

Cook jury awards \$1.4M to professor who alleged age bias

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A Cook County jury awarded \$1.48 million to a former dental professor who alleged he was terminated at 62 over false performance issues because of age discrimination.

The verdict included a record compensatory amount for age bias, according to the Jury Verdict Reporter.

Andrew W. Browar sued medical and professional school [Midwestern University](#), administrators Melisa J. Burton, Harold J. Haering Jr., Teresa Pulido and assistant professor Jingyuan Fan in [Cook County Circuit Court](#), alleging defamation per se against all defendants and two counts of age discrimination against Midwestern.

Browar alleged that the defendants “began a campaign” to force him out of his teaching position as an assistant professor at Midwestern’s dental college, including by making false accusations that he accessed patient files for non-work related purposes.

The first amended complaint stated that in 2016 and 2017, he spoke to Burton, the dental college’s assistant dean for clinical education and director of preclinical curriculum, about frustration that Fan was allegedly being uncooperative and, at times, disrespectful when working with him.

In 2017, Fan’s teaching responsibilities were limited to the clinic, which involves work with patients, and Browar was assigned full time to pre-clinic coursework, where lower-level dental students simulate procedures without patients.

In February 2018, Fan allegedly emailed Burton false allegations against Browar, including that he inappropriately accessed cases and told other adjunct periodontists that their approach was incorrect, in addition to unnecessarily accessing patient charts. The accusations were later told to Haering, the dental college’s dean.

The complaint alleged that the defendants did not follow proper practices for investigating these allegations. Further, Browar claimed the defendants orchestrated situations and manipulated data to form a record of performance issues.

Browar alleged that in May 2018, Haering denied him access to a leadership training program even though he had been accepted to it prior to Haering becoming dean.

He alleged that later that month, he was reprimanded by Pulido, the dental college’s associate dean for preclinical education, and Haering, for submitting an educational PowerPoint for Pulido a day past deadline, even though Pulido was not present at work that day to receive it and gave positive feedback upon receiving it.

Browar also alleged that Burton falsely told Haering that he was reassigned to pre-clinic coursework due to his lack of collaboration, which was later stated in his 2018 performance review.

He also alleged that Burton told Haering and Pulido that Browar’s knowledge base was outdated, attributing the statement to Fan, even though he had recently received board certification by the [American Board of Periodontology](#).

The complaint alleged that Pulido falsified and misrepresented student survey responses regarding Browar’s performance and that he had consistently received high marks from student surveys prior to 2018.

Browar alleged that the false accusations and manipulations led to his contract not being renewed for the 2019-2020 academic year.

He also alleged that he was terminated due to unlawful age discrimination, in violation of both the Illinois Human Rights Act and the Age Discrimination in Employment Act. Browar alleged he was subjected to unfair treatment from Midwestern compared to his younger colleagues.

[Ruth I. Major](#) of [Law Offices of Ruth I. Major, P.C.](#) represented Browar.

She said she was “elated” when the verdict was reached.

“When you see the jury recognize the evidence and appreciate what that can mean to somebody, to have a 30-plus-year career and have the whole thing destroyed in a matter of months, it’s justice,” she said.

Major said Browar, now 67, has been unable to obtain another teaching position in the state and cannot practice periodontology due to a vision impairment.

She said the jury began deliberations Nov. 2 and reached the verdict the following day. The verdict was also entered Nov. 3.

The award included \$290,000 in compensatory damages, \$101,000 in punitive damages on the defamation claim. It also included \$1.09 million in compensatory damages on the age discrimination claim, the highest compensatory damages award by a jury for age discrimination reported to the

Jury Verdict Reporter.

Judge [Mary R. Minella](#) presided over the trial.

[David Weldon](#), [David Ritter](#) and [Samuel Leist](#) of [Barnes & Thornburg](#) represented the defendants. They could not be reached for comment.

Midwestern University could not be reached for comment.

The case is Browar v. Midwestern University, et. al, No. 19 CH 06126.

Practice Areas: [Civil Rights](#), [Labor and Employment Law](#)

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