

# Fourth Circuit Wage Discrimination Claim Dismissed Where Female Professor Failed to Show Higher Paid Male Professors Were Appropriate Comparators

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In ***Spencer v. Virginia State University, et al.***, the United States District Court for the Eastern District of Virginia dismissed ***Equal Pay Act and Title VII*** pay discrimination claims brought by a female university professor against Virginia State University. Plaintiff alleged that male professors with fewer qualifications and less experience were paid substantially more than similarly-situated female co-workers. The University sought to dismiss Plaintiff's wage discrimination claims, asserting that Plaintiff failed to identify proper comparators, as required by the statutes. The Court noted that the Fourth Circuit has held that a Plaintiff must show that he/she received lower pay than a "comparator" of the opposite sex for performing work substantially equal in skill, effort and responsibility under similar working

conditions.

The Court dismissed Plaintiff's claims, holding that the six male co-workers Plaintiff identified were not proper comparators because, among other reasons, the professors worked in different departments than Plaintiff and Plaintiff failed to allege with specificity the responsibilities and requirements of her own or the co-workers' positions. That Plaintiff's co-workers shared the same title as Plaintiff and earned higher pay was insufficient, without further detail, to support a plausible wage discrimination claim under the statutes.

As [previously reported](#), pay equity and pay transparency issues are at the forefront in employment law. Employers should take a proactive approach to determine whether potential pay equity issues exist and whether affirmative steps must be taken to correct any inconsistencies.

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