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Former Human Resources Director Settles Federal Lawsuit with Northern

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A federal lawsuit against Northern New Mexico University President Nancy Barceló was dismissed last month, after university administrators entered into a settlement with a former high-ranking Northern official to resolve her civil rights complaint.

United States District Court Judge Robert Brack dismissed with prejudice, Jan. 13, a discrimination lawsuit filed by former Northern human resources director Nancy O'Rourke.

Brack approved the stipulation of dismissal submitted by O'Rourke's lawyer, Mark Basham, after administrators and the plaintiff formulated a settlement Dec. 3, 2014.

Court documents do not specify what the settlement was between the two parties, although the stipulation stated each side paid their own attorney fees.

State law states settlement documents should be sealed for six months before they become public record.

An Inspection of Public Records Act submitted to the General Services Department of the Risk Management Division of New Mexico for the settlement documents, is pending.

When reached through his office phone Monday, Basham said neither he nor O'Rourke would be allowed, per state law, to speak about the case until July, six months after its dismissal date.

O'Rourke filed the civil rights complaint Feb. 28, 2013.

According to her complaint, O'Rourke claimed she wasn't paid the amount she should have justly earned because she is a woman. She said Barceló repeatedly refused to grant her a promised salary increase, while some male employees got substantial raises.

O'Rourke started working at Northern as the human resources director in September 2007. She had an initial annual salary of \$52,000, which increased to \$53,000 the following year, according to her complaint.

In 2010, former vice provost and interim vice president Andres Salazar, promised to raise her salary to \$65,000, but Barceló allegedly decided to block the raise.

She was told the raise would be given in January 2011. When she did not get it, administrators allegedly informed her the raise was again blocked by Barceló and was rescheduled for July 2011.

She never got the salary increase.



(SUNfoto by Barron Jones) Northern New Mexico University Vice President Domingo Sanchez listens to complaints in April 2014, from the student body over the eradication of several job-readiness programs. Sanchez was named human resources director after Nancy O'Rourke was demoted.

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O'Rourke said in the complaint, she doesn't believe budgetary constraints caused the delays.

In August 2011, O'Rourke filed a discrimination complaint with the New Mexico Human Rights Bureau. But the United States Equal Employment Opportunity Commission terminated the investigation into the charge because "further investigation would not necessarily result in a finding of discrimination," according to O'Rourke's first amended complaint.

In September 2011, Northern officials demoted O'Rourke to a Special Projects position. Feeling harassed and stressed, she was able to use her medical leave "to attend to her serious personal health issues," the complaint states.

The complaint did not specify for how long she was on medical leave.

When she later tried to return to work, she "was kept on leave of various kinds until January 3, 2012," according to the complaint. Administrators terminated her contract June 30, 2012.

Subsequently, Barceló hired Domingo Sanchez as the new human resources director, with an annual salary of \$80,000 — \$27,000 more than O'Rourke's starting salary.

Barceló declined to comment on the case and the settlement.

"I can't talk about a personnel issue right now," she said.