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NEVADA ADVISORY COMMITTEE  
TO THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS

Open Meeting  
on the Status of  
Equal Employment Opportunity

December 8, 1977  
Las Vegas, Nevada

TRANSCRIPT OF PROCEEDINGS

BOULEY, SCHLESINGER, PROFITT and DICURTI  
Official Court Reporters  
187 North Church Avenue  
Tucson, Arizona

CCR  
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Meet.  
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Open Meeting  
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Equal Employment Opportunity

December 8, 1977  
Las Vegas, Nevada

THOSE PRESENT:  
COMMITTEE:

- MR. WOODROW WILSON, Chairperson
- |                        |                     |
|------------------------|---------------------|
| Mr. Eddie B. Scott     | Ms. Susan L. DeLuca |
| Mr. William M. Deutsch | Ms. Erma L. O'Neal  |
| Mr. Steven T. Walther  | Mr. Fernando Romero |

STAFF:

- Ms. Laurie Campbell, Staff Attorney
- |                          |                  |
|--------------------------|------------------|
| Ms. Grace Diaz           | Ms. Irene Garcia |
| Ms. Roberta Jones-Booker | Ms. Sally James  |

THE ABOVE ENTITLED hearing was held in Board Room 399,  
University of Nevada, Las Vegas, Nevada, on December 8, 1977,  
and the following proceedings were had, to wit:

## 1 MORNING SESSION

2 8:30 a.m.

3  
4 PROCEEDINGS5  
6 THE CHAIR: Good morning, Ladies and Gentlemen.7 The Nevada Advisory Committee open meeting on  
8 affirmative action efforts at the University of Nevada,  
9 Las Vegas, Nevada.

10 This meeting is now called to order.

11 I'm Woodrow Wilson, Chairperson of the Nevada  
12 Advisory Committee to the United States Commission on  
13 Civil Rights. The state advisory committee advises and  
14 makes recommendations to the United States Commission on  
15 Civil Rights on matters which the committee or any  
16 of its subcommittees have studied.17 The other members of the advisory committee who  
18 will act as the hearing body are Susan DeLuca, Erma  
19 O'Neal, Eddie Scott, Steve Walther and Bill Deutsch.20 Other members of the committee include Jean Ford,  
21 Marlene Coffey and Fernando Romero.22 Also with us today from the Western Regional Office  
23 of the Commission on Civil Rights are Sally James, Roberta  
24 Jones-Booker, Laurie Campbell, Grace Diaz and Irene Garcia.

25 Our Court Reporter for this open meeting is James

1 Bouley.

2 This open meeting is being held pursuant to rules  
3 applicable to state advisory committees and requirements  
4 promulgated by the United States Commission on Civil  
5 Rights. The commission on civil rights is an independent  
6 agency of the United States Commission, established by  
7 Congress in 1957 and authorized by the Civil Rights Act  
8 of 1957, 1960, 1964 and 1973, one, to investigate complaints  
9 alleging that citizens are being deprived of the rights  
10 to vote for reasons of their race, color, religion, national  
11 origin or sex.

12 Two, study and collect information concerning legal  
13 developments which constitute a denial of equal protection  
14 of the laws under the constitution. Three, appraise  
15 federal laws and policies with respect to equal protection  
16 of the laws.

17 Four, serve as a national clearing house for civil  
18 rights information, and investigate allegations of voter  
19 fraud.

20 I would like to emphasize at this time that this is  
21 an open meeting and not <sup>an</sup> adversary-type of proceedings.

22 Individuals have been invited to come and share  
23 with the committee information relating to the subject of  
24 today's inquiry. Each person who will participate has  
25 voluntarily agreed to meet with the committee.

1           Every effort has been made to invite persons who  
2 are knowledgeable about the problems and progress in the  
3 areas to be dealt with here today. In our attempt to  
4 get a well-balanced picture of the affirmative action  
5 efforts at the University of Nevada in Las Vegas, we  
6 have invited campus administrators, deans, professional  
7 staff, and other interested local agencies and individuals.

8           Since this is an open meeting, the press, radio,  
9 television stations as well as individuals are welcome.  
10 Any person discussing a matter with the committee, however,  
11 may specifically request that they not be televised.

12           In this case it will be necessary for me to comply  
13 with their wishes. We are very concerned that we get all  
14 of the information relating to the matters under investi-  
15 gation. We are, however, concerned that no individual be  
16 the victim of slander or libelous statements.

17           As a precaution against such a happening, persons  
18 making a statement here or answering questions have been  
19 interviewed prior to this meeting.

20           However, in the unlikely event that such a situation  
21 should develop, it will be necessary for me to call this  
22 to the attention of the persons making the statement and  
23 request that they desist in this action.

24           If the testimony a person is offering, however, is  
25 of sufficient importance, it may be necessary for the

1 committee to hear the information at a closed session.  
2 The person against whom the allegations are being made  
3 will have ample opportunity to make a statement in closed  
4 session before the committee if she, he or she so desires.

5 In any event, prior to the time that the committee  
6 submits its report to the commission, every effort will  
7 be extended to get a complete picture of the situation as  
8 it exists.

9 We are concerned that no individual be the victim  
10 of retaliation for any statement made at the open meeting.  
11 Witnesses are protected by the provision of 18 USC 1505,  
12 which provides, whoever, by threats or force, or by any  
13 threatening letter of communication, endeavors to  
14 intimidate, influence or impede any witness in any pro-  
15 ceeding pending before any department of agency of the  
16 United States or in connection with any inquiry or  
17 investigation being held by either house or any committee  
18 of either house or whoever injures any party or witness  
19 in this, in his or her person or property on account of  
20 this attending or having attended such proceeding, inquiry  
21 or investigation, on account of his testifying or having  
22 testified to any matter pending therein, shall be fined not  
23 more than \$5,000.00, imprisoned not more than five years,  
24 or both.

25 In any event, any person testifying before this

1 committee considers any adverse action taken against him  
2 or her to be the result of having testified, he or she  
3 should immediately contact the Western Regional Office  
4 of the United States Commission on Civil Rights.

5 At the conclusion of the scheduled meeting, should  
6 anyone else wish to appear in open session before the com-  
7 mittee, they should notify the western region staff before  
8 the end of today's session.

9 It is my understanding that a member of the governor's  
10 staff will offer some welcoming remarks.

11 Ms. Harriet Trudell, would she come forward, please?

12 MS. TRUDELL: Where do you want me to --

13 THE CHAIR: I think there's a mic. right there.

14 MS. TRUDELL: Fine.

15  
16  
17 MS. HARRIET TRUDELL

18  
19 A (By Ms. Trudell) Good morning. I'm Harriet Trudell,  
20 Governor O'Callaghan's special assistant. And on behalf  
21 of Governor O'Callaghan and the State of Nevada, I would  
22 like to take this opportunity to extend a warm and hearty  
23 welcome.

24 To understand the history of an American college or  
25 university, it is necessary first to know something of the



1 geography and history of the state in which it was  
2 founded. Inevitably the characteristics of the people of  
3 each state show themselves in their universities.

4 Also the character of the country and the nature  
5 of its industries are reflected in the entire school  
6 system.

7 The conservative tendency of following tradition  
8 and shaping new colleges along established lines ultimately  
9 comes into conflict with forces originating within the  
10 state itself, and results in compromise between the tra-  
11 ditional and newer, more elastic methods better serving the  
12 people and the times.

13 Throughout the history of the University of Nevada,  
14 these two shaping forces have been at work. The best of  
15 old traditions have been faithfully observed, but the insti-  
16 tution has always seized and used the opportunity for  
17 local service. Thus gaining its own individuality and  
18 distinction.

19 One of the central issues address<sup>ED</sup> by the nationwide  
20 social reform movements of the '60's was the failure of  
21 educational institutions to provide opportunities for  
22 economically and educationally disadvantaged sectors of  
23 the community. It was charged that the established practices  
24 and innate conservatism of the educational system was  
25 geared to service the dominant White middle class, to the

1 exclusion of less advantaged classes, particularly those  
2 comprised of ethnic minorities.

3 These practices became widely identified as insti-  
4 tutional racism and attempts to erradicate such racism was  
5 in the forefront of the move for change.

6 These actions resulted in a remarkable period of  
7 new federal and state legislation aimed at correcting long-  
8 standing inequities.

9 The thrust of reform showed token gestures of improve-  
10 ment for what they were, and required that efforts be made  
11 to create a reorientation of attitudes and practices with  
12 concrete results.

13 Nevada, like many other states, has had its problems  
14 in reference to equal employment and educational oppor-  
15 tunities in the past. However, we are not so smug as to  
16 say we have solved our problems. Nor do we have all the  
17 solutions. We are willing to listen to any and all sugges-  
18 tions that might make us more aware of certain situations  
19 and solutions to them.

20 In response to the increasing momentum of the civil  
21 rights movement and concern of the citizens of the state,  
22 the Nevada State Legislature began moving toward correction  
23 of racial inequities in 1959. Legislation was enacted  
24 prohibiting racial discrimination in public agency employment  
25 or contracted projects, as was discrimination in apprenticeships

1 programs.

2 The outdated laws against the use of Chinese labor  
3 and against miscegenation were repealed. An equal rights  
4 commission was established by the governor in 1961, and in  
5 each subsequent session of the legislature, steps have  
6 been taken to strengthen Nevada's laws prohibiting all  
7 forms of discrimination.

8 It has been the policy of Governor O'Callaghan  
9 to openly address and attempt to meet the needs of the  
10 people of the state. I certainly could spend a great deal  
11 of time trying to tell you all the positive actions of  
12 this administration.

13 The governor and members of his administration await  
14 the opportunity to review your final report along with any  
15 recommendations which would assist us in the achievement  
16 of our goal of equal opportunity for all.

17 Please be assured that none of your findings or  
18 recommendations will be taken lightly.

19 In closing, we may not be all that we should be but  
20 we are better than in the past and feel we're moving in a  
21 positive direction.

22 Thank you.

23 THE CHAIR: I want to thank Harriet and the governor  
24 for those fine and encouraging remarks.--

25 A Amen.

1 THE CHAIR: -- to this session.

2 I'm going to ask those persons that will appear  
3 before us today, please use the same mic. and table during  
4 their discourse.

5 At this time we're going to ask Patricia Geuder,  
6 Associate Professor of English, University of Nevada, Las  
7 Vegas, to come forth. And Erma, will you proceed with the  
8 questioning?

9 MS. O'NEAL: Will you please state your name, faculty  
10 position at the University of Nevada at Las Vegas?

11

12

13

DR. PATRICIA GEUDER

14

15 A (By Dr. Geuder) Yes, my name is Patricia A. Geuder,  
16 I am Associate Professor of English at University of Nevada,  
17 Las Vegas.

18

Q (By Ms. O'Neal) How long have you been employed at  
19 the University of Nevada, Las Vegas and in what capacity?

20

A I was invited to extend my application in the spring  
21 of 1966, in July of 1966 I did join the department of  
22 English, I have been with the department of English at  
23 UNLV since that time with the exception of one year's granted  
24 leave of absence to work on my doctorate at the University  
25 of Al -- the University of New Mexico in Albuquerque. I was

1 there during '70 and '71, two contiguous semesters to  
2 establish residency.

3 Q How are departmental personnel committees constituted?

4 A There are two ways by which they're constituted,  
5 one way is by election, the personnel committee is elected,  
6 the other, the other committees are formed by appointment.

7 Q What are criterias for the committee decision? What  
8 are the criterias for the committees' decisions?

9 A In terms of personnel, in terms of promotion, merit?  
10 Okay. They are stated in the UNLV bylaws and also in the  
11 code, if you'd like I would prefer quoting them rather  
12 than giving them by memory.

13 Q Okay, fine.

14 A The criteria are by rank, would you like me to  
15 give them for the assistant professor first of all and then  
16 the associate professor?

17 Q Yes.

18 A All right, for the assistant professor, and I quote,  
19 it is expected and intended that the individual appointed  
20 or promoted to the rank of assistant professor meet the  
21 following minimum qualifications: A, a candidate for  
22 the terminal degree with completion date specified. B,  
23 effectiveness as a teacher. C, definite interest and  
24 potential in counseling students. D, commitment to the  
25 educational profession. E, evidence of professional growth

1 through study, creative activity, professionally-related  
2 research or membership in professional organizations.  
3 And F, potential ability to work productively with  
4 colleagues and students.

5 For the associate professor, I quote, it is expected  
6 and intended that the individual appointed or promoted  
7 to the rank of associate professor meet the following  
8 minimum qualifications: A, possession of the terminal  
9 degree. B, a record of effectiveness as a university  
10 teacher. C, demonstrated successes as a counselor of  
11 students. D, record of membership in professional  
12 associations. E, service on university and college  
13 committees. F, a record of creative or research produc-  
14 tivity, and may I stress it says productivity, not publi-  
15 cation.

16 G, demonstrated ability to work productively with  
17 colleagues and students.

18 To full professor, again I quote, it is expected  
19 and intended that the individual appointed or promoted to  
20 the rank of professor meet the following minimum quali-  
21 fications: A, possession of the terminal degree. B,  
22 maturity as an effective teacher and wise counselor of  
23 students. C, a record of significant contributions as  
24 a member of university and college committees. D, regional  
25 or national recognition of participation in professional

1 organizations or in a special professional field. E,  
2 a record of significant creativity or research productivity,  
3 again I just note it says productivity, not publication,  
4 and F, a record of continuing accomplishments with students,  
5 faculty and staff.

6 There are also stipulations for time periods for  
7 promotion recommendations, would you like me to give those  
8 also, because they are part of the criteria?

9 Q Yes.

10 A All right, A, again I quote, an instructor may be  
11 considered for promotion anytime, upon completion of the  
12 terminal degree. B, an assistant professor may be con-  
13 sidered for promotion anytime, and must be considered for  
14 promotion after a period of not more than five years in  
15 this rank and C, an associate professor may be considered  
16 for promotion anytime, and must be considered for promotion  
17 after a period of not more than eight years in this rank.

18 End of quote.

19 Q In your opinion, how does subjectivity affect such  
20 an attempt?

21 A I think in one, in one case in each instance that  
22 probably there is a great possibility for subjectivity  
23 and that is the one, F, a record of creativity or research  
24 productivity. I think the productivity and I stress not  
25 publication, is the area in which subjectivity, at least in

1 the English department, is probably the one in which most  
2 subjectivity might be suspected.

3 Q Okay, particularly of those related to minorities  
4 and women? Are they?

5 A There are no minorities, ethnic minorities in the  
6 English department, therefore I would have to restrict  
7 my comments to women.

8 Q Please discuss the impetus for the formation of  
9 women's caucuses at the University of Nevada, Las Vegas?

10 A I'm sorry, once more there was just part of it I  
11 did not hear.

12 Q Impetus? Okay, please discuss the impetus for  
13 the formation of <sup>the</sup> women's caucuses at the University of  
14 Nevada, Las Vegas?

15 A Thank you for repeating. I heard it this time.  
16 I think that the impetus was that at one time a number of  
17 women on campus became increasingly aware of the disparities  
18 in salaries between the men and the women in certain  
19 colleges and in certain departments. Upon investigation,  
20 we found that indeed there was a disparity.

21 The reasons for the disparity might have been rather  
22 numerous but the fact of the disparity was there, un-  
23 questionably so.

24 A number of us gathered, we were members of NSP,  
25 National Society of Professors, and we decided after



1 considerable discussion and considerable research that  
2 we would make a public effort to call these disparities  
3 to the attention of the board of regents.

4 I was asked to be the spokesman for the women's  
5 caucus at that time. I agreed to do so. And on April  
6 13th, I think it was 1975, my memory may not be correct  
7 on that, we were granted the right to give a presentation  
8 to the board of regents.

9 We did so. A copy of my comments went to the  
10 members of the press who were present, I gave a copy of my  
11 comments to the secretary of the board of regents, those  
12 comments should be on file.

13 In my comments I pointed out the variety of dis-  
14 parities, and the kinds of situations that the members of  
15 the women's caucus thought had been responsible for the  
16 creation and maintenance of those kinds of situations.

17 Q Okay. How many female and minority administrators  
18 are employed at the University of Nevada, Las Vegas?

19 A Beginning at the administrative level, there is  
20 one dean who is a woman at that level. There is -- I  
21 do not know the exact number of women on this campus at  
22 this point but I think the main thrust of it is that  
23 there is only one woman who is a dean, there are several  
24 who are department heads, because of the election process  
25 in most departments, the number of women who could serve

1 as department heads would vary from year to year. Last  
2 year there were only several, I'm not aware of all the  
3 department heads this year.

4 Q How do you think this number could be increased?

5 A I think that if there had been a more thorough  
6 overview of the persons who were available for appointive  
7 and for elective positions that most certainly women on this  
8 campus would have had qualifications equal to or superior  
9 to some of the men who hold those positions.

10 I see very little evidence of strong affirmative  
11 action in that respect.

12 May I give you a personal account? About two years  
13 ago there was a new position created on this campus in  
14 the college of arts and letters. The position was that  
15 of associate, not assistant, dean. I spoke with the then-  
16 present dean of the college of arts and letters, and I  
17 asked him to describe to me the kinds of responsibilities  
18 that the associate dean would have. He described them to  
19 me.

20 I told him that I thought I would be very much  
21 interested in that position. He said that my application  
22 would be as welcome as anyone else's.

23 I had been granted a sabbatical leave but I made  
24 provision for a colleague of mine to hand carry my application  
25 to the dean of the college of arts and letters. She did so.

1           I did not receive even an acknowledgement of the  
2 receipt of my application, let alone was I -- I was not  
3 interviewed either. I think that is a concrete example  
4 of no affirmative search for an associate dean in the  
5 largest college on this campus.

6           I could give you other concrete examples of women  
7 colleagues who have also applied for similar positions, who  
8 were not extended even the courtesy of an interview.

9           Q     Are you familiar with search committees? If yes, in  
10 what way are these different from personnel committees, if  
11 at all?

12          A     Which committees in particular, Ms. O'Neal, would  
13 you -- there are -- there are so many.

14          Q     Search committees?

15          A     Oh. I have served on a search committee. At the  
16 time that I served on a search committee it was for the  
17 president of UNLV. I was -- I had been elected to chair  
18 the senate on campus. And in that position, I found  
19 myself in a rather awkward position in that the committee  
20 had to be formed in order to function during the summer,  
21 we did not have the usual process of election for that.  
22 It was irregular, I talked to the chancellor about it,  
23 I said that it would be almost impossible to do it by the  
24 elective process, that I would like to, in conjunction  
25 with other members of the executive committee of the senate,

1 select persons from this campus. I wanted to make sure  
2 that on that selection committee there were women and that  
3 there were minorities, that it would not be a completely  
4 male Caucasian search committee.

5 After hours of deliberation and struggle the  
6 composition of that committee was made up, there were  
7 women and there were minorities. I functioned in a non-  
8 voting capacity at that time.

9 I can say that, and I think the record for the  
10 composition of that committee would show, that campus --  
11 that the persons on there did indeed represent the entire  
12 campus, not part of it.

13 In other situations that were not maneuvered quite  
14 that way, I think that the number of persons voting, the  
15 sex and the ethnicity of the persons voting, pretty well  
16 determines that the composition of committees will be  
17 primarily male, they will be primarily Caucasian, because  
18 of the persons who are voting, and I think that the  
19 record would show that that has been consistently or almost  
20 consistently so.

21 It is rare to find a minority, an ethnic minority or  
22 a woman on the elected, on the elected committees.

23 Very recently and I think perhaps, and if I'm going  
24 beyond, Ms. O'Neal, stop me, there are also --

25 Q No, go ahead.

1       A     -- there are also the kinds of committees that are  
2 appointed, systemwide. Those are kind of interesting too,  
3 because there, the presidents are in the position to  
4 appoint ethnic minorities and women, that's not an elected  
5 process.

6             Just recently there was a document that came out  
7 from the chancellor's office in Reno, November 28, 1977,  
8 it says, after consultation with the different presidents  
9 and the community college, the following appointments have  
10 been made to system's boards for 1977 and '78. I looked  
11 down here and I think there are the names of two women  
12 out of all of this list, single spaced, the rest are males.  
13 Maybe one of them is an ethnic minority, I can't tell  
14 from the names.

15            I think that the records will show that women and  
16 ethnic minorities do not play a large part in any  
17 committees, whether they be elected or appointed, whether  
18 they are departmental, college, university-wide or systemwide.

19       Q     To your knowledge, has the University of Nevada,  
20 Las Vegas, administration ever rejected a search committee  
21 recommendation?

22       A     I've not been privy to the internal workings of all  
23 those committees, the only one that I have functioned on  
24 was the presidential search committee as I previously  
25 stated. As far as I know, there have -- there has been at

1 least one woman colleague of mine who was rejected before  
2 she was -- well, she never got into round one, her references  
3 were not checked, she wasn't interviewed, on this campus,  
4 there was another position for which she had applied in  
5 the UNR campus, the newspapers stated she was being inter-  
6 viewed and an attorney friend of hers called her and said  
7 why aren't you here and she said I wasn't invited.

8 She called the person who was heading the search  
9 committee for the academic vice president and he gave her  
10 some excuse or reason that she just wasn't going to be  
11 interviewed.

12 So in those terms, yes, I think there have been  
13 denials. And that is an instance of which I know per-  
14 sonally and was there when the phone call came from Reno  
15 asking why aren't you here when the paper says you are  
16 being interviewed for that position.

17 Q In your opinion, why aren't more minorities and  
18 women on these committees?

19 A I think it's probably a preference on the part of  
20 the persons in power to exclude persons who might disturb  
21 the status quo or bring in innovative or creative persons  
22 who are distinctly different in appearance, in ideas,  
23 in behavior, perhaps.

24 MS. O'NEAL: I have no more questions, Mr. Wilson.

25 THE CHAIR: Would any other member of the committee

1 like to ask Dr. Geuder a question?

2 MS. DELUCA: I would.

3 Q (By Ms. DeLuca) Dr. Geuder --

4 A Yes.

5 Q -- early in your conversation you said that some  
6 of the personnel committee members are appointed, some are  
7 elected, I believe, did you not, or are there committees  
8 that are appointed and committees that are elected?

9 A Yes, and the personnel committee is one that is  
10 elected, the others are appointed. For example the fresh-  
11 man composition committee is appointed, the bylaws committee  
12 is appointed, the library committee is appointed, the  
13 personnel committee is elected.

14 Q Okay, and once again who is it that elects the  
15 personnel committee?

16 A The other members of the department.

17 MS. DELUCA: Thank you for clearing up my question.

18 THE CHAIR: Any other questions?

19 Q (By Ms. James) I just had a couple.

20 You mentioned on the productivity you stressed that  
21 doesn't say publication --

22 A Yes, Ma'am.

23 Q -- that's at a college level, that reg. is a college  
24 or university level that you read?

25 A The statement that I read is applicable university-wide.

1 college-wide, therefore department-wide, all of the bylaws  
2 must be in conformance with the code, so that that is  
3 applicable throughout.

4 Q What I was curious about is, has your, either your  
5 department or your college tried to further define what is  
6 productivity?

7 A I have a copy with me of the departmental and the  
8 college bylaws, I've gone over them very carefully, I  
9 see -- there is not one word there which in any way more  
10 clearly defines those particular criteria.

11 Q Okay- Great.

12 The other things is you mentioned what you had to  
13 go through in order to get the search committee itself  
14 to be more diverse, more representative. What did you have  
15 to do to do that, I mean did you have to go, circumvent  
16 existing regs?

17 A I'm sorry, the last word --

18 Q Circumvent existing regulations on how committees  
19 are set up? What did you have to do to make it more  
20 representative?

21 A Well, first of all it was my choice whether to  
22 attempt to get the senate together in the summer when they  
23 do not regularly meet in order to constitute a committee,  
24 or to accept the responsibility for the executive committee  
25 of the senate to make the selections. I chose the latter



1 route for a number of reasons, one was that there was no  
2 way, really, to get the senate together. Secondly, it  
3 seemed to me that the elected members of the executive  
4 committee of the senate should be able to accept the re-  
5 sponsibility for those -- for those selections and that's  
6 exactly what we did.

7 In consultation -- in my consultation with the  
8 chancellor he asked me if I were comfortable with that  
9 particular procedure and I said yes, I am. And I accepted  
10 the responsibility for it and I received some criticism  
11 for it.

12 MS. JAMES: Thank you, that's all I have.

13 THE CHAIR: Any other questions?

14 MS. JONES-BOOKER: Yes, Mr. Chairman, please.

15 Q (By Ms. Jones-Booker) Dr. Geuder, I'd like to follow  
16 up just very briefly on the question of subjectivity  
17 as it relates to the productivity element that you dis-  
18 cussed earlier.

19 A Yes.

20 Q If you could address yourself very briefly to how  
21 subjectivity in your opinion affects decisions relative  
22 to promotion, in your experience, what has been the bottom  
23 line in so far as the somewhat grey area of productivity  
24 is concerned?

25 A All right. I'd like to make one comment that is not

1 really related -- well, is related to productivity. But  
2 not as directly as some other instances.

3 May I use my own circumstances, which I'm perfectly  
4 capable of documenting, incidentally if need be.

5 Q Well, I would prefer, Dr. Geuder, for purposes of  
6 the information that we want which would be more of a  
7 general nature, if you would more or less, based of course  
8 on your own experience and involvement, answer the ques-  
9 tion relative to the effect of the subjective element on  
10 that particular factor. How have you seen it relate to  
11 that factor?

12 A Well, the use of subjectivity results in lack of  
13 promotion, obstacles to promotion, can result in obstacles  
14 to tenure, and can result in obstacles to receiving merit  
15 increases. It results in a total stymying of progressive-  
16 ness for an individual to go through the ranks and to  
17 increase his salary.

18 Q I see. I'd like to ask you also, in regard to the  
19 women's caucus, you discussed for us the formation of the  
20 caucus, what is the present status of the caucus?

21 A It would be possible to call it together within ten  
22 or 15 minutes if a crisis were to arise of such proportions  
23 that immediate attention were needed or if legal  
24 backing were advisable.

25 Q Am I to understand, then, that it is not functioning

1 on a daily basis?

2 A No, it is not.

3 Q I see. All right.

4 A Most of the members of the caucus who have had  
5 difficulties have sought attorneys themselves rather than  
6 attempting to <sup>EC</sup> affect a class action suit or to pursue the  
7 usual internal administrative appeal system. They find  
8 it much more effective.

9 Q Is that one of the reasons why the women's caucus  
10 is not active on a daily basis that you have encountered  
11 some obstacles in that regard?

12 A Yes, we have.

13 Q I see, thank you.

14 I would like to ask you, again following up on the  
15 search committee situation --

16 A Yes.

17 Q -- I did not quite understand in regard to the  
18 search committee the criteria for the selection. Is that  
19 something we can find in writing as you were reading from  
20 the university bylaws in terms of the election of the  
21 search committee or is that an appointed situation?

22 I want to be very clear on that.

23 A It is elected, and it is in the code.

24 MS. JONES-BOOKER: Thank you.

25 I didn't mean to cut you off.

1 A No, that's all right.

2 Q (By Ms. Campbell) I have a question.

3 Dr. Geuder, I want to know if to your knowledge  
4 are there any other criteria used for personnel committee  
5 decisions other than the bylaws that you just read us?

6 A You mean stated criteria?

7 Q Or unstated criteria?

8 A Oh, I think there are a great many unstated criteria.  
9 And since they are secret meetings and there are no records  
10 kept and the open meeting law is not applicable to those,  
11 I have no idea as to what the others are. It can only  
12 come about by rumor and by suggestion. I would say that  
13 probably, very probably an unstated quota system in  
14 regard to the number of full professors, the number of  
15 associate professors must play some kind of part.

16 I think that also, that one of the criteria unstated  
17 is the -- is a list of journals which certain members of  
18 the personnel committee find acceptable. Certain fields  
19 of study which members of the personnel committee may feel  
20 are more prestigious than others, but these are unstated.  
21 Therefore, it leaves the person who is seeking a pro-  
22 motion in a rather precarious situation because he or she  
23 does not know in advance what is going to be acceptable,  
24 it may come after the fact and be decided that this  
25 international publication is not acceptable because it

1 happens to be in a nontraditional field.

2 MS. CAMPBELL: Thank you.

3 THE CHAIR: Any other questions?

4 Q (By Mr. Walther) I have a question or two I'd like  
5 to ask.

6 With regard to the criterion that you particularly  
7 felt was a potential for subjectivity, and this is the  
8 word productivity --

9 A Yes.

10 Q -- what suggested change would you have in the  
11 criteria, would you define the word or delete it and if  
12 you would delete it what would you substitute in its place?

13 A I would leave it just as it is and force personnel  
14 committee members to accept productivity as including pub-  
15 lication, as including the writing of grants, including  
16 the giving of international, national, regional and local  
17 papers, I would not restrict it merely to an unstated list  
18 of journals under publication, I would take productivity  
19 in the full sense of the word.

20 Q What do you think they mean when they use the word  
21 productivity?

22 A I think that for some members of the university,  
23 productivity means all those things that I just enumerated,  
24 for other persons who are arbitrarily selected, it means  
25 publication, not only does it mean publication but it means

1 publication of a certain length in a certain journal  
2 within a certain field.

3 Q Well, if you were to change the word or if you  
4 were to include the word, would you further define it to  
5 include different publications of all kinds in all fields?

6 A Yes, I would, I'd probably include in parenthesis  
7 all of the things that I just enumerated and probably add  
8 a few more.

9 Q Would there be other criterion than those which are  
10 presently stated which you feel should be added to avoid  
11 the subjective nature of these decisions?

12 A I suppose the only way to get around the subjectivity  
13 would be to state exactly what university service means  
14 and to give, and I'm not necessarily prescribing this but  
15 to give a certain number of points for having been elected  
16 the chair of the senate or having served on the academic  
17 standards committee or having served on the university  
18 curriculum committee, I suppose if one wanted to get down  
19 to the point system one could ascribe, in order of impor-  
20 tance, those kinds of positions, also if one wanted to  
21 really get down to the point system I suppose he could  
22 have a certain number of points for those positions which  
23 are elected, those which are appointed, within and outside  
24 of the university.

25 If one wanted to become that specific about it.

1 Without that there's a great deal of subjectivity.

2 Q Are you familiar with the point system in any  
3 other universities?

4 A I am not -- I'm not familiar of any point system,  
5 I'm merely saying if one wants to become more objective  
6 that that would have to be the way it would be done. I'm  
7 not sure that I'm prescribing that at all.

8 Q Maybe you need, in your view, more objective  
9 members?

10 A Perhaps.

11 Q Rather than just the rules.

12 You know, I think they're always possibly subject  
13 to various kinds of subjective interpretation, perhaps  
14 the membership and the composition of it is the best way  
15 to solve it.

16 A Perhaps.

17 MS. JONES-BOOKER: I have one final question, Mr.  
18 Wilson.

19 Q (By Ms. Jones-Booker) Dr. Geuder, in regard to the  
20 rejection of a search committee recommendation to the  
21 administration of the university, I want to pose something  
22 to you. If a recommendation was made by a search  
23 committee for a faculty position or let's say some other  
24 position, perhaps in administration, and the recommendation  
25 made by the search committee was rejected for some reason,

1 what impact, if any, do you think that rejection would  
2 have on the application of a minority or a woman for that  
3 position?

4 A You mean professionally?

5 Q Yes.

6 A It probably would not harm the person professionally  
7 if the person already had a position. I think it's a  
8 psychological and economic damage done that really con-  
9 stitute the immeasurable parts of it. Especially when it  
10 happens -- if it were to happen again and again and again.

11 May I -- may I add that maybe the danger is not in  
12 that a recommendation is made by the search committee to  
13 the administration, but that the search committee fails  
14 to adequately interview and consider all applicants, in-  
15 cluding women and minorities, therein, as far as I can see,  
16 probably lies the greater danger, not so much the rejection  
17 of the administration of the recommendation made by a  
18 search committee. I think it's on that lower level where  
19 the difficulties lie, because if the search is not complete,  
20 if it's not affirmative and it's not fair, then the person  
21 or persons selected are already a select group when they go  
22 so the administration probably has very little to reject.  
23 The rejection process probably took place at a much  
24 lower level and at an earlier time.

25 MS. JONES-BOOKER: Thank you very much.



1 MR. WALTHER: Mr. Chairman, I have one more question,  
2 if I may.

3 Q (By Mr. Walther) This is with regard to the meeting  
4 which you had with the board of regents in April of '75,  
5 did you find at that meeting there was substantial  
6 interest on the board for this problem?

7 A I found very little interest. I wish I had it on  
8 film. Very few persons looked directly at me, no one got  
9 in touch with me later about that particular matter,  
10 several of us talked with the chair of the board of regents  
11 and he said, in essence, there's no discrimination on  
12 this campus, what are you talking about?

13 Q Did he offer any factual support for that position?

14 A No, he did not.

15 Q Did he or any of the other members of the board  
16 ask you to return at a later date with further status of  
17 information?

18 A No, they did not.

19 Q Have you been back before the board since that time?

20 A No, I have not.

21 Q Are you aware of any meetings held by the board  
22 since that time which specifically addressed the problem?

23 A Of discrimination in general or the report about the  
24 women's caucus?

25 Q The report about the women's caucus and the women

1 employment problem in general?

2 A Doctor -- the president at that time wrote a letter  
3 of rebuttal to the comments that were made through me by  
4 the women's caucus. It was included in the minutes of  
5 a board of regents meeting subsequent to the April 8th  
6 meeting.

7 I was -- I do not know to what extent that letter  
8 may have been discussed formally or informally, formally  
9 in a closed personnel session or informally before or  
10 after other regents meetings, there would be no way that I  
11 would have access to that kind of material.

12 His rebuttal, however, was published in the board  
13 of regents minutes later.

14 Q (By Mr. Scott) Thank you.

15 I wanted to ask you a question, you raise a question  
16 about the summer having to be appointed or having to work  
17 on this in the summer, was this something difficult, cause  
18 any difficulty by raising the question of summer? When  
19 you worked on the search committee?

20 A I did not see it as a problem because I was going  
21 to be teaching anyway, I was chairing the senate, I had  
22 anticipated that my time during that summer would be fairly  
23 well consumed with professional duties. The other members  
24 of the committee who were selected were persons who said that  
25 they would be willing and able to spend time during the

1 summer, meeting whenever necessary. This particular  
2 committee continued to work during the fall. It was not  
3 just summer. It was morning, noon and night, we met with  
4 a variety of applicants and finally candidates, we had  
5 lunch with them, we had dinner with them, we saw them in  
6 the afternoons, it was not just a summer sort of situation,  
7 it went on for months.

8 Q I wanted to ask you about, is there any budget or --  
9 involved in this, budget expense involved, does that have  
10 anything to do with it, how much you search or your area  
11 of search?

12 A There was a budget established and I don't remember  
13 the exact amount. It was an equitable amount, not only to  
14 take candidates to lunch or dinner as the case may be,  
15 but there was also adequate budget to fly various candi-  
16 dates in during the time of the search and I'm sorry, I  
17 don't remember the amount but it was equitable.

18 Q Fine. I wanted to ask you regarding -- excuse me?

19 MS. JONES-BOOKER: I just wanted to indicate to you,  
20 Mr. Chairman, for Dr. Geuder's information too, she does  
21 have a class pending, we don't want to hold her beyond time.

22 THE CHAIR: This is the last question, go ahead.

23 Q (By Mr. Scott) You mentioned about personnel meetings,  
24 of course being secret. Is there any announcements of the  
25 personnel meetings as far as public announcement or who will

1 be attending personnel meetings involved, who would be  
2 involved in personnel meetings?

3 A The -- the meetings are attended by the elected  
4 members of the committee, only upon request would another  
5 faculty meeting -- faculty member be called in.

6 For example, if the personnel committee had rejected  
7 the appeal for promotion, and the affected faculty member  
8 wanted to discuss with the personnel committee the reasons  
9 for it, that faculty member might be granted the right to  
10 come in and talk to the personnel group.

11 The results of the personnel committee's meeting  
12 are transmitted to the affected persons, for example if  
13 I were under consideration for a promotion and had been  
14 rejected, then I would receive a letter through the depart-  
15 mental chairman informing me of the personnel committee's  
16 decision.

17 THE CHAIR: Dr. Geuder, I, myself, chairperson of  
18 the state advisory committee, the committee and the U.S.  
19 Commission on Civil Rights, certainly want to express our  
20 appreciation for your presentation here, a beautiful presen-  
21 tation at our committee meeting and we want to thank you  
22 very much for coming before us at this time?

23 A You're welcome.

24 THE CHAIR: And thank you very much.

25 Esther Langston, Associate Professor of Sociology,

1 University of Nevada, Las Vegas, will come before us at  
2 this time.

3 Susan DeLuca will be the questioner.

4 Q (By Ms. DeLuca) Please state your name and faculty  
5 position at the University of Nevada, Las Vegas?

6

7

8

MS. ESTHER JONES LANGSTON

9

10 A (By Ms. Langston) I'm Esther Jones Langston, Associate  
11 Professor, Department of Social Work, University of Nevada,  
12 Las Vegas.

13 Q How long have you been employed at the University  
14 of Nevada, Las Vegas and in what capacities?

15 A I've been employed since August, 1970, I came aboard  
16 as a lecturer, and I was promoted to associate professor  
17 in 1972.

18 Q Thank you.

19 Ms. Langston, in your opinion, how have tenure  
20 procedures affected minorities and women?

21 A Tenure procedures at this university is subjective,  
22 very lax, we come in on a contract, that is negotiable  
23 year to year, if you have not had prior teaching experience  
24 you have to have six years before you'll be eligible for  
25 tenure. All prior to the -- the six years when you're

1 evaluated and you become eligible you're evaluated each  
2 year.

3 Your contract is either renewed or you're dismissed.

4 When it seems -- it appears for minorities at  
5 this university that most of them, when they get to the  
6 point of getting tenure for some reason or the other they  
7 are voted not to receive it. More so than they are.

8 I was the first Black woman to have been tenured  
9 on this campus.

10 Q Thank you.

11 In your experience, do salary differentials exist  
12 at the University of Nevada, Las Vegas?

13 A Yes.

14 Q What are those differentials?

15 A The differentials tend to show up between women and  
16 minorities in some departments, -- it really basically  
17 depends, some departments it does not exist, some depart-  
18 ments you see that it <sup>D</sup> goes exist.

19 It does not seem to have anything to do with the  
20 kind of experience you had, your education or whatever, it  
21 just seems that arbitrarily you get assigned a salary and  
22 you get promotions arbitrarily or you get merit increases  
23 arbitrarily, no matter what the person does or does not  
24 do, whether they publish, whether they provide community  
25 service or whatever, that it seems to be an arbitrary or

1 subjective decision that is not in writing and you have no  
2 way to discover who gets what for what.

3 Q Thank you.

4 Have these differentials ever been challenged by  
5 minorities and by women?

6 A Individually.

7 Q What is the appeal process available to an aggrieved  
8 faculty member?

9 A First, after your departmental committee votes,  
10 whether or not you're to get tenure or you're to be pro-  
11 moted or whatever, then you discuss it with the department  
12 chairman. You can go back to the departmental committee,  
13 then you can go to the dean of your college, and now we  
14 have an affirmative action officer, you can go to the  
15 affirmative action officer and then after the investigation  
16 and whatever, then you can meet with the administration  
17 of the university and if you don't feel satisfaction there,  
18 then I think you can have a hearing before the board of  
19 regents and then you go outside of the process.

20 Q Okay. Is this process effective?

21 A For most people, no.

22 Q Could you explain more into that, Ms. Langston,  
23 please?

24 A Other people that I know who have individually gone  
25 through the process, I know two who found remedy and it

*INTERNAL  
APPEAL  
PROCESS*

1 was satisfactory for them.

2 MS. DELUCA: Thank you. I have no further questions  
3 for the moment.

4 THE CHAIR: Any other member have a question of  
5 Ms. Langston?

6 Q (By Mr. Walther) I have a question, Ms. Langston.

7 Do you have any statistics of any kind which would  
8 support your belief that more women and minorities are  
9 sort of renegotiated out of tenure positions than others  
10 who ultimately get tenure after the six-year period?

11 A No, I don't have the statistics. I just happen to  
12 know of people, but I have --

13 Q Of your personal experience?

14 A Yes, but I have not counted people but I do know  
15 of people who have had that to happen.

16 Q Are you aware of any statistics that have been  
17 compiled by anyone to support that kind of position?

18 A No, I'm not.

19 Q But you feel that because of your experience here  
20 and your familiarity with the people who have been negotiated  
21 out and negotiating on a year to year basis, that there  
22 does exist a disparity between women and minorities who  
23 get negotiated out before the six-year period?

24 A Yes, yes.

25 Q The other question I would like to ask you is,



1 with regard to your statement that the appellate process  
2 is not effective and that of your knowledge in only two  
3 instances has it been effective, do you have any estimate  
4 as to the number of appeals which, to your knowledge,  
5 have been taken which have not been effective so we could  
6 have a feeling of the ratio of effectiveness and noneffec-  
7 tiveness?

8 A Okay, to my knowledge, and this is counting non-  
9 minorities as well, I know of about -- I know of six, about  
10 six, approximately six and I'm counting fast in my head  
11 over eight years.

12 Q Have you been present at any of these appeals?

13 A No.

14 Q Are outside individuals able to be present, to your  
15 knowledge? Just say an interested third party?

16 A I'm really not sure.

17 MR. WALTHER: Thank you.

18 Q (By Ms. Jones-Booker) I have one question.

19 Do you have any suggestions, in terms of the appeal  
20 process as it exists for a faculty member who is unhappy  
21 with a salary differential particularly, that would help  
22 that situation?

23 Do you have any recommendations that you would make  
24 that would seek to improve that situation?

25 A Well, in taking the aspect of tenure, tenure is voted

1 on by members of your department or a personnel committee  
2 or committee appointed within the department, whatever  
3 the department bylaws so state.

4 Trying to dovetail the thing, it's all so subjective,  
5 you don't know what you -- even though there's written  
6 criteria for every department, you really don't know how  
7 they evaluate you, and there is, even though they say that  
8 you look at community service, publication, service on  
9 committees, etcetera, in the college of arts and letters  
10 all university committee positions are elected positions  
11 and you may have run for every committee that exists for  
12 every year that you've been here and you've never been  
13 elected.

14 So if you don't have any university service, nobody  
15 takes into consideration that you never got elected. And  
16 so, subsequently, if university service is that year's  
17 particular high thing for that committee, than you get  
18 demerits or points or however they tend to look at that  
19 situation, okay, when you serve on you give papers at  
20 national meetings, it depends on whether that committee  
21 thinks that particular national meeting or that particular  
22 field of interest is a benefit, of value to them and  
23 they make the decision whether or not they thought it was  
24 a good paper or not a good paper or what the field -- it's  
25 just so subjective, until you really don't know what you're

*Subjective*

1 dealing with.

2 Q Well, in regard to the salary differential aspect  
3 of the whole process, which seems to have a great impact  
4 on minorities and women, in that particular regard, salary  
5 differentials, are you allowed to see any written review  
6 of your productivity as it were, that might be relevant  
7 to a salary decision?

8 A Yes. We are evaluated, we have a standard evaluation  
9 form every year that is done by the chairman of the depart-  
10 ment. And you have access to see your evaluation form each  
11 year when it's done. And you assess how the chairman has  
12 evaluated you.

13 Q So you are then, correct me if I'm wrong, you are  
14 allowed to comment on that and to take issue with some  
15 findings that might be contained therein?

16 A Yes, yes.

17 Q In your experience, what effect, what final impact  
18 have comments made by aggrieved faculty members had on the  
19 salary decisions, was it changed, for instance?

20 A I can only tell you personally of mine. And I can  
21 tell you what rumors have said for others.

22 In my situation, in my department, when we discuss  
23 it, then it is usually, you can usually find remedy if  
24 you have some points of disagreement, if you can point out  
25 where your areas are with facts or whatever.

1           Rumor has it for other departments, and I honestly  
2           don't know, that it has no bearing, no matter what you say,  
3           whatever is done is done and you have to live with it.

4           Q     I see, so it <sup>goes</sup> ~~from~~ department to department?

5           A     Yes.

6           MS. JONES-BOOKER: Thank you.

7           Q     (By Ms. James) I just have one question.

8                     Another criteria, as I understand it, in tenure  
9           consideration is your effectiveness as an instructor,  
10          correct?

11          A     That's right.

12          Q     In your -- in your eight years has anybody, either  
13          on the personnel committee or your department chairman,  
14          ever visited your classes?

15          A     Never in my department, nobody never visits, and  
16          that's what I think is very wrong with that whole tenure  
17          system. Colleagues evaluate you for tenure and one of the  
18          supposedly the greatest weight, say 70% is supposed to be  
19          your effectiveness as a teacher and they don't know  
20          whether you're an effective teacher or not.

21          Q     Do you know if anybody else in your department has  
22          ever been visited?

23          A     No.

24          MS. JAMES: Thank you.

25          MR. WALTHER: If I may I'd like to ask another question.

1 THE CHAIR: Go ahead.

2 Q (By Mr. Walther) Ma'am, with regard to finding out  
3 whether or not you're an effective teacher what do you think  
4 would be a good way of doing it?

5 A Well, several ways have been tried here and all of  
6 them have been abandoned after attempts. They tried it  
7 with student evaluations in the class done blindly where  
8 the CSUN sent a representative to your class at the end  
9 of semester, passed out an evaluation form and then it  
10 was compiled after grades were out and then you got some  
11 feedback.

12 Individual faculty members have tried ways in  
13 their class of developing an evaluation -- evaluative tools  
14 that they have the students to give, to do and to give back  
15 after the end of grades, to determine whether or not the  
16 course was effective, whether or not you were effective,  
17 etcetera.

18 I think we need to look at some evaluative tools  
19 that students will use, that the department, when they are  
20 deciding whether or not you should be tenured or to  
21 get promotion, etcetera, should take into consideration,  
22 and maybe we need to do a massive -- to design it with the  
23 consent of everyone in the department at an agreed time  
24 and thing to use it and with an agreed thing that you will  
25 take it into consideration, seriously.

1 Q The way I understand it right now, then, the factor  
2 is utilized on the basis of rumor in a sense that the  
3 faculty member who is determining whether or not tenure  
4 should be given to some individual makes his determination  
5 on rumor in the sense that he -- what he hears is effective,  
6 there's no actual effective, any particular standards  
7 designated or statistics compiled to base that on?

8 A No, it's rumor. Or how you like the way the person  
9 dresses or looks or something.

10 Q (By Ms. James) One last little question.  
11 Has the affirmative action officer ever conferred  
12 with you with regards to recruitment?

13 A Yes.

14 Q Asking for your assistance?

15 A Yes.

16 Q In what way and how effective is that?

17 A When there are jobs available the affirmative action  
18 officer will send all the job announcements, will call and  
19 say do you know people, will you recommend people or tell  
20 people the availability, etcetera.

21 Q Is that something just to you or is that university-  
22 wide, I mean a notice goes out to everybody or --

23 A I suppose it's university-wide. It, the procedure  
24 just started since we had an affirmative action officer.

25 MS. JAMES: That's all I have.

1 MR. SCOTT: Mr. Wilson? Thank you.

2 Q (By Mr. Scott) I wanted to ask you, regarding the  
3 process of grievance or appeals, do you feel that people  
4 utilize, persons utilize that? Do they feel it's a waste  
5 of time or do they feel confidence in it?

6 A Personally --

7 Q All right, thank you.

8 A -- I felt it was a waste of time. I found myself  
9 finding that it was not a waste of time because it had  
10 been a waste of time for everyone that I had come in contact  
11 with. You have no choice if you are aggrieved but to use

12 THE CHAIR: Yes?

13 Q (By Ms. O'Neal) Has anyone ever went out and  
14 got an attorney to --

15 A Oh, yes.

16 Q Has anyone ever won?

17 A I know of two people.

18 Q (By Ms. Jones-Booker) Were you one of those people  
19 Ms. Langston?

20 A I'm technically not to discuss my personal situation  
21 in public, that was an agreement between the administration  
22 and myself.

23 MS. JONES-BOOKER: Fine, thank you.

24 Q (By Mr. Scott) You said you were the first Black  
25 woman, is that the first or is there others?

1       A     There has been one since I received tenure, one  
2 other Black woman has received tenure here since I received  
3 it.

4           THE CHAIR: Ms. Langston, is there any other minorities  
5 in the system here in UNLV that have -- that have tenure?

6       A     Yes, there are other minorities in the system that  
7 have tenure.

8           THE CHAIR: Do we have any other questions?

9       Q     (By Ms. O'Neal) I have one.

10           Do you know how many? The number?

11       A     There's so few, but I think there are -- I think  
12 there are four. No, maybe five, maybe five. And I see  
13 the chart says there's 17.

14       Q     (By Ms. James) That's just total faculty, not on  
15 tenured --

16       A     No, that says that Black faculty is 17 and I think  
17 there are five Black faculty that have tenure.

18           THE CHAIR: Thank you.

19           Do we have any other questions of Ms. Langston?

20           Ms. Langston, we certainly want to thank you on  
21 behalf of the state advisory committee and also the U.S.  
22 Commission on Civil Rights for coming before us with an  
23 excellent presentation.

24           We want to certainly tell you we appreciate very  
25 much the information that you've given us this morning.



1 Thank you very much.

2 Dr. Bert Babero, Professor of Zoology, University  
3 of Nevada, Las Vegas? Dr. Babero

4 DR. BABERO: How are you?

5 Q (By the Chair) Good morning. Please state your  
6 name and university position?

7  
8 DR. BERT BABERO

9  
10 A (By Dr. Babero) Okay, Bert Babero, I'm a professor  
11 of zoology.

12 Q How long have you been employed at the University  
13 of Nevada, Las Vegas?

14 A About 13 years.

15 Q Eighteen?

16 A About 13 years.

17 Q Thirteen years. Were you tenured?

18 A Yes.

19 Q We understand that you were recently appointed  
20 chairperson of a biology department search committee, is  
21 that true, Doctor?

22 A Yes, within the past month.

23 Q In this capacity have you been familiar with the  
24 university affirmative action effort?  
25

1 A Just since I've been appointed.

2 Q In what way does the university affirmative action  
3 program assist your committee recruiting efforts?

4 A Well, I had Mr. Kitchen to come over and explain to  
5 my committee exactly how we should go about recruiting and  
6 to sort of explain the guidelines.

7 Q How do you differentiate between equal employment  
8 opportunities and affirmative action programs?

9 A Well, that was pretty difficult for me as Mr.  
10 Kitchen explained it because what I -- he explained what  
11 might be considered equal employment opportunities, but  
12 I didn't see anything affirmative action about that.

13 So, to me, affirmative action means that if you're  
14 looking for a particular type of group, then you make a  
15 special effort to go out and find this type of person that  
16 you want.

17 Equal employment really means that you treat every-  
18 body equally. And if this is so can exclude a lot of  
19 groups because a lot of groups don't even qualify.

20 Q Do you feel that the search committee functioned  
21 adequately in their effort to do the very thing that you  
22 said in affirmative action?

23 A Well, this is the -- as I said, I was only appointed  
24 chairman of the search committee within the past month,  
25 and we have just begun to act, we haven't really even had

1 any replies from our investigation in trying to get new  
2 people, so I can't say how we're functioning yet.

3 Q Do you have any recommendations for strengthening  
4 the current affirmative action program, Dr. Babero?

5 A Well, first of all I'd like to know what the  
6 affirmative action program is. Mr. Kitchen didn't make this  
7 clear to me. What he did make clear was equal opportunities.  
8 So first you'll have to explain what affirmative action is  
9 and then I can tell you how to strengthen it or at least  
10 I can agree with you or disagree.

11 Q Could there be a recruitment --

12 A Excuse me, before you go on, would you please  
13 explain to me what you mean by affirmative action?

14 Q Well, Dr. Babero, we have your affirmative action  
15 guidelines and program in the -- that we received from the  
16 university, and we have staff here, I think that I would  
17 ask one of the staff in short, in very short terms if they'll  
18 go into the affirmative action.

19 A I really have to apologize to the committee, I  
20 should have read them but I haven't.

21 THE CHAIR: Since the officer did not make it  
22 clear to you what the affirmative action --

23 MS. JONES-BOOKER: Mr. Chairman, we certainly  
24 appreciate Dr. Babero's interest in trying to get a definition  
25 from us of what affirmative action really means, but I

1 think for our purposes this morning, Dr. Babero, and I'll  
2 be happy to discuss that with you, but I think for our  
3 purposes this morning it will be most informative to  
4 the advisory committee if you will give them your definition  
5 of what affirmative action is up to this particular point.

6 The reason I say that is I understand from the  
7 comments that you've just made that perhaps in your own  
8 mind there is a difference between equal employment oppor-  
9 tunity on the one hand, and what you view as affirmative  
10 action.

11 And it may be elucidating for us, for the advisory  
12 committee to know what your thoughts are in that particular  
13 regard.

14 A I think I've already given that.

15 Q (By Ms. Jones-Booker) Well, yes, you did, and I  
16 understand you feel there is a dichotomy between the two,  
17 is that correct?

18 A Right, right.

19 Q You also feel that affirmative action means just  
20 that, that one takes some action to get the people one  
21 seeks --

22 A Absolutely.

23 Q -- whereas equal employment opportunity is something  
24 of a passive nature and does not require the same effort --

25 A Now you got it, that's it.

1 MS. JONES-BOOKER: Okay.

2 Q (By the Chair) Dr. Babero, in that sense, as far as  
3 the affirmative action officer is concerned, have you had  
4 any communication with him since his appearance before  
5 your search committee?

6 A No, I did call him but he was not in his office at  
7 the time and I never got a chance to call him again. I did  
8 want him to explain to me what was affirmative action  
9 because what he told my committee, it was just equal  
10 opportunity, equal employment opportunities but nothing  
11 really affirmative about it.

12 Q Well, at the time you talked to him since then,  
13 did he indicate to you that he would get back to you with  
14 regard to information giving some direction?

15 A No, as I said, when I talked to him in the committee  
16 meeting, I never saw him again, I did call his office  
17 but he wasn't there, I never had a chance to call back  
18 again.

19 Q So you haven't heard from him in that regard?

20 A No, I haven't talked to him, haven't tried.

21 Q Now, do you have any recommendations upon the  
22 information that you have received, that you feel would  
23 strengthen the effort of your committee as far as the  
24 current affirmative action program that you know about,  
25 that you have been informed about with regard to the

1 affirmative action officer? Would you have any recommenda-  
2 tions?

3 A Yes, I think so. I'd like to see equal opportunity  
4 for everybody, and this means that in some cases we might  
5 have to go out and seek women, various ethnic groups and  
6 things of this nature, this would be the affirmative action  
7 part of it.

8 Now, this doesn't mean that I expect us to take  
9 someone who is less qualified, but if it's a matter of  
10 trying to get an integrated situation it means that we  
11 would have to take affirmative action to do this.

12 And there are plenty of qualified people around of  
13 all groups, we just have to look for them and this is  
14 affirmative action, in my estimation.

15 Q Could there be a recruitment role for professors  
16 at professional conferences?

17 A Yes, I think that all of us go to national meetings  
18 and local meetings and we meet people in our professions,  
19 many times we meet students who will be getting their  
20 degrees, and this will give us the contacts for -- for  
21 getting people into our situation, to employ them.

22 Or at least give names to those who are interested  
23 in employing people.

24 Excuse me, I was going to say in this regard I've  
25 been a little disappointed since I've been here, until

1 here recently when Mr. Kitchen came here I never knew  
2 about any positions that were open in the university, but  
3 since Mr. Kitchen's been here he's been sending me notices  
4 of various jobs, not only in -- well, in all of the  
5 aspects of the university life, which I really appreciate.

6 And sometimes I have forwarded these on to other  
7 colleges and so forth, and to individuals that may be  
8 interested. But this had never been done before, to my  
9 knowledge.

10 Q And that's only since the affirmative action officer  
11 or person --

12 A Right.

13 Q -- has been selected?

14 A Right.

15 Q Does the university pay faculty expenses for these  
16 conferences, conferences that you attend for improvements  
17 or recruitment or --

18 A Yes, sometimes, it depends on whether you're going  
19 to present a scientific, or a paper of some -- if you're  
20 not going to present a paper most likely you will not be  
21 able to go unless you pay your own way but usually we,  
22 in my department we go to one meeting a year if we're  
23 going to present a paper or if we're a national officer  
24 or something like that of the society.

25 Q But you do not have any assurance prior to the

1 conference that the university will pay the expense unless  
2 you are -- do a paper, present a paper at the conclusion?

3 A That's right.

4 Q Have you ever been selected or requested to recruit?  
5 And if so, would you be available to do so?

6 A I would certainly be available to do so but I've  
7 never been requested to do it.

8 Q In your opinion, are there recent graduate minorities  
9 available to be recruited?

10 A I can only speak for my own field, which is science.

11 Q Yes, yes.

12 A And I know of a number of recent graduates and  
13 those who'll be graduating soon who are looking for jobs.  
14 Now, I know some people who have been established in the  
15 field for quite some time who want to make a change.

16 Q Do you know of any other minority professor or  
17 associate professor in or out of the search committees  
18 that have been requested to do any recruiting for the  
19 university?

20 A No, I don't. That's not to mention that there  
21 aren't some but I'm just, I'm not aware of any.

22 THE CHAIR: Okay, do any other members of the  
23 committee have a question? Okay, Susan.

24 Q (By Ms. DeLuca) Dr. Babero, do you have any other  
25 specific suggestions on recruitment, and how very specific



1 ways of getting women and -- other women and minorities  
2 to apply for positions? (1)

3 A Well, as mentioned, going to national meetings  
4 and meeting people personally and finding out about them,  
5 this is one way. Of course advertisement in various  
6 magazines and journals and things of this nature would help.

7 And I think the word of mouth is very good, if  
8 you know of some minority like myself, if somebody come up  
9 and say I'm looking for somebody in education, it may be  
10 I might know somebody like that. This is what I meant by  
11 affirmative action.

12 You have to sort of try to find the source where  
13 the people are and to find the people that you're looking  
14 for.

15 MS. DELUCA: Thank you. Okay.

16 Q (By Mr. Walther) I want to ask a question.

17 Doctor, were you recruited yourself?

18 A Well, I just happened to be down at UC at the time  
19 and I was looking through their books of job offerings  
20 and I happened to run across this one.

21 Q Did you experience any difficulty in acquiring  
22 employment at the university here?

23 A No, I didn't, because of the qualifications for  
24 the job, I thought maybe I was far more qualified than the  
25 job offered.

1 Q I see. I would like to ask you a couple questions  
2 about the search committee because I'm personally fairly  
3 unfamiliar with what responsibilities you have and what  
4 money you have to carry out those responsibilities, if any.

5 Could you describe a little bit about what, who  
6 is -- who comprises the committee, what the range of  
7 duties are?

8 A The only thing I can tell you about a month ago:  
9 the chairman of my department asked me if I would accept  
10 the chairmanship of the search committee and I agreed.  
11 But he never told me about any budget or anything, he also  
12 told me who the two members of my committee would be and  
13 this is as far as I know.

14 Q Are the other two members female or minority members,  
15 to your knowledge?

16 A No.

17 Q Do you know how many will be on the search committee?

18 A Three.

19 Q Three will be your number? How long will it last,  
20 to your knowledge?

21 A I suppose it would be an on-going committee as  
22 long as we need personnel. But I guess we function only  
23 when the positions become available.

24 Q Were you given any criterion for carrying out your  
25 responsibilities or --

1           A     No, this is why I had Mr. Kitchen to come over to  
2 explain it to us.

3           Q     And you said he gave you some guidelines, what  
4 guidelines were those that he gave you?

5           A     Well, he told me such things as how the job descrip-  
6 tion should be written up and things to be careful of,  
7 I guess general things, to show that everything is equal,  
8 that it will be equal employment.

9           Q     How did he tell you to do that?

10          A     Well, he spelled it out, we must put down at the  
11 end of the application we are equal employment institution,  
12 and that -- and just spell out exactly what we need in  
13 so far as position is concerned and how much qualifications  
14 that the person must have for the position, and when the  
15 position will be filled.

16                     This is essentially what he told us.

17          Q     I see. So the information you got from him  
18 essentially showed you how to make sure the applicants  
19 knew it was an equal opportunity employer or something?

20          A     Yes, and then he gave us a few ideas as to where  
21 to publish this information.

22          Q     In order to do what, acquire applicants who were  
23 members of minorities?

24          A     Well, no, just in order to acquire applicants.

25          Q     In general?

1 A In general, yes.

2 Q Would you recommend any specific guidelines which  
3 a committee like yours should have in order to acquire  
4 applicants from minority individuals?

5 A From minorities? Well, I would say that make  
6 certain that these applications or the job descriptions  
7 are placed where the minorities can see them. That means  
8 perhaps sending them to various minority institutions, or  
9 sending them to individuals for that matter, of minority  
10 groups.

11 Q Will you be given, to your knowledge, any kind of  
12 money to carry out this activity for personally contacting  
13 potential applicants, things like that?

14 A No one has mentioned this to me if this is the case.

15 MR. WALTHER: Thank you.

16 THE CHAIR: Any other questions?

17 MR. SCOTT: Yes, Mr. Wilson.

18 Q (By Mr. Scott) Dr. Babero, I'd like to ask, do you  
19 know what brought about your appointment on the search  
20 committee?

21 A Have no idea, I was quite surprised.

22 Q The usual statement is that minorities are hard to  
23 find, do you think there's going to be a problem with  
24 you on this committee now, of finding minorities, making  
25 available to them the information of openings and --

1       A     Well, unless there's affirmative action whereby  
2     I can go to where the minority groups are, I think there  
3     would be a problem. I hope that we can send these appli-  
4     cations to minority institutions and I hope also we can go  
5     into various meetings, since I'm in the field of science,  
6     scientific meetings and actually meet minorities and invite  
7     them to apply but I don't know if this is the case at all  
8     because we don't have a budget for this, so I suspect  
9     we may have some problems.

10       Q     Being appointed, you say chair or head of this  
11     committee?

12       A     Uh-huh.

13       Q     You have not been informed, then, the full activities  
14     of this committee or what's going to be made available to  
15     you then?

16       A     No. No, I don't know if we'll have anything avail-  
17     able to us in the form of money.

18       Q     Are there any other Blacks or minorities that you  
19     know of on these type of committees?

20       A     I don't know of any. I can only speak for my own  
21     department, see?

22           MR. SCOTT: All right. I guess that's all, right  
23     now.

24       Q     (By Ms. O'Neal) Can you tell me if they have a deadline  
25     for hiring, so that when you send out the applications do

1 you feel that you might be pushed or when the position is  
2 open and a certain time it has to be filled?

3 A I think we have plenty of time to fill a position,  
4 it must be filled by September, of course, but we have set  
5 up certain dates by which we expect applications to come  
6 in, by which we will make our decision, certain times we  
7 will send back letters to the individuals who are not  
8 hired, that we will have -- we have a deadline for this and  
9 I think we have plenty of time to do it.

10 THE CHAIR: Yes.

11 Q (By Ms. Campbell) Dr. Babero, if a faculty member  
12 wanted to attend a conference at his own expense, would he  
13 have trouble or she would have trouble taking time off?

14 A I don't think so. I don't think so.

15 Q Would you have to apply to the university for per-  
16 mission to take time off?

17 A You would have to apply first to your department  
18 and then probably the department would have to get per-  
19 mission from the college.

20 Q So there is no trouble in getting --

21 A I don't think so, no.

22 THE CHAIR: Yes.

23 Q (By Ms. O'Neal) Do you feel that if you do go to a  
24 conference that would benefit the university as well as you,  
25 do you feel that it's wrong that you have to submit a paper

1 in order to go, for the university to pay your expenses?

2 A I really do. I really do.

3 Because this means that some of the people in my  
4 department will never go to a meeting because they never  
5 write a paper, they never even -- they won't commit one.

6 Q (By the Chair) Dr. Babero, in your opinion, do you  
7 feel that being appointed chairperson of the search com-  
8 mittee of your department, that specific guidelines,  
9 instructions should have been given the committee by  
10 whoever is responsible?

11 A Well, we've never had a search committee before  
12 and I think this is my responsibility as the chairman to  
13 draw up guidelines, which is one reason I had Mr. Kitchen  
14 to come to us so we will have guidelines from here on.

15 THE CHAIR: Okay.

16 Q (By Ms. DeLuca) Dr. Babero, I want to be clear,  
17 did you say that there's absolutely no budget whatsoever  
18 for your search committee to function?

19 A If there is I'm not aware of one.

20 Q For recruitment or any other purpose of affirmative  
21 action?

22 A Not that I know of.

23 Q (By Mr. Scott) I would like to ask a further  
24 question.

25 Is this an elected position or appointed position,

1 this chair --

2 A I was appointed by the chairman of the department.

3 Q It was appointed?

4 A Yes.

5 MR. SCOTT: Okay.

6 MS. JONES-BOOKER: Well, I do have a couple, Mr.  
7 Chairman, if I may.

8 Q (By Ms. Jones-Booker) Dr. Babero, at what point  
9 were you tenured here at the university? You've been on  
10 ~~the~~ board for about 13 years, do you remember?

11 A Yes, my second year here.

12 Q Your second year here?

13 A Yes.

14 Q I'd like to ask you also, Dr. Babero, in terms of  
15 your own thoughts about the recruitment process and how  
16 you feel that attendance at conferences would be helpful  
17 for recruitment of minorities, would you explain to the  
18 advisory committee perhaps whether or not, in your  
19 opinion, there is an adequate number of minorities and  
20 women available at these conferences to make your efforts  
21 worthwhile?

22 A Oh, I should say so, in fact every time I go to a  
23 scientific meeting somebody comes up and asks me do you  
24 have a job at your institution?

25 Q I see.



1 A Especially students who are getting out of school,  
2 those recently out of school.

3 Q Pardon me, Dr. Babero --

4 A Especially students who are graduating or who are  
5 recently graduated.

6 Q So there are recent graduates who are available in  
7 this specialized field?

8 A In fact many of them come to the meeting just for  
9 this purpose.

10 Q Just for this purpose, I see. Thank you very much.

11 Oh, if I may, Mr. Chairman.

12 Dr. Babero, if I may see you before you leave I  
13 wanted to give you a copy of the definition written by  
14 the commission on civil rights for affirmative action, it  
15 may be helpful to you.

16 A Thank you very much.

17 THE CHAIR: Okay? Any other questions?

18 MR. SCOTT: Since Dr. Babero's so new on this com-  
19 mittee I would ask questions, but being new as he's  
20 already stated, he's just recently been appointed and not  
21 sure yet whether he's going to have budgets or not, so --  
22 but you don't know what brought about all this appointment?

23 A No, I have no idea.

24 Q (By Mr. Scott) Were you surprised?

25 A Yes, I was.

1 Q (By Ms. DeLuca) Good morning, Dr. Wilson.

2 DR. WILSON: Good morning.

3 Q Please state your name and faculty position at the  
4 University of Nevada, Las Vegas?

5

6

7

DR. THOMAS WILSON

8

9 A (By Dr. Wilson) My name is Thomas Wilson, and I am  
10 an associate professor of education here at this university.

11 Q How long have you been employed at the University  
12 of Nevada, Las Vegas?

13 A This is my ninth year.

14 Q And in what capacities?

15 A In the same capacity, as associate professor,  
16 education.

17 Q Dr. Wilson, the advisory committee is aware that  
18 you have particular knowledge of the promotion process at  
19 the University of Nevada, Las Vegas. Please describe for  
20 us how the promotion decisions are made?

21 A I have the information right from the code and from  
22 the bylaws of the system here and I'd sort of like to read  
23 them if I can. Specially of the department in which I  
24 am -- of which I am a member.

25 And it just says the department shall have a tenure

1 and promotion committee and its membership shall consist  
2 of all tenured members of the department.

3 The committee shall elect a chairperson each year  
4 and he or she will not be eligible for reelection for at  
5 least one year.

6 Then it goes on down to say that the committee  
7 shall serve as an advisory group to the chairperson with  
8 regard to the chairperson's recommendations to the dean  
9 for either promotion or tenure and that is essentially  
10 what the group would do.

11 Q Thank you.

12 What are the criteria used for promotion?

13 A The criteria that's used for promotion I'd like  
14 to read that, too, right out of the guidelines. There are  
15 several categories, in fact there are one, two, three, six  
16 categories that are -- on which a person is measured.

17 One is the category of teaching, and it is rated  
18 in a range of from four to 16. In my nine years that  
19 I've been at this university and have been teaching here,  
20 no one in administrative capacity has ever been in my  
21 room to observe me teaching. Or to observe any of the  
22 techniques that I use in teaching.

23 You know, as far as that's concerned. But the  
24 competencies that we're supposed to delineate and that the  
25 teacher is supposed to, you know, the criteria to go by,

*Promotion  
Criteria*

1 when you rate a person as to their teaching competency,  
2 instructional contributions to the total department program,  
3 which is, you know, what are you doing, what classes are  
4 you teaching and things like that.

5 That, of course, a person would get, you know, you  
6 have to teach a regular load.

7 Evidence of reasonable instructional organization,  
8 and that is in -- that is usually from the form of the  
9 syllabus that you give to the chairman of the department  
10 before you begin your class, and then, of course, you have  
11 to give one to each one of the students.

12 The use of relevant materials, and that, of course,  
13 is left with the professor, presentations and/or super-  
14 vision, and those are -- no one has been in my room to  
15 find out whether my presentation -- been in any of my  
16 classrooms to find out whether my presentations are in  
17 fact what they should be.

18 It has been entirely on student evaluation of the  
19 class. Okay.

20 Provides adequate advisement for students, that's  
21 the other -- that's another criteria that they judge you  
22 on, and of course they simply [ask teachers] -- ask students  
23 if, when you go to Wilson, do you get the kind of advisement  
24 that you desire?

25 And of course it depends upon the student's problem.

1 as to whether they would get the kind that they desire.

2 Some problems I can't answer, you know, can I have  
3 lunch money, well, I don't have lunch money myself some-  
4 times. And positive student response and evaluation, and  
5 there again is where the student response comes in.

6 You're rated there on a range from four to 16, and  
7 that's done by your peers, some people who have never seen  
8 you in operation in your classroom and also some people  
9 who have -- who, you know, are very seldom objective in  
10 this kind of thing.

11 The other one is <sup>5</sup>college and university service.  
12 And here is another area that to me is quite -- I don't  
13 really know how to describe it. The quality of membership  
14 and functioning on college, university or nonschool, field-  
15 related committees.

16 Now, to get on a committee at this university you  
17 have to be voted on. And, oh, I've been here nine years  
18 and I've never been on a university committee yet. I have  
19 volunteered for committees but I volunteered to be voted  
20 on for committee membership but I have never been on a  
21 committee, so really, when I was rated on this, I was, of  
22 course, rated down. Because nowhere in my material that  
23 I submitted to the promotion and tenure and promotion  
24 committee does it say that I've been on a university  
25 committee. I haven't. Because that is by vote of the total

1 college faculty, and if you aren't voted on, you're in  
2 trouble.

3 Community service is rated on a scale from one to  
4 four. And do you provide field and/or college-related  
5 service through work with parents and/or communities and  
6 presentations to community organizations and all these  
7 kind of things.

8 We must make ourselves available to community  
9 organizations for presentations, for any kind of work like  
10 that, and at the present time I am involved with, I think  
11 eight or ten community organizations, the Friends of the  
12 West Side Library, I'm the secretary of that organization.  
13 All kinds of things that we're involved with as far as  
14 that's concerned.

15 The next one is research and special projects. Do  
16 we promote research and that kind of thing. Do we provide  
17 any kind of leadership as far as doing research? And  
18 you're graded, then, on a scale from one to four.

19 And then publications and creative work -- or  
20 creative work and this is one of those publish or perish-  
21 type things, you either have to publish or you will --  
22 you know, you will never get promoted as far as promotion  
23 is concerned.

24 I do write a column for the Las Vegas Voice and that  
25 column has spread to other Black newspapers within the

1 United States, so that is pretty well taken care of,  
2 except that the university here does not consider that  
3 kind of publication as a kind of publication that they  
4 would give you, other than -- well, other than a pat on the  
5 back for.

6 It has to be a book, and we have submitted a book  
7 a manuscript to a publisher and are awaiting word from the  
8 editor on that as to when it will come out.

9 Okay. And the other one is administrative --  
10 administration, and are you a member of the administrative  
11 area. Well, I am not, and you only get two points for  
12 that, you know.

13 So I'm not a dean, I'm not a chairman of a depart-  
14 ment, I'm not an assistant dean or assistant vice president  
15 or anything like that.

16 Those are the criteria that we have for promotion.

17 Q Thank you.

18 A Oh, one more thing, may I? As an associate pro-  
19 fessor, on that scale of, from four to 16 or one to four,  
20 you would have to make -- I would have to make 20 to 22  
21 points to even be considered for promotion, out of all  
22 those things. Rated by people who have never been in your  
23 classroom to find out what you're doing. Okay.

24 Q Thank you very much.

25 Do you feel there are other criteria used for promotion

1 Dr. Wilson?

2 A For promotion?

3 Q Yes, if so, what, other than what you've just  
4 stated?

5 A That's a rough question to answer, but as a Black  
6 person, yes, I do feel there are other criteria that are  
7 used, and it's -- there are two things that I would like  
8 to mention, one is, it is difficult for a Black person to  
9 be promoted, you know, right on up.

10 The other one is that -- let me see, I've forgotten  
11 what I was going to say for the other one, but it had  
12 to do with double standards.

13 There appear to be double standards, and any kind  
14 of negative -- anything, any one thing that is negative  
15 about any Black person is used in a way that I think is  
16 not quite appropriate.

17 Q Thank you.

18 Would you explain the appeal process in relation  
19 to promotion?

20 A Okay. If you are -- I thought I had that with me,  
21 but I don't. I've read it enough to know it. If you are  
22 dissatisfied with what happens at the local level, you  
23 have a right -- at the department level, you have a right  
24 to appeal to the dean of the college. The dean of the  
25 college, Dr. Seville here, then will consider your appeal

*Appeal  
process  
re  
promotion*



1 and make recommendations to the academic vice president,  
2 who is Dr. Gentile, and then Dr. Gentile makes recommenda-  
3 tions to the president, Dr. Baeppler, and of course Dr. Baeppler  
4 would, or you can appeal all the way to the board of  
5 regents.

6 But the appeal, in order to be considered by the  
7 board of regents, has to go through the normal channels.

8 Q Okay. Does this appeal process, and do the criteria  
9 that you mentioned that you read to us, so forth, do those  
10 things apply university-wide?

11 A Supposedly. Supposedly. I know people who have  
12 been promoted who -- oh, there are -- I'm sorry, I missed  
13 a couple of things in here that I just thought about.

14 In order to be promoted from an assistant -- from  
15 an instructor to an assistant professor, you're supposed  
16 to be a candidate for the terminal degree, with your  
17 completion date specified. That's another criteria.

18 Okay. In order to be promoted from an assistant  
19 professor to an associate professor, you're supposed to  
20 possess the terminal degree, which is either doctorate in  
21 education or Ph.D.

22 I know people who are associate professors on this  
23 campus who do not have the terminal degree. And that is,  
24 you know, it's in violation of the guidelines for promotion  
25 or appointment to academic rank as far as the university

1 is concerned.

2 That, you know, that's one of those things that I  
3 think where they have double standards as far as criteria  
4 is concerned. It sort of depends on some other things too.

5 Q Thank you.

6 Have the promotion procedures had a differential  
7 impact on minorities and women?

8 A On minorities and women --

9 Q Yes.

10 A I would say yes. I'm not too sure that I know how,  
11 but, well, this year is the only time I've been up for  
12 promotion since then, and I was refused. Well, let me  
13 say that the promotion committee did not recommend to  
14 the chairperson that I would be promoted.

15 Q Thank you.

16 In your experience, has this differential impact  
17 occurred only in the college of education or university-wide?

18 A As far as minorities are concerned, there is --  
19 Dr. Babero, who I think was here just before, he is a  
20 full professor. There are some other Blacks, I think  
21 there are what, 17 Blacks who are in position here. Those  
22 people are people who have the terminal degree are either  
23 assistant professors or associate professors. As far as --  
24 now, you asked about the differential treatment.

25 As far as the differential treatment, I would say that

*Differential treatment*

1 I have known of some instances where there were some  
2 differences in treatment.

3 Q And you feel this is university-wide then, Dr.  
4 Wilson, rather than just the college of education?

5 A And women, you know.

6 Q Yes.

7 A Yes, I do.

8 Q Thank you.

9 A I don't feel that the college of education -- in  
10 fact I feel that the college of education is better, as  
11 far as women are concerned, than most of the areas.

12 MS. DELUCA: I have no further questions for the  
13 moment.

14 Q (By Ms. Jones-Booker) Dr. Wilson, may I just ask,  
15 what was that that you were reading from, the criteria and  
16 so forth for promotion?

17 A Okay, part of it was from the university code,  
18 the other part was from the departmental bylaws.

19 Q Departmental bylaws?

20 A Bylaws and the other was from the college code, I  
21 read from three different instruments.

22 Q So, generally the college has its rules and regula-  
23 tions, the department has its rules and regulations --

24 A Yes.

25 Q -- and then there are overall rules and regulations

1 for the university?

2 A Yes, and the possession of the terminal degrees and  
3 all those different things are from the university code.

4 Q From the university code?

5 A Yes.

6 Q In so far as the departmental and college regulations  
7 are concerned that you were reading, would it be possible  
8 for you to provide a copy of that for the advisory  
9 committee?

10 A Oh, you can have this.

11 Q Fine.

12 A If you want it, you know. I brought along -- you  
13 know, if you want this, I don't have it labeled as to what  
14 is what, but I can label it for you.

15 Q Okay.

16 A You can have it if you want.

17 Q The other thing that I wanted to ask you, Dr. Wilson,  
18 you seem to make reference to points that are assigned for  
19 varying factors.

20 A Yes.

21 Q Is the actual point value given for these factors  
22 listed in that same material that you were reading from?

23 A The point values?

24 Q Yes, for instance --

25 A Yes, the range you mean?

1 Q Yes.

2 A The range is listed.

3 Q The range is listed but am I to understand, then,  
4 that particular point value for, say, community service is  
5 not listed?

6 A No, it is not. No. Well, community service has a  
7 weight, they weight it, but it's not listed as -- for  
8 instance if you're the -- if you're on the executive board,  
9 well, let's just take one, myself. I am the secretary  
10 of the West Side Friends of the Library. Yes, Friends of  
11 the West Side Library.

12 Okay, that places me on the executive board of a  
13 community organization that's the area where we're sup-  
14 posed to make sure that the library keeps going and that  
15 kind of thing.

16 Okay. There are no points for that specifically,  
17 all you do is list on your vitae and in these things here,  
18 this happens to be the material that I submitted to the  
19 department backing up my contention that I'm ready to  
20 become a full professor.

21 I have since withdrawn that. And there are reasons  
22 that I would withhold at this time. But we have to back  
23 it up, okay? But there are no specific -- there's nobody  
24 that says okay, Wilson will get one point for being on that  
25 Friends of the Library, one for being on the advisory board

1 of the -- one for being chairman of the advisory board  
2 of the right to read effort in the State of Nevada, and,  
3 you know, one or two for being past president of Phi.  
4 Delta Kappa, another one for being on the executive board  
5 of the Dorothy Siegle Center for diagnostic and remedial  
6 work, all that kind of thing.

7 Q Well, perhaps, let me rephrase the question, Dr.  
8 Wilson, who does decide what point value is assigned to  
9 particular factors that are relevant to promotion?

10 A Okay, your peers, the people who are already on  
11 tenure in your department. Not those who are up for pro-  
12 motion or those who are full professors. You see, for  
13 instance in most universities, if you're going from associate  
14 professor to full professor, only full professors vote  
15 on whether you become a full professor.

16 Q Yes.

17 A At this university, it is not so. An instructor, an  
18 assistant professor or anybody can vote, even a lecturer.

19 Q As long as they're on tenure?

20 A As long as they're tenure.

21 Q So then the point value assigned for various  
22 factors that are relevant to promotion would vary, correct  
23 me if I'm wrong --

24 A That's right.

25 Q -- would vary from person to person, depending on

1 how many points the members of that particular committee  
2 decided within committee to assign to those factors, is  
3 that a correct statement?

4 A Partially.

5 Q What part is not correct?

6 A It would vary according to what the one, in each  
7 individual puts his own -- each individual has a copy  
8 of that, yes, it's in their someplace, has a copy of that  
9 chart, so they assign it. Each individual. So after --  
10 when the committee meets they send you out and all of  
11 those people who are on tenure come together and say,  
12 well, I gave him a five and a three and a two and whatever  
13 and they average them up and if that average does not come  
14 out to a 20 or 21 for the whole thing, then you're in  
15 trouble.

16 Q Because all that the department has or the committee  
17 has is a <sup>minimum</sup> maximum number that that person must have in  
18 order to be considered, is that correct?

19 A That's right. They do have a -- they do have a  
20 number and I've left that material, that's over there  
21 with the staff.

22 Q Thank you very much, Dr. Wilson.

23 Thank you, Mr. Chairman.

24 MR. SCOTT: Yes, Mr. Chairman --

25 THE CHAIR: Yes.

1 MR. SCOTT: Thank you.

2 Q (By Mr. Scott) Dr. Wilson, about how many would  
3 vote on yours, how many in your department, then, would be  
4 eligible to vote on your --

5 A On my --

6 Q Yes.

7 A There were nine. I believe there were nine.

8 Q You mentioned about running a column in the Las  
9 Vegas Voice, if you run that column in the Review  
10 Journal or the Sun, you believe it would have more credit?

11 A Yes, I do.

12 Q Are there some who are running columns in other  
13 papers getting credit, to your knowledge?

14 A Not in the --

15 Q I mean in the Review Journal or the Sun, who may be  
16 getting credit for that --

17 A As far as promotion is concerned?

18 Q Yes.

19 A I don't know of anyone here who's writing a column,  
20 a weekly column, but I do know of people here who every week  
21 or so you see something about them in the Review Journal or  
22 the Sun, and they are the ones who do the upward mobility  
23 thing. They're up and gone. As far as merit, as far as --  
24 well, merit is a whole nother matter, have you discussed that?

25 MS. JONES-BOOKER: No, we haven't, but we'll be



1 doing that later.

2 A Merit is a whole, you know, it's a whole new ballgame,  
3 but as far as the -- as far as merit is concerned, people  
4 get merit for lots of things, which is related to tenure  
5 and promotion.

6 Q (By Mr. Scott) Dr. Wilson, do you believe this  
7 type of treatment that's being received by yourself, perhaps  
8 and others, is one of the reasons why it's hard to find  
9 other people to come here and take this bad treatment?

10 A Yes, I do. Yes, I really do. I believe that some  
11 of the treatment received by minorities here is so dif-  
12 ferent from that received by majorities, until -- I'm  
13 talking about at this, right here, and it may be that  
14 I'm perceiving from a minority standpoint and I may not  
15 be -- well, I try to be objective about the whole thing,  
16 but I have to be a little bit subjective about it, and I  
17 do see some difference in treatment.

18 Q What about the stay of minorities who come here,  
19 are there those who are leaving or have left in the past?

20 A Well, right now there are four of us in the college  
21 of education, is that right? Four. And one of them, I  
22 don't know if she's going to be here, Dr. Lockett<sup>F</sup> has  
23 lived in Boulder City for almost 30 years, and was a --  
24 you know, with the school district so she has a home and  
25 everything there.

1           The other one is, oh, Dr. Troutman here, who's been  
2 here for six years, as the director of the teacher corps,  
3 and then that's another thing that is sort of a bone of  
4 contention around, why is he still on the soft money after  
5 six years with a doctorate.

6           Q     What is that? What is that, sir?

7           A     Soft money is on federal money, you are paid out of  
8 money other -- monies other than state monies.

9           Q     How long on soft money did you say?

10          A     This is six years, isn't it?

11          DR. TROUTMAN: Six years.

12          A     Six years.

13                Then we have Dr. Pitts, who was -- who is in the  
14 department of administration, Dr. Ruth Pitts, and she is  
15 on hard money, of course, just came, her husband is a teacher  
16 in the school district, and I believe -- and myself.

17                I've been here -- this is my ninth year. My first  
18 couple of years that I was here I was not on hard money,  
19 or I was not on state money. The money for my salary was  
20 donated by a citizen of this town, and a chair was estab-  
21 lished in the honor of her parents, and after she became  
22 a member of the board of regents, then she withdrew the  
23 money and asked the state to pick up my salary, and the  
24 state did.

25          Q     Does that affect any tenure, your tenure?

1       A     It did not affect my tenure, it did affect --  
2 well, I see it as affecting my promotion but I don't know  
3 if it affected my tenure.

4             Well, no, it didn't, because I got tenure at the  
5 end of my sixth year. And most other people got theirs.

6       MR. SCOTT: That's all I have, Mr. Chairman.

7       Q     (By Ms. James) On the question of promotions, in  
8 any written criteria, does a college or department have a  
9 certain number of promotions they can give each year? Is  
10 there a set number or is it whoever is qualified?

11       A     As far as promotion is concerned, I've never known  
12 of any set number.

13       Q     What about tenure?

14       A     No, your sixth year you must go up for tenure or  
15 you'll be thrown out, I mean -- well, if you're not -- not  
16 thrown out, but you will be dismissed.

17       Q     Okay.

18       A     That's a better word.

19       Q     What about rank, does, say for the -- for example  
20 does the college of education say, out of our 50 faculty  
21 only 20 will be professors?

22       A     Full professors?

23       Q     Right, is there a set number for each of those  
24 ranks, to your knowledge?

25       A     I have heard there was. I have heard that. But

1 that's hearsay and I -- I would not enter that, you know.

2 Q Right, there is nothing in writing in the regs. --

3 A No.

4 Q -- that say we only have a certain percentage?

5 A No, there is nothing in there that would say that.

6 Q Okay. Who -- the other thing that you mentioned is  
7 in the criteria it says publication or other creative  
8 endeavor?

9 A Yes.

10 Q Has there been any written or discussed definition  
11 of what other creative endeavor is?

12 A Not in my presence, not since I've been here. I  
13 thought that having 15 or 20 Black newspapers publishing  
14 a column every week would be creative. It would appear  
15 that way to me. You know, that's something creative, you're  
16 -- and I spend, oh, four or five hours a week in the  
17 library gathering material to do two little typewritten  
18 pages.

19 Q Is your article on educational issues?

20 A Yes, it is, I have copies of it in here if you  
21 would like to see it. If you want one of these things to  
22 put in your minutes it's okay with me.

23 But these are, you know, in several papers around  
24 the country, and I thought that was creative enough to fulfill  
25 that requirement for creativity.

1 I'm continuing to do that because it is financially  
2 rewarding, but I just thought it was creative enough to  
3 warrant a look at. The committee did not see so, think so.

4 Q You did submit it to them --

5 A Yes, I did, copies of them are in here.

6 Q Just one last little point.

7 You mentioned that nobody visits your class, but you  
8 do provide a syllabus to your department chair?

9 A Yes, I do.

10 Q Is that required or did you just --

11 A Yes, it is.

12 Q Everyone must --

13 A Yes, and I also provide one of these to each member  
14 of the class. It just so happens that Ms. DeLuca has  
15 been a student of mine and I believe she will remember  
16 that we provided some kind of outline for --

17 MS. JAMES: Thank you, that's all I have.

18 Q (By Mr. Walther) I'd like a question.

19 Did the committee advise you that the articles  
20 which you have written were inadequate or not sufficiently  
21 meaningful or something to be considered a publication  
22 or other creative endeavor or --

23 A No, they did not.

24 Q Have you ever discussed it with any members of the  
25 committee directly?

1 A Not with any member, I discussed it with the chairman  
2 of the department.

3 Q And did the chairman indicate to you that there  
4 were criterion they looked at when they examined this  
5 factor, what kind of publication, what was the subject  
6 matter?

7 A No, they didn't, no.

8 Q No criterion?

9 A No.

10 Q What about the --

11 A He mentioned the fact that I should have gotten that  
12 manuscript in and got it accepted and had a little back  
13 to me long before time to turn this in. But you can't  
14 always do that.

15 Q What about the creative endeavor, is there any kind  
16 of criterion that they utilize in determining whether or  
17 not your endeavors have been sufficiently creative?

18 A No, it's left up to the department chair or to the  
19 committee itself.

20 Q Do you know how you were rated on these various  
21 categories?

22 A No, I do not. Those are confidential ratings.

23 Q So you don't know where your weak spot may be to  
24 improve --

25 A No.

1 Q -- for purposes of promotion, is that correct?

2 A That's right.

3 Q Have you ever asked so that you could find out if  
4 there are any weak areas?

5 A Yes, I did. The answer that I got was that the  
6 codes say they are confidential.

7 Q Did they tell you informally where the weak areas  
8 are so you can do something to improve?

9 A No, sir, no mention at all is made of anything other  
10 than your points were low.

11 Q But they don't necessarily say how low or in what  
12 areas?

13 A No, they do not, not to me.

14 Q May I ask you about the terminal degree situation  
15 where you say of your own knowledge you're aware that the  
16 rules have been broken in that there are associate pro-  
17 fessors which do not have terminal degrees?

18 A Yes, sir.

19 Q Have you ever called that to the attention of the  
20 department in which these people teach?

21 A Yes, I have.

22 Q What response do you get from them?

23 A That's a department matter. Departmental matter.

24 Q Did they indicate to you that there are bases upon  
25 which they waived this requirement?

1 A No.

2 MR. WALTHER: Thank you.

3 THE CHAIR: Any other questions by the committee?

4 Q (By Mr. Scott) Mr. Wilson, I might like to ask the  
5 question, have you seen the affirmative action plan of  
6 the university here?

7 A Yes, I have.

8 Q Is there anything in there to give you any hopes  
9 that you have read in the affirmative action review?

10 A Yes, there is. There are some things in there,  
11 I don't have one in front of me right now but there are  
12 some things that give me some hope.

13 Having an affirmative action officer on campus gives  
14 me hope. Some of the things in there that he's on top of  
15 at all times gives me some hope.

16 Q Who appoints him and who does he report to?

17 A Pardon?

18 Q Who appoints the affirmative action officer and who  
19 does he report to?

20 A Okay, the affirmative action officer, I believe  
21 was appointed by the president through the board of regents  
22 and approved by the board of regents. He reports directly,  
23 I think, to the academic vice president and the president.  
24 He's here.

25 MS. JONES-BOOKER: Yes, he will be testifying later.



1 MR. SCOTT: Okay, thank you. I just got such a  
2 view that was not very light, you know, kind of dim from  
3 what you were saying there to see how the situation is  
4 operating in the University of Nevada here and that's why  
5 I raised the question.

6 A Okay.

7 THE CHAIR: Dr. Wilson, the -- myself, the advisory  
8 committee for the State of Nevada and the U.S. Commission  
9 on Civil Rights certainly want to express our appreciation  
10 for your appearing here before us and for that excellent  
11 presentation.

12 A It's my pleasure.

13 THE CHAIR: We want to certainly thank you for that  
14 consideration.

15 A It was my pleasure.

16 THE CHAIR: Dr. Troutman, Porter Troutman, Director  
17 of Teacher Corps, College of Education, University of  
18 Nevada, Las Vegas, will come at this time.

19 Q (By Ms. O'Neal) Will you please state your name?  
20 And position at the University of Nevada, Las Vegas?

21

22

23

DR. PORTER TROUTMAN

24

25

A (By Dr. Troutman) Porter Troutman, Director of

1 Teacher Corps at the University of Nevada, Las Vegas.

2 Q Thank you, Dr. Troutman.

3 Can you tell me how long you've been employed at  
4 the University of Nevada in Las Vegas and in what capacity?

5 A I've been employed for a total of six years as  
6 associate director of the teacher corps program, and also  
7 as director of the teacher corps program.

8 Q Thank you.

9 The Nevada Advisory Committee is aware that as far  
10 as tenure is concerned is there a distinction made between  
11 terminal and nonterminal degrees?

12 A I'm sorry?

13 Q Okay. The Nevada Advisory Committee is aware of  
14 the tenure is concerned. Is there a distinction made,  
15 is there a difference made between terminal and nonterminal  
16 degrees?

17 Hopes?

18 THE CHAIR: Is there a distinction between terminal --

19 A Yes, of the -- right there is, right.

20 Q (By Ms. O'Neal) Can you tell me how?

21 A The distinction is the terminal degree holders are  
22 people with Ph.D's or ED's in education. The other dis-  
23 tinction is people without those particular degrees. So  
24 that is a distinction.

25 One that have the terminal degrees, Ph.D's or ED's,

1 and one without the terminal degrees. That would consist  
2 of your -- your BA's, your BS, master's, so forth.

3 Q What effect does this have on a career performance?

4 A What effect does --

5 Q Yes, what effect does this have on a career per-  
6 formance?

7 A From my perspective or from my position, it's  
8 indicated or implied that the person with the terminal  
9 degree will have most of the privileges here that other  
10 persons possessing the same kind of degree. I would say  
11 there are people here in the college of education, and I  
12 would assume campuswide, that do not have the terminal  
13 degree and that are tenured people and they have received  
14 promotions and you have, on the other hand, people that have  
15 terminal degrees who have been here for quite some time  
16 that are not on the tenured track.

17 Just to give you an example of my case and situation,  
18 I guess you would want that, I've been here since 1971.  
19 I'm a lecturer in the college of education and also  
20 director of the teacher corps program.

21 It so happens that they have what they call soft  
22 monies and they have what they call hard monies. That  
23 simply means you have a tenured contract, a nontenured  
24 contract, nontenured meaning soft at least, tenured meaning  
25 state funds or hard money, that's my, I guess that's my

1 purpose for being here, to testify on that particular  
2 component, the hard monies and soft monies.

3 Well, if you're on a tenured track, then you have  
4 job security. And let me define tenured.

5 Tenured is a position or a contract that is given  
6 to employees here, professional employees here, that  
7 receive monies from state, from the state. It's appropriated  
8 by the state, whereas nontenured positions are generally  
9 generated by grants from the state and the national office.

10 In my case, during the six years that I've been  
11 here, my salaries have come from the generation of  
12 teacher corps proposals, which have amounted in the millions  
13 of dollars, in terms of this particular university.

14 I don't know, maybe I'm talking too much, let me  
15 wait for questions, okay?

16 Q What -- is there a difference between -- is there a  
17 different impact on minorities and women regarding the  
18 issue of terminal degrees?

19 A Is there a different impact --

20 Q Yes.

21 A -- on women regarding --

22 Q And minorities.

23 A I think there -- there is in some cases. There's a  
24 different impact. I think you have reference to this college?  
25 I think there are some cases here where you have women that

1 possess -- that do not possess terminal degrees but yet  
2 are on tenure.

3 On the other hand, you have women that possess  
4 terminal degrees that are -- that are untenured.

5 I would say if you're a minority and you don't  
6 possess the terminal degree, that you are -- you know, you  
7 are impacted by that situation. I think the load is  
8 doubled if you don't possess the terminal degree.

9 I don't know whether that answered your question  
10 or not.

11 Q Does the affirmative action plan include federal-  
12 funded positions?

13 A Not to my knowledge.

14 Q Have you had any communication with the affirmative  
15 action office concerning its efforts in this area?

16 A Oh, yes, I have.

17 Q In what way?

18 A I -- I've been in contact with Mr. Kitchen since  
19 the time that he came to the university, and we have dis-  
20 cussed my situation, and I say that to say that the non-  
21 tenured track that I've been on for six years.

22 Q Thank you.

23 What effect does this have on <sup>A PERSON'S CAREER</sup> the University of  
24 Nevada, Las Vegas' [career]?

25 A Oh, I think the -- it's smokey, shadey, unsure, I

1 can't think of all the adjectives that I could use to  
2 describe that thing, but I think it's -- it's unknown.

3 Q Does placement in nontenured position differentially  
4 affect minorities and women at the University of Nevada,  
5 Las Vegas? Can you explain that?

6 A Does placement?

7 Q Yes, does placement, does placement in nontenured  
8 positions differentially affect minorities, differentially.

9 THE CHAIR: Differentially affect minorities.

10 Q (By Ms. O'Neal) Minorities and women. Does it  
11 affect them differently?

12 A I -- I don't know of any cases where that has  
13 occurred here in the college of education. And that may  
14 be the case in other departments other than the college  
15 of education or other colleges.

16 Q Can you tell me the difference between soft and  
17 hard money?

18 A Oh, okay.

19 Q Please explain.

20 A The difference between soft and hard monies are  
21 tenured and nontenured. - The soft monies, as I stated  
22 before, are usually generated by state funding or -- I'm  
23 sorry, not state funding, they are usually generated by  
24 an individual within the college of education. The source  
25 is either the state or national level.

1           In my case, I've generated, like I stated before,  
2 over millions of dollars here at the university in terms  
3 of the teacher corps program. I would say the basic  
4 difference is, one is state supported and one is supported  
5 through federal funds by grants.

6           Q     Thank you.

7           Here's another one I'd like to ask you. How and  
8 by whom is a determination made to place a position on  
9 hard or soft money?

10          A     The process is the dean or the faculty of a  
11 particular department will have input to make the decision  
12 whether that person within that department deserves putting  
13 on a contract, deserves a tenured position. After that  
14 particular recommendation is made, the dean will make the  
15 recommendation to the vice president or president, who  
16 will, in turn, make the final decision.

17          So, in essence, I guess I'm saying from the depart-  
18 ment, dean, vice president and president. The final  
19 decision is made by the president of the university.

20          Q     I have one more.

21          Can this decision be changed? If so, please  
22 explain how and by whom?

23          A     Can the decision be changed to --

24          Q     Yes.

25          A     -- place a person on --

1 Q Soft monies? Soft or hard or whatever.

2 A In most cases it can be changed. It can be  
3 changed by the dean or the president of the institution.

4 Q (By the Chair) Dr. Troutman, who suggests the federal  
5 programs by which a program is written to receive, for  
6 the university to receive this soft money, whose suggestion?

7 A Okay, most of the time the ball will start to roll  
8 with the dean of the college of education. If there's a  
9 grant that the college of education can benefit from, for  
10 example I'll use my case as an example, the program that I'm  
11 presently working with, the teacher corps program is for  
12 -- to improve the inservice and preservice programs of  
13 teachers in the Clark County School District and other  
14 districts.

15 That's a need, that's a need within the college of  
16 education. Usually the grant is identified for this kind  
17 of need. After the grant is identified for that kind of  
18 need, a group of persons are selected to write the proposal  
19 or grant to that particular funding agency, and depending  
20 on the content of the grant, depending on the goals and  
21 objective of the grant and the quality of the grant, the  
22 grant is funded to that particular department or college.

23 In my case it's the college of education.

24 So, in answering your question, the dean of the  
25 college of education will usually initiate this process, but



1 it's parceled out to various departmental members within  
2 the -- in that particular department.

3 Q And --

4 THE CHAIR: In other words, if that departmental  
5 member does not sufficiently make this proposal, if it's  
6 defective in any form or fashion, and the grant -- then  
7 the grant is not made to that department --

8 A Right.

9 Q (By the Chair) -- to the university?

10 A Right. You're not funded if -- let's say if you  
11 write a grant and you're not funded, well, you know, goodbye,  
12 you've had it.

13 Q All right. How long have you been director of  
14 teacher corps? Not assistant director but director?

15 A Okay, I've been director of teacher corps for  
16 approximately four years, and during those four years  
17 I've written two proposals, approximately \$120,000.00 over  
18 the past two years. Well, I'm sorry, let me retract that.  
19 It's close to a million dollars.

20 During the time that I've been here, those -- the  
21 grants that I've written, the proposals that I've written  
22 or participated in writing.

23 Q And these are all federal grants?

24 A These are all federal grants that are funded out of  
25 the Health, Education and Welfare Department, Washington, D.C.

1           Let me just backtrack a moment and give you a little  
2 history of what teacher corps is. Teacher corps was funded  
3 in 1965 under Title V-B of ESEA Act, and it's one of --  
4 it's the only program that I know that Congress has approved  
5 whereby you have school districts, universities and  
6 communities working together in order to improve the  
7 inservice programs for teachers and inexperienced teachers.

8           Well, let me rephrase that. Inexperienced teachers  
9 and teachers, preservice program, inservice programs.

10           That particular grant has been around or this par-  
11 ticular program has been around 12 years. And I think  
12 at this particular college of education has had a great  
13 impact on the college, college-wide. Well, college-wide  
14 and department-wise, in terms of producing the kind of  
15 people that we want to produce in the teacher education  
16 field, and at the same time, meeting the needs of students  
17 and teachers that were in the field.

18           THE CHAIR: Do we have any other questions by  
19 members of the committee?

20           Q       (By Mr. Scott) Mr. Wilson, I think I have probably  
21 one question, maybe a followup.

22           Dr. Troutman, I'd like to know, to your experience  
23 since you've been here, you're speaking of soft and hard  
24 money, is it the gateway in which minorities primarily  
25 come into the campus here, through the hard money or soft

1 money, which one would you say the gateway they come in  
2 the most on?

3 A I would say the program that I'm working with is  
4 an avenue for colleges and universities to get minorities  
5 involved in the higher education process. This is the  
6 intent. It is one of the avenues.

7 I think Dr. Wilson alludes to the fact that first  
8 time he came here, he received a chair but it is one of  
9 the avenues that have been used around the country in  
10 terms of getting minorities involved in higher education.

11 Q So you really indicate, then, that the soft money  
12 is the gateway in which minorities come into this campus?

13 A In my case it is. There may be other cases.

14 The intent of my particular grant was, since we  
15 received federal funding for six years, the intent was  
16 for the college to absorb my position later on, or after  
17 X number of years. That has not transpired yet.

18 MR. SCOTT: That's all I have, Mr. Wilson.

19 THE CHAIR: Any other questions?

20 Q (By Mr. James) You mentioned a little bit before  
21 about who makes the determination about, well, who is on  
22 hard money or who's soft money, but could you describe  
23 just briefly what would be the process if you, Dr. Troutman,  
24 wanted to transfer? What steps would have to be taken to,  
25 say I would like to get into a tenured track, who would

1 make that decision?

2 A Okay, at the present time a host of support  
3 letters have been written from chairmen of departments  
4 within the college of education, and recommendations have  
5 also been made to the advisory board regarding my position.

6 The dean has written a strong letter of recommendation  
7 regarding the transfer of my position from soft to hard  
8 monies. At this particular time, no action has been taken  
9 on that particular matter. I don't know where it is or  
10 what the status of the situation is, but I have received  
11 conflicting reports regarding that particular situation.

12 The final decision I would say is made by the  
13 president, but the president receives recommendations from  
14 the department chairmen, in my case, and recommendations  
15 from the dean.

16 I have let it be known that I can no longer remain  
17 in a soft monies position because I do have a family, I  
18 have a terminal degree, and I feel very comfortable in the  
19 job that I'm holding down, I feel that I have produced at  
20 the University of Nevada, Las Vegas, and that's reflected  
21 by the -- receiving the continuous grants and also the  
22 impact that we've had in the college of education and  
23 college-wide, and college-wide at least.

24 Q Dr. Wilson had also mentioned that he came in  
25 under soft money --

1 A Right.

2 Q -- and has now been transferred. Does a hard money  
3 position have to be available before they can transfer  
4 or can they make the decision that that now becomes a hard  
5 money position?

6 A To be honest with you, I think that's possible. I  
7 think there are ways, there are alternatives. There have  
8 been situations whereby people have come into the college  
9 of education on soft monies and there are existing situa-  
10 tions where people have come in on soft money, since I've  
11 been here, and they have been transferred to hard monies  
12 position.

13 Q Without creating a new position, to your knowledge?

14 A In some cases, yes.

15 Q Related to the money aspect, you said within the  
16 last two years approximately a million dollars worth of  
17 federal funds?

18 A I would say over the past four years, yes.

19 Q Okay, over the past four years? What percentage of  
20 that million dollars in the last four years goes directly  
21 to the university?

22 A Eight percent.

23 Q And what percentage of that goes directly to the  
24 college?

25 A Well, nothing really goes to the college. We get the

1 monies in and what I do as director of a program, the grant  
2 is normally generated by three institutions, the community,  
3 the school district and the university.

4 I am the prime contractor, the procedure is for  
5 the grants man to conduct a needs assessment in terms of  
6 what are the needs of children, what are the needs of  
7 teachers in the field.

8 Based on that, I come back to the university and  
9 identify staff members to provide the necessary expertise  
10 to hopefully remediate those particular needs.

11 So I would say, say I have a grant of 319 right  
12 now, approximately two, I think it's 206 is at the  
13 university, the other 113 is with the local school district,  
14 so the money comes back to the university but it's paid  
15 out for services that I purchase from professorial staff  
16 members here to deliver courses out in the field, field  
17 based courses.

18 Q That was my followup question, does some of that money  
19 go to pay partial salaries for tenured professors here?

20 A Well, in addition. In addition. Well, let me  
21 explain this. I can not pay instructors that are on  
22 contract at the University of Nevada, Las Vegas, so whatever  
23 they do for my particular program, they are paid in addition  
24 to the monies that they're receiving from their regular  
25 contract here at the university.

1 Q It's above and beyond their flat, hard money salary  
2 is what I'm saying?

3 A Right, right.

4 Q One other little question.

5 Do you just happen to know how many people within  
6 the school of education are on soft money?

7 A Sure. Let's see, I have those. A total of ten,  
8 ten persons.

9 Q That's out of approximately 58 in the whole school,  
10 about?

11 A Right, a total of 58, right.

12 MS. JAMES: That's all I have.

13 MR. SCOTT: Mr. Chairman, could I ask him how many  
14 of those are minorities?

15 THE CHAIR: Just a moment.

16 MR. SCOTT: Just one comment, how many of those are  
17 minority students?

18 MS. JAMES: Of the ten?

19 A Of the ten?

20 MR. SCOTT: Yes.

21 A One.

22 Q (By Ms. Campbell) Dr. Troutman, on the question of  
23 the differential impact on minorities and women regarding  
24 terminal degrees, you mentioned that a person's load is  
25 doubled if they don't have terminal degrees. Could you be

1 more specific?

2 A I'm sorry, I didn't hear the question.

3 Q You mentioned that a person's load is doubled if  
4 they don't have a terminal degree. Could you be more  
5 specific?

6 A Okay, let me clarify that. My intent was to say  
7 that if you -- if you're a minority and you don't possess  
8 the terminal degree, that the load is doubled. I guess  
9 what I'm saying is you work at least -- let me find some  
10 adjectives to really describe the situation.

11 I think your level of production is double as a  
12 minority.

13 Q Are you saying that that only happens to minorities  
14 if you don't have a terminal degree?

15 A I would say so, right. In my experiences and  
16 observations.

17 Q And I'm not sure whether -- I just wanted to ask  
18 you one more question. We asked you how a decision, if  
19 a decision can be changed after it's reached on whether  
20 to place a position on soft or hard money. What is the  
21 procedure for initiating a change of decision?

22 A For initiating a change of decision --

23 Q If you wanted to have a change of decision made,  
24 what's the procedure?

25 A The procedure that I've used and the procedure that



1 is usually followed here at the university is that you  
2 follow protocol, department chairman, dean, the dean will  
3 simply make a recommendation to the president and the  
4 president will make the final decision.

5 MS. CAMPBELL: Thank you.

6 A But I would say the ultimate decision lies with  
7 the president with a lot of input from the dean.

8 MS. CAMPBELL: Thank you.

9 Q (By Mr. Walther) Sir, do you find fault with the  
10 concept that people on what's called soft money can't  
11 acquire tenure while on soft money?

12 A They can not acquire tenure.

13 Q I understand that. Do you find fault with that?  
14 In other words it would be my -- and -- it would be my  
15 understanding that the reason for it is because you can't  
16 always be sure that the money's going to be there and so  
17 while it's there --

18 A Right.

19 Q -- you have a position but you can't be sure it  
20 can always be a tenured position because the money may  
21 not always be there?

22 A Right, right.

23 Q How can we solve the problem or what do you think  
24 should be done to ameliorate the problem so that people  
25 who come in on soft money can maybe take first crack at

1 tenured position later on when hard money's available or --

2 A Well, the -- the intent, in my case the intent,  
3 and there's some more grants around that have directors  
4 in the same situation that I'm in, whenever a college or  
5 university accepts a grant of this particular amount, the  
6 ultimate goal is to institutionalize the concepts and  
7 programmatic issues of that particular program, so I guess  
8 what I'm saying is, when you accept the grant itself,  
9 you're saying that I'm committed to eventually <sup>ABSORB</sup>absolve  
10 that particular person on a hard money position, in a hard  
11 money position.

12 Q How do you mean absorb?

13 A Provide.

14 Q Provide a tenured position then, ultimately?

15 A Provide, right, provide a hard monies position.

16 Q So it would be your feeling that there should be some,  
17 at least standard, whereby when this amount of money is  
18 accepted, that there is also, at the same time, some assurance  
19 that the person taking the position on soft money will  
20 have the ability to become tenured at some point?

21 A Sure.

22 Q I see.

23 A Specially after six years.

24 MR. WALTHER: Thank you.

25 Q (By Ms. James) Just to follow up on that, some

1 federal programs I'm familiar with, the Title VII bilingual  
2 says at the end of, say a five-year period, the local  
3 school district will pick that up on its own money. Is  
4 there any such thing written into teacher corps, any  
5 kind of commitment asked for of the university to  
6 eventually consider picking it up on their own?

7 A There is a commitment, the commitment is once the  
8 grant is received by the institution, if the program  
9 isn't worthwhile, then the college of education will not  
10 support it. But if you're producing, then the intent is,  
11 after the college of education, in my case, receive the  
12 money, the intent is to institutionalize the concepts and  
13 strategies of that particular program.

14 And in teacher corps case, the concept and  
15 strategies were preservice, inservice programs and that's  
16 a need right now.

17 And I think the -- by really showing a profound  
18 commitment to it, then you would institutionalize this  
19 particular program by taking in the person that is over  
20 this particular program into a hard monies position.

21 Q Was the university or the college of education  
22 cognizant of that kind of commitment when they first got  
23 into the program?

24 A Oh, sure, right, right.

25 Q (By Ms. DeLuca) Dr. Troutman, when you spoke of the

1 load being doubled upon a person who does not have a  
2 terminal degree, a minority person, do you also feel  
3 that's true of women who do not have terminal degrees  
4 or not?

5 A I think -- now this may be a bias of mine, this is  
6 solely based on observations and conversations with my  
7 colleagues, that's why I'm taking this particular position.

8 Now, that could be true college-wide, I don't know.  
9 I know of some of my colleagues that have absorbed --  
10 well, not absorbed but that are working fairly hard in  
11 order to maintain a position here at the university.

12 Q So, are you saying you feel these same pressures  
13 are not on women who do not have terminal degrees?

14 A No, they are.

15 Q They are?

16 A They are, sure they are.

17 Q I wanted to be clear about that.

18 A I'm not a, what do you call those guys that are  
19 against the --

20 MS. JONES-BOOKER: We don't want to use that word.

21 A I can't think of it.

22 MS. DELUCA: Thank you.

23 Q (By the Chair) Dr. Troutman, you said that it was  
24 ten positions in your department --

25 A Right.

1 Q -- on soft money?

2 A No, I said that there were ten within the college  
3 of education.

4 Q In the college of education?

5 A Right. Right.

6 Q You are in the college of education?

7 A I am in the college of education but I'm in the  
8 C and I department.

9 Q All right. Now, how many persons there have more  
10 seniority than you in that department -- in the college  
11 of education?

12 A In the college of education?

13 Q Yes.

14 A I don't have that information. More seniority.

15 Q Yes, been there more than six years?

16 A I can probably tell you the opposite if I went over  
17 this list and gave, I can give you an approximate number  
18 of the people that have been here, have come here since  
19 I've come here that have been transferred over to hard  
20 monies if that would be helpful.

21 Q Well, could you give me some idea?

22 A Okay. Say around four.

23 Q Four have been transferred --

24 A Approximately four, right.

25 Q -- to hard money?

1 A Right. Since I've been here.

2 Q Were they here prior to your -- to you joining  
3 the department?

4 A They came after me.

5 Q They came after you?

6 A Right.

7 THE CHAIR: Do we have any other questions?

8 Yes.

9 Q (By Ms. James) Were those White males, those four?

10 A Yes, they were.

11 Q All four were?

12 A Right. Well, three and one.

13 Q What's the one?

14 A Female.

15 THE CHAIR: But they weren't minorities?

16 A They were not minorities.

17 MS. JAMES: They were all White, yes.

18 Q (By Ms. Campbell) Okay, are there any other  
19 effects on minorities, minorities and women who don't  
20 have terminal degrees besides their work load being  
21 doubled?

22 A Well, now let me clarify the work load thing again.  
23 I guess there's some misconception. My perception is  
24 simply a minority perception in terms of what people are  
25 responsible for, what minorities are responsible for.

1           As I stated before, my position may be biased,  
2 okay? I got my data from talking to minorities that have  
3 worked here in the college in terms of production. That's  
4 my rationale for saying that.

5           Now, I don't know whether that's a global kind of  
6 thing, if it's a college-wide thing, see, but I'm saying  
7 the people that I've had, that I've been in contact with,  
8 that's true to a certain degree based on the conversations  
9 that we've had.

10       Q     But what I'm trying to find out, are there any  
11 other effects besides loads being doubled?

12           MS. DELUCA: Laurie?

13           THE CHAIR: Just a little louder, please.

14       Q     (By Ms. Campbell) Are there any other effects  
15 besides work loads, is what I'm trying to find out, for  
16 a person who does not have a terminal degree?

17       A     Not that I recall. Not that I know of.

18           THE CHAIR: Dr. Troutman, we want to thank you,  
19 as chairperson of the state advisory committee, and also  
20 the U.S. Commission on Civil Rights, for your appearance  
21 here today and for the very informative and fine presentation  
22 that you made to us.

23           Thank you very much.

24           Alice Mason, Associate Professor of Physical Educa-  
25 tion, University of Nevada, Las Vegas. Ms. Mason?

1 MS. MASON: Can I hand out sheets?

2 MS. JAMES: Sure, I'll hand them out for you.

3 MS. MASON: "I thought these handout sheets might be  
4 helpful in asking questions and -- whatever.

5 MR. SCOTT: Thank you.

6 Q (By the Chair) Please state your name and faculty  
7 position, please?

8

9

10

MS. ALICE MASON

11

12 A (By Ms. Mason) I'm Alice Mason, I'm Associate Pro-  
13 fessor and I've been at the university 20 years, this is  
14 my 21st year.

15 Q In what capacities have you been?

16 A I am in the health, PE and recreation department.  
17 And my concern was women's athletics.

18 Q What experiences -- what has your experiences been  
19 as instructor and associate professor of physical education  
20 at the University of Nevada, Las Vegas, for the past 20  
21 years? With that development?

22 A Well, I've taught the activity courses and the  
23 physical education major courses. I've also been in the  
24 health field and right now I'm getting into, more into the  
25 health field itself.



1           However, I've started programs for women in athletics,  
2 mainly because most of our girls go out and coach in  
3 the high schools and they do not have a background or many  
4 experiences for them to be on an active team to get the  
5 experience to go out and coach.

6           We've had a major program almost 20 years now, not  
7 quite, but almost, and they haven't had that much inter-  
8 collegiate sports. I can give you a little history of  
9 what happened through the schools.

10           I came in '56-'57 area, and the Clark County School  
11 District did not have intercollegiates for women at that  
12 time. The Clark County or the recreation department ran  
13 intercollegiates for the school district because the school  
14 district did not give them money so the recreation depart-  
15 ment did it.

16           I had volleyball, basketball, and softball at the  
17 university level, and I asked the director if my girls  
18 could go down and play in their league which they let me.

19           This gave the majors at least some sports to go on.

20           In the meantime, the men are developing basketball,  
21 all types of sports for the men.

22           The women, on the other hand, did not have any  
23 facilities to practice. We finally got an old gym but the  
24 men had all the time sewed up.

25           So I had to find the Fifth Street school gym for the

1 girls, we went down to the Dooler Center for practice,  
2 we went over here to the Paradise School for practicing,  
3 anytime we could get the facilities.

4 The coaching, this was over and above my teaching  
5 load. I got absolutely zero.

6 Meanwhile the men's programs are building up, they  
7 get publicity, the whole bit. As far as transportation  
8 the girls used their own cars.

9 Finally I got so that we could play the schools up  
10 in Utah and some down in Arizona and out in California, we  
11 used our own cars.

12 Finally the school gave us a state car for a trip  
13 and they put the gas in the car for us, which was very nice  
14 of them.

15 The entrance fees were paid out of my pocketbook  
16 or I collected a dollar each from the girls, depending  
17 on how financially up I was, which wasn't very often.

18 As far as the supplies go, the physical education  
19 department supplied the balls, we used the PE balls, we  
20 didn't have any extra balls for that.

21 As far as support from the school we got absolutely  
22 none. The administration gave absolutely no support.

23 About four or five years ago, upon going to Baeppler,  
24 I begged, I pleaded, I went all kinds of directions.

25 He finally admitted that we needed somebody to direct

1 the women's sports because it was getting too big, I just  
2 couldn't do it over and above my job load.

3 He put in a woman's athletic director. She lasted  
4 two years. And she was fired. Or let go.

5 Since that time, the last two years, the athletic  
6 director for men has been doing the women's sports. He  
7 has no time for the women's sports. The women's sports  
8 have gone downhill since he has been supposedly doing the  
9 athletics for women.

10 As you can see we have the various sports I have  
11 outlined as far as the men are concerned. They have baseball,  
12 football, I forgot to put JV football there, by the way,  
13 basketball, JV basketball, soccer, they have ten sports  
14 here for men. We have four sports for women. On an inter-  
15 collegiate basis.

16 The basketball has one man as director of this  
17 position, and he has a student teacher right now as his  
18 assistant. Next semester she'll be on a letter of appoint-  
19 ment. She hasn't even graduated from college yet.

20 Last year they had a graduate assistant to be a  
21 helper, the assistant coach for the women's team.

22 The men have, I don't know, three, four positions  
23 for basketball. They have ten full ride scholarships for  
24 the men, that's for JV and regular varsity basketball,  
25 the women have five full scholarships, they have one program.

1 which is basketball.

2 The JV program is very important because the ones  
3 that aren't quite capable of making it feeding it into  
4 the varsity is very necessary.

5 As far as the track and field goes, Al McDaniels  
6 does a tremendous job with the gals, he also has Bonnie  
7 Renault helping him now so Bonnie's taken over the girls.  
8 Bonnie is also helping the swimming coach with the women  
9 on swimming so she has a dual position on track and field  
10 and swimming.

11 There's a man that heads up the track and field  
12 as I say, he does a great job. And swimming, the coach  
13 has it. They recruited last year, oh, four or five extra  
14 girls, but the graduate assistant who recruited them did  
15 not come back, therefore the girls did not come, they  
16 did not give out the scholarships and the man coach does  
17 not want to just give the swimming scholarships to any  
18 woman, and if he doesn't give them to just any woman, they  
19 have about four or five girls on the team and about 12 men.  
20 If he doesn't give them they're going to lose them, that's  
21 a fact of life. If you don't use something, you lose it.

22 Therefore, I feel those swimming scholarships are  
23 going to be lost.

24 As far as tennis, it's pretty equal, the coach seems  
25 satisfied with that. The sports that the Clark County School

1 District has, and I have that on item 9 as an area of con-  
2 cern, I'm sorry, number 8 on the sports program, Clark  
3 County they have a tremendous sports program only because  
4 a suit was brought against the Clark County School District  
5 and they had to have sports for women.

6 Now they have a fairly good program for the women,  
7 in Clark County. They have JV programs as well as varsity  
8 and in most of the areas. The areas that we are not  
9 comparable and we can not send a high school graduate  
10 into the college situation here, no place for the girls  
11 to go, are in the areas of softball, volleyball and golf.

12 They're very strong in softball and volleyball  
13 and now in golf in the local school district. These girls  
14 have played junior varsity and varsity all the -- I'm  
15 sorry, from junior high school to high school and now  
16 there's no place for them to go.

17 The boys are getting scholarships in basketball and  
18 football and all the rest, the girls, they're left out in  
19 the cold as far as a continuation of their sport that they  
20 particularly chose to do.

21 Now, I notice Title IX says that we should have a  
22 comparable program for women. And I'm under the impression  
23 right now, we have a woman who is supposedly, I think,  
24 a faculty representative to the athletic board and she is  
25 also the tennis coach, but she also works in the ticket

1 office as a full time person in the office. Therefore she,  
2 I think, is being indoctrinated into what the men think  
3 is a good program for the girls, and she has not done one  
4 thing as far as promoting women's sports. She thinks it's  
5 great. Only because she was told that there were 1,200  
6 women students as opposed to, I don't know how many men.

7 Therefore we have a good proportion of women  
8 sports as the number of women are in school.

9 I called the registrar's office and as of fall we  
10 have 37 -- 3,000 on the status here, 3,727 men, full time men  
11 students and we have 2,124 women students which is almost  
12 half.

13 Therefore, if Title IX were to be broken down we should  
14 have approximate programs for women. And my suggestion would  
15 be, see, in softball is a huge sport in this town and  
16 the high schools and junior highs play it that we should  
17 have comparable to the baseball who has one-man position,  
18 one graduate assistant plus a helper, seven full rides  
19 which amounts to \$36,000.00 in scholarships for men.

20 We don't have softball, which is comparable to women  
21 which I feel we should have. We have football and we have  
22 no program comparable to that.

23 If men, if they brought out that the men should join  
24 the WAC Conference and it's a very prestigious thing  
25 for the university, for the men, the women have nothing.

1 no conference, they belong to the AIAW, but no conference  
2 yet, they're independent. And the football scholarships  
3 had to go from 60 football scholarships up to a 100 in  
4 order to join the WAC Conference.

5 If you figure out four to \$5,000.00 per scholarship,  
6 that's quite a bit of money. If we can afford that kind  
7 of money to join a WAC Conference and they haven't  
8 developed some of these other programs, such as volleyball  
9 for the girls, which is a huge sport in Clark County,  
10 they have JV volleyball in Clark County as well as regular.

11 I would put or equate volleyball with the football  
12 as a comparable sport for women.

13 As far as the basketball, we have basketball, we  
14 have three or four-men positions for the men's basketball  
15 plus two graduate assistants and I said they had two  
16 full rides and I mentioned the one position for basketball.

17 We should really get a JV basketball to be comparable  
18 to men's JV basketball in order to help these girls that  
19 can not make the varsity team.

20 As far as soccer, there's no comparable, women don't  
21 play soccer in the college level, I looked that up and very  
22 few schools have it. Track and field, we have the track  
23 and field program, swimming we have comparable, tennis  
24 we have comparable, golf we do not have comparable, we  
25 have one man who takes the golf team and he has just males

1 in it. There are no women on the golf team, he doesn't  
2 particularly care to have women on the golf team because  
3 you have to have separate tournaments and so forth.

4 I think we should have a golf position or at least  
5 start a team and be able to provide this. They have it in  
6 the Clark County Schools, the girls enjoy it, I've been  
7 to quite a few of their golf meets, something of this type.

8 As far as wrestling, there's no comparable, the only  
9 thing that women have is gymnastics and most colleges  
10 that have a sports program they do have a fairly good  
11 gymnastics program. We do not have any gymnastics program  
12 here at the university. We have wrestling.

13 As far as some other little things before you can  
14 ask me some questions, I know I'm answering most of them,  
15 one or two other things.

16 Do you want me to stop or do you want me to add some  
17 things under these areas of concern?

18 THE CHAIR: I think that at this point, with  
19 covering most of the present status of women athletics  
20 at the university, you've just about covered everything,  
21 we have a few specifics that we would like to ask you,  
22 and move ahead.

23 Now, with the information that you've given, you  
24 certainly have stated that it's certainly substantially  
25 difference in the men's program and the women's program.



1           Now, some other questions with regard to that,  
2 certainly will be coming.

3           What, please describe how the salary decisions are  
4 made in the school of education, in physical education?

5           A     Salary decisions?

6           Q     (By the Chair) Yes.

7           A     When you're hired you're put on a certain level,  
8 say they have a position open for an instructor or an  
9 assistant professor and the salary range will be such  
10 and such and if you have the qualifications, then you can  
11 apply for the job, if you get it, fine.

12           If you have over and above the qualifications that  
13 salary range is the same.

14           Say you want an assistant professor and an associate  
15 professor. Over in physical education they have -- we had  
16 two openings for an associate professor, one in dance and  
17 one in physiology of exercise. And whoever got the job,  
18 it was opened up to whoever, and a women got the dance job  
19 as an associate professor, she stays on that level until  
20 she gets promoted up.

21           Q     By whom are the decisions made with regard to  
22 salary, is it set by a committee or --

23           A     We have a committee.

24           Q     By a committee?

25           A     We have a committee.

1 Q Within the department?

2 A Within the department.

3 Q What criteria do they use?

4 A Well, most of the criteria they use, if you have  
5 a terminal degree, if you're going up for professor,  
6 associate professor now, publishing and they say teaching,  
7 but I don't think they consider that very much.

8 Q How many instructors, professors, with terminal  
9 degrees, that's in the -- your department, education,  
10 physical education department?

11 A In the PE department? I'd say there were about four.

12 Q Nonterminal?

13 A Pardon?

14 Q Approximately how many nonterminal?

15 A There's about ten men and three women in the depart-  
16 ment.

17 Q In your opinion are salaries equitable for women  
18 and minorities, minority members of the school of  
19 education or physical education?

20 A I can't speak for the education department. I can  
21 speak for the physical education department.

22 Q Physical education department, your department?

23 A I would say yes, because we only have the three  
24 and the new one we brought in had a doctorate degree and  
25 she was given a good salary, only because I think there was

1 pressure put on that -- the position held a high thing,  
2 high salary.

3 We have one man who's half time, he's Black, he's  
4 50% PE and 50% athletics, he's the track coach. He does  
5 a super job.

6 That's our minority.

7 Q In your opinion or your experiences, have merit  
8 increases been granted equitably to minorities and  
9 women within the last five years?

10 A Within the last five years, probably. I have an  
11 associate professor and I only have a master's as opposed.  
12 Years ago we were promoted if you didn't have that terminal  
13 degree but I think it was on the books but they didn't  
14 look at the books at that time.

15 A case in point, we have one who does not have a  
16 terminal degree who has a full professor in our department.  
17 And the reason why he has a full professorship is he became  
18 athletic department -- head of athletics after he started  
19 the basketball program and built it up, he became director  
20 of athletics for men. They gave him a full professorship  
21 as, thank you very much for -- you're doing a good job.

22 Maybe it's equivalent to a doctorate, I don't know.

23 But that is the reason why he got his full professor-  
24 ship and I did not.

25 Q Do you think that this consideration is being fair

*Inequities*  
*Rank*

1 to those persons that have terminal degrees and --

2 A No, I don't. We have one man who does a super job  
3 in our department, who's president-elect for the Southwest  
4 District of American Association of Health, Physical  
5 Education, Recreation, he has a terminal degree and he has  
6 not got his full professorship, he's being held back.

7 We have two that have full doctorates that are  
8 held back.

9 Q Do you -- to your knowledge, have these persons  
10 made any type of effort to investigate or to check out why  
11 this -- they have not received that consideration?

12 A One is that they do not -- have not published, the  
13 other one has published and, nothing.

14 Q Nothing. Is either of these persons minorities?

15 A No.

16 THE CHAIR: Do we have any other questions by the  
17 committee or --

18 Q (By Ms. DeLuca) Ms. Mason, I'm not sure if you  
19 gave these figures, but how many, of all the faculty  
20 members in the physical education department, or how many  
21 are there total and how many are women?

22 A I think there's approximately 13, maybe 14, 13.  
23 There's three women.

24 Q And are University of Nevada, Las Vegas students  
25 required to take a semester of health before they graduate?

1 A Health?

2 Q Yes.

3 A Not at the university level, no. Our majors have  
4 to take a semester.

5 Q Well, okay. I'd like to know who's teaching  
6 those health classes, are they men, are they women in,  
7 I'm not sure quite how to ask that question, of the  
8 health classes that are taught, what percentage are  
9 taught by women, would you say?

10 A I teach most of the health courses, Al McDaniels,  
11 who is a minority, teaches some.

12 MS. DELUCA: Thank you.

13 Q (By Ms. O'Neal) Do you feel that the use of the  
14 gym should be permitted where the women's athletics would  
15 have adequate time to use the gym?

16 A We don't have that problem anymore. And I don't  
17 think the Clark County School District does.

18 We have two gyms, and it's not a men's gym and a  
19 women's gym, they're a south gym and a north gym, and the  
20 women get it as much as they want, there's no problem  
21 now with facilities.

22 Q But you had it in the past?

23 A Yes, definitely.

24 Q I have another one.

25 Do you feel that the administration, administrators

1 should support the women's program more than it is doing  
2 now?

3 A Definitely. And the reason why I say that is the  
4 administration has no knowledge of the AIAW rules. An  
5 example of this: Our basketball team won practically every  
6 game last year and they could have gone to the playoffs.  
7 There was a clerical error in not sending in the entrance  
8 fee of \$100.00 or whatever. They could not go to the  
9 playoffs. Can you imagine a basketball team qualifying  
10 for the national playoffs could not go?

11 Now, do you think that would happen if it were a  
12 man, the men's team? That's why I say, there's lack of  
13 knowledge, there's a lack of moral support or any type of  
14 support over there in the athletic department towards  
15 women's sports.

16 Q I have one more.

17 Do you feel that the administrators should look  
18 toward giving women scholarships? Because I do know  
19 that high schools do have a great athletic thing, but  
20 when the kids get out of college, I mean out of high  
21 school, and ready to go to college, to come here, there's  
22 nothing to finance them to get to school to continue  
23 their education for physical education or want to be a PE  
24 teacher or whatever.

25 Do you feel the administrators should look at

1 scholarships for women as well as looking at it for men?

2 A Definitely. Definitely. There are a few. There  
3 are a few scholarships but there aren't that many.

4 Q Can you tell me how much, the few that you do know?

5 A As far as I know, the basketball has five full  
6 scholarships for women, now he has a couple on half and  
7 half, but the total comes up to \$2,200.00 for the 12 girls  
8 he can carry on a team. Then I don't know how many they  
9 have, I think they have two full and maybe a partial on the  
10 track and field, they have, they're not using the swimming  
11 and I don't know what they have on the tennis.

12 Q (By Ms. DeLuca) Ms. Mason, who was responsible for  
13 sending that \$100.00 fee in?

14 A The athletic director. We had an athletic director  
15 but that position was abolished.

16 Q (By Mr. Walther) Why was that position abolished?

17 A Why was it abolished?

18 Q To your knowledge?

19 A Because the athletic women made too many waves.

20 Q Could you amplify on that a little bit?

21 A I think she demanded too much and the school wasn't  
22 about to give it.

23 Q Too much too fast?

24 A Probably.

25 Q Have you been, in your 20 years with the university,

1 you must be as knowledgeable about this problem as anyone.

2 Have you ever contacted any of the regents or  
3 requested that the regents examine the problem?

4 A No, I haven't. I've been to the athletic director  
5 years ago, they gave us some cars for the trips, they gave  
6 me three credits off my teaching load one year because  
7 they saw it was a problem.

8 Q Well, by problem, I mean --

9 A I've gone to Dr. Baepler and that's how they got the  
10 athletic director in the first place.

11 Q Do you have any statistics on how much money is  
12 spent for the athletic department generally and any ratio  
13 of that expenditure between men and women?

14 A I think that's behind closed books.

15 Q Have you attempted to acquire that information?

16 A I've tried to get it from different coaches, yes.

17 Q Do you feel, from your knowledge of other uni-  
18 versities, that the University of Nevada in Las Vegas  
19 has a greater disparity of interest in men athletics  
20 than other universities?

21 A I would say so, yes. Especially a state university.

22 Q What would be your opinion as to how some of these  
23 statistics on the expenditure of money could be acquired  
24 other than through the normal budget, have you been,  
25 for example, participated in the budget requests for athletics?



1           A     No, I'm not in the athletic department, it is a  
2     separate department. It used to be the same, and then  
3     they branched away. And once we got the athletic director  
4     I had to drop out because I have my own teaching load,  
5     I have my own family and there's no way I can continue  
6     to do athletic work and I had gotten no recognition  
7     absolutely.

8                     I put in for -- I filed a suit for discrimination  
9     at one time a few years back, as far as salaries go,  
10    but they said I didn't merit it.

11           Q     The judge?

12           A     No, the, actually it was an equal rights board.

13           Q     Thank you.

14           A     May I add something to that?

15           Q     Sure.

16           A     The dean had given me one merit raise because he  
17    knew I was filing this suit and he saw that I was  
18    lower, I'm about three or \$4,000.00 lower than this man  
19    who came the year after me that got the full professor-  
20    ship and he said he would give me a merit raise each year  
21    until I'm comparable, but after they said I did not have  
22    a suit, that was the end of it.

23           Q     So you've not received the merit raise?

24           A     No.

25           Q     (By Ms. James) You mentioned, back to employment

1 question, you mentioned that two, I believe they were men,  
2 did have doctorates but couldn't get their full professor-  
3 ships because they did not publish?

4 A Right. One of them -- should -- one of them doesn't  
5 publish and he doesn't intend to publish and he's  
6 resigned himself to the fact that he's not going to get  
7 his full professorship.

8 The other one really wants it, he's worked hard,  
9 he's a leader in the physical education world, as I  
10 say, he's president-elect of the whole southwest district  
11 which is a huge district of physical educators. Takes  
12 in the whole southwest district, and he has published,  
13 he's done all kinds of things.

14 Q I raise it because earlier we heard people talking  
15 about you could publish or other creative endeavor. Other  
16 fields such as the arts might consider that being able to  
17 play the piano --

18 A Right.

19 Q Obviously you at least earlier spent a lot of time  
20 extra coaching. Was that ever considered as other  
21 creative endeavor?

22 A No.

23 Q Rather than publish?

24 A No.

25 Q So there was not even money but there was no other,

1 like points given toward --

2 A No.

3 Q -- for coaching?

4 A No. They didn't even support the team. They didn't  
5 even support the girls.

6 Q Do the coaches, the men coaches get some kind of  
7 promotional consideration for coaching even if they haven't  
8 published?

9 A See, we're generated from the athletic, there is no  
10 comparison, no. They get fringe benefits. Like cars.

11 Q Your department, the physical education department,  
12 is within the school of education?

13 A Right.

14 Q Are you -- are there any -- is there anybody in the  
15 physical education department that is also on the athletic  
16 department?

17 A Yes, there's two. One's a baseball coach, he's  
18 50% PE, 50% athletic. I don't know if Dr. Marks, the  
19 swim coach, what he is.

20 Q And those are separate salaries in the athletic  
21 department?

22 A Right.

23 Q So you could, if you got additional money, if  
24 they said we'll give you two classes to teach in PE but  
25 we also want you to come over here and be the athletic

1 director you would get money for that, I'm just hypothetically,  
2 if they said they wanted to reopen the athletic  
3 director's position, they could split it that way and you  
4 could get different salaries, one from the PE department  
5 and one from the athletic department?

6 A If you wanted to go that way.

7 Q I'm not saying you personally would choose that,  
8 I'm just saying it would be a possibility?

9 A As an athletic director?

10 Q I was just looking for a way to again have a woman's  
11 athletic director.

12 A I think that would have to be a full time position.

13 Q Full time position? Okay, that's all I have.

14 Q (By Ms. Jones-Booker) I have one question I'd  
15 like to ask Prof. Mason.

16 If you could just address yourself very briefly, you  
17 have touched upon this before but I'm particularly  
18 interested in knowing to the extent that we move now for  
19 a moment or two past the athletic department to the  
20 administrative offices and the president, the academic  
21 vice president and so on, do you feel that the attitudes  
22 you've described that have manifested themselves in  
23 the department of athletics are reflected through the  
24 administration or do you feel there is a difference between  
25 the two attitudes, both the one in the department of

1 athletics and the administration?

2 If you do feel there is a difference, would you tell  
3 me if you think one, that is the administration, by being  
4 more supportive of the athletic department, might be able  
5 to make some of the changes that you've not seen so far?

6 A Well, I think the administration is mainly interested  
7 in basketball and football, the major sports, because  
8 they're the revenue sports.

9 The minor sports are of no concern at all to  
10 them. So all their energies are going to go toward the  
11 major sports.

12 You have the boosters club which raises quite a bit  
13 of money, however once that money, seeing it is tax  
14 deductible, should go into the main pot and they should  
15 keep the revenue sports going because they are producing  
16 revenue, I don't want to see anybody, you know, backtrack  
17 on revenue sports, and I don't want to see the men's  
18 programs hurt. But the -- they gave a 30% cut in all the  
19 sports, minor sports, and the women are only involved in  
20 minor sports except for the basketball.

21 Q So you feel that the administration, then, is  
22 supportive of the intent and desires of the department of  
23 athletics as it stands at present?

24 A The intent and the desire of the athletic  
25 department is mainly for men, they could care less about

1 the women's program.

2 Q Yes, I don't want to seem to belabor the point,  
3 Prof. Mason, but I would like to try and find out if the  
4 administration, you feel, is in agreement with the goals  
5 of the athletic department, could you answer that for me?

6 A Probably, yes.

7 MS. JONES-BOOKER: Thank you very much.

8 A Definitely yes.

9 THE CHAIR: Professor, we certainly want to thank  
10 you for appearing here before the advisory committee for  
11 the State of Nevada and the U.S. Commission on Civil Rights.  
12 We want to express our thanks for the wonderful presentation  
13 that you made here, and I'm sure that out of these types  
14 of presentations, the advisory committee will be able to  
15 bring about some consideration for all of us here in the  
16 State of Nevada.

17 Thanks again.

18 A Thank you.

19 THE CHAIR: Ladies and Gentlemen, we have just one  
20 other person to appear before us prior to our lunch  
21 break so we're going to try and wind it up so we'll start  
22 off this afternoon on time again.

23 I'm sorry that we're running a little behind, about  
24 15 minutes, but I think that we can do this and get finished  
25 with it, the morning's session.

1           We are going to ask Ms. Fong, Ms. Lilly Fong, to  
2 come forward and make her presentation, Ms. Fong is a  
3 member of the Board of Regents of the University of  
4 Nevada, for the state university regents.

5           Ms. Fong?

6  
7  
8   MS. LILLY FONG

9           A        (By Ms. Fong) Thank you.

10           I spell my name L-i-l-l-y, F-o-n-g. And I am an  
11 elected member of the Board of Regents for the University  
12 of Nevada system.

13           I think that I learn a great deal listening to  
14 Mr. Troutman and Alice Mason. Now I wish that the board  
15 of regents had had some of this input, some of this informa-  
16 tion that I've been listening to all morning.

17           Maybe we could have done something.

18           Q        (By Mr. Walther) Ms. Fong, perhaps what we could do  
19 is to ask you at this time some basic questions and then  
20 we could get into a little more detail after we've asked  
21 you some background on the affirmative action plan that  
22 the university has now adopted, would that be preferable,  
23 do you think, Mr. Chairman?

24           THE CHAIR: Yes, go right ahead.

25           Q        (By Mr. Walther) If you would, could you state how

1 long your term is as a regent?

2 A I fill out an unexpired term of a six-year office,  
3 so I was elected in 1974 to serve four years.

4 Q So you will be a regent until 19 --

5 A Seventy-eight.

6 Q -- seventy-eight. The Nevada Advisory Committee  
7 is aware that the board of regents adopted anew affirmative  
8 action plan for the University of Nevada, Las Vegas, in  
9 June of this year. Do you happen to have information  
10 with regard to new hires or positions of employment for  
11 the new academic year?

12 A I only have what information was related to us at  
13 the board of regents meeting by our affirmative action  
14 officer, James Kitchen. And according to him, and  
15 through his information, for the year 1977 to '78, we have  
16 a total of 417 professionals in the work force, and I see *New hires*  
17 a chart before us here, of that number, 302 are male,  
18 82 are female. Of the 302 male, 22 are -- let's see. I'm  
19 trying to get this right.

20 All right, 302 are male, 82 are female. And then  
21 22 are male minorities and 11 are female minorities. Making  
22 a total of 417.

23 Now, of those 417, 38 of them were new hires with  
24 the composition of 24 male, 11 female. But among them,  
25 only one is a male minority and two are female minorities.



1           Here is a breakdown for the graduate assistant  
2 hires, which is a support staff to our professionals for  
3 the '77 to '78 year. These include residents as well as non-  
4 residents. There were 45 residents, 26 nonresidents,  
5 making a total of 71.

6           Aliens were included in this total figure and  
7 counted as residents or nonresidents according to their  
8 status.

9           Of the 71 graduate assistants, 23 were renewals,  
10 48 were new hires, and of these 48 new hires, 24 were  
11 male, one male minority, 20 were female and three were  
12 female minorities.

13       Q     Thank you.

14           Are these statistics ones which you received from  
15 your affirmative action department?

16       A     Yes.

17       Q     Do you feel there's adequate feedback from the  
18 administration at this time on the implementation and  
19 effectiveness of the affirmative action plan?

20       A     Well, I think that we have these affirmative action  
21 guidelines which are ideals and goals which we strive  
22 for and hope to achieve. But I think that from the  
23 figures I've just given you, it seems that we have a long  
24 ways to go to meet these goals.

25           The administration, I think, is encouraging our

1 affirmative action officer, you know, to see that all  
2 the guidelines are adhered to every time there is an  
3 opening position. He does follow all the guidelines to  
4 see that proper applications are sent out and returned.

5 Q Thank you.

6 Could you discuss what you feel at the present  
7 time are existing barriers to equal employment opportunity  
8 at the University of Nevada in Las Vegas?

9 A Well, I don't know what the barriers are. It's  
10 really hard to pinpoint it. I think that when I look at  
11 the community in general and I look at the Clark County  
12 School District figures, which were quoted in the Las  
13 Vegas Sun, showing that 58.5% of the students participating  
14 in English as a second language program, that 58.5% of  
15 those students are of Hispanic background, 35.7% are Asian  
16 or Pacific Islanders, and 5.8% are classified as others.

17 Which can include anything from Persian to Indian  
18 to Israeli.

19 Now, if you ever attend one of our CSUN, that's  
20 UNLV students, sponsored affairs, say a lecture with  
21 Robert Frost at the Otimus Hamm (Phonetic) theater, you  
22 will readily see that visible minorities are very  
23 invisible. There just are not many to be seen. So,  
24 unless we can encourage more minority students besides  
25 basketball and football players to come to UNLV, I don't

1 think that we would be creating the right type of climate  
2 for minority faculty members to want to come here.

3 Also, I think that we need to do a better public  
4 relations job. And that's not just up to the adminis-  
5 trators, to the faculty members who are involved in the  
6 search and screening and hiring process, but I think it  
7 behooves each of us as administrators, faculty members  
8 and students, who are already on the campus, to act as  
9 ambassadors of good will and make it known that  
10 minority students and faculty members are welcome and  
11 wanted and that they are included in the social, political  
12 and recreational life of the campus.

13 I believe only then will more students and faculties  
14 come to us and want to stay with us.

15 Q Ma'am, in your opinion, what is the distinction,  
16 in your opinion, the distinction between affirmative  
17 action and equal employment opportunity, if you find there  
18 is such a distinction in your mind?

19 A A distinction between affirmative action and equal  
20 opportunity?

21 Q Equal employment opportunity, yes.

22 A Oh, equal employment opportunity. Gee, I -- I  
23 think one overlaps into the other. The U. S. Constitution  
24 afford each individual who's a citizen of the United  
25 States an equal opportunity to participate in all levels.

*Equal Employment  
vs  
Affirmative  
Action*

1 of life, in its educational, as well as economic and  
2 social institutions.

3 Now, affirmative action, I think, are actual  
4 guidelines where we affirm that these guarantees in our  
5 constitution will be followed and carried through.

6 Q If I may, are you familiar at all with some of the  
7 statistics that are available on the disparity between  
8 male and female teachers and instructors and professors  
9 here?

10 A Well, I see by that chart, I think the first, if  
11 you will flip that first page back on, I think I saw the  
12 number there. I can see readily that, you know, of the  
13 total of 417 faculty members, that 383 are White, 17 are  
14 Black, 11 Asian, five Hispanic and one is American Indian,  
15 so, you know, there's a lot of disparity there.

16 Q I'm referring to the disparity between male and  
17 female, however, in the employment of professors and  
18 teachers and lecturers at the university?

19 We've received statistics, I think they're here --

20 A Well, I see that there is a disparity, but the  
21 picture is looking better.

22 Now, for the year 1975 to '76, the male faculty  
23 members, professionals, numbered 286, the females, 74.  
24 And then in '76 to '77, the total male hirings are 303 and  
25 the female is 76, and then '77 to '78, 302 and 82. I think

1 that is quite a disparity. I -- it could be due to the  
2 fact that it was a male dominated university to begin  
3 with, and many of the male faculty members had already  
4 attained tenure and positions of permanence before the  
5 affirmative action and the EEOC and civil rights people  
6 come along to say that you've got to adhere by our  
7 guidelines.

8 Q Do you -- do the other members of the board of  
9 regents express a great deal of concern with regard to  
10 the disparity and curing it as soon as possible?

11 In other words, I see that there was an affirmative --

12 A Well, I see some lip service, but as far as actual  
13 action and real -- real energy spent in that direction,  
14 well, I haven't seen it.

15 Q May I ask you if there's been any -- if there is  
16 -- what money does the board of regents have in mind to  
17 begin to start spending to correct this kind of disparity,  
18 not only in employment but in salaries, and we can see  
19 from the statistics if you have had the opportunity to  
20 examine them, there is a substantial disparity in salaries  
21 between men and women, for example.

22 Now, there may be a lot of reasons for it, but it  
23 does exist.

24 A Well, I think there again, the males -- oh, that's  
25 really a hard question to pin down. I know that men are the

1 ones who have the administrative positions, and the dean  
2 positions. We have one dean who's a woman and she's  
3 sitting right here and you would say she belongs in  
4 the stereotyped position, dean of the school of nursing,  
5 now she's the dean of the colleges of allied health.

6 I'm speaking of Mary -- I had a mental block there.  
7 Perhaps our dean could probably give you personal testimony  
8 in that area, because I know that half of her salary  
9 at one time was supplied by soft money, half of it by  
10 hard money. And there wasn't even the money in the  
11 legislature or no one had thought of maybe we need her  
12 on a full time position from legislative monies.

13 I don't know what your position is now. But --  
14 would you like for her to supply that answer because she  
15 would have --

16 Q Well, perhaps, but -- what kind of budget is there  
17 for the affirmative action program at this time?

18 A Well, I know that we have the budget on the full  
19 time salary for our one affirmative action officer and his  
20 secretary. And very little travel money, he tells me.  
21 He says that he could do a better job if he could go out  
22 to colleges who may avail of us more positions from the  
23 minorities and more students from the minorities.

24 Q Has the board of regents generally been reluctant  
25 to spend money in this area?

1       A     Well, I think we barely mentioned it, but no  
2 waves were made, nobody responded. It was completely silenced.  
3 It was completely silence when I even suggested maybe  
4 we ought to appropriate, like a \$1,000.00 for travel money.

5       Q     Has the board of regents addressed itself to the  
6 tremendous difference in expenditure of money between  
7 men's sports and women's sports?

8       A     Well, I think -- again there, we approved the budget  
9 so there was questions brought up that women's sports are  
10 not up to par to men's sports, and that more money ought  
11 to be spent in promoting them in order to meet the require-  
12 ments of Title IX.

13            However, I think that Alice Mason did mention that  
14 we can not forsake men's sports who are revenue producing  
15 sports, and they're the ones who are generating the  
16 scholarship monies and the tremendous community support.

17            However, I think that this is one item I could  
18 bring before the board of regents. Why not? The next  
19 time we go out to the community to appeal for funding for  
20 the men's athletic department, also just add a couple of  
21 sentences, our women's programs also need scholarship  
22 money, how about a little money, scholarship money for them,  
23 too?

24            This has not been done. So I think it's just a  
25 matter of maybe talking to our people who are the fund

1       raisers. We have two men who are hired to raise funds  
2       for men's athletics, the revenue producing ones. I think  
3       that they need a little talking to and maybe encouraged  
4       to do that for women's sports too.

5               MR. WALTHER: That's all I have at this time.

6               THE CHAIR: Does anyone else have any questions  
7       of Regent Fong?

8               Okay.

9               Q       (By Ms. James) I was very interested in what you  
10       just said, that the board of regents hires two men to  
11       be fund raisers?

12              A       No, the University of Nevada at Las Vegas.

13              Q       The university, all right. So it would be con-  
14       ceivable that the board of regents might recommend that  
15       a woman be added to that team to hire or that women's  
16       concerns be included in their fund raising?

17              A       Yes, I think that this should be done, and I think  
18       that I'm going to do something about it there myself, even  
19       if I'm just a little lone voice in the wilderness, which  
20       I most often am.

21              Q       You mentioned earlier that the board of regents  
22       tends not to take actions in the area of -- to take  
23       interest in the area of affirmative action. If they were  
24       to take more interest, what, precisely, could they do  
25       besides just issue a written policy, what action steps could



1 the board of regents as a body do to assure that the  
2 policy is implemented?

3 A Well, as an initial step I would say every time a  
4 vacancy occurs, let's recruit a minority or a woman first.  
5 Because the men have had their chances.

6 Q Does the board of regents get directly involved in  
7 recruitment?

8 A No, we don't, but we do set and make the policies.

9 Q You mentioned earlier about the office for civil  
10 rights and the federal government approaching the uni-  
11 versity and saying do a better job. What was the specific  
12 impetus for developing the current affirmative action plan,  
13 it's fairly new?

14 A Well, I think that -- I think that all universities  
15 and colleges, because we are -- we receive many federal  
16 grants for our programs, I just read a, oh, just astonishing  
17 amount for water research, for instance. We just received  
18 \$93,000.00 for water research in the biology department.  
19 It would behoove us that that biology person who's heading  
20 the research, who happens to be a male, should be on the  
21 lookout for minority staff support in minority positions  
22 and recruiting more minority staff help, and student  
23 research fellows and assistants.

24 Q Yes, I understand that, it's just that we understand  
25 that the university has been receiving federal money at least

1 since 1965. Probably maybe before then, but at least  
2 since 1965. The affirmative action plan was just passed  
3 on this last May. By the board of regents. I was  
4 wondering --

5 A Why it took so long for an affirmative action plan?

6 Q Yes, what finally made it happen?

7 A Well, I think it was a change in the composition  
8 of the board of regents. There was a stumbling block  
9 because there were people on the board who held onto the  
10 traditional points of view who did not believe in  
11 affirmative action. And their vote, if it had come to  
12 pass, would have killed it right off the bat.

13 So, as soon as the makeup of the board of regents  
14 took place, see, the change in the composition occurred in  
15 the fall of 1974, at which time two minority members were  
16 elected to the board of regents, myself and Brenda Mason,  
17 a Black, and then there were two other ladies too, so  
18 that was the first time that we had close to a balance  
19 on the board of regents, four women and five men. And it  
20 was not surprising that it passed the following February.

21 I think it was brought to a vote in November and  
22 somehow the action to vote on it was delayed until the  
23 following year. Which I was most pleased.

24 THE CHAIR: Any other questions?

25 MS. JONES-BOOKER: I wanted to ask, Mr. Chairman, if

1 Regent Fong has addressed herself to the question of com-  
2 munication between the administration and the board of  
3 regents relative to the implementation of the plan itself.  
4 I don't know if that's been covered and I don't want to be  
5 redundant.

6 THE CHAIR: No, I don't think --

7 Q (By Ms. Jones-Booker) Okay.

8 If Regent Fong has not responded to that question  
9 I would like to know what your thoughts are about that,  
10 do you feel there is adequate communication and feedback,  
11 as it were, between the administration and the implemen-  
12 tation of the affirmative action plan on the one hand  
13 and the board of regents on the other?

14 A Well, I think the board of regents as a whole is  
15 satisfied with the principles and with the way our affirmative  
16 action officers are following the guidelines.

17 Now -- but the results are a different thing.

18 Now, the board of regents seemingly is satisfied,  
19 as I say, with the guidelines being followed on the surface,  
20 but they don't question the results. And when Mr. Kitchen  
21 and Mr. Wolf of the Reno campus came through with all  
22 these startling statistics of the lack of representation  
23 among minorities, nobody seemed to -- nobody seemed to  
24 really care. I -- besides me. I think I was the only one,  
25 you know, who raised any objections at all.

1 MS. JONES-BOOKER: Thank you.

2 Q (By the Chair) Ms. Fong, did not the board of  
3 regents realize that the tremendous amount of federal  
4 money coming in through federal grants would be jeopardized  
5 by not following the guidelines with regard to composition  
6 of staff and people involved in the various federal pro-  
7 grams if some consideration wasn't given, this consideration?

8 A Well, as I say, our affirmative action officer is  
9 doing the best possible job he can. He tells -- he told  
10 me at this last board of regents meeting that 5,000  
11 brochures were sent out to attract minorities to different  
12 positions on the campus, but the response was just dismal.

13 For instance, he gave me the figure that in the aca-  
14 demic year '77 to '78, two females, one minority female and  
15 three minority males rejected offers for full time pro-  
16 fessional positions, and then eight minorities turned down  
17 positions in the graduate assistantship and research  
18 fellowship areas.

19 I had asked Mr. Kitchen for the names of those  
20 people, for the persons who turned down the jobs so that  
21 I can make a personal inquiry. And he is supposed to check  
22 with our legal counsel to see if any legal ramifications  
23 may occur if I do that. So, I haven't as yet received  
24 the answer from him.

25 Q Was -- Ms. Fong, was the affirmative officer's

1 presentation made to the total board, that information that  
2 you've given?

3 A Yes, it was. Yes. With the presence of the press  
4 and all those people who were interested.

5 Q And if I understand you right, no other comments  
6 that, being responsive to that presentation, came from  
7 other members of the board of regents?

8 A I think the board of regents' general attitude  
9 is, you're doing a terrific job, look at all the brochures  
10 you sent out, look at all the -- look at all the appli-  
11 cations you didn't get back, you know, at least you tried,  
12 you sent out all this information and yet nobody responded.

13 They did all they can. So there's nothing else  
14 we can do.

15 Q Seems like to me, it certainly seems that this  
16 should have said a little bit more than that, that prior  
17 to the inception of the affirmative action program, prior  
18 to recruiting the affirmative officer here, the record of  
19 the university system probably was looked at by these  
20 applicants and it didn't give any hope to minority appli-  
21 cants or minority people coming on board at the lower  
22 level.

23 I think that that certainly should be looked at  
24 as well by the board of regents, that that could have  
25 been, because people all over the country are looking for

1 jobs, they're looking for new jobs.

2 One of the previous persons that appeared before us  
3 said that yes, when he goes to conferences and things  
4 like that, that he's asked, is there any jobs available  
5 and this type of thing. But it could be a deterrent, our  
6 record here at the university, and I think that it is  
7 something that the board of regents should probably address  
8 itself to.

9 A Well, you can be assured that I'm going to be ever  
10 vigilant in that problem. As I was saying, that because  
11 there's the student population does really not reflect  
12 the composition of the community, we really don't have  
13 the student potentials to develop into the, you know, the  
14 research fellows, the teaching assistants who will gradually  
15 become the assistant professors, the associate professors  
16 and then eventually the full professors.

17 Look at the English department, for instance, I  
18 don't think there is one minority person -- well, there are  
19 many women, okay, in the teaching assistants for English  
20 101. But I don't believe there are any minorities.

21 I might be mistaken. Mr. Kitchen, correct me. If  
22 you're back there.

23 MR. KITCHEN: English department?

24 Q (By the Chair) Yes.

25 MR. KITCHEN: Only one graduate assistant --

1 A Who is a minority?

2 MR. KITCHEN: Well, that's correct.

3 A Well, I knew it was not something for us to brag  
4 about.

5 THE CHAIR: The advisory committee certainly want  
6 to take advantage of having appeared before us here today  
7 in the situation and I think that many areas definitely  
8 will have to be pointed out.

9 I have followed your career and I know what your  
10 position has been in all of the situations over the years.

11 One of the things that has disturbed me in the  
12 community here is that the university system, in Nevada,  
13 certainly has let young people that have had what I  
14 thought was the ability to move forward, literally and  
15 also athletically, slip out of our grasp without offering  
16 any incentives.

17 Many of the other schools throughout the country  
18 has come in and taken them away from us. And I think  
19 that that's another area that the board of regents should  
20 kind of look at and I'm sure through your affirmative  
21 action officer, that some of these things will be proposed  
22 and brought before you from time to time in that par-  
23 ticular situation.

24 A Yes, I agree. I think that we ought to be as  
25 enthusiastic and energetic in recruiting minority students

1 besides basketball players and football players.

2 THE CHAIR: Definitely.

3 MR. SCOTT: Mr. Wilson? It's not a question.

4 THE CHAIR: Yes.

5 Q (By Mr. Scott) Ms. Fong, I would like to probably  
6 comment that, to say that your efforts and Ms. Mason has  
7 been a breath of fresh air to the board of regents, and I'm  
8 a long time resident of Nevada and I say this very boast-  
9 fully, because I have been a resident of Nevada, have  
10 watched the movement.

11 What concerned me quite a bit today is, seemed to me  
12 the tail wagging the dog quite a bit, and that is these  
13 rules in these departments, the department vote on who go  
14 up and who don't, no appeal process. I'm just trying to  
15 see if there is any light at the end of the tunnel or if  
16 the board of regents can affect some of them rules in  
17 these departments where a person has to get deadlocked  
18 into someplace where perhaps their peer process is just  
19 almost nonexistent.

20 Would you comment on some of those?

21 A Yes. I think I'm very sympathetic or empathetic  
22 toward minority persons now who are caught up in this  
23 position now.

24 Q My point of changing the rules, can the regents  
25 affect those rules?



1           A     Yes, I think they can, but right now only people  
2 who are up for tenure or promotions come before us, and  
3 it's just a matter of, you know, going over what has  
4 already been decided, you know, by the -- as Mr. Troutman  
5 said, you know, by the department chairmen, the dean and  
6 then eventually the vice president in academic affairs  
7 and the president.

8                     Now, if we were to change policies, we would, and  
9 I think most of the regents don't want this, they don't  
10 want to be the court of last appeal. They don't want to  
11 be the judges making the, you know, the decision of changing  
12 something that's already been decided by the adminis-  
13 tration, because they feel that they're the policy makers,  
14 they're really not the policy enforcers, but I disagree  
15 with that.

16                     I think that they should really enforce any policy  
17 that they have -- that they have instituted.

18           Q     It seemed like there was quite a bit of -- excuse me,  
19 go ahead.

20           A     Well, I know now, you know, it is really a case of  
21 dispair and hopelessness from the few minority faculty  
22 members who have come to me alone, and I alone can do very  
23 little to help them. Because they tell me that they can  
24 appeal to a grievance committee, all right? If nothing  
25 happens at the grievance committee they can not come to the

1 board of regents. Because the process seems to end right  
2 there.

3 The next thing they could do is obtain the services  
4 of an attorney and file lawsuit, you know, and some of --  
5 well, most of the faculty members, especially minority,  
6 being on the salary scale they're on, can not afford to  
7 hire outside counsel help.

8 So, you know, I'm really in a position to only be  
9 able to offer sympathy at this time and I feel powerless  
10 to do anything. I wish that we can change the policies.

11 Q I'd like to ask you one thing about the recruitment  
12 process of these brochures, you know, that were sent out  
13 and I'm sure the affirmative action officers may have,  
14 you know, taken what steps was available to them, but I'm  
15 wondering if that's the way they recruit athletes, by  
16 sending out these brochures all over the country and  
17 they just fly back and bring back persons or is there some  
18 other budget or system that they use to get athletes?

19 A Yes, the budget is that million dollars or  
20 \$750,000.00 generated by scholarship donations, by the  
21 community. So when it's soft money, and that is soft  
22 money, you could do a lot with it and a lot of it is set  
23 aside for traveling money.

24 Coaches and assistant coaches travel to different  
25 parts of the country to personally recruit and interview

1 these potential athletes. Now we need such a fund.

2 MR. SCOTT: Thank you, Mr. Chairman.

3 THE CHAIR: Thank you.

4 Ms. Fong, we certainly want to thank you for appear-  
5 ing here today, as a representative, as a member of the  
6 board of regents, and for the fine presentation that you've  
7 made to the state advisory committee and also the U.S.  
8 Commission on Civil Rights.

9 A Thank you.

10 THE CHAIR: And we want to express our appreciation.

11 A Thank you.

12 THE CHAIR: Our -- we have one other participant  
13 this morning, Mr. Jesse Scott, Jesse D. Scott, Executive  
14 Director of the Nevada Equal Rights Commission, if he will  
15 come forward at this time. And we'll make it as brief  
16 as possible so those of you can get out for lunch and back.

17 Okay?

18 Q (By Ms. O'Neal) Please state your name and briefly  
19 describe the authority of the Nevada Equal Rights  
20 Commission?

21  
22  
23 MR. JESSE D. SCOTT

24  
25 A (By Mr. Scott) My name is Jesse D. Scott and the

1 Nevada Equal Rights Commission has the authority to  
2 receive and process complaints alleging discrimination  
3 in the area of race, color, religion, national origin,  
4 sex and physical and visual handicapped.

5 Q How many complaints have been filed with the Nevada  
6 Equal Rights commission by the University of Nevada of Las  
7 Vegas faculty members alleging employment discrimination  
8 in the past five years?

9 A Oh, I suppose we've had about seven, eight com-  
10 plaints from faculty members, and about seven, eight,  
11 maybe ten from others who work for the university other  
12 than faculty members in that period of time.

13 Q Can you tell me how many were women?

14 A I would say four or five of them.

15 Q How many was minorities?

16 A All but one or two, so that would make it about  
17 12 or 13 of them were minorities.

18 Q What is the present status of these complaints?

19 A Well, most of them have been resolved in one fashion  
20 or the other. In many of them, many of them were resolved  
21 because there were lapse of time and the individual  
22 decided to take the -- get private counsel, in other  
23 instances they have referred the case to the federal  
24 agencies on equal employment opportunities commission  
25 because of the fact that our staff load is so heavy, 75, 80

1 complaints per investigator, and so by the time we get  
2 around to investigating the case, the individual either  
3 has lost interest, the witnesses have disappeared, or the  
4 witnesses have changed their mind and been promoted or  
5 something else has happened to them.

6 Or they, themselves, have been promoted. And so  
7 it's because of the fact of the heavy staff loading that  
8 has prevented us from processing the complaints as judiciously  
9 as we would like to.

10 Nevertheless, we had one case with the faculty that  
11 we just finalized within the last six months, which unlike  
12 most of the cases that we handled, seemed to have had all  
13 of the elements of discrimination based on color and sex,  
14 I consider it one of the best complaints we've ever had,  
15 and the university saw fit to settle it outside of a  
16 public hearing which prevented us from making known to the  
17 press exactly all of the ingredients of the case, which,  
18 in my judgment, truly expressed the situation as you have  
19 heard it this morning.

20 Q How many have been resolved to the employee's  
21 satisfaction?

22 A Oh, about two or three.

23 Q Were they minorities?

24 A Yes.

25 Q Has there been any direct or indirect contact between

1 your office and the university administration on the issue  
2 of equal employment opportunity?

3 A Well, a little bit, not a lot. When Mr. Kitchen,  
4 the EEO officer, was hired by the university, we did invite  
5 him over to our office and introduced him to the staff  
6 and talked to him, showed him around.

7 Other than that we haven't had a lot of inter-  
8 change or communication.

9 MS. O'NEAL: I have no other questions.

10 THE CHAIR: Anyone else have any questions of Mr.  
11 Scott?

12 Q (By the Chair) Prior to the addition of the  
13 affirmative action officer, Mr. Scott, had you had any  
14 direct contact with the administration of the university?

15 A No. And this is the most unfortunate thing,  
16 especially in a state like Nevada, that we adhere so much  
17 to state's rights and local autonomy that we have a state  
18 agency like ours with all of the expertise and all of the  
19 people that we have who are prepared to give a recitation  
20 of not only state statutes but Title VII law, that most  
21 individuals and very few institutions will avail them-  
22 selves of this information.

23 We have it, we usually give it on invitation, we  
24 don't have time to volunteer a lot of it because of our  
25 staff load, but the Nevada Equal Rights Commission is

1 prepared, willing and able to assist any organization  
2 or any institution who chooses to develop affirmative  
3 action program, who chooses to have any intelligence in  
4 this area.

5 We think it's very vital and very necessary.

6 For an example, to show you how bad the information  
7 is in this area, in this state, since 19 -- July 1st of  
8 1975, when the legislature gave us the new jurisdiction  
9 of sex, age, physical and visual handicapped, 60% of  
10 all the complaints that we've received have come from White  
11 folks. And the average person you talk to, when you say  
12 Nevada Equal Rights Commission, you'd think that was a  
13 commission set up just to take care of complaints of Blacks  
14 or other minorities.

15 And the truth of the matter is a great percentage  
16 of our budget dollar is now being spent in that area, but  
17 most people don't know it, nobody asked me, I was on  
18 Channel 5 yesterday and I was telling them about the fact  
19 that when we were up in the legislature trying to get  
20 stronger statutes, never once did the working press ever  
21 ask me a single question about what the commission was  
22 or what we were doing.

23 And since then very few of them have asked me, so  
24 therefore, we have no way of disseminating the information  
25 that we have about not only the existence of the commission,

1 but what we are attempting to do to keep people in com-  
2 pliance with the law so it won't be necessary for the  
3 United States Civil Rights Commission to tell them about  
4 it, the equal employment opportunities commission, all of  
5 the equal rights commissions, if they say they want no  
6 interference from the outside and really want to do what  
7 the law says all they have to do is ask us what the law  
8 is and we'll be too happy to help them and share that  
9 with them, but nobody seems to have any interest.

10 THE CHAIR: We want to, at this point, thank Mr.  
11 Scott for --

12 MR. SCOTT: May I ask him just one question?

13 THE CHAIR: -- for his presentation --

14 MR. SCOTT: May I ask just one quick question?

15 Q (By Mr. Scott) Mr. Scott, in view of the statistics  
16 that's been illustrated on the board and places like that  
17 which seem to show a pattern, do you believe the commission  
18 will probably take some action directly against this type  
19 of pattern that has been illustrated?

20 A Well, this all depends whether we can identify  
21 the pattern. As I said to you, the commission initiating  
22 complaints against anybody in this state is the prerogative  
23 of the commission, but with 600 complaints on your desk  
24 and can't handle them because of the work load that you  
25 have, 75 and 80 cases per investigator, which it should be



1 one-third of that amount, is pretty hardpressed to do it.

2           However, we're going to have a commission meeting  
3 in your hometown tonight, if you happen to be there, and if  
4 you can impress on the commission that we should prioritize  
5 and stop dealing with the individual complaints and start  
6 looking for patterns and practices, you know, I'll do  
7 whatever the commission directs me to do.

8           What we really need is resources and we don't have  
9 them, we are called upon to do more work than we physically  
10 are capable of handling, and therefore the existence  
11 of discrimination, you can almost close your eyes in this  
12 state and decide which one you want to take on, because  
13 most of them are in violation of most of the federal  
14 statutes that have been recited here this morning.

15           THE CHAIR: Thank you, Mr. Scott.

16           We certainly want to, on behalf of myself, the  
17 advisory committee and the U.S. Commission for appearing  
18 before us today and we certainly need your expertise and  
19 your consideration here at all times. And we know that  
20 you have many things to do and that you have certainly  
21 extended yourself to be here, and I personally want to  
22 thank you, Jesse, for appearing here before us and giving  
23 us this information.

24           Ladies and Gentlemen --

25           A     Thank you for inviting me.

1 THE CHAIR: Wonderful.

2 We will reconvene at 2:00 o'clock p.m. and so we're  
3 going to ask those of you that will be appearing before  
4 us to try to make it back at that time.

5 We're going to ask the committee to really move  
6 and get a little lunch and get back because they have  
7 quite a bit to do this afternoon.

8 I thank all of you.

9 At this time we adjourn for lunch.

10

11 (Luncheon recess)

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## 1 AFTERNOON SESSION

2 2:00 p.m.

3  
4 THE CHAIR: Ladies and Gentlemen, the state advisory  
5 committee for the U.S. Civil Rights Commission are calling  
6 the afternoon session to order.

7 The first person appearing on the agenda this  
8 afternoon is Dr. Maurice Finocchiaro, if he will come  
9 forward for his presentation, using the table with  
10 the mic. there, Doctor.

11 Q (By Mr. Scott) Doctor, will you please state your  
12 name and position at the university here?

13  
14  
15 DR. MAURICE FINOCCHIARO

16 A (By Dr. Finocchiaro) Maurice Finocchiaro, my  
17 position is professor of philosophy.

18 Q And how long have you been employed?

19 A This is my eighth year.

20 Q And I understand you're chairman of a department?

21 A No, I'm a chairman --

22 Q Excuse me --

23 A -- of the --

24 Q -- philosophy?

25 A -- committee, chairman of the -- of a committee of

1 the philosophy department, we'll call it the peer  
2 evaluation committee, which handles the evaluation of the  
3 members of the philosophy department.

4 Q And would you tell us how members are selected on  
5 that committee?

6 A Everyone in our department is a member of that  
7 committee.

8 Q Is that the way the committee selected -- in your  
9 department then?

10 A Yes, in our department that is the way our committee  
11 operates. I might add that I have here a copy of the  
12 philosophy department bylaws that relate to the operations  
13 and procedures of this committee, I've given a copy to  
14 Ms. James previously, if you want -- if this committee  
15 wants another copy here now, I'll be glad to give it to you.

16 Q Then I'm sure we would certainly appreciate a copy  
17 of the bylaws.

18 Could you tell me how the chairman is selected on  
19 this committee?

20 A The chairman is elected by the members of the  
21 committee, by a majority vote.

22 Q Is this similar to other personnel committees?

23 A Well, my guess is that the procedure for selecting  
24 the chairman, namely by election, my guess is it's  
25 similar to that of other departments, but as regards the

1 fact that in our department every member of the department  
2 is a member of the peer evaluation committee, I believe --  
3 this is, we established this in our department partly  
4 because it is so small, namely six people, and we thought  
5 that everyone might as well be in the evaluation  
6 committee, whereas if a department is very big, then I  
7 don't think that this would be advisable, to have everyone  
8 in the department be a member of the evaluation committee.

9 Q And what are the responsibilities of the peer  
10 evaluation committee?

11 A The responsibilities are to make recommendations  
12 to the department chairman and to the dean concerning  
13 cases of tenure, promotion, salary recommendation, first  
14 year appointments, and second year appointments. I could  
15 elaborate on that if you want.

16 Q Will you?

17 A Well, concerning tenure cases, what it involves,  
18 there are two types of recommendations to be made, one would  
19 concern what is called early tenure and another would be  
20 the regular case of tenure coming at the end of probationary  
21 period, the probationary period is six years.

22 So that by the end of that period a recommendation  
23 must be made concerning whether a given individual is  
24 to be tenured ~~or~~ not. So that the committee, whenever an  
25 individual, an untenured individual is serving his sixth year,

1 then the committee would have the duty to make a recommen-  
2 dation.

3 For the case of early tenure, what would be in-  
4 volved is that at any time before the end of the pro-  
5 bationary period, a recommendation can be made to give  
6 tenure to this individual, and so sometimes our committee  
7 has met to consider cases of early tenure.

8 Other cases deal with promotions, so that these  
9 would be promotions, well, from one rank to the next higher,  
10 there is, of course, no set rule as to when a given  
11 individual is to be promoted.

12 Next the salary, we will make recommendations  
13 concerning salary, these come every year, are usually in  
14 January or February, the main issue here is whether to  
15 recommend someone for a merit raise or not, so everyone  
16 in the department is evaluated about this matter every  
17 year.

18 The next case considered by the committee involves  
19 people who are serving their first year, the policy at  
20 UNLV is to make an evaluation of people who are serving  
21 their first year to determine whether or not they should  
22 be retained and allowed to continue.

23 And so whenever we have someone who is serving his  
24 first year, then we have to meet in order to meet various  
25 deadlines and make a recommendation concerning that

1 individual, and a similar thing happens with people who  
2 are serving their second year, the policy in our college  
3 at least is that the people who are serving their second  
4 year have to be evaluated in order to determine whether  
5 or not they should be retained beyond the second year.

6 So, I believe those are all of the recommendations  
7 we make in our committee.

8 Q Which personnel matters does the committee review  
9 and how often?

10 A Well, we -- as I just finished saying, we review  
11 cases of tenure --

12 Q Tenure?

13 A -- both early and tenure coming at the end of the  
14 probationary period, promotions, salary recommendations,  
15 first year appointments and second year appointments.

16 So those are the matters we review and, well, the  
17 salary recommendations come every year for everyone and  
18 the first year appointment recommendations come only for  
19 people who are in their first year and they usually would  
20 come in the fall when that person is serving his first  
21 year.

22 So this is to make sure that if he is not to be  
23 reappointed, then a sufficient notice can be given to him.

24 Same thing for second year person, we would have a  
25 meeting during that year to meet the appropriate deadlines.

1           Regarding tenure, in the case of regular tenure  
2 at the end of the probationary period, we would reach  
3 our decision during the sixth year, that is served by that  
4 person.

5           In the case of early tenure, then we would, the  
6 recommendation would be made during any year previous to  
7 the -- before the end of the probationary period.

8           Q    Is any of this in writing that you do?

9           A    Well, yes, most of what I've said is in writing  
10 in our own department bylaws in the section of the bylaws  
11 that relate to the peer evaluation committee.

12           I said most but not all, that is in our bylaws it  
13 is stated that the peer evaluation committee is the  
14 committee responsible for making recommendations about  
15 tenure, promotion, it's nothing explicit is said about  
16 first year appointments or second year appointments or  
17 salary recommendation. Nothing explicit, but it's under-  
18 stood by everyone that the salary recommendations, for  
19 example, that the recommendations are to be based on an  
20 evaluation and therefore our committee would be to make  
21 these evaluations so that a salary recommendation would  
22 be made.

23           But explicitly in our department bylaws it is not  
24 explicitly mentioned that one of the responsibilities of  
25 our committee is to make salary recommendations. Or to



1 evaluate first year appointees or second year appointees.

2 Q Let me ask you if you would clarify the criteria  
3 in the personnel recommendations, the criteria? Would  
4 you clarify that?

5 A Okay, they are stated in section 9 of our bylaws.  
6 Well, one of them reads that the relevant criteria for  
7 appointment to and evaluations and advancement within the  
8 rank of instructor are, one, advancement to candidacy  
9 for a doctorate or equivalent qualification.

10 Two, interest in finishing doctoral thesis. Three,  
11 potential as a teacher and student counselor. Four,  
12 potential for efficient performance of university duties.

13 Then the next would come the relevant criteria for  
14 appointment to and evaluation and advancement within the  
15 rank of assistant professor, so that the previous one  
16 concerned the instructor, this one concerns assistant  
17 professor. ① One would be doctorate or equivalent quali-  
18 fication, two, ② development as a teacher and student  
19 counselor, three, ③ development as a scholar, four, ④ professional  
20 development. And five, ⑤ development in the efficient  
21 performance of university duties.

22 Then there is another section about the relevant  
23 criteria for appointment to associate professor, another  
24 one for relevant criteria for full professor, another  
25 section for relevant criteria for tenure recommendations

1 and in the general case of tenure and then another section  
2 for relevant criteria for early tenure.

3 So, well, if I might draw your attention to the --  
4 to the various criteria for the various ranks, instructor,  
5 assistant professor, associate professor and full  
6 professor, they are basically similar in so far as they  
7 refer to similar, well, to the same areas, namely  
8 scholarship, teaching, professional development, they  
9 refer mostly to the same things except for the higher  
10 ranks, something more is required than for the lower  
11 ranks so that, for example, concerning teaching for  
12 assistant -- for assistant professor, we speak here, we  
13 speak of development as a teacher and student counselor,  
14 whereas then, for associate professor, we speak of  
15 effectiveness as a teacher and student counselor, whereas  
16 for full professor we speak of maturity as a teacher and  
17 student counselor.

18 And similarly for scholarship in the case of  
19 assistant professor, we require something that we call  
20 development as a scholar, in the case of associate pro-  
21 fessor the next higher rank, we speak of noticeable  
22 scholarly accomplishment and in the case of full professor  
23 we speak of what we call significant scholarly accomplishment.

24 MR. SCOTT: Mr. Chairman, that's the only questions  
25 I have at this time. I would like to pass it on to if anyone  
else may have some questions.

1 THE CHAIR: Thank you.

2 Does anyone else have any questions of the doctor?

3 Q (By Ms. James) Dr. Finocchiaro, you just mentioned  
4 that one of the criteria is maturity as a teacher and  
5 counselor, that that's one of the criteria that's used?

6 A Yes.

7 Q In its deliberations does the peer evaluation  
8 committee or individual members ever visit the classes  
9 of the member that is being considered for tenure or pro-  
10 motion or --

11 A No, we make no systematic effort along those lines  
12 of visiting each other's classes. What the evidence that  
13 we use to make this evaluation concerning teaching is,  
14 consists of the following: We have student questionnaires  
15 that are administered in every course every semester, so  
16 we look at the responses on those questionnaires.

17 These are part of the personnel file of each member  
18 of the department.

19 Another type of evidence that is part of the file  
20 and that we look at is, well, the -- the grade sheets and  
21 the -- that is the grades that the professors assign in  
22 that course so that would tell us something about the  
23 distribution of grades so that I mean if we find someone,  
24 I mean giving say if he gives too many high grades, then  
25 we usually don't like that, or there could be a case of

1 someone might be too tough and give too -- only low  
2 grades and then we probably would advise him to try to be  
3 a little bit less tough.

4 So that's another piece of evidence.

5 Other evidence that is part of the file concerning  
6 teaching is, well, any handout that the teacher gives to  
7 students in that -- in his courses is made part of the  
8 file, so that this could -- these could be things like  
9 a syllabus, tests, that is the actual questions in the  
10 test, if the instructor hands out, say a reading list,  
11 then that would be included.

12 Another thing might be -- well, sometimes the  
13 instructor will -- might be in the process of writing his  
14 own textbook and he would tie -- he would have his own  
15 lectures typed and distributed to the students, so -- well,  
16 anything that is handed out to the students, he usually  
17 mimeographed form or Xeroxed, then we would look at this  
18 to get an idea of, well, what is being taught in the course  
19 and then by looking at, say the test questions, we get an  
20 idea of what the professor expects and then by looking  
21 at the grades we see what his grading policy is.

22 If -- so that is the kind of evidence on which --

23 Q Is the same student questionnaire used for each  
24 class or does each professor develop their own student  
25 questionnaire?

1           A     The same one for each class in our department, and  
2     this was decided by the department, that is we -- decided  
3     a few years ago, which questionnaire to adopt, and as I  
4     recall the decision was unanimous to adopt a particular  
5     form, and so that everyone uses that form.

6           Q     I noticed in looking at your criteria, you have a  
7     variety of things. Does the committee have discretion  
8     on how they weight each of those things, for example  
9     teaching might get 60% or publications might get 40 --

10          A     Yes.

11          Q     -- is it a set weighting or is it different?

12          A     No, there is no set weighting and so neither -- well,  
13     neither is it explicitly mentioned that even we are  
14     listing those in the order of importance, although I mean  
15     the assumption is with most of us, say most of us would  
16     agree that, say the most important thing is probably  
17     teaching and scholarship, so although out of those four  
18     or five things that we have, I think we would all agree  
19     that, in our department, that teaching and scholarship  
20     would be much more important than the rest, the rest being  
21     things like professional development, efficient performance  
22     of university duties, and community service.

23                 So -- but even -- even though we do agree that the  
24     teaching and scholarship are more important than the others,  
25     we -- there is no set weight attached, say to scholarship

1 as compared to teaching, so this, the way we handle it  
2 is that it would depend on the individual case as to how  
3 much importance we attach to each.

4 Q If, as you say, teaching and scholarship would  
5 essentially probably have the highest priority, even  
6 though your criteria says that you should have a doctoral  
7 degree to have a terminal degree in philosophy, would it  
8 be possible to have the other criteria met and be out-  
9 standing and not have a doctorate and still get the  
10 associate professorship?

11 If the other -- if the scholarship and the teaching  
12 were considered excellent, to not have the diploma that  
13 says you have a doctorate?

14 A Well, okay, in our own bylaws, -- well, doctorate  
15 is mentioned, say in connection with instructor. We speak  
16 of advancement to candidacy for a doctorate or equivalent  
17 qualification.

18 Now, in the case of assistant professor we say  
19 doctorate, meaning possession of the doctorate degree or  
20 equivalent qualification.

21 Associate professor we say doctor or equivalent  
22 qualification and full professor same thing, doctor or  
23 equivalent qualification.

24 Now, we -- well, we explicitly put in that phrase,  
25 equivalent qualification, in order to allow for the

1 possibility of a truly outstanding person who might not  
2 have the doctorate.

3 Q Has that ever happened?

4 A In our department this has not happened. And so  
5 this has not happened in our department and my guess is it  
6 would be unlikely to happen, probably what most of us were  
7 thinking in our department is, well, is mostly, say people  
8 with training in British universities where the doctorates  
9 are not as common as in American universities, so that  
10 we didn't want to automatically exclude outstanding  
11 individuals just because they didn't have a doctorate.

12 For example, they might have a -- they might have  
13 a British background where they often do not get a  
14 doctorate but they start getting involved in scholarship  
15 right after they get their bachelor's or master's degree.

16 In other words, they have a different type of  
17 educational system so that's primarily what we were  
18 thinking of, and, well, we were also thinking of the  
19 possible exceptional case, you know, an American --  
20 Americans who for some reason or another might not have  
21 gotten the doctorate but who were otherwise qualified.

22 I mean I think, in our department we'd all agree  
23 that this would be a rare, a very rare case, but we did  
24 put in that phrase equivalent qualification to take care  
25 of possible exceptions or people with other types of

1 backgrounds such as having attended a British university.

2 Q Just very, very briefly, I understand that some of  
3 the modifications were made in your department bylaws  
4 this fall, is that correct?

5 A Yes.

6 Q Could you just quickly say what were the major  
7 adjustments and why these changes were made this fall?

8 A Well, the main -- okay, the main change was number  
9 10, section 10 was added, it was an attempt to give more  
10 structure to number 9.

11 Q Which is the criteria?

12 A Yes. In other words, number 10 really is like  
13 having subcriteria, that is the things that, with respect  
14 to each criteria, what sort of things one looks at, so we  
15 added ten.

16 And the other main change was section 11.10 and  
17 11.11, and on the last page, this, what these amount to was  
18 to put a limit on the amount of debate and discussion  
19 at the meetings, we -- this was the result of, well, of  
20 our experience in the past that we found that we ended  
21 up spending too much time on these evaluations.

22 That is so much time nobody wanted to spend that  
23 long, it would be meetings would be, say for three, four  
24 hours and they won't finish -- just discussion of one  
25 case and then we wouldn't finish with that and we would



1 have another meeting the next day for another three or  
2 four hours, so we, this was just something that nobody  
3 really wanted, so we devised a set of rules whereby we  
4 would only have a limited length of time, so that that's  
5 specified in those two sections, ten and -- 11.10 and 11.11.

6 MS. JAMES: That's all I have.

7 MR. WALTHER: I have a question.

8 Q (By Mr. Walther) Are these evaluations disclosed to  
9 the candidates after the evaluations are done?

10 A Yes, in our department, an evaluation is written up,  
11 signed by every member of the evaluation committee and  
12 then it is shown to the evaluatee, to the person being  
13 evaluated, and there is a part where he is to put his  
14 signature saying that he has read it, a part that reads  
15 read by the evaluatee.

16 So -- and not only he reads it but also he's  
17 given a copy, he's given a copy of the evaluation. Of  
18 course he has an opportunity to appeal the evaluation,  
19 if he doesn't like it, and if he -- well, if he wants to  
20 appeal, then we have a procedure for appeal, but the  
21 initial document that is produced would be both shown,  
22 given and signed by the individual being evaluated.

23 Q How many are in your department?

24 A Six.

25 MR. WALTHER: Thank you.

1 THE CHAIR: Anyone else?

2 MS. JONES-BOOKER: One additional question, Mr.  
3 Chairman.

4 Q (By Ms. Jones-Booker) Dr. Finocchiaro, in your  
5 experience has the department chair ever overruled a personnel  
6 decision that was made by the peer evaluation committee?

7 A In our department, I do not think that this has  
8 happened in our department.

9 Q All right. If I can take that one step further,  
10 then, and ask you, if it did happen, based on the informa-  
11 tion available to you at this point, what administrator  
12 would decide what personnel recommendation to accept?

13 A Well, okay, see my understanding concerning that  
14 type of problem is this, see, that the department -- our  
15 department evaluation committee makes a recommendation.  
16 Okay, that goes both to the department chairman and to  
17 the dean.

18 Now, the department chairman himself makes his own  
19 recommendation as department chairman. See, in our  
20 department, the department chairman is also a member of  
21 the evaluation committee, so when he's a member there, he  
22 acts just as another member, okay.

23 So he signs the document as it is produced by the  
24 committee. Okay. But then that document is sent both to  
25 him and to the dean. Okay, but then he, my understanding is

1 that he makes his own recommendation, and he sends that  
2 to the dean and he does not -- now the status of that  
3 recommendation, I believe -- I don't think that he -- I  
4 don't think that he shows that to anybody other than the  
5 dean, that's my understanding.

6 Q So, at that point, then, the dean would have the  
7 authority to pass upon that recommendation?

8 A That's right, the dean would -- yes, my understanding  
9 is the dean's decision -- well, it would take into account  
10 both the department chairman's recommendation and the  
11 department evaluation committee recommendation.

12 Q Thank you.

13 A It should take that into account.

14 Q For purposes of clarification, when you refer to  
15 dean, are you referring <sup>to the</sup> both dean of the college of arts  
16 and letters or are you talking about the academic dean?

17 A No, I'm talking about the dean of the college of  
18 arts and letters rather than the academic vice president.  
19 I was talking about the dean rather than the academic  
20 vice president.

21 MS. JONES-BOOKER: Thank you.

22 Thank you, Mr. Chairman.

23 THE CHAIR: Dr. Finocchiaro, we certainly want to  
24 thank you for your appearance before the advisory committee,  
25 behalf of this committee and the U.S. Commission on Civil

1 Rights we want to certainly tell you that we are grateful  
2 for your appearance here and the excellent presentation  
3 you made before us.

4 Thank you very much.

5 Dr. John Unrue, Acting Dean of the College of Arts,  
6 University of Nevada, Las Vegas, here for questioning at  
7 this time.

8 Q (By Ms. DeLuca) Please state your name and position  
9 with the university?

10  
11  
12 DR. JOHN UNRUE

13  
14 A (By Dr. Unrue) My name's John Unrue and I'm Acting  
15 Dean of the College of Arts and Letters at the University  
16 of Nevada, Las Vegas.

17 Q How long have you been employed at UNLV and in what  
18 capacity?

19 A I'm in my eighth year, I came to the university  
20 in 1970 as an assistant professor of English, I was chairman  
21 of the English department from 1973 to 1975, in the fall  
22 of 1976 I was at -- pardon me, 1975 I was asked by Dean  
23 Marvin Laughlin to serve as associate dean of the college,  
24 I served as associate dean of arts and letters until the  
25 spring of last year. At which time Dr. Laughlin resigned.

1           Since then I was named -- since that time I've  
2 served as acting dean of the college.

3           Q     Thank you.

4           Dr. Unrue, we've heard testimony about personnel  
5 practices within the philosophy department. In your  
6 experience are personnel committee practices similar within  
7 the English department?

8           A     I think they are relatively similar. The English  
9 department does not have a committee of the whole, as the  
10 philosophy department does, precisely for the very reasons  
11 pointed out by Dr. Finocchiaro, the English department  
12 has 18 faculty members and rather than have a rather un-  
13 wieldy committee of the whole, they have chosen, under  
14 their bylaws, to elect from the department at large, seven  
15 members to serve staggered terms as a personnel and tenure  
16 committee.

17          Q     Are there any other differences between the prac-  
18 tices of the two departments?

19          A     I think the criteria are similar indeed, the criteria  
20 are pointed out in the University of Nevada system code,  
21 and they are followed pretty much within, I think, all  
22 departments.

23                I might add that because of the diversity of our  
24 college, we have 13 different departments, the fine arts  
25 areas, the humanities areas and the social sciences areas,

1 it's obvious that the criteria fluctuate a little bit  
2 and that's not only to be expected but to be desired.

3 If I may give you an example, in the more traditional  
4 disciplines, such as philosophy, English, history, we  
5 could expect that scholarship might be reflected in publi-  
6 cation. In the fine arts areas, however, because we are  
7 dealing with studio disciplines, it may be that publica-  
8 tion is not so significant, perhaps, as one's gaining  
9 national or regional prominence as a result of art shows  
10 or performing as a theater group or let's say the status  
11 of our own theater group in competing with other groups  
12 in this region.

13 And I think that excellence is reflected in various  
14 ways because of the different disciplines.

15 Q Thank you.

16 What is the function of the dean's personnel  
17 advisory committee?

18 A Precisely that, to advise the dean on matters of  
19 promotion and tenure, appeals, and -- well, I think that  
20 covers it, promotion, tenure, appeals.

21 Q How is that committee selected?

22 A The committee is selected by at-large election or  
23 by an election within the college. We have a nominating  
24 committee in the college of letters that proposes names  
25 of faculty, each department is encouraged, is asked to

1 elect two nominees, college-wide ballot goes out to the  
2 132 voting members and the committee is selected as a result  
3 of that vote.

4 Q Okay. Are there minorities and/or women currently  
5 on that committee?

6 A There is one woman on the committee.

7 Q And no other ethnic or racial minorities?

8 A I'd have to clarify my distinctions here. She might  
9 qualify as Hispanic. Dr. Corina Metu <sup>Argentinian citizen</sup> (Phonetic) from the  
10 department of foreign languages.

11 Q Thank you.

12 Can the dean reject the personnel recommendations of  
13 a department personnel committee?

14 A Yes. Ultimately he certainly can. The dean  
15 receives the recommendations from the department chairman  
16 and before making his own recommendation with regard to  
17 personnel, promotion and tenure matters, he seeks the  
18 advice of the promotion and tenure committee. ~~That committee.~~

19 That committee may recommend a course of action that  
20 is basically in agreement with the recommendation of the  
21 committee or it may disagree with the committee. The  
22 dean then could and has in the past, upheld a personnel  
23 committee, college committee's recommendation in opposition  
24 to the department, so he does have that option.

25 Q Okay. Can the dean reject the personnel recommendation

1 of a department chair?

2 A Yes, certainly.

3 Q And/or of a college -- of the college advisory  
4 committee?

5 A Yes, he may. He may reject the recommendation of  
6 the chairman and the college committee, if he thinks after  
7 gathering all the evidence that the decision is not one that  
8 he believes is correct.

9 Q Thank you.

10 Have you or any other previous dean ever asked for  
11 a new list of names during the recruitment process?

12 A Are you speaking now of promotion and tenure or --  
13 the recruitment process --

14 Q Recruitment.

15 A The recruitment process is one which is initiated  
16 at the department level in accordance with affirmative  
17 action guidelines, and while I have -- I have served only  
18 three years in the dean's office, two as associate dean,  
19 I do not recall the dean's asking for another list of  
20 candidates.

21 I do recall times during which the dean has  
22 suggested that he prefers one candidate over another if  
23 two or three or more are brought to campus but I think it's  
24 highly unusual for the dean to suggest another list.

25 I have considerable faith in our recruitment process



1 in that I believe that we, as a college, go to great efforts  
2 to screen to get the very best possible candidates, each  
3 position is advertised in national professional journals  
4 and in the Chronicle of Higher Education and in addition  
5 to that, we ask our affirmative action officer, and he  
6 asks us, to advertise in the -- in the various areas which  
7 are most likely to attract minority candidates.

8 Q So you, yourself, as acting dean, have never  
9 requested a new list?

10 A No, I haven't, I haven't seen any need to request  
11 a new list.

12 Q Have you ever, or has any other previous dean  
13 requested that a personnel committee reconsider its  
14 recommendation?

15 A Not to my knowledge. The reason for that, I think,  
16 is understandable. At this very time, our personnel  
17 committee has been making its decisions with regard to  
18 recommendations to the dean on promotion and tenure  
19 matters. Because the dean is not bound by those, I think  
20 it's unlikely that he would ask them to reconsider.

21 In making my recommendations this year, I will  
22 consider the advice of the department and the college  
23 committee, and if I agree with that, obviously I'll make  
24 the same recommendation.

25 If I don't, I will make a different recommendation,

1 but at the same time I will go to the personnel committee  
2 at the college level and inform them that my recommendation  
3 is different and consequently that they will have a right  
4 to file a minority report, so that the vice president,  
5 when he receives my recommendation, will have the benefit  
6 of more than one opinion if there is a difference of  
7 opinion.

8 Q Thank you.

9 What is the appeal process for a personnel  
10 decision?

11 A Whenever a negative decision has been given in  
12 a personnel case, the faculty member is advised of that  
13 negative decision, he has a right to ask for reasons  
14 in writing for the negative decision within a reasonable  
15 period of time, and I would think that would be approxi-  
16 mately two weeks, I don't believe our bylaws spell that  
17 out explicitly.

18 And after he receives the reasons in writing, he  
19 may ask to appeal that decision. During that time he  
20 brings forth any new evidence, any new documentation that  
21 he has and he appeals to the level at which he was rejected.

22 If I could cite a hypothetical example, if someone  
23 were rejected in the anthropology department or the  
24 philosophy department, he would appeal to the department  
25 chairman to reverse that decision. If the decision were

1 not reversed at that level, he could appeal to the next  
2 higher level which would be the dean, and in that instance  
3 the dean would seek the advice, in our college at least,  
4 would seek the advice of the personnel and tenure com-  
5 mittee and the appeal process would be considered there.

6 If it were rejected there he could go on up the  
7 line with it through the vice president's office and then  
8 through the president.

9 Q Is this appeal process in writing at every level?

10 A Yes, it is spelled out in the University of Nevada  
11 system code.

12 Q But are the actions taken in that appeal process  
13 in writing at every level also?

14 A I'm not sure that I follow your question. The  
15 appeal process is spelled out in the code, the various  
16 levels within the administrative chain to which one  
17 appeals, I don't mean to be evasive, I'm sorry, I just  
18 don't understand.

19 Q I guess I'm asking, are all communications in  
20 writing at each level?

21 A Oh, yes, that is correct. The reasons, if the  
22 appeal fails, at the various levels, the person appealing  
23 is entitled to reasons in writing for the rejection.

24 Q Okay, thank you.

25 Has the academic vice president or president ever

1 overturned the recommendations of the dean, both in  
2 recruitment for new hires and promotion recommendations?

3 A I can say yes with regard to promotion and tenure,  
4 recommendations, I'm not certain whether he has or not  
5 with regard to recruitment.

6 Q What would be the --

7 A But in my experience in the last three years, I  
8 don't think we've --

9 Q What would be the ramifications of such a veto,  
10 do you feel?

11 A There might be some unhappiness among members  
12 who disagreed with him, there would be jubilation among  
13 those who agreed, and there might be a morale problem,  
14 but I think on our campus all of us recognize that it is  
15 the prerogative of the -- of that additional level of  
16 administration to overturn a decision or to disagree.

17 So I think we would have a professional respect  
18 for the right, even though we might disagree with the  
19 decision.

20 Q What, if any, differential impact have the afore-  
21 mentioned personnel practices had on women and/or minorities  
22 at the University of Nevada, Las Vegas?

23 A Would you rephrase that question? Do you mean that,  
24 is it discriminatory in my judgment or --

25 Q Has the impact on women and/or minorities been

1 different than it might have been on other people?

2 A Not that I'm aware of or I wouldn't sanction it  
3 or support it.

4 Q Please describe how your office has worked with the  
5 affirmative action officer?

6 A We, as soon as we learn that we have a position to  
7 fill, whether it be a replacement or a new position, we  
8 ask that our department chairmen meet with Mr. Kitchen,  
9 the affirmative action officer, to familiarize themselves  
10 with his recommendations, his guidelines.

11 When they have advertised properly, when they have  
12 recruited properly, they notify me about the name of the  
13 candidate whom they wish to hire. I have a form in my  
14 office which I send to Mr. Kitchen and this form indicates,  
15 by Mr. Kitchen's signature, that the department in question  
16 is free to hire that person or to at least extend an  
17 offer.

18 When he signs our form, he indicates that we have,  
19 to the best of his knowledge and judgment, satisfied the  
20 affirmative action guidelines.

21 We're very glad to have this form, incidentally,  
22 because I think both people are very well protected.

23 Q Have the college faculty ever had a training session  
24 on the university's affirmative action program?

25 A Yes, we have, not as a college faculty in a combined

1 meeting but Mr. Kitchen has met with each of the 13 depart-  
2 ments in departmental meetings to explain recruitment  
3 guidelines, recruitment procedures, he has on more than  
4 one occasions explained if -- that in some instances he  
5 considers there to be an improper balance, he has encouraged  
6 consistently the recruitment of minorities.

7 Q What is your definition of the distinction between  
8 equal employment opportunity and affirmative action?

9 A Well, I think equal employment opportunity implies  
10 the right of every qualified American to be fairly con-  
11 sidered without regard, obviously, to race, creed, color,  
12 religion, sex. And the second part of the question dealt  
13 with affirmative action, is that correct?

14 Q Yes, what is the difference between what you just  
15 said and affirmative action?

16 A Well, I think affirmative action programs within  
17 our colleges and universities attempt to insure that those  
18 guidelines are carried out fairly.

19 Q Do you have any recommendations for improving  
20 equal employment opportunity at UNLV?

21 A One recommendation I would make would be that,  
22 and this is not intended as a criticism, but I do think  
23 that we have to continue to be very concerned that we  
24 are advertising properly, I think that it would be helpful,  
25 too, if we were to be able to provide consistently competitive

1 salaries here so that we could attract our very best  
2 minority applicants.

3 I think those would pretty much cover it for me.

4 MS. DELUCA: Thank you.

5 I have no further questions for now.

6 MR. WALTHER: I have some questions, Mr. Chairman.

7 THE CHAIR: Okay, Mr. Walther.

8 Q (By Mr. Walther) Doctor, when you say you advertise  
9 in order to -- as part of your recruitment program for  
10 minorities and I guess to accomplish correction of any  
11 imbalance in a male-female ratio, where do you advertise?

12 A We advertise -- well, each of the 13 departments has  
13 a professional journal in which they do advertise, English  
14 department for the English Department, for example, adver-  
15 tises in the Modern Language Association Bulletin, it also  
16 puts a notice in the Modern Language Association job list.  
17 That alerts virtually every candidate for a position in  
18 every institution in this country because all of them  
19 are members of the Modern Language Association.

20 In addition to that we advertise in the Chronicle  
21 of Higher Education, which is a significant national  
22 journal, and then we send a list of positions that we  
23 have to offer to Mr. Kitchen, who then advertises in journals  
24 which he thinks, that are specifically tuned to minorities.

25 Q Does then -- am I correct in saying that your, or

1 the department, the departments do not themselves engage  
2 in the advertising which would particularly attract a  
3 minority, it's done through Mr. Kitchen or is that  
4 incorrect?

5 A Well, in a sense. Of course departments emphasize  
6 or they -- it is stressed at least in every department.  
7 the need to advertise in as many places as possible, but  
8 when I say that we advertise with Mr. Kitchen, in order to  
9 insure that minorities are reached, I don't mean to imply  
10 that minorities aren't reached through the normal pro-  
11 fessional journals, surely the Modern Language Association  
12 would reach minorities. We want to, however, in this  
13 instance, in going with Mr. Kitchen, go to places where  
14 perhaps there would be a higher concentration of minorities.

15 The Modern Language Association Bulletin is read  
16 religiously, for example, at all the Big 10 schools but  
17 we're not always sure that the percentage of minorities  
18 to be reached there would be as great as they would in  
19 some other areas.

20 Q Right, so the point I was making was that the  
21 advertisement which specifically points itself toward,  
22 at least making aware, making the minority people aware  
23 of available positions, is done through a department  
24 other than yours?

25 In other words, your advertisement, as I understand



1 it, is directed to applicants generally, rather than  
2 specific minority groups?

3 A Well, I think, I don't like to think of the two  
4 advertisements as distinctive, I think that it's hoped,  
5 we do not put on our applications anything that would  
6 signal whether a person is Black, Chicano, Asian or any-  
7 thing, but I think that there's a hope that some will be  
8 in both places.

9 But I think it's correct in saying that probably  
10 the greatest concentration does go through Mr. Kitchen's  
11 office.

12 Q Okay. Now, in your department, do you believe there  
13 is any imbalance existing, say between a male-female  
14 ratio?

15 A Yes, I think that -- oh, we speak, my department  
16 you're speaking in my college --

17 Q I'm sorry.

18 A Yes, I think I would have to say that's true, there's  
19 some departments in my college which have no female members.  
20 I don't think, I don't think that's desirable, on the  
21 other hand, I don't think that I'm prepared at this moment  
22 to indict those departments and to suggest that there has  
23 been overt discrimination that has kept females out.

24 Q I understand.

25 Now, what goals does your college have, if any, to

1 correct the imbalance, and I'm specifically referring to  
2 the male-female ratio? Is there a goal at this time? Which  
3 you would like to reach, disregarding a quota figure,  
4 for example, but is there a goal?

5 A Well, I think we all have as a goal to attempt to see  
6 that each department, each of the 13 departments is repre-  
7 sented by females as well as males. And I think that we're  
8 constantly striving toward that goal by attempting to inter-  
9 view female applicants, to get as many qualified females  
10 as we possibly can and I think that Mr. Kitchen has  
11 stressed that repeatedly too, in his meetings.

12 Q Now, is your advertisement directed toward females?

13 A No, it isn't. For example, if we advertise for a  
14 position, let's say in the department of English, we  
15 advertise for an 18th Century scholar, we don't advertise  
16 for a female, we advertise for an 18th Century scholar  
17 with full awareness that women are scholars as well as men.

18 Q But do you take a look and say now what real good  
19 18th Century scholars are there that are female and actually  
20 take an affirmative step to contact that individual to see  
21 if they might be interested in taking that position?

22 A Yes. Well, I can speak, perhaps most knowledgeable  
23 about the English department of which I was a member before  
24 coming to my present office, but I think that, I think  
25 that is true, that we are -- we're somewhat limited, however,

1 about -- about the number of candidates we can bring to  
2 campus. We simply can't afford to bring five or ten  
3 applicants for every position.

4 Some departments which have national meetings are  
5 in a much better position to interview ten, 12 applicants,  
6 because they have national meetings at which times they  
7 do set up interviews and do go through the interviewing  
8 process. But I think that it's fair for me to assume  
9 that the screening process is one which takes into con-  
10 sideration the need for hiring women on our campus, and  
11 I'm satisfied that we're making progress in that area and  
12 that we're very sensitive to it.

13 Q Do you have any statistics which show an increase  
14 in the ratio of women to men in your college in the last  
15 three years?

16 A Well, only the headcount which we have, we have,  
17 in the last -- well, if I can again cite a couple of  
18 departments that come to mind, we, for example this year,  
19 because of budget constraints, the college of arts and  
20 letters which now has 13 departments, is permitted to  
21 hire one additional faculty member.

22 So you can see that if we hired all women this time,  
23 we would hire one additional faculty member and we wouldn't  
24 really drastically change the 132 number ratio.

25 We have at present, approximately 20% women in our

1 college. I suspect that the humanities and the fine arts  
2 areas probably have more women than other areas, some other  
3 probably have more women than other areas, some other  
4 areas. I know that this year in the department of political  
5 science, we hired two new people this past year, one of  
6 those was a woman. We hired two people in the department  
7 of anthropology, one of those was a woman.

8 I think that we are making progress really. I can't  
9 say that we have 7% more women than we did in 1975, but I  
10 suspect that's probably so.

11 Q About 7%?

12 A Yes, I would say that's probably true.

13 Q Have you made any attempt to, or are you aware of  
14 any attempt on the part of the affirmative action depart-  
15 ment of Mr. Kitchen to make you aware of the statistics  
16 and then maybe bring you in line with some sort of a, what's  
17 called in the plan here representation within a specified  
18 period of time?

19 In other words, ~~over a ten-year period or 15-year~~  
20 ~~period or five-years period, do you have some kind of~~  
21 ~~goals that are -- you are working with in conjunction with~~  
22 affirmative action?

23 A ~~Yes, we have worked consistently on every job offer~~  
24 as a matter of fact with Mr. Kitchen, and he is -- and our  
25 recruitment procedures are no secret to him. We -- we're

1 constantly being made aware, as we should be, of his  
2 attempts to increase the number of minorities and women on  
3 our campus. I don't think that there's a magic formula  
4 for that because we are charged in every instance with  
5 hiring the best people we can possibly hire for every job.  
6 Sometimes those best people are women, sometimes they're  
7 not. ~~Sometimes they're~~

8 But we are making great efforts and I think that  
9 everyone with whom I've worked in the recruitment process,  
10 specially Mr. Kitchen above all, is extremely sensitive  
11 to this problem and the need to do something about it.

12 Q Does your department have any funds available to  
13 actually take affirmative steps to bring this imbalance  
14 into proper ratio?

15 Do you set money aside, for example, to actually make  
16 contact?

17 A The college of arts and letters does not have a  
18 recruitment budget, the -- well, we're simply limited to  
19 the number of positions we're permitted to hire each year,  
20 so I can't say that we have any special funds with which  
21 to advance the cause of affirmative action. At least in  
22 my college, that is my college budget.

23 MR. WALTHER: Thank you.

24 Q (By Ms. Jones-Booker) Mr. Chairman, I'd like to  
25 ask Dr. Unrue, you mentioned in your testimony that Mr.

1 Kitchen encourages compliance with affirmative action  
2 guidelines?

3 A Uh-huh.

4 Q In your experience and to your knowledge, Dr.  
5 Unrue, does Mr. Kitchen have any authority beyond that of  
6 encouraging which, granted, is a very persuasive authority,  
7 to see that affirmative action guidelines are complied  
8 with here at the university?

9 A Well, yes, he does. Mr. Kitchen has the right to  
10 refuse to sign the slip that I send <sup>I</sup> him saying that we have  
11 complied with affirmative action guidelines, if in his  
12 judgment he is convinced that we have not interviewed  
13 enough candidates, if we've not interviewed a high enough  
14 number of minority candidates, he has every right to refuse  
15 to sign that. And I might add that on one occasion last  
16 year he did just that. In my college.

17 Q All right. Do you see an effort, Dr. Unrue, for  
18 efforts beyond that of advertising as a means of satis-  
19 fying that affirmative action guidelines do become a  
20 reality?

21 A I -- I'm not sure I understand what you mean other  
22 than -- I don't really see what we can do except to en-  
23 courage applicants from minority groups. I honestly don't  
24 know what else we could do other than what we're doing  
25 now. I don't mean to suggest that our record is perfect

1 and that he have no room for improvement, but I honestly  
2 don't know what else we can do that we're not doing right  
3 now.

4 Q Well, if I may take that just one short step  
5 further --

6 A Surely.

7 Q -- in terms of the efforts that I understand you  
8 are undertaking now and which you have also undertaken  
9 in the past, when I say you I mean members of the university  
10 faculty and administration, to make sure that affirmative  
11 action guidelines are complied with, the main impetus seems  
12 to be that of the effort to make persons aware that  
13 opportunities exist at the university, and that once that  
14 duty, responsibility, obligation is fulfilled, that you  
15 have done just as you have indicated, all that you can do  
16 to encourage compliance with affirmative action guidelines.  
17 I just want to be clear that in so far as your perspective  
18 is concerned, that is the lion's share of the problem?

19 A I think it is. I -- if I were aware as dean of a  
20 refusal of the department to hire a better qualified candi-  
21 date because that candidate happened to be woman or  
22 minority, then I would -- would not approve that recruitment  
23 procedure. I would refuse to write the letter of offer  
24 to the person, and if that should happen, I'll do that.

25 But I think with the monitoring done by Mr. Kitchen,

1 and with my own sensitivity to the need to hire more  
2 minority people, more women, that I really think that we  
3 in the university are doing what we can do to improve.

4 Q All right, if I could ask you --

5 A I'm not saying that we're satisfied with all the  
6 results thus far, but I think we're doing what we can do  
7 to improve.

8 Q All right. As -- in your position, Dr. Unrue, I  
9 would be interested to know your reflection on this  
10 particular situation. Earlier today testimony was pre-  
11 sented to the advisory committee by a member of the UNLV  
12 faculty that that particular faculty member would indeed  
13 be willing to recruit for positions within that par-  
14 ticular department were this encouraged or were this person  
15 requested to do so.

16 I'm wondering if in your position as acting dean  
17 of the college of arts and letters, you support such an  
18 activity by members of your particular college faculty?

19 A I support all activities of any faculty member to  
20 see that the rights of minorities and women are guarded  
21 and that they are permitted to have the same opportunities  
22 for employment as anybody else.

23 Now, if I could address that specific problem, I  
24 have to reflect, you mentioned a particular person, and  
25 that causes me some confusion because there are 13 different



1 departments and there are different personnel procedures.  
2 But if I could again hypothesize that, well, could you  
3 tell me who the person was?

4 Q Oh, certainly, Dr. Babero.

5 A Well, I don't believe that person's in my college  
6 but certainly I would support his right and obligation,  
7 I think, to attempt to see that more minorities are  
8 followed, or hired, pardon me.

9 Q Well, that's commendable on your part, Dr. Unrue  
10 but that's not exactly what I'm asking you.

11 What I'm asking you and I don't want to belabor  
12 this but I'm very interested to know what your opinion  
13 would be if in the college of arts and letters, a particular  
14 faculty member requested monies to be able to attend a  
15 conference so that that particular faculty member might  
16 do some recruiting specifically in so far as minorities  
17 and/or women were concerned, would that faculty member  
18 receive your support?

19 A Well, that's a very difficult question, a very  
20 complex one. It sounds, the obvious simple answer would  
21 be yes, but I'd like to qualify that answer for just a  
22 bit, if I could.

23 In the first place, I think that again, we would  
24 all encourage the recruitment of minority persons. However,  
25 I think that I would have to tell you that at that

1 particular time, that the request came, if it came in the  
2 spring, I might or might not have funds with which to  
3 send that person. I think I might ask too, whether that  
4 particular person were going to act on the behalf of a  
5 department, on the behalf of the university, what the  
6 particular conference was he or she would be attending,  
7 if we had the funds available and we believed that the  
8 particular request had credibility, and I think that's  
9 a judgment we'd have to make, we would fund it.

10 But I -- I don't mean to say that we would fund it  
11 and then have you infer from that that I'm convinced that  
12 departments aren't now trying to do that. I think it's  
13 wrong to suggest that because this particular person came  
14 before your group and said that he or she was not per-  
15 mitted to attend conferences to recruit minorities, that  
16 that particular department of which he or she is a member  
17 is not itself trying to recruit minority people.

18 Q Yes, well, we certainly don't intend to draw that  
19 conclusion, Dr. Unrue, from what was stated, but our  
20 concern is probably a little more general than that and a  
21 little more basic than that and that's what I was asking  
22 you to address yourself to.

23 Has a member of your faculty, to your knowledge,  
24 ever made such a request to you?

25 A No.

1 MS. JONES-BOOKER: Thank you.

2 Q (By Ms. James) I have a couple points of clari-  
3 fication.

4 You mentioned that in this year you have one  
5 additional faculty member slot?

6 A That's for the next year, that's for next year,  
7 not this year. Now, that does not mean that we'll be  
8 hiring only one person, obviously we'll have some replace-  
9 ments as a result of resignations.

10 Q You don't know how many replacements?

11 A No, I don't know yet. We're still in the -- in  
12 the midst of personnel decisions, and they have not been  
13 carried out fully. At this point.

14 Q Just as a point of reference, how many replace-  
15 ments did you have to make last year? For this academic  
16 year?

17 A Seven, I believe.

18 Q So it would be like seven plus one or something for  
19 this coming year on an average?

20 A Well, if -- without mentioning specifics, there  
21 are tenure cases before the college of arts and letters  
22 now, still awaiting decisions, the decision essentially  
23 is a recommendation that I will make to the vice president  
24 of academic affairs but whether we will have recruitment  
25 opportunities for the next year will be determined by

1 the ultimate decisions made by the president.

2 Q Do you ever have attrition without the tenure  
3 consideration, just somebody who leaves?

4 A Oh, yes, yes. I had a letter of resignation from  
5 one of my colleagues just the other day.

6 Q Okay. You, in talking about the dean's committee,  
7 you mentioned that those positions to the advisory  
8 committee are elected --

9 A That's correct.

10 Q -- are there any at-large positions in addition  
11 to elected?

12 A No, the dean -- the committee is a five-person  
13 committee and it's elected entirely from the college  
14 membership.

15 Q Are there any set, established numbers for each  
16 department, for how many professors you would have within  
17 a department or how many associate professors?

18 A There is, to my knowledge, no quota for ranks on  
19 campus.

20 Q There is no quota for ranks?

21 A No. Right.

22 Q Is there any quota for how many people may obtain  
23 a promotion?

24 A Not that I'm aware of.

25 Q Or how many people may attain tenure?

1           A     No, as a matter of fact, we have some departments  
2 now, I'm not sure how desirable this situation is but we  
3 have some now that are 100% tenure.

4           Q     Just one last thing.

5                     You mentioned in talking about the distinction  
6 between equal employment opportunity and affirmative  
7 action, I heard -- what I thought I heard you say was  
8 affirmative action was the effort to fairly carry out  
9 equal employment opportunity?

10          A     I see it <sup>S?</sup> at that but I must confess an ignorance  
11 of the terminology, perhaps you're seeking --

12          Q     No, I'm just clarification as how you perceive the  
13 terminology.

14          A     I perceive our affirmative action program on this  
15 campus as a very strong attempt on Mr. Kitchen's part to  
16 see that we are about the business of hiring more  
17 minorities.

18          Q     Okay, one last --

19          A     And guaranteeing the rights of those minorities  
20 who are already here on campus.

21          Q     Yes, the two-fold plan.

22                     Just one last little thing.

23                     Following up on Roberta's question, you mentioned  
24 earlier that some departments have personnel that go to  
25 conferences every year, professional conferences?

1 A That's correct.

2 Q All 13 departments do not have at least one person  
3 that goes to a professional event each year?

4 A Well, I think I need to clarify that, when I said  
5 conference, our faculty is an active faculty, they go  
6 to conferences and read papers. However, not every con-  
7 ference is a job block conference, if I could use the  
8 jargon for a minute. I mentioned the Modern Language  
9 Association because there is an annual meeting devoted  
10 entirely to recruitment within the discipline of English  
11 and foreign languages.

12 However, I don't believe that these conferences,  
13 these conventions are held consistently late enough in  
14 the year that would permit all of our disciplines to go  
15 and use that as the means for interviewing.

16 But we do encourage that and our administration  
17 has been generous in supplying funds for the department  
18 chairmen to attend these meetings and to do the recruitment.

19 MS. JAMES: That's all.

20 Q (By the Chair) Dr. Unrue, just for clarification,  
21 it was stated that a faculty member in a previous --  
22 previously this morning, made a statement that he was  
23 willing and would accept a request by the university to  
24 attend a conference for the purpose of recruiting. He  
25 did not say that he had asked --

*Recpt  
Chairman  
is all  
Recruitment*

1 A Oh, I see.

2 Q -- no, he didn't, I wanted to clarify that, but he  
3 said that if the university would request that of him, he  
4 would be willing to accept that responsibility in going  
5 to a conference anyplace in the country to recruit for the  
6 purpose of recruiting.

7 I wanted to make that clear, that he did not indicate  
8 at all or did not state at all that he had requested this  
9 consideration and was denied that opportunity.

10 A I see, thank you very much, Mr. Wilson.

11 THE CHAIR: Do we have any other questions?

12 MR. SCOTT: I've got a question, Mr. Chairman.

13 Q (By Mr. Scott) Doctor, I'd like to ask you, you  
14 said that Mr. Kitchen didn't sign on one occasion. What's  
15 the situation if he doesn't sign, what takes place then?

16 A Well, we have to go back to the department and begin  
17 the evaluation of the applications again.

18 We have to submit another list of candidates for the  
19 position to Mr. Kitchen, we have to be certain that he is  
20 satisfied that a fair or representative list of minority  
21 candidates, applicants were reviewed, and in one case  
22 last year, one of our departments in our college did not  
23 do that on the first try, and consequently that department  
24 was denied the right to bring in what it considered to  
25 be its number one candidate until it had made an attempt

1 to bring in another candidate, until it had made an at

2 Q Just one last and then I'm finished.

3 Looking at statistics that we have looked at here  
4 on the campus, and I'm sure most of us have seen those,  
5 perhaps would you think that the results of those  
6 statistics has been the results of hiring the highest  
7 qualified person as a result to end up with that type of  
8 statistics?

9 A Well, I believe that's correct, as I say, I've  
10 been on the campus seven and a half years and many of these  
11 people were hired before I got here, but I can say that  
12 in the recruiting in the last three years, of the 13  
13 departments in the college of arts and letters which I'm  
14 pleased to see is highest up there of all the others, → *Chart*  
15 has attempted to hire the best qualified people and as *reference*  
16 I said, on many occasions these have been women, not  
17 enough occasions, on many occasions these have been people  
18 of minority groups, not enough occasions, but I believe  
19 that it does reflect an attempt to hire the best qualified  
20 people.

21 We face another difficulty here in that I think  
22 that in these days when we are all much more sensitive to  
23 the need for fairness and to hire minority people, the  
24 competition is much more severe too, and if it's true that  
25 we don't have as many minority people on our faculty as we



1 would like to have, it's also true that if you look at  
2 the graduate schools today, putting out Ph.D's in English,  
3 physics, whatever, you will notice that there are fewer  
4 there perhaps than we would like to see also, so I think  
5 that there are -- there are several factors working  
6 against our wishes here.

7 MR. SCOTT: That's all, Mr. Chairman.

8 THE CHAIR: Dr. Unrue --

9 MS. DELUCA: Mr. Wilson, I'd like to follow up on  
10 what Eddie was saying, just one short one, all right?

11 Q (By Ms. DeLuca) Then am I understanding you  
12 correctly when -- is it that out of 131 faculty in the  
13 college of arts and letters, ten ethnic minorities, in your  
14 mind that reflects the kinds of qualifications you see  
15 among the minority population? The pool available for  
16 hiring?

17 A No, I'm not saying that it reflects much of any-  
18 thing except that in the recruitment process, I think  
19 that there has been an attempt to hire ethnic groups or  
20 not ethnic groups, people from ethnic backgrounds, minority  
21 people, but I don't think that the reason that we have as  
22 few as we have can be said to indicate that there aren't  
23 qualified people, I'm saying that this, this indicates  
24 that in our attempts to recruit the most qualified  
25 applicants, in my judgment, that perhaps a portion of those

1 ten do reflect what you're saying.

2 But as I say, I've been here seven years and I can  
3 speak from a rather limited view, I haven't always  
4 been in administration, I had a department perspective  
5 before I was acting dean. But I think that we are faced  
6 with these difficulties that I mentioned to you.

7 I'm not sure that I've answered your question but  
8 I'm not sure that I understood it completely itself.

9 MS. DELUCA: That's okay, thank you.

10 THE CHAIR: Dr. Unrue, as chairperson of the state  
11 advisory committee, and the U.S. Commission on Civil Rights,  
12 I want to personally and for the committee, thank you  
13 for appearing before us this afternoon and that certainly  
14 your comments and your presentation has been very helpful  
15 and certainly we want to express our appreciation and  
16 want to thank you very much for your consideration.

17 A Thank you for permitting me to be here.

18 THE CHAIR: Mr. Kitchen, James Kitchen, Affirmative  
19 Action Officer, University of Nevada, Las Vegas.

20 Mr. Kitchen, will you please state your name and  
21 university position?  
22  
23  
24  
25

MR. JAMES KITCHEN

1  
2  
3 A (By Mr. Kitchen) Right, Jim Kitchen, I'm the  
4 Affirmative Action Officer at UNLV.

5 Q (By the Chair) How long have you been employed  
6 the the university?

7 A Since July of 1976, Mr. Chairman.

8 Q In the capacity of --

9 A Affirmative action officer, that is correct.

10 Q Please describe your duties and responsibilities  
11 as the University of Nevada, Las Vegas, Affirmative Action  
12 Officer?

13 A Okay, my duties primarily are concerned with the  
14 implementation of the affirmative action program here  
15 at the University of Nevada, Las Vegas, as well as being  
16 one of the council members for the systemwide equal  
17 opportunity council, which represents the chancellor's  
18 office and other universities.

19 My specific duties here at UNLV was, number one,  
20 was to come in and to develop and write an affirmative  
21 action program along with a set of goals and timetables  
22 for the university. I also monitor the recruiting efforts,  
23 I'm very involved from the very beginning to the very end.

24 I listen and do investigations on grievance matters,  
25 complaints and so on, and I'm somewhat involved with a little

1 student counseling, I'm also now doing lecturing and  
2 consulting work through continuing education.

3 Do you mind if I -- I've been sitting back here  
4 making notes of a lot of things that's been said about  
5 our program, do you mind if I make a few remarks or  
6 comments?

7 Q Go right ahead.

8 A Because there are some things I think that need to  
9 be clarified, I'm not sure that they would come out in  
10 questions or so on.

11 Q Go right ahead.

12 A First of all you've asked a lot of people, I think,  
13 if they would define affirmative action. Every employee,  
14 the brochure that you do have has gone out to every  
15 employee at this campus, professional and nonprofessional  
16 employees.

17 A copy of our affirmative action plan is also in  
18 every departmental office, every departmental chair-  
19 person's office, and also those employees who have on one  
20 time or another requested a copy of the affirmative action  
21 plan.

22 In that is a definition of affirmative action.

23 When I do meet with individuals I see no need to  
24 spend time reading a definition to them when they can read  
25 themselves, otherwise they shouldn't be employed here.

1           But you do make reference to the distinction between  
2 equal opportunity and affirmative action and I will give you  
3 my definition, which is also in that brochure.

4           Affirmative action can best be described with  
5 relationship to two words and that's equal opportunity.  
6 Equal opportunity is a condition, affirmative action is  
7 the means by which that condition is achieved.

8           And I think that really says it all in a very short  
9 sentence, that is what we're trying and hope to achieve  
10 here at the University of Nevada, Las Vegas.

11           Although there are many definitions of affirmative  
12 action, there's no way one can determine the true meaning  
13 of the definition or the concept, the meaning of affirmative  
14 action, all that can be done is to examine the particulars,  
15 the concepts, the intentions and the actual effects as the  
16 program grows and I think that's basically what we'd  
17 like to do here at UNLV.

18           Just a few more seconds and -- we talked this  
19 morning or I heard some testimony this morning and presen-  
20 tations about some various positions, also some other  
21 things going on here on the campus and I would like to  
22 just take a few minutes to hopefully clarify or give you  
23 my viewpoint on some of these things.

24           One, we've heard mention that there's only two  
25 females, I mean one female and one minority in administrative

1 positions.

2           Granted I am not that pleased with what we do have  
3 either, and you know, I spend a hell of a lot of time  
4 worrying about it but we do have two females, one an  
5 academic dean in the college of allied health and another  
6 a dean which is the female who is the dean of admissions  
7 and records and then, of course, myself.

8           The dean of admissions and records, I think, came  
9 about last year as a result of upward mobility, she was  
10 director before she became dean and that is a form of  
11 upward mobility, that's not much progress but at least  
12 there's a sign that we are trying to do some things.

13           There's also other managerial positions and maybe  
14 or -- may or may not think that they're executive or  
15 administrative positions but according to the EEO guide-  
16 lines, they do have a category which is managerial,  
17 executive, administrative and deans and so on, if that  
18 were the case and our chairpersons were managerial, well  
19 then, we do have a few more women, no minorities but I  
20 think five more, four or five more women in that category.

21           We also heard mention this morning of the brochures  
22 and I'd really like to clarify that.

23           It makes it sound as if all I've done is send out  
24 5,000 brochures this year and as a result, we didn't  
25 get anything. At that particular board meeting I made

1 reference and used an example of one department sending  
2 out 5,000 brochures in an attempt to recruit a graduate  
3 assistant. That department, that department received a total  
4 of one minority applicant as a result of those 5,000  
5 brochures, not the college but that one department.  
6 That person decides to take a job in the community as an  
7 analyst trainee or something like that but I did want to  
8 clear that one thing up.

9 We've also heard a lot of mention with respect  
10 to salaries, and the discrepancy or the differential be-  
11 tween the salaries.

12 Since I've been here at the University of Nevada,  
13 Las Vegas, we have made a special attempt in meeting with  
14 I've met with the president and also the vice president  
15 of academic affairs, to make sure that before anybody  
16 is brought in and offered a contract, that the monies  
17 that they receive as a result of that contract is  
18 comparable to other people, either in that department  
19 or a college or a unit.

20 Maybe in the last seven or eight years there has  
21 been some discrepancy but I don't think that you would  
22 find any within the last year and a half or so, because  
23 we are making a special effort not to discriminate on the  
24 basis of sex, race or anything else when it comes to  
25 salaries.

1 I'll hold the recruitment procedures up.

2 This morning we also heard mention that the soft  
3 monies were not a part of the affirmative action plan.  
4 I am very much concerned about bodies more than I am  
5 money, and as a result of that, all those people, regardless  
6 of their ethnic background or sex, are a part of my  
7 affirmative action program and are a part of the statistics  
8 that we have in that program, regardless whether you're  
9 on hard or soft money, we're concerned about numbers  
10 employed or the employment percentage here at UNLV.

11 There was also a mention, I think, about one par-  
12 ticular case that was resolved without mentioning any  
13 names or anything, I was very instrumental in doing the  
14 negotiating for that complaint which we did hear that you  
15 may have gotten the feelings that only a certain agency  
16 was involved in that but I was right in the middle from  
17 the very beginning to the very end.

18 I'm only saying these things because I think you  
19 should, I want you to hear the university's side of what  
20 had gone on also. I did want to mention a lot about  
21 recruitment but I think probably you would have a lot of  
22 questions in regard to recruitment so I'll refrain those  
23 statements and entertain any questions you have.

24 Q (By the Chair) Well, you've covered part of what  
25 I was going to ask you but I want to know if you have any



1 other specific steps by which the equal employment oppor-  
2 tunity policies are implemented, if any, affirmative  
3 action, other than those that you've stated?

4 You've stated several, do you have any others  
5 that you would like to share with us?

6 A Yes. Well, one of the primary functions of an  
7 affirmative action officer is recruitment and with respect  
8 to the EEOC guidelines and other policies, without going  
9 into my procedure yet as a -- with recruitment, the guide-  
10 lines and regulations says that one should make every  
11 effort necessary, possible to locate qualified women  
12 and minorities.

13 I will not use the word best qualified, the guide-  
14 lines do say best qualified. I think if you're qualified  
15 you can do the job but it does say you should make every  
16 effort necessary to reach out and try to find or locate  
17 qualified women and minorities.

18 We are doing that.

19 You heard mention of one faculty member this morning  
20 says that he'd received copies of the vacancy announcements  
21 from me. Every minority employee -- excuse me, not every,  
22 around 85% of the employees on this campus receives copies  
23 of those job announcements, I ask them to contact  
24 personal referrals that they have, or contact various  
25 organizations or agencies that they know of that I may not

1 know of to see if they could find anybody that's interested  
 2 in these positions, and there are a lot of other little  
 3 things that we do or that I do that can also be of some  
 4 help. But we try to follow the guidelines very closely.

5 Q Please describe to the committee your working  
 6 relationship with the university administration since  
 7 assuming your duties as affirmative action officer here  
 8 at Las Vegas?

9 A I report directly to the president, but I also work  
 10 very, very closely with the vice president for adminis-  
 11 tration and academic affairs, division affairs and also  
 12 student services or educational services and I'm also  
 13 working very closely with all the departmental deans, I  
 14 mean college deans, departmental chairpersons, directors  
 15 of units, unit supervisors and so on.

16 Whenever they have an affirmative action problem,  
 17 I serve as their consultant. Anytime they have a position,  
 18 any operating unit has a position prior to that announcement  
 19 even going out to anyone, I must approve the job descrip-  
 20 tion. What the things that I look for are discriminatory  
 21 things to make sure that, for instance in looking for a  
 22 dean or something they don't put on there 15 years adminis-  
 23 trative experience, <sup>TO O.B. VIOLATIONS</sup> which you find most women and minorities  
 24 don't have, that's just a far stretched example, <sup>FETCHED?</sup> but I work  
 25 very, very closely on recruiting matters, personnel matters,

1 anything relative to affirmative action they have  
2 questions on, I'm available to them.

3 I make special -- I made it a special point  
4 when I first came here rather than to wait to have people  
5 contact me I contacted each one of the departmental  
6 chairpersons, directors, deans and everyone else, so that  
7 I could set down and explain the program to them, what  
8 affirmative action is all about and so on.

9 Q Therefore you do have access to the president  
10 which you say you report directly to him?

11 A That is correct.

12 Q And also you have that type of interaction with  
13 the faculty here?

14 A That is correct.

15 Q At the university? Okay.

16 Now, we've been presented a copy of your -- the  
17 new --

18 A Affirmative action plan?

19 Q -- university affirmative action plan, which you  
20 are the principal author, and which has been approved  
21 by the university board of regents, I understand?

22 A That's correct.

23 Q Okay, is the plan now in effect? If not, when will  
24 it become effective? Has the plan been distributed and  
25 explained to the university faculty toto?

1       A     Prior to the plan even -- when I was in the  
2 very beginning stages I had everything in rough draft,  
3 when I was meeting with college deans, departmental chair-  
4 persons, directors, unit supervisors, so on. Before  
5 this plan was even written I was explaining to them what  
6 this plan was going to be about and to make sure, and to  
7 let them know that they would get a copy of it.

8           When I wrote this plan, we got the -- well, you  
9 got the indication this morning that the regents were the  
10 reason why this plan exists. That is not true. They're  
11 probably the reasons why I exist, why I'm here, but as  
12 I explained to President Baepler and as also he and I  
13 both talked about and one of the things that he required  
14 of me was to write an affirmative action plan.

15           And that is what we did do. But prior to it even  
16 being adopted by the regents in May of last year, the pro-  
17 gram itself was put into effect before that time.

18           I developed a set of recruiting procedures shortly  
19 after I got here because that seemed to be the main  
20 concern at that particular time, and distributed that to  
21 each one of the college deans, vice presidents, departmental  
22 chairpersons, unit supervisors and so on, to make sure  
23 and to ask them that they follow these guidelines, even  
24 though it has not been approved officially by the regents,  
25 by the university senate, and to my amazement most of them

1 did do that. We worked very closely even before this was  
2 adopted.

3 Q We've had an opportunity to look at the plan and as  
4 an overall comment, the plan seemed to lack direction in  
5 that responsibility for implementation in many instances  
6 is left undetermined.

7 Now, in your opinion, how will this alter the  
8 effectiveness of the plan, if at all?

9 A Let me say this, this is a new plan and it's the  
10 first plan that I've written for this university. With  
11 any new program or plan you're going to find some faults,  
12 I even find faults in it myself and as a result of that,  
13 I'm also in the process of making revisions and so on.

14 I'm sure as a result of this meeting I'll probably  
15 learn a few things that I need to go back and set down  
16 and make revisions on. But even though I think there are  
17 a few areas in there with respect to implementation that  
18 need working on, I think, personally, it's been pretty  
19 effective thus far.

20 And I guess maybe it's because, number one, it's a  
21 new procedure and a lot of the people are not really  
22 familiar with, so, as a result of that they're going to  
23 go along with it until somebody figures out a way they  
24 can get around something, by that time I hope I can beat  
25 them to the punch but I do know that there are some problem

1 areas and all I can say is we're working on those to try  
2 to correct them in the very near future.

3 A lot of people get the idea as a result of  
4 affirmative action plan and the duties of affirmative  
5 action officer and so on, that the plan should specifically  
6 say all right, you do this, you do that. I don't know of  
7 any affirmative action officer in the country that can  
8 tell X in X department that you had better hire Sally  
9 Jones or John Doe.

10 We can make you wish you had-a-done it but we can't  
11 tell you that you have to do it and I think a lot of people  
12 think that an affirmative action officer or affirmative  
13 action plan should have it written in there where the  
14 affirmative action officer can demand that you do something,  
15 one thing or another and that's not the purpose of a plan.

16 Q To whom do you report and at what intervals on the  
17 implementation of the affirmative action plan? What  
18 specific enforcement authority does your office have, if  
19 any, to insure the policies of affirmative action are  
20 implemented at the University of Nevada, Las Vegas campus?

21 Now, I remember you stated previously that you do  
22 have interchange with faculty, the president of the  
23 university, and who do you report to or receive the power  
24 to act?

25 A Again, I report directly to the president, and I feel

1 very fortunate in that he has given me the green light on  
2 this affirmative action plan, to do anything possible and  
3 anything legal to implement this program and to be very  
4 firm about my commitment to the hiring, say of women and/or  
5 minorities.

6 Now, as a result of this plan, people have to report  
7 to me when they're in the process of, say of doing some  
8 recruiting. Let me give you just a little example of what  
9 has to be done throughout a recruiting process and to give  
10 you some ideas as how <sup>E</sup> people have to report directly to me.

11 In the very beginning, like I say, once they have  
12 determined that a funded vacancy exists they develop a  
13 job description. That description is approved by me, if  
14 I'm not available or something, then it is approved by  
15 the vice president for academic affairs.

16 Once that happens, and I have approved it, we  
17 suggest or I suggest, my office will suggest that they  
18 will send us approximately 70 to 80 copies of that job  
19 description so that I can make this vacancy known to  
20 various women, minority organizations, make it known to  
21 every predominantly minority and Black institutions in the  
22 nation, I also ask them to contact universities or  
23 colleges that they know of that has a good program in  
24 their particular area, contact people that they've built  
25 up over the years, placement services, advertisements

1 agencies and so on. This is all done in the very early  
2 stages.

3           Once this is done, then they'll start to receive  
4 applicants. Prior to their selecting people to come in  
5 for interviews, it should be cleared through my office  
6 that the affirmative action guidelines and recruiting  
7 procedures have been followed very closely. Then I can  
8 give them the green light, if I feel like everything is  
9 going well to go ahead and bring people in for inter-  
10 views.

11           Once that is done, then again they usually consult  
12 with me on various procedural matters as far as recruiting  
13 reports and whether or not they have complied with the  
14 affirmative action guidelines and so on.

15           In the event that I feel like that they have, I have  
16 a -- I require of them or request of them, it's not a  
17 request, it is a requirement, they have to file a  
18 recruiting report in my office as well as a checklist  
19 for affirmative action.

20           If I feel that everything has been followed very  
21 closely and very well, I can sign off and it goes directly on  
22 to the proper channels for the contract.

23           If I do not feel that all affirmative action pro-  
24 cedures have been met or have been followed, I will not  
25 sign but in turn, send it back to the chairperson search



1 committee and other various departments explaining to them  
2 the reasons for my denial of this and then the process  
3 either starts over again or we negotiate or we come up  
4 with something where we can -- where they can assure me that  
5 they have followed all the procedures correctly, as Dr.  
6 Unrue mentioned earlier, there was an example in his college  
7 and there's also been another example at the university  
8 that I've had to turn them back, but again, I have the  
9 green light on this to make sure that people follow the  
10 affirmative action guidelines very closely.

11 Q Mr. Kitchen, do you also function as equal oppor-  
12 tunity officer for internal complaints?

13 A Yes, that is correct.

14 Q How many formal and informal complaints have you  
15 received, to your knowledge, say this academic year?

16 A This academic year?

17 Q Yes.

18 A None from professionals -- oh, correction, I take  
19 that back. I just received two this week from professionals.  
20 About seven from classified employees which are the, you  
21 know, clerical, custodial, so on.

22 Q What steps have been taken to resolve them?

23 A The ones that I received from professionals this  
24 week were in a very informal step, they have come to my  
25 office and asked that I conduct an investigation into a

1 certain problem that they are having. And we're right  
2 now in the informal stage because this came, I think  
3 Tuesday, and so we're in the informal stage right now of  
4 talking with various individuals about the problem.

5 Q Would you please describe the progress and problems  
6 you've experienced to date as an affirmative action  
7 officer at the University of Nevada, Las Vegas?

8 A Yes, I have experienced one big problem and, you  
9 know, that is I feel like that I'm adequately locating  
10 or getting the distributions of vacancies out to minority  
11 agency or to minority people and organizations, but I am  
12 very displeased and I seem to be a problem that we're not  
13 getting the results, not getting the applicants in as  
14 a result of those announcements going out, of minority  
15 and women candidates.

16 We're getting some, last year I think we got -- we  
17 got several but I can't remember, I don't have the exact  
18 figure of how many we received last year, but I do know  
19 that last year as a result of our advertisement and I  
20 think an effort by some departments and colleges to hire  
21 affirmative action personnel, that two females, one minority  
22 female, three minority males, all rejected offers that were  
23 offered to them last year, again as a result of, you know,  
24 all of the advertisement, that hurt a lot too.

25 But I think an affirmative action officer has to

1 understand if you do all you can to reach these people  
2 and to try to bring them in on campus, you can not make  
3 them take the position. That seems to be the one big  
4 problem that I have.

5 Other than that, I enjoy working in the field be-  
6 cause I don't, I don't think the affirmative action officer  
7 has a problem, it's the people that are doing wrong has  
8 the problem, that's what I tell everybody. It's your  
9 problem, it's not my problem, I'm here to try to help  
10 you solve it.

11 Q Well, in your opinion, these areas cover what you  
12 consider the biggest obstacles to effective implementation  
13 of your program, affirmative action program?

14 A That's a tough question, that's a very tough  
15 question. I don't know, I guess one of the largest  
16 obstacles would be, of course, it's not so much in the  
17 professional area but it is in the classified area, is  
18 convincing a lot of people that they need more minorities  
19 out in certain fields, and I guess this is with respect  
20 to promotions and upward mobility, say in the classified  
21 training, classified area.

22 When we start getting into various specialties or  
23 technical positions and so on in the classified.

24 I'll give you a good example. One would be, say a  
25 custodian who has been here at UNLV for umpteen years, ten

1 years, let's use ten years as an example. This person  
2 takes an examination for a general craftsman's helper  
3 which would mean the he or she should have knowledge in  
4 maybe electrical wiring, plywood, paneling, plumbing,  
5 you know. In other words, he or she should have a little  
6 knowledge in a lot of different areas, but he's only  
7 done custodial work for the last ten years.

8 When he or she goes to take that examination, some-  
9 thing to do with wiring or plumbing or something like that,  
10 they don't do well on it and I don't think that there's  
11 enough training going on in the classified area to really  
12 produce a lot of upward mobility at this point.

13 That is one of the big problems or obstacle, I  
14 guess I'm being confronted with.

15 Q (By the Chair) In this whole thing that we've been  
16 talking about this evening with you --

17 A Yes, with me?

18 Q -- not necessarily so --

19 A I know that, I know that.

20 Q But let me say this, I can talk to you, just lay  
21 it on the line, you've been there. Because if you hadn't  
22 been there you wouldn't be here.

23 A Right.

24 Q What are some of your suggestions in your capacity  
25 as affirmative action officer that you will be making to the

1 university system here, we'd just like to hear some of the  
2 things that you might do, anticipate recommending to -- if  
3 you have one or two I'd appreciate it.

4 A Well, I guess one big suggestion that I would have,  
5 and I realize it takes a little time to get this done,  
6 but that is to develop good human relations among the  
7 various people, employees of the university. I won't  
8 mention names, departments or colleges or anything like  
9 that. But I think a sensitivity in the area of human  
10 relations and also with respect to sex and so on.

11 In other words, affirmative action has been around  
12 for about seven years, and there are still people who, some  
13 are very sensitive to the concept of affirmative action  
14 and others are not.

15 And others are, oh, diehards who just says, you  
16 know, I don't give a -- you know, about women and/or  
17 minorities, they don't look at the past history of,  
18 especially minorities or patterns of discrimination that  
19 have existed or maybe they've been involved in it inadver-  
20 tently or intentionally, but I think a more of an under-  
21 standing human relations aspects of affirmative action  
22 and the sensitivity of knowing, you know, what has existed  
23 among the class of minorities or minorities as a class or  
24 women as a class, I think that's going to be very, very  
25 important.

1 Q Have you made any recruitment trips at all since  
2 you've been --

3 A I don't make recruitment trips, we heard a lot about  
4 that this morning. Funds are not available. I did make a  
5 suggestion at one time to the regents but of course under-  
6 standing that has to, there's a lot of things that's  
7 involved, not just, you just can't give a person money  
8 to take off on a trip too, I know that, but no, I have not  
9 been involved.

10 Now, when I do attend conferences and conventions  
11 I'm on a lot of panels and things at different workshops  
12 or conferences and so on, but when I do go to those  
13 places I make sure that I take copies of our vacancy  
14 announcement, if I forget the copies I make sure that I  
15 make it known to other people that we do have openings  
16 available at UNLV and so on.

17 Q Mr. Kitchen, I'm not talking about just get some  
18 money and take off someplace, you know, many of the  
19 various departments of the university system do recruiting --

20 A Oh, yes.

21 Q All right. So I feel that recruiting in the area  
22 of education and for competent faculty is just as important  
23 as these other areas of recruitment.

24 A Okay.

25 Q So what I'm saying is this, I feel that it's absolutely

1 necessary that the system have monies to do the job with  
2 in order to keep the university system at the --

3 A Sure, I agree with you. But again it does involve  
4 -- yes, it does involve monies, but when you -- I take  
5 recruiting very seriously, and I'm very sensitive to the  
6 issue because I do think that I'm trying pretty hard.

7 I'll give you good examples. Right now we're  
8 looking for three deans. Okay? I made it a point to  
9 contact the presidents and some vice presidents and other  
10 colleagues that I know, but especially the presidents of  
11 every minority college and university or predominantly  
12 minority college or university to make recommendations  
13 or not -- not recommendations but nominations of people  
14 that they know of for any of these positions.

15 I think that is recruitment. We've put them in  
16 journals such as the Black Scholar, the Chronicle of Higher  
17 Education, a lot of people cut down the Chronicle of Higher  
18 Education and so on but we do put them in those places  
19 and as -- I can't tell you how many dollars I have spent  
20 in the year and a half that I've been here on recruiting  
21 but it's been one hell of a lot I can tell you that, and  
22 we're going to continue to try to reach these people as  
23 much as possible.

24 Q One other question.

25 I understand that you have appeared before the

1. board of regents?

2. A Several times.

3. Q Do you feel that the board of regents is sensitive  
4. to the necessity of affirmative action, equal employment  
5. opportunity program that you have presented?

6. A Yes, I do, I really think so, otherwise I don't  
7. think that we would have the opportunity to appear on the  
8. agenda or items appear on the agenda.

9. I have, on certain occasions, requested that  
10. certain action that I can be on the, appear on the agenda  
11. to make a presentation, I do think so.

12. THE CHAIR: Any other questions?

13. MR. SCOTT: Yes, Mr. Chairman.

14. Q (By Ms. James) I just had a couple clarifying  
15. things.

16. We've heard several conflicting comments on the  
17. availability of minorities nationwide. Some say they're  
18. there and some say they're not. As an affirmative action  
19. officer could you give us your opinion on that? Do you  
20. feel they are available?

21. A I think they are available. I think you just have  
22. to make every effort necessary to reach out and find them.  
23. I don't -- you hear a lot of people say that there are  
24. just no minorities, minorities aren't available, that's  
25. bull, they're available and they're out there, it just

*Continued  
Mr. Beyle*



1 takes a special effort to go out there and get them and  
2 I think one of the things that we're trying to do here  
3 or at least I think I'm trying to do here, is to go out  
4 there and find them and I'm using the other faculty  
5 members to aid me in trying to locate these people because  
6 I have a lot of contacts that I've built up over the  
7 years, Dr. Babero, who spoke this morning, I'm sure he has  
8 many contacts, many of the other people have contacts  
9 they've built up over the years.

10 They are there.

11 I have just pages and pages and pages of names of  
12 people that I, you know, send announcements and things out  
13 to that I know are out there looking for jobs. It doesn't  
14 necessarily mean they're going to accept a job at UNLV but  
15 I think if you make every effort possible to reach out  
16 there and get them, hopefully you can come up with a few.

17 Yes, I think they're there.

18 Q You mentioned that one of the needs you see is  
19 for some sort of human relations sensitivity on campus.  
20 Would you see this as a responsibility of your job or do  
21 you see this, how would you --

22 A Yes, I think it's a part of my job. Human relations,  
23 good human relations is a part of anyone's job, especially  
24 if they're going to be using in the university setting,  
25 especially if they're dean, chairperson, vice president,

1 president, whatever. Yes, I think that is a part of my  
2 job, but --

3 Q Would you need additional budget to do that?

4 A No, no. I think it just, it just means getting  
5 people to understand where you're coming from, you know.

6 I'm not out to change attitudes or anything like  
7 that, because you probably know yourself attitudes are very  
8 difficult to change, I don't want anybody to accept my ideas  
9 or anything else, I just want to make them aware of various  
10 things, and number one, if one could really understand,  
11 say what the minorities have gone through as a class, not  
12 as individuals, but as a class, that may give them a  
13 better understanding of the concept of affirmative action  
14 and what it's all about.

15 Q Just one point of information, something Regent  
16 Fong mentioned this morning.

17 A Do you know out of the approximately 6,000 students  
18 here, right?

19 A There's over that. *AT LEAST?* [Of the east] there's over 6,000.

20 Q Do you know approximately what the percentage is  
21 that comes from the greater Las Vegas area?

22 A I didn't bring those figures with me but we do have  
23 those percentages. Is it 90%?

24 Q Ninety?

25 A I'm not sure exactly, I do have the percentage in

1 my office.

2 Q So it's a goodly portion?

3 A Yes.

4 MS. JAMES: That's all I have.

5 THE CHAIR: You could get that information to us,  
6 couldn't you?

7 A Definitely.

8 MS. DELUCA: I've got several questions.

9 Q (By Ms. DeLuca) How many complaints have you re-  
10 ceived in all the time you've been here, Mr. Kitchen?  
11 Formal and informal?

12 A Could you let me know what you mean by complaint  
13 because sometimes people come in and just complain, other  
14 times they come in and with a specific problem, other  
15 times they come in with a definite problem, you know.

16 Q How many formal complaints?

17 A Formal complaints? I would say around 20 in the  
18 last year. Again the majority of those complaints come  
19 from the classified individuals rather than the professionals.  
20 You will find that even though we have a set of grievance  
21 procedures and one can take many routes, they can contact  
22 me, the Nevada Equal Rights Commission, they can go  
23 directly to the civil law courts or HEW or anybody else,  
24 you'll find that a majority of professionals rather than to  
25 go through the internal process and so on, they would rather

1 get some immediate attention and go strictly, right to  
2 an attorney and try to get quicker action that way.

3 I do receive some complaints from professionals but  
4 not a whole lot.

5 Q Of all those 20, I think you said 20, right?

6 A Approximately 20, I don't have the exact figure.

7 Q About how many were women, how many were minorities?

8 A I think, around 17, if we use that 20 as an approximate  
9 figure, around 17 would be men, the others would be women,  
10 the other three would be women. There has been a couple,  
11 two women minorities as a matter of fact. And I should  
12 say that I have also have complaints, I should say more  
13 than 20, really, now that I really, you know, am thinking  
14 about it, because there's been about five White males and,  
15 I think two or three Chicano or Mexican-American, Spanish-  
16 surnamed individuals that also have been in my office with  
17 complaints so there's been quite a few.

18 Q So, out of about the 25 or so you're saying about  
19 how many have been minorities then?

20 A Probably 22, 23 of them have been minorities. 22  
21 let's just say, approximate figure.

22 Again, if you want the definite number, I can supply  
23 that to you rather than to use these approximate figures  
24 because really there's, you get a lot of them and I can't  
25 give you an exact number at this point.

1 Q Fine, we'd appreciate that.

2 I would like a thorough picture of where you send  
3 job announcements and brochures, I don't mean specific  
4 places but what are the kinds of places in general, that  
5 you send them to?

6 A Okay, I've already mentioned minority institutions,  
7 women institutions, minority women organizations, for  
8 instance let's just say okay, for these three deans'  
9 positions that we have available right now, I have a list  
10 of some 60 different professional women's organizations,  
11 some of them broken down into specialties, special fields,  
12 for instance for the dean of let's just say arts and  
13 letters, would be an example, anything, any organization  
14 that falls under the discipline, any of the disciplines  
15 within arts and letters would get a copy of that vacancy  
16 announcement along with a letter saying please recommend  
17 or do you know of anybody or something like this.

18 Locally we contact the local organizations, I think  
19 there's a local Spanish-surnamed organizations, there's a  
20 couple of minority organizations, the NAACP, the Southern  
21 Christian [Mutual] Conference, there's several right here  
22 in the local community.

23 In addition to that we advertise in journals, the  
24 Chronicle of Higher Education, if there's any free journal  
25 that I can get hold of minority journals especially that do not

1 charge a lot of money, I ship it out just like that.

2 So we try to cover ourselves quite well.

3 Personal contacts built up over the years. All I  
4 got to do, if I'm reading through, say a Black publication  
5 or something or the Affirmative Action Register, Equal  
6 Opportunity Forum and all of a sudden I see a name of an  
7 individual who's a president or associate president  
8 or something of an organization, his or her name  
9 immediately goes on my distribution list, again there's  
10 somebody that may be able to help me find somebody.

11 But just to bring up one point, you know, we talk  
12 about all of this and I'm starting to get some feedback  
13 on some of these positions that we're advertising for. And  
14 I would say 85% of them are still coming from the Chronicle  
15 of Higher Education, even from the minority applicants.

16 Q Just briefly, I know you said that you use, on this  
17 dean position, you sent applications or announcements to  
18 presidents of, various presidents of universities, do you  
19 also, I'm curious to know if you send them also to other  
20 people on their staff who might be interested in the job?

21 A Well, see, I don't know everybody on their staff.

22 Q Or just make a general announcement?

23 A We do send them to the affirmative action officers  
24 of those universities and things, I should have said that  
25 earlier.

1 Q I was thinking sending to the president might not  
2 be the best idea, I might not want those people --

3 A No, we do send them to the affirmative action  
4 officer.

5 Q Do you make any efforts besides sending brochures  
6 and sending announcements out to anything beyond that?

7 I know you don't travel, to attract, I mean to attract  
8 people to UNLV, to make them really want to come here?

9 A No, but that's one of my future, I hope future  
10 plans would be is to get out and I would love to be able  
11 to go out and just sell UNLV. But of course, you'd have  
12 to have the position in order to, you know, to attract  
13 the people here but I'd like to go out and just sell them.

14 One other involvement that I do have with respect  
15 to recruiting and I think it's important, and that is  
16 that I screen, and it takes up a lot of time but I take a  
17 look at mostly every applicant for positions at this  
18 university. In other words, I want to try to determine  
19 myself whether that person is a woman or a minority candi-  
20 date. So I do screen the applications myself also.

21 MS. DELUCA: Thank you.

22 Q (By Mr. Romero) If I may, going back to recruitment,  
23 I'm kind of stuck on this thing that you say you keep  
24 sending out job announcements and that you've spent a lot  
25 of money on recruitment, yet you say you don't do any travel

1 or that you do very little travel.

2 How much money do you think you have spent on  
3 actual recruitment as far as travel money first of all?

4 A Travel money? =

5 Q Right.

6 A I don't know. I personally haven't spent any money  
7 myself, but then there's probably other departments and  
8 colleges within the university that have.

9 Q In your job spec., does it say that you are to do  
10 recruiting?

11 A Oh, no.

12 Q It has nothing to do --

13 A I monitor recruiting and I assist in every way.  
14 I'll tell you the reason why I send these things out.

15 Q You monitor recruiting --

16 A Correct.

17 Q -- so you ought to know, then, if you monitor  
18 recruiting, how many recruiting trips are made, then, so  
19 I'll ask you this, how many recruiting trips have been  
20 made since you took your present position?

21 A Again I couldn't give you an exact number, but  
22 let me --

23 Q But you said you monitored?

24 A I monitored recruiting efforts. Departments or  
25 colleges will send people to conventions and things, strictly



1 to interview and to talk to prospective applicants.

2 Now, how much money they spend or how much time --  
3 I mean they do, I do not know.

4 Q Wait a minute, now, a convention, a seminar, a  
5 workshop is much, is not what I'm talking about, I'm  
6 talking about recruiting trips?

7 A All right then. If you're talking about just  
8 sending people out to go on recruiting trips, we haven't  
9 done any that I know of.

10 Q That's what I wanted to know.

11 A Is that correct?

12 That's correct.

13 Q Now, I also want to know, you say you keep sending  
14 out job announcements to local organizations. And that  
15 you have very little response, if any --

16 A That's true.

17 Q -- may I ask you how many times since you have  
18 taken your position have you gone out to meet those so-  
19 called leaders of these various minority organizations,  
20 how many minority organizational leaders do you know and  
21 do you contact, say on a weekly basis to allow you to  
22 help recruit?

23 A I have met with members of these minority organiza-  
24 tions on numerous occasions. I don't even know how many.  
25 But I've met with them on these occasions.

1 Q Don't be so general, please.

2 A I'm not being general, I can't tell you that.

3 Q How many Hispanic organizations have you met with,  
4 let's say in the last year?

5 A Last year?

6 Q Yes.

7 A Two.

8 Q Two? And yet a while ago you're saying a great  
9 number --

10 A Yes, I said I've met, you said organizations, I've  
11 met with a great number of organizations. Again I don't  
12 send, we send these announcements out, we try to, like  
13 once a week if we have them, to send out.

14 Q Do you do any followup on the job announcements, do  
15 you call these people to whom you send job announcements?

16 A Yes, we do followups.

17 Q Do you?

18 A Yes, we do do followups.

19 Q May I make a personal comment? I'm the president  
20 of about three organizations, and I do receive --

21 THE CHAIR: Fernando, you can not --

22 Q (By Mr. Romero) Okay, then let me reword this  
23 statement. Among Spanish-speaking presidents and other  
24 officers of organizations in this town, in Clark County,  
25 very few, if any, know you or have ever met you.

1 A I've met Spanish-speaking people here.

2 Q Pardon?

3 A I have met people here with organizations.

4 Q Since I have difficulty rewording my question, I'll  
5 just have to eliminate it but I do question that statement.

6 A And let me say this, since I have now met you, I've  
7 met you formally but now that I know who you are I will  
8 make sure that you, too, will receive copies of the  
9 vacancy announcements.

10 Q Do you encourage minority students to apply for  
11 some of the positions that are open at the university?

12 A Minority students here at the university?

13 Q Right.

14 A No, I do not because the majority of our positions  
15 here require either master's or doctors and our minority  
16 students do not have that.

17 Q Do you have any kind of a master's program at this  
18 university?

19 A Definitely so.

20 Q Do you have people who are about to graduate or  
21 receive themselves with a master's degree?

22 A I personally do not have people but yes, there  
23 are, there's, each department usually has graduate  
24 assistants during the year and they make this vacancy  
25 known to all their graduates.

1 Q Do you, yourself, however, talk to any of these  
2 individuals?

3 A The students themselves?

4 Q Right.

5 A I have talked to a few minority students.

6 Q Do you conduct any inservice sensitivity training  
7 with the administrators and deans?

8 A Yes, we're in the process of doing that already  
9 right now, too.

10 Q Have you done it?

11 A Yes.

12 Q How many times within the past year?

13 A Probably one.

14 Q One?

15 A But we have another workshop coming up pretty soon,  
16 very quickly on the same issue.

17 Q You said that --

18 A But of course, I do meet with deans pretty much daily,  
19 discussing various aspects of the affirmative action  
20 program too.

21 Q You said that a large amount of money has been spent  
22 on recruitment. Can you give us a rough estimate as to  
23 that large amount of money?

24 A I really can not because we send mailings out too,  
25 hundreds of mailings out a week, probably I can give you an

1 amount of dollars that's been spent in professional journals, I  
2 mean I can't give it to you right now but I can make  
3 it available to you. We keep records of how much money  
4 spent is put in professional journals and so on but I  
5 do not keep a record of every 13-cent stamp that goes out  
6 of my office and I do send hundreds of those out.

7 Q So, basically, then, would you say that a larger  
8 percentage of that money used in recruitment is used for  
9 postage?

10 A No, not, it's used basically, I think, for adver-  
11 tisement and also to bring people in for interviews.

12 Q Paying for their way over here --

13 A That is correct.

14 Q -- and back? So no money out of any budget is  
15 actually used to recruit?

16 A Yes, there is monies taken out of the budget.

17 Q Aside from advertisements and postage and bringing  
18 people back and forth?

19 A Yes, there's money used out of the president's  
20 budget and also the vice president and the deans' budgets  
21 used to recruit.

22 Q I'm sorry, I thought you said to your knowledge  
23 there had not been any recruiting trips made?

24 A No, I said recruiting trips made but as far as  
25 monies for recruitment there's been a lot spent.

1 Q Your reports to the president, are they verbal  
2 reports or are they written reports?

3 A No, they're written reports.

4 Q All of them?

5 A That is correct, every report that involves the  
6 hiring of an individual is always written. You have an  
7 example the recruiting report in your affirmative action,  
8 your copy of the affirmative action plan.

9 MR. ROMERO: I have no further questions.

10 Q (By Mr. Scott) Mr. Chairman, I will try to reduce  
11 mine in more brief -- Mr. Kitchen, as a position that you  
12 hold now, I'm concerned, how many on your staff?

13 A Just my secretary and myself.

14 Q Do you feel like this is adequate staff?

15 A I work pretty hard, but no, I don't. I think  
16 eventually there will be a need for an additional staff  
17 person, I can see that, I could use it.

18 Q Can you envision, say right off immediately there  
19 is a need for five staff people in this --

20 A No, in my office?

21 Q When you think in terms of recruiting, the problems  
22 and complaints and evaluations and sensitivities and all  
23 the things that need to be done?

24 A No, I do not. As I said earlier, I enjoy this field  
25 and I enjoy working it but I do think that probably the

1 addition of one additional staff person would be very  
2 helpful, but no, I don't see a need for five people in that  
3 office.

4 Q But you do see a need for a budget, you know --

5 A I do have a budget, an operating budget.

6 Q I may reduce a question here into -- the position  
7 that you hold and I'm listening to you and you've heard most  
8 of this morning's testimony here today, and I've been  
9 somewhat moved to feel very, maybe sympathetically for  
10 some of the people who come here this morning and testify  
11 who got this hung up in all these rules and all these  
12 departments voting and they get no results on their  
13 scores or why they failed or why they weren't promoted, it's  
14 inhouse thing and confidentiality and that type of thing.

15 I'm wondering if your actions now is going to be  
16 directed to try to correct and change some of those things?

17 A My actions are always to try to correct injustices,  
18 past and present injustices, and I will -- I'm in a very  
19 biased position.

20 Q I mean the specific things like person who is up for  
21 promotion and he got no results of his, why he failed or  
22 why he wasn't promoted, no results, no feedback or anything,  
23 it's just, he wasn't promoted.

24 A If that individual comes to me -- I wouldn't know  
25 whether that person is promoted or not until probably

1 next year. Unless that individual comes to me.

2 If that person comes to me, then I will, could  
3 bring within my power to do the investigation to try to get  
4 some results of it.

5 Sometimes you will find that information that may be  
6 harmful to the person that is complaining or it may be  
7 helpful, but again, that's the position of affirmative  
8 action, you have to be in a very unbiased position, you  
9 have to present -- work with facts.

10 Q I guess you might feel why we seem to be coming at  
11 you because the position you hold is the hot seat position  
12 which I'm sure you recognize, you're between the devil and  
13 the deep blue sea.

14 You got people on one side who is very dissatisfied,  
15 you got people on the other side who don't want to move  
16 one inch.

17 A You'll find that with any administrative position.

18 Q And I do want to ask you, though, is your program  
19 volunteer with respect to this type of position?

20 A Volunteer --

21 Q Do you see this as a volunteer-type of thing, to  
22 get people to volunteer to carry out these --

23 A No, I do not.

24 Q And what policy to back you up the regents have  
25 enacted which would have teeth that would deal with a



1 department head or a dean if they don't comply?

2 A Well, when the regents accepted my policy and adopted  
3 my policy, that showed me right then and there that they're  
4 going to back me up with respect to what I have to do to  
5 implement affirmative action.

6 Q One point and it will be the end of my questioning  
7 at this time.

8 You mentioned about soft money and hard money, we  
9 heard a lot this morning about soft money and hard money,  
10 we heard people who feel very uncomfortable being on soft  
11 money and I can understand, perhaps, if it's a way, sometime,  
12 of getting people in the door, but it seems to be raising  
13 quite a concern with those who have been here six years  
14 or many years and still on hard money -- on soft money,  
15 rather, type of thing.

16 A Really, I have no control over whether a person  
17 comes in on the hard or soft money. Again, at this  
18 university, soft money or federal funds have existed for  
19 a long, long time. And if a person can be hired, if X  
20 department or college gets a grant and they hire somebody  
21 to write that grant or as a result of that grant they  
22 hire somebody, I'm happy as hell if that person is a minority  
23 or a woman.

24 Now, as far as the transition from soft money to  
25 hard money, I am actually not involved in that whatsoever.

1 Q I might want to make this observation, I seem to,  
2 let me ask this question. You were saying what a good job  
3 you were doing so far --

4 A I didn't say that.

5 Q Yes you did.

6 A I said I was doing a good job?

7 Q No, it seemed to me you were kind of praising the  
8 efforts that has been made since you've been affirmative  
9 action officer.

10 A What I was doing is just trying to give you another  
11 picture of what I was doing as to what you had heard  
12 earlier. I'm not patting myself on the back for anything  
13 because I think as a -- we do have problems.

14 Q This is the point, I guess, I wanted to make was  
15 that, you know, hopefully that you would not feel that you  
16 were in a position of defending yourself as to the program  
17 here at the campus.

18 A But if I am not for myself, who shall be for me? If  
19 I am not for this program, who shall be for this program?  
20 You know? And --

21 Q I didn't mean it that way, I mean the conditions  
22 of the campus, when you were saying the progress had been  
23 made within a short period of time, and we still had all of  
24 these problems today that's coming off, that was what I --

25 A Okay, there's going to always be problems.

1 MR. SCOTT: That's all I have to say, Mr. Wilson.

2 THE CHAIR: All right, this is the last question.

3 Q (By Ms. DeLuca) Okay, Mr. Kitchen, have you re-  
4 viewed departmental bylaws regarding promotions and all  
5 those other related factors and tenure --

6 A I'm quite aware of those various bylaws.

7 Q And have you made recommendations or changes you  
8 felt --

9 A No, I have not made recommendations for changes.

10 Q Do you plan to?

11 A I haven't had --

12 Q If there are ways that involve, you know, affirming --

13 A Right now the bylaws and things are set where in  
14 many cases departmental decisions, I mean with the effect  
15 of promotion and tenure subjects the colleagues or peers  
16 in the department or unit to evaluate their other  
17 employees and as long as the bylaws are written that way  
18 and are nondiscriminatory in nature, I see no reason to  
19 change it.

20 Once they do become discriminatory in its nature,  
21 I see that --

22 Q What I'm saying, if you see ways they have a  
23 differential impact on women and minorities are you making  
24 recommendations?

25 A I would if I could find a way.

1 Q (By Ms. Jones-Booker) Mr. Kitchen, I would like  
2 to ask you two questions, the committee is very interested,  
3 naturally, in knowing what you feel are some of the  
4 positive aspects of the affirmative action program that  
5 would be helpful to you in doing the job that you have  
6 to do. In that regard, you have commented upon the fact  
7 that you have not made any recruitment trips and you did  
8 make a statement to the effect that that really is not a  
9 part of what your job is, you are to monitor recruitment.

10 And I don't want to get into another explanation  
11 of that, but what I would like to know is whether you  
12 consider recruitment trips helpful, if you do consider  
13 those recruitment trips helpful, have you made any efforts  
14 at this point or have efforts been made by someone else  
15 within the university to try and see that those kinds of  
16 efforts are made by you as the affirmative action officer?

17 A Yes, I have made a suggestion, Roberta, to the  
18 university board of regents as to ways in which I can  
19 possibly go out and spend some time on the road at various  
20 universities and colleges that have the graduates or  
21 the employees there that could hope to sell our program  
22 here at UNLV, I have suggested that way.

23 Q What has been the outcome of your effort in that  
24 regard?

25 A As a result there has not been an outcome yet.

1 Q There has been no outcome to this point?

2 A No.

3 Q But you would consider that helpful, am I to  
4 understand?

5 A Yes, I would.

6 Q Thank you.

7 The second question that I'd like to ask is that  
8 very early on in your presentation to the advisory com-  
9 mittee that it's been somewhat disappointing in terms of  
10 the response that you've received to the efforts that  
11 you've made, your office has made thus far in the  
12 recruitment area.

13 The advisory committee is particularly interested  
14 in knowing why you feel there has not been a more  
15 significant response to your efforts in this area, and  
16 what, if anything, could be done to insure that the  
17 response is greater in the future?

18 A Okay, I don't know why there hasn't been a better  
19 response. Maybe I would have to continue to work and try  
20 to find different ways to locate or reach people.

21 Maybe that, even though I think I'm trying, I need  
22 to try harder, and take a different direction or something.

23 But I'm very concerned about the number of minorities  
24 and women that apply for positions here, and I think as  
25 any affirmative action should be, he should be very

1 concerned about spending time and ways in which they  
2 can locate more people.

3 Q So that --

4 A I mean not necessarily locate people but get the  
5 responses.

6 Q So, at this point you're in the process of trying  
7 to identify the reasons why the response has not been  
8 greater than it has been?

9 A Yes.

10 MS. JONES-BOOKER: Thank you very much, thank you,  
11 Mr. Chairman.

12 MR. DEUTSCH: Mr. Chairman, I have just one question.

13 Q (By Mr. Deutsch) Mr. Kitchen, following up on the  
14 last question of why there has not been response, you said  
15 that there had been contracts offered to members of  
16 minorities and that these contracts had been rejected.  
17 Were any reasons given for the rejection of the contracts?

18 A Yes. They weren't necessarily contracts, they were  
19 offers.

20 Q Excuse me, I meant to say offers.

21 A Yes, most of them do have reasons, as to why they're  
22 not coming. They've either taken a job at another place  
23 or university, many times you feel like a very well  
24 qualified woman or minority has more than one job going  
25 for any particular time, and sometimes it could mean salary,

1 could mean they just wanted to be in a different geographical  
2 location or something.

3 MR. DEUTSCH: Thank you.

4 THE CHAIR: Mr. Kitchen, as chairperson and speaking  
5 for the state advisory committee and the U.S. Commission  
6 on Civil Rights, I certainly want to thank you for your  
7 appearance here and for the pertinent information that  
8 has been given this committee with regard to your  
9 responsibility and your duties here at the university,  
10 and we are certainly aware now of the tremendous job that  
11 can be done in that capacity.

12 And we want to thank you and certainly wish you  
13 well in your endeavor.

14 A Thank you.

15 THE CHAIR: Want to thank you very much.

16 Dr. Arthur Gentile?

17 DR. GENTILE: Mr. Chairman, President Baepler is  
18 scheduled to speak after me and he has a plane to catch,  
19 if it's agreeable to you I would be glad to have him go  
20 now.

21 THE CHAIR: Dr. Baepler?

22 DR. BAEPLER: If you could, please, I'd appreciate  
23 it.

24 THE CHAIR: President of the University of Nevada,  
25 Las Vegas campus, Dr. Baepler, we're very happy to see you.

1 DR. BAEPLER: It's a pleasure.

2 Q (By Mr. Walther) Doctor, thank you for being here.  
3 Could you please state your full name and your  
4 university position at the time?

5  
6  
7 DR. DONALD BAEPLER

8  
9 A (By Dr. Baepler) My name is Donald Baepler and  
10 I'm the President of the University of Nevada, Las Vegas,  
11 and I'm the Acting Chancellor of the University of Nevada  
12 system.

13 Q Thank you.

14 How long have you been employed by the University  
15 of Nevada, in Las Vegas?

16 A Since July of 1968.

17 Q As university president, could you briefly outline  
18 your duties and responsibilities?

19 A The university president would be the principal  
20 administrative officer of the university, reporting  
21 directly to the board of regents and would be basically  
22 responsible to the board for carrying out the board  
23 policy at the university, the principal administrative  
24 units do, of course, report to the president's office,  
25 either directly or through a vice president.

*Mrs. [Signature]*



1 Q Thank you.

2 Doctor, in your opinion and you've heard this  
3 asked several times, but it's important for us to get a  
4 feeling for how each individual perceives the difference.  
5 In your opinion what is the distinction between affirmative  
6 action and equal employment opportunity, if any, if you  
7 see a distinction?

8 A Oh, there might be a very subtle semantic difference  
9 here. Equal employment opportunity it seems to me has  
10 more to do with making certain that everything is open,  
11 well advertised, that minorities, women, have full access  
12 to the institution, both as students and as employees.

13 Affirmative action, to me, connotes a little bit  
14 more effort, perhaps, on the part of the institution to see  
15 to it that the concepts of equal opportunity are actually  
16 carried out.

17 Q In other words, if I understand your interpretation  
18 correctly, equal opportunity means equal review for  
19 applications and stuff like that without discrimination  
20 and taking into consideration discriminatory factors and  
21 affirmative action are steps which are actually taken  
22 to bring those applicants before you?

23 A I think I draw that distinction, perhaps it's  
24 because the word action is associated with the word  
25 affirmative, but it has that connotation to me, yes.

1 Q In your opinion, what are the major and minor  
2 obstacles to meaningful equal employment opportunity at  
3 the University of Nevada, Las Vegas? What obstacles do  
4 you see, if any?

5 A One of the problems that we face in significantly  
6 attempting to change the profile of the professional  
7 staff is one example, ~~is a problem that is faced by many~~  
8 universities today, namely we're not in the period of  
9 the late '50's and the early middle 1960's, when colleges  
10 and universities were doubling and tripling and quadrupling  
11 in size and correspondingly faculties were doubling and  
12 tripling and quadrupling in size in a very short span of  
13 time.

14 We're reaching a point where stability is more the  
15 norm. Next year we will be adding nine professional  
16 positions to the university. And even here we run into  
17 some difficulties. Take one example of a position in the  
18 department of biology that we're advertising.

19 Most of our academic departments now are large  
20 enough that they have the fundamental areas covered, and  
21 it's not just advertising for a biologist, biology, like  
22 most of our departments, needs certain specialties that  
23 they identify. And this instance they are looking for  
24 an aquatic zoologist who specializes in invertebrates,  
25 exclusive of insects, they're looking for a limnologist.

1 and that's all they're going to hire, it's the one critical  
2 area that that department needs, so when you advertise  
3 for a zoologist, I don't care how many minority applicants  
4 or women applicants, if they do not happen to be an  
5 invertebrate zoologist interested in fresh water inverte-  
6 brates, exclusive of insects, no, the department, frankly,  
7 can't use it, and that really magnifies the problem of re-  
8 cruitment that we were referring to.

9 There are still some departments, perhaps, that  
10 can advertise and use any one of several specialties, but  
11 those are becoming fewer and fewer.

12 So I would say one of our biggest difficulties  
13 is, number one, the simple absence of vacancies, and the  
14 degree to which we find it necessary to specialize in those  
15 vacancies that we have.

16 Q So those are the two primary reasons that you see  
17 right now for --

18 A Those are the two primary reasons why --

19 Q -- equalizing some of the problems we've seen to  
20 exist here?

21 A It's two reasons why we're not going to radically  
22 change the profile of the employees at the university,  
23 relatively little turnover, very modest additions, and  
24 the necessity to add specialists.

25 Q What problems or what obstacles do you see at the

1 present time for situations where there are vacancies  
2 and they are in areas, for example, now I assume, and I'm  
3 not talking about 18th Century scholar in Shakespeare or  
4 whatever, but a general, say math or general English back-  
5 ground, what obstacles exist?

6 A Well, again that would be --

7 Q At this time?

8 A -- very, very few of those kinds of positions because  
9 as I just indicated, if there was a position in mathematics,  
10 they might be going for a person specialized in a certain  
11 phase of computer science, if there was an expert in --  
12 I'm sorry, a vacancy in English, they would not just be  
13 advertising for someone to teach, quotes, English, they'd  
14 be looking for a 17th Century English literature person  
15 or whatever the department needs.

16 And, well, frankly, the university has reached  
17 the point where, and has for the past several years where  
18 we are advertising for distinct disciplines.

19 Q What about the new departments?

20 A We have not had a new department since, well, I  
21 don't think since I've come to this university, we've  
22 taken some large departments and split them into the  
23 respective disciplines, but we have not generated any  
24 significant new programs.

25 We would hope, by the way, in the next several years,

1 to do that. To start a law school, to start an archi-  
 2 itecture school, to expand some graduate programs.

3 Q Could you please explain the recruitment process  
 4 at the University of Nevada as you view it at the present  
 5 time?

6 A In reviewing essentially what Mr. Kitchen said,  
 7 I find his analysis of our effort to be accurate, as it  
 8 pertains to all of the advertising.

9 I might add a couple of items here, we do insist  
 10 that applicants that we wish to consider for positions be  
 11 brought to campus. There seems to be a great amount of  
 12 confusion as to the recruiting effort with respect to  
 13 travel. Let me suggest that the state legislature in the  
 14 State of Nevada line items our out of state travel budgets.  
 15 We do not have the flexibility in that budget that we do  
 16 with our academic budget.

17 Mr. Wilson might remember the many, many times that  
 18 we have approached the legislature to ask that this be  
 19 changed. But at the present time the University of Nevada  
 20 is allocated \$50.00 per faculty member for out of state  
 21 travel.

22 That means, that's for per diem as well as travel  
 23 expenses. *Bakerfield?*

24 We could get each faculty member to [Baker] once a  
 25 year, perhaps, you know, and exhaust that budget totally.

1           Now -- and that's all the money that is available  
2 through the state for travel.

3           In addition to that, we do have some money avail-  
4 able on grants and contracts that get people out to  
5 meetings. And we do get some money in, private money  
6 in gifts that we can use for travel.

7           But ~~our out of state travel budget~~ is the most  
8 critical part of our entire university budget, it is an  
9 embarrassment to me that we are not able to get our faculty  
10 to legitimate professional meetings and clearly we do  
11 not have the money to extensively send faculty members  
12 out on recruiting trips.

13           So we use every other possible way of recruiting.  
14 Advertising, strangely enough we can use state money to  
15 bring people to campus, that is not considered out of  
16 state travel. So we spend, and I can't give you the dollar  
17 amount but we spent thousands of dollars every year bringing  
18 candidates to campus. And we spend thousands of dollars  
19 advertising exclusive of the 13 cents postage, and within  
20 our budget I think that we are doing about as much as we  
21 can do.

22           Q     What, in your view, are the major barriers to  
23 recruitment of minorities and women, however?

24           A     Salary might have something to do with it.

25           Let me put it in this context, the University of

1 Nevada, Reno, and Las Vegas, combined, is now ranked  
2 27th out of the 50 state universities, so we're just kind  
3 of in the middle range, you see. And I'm not sure that  
4 you're highly competitive at the middle range or average  
5 range, because the minority and women candidates that are,  
6 you know, highly qualified and we are still looking  
7 for the best qualified people, by the way, and so the  
8 minority or female has to be highly qualified to be  
9 competitive.

10 Q What you're saying, then, is that you don't, I'd just  
11 like to bring it up right now, you're not into the quota  
12 system whereby you take or you don't take, say of ten  
13 applicants, you don't say a specific number have to be White  
14 or Black --

15 A No.

16 Q -- or --

17 A No, we do not.

18 Q Now, as between two equal ones do you have a policy  
19 to favor a minority?

20 A Yes, we would encourage the hiring of a woman or  
21 minority if the two are equal or nearly so, but if there  
22 is -- if there is a candidate, say a White male who clearly  
23 has the better credentials and the kind of experience that  
24 we're looking for, we will hire that person, quite clearly.

25 Q Even though the other is qualified?

1 A Pardon?

2 Q Even though the minority person or the woman is  
3 qualified? For the position?

4 A Yes, that's correct. We will go for the best  
5 qualified applicants.

6 Q As between two fairly equal qualified ones you'll  
7 go for the minority or perhaps the women if there's an  
8 imbalance in sex?

9 A Yes.

10 Q But if as between one qualified and one very quali-  
11 fied, you go for the very qualified regardless?

12 A Absolutely, absolutely, and I think that's very  
13 critical in a young, growing university, by the way.

14 However, get back to my point of salaries. The  
15 qualified minority or woman probably can do better than  
16 average in salary, and when you're 27th out of 50, you  
17 are average in salary, and I believe Mr. Kitchen made the  
18 point that qualified minority and woman typically has  
19 several job offers. I think sometimes people look at the  
20 concepts of affirmative action and they kind of think  
21 that perhaps there's a large pool of unemployed minority  
22 Ph.D's out there someplace.

23 And that they're desperately trying to find jobs  
24 and people won't hire them. This is not the case. Much  
25 of Mr. Kitchen's efforts in hiring minorities are directed



1 towards fully employed minority people that you hope you  
2 can steal away from some other school by offering them  
3 a couple thousand dollars more or giving them a promotion,  
4 you know.

5 And that's -- it's kind of an enigma but that's the  
6 kind of market place that you're in, and 27th out of 50  
7 often doesn't permit you to do that, is my opinion.

8 Q I'm going to digress for just a minute but we heard  
9 some testimony earlier about the athletic department and  
10 disparity of money spent on athletics.

11 Would you comment on the disparity? It's obvious  
12 it's really startling in some ways and what your attitude  
13 would be toward correcting it if you feel it should be  
14 corrected?

15 A I do not think there's a disparity, the state  
16 appropriation to the athletic department at this institu-  
17 tion is somewhere in the, a ballpark figure of \$600,000.00,  
18 significantly lower than the WAC schools with whom we  
19 will be competing next year, significantly lower than many  
20 of the schools we compete with at the present time.

21 The rest of the money that comes into the athletic  
22 department is box office, which is significant and  
23 private contributions, which is significant.

24 Some people have the view that if there were no  
25 such thing as an athletic program all of that private money

1 might go to the library. Well, I can assure you that the  
2 private money would not go to the library. It wouldn't  
3 come in at all, typically. So I do not see a disparity.

4 Certainly in terms of state resources that go to  
5 athletics in the State of Nevada, there is no disparity  
6 when one considers the percentage of money for athletics  
7 from the state as compared with the percentage for the  
8 academic programs at the university. It compares very  
9 favorably with California, Oregon, Washington, Arizona,  
10 Utah, New Mexico, our neighboring states.

11 Q Would it be, and I'm going to get off the subject  
12 in a second, but wouldn't it be fairly accurate to say  
13 that the amount of money spent on males in athletic pro-  
14 grams and athletic -- in, or just athletic programs, is  
15 far greater per individual than it is females?

16 A Inevitably it will be with a football program,  
17 there is no sport in all the rest of the men's programs  
18 or the women's programs that can in any way match up with  
19 football and so football will always be the monster that  
20 distorts statistics in this regard, yes.

21 Q If you exclude football in your view, then, do you  
22 see inequality?

23 A A little but that gap is closing. In other words,  
24 we are today, yet, one of the relatively few schools that  
25 really gives significant scholarships to women. And as

1 a matter of fact, there are some schools that won't  
2 schedule us because we do, because they philosophically  
3 the women running the program are philosophically opposed  
4 to giving scholarships to women athletes, they've seen  
5 the abuses that have occurred in men's sports and they  
6 don't want to professionalize women's sports and so there  
7 is a very, very severe conflict within the AIAW, which is  
8 the women's counterpart of the NCAA, between those women  
9 that simply do not want that kind of support and then those  
10 women that want total equality dollar for dollar within  
11 women's programs.

12 We do give the women scholarship support and I think  
13 across the country this is increasingly becoming common  
14 but there's great resistance within the women's athletic  
15 movement to this.

16 Q Well, you are in the scholarship business for both  
17 sexes then?

18 A Absolutely.

19 Q And if you take away the football scholarship  
20 program, and you consider the scholarship program for other  
21 male activities than football and then for all female  
22 activities, is it your statement today that the scholarship  
23 opportunities are equal?

24 A Not quite, I would say that although we give  
25 scholarships in basketball, I'm sure we spend more money on

1 our men's basketball team than on our women's.

2 It is my opinion that when you get to the other  
3 areas like track and field and swimming and that sort of  
4 thing, that there's equality there.

5 Q Do you think there's equal scholarship opportunities  
6 for both swimming and track?

7 A Yes, because you see, we run a totally integrated  
8 program with the same coaching staff for the men and women  
9 in the swimming and track and field, they're really, truly  
10 integrated.

11 Basketball women have significant support, one of  
12 the biggest difficulties is that the women's program simply  
13 does not generate much public enthusiasm or box office  
14 revenue.

15 We have one of the finest women's basketball teams  
16 in the country. Our women's basketball team in women's  
17 basketball, is fully as good as our men's team is in  
18 men's basketball, it's a nationally known, ranked team.  
19 Might well this year go into the playoffs and could take  
20 it all, you know. Yet thus far it has not generated a  
21 following at the box office.

22 We would hope that interest will pick up and that  
23 box office will follow.

24 Q Well, and I don't mean to debate the subject because  
25 I went to Notre Dame and I know how important football is

1 with the money and all that, but it seems to me that the  
2 university priority should be involvement of students  
3 in activities whether it makes money or not in athletic  
4 events --

5 A That's correct.

6 Q -- so that how much money particular event generates  
7 shouldn't set your priorities as to how much money you're  
8 going to spend on a particular sex, activity or a par-  
9 ticular sport.

10 A It doesn't.

11 Q Unfortunately it seems to, from your testimony.

12 A If we followed that there would be no scholarships  
13 for women whatever, none. As I indicated before, we put  
14 a substantial amount of money into a women's intercollegiate  
15 athletic program from the perspective of coaches, team  
16 travel, scholarship support, and we are fielding competitive  
17 teams and this will grow, we're still relatively new at it.

18 Q Is there an effort in the university to at least  
19 have the athletic department support themselves? In  
20 other words, you don't --

21 A No.

22 Q -- you don't have more English classes because you  
23 make money at it you do it because I think it's a need,  
24 for example, social need or whatever, isn't that the  
25 same with athletics?

1           A     No, we are not looking at athletics to become a  
2 selfsufficient operation, we will always ask the state  
3 for significant support for the program just like we do  
4 for most of our university. Only independent operation  
5 we run at this university is the continuing education  
6 program that handles approximately 15,000 people a year,  
7 that is selfsupporting.

8           Q     Thank you, Doctor, I'm going to go back to the major  
9 portion of the basic questioning.

10                     Can you tell me how faculty members are active  
11 in the recruitment process and how you attempt to en-  
12 courage them to become active?

13           A     This would certainly vary from department to depart-  
14 ment, you know, we have in excess of over 30 departments,  
15 and I am not intimately familiar with each one of them and  
16 how they operate.

17                     In general, they follow the policies established at  
18 the university through our affirmative action program.

19 Beyond that, no, I do not know the significant differences  
20 between departments.

21                     A large department might delegate this to a  
22 committee, a small department might function as a committee  
23 as a whole. You -- you know, it would depend on the makeup  
24 of the department.

25           Q     You ask, for example, each department to give you a

1 short report or to somehow communicate directly with you  
2 regarding what recruitment activities they are taking and  
3 steps they are taking to minimize discrimination in  
4 employment relating to sex or minorities?

5 A No, I essentially get all of that information  
6 through Mr. Kitchen.

7 Q I see.

8 A For every position that is filled.

9 Q Does Mr. Kitchen give you direct communication or  
10 report at the end of the year or after a particular period  
11 as to what each department is doing?

12 A Yes, yes.

13 Q What do the reports say to you?

14 A Well, much of the report is a statistical compilation  
15 of identifying the number of applicants, the breakdown by  
16 minority groups or women, the reasons for rejection of  
17 applicants, it's a complete profile of the recruiting  
18 process, the interviewing process and why an individual  
19 was finally selected.

20 Q Do the reports also contain criticism of particular  
21 departments and recommendations for improvement?

22 A Not particularly, the reports that come to me. I  
23 know that Mr. Kitchen, I can think of one instance that  
24 happened this fall, where he was dissatisfied with the  
25 particular way in which a department had finally reached

1 a decision and he went to that department and was able to  
2 affect some change, yes.

3 Q But, so you -- there's no one other than Mr.  
4 Kitchen and this one time that you're referring to where  
5 there's been actual criticism of efforts, affirmative  
6 efforts taken to recruit minorities?

7 A No. I can't think of any.

8 There's another thing I would like to point out  
9 here too, that we still operate at a relatively informal  
10 level. My communication with Mr. Kitchen is not formal  
11 reports at the end of the year, I have coffee with Mr.  
12 Kitchen every morning that I'm in Las Vegas, we start off  
13 the day with coffee, and it's an informal atmosphere where  
14 every morning for the better part of an hour we discuss  
15 this very type of thing or variety of other things, yes.

16 Q Do you or the affirmative action officer, to your  
17 knowledge, request or encourage faculty members to recruit  
18 professionals while attending professional conferences?

19 A Yes, if they have a vacancy that's available to them,  
20 they certainly should spread the word around and make our  
21 vacancy known, there's a danger, however, in this.

22 Very often and this is a kind of a syndrome we're  
23 trying to break, it used to be that yes, you could go to  
24 a professional meeting, talk to several people and hire  
25 somebody you know. But that almost defeats affirmative



1 action, that really is not bringing that job to the atten-  
2 tion of the significant number of minorities and women  
3 possibly and probably are not at that particular pro-  
4 fessional meeting.

5 So this can work for you and it can work against  
6 you too, and we certainly do not rely on that for the  
7 significant part of our recruiting effort, no.

8 Q It seems to me and I speak as a novice, that you  
9 would have a great opportunity at a conference like that  
10 to, say maybe talk to five or two or ten people and of  
11 those at least a few would be in a minority position --

12 A Possible.

13 Q -- or maybe be women if there's a disparity that  
14 you want to correct.--

15 A Possible.

16 Q -- whereby if you have to bring all those people to  
17 Las Vegas, as I understand that's where the most part of  
18 your money is, then you naturally end up limiting your  
19 personal contact with those individuals?

20 A No, don't mistake me, when people go to conferences  
21 and if we have a job open in their particular area, and  
22 if there are people there at the conference qualified  
23 to fill the job, certainly they'll be interviewed.

24 That does not substitute for the campus interview, no.

25 Q I understand.

1           A     They'll still be brought in but my point is that  
2 to me is not an effective way of reaching the women and  
3 the minorities that we would like to reach.

4           Q     What do you think is the effective way then?

5           A     The effective way -- well, I guess I don't know  
6 what the effective way is, but I believe the steps that  
7 we are currently taking of advertising in the appropriate  
8 minority journals of writing individual letters to those  
9 schools that are producing significant numbers of minority  
10 scholars, of trying that kind of a personal approach ought  
11 to bring results.

12                     If that doesn't bring results, then I really don't  
13 know what alternatives we have.

14           Q     Now, you may not fully understand your responsi-  
15 bilities but it's my understanding that there are three  
16 potential vacancies for positions as dean?

17           A     That's correct.

18           Q     And as president, and I know you must be interested  
19 in equalizing the disparity between men and women in  
20 positions like this, but do you ever just get on the phone  
21 and call up the president of a university and say I'm  
22 looking for someone in this position and who do you know  
23 or -- and actually take steps yourself to go out and find  
24 somebody?

25           A     No.

1 Q You know there must be some people there someplace --

2 A At a level of dean I probably wouldn't, the vice  
3 president might but the dean after all will report to the  
4 vice president.

5 My personal role in this, first of all the college  
6 that is looking for a dean appoints a committee or elects  
7 a committee that would be the search committee. Mr.  
8 Kitchen and Vice President Gentile, will meet with the  
9 search committee and explain to them in detail how we go  
10 about the recruiting process, the concepts of affirmative  
11 action, etcetera, etcetera.

12 What ultimately, with the process monitored by  
13 affirmative action people, the committee will recommend  
14 to the vice president for academic affairs a slate of  
15 three to five people. He will review them, they'll be  
16 brought to campus and people beyond just the committee at  
17 this point get involved in the interview process, we try  
18 to give these candidates wide exposure to the university.

19 Ultimately, through the vice president's office, will  
20 come a recommendation to me as to who should be appointed  
21 and that's really the first time that I would get officially  
22 into that process.

23 Q Well, I understand that once you get these four or  
24 five people, then there's equal opportunity but getting those  
25 four or five people and making two to three of those five

1 women or minorities is the problem, as I understand it.

2 A The committee for this kind of a search is under  
3 the same constraints as any job vacancy, every applicant  
4 has to be listed, you know, reasons, the same kind of a  
5 report comes in as we do for any other position, so yes,  
6 before I make the appointment, I have ample opportunity  
7 to review the files and to see what was the breakdown.

8 You know, we just are advertising for a chancellor  
9 for the system right now and out of the hundred or so  
10 applicants, there was one woman and that was a very widely  
11 advertised position, you know.

12 And the affirmative action officer in Reno knows  
13 who that woman is but the committee doesn't because there  
14 isn't a woman's name on the list, it's an individual that  
15 has one of these names that could be either sex.

16 I'm not sure there are any minorities in that par-  
17 ticular list. And our experience is, and I'll be very  
18 interested to see our experience this year with three  
19 deans open in three different disciplines.

20 Our experience has been a relatively low number  
21 of minority and women applicants for deanships. Now,  
22 none of these positions have yet closed as far as re-  
23 ceiving applicants, and so I don't know what the profile  
24 is this year.

25 Q When you get the list do you know on that list who's

1 a minority and in the instance where there's a name  
2 which could be male or female you don't know which is  
3 which?

4 A No.

5 Q How do you exercise your prerogative as among two  
6 equals to pick the one that's female or a minority person?

7 A I mean if you don't know in some cases, you can  
8 clearly identify in some cases on the credentials and  
9 vitae they send you you can identify it because they  
10 tell you, if they don't, you truly would have no way of  
11 knowing that.

12 Q Well, now --

13 A Well, let me back up a minute. When you're down  
14 to the finalists you would because you've interviewed  
15 the four or five finalists so obviously you've had a  
16 chance to meet them and speak with them, but getting to  
17 that point you would not know.

18 Q So it's difficult to exercise that kind of  
19 prerogative unless you know that?

20 A That's correct.

21 Q Why don't -- why aren't steps taken to at least  
22 have that information available so you --

23 A Because they don't have to tell you.

24 Q Well, I realize that.

25 A You can't force them to tell you.

1 Q That's true but I think, isn't there a question  
2 which asks it, with the caveat that they don't have to  
3 answer?

4 A No, there is not. There certainly is not.

5 Q Why not?

6 A Because that is not permitted. I think it's  
7 a federal regulation on that. What we do is take like  
8 this chancellor's search, the affirmative action officer  
9 will take the applicants as they come in and sends them a  
10 card and ask them to identify, if they wish, their sex  
11 and ethnicity with the clear understanding with the appli-  
12 cant that this will be confidential material and will not  
13 be released to the committee.

14 And that follows, you know, that's, I believe, the  
15 proper way to do it.

16 Q Well, you may believe it's proper but when you get  
17 that final list you --

18 A I think it's the only way you can do it.

19 Q But when you get that final list, you know, because  
20 you've interviewed the individuals.

21 A Yes, indeed, certainly when you get to the final  
22 four or five out of your pool of 200 or a 100 or whatever,  
23 of course you meet them, yes.

24 Q How is a decision made to fund a position at the  
25 University of Nevada, Las Vegas, with the state or

1 federal funds?

2 A Well, it's almost a selfdefining process. In  
3 other words --

4 Q And if -- are we running you short on time?

5 A I have at least another ten minutes, 15 minutes.  
6 Have to go to Reno and play chancellor for a while.

7 The state positions flow out of our state budget  
8 and relate to the size of the enrollment that we have,  
9 we get a faculty member for every 20 students so those  
10 state positions, the so-called hard money positions, are  
11 selfdefined in our state budget.

12 Now, the federal ones, soft money, if you will, are,  
13 of course, independent and relate to the kinds of pro-  
14 posals that faculty members generate. In our biology  
15 department we have quite an active group of researchers  
16 there and they generate a lot of proposals to National  
17 Science Foundation, ERDA, EPA, so on and so forth, and  
18 they'll get a grant and the grant period may be for six  
19 months or two years and they have to hire people and  
20 it's clearly understood when you hire people on soft  
21 money that the grant is finite, it's never suggested that  
22 this will be a full time position.

23 And so every federal grant by its very nature is  
24 a finite type of situation to do a certain function and  
25 the people that are employed are certainly knowledgeable

1 about the grant.

2 Q Earlier this morning we heard, maybe you were not  
3 here to hear it --

4 A I wasn't.

5 Q -- testimony --

6 A I was not here.

7 Q -- testimony that an individual was on soft money  
8 for a long period of time and during that situation you  
9 don't have an opportunity to acquire tenure.

10 A Correct.

11 Q His suggestions was it seems inherently unfair,  
12 specially in instances where at the discretion of the  
13 university official he may be placed on what they call  
14 hard money, so do you have any suggestions to remedy that  
15 kind of arbitrary situation or seemingly arbitrary  
16 situation?

17 A No, a person that hires on on soft money knows  
18 exactly what he's being hired for. In other words, you  
19 obviously could not give tenure which is a perpetual  
20 lifetime contract, to a person that is on a grant that  
21 expires in two years. You can not take people that are  
22 on these grants and just automatically transfer them into  
23 a department if you get money from the state to open up a  
24 new position. I think you have to advertise those positions.

25 We have been successful, by the way, in taking some



1 people from soft money positions and advertising and having  
2 them be the best qualified person and get a hard money  
3 position. We have done that.

4 But there seems to be a feeling here that somehow  
5 if you take a grant, if you accept a job under a grant,  
6 and by its very nature it is finite, that somehow the  
7 university has an obligation to keep you on in perpetuity.

8 Well, not at all, not at all.

9 Q The only thing I want to get at is the seemingly  
10 unfair situation where a fellow is working under soft  
11 money or with soft money and had he been working with  
12 hard money, state funds, he would have acquired tenure.

13 Why shouldn't, and if he's qualified for the position,  
14 why shouldn't his longevity under soft money be somehow  
15 applied so that when a position becomes available --

16 A It can be.

17 Q It is?

18 A It can be.

19 Q Can you explain the circumstances under which  
20 that's done?

21 A Yes, it depends on the kind of soft money position  
22 that the person has. When you look at a person for tenure  
23 you're looking at that person from the perspective of  
24 teaching effectiveness, publication and scholarly productivity,  
25 effective work within the department and college and

1 university with respect to committees, advising, etcetera,  
2 etcetera, now let's say that a person is on a soft money  
3 kind of a position, where that person doesn't teach, has  
4 not opportunity to publish, clearly doesn't serve on any  
5 university committees, does none of the things that you  
6 need to view a person for tenure, essentially if that  
7 person then comes on a hard money position, now is the  
8 first time you've really got an opportunity to observe  
9 that person.

10 How does he or she teach? What kind of research  
11 and publications, committee, etcetera, etcetera, you  
12 know. You really are starting over.

13 If it's possible, if there are some things a person  
14 has done on soft money that you can really analyze with  
15 reference to those things that counts for tenure, we'll  
16 often credit one year, two years or three years towards  
17 tenure. Yes, indeed.

18 Q Is there any way an individual can know, even though  
19 he takes the job under soft money, is there any way he  
20 can know that he is in a position to be considered two  
21 or three years down the line?

22 A Really, we'd have no way of knowing because the  
23 person that takes the job under soft money would represent  
24 a certain specialty. One would never know if two or three  
25 or four years down the road a given department would have a

1 ~~vacancy in that particular specialty~~, whether they would  
2 either add a position or someone would resign, it would  
3 be very difficult to predict that.

4 Typically, there are no vacancies.

5 Q I understand.

6 In fairness, couldn't there be a procedure whereby  
7 a fellow would know that should a position become  
8 available he will have at least priority?

9 A I would have to check with Mr. Kitchen to see if  
10 that would be appropriate. I don't know.

11 Now, you must remember that you, perhaps, have  
12 heard from some soft money people that are members of  
13 minorities and this might shape your view towards giving  
14 them a priority. But if you go --

15 Q I'm just trying to get educated on the problem.

16 A -- if you go to, like say the department of  
17 biology, most of their soft money researchers are not  
18 minorities and no, I would not want to give them an  
19 automatic priority entre into a position that opened up,  
20 I really would not. I think they must be advertised.

21 Q Well, it seems to me it's a question of fairness,  
22 not so much minority or anything like that, if you got  
23 somebody who's working over a period of time who merely  
24 because of the source of his money, it's all the same to  
25 him, does not have the ability to acquire tenure --

1       A     No, I would say that the concept has to be developed  
2     at the time of employment. When you have a grant, and let  
3     us say it has three positions built into the grant, and  
4     it's one of these typical grants that will run for two  
5     years and the federal government says if you do a good job  
6     it may be extended for two more years or maybe even two  
7     more years beyond that, clearly the person that is employed  
8     knows the terms of this kind of employment.

9             And it is not like going out and hiring an assistant  
10    professor of history where he also knows the terms, there  
11    is a probationary period that may or may not lead into  
12    tenure, so to speak. But the two are distinct from each  
13    other and should be known to the people at the time of  
14    employment.

15       Q     One more question.

16             Is there an equal employment opportunity program  
17    for administrators in the university?

18       A     We are covered by the very same set of policies,  
19    regulations, that apply to all professional employees here,  
20    yes.

21       Q     Are you satisfied with the progress which is being  
22    made?

23       A     No, I'm not satisfied with the progress that's being  
24    made.

25       Q     Why not?

1           A     I think we could be doing better, in other words,  
2           in terms of the actual numbers of women or minority that  
3           we employ, I think we could be doing better and I'm par-  
4           ticularly concerned over the certain departments where I  
5           feel there are women and minorities available and we have  
6           not been successful in attracting them to these  
7           departments.

8           Q     Why not?

9           A     I don't know the answer to that one. An effort  
10          has been made.

11          Q     Well, we'll have to find out --

12          A     An effort has been made.

13          Q     By who?

14          A     By the departments.

15          Q     And what departments might you be referring to?

16          A     Well, let me think, the mathematics department, I  
17          believe does not have a female faculty member and I believe  
18          around the country women do get Ph.D's in mathematics.  
19          That would be an area where I would really strongly en-  
20          courage them to make every effort possible with their next  
21          hirings to get a women or two or three into the department,  
22          you see.

23          Q     Now, why are you aware of this problem? Is it  
24          through the affirmative action problem or --

25          A     I used to be academic vice president at this

1 institution and our institution is still small enough  
2 that an administrator can know departmental profiles,  
3 yes.

4 Q Have you done anything affirmative yourself to  
5 correct the problem in the mathematics department, for  
6 example?

7 A Nothing more than the <sup>N</sup>kinds of discussions one has  
8 with deans that relate to these kinds of problems.

9 The deans, by the way, are aware of this because  
10 again I have to refer back to when I was academic vice  
11 president, we used to sit around with all of the deans  
12 and talk about the profiles within each department and  
13 where we -- we really need to exert concentrated effort  
14 to change those profiles, so --

15 Q That was three or four years ago, as I gather,  
16 and still nothing's been done, is that correct?

17 A Yes, efforts have been made, don't get me wrong.

18 Q But they've been unsuccessful?

19 A That's correct, but very distinct efforts have  
20 been made.

21 Q In the math department?

22 A Oh, certainly, certainly.

23 MR. WALTHER: That's all I have.

24 THE CHAIR: Do we have any other --

25 MR. SCOTT: Just two questions.

1 THE CHAIR: We have to make them very short because  
2 the doctor has to get out.

3 Q (By Mr. Scott) Just two questions.

4 Doctor, the <sup>is</sup> what concerns me here quite a bit  
5 on this committee on still the fact that local industries  
6 in local communities, in perhaps this community like any  
7 other community, in order to affect changes in the industry  
8 with minorities, they publicize in the papers and so forth,  
9 in the daily circulations and perhaps end up with no  
10 results.

11 When they send personal appeals and send their  
12 people out to the communities, and to the people where they  
13 are, it changes immediately. And that's why I guess we  
14 stress so much emphasis in our questioning about personal  
15 appeals, perhaps some of these people who didn't come  
16 here had a paper in one hand, an announcement in one hand  
17 and a person sitting across from the table from them on  
18 the other side who's come from another community. Appealing  
19 to them --

20 A If I could interject here, no, because when Mr.  
21 Kitchen indicated that we had sent job offers to several  
22 of these people, that was after they had visited us, spent  
23 a couple of days with us, etcetera, we would not offer a  
24 person a job unless they had come here and we'd had all of  
25 that personal contact with them.

1 Q One other thing that concerned me quite a bit is  
 2 that we heard about publication from a department who  
 3 encourages, for promotional purpose, to participate in  
 4 community activities and publications and other things,  
 5 and that there has been some publication in a Black paper,  
 6 in Black papers in this country here but apparently it  
 7 seemed to have no value --

8 A No, it would depend on the discipline, for example  
 9 in order to be considered significant for purposes of  
 10 tenure, promotion, the publication must be in the academic  
 11 discipline that you represent.

12 I'm a biologist and if I function as a biologist  
 13 I must publish as a biologist, and I can't write science  
 14 fiction and I can't write novels and detective mysteries,  
 15 they could care less on that.

16 Q We're together in that but this seemed to be in  
 17 the area of the person's expertise, professional --

18 A If it was, then that should be counted but even  
 19 here you have difficulties. Let me say, refer again to  
 20 my discipline, which is biology, there are journals and  
 21 there are journals.

22 In other words, I might publish a paper, I can  
 23 get this thing published anyplace because there are journals  
 24 that are not referee, they take what you send them and  
 25 publish them and so that kind of publication, it counts,



1 but it doesn't count as much as a publication in a juried  
2 journal where they actually look at what you have written,  
3 reject about 90% of everything that's sent them and publish  
4 only the best. That's a more important publication  
5 for purposes of evaluating a person.

6 So, even when we come to the concept of publishing,  
7 there are many distinctions to be made between an individual's  
8 publication record.

9 Q Well, this had to do with community activity, com-  
10 munity involvement.

11 A I think that would, I would think that would count,  
12 it may not be the most --

13 Q But apparently it seemed like to me in the informa-  
14 tion we got today it didn't count.

15 A It may not be the most important criteria but I  
16 think that they would consider that, yes.

17 MR. SCOTT: That's all I have, Mr. Chairman.

18 THE CHAIR: Doctor, we certainly want to express  
19 the appreciation of the advisory committee and the U.  
20 S. Commission on Civil Rights for your appearing here  
21 this afternoon.

22 We know that we have encroached on your important  
23 time and we are sorry.

24 A That is no problem, I appreciate the opportunity  
25 and I thank you for taking me out of sequence.

1 THE CHAIR: And it's certainly nice to see you  
2 again.

3 A Nice to see you.

4 THE CHAIR: And we appreciate your appearance here.

5 A Thank you.

6  
7 (Short recess)

8  
9 THE CHAIR: Arthur Gentile?

10 DR. GENTILE: That's correct.

11 THE CHAIR: Academic Vice President, University of  
12 Nevada, Las Vegas, will now appear?

13 Bill, will you proceed?

14 MR. DEUTSCH: Thank you, Mr. Chairman.

15 Q (By Mr. Deutsch) Doctor, by deferring to the head  
16 of the school, why, I think you can put in for overtime  
17 now, can't you?

18 DR. GENTILE: That would be nice if I could.

19 Q Doctor, for the record, would you state your name  
20 and your position, please?

21  
22  
23 DR. ARTHUR GENTILE

24  
25 A (By Dr. Gentile) Arthur Gentile, and I'm Vice

1 President for Academic Affairs.

2 Q And how long have you been at UNLV and what capacity?

3 A Since August of 1974, and I came as vice president  
4 of academic studies.

5 Q Now, as the academic vice president, would you  
6 brief us on your duties and responsibilities?

7 A Sometimes it seems like everything, but I guess  
8 primarily my function is to secure the resources for the  
9 instructional area of the university and to allocate these  
10 resources to the various colleges.

11 Q I see.

12 In your capacity, though, do you have any responsi-  
13 bility for equal employment opportunity decisions?

14 A Yes, I do, because I am involved in the recruiting  
15 process, both for -- well, for faculty and for members  
16 of the administration, the three deans which were alluded  
17 to today, I would be responsible for the recruiting process  
18 there.

19 Q I see.

20 . Could you enlighten us on how just exactly how this  
21 works, how these responsibilities are fulfilled in  
22 recruitment, in hiring as far as your position is concerned?

23 A Yes, I think the process varies somewhat. Deans  
24 as opposed to members of the faculty. I have a much more  
25 direct role in the recruitment of the deans, of course.

1           In recruiting the faculty, first of all I have to  
2 allocate the positions to the colleges and the departments,  
3 so that no department is freed, of course, to go out  
4 recruiting unless they have a position for which to  
5 recruit.

6           Once this has been authorized, then the departments  
7 essentially undertake the recruitment process under the  
8 direct supervision of their deans. Each department  
9 varies somewhat in its procedures, but basically it's the  
10 same.

11           Larger departments, I think it's been pointed out,  
12 may have a committee that does the recruiting, the smaller  
13 departments the entire department will be involved in the  
14 recruiting.

15           What I do with all positions that are vacant is I  
16 advertise them in the Chronicle for Higher Education. Just  
17 an ad for the entire university runs in three issues of  
18 the Chronicle.

19           Each department, then, of course, is expected to  
20 advertise the position in appropriate place, if it in  
21 a professional journal, etcetera.

22           And then, of course, the affirmative action officer,  
23 advertises these positions in appropriate journals, news-  
24 papers, magazines where he can reach the minority and  
25 female audiences.

1           The -- once this has been done the department  
2 pretty well carries on with its process independent of my  
3 office. I ask that when a candidate, when they finally  
4 pick a candidate and bring the candidate in for an inter-  
5 view, that this person is -- visits with me and I have an  
6 opportunity to interview the candidate.

7           If the candidate, if their choice seems to be a good  
8 candidate and they've met all the affirmative action  
9 regulations, then they're free to, the dean usually is  
10 then free to write a letter making the candidate an offer  
11 and if the offer is accepted, then a contract is issued.

12           I must sign, there's a specific form that I must  
13 sign before a contract can be issued. And I will not  
14 sign that form unless everything has been cleared with  
15 the affirmative action officer and I know that the search  
16 has been carried out properly, then the contract is  
17 issued and various signatures obtained and then the  
18 individual has a legal contractual appointment at the  
19 university.

20       Q     But the actual decision, then, is with the dean  
21 of the particular discipline, is that it or by some  
22 committee or --

23       A     Well, the dean plays a role, of course, the dean,  
24 the dean could say that he or she doesn't particularly  
25 like this candidate, I could do the same thing. But the

1 actual process is carried on largely by the department  
2 itself.

3 Q In other words, say if I were applying for a posi-  
4 tion, my contact and a determination would be made mainly  
5 by the dean of that particular school?

6 A Well, you would deal primarily with someone, usually  
7 the chairman of the department. If you were being recruited,  
8 say for a position in English, most of your correspondence  
9 would be with the chairman of the department or if there  
10 is a separate committee, the chairman of the committee  
11 that's doing the search.

12 It's only after the committee or the department has  
13 pretty well limited its search to, narrowed its search  
14 down to maybe a few people that the dean might get into  
15 the act at that point.

16 Now, of course this varies, depending upon the  
17 individual who's dean of the college. Some deans play  
18 a more active role in this, some play a less active role,  
19 it also, of course, depends on the size of the college.  
20 The larger colleges it's very difficult for the dean to  
21 become actively involved in six or eight searches simul-  
22 taneously, on the other hand, if only one person is being  
23 sought for the dean might be involved more directly on a  
24 day to day basis.

25 Q And each entity can make its own determination as

1 to the process, is that it?

2 A Yes, within narrow limits, though. The process is  
3 pretty stereotyped. It's, you know, there isn't much  
4 flexibility regarding how this is done.

5 Q And you mentioned before that you do advertise  
6 also, is your advertising corollary to Mr. Kitchen's?

7 A Yes. I put the -- we only place one ad in the  
8 Chronicle for positions. And I usually place that. Mr.  
9 Kitchen will place ads in other places, he will not dupli-  
10 cate my ad in the Chronicle.

11 The department will place its notices in usually  
12 in professional journals and things of that sort.

13 Q Your ads you said in the Chronicle?

14 A Mine is.

15 Q Would you tell me what that is because I don't know  
16 what that is.

17 A Well, I'm not sure I do. The Chronicle for Higher  
18 Education is an educational newspaper, it comes out, I  
19 think it's every other week now, most of the year, and  
20 it has all sorts of articles on what's going on nationally  
21 in higher education. And it's a rather interesting journal.

22 But it also runs in the back quite a few pages of  
23 what you'd call classified ads, I guess. The Chronicle  
24 has become, I think, the chief place to advertise for  
25 administrative positions. It's really not that effective

1 in finding faculty positions. It seems that almost all  
2 administrators seem to read it but most faculty doesn't  
3 seem to look into it.

4 But we use it for both because we do get some  
5 responses for faculty positions in the Chronicle.

6 Q When this process is completed, is there anyone  
7 to whom you make reports or are you the final arbiter on  
8 this?

9 A Well, on the appointment of faculty positions,  
10 of course the contract has to be signed by the president  
11 and it states on the document that it is not a contract  
12 until he has signed it. But usually if I approve the  
13 contract, then that's -- that's usually pretty final.

14 Q Okay. Now, to go to another matter, in your opinion,  
15 what are the major and minor obstacles to meaningful  
16 equal employment opportunity at the university here?

17 A Well, of course I can speak only to professional,  
18 employment of professionals, that is faculty and  
19 administrators. And as I review all of the applications  
20 that come in, my -- the biggest problem I find is that I  
21 don't see applications coming from minorities and women  
22 that are qualified for the particular position that's  
23 available. And I'm not satisfied with what's happening,  
24 but I think under the -- within the limitations of our  
25 resources we're doing the best we can.



1           But I, for the example now, the three deanships  
2 that are open, these I look at a lot more closely, and  
3 I find some women, perhaps a few minorities, but out of,  
4 what, for -- well, there's over a 100 applications at  
5 least for each position, that's very conservative figure  
6 so we'd say a minimum of 300 applications, I'd say very,  
7 very few women, maybe not even a dozen women and perhaps  
8 even fewer minorities.

9           Q     Would you have any thoughts on how these obstacles  
10 could be overcome or eliminated as far as equal oppor-  
11 tunity?

12           A     Well, there are other things you can do. I can't  
13 tell you they'd been successful, I'd just tell you you  
14 can do them. We advertise, we write to just about every  
15 major university in the country, now I'm talking about  
16 the deans search specifically, we send notices to all of  
17 our faculty asking them for nominations, the -- I do call  
18 people that I know or write to people that I know and  
19 say, you know, we have an opening and suggest that they  
20 might want to nominate somebody.

21                     I don't know what else you could do in terms of  
22 recruiting someone for a position, say at the dean's level.

23           Q     And how are deans chosen finally, you have three  
24 that you're seeking now, what is the process?

25           A     Well, there is a committee, a search committee, it's

1 a faculty committee and when the committee has -- the  
2 committee has written guidelines from the president and  
3 when the committee has completed its search they are asked  
4 to give us the names of three to five candidates, and  
5 of course this will follow the interviews.

6 They will bring in maybe four or five people and  
7 then they will give us the final list of three to five  
8 candidates. Then I will look them over and of course I  
9 will have met these people and I will sit down with the  
10 president, I will recommend to him one of them, and of  
11 course he may or may not agree with me, and ultimately,  
12 of course, the president makes the decision on who will be  
13 chosen.

14 Q The president makes the final decision as far as  
15 deans?

16 A That's right.

17 Q What about department heads? How are they chosen?

18 A Well, department -- department heads usually aren't  
19 recruited from the outside, because in our university,  
20 department heads are officially appointed by the president  
21 but the nominee to the -- for the position is elected  
22 by the department.

23 And this varies from a one-year to a maybe two-year  
24 at the most, three-year term, so when a department headship  
25 is vacant, the department will elect somebody and submit

1 his name through the dean to the president. The dean,  
2 of course, can say he does or does not recommend this  
3 individual, and of course the president is free to turn  
4 this down. But it's pretty unusual, let's put it that  
5 way, for anybody in the administrative structure to  
6 turn back a nomination for department head.

7 Q The department heads are sort of an in-thing then,  
8 is that it?

9 A That's well put, I think.

10 Q Is there -- does it ever happen or is there a  
11 possibility that a college dean would be chosen from  
12 someone right here at the university?

13 A Oh, yes. Yes.

14 Q That has happened?

15 A That -- well, I haven't -- I haven't been here to  
16 see that many deans come and go, but that's possible,  
17 it hasn't happened since I've been here but I've only  
18 seen, what, up until this current search I think I've  
19 only seen one other dean replaced.

20 So I don't have that much experience with it.

21 Hopefully, we aren't going to do this on a regular  
22 basis.

23 Q I see.

24 When someone becomes a department head, he has  
25 additional duties, does he receive any salary incentive

1 for that?

2 A Not usually, but he gets a reduced teaching load,  
3 I believe it's one course, if -- the -- we reduce his  
4 teaching load or her teaching load by one course.

5 Q I see.

6 And that would prevail for all department heads  
7 throughout the school?

8 A Pretty much so, depending on the size of the depart-  
9 ment and how big a job we feel it really is. If it's a  
10 small to moderately-sized department, one course reduction  
11 is enough. If it's a very large department, where there  
12 are a lot of administrative duties, might be a little more  
13 than that.

14 Q I see.

15 And are you consulted on departmental decision  
16 making usually?

17 A Well, I -- I'm not sure I understand that question.  
18 You mean in the selection of the department head?

19 Q Well, I should have -- of course we're in the area  
20 of equal employment, and this is what we're after. And in  
21 something like that, would you be consulted in such  
22 matters?

23 A Are you referring to the department head again?

24 Q Yes.

25 A Well, I don't know if you'd call it consulted,

1 usually the process will -- if a department chairmanship is  
2 vacant, the dean will inform me and then the department  
3 will recommend someone for the -- to replace the man who  
4 has stepped down or the woman who has stepped down and  
5 eventually the recommendation for the new appointment  
6 will come to me.

7 And then I will either endorse it or send it back  
8 and as I say, I don't think I've ever sent one back since  
9 I've been here. Because of the nature of this position,  
10 I think.

11 Q Then the final decision is with the president?

12 A And I will send it on to the president with an  
13 endorsement or -- I could send it back but I have never  
14 done that.

15 Q And just as a final question, what distinction do  
16 you see between the term affirmative action and equal  
17 employment?

18 A Well, I see equal employment as simply meaning that  
19 you are going to select the most qualified person for  
20 the position regardless of race, creed, color, national  
21 origin, etcetera.

22 I see affirmative action going a little farther than  
23 that. I see affirmative action as meaning that you are  
24 going to actively pursue a procedure or some procedures  
25 by which you're going to seek out women and minorities for

1 these positions.

2 MR. DEUTSCH: Thank you, Doctor.

3 Q (By Ms. DeLuca) Regarding the search committee  
4 for deans, if a person -- persons who apply or send in appli-  
5 cations, are they automatically, do they automatically  
6 receive an acknowledgement from your committee?

7 A Yes, Ma'am.

8 Q That they applied?

9 A Yes.

10 MS. DELUCA: Thank you.

11 Q (By Ms. Jones-Booker) Dr. Gentile, when you were  
12 speaking about the selection of department heads and  
13 college deans, you indicated that faculty committees  
14 make those decisions. Are those committees elected or  
15 appointed committees?

16 A Well, department heads -- we call them chairmen and  
17 this may or may not be a fine distinction but I think  
18 many people will -- many faculty would prefer the word  
19 chairman because it does not imply someone with a great  
20 deal of authority such as head. But for a department  
21 chairman, the entire department is involved in this,  
22 and that is done by a vote.

23 Q Yes.

24 A And then the vote is passed on to the -- for  
25 the search committee for deans, this varies.

1           Now, some colleges have bylaws which state that the  
2 committee will be elected. In other colleges there are  
3 no bylaws that require this and in that case I would  
4 usually appoint the committee and, well, I follow a certain  
5 procedure, I usually get nominations, I just don't  
6 appoint it out of -- out of the telephone directory or  
7 something but I usually ask for nominations and then I  
8 select the committee from the nominations.

9           Q   Do all faculty members in that particular depart-  
10 ment have the right to vote in that particular instance?

11                   It's not on a selective basis, tenured versus  
12 nontenured for instance?

13           A   That's right, they're all involved, yes.

14           Q   They're all involved but are they all able to cast  
15 a vote for the -- for the nominee?

16           A   Well, I guess I have to answer yes or no, the  
17 answer is yes, but some -- many departments a formal vote  
18 may not be taken, in other words, if it's a small  
19 department, say five people, they may just sit around and  
20 chat about it and say, well, we're going to nominate  
21 so and so and they agree to it so it isn't a formal --

22           Q   So it's pretty much on a departmental basis, if they  
23 decide to go in that direction or this, it's left up to  
24 them to choose what they want to do?

25           A   That's correct.

1 Q There is no overall uniform rule in that regard?

2 A No, in the selection of search committees, as I  
3 say, if the college has specific bylaws, stating how the  
4 search committee -- usually these are very general, for  
5 example the college of arts and letters says that should  
6 the deanship become vacant, a search committee will be  
7 elected by the faculty of the college.

8 Well, that's all it says. Now, it doesn't say  
9 how or, you know, well, that's when I usually say, well,  
10 here's a procedure I'd like you to follow and if it's  
11 reasonable, they follow it, yes.

12 Q You say usually that happens, Dr. Gentile, I'm very  
13 interested in knowing if there are cases when that doesn't  
14 happen, to your knowledge?

15 A When what doesn't happen?

16 Q When you would not make the pronouncement that  
17 these are the guidelines you will have to follow in this  
18 process?

19 A No, -- well, now, you're talking about deans and  
20 there aren't that many instances so we're not dealing  
21 with a great deal of historic evidence.

22 We have, it's very unusual situation, really, this  
23 year we have three search committees looking for deans.  
24 But that doesn't happen with great frequency, since I've  
25 been here we've only done this four times and we're doing



1 three of those time are going on right now.

2 So you know, there's not a great deal of history.

3 Q Well, my question is not directed just to college  
4 deans, I'm also pursuing the other area that you raised  
5 and discussed with us in regard to the election of  
6 department chairmen and --

7 A Oh, chairpeople --

8 Q Right.

9 Q -- well, in the case of chairman it's usually an  
10 election by the department. I don't know of any depart-  
11 ments where they don't do that.

12 Q Yes, but in so far as the rules are concerned  
13 relative to the vote that's taken, that's left up to  
14 the department, is that correct? The rules and regulations  
15 concerning that process?

16 A Yes, and this may or may not be included in the  
17 bylaws. But I don't know of any set of bylaws that  
18 defines a different procedure than electing the chairperson  
19 of the department. Yes.

20 Q Fine.

21 Also, Dr. Gentile, in answering the question  
22 relative to the consultation that's made in your par-  
23 ticular behalf or for your office in departmental decision  
24 making, you indicated that you are consulted in the  
25 decision making process for department heads. I'm also

1 wondering if that's true relative to other faculty  
2 appointments, not necessarily department heads -- depart-  
3 ment chairmen, excuse me?

4 A Well, yes, you mean in the recruitment of new  
5 faculty --

6 Q Precisely.

7 A Yes. Well, as I say, I -- I don't involve myself  
8 in the daily operation of it. But when it comes down  
9 to the point of bringing in someone for an interview,  
10 and finally, of course, recommending appointment of someone,  
11 I definitely become involved in it.

12 Q I see, fine.

13 A See, before they bring people in for an interview  
14 they usually, through the dean of course, consult me  
15 and say, okay, is it all right to bring this individual  
16 in? And then after the individual's been interviewed and  
17 they want to make an appointment, if they still want to  
18 make the appointment, then I'm definitely involved in  
19 that.

20 Q And you would either recommend that person for  
21 appointment to the faculty or you would not recommend that  
22 appointment, would that then go to the president for  
23 final approval?

24 A Yes, if I recommend the person for appointment it  
25 would have to go to the president for final approval of the

1 contract.

2 Q Fine, thank you.

3 I want to ask you also, Dr. Gentile, are faculty  
4 and administrators at UNLV subject to the same procedures,  
5 practices?

6 A As far as I know, yes.

7 Q Is there an equal employment program, shall we say,  
8 for administrators at UNLV as there seems to be for faculty?

9 A Well, we follow the same -- we follow basically the  
10 same procedures in recruiting, yes. That is the affirmative  
11 action officer is involved.

12 For example, in this deans search, I don't know if  
13 this came out, all the applications or just about all,  
14 I guess, come to me, the advertisements all state that the  
15 applicants should be submitted to me and I look at them  
16 in a rather cursory way, I don't read all of them, but I  
17 look them over and then they are sent directly to the  
18 affirmative action officer.

19 Now, he goes over them with a fine-toothed comb  
20 and he makes notes and he keeps lists and tries to identify  
21 women and minorities, and then from him they go to the  
22 search committee.

23 So, before the search committee even gets the  
24 application, he and I have both looked at the applications.  
25 So there's no possibility that if a woman or a minority

1 who was qualified for the position has applied, that  
2 it's ever going to get lost anywhere along the line because  
3 I know Mr. Kitchen keeps very, very careful tabs on this.

4 Q I see. So the same process is followed both  
5 for administrators and for other faculty appointments?

6 A Yes.

7 Q Following that up, then, Dr. Gentile, could you tell  
8 us what efforts are made by your office and that of the  
9 president for seeing that policy directives of the board  
10 of regents are implemented?

11 A Well, of course that's -- that's our responsibility,  
12 I mean any policy determined by the board of regents has  
13 to be implemented and if it isn't implemented in a depart-  
14 ment or a college or by an individual, then it's our job  
15 to call the people's attention to that and say this is,  
16 this is what has to be implemented.

17 Q As a part of that process, Dr. Gentile, do you  
18 report back to the board of regents and tell them in so many  
19 words how a particular policy is or is not being implemented?

20 A No, we don't do that on a routine basis, the board  
21 of regents assumes that if we're doing our job that their  
22 policies are being followed.

23 If they find out that their policies are not being  
24 followed, then they may decide somebody else better be  
25 doing the job. But we don't have, we don't -- you know,

1 there's so many regents' policies that we have to follow  
2 in so many areas of the university that it would be just  
3 impossible to report back to them on any regular basis.

4 Now, of course the regents are always free to ask  
5 for a report on a particular subject, and say we'd like  
6 a report on what happened here or we'd like a report on --  
7 a progress report on this programming or that program if  
8 they request this, then we will give it to them.

9 Q How often does that happen, Dr. Gentile?

10 A Not very often.

11 Q Not very often?

12 A Not very often, but it's happened several times  
13 over the last two, three years.

14 MS. JONES-BOOKER: I see.

15 Thank you very much.

16 Thank you, Mr. Chairman.

17 THE CHAIR: Steve?

18 Q (By Mr. Walther) Doctor, you heard the testimony  
19 of President, is it Baepler, earlier where he's critical of  
20 the math department. And suppose you wanted to solve  
21 that situation, by having at least one token female  
22 person in the faculty there, do you and he indicated that  
23 in a certain circumstances when you want to correct a  
24 deficiency or disparity resulting from minorities or sex,  
25 that given two qualified applicants, the one which filled

1 that gap or vacancy would be inclined to be preferred.

2 Do you ever, in advertising for these positions,  
3 supposing, for example, you wanted to correct to some  
4 extent with a token employee a woman in the math depart-  
5 ment, if you send out the advertisements, can you, or  
6 do you indicate in there that given equal qualifications  
7 a women will be preferred?

8 A No, I don't think we can do that. What I have  
9 done --

10 Q If you do it, as a practical matter, why can't you  
11 give people notice that they will in fact have a preferen-  
12 tial treatment if they are equally qualified with another?  
13 Because it's done as a practical matter, as I understand.

14 A Well, yes, we can do that but we can't put that in  
15 an advertisement.

16 Q Why?

17 A I believe it's illegal.

18 Q Well, if you can do it why can't you advertise that  
19 you're doing it?

20 A Well, I don't know, maybe we're not even supposed  
21 to do it, you know, but -- but I think, I think certainly  
22 if two people are equally qualified there's nothing  
23 illegal about saying, well, we'll take the woman because  
24 we feel we don't have sufficient numbers of women, they  
25 aren't represented in this department, etcetera, but I don't

1 think we can put that in an ad. I have gone as far as  
2 saying in an ad, we encourage the applications from women  
3 and members of minority groups.

4 Now, I have done that and I feel that's about as  
5 far as I'm allowed to go. But that sort of gets the  
6 message across, I think.

7 Q It's a start anyway.

8 But in -- but frankly, I was interested because  
9 if you -- if in practice this is done, and just now you feel  
10 that it's probably as between two qualified people not  
11 illegal as far as you know, are you specifically aware  
12 of any instructions from your counsel on the reasons  
13 for any particular law which makes it illegal to actually  
14 state what you're doing in fact?

15 A I can't cite -- I can't cite a statute or anything,  
16 but -- and possibly I'm wrong, but I've always been under  
17 the impression that that was not permissible.

18 Q You can do it but you can't tell them you're doing  
19 it?

20 A That's right. Now, you can do -- you can write a  
21 letter and I've done this, if you write a letter to people  
22 you know at other universities, you could say in a letter  
23 something like, we will be especially interested in receiving  
24 applications from women and minorities. They get the  
25 message, I mean it's clear. But -- and I've done that.

1 I've called people, I've called minority people across  
2 the country that I know and said, look, can you find me some  
3 people? Because over the telephone, you know, let's be  
4 candid over the telephone I can say, gee, we'd love to have  
5 some minorities, we need them in this particular area or  
6 something, and I'm not sure it's very successful, really,  
7 it's -- that's another story, though.

8 Q Do you have some control over the budget and how  
9 the money is spent?

10 A Yes, I like to think so.

11 Q Do you -- don't you feel, and from what I've heard  
12 today I tend to begin to feel that it might be a  
13 positive step towards solving the problem to spend money to  
14 send people to see people for the purpose of interviewing  
15 them and -- on a more of a mass basis and just actually  
16 going to places where there are potential minority  
17 applicants, potential more women applicants than male  
18 applicants, and actually getting people to hit the road?

19 A Yes, I agree. I think that's -- that -- I can't  
20 guarantee how it would work but I think that's worth a try.

21 Now, we do send people to professional meetings  
22 for recruiting purposes, and I think there was some mis-  
23 understanding previously about going to a meeting and  
24 going on a recruiting trip. We don't send people on a  
25 recruiting trip as such, just from one university to the next.



1           But if, for example not long ago the, one of the  
2 business organizations, I forget the name of it, met in  
3 New Orleans and the chairman of finance, who's looking  
4 for a couple of people, said I'd like to go to that  
5 meeting to recruit for the two positions in finance.

6           Well, I was able to give him recruiting money to go  
7 to that trip because he was recruiting.

8           Now, of course if you want to go to a meeting and  
9 you're not recruiting, then you have to find the money  
10 elsewhere. That, I think, is worthwhile, but there is,  
11 I think Dr. Baepfer pointed out once upon a time this was  
12 considered to be the only or the best way to recruit.  
13 That isn't really the best way anymore because if the  
14 meeting's in New Orleans and there's an individual that's  
15 in Boston and can't afford to go to the meeting, this  
16 individual may never find out you have a position unless  
17 you advertise it in some other way, and this, this is  
18 getting harder and harder for people to do, but once a  
19 upon a time, particularly in certain disciplines, you  
20 know, you get federal grants for research and you can  
21 always get money for travel in your federal grant and you  
22 could go to all these meetings.

23           Today, more often than not, if people want to go to  
24 meetings they have to pay their own way. If they can't  
25 afford it you can't just eliminate them from the recruiting

1 process, but that is one way.

2 I would support Mr. Kitchen's request that we  
3 perhaps send him to various institutions from time to time,  
4 where large numbers of women and minority Ph.D's are  
5 turned out, I would suggest that when he went, he had a  
6 sort of a checklist and knew what we were looking for.  
7 And then met with people in those areas and said, okay, here's  
8 a position and talked to them and told them a little bit  
9 about our institution, a little bit about this area of  
10 the state, of the country, and perhaps might be more  
11 effective than somebody who just turns a page in a journal  
12 and sees an ad and maybe never heard of the University  
13 of Nevada, Las Vegas, except for the basketball team.

14 Q Right.

15 Do you have much control over the budget that the  
16 affirmative action office has and how they spend it?

17 A No, I -- the budget for the affirmative action  
18 office comes directly from the president, the budget does  
19 not come from my office.

20 Q You would have, under your jurisdiction, some  
21 authority to seek to allocate funds for the purpose  
22 of sending people --

23 A Yes, I would, yes.

24 MR. WALTHER: Thank you.

25 Q (By Ms. James) I just have a couple quicky things.

*Budget for A.A.*

1           We've heard quite a bit about the soft and hard  
2 money issue. Some federal grants to school districts, but  
3 I don't know if it's true at universities, have ability  
4 in stipulation that if you get a three-year grant, you  
5 will institutionalize the program. In other words, you  
6 will take it over, it's a condition of getting the  
7 original grant.

8           A     We've done that.

9           Q     You do get university grants like that?

10          A     Yes.

11          Q     So, in some cases certain federal funds, it's your  
12 obligation to convert them to hard money?

13          A     Yes, when we have converted them to hard money.

14                 For example, the vocational rehabilitation area,  
15 we are -- we have to, this year what we've done is we've  
16 put a man who's on the grant, we put him half on hard  
17 money this year and we've promised to put him half on hard  
18 money next year so he will be on hard money next year.

19          Q     So it gradually gets phased in?

20          A     Right, we've done this in the past with other  
21 areas where I'm aware of that where the limit requirements  
22 for continuation of the grant are that you must pick up  
23 some of the cost of the personnel on hard money.

24          Q     I wanted to check if that happened. I just had one  
25 other small question.

1           I was looking at the brochure, and it says here,  
2 in the final analysis affirmative action is an attempt  
3 at redistribution of jobs and individuals in order to  
4 achieve a limited but necessary balance.

5           And I just am curious as your interpretation as  
6 to what a limited balance is?

7           A     Well, I didn't write that brochure.

8           Q     No, but you're the --

9           A     Well, I suspect what it means is that, let's talk  
10 about minorities, I guess what it means is that since  
11 minorities are by definition minorities, it is unlikely  
12 that 50% of your faculty is going to be a minority.

13           So I suspect that -- that is what it means by a  
14 limited balance. I'm not sure since women and man are almost  
15 half and half, I'm not sure what limited means there.

16           Q     No, I was just curious.

17           A     Maybe women would be limited to half, you know.  
18 I guess it's a statistical thing which simply says that you  
19 can not reasonably expect to have a greater percentage  
20 of your faculty represented by any one group than the  
21 percentage of people in that group that are in that  
22 particular profession.

23           In other words, if 10% of the engineers in the country  
24 are women, statistically it's unreasonable to expect to  
25 have more than 10% of your engineering faculty of women,

1 that is, I think, what it really means.

2 Q But if you did have 10% of your engineering faculty  
3 as minorities and that's all that were available,  
4 would the university then say all we will now recruit is  
5 White?

6 A No, no, that's not what it means.

7 MS. JAMES: Okay, that's all I have.

8 THE CHAIR: Any other questions?

9 MR. DEUTSCH: Yes, Mr. Chairman, I wanted to  
10 straighten out this matter of recruiting money, I'm  
11 confused.

12 Q (By Mr. Deutsch) I thought I heard earlier that  
13 it was a legislative matter that the legislature made up  
14 the final budget for the university and made the deter-  
15 mination of how much money could be spent in what par-  
16 ticular areas. Am I right in that or not?

17 A Yes, I think that was a misunderstanding there.

18 We were talking about travel for faculty and I  
19 think this came up in the context of saying, well, faculty,  
20 faculty would like to travel to recruit or something  
21 like that.

22 The money available to faculty from the state is  
23 used exclusively to send people to professional meetings.  
24 If people are going to professional meetings to recruit,  
25 and this is usually someone designated by the department,

1 like the chairman, then we have a recruiting fund which  
2 is limited, of course, but we can say all right, you can  
3 go to this particular meeting on the recruiting fund.

4 Now, the recruiting fund is largely used for paying  
5 the expenses of people who we are interviewing, so I'd  
6 say maybe 90% of all the money in the so-called recruiting  
7 fund pays for people to come for interview at the uni-  
8 versity, round-trip fare, per diem, hotel room, etcetera.

9 We try to limit this, there are policies that emanate  
10 from my office and you can't come in for a week on an  
11 interview and things like that, I don't want to give you the  
12 wrong impression, but -- and the recruiting fund also pays  
13 for advertising positions.

14 So this recruiting fund, though, if you take out  
15 the cost of advertising and the cost of interviewing, this  
16 pretty well covers almost the entire recruiting fund.

17 Q How much is the recruiting fund, do you know off  
18 the top of your head?

19 A Well, this varies, it depends on how many positions  
20 for which we're recruiting. Now, you see the recruiting  
21 fund, we will go to the regents within the next month or  
22 so, we now know exactly what we're looking for and we'll  
23 ask the regents for a certain amount of money and they  
24 will -- they will give us this money. It can be eight,  
25 \$10,000.00, something like that. But it depends on how

1 many positions we have.

2 Q Would the regents have latitude in allocating money  
3 just for recruiting purposes --

4 A Yes.

5 Q -- for going out and seeing people?

6 A Yes, yes. If the regents wished to honor Mr.  
7 Kitchen's request, which he did make at the regents, I  
8 was at that meeting, and say yes, we're going to  
9 appropriate from regents funds which are not state funds,  
10 if we -- we're willing to appropriate X number of dollars  
11 to Mr. Kitchen so he can go out and recruit, they have  
12 the authority to do this, yes.

13 Q What was their response at the last meeting?

14 A Well, it was never really discussed. It was sort  
15 of an aside, Mr. Kitchen tacked this remark, I think, onto  
16 something else that he was discussing at the time, and  
17 the regents were not -- it was not on the agenda and the  
18 regents were not prepared to discuss it at that time.

19 Q In other words, to get it on it has to be an agenda  
20 item?

21 A I think if this is to be seriously considered, the  
22 chancellor would have to put it on the agenda for some  
23 future regents meeting, yes.

24 MR. DEUTSCH: Thank you.

25 THE CHAIR: Any more questions?

*Regents  
Auth.  
to  
allocate  
funds.*

1 MR. SCOTT: I might close with a comment, Mr.  
2 Chairman, or a question, maybe a comment.

3 I know Mr. Kitchen has been in some  
4 hot water probably here today but he's been the most im-  
5 portant person in this room, seemed like, and I don't  
6 know if he will be asking for a promotion or a raise in  
7 salary, I think I would if I was in his position today,  
8 because he -- I see there's a lot of weight on his shoulder  
9 for the affirmative action and everything else on this  
10 campus.

11 And it certainly must merit some really strong  
12 consideration for --

13 A Oh, I agree with you, Mr. Kitchen, you know, is doing  
14 a fine job. He came to us and hardly had the seat of his  
15 chair warm when he was already preparing this affirmative  
16 action document that you have before you now.

17 He didn't really waste any time.

18 THE CHAIR: Dr. Gentile, I, as chairperson of this  
19 committee, the state advisory committee, and the U.S.  
20 Commission on Civil Rights, certainly want to express  
21 our appreciation to you this afternoon for appearing  
22 before us.

23 And we feel that the university, with people like  
24 you, certainly will try and get the job done that all of  
25 us would like to see.



1           And I certainly speak for this committee when I  
2 say that, thank you very much.

3           A     Thank you, sir.

4           THE CHAIR: And we certainly appreciate your  
5 consideration.

6           Mr. James Buchanan? Is Mr. James Buchanan present?

7           MS. JAMES: Did you say something?

8           THE CHAIR: I was asking for Mr. Buchanan. I  
9 don't believe he's present.

10          Mr. Buchanan is a regent for the University of  
11 Nevada, Las Vegas, since -- has anyone received a message  
12 on the committee?

13          MS. JONES-BOOKER: No, staff has not been contacted  
14 by Mr. Buchanan or his office.

15          THE CHAIR: As chairman of the state advisory  
16 committee, appointed by the national civil rights  
17 commission, I would like to make a statement for the  
18 record with regard to the nonappearance of Mr. Buchanan.

19          The committee is concerned that the chairman of the  
20 board of regents, Mr. James L. Buchanan, who was invited  
21 to participate at this open meeting, is not present,  
22 and no explanation for his absence has been given.

23          The board of regents has the final responsibility  
24 for all of the concerns we have discussed and addressed  
25 ourselves to here today. We plan immediately to inform

1 the commissioners, the U.S. Commission on Civil Rights,  
2 who have the authority to subpoena, of our concerns about  
3 the apparent lack of commitment on the part of the  
4 chairman of the Board of Regents of the University of  
5 Nevada, Las Vegas, and Reno.

6 We feel that some explanation should have been  
7 given to this committee on why the chairman of the board  
8 did not appear. To the staff, to the advisory committee,  
9 State of Nevada, and those of you from the university  
10 who have participated that are here at this time, personally  
11 I want to thank you for your participation, and your con-  
12 sideration, and to especially commend Ms. Roberta Jones-  
13 Booker, the person that led the staff from the regional  
14 office in preparing for this hearing.

15 MS. JONES-BOOKER: Thank you, Mr. Chairman.

16 THE CHAIR: I think an excellent job has been done  
17 and we certainly want to notify the regional office and  
18 the U.S. Commission on the tremendous job that Roberta  
19 and her supportive members of the staff from the regional  
20 office have done here in making it possible for the  
21 university to make this presentation.

22 I want to thank all of you, for your consideration  
23 and your participation.

24 MR. SCOTT: Mr. Chairman --

25 THE CHAIR: Yes.

1           MR. SCOTT: I think I'd like, with the consent of the  
2 rest of the committee members, that the record show, I'd  
3 like to make a motion to offer a vote of confidence in this  
4 staff and thanks for their preparation and activities  
5 they have carried on here in Las Vegas, and I'd like to  
6 move that as a motion, if I get consent of any --

7           MR. DEUTSCH: I'll second the motion.

8           THE CHAIR: Moved and seconded that the motion be  
9 -- to commend the staff and committee for their -- the  
10 staff for its tremendous job they've done here in preparing  
11 for this hearing.

12           You've heard the motion. Do I hear -- ready for  
13 the question? All in favor on the one side?

14  
15           (Ayes)

16  
17           THE CHAIR: Contrary?

18  
19           (No response)

20  
21           THE CHAIR: Ayes have it, so ordered and you may  
22 consider yourselves adjourned at this time.

23  
24           (Meeting adjourned)

25           -----

1 STATE OF ARIZONA )  
2 COUNTY OF PIMA ) SS

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I, JAMES E. BOULEY, do hereby certify that I am an Official Shorthand Reporter; that I was present at the hearing of the foregoing matter; that I took down in shorthand all proceedings had and testimony adduced at said hearing; that the same was thereafter transcribed under my supervision, and the foregoing 323 pages represent a complete and accurate transcription of my shorthand notes so taken.

WITNESS MY HAND this 12th day of December, 1977.

\_\_\_\_\_  
Official Shorthand Reporter