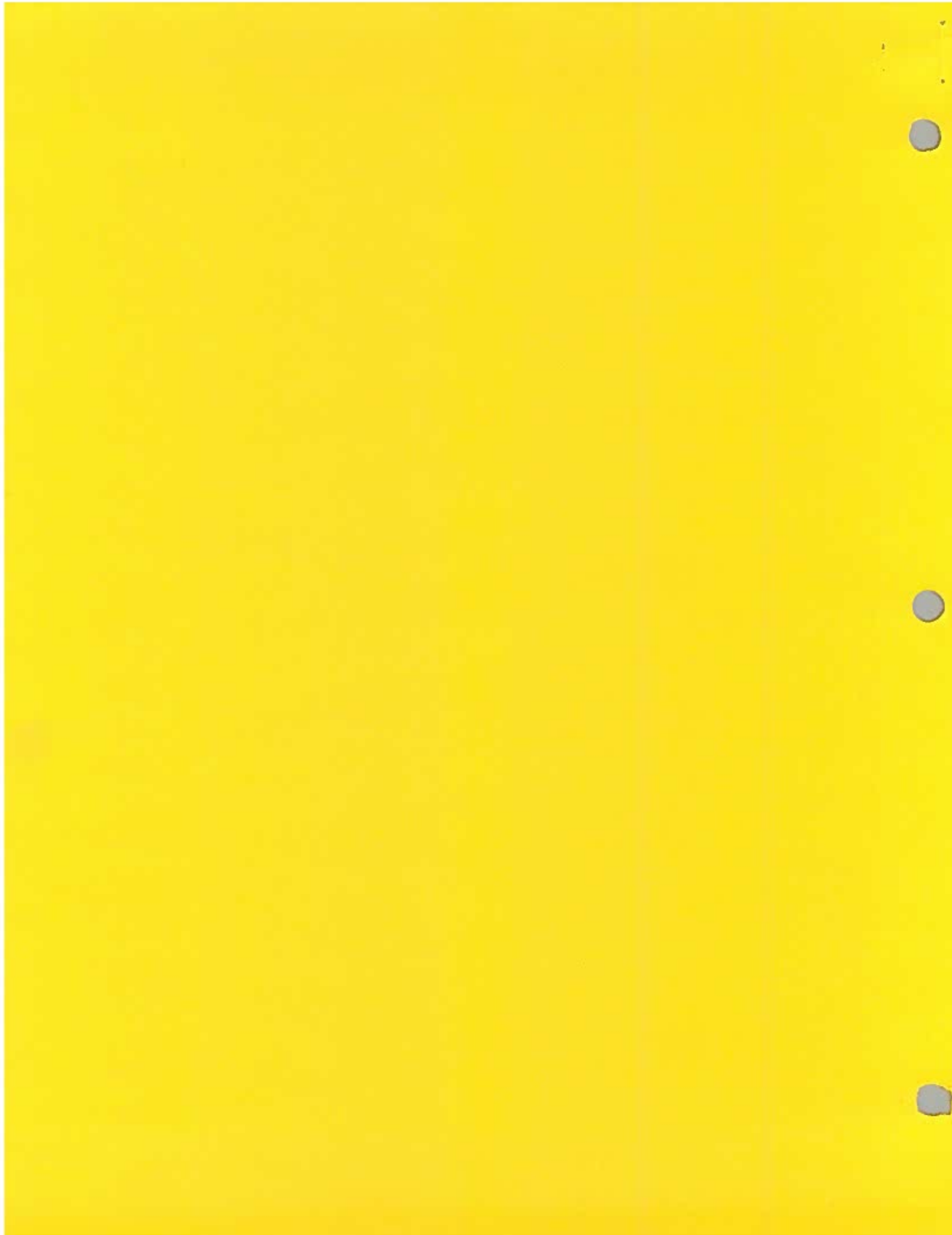


UNIVERSITY FACULTY SENATE

SUMMARY OF THE AGENDA

March 5, 1990

- I. ADOPTION OF THE AGENDA
- II. APPROVAL OF THE MINUTES: February 5, 1990
- III. REMARKS BY PRESIDENT TRABANT and/or ACTING PROVOST MURRAY
- IV. ANNOUNCEMENTS
  1. Senate President Dilley
- V. OLD BUSINESS
  - A. Recommendation for revision of the University of Delaware Policy on Research Fraud
  - B. Recommendation for adoption of a University of Delaware Policy on the Involvement of Faculty and Professional Staff in Commercial Enterprises
- VI. NEW BUSINESS
  - A. Request from the Committee on Committees and Nominations for an appointment to a Senate committee
  - B. Recommendation on the revised Drug-Free Workplace Policy
  - C. Report and recommendations on the Affirmative Action Plan
  - D. Introduction of new business





# University of Delaware

UNIVERSITY FACULTY SENATE  
219 MCDOWELL HALL  
NEWARK, DELAWARE 19716

(302) 451-2921  
(302) 451-2922

February 20, 1990

TO: All Faculty Members

FROM: Robert J. Taggart, Vice President  
University Faculty Senate *Robert J. Taggart*

SUBJECT: Regular Faculty Senate Meeting, March 5, 1990

In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, March 5, 1990 at 4:00 p.m. in room 110 Memorial Hall.

## AGENDA

- I. Adoption of the Agenda.
- II. Approval of the minutes of the Senate meeting of February 5, 1990.
- III. Remarks by President Trabant and/or Acting Provost Murray.
- IV. Announcements
  1. Senate President Dilley
- V. Old Business
  - A. Recommendation from the Committee on Research (L. Nees, Chairperson), for revision of the University of Delaware Policy on Research Fraud. (See Attachment 2 for a copy of the complete policy.)

WHEREAS, the University Policy on Research Fraud has been in effect since its approval by the Board of Trustees on December 17, 1987, and

WHEREAS, in August 1989, the United States Public Health Service issued new requirements for research institutions regarding misconduct in research, and

WHEREAS, the existing University policy has been revised and renamed to incorporate these new requirements, be it therefore

RESOLVED, that the University Faculty Senate approves the Policy on Misconduct in Research, effective immediately.

- B. Recommendation from the Committee on Research (L. Nees, Chairperson), for adoption of a University of Delaware Policy on the Involvement of Faculty and Professional Staff in Commercial Enterprises. (See Attachment 3 for a copy of the complete policy.)

WHEREAS, members of the University of Delaware faculty and professional staff may undertake involvement in commercial enterprises in addition to their university employment, and

WHEREAS, federal funding agencies are interested in limiting the possibilities for actual or apparent financial conflicts of interest by federally funded investigators involved in such enterprises, and

WHEREAS, the Committee on Research has written a policy that is responsive to the concerns of federal agencies; has, on October 10, 1989, held an open hearing on this policy; and has revised the policy in accordance with recommendations of the hearing attendees, be it therefore

RESOLVED, that the University Faculty Senate approves the Policy on Faculty and Professional Staff Involvement in Commercial Enterprises for submission to the University of Delaware Board of Trustees for approval.

#### VI. New Business

- A. Request from the Committee on Committees and Nominations (J. Olson, Chairperson) for confirmation of the appointment of a committee chairperson.

RESOLVED, that the appointment of L. Leon Campbell for one year as chairperson of the Committee on Budgetary and Space Priorities is hereby confirmed.

- B. Recommendation from the Committee on Faculty Welfare and Privileges (G. J. DiRenzo, Chairperson), with the concurrence of the Faculty Senate Executive Committee on the revised Drug-Free Workplace Policy. (Copy of the Policy is at attachment 4.)

WHEREAS, the Office of Employee Relations has adopted a revised policy on a drug-free workplace in order to comply with Federal regulations, and

WHEREAS, the Committee on Faculty Welfare and Privileges has evaluated and approved this revised policy, be it therefore

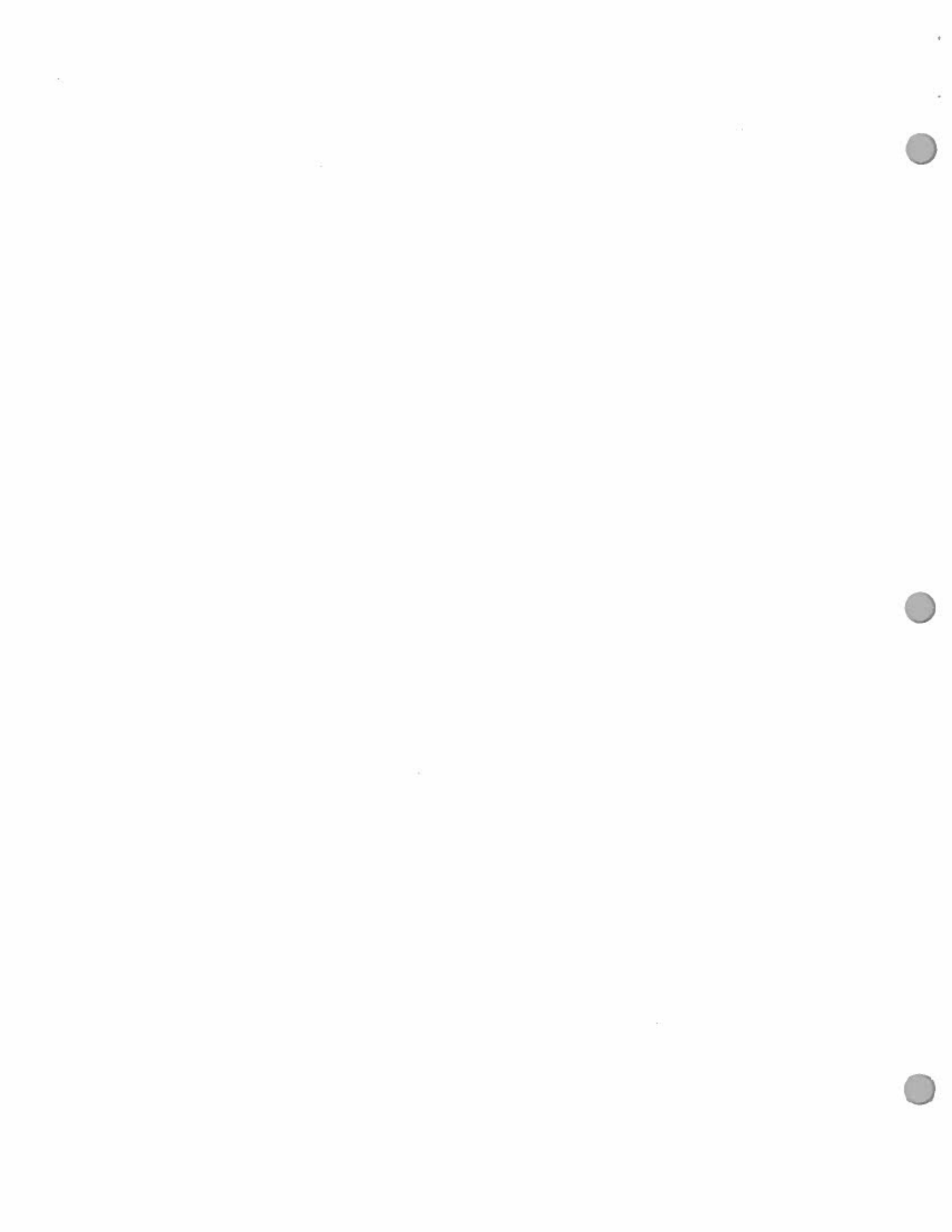
RESOLVED, that the University Faculty Senate approves this revised policy and make it a part of the University Policy Manual.

- C. Report and recommendations of the Ad Hoc Committee to Review the Affirmative Action Plan by Professor Robert Warren, Chairperson. (Copy of the report is at attachment 5.)
- D. Such items as may come before the Senate. (No motion introduced at this time may be acted upon until the next meeting of the Senate.)

rg

Attachments:

1. Committee Activities Report
2. University of Delaware Policy on Research Fraud
3. University of Delaware Policy on the Involvement of Faculty and Professional Staff in Commercial Enterprises
4. Drug-Free Workplace Policy
5. Report and Recommendations of the Ad Hoc Cte. to Review the Affirmative Action Plan



COMMITTEE ACTIVITIES REPORT

ACADEMIC APPEALS, COMMITTEE ON (William Nichol)

No activity as of 2/13/90.

CULTURAL ACTIVITIES AND PUBLIC EVENTS, COMMITTEE ON (Hilton Brown)

1. Revision of committee guidelines and funding application form.
2. Review of requests for funding for the Spring semester 1990-91.

FACULTY WELFARE AND PRIVILEGES, COMMITTEE ON (Gordon J. DiRenzo)

1. Mandatory retirement.
2. Professional Development Accounts.
3. Grievance Procedures.
4. Committee Mandate.

GRADUATE STUDIES, COMMITTEE ON (Ralph V. Exline)

1. Master of Music in Performance.
2. Summer Institute Option for MA in Foreign Languages and Literature.
3. ESL/Bilingualism Option to MA Degree in Educational Studies.
4. Proposal to adopt the Graduate Record Examinations Board: updated guidelines for the use of GRE scores.
5. Reconsideration of proposal to promise Winter/Summer Session tuition to graduate students under contract to the University.
6. Rewording of various policy statements to improve internal consistency.

INTERNATIONAL STUDIES, COMMITTEE ON (Jeanne Rymer)

Policy statement resulting in resolution to be presented at a future meeting.

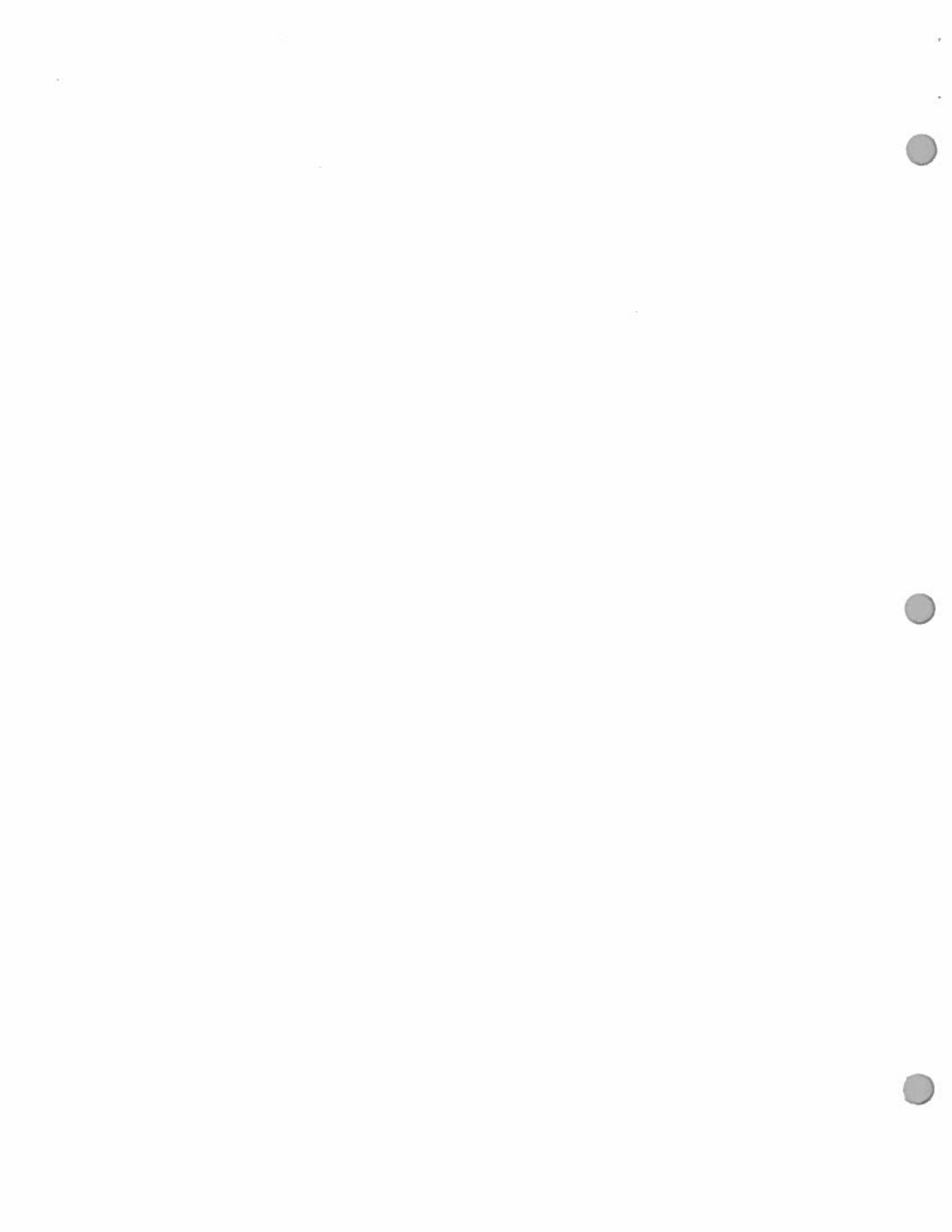
LIBRARY COMMITTEE (James L. Morrison)

1. Student Disruption Policy.
2. Financial Support.
3. Future Goals of Library.

STUDENT LIFE, COMMITTEE ON (Roger Spacht)

1. Continuing with non-classroom academic experiences for students.
2. Discussing University academic honesty policy with special regard for plagiarism.

/wc





UNIVERSITY OF DELAWARE  
Policy Manual

No. 6-11 Rev. 11/89  
Date January 15, 1988  
Page 1 of 6

Subject

MISCONDUCT IN RESEARCH

I. PURPOSE

To outline the guidelines for inquiry into cases of suspected misconduct in research\* before initiation of a formal investigation, to outline the guidelines for a formal investigation, and to comply with pertinent federal regulations.

II. POLICY

The University, the State, suppliers of grant accounts, clients of consultation services, and the public all have the right to expect and demand unbiased and factual information from University professional researchers. In the long run, University personnel benefit individually and collectively from the maintenance of high ethical standards. Any intentional distortion of research data or intentional distortion of information or conclusions derived from research data constitutes misconduct in research and is prohibited by University policy.

An atmosphere of intellectual honesty enhances the research process and need not inhibit productivity and creativity. Establishing and maintaining such an atmosphere is a responsibility that must be accepted by all University personnel.

Fortunately, research misconduct occurs very rarely. However, the potentially severe consequences to the academic reputation and creditability of the University make it the responsibility of all to report promptly and confidentially indications of research misconduct.

Suspicion of research misconduct and awareness of an inquiry into suspected research misconduct must be limited to only those with a genuine need to know. If the suspicion of research misconduct proves unfounded, it is the responsibility of all privy to it to obliterate the suspicion from memory.

Each dean, chair, division head, and principal investigator has a special responsibility for creating and strengthening an atmosphere in which misconduct in research is abhorrent. This includes indoctrinating in faculty, staff, and students the highest standards of professional and intellectual ethics.

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\*This University policy and earlier proposed federal regulations were titled "Research Fraud." In the federal regulations, the term has been changed to "misconduct in science" to avoid confusion with common-law fraud. To broaden the policy's scope for application to research in all University units the University will use the term "misconduct in research."

The "Health Research Extension Act of 1985" requires that applicants for Public Health Service (PHS) research funds file assurances that (1) they have developed their own policies and procedures for dealing with possible misconduct in research and (2) they will inform PHS of the initiation of a formal misconduct investigation. As a means of implementing the 1985 law, PHS has published a final rule titled "Responsibility of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science" (Federal Register Vol. 54, No. 151, pp. 32449-32451, August 8, 1989). The National Science Foundation (NSF) published similar proposed regulations titled "Misconduct in Science and Engineering Research" (Federal Register, Vol. 52, No. 27, pp. 4158-4161, February 10, 1987). It is the policy of the University of Delaware to abide by both of these regulations. It is the policy of the University of Delaware to extend these PHS and NSF requirements to all research.

The University has the ethical responsibility to prevent misconduct in research and the legal responsibility to inquire into all allegations of research misconduct and to report and investigate all instances where a reasonable presumption of misconduct is established by inquiry. The University administration can discharge these responsibilities only with the cooperation of the faculty, staff, and students in following the procedures outlined below. It is the duty of all such personnel to report promptly and confidentially any appearances of research misconduct. In rare cases where one level in this reporting chain appears to be stalling or covering up the allegation of misconduct, it may be necessary to proceed to a higher level. It is prudent for those who are aware of an alleged case of research misconduct to take such a step, since any subsequent inquiry or investigation of a significant misconduct case is likely to uncover those who knew about the misconduct and failed in their duty to report it. This policy does not conflict with the "Student Code of Conduct" in the Student Guide to Policies.

A. Examples of Misconduct in Research

Misconduct in research can be divided into three principal categories: falsification of data or documents, plagiarism, and abuse of confidentiality. The following are only examples of areas within which misconduct may occur and should not be treated as legal definitions of misconduct.

1. Falsification of data or documents

Falsification of documents

Fabrication of data

Gross intentional biasing of data interpretation

Blatantly biased data selection

Undue extrapolation of data

Intellectual dishonesty in presentations of research results

2. Plagiarism  
Unjustified authorship claims  
Omission of authorship credits within the context of plagiarism  
Intentional distortion of citations  
Second publication of an entire document presented as new material  
Incorrect identification of inventorship
3. Abuse of confidentiality  
Improper use of research proposal review material  
Adoption of proprietary information

B. Federal Regulations

The NSF regulations requiring assurance of a University policy and assurance of prompt reporting of a formal investigation of misconduct define misconduct as "(1) fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from research; (2) material failure to comply with federal requirements for protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals; or (3) failure to meet other material legal requirements governing research."

The federal regulations and University policies regarding human subjects are dealt with elsewhere in this manual. The University of Delaware Code of Ethics for the Use of Animals in Research distributed by the Animal Care and Use Committee deals with animal subjects. "Fabrication, falsification, plagiarism, or other deviations from accepted practices in proposing, carrying out, or reporting results from research" are the focus of this policy 6-11.

C. Examples of Activities Potentially Affected by Misconduct in Research

Preparing research proposals  
Making scholarly presentations  
Publishing research results and scholarly findings  
Reporting results from research grants  
Preparing and presenting theses  
Preparing patent applications  
Giving expert testimony or advice on regulatory matters  
Giving expert testimony in court cases  
Advising consultation clients

D. Consequences

Cases in which misconduct in research has been established by a formal investigation may vary widely in both the degree of flagrancy of the inappropriate fraudulent actions and in the degree of potential harm to individuals, the University, and society. Therefore, each case will be treated on an ad hoc basis. However, it should be noted that some cases may fall into the categories of gross irresponsibility or moral turpitude. Such cases could be cause for termination under III-N-1 of the University of Delaware Faculty Handbook.

III. PROCEDURES

Resolution of misconduct in research concerns should take place informally, confidentially, and at the lowest possible level. It is desirable whenever feasible that the perceiver of possible research misconduct should first point out quietly and tactfully to the alleged perpetrator the possibilities for the appearance of research misconduct in a data correlation, conclusion presentation, thesis, scholarly paper, etc. If the perceived situation is corrected, all benefit. If the appearance or suspicion of research misconduct is not promptly eliminated, the individual who perceives possible misconduct should take the next procedural step on a confidential basis.

- A. If the appearance of research misconduct persists, the perceiver will meet privately and confidentially with the department chair, if there is one, or with the first level of supervision. The chair will decide on the course of further consideration. The chair may elect to bring the problem to the attention of the alleged perpetrator of the misconduct, collect further information, or determine that no misconduct has occurred. If the perception of misconduct proves to be without basis or if no misconduct is found, the chair will so inform the original perceiver of the alleged misconduct.
- B. If the appearance of misconduct persists in the judgment of the chair, the chair will inform the alleged perpetrator and refer the matter to the dean. The dean will appoint a small committee, including an independent expert, and inform the chair, the alleged perpetrator, and the perceiver of misconduct if no misconduct is found.

- C. If the dean finds merit in the allegations of potential or actual misconduct, he or she will advise the alleged perpetrator of the findings.
- D. If the perception of potential misconduct is not promptly eliminated to the satisfaction of the dean and the alleged perpetrator so informed, the dean will take the matter to the Provost to determine if the charges justify investigation.
- E. If federal funds are involved, the inquiry must be completed within 60 calendar days of receipt of the allegation and a written report prepared. If more than 60 days are required, the report must give reasons for the delay.
- F. If the report of III E shows insufficient grounds to justify an investigation, it must be held confidential but must be retained for three years in compliance with federal regulations.
- G. If the Provost determines an investigation is justified, the alleged perpetrator will be notified first. The financial supporters of the research, if any, will then be notified promptly and a formal investigation begun within 30 days of the completion of the inquiry. If federal support is involved, special attention will be given to compliance with federal regulations requiring such notification, which involve reporting in writing on or before the date an investigation is begun.
- H. The Health and Human Services (HHS) Office of Scientific Integrity (OSI) will be notified directly within 24 hours if the inquiry indicates possible criminal violations and if HHS funds are involved.
- I. A formal investigation must be completed or a progress report submitted to the funding agency within 120 days of the initiation of the investigation.
- J. Impartial experts shall be selected and utilized as necessary and appropriate in inquiries and investigations.
- K. Precautions will be taken to avoid real or apparent conflicts of interest.
- L. Affected individuals will be afforded confidential treatment to the maximum extent possible, a prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.

- M. Appropriate interim administrative actions will be taken to protect Federal funds and ensure that the purposes of federal financial assistance are being carried out.
- N. Where federal funds are involved, OSI will be advised promptly of any developments during the course of the investigation which disclose facts that may affect current or potential Department of Health and Human Services funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.
- O. Every effort will be made to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.
- P. The positions and reputations of those persons who, in good faith, make allegations of research misconduct, and those against whom allegations of misconduct are not confirmed, will be protected to the maximum extent possible.
- Q. Appropriate sanctions will be imposed on individuals when the allegation of misconduct has been substantiated.
- R. Where federal funds are involved, OSI will be informed of the final outcome of the investigation with a written report that thoroughly documents the investigative process and findings.

Proposed Policy on Faculty and Professional Staff  
Involvement in Commercial Enterprises

I. PURPOSE

To delineate policy and guidelines governing the involvement of faculty and professional staff with commercial enterprises.

II. POLICY

Involvement of faculty or professional staff with appropriate commercial enterprises is an important part of transfer of technology from the University to industry and an important source of feedback from industry to enhance both teaching and research programs. An involvement of faculty or professional staff with commercial enterprises should be such that it benefits the faculty or staff member, the commercial enterprise, and the University. University faculty and professional staff may not accept gifts, grants, or research contracts from private firms in which they have an equity interest, nor may they hold an equity interest in private firms having research objectives that are essentially the same or closely parallel to the employee's University research objectives (see Faculty Handbook, X.1.). (The term "equity interest" means a financial interest in a firm such that the value of that interest could be directly and substantially affected by activities of the holder of the interest.) Involvement of faculty or professional staff with a commercial enterprise to a degree or in a manner that diminishes the effectiveness of teaching or research programs is prohibited. Disclosure of all involvements with commercial enterprises that may take time from University responsibilities or may directly or indirectly have an impact on or be perceived to have an impact on the University is required.

III. GUIDELINES AND IMPLEMENTATION

- A. Written disclosure to the chair, dean, unit head, or supervisor is required for
1. Consulting agreements
  2. Ownership of substantial equity in a commercial enterprise
  3. Participation in a limited partnership that invests in activities related to the employee's area of expertise
  4. Holding a management position in a commercial enterprise
  5. Participation in the day-to-day operations of a commercial enterprise
  6. Assumption of a key, continuing role in the scientific or technical effort of a commercial enterprise

7. Transfer to a commercial enterprise of non-patented technology or information developed in University research programs and having potential commercial value
8. Any situation that has the potential for conflict of interest or the perception of conflict of interest.

B. Disclosure of an involvement should include

1. Nature of the relationship
2. Short- and long-term commitment of time and effort
3. Name, address, and officers of the enterprise, nature of its business, and its relationship with the University, if any. Financial information need not be disclosed.
4. Expected benefit to the enterprise
5. Expected benefit to the University
6. Expected benefit to the faculty or professional staff member

Note: Expected benefit may be in terms of professional growth, technology transfer, and commercial feedback and need not include disclosure of financial information.

7. Total time and effort commitment of all outside involvements
8. Basis of avoiding conflict of interest between the new involvement, other involvements, and the internal research program.

C. A copy of the disclosure and of subsequent actions will be sent to the associate provost for research.

D. The faculty or professional staff person is required to maintain a complete file of information as listed in Section B above.

E. The chair or supervisor will provide written approval or disapproval for A2-A7 within thirty (30) days of receiving the disclosure.

F. If approved by the chair or supervisor, the disclosure will be forwarded through the dean and provost to the president for approval

1. if the total time commitment of all commercial enterprise involvements plus consulting exceeds one day in five
2. for items A2, A3, A4, A5, A6. and A7 above.



- G. If disapproved, the faculty or professional staff person may appeal to the dean or provost. The appeal will include the original disclosure and the chair's or supervisor's letter of disapproval.
- H. The faculty or professional staff person will promptly notify the chair of changes in the involvement. If the chair determines the changes are substantial in relationship to F1 and F2, the associate provost for research must be notified and the president's approval obtained.
- I. The chair will review the situation biannually and whenever substantial changes occur.
- J. Advice and guidance concerning this policy can be obtained from the associate provost for research.

Note: The above proposed policy was approved by the Faculty Senate Committee on Research on November 15, 1989.



**DRUG-FREE WORKPLACE POLICY****Policy**

It is the policy of the University of Delaware to take reasonable measures to ensure that drug use by employees does not jeopardize the safety of the University community, employees and students, or adversely affect operations of the University.

**Policy Provisions**

1. The use, possession, sale or distribution of drugs or other controlled substances for non-medical reasons are prohibited at the University.
2. The unauthorized presence of drugs or other controlled substances in the body is prohibited at the University.
3. Employees must notify the University of any drug conviction resulting from violation at the workplace no later than five days after such conviction.

**Sanctions**

Employees, as a condition of employment, must abide by the terms of this policy. Any employee found in violation of the above policies will be sanctioned and/or required to participate in the University's Employee Assistance and Wellness Program. The University will continue to maintain a drug-free workplace through implementation of the provisions of this policy and the maintenance of a drug-free awareness program.

**Drug-Free Awareness Program**

The University of Delaware has established a drug-free awareness program to inform employees about:

1. the dangers of drug abuse in the workplace through training provided by the Employee Assistance and Wellness Program and Wellspring;
2. the University's policy of maintaining a drug-free workplace through distribution of the policy to all employees;
3. the availability of drug counseling, rehabilitation and employee assistance programs to help employees whose work performance has been hindered by substance abuse.

The University will make a good faith effort to continue to maintain a drug-free workplace through implementation of the above program.



REPORT OF THE AD HOC COMMITTEE TO REVIEW  
THE AFFIRMATIVE ACTION PLAN

Costel D. Denson, Ph.D.  
Department of Chemical Engineering

Betty J. Haslett, Ph.D.  
Department of Communication

Tai Liu, Ph.D.  
Department of History

Carole C. Marks, Ph.D.  
Black American Studies Program

Juan A. Villamarin, Ph.D.  
Department of Anthropology

Robert Warren, Ph.D.  
College of Urban Affairs and Public Policy  
Chairperson

February 14, 1990

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1 REPORT OF THE AD HOC COMMITTEE TO REVIEW

2 THE AFFIRMATIVE ACTION PLAN

3 1.0 INTRODUCTION

4 This Committee was asked to review, on behalf of the University Faculty Senate,  
5 two draft documents prepared at the direction of the President of the University,  
6 Equal Employment and Affirmative Action Program, August, 1989, and An Overview  
7 of the University of Delaware's Affirmative Action Commitment, September, 1989.  
8 These documents are intended to state the University's basic policies on equal  
9 employment opportunity and affirmative action.

10 The Committee was established in early October, 1989. It conducted an open  
11 hearing on "The University's Proposed Affirmative Action Plan" on October 19,  
12 1989, which was attended by approximately 75 people. Other opinions on two  
13 documents were obtained from the Commission on the Status of Women, the  
14 Commission to Promote Racial and Cultural Diversity, and individual faculty  
15 members who communicated either with the Committee or with the President of the  
16 Senate on matters relevant to affirmative action policy. In addition, the  
17 Committee solicited information from other universities about their affirmative  
18 action policies and reviewed a range of published material on the topic. The  
19 Committee met during October, November, and December, 1989, to assess the two  
20 documents, consider the opinions obtained, and produce draft material for its  
21 report. The final draft of the Committee's report to the Senate was completed  
22 in January, 1990.

23 2.0 ASSESSMENT OF THE EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PROGRAM AND AN  
24 OVERVIEW OF THE UNIVERSITY OF DELAWARE'S AFFIRMATIVE ACTION COMMITMENT

25 On November 7, 1988, the University Faculty Senate overwhelmingly passed a  
26 resolution which encouraged the development of a strong affirmative action policy  
27 and resolved that:

28 ...the University Faculty Senate add its voice to those of the  
29 other constituencies in the University by calling for the rapid  
30 completion of a strong affirmative action plan with goals and  
31 Timetables and remind the University community that the  
32 affirmative action plan must be applied to every appointment made  
33 at this University.

34 Subsequently, the University Administration prepared a draft revision of the  
35 Equal Opportunity and Affirmative Action Program of November, 1986, in the form  
36 of the Equal Employment Opportunity and Affirmative Action Program, August, 1989,  
37 (hereafter referred to as Program) which was made available to the Senate in late  
38 September, 1989. A second draft document has been generally circulated, An  
39 Overview of the University of Delaware's Affirmative Action Commitment,  
40 September, 1989, (hereafter referred to as Overview) which is described as a  
41 "synopsis" of the Program which "highlights" some of its "major elements."

42 A careful reading of the documents indicates that the University Administration  
43 intends to have a strong affirmative action plan with specific short-term hiring  
44 goals. Yet, in the judgment of the Committee, the content of the two documents  
45 fails to effectively communicate this intent; leaves out or provides inadequate

46 means of implementation for many elements that are necessary to a comprehensive  
47 affirmative action policy; and adopts a "top-down" approach to carry out the  
48 policies which fails to recognize the necessity for the active participation of  
49 all segments and organizational levels of the campus community if the goals of  
50 the Program are to be achieved.

51 The Committee believes that the University will be better served by a substantial  
52 revision and synthesis of its policy in a new single document with wide  
53 participation of the administration, staff, faculty, students, and relevant  
54 constituent organizations on campus and in the larger community. The resulting  
55 program should be characterized by imagination, a willingness to experiment, and  
56 effective implementation strategies. In the discussion which follows the  
57 Committee substantiates its conclusions and makes recommendations intended to  
58 enhance the articulation and application of the University's commitment to equal  
59 opportunity, affirmative action and cultural diversity.

60 2.1 The Nature and Source of the University's Commitment to Affirmative Action  
61 and Cultural Diversity

62 There are two basic problems with the documents. First, they lack a distinct  
63 and clear statement of the University's overarching commitment to cultural  
64 diversity, within which affirmative action is a major element. Second, these  
65 documents fail to articulate that this commitment is a freely adopted goal and  
66 not one imposed by federal law and regulation. Neither document provides a  
67 voice for the University in comprehensively and logically presenting its own  
68 policy.

69 These problems, to a large extent, grow out of the fact that the Program,  
70 intended to be the University's basic policy statement, reads as if its primary  
71 purpose is to provide evidence to external agencies that the University is in  
72 compliance with federal laws and regulations. Its language is legalistic and,  
73 at times, contradictory. The document provides a limited, narrow focus rather  
74 than a compelling vision of how to produce a multicultural campus with a truly  
75 representative faculty, staff and student body. Because the Overview is a  
76 synopsis of the Program, it is equally problematic.

77 A comparison of the documents reveals ambiguity in their relationship; a failure  
78 to adequately clarify the linkage of the University's equal employment  
79 opportunity; affirmative action and cultural diversity commitments; and a  
80 confusing use of the terms "policy," "plan" and "program."

81 An equal opportunity or non-discriminatory hiring, pay, and promotion policy;  
82 an affirmative action policy to increase the number of persons employed at all  
83 ranks who are members of underrepresented groups; and a commitment to cultural  
84 diversity in the scholarly, professional, and social life of the campus, although  
85 distinct as strategies, are all inextricably related. The failure of these  
86 documents to place cultural diversity as a central goal creates a major problem.  
87 The only significant discussion of racial and cultural diversity does not appear  
88 until pages 59 and 60 of the Program in a section which describes the Commission  
89 to Promote Racial and Cultural Diversity. Contrast this with the following



90 statements made at the beginning of "The Madison Plan," produced by the  
91 University of Wisconsin-Madison:

92 Our commitment to ethnic diversity is integral to our fundamental  
93 commitment to excellence in liberal education. A liberal  
94 education encompasses a commitment to learning, a belief in the  
95 search for truth for its own sake, and exposure to differing  
96 points of view and cultures.... We are responsible for enriching  
97 the lives of tomorrow's citizens and leaders by exposing them to  
98 ideas and experiences that broaden their world view and ensure a  
99 deeper appreciation for cultural and ethnic differences.

100 It is only after this mandate to achieve cultural and ethnic diversity in the  
101 university generally is set out that "The Madison Plan" turns to its commitments  
102 to increasing access for minority and low-income students and greater diversity  
103 in faculty and staff. In the latter case, the "Plan" states:

104 Recruiting and retaining more minority faculty and staff is  
105 critical to achieving a richer and more diverse educational  
106 environment.... Unless minorities and women are present in  
107 sufficient numbers in the faculty and staff, the Madison Plan will  
108 not succeed over the long haul.

109 Without such a decisive commitment to cultural diversity and the identification  
110 of hiring and retention policies as necessary components of that commitment, there  
111 is a danger of carrying out the latter two as discrete legal requirements rather  
112 than part of a larger moral commitment of the institution. The crafting of the  
113 Program to show compliance with federal requirements gives it a defensive tone  
114 and results in statements which obscure rather than illuminate the positive  
115 intent of the University.

116 A consequence of substituting legal compliance for broader goals, defined by  
117 the campus community, can be seen in the Overview, on page 6. The statement is  
118 made that the University has a commitment to increase the diversity of its work  
119 force that "goes beyond compliance with federal legislation and executive order."  
120 Yet the actual policy of the University seems to have the opposite intent. The  
121 Overview, also on page 6, explains that:

122 Hiring goals and timetables were not established for categories  
123 where current internal percentages of minorities and women exceed  
124 the availability pool [the federal requirement] or where hiring  
125 a single individual would cause the percentage to exceed  
126 availability (emphasis added).

127 Equally perplexing is the effect of defensive and legalistic language in a  
128 document intended to reflect the seriousness of the University's commitment to  
129 affirmative action. Consider these two statements on page 28 of the Program:

130 The University has compared the current level of minority and  
131 female employment as set forth in the Job Group Analysis with the  
132 availability of minorities and women as estimated in the

133 Availability Analysis. As a result of this comparison, there is  
134 underutilization in certain job groups (emphasis added).

135 This determination of underutilization is made pursuant to  
136 regulation; however, the University in no manner admits thereby  
137 that it is in fact employing too few minorities or females in any  
138 job group (emphasis added).

139 The desirable elements of clarity and precision are further reduced in both the  
140 Program and Overview by the confusing use of equal employment opportunity and  
141 affirmative action as interchangeable terms. At times, affirmative action  
142 appears to refer to a policy of nondiscrimination rather than one of positive  
143 action to increase the proportion of minorities and females among students and  
144 employees.

145 An affirmative action policy and an affirmative action plan are frequently  
146 referred to in the two documents. However, there is no section in either the  
147 Program or Overview which explicitly identifies and defines a policy or plan.  
148 This lack of clarity is exemplified on the last page (page 11) of the text of  
149 the Overview in a section entitled "Dissemination of the University's Affirmative  
150 Action Policy." Policy is not mentioned at all in this section. Rather, its  
151 first sentence states that "Internal and external knowledge of the University's  
152 Affirmative Action Plan is essential" (emphasis added). Further on, it is stated  
153 that the Overview is designed to "highlight" the provisions of the "University  
154 of Delaware's Affirmative Action Plan." The University's basic statement on  
155 affirmative action, the Equal Employment Opportunity and Affirmative Action  
156 Program is being referred to as the Plan without explanation.

157 Another critical ambiguity concerns the relationship of the two documents. The  
158 Overview, on pages 7 and 8, contains several important policy statements  
159 concerning recruitment and hiring.

160 When a hiring unit is substantially underutilizing minorities and  
161 women, the University is committed to comply with federal  
162 legislation and offer the position first to the protected class  
163 member, assuming that the applicant is qualified for the position.

164 In units without underutilization, the criteria for the selection  
165 of the 'best qualified candidate' should include the ability of  
166 the candidates to contribute to the diversity of the workforce and  
167 to provide models for students who bring similar qualities to the  
168 University.

169 These provisions are at the heart of an affirmative action policy. However, no  
170 such statements can be found in the Program, the document from which the content  
171 of the Overview is derived. No reference is made to the federal legislation  
172 which is the basis for the requirement that, where underutilization exists, the  
173 first offer must be made to a protected class member, if qualified. A clearly  
174 stated rationale and set of procedural rules that are well understood and widely  
175 supported are needed to carry out a successful affirmative action policy.

176 Of the comments made by faculty, although not great in number, it is this section  
177 of the Overview that has received the most attention. Concern has been expressed  
178 that departments will be required to hire, not unqualified, but "less qualified"  
179 faculty. The University's statement of policy must underscore the fact that  
180 affirmative action means that hiring units will take the steps necessary to  
181 include minorities and women who meet the criteria of the department in the pool  
182 of candidates from which a new faculty member is recruited. As the Handbook for  
183 Faculty Searches of Ohio State University puts it:

184 Affirmative action should not be confused with passive compliance  
185 with regulations, tokenism, or good intentions. It is, instead,  
186 a proactive concept which implies initiating aggressive, vigorous,  
187 and systematic activities to achieve equality and equity for all  
188 individuals.

189 2.2 The Meaning of "Minority" and "Protected Classes" Within the University's  
190 Affirmative Action and Cultural Diversity Initiatives

191 The text of the two documents creates considerable confusion concerning which  
192 subgroups in the population are included in its affirmative action program and  
193 the extent to which the University is committed to action in terms of a  
194 particular subgroup.

195 The classes mentioned in the documents are:

- 196 - Minorities
- 197 - Women
- 198 - Handicapped . . .
- 199 - Disabled Veterans and Veterans of the Vietnam Era

200 It quickly becomes clear in reading the documents that the investment of the  
201 University in furthering affirmative action and cultural diversity is not equal  
202 among these groups or within them. On page 1 of the Overview it is stated that  
203 "Improving opportunities for minorities and women and eliminating barriers to  
204 their success at the University of Delaware is the central concept of the  
205 Affirmative Action Plan." The actual focus of the University's affirmative  
206 action program is even more narrow. Apart from gender, ethnic groups included  
207 in federal Equal Employment Opportunity protected categories include Asians,  
208 American Indians and Alaskan Natives, Blacks, Hispanics, and Pacific Islanders.  
209 In the past, of these minorities, the University has focused its affirmative  
210 action efforts almost exclusively on blacks. These documents indicate that this  
211 will continue.

212 There are numerous references in the Program and Overview to University programs  
213 designed to increase the number of Black faculty and students. Neither document  
214 mentions any existing program or new initiative directed toward increasing the  
215 representation of Asians, American Indians and Hispanics. Although the  
216 University has the data, the documents do not provide a reader with any

217 information concerning how well or how poorly these ethnic groups are represented  
218 on the campus. No explanation is provided as to how and why the University is  
219 not taking active affirmative action initiatives for Asians, American Indians,  
220 and Hispanics.

221 There are also "protected" classes that are the focus of affirmative action  
222 under federal mandate which include, in addition to women, the handicapped,  
223 Vietnam veterans, and individuals over forty. Further, in the current Collective  
224 Bargaining Agreement between University of Delaware and American Association of  
225 University Professors, University of Delaware Chapter, Article X includes the  
226 provision that the University will not discriminate against faculty because of  
227 sexual preference with respect to any matter covered in the contract.

228 Among the protected classes, only females are clearly included in all aspects  
229 of the University's affirmative action program. Persons over forty are only  
230 referenced in relation to equal employment opportunity. The contractual  
231 obligation not to deny equal opportunity to faculty on the basis of sexual  
232 preference is not incorporated in the Program or Overview.

233 Reading the "Handicapped Program for August 31, 1989 - June 30, 1990" section  
234 of the Program reflects additional confusion that is produced by the structure  
235 of the document.

236 2.2.1 The University's affirmative action program for handicapped persons is  
237 presented as if it is a separate and parallel program. In many places  
238 it repeats the form and language of the Program's prior section entitled  
239 "Equal Employment Opportunity and Affirmative Action Program."

240 2.2.2 The section has no reference to actions that would be relevant to the  
241 University's academic programs. It includes no reference to the  
242 recruiting and retention of handicapped students or faculty.

243 2.2.3 There is no discussion of the degree to which steps have and will be  
244 taken to make the University freely accessible to handicapped students  
245 and members of the work force.

246 2.2.4 The Overview, in its synopsis of the Program, contains virtually no  
247 mention of the University's commitment to affirmative action for the  
248 handicapped or how it will be carried out.

249 The treatment of affirmative action for Disabled Veterans and Vietnam Era  
250 Veterans is similarly presented in a section separated from the main policy  
251 statement, entitled "Veterans Program for August 31, 1989 - June, 1990."  
252 Veterans are given only the most cursory mention in the Overview.

253 Assuming that all of the above minorities and protected classes are covered by  
254 equal opportunity provisions, a decision to give priority to any minority or  
255 class in the University's affirmative action and cultural diversity programs  
256 should be thoroughly discussed by all elements of the campus community and the  
257 policy formulated by a widely representative body.

258 2.3 Implementation of University Policy

259 In a number of cases where the documents do set out laudable goals the  
260 implementation process appears to be inadequate or is not identified. For  
261 example, the Overview states that:

262 Beyond recruitment, the Plan outlines programs and activities that  
263 must be available as newly appointed individuals move forward in  
264 their careers. Initial appointment alone is not seen as the single  
265 indicator of a successful affirmative action program.

266 A careful reading indicates, however, that neither the Program (presumably  
267 referred to as the "Plan") or the Overview outlines programs and activities to  
268 help newly appointed individuals progress in their careers. Neither is there  
269 any consideration of the question of whether there are significant differences  
270 among male and female employees in the adequacy of pension benefits to provide  
271 reasonable support upon retirement.

272 Considering only faculty appointments prior to retirement, there are a number  
273 of well recognized steps that have been included in the affirmative action  
274 statements of other universities to facilitate professional advancement of  
275 minorities and women or are accessible in the literature.

276 How adequate the University's actions are on this matter can only be known by  
277 having an accurate monitoring system in place. Although the University has data  
278 available to assess problem areas in promotion, tenuring, and retention of  
279 minorities and women, it does not appear to have incorporated it into the draft  
280 of either document. For example, a study released by the Office of Employee  
281 Relations in March, 1989, reported that:

282 Female faculty on average leave the University much sooner and at  
283 a higher rate than their male peers. One in four female faculty  
284 left within three years compared to 16.5 percent of males during  
285 the same period. More than one-half of the female faculty left  
286 within six years and only 36.6 percent of males did so. The total  
287 8-year attrition among female faculty, based on the 1980-81 cohort  
288 is 72.2 percent which is substantially higher than the  
289 corresponding proportion of 42.2 percent for males (emphasis  
290 added).

291 Even though attrition is a serious problem for female faculty, and may be for  
292 minorities, it is not identified as requiring University response in either  
293 document. Unfortunately, when data is included in the documents it can mask as  
294 well as reveal areas which require University attention. More than one-half the  
295 length of the Overview is contained in Appendix 2 which is the "Affirmative  
296 Action Goals and Timetables Analysis." It is organized to present data on the  
297 current representation of women and minorities in the University work force,  
298 whether it meets federal utilization requirements of the available labor pool,  
299 and if not, how many women and minorities should be hired over the next three  
300 years to achieve compliance.

301 This level of data aggregation makes it impossible to determine how women and  
302 minorities are distributed among a college's departments. This method of  
303 reporting does not allow readers to identify which departments are out of  
304 compliance. It also can give a misleading impression of the University's  
305 performance if a college as a whole is reported as being in compliance but a  
306 number of its departments are not.

307 When implementation steps are specified, they are consistently top-down in their  
308 orientation. In the "Responsibilities for Program Implementation" section of  
309 the Overview, for example, the President, Provost and Vice Presidents, College  
310 Deans, Chairpersons, Directors, Affirmative Action Officer, Director of  
311 Purchasing, and Director of Institutional Research are the only members of the  
312 campus community mentioned. In discussing the establishment of "affirmative  
313 action hiring goals and timetables for a three-year period" (Overview, page 6)  
314 the only persons mentioned are deans and vice presidents.

315 This exclusive focus on the upper levels of the University hierarchy produces  
316 a formalistic and procedural-oriented undertaking; the alienation of the faculty  
317 from effective participation in affirmative action; and the loss of a  
318 democratically arrived at consensus. Our ability to achieve the goals of equal  
319 opportunity, affirmative action, and cultural diversity is reduced by a failure  
320 to recognize and utilize the authority of the faculty in hiring, promotions, and  
321 tenuring processes and curriculum development.

322 The preoccupation with an administrative driven world that characterizes the  
323 documents is dysfunctional to the point that the Overview seems to include a  
324 change in one of the most basic policies of the University. It states (page 8)  
325 that "The primary responsibility for the recruitment and hiring of full-time  
326 faculty rests with the Chair of the department in which the vacancy occurs."  
327 No faculty responsibilities in these matters are even referenced.

328 This administrative orientation is again reflected in the Overview's (page 6)  
329 description of the process by which the University's three-year hiring goals  
330 were determined.

331 Senior University administrators were provided worksheets in May  
332 of 1989 which contained the aforementioned workforce availability  
333 and utilization analysis data for the units they supervised. Based  
334 on these data, each dean and vice president was asked to establish  
335 affirmative action hiring goals and timetables.

336  
337 Unless it occurred but is not reported, there was no faculty participation in  
338 establishing hiring goals for their academic units. Yet more troubling, from  
339 a faculty perspective, is the fact noted above that the University Administration  
340 has adopted a policy of not exceeding minimum federal requirements in the  
341 proportion of minority or females to be hired. This appears to mean that, even  
342 if departmental faculties would have participated in formulating hiring goals  
343 to be included in the Program and wished to exceed federal requirements, they  
344 would have been directed not to do so.

345 Even in the distribution of responsibility for curriculum development in support  
346 of affirmative action there is no mention of the faculty. Further, there are  
347 discrepancies in the responsibilities concerning curriculum assigned to  
348 administrators. In the Program, Chairpersons and Directors are assigned  
349 responsibility for "Assisting in the development of curricular and  
350 extracurricular offerings related to minorities, women and handicapped persons"  
351 (emphasis added). The Affirmative Action Officer is directed to encourage "the  
352 development of courses relating to the study of women and minorities" (emphasis  
353 added). The Overview refers only to Chairpersons and Directors who are to  
354 "Assist in the development of curricular and extracurricular programs which  
355 support a workforce that is culturally and racially diverse" (emphasis added).  
356 Although there is a clear difference between this wording and that included in  
357 the Program, no explanation is provided.

358 This overconcentration of responsibilities may put strains on those who are  
359 involved. It appears, for example, that too many tasks are assigned to the  
360 Affirmative Action Officer with too few resources to carry them out. The Program  
361 (page 17) states that the Affirmative Action Officer has the responsibility of  
362 meeting with University search committees prior to each search. This is extended  
363 in the Overview (Appendix 3, page 1) to make the Affirmative Action Officer an  
364 ex-officio member of all faculty, administrative and professional staff search  
365 committees.

366 Apart from the question of whether the President has the authority to appoint  
367 members of departmental faculty search committees, which must be addressed, it  
368 is unrealistic to believe that the Affirmative Action Officer could or should  
369 (given other responsibilities) attend even one meeting of all search committees.  
370 In fact, a number of people have expressed concern about the difficulty academic  
371 search committees have in obtaining technical assistance and approvals of actions  
372 from the Affirmative Action Officer in a timely way. Further, there is no  
373 specification of what recourse a department has if a person selected for  
374 appointment by the faculty is not approved by the Affirmative Action Officer.  
375 Neither document deals with this question.

376 The Overview states on page 9 that inquiries relating to "alleged violations"  
377 of equal opportunity and affirmative action policies:

378 ...are to be directed to the Affirmative Action Office where  
379 efforts will be made to resolve complaints through regular  
380 administrative channels. In instances where this is not possible,  
381 formal grievance procedures are provided.

382 Various bargaining units on campus, including the American Association of  
383 University Professors, have contractual agreements with the University concerning  
384 grievance rights and procedures. There is need for clarification of the  
385 relationship of these contractual rights and this section of the Overview.

386 There are other issues that can be raised about the content of the two documents.  
387 The intent of the Committee in assessing the documents, however, is not to be  
388 exhaustive. Rather, it is to provide a framework for rethinking how the  
389 University can best further equal opportunity, affirmative action, and cultural

390 diversity from a general perspective, as well as that of the faculty. The  
391 following section contains the Committee's recommendations toward this end. Not  
392 all of the clarifications and actions clearly suggested in the above discussion  
393 are incorporated into the recommendations in the interest of brevity. It is  
394 hoped that they also will be taken into account in future policy revisions.

### 395 3.0 RECOMMENDATIONS OF THE COMMITTEE

#### 396 3.1 Basic University Goals

397 The University should adopt a single policy statement that clarifies and expands  
398 its commitment to cultural diversity within its work force, student body, and  
399 educational programs. This policy document should be formulated with wide campus  
400 participation and include a variety of strategies designed to be responsive to  
401 social, political, and economic needs at the local, regional, and national  
402 levels. The talent and resources available at this University place it in an  
403 excellent position to assume a leadership role in recruiting and integrating  
404 underrepresented groups into its ranks--as faculty, staff, and students. The  
405 strengthening of cultural diversity on campus through our academic programs and  
406 equal employment opportunity and affirmative action policies will meet a moral  
407 commitment to fairness and social equity. It will also serve the interests of  
408 the University and the nation by increasing the quality of education offered on  
409 campus and providing greater access for minorities, low-income persons, and  
410 females to the skills necessary to participate in and contribute to our  
411 increasingly complex public sector and economy.

412 Believing that a fundamental mission of the University is to prepare students  
413 as educated citizens and leaders in a changing world, it is our responsibility  
414 to recruit a culturally diverse community of students, faculty, and staff and  
415 to cultivate a deep appreciation for cultural and ethnic differences. In  
416 reviewing the affirmative action plans of other institutions, the Committee  
417 found it typical that cultural diversity was a central value in their programs.

418 The University of Wisconsin's "Madison Plan" states, for example, that "A greater  
419 emphasis on ethnic diversity in the curriculum and a more consistent  
420 consideration of ethnic diversity in the selection and retention of faculty,  
421 staff and students are crucial to the university's pursuit of educational  
422 excellence." The first paragraph of Stanford University's Affirmative Action  
423 Plan affirms that excellence in education "is best realized through a learning  
424 and working environment which is characterized by diversity of races, cultures,  
425 values and styles." Other institutions stress the importance of "a diverse  
426 population to create a quality education that will enable all students to be more  
427 effective when they graduate from higher education." A spokesperson for the  
428 Office for Advancement of Public Black Colleges characterizes the creation of  
429 a culturally diverse campus community "not just a matter of 'fairness' but as  
430 a valued objective in its own right." There are compelling practical reasons  
431 for such a policy as well.

432 Over the next decade, and beyond, 41 percent of the new jobs created will require  
433 higher skills in mathematics, language, and reasoning ability, in contrast to  
434 the current 24 percent. The majority of people who will be available to fill



435 these jobs will be minorities. Between now and the year 2000, the percentage  
436 of new entrants into the work force who are native white males will fall from  
437 47 to 15. By the turn-of-the-century, women and non-whites will make up close  
438 to 85 percent of the new additions and one-third\* of all school-age children will  
439 be what are now classified as minorities.

440 Unless significant changes occur in the pattern of educational achievement of  
441 minority students there will be an increasing gap between the skills needed in  
442 the work force and those available. In 1986, the percentage of population over  
443 25 that had completed four years of college or more was 20.1 for whites, 10.9  
444 for blacks, and 9.3 for Hispanics. Only 9 percent of the students taking the  
445 SAT in 1985 were black and 3 percent Hispanic. Of those who did take the SAT,  
446 the test scores of white students, on the average, were substantially higher than  
447 those of blacks and Hispanics.\*

448 The level of education of minorities in Delaware and the nation must be improved  
449 if we are to avoid a largely unqualified and unskilled labor pool with the  
450 potential consequences of lowering standards of living for all, social conflict,  
451 and a declining ability to compete in restructured international markets. To  
452 achieve this educational goal increased sensitivity to and appreciation for  
453 ethnic and cultural differences is needed. It must be reflected in a clear and  
454 unequivocal commitment to cultural diversity as a point of departure for our  
455 affirmative action program.

### 456 3.2 Leadership

457 The Committee believes that changes are necessary in our assumptions about the  
458 locus and nature of the leadership needed to achieve cultural diversity in all  
459 of its dimensions. The President and top administrative officers of the  
460 University must be fully and visibly working toward this goal and willing to  
461 commit institutional resources. However, success cannot be imposed from the  
462 top down. Leadership in defining and carrying out such programs must come from  
463 all levels of the campus. The drafting of a more encompassing policy proposed  
464 by the Committee should be done by a body which fully represents all elements  
465 of the campus and relevant organizations from the wider community.

466 In the University's general affirmative action and cultural diversity policy,  
467 the Administration should lead by example, not directive, and by providing  
468 positive incentives rather than simply by regulations. The University hiring  
469 goals and timetables should be minimums which academic departments are invited  
470 to go beyond on the basis of their own decisions and initiatives with resource  
471 support from the Administration.

472 The faculty, collectively and at the college and departmental levels, has the  
473 responsibility of assuming an active leadership role on its own initiative

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474 \*Data is drawn from Commission on Minority Participation in Education and  
475 American Life, One-Third of a Nation (Washington, DC: American Council on  
476 Education and the Education Commission of the States, 1988) and Hudson  
477 Institute, Workforce 2000 (Indianapolis: 1987).

478 because of its central position in decisions concerning hiring, promotion, and  
479 curriculum. As one step toward this end, the Senate should establish a permanent  
480 committee to provide leadership and foster innovation in equal opportunity,  
481 affirmative action, and cultural diversity programs as they relate to the  
482 academic mission of the University, and annually monitor and report on the  
483 adequacy of existing programs.

### 484 3.3 Faculty Recruitment and Hiring

485 All affirmative action policies and implementation steps should explicitly  
486 include the goal of increasing the representation of Asians, American Indians,  
487 Hispanics, and handicapped, as well as blacks and females.

488 The "Affirmative Action Goals and Timetables" contained in the Program call for  
489 hiring 16 minority and 39 female faculty over three years between 1989-1992 out  
490 of a total of 145 "hiring opportunities" that are expected over this period.  
491 There is no discussion as to how these hirings should be distributed among  
492 minority groups or how they should be distributed by rank.

493 If these goals are followed, 30 white males will be recruited annually or almost  
494 two-thirds of those hired. In contrast, slightly over five minority faculty will  
495 be added, on average, each year. If current faculty ratios are roughly  
496 maintained, we will be hiring two Asians, two blacks, and one Hispanic per year.  
497 The goal of 39 females translates into 13 per year. Unless most of the hirings  
498 are at the rank of associate or full professor, it will take at least a decade,  
499 assuming all are retained, for these appointments to increase minority and female  
500 representation among the tenured faculty!

501 The Committee believes that the University, with the faculty taking a leadership  
502 role, must increase its goals for hiring minorities and females and seek to  
503 recruit a significant number at the level of associate and full professor. A  
504 specific budget allocation should be made annually to be used to provide new  
505 positions to academic units that have the opportunity to recruit highly qualified  
506 minority or female scholars.

507 In departments with no or low representation of either minorities or females  
508 top priority should be given to fill any opening that occurs with a minority or  
509 female. If, after bona fide efforts, it is not possible to hire such persons  
510 because of a limited pool of candidates, the department should undertake at least  
511 the following steps.

512 3.3.1 Establish and implement a plan to build a pool of potential candidates  
513 for future openings by identifying and establishing linkages with graduate  
514 departments in other universities that are producing minority and female  
515 Ph.D.s in relevant fields and identifying existing scholars.

516 3.3.2 If the department itself offers graduate degrees, it should plan and  
517 carry out a program, with support from the University, to increase the  
518 number of minorities or females who enter and successfully complete work  
519 for a graduate degree. The University's commitment to affirmative action  
520 and cultural diversity should include a willingness to use its resources

521 to increase the number of minorities and females who receive advanced  
522 degrees in those areas where they are underrepresented in the national  
523 labor pool.

524 3.4 Retention and Promotion of Faculty

525 Available data indicates that the University has a much lower retention rate  
526 for female than male faculty members. Consequently, an effective affirmative  
527 action program should assess the annual and longer-term retention rates of female  
528 and minority faculty and, if necessary, undertake specific steps to improve them  
529 including, but not limited to:

530 3.4.1 Conducting annual workshops for minority and female faculty on promotion  
531 requirements and processes and career advancement;

532 3.4.2 Encouraging the development of mentoring networks for minority and female  
533 faculty;

534 3.4.3 Clearly communicating to minority and female faculty departmental  
535 standards and expectation for promotion and tenure;

536 3.4.4 Refraining from putting undue burdens upon junior minority and female  
537 faculty in terms of committee assignments and public service activities;

538 3.4.5 Fully recognizing the legitimacy and value in promotion and tenure  
539 decisions of teaching and research which are oriented to Women's Studies,  
540 Black Studies and other non-traditional areas of inquiry that contribute  
541 to cultural diversity (this may include granting departmental status to  
542 Black Studies);

543 3.4.6 Establishing summer research funds to facilitate the work of younger  
544 minority and female scholars;

545 3.4.7 Providing extensions in the time period within which faculty members must  
546 satisfy the requirements for tenure if they desire to allocate part of  
547 that time to child bearing and early childhood care;

548 3.4.8 Conducting exit interviews with all faculty who leave the University that  
549 data may be developed allowing for a clear understanding of the reasons  
550 for faculty members leaving their positions. It would be preferable to  
551 have the University Faculty Senate Committee on Affirmative Action and  
552 Cultural Diversity recommended earlier conduct the interviews and analyze  
553 the results. The interviews and periodic surveys of the faculty should  
554 be used to construct a realistic picture of how rewarding and supportive  
555 this campus is for faculty in general and for minority and female faculty  
556 specifically. As one educator has put it, departments must be willing  
557 to ask whether they are sending the "right" message to current and  
558 prospective minority and female faculty and, the Committee would add, to  
559 the faculty in general.

560 3.5 Students

561 A diverse student body is as critical as a diverse faculty if affirmative action  
562 and cultural diversity goals are to be met. However, there is limited discussion  
563 of student diversity in either the Program or the Overview. In the former,  
564 student recruitment and retention is not considered until page 41. In the  
565 latter, student recruitment is considered on page 10 of the Overview's 11 pages  
566 of text. This lack of centrality of recruiting and retaining minority and female  
567 students should be replaced with an adequately articulated commitment by the  
568 University to create a truly diverse student body. Goals should be set for  
569 increasing the number of Asian, American Indian, Hispanic, handicapped, and low-  
570 income, along with black and female students in general, and in fields in which  
571 they are underrepresented. Procedures and resources should be specified to  
572 support their recruitment and retention. The clear signal in the two documents  
573 under review is that blacks are the only minority group the University is  
574 actively working to increase.

575 An expansion of the categories of students included in affirmative action  
576 strategies must follow a dual strategy once they are on campus. On one level  
577 this means fostering of organizations that will support and facilitate the  
578 retention and academic success of particular ethnic and racial groups, and  
579 handicapped and female students. At the same time, however, the creation of a  
580 multicultural environment in the University must go beyond such individual  
581 organizations in two senses. First, the creation of minority enclaves should  
582 be avoided by providing a multicultural center to serve as a focal point for  
583 groups and individuals to come together for mutual support, coordination of  
584 activities, and to undertake a leadership role in multicultural social activities  
585 and social programs. In turn, such multicultural undertakings should encourage  
586 the involvement of all elements of the student body so that "majority" students  
587 are participants in building a genuine understanding and appreciation of the rich  
588 ethnic and cultural diversity among students at the University.

589 In devising student recruiting strategies there should be a recognition that  
590 priorities are needed, at least in the short run, to identify the most pressing  
591 areas among fields of study and between undergraduate and graduate students.  
592 There should be adequate scholarship funds available for pursuing the priorities  
593 selected. It is important to recognize that income is becoming an increasingly  
594 high barrier for entry into the University for otherwise qualified students in  
595 general and, particularly, in the case of minorities.

596 Greater efforts to recruit and retain qualified students under an affirmative  
597 action program represent only part of the solution for greater access to the  
598 University for these groups. The University should develop strategies for  
599 increasing the number of minority and low-income students who have the requisite  
600 skills to enter the University by the time they have completed high school. This  
601 would involve but not be limited to the following:

602 3.5.1 The University, in cooperation with school districts and community groups,  
603 should participate in programs to increase the number of minority, low-  
604 income, and handicapped students who complete high school with the  
605 qualifications necessary for admission to the University.

606 3.5.2 An annual assessment should be made of the percentage of Delaware high  
607 school graduating seniors who have the qualifications for admission and  
608 are admitted to the University, particularly minority students and members  
609 of protected classes. If the numbers are smaller than desired to meet  
610 affirmative action and cultural diversity goals, methods should be devised  
611 to attract more graduating seniors.

612 3.5.3 There should be an annual review of how students who are enrolled in the  
613 University are distributed among academic units and their rate of  
614 progress. The data should be used to determine whether retention problems  
615 exist and whether there are academic units that underrepresent or  
616 overrepresent minority and protected class students. If problems exist  
617 in either retention or representation, steps should be initiated, with  
618 the necessary resource support, to eliminate them.

619 In those cases where it is deemed that affirmative action and cultural diversity  
620 on the campus will be enhanced by increasing the number of students in Delaware  
621 who are qualified to enter the University or the number of Delaware high school  
622 students with qualification who do enroll, relevant academic units, including  
623 departments, should participate in outreach activities that involve school  
624 districts and community groups in their design and implementation.

### 625 3.6 Affirmative Action Officer and Office

626 The Affirmative Action Officer has been assigned a range of responsibilities in  
627 the Program and Overview that require diverse skills and considerable time.  
628 Some of these relate to the faculty. The Committee is concerned that the  
629 responsibilities of the Office are not matched by the resources that are made  
630 available to it and believes that it would be desirable to have an independent  
631 assessment of whether the Affirmative Action Officer is being provided with  
632 adequate resources and personnel to carry out the responsibilities of the  
633 position.

634 Specifically in relation to the faculty, a priority should be placed on the  
635 Affirmative Action Officer, in full consultation with the Senate, producing a  
636 "Handbook for Faculty Searches" which will provide academic units and their  
637 search committees with full information about their responsibilities in meeting  
638 the University's goals and procedures for equal opportunity, affirmative action,  
639 and cultural diversity. Such a handbook, along with departmental or college-  
640 level workshops, should considerably reduce the demands upon the Affirmative  
641 Action Officer for policy and procedural details and allow search committees to  
642 move more rapidly in carrying out their responsibilities. A copy of the Ohio  
643 State University, Handbook for Faculty Searches with Special Reference to  
644 Affirmative Action, is appended as a model (copy available in 219 McDowell).

645 Timely action is often critical in a recruiting process. Consequently there  
646 should be a time requirement for the Affirmative Action Officer to review and  
647 respond to Affirmative Action/Personnel Development Sign-Off (AA/PD) forms  
648 submitted for approval of the person a unit has selected to hire.

649 A procedure should be established to allow an appeal in the cases in which the  
650 Affirmative Action Officer declines to approve an AA/PD form. None exists at  
651 the present time. If an occasion arises in which all efforts to reach agreement  
652 between the academic unit and the Affirmative Action Officer fail, the unit and  
653 the Affirmative Action Officer should present their cases to an appeal committee  
654 composed of Administrative and Faculty Senate appointees.

655 The Committee believes that these recommendations specifically outlined in part  
656 3.0 and those suggested in part 2.0 will contribute to the articulation and  
657 achievement of the University's existing commitment to equal opportunity,  
658 affirmative action and cultural diversity. Whether this particular set of  
659 proposals or others should be adopted and how priorities should be assigned are  
660 clearly matters that need to be widely discussed and debated. It is hoped that  
661 this report will provide the opportunity for the Senate to initiate a dialogue  
662 that will result in a University-wide reassessment of how we can best voice and  
663 work toward these goals.

#### 664 4.0 SUMMARY

665 The Committee believes that the University intends to have a strong affirmative  
666 action program. Yet, the two documents under review do not effectively  
667 communicate this intent; leave out or provide inadequate means for achieving many  
668 necessary elements of a comprehensive affirmative action policy; and adopt a  
669 "top-down" approach for both determining affirmative action strategies and  
670 implementing them. The University's affirmative action policy should be  
671 redrafted into a single document with wide participation of the administration,  
672 staff, faculty, students, and relevant organizations on campus and in the larger  
673 community.

674 This institution has the talent and resources to assume a leadership role among  
675 universities in fostering cultural diversity through recruiting and integrating  
676 underrepresented groups into its ranks and innovation in academic programs. The  
677 results will serve the interests of the University and the nation by increasing  
678 employee diversity on campus; enhancing the quality of education; and providing  
679 greater access for minority, low-income, and female students to the skills  
680 necessary to participate in and contribute to America's increasingly complex  
681 public sector and economy. The general recommendations of the Committee are  
682 summarized below.

683 In furthering affirmative action, the Administration should lead more by example  
684 and providing positive incentive than by directives. Specific hiring goals and  
685 timetables should be minimums which units are invited to go beyond with resource  
686 support from the Administration. The faculty should undertake a more active  
687 leadership role, in part, by establishing a permanent University Senate committee  
688 to foster equal employment opportunity, affirmative action, and cultural  
689 diversity as they relate to the academic mission of the University and annually  
690 report on the adequacy of existing programs.

691 The proposed affirmative action faculty hiring goals over the next three years  
692 must be increased and some of the appointments made at the levels of associate  
693 and full professor. These increases can be facilitated by the provision of

694 specific funds for affirmative action hiring and long-term recruiting plans by  
695 department when there are limited numbers of minority and female candidates  
696 available. Once hired, explicit strategies must be devised to further the  
697 retention and career development of minorities and females. The Committee makes  
698 a number of proposals to this end.

699 More attention also is needed to recruiting and retaining a truly diverse student  
700 body. The establishment of a multicultural center would serve as a focal point  
701 for individuals and groups from all elements of the campus to come together for  
702 mutual support, coordination of activities, and to foster multicultural academic  
703 programs and social activities.

704 A specific commitment should be made to increase the number of Asian, American  
705 Indian, Hispanic, handicapped, and low-income, along with black and female  
706 students in general, and in fields in which they are underrepresented.  
707 Priorities should be determined by identifying undergraduate and graduate fields  
708 of study with the greatest underrepresentation and supported with adequate  
709 scholarship funds. The University also should develop programs in collaboration  
710 with school districts and community groups for increasing the number of Delaware  
711 minority and low-income students who graduate high school, can meet admission  
712 requirements of the University, who do enroll, and attain degrees.

713 Finally, the Committee is concerned that the responsibilities given the  
714 Affirmative Action Officer are not matched by the resources made available and  
715 believes an assessment is needed of their adequacy. A well drafted "Handbook  
716 for Faculty Searches" and departmental or college workshops on affirmative action  
717 are needed to reduce the information demands upon the Affirmative Action Office,  
718 and to allow search committees to move more rapidly in carrying out their  
719 responsibilities. Similarly, there should be a time requirement for the  
720 Affirmative Action Officer to review and respond to Affirmative Action/Personnel  
721 Development Sign-Off forms and an appeal procedure made available to hiring units  
722 if their AA/PD form is not approved.

723 wc

