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1988-99 UTK Commission for Blacks Retreat Meeting Minutes March 3, 1989

Commission for Blacks

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Office of Affirmative Action

THE 1988-89 UPK COMMISSION

FOR BLACKS RETREAT

Meeting Minutes
Friday, March 3
9:00 a.m. - 3:45 p.m.

HOPECOTE

MEMBERS PRESENT:

John M. Jackson, Jr., Chairperson
Reginald Avery
Tom Ayers
Nina Elliott
John Hodges
Hiram Kitchen
Helen Mays

Ronald McFadden
Marvin Peek
Larry Ratner
Charles Reynolds
Fred Venditti
David Wyatt
Dhyana Zeigler

UPDATE ON STIPULATION OF SETTLEMENT

The 1988-89 UTK Commission for Blacks Retreat began with remarks by the Chair, John M. Jackson, Jr. He welcomed everyone to the retreat and encouraged their participation. Attention was focused towards Catherine Mizell's presentation on the University's stipulation of settlement. She began her discussion by sharing a historical summarization of cases involving the University of Tennessee (see attached Tennessee Higher Education Desegregation Timeline). As Catherine reviewed these cases, the question was raised as to what would happen if the court found that the University did not meet stipulation goals that were set forth. Catherine's response was that the University could prove that it carried out the terms of the stipulation, but would not be able to establish in several areas that it met the numeric goals set forth. Therefore, whatever happens depends on whether the court finds that the University's efforts to meet those goals have

been in good faith yet merely unsuccessful. If that is the finding of the court she suspects that the court will retain jurisdiction for another five years under another similar stipulation settlement. If the court finds that the University's efforts have not been in good faith then the possibility exists that the court can propose its own form of relief.

The question of dissemination of materials regarding this subject matter was discussed. Mizell said there was no need to disseminate information regarding this matter campus wide. However, the majority of the members present stated that this kind of discussion often comes up at faculty meetings, therefore the department heads are often faced to discuss this matter with faculty members. This brings about legal concerns which are subjected to the ruling established by the Geirer case. Mizell stated that the University has been driven by the court's litigation to deal with the problem. She would like to see the litigation end as the University carries out the plan.

Charlie Reynolds suggested that UT have workshops for departments that carry out searches. By doing so, an atmosphere would be formed that suggests the administration and faculty are working together. This would allow administrators and faculty members opportunities to discuss issues at hand and receive materials inclusive of guidelines for searches and policies that govern affirmative action (AA) and equal employment opportunity (EEO). This will also gain cooperation at the faculty and staff levels. Larry Ratner said that the Commission has created a good dialogue in discussing what needs to be done at the University.

He stated that desegregation is a numbers game and that progress is measured by numbers. This is something that everyone should be concerned with. Mizell continued by discussing black enrollment and employment between the years of 1984 and 1988. The University's goals were reviewed. She described and defined some important terms. Administrators were defined as higher level professionals such as department heads, deans, directors, academic administrators. John Hodges interjected the question of a possibility of changing some job titles to increase the number of a specific work group. Faculty was defined as including more than tenure track positions but not graduate assistants. Professionals were interpreted as attorneys, system analysts, and everyone else in the exempt category.

On the issue of student enrollment, there are several areas that need addressing in order to improve the percentage of minorities. They are as follows: 1) support and encourage minorities to complete high school at the pre-collegiate level as well as stimulating them to attend this university, 2) try to improve minority retention in order to improve minority numbers, and 3) enlarge the University's services beyond the region scope. It was suggested that the University support these efforts and encourage these programs throughout the transition of UT's leadership. It was stated that the University needs to do more to attract students all across the state. It was also stated the University needs to develop strategies that achieve those specific goals. It was proposed that the University go into the outlying communities and sponsor programs and/or speakers that

discuss interests of special concern to those communities.

DISCUSSION OF FACULTY HIRES; GENERAL DISCUSSION

Hardy Liston began the discussion by speaking about the University's proposed plans to employ a net gain of 11 black faculty within the next year. Hardy continued by saying that there are possibilities that some current black faculty members may resign within this year. Therefore, in order to realistically reach the goal, the University is targeting 17 or 18 positions. Liston stated that his staff would have to put specific emphasis on this matter in order to achieve stated objectives. The Provost suggested a method which would allow the University to employ the specific number of minority hires needed. Funds could be earmarked and reserved for this purpose. This would allow the University to capitalize on any opportunities to hire qualified candidates. Deans would be challenged to join in this effort. It was made clear that in the event a department identified a minority person that qualified for a position, even though the department may not be looking for a person in that particular area of concentration, the Provost's Office would attempt to support efforts of the department to add that person to the faculty. The Provost's Office has flexibility that allows the University to negotiate in a number of ways. For example, the University can hire a black person in a college, in a particular department with the understanding that the University will

centrally collect the next position that is pending retirement in that department. This is where the notion of "Black Only Hires" came from. Liston stated that his office has tried to encourage college departments to identify people of high caliber that would benefit the University. He went on to say that once we identify these people we can invite them to the University, cultivate their interests, as well as determine our level of interest in them. He stated that the University has probably made a dozen offers with seven of those offers being accepted. Nevertheless, the University will lose about seven current faculty members. Presently, the University has experienced a net gain of about 48 black faculty members over the past 25 years. However, we have hired three times that number of black faculty since that time. They have come for good reasons and also gone for good reasons. The University can attract good people but other universities will also find them attractive and will also seek their employment. One of the University's problems noted was its tenure track policies. Liston stated that there are other colleges and universities that do not have as stringent tenure track standards as UT does. For that reason, UT loses good people for good reasons. Dhyana Zeigler expressed her concern of black faculty morale being extremely low as well as the negative perceptions being held by some white colleagues concerning "Black Only Hires".

Camille Hazeur was concerned with University employees buying into the overall University program to bring more blacks in. Liston responded that blacks who are hired under normal circumstances are not always accepted and sincerely welcomed into

a department. He stated the University cannot change the attitudes of less optimistic individuals, but it can promote the notion there are certain corporate interests fostered by a land grant institution that serves the sons and daughters of the working class. He stated this as the ideology of Charles Weaver, the first Chancellor of the University of Tennessee, Knoxville, and suggested that we sell it to University employees. By doing so, our faculty would have to accept the multiplicity of our society. He went on to say that we are trying to achieve this goal in a certain time period and we've made a concerted effort to achieve it. If tenure track positions were offered to the 58 faculty members presently employed perhaps we would meet the University's annual 5% goal. Liston went on to say that some departments have brought in individuals without notifying the faculty. He said that he would not like to see blacks enter into an environment which would be hostile. He said that he hopes that the University can find ways to minimize adverse situations. One of the things the Provost's Office has done within the last 3 years is sponsored a series of seminars for new faculty and their mentors. It was suggested that UT do something with mentors that allows them to go back to their colleagues and senior members of the faculty and encourage harmony and acceptance. Reginald Avery stated that black faculty in his department are often called upon to identify other blacks. He spoke of a situation in which he was asked to identify senior level black educators for a particular position. As he contacted individuals, he was notified that after interviewing one person for the position that his department no

longer needed a black in that position. Avery stated that the confusion led to embarrassment when he had to contact those individuals again only to tell them that the position was no longer available or that things were at a stand still. Avery went on to cite an incident when a junior level black person was brought in for an interview and the faculty did not take the person serious by the type of interviewing that took place. Ratner stated that he thinks the "Black Only Hires" notion has energized department heads to go out and seek blacks because: 1) there is an understanding that the funds for these positions will not come from the department's budget and 2) by going out and attracting these people the individuals do not always have to meet the department's teaching needs at that time. The notion has energized people and allowed departments opportunities to invite others that would not ordinarily be invited. It was then discussed that other universities are faced with the same difficulties of hiring black faculty from the same pool of people.

The subject of merit scholarships was addressed next. Ratner said that this University has a philosophic attitude that suggests that our scholarship recipients must also be merit scholars. He said that we need to make a statement indicating that scholarships are also for the needy as well as the super achievers. He went on to say that UT gets into merit scholarship competition with other universities. Instead of attracting students who are in need of funds, the University often selects those who can very well afford college tuition. The discussion closed with thoughts that it takes more than a few people with positive efforts to make a

difference; it takes the total university community to be involved in changing the campus climate.

OVERVIEW OF EEO AND AFFIRMATIVE ACTION

Lola Dodge began her discussion with basic information and definitions regarding affirmative action (AA) and equal employment opportunity (EEO). Discrimination was defined as ... to treat differently than. It becomes illegal when differentiation toward people is based on race or gender. The government has established five racial categories that federal contractors (The University of Tennessee is a federal contractor) are advised to use. They include: white, black, asian, hispanic and native american eskimo. Sex refers to male or female status. Color refers to the shade of color within a race. National origin includes ancestral background, but does not have to do with citizenship or country you are born in. Handicap is basically a physical or mental impairment that substantially limits a major life activity. Dodge made the distinction between conventional AA and AA resulting in preferential treatment (see attached handout). Affirmative Action resulting in preferential treatment was defined as a situation where an employer does not have to revert back to EEO, rather is allowed to use race or gender as one of the factors in an employment decision. The Consent Decree can be interpreted as being broad or narrow. It depends on the issues brought to the court. Four concepts listed in the handout coexist

on campus. They are applied at different times and in different ways. The Consent Decree is narrow in that it relates solely to blacks, and not specifically to any other racial minority, nor females as a gender, vietnam veterans, or handicap individuals. So we have gone from a very broad perspective in EEO to a very narrow perspective in the Consent Decree. The Affirmative Action plan that the University prepares is updated annually because the work force constantly changes. With this update, the employer also notes which programs are effective and which programs do not work.

The U.S. Supreme Court has advised federal contractors that AA plans be used to obtain a work force balance. The availability of persons in the market place will effect the balance. Plans cannot be used to fire/hire or the advancements of people who do not belong to those five groups. It is to coexist with EEO. The Affirmative Action plan booklet that the University of Tennessee issues is approximately 49 pages in length. It tells you how and where the information is obtained, what becomes of all that information, as well as the programs that make up the AA plan.

Availability basically means the percentage of persons available in the work force who are qualified or qualifiable for a position. The University is allowed to use certain resources in developing availability data. The data that the University uses must be approved from the United States Department of Labor. The campus uses a variety of data: the census data, the employment security data, etc. These sources are used to establish goals. When establishing the University's goals we must consider

availability. Goals help us to determine whether or not we have underutilization. Utilization is our rate of incumbency. For instance, if the University has skilled craft positions made up of black individuals at the 10% level, where the availability is at the 50% level, then there is underutilization going on. When underutilization ceases to exist, goals are no longer set and the University practices EEO and conventional AA.

Every year the University publishes an AA report that is shared with various commissions and committees. The aim is to provide a historical look at what progress has been made. Marvin Peek asked how the University determined progress. Camille Hazeur responded that UT is forced to practice its AA goals according to its progress. Progress is not determined by our assumptions, but is determined by the goals set forth. It was stated again to keep in mind that progress is set by goals. AA should not be used too loosely - it is a vehicle and not the solution to most problems. After our goals are met we will still be governed by AA guidelines, but not necessarily under the purview of the court.

Retreat recommendations were made as follows: 1) The Commission should request that the Provost's Office to do a Consent Decree, Affirmative Action workshop for all the Deans and Department Heads. Especially those departments holding searches. It was stated that currently Lola and Camille are presenting workshops on the Consent Decree, EEO and AA. 2) The Commission should encourage the Chancellor to support a program that would involve AA workshops for all departments and all employees, 3) Support the Commission for Blacks program that would enable

Deans to interact with each other and share experiences of successful AA programs.

UPDATE ON RACE RELATION TASK FORCE RECOMMENDATIONS

Camille Hazeur led the discussion by saying that she sent memorandums to various people involved in carrying out the Task Force Recommendations. She encouraged the Commission to determine which recommendations have been met and which have not. Nina Elliott recommended that the Commission utilize the expertise of Chenette Harris in monitoring the success of the recommendations. Elliott maintains that Harris has completed research on desegregation issues in higher education. Hazeur asked if it would be okay if she and Elliott drew up a plan to monitor the Task Force Recommendations. Hazeur proposed to bring it to the next Commission meeting. The Task Force Recommendations were then reviewed.

1. The adoption of specific student infractions provision forbidding the use of racial slurs, epithets and related activities. It was further proposed that the policy be printed in the Standards of Conduct which appear in Hilltopics. The board approved that the statement can go in the Hilltopics and Workrules Handbook.

2. Special programs related to minority student interests. Jerry Askew has done several programs with fraternities, and they have done their own programming in return. They have taken their own steps in some joint programming this year. Lola and Camille did workshops on AA. They have been invited by the residential program to talk about these issues with students as well as residential directors. The Human Relations Council is operating in the dorms.

3. Minority representation. No information. Jerry Askew sent out information in the Hilltopics.

4. Minority Vendors Program. Jack Reese responded to that initially. Camille has contacted Morris Wilson to see if he could update us on this issue. It is speculated that it is going well.

5. Participation in city wide activities related to opportunities to minorities. This recommendation is qualitative. Once we get it down on paper we will have to determine what progress has been made. Jack Reese had a meeting with community leaders and he didn't feel as though it went very well. The spirit of the recommendation suggests that those types of meetings need to continue. We need to talk with city officials about the needs of the city and opportunities to bring in young black professionals.

6. Procedures for filing complaints with the University Ombudspersons. It was advertised in the Beacon.

7. Recommendation #7 was not accepted.

8. Training programs for employees specifically dealing with cultural diversity. This recommendation overlaps with recommendation #2. Lola and Camille are holding training sessions with personnel. This recommendation is also qualitative. Need to contact Jerry Askew and Phillip Scheurer as to what is happening with student affairs and employee attitudes.

9. Cultural diversity should be a theme in orientation program for new students and parents. The topic has been approached.

10. Faculty/student relations. Cliff Woods is investigating this recommendation. Camille Hazeur and Dhyana Zeigler have a FIPSE grant that addresses this issue.

11. Undergraduate/Graduate and professional minority scholarships. A lot of movement has been made in this area. Not sure how much of it is responsible to the Task Force Recommendations.

12. Creation of a recruiter position within the personnel department whose responsibilities would include the development of a black applicant pool for openings. David Rucker is acting in that capacity. Rucker is scouting out folks for non-exempt positions and he does a monthly report describing his activities.

There is a need to determine how successful it is.

13. Evaluation of supervisors with respect to Affirmative Action.

Ed Bennett will address this issue. Jack Reese's response was that staff exempt appraisal forms for annual review process have been revised.

14. Increasing recruitment of black faculty and staff. Betsey Creelmore will respond to this recommendation.

15. Publicizing procedures for filing complaints of racial discrimination in the office of Affirmative Action. Brochure to be disseminated is under action.

16. Cultural diversity within the curriculum. A chairperson has been appointed to lead activity which would promote cultural diversity within a curriculum.

17. Tenure promotions for minority faculty. Asked the Provost Office to address this issue. The spirit of the recommendation is that the tenure process for black faculty is not fair because credibility to black journals are not held with high esteem. Response is that there is hope that the mentoring program will take care of this.

18. Establishment of Race Institute. The Provost selected Ronnie McIntyre as Co-chair for search committee.

19. Effectiveness on "Grow your Own Program". Waiting for Jack Reese to respond. This is a Consent Decree program.

20. Training programs to emphasize students , staff and faculty.
Should have a variety of responses.

21. Inclusion of blacks among recipients of University awards.
Need to be enlightened about the complaints.

22. Recommendation was not accepted.

Suggestions for the Commission were as follows:

- 1) Recognize faculty who go beyond normal effort to see that AA is carried out.
- 2) Give department awards for those who carry out AA plan.
- 3) Formulate an institutional plan that has an educational focus that allows the faculty and staff to expand to the community.

The Chair mad closing remarks and thanked everyone for attending the Retreat. The meeting was adjourned at 3:45 p.m.

Respectfully submitted,
Bernateen W. Cunningham