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
February 20, 1990

TO: All Faculty Members

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

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.)

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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.

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

1. Mandatory retirement.
2. Professional Development Accounts.
4. Committee Mandate.

GRADUATE STUDIES, COMMITTEE ON (Ralph V. Exline)

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 Spracht)

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

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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.

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

February 14, 1990
TABLE OF CONTENTS

1.0 INTRODUCTION..............................................................1

2.0 ASSESSMENT OF THE EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PROGRAM
AND AN OVERVIEW OF THE UNIVERSITY OF DELAWARE'S AFFIRMATIVE ACTION
PLAN..................................................................................1

2.1 The Nature and Source of the University's Commitment to
Affirmative Action and Cultural Diversity..............................2

2.2 The Meaning of "Minority" and "Protected Classes" Within the
University's Affirmative Action and Cultural Diversity
Initiatives.............................................................................5

2.3 Implementation of University Policy....................................7

3.0 RECOMMENDATIONS OF THE COMMITTEE............................10

3.1 Basic University Goals......................................................10

3.2 Leadership........................................................................11

3.3 Faculty Recruitment and Hiring.........................................12

3.4 Retention and Promotion of Faculty...................................13

3.5 Students...........................................................................14

3.6 Affirmative Action Officer and Office.................................15

4.0 SUMMARY..........................................................................16
REPORT OF THE AD HOC COMMITTEE TO REVIEW

THE AFFIRMATIVE ACTION PLAN

1.0 INTRODUCTION

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

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

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

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

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

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

A careful reading of the documents indicates that the University Administration intends to have a strong affirmative action plan with specific short-term hiring goals. Yet, in the judgment of the Committee, the content of the two documents fails to effectively communicate this intent; leaves out or provides inadequate
means of implementation for many elements that are necessary to a comprehensive 
affirmative action policy; and adopts a "top-down" approach to carry out the 
policies which fails to recognize the necessity for the active participation of 
all segments and organizational levels of the campus community if the goals of 
the Program are to be achieved.

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

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

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

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

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

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

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

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

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

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

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

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

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

The University has compared the current level of minority and female employment as set forth in the Job Group Analysis with the availability of minorities and women as estimated in the
Availability Analysis. As a result of this comparison, there is underutilization in certain job groups (emphasis added).

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

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

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

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

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

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

These provisions are at the heart of an affirmative action policy. However, no such statements can be found in the Program, the document from which the content of the Overview is derived. No reference is made to the federal legislation which is the basis for the requirement that, where underutilization exists, the first offer must be made to a protected class member, if qualified. A clearly stated rationale and set of procedural rules that are well understood and widely supported are needed to carry out a successful affirmative action policy.
Of the comments made by faculty, although not great in number, it is this section of the Overview that has received the most attention. Concern has been expressed that departments will be required to hire, not unqualified, but "less qualified" faculty. The University's statement of policy must underscore the fact that affirmative action means that hiring units will take the steps necessary to include minorities and women who meet the criteria of the department in the pool of candidates from which a new faculty member is recruited. As the Handbook for Faculty Searches of Ohio State University puts it:

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

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

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

The classes mentioned in the documents are:

- Minorities
- Women
- Handicapped
- Disabled Veterans and Veterans of the Vietnam Era

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

There are numerous references in the Program and Overview to University programs designed to increase the number of Black faculty and students. Neither document mentions any existing program or new initiative directed toward increasing the representation of Asians, American Indians and Hispanics. Although the University has the data, the documents do not provide a reader with any
information concerning how well or how poorly these ethnic groups are represented on the campus. No explanation is provided as to how and why the University is not taking active affirmative action initiatives for Asians, American Indians, and Hispanics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Even though attrition is a serious problem for female faculty, and may be for minorities, it is not identified as requiring University response in either document. Unfortunately, when data is included in the documents it can mask as well as reveal areas which require University attention. More than one-half the length of the Overview is contained in Appendix 2 which is the "Affirmative Action Goals and Timetables Analysis." It is organized to present data on the current representation of women and minorities in the University work force, whether it meets federal utilization requirements of the available labor pool, and if not, how many women and minorities should be hired over the next three years to achieve compliance.
This level of data aggregation makes it impossible to determine how women and minorities are distributed among a college's departments. This method of reporting does not allow readers to identify which departments are out of compliance. It also can give a misleading impression of the University's performance if a college as a whole is reported as being in compliance but a number of its departments are not.

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

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

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

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

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

Unless it occurred but is not reported, there was no faculty participation in establishing hiring goals for their academic units. Yet more troubling, from a faculty perspective, is the fact noted above that the University Administration has adopted a policy of not exceeding minimum federal requirements in the proportion of minority or females to be hired. This appears to mean that, even if departmental faculties would have participated in formulating hiring goals to be included in the Program and wished to exceed federal requirements, they would have been directed not to do so.
Even in the distribution of responsibility for curriculum development in support of affirmative action there is no mention of the faculty. Further, there are discrepancies in the responsibilities concerning curriculum assigned to administrators. In the Program, Chairpersons and Directors are assigned responsibility for "Assisting in the development of curricular and extracurricular offerings related to minorities, women and handicapped persons" (emphasis added). The Affirmative Action Officer is directed to encourage "the development of courses relating to the study of women and minorities" (emphasis added). The Overview refers only to Chairpersons and Directors who are to "assist in the development of curricular and extracurricular programs which support a workforce that is culturally and racially diverse" (emphasis added). Although there is a clear difference between this wording and that included in the Program, no explanation is provided.

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

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

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

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

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

There are other issues that can be raised about the content of the two documents. The intent of the Committee in assessing the documents, however, is not to be exhaustive. Rather, it is to provide a framework for rethinking how the University can best further equal opportunity, affirmative action, and cultural
diversity from a general perspective, as well as that of the faculty. The following section contains the Committee's recommendations toward this end. Not all of the clarifications and actions clearly suggested in the above discussion are incorporated into the recommendations in the interest of brevity. It is hoped that they also will be taken into account in future policy revisions.

3.0 RECOMMENDATIONS OF THE COMMITTEE

3.1 Basic University Goals

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

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

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

Over the next decade, and beyond, 41 percent of the new jobs created will require higher skills in mathematics, language, and reasoning ability, in contrast to the current 24 percent. The majority of people who will be available to fill
these jobs will be minorities. Between now and the year 2000, the percentage of new entrants into the work force who are native white males will fall from 47 to 15. By the turn-of-the-century, women and non-whites will make up close to 85 percent of the new additions and one-third of all school-age children will be what are now classified as minorities.

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

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

3.2 Leadership

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

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

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

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

3.3 Faculty Recruitment and Hiring

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

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

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

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

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

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

3.3.2 If the department itself offers graduate degrees, it should plan and
carry out a program, with support from the University, to increase the
number of minorities or females who enter and successfully complete work
for a graduate degree. The University's commitment to affirmative action
and cultural diversity should include a willingness to use its resources
to increase the number of minorities and females who receive advanced
degrees in those areas where they are underrepresented in the national
labor pool.

3.4 Retention and Promotion of Faculty

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

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

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

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

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

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

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

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

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

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

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

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

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

3.5.1 The University, in cooperation with school districts and community groups, should participate in programs to increase the number of minority, low-income, and handicapped students who complete high school with the qualifications necessary for admission to the University.
3.5.2 An annual assessment should be made of the percentage of Delaware high school graduating seniors who have the qualifications for admission and are admitted to the University, particularly minority students and members of protected classes. If the numbers are smaller than desired to meet affirmative action and cultural diversity goals, methods should be devised to attract more graduating seniors.

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

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

3.6 Affirmative Action Officer and Office

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

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

Timely action is often critical in a recruiting process. Consequently there should be a time requirement for the Affirmative Action Officer to review and respond to Affirmative Action/Personnel Development Sign-Off (AA/FPD) forms submitted for approval of the person a unit has selected to hire.
A procedure should be established to allow an appeal in the cases in which the Affirmative Action Officer declines to approve an AA/PD form. None exists at the present time. If an occasion arises in which all efforts to reach agreement between the academic unit and the Affirmative Action Officer fail, the unit and the Affirmative Action Officer should present their cases to an appeal committee composed of Administrative and Faculty Senate appointees.

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

4.0 SUMMARY

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

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

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

The proposed affirmative action faculty hiring goals over the next three years must be increased and some of the appointments made at the levels of associate and full professor. These increases can be facilitated by the provision of
specific funds for affirmative action hiring and long-term recruiting plans by
department when there are limited numbers of minority and female candidates
available. Once hired, explicit strategies must be devised to further the
retention and career development of minorities and females. The Committee makes
a number of proposals to this end.

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

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

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