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Ex-Seton employee awarded \$395,000

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An Essex County jury yesterday awarded \$395,000 to a former program director at Seton Hall University who charged that she was fired after making a racial discrimination complaint against her superiors.

The jury in Superior Court in Newark rejected the claim by Carol McMillan-Lonesome that she was terminated as director of the university's equal opportunity program in 2003 in retaliation for her complaint.

Jurors also found no liability on the part of two individual defendants, Catherine Kiernan, Seton Hall's vice president and general counsel, and Mel Shay, the former provost and executive vice president for academic affairs.

But after three days of deliberation, the nine jurors found unanimously that McMillan-Lonesome had been subjected to harassment and a hostile work environment as a result of her complaint. They determined the university was at fault and awarded the emotional distress damages.

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JUDGE DONALD GOLDMAN

Goldman told the lawyers that he still hoped they would discuss a settlement, since the case could end up in an appellate court.

"The fact that the jury came back with a partial verdict doesn't mean that settlement discussions should end," the judge said.

Andrew Dwyer, McMillan-Lonesome's attorney, said his client would have no comment while the question of punitive damages was still before the jury.

John Bennett, Seton Hall's attorney, referred questions to the university, which issued a statement saying it would appeal.

"We disagree with the jury's finding of a hostile work environment and plan to appeal," said Thomas White, a spokesman.

McMillan-Lonesome, a 57-year-old African-American woman who had been with the university since 1974, was the director of a state-funded program designed to recruit and support disadvantaged students. She had two master's degrees and a history of positive job evaluations.

She filed a discrimination complaint in 2002 that accused the university of improperly denying her promotions and otherwise blocking the advancement of her career.

After the filing of the complaint, she said, the university retaliated by beginning an investigation and financial-audit of her program.

In October 2003, the university

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accused her of insubordination and failure to cooperate with the investigation, and she was fired from the \$94,000-a-year position with only a day of severance pay, according to her lawsuit.

Shay testified during the trial that she was terminated for failing to cooperate with the investigation, not for filing the complaint.

McMillan-Lonesome denied not cooperating, but admitted that she doubted the impartiality of an investigation controlled by the people she had accused of discrimination.

She testified that because of the stress of the hostile work environment, she could not eat, lost 10 pounds and ended up on medication for anxiety.

The statement by Seton Hall said that it remains supportive of the equal opportunity program.

"Seton Hall remains deeply committed to this 38-year-old program, which is strong and vibrant, serving approximately 350 students every year," the statement said.