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Carnegie Council on Policy Studies in Higher Education

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CLARK KERR
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FOR RELEASE

FOR FURTHER INFORMATION

Verne A. Stadtman

BERKELEY, CALIFORNIA, August 11, 1975 . . . The Carnegie Council on Policy Studies in Higher Education today described federal affirmative action programs as "confused, even chaotic" and called for major changes in government and institutional policies designed to end discrimination in hiring, promoting, and paying faculty members and other employees on the nation's campuses.

In a new report entitled Making Affirmative Action Work in Higher Education, the Council, headed by Clark Kerr,* makes 27 recommendations related to seven themes:

1. Colleges and universities are increasingly assuming and should continue to assume the initiative in securing equality of opportunity in higher education.
2. Institutions and the federal government should take steps to increase the supply of qualified women and members of minorities available for employment on college faculties.
3. A better distribution of women and minorities among fields of academic specialization and academic ranks is badly needed.

*Members of the Council are listed on the final page

4. Efforts at "fine-tuning" affirmative action to end discrimination can lead, however, to ludicrous results and be counterproductive.
5. Goals and timetables, broadly defined, should be continued as part of the federal affirmative action program as long as colleges and universities need such incentives to achieve nondiscrimination.
6. The federal affirmative action program should be brought quickly into closer conformance with good governmental practice.
7. Compliance should rest on persuasion in the vast majority of cases, and on punishment that fits the crime for the small minority.

The Council praises the federal initiatives of the 1960s and early 1970s for encouraging colleges and universities to develop their own policies and plans to end discrimination, for raising the consciousness of the academic community about gross inequities, and for encouraging women and minorities to organize and speak more strongly on their own behalves. The government also created the possibility of financial retribution (through cancellation of federal support) against institutions that failed to make progress.

Now, however, the Council finds the federal programs beset with difficulties that include: Too many regulations and guidelines (in some cases inconsistent with each other) and these too little informed by a knowledge of the special characteristics of higher education; too many agencies duplicating, even feuding with each other; too few staff persons, and "they, in turn, often too little qualified for their responsibilities;" and too long delays in processing plans and complaints. "Few federal programs are now so near to self destruction," the report says, and "seldom has a good cause spawned such a badly developed series of federal mechanisms."

To correct some of the flaws in the federal affirmative action programs that were identified by the Council, several recommendations are made. Among them are:

--The Department of Labor, in consultation with the Department of Health, Education, and Welfare, should develop a special supplement or set of interpretations to the executive orders on affirmative action that will be particularly appropriate to higher education.

--The Department of Health, Education, and Welfare should give special emphasis to the development, within its Office of Civil Rights, of an adequate and highly qualified staff that is knowledgeable about the special characteristics of academic employment.

--All federal agencies involved in nondiscrimination and affirmative action in higher education should cooperate in developing coordinated guidelines. Along with the development of these guidelines, requirements for the provision of data by institutions should be unified and simplified. Wherever possible, federal agencies should develop procedures for sharing data instead of requiring separate reporting to each agency.

--The Department of Labor should continue to delegate responsibility for enforcement of affirmative action requirements in higher education to the Department of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare should have final authority to approve affirmative action plans and to impose sanctions on institutions.

--Authority for processing complaints relating to discrimination in employment in higher education should be concentrated with the Equal Employment Opportunity Commission. As a means of helping to avoid backlogs of cases to be decided, the EEOC should be authorized to issue orders requiring

institutions charged with unlawful employment practice to cease and desist such action and take affirmative action, including reinstatement or hiring of employees, with or without back pay.

--The Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Chairman of the Equal Employment Opportunity Commission should jointly appoint a task force, including representatives of institutions on the revision of regulations, guidelines, and data requirements recommended in the Council's report.

Although the Council's report devotes considerable attention to a review of the federal government in affirmative action, it gives very high priority to institutional effort. The Council said that the fact that special effort is needed to end discrimination at colleges and universities is one of the "tragedies" of the current period. "Higher education long ago, in keeping with its own principles of finding merit wherever it could be found and rewarding it, should have been searching more actively for merit among women and minorities. It has failed its own principles and impoverished its own performance by the neglect of large pools of potential academic competence. It has looked for merit mostly within 40 percent of the population and largely neglected the other 60 percent." But, the report observes, colleges and universities now have begun to make progress and can "carry the initiative far better than the federal government and, in doing so, can reduce the burden of federal controls before they become too overwhelming and too permanent."

To fulfill their responsibilities, the Council says institutions should:

- Have a carefully developed affirmative action plan and the administrative and advisory mechanisms to make it a working document
- Make annual public reports on status and progress in relation to this plan
- Actively recruit women and minorities into the pool of names for consideration for openings
- Select the most qualified candidates, regardless of race, sex, or ethnic origin
- Provide fair procedures for processing complaints.

All of these suggestions are developed in detail in the report.

The Council's decision to stress enlarging the supply of women and minority members who are qualified for academic employment is based on evidence that there is now no gap between such persons presently qualified and those holding "ladder" positions on faculties. Women constitute 16 to 17 percent of recent recipients of Ph.D.'s and hold 18 percent of the faculty ladder positions in four-year colleges. Members of minorities constitute 4 to 5 percent of the recent recipients of Ph.D.'s and an equal proportion of persons holding ladder positions on faculties. Yet women constitute 38 percent of the total labor force and members of minorities constitute 14 to 15 percent (see Attachment A).

A "supply plan" designed to increase the number of women and members of minorities who are qualified for academic employment should be prepared as a major component of the affirmative action plans of institutions with graduate schools and research functions. The Council says such plans should insure not only that there is no discrimination

on the basis of race, national origin, or sex in admission to graduate and professional schools, or in the administration of financial aid, but also that positive efforts are made to recruit women and minorities along with majority male students, and that special programs are developed to improve, when needed, the preparation of women, minorities, and other persons who have been underprivileged in their prior education for graduate and professional education.

Although there is no overall gap between the proportion of women and members of minorities who are qualified for academic employment and the proportion of women and members of minorities who hold faculty appointments, discrimination still exists. The Council points out that on some campuses, women and members of minorities may be concentrated in only a few departments. Women are still not qualified in large numbers in certain academic fields, such as engineering, that remain dominated by men. Women may also be kept out of the pool from which academic promotions are made because they hold what are called "nonfaculty" academic positions such as that of lecturer or researcher.

The Council urges that the federal government continue to exert pressure on institutions to set goals and timetables. But it distinguishes between goals as "objects to which effort or ambition is directed" and quotas which are "the part or share of a total which belongs, is given, or is due to one." The Council points out that the failure to meet a goal calls for an inquiry as to reasons for failure, whereas failure to meet a quota calls for penalties. In the context of affirmative action, the Council says goals should be viewed "as normal expectations of what would happen if there were no discrimination" and timetables as "statistical forecasts of the expected date by which a goal might prospectively be met--or when a nondiscriminatory result might be obtained."

But in setting goals and timetables, the Council favors designating broad employing units and pools of qualified persons over attempts at achieving perfect justice in very small departments or in large departments when the pool of qualified persons is small. The report warns that: "The smaller the minority group, the smaller the likelihood of a sufficient pool of qualified persons, and minorities can be divided almost endlessly. We are against approaches that, in the future, could reward the shrewd gamesman and the computer."

In this regard, the Council gives special advice to the federal government: "The federal government, in a pluralistic democracy, should not, and even cannot assure equal results in each potentially smaller and smaller unit for each potentially almost endlessly divided subgroup. The limits of governmental power must be recognized and the demands of common sense acknowledged, even if perfect justice in statistical results is not attained--to overreach power or to ignore common sense is to fail."

The Council recommends that in cases of noncompliance, a series of graduated sanctions be developed to replace the single "atomic bomb" penalty of cancellation of all federal contracts. It also recommends that adequate grievance procedures be established within institutions for persons who believe themselves to be victims of discrimination.

Throughout the Report, the Council emphasizes that affirmative action is appropriate only to a transition period when colleges and universities are striving to overcome past and present discrimination. It therefore proposes that institutions be given credit for progress toward their goals. Specifically, the Council recommends that "When an institution can demonstrate that its proportions of women and minorities

among faculty members and other academic employees approximate pools of qualified persons and are well distributed throughout the institution, it should be exempted from requirements calling for continuous reassessment of goals and timetables and from detailed reporting requirements relating to academic employment. It should, however, be required to continue to pursue nondiscriminatory policies and to maintain relevant records that will be available on request." In this regard, the Council acknowledges that institutions may reach their affirmative action goals with respect to women before they do for members of minorities. In such instances, it favors exemptions from continuous reassessment only in matters pertaining to women. The Council further recommends that "no later than 1980, the federal government should undertake a compliance review of mechanisms for enforcement to determine what, if any, requirements and mechanisms are still needed and in what segments of higher education."

The Report will be published by Jossey-Bass Inc., Publishers, San Francisco, and will be available about September 30, 1975.

* The members of the Council are: William G. Bowen, President, Princeton University; Ernest L. Boyer, Chancellor, State University of New York; Nolen Ellison, President, Cuyahoga Community College; E. K. Fretwell, Jr., President, State University of New York College at Buffalo; Rosemary Park, Professor of Education, University of California, Los Angeles; James A. Perkins, Chairman of the Board, International Council for Educational Development; Alan Pifer, President, The Carnegie Foundation for the Advancement of Teaching; Lois Rice, Vice President, College Entrance Examination Board; Pauline Tompkins, President, Cedar Crest College; William Van Alstyne, Professor of Law, Duke University; Clifton R. Wharton, Jr., President, Michigan State University; and Clark Kerr, Chairman, Carnegie Council on Policy Studies in Higher Education.

Making Affirmative Action Work

Attachment A

Women and minorities among pools of "qualified persons,"
"ladder" faculty, and members of the labor force

Group	Pool of "qualified persons" (holders of Ph.D.) as percent of total	Percentage of "ladder" faculty in four-year colleges and universities
Women	16 to 17 percent	18 percent
Minorities	4 to 5 percent	4 to 5 percent

Group	Pool of "qualified persons" (holders of Ph.D.) as percent of total	Percentage of total labor force composed of members of group
Majority women	16 to 17 percent	38 percent
Minorities	4 to 5 percent	14 to 15 percent

Making Affirmative Action Work

Press Release Attachment B

Seven Themes from "Making Affirmative
Action Work in Higher Education."

Theme number one: Colleges and universities are increasingly assuming and should continue to assume the initiative in securing equality of opportunity.

A great individual moral and organized institutional effort has been mobilized under federal prodding. New forces have been set in motion. New directions have been identified. Attitudes have been changed; behavior modified; new habits introduced. The next stage of evolution is one that calls more for action by higher education itself and less by government; and higher education now seems both willing and able to take the action.

Theme number two: The supply aspects of the equality of opportunity effort are now generally of more importance than the demand aspects.

Increased demand is one of the best ways of increasing supply [of persons qualified for academic employment], and demand has been increased. But there are other ways of increasing supply, such as better financial support for low-income students in college and for graduate studies, and they also should be pursued.

We suggest, among other things, that each affirmative action plan include a "supply plan" wherever the institution contributes to the supply of potential faculty members.

Theme number three: A better distribution of women and minorities among institutions, fields of specialization, and ranks is badly needed, even though there appears to be no overall "demand gap."

This requires strong efforts on the supply side as well as continuing influence on the demand side. Related to this is the desirability of providing more opportunities for women and minorities in administrative positions, and of more equitable treatment of lecturers and instructors and part-time persons in all ranks--many of those in each of these classifications are women.

Theme number four: Efforts at "fine-tuning" by the federal government can lead to ludicrous results and be quite counterproductive.

The smaller the "unit" controlled (for example, the department of classics) and the smaller the "disadvantaged group" (for example, American Indians), the less likelihood an institutional plan will call for any change. Also, small units can lead to discriminatory results as between women and minorities, since women usually form the larger "pool."

The wiser course of action is to look at goals and pools broadly; to leave it to institutions of higher education to exercise their best judgments in individual cases; to concentrate more on fair processes rather than on statistical projections; to recognize that merit in the academic enterprise draws more support than preference solely on grounds of sex, or race, or ethnic origin; to pursue equality of actual opportunities rather than equality of forced results in academic endeavor; to concentrate on problems not only that need to be solved but that can be solved.

Theme number five: Goals, broadly defined as to academic units included and groups covered, and timetables should be continued during the current transition period as part of the federal affirmative action program.

We define a goal as "the object to which effort or ambition is directed."

Quota means "the part or share of the total which belongs, is given, or is due, to one."

The verb that goes with goal is "strive;" with quota, the word is "imposed." We define a timetable as a "statistical forecast" of the expected date by which a goal might prospectively be met; of when a nondiscriminatory result might be obtained.

Theme number six: The federal program is confused, even chaotic, and should be brought quickly into closer conformance with good governmental practices.

We make a number of suggestions for improvements, including clarified assignment of responsibilities: policy and policy review to Labor, evaluation and approval of plans to HEW, and processing of individual cases to EEOC.

Theme number seven: Compliance should rest on persuasion in the vast majority of cases, and on punishment that fits the crime for the small minority.

We favor maximum use of internal grievance procedures to settle individual cases. This will avoid overburdening the courts and the federal agencies.

We favor a series of penalties to fit the nature and the degree of the noncompliance, and not just the currently available, but never used, "atomic bomb" of withdrawal of contracts--the power not to spend is the power to destroy some institutions.

Making Affirmative Action Work

Press Release Attachment C

Women as a percentage of faculty members in four-year colleges
and universities, by rank, 1959-60 to 1974-75

Faculty rank	NEA data *			NCES data *	
	1959-60	1965-66	1971-72	1972-73	1974-75
All ranks	19.1	18.4	19.0	20.6	22.0
Professor	9.9	8.7	8.6	9.4	9.4
Associate professor	17.5	15.1	14.6	15.8	16.2
Assistant professor	21.7	19.4	20.7	23.1	26.3
Instructor and other	29.3	32.5	39.4	43.5	47.6

* National Education Association data and National Center for Educational
Statistics data.

SOURCES: "Faculty Women Earning 17 Pct. Less Than Men." Chronicle of Higher
Education, March 12, 1973; and "Faculty Salaries Shown Rising."
Higher Education Daily, February 12, 1975.

Making Affirmative Action Work

Attachment D

Women as a percentage of full-time faculty members,
by rank and type of institution, 1972-73 and 1974-75

Type of institution and rank	1972-73	1974-75
All institutions	22.3%	24.1%
Professors	9.8	10.3
Associate professors	16.3	16.9
Assistant professors	23.8	27.1
Instructors and other	38.0	39.4
Universities	16.4	18.5
Professors	6.3	6.3
Associate professors	12.5	13.3
Assistant professors	19.8	23.9
Instructors and other	44.4	46.4
Other four-year institutions	23.4	25.0
Professors	12.5	12.9
Associate professors	18.1	18.7
Assistant professors	25.1	28.1
Instructors and other	43.1	45.5
Two-year institutions	32.9	33.3
Professors	22.1	24.8
Associate professors	25.0	24.9
Assistant professors	31.9	34.4
Instructors and other	35.9	34.9

SOURCES: "Faculty Women Earning 17 Pct. Less than Men." Chronicle of Higher Education, March 12, 1973; "Faculty Salaries Shown Rising." Higher Education Daily, February 12, 1975; and U.S. National Center for Educational Statistics (1975, p. 89).