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## Panel: Age Discrimination Issues in Higher Education - Handout: EEOC Press Release: Marymount College Sued

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U.S. Equal Employment Opportunity Commission

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**PRESS RELEASE**  
4-18-12

## Marymount Manhattan College Sued by EEOC for Age Discrimination

### ***College Refused to Hire 64-Year-Old as Assistant Professor, Federal Agency Charges***

NEW YORK – Marymount Manhattan College refused to hire a choreography instructor for a tenure-track assistant professorship because of her age, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today. Marymount is a private liberal arts college in New York City.

According to the EEOC's suit, Marymount initially selected a 64-year-old choreography instructor and two other applicants as finalists for an assistant professorship in dance composition. After determining that the 64-year-old was the leading candidate, the EEOC said, Marymount's search committee expanded its search to include a less qualified, 37-year-old applicant as a fourth finalist because it considered her to be "at the right moment of her life for commitment to a full-time position." The suit charges that Marymount passed over the 64-year-old applicant and instead hired the 37-year-old applicant because of age.

Age discrimination against employees and job applicants who are age 40 or older is a violation of the Age Discrimination in Employment Act (ADEA). The EEOC filed suit in U.S. District Court for the Southern District of New York (Civil Action No. 12-cv-2388 (JPO) after first attempting to reach a pre-litigation settlement through its conciliation process. The suit was assigned to U.S. District Judge J. Paul Oetken.

"Our suit charges that age was the deciding factor in this case," said EEOC trial attorney Justin Mulaire. "Under the law, age has no place in hiring decisions — and tenure-track positions in academia are no exception."

Elizabeth Grossman, the regional attorney of the EEOC's New York District Office, said, "Older workers have the right to be evaluated based on their abilities and not based on their age. The EEOC is committed to combating bias against older workers in all phases of employment and in all types of employment settings."

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on the agency's web site at [www.eeoc.gov](http://www.eeoc.gov).