



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Denver Field Office**

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Charge No. 541-2013-01830

Lucy Marsh  
3052 South Florence Court  
Denver, CO 80231

Charging Party

University of Denver  
2255 E. Evans Avenue  
Denver, CO 80208

Respondent

**D E T E R M I N A T I O N**

Under the authority vested in me by the Commission, I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, and the Equal Pay Act of 1963 (EPA) and subject to the EPA provisions of the Fair Labor Standards Act of 1938 (FLSA), as amended, 29 U.S.C. Section 206(d). Timeliness, deferral, and all other requirements for coverage have been met.

Charging Party alleges she and other female law professors at the Sturm College of Law, have been discriminated against and continue to be discriminated against in violation of Title VII and the EPA in that female law professors have been and continue to be paid less than male law professors performing substantially equal work under similar conditions in the same establishment. Charging Party further alleges Respondent was aware of this disparity, at least as of December 2012, but refused to take adequate measures to correct the disparities.

I have considered all the evidence obtained during the investigation and find there is reasonable cause to believe there is a violation of Title VII in that there appears to be a continuing pattern or practice at the Sturm College of Law, dating back to as early as 1973, of compensating female law professors less than their male counterparts. The Respondent was aware of these pay disparities at least as of December 2012, but took no action to ameliorate this disparity, in effect intentionally condoning and formalizing a history of wage disparity based on sex. These facts further support a finding that Respondent has violated and continues to willfully violate the EPA by paying a class of female law professors less than their male counterparts.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the confidentiality provisions of Title VII and Commission

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regulations.

In order to come into compliance with the EPA provisions included in Section 206(d) of the FLSA, Respondent must grant future wage increases and back wages to the aggrieved persons and in the amounts indicated in Attachment A. Please note that the amounts in Schedule A do not include an assessment of damages under Title VII, but only those damages permitted under the EPA for willful violations of the EPA. Nor does Schedule A represent the full extent of relief, including other monetary and injunctive relief, that EEOC may seek as part of the conciliation process.

If the Respondent fails to voluntarily come into compliance with Section 6(d) of the FLSA, the Commission may sue. The Commission's policy is to notify each aggrieved person of her rights under Section 216(b) of the FLSA to sue for remedial relief, including recovery of back wages, an equal amount in liquidated damages, plus attorney's fees and court costs. Unlike Title VII, Section 6(d) of the FLSA contains no conciliation requirement. However, the Commission will entertain requests to engage in settlement discussions in an attempt to resolve this matter voluntarily.

A Commission representative will contact each party in the near future to begin conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Should the parties have questions regarding the conciliation process, we encourage them to contact the assigned Commission Representative, Mr. Pate, at (303) 866-1329.

On behalf of the Commission:

August 27, 2015

Date

  
John C. Lowrie, Director  
Denver Field Office

Enclosure – Attachment A

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