



UVA Administrator Files Gender Discrimination Suit

February 28, 2017

A University of Virginia (“UVA”) administrator, Betsy Ackerson (“Ackerson”), recently filed a lawsuit in a Virginia federal court against the UVA Board of Visitors, claiming that the university knowingly paid her less than her male counterparts. Ackerson’s lawsuit alleges violations of four federal laws: the Equal Pay Act, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act and the Rehabilitation Act of 1973.

Ackerson, Assistant Vice Provost at UVA, was hired in 2012 as a project manager for strategic planning. Ackerson’s complaint alleges that her “pay disparity began when her superior, former Senior Vice Provost Milton Adams (“Adams”), relied on her to perform much of the workload on the strategic planning project.” According to Ackerson’s complaint, Adams hired a personal friend to do the same job as Ackerson but paid him a higher salary. Ackerson claims that she “frequently had to brief [the personal friend] on the strategic plan, despite the fact that [UVA] paid him significantly more than it paid her.” Generally, Ackerson contends that her supervisors relied heavily on her to perform most of the workload, while her male peers made more money than she did. Ackerson was eventually able to negotiate her salary from \$70,000 to \$100,000. However, her higher salary was still allegedly substantially less than other similarly-ranking male employees.

Ackerson claims that after she attempted to address her underpayment, but “Adams and the University Human Resources department repeatedly delayed her new contracts.” Furthermore, when Ackerson confronted Adams, she was allegedly threatened with termination. In 2015, Ackerson hired an attorney and complained more formally about her pay. While UVA increased her salary, Ackerson contends that her pay did not increase to “the appropriate level.”

Ackerson’s attorney, in a statement regarding the lawsuit, asserted that “[t]his is a textbook case of employment discrimination and retaliation.” Ackerson’s attorney stated that “UVA and its senior executives took full advantage of Dr. Ackerson’s skills, intelligence, and professional expertise to successfully complete some of the university’s highest priority projects...[but], at the same time, she was subjected to a pernicious pattern of discrimination and retaliation.” UVA’s spokesman has declined to comment on the lawsuit.

Allegations regarding gender-based discrimination in employment settings can be avoided by ensuring that employers maintain clear policies prohibiting gender discrimination in the workplace and by certifying that all employees, especially those in the position of making hiring decisions and compensation decisions, are trained to identify and combat gender discrimination. Finally, employers must review their payroll at least once a year to make sure that all employees performing the same work are being paid similarly absent a legitimate reason for

different pay such as seniority or as required by a collective bargaining agreement.

If you have any questions or concerns regarding employment related issues, please contact James G. Ryan at jryan@cullenanddykman.com or at 516-357-3750.

Thank you to Bridget Hart, a law clerk at Cullen and Dykman, for her assistance with this blog post.

*Please note that this is a general description of law and does not constitute legal advice.