment data. With this agreement, MBA CSEA took the biggest step since the Standards were finalized in 1996, to provide reliable, useful, accurate and comparable employment data on our industry. When GMAC® elected to withdraw from the employment data audit partnership in 2012, the MBA Career Services & Employer Alliance decided to continue with the program independently. In summary, Standards Compliance Reviews (formerly known as reviews of Agreed Upon Procedures) help MBA CSEA to increase the use and knowledge of our Standards and improve interpretation by a diverse audience.

The following tables are required in order to be compliant with the MBA CSEA Standards:

Table 1.A The Full-Time Graduating Class

Table 2.A Timing of First Job Offers

Table 2.B Timing of Job Acceptances

Table 3.A Primary Source of Full-Time Job Acceptances

Table 4.A Compensation Report

Table 4.B Compensation by Professional Functions

Table 4.C Compensation by Industries

Table 4.D World Region Breakdown

One table for your own region from tables 4.E - 4.J

These Standards do not preclude schools from collecting other employment data as deemed necessary for internal or external marketing purposes. Schools are strongly discouraged from reporting additional information for purposes of media surveys.

<https://www.mbacsea.org/Files/MBA%20CSEA%20Standards%20Edition%20VI.pdf>

122. To ensure comparable data, MBA CSEA maintains two reporting dates for job offers and job acceptances, at graduation and at three months after graduation. Prospective students and the general public view at graduation as a “normal” reporting mark, and *three months after graduation serves to give all schools equal time post-graduation to report data.*



123. When reporting, Defendant Rutgers was “to develop a table or histogram indicating the number and percent of job seeking full-time graduates who had (1) received their first offer by graduation, (2) received their first offer after graduation and by three months after graduation, and (3) did not receive offer by three months after graduation.” Specifically:

*Table 1.A*

**FULL-TIME MBA EMPLOYMENT STATISTICS  
THE FULL-TIME GRADUATING CLASS**

*Prepare one final report with all data collected as of the end of the data collection period*

<b>WORK AUTHORIZATION CATEGORIES (1)</b>	<b>PERMANENT WORK AUTHORIZATION</b>	<b>NON-PERMANENT WORK AUTHORIZATION</b>	<b>TOTAL FULL-TIME MBA GRADUATES</b>
SEEKING EMPLOYMENT (2)			
NOT SEEKING EMPLOYMENT			
Company-sponsored or already employed (3)			
Continuing education (4)			
Postponing job search (5)			
Starting a new business (6)			
Not seeking for other reasons (7)			
TOTAL NOT SEEKING EMPLOYMENT			
NO RECENT INFORMATION AVAILABLE (10)			
TOTAL GRADUATES			

124. MBA CSEA provides specific guidelines for each criterion. For example, a “job offer is a valid offer for a specific position... ***It should however, be MBA-level work, as noted in instruction 2 for Table 1.A.*** It does not include verbal speculation or suggestions involving possible or potential offers for unidentified positions.” Furthermore, an “information source may include an employer, a parent, your personal knowledge, or other reliable sources. The career office should document in an email communication or the Career Services office’s tracking system the information on the offer sourced from the graduate, parent, employer or other source stated above, and should include the date of the offer or accepted offer and the date the career office received the information.”

125. MBA CSEA also sets forth a reporting deadline: “Based upon all information received as of one month past your three month post-graduation date, develop a table or histogram indicating the number and percent of job seeking full-time graduates who had: a. Accepted a job by graduation b. Accepted a job after graduation and by three months after graduation, and c. Did

not accept a job by three months after graduation 2. A job acceptance occurs when a graduate has notified an employer that he or she has accepted a valid offer for a specific position. The number of graduates in these three categories must equal the number of Total Graduates Seeking Employment (from Table 1.A). Similarly, the denominator when calculating the percent within each of the three categories is the Total Graduates Seeking Employment. This information demonstrates when graduates actually had a job that was acceptable to them.”

126. Furthermore, MBA CSEA tracks “Salary/compensation data pertains only to job acceptances received by three months after graduation.”

127. The data should not include “positions accepted later than three months post-graduation” and “salary information for graduates who were company-sponsored or already employed, i.e., who had not accepted a new employment offer (those graduates should have been included in the Not Seeking Employment category on Table 1.A).”

128. Using these industry standards has helped U.S. News ensure prospective students have accurate and comparable employment information for each school.

129. These statistics are a significant portion of the ranking: “There are two distinct indicators on employment rates for graduates of full-time MBA programs: employment rates at graduation (0.07) and employment rates three months after graduation (0.14). In total, employment factors comprise 21% of each school’s rank.”

130. In fact, as Defendant Vera recently discussed, the “employability” statistics are critical to the “survival” of the business school:



Dean Vera

To: Farrokh Langdana; Rosa Oppenheim; Lei Lei; RBS - faculty; RBS - staff; RBS - Retired Faculty &amp; Staff

Reply Reply All Forward

Mon 4/4/2022 3:42 PM

Thank you for the shout out, Farrokh!

I could not agree with you more. I've been advocating for years to have our employment outcomes plastered wherever prospective students will see them. Why? When it comes to full-time MBA applicants, employment supersedes all other categories.

Regards,  
Dean

Dean R. Vera  
Assistant Dean, Graduate Career Management  
Director, MBA Office of Career Management  
Rutgers Business School-Newark and New Brunswick  
One Washington Park, Room 656  
Newark, NJ 07102  
p. 973.353.1659  
<http://myrbs.business.rutgers.edu/mba/career-management>  
<https://rutgers.zoom.us/my/deanvera>

***US News & World Report, 2021:***

#3 Full-Time MBA program in NY Tri-State Area  
#26 in employment for Full-Time MBA Program  
#44 Full-Time MBA Program

***Financial Times, 2022***

#1 Public Business School in Northeast  
#3 MBA Employment nationwide  
#38 Full-Time MBA program nationwide

From: Farrokh Langdana <[langdana@business.rutgers.edu](mailto:langdana@business.rutgers.edu)>

Sent: Sunday, April 3, 2022 11:59 AM

To: Rosa Oppenheim <[oppenheim@business.rutgers.edu](mailto:oppenheim@business.rutgers.edu)>; Lei Lei <[lei@business.rutgers.edu](mailto:lei@business.rutgers.edu)>; RBS - faculty <[faculty@business.rutgers.edu](mailto:faculty@business.rutgers.edu)>; RBS - staff <[staff@business.rutgers.edu](mailto:staff@business.rutgers.edu)>; RBS - Retired Faculty & Staff <[retired\\_facultyandstaff@email.rutgers.edu](mailto:retired_facultyandstaff@email.rutgers.edu)>

Subject: Re: U.S. News & World Report on 2023 Best Business Schools. A Marketing Angle.

Well said, Rosa! At the last Program Directors meeting, our Dean Lei exhorted the Directors to "think about" the fact that our students (and potential students) could now easily do online courses from any school, anywhere, in anything. If we are to be (largely) online for the foreseeable future, then how do we continue to ensure a critical mass of new students? How do we ensure our survival as a business school?

I am thinking, based on Dean Lei's email below, that our Comparative Advantage is quite simply, 100% jobs for our MBAs in the Tristate Area. Jim King, Dean Vera and Melinda Lawson and their team, essentially, rock!

**I am obviously no marketing guru, but perhaps our recruiting messaging could be:**

**"If you are in the Tristate area and if you are looking for a high-level managerial/executive job in the Tristate area, then the Rutgers MBA is your logical choice. After all, we have 95-100% placement! And we are consistently World Ranked. For some things in life like real jobs and real interviews from real companies stemming from real local corporate connections, there is NO substitute for an in-person program HERE. After all, what does an online MBA program in Indiana or South Carolina know about getting you a good MBA-level job here?"**

**If you are serious about a high-quality career transition thanks to a combination of a cutting-edge curriculum taught by dynamic professors and a well-connected Career Placement team with an astounding track record, please visit our next Open House on \_\_\_\_.**

In any event, Congratulations again, Team MBA. And thank you!

Farrokh Langdana

**Prof. Farrokh Langdana, Ph.D.**

Director, Rutgers EMBA, and Professor, Finance/Economics  
Rutgers Business School  
1 Washington Street, Room 990, Newark, NJ 07102

131. Defendant Rutgers is just the latest university to be embroiled in statistical manipulation.

132. In 2011, the American Bar Association imposed public censure on the law school of Villanova University over its past practice of reporting inaccurate grades and Law School Admission Test scores of incoming students in an apparent bid to improve its standing in the rankings.<sup>5</sup>

133. In 2012, Claremont McKenna College admitted that it had been submitting inaccurate class ranks and SAT scores on its students to U.S. News. The motive wasn't purely about rankings. Officials disagreed with a college strategy to focus on rankings by admitting only students with top scores and grades. To admit a broader range of students, the admissions office submitted incorrect data so that it could meet the college's goals while also admitting students without perfect grades and test scores.<sup>6</sup>

134. In 2012, George Washington University admitted to submitting inaccurate class ranks for both on the university's website and in information provided to U.S. News & World Report, leading to the school's removal from the rankings. George Washington University significantly overstated the academic credentials of students who entered the school in Fall 2011, reporting that 78 percent had graduated in the top 10 percent of their high school class when only 58 percent had done so.<sup>7</sup>

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<sup>5</sup> [https://www.abajournal.com/news/article/abas\\_legal\\_ed\\_section\\_sanctions\\_villanova](https://www.abajournal.com/news/article/abas_legal_ed_section_sanctions_villanova) (Last visited March 25, 2022).

<sup>6</sup> <https://www.nytimes.com/2012/01/31/education/claremont-mckenna-college-says-it-exaggerated-sat-figures.html> (Last visited March 25, 2022)

<sup>7</sup> [https://www.washingtonpost.com/local/education/2012/11/14/53954596-2e8d-11e2-89d4-040c9330702a\\_story.html](https://www.washingtonpost.com/local/education/2012/11/14/53954596-2e8d-11e2-89d4-040c9330702a_story.html) (Last visited March 25, 2022)

135. In 2012, Emory University admitted to knowingly misreporting SAT/ACT data, class rank, and grade point averages by reporting data on *admitted students* rather than the *enrolled students* as required for ranking calculations.<sup>8</sup>

136. In 2013, Tulane University admitted to sending U.S. News inaccurate information about the number of applicants and test scores of applicants to its business school.<sup>9</sup>

137. In 2013, Bucknell University admitted that it had misreported SAT averages from 2006 through 2012, and ACT averages during some of those years.<sup>10</sup>

138. Despite being a member of MBA CSEA, Defendant Rutgers intentionally manipulates its employment statistics in violation of MBA CSEA standards, thereby leading to more students enrolling in its program, more national accolades, and more funding.

139. Compounding the problem, there is no place where prospective students can find Defendant Rutgers' "real" employment numbers. Defendant Rutgers supplies the same dubious statistics to the Financial Times, Bloomberg Business Week, and other various news outlets.

**Defendants Conspire to Manipulate Data by Hiring Students  
Through a Third-Party Temp-Agency, Adecco**

140. Without informing publications, potential students, or parents, Defendant Rutgers hired unemployed MBA students and placed them into token permanent positions directly with the university.

141. Worse, to mask the scheme, Defendants purported to hire the students via the temporary employment agency Adecco.

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<sup>8</sup> <https://www.insidehighered.com/news/2012/08/20/emory-misreported-admissions-data-more-decade> (Last visited March 25, 2022) (See Also, [https://news.emory.edu/special/data\\_review/q\\_and\\_a.html](https://news.emory.edu/special/data_review/q_and_a.html) Last visited, March 25, 2022)

<sup>9</sup> <https://www.insidehighered.com/news/2013/01/02/tulane-sent-incorrect-information-us-news-rankings#:~:text=A%20statement%20issued%20by%20Tulane,than%20the%20previous%20two%20years> (Last visited March 25, 2022).

<sup>10</sup> [https://www.washingtonpost.com/local/education/bucknell-discloses-sat-score-inflation/2013/01/28/ce71bd78-6973-11e2-af53-7b2b2a7510a8\\_story.html](https://www.washingtonpost.com/local/education/bucknell-discloses-sat-score-inflation/2013/01/28/ce71bd78-6973-11e2-af53-7b2b2a7510a8_story.html) (Last visited March 25, 2022).

142. Defendants also utilized more than \$400,000 from the university endowment to fund the sham positions and to issue a kickback to Adecco for engaging in the scheme:

Name of the employee	Hiring Department	Hiring Manager	Rate including Adecco Fee	Length of Contract:	Start Date:	End Date:	Note	Cost (August 2018)
Ananth Avadhuta	RU-Procurement	Nimish Patel	\$45.50	6 months				\$47,320.00
Krunal Bhatka	Marketing	Dan Stoll	\$45.50	6 months	8/27/2018	2/15/2019		\$160,570.00
			\$45.50	6 month extension	2/15/2019	8/29/2019		
			\$45.50	4 month extension	8/29/2019	12/31/2019		
			\$45.50	6 month extension	12/31/2019	6/30/2020		
Ruthvik Mugala	PTL Office	Cindy Hicks	\$45.50	3 months	8/9/2018	2/15/2019	Changed Dept 11/2018	\$38,400.00
	Development	Rich Knupp	\$45.50	7 months	11/5/2018	6/25/2019		
Swarna Rajpurohit	RBS-OCM	Jim King	\$45.50	6 months	8/27/2018	2/15/2019		\$47,320.00
Shazeen Rasheed	Business of Fashion	Tavy Ronen	\$45.50	will end 10/12/18	8/20/2018	10/12/2018	Sanchita took over the appointment	\$47,320.00
Sanchita Sharma	Business of Fashion	Tavy Ronen	\$45.50	6 months	10/8/2018	2/15/2019		
Islam Tolba	Alumni	Joe Schaffer	\$45.50	6 months	8/27/2018	2/15/2019		\$47,320.00
							<b>Total Cost</b>	<b>\$388,250.00</b>

143. By circumventing the restrictions – i.e., those which do not allow universities to count internal hires for purposes of their employment statistics – Defendant Rutgers inflated its hiring and employment ranking.

144. Stated differently, through fraud, Defendants included unemployed MBA graduates when reporting their hiring and employment statistics. The scheme was organized, deliberate, and unequivocal.

145. On June 5, 2018, Defendant Kumar scheduled a meeting with Defendant Vera, Dan Stoll, Associate Director of Communications and Marketing, and Plaintiff for June 6 at 3:00pm. The purpose of the meeting was to initiate the scheme to manipulate employment data in order to improve the business school's ranking.

146. After the meeting, Defendant Vera, sent around the resumes for the RBS MBA Marketing students who had not yet secured employment.

147. The very next day, Defendant Vera followed up stating, “Hi Dan, Attached please find a Resume Packet with candidates whom I believe may meet your hiring needs. Should you want to discuss any of these candidates, do not hesitate to contact me.”

148. On June 14, 2018 Defendant Kumar followed up, stating: “Hi Dan, Have you identified the two students? If so please let us know so that we can move with *temp hiring process*. *Dean- By what date students should be employed by?*”

149. Defendant Vera responded, cc’ing Defendant Lei, writing: “The 90<sup>th</sup> day after Commencement is August 16<sup>th</sup>. Students must have accepted an offer, whether verbally or in writing, on or before this date.”

150. On June 20, 2018, Defendant Vera continued the scheme to hire unemployed RBS students via Adecco by emailing Defendant Lydon, stating, “Hi Sharon, Would you please share few marketing MBA student’s resumes with Gino. He is looking to hire 2 and is approved by Dean Lei.”

151. The next day, Defendant Lydon responded to Dan Stoll to ensure that there is coordination between the departments and so that departments do not interview students who have already been successfully placed in a token position via the illegal scheme.

152. Thereafter, Eugene “Gino” Gentile, Director of the Office of Career Management, interviewed two unemployed MBA students for the two approved positions. However, both interviews were unsuccessful. The Director opined that the one of the unemployed MBA students “has not responded to 2 voicemails requesting an interview. Perhaps this is why this candidate is unemployed.”

### **Students “A” and “B”**

153. Nevertheless, after the unsuccessful interviews, the two approved positions were transferred to James King, Senior Director of the Office of Career Management, under the agreement the Adecco temp hires would report to the Senior Director of the Office of Career Management.

154. On August 2, 2018, James King emailed Plaintiff confirming that the Office of Career Management has conducted interviews and extended offers to two students.

155. On August 8, 2018, James King confirmed that Student A and Student B accepted the positions via Adecco. Student A and Student B would be paid thirty-five dollars an hour and work forty hours a week for the department. James King then asked Plaintiff to “Please proceed with Adecco so we can get the offers to them this week. Planned start date is 8/20. Thank you for your assistance.”

156. On August 9, 2018, Defendant Rutgers and Adecco entered into a contractual agreement for the employment of Student A and Student B, and Plaintiff submitted Statements of Work concerning their employment.

157. The scope of assignment was to work directly for Defendant RBS itself in a sham position well-below the criteria for an MBA student:



### STATEMENT OF WORK FOR ASSIGNMENT

This Statement of Work ("SOW"), effective as of July 30, 2018, is entered into by and between **Rutgers, The State University of New Jersey on behalf of RUTGERS BUSINESS SCHOOL BUSINESS OFFICE** ("Client") and Adecco Employment Services (Known as "Adecco").

1. **Scope of Assignment.** Adecco will assign one or more individual(s) to Client to assist Client with its completion of the following:

Business Analyst

The Business Analyst duties include but are not limited to:

- Handles the pre-appointment phase of the PTL appointment process which is critical to the faculty staffing process with peak activity at this time
- Responsible for the pre-appointment creation, management and tracking of over 250 PTL appointment contracts for Fall 2018 semester
- Produces, issues and tracks over 250 PTL contracts
- Creates reports to insure contracts are returned, follow up on delinquent contracts and troubleshoot any issues
- Ensures compliance with Federal Immigration Policy through follow up on the timely processing of I-9's
- Provides a high level of service to Part Time Lecturers and Coadjutants during the onboarding process and assist with administrative duties
- Travel amongst regional campuses may be required

Requires a Bachelor's degree in a related field, or an equivalent combination of education and/or experience. Requires up to two years relevant experience in an administrative function, good communication and interpersonal skills, and computer literacy.

- Candidate must be detail oriented
- Must have great interpersonal and organizational skills
- Excellent follow up abilities and possess the ability to work independently in a high pressure environment
- Candidate must possess discretion and the ability to handle highly confidential and sensitive material
- Experience in Microsoft Word, Mail Merge, and Excel is preferred
- Experience with Access database is a plus

158. The students were also requested to sign a **"CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT"** that outlined the terms of their duties in connection with a "temporary position with Adecco to work on assignments at Adecco's Clients." The agreement states, "Adecco is engaged in the business of providing supplemental staffing services to other businesses (hereinafter referred to as the "Client" or "Clients")."

159. In this regard, Adecco's client was Defendant Rutgers itself.

160. On August 20, 2018, Adecco extended employment contracts to Student A and Student B for their positions at the business school. However, Student A declined the contract. Student B accepted the contract and commenced employment Office of Career Management on August 27, 2018.

### Student C

161. On July 27, Defendant Lydon followed up with Dan Stoll concerning the hiring of unemployed MBA students, stating “Can you begin the hiring process to hire the two FT MBA marketing students? Please let me know which students you plan to hire. I will inform Jim King and Dean. They are hiring two students also and would like you to have to first choice. Jim will complete his interviews today and then make his selection by the end of the day today. I understand that he would like to give you the first choice.” Dan Stoll responded, “We are only looking to hire one MBA student, Krunal. We can start the hiring process.”

162. On August 9, 2018, Student C accepted the position. On August 20, 2018, Adecco extended a contract to Student C.

163. On August 22, 2018, Dan Stoll confirmed that Student C accepted his contract with Adecco and begins employment Monday, August 27, 2018.

#### **Student D**

164. On July 12, 2018, Department Administrator Cindy McDermott-Hicks, at the request of Defendant Kumar, reached out to Defendant Lydon concerning another employment opportunity within the business school for an unemployed MBA student.

165. Defendant Kumar saw the job opening as another opportunity for Defendant Rutgers to manipulate their employment data by counting another unemployed MBA student as employed, thereby improving Defendant Rutgers ‘ranking. That same day, Defendant Lydon responded, attaching the resumes of unemployed MBA students.

166. On July 13, 2018, McDermott-Hicks identified three MBA candidates to interview, and Defendant began the onboarding process with Adecco. A pay rate of thirty-five dollars and six-month duration of the aforementioned position.

167. On July 20, 2018, McDermott-Hicks informed Plaintiff and Defendant Kumar that they interviewed Student D and Student E for the position. McDermott-Hicks explained that “both are significantly overqualified for this position. It would be my recommendation we immediately handle with OT and post for someone more suited to the job requirements.”

168. To this, Defendant Kumar immediately responded, “*I understand they may be overqualified but if they are willing to accept please go ahead,*” exemplifying Defendant Kumar’s sole intent of inflating the MBA employment numbers to increase the school ranking.

169. These emails demonstrate that Defendants were going to see the fraud through to the end, and they were clearly aware that the students were being offered sham positions for the express purpose of inflating statistics.

170. Thereafter, on July 23, 2018, Cindy McDermott-Hicks informed Defendant Kumar they are prepared to offer the position to Student D, noting the need for Student D to work twenty-one hours per week to maintain his visa status.

### **Student E**

171. On August 3, 2018, James King, at the request of Defendant Kumar, reached out to Joe Schaffer, Associate Dean of Executive Education, Corporate & Alumni Engagement, to refer him the list of MBA candidates still seeking employment.

172. Defendant Kumar saw the job opening as another opportunity for Defendants to manipulate their employment data by counting another unemployed MBA student as employed, thereby improving Defendant Rutgers’ ranking.

173. In this correspondence, James King notes his intent to hire Student A, and recommends Student E to Joe Schaffer; noting Student E is the “best of the group – very solid with

an extensive marketing background. I did not select him as I thought he should be able to land a full time position.”

174. Thereafter, Joe Schaffer responded with his intent to meet with Student E to discuss the Assistant Director of Marketing Role.

175. On Wednesday August 8, 2018, Joe and Student E met, and Student E accepted the Assistant Director of Marketing Role, via Adecco.

176. On August 20, 2018, Adecco extended a contract to Student E. On August 22, Plaintiff emailed Joe Schaffer to confirm that Student E has accepted his contract with Adecco and should be able to begin on working on Monday, August 27, 2018.

#### **Student F**

177. On Aug 8, 2018, Defendant Kumar emailed Tavy Ronen, Director of Business of Fashion Programs, Plaintiff, Defendant Lydon, and James King to inform them that Tavy Ronen’s program coordinator has resigned. Defendant Kumar continues that Defendant Lei “has approved a temp to perm hire through Adecco until FT position can be posted and hired... Jim/Sharon- can you please send some resumes to Tavy to select and interview from?”

178. The next day, on August 9, 2018, Tavy Ronen informed via email with subject line, ***FW: Found an MBA through Adecco as suggested- please can you bring her on?***, stating that she had interviewed and selected Student F for the program coordinator position at forty hours per week via Adecco. Tavy continues, “I did everything in my power to be as swift as possible, given Sharon’s pressing ratio deadline (tomorrow).”

179. The rationale for the deadline is clear: Defendants wanted to be able count another unemployed MBA student as employed in their illegal scheme to manipulate the employment data and improve their rankings.

**Defendant RBS' Rankings Improve Dramatically and Defendants  
Congratulate Each Other On the Success of the Fraudulent Scheme**

180. Not surprisingly, in the same year that Defendants hatched the fraudulent scheme, Defendant Rutgers published an article titled “Financial Times ranks Rutgers Business School No. 1 public business school in Northeast U.S.” on its website.<sup>11</sup>

181. On December 19, 2018, Defendant Rutgers states, “the *Financial Times* released a comprehensive overall ranking of business schools in 2018 placing Rutgers Business School No. 24 among business schools in the Americas and No. 1 among public business schools in the Northeast U.S.”

182. In the aforementioned article, Defendant Lei purports the schools success as follows, “we are working hard to stay ahead of the trends in business education, from our focus on constantly innovating our curriculum in collaboration with alumni and corporate partners in our Executive MBA and Full-Time MBA programs to our efforts to extend the currency of a Rutgers Business School degree with lifelong learning through our Executive Education programs, we are a partner with our students and alumni their entire lives.”

183. Defendant Lei, however, failed to mention the true reason for the improved rankings – data manipulation in violation of the law.

184. By unlawfully bolstering its employment data, Defendant Rutgers creates an impression of bountiful employment opportunity that does not exist, thereby misleading Defendants’ alumni, students, and prospective students.

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<sup>11</sup> <https://www.business.rutgers.edu/news/financial-times-ranks-rutgers-business-school-no-1-public-business-school-northeast-us> (Last visited March 25, 2022)

185. Defendant Rutgers excessively boast their fraudulently enhanced ranking via their marketing materials. Defendants utilize their ranking heavily to induce students to attend the University.

186. Defendant RBS's official website even has its own stats & rankings page. Defendant RBS flaunt its achievements and accolades in the rankings, stating, "Rutgers Business School- Newark and New Brunswick is recognized as one of the top three public business schools among Big Ten (BTAA) business schools and is the highest-ranked public business school in the Northeast U.S." <sup>12</sup> The applicable rankings for Defendant RBS are listed as follows:

### **2017**

- #1 MBA Employment among the Big 10 Schools - Financial Times
- #1 Public Business School in the Tri-State Area (NY, NJ, CT) - U.S. News & World Report
- #1 Return on Investment, salary increase (%) in the US - Financial Times -
- #1 AIS Groups in auditing research – BYU Ranking of Accounting Research
- #2 Top Business Schools for Supply Chain Management - Find-MBA.com
- #2 MBA Job Placement in the U.S. - Bloomberg Businessweek
- #4 Top Business Schools for Healthcare / Pharma / Biotech - Find-MBA.com
- #5 Top Business Schools for Marketing - Find-MBA.com
- #5 Top Business Schools for Operations Management - Find-MBA.com
- #5 Top Executive MBA program for economics - Financial Times
- #6 Best Online Graduate Business Programs for Veterans (Excluding MBA) - U.S. News & World Report
- #7 Executive MBA program in the northeast - Ivy Exec
- #7 MBA in manufacturing/logistics globally (RBS Supply Chain) - Financial Times
- #7 Top Schools for Entrepreneurs - Bloomberg
- #8 Supply Chain Management journal research output - globally (#7 in US and #3 among Big 10) - The SCM Journal List
- #9 Best Business School for Supply Chain Management/Logistics - U.S. News & World Report
- #9 Return on Investment, salary increase (%) globally - Financial Times
- #12 Online graduate business programs in the nation (excluding MBA) - U.S. News & World Report
- #12 Value for Money in the US - Financial Times - Learn More
- #13 Digital Marketing Certificate program - Value Colleges
- #14 Total Salary in executive MBA programs, nationally - Financial Times
- #15 Salary Increase (%) in executive MBA programs, nationally - Financial Times

<sup>12</sup> <https://www.business.rutgers.edu/about-rbs/ranking> (Last visited March 25, 2022)

- #15 EMBA programs globally - CEO Magazine
- #17 Financial Engineering Programs in North America - QuantNet
- #22 Top executive MBA program, nationally - Financial Times
- #35 Best Colleges for Business Majors - Money
- #37 Top 100 full-time MBA program in the US - Financial Times - Learn More
- #38 Part-Time MBA Program, nationwide - U.S. News & World Report - Learn More
- #48 MBA Program globally - QS World University rankings
- #49 Top 100 U.S. MBA programs - Poets & Quants
- #50 Full-Time MBA program, nationwide - U.S. News & World Report - Learn More
- #52 Full-Time MBA program, nationwide - Forbes
- #70 Top 100 full-time MBA program in the world - Financial Times - Learn More

## **2018**

- #1 Public Business School in the Northeast U.S. - Financial Times
- #2 Top MBA program in Supply Chain Management - Find-MBA.com
- #2 Top Executive MBA program in Economics - Financial Times
- #3 Top Executive MBA program in Statistics - Financial Times
- #3 Top Executive MBA program in Corporate Strategy - Financial Times
- #3 Executive MBA program with Strong Career Services Support - globally – Ivy Exec
- #3 Executive MBA program for Executives in the Government and Nonprofit Sectors - Ivy Exec
- #3 Public Business School among the 14 Big Ten (BTAA) business schools - Financial Times
- #4 Top 10 MBA program in Healthcare/Pharma/Biotech - Find-MBA.com
- #5 Best Online Accounting Master's for Government Employees - Online Masters
- #5 Top 25 North American Supply Chain Graduate Programs - Gartner
- #5 Top 10 MBA program in Operations Management - Find-MBA.com
- #5 Executive MBA program in the Northeast - Ivy Exec
- #6 Supply Chain Management program in the U.S. - U.S. News & World Report
- #7 Public Business School in the U.S. - Financial Times
- #8 Best Online Master's Program (Supply Chain Management) - Best Colleges
- #8 Best Online Graduate Business Programs: Accounting - U.S. News & World Report
- #9 Best Online Master's in Supply Chain Management - Best College Review
- #9 Best Online Graduate Business Programs: Supply Chain Management/Logistics - U.S. News & World Report
- #10 Top Executive MBA program in Manufacturing/Logistics - Financial Times
- #11 Executive Education Open Enrollment Programs in the U.S. - Financial Times
- #11 Executive MBA program in the world - CEO Magazine
- #11 Value Colleges' Top 50 Best Value Master's in Taxation Degrees - Value Colleges
- #16 Quantitative Finance program in North America (#1 in the Big Ten) - QuantNet
- #19 Two-year MBA degrees among public business schools - Times Higher Education/Wall Street Journal
- #21 Best Online Graduate Business Programs - U.S. News & World Report
- #22 Top EMBA program in the U.S. - Financial Times
- #24 Top Business School in the Americas - Financial Times



- #27 Executive MBA program in the U.S. - The Economist
- #38 MBA program in Career Services globally - Financial Times
- #45 Executive MBA program in the world - The Economist
- #46 Two-year MBA degrees, Global - Times Higher Education/Wall Street Journal
- #47 Top 100 full-time MBA program in the world - Financial Times

### **2019:**

- #1 Return-on-Investment for a business degree in the Northeast, RBS-New Brunswick - Poets & Quants
- #1 Executive MBA program for Life Balance, globally - Ivy Exec
- #1 Accounting Information Systems (AIS) group in auditing research - globally - Brigham Young University (BYU) Ranking of Accounting Research
- #2 Best Online Master's in Accounting Programs (Masters in Governmental Accounting) - College Consensus
- #2 Executive MBA program in Economics, globally - Financial Times
- #5 Executive MBA program for Corporate Social Responsibility, globally - Financial Times
- #5 Best Master's in Taxation in the U.S - Accounting Degree Review
- #6 Best Online Graduate Supply Chain Management/Logistics Business Programs - U.S. News & World Report
- #6 Business Schools in the U.S. with the most international students, RBS New Brunswick - Poets & Quants
- #8 Best Online Master's in Management Program in the U.S. -Supply Chain Management (#2 in the Big 10) Best Colleges
- #8 Master of Public Health/MBA Dual Degrees - MPH Online
- #9 Best Online Graduate Accounting Business Programs - U.S. News & World Report
- #10 Executive Education Open Enrollment Programs in the U.S. (#5 among U.S. public business schools) Financial Times
- #11 Executive MBA program, globally - CEO Magazine
- #13 Return-on-Investment for a business degree, RBS-New Brunswick - Poets & Quants
- #17 Best Online Graduate Business Programs - U.S. News & World Report
- #18 Financial Engineering (MFE) programs (Master of Quantitative Finance) - QuantNet
- #19 Executive MBA program, in the US - Financial Times
- #20 Executive MBA program, globally - Ivy Exec
- #24 Top Executive MBA programs in the nation - Poets & Quants
- #28 Return-on-Investment for a business degree, RBS-Newark - Poets & Quants
- #50 Full-Time MBA program in the U.S. - QS Top MBA
- Top 5 Executive MBA Programs with a Focus on Healthcare - Ivy Exec
- Top 10 Top Business Schools for Supply Chain Management, Operations Management, & Healthcare/Pharma/Biotech - Find-MBA.com

### **2020**

- #1 Public Executive MBA program in the Northeast - Ivy Exec



- #1 Public MBA (Full-Time & Part-Time) in New York Tristate (NY/NJ/CT) - U.S. News & World Report (Full-Time MBA) & U.S. News & World Report (Part-Time MBA)
- #2 Executive MBA program in Economics, globally - Financial Times
- #3 Executive MBA program for Life Balance, globally - Ivy Exec
- #6 Financial Engineering Program in U.S. for job placement 3-months after graduation - QuantNet
- #6 Best Online Graduate Supply Chain Management/Logistics Business Programs - U.S. News & World Report
- #8 Best Supply Chain Management Bachelor Degrees - Great Business Schools
- #9 Open-Enrollment Executive Education Programs in the US - Financial Times
- #10 Student rating of the quality of the faculty, globally (EMBA) - The Economist
- #11 Supply Chain Management MBA in the U.S. - U.S. News & World Report
- #13 Best Online Graduate Accounting Business Programs - U.S. News & World Report
- #15 Best Master's in Quantitative Finance Programs - QuantNet
- #15 Executive MBA program, in the US - Financial Times
- #16 Executive MBA program, globally - CEO Magazine
- #22 Best Online Graduate Business Programs - U.S. News & World Report
- #23 Executive MBA program in the U.S. (#35 globally) - Ivy Exec
- #28 Top Executive MBA programs in the U.S (#5 in the Big 10). - The Economist
- #46 Best Business Administration Schools and Colleges in the U.S. - University HQ
- #48 Top Executive MBA programs in the World - The Economist
- #48 Best Business Schools and Colleges in the U.S. - UniversityHQ
- #49 Open-Enrollment Executive Education Programs in the World - Financial Times
- #52 Part-Time MBA in the U.S. -U.S. News & World Report
- #56 Full-Time MBA in the U.S. - U.S. News & World Report
- Top 5 Best EMBA Programs for Aspiring Entrepreneurs - Ivy Exec

## **2021**

- #1 Public Business School in the Northeast - Fortune
- #1 Public MBA for Entrepreneurship on the East Coast - Poets & Quants
- #1 Public Business School in the Northeast - Eduniversal
- #1 MBA in International Business - Great Business Schools
- #1 Public Business School for MBA Total Salary in the Northeast - Financial Times
- #1 Public Business School for MBA Career Services in the Northeast - Financial Times
- #1 Top Part-Time MBA Program in the Northeast - University HQ
- #1 Best Public Full-Time MBA Program in the Northeast - Fortune
- #1 Top Business Schools for Healthcare / Pharma / Biotech - Find-MBA.com
- #2 Top Business Schools for Supply Chain Management - Find-MBA.com
- #3 World's Top 100 Business School for Economics Teaching - Financial Times
- #3 Best Online Accounting Masters (in Governmental Accounting) - Great Business Schools
- #3 Public Business School on the East Coast - Eduniversal
- #3 Value for Money in the Northeast - Financial Times
- #4 Best Value Online Digital Marketing Master's in the U.S. - Value Colleges

- #5 Top Business Schools for Operations Management - Find-MBA.com
- #5 Best Online Masters Programs for (non-MBA) for Veterans - U.S. News & World Report
- #5 Salary Increase (%) in the U.S. (Executive MBA) - Financial Times
- #6 Best Online Masters Programs (non-MBA) for Supply Chain Management - U.S. News & World Report
- #6 Best Online Masters Programs (non-MBA) for Marketing - U.S. News & World Report
- #6 Career Progress in the U.S. (Executive MBA) - Financial Times
- #8 Best Master's Degrees in Taxation - Grad School Hub
- #8 Best Online Masters Programs (non-MBA) for Accounting - U.S. News & World Report
- #8 Top Finance Schools and University Programs in the U.S. - University HQ
- #9 Top Business Schools With The Most International Students - Poets & Quants
- #11 Public Business School in the U.S. - Eduniversal
- #11 Best Accounting Schools and Universities in the U.S. - University HQ
- #11 Public Executive MBA program in the U.S. - Poets & Quants
- #12 Best Overall Online Masters Programs (non-MBA) (#3 in the Big Ten) - U.S. News & World Report
- #13 Executive MBA program, globally - CEO Magazine
- #14 Best Financial Engineering Programs - QuantNet
- #15 Top Part-Time MBA Program in the U.S. (#4 in the Big Ten) - University HQ
- #16 Best Public Full-Time MBA Program in the U.S. - Fortune
- #17 Public Business School for MBA Career Services in the U.S. - Financial Times
- #19 Top University for Business & Economics among U.S. public universities (Rutgers – New Brunswick) - Times Higher Education
- #20 World's Top 100 Business Schools for Executive MBA in the U.S. (#4 in the Big Ten) Financial Times
- #21 Public Business School in the U.S. - Financial Times
- #21 Career Progress worldwide (Executive MBA) - Financial Times
- #22 Public Business School for MBA Career Services in the World - Financial Times
- #22 Executive MBA program in the U.S. - Poets & Quants
- #24 Best MBA Program for Entrepreneurship globally (#4 in the Big 10) - Poets & Quants
- #25 Salary Increase (%) worldwide (Executive MBA) - Financial Times
- #29 Top Business School in the U.S. - Eduniversal
- #36 Top University for Business & Economics in the U.S. (Rutgers – New Brunswick) - Times Higher Education
- #37 Best Full-Time MBA Programs of 2021 - Fortune
- #86 Public Business School in the World - Financial Times
- #88 World's Top 100 Business Schools for Executive MBA - Financial Times

## **2022**

- #1 Public Business School in the Northeast (MBA) - Bloomberg Businessweek

- #1 Public Business School in the U.S. for Salary Percentage Increase (MBA) - Financial Times
- #2 Best Public MBA Program for Entrepreneurship in the U.S. - Poets & Quants
- #3 Best Overall Employment Outcomes in the U.S. (MBA) - Financial Times
- #4 Best Online Accounting Program (MACC Governmental Accounting) - Value Colleges
- #6 Best Bachelor's in Supply Chain Management in the U.S. - Bachelor's Degree Center
- #7 Best Public Financial Engineering Program in the U.S. - QuantNet
- #8 Global Executive MBA - CEO Magazine
- #10 World's Best Public MBA Program for Entrepreneurship - Poets & Quants
- #12 Supply Chain Management MBA programs in the U.S. - U.S. News & World Report
- #14 Public Business School in the U.S. (MBA) - Financial Times
- #15 Best Public Business School in the U.S. (MBA) - Bloomberg Businessweek
- #16 MBA employment nationwide (Full-Time MBA) - U.S. News & World Report
- #16 Top 25 public MBA programs in the U.S. (Part-Time MBA) - U.S. News & World Report
- #16 Best Financial Engineering Program in the U.S. (#1 in the Big Ten ) - QuantNet
- #21 Top Business School in the U.S. for Diversity (MBA) - Bloomberg Businessweek
- #22 Top 25 public MBA programs in the U.S. (Full-Time MBA ) - U.S. News & World Report
- #28 Top MBA programs in the U.S. (Part-Time MBA) - U.S. News & World Report
- #37 Best Business School in the U.S. (MBA) - Bloomberg Businessweek
- #38 Best Business School in the U.S. (MBA) - Financial Times
- #44 Top MBA programs in the U.S. (Full-Time MBA) - U.S. News & World Report
- #69 Best Overall Business School for Global MBA - Financial Times

187. On August 10, 2018, Defendant Lei congratulated Defendant Vera, Ashwani Monga (Provost and Executive Vice Chancellor of RU-N) and Professor James King for their efforts:

RE: Class2018 Placement  
**From:** Lei Lei  
**Sent:** Friday, August 10, 2018 10:25 AM  
**To:** Ashwani Monga <[amonga@business.rutgers.edu](mailto:amonga@business.rutgers.edu)>; James King <[jking@business.rutgers.edu](mailto:jking@business.rutgers.edu)>; Dean Vera <[dvera@business.rutgers.edu](mailto:dvera@business.rutgers.edu)>  
**Subject:** Class2018 Placement

Ashwani, Jim and Dean:

Looks like the number of still-seeking is now down to 17. This is a very impressive result given the large number of FT MBAs (109) and the large number of F1 visa students who have graduated this

year. Thanks for your hard work and dedication toward serving our students.

Meanwhile, please also keep in mind that, among the 92 students who have been placed with FT jobs, we do have few (6?) students hired by Adecco to fill urgent temporary work needs at Rutgers/RBS. I am not familiar with the placement data reporting process. However, if the temporary hiring should be disclosed to the ranking agency, please do so to avoid any misunderstanding. The reputation of RBS and our integrity are more important than anything else.

Manish and Dee are working with Adecco on the contracts for the temporary hiring now (e.g., pay rate, employment duration, etc.). Please work with them to ensure the contracts are done properly.

Lei

188. That same day, Defendant Vera responds, stating, “Thank you, Lei. Regarding the Adecco hires, it is my understanding that these are contract positions with the potential of leading to a full-time position. (Please check with Manish.) If that is the case, the Standards state that we count them as employed.”





189. Defendant Kumar confirms, stating, “Attached is a sample contract. At Rutgers to hire for a FT position we have to go through open search and ROCS. Of course, if these Adecco employee perform well, RBS will give them full consideration during search process which could potentially lead to their hire.” To which, Defendant Vera responds, “Thank you for the clarification, Manish.”






190. Defendants confirm they counted the internal MBA students (via Adecco) as employed in order to manipulate employment data and improve their rankings.

191. To make matter worse, Defendants counted the Adecco hires as employed on August 10, 2018, even though the unemployed MBA students were not extended offers via Adecco until August 14, 2018 and August 20, 2018. This too was a false and misleading representation.

192. The false and misleading data has artificially boosted Defendant Rutgers's rankings. The submission includes three years' worth of information. Thus, the data submitted in 2018, impacts the rankings for 2019, 2020, and 2021. Defendant Lei recently reported that Defendant Rutgers once again moved up in the rankings:

Financial Times 2022 Global MBA Rankings

 Lei Lei  
To:  RBS - faculty;  RBS - staff;  RBS - Retired Faculty & Staff

  Reply  Reply All  Forward 

Mon 2/14/2022 12:29 PM

Dear RBS Family,

Our 2022 Spring Semester has started off with some wonderful news. In the **Financial Times 2022 Global MBA Rankings** released yesterday [2/13/22], Rutgers Business School was ranked **No. 14 among U.S. Public Business Schools** moving up 7 places from last year. As shown in the report, one of the major strengths of RBS continues to be the high return on investment for a Rutgers MBA degree. Rutgers Business School ranked **No. 1 among public business schools in the U.S. for Salary Percentage Increase**, and **No. 3 in Employment Outcomes overall in the nation** (employed 3-months after graduation). With 20 ranking criteria, the **Financial Times** ranking is the most comprehensive report about business schools in the world, measuring everything from salaries to alumni satisfaction [[see methodology](#)]. Overall, RBS was ranked **No. 38 in the U.S.** among all private and public business schools, and **No. 69 globally**, moving up 15 spots from a year ago [[see Financial Times report](#)].

Building a strong public business school takes many years and requires strong teamwork by all of us. Congratulations to our MBA faculty and staff members, especially the program leaders, Offices of Career Management, Student Services, MBA Admissions, Communications and Marketing, plus our alumni and corporate partners. Thank you for your efforts to continuously deliver a meaningful MBA experience at Rutgers Business School.

Go Team—RBS!!!

Lei

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Dr. Lei Lei, Dean  
Rutgers Business School  
Newark and New Brunswick Campuses  
Rutgers University  
Newark Campus Office: 973-353-1169  
New Brunswick Campus Office: 848-445-8793

193. In April 2021, Moshe Porat, the former Dean of Temple University's Richard J. Fox School of Business, was charged by Indictment with one count of conspiracy to commit wire fraud and one count of wire fraud, stemming from a multi-year conspiracy in which the defendant participated with a Fox professor named Isaac Gottlieb and a Fox employee named Marjorie O'Neill to submit false information about the school's online MBA ("OMBA") and part-time MBA ("PMBA") programs to U.S. News & World Report in order to inflate Fox's rankings in the annual U.S. News surveys of top OMBA and PMBA programs.

194. In November 2021, Porat was convicted after trial on charges that he conspired and schemed to deceive the school's applicants, students, and donors into believing that the school's

business degree programs legitimately earned top rankings, so that they would pay tuition and make donations to Temple.<sup>13</sup>

195. Shortly after Dean Lei reported on Defendant Rutgers's rankings, on March 11, 2022, Dean Porat was sentenced to one year and two months in prison, three years of supervised release, and was ordered to pay a \$250,000 fine by United States District Court Judge Gerald J. Pappert after being convicted of fraud in connection with a scheme to artificially inflate the school's program rankings against other schools nationwide by sending false information about GRE and GMAT scores to U.S. News and World Report. This generated some \$40 million in extra tuition dollars for the university, according to the government at the time of his conviction.

196. The conviction rattled Defendant RBS employees, including Defendant Lei. Indeed, many Defendant RBS professors began openly discussing the propriety of the conviction and downplayed the seriousness of the crime. Both Plaintiff and Defendant Lei are copied on the emails:

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<sup>13</sup> <https://www.justice.gov/usao-edpa/page/file/1483346/download> (Last Visited March 25, 2022).

**From:** Christopher Young  
**Sent:** Monday, March 14, 2022 10:24 AM  
**To:** Michael Barnett; RBS Share  
**Subject:** Re: Rank rankings

I think actually manipulating the data, physically changing it goes much further than perhaps spinning it. Additionally, the conspiracy adds to the flavor of the fraud. BTW - should a politician conspire with others in office to change data, such as the unemployment rate, or inflation rate, while knowing what they are doing, most likely would be prosecuted.

I am working on a case at the moment, where a similar event happened (though not with the same level of conspiracy), and in that case it is a class action civil suit, which will most likely bankrupt the school. This is a good outcome for the students, as the school is dismal, and preying on the least fortunate.

From another angle - perhaps making an example out of one school is necessary to remove the outward lies that are sometime embedded in the marketing literature.

C

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**From:** Michael Barnett <[mbarnett@business.rutgers.edu](mailto:mbarnett@business.rutgers.edu)>  
**Sent:** Monday, March 14, 2022 10:14 AM  
**To:** Christopher Young <[chris.young@business.rutgers.edu](mailto:chris.young@business.rutgers.edu)>; RBS Share <[share@business.rutgers.edu](mailto:share@business.rutgers.edu)>  
**Subject:** RE: Rank rankings

Thanks. I still don't think a conspiracy to "deceive readers of U.S. News" constitutes a federal crime. If it is, then I don't understand how every politician at every level of government, or every advertising pitchman, or just about anyone and everyone who markets themselves, their organizations, and their products/services with the help of others isn't subject to felony prosecution.

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**From:** Michael Barnett <[mbarnett@business.rutgers.edu](mailto:mbarnett@business.rutgers.edu)>  
**Sent:** Monday, March 14, 2022 9:28 AM  
**To:** RBS Share <[share@business.rutgers.edu](mailto:share@business.rutgers.edu)>  
**Subject:** Rank rankings

Any of our legal minds have any idea how this dean from a business school down the road wound up criminally convicted, imprisoned, and owing hundreds of thousands in restitution for his "maniacal" obsession with driving his business school ranking to the top spot? According to the judge who sentenced him:

"Going forward," the judge said, "if school administrators focus less on how to massage and achieve numbers that can be plugged into calculations that can spit out rankings and more on the quality of academic performance and improving the student experience, students, families, and the schools themselves will be better off."

Well sure. That's good practice. But where's the criminality here? Where's the line between putting a positive spin on the school's numbers and felonious behavior? It's a weird concept that MBA students are criminally defrauded by causing a ratings agency (that is, a failing magazine seeking to market itself) to over-rate an MBA program.

Here's the (latest) article on the debacle: <https://www.inquirer.com/news/moshe-porat-sentence-temple-university-fox-school-business-rankings-20220311.html>

Confusedly,  
 Mike

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Michael L. Barnett  
 Professor of Management & Global Business, and Dean's Research Professor  
[Rutgers Business School – Newark & New Brunswick](#)  
 Personal website: [profmikebarnett.com](http://profmikebarnett.com)  
 Academic Director, [Rutgers Institute for Corporate Social Innovation](#)  
 Chair, [Newark Faculty Council](#)  
 Founder, [McNair Business Scholars Network](#)  
 Fellow, [Rutgers Institute for Ethical Leadership](#)  
 International Research Fellow, [Oxford University Centre for Corporate Reputation](#)  
[Google Scholar Page](#)

197. The professors also discuss the data manipulation and how it could go a long way in swaying the rankings:



Re: Rank rankings



Michael Alles

To: Jonathan Eckstein; Christopher Young; Michael Barnett; RBS Share

Reply Reply All Forward

Mon 3/14/2022 2:10 PM

The indictment is fascinating and makes it clear exactly what the criminality was. It is hilarious that this dean was once a professor of risk management (at least it wasn't ethics!). What is even more amazing is how sensitive these rankings are. A simple change in the percentage of students who take the GMAT (not even what their score was) resulted in the ranking of Fox going from 6 to 1. It was also not a good idea for USNWR to tell the defendants "of course we don't audit the data submitted". Interestingly, it was Fox's own poets and quants class that found the fraud. I congratulate their sense of ethics but wonder if they would have done so if they knew that as a result their school's ranking would fall from 1 to below 100 and their own degree's value become totally devalued. Michael

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Associate Professor Michael Alles

Rutgers Business School  
Department of Accounting & Information Systems  
One Washington Park  
Room 928  
Newark, NJ 07102-3122  
(973) 353 5352 (W)  
(646) 206 7444 (Cell)  
(973) 353 1283 (Fax)

[alles@business.rutgers.edu](mailto:alles@business.rutgers.edu)

RE: Rank rankings



W Ray Williams

To: Arturo Osorio; Michael Barnett; Michael Alles; Bharat Sarath; Jonathan Eckstein; Christopher Young; RBS Share

Reply Reply All Forward

Tue 3/15/2022 2:00 PM

AWWWW-the never ending rankings discussion. I weighed in extensively in the past- several times. I reiterate Marketing marketing marketing is the prime mover in the fickle ranking race. truth in advertising I guess applies even in this context. Fraud is actionable broadly if it induces one to buy / enroll to best of my understanding .

I suspect , rbs , in its pursuit is on solid ground . again, never had bad programs . just now telling the story better, making the right connections and adequately financing the campaign ,

It is my understanding that most schools now have staff whose primary purpose is the rankings increase.

but what do I know, "such" is far beyond by pay grade and status. But I gladly accept any vicarious or attendant benefits that incidentally accrue .

recently , Rutgers was an answer to a jeopardy question .  
being an alum and instructor--- I walked taller for the rest of the evening.....

ray

198. After viewing these emails, learning of the Porat conviction, and having first-hand experience with Defendant's propensity to circumvent the rules, Plaintiff could not sit by idly.

199. In turn, on March 21, 2022, Plaintiff, issued another formal complaint to Defendant Lei via email, further reiterating her concerns regarding the use of Adecco to hire unemployed MBA students to manipulate the rankings:

Dean Lei:

While the investigation into my complaints of discrimination and retaliation drag on, I want to reiterate my concerns how RBS conducts its business. I am very, very concerned that, despite my best efforts, you and your colleagues do not take fraud and misconduct seriously. After the recent criminal sentencing of the Temple dean, one would think that RBS would operate to the letter of the law. In my view Rutgers has manipulated data to inflate the school's ranking. Adecco is a complete sham, and you know it. I



don't see how Rutgers can use a temp agency to circumvent the situation where students do not find jobs. When is the fraud going to end? I will not tolerate any retaliation either. Please tell me how you are going to take steps to rectify the fraud and disclose the truth. There is no need for another investigation – you need to come clean on all of this. I will await your response.

200. Hearing no response, Plaintiff wrote on March 25, 2022: “Dean Lei: the silence is deafening. I have not received a response from you regarding the below email. I can only assume that, rather than address my concerns, you are busy attempting to whitewash the fraud and retaliate against me yet again. Well, I consider your inaction another form of retaliation. I will escalate this to the appropriate parties. Thank you.”

201. On March 26, Defendant Lei responded to Plaintiff's formal complaint, stating “I am in receipt of your e-mail, and will forward your claims to the appropriate university office.”

202. Since then, Defendants have not contacted Plaintiff about the fraud, nor have they done anything to actually investigate the matter.

203. Instead, on March 28, 2022, Defendant Rutgers issued a report and “determination” regarding Plaintiff's complaints of discrimination and retaliation.

204. Unsurprisingly, Defendant Rutgers white-washed Plaintiff's allegations and did not substantiate her claims:



Office of Employment Equity  
University Human Resources  
Rutgers, The State University of New Jersey  
Administrative Services Building II  
57 U.S. Highway 1  
New Brunswick, NJ 08901-8554  
<https://uhr.rutgers.edu/oea/home>  
employmentequity@hr.rutgers.edu  
848-932-3973  
Fax: 732-932-0049

March 28, 2022

Dean Lei Lei  
Rutgers Business School  
1 Washington Park  
Newark, New Jersey 08901

Re: Letter of Determination – Complaint Pursuant to the Policy Prohibiting Discrimination and Harassment, 60.1.12, and the Conscientious Employee Protection Policy, 60.1.16, Case Number: 2022-04/HRC0401376, Ms. Deidre White/Ms. Melissa Rivera

Dear Dean Lei,

This letter will set forth my determination as to the above matter.

This investigation was conducted by Ms. Melissa Ercolano, Associate Director, Office of Employment Equity, pursuant to the Rutgers, The State University of New Jersey Discrimination, Harassment, Workplace Violence, and Retaliation Complaint Process: Complaints against University Employees and Third Parties, in response to a complaint filed by Ms. Deidre White, Senior Department Administrator Supervisor/Human Resources Manager, Rutgers Business School (“RBS”) – Newark, against Ms. Melissa Rivera, Associate Dean for Planning and Budget/Senior Associate Dean for Finance and Administration, RBS – Newark.

Ms. White alleged that Ms. Rivera discriminated against her and harassed her based upon her disability, in violation of the Policy Prohibiting Discrimination and Harassment. Specifically, after Ms. Rivera learned of Ms. White’s disability in October 2020, and after Ms. White returned from FMLA leave in August 2020, Ms. Rivera began treating her differently, overburdened her with work, did not allow her to hire back her vacant support position, and did not promote her, amongst other complaints.

Ms. White also alleged that Ms. Rivera violated the University’s Conscientious Employee Protection Policy. Specifically, Ms. Rivera did not promote her in retaliation for her raising concerns about the Department’s misuse of funds to pay certain employees

Based on the facts set forth in Ms. Ercolano’s Investigation Report, and pursuant to the Policy Prohibiting Discrimination and Harassment and the Conscientious Employee Protection Policy, I do not find a violation of either of those Policies by Ms. Melissa Rivera.

Sincerely,

*/s/ Lisa Grosskreutz*

Lisa Grosskreutz  
Director  
Office of Employment Equity  
Cc: Ms. Melissa Rivera  
Ms. Deidre White

205. The investigation was a complete sham designed to further retaliate against Plaintiff.

206. While the investigator finds Plaintiff “credible,” the report also contains numerous inaccuracies and ignores conduct that no reasonable person could determine to be non-retaliatory.

207. The report ignores that fact that Defendant Rivera took very clear retaliatory actions immediately following Plaintiff’s leave, such as the processing of fraudulent appointments. That

is, immediately after Plaintiff refused to process the appointment for Thomas Hill, Defendant Rivera decided to remove duties from Plaintiff preventing her from receiving an appropriate reclassification.

208. The report characterizes Plaintiff's complaint as "attenuated, some illogical, and she provided many non-discriminatory reasons for Ms. Rivera's actions," when Plaintiff made it very clear that the non-discriminatory reasons were pretext or blatant retaliation.

209. The report completely discounts the fact that, *two days* after returning from medical leave, Defendant Rivera took away Plaintiff's support position again after she had approved the rehiring. Within a week, Defendant Rivera hung up a video call on Plaintiff in the middle of the conversation.

210. Specifically, Ms. Rivera did not promote Plaintiff in retaliation for her raising concerns about the Department's misuse of funds to pay certain employees. The report completely discounts the fact that, on December 13, 2021, two hours after a meeting regarding the appointment, Defendant Rivera began the paperwork to remove duties away Plaintiff.

211. On December 23, 2021, Plaintiff received a message from Defendant Rivera asking for the fraudulent payment for the non-compliant appointment was. Defendant Rivera did it again on January 10, 2022. Plaintiff refused. Then, on January 14, 2022, while Plaintiff was out of the office, Defendant Rivera submitted the fraudulent payment paperwork in her absence.

212. In addition, since filing of her complaint, Defendant Lei and Defendant Rivera have followed through on the retaliatory campaign and stripped Plaintiff of duties. Instead, in retaliation, they hired a new employee to perform Plaintiff's duties effective April 18, 2022. The new employee will be working at Defendant RBS with a salary of \$97,960 while Plaintiff's salary remains at \$73,693.

213. Notwithstanding, Plaintiff's complaint, Defendant Lei has refused to investigate the fraud or take remedial action.

214. Rather, Defendant Lei merely "forwarded" her complaint to OEE to investigate the alleged retaliation and harassment. This is despite the fact that the retaliation has been ongoing, before and after Plaintiff's formal January 2022 complaint.

215. Furthermore, Defendant Lei forwarded the email to OEE with the goal that OEE would sweep it under the rug.

216. Plaintiff refused to let this happen and complained to OEE about the improper nature Plaintiff also reported the ongoing disparagement and retaliation:

Hello – I am confused by this email. For one, the email I sent to Dr. Lei asked *her* to investigate and fix the fraud. Has she done that? It does not look like it. In fact, she continues to peddle false and misleading statistics, essentially doubling down on the fraud after I sent the email. She sent another dishonest email on Friday. As for the retaliation, that is nothing new, so I am not sure why OEE is reaching out now. New employees have already been hired to perform my duties at a significantly higher salary. This just proves my point about me being held back and overburdened. It also shows the retaliation. Before and after my formal OEE complaint I experienced retaliation. The investigation report itself is retaliatory. The investigation report accepts Melissa's lies as fact and ignored my concerns. It contains too many factual errors to count. In my view, the report is nothing more than an attempt to sweep the obvious discrimination and retaliation under the rug. With that being the case, why would I trust OEE to investigate the ongoing retaliation at this point? OEE has completely failed me and has actively sought to suppress my concerns. Several administrators have been made aware of my complaint and have actively disparaged me throughout the department. At this point, I am weighing all of my options.

217. Furthermore, upon information and belief, Defendant Lei shared Plaintiff's complaint with administrators involved in the fraud, including Defendant Vera.

218. In turn, Defendant Vera is currently attempting to cover up the fraud in retaliation for Plaintiff's complaint.

219. Defendant Vera and James King referred to Plaintiff as "a disgruntled employee, who is a complainer and mopes around a lot." This is more blatant retaliation.

220. Defendant Vera has also expressed concern about the scheme to inflate the statistics, including using Adecco, and has begun to blame others in an attempt to cover-up his own conduct. Defendant Vera blamed the Adecco scheme on Ashwani Monga.

221. Defendant Vera has expressed concern for his own conduct, that is, allowing Part-Time MBA students to be included in the full-time student date. The Part-Time students were already employed but yet were included as employed full-time students.

### **COUNT ONE**

#### **RETALIATION IN VIOLATION OF NEW JERSEY CONSCIENTIOUS EMPLOYEE PROTECTION ACT ("CEPA")**

222. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

223. CEPA's purpose, as pronounced by the New Jersey Supreme Court, "is to protect and encourage employees to report illegal or unethical workplace activities and to discourage ... employers from engaging in such conduct."

224. CEPA specifically provides that:

An employer shall not take any retaliatory action against an employee because the employee does any of the following:

- a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer, or another employer, with whom there is a business relationship, that the employee reasonably believes:

(1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care; or

(2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;

b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care; or

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

(1) is in violation of a law, or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;

(2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or

- (3) **is incompatible with a clear mandate of public policy concerning the public health,** safety or welfare or protection of the environment.

N.J.S.A. 34:19-3.

225. Throughout the course of her employment, Plaintiff complained, threatened to complain and/or protested against the illegal, wrongful and/or unlawful conduct of Defendants.

226. Defendants had knowledge of Plaintiff's complaints and/or protests, Defendants took retaliatory action against Plaintiff by setting unreasonable work standards and retaliating against Plaintiff.

227. Defendants are vicariously, strictly, and/or directly liable to Plaintiff for an unlawful retaliatory discharge in violation of CEPA, pursuant to N.J.S.A. 34:19-1, *et seq.*

228. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under CEPA, punitive damages, pre-and post-judgment interest, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

## **COUNT TWO**

### **NJLAD –DISABILITY DISCRIMINATION**

229. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

230. During the course of her employments with Defendant Rutgers, Plaintiff had an actual and/or perceived disability under the NJLAD.

231. During her employment with Defendants, Plaintiff demonstrated she was qualified and performed the essential functions of her job..

232. Plaintiff suffered an adverse employment action when she faced discrimination from her employer while dealing with a medical condition.

233. Plaintiff was subjected to discrimination on account of her actual and/or perceived disability.

234. The above-described conduct would not have occurred but for Plaintiff's disability.

235. As the employers and/or supervisors of the Plaintiff, Defendant Rutgers is vicariously, strictly, and/or directly liable to the Plaintiff pursuant to the New Jersey Law Against Discrimination ("LAD"), N.J.S.A. 10:5-1, *et seq.*, in that the affirmative acts of discrimination committed by Defendants occurred within the scope of Plaintiff's employment; and/or Defendant Rutgers was deliberately indifferent, reckless, negligent and/or tacitly approved the discrimination; and/or Defendant Rutgers failed to create and/or have in place well-publicized and enforced anti-harassment policies, effective formal and informal complaint structures, training, and/or monitoring mechanisms for same despite the foreseeability of harassment or discrimination in the workplace; and/or by having actual knowledge of the harassment or discrimination of Plaintiff and failing to promptly and effectively act to stop it.

236. Defendant Rutgers aided, abetted, incited, compelled, and/or coerced, and/or attempted to aid, abet, incite, compel and/or coerce Defendants to commit acts and omissions that were in violation of the LAD by committing affirmatively discriminatory and/or harassing acts toward Plaintiff in violation of its supervisory duties to halt or prevent harassment, subjecting Defendant Rutgers to liability to Plaintiff pursuant to N.J.S.A. 10:5-12(e).



237. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Court, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney's fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);
- J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;

- V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- Z. Such other relief as may be available and which the Court deems just and equitable.

### **COUNT THREE**

#### **NJLAD – DISABILITY DISCRIMINATION: FAILURE TO ACCOMMODATE AND FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**

238. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

239. The conduct of Defendants as detailed above constitutes disability discrimination, specifically the failure to reasonably accommodate disabled persons, and the failure to engage in the interactive process required by New Jersey law.

240. Namely, Defendant Rutgers did not reasonably accommodate Plaintiff's medical leave nor did Defendant Rutgers engage in the interactive process with Plaintiff regarding her medical leave.

241. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the LAD, punitive damages, pre- and post-judgment interest, attorney's fees and costs of suit, and for such other relief that the Court deems equitable and just.

### **COUNT FOUR**

**NJLAD – RETALIATION/IMPROPER REPRISAL**

242. Plaintiff repeats each and every allegation set forth above as if set forth fully herein at length.

243. Defendants took retaliatory action against Plaintiff by subjecting her to disparate treatment and a hostile work environment.

244. Defendants knew of Plaintiff's actual and/or perceived disability and knew that she was taking a medical leave of absence.

245. Defendants are vicariously, strictly, and/or directly liable to Plaintiff for an unlawful retaliatory discharge in violation of the LAD pursuant to N.J.S.A. 10:5-12(d).

246. As a proximate result of the aforementioned acts and omissions set forth herein, Plaintiff has sustained damages.

**WHEREFORE**, Plaintiff demands judgment in her favor and against Defendants on this Count, together with compensatory and equitable relief, all remedies available under the law, punitive damages, pre-and post-judgment interest, and attorney's fees and costs of suit. More specifically, Plaintiff demands judgment against Defendants for harm suffered in violation of the NJLAD as follows:

- A. Reinstatement of employment and all benefits;
- B. Back pay and benefits;
- C. Front pay and benefits;
- D. Compensatory damages;
- E. Consequential damages;
- F. Reinstatement;
- G. Punitive damages;
- H. Prejudgment interest and enhancements to off-set negative tax consequences;
- I. Any and all attorneys' fees, expenses and/or costs, including, but not limited to, court costs, expert fees and all attorneys' fees incurred by Plaintiff in the prosecution of this suit (including enhancements thereof required to off-set negative tax consequences and/or enhancements otherwise permitted under law);

- J. Such other relief as may be available pursuant to the LAD and which the Court deems just and equitable;
- K. Ordering Defendants to take appropriate corrective action to stop and prevent retaliation at the workplace;
- L. Ordering Defendants to take appropriate corrective action to stop and prevent harassment at the workplace;
- M. Ordering Defendants to undergo anti-discrimination training;
- N. Ordering Defendants to undergo anti-retaliation training;
- O. Ordering Defendants to undergo anti-harassment training;
- P. Ordering Defendants to undergo workplace civility training;
- Q. Ordering Defendants to undergo bystander intervention training;
- R. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-discrimination training;
- S. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-retaliation training;
- T. Ordering Defendants to engage a research organization to assess the effectiveness of their anti-harassment training;
- U. Ordering Defendants to engage a research organization to assess the effectiveness of their workplace civility training;
- V. Ordering Defendants to engage a research organization to assess the effectiveness of their bystander intervention training;
- W. Ordering Defendants to identify an appropriate professional to investigate any future complaints of discrimination;
- X. Ordering Defendants to identify an appropriate professional to investigate any future complaints of harassment;
- Y. Ordering Defendants to identify an appropriate professional to investigate any future complaints of retaliation; and
- Z. Such other relief as may be available and which the Court deems just and equitable.

#### **DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to Rule 4:10-2(b), demand is made that Defendants disclose to Plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of the judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary insurance coverage, but also any excess, catastrophe, and umbrella policies.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury on all issues.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff Deidre White*

By: /s/ Matthew A. Luber, Esq.  
MATTHEW A. LUBER, ESQ.

Dated: April 8, 2022

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, MATTHEW A. LUBER, ESQUIRE is hereby designated as trial counsel for Plaintiff.

**CERTIFICATION**

Pursuant to Rule 4:5-1, it is hereby certified that, to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter and/or with respect to this matter and no other parties need to be joined at this time. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

McOMBER McOMBER & LUBER, P.C.  
*Attorneys for Plaintiff Deidre White*

By: /s/ Matthew A. Luber, Esq.  
MATTHEW A. LUBER, ESQ.

Dated: April 8, 2022



# Civil Case Information Statement

## Case Details: MIDDLESEX | Civil Part Docket# L-001775-22

**Case Caption:** WHITE DEIDRE VS RUTGERS BUSINESS SCH OOL

**Case Initiation Date:** 04/08/2022

**Attorney Name:** MATTHEW ALLEN LUBER

**Firm Name:** MCOMBER MCOMBER & LUBER, PC

**Address:** 54 SHREWSBURY AVE

RED BANK NJ 07701

**Phone:** 7328426500

**Name of Party:** PLAINTIFF : White, Deidre

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** LAW AGAINST DISCRIMINATION (LAD) CASES

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Are sexual abuse claims alleged by: Deidre White?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Employer/Employee

**Does the statute governing this case provide for payment of fees by the losing party?** YES

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

04/08/2022

Dated

/s/ MATTHEW ALLEN LUBER

Signed

