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Suggestions Regarding Report of Black Task Force

Commission for Blacks

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MEMORANDUM

November 19, 1973

TO: Prof. Jerry Phillips

FROM: Peter Gross 

RE: Suggestions Regarding Report of Black Task Force

This memorandum presents some suggestions with respect to the projected report of the Black Task Force.

As I indicated to you I would do, I have reviewed materials which reflect the affirmative action program now being implemented at the University of Pittsburgh. Attached is the 1972 Annual Report (draft) of that affirmative action program. Most of the basic concepts set out below are supported by the University of Pittsburgh program.

My assessment of the University of Pittsburgh program is that, while it is very good, the program is overly preoccupied with record-keeping (chiefly, minority employment data), and is insufficiently focused on the creation of a system of technical assistance to the schools and departments whose primary responsibility it is to carry out the affirmative action program.

The principal aim of this memorandum is set out what I believe to be the basic elements of an adequate Affirmative Action System (AAS) for this Campus (hereafter, the "University").

In addition, however, I also offer some suggestions regarding the tactics and strategy of the Task Force itself. Please appreciate that this latter category of comment is presented without knowledge on my part of the details of your charter, of constraints operating upon

you, of policy considerations which may be inconsistent with my suggestions, of political realities, and the like. Please accept my suggestions, therefore, with that heavy qualification in mind.

Some Overall Comments on Strategy.

One of the main components of the Task Force report should be a recommendation that the administration establish an adequate Affirmative Action System. The Task Force also should recommend that it -- or a successor commission or group -- remain in existence at least long enough to monitor establishment of the AAS. In addition, the report should recommend that the Human Relations Council, which would be replaced by a centralized Affirmative Action Office when the AAS is established, remain in existence during the transition period to consult and to monitor development of the AAS.

A women's commission is in being. You will note that my discussion of the AAS refers both to women and to minorities. An adequate AAS serves the needs of both. It may be desirable, however, at least during the period when the AAS is being established, that a separate commission be in being to represent the Black or minority viewpoint.

The matter of "strategy" which I think to be of overriding importance is the following. In addition to all the other things the Task Force report may do, it should make clear short term action requests.

That is, rather than creating a situation in which the administration will thank the Task Force politely for the report, and then proceed to commit the entire matter to "study", short term action requests --

readily understandable to the press and the public -- should be made.

The "short term action request" I have in mind, bearing on the Affirmative Action System to which this memorandum is addressed, is as follows.

The Task Force would make clear that it wants from the University a response as rapidly as possible on whether or not the University will commit itself in principle to adoption of each of the basic elements of an adequate AAS. Specifically, the Task Force might propose that it meet in several weeks with the administration, at which time the administration would indicate when its response will be forthcoming. The Task Force should make clear what it means by the word "response".

"Response" would mean, for each basic AAS element (as set out hereinafter), individually, an explicit administration response along the following lines.

(a) Does the administration commit itself in principle to adoption of the element?

(b) If not:

(i) What is the obstacle? Is the obstacle that the element is

— politically unfeasible?

-- budgetarily or administratively unfeasible?

— overridden by incompatible policy considerations? (If so, what are these?)

(ii) What steps will the administration take to overcome the obstacle(s)?

(c) As to an element which the administration is prepared neither to accept nor to reject in principle at this time, when will it be in a position to accept or to reject the element in principle?

I. Affirmative Action System: General Concepts.

A. The Meaning of Affirmative Action.

There are three fundamentally different types of civil rights actions which can be undertaken by an institution such as this University. These are:

- (a) Complaint-oriented;
- (b) Conciliation-oriented;
- (c) Affirmative Action.

Complaint-oriented and conciliation-oriented civil rights actions are reactive. They are responses to problem symptoms, which may or may not treat the underlying causes. These two modes of civil rights action dominated in this country until the mid-1960's.

Affirmative action, on the other hand, is initiatory. Here, the University takes the initiative in systematically discharging its obligations to minorities and to women. This is where civil rights efforts should be concentrated now.

B. The Rationale for Affirmative Action.

Of course, the law requires affirmative action by this University. However, it is inadequate for the University to define its responsibility according to what "the law" requires. Why? Especially in a university setting, courts cannot meaningfully decree affirmative action. For obvious reasons, issues of policy and implementation are much too complex for that successfully to be done. Does this mean that the "legal requirement" is irrelevant? No, it simply means that the normal source of a

"legal standard" -- definition provided by judicial review -- is an insufficient guide in this area of the law. •

Rather, University policy should be predicated on the University's basic commitment to social justice. In this context, an adequate commitment to social justice means a maximum effort by the University so to manage its affairs as to maximize its contribution to reversing the societal cycle of exclusion affecting minorities and women.

The legacy of slavery -- and of comparable economic subservience for women and for other minorities -- has been a self-perpetuating cycle in which minorities are relegated to inferior opportunities in employment, in housing, and in education. The ultimate aim of affirmative action by an institution such as this University is to help break that cycle, by taking affirmative steps so to structure the employment and education benefits made available by this University as to help break the cycle of exclusion.

"Color blind" indifference to the disadvantaged position, the special needs, and the communication/information barriers, which have been engendered by the cycle of exclusion makes the University an active participant in perpetuation of that cycle.

In any enterprise such as this University, there are countless competing demands upon the limited primary resources of manpower and finance. An adequate affirmative action effort requires, first and foremost, according an adequate priority -- in the allocation of manpower and finance -- to the effort to break the cycle of exclusion.

Therefore, it is no answer for this University to say, "But we do not have the money"; "But we do not have the manpower", to do more.

The overriding issue of civil rights today is, precisely, the issue of allocating priorities in the expenditure of limited resources.

II. The Basic Elements of an Affirmative Action System.

1. Central Affirmative Action Office (AAO).

(a) AAO structure.

There must be an AAO comprised of a full-time staff with full-time head, who reports directly to the Vice Chancellor (or comparable appropriate official) and who deals directly, where appropriate, with department heads. This office would replace the Human Relations Council.

(b) Functions

(i) Functions Pertaining to Affirmative Action (AA) Activities of the Departments (or other Primary Administrative Units of the Campus).

The primary responsibility for implementation of affirmative action lies in the primary units of the University (hereinafter "departments"). These AA activities are described in § 2, below.

In relation to the AA activities of the departments, the AAO has the following three basic functions.

- (aa) Precipitates. Under the authority (and, where appropriate, the signature) of the Chancellor, the AAO issues basic policy and implementation directives to the departments.
- (bb) Assists. The AAO assists the AA efforts of the departments by developing guidelines and written information which guide the AA effort. In addition, the AAO gives ad hoc assistance to the departments. It provides the departments with full particulars on AA options open to them.
- (cc) Monitors. The AAO systematically evaluates AA performance by the departments and gives appropriate feedback to the departments.

(ii) Independent Program Functions of the AAO

In addition to the foregoing functions directed to departmental AA activities, there are a number of program functions appropriate for direct administration by the AAO. These include the following.

(aa) Affirmative Action File and Clearinghouse System.

The AAO develops a centralized file of minority and female candidates for staff and faculty employment. Procedures are established whereby: the AAO receives notification of all openings by the departments; selects and forwards appropriate names from the affirmative action file; receives explanatory responses

feasible?

from the departments as to affirmative action file candidates not utilized.

- (bb) Communication and Education in AA Concepts. On behalf of the Chancellor, the AAO, both in written and in oral form, communicates on a continuing basis principles and policies which underlie the AA effort. Appropriate sensitivity programs, and educative efforts directed at women and minorities themselves, also are included.
- (cc) Job Evaluation Program. Under contract with an appropriate management consulting, or similar firm, a comprehensive study of non-faculty jobs at the University is made with two purposes. First, jobs and job structures are examined in order to ascertain whether, through job scheduling (including part-time), job restructuring, and the creation of training opportunities and employment ladders, employment opportunities and advancement can be made more accessible to minorities and to women. The second purpose is to evaluate all positions to assure equal pay and proper nondiscriminatory job classifications and descriptions.
- (dd) Evaluate and Improve University Support Services. University support services of special interest to minorities and women include student and faculty counseling and adequately subsidized day-care.
- (ee) Grievance and Ombudsman Systems. Establishment of an adequate grievance system includes establishment of

an AAO-staffed function, with adequate directives and procedures for confidentiality, adequate fact-finding, and conciliation. This applies equally to an AAO-staffed ombudsman function.

(ff) Establishment of Budget and Manpower Allocation
Benchmarks for AA Efforts by the Departments.

(gg) Drawing Upon Outside Resources. The AAO identifies the need for outside assistance and, where appropriate, contracts for appropriate services — e.g. expert training of campus police in minority community relations.

2. Departmental AA Function.

Functioning with initiating directives, continuing assistance, and monitoring by the AAO, primary responsibility for AA lies in the individual departments.

In each of the areas set out below, the department engages in the steps of (a) fact-finding, (b) analysis, and (c) plan formulation and execution, of an AA program. The departmental AA plan is prepared and periodically updated.

In designing affirmative action in areas such as the following, the focus of the departments is on the special needs and interests of minorities and women. This includes awareness of the fact that a prime function of the University is to train persons who thereafter will provide professional or other services in their respective communities. The special needs of minorities and women as local

and national "communities of interest" underline the importance of assuring adequate access to training opportunities by minorities and women. The areas of AA concern include the following.

- Adequate recruitment and openings-notification measures;
- Adequate reflection in the curriculum and library collections of subjects of importance to minority and women communities;
- Adequate courses and support programs which permit admissions and hiring of minorities, women and others of high unrealized potential;
- Encouragement of training through released time and other measures;
- Adequate recognition, in decisions on hiring, placement, or promotion, of the candidate's service to minority and women communities;
- Representation of minorities and women on policy-making and other committees;
- Self-educative efforts with respect to interests and perspectives of minorities and women;
- Other means by which the department can become more responsive to the special needs and interests of minorities and women in this geographical area, in the State, and in the nation at large.

Direction and assistance by the AAO would be very important in some of these areas and much less so in others. Guidelines for adequate recruitment and openings-notification systems would, of course, be an extremely important subject for AAO direction and assistance. The same is true, also, with respect to the overall level and quality of AA effort within each department.

III. Miscellaneous

There is one additional issue I would like to raise. It may or may not be an appropriate one for the Task Force report.

The quality of housing, public services (including parks), and general environment, in the Ft. Sanders area are matters of great concern. This impinges upon students, both in regard to living conditions in general, and to conditions in student housing.

I do not know whether this can qualify as a matter of special concern to minorities.

I refer to this problem here only because I think that the University has an immensely important role to play in improving the quality of life and the quality of housing in the Ft. Sanders area. Further, for a variety of reasons, this is a very opportune time for bringing this responsibility to the attention of the University.

Perhaps the most tangible specific issue is the issue of code enforcement. The University, by permitting students to live in unsafe, unsanitary dwellings, which violate the building code, is a partner in illegal action. Code enforcement is of critical importance in turning the Ft. Sanders community around.

As I say, this area of concern may be wholly extraneous to the Black Task Force. Otherwise, however, I would like to see this area of University responsibility forcefully reflected in the report.