

REPORT
ON
EQUAL EMPLOYMENT OPPORTUNITY
AND
AFFIRMATIVE ACTION
AT
ARIZONA STATE UNIVERSITY

Based on
Public Hearing
held on
October 14, 1978

by

ARIZONA CIVIL RIGHTS ADVISORY BOARD

TABLE OF CONTENTS

	Page
INTRODUCTION	2
PART I: REVIEW OF PERTINENT STATISTICS	6
PART II: REVIEW OF THE FACULTY HIRING AND PROMOTIONAL PROCESS	21
PART III: GRIEVANCE PROCEDURES	30
PART IV: RECOMMENDATIONS	33
CONCLUSION	39

PREFACE

On October 14, 1978, the Arizona Civil Rights Advisory Board held a public hearing concerning those employment practices of the Arizona State University which affect affirmative action and result in discrimination against ethnic minorities and women. After widespread publicity and notice to the university, concerned groups, and the public at large, the hearing took place at the Holiday Inn, 915 East Apache Boulevard in Tempe.

The hearing was attended by university officials, individual employees of the university, state legislators and officials, members of minority groups, women's groups and community-oriented organizations as well as the news media. Testimony and documents presented comprise a great deal of the information which serves as the basis for the report.

This report and the recommendations found within, in accord with the intent expressed by the Board prior to the hearing, will be forwarded to the Governor, the Attorney General, the state legislature and the Board of Regents for their review and appropriate action.

The Arizona Civil Rights Advisory Board would like to thank Mr. Arthur G. Garcia, Executive Director, Phillip A. Austin, Civil Rights Specialist, and the Arizona Civil Rights Division staff for facilitating this hearing and aiding in the production of this report. The Board would also like to thank the individuals and organizations who participated in the hearing as well as the Arizona State University for providing information that made this report possible.

INTRODUCTION

The hearing held by the Arizona Civil Rights Advisory Board at the Holiday Inn in Tempe on October 14, 1978 focused on the employment practices of Arizona State University that are subject to the Arizona Civil Rights Act, A.R.S. §41-1401 et seq. To fully appreciate this report a description of the Advisory Board as well as a discussion of the hearing's purpose and future implementation is helpful.

Description of the Arizona Civil Rights Advisory Board.

The Arizona Civil Rights Act, first passed by the Legislature and signed into law in 1965, provided that discrimination in voting, in places of public accommodation and in employment was unlawful when based on race, color, religion, sex (except in places of public accommodation), national origin or ancestry.

To administer the Act, the Arizona Civil Rights Commission was established, composed of seven members who were appointed by the Governor with the advice and consent of the Arizona State Senate. Of these seven members, not more than four could be from the same political party.

In 1972, the Legislature created the Arizona Civil Rights Division as a Department of Law headed by the Attorney General. At that time the commissioners of the Arizona Civil Rights Commission were appointed members of the Advisory Board.

As prescribed by legislative mandate, the legal

responsibilities of the Board included:

1. Conducting periodic surveys concerning the existence and effects of discrimination and the enjoyment of civil rights by any person in the state;

2. Publishing the results of studies, investigations and research which would tend to promote good will and the elimination of discrimination because of race, color, religion, sex or national origin.

Purpose of the Hearing.

Pursuant to the above responsibilities mandated by the legislature, the Arizona Civil Rights Advisory Board held a hearing concerning Arizona State University's employment practices that are subject to the non-discrimination provisions of the Arizona Civil Rights Act.

This hearing, the first in a series of hearings about all three Arizona universities, was held for two reasons. First, since the universities rank among the major employers, their employment practices impact statewide. Second, if the universities are not fulfilling their obligations regarding equal employment opportunity and affirmative action, the Advisory Board would develop recommendations for improving the universities' employment practices.

The testimony received and findings and recommendations issued are incorporated in this report and will be forwarded to the Governor, Attorney General, Legislature and Board of Regents.

The thrust of the hearing and the focus of this report and recommendations concern the university's employment practices. Invidious racial, ethnic and sexual discrimination can and does occur in areas other than employment. During the hearings and through documents received from witnesses, the Board obtained information concerning the disparate treatment of both students and employees of the university due to their race, ethnic background and sex in areas other than employment. Allegations of unfair academic treatment and of harassment and intimidation of individuals and groups, both in the classroom and on the campus, are of great concern to the Advisory Board. If substantiated, it is incumbent upon the university to take positive steps to eradicate such vestiges of discrimination which should not be tolerated by this institution.

Due to the statutory limitation on the scope of the Advisory Board's hearing powers, as well as the Board's desire to concentrate on and more fully scrutinize the problems of employment discrimination and affirmative action, those non-employment concerns will not be addressed directly by this report. It should be noted that although not directly addressed, the above concerns of non-employment related discrimination are noted so as to give the public further insight into the reasons for the current employment picture at Arizona State University.

Future Implementation.

As was stated previously, the Arizona Civil Rights Advisory Board's function and powers are limited by State statute

to one of an advisory panel. The investigation, research and recommendations herein contained will be of little value unless persons connected with the university, including university administrators, government officials, university employees and concerned individuals and organizations who are committed to the implementation of both the spirit and the letter of the law of affirmative action and non-discrimination, take further action.

This report and its supporting documentation will be helpful in resolving the problems of discrimination and the failure to implement affirmative action at Arizona State University during subsequent negotiation, conciliation or litigation efforts.

The hearing and this report are first steps toward the goal of equality for all. The attainment of this goal will depend on future actions.

This report is divided into four sections. The first section entails a review and analysis of the statistics and documentation submitted during the hearing concerning the employment of minorities and women at Arizona State University. A review and analysis of Arizona State University's employment procedures, including its affirmative action plan, is contained in section two. Section three analyzes the grievance procedure available to faculty members of Arizona State University. Finally, the Advisory Board's findings and recommendations are found in section four.

PART I: REVIEW OF PERTINENT STATISTICS.

Most reports concerning the status of affirmative action and discrimination have included some type of statistical analysis and review indicating the performance level of the subject institution. This report will review Arizona State University's employment statistics. However, this report will go further and will use that review as a springboard for the subsequent sections delineating the changes the Advisory Board feels are necessary to accomplish the goals of affirmative action and non-discrimination.

The Arizona Civil Rights Advisory Board would like to note for the record that several pieces of requested information were denied the Board by Arizona State University. The refusal to supply certain information was due to the fact that such information was pertinent to litigation pending against the University. The University took the position that its interest would be jeopardized if such information was revealed. The Board's inability to obtain such information accounts for gaps of certain information in the report.

The employment statistics of Arizona State University cannot be analyzed in a vacuum. To realistically survey whether Arizona State University is fulfilling its stated commitment to affirmative action and non-discrimination, its employment actions and its compliance status must be compared to those of the surrounding community. To accomplish this analysis, reference will be made to Arizona population and employment statistics, enrollment figures, college and department statistics as well as

hiring rates, salary comparisons and tenure analyses.

A. Minority Statistical Review.

Arizona State University is located in the metropolitan Phoenix area, one of the fastest developing areas not only in this fast growing state but in the nation. This development has attracted even more persons of diverse backgrounds to an established population which already reflected the spectrum of ethnic backgrounds and races.

Population figures

According to Department of Economic Security statistics for 1977, protected minority groups total 28% of the state's population. By groups, Hispanics constitute 18.7% of the state's population, while Native Americans constitute 5.6%, Blacks 3% and Asians .4%. In Arizona State University's home county, Maricopa, the minority population hovers around 20%, of which 14.6% are Hispanics; .4% are Asian Americans; 1.1% are Native Americans and 3.4% are Blacks.

Available labor statistics calculations indicate that ethnic minorities comprise 22.6% of the Arizona work force, 2.5% of which are Black, 16.4% of which are Hispanic.

In Maricopa County the available labor force statistics break down to 2.7% Black, 12.5% Hispanic and 1.5% other minority groups, totalling an available work force of 16.7%.

In contrast to the above figures, the following are the pertinent Arizona State University statistics.

Student enrollment figures

Arizona State University's current student enrollment of both undergraduate and graduate students numbers over 36,000. Of this number 7.8% are members of protected minority groups: 1.1% of the students are Asian-Americans, .6% are Native Americans, 2% are Black and 4% are Hispanics.

Employment figures

Arizona State University employment statistics as revealed by their 1977 EEO-6 report establishes minority employment at 9.8% overall. By job category the minority participation in Arizona State University's work force breaks down as follows:

Category	Total # and % Minority	Hispanic %	Black %	Asian %	Native American %
Exec/Admin.	8.2% (15 of 181 emp.)	4.9%	1.6%	.5%	1.1%
Faculty	6.1% (72 of 1240 emp.)	1.2%	1.1%	2.6%	.4%
Non-Faculty Prof.	9.1% (22 of 244 emp.)	2%	3.2%	3.2%	.4%
Clerical Sec.	9% (71 of 789 emp.)	5.3%	1.6%	1.5%	.2%
Tech/Para-Prof.	9.4% (20 of 220 emp.)	7.5%	1.4%	.4%	0
Skilled Crafts	8% (14 of 174 emp.)	5.1%	1.1%	0	1.7%
Service/Main.	29.5% (93 of 315 emp.)	21.9%	5.7%	.6%	.9%

The above 1977 figures represent an increase in the percentage of minority employment since 1975 by the following amounts:

Executive/Management/Administration increased 2%

Secretary/Clerical increased 3%

Skilled increased 3%

Service/Maintenance increased 25%

The percentage of minorities in the Technical/Para-Professional categories remained static.

Evidence was also presented which indicated the percentage of minority faculty employment by college or school. This evidence revealed the following rates of employment:

<u>College/School</u>	<u>Minority percent and numbers</u>	
Architecture	8.3%	2 of 24
Business	2.8%	5 of 172
Criminal Justice	10.0%	1 of 10
Education	3.7%	6 of 161
Engineering	4.4%	7 of 157
Fine Arts	4.9%	8 of 161
Liberal Arts	5.1%	27 of 522
Law	4.7%	1 of 21
Nursing	2.3%	2 of 63
Social Work	31.0%	9 of 29

Tenure statistics

Even more marked disparities between the employment of minority and non-minority faculty were revealed by statistics on Arizona State University's stability of employment or tenure. Of the total faculty, only 36 or 2.7% of the faculty are minorities who have received stability of employment (6 Blacks; 8 Hispanics; 19 Asians; and 3 Native Americans). The analysis of stability of employment by college or school reveals that the following percentage of minority faculty are tenured.

College/ School	Total tenured Minority % & #	Hispanic #	Black #	Asian #	Native American #
Architecture	8.4% (2 of 24)	0	0	2	0
Business	0 (0 of 170)	0	0	0	0
Education	3.3% (5 of 151)	0	3	1	1
Engineering	2.5% (4 of 157)	0	0	2	2
Fine Arts	3.1% (5 of 161)	0	2	3	0
Liberal Arts	3% (16 of 519)	5	1	10	0
Law	0 (0 of 24)	0	0	0	0
Nursing	1.4% (1 of 67)	0	0	1	0
Social Work	6.8% (2 of 29)	2	0	0	0

Salary statistics

Salary studies revealed that minorities, on the average, earn less at Arizona State University than similarly situated non-minority employees. Taking the top two categories as examples, 68% of non-minority personnel in Executive and Management positions earned more than \$19,000 per year while only 60% of their minority counterparts earned that figure or more. Similarly, on the faculty level 50% of the non-minority faculty as compared to 44% of minority faculty earned \$19,000 or more. The percentage, coupled with the fact that minorities constitute so small a percentage of the employees in those categories, indicates that very few minorities receive pay equivalent to that of their Anglo counterparts.

B. Analysis.

The most cursory review of the above statistics, compiled from evidence presented for the most part by Arizona State University, reveals glaring numerical disparities between the number of minority employees at Arizona State University and the area's population or work force statistics.

When compared to the statewide minority work force percentage (22.6%) or population percentage (28%), the percentage of minorities employed by Arizona State University (9.5%) reveals the extent of the chasm that must be crossed before equal opportunity is realized. Although some numerical gains have been made (minority employment was 6.8% in 1975), closer scrutiny of

the figures casts doubt as to the success of the affirmative action program at Arizona State University.

A general survey illustrates that not only are few minorities employed by Arizona State University but the bulk of those minorities employed are concentrated in the lower categories both by job classification and by salary. It is immediately apparent that over half of the minority employees at Arizona State University are found in the lowest categories (secretarial/clerical and service/maintenance). Upward mobility, so important to a successful affirmative action program, is non-existent as confirmed by the fact that this same bottom heavy employment picture has survived over several years.

This pear-shaped imbalance permeates the statistics and is reflected in every job category as well as in almost every college and department level as we shall see when we analyze the faculty figures below.

Analyzing the employment figures by ethnic group shows clearly that Hispanics are by far the most underrepresented group (comprising 18.7% of Arizona's population while comprising less than 5% of the employees at A.S.U.), followed by the Native American group (less than 1% employed at Arizona State University as compared to 5.6% of Arizona's population). However, equally clear is the fact that although Arizona State University's Black employment figure (2%) approaches the percentage of the Black population throughout the state (3%), such an achievement is not as fulfilling as it sounds when one realizes that Arizona State

University needed to have only 63 employees out of 3,261 total employees to obtain that figure, and that most Blacks are in lower paying positions. The effect of such underrepresentation of minorities was highlighted by evidence presented concerning the ramifications in Arizona's Hispanic community.

Underrepresentation of Hispanics by 466 jobs amounts to an annual salary loss approximating \$7,000,000. At the present rate of hiring, Hispanic parity won't be achieved for 30 years.

Faculty analysis

As stated earlier, the generally bleak picture of minority employment at Arizona State University presents itself again at the faculty level. The school of Social Work is the only discipline wherein the minority parity level is even approached. The disciplines in which the major hiring occurs (Liberal Arts, Fine Arts, Engineering, Education and Business) average only 4.2% minority faculty members. Upon further inspection the picture becomes even gloomier.

The stability of employment (tenure) analysis shows that the few minorities present suffer the most anxiety regarding job stability. This, perhaps, is a major reason for both the high turnover rate among minority employees which was complained of during the hearings and the failure to recruit sufficient numbers of minorities. This high turnover rate, which may be caused by the lack of job security among minority faculty, was illustrated by the fact that although from 1974 to 1977, 34 of 309 or 11% of the new faculty hires were ethnic minorities (20 or 6.4% Hispanic;

3 or .97% Black; 5 or 1.61% Asian and 6 or 1.9% Native American), during that same time period 13 minorities left Arizona State University's employ. This noted exodus was responsible for limiting the increase in minority faculty to 1%. Not even the school of Social Work fared well in the analysis of providing job security for minorities.

Who bears the brunt of the burden of the failure to achieve equal employment opportunity in the faculty area can be realized if Asian American professors are subtracted from the analysis. Asian American professors, at 1.6% of the total faculty, make up 43% of the minority faculty as well as over 50% (19 out of 36) of the tenured minority faculty.

Deducting the Asian figures further illustrates the failure of the university to recruit and retain members of the state's most significant minority groups, Native Americans, Hispanics and Blacks.

C. Women's Statistics.

According to statistics compiled by the Arizona Department of Economic Security, in 1977 women comprised 50.7% of the state's population and 38% of the civilian work force. In Maricopa County females accounted for 51.1% of the population and 39.3% of the civilian work force.

In comparison with these figures, evidence presented at the hearing revealed the following statistics.

Arizona State University, as reported in fall 1977, employed 1,167 females comprising 36.8% of the total 3,171

employees. By category women were employed as follows:

<u>Category</u>	<u>% Female</u>	<u># Female</u>
Exec/Man	17.6%	32 of 181
Faculty	20.1%	251 of 1245
Non-Faculty Prof.	27.4%	67 of 244
Sec/Clerical	89.6%	707 of 789
Tech/Para-Prof.	28.3%	60 of 212
Skilled Crafts	1.7%	3 of 174
Service/Main.	14.9%	47 of 315

Concentrating on faculty employment figures since June 1978, it was revealed that women faculty members comprised the following percentages of the listed colleges and schools:

<u>College/School</u>	<u>% Female</u>	<u># Female</u>
Architecture	0	0 of 24
Business	6.9%	12 of 172
Criminal Justice	0	0 of 10
Education	18%	28 of 161
Engineering	.6%	1 of 157
Fine Arts	20.4%	33 of 161
Liberal Arts	16%	84 of 522
Law	4.7%	1 of 21
Nursing	100%	67 of 67
Social Work	41%	12 of 29

Tenure

Job stability for females provided by Arizona State University is reflected by the following stability of employment figures by college or school. Tenured female faculty are represented in the following proportions:

<u>College/School</u>	<u>% Female</u>	<u># Female</u>
Architecture	0	0 of 16 tenured
Business	3.4%	3 of 87 tenured
Education	11.9%	13 of 109 tenured
Engineering	.8%	1 of 118 tenured
Fine Arts	12.9%	10 of 77 tenured
Liberal Arts	9.5	33 of 345 tenured
Law	5.6	1 of 18 tenured
Nursing	100%	13 of 13 tenured
Social Work	33.3%	4 of 12 tenured

In total, only 9.7% (78 of 798) of the tenured faculty are females. In addition, statistics indicate the following differences at Arizona State in the number of faculty and the percentage of each sex tenured by rank:

<u>Rank</u>	<u>Male # & % Tenured</u>		<u>Female # & % Tenured</u>	
Professor	381	92%	17	88%
Associate	296	77%	52	80%
Assistant	291	15%	115	10%
Instructor	20	0%	41	0%

Salaries

In regard to salaries and promotion for women, a recent study done by the Faculty Association at Arizona State University points out a measurable difference between the salaries of men and women at Arizona State. According to these statistics, the following differences could be seen in the average salaries of men and women at the various ranks at Arizona State for the years 1977-78:

AVERAGE SALARY (IN THOUSANDS)

<u>Rank</u>	<u>Men</u>	<u>Women</u>
Professor	25.9	24.7
Associate	20.4	18.5
Assistant	16.5	15.4
Instructor	13.2	12.6

D. Analysis.

General

The numerical analysis of female employees shows that although general female employment figures fall short of those of their male co-employees, the percentage of women employed overall by the university (36.8%) approaches the percentage of women in Arizona's labor force (38%). Although, on the average, women are hired at lower rates of pay and remain in each rank longer than men, ASU has hired at a rate greater than the national production of female PH.D.'s. This factor has had the effect of minimizing the employment gap so that it is not as great as that between Anglo employees and minority employees. This in no way means that

the total picture for female employment at ASU is bright.

The bulk of the female employees at ASU are found in such traditional areas as Secretarial and Clerical categories. Approximately 61% of all the women employed by ASU are employed in this category. In the non-traditionally women's area of skilled crafts, the employment of women (1.7%) is equally as dismal as that of the employment of specific ethnic groups. In the other categories, although the numerical percentages are substantially closer to the level of labor force parity, declines were charted in the percentages of women employed in the following categories since 1975: Service/Maintenance; Professional Non Faculty and Skilled Crafts.

Faculty Analysis

The trend of the employment of women in traditionally female occupations at ASU is further noted upon a review of the employment figures of faculty. Women employees comprise 100% of the faculty employees in the School of Nursing. The female faculty here make up 28.1% of the total female faculty. Fine Arts and Social Work, as expected, are the next highest in the employment of females. Architecture, Business, Engineering and Law are virtually deplete of female faculty.

Also obvious is that ASU has far to go to establish an equitable balance, especially by sex, in its tenure and salary statistics. Particularly notable when we compare the statistics with the national averages are the differences in percentage of tenured faculty by sex.

The following data was received for the percentage of women tenured in public, category I institutions (of which Arizona State is a member). Professors, 95% (as compared to 88% at Arizona State); Associate Professors, 85% (as compared to 80% at Arizona State); Assistant Professors, 24% (as compared to 10% at Arizona State); and Instructors 10% (as compared to none at Arizona State).

In comparison with other public, category I institutions, the salaries for female faculty at ASU were lower by the following amounts. Women professors at ASU received \$1720 less than the national average (\$26,420). Associate Professors received \$1280 less than the national average (\$19,780). Assistant Professors received \$690 less than the national average (\$16,090). Instructors received \$260 less than the national average (\$12,860).

Salaries at ASU are generally less than those of the top ten schools. However, most past raises at ASU in the past have been percentage or cost of living raises rather than merit raises. For this reason faculty members hired at lower rates several years ago are even further behind their counterparts at this time.

The discrepancies in salaries and rate of promotion according to sex will certainly discourage women from seeking or accepting employment at Arizona State and will help to maintain the present imbalance just as surely as the disparities in minority employment will affect minority recruitment efforts.

PART II: REVIEW OF THE FACULTY HIRING AND
PROMOTIONAL PROCESS

A. Procedures

Faculty appointments are made by the University President after approval of the budget and consist of Academic Year Appointments (9 months), Fiscal Year Appointments (12 months), Summer Session Appointments (full or part-time) or Extension Teaching Appointments which include (1) courses taught at a residence center or by correspondence study; (2) non-credit seminar workshops or lecture series.

The procedures for making these appointments are as follows:

1. The University President is nominated by the Board of Regents;
2. Deans, college and school directors are nominated by the President;
3. Department and division heads shall be nominated by the Academic Vice-President's selection committee; nomination procedures for faculty members vary between colleges and departments but must adhere to the Affirmative Action Plan.

For the purposes of selection, promotion and other purposes, the University recognizes only those degrees obtained at accredited American or foreign universities. An Affirmative Action Plan delineates the University's policy and is to be followed by all personnel.

Only Professors and Associate Professors can be considered permanent employees. Such stability of employment is obtained by recommendation by department chairmen and review

committees during the final probationary year. If the faculty member is not to be given stability of employment, notice of non-reappointment should be made not later than March 1st of the first academic year; December 15th of the second academic year or at least 12 months before expiration after two or more years with the University. Resignation should include a written letter and return of keys, library books and all business of the University. Procedures for promotion and the granting of stability of employment may vary slightly among colleges but, in general, follow a similar plan.

The Dean of the college, along with the college advisory committee, reviews the confidential recommendations from the departments and divisions. This is the most decisive review of the department's recommendations. Specific emphasis is allotted to:

1. Maintaining standards appropriate to the departments and to colleges;
2. According equity in each individual case; and
3. According due consideration to the significant differential standards characteristic of the various disciplines.

The Dean of the college submits his formal recommendations, with supporting documents, including the degree of concurrence of the advisory committee, to the Academic Vice President.

In the case of promotions, the University-wide Advisory Committee on Promotions, chaired by the Academic

Vice-President, will review the above procedures and recommendations assuring itself and the Academic Vice President that the essential requirements of the University are being served.

The Academic Vice President forwards the final recommendations on stability of employment and promotion to the President for his consideration and appropriate action. No faculty will be informed of the recommendations until final action has been taken. Evaluations are confidential for all purposes.

B. Criteria For Academic Performance

For initial appointment, promotion, salary increments and stability of employment, the general criteria listed below are applicable throughout:

1. The degree of excellence in teaching and advising;
2. The extent and quality of research, publications or other original work;
3. The nature of the individual's background, training and experience;
4. The extent of recognition;
5. The activity in departmental and college affairs;
6. The nature and extent of the contribution to the University;
7. The individual's service to the community.

The faculty in individual colleges may establish specialized criteria for that college.

C. Effect on Affirmative Action

As noted above the Affirmative Action Plan is

incorporated into the above scheme.

Two key facets affecting the implementation of the Affirmative Action Plan are readily apparent upon a review of the faculty hiring and promotional processes.

First, the hiring of the bulk of the faculty is done at the departmental level. Although officially all faculty members are hired by the President, the all important nomination procedures, where the recruitment and analysis of the individual candidates occurs, are performed at the department level. The procedures themselves outline no guidelines for faculty appointments. The above enumerated procedures state that the nomination procedures vary between college and department but must adhere to the Affirmative Action Plan.

Pertinent sections of Arizona State University's Affirmative Action Plan include the following:

In the area of recruitment, the plan instructs each department to (1) review existing recruitment procedures; (2) list the specific steps each department will take to assure appropriate representation of women and minorities (although no follow up program is mentioned); (3) place job announcements in the university bulletin and on job boards; (4) advertise in newspapers and professional journals; and (5) contact minority and women's colleges and organizations.

The Affirmative Action Plan also calls for a utilization analysis, employment practices audit and a monitoring of the departments' and colleges' performance by the Affirmative

Action Officer. This audit and monitoring process is to include the submission of an annual report to the President and a discussion with the non-complying personnel or department head.

Serious questions were raised during the hearings as to (1) the effect these procedures would have in the employment picture at A.S.U. even if carried out, and (2) whether the procedures were, in fact, being carried out especially at the college and department level. Although monitoring is called for by the plan and many departments and colleges are said to have their own Affirmative Action Committees, testimony was received that the monitoring and the direct confrontation of non-conforming personnel was not practiced and individual Affirmative Action Committees did not meet. Community and professional organizations whose primary purpose it is to recruit eligible minority and female applicants reported that they have not been contacted. Once the audit is conducted, monitoring performed and underutilization found, testimony indicated that very little was done to improve the statistics. The absence of incentives and sanctions, either found in the regulations or implemented by the university administration, was cited as the reason for the inaction. The diffusion of responsibility for implementation of the plan among several advisory committees and individuals (the Board on Equal Opportunity, the various affirmative action committees and the Affirmative Action Office) also inhibits effective enforcement.

These above listed factors indicate why such

employment disparities continue to exist at A.S.U. as well as underscore the need for more centralized action by administration with authoritative clout.

The second area of concern regards the bases upon which promotional decisions and stability of employment (tenure) determinations are made. The faculty procedures itemized the criteria used for awarding stability of employment (as well as promotions and salary increments).

However, cogent and highly persuasive evidence was presented that the overriding consideration for awarding tenure at A.S.U. is the candidate's publishing record. "Publish or perish," despite the university's protestations to the contrary, seems to be all too pervasive at A.S.U. If this is true then the day to day services upon which the university depends (teaching, counseling, committee work, including affirmative action committee work) are considered lightly, if at all, when promotional or tenure decisions are made.

Besides the fact that this type of policy does little to provide incentives to faculty to perform well at these all too important tasks, such a system has a discriminatory effect on minorities and women.

Evidence suggested that the "publish or perish" philosophy has the following detrimental effect.

Publication by Anglo males is facilitated by the existence of informal networks among male professors that encourages research, collaboration, and greatly improves the

chances of the acceptance of the work of the individual for publication. The decision-making process through which a piece of research must travel to achieve publication is dominated at every level by Anglo males who participate in these informal networks. In practical terms, this means that minority and women researchers are likely to be slower to achieve acceptance within the informal networks in their discipline, and slower to publish. It also means that they are less likely to recognize and to accept the fundamental importance of restricting the time they invest in teaching and in any other job-related tasks which do not contribute to the work they can submit for publication. Testimony revealed that minorities and women at A.S.U. are disproportionately burdened with requests for counselling and committee work due to their lack of numbers in the University. Finally, the use of publications as a criterion for job performance is itself notoriously subject to caprice. It is always possible to find fault with a publication: it can be too short, or appear in the wrong journals, or be directed at a poor choice of subject matter. When decisions about written work are permitted to be arbitrary, the record shows that work by minorities and women is likely to be judged more harshly than work by Anglo men.

Couple the above description of the publication process with the fact that recommendation committees are virtually deplete of minorities and/or women and the fact that the candidate is denied the opportunity to learn the reason for his/her

termination and you have a great deal of evidence of arbitrariness and capriciousness. As long as such secretive and parochial methods are in effect the employment disparities that presently exist at A.S.U. cannot be eliminated nor can effective monitoring be maintained.

PART III: GRIEVANCE PROCEDURES

At the Arizona Civil Rights Advisory Board hearing, a representative of the Board on Equal Opportunity explained that the Board functioned as a grievance resolution mechanism which heard complaints of equal opportunity discrimination.

The hearing process employed by the Board was described as follows:

1. The grievant after informal audit (with the Office of Affirmative Action) may submit a written complaint.

2. The chairperson can grant the request for formal review.

3. The Board at its option recommends (a) that the matter be handled by an/the Affirmative Action Officer, (b) referral to the Vice President for immediate solution or (c) the holding of a hearing.

4. The Board may hold a hearing, open or closed, dependent upon the agreement of the chairperson and the grievant.

5. The Board will strive to make a recommendation within fifteen (15) days of the initial hearing.

6. A dissatisfied grievant may file with a state or federal compliance agency.

The Board representative endorsed the Board procedures as fair and cited the lack of complaints as an indication of its fairness.

Subsequent to the hearing the Arizona Civil Rights Advisory Board received information that raised questions as to the fairness of the hearings by the Board on Equal Opportunity.

The questions raised, in no way, reflected negatively on the intent of the Board to carry out its function. However, the procedures used at these hearings do not seem to afford the grievant the fair hearing alleged to be available by witnesses at the Arizona Civil Rights Board Hearing.

No written, formal procedures are available for a grievant's inspection and apparently do not exist. Important procedural determinations such as (1) the right to presence of counsel, (2) the right to call and confront witnesses and hear adverse testimony, (3) the right to record and receive copies or a synopsis of testimony, and (4) the right to receive the reasons for a recommendation are left to the discretion of the hearing board or not made available to the grievant at all. Further, the Board on Equal Opportunity has a conflict in that it receives advice on procedures from personnel and administrators against whom a grievance may be lodged.

The existence of the above mentioned problem undermines the "fairness" or at least appearance of fairness with which the Board on Equal Opportunity attempts to resolve grievances and this situation should be corrected.

PART IV. RECOMMENDATIONS

The preceding report highlights various problem areas which the Arizona Civil Rights Advisory Board feels are inhibiting Arizona State University from successfully accomplishing the goals of Affirmative Action and Equal Opportunity. The following are recommendations, which if carried out, will aid in the attainment of those goals at Arizona State University.

A. Enforcement Of Affirmative Action Program
And More Effective Recruitment

Most obvious throughout the report are the numerical disparities between the minority and female employees at the university and available pools of workers of such groups. To alleviate the above disparities the following actions should be immediately undertaken:

1. THE AFFIRMATIVE ACTION PLAN SHOULD BE ENFORCED TO THE LETTER BY THE ADMINISTRATION AND FOLLOWED BY ALL COLLEGES AND DEPARTMENTS.

2. THE ENFORCEMENT OF THE AFFIRMATIVE ACTION PLAN SHOULD BE CENTRALIZED IN THE AFFIRMATIVE ACTION OFFICE WHICH SHALL BE ADVISED BY THE AFFIRMATIVE ACTION COMMITTEES THROUGHOUT CAMPUS.

3. THE OFFICE OF AFFIRMATIVE ACTION SHOULD BE INCREASED IN SIZE TO ALLOW PROPER ENFORCEMENT OF THE AFFIRMATIVE ACTION PLAN THROUGHOUT THE CAMPUS.

4. THE OFFICE OF AFFIRMATIVE ACTION SHOULD BE GIVEN THE ADMINISTRATIVE POWER TO ENFORCE THE ESTABLISHED AFFIRMATIVE ACTION PROCEDURES, AND IF NEED BE, BECOME DIRECTLY RESPONSIBLE TO THE PRESIDENT OF THE UNIVERSITY.

5. FOLLOW UP PROVISIONS OF THE AFFIRMATIVE ACTION PLAN (MONITORING AND DISCUSSION WITH NON-COMPLYING DEPARTMENTS) SHOULD BE STRICTLY ENFORCED.

6. AN AFFIRMATIVE ACTION COMMITTEE SHOULD BE ESTABLISHED AT EVERY DEPARTMENT OR COLLEGE WHICH SHALL REGULARLY MEET TO ADVISE THE DEPARTMENT OR COLLEGE ON HOW TO REACH GOALS AND EFFECTUATE AFFIRMATIVE ACTION.

7. THE AFFIRMATIVE ACTION PLAN SHOULD INCLUDE GOALS AND TIMETABLES TO BE ESTABLISHED BY COLLEGE AND DEPARTMENT AND BY JOB CATEGORY.

8. INCENTIVES AND/OR SANCTIONS SHOULD BE DEVELOPED AND APPLIED TO COLLEGE AND DEPARTMENT HEADS WHO DO NOT COMPLY WITH THE AFFIRMATIVE ACTION PLAN OR ESTABLISHED GOALS AND TIMETABLES.

9. RECRUITMENT OF MINORITIES AND WOMEN SHOULD BE BOLSTERED BY THE DEVELOPMENT OF A LIST OF PUBLICATIONS AND ORGANIZATIONS TO BE CONTACTED BY ALL DEPARTMENTS AND COLLEGES WHENEVER AN OPENING OCCURS.

10. CONSTANT CONTACT WITH LOCAL MINORITY AND WOMEN'S ORGANIZATIONS SHOULD BE MAINTAINED TO ASSURE INPUT BY THESE ORGANIZATIONS AS TO THE PROGRESS OF AFFIRMATIVE ACTION AT THE UNIVERSITY.

11. THE COLLEGES AND DEPARTMENTS SHOULD INCREASE THE NUMBERS OF MINORITY AND WOMEN STUDENTS IN THE GRADUATE SCHOOLS SO AS TO INCREASE THE NUMBER OF AVAILABLE FACULTY APPLICANTS.

B. Salaries

The problem of disparities in the salaries afforded female and minority professors as opposed to non-protected professors at Arizona State University is not easily resolvable. However, the following action, if undertaken, will do much to alleviate those disparities.

12. A SYSTEM SHOULD BE ESTABLISHED BY WHICH SALARIES CAN BE STANDARDIZED SO AS NOT TO ALLOW ARBITRARY SALARY DECISIONS WHICH NEGATIVELY AFFECT THE SALARIES OF WOMEN AND MINORITIES. A FLEXIBLE SYSTEM (SUCH AS THE USE OF MERIT INCREASES) CAN BE IMPLEMENTED AS LONG AS DIFFERENCES CAN BE JUSTIFIED.

13. THE UNIVERSITY SHOULD TAKE ACTION TO ELIMINATE THE DISPARITIES BETWEEN SALARIES OF FEMALE AND MALE PROFESSORS.

14. THE UNIVERSITY SHOULD MAKE A COMMITMENT TO FEDERALLY FUNDED MINORITY ORIENTED PROGRAMS, THE BULK OF WHOSE PERSONNEL ARE MINORITIES, BY SUBSTITUTING ITS OWN FUNDS TO SUPPORT THE PROGRAMS.

C. Stability Of Employment (Tenure)

The establishment of an effective Affirmative Action Program is proof of an institution's commitment to minority and female personnel. On an academic level this commitment is evidenced by the number of tenured minority and female professors. The report reveals that A.S.U. suffers severe deficiencies in this area. The Arizona Civil Rights Advisory Board makes the following recommendations to rectify these deficiencies.

15. THE PRACTICE OF GRANTING STABILITY OF EMPLOYMENT (TENURE) ON THE BASIS OF THE CANDIDATE'S PUBLICATION RECORD SHOULD BE ELIMINATED.

16. MINORITIES AND WOMEN SHOULD BE APPOINTED TO TENURE COMMITTEES.

17. THE TIME BY WHICH A CANDIDATE MUST OBTAIN TENURE SHOULD BE INCREASED TO SIX YEARS.

18. PERSONS REFUSED TENURE SHOULD BE ALLOWED TO KNOW THE REASON FOR THE REFUSAL AND HAVE AN OPPORTUNITY TO APPEAL.

19. UNIFORM STABILITY OF EMPLOYMENT APPELLATE PROCEDURES SHOULD BE IMPLEMENTED.

20. THE COMMITTEE WORKLOAD OF NON-TENURED MINORITY AND FEMALE PROFESSORS SHOULD BE REDUCED IF DISPROPORTIONATE TO THAT OF NON-MINORITY, NON-FEMALE PROFESSORS.

D. Grievance Procedures And
Safeguards Against Retaliation

No effective program for rectifying the effects of society's past disparate treatment can be implemented unless employees feel that they can air reasonable grievances in such a manner that the grievances will be given proper consideration and at the same time feel that they will be free from retaliation. Evidence presented to the Arizona Civil Rights Board indicated that this may not always be the case at Arizona State University.

To ensure that proper grievance procedures are implemented and that grievants do not suffer retaliation the

following action should be undertaken.

21. THE OFFICE OF AFFIRMATIVE ACTION SHOULD INVESTIGATE THE TERMINATION OR IMPOSITION OF ANY SANCTIONS AGAINST ANY UNIVERSITY EMPLOYEE WHO HAS FILED A COMPLAINT OR AIRED ANY GRIEVANCE BASED ON THE UNIVERSITY'S IMPLEMENTATION OF AFFIRMATIVE ACTION.

22. THE OFFICE OF AFFIRMATIVE ACTION SHOULD MONITOR THE PROGRESS OF UNIVERSITY EMPLOYEES WHO HAVE AIRED COMPLAINTS CONCERNING AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY AND DETERMINE WHETHER A PATTERN OF RETALIATION EXISTS. IN THE EVENT SUCH A PATTERN IS ESTABLISHED, REMEDIAL ACTION SHOULD BE TAKEN ON BEHALF OF THOSE EMPLOYEES, AND SANCTIONS IMPOSED ON GUILTY PERSONNEL.

23. THE BOARD ON EQUAL OPPORTUNITY SHOULD ESTABLISH AND PUBLISH FOR ALL UNIVERSITY EMPLOYEES THE FORMAL PROCEDURAL GUIDELINES WHICH SHALL GOVERN THEIR PROCEEDINGS. THESE GUIDELINES SHOULD INCLUDE SUCH DUE PROCESS CONSIDERATIONS AS: THE RIGHT TO PRESENT AND CONFRONT WITNESSES; THE RIGHT TO REVIEW ALL EVIDENCE PRESENTED; THE RIGHT TO BE INFORMED OF THE REASON FOR THE RECOMMENDATION OF THE BOARD ON EQUAL OPPORTUNITY; AND THE REASONABLE PRESENCE OF INTERPRETERS OR ADVISORS TO AID THE GRIEVANT.

CONCLUSION

The implementation of an effective Affirmative Action Program aimed at reducing the effects of historical discrimination and providing equal opportunity for all is certainly a great challenge. The hearing in regard to the affirmative action program and equal opportunity practices of Arizona State University has revealed that this university, like other institutions, has had trouble in effectively meeting that challenge.

It is the hope of the Arizona Civil Rights Advisory Board that the recommendations herein presented, or suitable alternatives, are implemented so as to bring the University into compliance with the spirit and the letter of the law and thereby serve notice to its students and to society at large of its true commitment to the promotion of equality for all. Further, by presenting this report to the Governor, the Attorney General and the Board of Regents and making it available to all involved individuals and organizations, subsequent measures will hopefully be undertaken to fulfill the goal of affirmative action.

This report is respectfully submitted by:

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This report is approved by Arizona Civil Rights
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