



12-15-1976

Memo: 1977 Revised Affirmative Action Plan

Commission for Blacks

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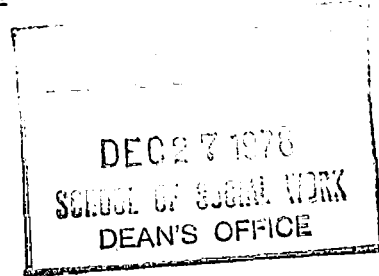
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THE UNIVERSITY OF TENNESSEE
KNOXVILLE 37916
COLLEGE OF EDUCATION

DEPARTMENT OF
EDUCATIONAL PSYCHOLOGY AND GUIDANCE

December 15, 1976



TELEPHONE
(615) 974-5131

M E M O R A N D U M

TO: Dr. Luke Ebersole
Vice Chancellor for Planning and Administration

FROM: Luther Kindall, Chairperson
Committee on Faculty Affairs for the Commission for Blacks

SUBJECT: 1977 Revised Affirmative Action Plan

The Commission for Blacks is, herewith, submitting the following proposed revisions for the 1977 Affirmative Action Plan.

- A. In order to periodically sensitize departments to the intent of Affirmative Action the Commission recommends that its definition be placed directly under the headings of the forms on pages 17 and 41 of the plan. The statement appears on page four of the plan and is:
- "Affirmative Action requires an employer to do more than to assure employment neutrality. It requires additional efforts to recruit, employ, and promote qualified members of groups previously excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer."
- B. The Commission further recommends that departments be required to delineate operationally and behaviorally what "additional efforts" were made to "recruit, employ, and promote qualified" Blacks, women, etc. If no account can be made for "additional efforts," departments should provide explicit reasons or causes for non-compliance.

Thus, it is specifically recommended that

1. Items one through five on page 41 remain intact.
2. Items six and seven be designated as seven and eight, respectively.
3. The following be inserted as item five. "If Blacks, women, handiapped individuals, Vietnam Era or disabled veterans were not hired, explain the reason". This item adds the dimension that if persons were not identified (as opposed to item four which requires no reason if they were not), then the reason should be explained.

In sum, any department chairman or other officer failing to recommend Blacks, women, etc., for appointment to available positions should be required to explain, with particularity, why such persons were not recommended.

- C. We also recommend that employers be cautioned that the Availability Analysis Data used in the plan is somewhat obsolete in that it was based on 1972 information from the Colorado Study and 1970 Bureau of the Census data for Blacks. Further, that a paucity of Blacks in some areas should not be construed as an excuse for not actively and diligently pursuing the "additional efforts" required by the University's commitment to an affirmative approach.
- D. We submit that departments in which there are no Blacks or few Blacks that would appear to be available in the particular discipline, should be required to engage in special recruitment of Blacks to correct any possibility of past discrimination, intentional or accidental.

MEMORANDUM

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December 15, 1976

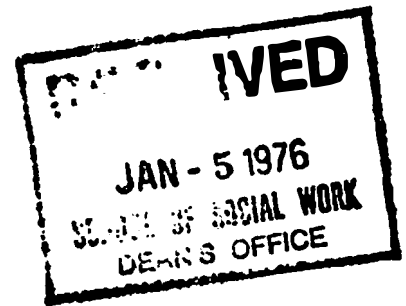
E. We feel that since the U.S. Supreme Court has not rendered a decision on positive adjustment (reverse discrimination), the University should continue to pursue affirmative action efforts that are in compliance with the Equal Employment Opportunity guidelines. That is, that the University attorneys make no decisions based on their subjective anticipation of the Court's final resolution of the matter.

To do the above, in our opinion, would be an expression of commitment on the part of the administration and a signal to many Blacks that affirmative action is not the farce that many have surmised it to be.

LMK:ecb

THE UNIVERSITY OF TENNESSEE
KNOXVILLE 37916
OFFICE OF THE VICE CHANCELLOR
PLANNING AND ADMINISTRATION

December 29, 1976



M E M O R A N D U M

TO: Dr. Betty Cleckley
FROM: Luke Ebersole *LE*
SUBJECT: Recommendations from the Commission for Blacks with Regard
to the Draft of the Revised UTK Affirmative Action Plan

We appreciate greatly the careful review by the Commission for Blacks of the draft of the UTK Affirmative Action Plan. The Plan is currently being duplicated, and we hope to distribute it to Commission members and others next week.

We did want to respond in writing to the Commission's recommendations and to indicate that if there are additional recommendations from the Commission after receiving the Plan, we would be glad to receive them to discuss them with you and the Commission.

1. The Commission recommended that the definition of "Affirmative Action" which appears on Page 4 of the Plan be imprinted both on the "Request to Search" form and the "Affirmative Action Report" form (Pages 17 and 41). The statement has been included on both forms.

2. The Commission recommended that all items on the "Affirmative Action Report" form be left intact and that an additional item be added, which states: "If Blacks, women, handicapped individuals, Vietnam Era or disabled veterans were not hired, explain the reasons." This item has been added as No. 4, with Nos. 4-7 becoming Nos. 5-8.

3. The problems with the age of availability data are mentioned in the section on Utilization Analysis, and will be stressed in the special edition of the Chancellor's NEWSletter describing the revised Plan. The fact that a paucity of Blacks in some areas is not an excuse for failure aggressively to search for qualified Blacks to fill anticipated openings will also be included in the Chancellor's NEWSletter.

4. Where underutilization has been identified, efforts will be monitored very closely.

5. To our knowledge, the Office of the General Counsel has issued no anticipatory interpretation of pending court actions in "reverse discrimination" matters.

rh

cc Dr. Luther Kindall

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THE UNIVERSITY OF TENNESSEE
KNOXVILLE 37916
OFFICE OF THE VICE CHANCELLOR
ACADEMIC AFFAIRS

December 6, 1976

MEMORANDUM

TO: Affirmative Action Plan Revision Advisory Committee
L. E. Ebersole Dr. Gary Dicer
Betsey Creekmore Ms. Judy Ganss
Susan Whitney Dr. Ben Granger
Dr. M. Ann Bass Dr. Velma Jones
Mr. Ed. Bennett Dr. Luther Kindall ✓
Dr. Sarah Blanshei Dean John McDow
Dr. Gordon Burghardt Mrs. Jamesena Miller
Miss Gail Clay Dr. Madge Phillips
Professor Kathleen Conlon Dr. Clifton Woods

FROM: Ralph Norman, *RA*

RE: Recommended Affirmative Action Report on Hiring
(p. 41)

I believe that questions 4 and 5 are discriminatory by implication and therefore illegal. Both imply that it would not be appropriate or necessary to give reasons why Blacks, women, handicapped, or disabled veterans were interviewed or hired - i.e., that discrimination against persons not in these categories should occur. The result is an unfortunate violation of principle (4) on p. 6: "Employment decisions shall be based solely on an individual's qualifications for the position for which he/she is being considered."

In sum, I believe it is discriminatory (and therefore illegal) to ask for the reasons for which persons of one kind are interviewed or hired, and not to ask it for others.

Questions 4 and 5 should be eliminated. They have no good function and do not need replacing.

je

THE UNIVERSITY OF TENNESSEE
KNOXVILLE 37916
COLLEGE OF EDUCATION

DEPARTMENT OF
EDUCATIONAL PSYCHOLOGY AND GUIDANCE

TELEPHONE
(615) 974-5131

December 21, 1976

M E M O R A N D U M

TO: Dr. Luke Ebersole
Vice Chancellor for Planning and Administration

FROM: Luther Kindall, Chairperson
Committee on Faculty Affairs for the Commission for Blacks

SUBJECT: Response to Dr. Norman's Memorandum on the Affirmative Action Report

Paragraph two of Dr. Norman's memorandum implies that the University should remain neutral in the recruitment, employment and promotion of qualified members of groups previously excluded because of race or sex. This completely negates the purpose and intent of affirmative action which "requires an employer to do more than to assure employment neutrality." It requires additional efforts to recruit, employ, and promote qualified members of groups previously excluded, intentionally or accidentally.

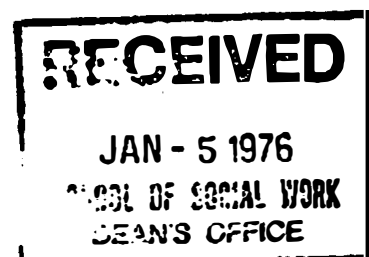
He states that ". . . it would not be appropriate or necessary to give reasons why Blacks, women, . . . were hired." The Commission is not concerned with why Blacks, women, etc. were hired during the 12-year period since President Holt communicated to all administrative personnel the U.T. equal employment opportunity policy. The problem seems to be the converse -- i.e., why they were not hired.

The need for congressional action and presidential executive orders concerning the matter was the clear result of Blacks, women, etc. being excluded because of their race and sex. If such practices had not been so historically and traditionally prevalent, there would be no need for an affirmative approach.

In sum, the CFB feels that the University should require all department heads and other officers to provide justifications which exclude race and sex determinants as criteria for employment exclusion. Vice chancellors must be able to read between the lines in terms of what was and was not done in terms of "additional efforts." The Commission's contention is that the more lines that one requires for justifications, the more lines one has to read between to determine good or bad faith efforts.

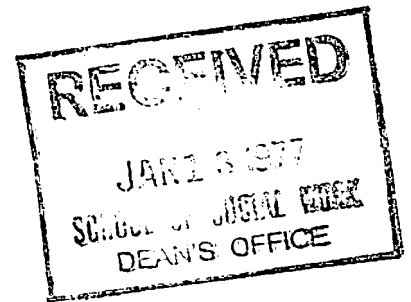
LMK:ECB

Enclosure



THE UNIVERSITY OF TENNESSEE
KNOXVILLE 37916
OFFICE OF THE VICE CHANCELLOR
PLANNING AND ADMINISTRATION

January 12, 1977



M E M O R A N D U M

TO: Dr. Luther Kindall

FROM: Luke Ebersole

SUBJECT: Response of the Faculty Affairs Committee of the Commission
for Blacks to Dr. Norman's Memorandum

We appreciate having the Committee's response to the memorandum as a matter of record.

As you know, UTK is committed both to equal employment opportunity and affirmative action. The addition of the question to the "Affirmative Action Report" form and the inclusion of the definition of "Affirmative Action" on both forms, as suggested by the Commission for Blacks, does serve to strengthen the evidence of our determination both to assure equal employment opportunity and to take affirmative measures.

The process for review of the "Affirmative Action Report" ensures that each form will be carefully evaluated. We shall monitor the process carefully and would be glad to have recommendations for improvement from the Commission if it becomes aware of problems.

rh

✓ cc Dr. Betty Cleckley