

Faculty Council Executive Committee Notice of Motion
Resolution in Support of Uniform Compliance with Equal Pay for Equal Work Act
FC-R-042425

WHEREAS the [Equal Pay for Equal Work Act](#) (C.R.S. § 8-5-101 et seq.) took effect January 1, 2021, in the State of Colorado; and

WHEREAS [C.R.S. § 8-5-102 \(1\)](#) prohibits wage discrimination by affirming that “an employer shall not discriminate between employees on the basis of sex, or on the basis of sex in combination with another protected status as described in section 24-34-402 (1)(a)”; and

WHEREAS [C.R.S. §24-34-402 \(1\)\(a\)](#) identifies the “protected status” categories as “disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, or ancestry”; and

WHEREAS the legislature of the State of Colorado in 2023 approved [EPEWA amendments](#) to take effect January 1, 2024; and

WHEREAS this history suggests that further legislative action may be forthcoming and that the EPEWA will continue to shape developments; and

WHEREAS [CU Connections on May 20, 2021](#) reported that the university was completing an analysis “spurred by the passage of Colorado’s Equal Pay for Equal Work Act” of nearly 22,000 positions and had determined that “low outlier salaries represented about 1.4% of these positions” in a study that “tested for sex, gender or race-based pay differences within job groups”; and

WHEREAS the University of Colorado’s Office of Policy and Efficiency notified Faculty Council by email on August 27, 2021, of EPEWA-related changes to eight systemwide Administrative Policy Statements, including five applicable to faculty, namely 5002 (“Faculty Appointment Process”), 5016 (“Faculty Retirement Agreements”), 5024 (“Tuition Assistance Benefit”), 5053 (“Multi-Year Contracts for Instructional, Research and Clinical Faculty with Teaching Responsibilities or Librarian Appointments”), and 5060 (“Faculty Appointments”); and

WHEREAS the Board of Regents, at their meeting of February 10, 2022, [revised eight Regent Policies](#), including two applicable to faculty, namely 10.E (“Compensation Principles,” formerly “Salary Review to Determine Inequities”) and 11.B (“Faculty Salary”), and made the changes retroactive to January 1, 2021, when the EPEWA had come into effect; and

WHEREAS the university’s Vice President, University Counsel & Secretary of the Board of Regents, spoke to Faculty Council’s Personnel and Benefits Committee on Friday, March 5, 2021, regarding the university’s work on the EPEWA, and he heard the faculty’s concerns about

the campuses' lack of transparency, alongside the faculty's wish for reviewing data in updates on the university and the EPEWA;¹ and

WHEREAS the university's Vice President, University Counsel & Secretary of the Board of Regents, spoke in general terms to Faculty Council's Personnel and Benefits Committee on Friday, September 3, 2021, regarding the university's work with an external consultant, Aon, on interpreting the law, reviewing job descriptions, gathering data and finding gaps, and establishing methods to address the gaps;² and

WHEREAS the university's Vice President, University Counsel & Secretary of the Board of Regents, spoke to Faculty Council's Personnel and Benefits Committee on Friday, October 7, 2022, about the implementation of this state law;³ and

WHEREAS the responses of the University of Colorado's systemwide administration to a statewide law have given way to widespread perceptions of irregular compliance at each campus; and

WHEREAS the Boulder campus undertook the most ambitious response to comply with the EPEWA, with the Provost's Office in 2021 identifying inequitable salaries and ultimately adjusting those of 484 faculty by an average of \$6,593;⁴ and

WHEREAS the Boulder campus, according to press reports such as [that from CPR](#), agreed in November 2024 to provide back pay to the 386 female faculty who had received EPEWA-related salary adjustments, and to conduct an equity review every three years; and

WHEREAS this EPEWA process has not unfolded with equal transparency and access at the Anschutz Medical Campus or at the campuses of Colorado Springs and Denver; and

WHEREAS faculty at the Anschutz, Colorado Springs, and Denver campuses have not received clear information about EPEWA-based adjustments to faculty salaries, methodology of analysis, and processes for attaining compliance with the law; and

WHEREAS the lack of clarity toward EPEWA compliance at the Anschutz, Colorado Springs, and Denver campuses occasionally was accompanied by hostile administrative practices and/or policies, such as Denver's [Campus Administrative Policy 1006](#) ("Faculty Compensation"), which limited the right of faculty to an equity review to a window of ten working days after receipt of

¹ Minutes of Faculty Council's Personnel and Benefits Committee meeting (March 5, 2021).

² Minutes of Faculty Council's Personnel and Benefits Committee meeting (September 3, 2021).

³ Minutes of Faculty Council's Personnel and Benefits Committee meeting (October 7, 2022).

⁴ *Report of the Faculty Salary Procedures Working Group (FSPWG)*, University of Colorado Boulder (May 2023), 2.

their salary letter, thereby interfering with the faculty member's right to inquire at other times about the wage rate; and

WHEREAS the administration at the Denver campus had confirmed this restrictive ten-working-day window in Campus Administrative Policy 1006 on July 1, 2020, after Governor Jared Polis had signed the EPEWA on May 22, 2019, thereby affirming in [C.R.S. § 8-5-102 \(2\)\(d\)](#) from January 1, 2021, onward that an employer shall not "interfere with an employee or other person because the employee or person inquired about, disclosed, compared, or otherwise discussed the employee's wage rate"; and

WHEREAS the administration at the Denver campus, in contrast to the proactive action in 2021 at the level of the Provost's Office on the Boulder campus, sidestepped faculty preferences for a universal, transparent review and initiated a reactive process in 2025 of accepting the individual EPEWA claim of a faculty member as filed at her school, college, or unit, without uniform clarity about the steps and timeline for reviewing and evaluating this petition; and

WHEREAS Faculty Council continues to receive unsatisfactory reports from all four campuses about perceived discrepancies in complying with the EPEWA throughout the university; and

WHEREAS the faculty receive salaries from the University of Colorado at 1800 Grant Street and not from the individual campuses; therefore

BE IT RESOLVED that Faculty Council expresses concern at the irregular compliance with the EPEWA and calls for the university's leadership to take prompt, constructive steps in shared governance forums to attain uniform levels of compliance and clarity at each campus in 2025 and on an ongoing basis.

*Approved for submission to Faculty Council by the Faculty Council Executive Committee:
Submitted to Faculty Council: Monday, April 21, 2025.*