

## **Former dentistry professor sues Tufts for sex discrimination**

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A former department chairwoman at Tufts University's dental school is suing for sex discrimination and retaliation, alleging she earned a lower salary than a male counterpart.

The plaintiff, Catherine Hayes, was chairwoman of the Department of Public Health and Community Service at the Tufts University School of Dental Medicine from August 2006 to September 2010. She filed the case, *Hayes v. Tufts University*, in the District of Massachusetts on Oct. 28. Her legal claims include violation of Massachusetts and federal gender discrimination laws, violation of the Massachusetts and federal equal pay acts, retaliation under state and federal anti-discrimination and equal pay laws and interference with rights under the Massachusetts anti-discrimination law.

The defendants include Tufts, its dental school, the dental school dean, Lonnie Norris, and its executive associate dean, A. Joseph Castellana.

According to the complaint, in the midst of a salary dispute with the dental school, Hayes learned that the chairman of the school's pediatric dentistry department was earning \$250,000 per year. The lawsuit claims he was hired at the same time as Hayes but at a lower full-time equivalent. At the time, Hayes earned \$184,000 per year.

The lawsuit claims Hayes' department includes seven divisions employing 115 faculty and staffers compared to the two divisions and 16 employees in the pediatrics department.

Hayes claims that her relationship with Norris and Castellana "began to suffer immediately after she brought her concerns to them in April 2009." She claims Castellana unilaterally cancelled meetings and that both men excluded her from hiring and salary decisions about new employees. By the fall of 2009, Hayes claims, Norris and Castellana cut her out of fiscal 2011 budget discussions.

Hayes also claims several university and individual actions damaged her reputation.

According to Hayes, a university office of equal opportunity investigation made incorrect findings that "impugned her character."

She claims that Castellana made misstatements about her actions related to a joint project with the Tufts University School of Medicine. She also claims that the defendants improperly and publicly accused her of running a budget deficit in her department in the fall of 2009. According to the complaint, their conclusion

was based on failing to count existing grant funding and placing faculty costs from another department into her budget.

According to the complaint, Hayes also began a doctor-approved medical leave under the Family and Medical Leave Act in July 2010 because of work-related stress. The lawsuit alleges that the defendants engaged in surveillance of Hayes and her activities and sent her harassing e-mail. Hayes returned to work in August 2010. The school denied her request for an additional week of medical leave, and she resigned in September 2010.

Hayes filed discrimination claims with the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission, but later requested permission to withdraw the claims to file a private lawsuit. The Massachusetts agency dismissed her case in September.

Hayes' lawyer, Alfred Gordon, a partner at Boston's Pyle Rome Ehrenberg, said that Hayes was "heavily recruited by Tufts" from her Harvard post "to build this program from the ground up." Hayes was an associate professor at Harvard before she rejoined Tufts, according to the case.

Gordon also said Hayes was running one of the largest departments at Tuft's dental school and "brought grant funding with her for salary support."

"Since Dr. Hayes [held] a tenured faculty position, with all the inherent protections, the university's ability to retaliate has been limited, so they've apparently taken the approach of death by pin-pricks," said Gordon. "After she brought her complaints to the fore, her work environment turned toxic, and Tufts' dental school leaders even began attempting to sully her good name within the university and in the general dental education field."

In an e-mailed statement, university spokesperson Christine Fennelly, stated that "the university disagrees that Dr. Hayes suffered from discrimination of any kind, but we will not comment on the facts of the case."

According to Equal Employment Opportunity Commission data, 23,247 sex-based charges were filed in fiscal year 2006, 24,826 in fiscal year 2007 and a 28,372 in fiscal year 2008. Fiscal year 2009 data were comparable to the prior year's, with 28,028 sex-based charges that year, according to EEOC numbers.

Although employment cases generally increase during difficult economic times, many women are filing cases to fight systemic discrimination not directly related to the poor economy, said plaintiffs' employment lawyer Rebecca Pontikes of Boston's Pontikes & Swartz. Pontikes isn't involved in the Hayes case.

"Just because in better economic times women might not have chosen to complain about it doesn't mean there isn't a problem and that people shouldn't be seeking solutions for it," Pontikes said.

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