

U.S. COURT RULES AGAINST CITY U. IN SEX-BIAS SUIT

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A Federal judge ruled yesterday that the City University of New York had discriminated unlawfully against women on its teaching staff for 15 years by paying them less than men in equivalent positions.

Back pay and damages for thousands of women could run into millions of dollars. The decision, by Judge Lee P. Gagliardi of United States District Court in Manhattan, was based largely on a statistical examination of salaries. It came in a class-action suit filed in 1973 by 25 women employed at most of the university's 17 senior and community colleges.

30 Days to Submit Proposals

The ruling could affect as many as 10,000 women who have taught at the university since 1968. The judge found that the average annual salary difference between men and women in similar jobs on the instructional staff was \$1,800.

No back-pay or damage awards were incorporated into the 31-page decision. Judge Gagliardi gave the plaintiffs and the university 30 days to submit proposals for methods of fixing the awards.

Joseph S. Murphy, the university's Chancellor, declined to comment on the ruling pending a further study of it by lawyers for the university, which has 176,000 students. The full-time teaching staff of 10,145 professors and instructors includes 3,700 women.

Judith Vladeck, a lawyer who represented the plaintiffs, said the back-pay and damage awards could exceed \$60 million. She said that was a "very conservative" figure that had been projected by the plaintiffs in June 1980, when negotiations for an out-of-court settlement were under way. Those negotiations later collapsed.

"If we were to calculate the real back pay in this case, they'd have to take Brooklyn College and City College and auction them off to pay the damages," Miss Vladeck said.

"Neither the plaintiffs nor I want to damage the City University," she continued. "The plaintiffs are more concerned about change for the future. There is no point in a lawsuit that deals only with the past. What we have sought all along was change, so that in the future there would be no differential treatment of women and men."

The lawsuit was filed in 1973 under Federal civil rights statutes that prohibit discrimination in the employment practices of publicly financed schools and other institutions. It charged that the university discriminated against women not only in salaries but also in hiring, promotions, fringe benefits and other employment practices.

Issues besides salary were not addressed in Judge Gagliardi's decision, though the class represented by the plaintiffs includes women who applied for work on the teaching staff. It was not clear what effect the ruling would have on those women.

The suit became known as the Melani case because the name of Lilia Melani, an assistant professor of English at Brooklyn College, was the first name on the list of plaintiffs. The defendants were the university and its policy-making Board of Higher Education, which is now a 17-member board of trustees.

Before yesterday's ruling, Judge Gagliardi had defined the plaintiff class as "all women now employed by the board of trustees as members of the professional instructional staff at C.U.N.Y., or who at any time since October 1968 have been so employed or have sought such employment."

The year 1968 was cited because laws at the time the suit was filed limited the number of years for which awards of back pay could be made. Amendments to the law have since removed that limit.

In contending that the salaries of women and men on the university's instructional staff were discriminatory, the plaintiffs relied almost exclusively on statistical studies conducted by Mark R. Killingsworth, a labor economist and professor of economics at Barnard College.

The university contended that the statistics were an unreliable measure of the plaintiffs' claims, and that the statistics were not in themselves sufficient to demonstrate a discriminatory motive, which is an essential element in such a case.

Judge Gagliardi ruled, however, that the statistics were "convincing," and that the statistical case "may constitute prima facie proof of an intentional pattern or practice of discrimination."