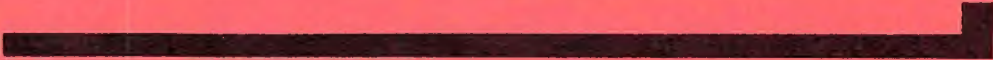




DESEGREGATION OF

PUBLIC HIGHER EDUCATION

IN TENNESSEE



TENNESSEE ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

These edited proceedings of a community forum conducted by the Tennessee Advisory Committee to the U.S. Commission on Civil Rights were prepared for the information and consideration of the Commission. Statements and viewpoints in the proceedings should not be attributed to the Commission or to the Advisory Committee, but only to individual participants in the forum.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, first created by the Civil Rights Act of 1957, and reestablished by the United States Commission on Civil Rights Act of 1983, is an independent, bipartisan agency of the Federal Government. By the terms of the 1983 act, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice; investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 and section 6(c) of the United States Commission on Civil Rights Act of 1983. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

LETTER OF TRANSMITTAL

Tennessee Advisory Committee to the
U.S. Commission on Civil Rights

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In a mail ballot taken by staff, the 8 members of the Tennessee Advisory Committee who responded voted to submit this edited transcript of the proceedings of a community forum on public higher education in Tennessee for the purpose of advising the Commission on certain aspects of that topic. The forum was conducted in Nashville on November 13, 1987, and every effort was made to assure a balanced perspective on issues by inviting participants with differing points of view from the three major geographical divisions of the State. These included educational officials, legislators, faculty, students, legal experts and community persons.

The information provided is not to be considered a comprehensive review of issues related to the desegregation of public higher education in the State. It was designed to provide a series of snapshots of programs and concerns rather than a panorama. The Committee will continue discussions with education officials regarding issues raised, and hopes that the information provided will assist the Commission in its program planning.

Respectfully,

/s/

JAMES F. BLUMSTEIN, Chairperson
Tennessee Advisory Committee

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*Not currently a member of the Advisory Committee.

**Not a member of the Advisory Committee at the time the community forum was held.

ACKNOWLEDGEMENTS: This report was the chief assignment of William F. Muldrow, Acting Director of the Central Regional Division of the U.S. Commission on Civil Rights. Support services were provided by Jo Ann Daniels.

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Summary

On November 13, 1987, the Tennessee Advisory Committee to the U.S. Commission on Civil Rights conducted a community forum in Nashville, Tennessee, to gather information to advise the Commissioners on progress and problems in the desegregation of public higher education in the State. Ms. Christine Modisher, assistant attorney general, provided a brief history of litigation in this regard and explained that, following a series of lawsuits since 1968, a Stipulation of Settlement (Geier v. Alexander (593 F.Supp. 1263 (M.D.) Tenn. 1984), attached as Appendix A) was agreed upon by all parties. In 1986, this was made final by the United States Court of Appeals for the Sixth Circuit and is binding upon parties to the litigation. A desegregation monitoring committee was established by the court to monitor the progress of all institutions in their efforts to comply with the stipulation.

Dr. Arliss L. Roaden, executive director of the Tennessee Higher Education Commission (THEC), made a presentation at the Advisory Committee's forum on behalf of the Governor, the State Board of Regents, the University of Tennessee system, and the THEC. He described programs being implemented with varying degrees of success by institutions of public higher education in compliance with the Stipulation of Settlement. These included academic remediation, incentives for "other-race" student enrollment and retention, preprofessional program counseling, and black employee, staff, and faculty recruitment and development.

Other representatives from the three major geographical divisions of the State with varying perspectives on the issues were invited to participate. These included educational officials, faculty, students, legislators, legal experts, and community persons. In addition, the final session of the forum was open to participation by members of the general public. There was considerable diversity of opinion among participants as to the effectiveness of desegregation programs and the degree to which educational and employment opportunities in public higher education are

being enhanced for black citizens of Tennessee. Issues of particular concern to the Committee included the role and composition of the desegregation monitoring committee, which is made up exclusively of members of the University of Tennessee system, the State Board of Regents and the Higher Education Commission, institutions which are responsible for implementing desegregation. Also of concern were the alleged lack of opportunities for black faculty advancement, the disproportionately small enrollment of black students as undergraduates and in professional degree programs, and reports of poor race relations on individual campuses.

One of the more controversial issues raised at the forum concerned the role in the State's higher educational system of Tennessee State University, a historically black school which was merged with the University of Tennessee-Nashville, a historically white institution. The issue centered on whether the merger and integration of these two institutions would do away with the kind of access for black students to higher education which has been provided in the past by Tennessee State University.

The following is the edited transcript of proceedings from the forum. It does not purport to be an exhaustive review of the issues pertaining to the desegregation of public higher education in Tennessee. Rather, it provides information on issues and concerns which the Advisory Committee may decide merit further investigation and analysis. The report will be distributed to all institutions and organizations in the State which are involved with higher education, or which have responsibilities or concerns regarding desegregation. It will also be made available to the news media and to the general public.

The Committee is grateful to all who participated on the project and for the exchange of viewpoints and ideas. We hope that the information presented will be of value to the Commission in its program planning.

DESEGREGATION OF PUBLIC HIGHER EDUCATION IN TENNESSEE

—A community forum sponsored by the Tennessee Advisory Committee to the U.S. Commission on Civil Rights

CHAIRMAN BLUMSTEIN. This meeting of the Tennessee Advisory Committee to the United States Commission on Civil Rights is now in session. We're in Nashville to conduct this community forum to gather information on the desegregation of public higher education in Tennessee. This is a fact-gathering process, not a judicial procedure. We don't purport to gain a comprehensive view in 1 day of the whole situation.

Ms. Modisher is assistant attorney general for the State of Tennessee and a former student of the Vanderbilt Law School. She is going to give an overview of the legal history and current status of the desegregation of public higher education in Tennessee.

Statement of Christine Modisher Assistant Attorney General

Ms. Modisher. The history of racial segregation and desegregation in higher education in Tennessee has a long and checkered history. In 1870, the Constitution of Tennessee was amended to mandate compulsory racial segregation in all Tennessee educational institutions. This segregation by law is called de jure segregation. In 1896 the United States Supreme Court in its decision, Plessy v. Ferguson [163 U.S. 537(1896)], approved a "separate but equal" concept which allowed States to maintain racially segregated facilities, including educational facilities. In 1901 Tennessee became the first State to enact criminal statutes requiring racial segregation in all public and private schools and colleges. This statute imposed a jail term of up to 6 months for attending or teaching at a racially integrated school.

During this period, an extensive higher education system for whites developed in Tennessee. The University of Tennessee operated a number of all-white schools as did the State board of education. Whites had colleges available to them in each region of the State. For blacks, there was only one institution of higher education in all of Tennessee. Tennessee A & I (now Tennessee State University) was created in 1912 in Nashville. It was

the only public institution of higher education that accepted blacks prior to 1960. White attendance at TSU was prohibited. In 1947 TSU was joined in Nashville by an all-white center established by the University of Tennessee. Originally, this center primarily provided evening instruction for adults.

In 1954 the United States Supreme Court issued its landmark decision, Brown v. Board of Education. In this decision, the Supreme Court held that the "separate but equal" doctrine was unconstitutional since separate educational facilities for blacks and whites are inherently unequal. The Supreme Court, therefore, held that segregation on the basis of race in public education violates the United States Constitution.

It was not until 1960, 6 years after Brown v. Board of Education, [347 U.S. 483(1954)] that racial requirements for admission were formally abolished in Tennessee higher education institutions and an open-door policy instituted. In 1968 Tennessee State University in Nashville was still over 99 percent black. Some formerly all-white schools were still 99 percent white. UT's Nashville center had grown steadily and had an extensive night program as well as a government institute, a graduate school of social work, and a nursing program. Tennessee State University also had a limited night school and a nursing program. In 1968 UT announced its plan to build a new facility in Nashville less than 5 miles from Tennessee State University.

As a result, Rita Sanders and others brought a lawsuit in Federal district court. Ms. Sanders later became Ms. Geier and the lawsuit, which has now spanned a period of 19 years, is known to some as the "Geier" lawsuit. These plaintiffs sought to prevent the University of Tennessee from building its new facility in Nashville on the grounds that it would compete with Tennessee State University for programs, money, and white students and would perpetuate the dual system of higher education in Tennessee. The defendants named in the lawsuit were, among others, the Governor of Tennessee, the Department of Education, the University of Tennessee, and the Tennessee Higher Education Commission. Since that time, the Board of Regents has assumed control of non-UT schools and has been substituted for the Department of Education.

Soon after the lawsuit was filed in 1968, the United States Department of Justice intervened as a plaintiff in the lawsuit to oppose the University of

Tennessee's construction plans and to require the State to submit a plan for desegregation of higher education across the State. This was the first time that the Department of Justice had become involved in a statewide higher education desegregation lawsuit.

In August 1968 Federal District Court Judge Gray issued an order which noted that Tennessee had followed the "separate" part of the "separate but equal" doctrine but not the "equal" part of that doctrine and that schools and educational opportunities for blacks under the segregated system had obviously been inferior. The court refused to enjoin the construction of UT Nashville, partly on the basis that it was primarily a night school and was not a 4-year degree granting institution which would compete with Tennessee State University. The court held, however, that the State had an affirmative duty to dismantle the dual system of higher education and that the "open-door" policy did not discharge that duty. Therefore, the court ordered the State defendants to submit a plan to desegregate higher educational institutions across the State with particular attention to Tennessee State University. Pursuant to the court's order, the State defendants submitted desegregation plans which relied primarily on efforts of individual institutions.

In the 1970-71 academic year, black enrollment in previously all-white schools increased by 42 percent over the previous academic year. However, black faculty and staff was still less than 1 percent in previously all-white schools, and the Tennessee State University student body was still over 99 percent black. As a result, the plaintiffs moved the court for further relief. By order dated 1972, the court stated:

"While it is clear that the desegregation process of the predominantly white institutions has been steady, the phenomenon of a black Tennessee State, so long as it exists, negates the contention that defendants has dismantled the dual system of public higher education in Tennessee."

By this decision, the court ordered the defendants to submit a plan to "ensure" substantial desegregation of Tennessee State University faculty and students by establishing a white presence at Tennessee State University. The court also ordered a study of the feasibility of merger of UT Nashville

and Tennessee State University, since the fact that there was a predominantly white institution alongside an overwhelmingly black institution was a mark of the former de jure segregation.

Also in 1972, a third class of plaintiffs was added representing black students, faculty, and parents seeking relief from racial discrimination. These "Richardson" intervenors criticized the plans for requiring increased white faculty at Tennessee State University without a similar increase in black faculty in the University of Tennessee's system. They also criticized increasing aid to white students at Tennessee State University without similar steps to encourage black enrollment elsewhere.

In 1973 the court enjoined construction of a community college branch in a predominantly white section of Shelby County. Instead, the court directed development of a midtown Memphis campus.

In 1974 the defendants filed a long-range statewide desegregation plan. It included goals for the inclusion of black students and staff at historically white institutions, cooperative programs between UT Nashville and Tennessee State University, and a statewide desegregation monitoring committee to ensure results. The plaintiff parties objected to the plans proposed by the defendants, and all plaintiffs proposed the merger of Tennessee State University and University of Tennessee at Nashville. A month-long hearing was held in 1976 which led to a 1977 court decision ordering the merger of Tennessee State University and UT Nashville.

The court found that there had been an increase in black student enrollment at historically white institutions from 4.6 percent in 1969 to 9.7 percent in 1975. There had also been a small but steady increase in black faculty at traditionally white institutions from 1.1 percent in 1969 to 3.1 percent in 1975. On the other hand, the court found that the situation in Nashville had not sufficiently improved. Ninety-two percent of the students enrolled at the main campus of Tennessee State University were black. The total number of students enrolled at Tennessee State University had remained approximately the same since 1968. However, the court found that student enrollment at UT Nashville had nearly doubled between 1968 and 1975. UT Nashville had greatly expanded its programs and changed to a 4-year degree granting institution. The total black enrollment at UT

Nashville for 1975 was 12.7 percent. The district court found that the existence and expansion of predominantly white UT Nashville alongside traditionally black Tennessee State University impeded the dismantling of the dual system of higher education. This was evidenced by duplicate programs offered at each school and by the fact that UT Nashville was competing with Tennessee State University for white students. In 1977 the court ordered that the merger of UT Nashville and Tennessee State University take place with a resulting institution under the name of Tennessee State University governed by the Board of Regents. Furthermore, the court ordered that the desegregation monitoring committee continue to watch progress toward the stated goals by formerly all-white schools.

The University of Tennessee and the Tennessee Higher Education Commission appealed the merger order to the U.S Court of Appeals for the Sixth Circuit. The University of Tennessee claimed in part that an all-black TSU was a result of free choice by students and not the result of de jure segregation. The sixth circuit upheld the merger in a 1979 order. The sixth circuit noted that prior to 1960, the "heart" of the segregated system of higher education was all-black TSU. The court of appeals went on to note that the State had an affirmative duty to dismantle the dual system of higher education. An open admissions policy had failed to remove the vestiges of de jure discrimination and, therefore, affirmative action by the State was required to do so. Since the existence and expansion of UT Nashville impeded the desegregation of Tennessee State University, merger of the two institutions was appropriate and would allow Tennessee State University to expand into a comprehensive regional university.

The 1977 district court decision also was appealed by the Richardson intervenors, who objected to the portion of the court's decision which approved the State's long-range plan for continuing desegregation of institutions outside the Nashville area. The defendants' long-range plan included enrollment goals for each institution based on the black population in the "drawing area" for each school. The sixth circuit affirmed the district court's approval of the plan.

While these appeals were pending, the merger of the University of Tennessee at Nashville and Tennessee State University proceeded. Beginning

in January 1981, the Geier and Richardson plaintiffs filed motions for further relief, mainly to further desegregate historically white institutions outside of the Nashville area. In 1983 another plaintiff party, the McGinnis intervenors, was added. This group of plaintiffs was concerned that the merger of UT Nashville and Tennessee State University had been ineffective and that Tennessee State University was resegregating.

For the first time in the 15-year history of the litigation, all of the defendants and all of the plaintiffs sat down together to arrive at a mutually agreeable plan. The parties had different and sometimes conflicting interests and goals, but an agreement was finally reached that was acceptable to all except the Department of Justice. The Stipulation of Settlement was approved by the district court on September 25, 1984. (Appendix A). It provides for approximately 20 new programs aimed at desegregating public institutions of higher education, including a preprofessional program designed to increase black student enrollment in professional graduate programs such as law and medicine. The Department of Justice was the only party which did not agree to this settlement. The Department of Justice appealed to the sixth circuit, primarily challenging the preprofessional program as containing impermissible racial quotas. In September 1986 the sixth circuit upheld the Stipulation of Settlement. This stipulation is a final decree whose provisions are binding upon the parties to the litigation.

The stated purpose of the Stipulation of Settlement is to maximize educational and employment opportunities in higher education for the black citizens of Tennessee, and to ensure that no public higher education institution project an image as being racially identifiable. The desegregation monitoring committee is to monitor the progress of all institutions in their efforts to comply with the Stipulation of Settlement. In addition, the stipulation provides a process by which plaintiff parties may notify the defendants if they feel a defendant party is not acting in good faith. If informal settlement is ineffective, the court may be petitioned for further relief. Section II of the Stipulation of Settlement addresses student enrollment. Each institution has intermediate and long-range goals for "other race" enrollment based on the other race

population in the drawing area. "Other race" means blacks at primarily white institutions and whites at Tennessee State University. In addition, money has been allocated for financial incentives for other race students. A program is being developed to increase the number of black students in graduate and professional schools.

Section III of the stipulation addresses the issue of employment. Each institution has intermediate objectives for employment of other race administrators and faculty. A variety of programs have been established to attract and develop black faculty. Affirmative action is required as a factor in selection of upper administrative positions.

Section IV of the stipulation specifically addresses the situation in Middle Tennessee. The stated goal of the stipulation is to enhance Tennessee State University as a unique institution with both a regional and a statewide mission and to implement its mission as the regional urban university for Middle Tennessee. To this end, attention is to be given to upgrading Tennessee State University facilities. Administrative functions at Tennessee State University were to be studied and changes to be recommended where necessary. Tennessee State University was given priority for all new graduate programs to be offered in the Middle Tennessee region.

Dismantling of the formerly de jure system of higher education has now been in the court for nearly 20 years. With the continued good faith efforts of all involved, we believe the goal is now in sight.

MS. BERZ. As a social worker in Tennessee State, I know that things aren't always as they are reported on paper. You referred to the "monitoring committee." Who composes this monitoring committee? What are they monitoring? How often do they meet, where are their reports?

MS. MODISHER. The monitoring committee is composed of representatives from the University of Tennessee, the Board of Regents, the Tennessee Higher Education Commission, and various community people.¹ It monitors the progress under all aspects of the Stipulation of Settlement. The monitoring committee issues an annual report with statistics regarding student enrollment, faculty, staff, and administration. These annual monitoring committee reports can be found at the attorney general's office and at the Tennessee Higher Education Commission. They are filed with the courts and

with the plaintiff parties each year.

MS. BERZ. So they meet just once a year?

MS. MODISHER. They meet more often than that. At least once a year.

MS. BERZ. So the report is an objective report as opposed to a subjective or a substantial report dealing with issues of institutional racism. Is it numbers?

MS. MODISHER. The report is numbers, but it is also subjective evaluations of the effectiveness of the programs. For instance, last year, the preprofessional program, which has been the subject of so much debate in the first 2 or 3 years of the efforts to implement that--we found that students were not enrolling in the numbers that we had hoped. That was evaluated and put before the desegregation monitoring committee with a proposal to change the way that it was implemented, to hire a full-time staff person, to recruit students in different ways to be part of the preprofessional program so that we would have a full-time student enrollment. So it's an evaluation of the effectiveness of the programs.

MS. BERZ. As I have reviewed some of the monitoring committee reports and looked at those who were on the monitoring committee, it looks like the monitoring committee is composed of people who are monitoring themselves. I'm hit with the lack of objectivity. Can you help clear that up for me?

MS. MODISHER. Certainly the monitoring committee is primarily composed of the people who are required to implement the plan. There are also community people on the committee whose job, I think, is to hold the institutions accountable. The institutions also hold each other accountable.

In addition, the plaintiff parties, of which there are now four, receive these reports and under the Stipulation of Settlement can write to the defendants and say, "We're concerned that you're not doing this," or, "You're not in good faith doing that." So that's yet another way to hold the parties accountable.

MR. DUPREE. How much of the work of the monitoring committee, from your estimation, has been devoted towards the Tennessee State situation, and how much to higher education components in other parts of the State?

MS. MODISHER. I think it's been proportional, the monitoring committee has looked all across the State. Certainly Tennessee State University is part

of that, and MTS [Middle Tennessee State] is part of that in terms of looking at Middle Tennessee, but the situations in East Tennessee and Chattanooga and Memphis are also considered at each meeting.

MR. DUPREE. Proportional to the crisis or proportional to the situation?

MS. MODISHER. When there is a crisis about TSU, certainly attention is paid to that, but I think the monitoring committee does not just respond to what seems to be in the media, but is always considering its duty across the State.

MR. DUPREE. How many people are on this committee?

MS. MODISHER. I'm sorry I can't give you a number, but I can look it up and get that to you.²

MR. DUPREE. I'd appreciate that. Also, has the committee adopted a form of goals and/or timetables or objectives for faculty and staff statewide?

MS. MODISHER. Yes, Section III of the Stipulation of Settlement provided for specific goals for desegregation of faculty at each institution across the State, and that is embodied in plans submitted by both the University of Tennessee and by the Board of Regents.

MR. DUPREE. Do you know what factual data the projected goals were based on?

MS. MODISHER. I would have to read the report to give you the most accurate answer on that.

MR. DUPREE. Have they been updated since the 1974 goals that were proposed and put in place or were they simply adopted?

MS. MODISHER. I believe updated each year.

MS. WURZBURG. I was reading with interest that the University of Tennessee-Knoxville had a task force to address problems there. Is there any intake procedure of the monitoring committee that would accept statements or concerns that either students or faculty or administrators might have regarding desegregation in that school?

MS. MODISHER. I think any member of the public can address their concern to the monitoring committee.

MS. WURZBURG. Has a specific procedure been set up that would intake and document and act upon their concerns?

MS. MODISHER. I think Dr. Roaden could answer that question more

accurately than myself.

MR. FRIEDMAN. Has there been any response by the court to the reports of the monitoring committee?

MS. MODISHER. The court has not made any formal response. Since 1984 there has been an additional motion for further relief which has been denied by the court, but the court has not made any formal response, nor has it been requested to make a formal response to the reports.

MR. FRIEDMAN. What percentage of the members of the monitoring committee are representatives of minority groups?

MS. MODISHER. Again, I don't know specific numbers. Perhaps Dr. Roaden could tell you that.³

MS. BERZ. Do you have some idea of why each of these [monitoring committee] members were selected?

MS. MODISHER. The monitoring committee has been in place since 1974 and I—

MS. BERZ. The same committee?

MS. MODISHER. No, the process itself. Of course, the current members are serving terms...and again, Dr. Roaden will be able to answer that question.

CHAIRMAN BLUMSTEIN. We would now like to welcome Dr. Arliss Roaden, executive director of the Tennessee Higher Education Commission. Dr. Roaden is a member of the desegregation monitoring committee, the Tennessee Student Assistance Corporation. He also serves as an ex-officio member of the State Board of Regents and of the University of Tennessee system and was president of the Tennessee Technological University prior to assuming his present office. It is my understanding he is here representing higher education in Tennessee with a broad-brush perspective.

**Statement of Dr. Arliss L. Roaden, Executive Director
Tennessee Higher Education Commission**

When I first learned that the State Advisory Committee was going to hold this forum, I was somewhat concerned that it was untimely in view of our being at midstream relative to the 1984 Stipulation of Settlement. However, after further reflection, I feel it can have a positive effect by keeping the issue before the public and by making all citizens aware of the opportunities for learning, for scholarships, and for career advancement

through Tennessee institutions of higher education.

I have been asked to speak on behalf of the Governor, the State Board of Regents, the University of Tennessee system, and the Tennessee Higher Education Commission. The desegregation monitoring committee was established on November 17, 1975, by the court to monitor progress in desegregation. The chief executive officers of the commission, the Board of Regents, and of the University of Tennessee, in addition to three lay board members from each of the three bodies I mentioned, constitute the 12-member committee. In the Stipulation of Settlement in 1984, the monitoring committee was given the following specific responsibilities:

The Committee will identify problem areas and make recommendations to the defendants concerning research and actions that should be undertaken and new programs that should be developed to address problem areas.

Each monitoring committee report was then required to include a description of specific steps taken to implement each provision in [the] settlement agreement. In areas where sufficient progress has not been made, the desegregation monitoring committee is to include in the monitoring committee report further steps to be taken by the boards to assure progress in those area[s]....

Each desegregation monitoring committee report also shall include a listing of each presidential/chancellor, vice presidential/vice chancellor and dean position filled during the reporting period at each university, with the number and race of applicants for each position and the race of the person selected.

Progress toward desegregation at Tennessee State University TSU was placed under the desegregation monitoring committee for the first time.

Previously, under earlier court orders, the UIN-TSU merger was felt to have "cured" desegregation problems at that institution.

Members of the State Advisory Committee have received copies of the Stipulation of Settlement and of the last two annual desegregation monitoring committee reports. If members of the press or public would like copies, please write or call the Higher Education Commission, 741-7572.

The Stipulation required that a number of programs be implemented, namely:

Remediation (IIF, IIK)

additional State funds to provide developmental education programs (College Preparatory Institutes) to promote retention;

Other-Race Student Incentives (IIG)

funds to provide tuition discounts, grants, etc. to encourage enrollment and retention of other-race students;

Graduate Scholarships (IIH)

funds to provide scholarships to blacks in graduate programs in which blacks are underrepresented;

The Tennessee Pre-Professional Program (IIN)

funds to provide special counseling and instructional activities to selected currently enrolled black undergraduates who desire to enter professional programs at State institutions;

Black Employee Recruitment (IIIA)

funds to employ and provide operating expenses for personnel to coordinate and promote the employment of black staff at SBR institutions; funds to support extraordinary efforts in recruiting black employees;

Other-Race Employment Incentives (IIIB)

funds to pay moving or commuting costs, released time, and other expenses necessary to attract other-race faculty and staff members;

The Grow Your Own Program (IIIC)

funds to enable institutions to pay the cost of graduate study for black students who would then serve as faculty members or administrators for a stated period, in return for the support given;

Black Staff Development (IIID)

funds to enable black staff members to obtain advanced degrees or other special training and become eligible for higher rank/salaried positions;

Black Faculty Development (IIIE)

funds to enable currently employed black faculty members to pursue terminal degrees in order to qualify for promotion or advancement;

The Enhancement of TSU (IVA, F & G)

funds for the Ph.D. program in public administration;

An Institute of Government at TSU (IVH)

funds to enable TSU to organize a research and service institute to meet the needs of State and local government, and to offer degree courses in the public administration field; and

MTSU-TSU Matching Scholarships (IVI)

funds for each institution to attract and retain "other-race" students.

The State Board of Regents (SBR) has completed a physical facilities study for TSU that compared TSU and other regional, predominantly white institutions to identify deficiencies in TSU's physical plant and total campus environment. Certain capital projects have been undertaken as a result, and others are planned.

In addition to the programs required under the stipulation, a number of desegregation programs which existed prior to the stipulation have been continued and additional non-stipulation programs have been developed or

expanded, including:

the Pre-Medical Enrichment Program - a summer academic enrichment experience for minority and/or disadvantaged college students interested in health careers;

Law School Scholarships;

the Introduction to Computer and Engineering Workshop - a 4-week summer, residential opportunity for minorities and women to be exposed to scientific disciplines needed in computer science and engineering;

the Employment Development Program - funds provide registration and travel expenses for minorities to attend national conferences and workshops to improve job skills;

Law School Affirmative Action - funds provide for scholarships, recruitment at historically black colleges, and support for the CLEO program;

the Tennessee Minority Health Careers Program - a summer academic enrichment program for high school students, incorporating exposure to the various health career options;

Post-Doctoral Fellowships in veterinary medicine; and

Black Medical-Dental-Pharmacy Conditional Grants.

The programs I've mentioned here are those for which special funding is received. There are many things being done to facilitate desegregation out of the general budgets of the institutions.

Only the implementation of programs, regardless of how they are funded, is not enough; these programs are only signs. The key is commitment. Public higher education's true purpose is to serve all of the citizens of this State, to make an excellent, quality education available to all, and to encourage all citizens to partake of it. All citizens must view public higher education as a way to realize their dreams, rather than as an impediment to their success.

The Master Plan, a document which guides developments in higher education over 5-year periods, includes desegregation as a high priority, another sign of higher education's commitment to this effort. According to the Master Plan's executive summary:

Higher education in Tennessee shall be for all citizens who are interested and academically qualified.

Neither the financial status nor the social status of Tennesseans should serve as a barrier to higher education. Financial aid, as well as academic advising and social support services, must be readily available.

Appropriate representation of women and blacks among students, graduates, and employees at each public college and university in Tennessee (must be achieved).

Joining other State higher education executive officers across the United States, citing moral imperatives and economic necessity, in a press release on July 24 of this year, I said earlier and now reiterate,

"A Difference of Degrees: State Initiatives to Improve Minority Student Achievement, issued by a task force of State Higher Education Executive Officers...."

We simply can no longer content ourselves with progress for minorities that is episodic, grudging, and vulnerable to quick reversal at the slightest hint of benign indifference.

Despite two decades, and more, of effort to improve minority educational attainment, minority students remain seriously underrepresented in our nation's colleges. Enrollment gains achieved in the mid-to-late 1970s have plateaued and, in some cases, slipped. Equally troubling is the fact that achievement levels (in terms of both academic performance and persistence to the baccalaureate degree) of minority college students tend to lag behind those of their majority peers.

The country can no longer countenance significant shortfalls in minority student achievement, nor can it tolerate anything less than wholehearted commitment to their removal. Some of the most fundamental principles of our society are at stake in this effort, and the consequences of failure are sobering, especially in view of the steady proportional increase in our minority population. The threat to our national character and well-being posed by these achievement gaps (and the large socioeconomic disparities they reflect) has never been greater; fortunately, however, neither has the opportunity to achieve a major social transformation through education ever been more promising. The country's shrinking pool of young adults combined with the economy's growing appetite for (and dependency on) entry-level workers with higher-order skills means that college-educated minorities have substantial potential for rapid economic advancement. Educators, however, first must ensure that sufficient numbers of minority students receive the preparation--and college degrees--that they need to succeed.

Nationally, the percentages of blacks enrolled in 4- or 2-year higher education has fallen from 9.4 percent to 8.8 percent from 1978 to 1984. In Tennessee, from 1978 to 1986, black enrollment has fallen from 14.3 percent to 12 percent. Yet our 12 percent figure, though not as high as we'd like, is ahead of the national figures for the crest of black enrollment in the late 1970s. If it weren't for Tennessee's vigorous activities to acquire

and retain black presence, based on national trends, the presence of blacks in the public higher education system in Tennessee would be lower presumptively.

In 1987-88, \$4,989,000 in special desegregation funds alone was appropriated. As a result of the commission's November 6, 1987, meeting, a recommendation of \$5,328,000 for 1988-89 will be forwarded to the Governor.

A great deal of attention has been focused, here in Tennessee, on the enrollment and graduation of graduate students. Today's graduate students are tomorrow's teachers and role models. In February 1987 a statewide conference-workshop of graduate school deans was held and each institution examined its past strengths and weaknesses with black students, [and] developed plans to increase black presence. The convening of such a conference came out of Tennessee's commitment to get the job done, another sign of higher education's commitment.

As we proceed, we regularly evaluate programs' effectiveness and seek ways to improve desegregation programs. At the April 1987 meeting of the desegregation monitoring committee, flexibility was increased by removing the matching requirement in the State Board of Regent's (SBR) IIIC, D, and E (Grow Your Own, Black Staff Development, Black Faculty Development) programs (University of Tennessee programs did not have a matching requirement). Also in the SBR system, IIIE (Black Faculty Development) was expanded to include:

1. Release time for research - to enhance the ability of black faculty to achieve promotion, tenure or merit pay, faculty are allowed to be released for up to one half of their time for a year, including summer term.
2. Research assistants - black faculty are allowed research assistants unrelated to degree completion during both the academic year and summer term.
3. Management and leadership training.

Although the students who have attended the TPP [Tennessee Preprofessional Program] have benefited from it greatly, that program has been undersubscribed. After considerable study of the problem, a new interim director has been appointed from the faculty at the University of Tennessee at Memphis and the search had begun for a permanent director at the assistant vice chancellor level. The steering committee of TPP has been

altered to have increased input from the deans of the colleges of law, medicine, dentistry, veterinary medicine, and pharmacy. After discussion with the plaintiffs in Geier, black sophomore Tennessee residents who are enrolled at schools other than public Tennessee higher education institutions may be allowed to participate in TPP on a space-available basis.

Another problem in desegregation that has received considerable media attention recently is the underenrollment of blacks in the college of medicine at the University of Tennessee at Memphis. To address this problem, the following steps have been taken or are now in progress:

1. Arrangements have been made for the UT Memphis Admissions Office to immediately inform the college of medicine when an inquiry or application is received from a black individual.
2. An individual representing the college of medicine and its admissions committee will contact the potential applicant to express the interest of the college and to offer assistance in completing the application process.
3. The college of medicine will institute an early and aggressive recruiting campaign to attract those applicants found to be acceptable.
4. The composition of the admissions committee has been altered by the addition of three new black members. Two are assistant professors of medicine; the other is the president of the Bluff City Medical Society.
5. The Associate Dean for Academic Affairs in the college of medicine has been charged to: (a) design and implement a decreased-density, extended-time curricular option; and (b) to establish an improved academic support system which will include a revitalized learning center and formalized tutorials.

With academic access assured and academic and personal support available, appropriate financial aid for the varying income levels of students must be addressed. According to the American Council on Education's 1986 survey:

Freshmen participation in the federally-funded Pell Grant program declined by nearly half since 1980, according to the 21st annual survey of entering freshmen conducted jointly by UCLA and the American Council on Education. Only 16.9 percent of the freshmen entering college in fall 1986 reported receiving Pell Grants, compared to 19.9 percent in 1985 and 31.5 percent in 1980. In contrast, one freshman in four (25.4 percent) has a Guaranteed Student Loan (GSL) this year, up from 23.0 percent last year and 20.9 percent in 1980.

The 1986 survey also points to rising freshman interest in education

and business careers and a decline in the proportion of freshmen planning to pursue careers in computing and health-related fields.

The data on Federal grants and loans point to dramatic shifts in the way American college students and their families have had to cope with changing Federal aid policies over the past six years, says UCLA Professor Alexander W. Astin, director of the study. Changes in Federal aid eligibility regulations have contributed to a steady decline in the proportion of freshmen participating in the Pell Grant program and rapidly rising dependence on loans.

Astin adds that students who receive loans may not fare as well in college as their peers. Beyond the effects that these reductions may have on the decisions of poor students to attend college, says Professor Astin, research on student persistence and degree completion suggests that heavy reliance on loans may contribute to the decision to drop out of college.

In conclusion, the goal of truly desegregating all aspects of public higher education in Tennessee is ambitious but essential. Programs aimed toward that end must be updated and kept current. New ideas like community-based education programs, K through 12 higher education partnerships, community college - university partnerships must be explored. Groups and individuals, such as the State Advisory Committee, must work together, rather than in opposition to another. Borrowing, in part, from the State Higher Education Executive Officers' report, A Difference of Degrees, we all must work together to see that:

1. the issue of desegregation and minority student achievement remains a preeminent concern for higher education;
2. the States and the Federal Government do their full share to remove the economic barriers to college attendance;
3. resources to support minority-related programming, including cooperative ventures, are pursued;
4. higher educators work more closely with elementary and secondary educators;
5. broader means of assessing students for admission are employed;
6. opportunities are available both at 2- and 4-year institutions; and
7. information is disseminated, both to the public and the higher education community, about higher education opportunities for minority students and progress in meeting their needs.

Addendum received from Dr. Roaden in a letter to Professor James F. Blumstein, November 25, 1987:

It has come to my attention that concern has been raised about the

expenditure of desegregation funds at UT's College of Veterinary Medicine (UTVM), which does not have any black students pursuing the D.V.M. at this time. Desegregation monies at UTVM are used, generally, to support black post-doctoral students. This past year, UTVM hosted a nationwide conference at which pre-veterinary medicine advisors, from predominantly black and/or significantly black institutions, toured the UTVM campus, learned more about UTVM's academic program, and, most importantly, learned and/or had reaffirmed UTVM's commitment to enrolling and graduating black D.V.M. students.

MR. PONDER. Do you have any leeway in this, or are you strictly following what is legislated?

DR. ROADEN. We do have leeway in higher education to try to pursue the courses that we think would best achieve the objectives which are set up, but we also have things that are specifically stipulated in the Stipulation of Settlement which we identify by number and title, and which we monitor very carefully to make sure that they are done, but we certainly have latitude in going beyond those.

DR. PONDER. What is your discretion in terms of the employment of black faculty on a tenured track, and black administrators in the administration of the institution, rather than some auxiliary unit on the side? Do you have discretion there or is this legislated?

DR. ROADEN. That is not legislated, Dr. Ponder. The colleges and universities and the governing boards certainly have the charge and the latitude of appointing minorities at all levels within the institution.

DR. PONDER. Can you give us the figures on how well you have done?

DR. ROADEN. Yes, sir. Those figures are included through fall of 1986, and they're in the materials which I have provided. (Appendix B).

DR. PONDER. Given what you outlined, it seems that at least you have what in my opinion would be something that is workable. I would suggest that we push harder for the employment of people because desegregation is going to be very difficult to carry out whatever TSU is trying to do.

DR. ROADEN. That's a good observation.

MS. BERZ. Dr. Roaden, as I understand it, you are representing the Board of Regents, the governor, the Higher Education Committee.

When we initially started planning this forum we wanted direct representation from each one of these institutions because we had specific instances from these institutions. Have you any reason why you are representing everybody important in the State?

DR. ROADEN. The desegregation program is statewide in scope. The settlement itself pertains to each of our public higher education institutions in the State, and as I'm sure you are aware, in terms of government of our public institutions, there are two governing boards, and the Higher Education Commission is the coordinating body, and it just seemed important to provide a statewide report because it's a statewide issue.

MS. BERZ. You mention that the monitoring committee was made up of administrators of institutions, and that the lay people on this committee were board members of these same institutions. Does that not imply vested interest and subjectivity as opposed to objective monitoring?

DR. ROADEN. First of all, each of our institutions does not have a board. There is a board of trustees for all of the University of Tennessee institutions, and a board of regents for the other public post-secondary institutions in the State and the Tennessee Higher Education Commission, so we're talking about three bodies. So there are three lay representatives from each of those three bodies, plus the executive officers of each of those three bodies.

Your question is, does that not suggest subjectivity rather than objectivity? It does not suggest that to me. I think when one looks at the monitoring committee report and the kind of actions that have been taken, one has to realize that those who are affected by actions taken are in the best position of promoting it and getting the work done.

MS. BERZ. Okay. So I would assume that those affected by the actions taken would be the focus...those who have previously been discriminated against. I see none of them on the committees. I'm just wondering, are there any regular folks on this monitoring committee?

DR. ROADEN. We're all regular folk. There are no at-large members. Just ones I described.

MS. BERZ. I had the privilege several weeks ago of being on the UTK campus and, as I understand, the chancellor has set up a task force there chaired

by Professor Otis Cochran of the law school, looking at minority isolation, teacher faculty problems, these sorts of things. It was a very enlightening hearing because there were some very painful experiences recounted both by students and faculty. If you are representing UTK, can you speak to the process of what's going on at UTK?

DR. ROADEN. No, I cannot. The University of Tennessee-Knoxville has recently made some very fine progress in the appointment of administrative personnel on the campus, and there are task forces of that nature across the State because we're constantly trying to get the job done.

MS. BERZ. Okay, but you can't speak to this recent upheaval at Knoxville?

DR. ROADEN. No.

MS. BERZ. When I was a visiting professor at UTC 2 years ago, I thought the statewide system had a meeting here in Nashville that called all the black faculty and administrative kinds of folks in the entire system to take a look at the problem. The reason I know about it is I had to cover for my black cofaculty member. For purposes of this hearing, I have been looking for the report that was supposed to have been published and disseminated as a result of those hearings and find that following the hearings nothing was ever reported. Might you know where that is and could we have a copy of it?

DR. ROADEN. I would not know where that is, but if I can determine that, I certainly would provide a copy.⁴

MS. BERZ. The UT system. Mr. Boling, the whole met here in Nashville for a black faculty and administrators, it was a year-and-a-half ago, and for some reason that report of issues was never published. I think it would be very important information for us.

DR. ROADEN. I'll need to get some more details specifically on what meeting that is, but I'll be glad to try to run it down.

MS. WURZBURG. I had asked earlier if there is a process set up by the desegregation monitoring committee to accept concerns, for example, from the UT task force that has been written about in the newspaper lately. I appreciate your mentioning specifically the University of Tennessee-Memphis where I am from, and the medical school's recent experience. The very first black applicant to the orthodontist school resulted in the alumni association meeting and reporting to the University of Tennessee Administration

Committee its displeasure that there would be a black orthodontist student or candidate. You may or may not know, threatening letters and phone calls were received by the dean who was in support of trying to act affirmatively to desegregate that particular university.

CHAIRMAN BLUMSTEIN. When was this?

MS. WURZBURG. Last year in Memphis, Tennessee. The prejudicial treatment of the student, when he was finally received, makes me wonder when all of the dust settles and all the statistics are either submitted to the court from the desegregation monitoring committee or distributed to the public at large and to the various institutions, where can the individual who has experienced the hurt and pain of segregation plug into the desegregation monitoring committee to inform you of what's actually happening?

The reason I ask is so that all of these things just don't get swept under the carpet, that they get disseminated to the minority community and create what we call in the law a chilling effect. If that occurs, we're going to lose these kids to out-of-State schools, and that's what my concern is. Can you respond to whether there is a process to receive these kinds of concerns and complaints?

DR. ROADEN. I'm sure the monitoring committee would be pleased to learn of improved ways of making sure that it does get all of the information and all of the concerns expressed before the committee. The committee meetings are open. The dates are publicized in the media through news releases across the State, and once the agenda is developed, it's publicized, and certainly anybody who would like to appear before the committee is welcome.

MS. WURZBURG. Has it considered having hearings, such as what we are doing today, on its own?

DR. ROADEN. I do not recall any specific discussions in that regard. The committee has discussed the potential of meeting more frequently. It is scheduled to meet once a year after the data are analyzed from each fall. The committee has discussed the potential for meeting more frequently than that, but has not discussed, to my knowledge, a hearing. But I certainly should be glad to convey that notion to the committee members.

MR. MAY. Dr. Roaden, you mentioned a very great number of programs and a large amount of money coming forth from the State. \$5.3 million is a lot of money, but may not be nearly enough, I don't know. Programs you described are many and varied and innovative, apparently, but they may not be enough. We're going on the downhill side, and my question to you is, either professionally or as just folks, what's wrong?

DR. ROADEN. There is a great concern on my part and by professionals and others across the country, that the high school graduation rate of black Americans is continuing to increase, yet the rate of enrollment in college is decreasing.

Also, I have very great concerns about particular professions, and I think the teaching profession is the best example. The number of blacks going into teaching is decreasing rather dramatically across the country. The question is, why? That's a very difficult question to analyze in view of the varied programs that are underway.

I believe on most of those factors Tennessee is ahead of the national norms, and we think that through some of these programs we can turn that around in Tennessee. I personally am chairing a national task force seeking ways to attract more blacks into the teaching profession because I think that's where it all starts, and as Dr. Ponder suggested a few minutes ago, we need to get more employees on our faculties and in the administration throughout the public schools as well as our institutions of higher education. We have got a big job to do.

MR. DUPREE. If I understood your answer to Ms. Wurzburg correctly, there is no formal procedure by which a person may put a real world complaint rather than a statistical complaint in front of the desegregation committee. Is that correct?

DR. ROADEN. The only formal procedure which we have is to publicize the fact that the monitoring committee is meeting on such date and where it's meeting, and that's announced well in advance, and then the agenda is publicized. We do not have any procedures beyond that to go out and solicit those who want to speak before the committee, but quite frequently there are spokespersons who meet with the monitoring committee.

MR. DUPREE. Is there any procedure in place for the reception or

investigation of written complaints?

DR. ROADEN. Yes. Any complaints that are written, that are sent to either the boards or to the Higher Education Commission, are addressed.

MR. DUPREE. Is that done as a part of a procedure or just simply as a matter of good faith?

DR. ROADEN. It's done as a matter of procedures for handling anything that would come before our boards or the commission.

MR. DUPREE. You don't have a written procedure for handling something which does come in, but as a practical matter, as a matter of good faith, do you try to handle it appropriately?

DR. ROADEN. As a matter of good procedure, as well as good faith, yes.

MR. DUPREE. Now, in regard to a question that Dr. Ponder brought up earlier, do you keep individual statistics about tenure track entrance and tenure track retention of black faculty throughout the system?

DR. ROADEN. Yes, sir.

MR. DUPREE. Are those based on a proposed goal and timetable type situation?

DR. ROADEN. Yes.

MR. DUPREE. On what basis were the goals and timetables determined?

DR. ROADEN. The goals and timetables were set up over a 5-year period.

MR. DUPREE. Have the statistical goals changed since 1974 and how were these new statistical goals determined?

DR. ROADEN. Yes. New objectives were adopted a year ago by the monitoring committee. A number of modifications made from the original objectives were set up. One change that wasn't substantial in the results, but in concept, in setting up the objectives what the staff did and had been doing previously, was to look at the general population and then look at students enrolled in a specific institution and see where those students were coming from, what counties. Then the committee took the proportion of blacks and whites in each of the counties from which students are drawn and assumed that the ratio of blacks and whites should be approximately the same as the ratio of the general population of blacks and whites in those counties.

The change instituted a year ago did not take the general population into account, but rather took the general population of high school graduates,

those who theoretically would be qualified to enroll in higher education, assuming that to be a better measure.

A number of other changes were made in the graduate program enrollment objectives by looking at the proportion of citizens with 4 or more years of college, and taking that into account. Those are elaborated rather substantially in the minutes of the monitoring committee.

MR. DUPREE. In regard to faculty goals and timetables, both as to entrance to tenure tract, promotion, and retention, how were those statistics upgraded?

DR. ROADEN. Those statistics were not changed significantly from 1974. Again, we assumed that the objectives for recruiting faculty and top administrative personnel is that that's a national pool from which we're drawing, and we're competing nationally on those. We assume in the case of other hourly employees, or clerical and support personnel, that that's more of a local pool, and we take into consideration the distribution there.

MR. DUPREE. The 1974 statistics were based upon the information available at that time, is that correct?

MR. ROADEN. Yes, but I want to say again that last year those were completely analyzed and updated in every respect, and there were some changes made throughout those objectives and timetables that were more significant than others, but all of them were reviewed and action taken last year.

MR. DUPREE. Okay, I'm trying to center in just on the faculty question. In doing it this way, do we not perpetuate the existing situation rather than go to a realistic goal as to what should be obtained?

DR. ROADEN. I think the objectives are realistic on what should be attained. I think good objectives have been set up.

MR. DUPREE. In regard to your faculty, have any of your goals been exceeded?

DR. ROADEN. They have in some specific institutions. We have had those objectives exceeded. We have not in the total, however. But we're projecting out to '91.

MR. DUPREE. Now, in dealing with these statistics as they are delivered, you are delivering statistical reports, do these not also include the 2-year

colleges under the Board of Regents?

DR. ROADEN. Yes, sir.

MR. DUPREE. That material is also lumped in with the 4-year college and university figures in order to maintain a master overall percentage; is that not correct?

DR. ROADEN. It is not correct to suggest that each institution is not analyzed individually or the community colleges are not analyzed as community colleges. When you say they are all lumped together, to the extent that we have an aggregate number, there are norms that are established, but analyses are done institution by institution.

MR. DUPREE. I understand that, but the figures that you have discussed here today, in tossing out general figures, are overall throughout the entire population, is that correct?

DR. ROADEN. The figures I have supplied to members of the committee through the last two desegregation monitoring committee reports are broken down institution by institution.

MR. DUPREE. I was just asking you about the general figures that you have mentioned here today.

DR. ROADEN. Yes, when I use a composite figure, I'm averaging them.

MR. DUPREE. For all institutions. Thank you very much.

MR. FRIEDMAN. You mentioned that the overall rate of desegregation in Tennessee is higher than the overall rate of desegregation in the United States as a whole. Does this relate to the proportion of blacks in Tennessee and the proportion of blacks in the United States as a whole? For example, some States may have 1 percent blacks, some States may have a higher percentage. Their percentage of desegregation should be higher.

DR. ROADEN. I was citing national data, which concern the percentage of blacks in college across the United States versus the percentage of blacks in college in Tennessee.

MR. FRIEDMAN. In the statistics which have been furnished to us, apparently there is a small percentage of the goals for administrative positions and senior administrative positions being filled in Tennessee with minority applicants. What is the principal reason for this lag in those two fields?

DR. ROADEN. That's a very appropriate question. I know there is no absence of instructions or no absence of policy, and no absence of a sense of urgency for institutions to get on with the task. We have set up 1991 goals and then long-range goals, and we monitor those each year, and I'm sure you realize it's difficult to look from one year to the next and start making extrapolations or generalizations from those. We're looking down the pike, and it is our intent and our objective to see that the terms of stipulation are in fact met.

MR. FRIEDMAN. At the rate we're going, however, it may be a long time.

DR. ROADEN. I don't believe anybody is satisfied with the rate of progress in most respects. Nevertheless, it's entirely too early to say that it isn't going to work. I sense a commitment and a dedication to make it work.

MR. FRIEDMAN. Is the lack of progress being occasioned by the lack of qualified applicants, or are there other obstacles standing in the way of making greater progress?

DR. ROADEN. You are talking about student enrollment or personnel?

MR. FRIEDMAN. Talking about primarily personnel and faculty and senior administrative people.

DR. ROADEN. We're all aware of the limited pool of blacks who are coming out of Ph.D. programs, and we're all in competition for them.

CHAIRMAN BLUMSTEIN. Dr. Roaden, you rely upon applicants who have already gone through primary and secondary education. What types of coordination mechanisms exist between the higher education community and the prior primary and secondary education community to bring into your pipeline adequate numbers of students who are qualified to do the work that would be required in higher education?

DR. ROADEN. That obviously is an important objective to achieve. A part of the Comprehensive Education Reform Act [Tenn. Code Ann. Secs. 49-5-5001 through 5704 (Supp. 1987)] requires a higher education commission and State board of education to meet at least once annually, and also to file a joint report on progress that's being made on articulation between entrance to college and graduation from high school and a good number of other areas. So we do have the formal mechanism for addressing that. But we have a long way to go. I mentioned the college preparatory program which is set up and

also has funded approximately \$5 million for taking students who are underprepared to tackle degree granting credits. So they are provided remedial and developmental instruction and counseling in that program, and from there we provide feedback to the public schools on how well their students are doing. There is a good deal of liaison work between K through 12 education and post-secondary, but I think the wave of the future is to work a lot more closely than has been done in the past.

MS. BERZ. Ms. Modisher, is there any reason why the attorney general's office felt it unwise for the administrators of the various institutions that we're trying to take a look at not to come individually and speak before us but rather ask that Dr. Roaden represent all of them?

MS. MODISHER. I thought his answer to your question was similar to the one that I would give. We didn't tell anybody they couldn't come. The Board of Regents and UT and THEC got together and mutually decided that Dr. Roaden could be a spokesperson for all three boards and the Governor's office, partly based on the statewide nature of this inquiry, partly based on the amount of data that is available to the committee through the desegregation monitoring reports, and partly due to Dr. Roaden's role in the statewide effort.

MS. BERZ. So that if we want to question issues that are more subjective in nature, then we have no reason to feel that we're not free to contact these administrators directly and they have no reason to feel that they can't speak to us openly?

MS. MODISHER. Absolutely. First amendment.

CHAIRMAN BLUMSTEIN. Dr. Bond is vice chair of the Chattanooga Board of Education and served for 9 years as a member of the Board of Regents. He was also assistant superintendent of the Chattanooga school system.

Statement of Claude C. Bond

Vice Chairman, Chattanooga Board of Education

DR. BOND. Mr. Chairman, members of the committee, I'm delighted to be here this morning. To some extent I have been involved in higher education, having served for 9 years on the Board of Regents. I'm more or less an elementary-secondary man, not only as a practitioner and principal and teacher for a number of years, but now serving as vice chair of our board of

education in Chattanooga.

Mr. Chairman asked that I speak in terms of the minority perspective and [as] one who has served for a number of years out in the so-called trenches in education.

The problem of desegregation is not limited to Tennessee or even to the Southeast. It is a national problem with significant long-term implication. It seems to me that access and quality are the key elements in the desegregation issue. The question is, can the higher education institutions of Tennessee improve the quality of education and at the same time ensure access to those individuals historically denied higher educational opportunities. The answer, in my opinion, must be yes.

Many of the statistics you've already heard were recited by Dr. Roaden. Our statistics may vary just a little bit because of the timeframe in which they were picked up.

In 1979, 19.6 percent of all undergraduate students enrolling in the State Board of Regents universities and 17.5 percent of all undergraduate students enrolling in the community colleges were black. In 1986, 17.6 percent of all undergraduate students enrolling in State Board of Regents universities and 12.3 percent or 13.3 percent of all students enrolling in the community colleges were black. This significant statewide trend is also, I think, a national trend. A recent article in the New York Times stated that the latest Federal figures show that blacks have a smaller presence on American campuses, college campuses, than they had 6 years ago.

Black graduate students declined. Current figures show a nationwide decline from 21,000 full-time black graduate students in 1972 to 18,000 in 1984.

During the 1980 to 1984 period, black enrollment in graduate schools declined by 11.9 percent, and the number of black U.S. citizens to receive Ph.D.s fell from 4.4 to 4.1 percent. This is occurring at the same time we're having more black students graduate from high school.

The implications are clear. There are few black faculty because there are few Ph.D.s. There are few Ph.D.s because there are few role models to set examples for black students. According to James Blackwell at the University of Massachusetts, the presence of blacks on faculties is the most

significant predictor of success in recruiting black students to graduate in professional schools. We must continue every effort to recruit and retain qualified black faculty if we are to attract black students.

I agree with those educators who say that the American negro youngster has been a member of a large and distinctive group which historically has been subject to special legal, political, social, and educational action. Moreover, these same persons as well as other perceptive leaders, insist that to proceed from the notion that the American negro student academic experiences can be disconnected from the collective history of his race is both indefensible and irresponsible.

As a member of the minority community and as one involved in the educational process, I remain a strong advocate of opportunity and access for all students. I believe this can be accomplished without sacrificing quality. In fact, I hold that access and the principles undergirding quality education must be fused. This goal can be reached through the consistent efforts of compassionate, dedicated, well-prepared teachers who recognize and respect the worth and dignity of all students and the capacity of all students to achieve.

Many minority youngsters who enroll in college are less well-prepared than others. This places a greater responsibility on the colleges to assure that these newly found entrance doors do not simply become revolving doors. When this occurs there is a damaging and ripple effect. Not only is the affected student disillusioned and bitter, but very often his discouragement is communicated to other students who are contemplating applying to predominately white institutions.

It is crucial for teachers to be aware of these issues and their ramifications. The State Board of Regents schools, especially the community colleges, should be commended for their responsible and compassionate treatment of this issue. The remedial and developmental programs that have been implemented across the system provide a much needed second chance for these students, both black and white, without which they would be caught up in this revolving door.

Now the problems are many, but the penalty for failure is great. Fortunately, Tennessee has recognized this fact and has taken several

important steps to address the situation. Number one, as Dr. Roaden has just stated, affirmative action in hiring practices across the State is more than promises, and promises long-term results. Tennessee is committed, in my judgment, to the principles of affirmative action as is evidenced by the number of black faculty and staff holding higher level positions at our colleges and universities. This is not to say that we have arrived, because we have not. There is much to be done, but I think we are headed in the right direction.

Number two, State-supported financial initiatives, to encourage the recruitment and retention of black students, have had a major impact on black student enrollment and promise to continue to be a very positive policy. With reduced Federal aid to education and increasing tuition costs, which I have been greatly concerned about for the sake of minority students, the program in the State is bright for black students so long as they are able to participate in loan programs and other scholarship opportunities to help them overcome some of the financial difficulty.

Number three, State-supported financial initiatives, which provide opportunities for black faculty members to pursue the doctoral degree, have been received and are indicative of the State's commitment to attracting and retaining quality black faculty members. With the full support of the Tennessee Higher Education Commission and the college presidents, black faculty and staff have opportunity to pursue the doctorate without loss of earnings. This is very, very significant in my opinion.

Number four, colleges and universities across the State have established minority advisory boards to provide minority perspective into the decisionmaking process. The existence of these type boards are indications that higher education institutions take very seriously the ideas and issues and concerns of the black community and are making legitimate efforts to include them in the decisionmaking process.

And, five, I think this is very significant, we note that minority SAT scores are on the rise. They are up nationwide. This may be the most promising indicator of all. I say this parenthetically—we could never, in my opinion, achieve what we want to achieve in this connection until we send to the colleges and universities better prepared students, and we at the

high school level are addressing this problem and we are working with the institutions of higher education to articulate this situation as it exists.

If this trend continues we may conclude that one reason for improved test scores is that our high schools are graduating better prepared students. And I'm right in the trenches, I know we're doing that, but not doing nearly as much as we should do. We are just now beginning to really address this problem as we should. These students will, in turn, be better college students and with more and better options open to them as they choose career paths.

In order for the desegregation process to work permanently, attitudes based on limited interracial exposure, as well as feelings toward isolated negative experiences, must be rooted out of teachers. Many of our teachers feel they come with feelings and attitudes and perceptions. Attitudes can change, sometimes painfully and slowly, but they can be changed. I've observed the progress we have made in this connection, and I feel greatly encouraged by what is taking place. I salute Chancellor Tom Garland, former Chancellor Roy Nicks, Dr. Arliss Roaden, and Dr. Boling and others who are in positions of power, for what they have done in this connection, and above all our community college and university presidents for their efforts to promote desegregation in our State education system.

I am an optimist. As I have said earlier, there are many problems, but there are strategies being developed and plans of action implemented. Our leaders in higher education are not sitting idly by, they are taking steps to correct the situation.

CHAIRMAN BLUMSTEIN. Dr. Bond, I have a question for you. We were discussing with Dr. Roaden the relationships between the higher education community and the primary and secondary education community. Can you say a little bit, given that you span both communities, what institutional relationships exist between the two communities?

DR. BOND. I think at this point there is a much closer relationship than there has been. For example, in our community, we have Dr. Harry Wagoner, who has adopted our counselors to work with them and increase this articulation of the needs of the community colleges and the universities as to what we can do at the secondary level.

We have been apprised of the fact that the requirements are going to be stiffer coming into colleges, and those students who go less well prepared might as well prepare now at the secondary level so that when they go there they can remain there and not be in one of these in and out situations.

While I was on the Board of Regents, I served as a member of the monitoring committee, and we took complaints and grievances and observations from people and brought them to the committee, and we tried to address them. People are deeply concerned. We have gone through something here in the last several years that has been quite traumatic in many ways. I say that from a perspective of one who has had many bruising experiences in education and racewise and many other ways. I'm pleased we are heading in the right direction. We're not there, but with regard to this articulation between what the colleges expect and what we must do at the secondary level, I think we are making progress.

CHAIRMAN BLUMSTEIN. Dr. Brown is the dean of the Massey School at Belmont College. He was a former executive director of the Tennessee Higher Education Commission, I guess a predecessor of Dr. Roaden. From 1984 to 1986 Dr. Brown served on a special task force, appointed by President Reagan, to develop the model plan for financially distressed institutions. He now works with the Assistant Secretary of Education, Ronald Kimberling, in the application of that model.

Statement of Wayne Brown

Dean of the Massey School, Belmont College

DR. BROWN. I do believe, as a native Southerner and a native of Tennessee, having lived here and Florida most of my life, that we have experienced a great deal of progress in this area. The second comment is, it's not enough, and there are people, black people and other nonwhites living in this area who are, in my opinion, disenfranchised to an extent that should not be the case. And for the wrong reasons.

Those two comments sound in contradiction and I guess to some extent they are, but we have made a lot of progress. Things are not the way they were for me or for my son who graduated from high school last year. When I graduated from public high school in Tennessee, my black friends with whom I worked on my grandfather's farm in the summer went to a separate school.

They did not sit in the theater with me. They did not eat with me. They did not drink at the public fountains. They didn't ride, when we went to Memphis, on the same buses. They didn't sit in the back, they didn't ride on the buses when I went to Memphis. It was a different world.

My son graduated from high school this year. It's a better world with regard to those matters, but it's not yet a perfect situation.

I am concerned that we have a dual set of opportunities in a sense. I believe from my experience, if you are poor and nonwhite, that you won't have the opportunities that some other people have unless you work very hard and are fortunate enough to have during your high school years a family or a guardian or someone who really encourages you to look ahead toward a pluralistic society.

I am concerned that if you look at the data--and I don't have them--over the past several years on incoming freshmen at, say, Tennessee State University, and you compare those data on entry level scores for the black students going to other institutions, and you compare those with data 15 years ago, and you do the same thing in North Carolina for the five historically public black universities over there and in other Southern States, you are going to find that well-prepared black students academically are not going to the historically black, publicly funded institution in the numbers that they once did. They are found all over the place, often, but not always, on scholarships in other kinds of institutions, private, public, predominantly white, whatever. So you have a situation in which many of the South's historically black, publicly financed universities have lost the very students who have made the kind of successful alumni that those institutions are most proud of, the students who became doctors and attorneys and engineers and successful businesspeople. This is an opinion of Wayne Brown, not a public policy statement, based upon some examples that I have seen and watched. I do not think that those students are attending the historically black, publicly funded institutions in the numbers, the proportional numbers that they once did. They are going to be alumni of Memphis State, Middle Tennessee State, University of Tennessee, Vanderbilt, Harvard, and Stanford. That's where they are going to be.

We have a very able president here at Fisk University, one of three in the

State identified by the Exxon Foundation as the most effective college presidents in the United States, Henry Ponder. So good students are going to be found at Fisk. The profile of student entry score levels at Fisk and Tennessee State are significantly different than they were 2 years ago, and I have asked myself, why is that? I don't have a clear answer except that I think for a number of black students at the high school level and their parents, somehow we've successfully encouraged them to interface with a pluralistic society, and some of them do that at the level of going into college, some do that before then, and others don't wish to do that.

What has happened, in my opinion, in higher education in Tennessee, is that Tennessee State has some very fine programs, many of which have been developed in the past few years. Some very fine faculty members, some very fine administrators. Tennessee State is not perceived by the white community in Middle Tennessee as its State university. That's my opinion. And until Tennessee State is perceived by the white community, the leadership of the white community in Nashville, as its State university, it will not be a Tennessee State University. These terms get awfully confusing. I frankly don't think they mean anything anymore, but it will not be a comprehensive university to the extent that many of my friends at Tennessee State University want it to be because the base of support to encourage employees of companies to go there will not be there.

I've wondered, is that racism or what is that? I can't speak for everybody in Nashville. I don't know. For some people it is. For other people, I don't think it is. Our situation from a public standpoint is therefore still confused in the mind, I think, of a number of our leaders in the area, and we still have—I don't have the numbers—a significant flight of Nashville's students to MTS and to other State universities in the outlying communities, which probably would not be the case if they perceived Tennessee State as their university.

I'm not standing here to blame anyone. I agree with what I heard earlier. A great deal of progress has been made. But when the profile of the entry level students at a State university looks a whole lot like the profile of the students entering one of the most impoverished community college districts in the State, then that raises questions, and I think part of

those questions can be answered on the basis of my last comment, that is, in the perception of the people, whose university is this university or that university?

MS. BERZ. It looks like you are the last two administrative kinds of people that we are going to be talking with. Now neither of you are in public office relative to the questions I'm going to ask, so maybe we can speak freely here.

I'm concerned about the monitoring committee. I'm concerned that there's a tremendous leap between perception and reality. Having served on a university faculty as a visiting professor, now being on a different university campus pursuing doctoral studies, having attended these meetings of community leaders, the Black Legislative Caucus, students and most recently faculty on the university campus, there seems to be something missing in translation of what's really happening and what the figures state or what the monitoring committee is reporting. Now, there may be two issues at hand, and perhaps you can help me with this. It seems that the monitoring committees, if I understand the makeup correctly, are composed of the people who were supposed to be monitored, that is, the administrators and the board members of the various institutions. So I'm again questioning the objectivity.

If I understand it correctly, the monitoring committee is meeting at this point, although there may be other future plans, only once a year, which I might question how much can we really get into monitoring. And as I understand the answers to Mr. Dupree's and Ms. Wurzburg's questions, there is no procedure for getting any other information of the more subjective nature other than what the committee itself sets up for getting. I see a lack of due process here, and I've got a problem with this. Let's talk due process, okay?

DR. BROWN. When I was sworn into office in 1975, the first thing I was involved with was to attempt to institute and activate a desegregation plan. There was a plan lying on the table before the Federal court. It had not been enacted by either of the governing boards, University of Tennessee nor by the Tennessee Higher Education Commission. I spent from May until June at these board meetings lobbying the boards, and my colleagues on the

staffs, president of University of Tennessee, chancellor of the Board of Regents, to enact a plan. I said I thought it was crazy for us to sit there and wait for the court to order us to do something when we had enough sense to know that we might not do everything right, but we should do something.

The monitoring committee was one of the elements in that plan. From the original point of view, the monitoring committee was to be made up of members of the boards, but it was an effort to bring the boards together, and there was a historical reason for that. I'm not arguing that it was the best way or the only way, but the historical reason was that we have one set of governance for the University of Tennessee system and one set of governance for the other institutions in the State, and then the Tennessee Higher Education Commission, which served as an overall coordinating board for certain financial and policy matters, and it was an effort to bring together representatives of those three boards and their key staff. The only seated staff members were the president of the University of Tennessee, the chancellor of the Board of Regents, and the executive director of the Higher Education Commission.

Initially, the monitoring committee met much more often, and I am disappointed to hear it's now meeting only once a year. That is not enough, in my opinion.

Over the years, the monitoring committee--too much work was done by the staffs and not enough by the lay members of the boards who, in my opinion, asked extraordinarily good questions when given enough time.

One thing you said I don't think I agree with. The monitoring committee and the individual boards and the Commission have the power to obtain additional information, and during my experience, that happened. In fact, there were massive newspaper headlines in Nashville because certain members of certain boards raised certain questions at certain times and then faculty members from affected institutions and other people came out of the woodwork and wanted to be heard. I think that has occurred. I'm not arguing that it's occurred as frequently as it should have or with the right results in every case. Those men and women, in my opinion, good men and women who wanted to do the right thing--the problem in this area was to figure out what the right thing was and what was the right thing for one set of public

institutions was not often the right thing for the other, and that made the operation of that monitoring committee quite difficult.

MS. BERZ. Was there some reason why folks unassociated with any of the institutions with no vested interests were excluded or not included?

DR. BROWN. You are asking why maybe a president or staff member or faculty members from a particular institution not be a seated member?

MS. BERZ. A community leader, such as a businessperson, that might look at these businesslike?

DR. BROWN. The only answer I can give to that is that the Federal judge, now deceased, Frank Gray, declared that the monitoring committee would be a continuing function and left it in place in the form that it was constituted originally, and required it to report to the Federal court at least annually on certain progress, and so once the Federal court declared that the monitoring committee was, and I quote, a communicator, if you will, with the court, then the structure just stayed in place.

The current judge, Judge Wiseman, could, I presume, at any time change that structure, and I know he has considered doing that. I'm not his spokesman. I don't know what he would do.

DR. BOND. Dr. Brown said something that I'm not going to let him get away with, because he was from Obion County and I was from Haywood County. We used to say this is indicative of the distance we have come. I was born and raised in Haywood County, went to country schools out there, and we had 6 months and white folks had 8 months, and I always thought it was paying too great a compliment to think we could learn in 6 months what it took the white kids 8 months to learn.

In Brownsville, Tennessee, black and white just didn't mix. But to go there now and anywhere else in the State where I have been, and I have been all across the State, we have made tremendous progress. We haven't gone nearly far enough. I'd ride in the back of the bus. I was on my way to college. We have come a long way attitudinally, and I know there is some racism, and I can hardly tell where it is here. But over here you see something which makes you feel like you are wrong.

CHAIRMAN BLUMSTEIN. The next panel includes State Senator Leonard Dunavant, vice chairman of the Senate Finance Committee; State

Representative Rufus Jones, Representative Jones also is a member of the Black Legislative Caucus; Professor Marvin Peek; and Mr. Richard Dinkins, a distinguished attorney in Nashville who has been representing one of the groups of plaintiffs in the State desegregation higher education litigation.

Statement of Leonard Dunavant

State Senator

SENATOR DUNAVANT. I have been in the legislature for some 21 years, and as I recall, we have a Tennessee State University, and which I guess was where the question that came to the suit arose, we have been appropriating more funds per FTE student, during all that period of time than we have at other institutions, and I voted for that.

I recently attended the Southern Regional Education Board meeting, of which I am a member, and one of the disturbing things that we find is that the enrollment of black students in colleges in America is down in the Nation and in the region. It's also down in Tennessee. That bothers me a great deal, and I think it bothers all who have a societal concern for the well-being of the State, for what a college education means in its full implications both economically, socially, and perhaps, beyond that, culturally and otherwise.

In 1979 one of the campuses of the UT Nashville and Tennessee State University were combined in the suit. It was also provided that the level of funding would be continued for 2 years even though the enrollment dropped significantly.

There was, between 1979 and 1986, a 25 percent decline in enrollment. The enrollment in 1979 was 8,438, it was 6,734 in 1986. It's up to 7,012 this year.

We have a predominantly black institution at Shelby State, and that's been declining, too. The chancellor views that as largely due to the character of the institution, that is, it's directed toward career education more than it is transfer education. Most of the students there, traditional and in all community colleges in Tennessee, come for a limited period of time. Sometimes they earn an associate degree at the end of 2 years, but when we envisioned and established the community college system in the State, we thought that these would be transfer institutions primarily, and

it's developed in all cases where they are predominantly white or black institutions that they are career oriented and career directed. But the enrollment is down there significantly, and primarily we think it's because of the economy, because it's focused toward jobs. The economy is good in Memphis, and we think it's down primarily for that reason.

For a while a number of students were allowed to enroll who were not really qualified to do college work, and they stayed there as long as they got a check and then they moved on. That's no longer the case. The attempt now is to make their stay there meaningful, and we applaud that.

There has been established on the campus a middle college, and we think this is a very significant step. It's directed toward students who are dropouts or potential dropouts. There are 90 students enrolled there. The start-up funds were provided by some outside help. They are targeting a number of 400 to attend. It's patterned after the LaGuardia School in New York. It's on the campus there, and we feel if we can get these students graduated from high school, they are accustomed to that, and they will tend to attend the Shelby State Community College. It is now 59 percent black, and most of the students who are attending this middle college are black and will help in bringing the black enrollment in college up in the State of Tennessee.

To give you some figures in Memphis, at State Technical Institution, a 2-year institution, there are 7,638 enrollees, 2,489 of whom are black. At Shelby State, there are 3,416 enrollees, 2,008 of whom are black. At Memphis State University, there are 20,476 students, 3,573 of whom are black.

In the Memphis area we have an all-black college in LeMoyne Owens, and we also have at Christian Brothers College, a church-supported institution, a 19 percent enrollment of blacks. So in the Memphis area, 25 percent of the total higher education students in public institutions are black, which we think is pretty good. It's probably the best in the State.

I'm vice chairman of the finance committee, and we've appropriated significant dollars pursuant to the court order to help with integration and balancing in these various institutions. How do I perceive the results?

I think as long as Tennessee State University is located where it is, that

you're not going to have a majority of white students there. I think further that the people who have attended there, with whom I have talked about it seriously, feel that the majority of the black students want it to remain a predominantly black institution. It's a matter of pride with them, and I understand that, and it's a matter of pride with a lot of the black community across the State that it remain with that character.

These matters are going to be difficult to overcome in the foreseeable future. There are also other problems that we face in this area as far as attracting black students and trying to gain more black faculty. In the Memphis paper, I'm sure you saw where CBC, Christian Brother College, is offering a \$1,000 reward for somebody to put them in touch with a black faculty member or black staff member that they can hire.

When Dr. Cecil Humphreys was president of Memphis State, the black student association confronted him and wanted him to hire more black faculty. He said, "I want to, too. You help me find them, and if they are competent, we will hire them."

The competition from the midwestern and eastern institutions for the best black students is just unbelievable. It makes it difficult for Tennessee institutions to compete. A way that we have succeeded is pursuant to the court order. We are buying some black students into Tennessee State, and we are buying some of the students into other institutions by grants. This is having some effect, but we can't ultimately pay the price that some of the other institutions that are well endowed can pay, so this is going to contribute to the problem over a long period of time.

Since we have absolute freedom on entry to any institution, and I don't think there's any question for anybody not to enter any institution in the State presently. My concern is threefold: One, to better prepare black students to get into college; two, to get more black students to enter college; and three, and this is very important, to graduate more black students. We need to do this from almost any perspective that you can approach, and I have a sincere concern for this.

MS. WURZBURG. In 1972 there was a Republican administration in the Governor's office. We drafted a piece of legislation that was to be Tennessee's first antidiscrimination law in employment and public

accommodations, and when I sought a sponsor, it was unanimously decided, since we needed a Republican sponsor at the time, that Senator Dunavant would be the person most amenable. It took us 9 years to get that through the legislation. I believe Senator Williams finally traded it off for a trucking bill of some sort, and it finally got passed.

SENATOR DUNAVANT. I thought you were commenting on the ability and character of Senator Dunavant as regarded by his peers.

MS. WURZBURG. It was decided that you would be the man to be the most helpful, and I appreciate that.

The question that I have for both you and Representative Jones is when disenfranchised people want to redress their problems I have seen folk either resort to the courts or to the streets alternatively at different times in my lifetime.

It seems to me that this desegregation monitoring committee has been set up as demanded by the courts, but funded, if I'm not mistaken, by the legislature. Is that correct?

SENATOR DUNAVANT. I wish I could speak to that, but I am not sure. We probably are.

MS. WURZBURG. It looks like, at the moment, that the desegregation monitoring committee is the great hope; and we have been hearing some testimony this morning that it perhaps is not the recipient of concerns and complaints, but a group that does monitor the results of many kinds of actions, affirmative and otherwise, that are being taken to desegregate our higher education system. The legislature will take a very close look at it and monitor the monitoring committee to make sure it is doing what it ought to be doing. If, in fact, it is the great hope that anything is going to be different or changed--motions toward progress--then I hope that you all will look long and carefully at this and fund it adequately to make sure it can do what is supposed to be done. We have limited time left to get the job done, and we seem to be going backwards and not forward.

DR. PONDER. There's a perceived opinion, that I believe you alluded to, that the students at TSU would like for Tennessee State University, to remain black. What's wrong with that?

SENATOR DUNAVANT. I don't have any problem with it. The judge seemed to

have. I think it's a source of black pride, as the gentleman from West Tennessee wrote about, Roots is about black pride, and I think that's something that is okay.

DR. PONDER. Well, it's a different thing. What the judge has decreed, I am in favor of following because I am a law abiding citizen. But that isn't what I am saying.

SENATOR DUNAVANT. I'm not in favor of judges making law, and I think he did a lot of that there.

DR. PONDER. I don't want to get into that. I will accept it as it is. I'm not talking about the judge's decree.

CHAIRMAN BLUMSTEIN. Those hearings are going on elsewhere, Senator.

DR. PONDER. On racial percentages, that's not what I'm talking about. The racial percentages are whatever they are, so for the moment, let's accept that. The question is, what is wrong with TSU remaining a black institution?

SENATOR DUNAVANT. I repeat to you, sir, I have no problem with that.

DR. PONDER. Sixty percent white. I'm asking a different question, if it's 60 percent white, what is wrong with the students, the black students at TSU, wanting this to be the black institution of the State? There seems to be some problems with that.

SENATOR DUNAVANT. I don't have any problem with it. My statement is that I think that's a reality out there and there's nothing wrong with that reality.

DR. PONDER. Okay. You mentioned, and I've heard this plenty of times, someone said when students said we want some black teachers, that if they are competent, I'll hire them. Why do we have to put those kinds of conditions on hiring black folks?

SENATOR DUNAVANT. Because you put them on white folks, too.

DR. PONDER. Hold it now. Just a minute.

SENATOR DUNAVANT. I don't know the answer if that's so.

DR. PONDER. I want to be sure we are talking about the same thing.

SENATOR DUNAVANT. I don't agree with your premise, but go ahead.

DR. PONDER. You haven't heard my premise yet.

SENATOR DUNAVANT. I heard one.

DR. PONDER. You hire whites that fit the spectrum of intelligence, and you don't put on that requirement for hiring a black teacher at TSU or wherever, just a general statement. Now, if I said I was looking for a white teacher, the question would never come up, hire them if they are competent. I'm talking about the preconceived idea that there are black people who have Ph.D.s in English from the Vanderbilts of this world who are not competent. The white teachers who have Ph.D.s from the Vanderbilts of this world and--that question never comes up. That's what keeps you from hiring the people. Why do we keep saying that?

Is a Ph.D. from Vanderbilt an indication that you are competent?

SENATOR DONAVANT. Well, I should think it would be. I'm not an administrator, and I haven't hired anybody. I don't think you should keep anybody out, but let me tell you something in all candor. I don't want to be unkind, but there was a previous administrator out at TSU who butchered the English language, sir, and I heard him myself, and it bothered me.

DR. PONDER. It should. I have no problems with that.

SENATOR DONAVANT. I hope they're not hiring any whites that are incompetent. If they are, they ought to have the consequences of that. I don't think we should set up false barriers for hiring a black faculty member. The people that I talk to don't indicate that to me at all, but if they are, then that's wrong and I don't agree with it at all.

MS. BERZ. We've heard today that a lot of money has been allocated to helping solve some of our problems relative to desegregation, and I'm talking to you strictly as a legislator. What do you look to as proof that all of this money is being spent the way it's supposed to be spent? You've mentioned a lot of programs, and I've heard a lot of rhetoric about programs that are to help solve the problem. For instance, the grow-your-own program we've heard about--how do you know? Is it only through the monitoring committee? How do you know as a legislator that your money really is being spent to help bridge the gap?

SENATOR DONAVANT. Well, let me say two things: I keenly want black students to have every opportunity. I have subscribed to the excess funding or the extra funding out there that we have done across the years before there was any suit. When you say monitor, do you mean count noses?

MS. BERZ. Well, no. I'm understanding that the only watchdog that makes sure that all of this stuff is being done is a monitoring committee that is composed of the folks that are supposed to be monitored and meets once a year. If I were a legislator, I would want to make very sure that this monitoring committee that's supposedly watchdogging all these millions of dollars that are being spent was making sure that it actually was being done that way. Statistics can show anything.

SENATOR DUNAVANT. Of course, we are not on the scene and can't be on the scene. We appropriate the money. We are not administrators. We do have an education oversight committee, and I'm a member of that. I'm also a member of the education committee and have been for years. But I have to preface what I say now by the fact that I think some of these things are not going to happen and can't happen. I don't think you are going to get the numbers or the percentages like the court says we must unless you put a gun at somebody's head and say, "You are going to College X, or you are going to College Y." You can buy students to go as long as you are willing to pay for it and to whatever extent you are willing to pay for it as long as they are willing to go if you buy them. I don't know how long the list is about buying.

Now, I want everything carried out that can be done that's reasonable, but I think some of these things aren't reasonable. I think the court can decree forever, and I don't know what they are going to do to us. I don't know what that equal body of government is going to do to me if it doesn't happen, but that showdown may have to come some day, but I don't think we can make all these things happen. But we do monitor how the money is to be spent. Now, whether or not it accomplishes its purpose, it hasn't accomplished its purpose very much. We've moved those people who were willing to move for the dollars that we give them to go, but beyond that, I don't know how fast it's going to work, and some of it's not going to work, in my view.

CHAIRMAN BLUMSTEIN. Thank you. I have the numbers of 4.2 and 5.3 or 4.3 and 5.2 million for specialty desegregation funding that was mentioned by Dr. Roaden. Is the 5.2 going to be approved for the next fiscal year?

SENATOR DUNAVANT. I don't think we have any choice. Sadly, I think some

of that money could be better spent for the objective there, but I think we have to go down the road that the courts have charted for us to go on.

CHAIRMAN BLUMSTEIN. That money reflects the request that's coming through the system to you.

SENATOR DUNAVANT. That's right. The method is that the institutions make their proposals to their boards, the UT system makes theirs to the UT Board, and the Board of Regents makes theirs to the Board of Regents' Board. They then turn their request in to the Tennessee Higher Education Commission, and they refine those, reduce them, and we acknowledge the court order in our funding. It is spoken of overtly; it's a part of the appropriation procedure.

Now again, the minute function of these activities is not a matter that we are conversant with any more than we are conversant with the day-to-day operations of the whole government.

CHAIRMAN BLUMSTEIN. But on the gross level the legislature's appropriating money that's been requested?

SENATOR DUNAVANT. That's correct. We appropriated the money that was requested the last time.

CHAIRMAN BLUMSTEIN. Now I turn to the other members of our panel, Honorable Rufus Jones of the State House of Representatives; Professor Marvin Peek, president of Tennesseans for Justice in Higher Education and assistant to the dean of the University of Tennessee Graduate School in Knoxville; civil rights attorney, Mr. Richard Dinkins, Esquire.

Statement of Rufus Jones

State House of Representatives

REPRESENTATIVE JONES. I appreciate the opportunity to speak before you. I'm going to start with a quote.

"But to pass them the extreme of danger to safety, from the tumult of war, to the tranquility of peace - though sweet in contemplation, requires a gradual composure of the senses to receive it. Even calmness, has the power of stunning when it opens too instantly upon us. In this pause, then, of reflection, while the storm is ceasing, and the long agitated mind vibrating to a rest, let us look back on the scenes we have passed, and learn from experiences what is yet to be done."

The words of Thomas Paine, in "The Pen of the American Revolution," formed

an appropriate perspective for assessing the desegregation of public higher education in Tennessee. Our nation just finished celebrating the 200th anniversary of the Constitution, and this is the 30th Anniversary of the United States Civil Rights Commission. The joint existence of these entities illustrates the paradox implicit in the desegregation of public higher education in Tennessee. How can this nation build a society where "all men are created equal..." [and] be "endowed by their creator," with "inalienable rights of life, liberty, the pursuit of happiness," and "justice for all." How can this nation live up to its creeds, and simultaneously deny African Americans such rights? From this perspective, then, "let us look back on the scenes we have passed, and learn from these experiences, what is to be done."

The desegregation of Tennessee's public higher education system is an outgrowth of African Americans' pursuit of justice and equality. When Tennessee's higher education system was established in 1794, an African American was considered three-fifths of a person, according to the United States Constitution. In the 193 years that have transpired since then, the attitudes of such decisionmakers are still racist. The rationales used to justify racist treatment of African Americans have changed, but the unwillingness on the part of many European Americans to acknowledge and accept the meaning and value African Americans have for Tennessee, America, and the world remains. The primary focus of my brief remarks shall be on Tennessee's dual system of higher education.

As a legislator, I note here that the legislature has usually reacted to courts and social activism in the community. The laws of Tennessee were changed only after the Supreme Court and numerous appellate court rulings mandated that Tennessee had no alternative but to recognize desegregation as State law and policy. The policy of "separate but equal" was implied in this statute, though it was already a matter of social policy.

In 1937, in response to a 1935 lawsuit against the University of Tennessee School of Pharmacy in Memphis, the legislature passed a law providing out-of-State scholarships for African American students; \$2,500 per year was allocated for such purposes. Again, in 1941 in response to a 1939 lawsuit filed against the University of Tennessee's graduate schools and

professional schools, the legislature statutorily stated that the Tennessee Constitution said that separate but equal was law. The law of Tennessee did not change substantially until 1969 after more social actions and many court decisions. In 1969 Tennessee Code Annotated, [Section] 49-3206, formally desegregated Tennessee State University and made its programs available to all qualified citizens. Desegregation was finally the law 15 years after Brown v. Board of Education.

The major progress made in desegregating Tennessee's dual system of higher education has been made in accessibility; doors formerly closed to African Americans are now open to them. In fall 1986, 17,025 students of African descent attended Tennessee's public institutions of higher learning. This figure represents 12.88 percent of the State's student population, just 3 percentage points below the number of African Americans in the population as a whole. While these figures appear to be good on their face, such is not the case.

There is a large number of African American students attending Tennessee's junior colleges, many of whom do not make the transition to 4-year institutions. Moreover, Tennessee's public graduate and professional schools have an atrocious record of recruiting, retaining, and graduating African Americans. I am using for my reference the desegregation "Progress Report" compiled by the Tennessee Higher Education Commission, the University of Tennessee, and the State Board of Regents, dated April 22, 1987. Today, there are 15,483 African American undergraduate students in Tennessee's 22 public institutions of higher education. When Tennessee State University is excluded as the State's only historically and predominantly African American institution, there are 10,798 students of African descent attending undergraduate public schools. Of this number, 4,437 or 41 percent of the aforementioned students are concentrated in junior colleges. When these facts are compared to the white population, there is an obvious disparity.

There are 94,270 white undergraduate students attending public institutions of higher education in Tennessee. Of this, 26,881 or 28.51 percent of all European American undergraduates are attending public junior colleges in Tennessee. This 12.59 difference between the African American

and European American junior college-going rate is significant for several reasons. Most students enrolled in junior colleges never attend 4-year schools. The 1984, 1985, and 1986 school years saw a decline in black enrollment in our 4-year colleges. As an example, at Austin Peay University in the fall of 1984, 831 black students enrolled as undergraduates; in 1985, 779, and in 1986, 742. At Memphis State University in the fall of 1984, you had 3,315 [black] students. In 1985, there were 3,197, and in 1986, 2,972 black students were enrolled as undergraduates. With the implementation of the new standards for college entry, I see the trend getting worse with African American students' quest for higher education being curtailed to a greater degree.

The college-going rate gap is wider between African and European Americans in Tennessee's public graduate and professional schools than found in our undergraduate institutions.

Today there are 19,429 students enrolled in Tennessee's public graduate and professional schools. This total includes veterinary medicine, dentistry, medicine, pharmacy, law, applied and social sciences. Of this number, 1,542 or 7.95 percent of these students are of African descent. For purposes of clarity, 1,425 or 92.5 percent of African American graduate students who attend Tennessee State's public graduate schools are in the social sciences.

The high demand fields of law, medicine, dentistry, pharmacy, veterinary medicine, computer science, engineering, physics, biology, and chemistry are all dominated by white males. Of Tennessee's 908 law students, 68 are of African descent, which is 6.94 percent; dental schools have 12 of 354, which is 3.39 percent; the school of pharmacy has 7 out of 188 of African descent, which is 3.7 percent; of the veterinary medicine students, none of the 173 students are of African descent. The brand new school of veterinary medicine at the University of Tennessee-Knoxville has not had an African American student in its history, yet THEC recommends \$17,000 for fiscal year 1985, \$27,000 for 1986, \$47,000 for fiscal year 1987, and \$45,000 for 1988 for the University of Tennessee school of veterinary medicine for desegregation activities.

No solid evidence has yet been produced in this report that convinces me

that we as Tennesseans need to spend our tax dollars in the school of veterinary medicine, not when we see our dollars are going for desegregation activities and the exclusive enrollment of students are all white. What are these institutions doing with desegregation funds?⁵ Why is the State of Tennessee funding institutions that obviously are not reaching their objectives? It is evident from the facts given in the report that the proposed programs of Tennessee's institutions of public higher education presently, for the purpose of desegregation, have no substance and must be reassessed.

If there is one professional school in Tennessee's public system of higher education whose record embodies the recalcitrant resistance to change, that school is the University of Tennessee-Memphis Medical School.

In a city that has a 50 percent African American population, administrators at the University of Tennessee-Memphis claim they cannot find students of African descent to attend their medical school. Since 1978 the UT-Memphis Medical School has enrolled 28 students of African descent and graduated 21; the dental school has enrolled 21 and graduated 18; the pharmacy school has enrolled 28 and graduated 23; the nursing school has enrolled 62 and graduated 46; and the physical therapy program has enrolled 8 students and graduated 6. For the 10-year period, these figures are outrageous.

The University of Tennessee Center has a tragic and disgraceful record of recruiting, retaining, and graduating students of African descent. When the University of Tennessee-Memphis is compared to Tennessee's other public medical school at East Tennessee, Tennessee State University, it is significant to note that this regional school in Tennessee has a 1 percent African American population and was able to recruit 74 students of African descent to their school in 5 years. If UT Memphis' 20-year recruitment effort continues generating such pitiful results, I recommend the school lose its accreditation and, if necessary, be closed.

The problem of limited access, retention, attainment, and graduation of African Americans is not limited to Tennessee's graduate and professional schools. African American schools, administrators, and professors encounter the same attitude.

There are 1,369 administrators directing Tennessee's public higher education system of which 136, or 9.93 percent, are of African descent. Of 6,448 faculty, you have 434 blacks, which is 6.73 percent. Out of 4,937 professionals, 352 or 7.13 percent are of African descent.

Once again, it is important to note that 54 of the 136 administrators, 169 of 434 teaching faculty, and 70 of 352 professionals of African descent are at Tennessee State University. Moreover, the foregoing numbers indicate clearly that African Americans are being used as technicians rather than teachers and administrators who have a direct bearing on student output. Were it not for TSU, the record of our Tennessee higher education system would be more dismal.

During the 1985-1986 academic year, 19,777 college degrees were awarded to students of Tennessee's public institutions of higher education. Of this total 1,761, or 9.23 percent, were awarded to African Americans, 1,112 bachelors degrees were awarded to African American students last year in 1986 of which 382, or 35 percent, came from Tennessee State University, 17 doctoral degrees were awarded to students of African descent, with Tennessee State producing 4 of 25 of those. Master's degrees were awarded 272 students of African descent, of which 65 came from Tennessee State University. The areas where African Americans are needed the most, the professions, medicine, dentistry, pharmacy, computer science, engineering, physics, biology, and telecommunications, are the areas in which they fared the worst in obtaining advanced degrees.

In 1986, 697 professional degrees were awarded at Tennessee's public graduate schools. Only 34, or 4.88 percent, of those professional degrees were awarded to African Americans. During the past 7 years, 5,258 professional degrees have been awarded by Tennessee's public graduate schools, and only 132, or 2.4 percent, were awarded to African Americans. The pattern which emerges from these data indicates that African Americans of Tennessee's white schools, whether students, faculty, or administrators and staff, were concentrated at the lower end of the spectrum. The last major obstacle to truly desegregating higher education in Tennessee will result from our public institutions providing services to citizens our community once discriminated against.

If the leadership of the State of Tennessee does not have the vision to understand the necessity of making extra efforts to accommodate the educational needs and interests of African Americans after doing something extra special against these people for nearly 200 years, then the desegregation effort will be a folly. Just as the desegregation of public higher education is an outgrowth of our struggle for justice and equality, the State's response to this struggle would determine whether we will be haunted by history. Remember, even calmness has the power of stunning when it comes too instantly upon us.

There has been nothing instant about our progress in desegregation of higher education in the State of Tennessee. Leaders, administrators, and policymakers have fought the idea and reality of desegregation inch by inch. The question is whether we will look back on the scenes we have passed and learn from experience what is yet to be done. We have talented black people in this State who will contribute great things to our young and elderly, but they will never get the chance if they are not given the proper training offered through our institutions of higher education. Tennessee's economy may miss something by hindering some young black man or woman from enrolling in one of its schools of engineering. Do we really share Lady Liberty's view by not discriminating because of an individual's race, color, or creed? If we are really about desegregation, then our public institutions of higher education are poor examples.

The decisions of slavery, servitude, and the resistance to desegregation at all levels were made by a previous generation of leaders, policymakers, and administrators. The past and present have not been and are not encouraging. However, I cannot help but be optimistic about the future. My forefathers were looking at a grimmer circumstance, and they were inspired to work for progress because of their belief in the fatherhood of God and the brotherhood of man.

There are new leaders in Tennessee who give me great hope for the future. I have confidence in Governor Ned Ray McWherter, the Board of Regents with Chancellor Tom Garland, the University of Tennessee Board of Trustees led by Dr. Ed Boling, and THEC under Dr. Arliss Roaden. These individuals are wrestling with problems they didn't create. I believe they are up to the

task. I realize it is our (yours and mine) responsibility to monitor their progress and to make suggestions and protests where necessary.

If we don't commit ourselves to work together to solve the many problems confronting us, what appears to be today's desegregation problems will become tomorrow's disaster.

Statement of Marvin Peek

President of Tennesseans for Justice in Higher Education

I'd like to make comments as president of Tennesseans for Justice in Higher Education, as an administrator at the University of Tennessee and as a black Tennessean. Having lived in Tennessee since 1966 and having traveled to almost all of the institutions, I think I have a fairly good assessment of what some people think about our educational system. Black people across the State are concerned about cuts in financial aid coupled with the increased tuition costs of our State institutions. I've run across a couple of skeptics who have suggested there's a diabolical plot contrived by those who want to keep schools like the University of Tennessee as white as possible. This plot is hidden behind supposed needs for additional revenue, hence the need to raise tuition.⁶

The general understanding is that whites are the least affected by such increases and the end result will be a drastic decrease in black enrollment at the major white institutions in this State.

My concern about increasing university fees is that people who earn only a portion of the income of white people and who are not likely to have the opportunities to participate in the great wealth that this nation possesses to the extent that white people do and will, it appears to me to be unwise to saddle these people, black Tennesseans, with the massive amount of debt it will take for them to borrow their way through college.

Desegregation will never take place in the State of Tennessee at any acceptable level until some realistic efforts are made by the State to provide scholarships for able students, grants for the marginal students, and low interest loans available to all who need them.

The enrollment at black institutions in this State is stable and in some specific instances has shown drastic increases. The State technological schools and community colleges are the recipients of increased black

enrollment, as Representative Jones has suggested. This is due in part to the increased financial barriers imposed by the State institutions in the form of raised tuitions and other additional costs. This bodes badly for black Americans because across the country, studies have proven that we are being bogged down in the institutions and, as has been said before, we don't intend to go on to 4-year institutions. Much of this again has to do with finances.

Another area of immense concern is the systematic and sustained attacks heaped upon Tennessee State University since it moved to attempt to resist encroachment of the University of Tennessee system. Governors, State representatives, college presidents, THEC commissioners, the news media, auditors representing virtually everybody, white faculty, and the list goes on: it's been a chorus of one in all of the vicious attacks on the financial and academic credibility on Tennessee State University.

Tennessee State University has been a stepchild since its inception and this hasn't changed. It's an important part of our State higher educational system as seen by black Americans, but has not been treated so by the powers that be in the State of Tennessee. It's been underfunded and unjustly scrutinized for years. Such attacks give a statement to black kids and parents across the State that TSU is not a place to send my child, that I can't entrust the care or the safety of my child to Tennessee State University. It sends a message that Tennessee State will not properly prepare my child with the information and the reasoning faculties to move on into the job market or into other forms of higher education. Such attacks aren't accidental nor are they unbiased. They are the product of racism and open and obvious discrimination.

Some people want TSU to become an Austin Peay or Middle Tennessee State, or even worse, the Nashville campus of the University of Tennessee. Black people across the State have long been aware that there are forces in the State of Tennessee who would like to see TSU become a white institution. That they would like for TSU to have a white president. We feel this would be wrong because it would ruin years of a strong history and contribution of Tennessee State University to the State system of higher education in Tennessee.

Black Tennesseans have only one black State school, that's TSU. That's our only chance to have input and a voice in higher education in this State. Changes that have been attempted over the past 5 years or so will take that one voice away from us. Figures, no matter where you get them from, as Representative Jones has attested to, that black people are not employed in positions in white institutions across the State to have a positive impact upon higher education and that TSU is our one chance to do such.

What is appalling to most black Americans, and still confusing to myself, is that UTK and other white institutions across the State have not been mandated to follow the same path that TSU has been mandated to do. If TSU is to integrate from the top down, then why doesn't the University of Tennessee and the Board of Regents' schools integrate from the top down?

Ten years ago the University of Tennessee at Knoxville had one black assistance vice president. Today, the University of Tennessee at Knoxville has one black assistant vice president. Ten years ago we had one black assistant vice chancellor. We have, within the last couple of months, hired an additional one. Now we have two black assistant vice chancellors. The point is, the University of Tennessee has no full vice president, no full vice chancellor, and just recently named a dean who has been in office for a couple of months. We have one dean. We have two black department heads. This does not give us any influence in what happens at the University of Tennessee. This is true in worse numbers at other institutions across the State.

Why does TSU have to have a white vice president? Why does TSU have to have white people in all levels of TSU administration and faculty in order to be comfortable and attractive surroundings for white students. Shouldn't black students have this same option? It seems to me that change in admission requirements that affect financial aid, all of these things are working against black students and against the idea that the State institutions in Tennessee really want to integrate.

I had a student a couple of years ago do a paper where he looked at the TSU case, and he did not understand why we would put the responsibility of desegregating higher education in the hands of those people who were responsible for segregation in the first place. And that's exactly what we

have done. It doesn't matter an awful lot that Dr. Boling and some others were not here when the case started. What's important is, are they different from the people who were here when the case started? This we don't know yet. It doesn't seem to be. We don't see any changes.

We have, over the years, seen that attacks on schools like TSU, constant comments about the quality of education at our black private institutions in the State obviates against attracting white students. If we were not concerned about keeping black schools black and white schools white, then we would not occupy so much of our time in the media attacking the quality of black institutions, but would come up with answers, if there are problems, and increase the quality of these institutions.

We think there have been unwarranted smear campaigns aimed directly at TSU and indirectly at black institutions in the State in an effort to halt any efforts to desegregate.

We also are very concerned that efforts made to desegregate are done totally at the expense at TSU. We are very concerned about the State, we're talking about the legislature, the Governor, THEC, the Boards of Regents, the Board of Trustees, who are entrusted with the responsibility for meeting to require events of desegregation, who have not lived up to their responsibility. We don't understand why TSU is singled out, and we would like something done about it.

For desegregation in higher education in Tennessee to occur, first of all, efforts must be made to enhance the income and the financial status of TSU, a serious study must be done to look at the role that black private schools are playing in the State, and the State must assume some responsibility for the financial welfare of these institutions. A study done some years ago by the State private institution[s] suggested that if all the black and white private schools in the State of Tennessee closed, that the State of Tennessee could not educate its students. That being true, the State of Tennessee has a responsibility to black and white private institutions.

We wanted to raise a couple of other points. We need to look at the monitoring system as well as those who make up the monitoring committee. An independent monitoring body would make a lot more sense than those people we currently have in place because we think that their objectives and the

objectives of the blacks across the State are different and that our interests are not being met in the present structure.

We are also concerned about the apathy that exists on the white college campus with respect to administrators and faculty. But we are even more concerned about the rampant racism that is developing across the country in the wake of Reaganomics. The University of Tennessee is just like Harvard and Brown and all the other institutions. We have had our racial problems, and though we have a task force looking at them, the monitoring committee has not responded to the racism at the University of Tennessee.

It's good to have a reward system, but reward systems don't work unless you have a punishment system for those who do not respond in a positive way. We have seen nothing developed in the State of Tennessee to punish those institutions that do not meet the requirements as mandated for desegregation in the State, and we'd like to see some sort of punishment set up so fear will become a factor and institutions will respond in a more positive way.

Statement of Richard Dinkins, Esq.

Williams and Dinkins

MR. DINKINS. I wish to thank the members of the State Advisory Committee for holding this long overdue forum. When the forum was originally proposed in the Spring of 1986, I had serious concerns about its timing—not only was it long overdue at that point, but it was proposed to be held at a time during which court proceedings were pending in the higher education desegregation litigation. I had other concerns as well, which I expressed in two letters to Chair Blumstein which are attached to my testimony.⁷

Now that we have reached a hiatus in the ongoing suit to effectively desegregate Tennessee's higher education systems, I believe the time is ripe for a reasoned, coordinated, and comprehensive implementation of the various plans called for by the Stipulation of Settlement. To the extent the State Advisory Committee can influence such a process of implementation, its assistance is necessary and welcome. If, however, the Committee chooses to engage in bickering over philosophies or theories of discrimination, victims or semantics, then it will have assisted in the further delay in fulfillment of the Constitution's guarantees of equal opportunity and equal protection of laws to the black citizens of Tennessee. My appearance here today is

made with the sincere hope that this Committee will exercise its influence to bring about the full implementation of the entire Stipulation of Settlement, particularly including the funding necessary.

Fundamental to the history and concept of public education in America and Tennessee are the beliefs that government should provide educational opportunities to its citizens and, perhaps more basic, that there should be a minimum level of achievement among citizens. Consistent with these beliefs are systems of public education developed at the elementary, secondary, college, graduate, and professional school levels. Graduate, professional and, to a lesser extent, undergraduate programs have also been used to provide research and technical assistance to governmental agencies and private concerns. Consistent with these objectives, the State of Tennessee developed comprehensive, competing systems of higher education--the University of Tennessee system, operated by the trustees of the University of Tennessee,⁸ and the State university and community college system of Tennessee, the governing board for 6 universities and 10 community colleges.

By State law, the education of blacks and whites in the same classroom was prohibited, with a violation punished as a misdemeanor.⁹ Pursuant to the "separate but equal" doctrine of Plessy v. Ferguson, Tennessee State Agricultural and Industrial College (now Tennessee State University) was designated as Tennessee's public institution for the higher education of its black citizens. Tennessee State University was also designated as the State institution for receipt of Morrill Act funds, a Federal program providing research funds to black public institutions, similarly identified as land grant institutions. Blacks who wished to complete graduate programs not offered at Tennessee State University or to attend professional programs were required to attend schools in other States, with tuition paid out of State appropriations to TSU.

Any discussion of public higher education desegregation in Tennessee must be made in light of this history, consistent with not only intelligent consideration of the subject but also the focus of the desegregation litigation in Tennessee, Geier v. Alexander, to desegregate the systems of higher education in the State and to remedy the present effects of

State-imposed segregation and discrimination. Particularly crucial to a consideration of the issue also is an understanding that desegregation of the public higher education systems must involve and include all facets of the systems, including programs, research and technical functions, and course offerings as well as governing board, administrative, faculty, staff, employee, and student desegregation. Of paramount importance is an affirmation of the role of government as provider of educational opportunities to all citizens and a similar affirmation of the educational system as responder to the needs of its citizens.

In studying the present status of desegregation in public higher education, the Advisory Committee must reject certain assumptions. First, that merely dropping racially restrictive entrance requirements will suffice to desegregate the systems. Second, that equitable desegregation can occur without reference to the history of State-imposed segregation. Third, that equitable desegregation entails a redistribution of existing populations of administrators, staff, faculty, and students. Fourth, that black citizens, students, and educators should have no voice, opinion, or role in higher education desegregation. Fifth, that equitable desegregation will deprive white citizens of opportunities previously available to them. Similarly, the Committee must recognize that desegregation must be implemented on a systemwide basis, with each governing board and institution responding to the challenge, and that it is a process which must operate in a fair and equitable manner.

I believe the State of Tennessee must commit itself and its resources to a process of desegregation which will result in an expansion of opportunities to black citizens and an increase in the number of blacks in all roles within the systems. Considering the importance of higher education in the objective of improving the condition of society and of allowing for upward mobility of individuals, Tennessee has no choice but to create and expand efforts to increase the educational achievements of its black citizens.

It is not a small bit ironic that two of the major issues facing the State of Tennessee in the immediate past are both constitutional--desegregation of higher education and bringing the prison system into compliance with the Constitution. Disparities between income and social levels of black and

white citizens are well documented, as is the fact that approximately half of the prison population is black, although only some 20 percent of the Tennessee population is black. The State, as servant of the people, must recognize the interrelatedness of these phenomena, and adopt its educational philosophy to include a commitment to use education to eliminate these disparities. Such a commitment would be consistent with State efforts which have resulted in the concomitant achievements of white citizens.

The history of desegregation, though brief, has seen a reduction of the roles and influence of blacks in educational systems. This has been accomplished by the failure of decisionmakers, who unfortunately have been overwhelmingly white, to invest blacks with substantial roles in the desegregation process and product. Not only is this result antagonistic to the objective of equitable desegregation, but the loss of black influence in the decisionmaking process has helped to render attempts at desegregation ineffectual.

The position of the "Richardson intervenors" - the Tennesseans for Justice in Higher Education - in the Geier litigation was based on two beliefs: first, that desegregation must be approached on a systemwide basis, addressing not only current disparities but also seeking to remedy the effects of prior segregation and, second, that the implementation of desegregation should result in an increase of blacks involved in higher education at all levels. Thus, it continues to be our theory, consistent with competent educational policy, that the process of desegregation should not itself be discriminatory. Much of the emotions and feelings which have been generated in the course of the suit relate to the failure of the majority population to accept these premises. Needless to say, this is truly unfortunate and a further indication that, before the educational systems will be equitably desegregated, there must be a sincere change of heart on the part of responsible educational leaders. Thus, the introduction of the Stipulation of Settlement states in clear, unambiguous terms:

The primary purpose of this Stipulation of Settlement is the elimination of Tennessee's dual system of higher education. This purpose includes the maximization of educational opportunities for black citizens of the State of Tennessee and the improvement of educational opportunities for black citizens of the State of Tennessee.

The parties agree that statewide access to public higher education in the State of Tennessee by black students and the degree of black presence in faculty and administrative positions statewide will not be decreased as a result of the implementation of the provisions of this Stipulation. It is the intention of the parties that the dismantling of the dual system shall be accomplished in such a way as to increase access for black students and increase the presence of black faculty and administrators statewide and at the historically white institutions.

Consistent with this purpose, programs have been instituted to increase the recruitment of black students, faculty, administrators, and staff, to study and address statewide disparities in college-going rates among black and white high school graduates, and to gauge the impact of changing admission requirements prior to implementation, among others. In the area of graduate and professional school enrollment, a program was established providing for the identification of 75 black sophomores per year for 5 years, who will be placed in a preprofessional program, receiving special assistance in counseling and summer study, directed toward their guaranteed admission to graduate and/or professional programs. In all, we (the Richardson Intervenors) are encouraged by the potential of these programs to achieve an increase in black presence in higher education and call for the full funding of these programs.

I would be remiss, however, if I did not address a few comments to the "situation" at Tennessee State University which has received much publicity and engendered such emotion among the public. As I said earlier, the process of desegregation must be undertaken with an understanding of the history of segregation. TSU was the only State institution where black students were able to be educated, black faculty and administrators employed, and black influence in higher education policymaking obtained. Equally important has been the role of TSU in the lives of black Tennesseans, through its agricultural, teacher education, and allied health program. TSU has performed its mission well over the years and continues to serve the State. The process of desegregation cannot result in the arbitrary reduction of black presence in higher education, which, through history, has been limited to TSU. It must be implemented in such a manner

that is fair and equitable, and perceived to be so by all concerned. I do not believe the failure of the State to effectively desegregate its historically white institutions is the fault of TSU or that the elimination or reduction of black faculty, and administrators and students at TSU is the solution. TSU must and will remain true to its history and mission and keep the door open for all who will come. The leadership of this community and State, both black and white, must encourage and support the growth of the institution while recognizing the significant role it has placed in the State of Tennessee and in the lives of its citizens. The same leadership which recruited and encouraged the University of Tennessee to establish a degree-granting institution in Nashville, actions later found to have been motivated by racial discrimination, should direct the same energies and resources toward the development of TSU, rather than competing, predominantly white private institutions. Those involved in the governance of the institution must not allow prejudicial and discriminatory thoughts to motivate the decisionmaking process; rather, those who have struggled along with TSU - its students, faculty and alumni - should be intimately involved in the planning process.

There are significant challenges ahead as we go about the process of desegregating public higher education. The abysmal record of the University of Tennessee in attracting black students and faculty, particularly at its medical units, calls for drastic action; the situation is so bad that last month a conservative Memphis newspaper decried an "anti-black atmosphere" at the medical center and said that the "wrong people have been in charge." The ill-conceived and ill-timed remarks of so-called responsible educational leaders, including those presently and formerly affiliated with the Tennessee Higher Education Commission, have diverted attention from the immediate task of equitable desegregation of the entire system; the half-truths, false, and malicious insinuations have polarized this community and exhibited the continued failure of those persons to accept the opinions of responsible black persons. The substantial cutbacks in financial assistance to students is resulting in loss of opportunity for those most in need. It is my sincere hope that the governing boards of the institutions, the Higher Education Commission,

the legislature and citizens will commit themselves, as have the Tennesseans for Justice in Higher Education, to the equitable expansion of opportunities for blacks in Tennessee, an expansion which will pay dividends many times over the investment in the long run.

MR. FRIEDMAN. My question is directed to you, Dr. Peek. You believe that the continuance of TSU as a primarily black university will further the desegregation of higher education in the State of Tennessee. Did I understand you correctly?

PROF. PEEK. What I'm saying is that I don't think you have to abolish the TSU in order to allow for desegregation in the State. If you have read comments by Dr. Boling, for instance, he suggested that the reason the University of Tennessee medical school can't attract black medical students is because we have Meharry [Medical School]. TSU has 5-6,000 black students which does not represent all of the black students. We have more black students going outside the State for education. To attack TSU, or to suggest that it is responsible, rather than recognizing inadequacies, is where I am having some trouble.

If TSU goes, then black people in the State will be totally under white influence in terms of determining the direction of future black education in the State because we will have to go to their schools for undergraduate and graduate degrees. Well, TSU was negotiating with Peabody and would have gotten a doctorate program. The comments from college presidents across the State did not favor that. They were very concerned this might happen and blacks might have an opportunity to have an institution which would grant degrees to black people at the doctorate level, and they have moved against that. I'm saying if TSU goes, we won't have a voice.

MS. BERZ. My remarks have to do with the University of Tennessee at Knoxville. Do you have tenure, sir, are you protected?

We have been trying to have this forum for about a year-and-a-half. In calling across the State to get some of the people who are finally here, we ran into a number of black administrative folks and black faculty who either were not allowed to come, or off the record said their jobs might be in jeopardy, so I'm asking you in all fairness, if this applies to you. Otherwise I'll direct my questions to the other two gentlemen.

PROF. PEEK. No, I left the State before and came back to administration. But the point you are raising is quite true. It is a problem because we have lost a number of blacks over the last few years.

MS. BERZ. Can you address that or should I ask someone else those questions?

PROF. PEEK. I can speak regarding the University of Tennessee. When we started Tennesseans for Justice in Higher Education I was told not to go to those meetings. At that point I did not get involved in that group. When I got the invitation to come here, I reported I was going to come. I didn't ask them, I told them I was coming, and there was no response. The only question they asked me was, were they going to pay for my trip.

MS. BERZ. A year-and-a-half to 2 years ago in the University of Tennessee system, the word came down from Knoxville that all of the black faculty and all of the black administrative staff were to meet in Nashville to discuss mutual concerns, problems. From that was to come a report paper, and apparently this was supposed to help fix the situation. Two of my cofaculty members at UTC at the time came to the meeting. I think Representative Jones may have been there. And 2 years later we have never gotten this paper, so I would like to know what happened to that.

Being in the graduate school presently on your campus, I attended a meeting at the UT law school 2 weeks ago chaired by Professor Otis Cochran where I heard--this was one of a series of meetings--from various black faculty, some pretty atrocious stories of things that were happening that I could put under the label of institutional racism; that's what it looked like.

One of the people was a former faculty member, Michael Harris, who spoke extremely freely because he is no longer employed by that institution, and gave us a rundown of the various committees that had met and had gone to the chancellor with reports--and this is hearsay at this point, sir, but I'm trying to narrow it down--to which the response of the institution had been, I think you better not try and make trouble with these reports.

Now, and I've heard about a monitoring committee. How do we get to the substance of what looks like institutional racism, and how do we find that kind of information and what has happened to what looks like squelched

reports that we can't seem to get a hold of?

PROF. PEEK. I think if you get results back yourself, you would get the same answers that we are getting from various sources on campus. The things that Michael Harris mentioned have happened and are still happening. They happen to faculty; they happen to students.

UT is not different from any other school. We had a faculty member at a class several months ago mention that with all the computer age now, all the new equipment and stuff, it's good that computers haven't learned to say the word nigger. This is a class with two black students, and they finally came to us and we talked to them. Those things happen constantly.

Black students are told in college communication [classes] that you were not going to get a job on TV, radio; you talk too ethnic. You really should look for another field. The point I wanted to make was that all of the efforts that we make at University of Tennessee to show a positive side—the chancellor is a beautiful person and is committed—all their efforts go to naught if we have racism, faculty and students, student organizations who go out and put us 4 or 5 years behind in respect to our image and relationships.

That group did meet, but not having the secretarial help and all that, never produced a report.

MS. BERZ. It was sponsored by UTK. They don't have secretaries?

PROF. PEEK. But it was nevertheless called by the academic affairs office that set it up at the University of Tennessee. Nothing's happened because they haven't had the wherewithal to do it. That's the second time we have met like that and haven't come up with a report.

Michael Harris talked with you about the whole question of academic freedom of faculty.

MS. BERZ. These meetings that are occurring now, sponsored by the chancellor, are being taped and are a matter of public record. Would it be possible for us to get copies of those tapes for our information?

PROF. PEEK. I would think you should because the students have been very candid. Maybe the faculty have.

MS. BERZ. They were very candid in their remarks.

PROF. PEEK. Also realize that reports and letters are being sent in by

people who are reluctant to say something publicly but do have excellent documentation, but the only thing I would suggest is that's the University of Tennessee and they are making some serious efforts. But you have got a number of other institutions where no effort is made at all, and I would hate for you to be singled out because they are at least trying to deal with the problem openly, and those people who are not willing to sit down and talk about the problems are being ignored.

MS. WURZBURG. I'm particularly concerned about the comments that were made regarding the University of Tennessee Medical School. Is your committee focusing on recent stories that have been coming out about the University of Tennessee dental school and orthodonty school?

PROF. PEEK. No, we haven't, but some years ago, we did. We had students coming out of college and going to medical school who weren't receiving financial support. In some cases there was outright discrimination in classes, and we were involved with that because they were flunking some of the students.

MS. WURZBURG. Not only flunking students, but totally, absolutely ignoring the black students: not answering their questions, refusing their participation in hands-on practical work.

PROF. PEEK. We've heard about that, and I think the decrease in black enrollment there is an example of how the word has gotten out.

MS. WURZBURG. What I'm hearing is concerning me. Back in 1968 the catalyst for my own personal struggle with racism was the assassination of Martin Luther King. In confronting myself with it, I learned that we had two levels to deal with: one was attitudinal racism and the other was institutional racism. Symbolic racism was something else out there. Many of us felt that if we could work on the attitudinal level, things would happen; but we very quickly learned that that's not quite where it's at. It's the institutions that must be addressed and attacked.

If we've got a committed chancellor and committed provosts, but it's not filtering down, are you saying we're back to square one? Are we dealing back again, as in the 1960s, on the attitudinal level of consciousness raising for teachers, professors, students? Is that where we are again?

PROF. PEEK. I think we would get a better response from some sort of

punishment system, and I think the same thing would happen at the University of Tennessee. For instance, I sat in a faculty meeting at Michigan State and the president told us that, "You are going to go out and recruit black faculty and staff. For those people who do not, when budget time comes around, you are going to see a decrease, okay."

You are going to have to set up some sort of system. The problem I see within the system in Tennessee is that we can't get anything done at the University of Tennessee. There are four or five people who move from one position to another. We shifted the same people around who were creating the problem in the first place, or who failed to solve the problem once they were in position, so you're never going to get anything done.

One other thing. There appears to be a tremendous lack of imagination on the part of educated people, particularly at UT medical schools in Memphis. It is just inconceivable to me that East Tennessee Medical School, which has only been up there for 10 years or so, has more blacks than UT, which is located in a town that's half black. It's inconceivable, and the only response is for people to throw up their hands. But imaginative people might go to the Memphis Board of Education that has its own desegregation problems, I understand, and fund a magnet high school in the health sciences to put it in the kids' minds early and have those kids attend classes at the medical schools. Have those racist professors over there look at those black kids and confront their attitudes in that fashion.

MS. WURZBURG. If the stick isn't coming from the chancellor as in the northern schools, that each department had better perform or else, then the stick has to come from the legislature. I mean, is there any other place to buy a stick?

MR. DINKINS. There is always the contempt power of the court. We haven't gotten to that point yet.

REPRESENTATIVE JONES. As I indicated in my talk, the legislature has traditionally been a lagging indicator of what's happening in our higher education with reference to desegregation. You had a lot of decisions, a lot of actions in the streets before the legislature finally got around to changing the statute.

Senator Dunavant, in his remarks, I feel kind of reflects what still prevails in the legislature when it comes to why should certain actions be taken and when. And as he indicated, we're going to fund the desegregation request, not because it ought to be done, or it's the right thing to do, the courts are going to make us do it. As Attorney Dinkins just indicated, you have those court powers, but they are slow, and it's going to take that education, that product, that lobbying on the part of the citizenry, organizations such as yours, legislators like myself, to get the legislature to move.

I'd like to tie in about three comments. One, Dr. Bond made a very significant observation when he said that certainly blacks can go to various institutions, but unless they feel welcome, unless they feel a part of that institution as Dr. Peek just indicated, they are not going to be able to perform as students, they are not going to be able to perform as faculty and administrators.

There has to be that confidence level that I think Dr. Ponder was referring to in his question of Senator Dunavant. Based on these criteria, based on these credentials that you bring to the job, shouldn't you be expected and shouldn't we expect you to be able to perform and not question you because you are black, why is such and such going to happen? I think that's very important, as Dr. Brown indicated, and I think this is the thing that scares me the most when I look at where we are. I think we are regressing because of that one fact that certainly the University of Tennessee, Memphis State, or University of Tennessee at Chattanooga can get the cream of the crop of black graduates that are coming out of high school. And when they get them in those institutions, they play with their minds to such a degree that they lose them, they burn them out, they frustrate them. And therefore Tennessee State has the burden of delivering those leaders of tomorrow, and they are generally doing it by receiving the not-so-good, not the best black students, but in the end, they perform, and they go on to become doctors and lawyers because they have been nurtured in an atmosphere that produces the kind of results that we are looking for.

If you remember that old ad, a contented cow gives the best milk.

That's the same way it is with students, faculty and administrators. And I think unless that atmosphere has changed tremendously over the last 5 or 10 years, it has deteriorated and because of that we are seeing the results that we are seeing in our educational system. It's happening in elementary and high school, it's happening in higher education, and in our graduate program.

MR. DINKINS. Mr. Friedman, I think that that is what we're talking about with respect to TSU, that it is maintaining an atmosphere of that nurture, which is necessary. I think it's interesting blacks throughout the State of Tennessee have been saying, what's wrong in higher education, but the only time they are listened to by white legislators is when they are talking about retaining TSU as a black institution. Now, why can't we be listened to when we talk about UT or some of the other institutions?

CHAIRMAN BLUMSTEIN. I'd like to welcome Commissioner Francis Guess, Commissioner of the United States Commission on Civil Rights and resident of Tennessee, and we are privileged and honored by his presence here. We now have a person who would like to speak as part of the open session.

Statement of Dorothy Granberry

Professor of Psychology, Tennessee State University

DR. GRANBERRY. My comments are from two perspectives. One, from the perspective of a native Tennessean; and two, from the perspective of a black professional involved in State-supported higher education here in Tennessee.

As a native Tennessean I've witnessed the desegregation process across the board. I was born and schooled during the era of segregation. I attended one of those schools where textbooks were made available to us only after the whites had been served and all of us sort of paid the price for that. When I reached the age where I was eligible to attend college, it was around the time of the open admission for the State-supported schools, and I did not choose to go to one of the historically white schools because I was faced with having to be there by myself, and I didn't want to face those perils.

Consequently, I did my undergraduate work at Tennessee State University. After graduation, I was awarded a Wilson fellowship and I went on to the

University of Connecticut to earn a degree in social psychology. Subsequently, after 2 or 3 years somewhere else, I returned to Tennessee State and have been involved in desegregation, actively and also as an observer.

I think the goals are extremely good in the sense of attempting to desegregate the system because one of the things that we're guilty of here in Tennessee and in the United States is that we have not made the best use of all of our human resources. And I think that is the thing that is the correction that our generation must make. Some progress is being made in Tennessee higher education. However, to me it appears to be very shortsighted.

Shortsighted from two perspectives. There are two issues: One issue is accessibility of students, and the other is in terms of students actually completing that and becoming part of the higher education system. This morning you were provided with information that to a large extent paints a very dismal picture in terms of accessibility for blacks in terms of faculty level and higher administrative positions.

One of the things that is quite interesting in terms of being a faculty member at Tennessee State at this particular point is that the State policy for desegregating higher education has as its goal making the university racially nonidentifiable, and this has been translated in terms of Tennessee State as increasing the white presence at Tennessee State. That's interesting because Tennessee State tends also to be the one place where there is a concentration in State-supported higher education of black professionals, black professionals who like myself earned degrees in spite of segregation. Yet we are still penalized.

This morning you heard testimony that the State has a plan that for black faculty members who are at the historically white schools, graduate assistants will be made available for research. That is not research that would count toward earning a degree. Monies are made available for professional travel so that black professionals can establish themselves in their professions and so on.

In 1987, if you happened to be a black faculty member in State-supported higher education at Tennessee State, none of those things are available to

you.¹⁰ In addition, the university does not have resources that make that possible. For example, in my department, for this year our travel budget for a department of about 14 people was \$500. Something like that. We have one person who was to travel to Washington regarding a proposal we were going to submit from the department and to pay for that person's travel to Washington to consult with the funding agency. That just about exhausted what our department chair understood to be the travel budget for this year.

One thing truly important in terms of making better use of our human resources in Tennessee is that not only do we provide mechanisms for accessibility in the sense that if I want to apply for a position at UTK, or MTSU, or MSU, I may do so and be considered, but that also a greater use is made of that talent and expertise of those black faculty members who have decided to serve the State of Tennessee by working at Tennessee State. It is important also that we insert into higher education in Tennessee a recognition of the role that black Tennesseans have played in developing the knowledge base not only in Tennessee, but across the United States.

DR. PONDER. I wrote down all of the good things, that we had \$4.2 million and the \$5.3 million for special desegregation funds in the system. Let me make sure that I heard you, but for black faculty at Tennessee State University, these funds are not available for them to improve themselves professionally?

DR. GRANBERRY. That's right.

DR. PONDER. It would be for black faculty members at one of the--

DR. GRANBERRY. Historically white schools. In fact, my understanding is that the desegregation funds that Tennessee State has available are available to attract and increase the number of white faculty members at Tennessee State.

DR. PONDER. And at this point you are about--

DR. GRANBERRY. 50-50.

DR. PONDER. So in essence, Tennessee State University has little or no chance to get some of the special desegregation funds because of being so good at desegregating at this point.¹¹

DR. GRANBERRY. That's part of it. In my opinion, it's also because it is predominantly black at this point. You have to remember how the desegregation process is being implemented. There is an across-the-board definition that determines if universities are racially identifiable. Then by definition there has to be an X number, and generally it's determined in terms of a larger percentage of whites than blacks.

Of course, there is a problem with that, and it's a psychological problem in how blacks respond to it, in that Tennessee State and the black people who have housed Tennessee State never decided that whites could not attend Tennessee State. In fact, they did not have the authority to decide that, and, consequently, there is a perception of the victims once again being penalized for something that was not of their making.

DR. PONDER. One other question I don't understand, you mentioned your travel budget. I can identify with that. It doesn't seem to me that that ought to have any bearing on the improvement. I'm thinking of what the senator said this morning of competent blacks. He used that term, and he used the term saying that someone at TSU could not speak the King's English very well. It seems to me those are the reasons travel ought to be available at TSU sort of as a first priority. Or do we not understand that that helps people to improve themselves?

DR. GRANBERRY. I would think so.

DR. PONDER. You can't make a case for that? On these funds that are there, you mean you could not make a case for travel at TSU for faculty, black faculty?

CHAIRMAN BLUMSTEIN. Is this a TSU problem or Board of Regents' problem at Austin Peay or Middle Tennessee State? Are travel funds restricted in the same way you are describing?

DR. GRANBERRY. In terms of desegregation monies?

CHAIRMAN BLUMSTEIN. No. You said there is a \$500 travel budget for the entire psychology department. Is that true for the entire—

DR. GRANBERRY. I would imagine. My understanding of how travel is allocated is that the university has X amount of money and then it makes decisions about what categories the monies will fall into.

CHAIRMAN BLUMSTEIN. State administration then, is that what we're trying

to get at?

DR. GRANBERRY. Yes. And maybe my whole point is in terms of how the decisions are made in terms of resources. For example, it means that if you have X faculty positions, so on and so on, and those things have to be paid for first, there are some items that are first and travel gets to be the second one. But the point that I'm trying to make is not in the sense of whether that is true at TSU or MSU, APSU, or what have you, because I don't know.

My point is that one of the problems we are facing is the question of the movement of blacks into the higher education system. I see as one of the resources that can add to that the use, or better use of the expertise that exists and has always existed at TSU in terms of this thing about role models. There are people across the State who assume that anybody who is black and on the faculty of Tennessee State and has been on the faculty of Tennessee State for some time probably holds only a bachelor's degree. Why don't we use what we have here to help resolve this problem as opposed to apparently penalizing it? This is beyond the issue of how TSU allocates its X dollars compared to how far APSU allocates its X dollars. That's not what I'm talking about. I'm saying that it appears we are not using this in terms of actually trying to resolve the dilemma. In the State, I think we have a very shortsighted understanding of how to resolve that dilemma, and if we continue along that line, what we are going to produce is just feelings of animosity. I don't see in the near future that there will be any coming together.

CHAIRMAN BLUMSTEIN. Ms. Granberry, were white faculty members at Tennessee State eligible for the funds that you are describing on the theory that they are the minority at a predominantly black institution. Is that the way the system works just as a faculty?

DR. GRANBERRY. Based on my understanding of it, the largest sum of money that the Tennessee State University received was to fund the Institute of Government. Monies are made available through it, for faculty who are associated with it, to travel and gain reputations in their profession.

The other pocket of money that I am aware of that we have at Tennessee State is money to fund students, and it is money directed toward funding

white students to attend Tennessee State. In fact, one of the proposals made last year, and again this year, by the president was to appropriate desegregation monies to TSU for TSU to be able to attract talented black students also.

Statement of Lou M. Beasley

Associate Dean of the University of Tennessee-Knoxville College of Social Work

DR. BEASLEY. I was very cognizant of my colleague this morning from the University of Tennessee-Knoxville, and also of Carol's question to him in terms of tenure. I am tenured, and I don't want this group to think that black tenured faculty are afraid, at least all of us are not afraid, to come forward and speak on issues that impact on black people in this State in terms of the availability of higher education to all citizens equally.

I also came forward because the college of social work is located in Nashville on the campus of Tennessee State University, though we were initially housed at the University of Tennessee-Nashville.

In 1973, as a result of the original desegregation suit, and apparently as a tradeoff with UT Knoxville, we were moved from the UTN building and put on the main campus of Tennessee State University. We have resided there ever since. I think that the college of social work provides opportunities that very few large universities have, but I don't think that either UT Knoxville nor Tennessee State University have made the best use of what we have to offer.

I remember when we first came to Tennessee State University we were received quite hostilely. Not only that, the faculty from the University of Tennessee College of Social Work went to TSU reluctantly. Attitudes on both sides did not provide the most congenial atmosphere for faculty, students, or our alumni constituents whom we depend upon for public relations, and field placements. We also had a white male director on a black campus who dealt primarily with black administrators at that time.

There was considerable tension all of those years which resulted from our presence on the main campus and tensions between the white director and the black administrators. The best way to deal with some of the issues regarding black people and white people is to make available in

institutions of higher education competent black professionals. They are needed there just as you need competent white professionals at all levels of decisionmaking within the system. I think it's made a difference, and I believe my predominantly white faculty will say that it has made a difference, to have a black administrator in the UT case system who could not only represent the faculty in Nashville at Tennessee State University. There's a lot less tension now that that has happened.

We have been able to deal with some very tense situations at Tennessee State University. I might add here that indeed I'm a "double agent" because I'm both a graduate of Tennessee State University and a competent administrator. Tennessee State University can educate a very competent administrator. I came from a low-income family. We were not hungry, but there were four of us, and all are college-educated, and I'm very proud of that. Three of us were educated at Tennessee State University. There is a need for a university to recruit and enroll black students and accept black people where we are and move us from there.

At the time I was a student at Tennessee State University, and before Tennessee State University received all of this very bad publicity, white people didn't feel it was a good university. TSU attracted black people from all over the United States because many colleges were not open to blacks. Even very good northern "liberal" colleges were not available to blacks. So you had lots of black people from all over the United States coming to Tennessee State University for an education, and the Nashville white community didn't think it was a very good university then either.

I always say to my students and to my faculty, this is not anything new. There was always concern in the college of social work when black students from Tennessee State University join the student body because the assumption has always been that black students cannot perform. So we were always put to the litmus test as blacks.

I was also educated at the University of Tennessee-Knoxville. I am one of its graduates from its master's program, and my doctoral degree is from the University of Denver. So I have had all kinds of experience and I think have not only benefited black students and faculty, but also have been invaluable to white faculty and students. That's very necessary in

my profession because we are race affirmative, and you can't just say it, you have to behave like it. Students have to confront that every day.

There was a question raised this morning about a meeting where black faculty and staff came together a couple of years ago. I was also in that group as were both tenured and nontenured faculty. It was my understanding that that meeting was called by the one black member of the Board of Trustees, who is a minister here in Nashville, Dr. Michael Graves. He wanted to know how to be more responsive to black concerns in the larger university. He asked Dr. Nebraska Mays to organize us and bring us to Nashville from all over the UT system. It was the first time most of us had ever seen each other. I will say that not much could have happened at that meeting because of the way the meeting was designed. Meetings can be set up to fail, and this one indeed was, in my opinion.

So nothing could have come out of it. We were literally preached at by our university administrators in terms of what the university has for us. So what we, in effect, did was to become quite angry and obstinate. I think a followup meeting would have been very, very helpful because years and years of racism cannot be erased by coming together on one occasion and never seeing each other again.

UTK is not long on tenure for blacks. I think it would have been very useful had we come together several times to be able to isolate the issues for ourselves, and determine how those issues should have been addressed.

MS. BERZ. Dr. Beasley, we've heard a lot today about monitoring and things are getting better and we need programs and all this sort of thing. What is your opinion, what's the problem? Are things getting better? Is there a problem?

DR. BEASLEY. I don't think things are getting better. In the UT system, and that's the system I really want to address--I am very concerned and saddened about what's happening to Tennessee State University. But I really don't think I should be the one to speak for Tennessee State University. I'm really here to speak for blacks in the University of Tennessee-Knoxville.

If you would ask for a roster of faculty and staff across the university, you would find that there probably is only one college that

even approaches a respectable record of behaving affirmatively with regard to blacks and women, and that is the college of social work.

There are several reasons for that. One is that the accrediting organization of social work is also race affirmative, and a good bit of your ability to be accredited and remain in good standing rests upon how affirmative you are with relation to race.

Secondly, the dean of the college of social work, who serves on the Council on Social Work Education, is very much committed to affirmative action, and I think at some risk to himself. There are two higher level administrators associated with the college excluding the dean, and both of those are black women. So I think that does speak very well for the college of social work, but this is very atypical. When you look down the roster, by and large a disproportionately large number of faculty will be black.

I will tell you another sad thing about UTK in answer to your question. The first black woman was promoted to full professor with the University of Tennessee-Knoxville in 1984. Then the year prior to my coming up for full professor, the head of the history department, John Morrow, was the first black promoted to the rank of full professor from the academic ranks. I am sure that in 1987 out of 3,000 faculty you probably can count only five black full professors in the UT ranks. I think that in itself speaks to the issue you are raising.

MS. WURZBURG. I know my question requires just a personal opinion, but you may be uniquely qualified to answer it. I know that there is safety in numbers, and that very small groups of minorities feel their "minorityness" when overwhelmed by a large majority. At Tennessee State, where there are about 40 percent white students, are those white students feeling the effects of minorityness as I hear other groups are at UT-Memphis and UT-Knoxville?

DR. BEASLEY. Yes.

MS. WURZBURG. Do they feel the hurts and the pains, or is something better going on at Tennessee State that might make the white students feel a little more secure or welcome than the black students do at UTK?

DR. BEASLEY. I can speak for my own students because I have 85-90

percent white students. As a matter of fact, social work is white professional and female. So that's really our student population.

There is often, among our students, considerable concern about coming to the Tennessee State University campus. Very often, if they are very young, the first voice I hear on the telephone is their mother wondering if it's safe for their children to come to Tennessee State University to graduate school. If they're not very young or married, I hear their husbands wondering if their wives would be safe. Or when I meet them for registration, I also meet the husband. I think some of these examples will let you know about some of the race issues. At least my students have each other. They are a critical mass within one facility and have support from each other.

I have a daughter who attends a very large university, predominantly white, in a northern city where there is not a critical mass of black students. She's in her senior year, luckily, and will be graduating. I hope she never goes near another predominantly white university to study because it's been so painful. She's done very well, and I think she's grown up some, but I think the costs have been phenomenal. This was a child who has been reared basically in a multicultural atmosphere. This experience of being an honor student but becoming a nonperson was very, very difficult for her. I think higher education has a lot to do in terms of meeting some of the broad goals of a democracy, and I don't think we're working very hard on it. The cost is very great to a lot of minority children, given the fact that our country probably will be comprised of a majority of racial minority groups in the 1990s.

MS. WURZBURG. I guess the question stems from the Memphis experience in high schools and elementary schools. Maybe my information isn't correct statistically, but somehow the white minority students in black situations seemed to have been more welcomed, treated a little better than the other way around. I can't help but think it was that sensitivity at the top and said, "These kids are going to be treated okay or else," whereas that didn't happen perhaps in the white majority institution.

DR. BEASLEY. I think that's very true.

MS. WURZBURG. The compassion level was different because of prior

sensitivities.

Statement of Harold C. McGinnis

Associate Professor, Tennessee State University

PROFESSOR MCGINNIS. My name is Harold Coleman McGinnis. My undergraduate education was at the University of the South at Sewanee. I have a master's degree from Tulane University and Ph.D. in political science from the University of Virginia. I spent the first 2 years after that teaching at Georgia State University in Atlanta, and in September 1972, I came to the University of Tennessee at Nashville as an assistant professor, was promoted to associate professor and given tenure in 1976. I have stayed on through the merger of UTN and TSU, and currently am associate professor in the department of history and political science at TSU.

There are a couple of things I think are very important with respect to what has been happening at TSU in the context of what has been going on in the statewide situation. I was one of the few people at the UT-Nashville campus who supported the concept of a merger between TSU and UTN.

I firmly believe that our long-term goal in this society ought to be that we can make judgments about people and that people can select institutions of higher education, or institutions of any other kind, and that institutions can select people where race will not be a consideration that enters into anyone's mind. I realize we're a ways away from that. It may not happen in my lifetime, but to argue that it's not going to be easy is all too often an excuse not to begin an effort to try to get there.

What I saw as a possibility growing out of the merger of UTN and TSU was a comprehensive urban university much like Georgia State where I had been for 2 years, in the middle of downtown Atlanta, had about 18,000 students, virtually all commuters, 25-30 percent black enrollment, and they opened the doors at 6 o'clock in the morning and closed them at midnight, and you could get everything from associate's degree to a Ph.D. if you could only go to class at night, if you could only go to class at lunchtime.

The future of higher education is working-adult education. There's just not any doubt about that. Every study you've seen of higher education

indicates that's the case. UT-Nashville had made some rather remarkable strides in that direction. It had grown from 1,500 or so to 6,000 about 6 or 7 years, and its student body was about 15 percent black. Last freshman class was 26 percent black.

Now, the problem, as I saw it, with the ongoing court case was that as long as there were all kinds of restrictions and as long as TSU and UTN were engaged in battles with each other, we would never have a single comprehensive urban university in Nashville.

It's very clear that the purpose of the merger in the late Judge Gray's mind was to bring about racially nonidentifiable universities in Nashville. It's also clear that he made the State Board of Regents responsible for this. He made TSU the surviving institution for a couple reasons: one, because it was older, it was a land-grant institution; and secondly because TSU was a part of the Board of Regents system like the other institutions in Middle Tennessee, and he felt that the Board of Regents was in a better position to manage and implement the merger in such fashion as to bring about a situation in which TSU would then not be faced with immediate direct competition from the other institutions in Middle Tennessee.

If the State Board of Regents had undertaken a comprehensive plan to undermine and destroy TSU, they couldn't have done a better job than they did in implementing the merger.

They didn't implement it. What they did was assume that decreeing the merger would accomplish desegregation and everything would be hunky-dory.

UTN never had any recruiting budget. The way UTN got students was, somebody showed up down there and decided to take a class, and we have a bunch of students who came from relatively underprivileged backgrounds. We're talking about people who, when they got out of high school couldn't afford to go to college, wanted to go get a job. Now they kind of made their way out a little bit, they were beginning to get ahead in the company and looked around and realized if they wanted to go any further, they had to have a college degree. Or housewives who had raised a family. They were now 45 years old, their children were grown, and they wanted something to do. And they thought, maybe I ought to get a little

education.

What happened was, somebody came down there and went to school and found it was a good experience, and then went back to their office or their factory or their neighborhood and told somebody about it, and somebody else said, hey, I think this would be a good idea. It was a word of mouth kind of thing that established the institution's reputation and generated the tremendous growth it saw in the 5 or 6-year period.

I think everybody understood there was a great deal of uncertainty at the time of the merger, some out-and-out paranoia. One also shouldn't understate the degree to which there was some racism floating around as well. I had a long conversation with Dr. Frederick Humphreys, who was then the president of TSU, about what I saw as the need to try and make the transition as smooth as possible, to try and ease those fears, to try and get people to understand that a lot of the same courses were going to be offered and the same conveniences and services were going to be available to students. At UTN when somebody had to talk to a financial aid officer, there was a financial aid officer on campus at 8:30 at night because that's when all the students were there. I tried to stress that kind of thing.

At the first registration after the merger they tried to do it implementing a new computer system. Anybody who knows anything at all about this kind of thing knows that when you try to implement a new system, you are always going to have some screwups. Most of the students at UTN were used to coming down and spending 30 minutes getting registered and going back to work. That was all the time that they had.

This was a nightmare, a horror show. There were a lot of folks who had been at UTN who thought, "Well, let me go down there and I'll give it a test. I'll see what's going to happen." There were a lot of others who said, "I'm going to sit out this semester, I'm going to see what's going to happen down there."

We have never recovered from this experience. The evening programs, the working-adult programs have lost students. It's hard to get figured because all we do at TSU now is just classify students and it's hard to figure out which ones are really working adults and evening exclusively and all that stuff. At the time of the merger there was a total of about 11,000 students between the two campuses. The latest enrollment figures put us at a little below 7,000. Most of that decline of 4,000 students comes from the working adult student population. There has been about an 800 drop in black students and about a 3,000 drop in white students since the merger.

In addition to that, the Board of Regents allowed MTSU, almost immediately after the merger, to offer a general studies degree in arts and sciences which was very much like the general studies degree that UT Nashville used to offer. They've allowed Volunteer State Community College to come into Davidson County and offer reams of classes. Students can get classes from Volunteer State or MTSU or other places or a lot of high schools in Davidson County.

In 1982, after several of us saw what was going on, a group of 10 of us, 5 students and 5 faculty members, 7 whites and 3 blacks, got together and decided to petition the district court to allow us to intervene in the ongoing desegregation case to make the argument that the State had, in fact, totally failed to live up to its obligations under the 1977 merger order.

In 1984 Judge Wiseman allowed us to intervene, and we have been trying to make two points in all of this. This court case has now been going on for almost 20 years. It's hard to imagine, but George Barrett filed the case on behalf of Rita Sanders Geier and a number of others in 1968.

As of today, in the last desegregation monitoring committee report, Tennessee State University has 82 percent of all black administrators in the SBR system. It has 66.5 percent of all black faculty in the SBR system, and 60 percent of all black professionals in the SBR system.

I was trying yesterday to find out from the Higher Education Commission how many university presidencies have been filled in the last 2 years, plus since the 1984 Stipulation of Settlement. We all know that

presidencies and vice presidents for academic affairs are the two most visible positions on any campus. I don't know what the total number is, but I know of several, and I also know that not in one single instance has either a president or an academic vice president of a minority race been appointed on either campus. That's a pretty serious indictment of the State.

Listening to Dr. Granberry a few minutes ago, the desegregation money that is supposed to be available--this is something else after the stipulation that was entered into in 1984. The Board of Regents made a token effort. They got some notices out to minority faculty. There was a program in there to try and attract black faculty from TSU to the predominantly white schools and white faculty from the predominantly white schools to TSU. The Board of Regents got a notice out about this, and the deadline for getting applications in was 2 days after the notice was received. That has been pretty typical. That's sort of been our experience with all of these things.

Those of us who would like to see a truly integrated university system have been put in a very difficult dilemma by the State's failure in these areas. I understand why blacks who look around and see that there are no opportunities opening up for them in higher administrative positions in the historically white schools feel like they've got to dig in their heels and protect their position at Tennessee State.

What good did it do in the current situation to take one of four high-level black administrators at MTSU--black high-level administrators are 3½ percent at MTSU--and make him president of TSU? If you are going to talk about bringing about an end to the racial identity of universities, and if you are going to talk about truly integrating the system of higher education in this State, the University of Tennessee and the State Board of Regents have to do a much better job than they have done. Yet when I teach my classes, and I pick up a copy of the student newspaper at TSU and it's full of some rhetoric....The last thing I want to do is try to shut them up. But I wonder what the reaction of blacks on the campus or in the State would be, let's say at UT-Knoxville, if the president of the student body in 1987 got up and said we're going to fight

hard to preserve the white identity of this institution.

There is an analogous situation, and I'd dump all of this in the lap of the political leadership of the State of Tennessee. They've shown no willingness to get out front and take the steps that need to be done, to guarantee that blacks are going to be appointed to leadership positions in Knoxville and Memphis and Murfreesboro and thereby reduce the problem of the sensitivity that exists about this notion, about trying to preserve the "black identity" of TSU.

TSU now has two histories as of the merger. It's two institutions with two traditions. It is the only 4-year State higher education university in the State capital of a half a million people. That gives it an obligation to a broader community. It is very frustrating for those of us who look out there and see the picture and see the potential for what TSU could be.

One of the reasons why Dr. Granberry's psychology department at TSU has only \$500 in travel money, and that is pretty typical of TSU, is because of the tremendous reduction in enrollment that we have suffered since the merger. We are in a situation where everything has been cut to the bone. If we were to have any more enrollment drop, we'd be talking about cutting tenured faculty. To avoid that, secretarial staff, equipment budget, travel budget, all of these kinds of things have been cut back to almost zero. This obviously has a negative impact on the university's ability to deliver its product, its service. It has a negative impact on faculty at the university and on our ability to do what we need to do to have quality programs that will attract students.

On the downtown campus, the old UTN campus where we have most of our evening classes, there is virtually no full-time professional staff person in the admissions office, in financial aid, or in any of the very basic, simple kinds of student services areas on the campus after 5 o'clock, when the classes start.

I don't regard this as some kind of conspiracy on the part of a few people on the main campus to "do in" the evening program. There is a problem when some of us make some suggestions about ways in which we could set the process up and deliver the product and respond to the needs of

these students in a more convenient way. Occasionally, somebody looks at us and says, "Oh, what you all are trying to do is undo the merger, you want to go back and have your own university down there." We run into that problem, occasionally.

But the truth of the matter is, when President Floyd puts out a brochure and talks about a goal of 12,000 students at Tennessee State University in several years, let me tell you what they are going to have to do. The State has appropriated some money to improve the physical plant, which was in disastrous shape as a result of long years of discrimination and neglect. They have started to do a little bit on that. But unless you talk about having people, staff who can respond to the kinds of needs that students see everyday, somebody who is working from 8:30 to 4:00 o'clock can't come to the financial aid office on the main campus at 2:30 in the afternoon. They can't spend 5 hours in line during registration. If we do the kinds of things that will benefit all of the students at TSU, if we do the kinds of things that will make TSU an attractive place to go to school, we don't need a court goal of 50-50 white black to do what needs to be done. If we do what needs to be done, TSU in 25 years will be 80 percent white.

On the other hand, if we do what needs to be done, Memphis State might be 50 or 60 percent black. That is, after all, where two-thirds of the black population in the State of Tennessee lives, in and around Shelby County.

President Floyd right now has a proposal to set up a program to try to increase the number of black educators. There has been a significant reduction in the number of blacks in elementary and secondary education. I think there's a very significant need for that program, but if the State of Tennessee were truly interested in desegregation, why don't we put that program in Memphis? It would be much more convenient for blacks, and it would take much more of a step toward desegregating, toward getting away from the fact, away from the image in everybody's mind that, "Oh, that's a black thing let's put it out at TSU"--and in turn for the white community to get the notion, "Well, that's all TSU is interested in is taking care of blacks."

It's a two-way street. We can't deal with TSU without talking about dealing with the rest of the State, and it's so easy for the political leadership to sit back and say, "Okay, you know, yes, we'll get our few token blacks in these positions in the rest of the schools, but most of them want to go to TSU anyway, let's keep letting them go over there."

For the blacks looking around at all this to say, "My God, well, they don't give a damn about all of us. They don't care what we're doing, so here again we're somewhat unique." TSU was fairly new in Tennessee. TSU was the only State historically black college, and so from their point of view--that's all they ever had--they have a very strong desire to hold on to it, an understandable desire. Those of us who look around and say, you know, if we're ever going to get anywhere, we've got to crack this nut at both ends--not a very good analogy. It is extremely frustrating.

MS. BERZ. Do you get to share any with your colleagues from the rest of the UT system?

PROFESSOR MCGINNIS. I'm not part of the UT system anymore. After the merger, we were all part of the Board of Regents system.

MS. BERZ. Do you get to share with your white colleges across the State in higher education? Do you have that opportunity? When I was at some hearings in Knoxville, there were two white professors who testified very much to what you are saying, and one of them was also candid enough because he had been given the job of ombudsman at the university. So it was okay for him to say the kinds of things you are saying. As a white professor, he got all kinds of flak.

PROF. MCGINNIS. I was not very popular at UT-Nashville advocating the position I did. That is certainly true, but I don't know. I know there is a constituency out there. I know it is there among the blacks. There are a lot of black students and faculty who come to me and whisper, you are doing the right thing and I support you, but I just can't afford to say so. It's like anything else, the squeaky wheel gets the grease, and the most vocal folks, the power structure that exists, it's a tough nut to crack.

I try to tell the blacks who talk about being discriminated against by the UT system that about 99.5 percent of the white population in this

State has no chance to be president of UT either. Charles Smith is a friend of mine and a lot of folks think he'll be the next president of UTK. The University of Tennessee is politically a joke. I always laugh at people talking about trying to preserve the reputation of the University of Tennessee. Outside of Tennessee, it has none, except for athletics I will make that concession.

MS. BERZ. What do you think of the monitoring committee?

PROF. MCGINNIS. We look at these figures, and we all know what they say and so what? It has no authority whatsoever to do anything.¹² All it does is issue reports, and they haven't changed very much. I heard of somebody talking about a 40 percent white enrollment at TSU. That's a pretty misleading figure. The undergraduate enrollment is about 23 percent. Talking about FTEs, it's really significantly lower than that. It's concentrated in a few places. Two-thirds of the graduate students are white. But you've only got a few places you are talking about.

Dr. Granberry mentioned the Institute of Government. It is true that \$800,000 of State money for the last 2 years has gone to the Institute of Government tuition. There's a tremendous need for that. It's a great idea to set up something where you are going to bring folks. Again, you're in a State capital, so where better to have a program with a Ph.D. in public administration to do research and service for employees of State government and the metropolitan government and all that kind of stuff? [But], they have zero formally-admitted students in that doctoral program.

MS. BERZ. Who are they teaching?

PROF. MCGINNIS. They have a small number of students in the M.P.A., the Masters Public of Administration program. I was supposed to teach a course in that graduate program. I used to teach a course in the M.P.A. program, and after the institute, as they went along, I was supposed to teach a course a year in it. They hire a faculty person at \$45,000 for teaching one course and taking over as coordinator of the graduate program, who hasn't been in the classroom in 8 years. It's a joke.

I don't know how that continues to happen, but it does.

MR. MAY. Professor McGinnis, you painted a very graphic and accurate, to my own personal knowledge, picture of the situation in Nashville, and you

have alluded to what you feel is the problem, which is basically political, and that's your field. Is there any structural thing which should be done to remedy this very dismal picture that you painted?

PROF. MCGINNIS. I'm not sure that we can talk about a simple structural remedy. Some of us who have been involved in the court case even tossed out the last motion we filed, the possibility of merging TSU and MTSU. I tell my students I think courts are excellent instruments for stopping something. Courts are excellent instruments for saying this is wrong, you can't do this anymore. Courts are terrible at taking the next step of trying to bring about the positive constructive solution to the problem. Busing is a classic example of that. If you had to go down and ask everybody, "Well, how would you like to approach this problem?," that would be on the bottom of everybody's list. But the political officials sat back for years and did absolutely nothing, and they wound up with the courts having to do within the limitations of what they have the possibility of doing, and that's what you get. I think that's clearly what's happened to us in higher education.

It is a political problem. What we try to do, those of us who go into court, is use Federal courts as two-by-fours in the classic story of the farmer with his mule and the two-by-four to get the attention of the State officials and get some court orders. We hope that somewhere along the line somebody will come along in a position of responsibility with the moral view and the political guts to say, "You know, we all know what the right thing to do is. Now, let's go on and get about doing it." It would take some courage to do that, but clearly that's the thing we've got to have. It would take courage for somebody--the State Board of Regents has an awful lot of power, if it would use it--to stop these things we're talking about and to implement in good faith a lot of the programs.

If we did everything that that Stipulation of Settlement obligates the State to do, we'd be in pretty good shape, but their implementation of it has been 10 percent hearted maybe at best.

MS. BERZ. Who appoints the State Board of Regents?

PROF. MCGINNIS. The Governor. Most of the people on the SBR at the current time are appointees of Governor Alexander, as was the current

chairman. I have had a number of conversations with Chancellor Garland. Deep down I think his heart's in the right place, but I don't think he believes that if he tried to do anything there would be any support.

There are some commitments that have got to be made to black citizens of this State. We can talk all we want to about good intentions. Until there are a couple of black presidents at historically white institutions, none of that talk is going to do any good. That's just pure and simple the way it is. Given some of the image problem that we had, at some point down the road we need a white as president, or academic vice president, of TSU. But I can't in good conscience go out and really argue that that's crucial until I see things done at the historically white institutions.

TSU can be integrated with black leadership. That's not the problem. There are some examples of this. West Virginia State was historically a black college in Institute, West Virginia. There is still a black president and vice president and an 80 percent white student body. That can be done if you've got the right environment and the right atmosphere.

I really do firmly believe there are more things we can ask the courts to do, but there are severe limits to what you can do no matter how many court orders you get. The ultimate question comes down to whether the people in positions of responsibility are going to take the care and the effort and sometimes the flak for the little while that's necessary to carry it out. But the only long-run answer is political leadership.

MR. DUPREE. Do you feel there is pressure on the Board of Regents from the UT system for the regents to do as little as possible so that the can of worms in the UT system wouldn't get overturned?

PROF. MCGINNIS. I'm not sure it's that as much as the internal pressure with respect to institutions like MTSU. MTSU would love it if TSU shriveled up and died tomorrow, and I think you've got some of that kind of problem. I think the board has done a disservice by allowing some of these institutions, all of which it controls, to allow the open competition with TSU.

We've raised those issues and that problem. One of the things in the Stipulation of Settlement was a consortium between MTS and TSU to make it easy for students to take courses on both campuses and not have to go

through all kinds of problems with transferring, getting admitted to the other school and this, that, and the other. I have a few MTSU students in my classes and every one of them tells me it's a nightmare to just go through the routine process, the paperwork that whole thing was supposed to make very simple in order to get anywhere. It's as if it didn't exist.

In a few of these places there's no point in saying anything else. We've got some folks doing jobs who ought to be relieved of those jobs, and, quite frankly, that's one of the things that's got to be done. Again, that's not based on race either. There's as many white ones as black ones, maybe more, but until we get some of that problem dealt with, we're going to continue to flounder around where we are, and that's administrative leadership.

It has been a very frustrating experience trying to do what the majority of folks ultimately would think is really the right thing to do. If I didn't think it was in the long-term interests of blacks to do this, I wouldn't feel as strongly about it, but I am convinced that it is. I am convinced that as long as they believe that black institutions are the only ones that are going to take care of them, they are limiting their own abilities to compete, their own experiences, their own exposures into the larger community.

I'm also firmly convinced that one of the real sad things about this is that when they talk about role models, whites need black role models. That's something that gets often overlooked in all of this. Whites need to see blacks in these kind of leadership positions, and as long as the State decides the only place they were going to see them is at Tennessee State, we're just continuing to perpetuate the problem.

CHAIRMAN BLUMSTEIN. Professor McGinnis, we have been hearing in official portions of our forum from many people who are administrators, and you're one of the people who's in the trenches, so to speak, in the classroom, and there's been some concern raised by other members of the Advisory Committee about what's actually happening in the classroom, whether at Tennessee State University or Knoxville. We have heard statistics, numbers, abstractions, principles of equitable desegregation and so forth, very abstract principles. What about the real world, as best you know,

from the system of higher education, the regents' system and UT system, what are the obstacles for blacks among students, among faculty? Is it attitudes? What are the problems about that bring about the kinds of isolation that we now see? Are the doors not open as we have been told? What is actually the problem from your diagnostic point of view?

PROF. MCGINNIS. It's like anything else, in a situation like this, when you have a whole history you're dealing with and say, "Okay, we're going to take these laws off the books," that obviously is nowhere nearly enough. There are a lot of things that have got to be done. We are dealing with a situation--although it is obviously better than it was 20 or 25 years ago--in which we still have an awful lot of students, and not all black, a lot of white students, but proportionately larger numbers of blacks, coming out of backgrounds which make them unprepared for college work. I have been trying to argue for a long time that the solution to this problem is not to take these kids in and say, "Okay, we know you have come from disadvantaged backgrounds, so in order to protect you, we're going to give you a college degree." Then you give them a college degree, and they go out and they're still uncompetitive, and you get back into all these problems of images and racism and all the rest that get reinforced by that kind of exercise.

When you have students who are unprepared for college work, you need to do something for them. The word remedial is out of fashion these days. If it's the 2-year institutions that need to do this, then that's fine, that's what we need to be concentrating on, but we also need to be encouraging these folks. This is where you get down to the roles played by teachers and counselors in high schools, of giving to a person an idea that there is a certain kind of opportunity available out there.

I have an awful lot of young blacks in my classes who want to go to law school, and they don't have the remotest idea of what they're in for. They don't have any idea of the kind of academic and intellectual discipline that's going to be required.

I kind of laughed when the president of our local political science club introduced me to a meeting of the group about a week ago, and he said something to the effect that anybody who has ever had Dr. McGinnis in

class knows he's a stickler for detail. What I didn't think of until a few minutes later, and what I wanted to say was, "Those of you who think you want to go to law school, you ain't seen nothing yet."

It is a real fight to get across to these students that if they are going to be competitive in the real world, these are things they've got to do. In some cases it may take them 5 years or 6 years instead of 4. That's what happens to athletes anyway, if they ever get out.

CHAIRMAN BLUMSTEIN. Academic red shirting.

PROF. MCGINNIS. That's not a bad term. Hadn't thought of that, but that's an idea.

And to provide money for them to do that. One of the big problems that we are facing right now, in terms of minorities especially, is with the economic situation. They are having a hard time getting the money to get themselves to and through school. If we're talking about having loans and grants, and talk about those that we need to keep for 5 or 6 years, and the first year or two they are taking courses that aren't necessarily college credit courses and all that, if that's what's necessary to do, we've got to do it. What we have to focus on is the end result. The time and the effort and money and so forth that it takes to do that with somebody who comes out of a background where education was never appreciated, never had time, family situations didn't allow it, and we're going to try to make a lawyer out of one of those kids or doctor or whatever else.

MS. WURZBURG. Professor McGinnis, if I were black, I'd have some problems with what you just said in light of the fact that in the work that I used to do in employment discrimination, I kept hearing over and over again the problem is the problem of the disadvantaged. I was learning from my friends who were black, "No, there's a great percentage of that problem that isn't just the disadvantage; a great percentage of that problem is called discrimination."

PROF. MCGINNIS. I wouldn't want to separate those. I think discrimination is a significant part of the disadvantage, historically, anyway.

MS. WURZBURG. In this UT system and in the Board of Regents system at

schools that have been identified majority white in the past, I'm sure it's not possible to put a percentage, but what role does discrimination have in this? Because there are qualified, competent, black kids coming out of our public system in droves that are still facing the same problems as the kids who really came from severely disadvantaged backgrounds. They're not going to pay for the disadvantaged part, and we're no longer going to really enforce the discrimination part. What's left for us to do, and where are we, and what are we to do now?

PROF. MCGINNIS. I might call this psychological discrimination, I'm not sure that's a good term. Again, I'm just sort of talking off the top of my head. For these black kids who go to historically white colleges and have very few black faculty, and almost no black high-level administrators, that's a problem we can deal with. That's clearly a problem we can deal with and need to deal with.

Everybody understands this at institutions like TSU, everybody understands this when you look at what's going on in the football field, but exactly the same thing has happened academically. Fifteen or so years ago Tennessee State ranked second or third among all colleges in the number of alumni playing in the national football league. But once those kids could go to Alabama and LSU and Florida and Tennessee, they weren't coming to TSU anymore, and academically the same thing is happening. And that's had an impact.

One of the problems we've got is, no longer are there those kinds of black student role models available for their fellow students. And it's a real difficult problem.

CHAIRMAN BLUMSTEIN. Professor McGinnis, in terms of the elements of discrimination that I asked you about before, I'm not sure I really understood the specific elements. I'm really asking for a diagnosis of the system.

When we start talking about institutional concerns and so forth, that is very abstract for me, and I guess I'd like to know some case histories. I'm a lawyer and typical lawyers ask, give some case examples. If you were a young black student, is the problem one of getting into the pipeline? This is something we've talked about before, getting into the

higher education pipeline. Are we really tracing this back to primary and secondary education? Is that what I'm hearing you say? We can't talk about the graduate school level, and we can't talk about getting more black faculty until--. Is that really what you are talking about, a pipeline phenomenon?

PROF. MCGINNIS. I think that's very much it. One of the things, for example, that's in the Stipulation of Settlement, and this was the one thing that the Justice Department appealed and lost, was the preprofessional program which called for the State to take 75 black sophomores every year.

CHAIRMAN BLUMSTEIN. High school sophomores?

PROF. MCGINNIS. No. College sophomores. Take 75 black college sophomores who wanted to go to professional school, law school, med schools, vet school, whatever, and take them to Knoxville or Memphis and have a special summer program to beef up their skills in mathematics and the sciences and communications and so forth to make them competitive in terms of being in line, and being prepared, and being accepted at the professional school because the record at that level in Tennessee is abysmal. The man on the TSU campus who is coordinating that program on that campus said, as he best understood it, there were only 19 students in that program last year.

What that reflects is that on the campuses we're not getting the word out to find these kids to get them into that pipeline. It's supposed to be coordinated at the State level, and that means that the Board of Regents and the UT system aren't getting the word down to their campuses, to their faculty members to find these students to get them to apply and to get them into the program. I think the theory behind the program is excellent. I think we need to do more of that kind of thing, but that's just very typical. That's an easy pipeline kind of thing, and we're just not getting the job done to get out and reach these kids because implementation of it is backed up so much that it doesn't get carried out.

CHAIRMAN BLUMSTEIN. We heard Dr. Bond earlier talk about the need for maintaining and sustaining quality as well as enhancing access. It's a value, I think many would share, and we would agree there's not

necessarily a conflict between the two values, so they must be adhered to. I hear you very much buying into that idea. You were doing nobody a favor by stamping somebody's degree without the underlying quality being there, and you're talking about all sorts of enhancement programs, and we have been hearing a lot of about those.

Clearly, concerning opportunities for blacks in the State and out, the market is a regional or national market for the best young people coming out of high school, it's not a Middle Tennessee market or even a Tennessee market. It surely is at least a regional market, if not a national market, for the very strongest students or many of the strongest students. So the question becomes, as opportunities expand, the former monopoly of Tennessee State for black students is no longer there. So now there's really a marketing question, a competitive edge question.

PROF. MCGINNIS. That's why we have 800 fewer black students than we had 10 years ago.

CHAIRMAN BLUMSTEIN. For blacks and for whites, I would think. How is Tennessee State—not just Tennessee State, but all schools across Tennessee—responding to this competitive situation by developing outreach programs, competitive programs, curricular modifications, what have you? It seems to me that the thrust of your comments is that UT Nashville succeeded in quadrupling its enrollment in a short period of time by being competitive, and so the question then becomes, how can you assure quality in the face of competition? That's really the question. It seems to me neither solution that has been proposed is an entirely satisfactory one. Competition has its cost in terms of quality and lack of competition, freezing out competitive programs, is designed to build institutional inertia and complacency, so how do you deal with that kind of phenomenon?

PROF. MCGINNIS. Right now I think the best answer to the initial part of your question, "How are the institutions responding?" is not very well. When you look at Knoxville, for example, and their problem seems to be too many students and they don't really care much about race or much about increasing their pool of blacks, they don't figure that they need to do anything, I suspect.

I'm just not at all sure that some of the other institutions are

aware--they're just beginning to wake up to this fact--that they don't have the pool of students out there that they have had all these years. They are beginning to wake up to the fact that the real expansion in higher education is going to come in the working adult population. There's a lot that has to be done to overcome the image and the history as far as how people look at various institutions. One of the things that we ask to be done in the stipulation--and again the Board of Regents did a half-hearted token effort at this--was to do a real survey to find out what the racial image of every institution in the State was.

In other words, how are these institutions perceived in a racial context? I think you've got to get an answer to that question, I think you've got to know what it is you're dealing with out there before you can talk. Now, what do we do to get around this? What kind of solutions can we develop? Going out and talking about recruiting and public relations campaigns, that's the first step in responding to this image and trying to get around this image. Of course, you've also got to make sure that you take care of them when you get them. I think some folks have thought through the first part of it, "Yes, we've got to go out and do this, we've got to get these folks," but then after they get there, they think their job is done. That's an administrative attitude. We go out here, we recruit these folks, get them on campus, let's make sure that we've got an atmosphere and environment that they are comfortable in and they're going to stay here. TSU's record at retaining black students is not terribly good.

One of the arguments too often made about the historically black colleges is, "Well, we don't have that large a proportion of black students entering, but we graduate a much higher proportion." That's not true at TSU. The proportion of black students who graduate from TSU is virtually the same as the proportion of black students who enter TSU.

We've got to talk about the notion of, once we get people, making sure we can take care of them, making sure we've got programs, and making sure we've got an environment on the campus in which they will feel comfortable. Quite frankly, that's not my field of expertise, and I'm not sure I can offer much beyond just saying that the second part of that

equation I think all too often gets overlooked.

MS. BERZ. If I heard you correctly, you are saying that Tennessee State is no better at retention than, say, UT Knoxville?

PROF. MCGINNIS. Let me give you figures out of the latest desegregation monitoring committee report. Of those people who entered universities as freshmen in 1980, the number who had received degrees by 1986, that's a 6-year period of time, which is standard for retention and graduation rates, TSU's rate for black students was 22.7 percent. UTK's was 33.6 percent. TSU's retention rate for blacks was about the norm statewide.

Now obviously you're talking about blacks who go to UTK, who are generally much better academically prepared than the ones who come to TSU. It's not a very simple, straightforward thing, but TSU's rate of retaining black students is no better than the system as a whole. That is something, I think, that's very important to be understood.

DR. BEASLEY. You asked what's happening in the university in terms of attracting students, and I think that is important because so much of the energy at the University of Tennessee Knoxville has been related to its size. All the literature I get in the meetings that I attend on the campus relates to the following. The University of Tennessee-Knoxville has mandated itself to be the comprehensive, research oriented university for the State, and as such, it took on several issues in terms of how it would meet that goal. One was to take in fewer freshman, and so my understanding is that there is a decrease in the number of freshman coming into the university, and it will decrease considerably over years.

The second thing is that the university has increased its ACT and SAT scores, and that serves to attract talented youngsters. This is well publicized, and I had much concern about the effect of that on the recruitment of minority students. It seemed to me that the picture that was being painted of the university was that there really is no space for those students who may be somewhat less well prepared than other students in some areas. I think these standards shouldn't be there for any university.

I'm concerned because any black student who's going to work that to meet those very stringent requirements to get into UTK would be stupid to go

there. That's from my own point of view--I certainly have the same attitude with my own child. If you make over 1,200 on the SAT, why not go someplace where it's going to be useful. So I think, then, these are the kinds of choices that many black people will make, and who can afford to go wherever they choose. I also understand that there is considerable financial aid being reserved, not just for minority students.

I have not gone back and made a comparison to see who's really getting those dollars for coming into the university, but certainly some of that money is going to minority students to attract them, talented students at both the undergraduate level and at the graduate level.

I also think that this cuts into the ability of Tennessee State University to recruit talented black students because they don't have the money or the resources with which to compete with the University of Tennessee-Knoxville. I'm not sure what's happening in other Board of Regents' schools, but I am fairly sure that this is the approach taken by UTK because all faculty, including black faculty, have been asked to participate in the recruitment of black students. They also are asked to make this sales pitch and to make the black community aware here in Middle Tennessee, and all over the State. There's a State mobile exhibit that travels from one end of the State to the other, really working very hard to attract very talented students.

The other thing is that UTK's mission is to make resources available to most faculty who are considered to be capable of engaging in scholarly pursuits, but I think there is a move on the part of the university to make these resources available. We certainly are beginning to get some of them here in the Nashville area in terms of the kinds of computer resources that we need in our own shop to engage in scholarly productivity. The notion there is that the more talented and scholarly your faculty is, the more likely you are to recruit and hold the more talented student, regardless of the race of that student. I do see some strides being made in that direction at the University of Tennessee, and that the resources are there to do that.

My concern about Tennessee State University is that these kinds of resources aren't really available to it. Even under the best of

circumstances Tennessee State will need far more in the way of resources to pull off a successful merger after the kind of racism that's existed in our State since prior to the Emancipation Proclamation. Certainly, you would think that with a merger of this kind you would need considerable resources to attract the kind of faculty that you want, the kind of faculty that's going to put first and foremost the education of students. That's my concern as I look across the street at Tennessee State University. When do we get down to the business of doing what we are paid by taxpayers to do, which is to educate our students rather than fighting with each other all the time around turf issues.

I was also a little surprised with the previous speaker. It's just that I was a little confused by your logic when you indicated--and I agree with you--some of the resource needs in all of our State schools, but especially Tennessee State University. And then you supported the Ph.D. program in public administration. It's not that I don't think Tennessee State University should have that program, but it seemed to me with the kinds of priorities there are for a good undergraduate university, especially its liberal arts offerings, some priorities would have been set for developing resources, to educate undergraduates, and to set those kind of priorities for students rather than starting off with a very expensive program that would benefit only a small number of students. So that is a concern of mine. I have also expressed it at Tennessee State University.

CHAIRMAN BLUMSTEIN. Dr. Kindall is associate professor of educational and counseling psychology at the University of Tennessee-Knoxville and a member of the University of Tennessee-Knoxville Commission on Race.

Statement of Luther M. Kindall

Associate Professor, University of Tennessee-Knoxville

DR. KINDALL. I was the first cochairperson (with Ralph Boston) of the UT Black Faculty and Staff Association, and the second chairperson of the UT Commission for Blacks. I am presently a commissioner on the Tennessee Human Rights Commission.

I have been asked to speak specifically regarding the status of black faculty at the University of Tennessee-Knoxville. I feel it imperative to tell you that at times you may think I am straying from the topic of black

faculty. However, I cannot address this topic without alluding to the lack of blacks in the administrative structure of the university.

Attached to this statement are some tables that should be of immense interest.¹³ The tables include data on the number of blacks and whites who hold the following positions at the University of Tennessee systems level and on the University of Tennessee-Knoxville campus. Category 1--president, vice presidents, chancellor, vice chancellors, provost, and vice provosts; Category 2--UTK Council of Deans and Directors; Category 3--UTK department heads.

It is important for you to be reminded that these statistics are for 1986, but from my knowledge of changes or additions, they have been updated for 1987 on the tables. They also do not include any positions with the title of assistant, associate, assistant to, director, or intern. The positions listed are considered to be the ones where authority is placed in terms of making decisions related to faculty hiring, merit pay, tenure, and promotion. I cannot emphasize enough that top administrators have not and are not setting the example in terms of providing equal opportunity for blacks. These administrators themselves are using hiring practices that circumvent the law.

Dr. Edward Boling has said on record that there are few competent blacks in Tennessee and that they leave the State. He has said to me, personally, that he thinks advertising in the "Chronicle of Higher Education" is a waste of money. We further noted that he did not use affirmative action guidelines when hiring certain vice presidents and others on his staff because he only hires people with whom he can work. This is the president of the university, the exemplary model, the one who sets the tone, expectations, and racial climate for the university.

Let me provide you with a small sample of cases within the past 5 years which illustrate how this mentality has excluded blacks when administrative openings were available. Judge for yourself in terms of qualification.

The advertisement for the position indicated a doctoral degree was desired. Blacks with master's degrees and experience in admissions work refrained from applying. The white male who was selected for the position

does not have a doctorate.

Opportunity to hire a dean of the college of education (and get away from the historical position that one is enough): A person in central administration chaired the search committee for the dean of the college of education. Education is a field where many qualified blacks are available to assume major leadership roles. In fact, more than 50 percent of blacks who earn Ph.D.s earn them in education. Forget all of that and witness the leadership being exercised by the current president of the National Education Association, a black woman. At UTK the pattern repeated itself. A white male was hired to serve as dean of the college of education (the one-is-enough mentality that pervades departmental faculty composition).

The above examples were chosen because in each case, extremely qualified blacks were available to occupy these positions. The cases also demonstrate that there have been key job openings. The hiring record has been abysmal, and white males, with the exception of one (is enough), are responsible for these decisions. These cases were from the Knoxville campus, which should be complimented for conducting searches. It should be noted, however, that people suddenly appear in positions at the systems level where no searches have been conducted.

Until those in leadership positions set the example, they will be viewed as hypocritical at best. If they continue to create assistant, associate, adjunct, acting, assistant to, directors, and internship positions for blacks and then never give them a chance for major leadership roles, then very direct action should be taken by the Office for Civil Rights. Window dressing will no longer suffice. Blacks on the University of Tennessee-Knoxville campus have no confidence they will be given a fair opportunity.

Another issue of concern to blacks at UTK is service. The institution has as its mission: teaching, service, and research. This is a three-tiered mission. Yet, when it comes to promotion, tenure, and merit pay the criteria becomes two-tiered.

Because of the paucity of professional blacks in Knoxville and surrounding communities, there are high demands on us to perform public service.

1. The few black faculty on the campus at UTK are being called upon to be "token" representatives on committees, serve in a variety of public relations type activities, advise black students who need assistance, and perform duties on black faculty time for service activities exceeds that of white contractors. This type of service is not rewarded in the same manner as research and scholarly activity.
2. Black faculty not only feel the burden of heavy service workloads because they are needed as "token" representatives, but they feel the psychological and physical stress that accompanies the designation of "token."
3. Black faculty frequently are torn between their desire to be of genuine assistance to black students who encounter unfair treatment and their desire to rise through the tenure and promotion system. Black faculty know that most everyone who is in a position to make a decision about their future is a white male. The black faculty member who "goes to bat" for a black student who has been dealt a severe injustice may not make friends among those who sit in the seats of judgment.
4. Black faculty at UTK are reluctant to help recruit qualified black faculty to an institution that can point to very few blacks and minorities in any positions of leadership and authority.
5. Black students like to be taught and counseled by some black faculty and counselors. Black student recruitment becomes much more difficult when few black role models are present.

The situation regarding blacks at the University of Tennessee systems level and on the University of Tennessee-Knoxville campus is such that immediate steps need to be taken. I offer the following for consideration.

1. A president is currently being sought for the University of Tennessee system. Any successful candidate should have a proven track record for a significant time (not just within the past 6 months in order to get the job) in terms of hiring and promoting minorities. Appropriate oversight needs to occur to make sure this suggestion is implemented.
2. A thorough performance evaluation or "report card" should be issued on the chancellors of each campus in terms of their demonstrated achievements relative to the recruitment, hiring, promotion of minorities. Good intentions do not count. Double check any statistics prepared by these administrators and their staff members.
3. Denials for tenure and promotion or lack thereof of minorities within the past 5 years should be examined to determine on what bases these denials or preclusions were made.

4. If blatant discriminatory practices are found, they should be brought to the attention of the public with every attempt made to retroactively compensate those who have been unfairly treated. This would include, but not be limited to, appropriate promotions, salary adjustments, and promotions for current faculty who have not been promoted because they were misled and encouraged to do service-related activities which ended up being pro bono service.
5. The university should be encouraged to move toward a definitized explanation and operational definition of service. The following concerns should be addressed:
 - (a) How do deans' interpretation of real service differ from the interpretations of various department heads in colleges in terms of (1) definition, (2) merit pay, and (3) tenure and promotion?
 - (b) Does a college's interpretation (definition, credit, and reward) of service differ from the university's interpretation?
 - (c) Are public service, service to the schools and community service (department, college, university) legitimate for faculty? If so, how are they credited, weighed, and rewarded when compared with teaching, student advising, research, and scholarly production?
 - (d) Should a standard formula for service and research be applied to all faculty in determining merit pay shares? Or should the formula be more flexible, i.e., tailored to the faculty's discipline, interest, expertise and the needs of the college, departments, schools, and public or community?

In conclusion, my concerns are twofold. We are in dire need of a president who has the leadership qualities to change the negative image that the university now has in terms of race relations, hiring practices, and the number of black students enrolled. Secondly, black faculty are caught in a "catch 22." We are needed in the area of service to provide a positive image for prospective and current students. We are, or I have been, encouraged by administrators to pursue such activities. Yet we are penalized when we do--in terms of tenure, promotion, and merit pay. That is, we are damned if we do and damned if we don't. We are tired of being damned. I sincerely hope that your presence is not pro forma and that you will assist us at UT in improving our image and making it a hospitable place to work and learn for all students and employees.

Those are just two issues that I address. Obviously, there are more. You mentioned that I'm on the Race Relations Council. I am not a member of the Race Relations Council. I was head of the Commission for Blacks. I saw that that was sort of a buffer for the system and for the public, and I resigned that position and let the people who are not doing what

they ought to be doing take the heat rather than me taking the heat.

MR. DUPREE. I'm very interested in questions of minority faculty tenure tracking, tenure track retention, and things that we have been discussing, and especially the way you mentioned the community service component as opposed to something else. How is that working in real life?

DR. KINDALL. The university changed its mission about 5 years ago to become more research oriented, but there were many of us who had been encouraged to do public service. It's just as hard for me to write a speech as it is for some of my colleagues to write little two or three page research papers that they put in the basement of the library and no one reads, so they don't do it.

I am an associate professor. Most of my colleagues are full professors. They tell me, "Luther, if you had just been doing that research all along, you would have been a full professor now." Well, I was encouraged by my department head, endorsed by and encouraged by the vice chancellor of faculty affairs, and so forth, to go out and do public service, but it ended up penalizing me.

I have seen many of my black colleagues leave the university because of apprehension, anticipation they would not get tenure, and so forth, because they got the message from their colleagues, and so forth, that "we don't support that, we want research." I need to go to my office and do research, go to the library and just do research and forget the public image of the university--and the university ought to forget its mission of service--and then forget the black kids and all of the other needs and go on and be promoted and be selfish. I have just been willing to sacrifice and be penalized in that process.

Whenever you change rules in the middle of the game so to speak, in terms of the mission of the university, there should be some consideration for that history of what you have, the expectations that were made.

MR. DUPREE. Some kind of compensation for what you did prior?

DR. KINDALL. Prior to that type of thing. So we have had a number of very top quality black faculty leave the university because their colleagues said that they are not going to support them. In other words, the people are just spinning their wheels. We have black faculty who come

in, they serve as assistant professors, and then when their tenure time comes up, they leave and they'll bring another one in. So we stay at the bottom rung of the ladder, and then when the statistics go out in terms of numbers, we're pretty much the same number, but no one ever moves up. They just go from one institution to another, and I don't know what happens at the other institutions, but we remain at the bottom of the totem pole. Along that line.

MR. DUPREE. Has there been, from what you are able to tell, a trend of encouraging black faculty throughout the different colleges to spend their time in a service component instead of a publishing component?

DR. KINDALL. Yes. The institution is already set up somewhat that way. There are so few of us, we're called upon to serve on all kinds of committees, not just outside the university, but within it. They sort of need the person to satisfy some statistics for whoever outside may be questioning whatever is going on.

MR. DUPREE. All of us have choice situations. What I'm hearing from you, I think, is that instead of just a plain choice that you can do this or you can do that, that you are being encouraged actively by the administration for these activities to take place in preference to just a plain publishing track; am I correct?

DR. KINDALL. That was it, certainly. I'm the epitomy of it. Now my department head has retired. We have a new department head, who has pretty much this same philosophy, an acting department head, but then we'll have a new one coming in within a year. So we had one for the last 3 years. The first one that I worked with, who is retired, emphasized research. Therefore, in continuing with my commitments in terms of merit pay shares and so forth, I got the lowest raise in my department. But he got fired. This new person now holds the same position as the person prior to this past person. But the university, if it does have that three-tiered mission, ought to be definitive when they talk about service.

I think they're rather definitive when they talk about teaching. They are rather definitive at least in terms of quantity when they look at research. Much of it is not quality, but the administrators can judge it. When it comes to service, I think the only college probably that has a

good definition for service is the college of agriculture, which is the prototype of most systems. There you are talking about agricultural extension service, where you go out and work with farmers, to do this and do that. It's loose. We want you to go out and satisfy that community and try to convince these black kids and black people that this a good place to be. We do have a new provost, and I really applaud his efforts. I think things are going to change for some of the persons coming in at this point. He's only been there 2 or 3 years, but he's really on top of this.

MR. DUPREE. You mentioned the revolving door with the assistant professor situation. Are you in any kind of a position where we can talk about either attaining or retaining tenure faculty across the university now? Are you in a position where you can talk about rates of attaining tenure among associates?

DR. KINDALL. I don't know the trend either. We did a study in 1976 prior to my being chairperson of the Commission for Blacks. They said they had 46 black faculty on staff, and I thought, where are they? So I canvassed everyone, and it ended up being 31 or 32, but they were counting people who were not in the classroom, people at Tennessee State who were in the school of social work. In other words, their paychecks came out of Knoxville.

So from my perception, there is that turnover. You can't believe the fear or apprehension that people have there. They're afraid to speak out on issues, afraid to do a lot of things.

MR. DUPREE. That's not really a fair question because I can't come in as a black professor, but do you have any idea as to what the general mood is there? Is there any upward mobility at the university at this time, or is it pretty well maintaining the status quo? Do you see a change?

DR. KINDALL. Yes. I think that some efforts are being made again on the part of the new provost. We now have a new black dean of the college of law, Dr. George Wheeler. He's really on top of this at this point. We also have just this year hired a new dean, a new head of the finance department in business, and a new head of the political science department, so we're making some progress at this point.

My concern is--and I'm serving on two search committees now--two-fold here. I tried to tell them years ago to look at trends with affirmative action officers. You have four affirmative action officers. One was in the college of veterinary medicine, and all of that which was in agriculture reports to the president through a vice president. Chancellor Reese was not over that. You have one on the systems level--Dr. Andrew Kosar. They didn't have an affirmative action plan or anything until I asked them to come up with one.

You have Dr. Luke Edisol, who was at UT Knoxville, and you had one in agriculture, Clinton Selby. They did not have one in the athletic department, and when I asked them, "Isn't this within the purview of the University of Tennessee-Knoxville," they said, "No, we have a board that runs that, and I'm just one of the committee." Reese is one of the committee, Boling's one of the committee, and so forth. They have become a little upset because they thought I was talking about affirmative action with searches for coaches, but they ended up with an affirmative action plan with the athletic department.

My concern is that when openings come up now, the process that Dr. Wheeler has implemented is very strenuous and he will turn that around if you haven't done your homework. But it's happening in departments willing to do this in the first place. So the people who are already committed in terms of their attitudes and everything else are the people who are being penalized because they don't have a chance to audit people who don't do it. In other words, it's sort of like not filling out your income tax or not being exempt from the income tax and avoiding an audit.

We have two positions open in my department right now. We're looking for blacks or females who qualify, but we're going to have to go through a very strenuous process. Some of my colleagues who have been very committed are now becoming a bit leery about the whole notion of affirmative action in that it's too much work. You are penalizing the good people, you see, and sort of turning them off.

One told me the other day, "Affirmative action goes beyond what I thought. I thought it was an affirmative approach." So the problem that we have--and I'll make that as a recommendation, too--I think it ought to

be for the whole State system of colleges and universities. THEC or someone ought to recommend to the legislature to fund some type of national clearinghouse so that when these positions become available, all institutions in Tennessee would have access.

That is a great concern, and I think it would benefit all colleges. Tennessee State would be benefited with its situation. I think requiring me to write the National Association of Black Professors, the National Association of Black Psychologists, looking through Who's Who in Black America, and all of that's a very vigorous, very laborious task. So I think if we could get a pool, some type of pool of potential graduates, particularly in areas where there's a dearth of blacks, forestry, for example, or something like that, we at last would be able to have easy access to the people and not have to go through such a time-consuming, process and at the same time keep the good people on our side. No one wants to serve on a search committee anymore under the new provost guidelines.

So I think that the State of Tennessee needs that for Memphis State and everywhere for women and blacks, and, of course, they could sell it to other States and maybe get a national clearinghouse which we need. Or we could do it as a consortium with other States, or something of that sort, so that we would know where the people are.

Now, they had a Colorado report back in the seventies indicating the availability of blacks and women in certain areas, and a few of the civil rights people came up from Atlanta. Two guys from the civil rights office came and talked to me and Dr. Betty Clerk about getting into graduate school. They didn't get into the real issues, so I think there are some very positive things that could be done.

I think we have the leadership. I think Jack Reese has the attitude, I think Provost George Wheeler not only has the attitude, but I think he's a democratic person, but he becomes a bit autocratic in dealing with this issue. The point is, when you are operating under the aegis to inform that person above you, there are limitations placed upon what you might do. The president of any organization, Mr. Pendleton of the Civil Rights Commission, for example, sets the tone for what the public thinks of you.

CHAIRMAN BLUMSTEIN. I'm also an academic. We share the same vocation. I teach at Vanderbilt, and I do this in my spare time as well. What you are saying is an issue that really is pervasive in academic life, how is service to be defined and how is it to be rewarded? But what also struck me is that there's an important monitoring issue. There is always an opportunity on behalf of administrators to really exploit young people who are capable, personable, good spokespersons, as you obviously are, to speak to other groups. There's always a risk that people who do things well are going to be asked to do them more. I understand the point that if there are few black faculty, or fewer women faculty, they are going to be asked to do more. Everybody wants to bend over backwards to have representation, different points of view, and being fewer in numbers, you get put on more committees. In the major research university, the reality of life is, you don't get tenure and promoted by sitting on committees. It's done, and I'm sure that my participation in this forum will have zero effect upon any raise that I could expect out at Vanderbilt in the future. I'm confident of that. It wouldn't be negative, but just be a zero as far as they are concerned.

I'm concerned about how administrators are being conditioned not to exploit young, particularly black faculty in your situation, not to ask young black faculty to take this disproportionate load. Who's talking to administrators? Is there a group on campus or senior black faculty like yourself warning young black faculty not to engage in this kind of service activity which is not ultimately productive in terms of one's career? How is this message getting through to young people?

I understand your particular position, you started in one direction and moved in a different direction. I think that's a different question. We're facing the future at UT which sets up priorities for the young folks. How far is this getting through both the administrators and the young black faculty that, as nice as it is to be out front, you don't get tenure or promoted based upon giving a speech to the Rotary Club or something. How is that getting communicated?

DR. KINDALL. Well, I think it's being communicated informally. To answer the latter part, I think it's communicated informally by black

faculty such as myself by just informing them up front, "What you need to do is to establish a contract, not necessarily a written contract, but some type of understanding up front with your department head and colleagues as to what the expectations will be; the criteria, how they will be credited, weighed, and so forth, and don't go down that blind alley. You have the choice then to leave and go to an institution that rewards you on that, or where you would be more comfortable."

That's informally done now, at least I do it. I try to tell them up front every year to sit down with their department head and come up with something in writing as to what the expectations will be. Once that person has agreed upon it, to pursue it. If you don't pursue it, then you ought not to get the merit pay or whatever.

CHAIRMAN BLUMSTEIN. It's a terrible problem in every university what you are describing, and you are absolutely right that it's pro bono, and that no university is going to get a reputation by having people go out recruiting students. The only thing that counts is how good you are in the classroom and how good you are in the publications. So only two things ultimately really count in the academic world. The more young faculty, black and white who understand that, the fewer blind alleys they will go down.

MS. BERZ. I understand that you are a member of another desegregation task force.

DR. KINDALL. I served 2 years, 1 year on the Faculty Affairs Committee and, along with Ralph Boston, I was the first cochairperson of the Black Faculty and Staff Association.

MS. BERZ. What I was particularly interested in was the veracity of what Michael Harris was saying about all the various committees and plans, and that there are some particular mandates that are stipulated in the court order. What I heard at the Black Legislative Caucus from Professor Ron Miller, Professor Cynthia Fleming, the black faculty and staff, Michael Harris, and on and on, was that the UT system was merely giving lip service to all of this; that there were many committees established and they would give their reports, or tell the powers that those reports were ready, and then the whole committee would not get to meet with the powers.

The chair would get to meet with the powers, and then the powers that be, and I don't know who those people are, would tell the chair, "Look, Clyde, cool it."

DR. KINDALL. That's right.

MS. BERZ. Is this going on--lip service?

DR. KINDALL. It's going on. That's the reason I resigned as chair of the commission. You do, by the way, have a copy of Ron Miller's presentation.

MS. BERZ. That's the one I was referring to.

DR. KINDALL. He was one of the speakers that night. The other person you mentioned left the university. He flunked two white students and the administration overrode him and changed their grades. I can recall several years back going to the administration because of a problem with discrimination with a student from Nigeria, and the administration told me flatly it had nothing to do with the grades, that it could not determine standards. Though one of them said, "I'm an engineer and that does look all right. It was [acceptable] drafting work, but there's nothing we can do about it." Yet when the black faculty member did it, they changed the grade. That's the fellow who resigned. The point I want to make is, I finally recognized that when we have the problems, institutional problems as well as some personal incidents that are occurring between black and white students on campus, the administration immediately puts into force some type of task force to study it.

In 1978 and 1980 they had a task force to look into this, the 1977 report that in which I think I did the faculty affairs, someone else did the student affairs. We presented it to the administration. It held onto it for 6 to 8 months. We asked almost monthly, and sometimes weekly, when are you going to get this back? They said, "Well," as if they only had one copy, "We have to send it around for all vice chancellors to read," and so forth.

The thing I found out, and it was a hard lesson but an obvious one to me, was that the university doesn't change from within. I can't make Jack Reese do anything. He's pointed his finger at me and I pointed mine back at him, and it's just gotten awful in some situations, but he's my boss.

After the meeting, I told him, you appointed me to represent this constituency and I feel like a lawyer, I'm going to represent that constituency, and here you are very angry at me because I'm doing what you asked me to do.

I recognize that what they don't like is the press finding out what they are doing, so then I went to the press and had Dr. Boling saying one thing, he was against affirmative action, and you had Dr. Reese saying that he was for it, all in the headlines. I said, "I better go on back home today because I don't need to get the phone calls."

So you have the press, you have the State Legislature, the Finance Committee, the Budget Committee, Education Committee. You have the civil rights organizations, the Civil Rights Commission, you have accrediting organizations. When they come in, they want to know, "What are you doing in terms of minority hiring, women and all of that?" They respond to those external powers, but there are no internal powers. They are the power internally and they want to suppress everything, and that's the reason I'm an associate professor rather than a full professor.

MS. BERZ. But you do have tenure?

DR. KINDALL. I do have tenure, but they raised a number of questions about research during the tenure process, but my department head luckily had encouraged me, and he'll tell you right now to do all of the things that I did. They couldn't use that against me personally. But that's not true, I guess, of some other people.

PROF. MCGINNIS. As for the point Professor Kindall is making, I thought you all might be interested to have me read this. It is in the Stipulation of Settlement in the court case that was entered in 1984. This is provision number IIIG [and H]..

Progress in affirmative action will be a factor in the review of department heads, deans, and vice presidents/vice chancellors by institutional presidents and chancellors and in the review of presidents and chancellors by the chief executive officer of each system. The SBR and UT must approve or disapprove, prior to any offer being extended, the recommended choice of the administration at each of its universities for the positions of vice president/vice chancellor, dean, and department chair, beginning immediately upon execution of this agreement. This review will take into account the following factors: one, the credentials and qualifications of the applicant; two, affirmative action responsibilities of the

institution in the system of the board, and the degree of achievement of institutional desegregation objectives; and three, the degree of commitment to affirmative action on the part of the applicant.

As a result of an injunction, which my group of intervenors got from Judge Wiseman to prevent the appointment of three whites to 2-year college presidencies 1 year after this order was entered, the State Board of Regents came up with a very detailed plan which requires them to do exactly what the professor was talking about, going to these various organizations of black educators and black administrators across the country to solicit applications. I have a very strong feeling that this is only being done in token fashion. The problem is making sure somebody carries them out.

Statement of Fred Brown

President of the Student Body, Tennessee State University

Mr. Brown. It is rather ironic that the courts here will deny student input, but the U.S. Commission on Civil Rights would come and hear our complaints and our problems. Higher education in Tennessee predates the establishment of the State. Blount College, now the University of Tennessee, was established in 1794. The State of Tennessee was established in 1796. In 1867 the University of Tennessee was granted access to the provision of the Morrill Act in 1862 [7 U.S.C. Secs. 301-305, 307, 308] and thereby became the official land-grant college for white students in Tennessee. Tennessee Agricultural and Industrial Normal School for Negroes was established as the land-grant college for Negroes in 1909 and opened its doors in 1912, then became a college in 1922 and a university in 1951.

Tennessee State University and the University of Tennessee were established under the separate but equal doctrine with consent of the State and the national government--this came under Plessy v. Ferguson and Cummings v. Board of Education. Every historically black school in higher education was under the separate but equal doctrine.

In 1939 the NAACP Legal Defense and Educational Fund began a national legal effort to open the doors of America's professional schools and graduate schools. In this respect, a man by the name of Gene Mitchell Gray was admitted to the University of Tennessee Graduate School in 1952. In 1960 Theodis Robinson was the first black undergraduate student admitted

to the University of Tennessee.

Tennessee State University has never discriminated against anyone. During these intervening years between 1933 and the 1960s, there were three noteworthy events that took place. In 1947 the University of Tennessee established an extension campus in downtown Nashville. This was the other side of town from Tennessee State University. The University of Nashville was to become a night school offering up to 1 year of credit courses.

In 1954 the Brown v. Board of Education decision overruled the Plessy v. Ferguson, the Cummings v. Richmond County Board of Education, and the separate but equal doctrine.

On May 21, 1968, Sanders v. Ellington was filed in a Federal court at Nashville on behalf of Rita Sanders, Patrick Guillean, Ernest Terrell, and Harold and Phillip Stewart Sweat. The attorney was George Barrett. They filed a class action lawsuit to stop the upgrading of the University of Tennessee at Nashville downtown campus at the expense of the historically black Tennessee State University.

In 1975 the University of Tennessee at Nashville became a 4-year university. In 1977 Federal District Court Judge Thomas Wiseman ordered the merger of the University of Tennessee at Nashville and Tennessee State University, with Tennessee State emerging as the dominant institution. In 1975 the former chancellor of the University of Tennessee at Nashville, Dr. Roy Nicks, became the State Board of Regents chancellor, which is the governing body of Tennessee State University.

In 1983 a group of largely white faculty members, styled McGinnis and others, alleged that Tennessee State University was resegregating and were granted leave to intervene in the lawsuit. In 1984 the group, McGinnis and others, succeeded in convincing Judge Wiseman that Tennessee State University shall become 50 percent white across the board.

None of the other historically white institutions in the State of the Tennessee received the same justice to become a predominantly black institution. The student body at Tennessee State University cried foul. On that day, we marched 4 miles down to the State legislative building and showed our disapproval with the Stipulation of Settlement and the fact

that we were locked out of the decisionmaking process.

The student body, under the auspices of the student government association, began doing some research. We found that Judge Barrett, lawyer for the original plaintiff, never had the lawsuit certified as a class action lawsuit. We also found that Dr. Ernest Terrell, who as a student represented Tennessee State University, was never informed of the contents of the Stipulation of Settlement even though his lawyer had agreed to it.

While representing the original plaintiff, Attorney Barrett filed motion to leave to intervene on behalf of the plaintiff intervenors, McGinnis and others, and then filed response to the motion to leave to intervene on behalf of his original plaintiff. He asked that the plaintiff intervenors be denied standing, but if the court granted them standing, that their standing only be limited to discussion on certain issues.

If the lawsuit was never certified as a class action lawsuit, and the student class representative was never consulted about the agreement with that lawsuit, the question is, who was Mr. Barrett representing?

When the Tennessee State Student Government Association found Dr. Ernest Terrell, we contacted him and informed him of our objections to the lawsuit. Dr. Terrell sent a formal letter of objection to Judge Wiseman requesting that he be given some time to consult with others so that he might formally express his disapproval with the settlement and to prevent the settlement from being implemented as agreed in the order of appeal. Judge Wiseman denied Dr. Terrell his request without comment.

The Student Government Association tried many other means to make sure that our voices and our concerns were heard, making sure that we were not excluded from the process. We talked to the Tennessee Black Caucus, we talked to concerned individuals and organizations expressing our disapproval, and our question still remains, does desegregation mean the destruction of historically black institutions?

I believe the real tragedy of the rape case of Tennessee State University is reflected in the sentiments of our past interim president, dr. Roy P. Peterson, the first interim president brought from outside the State of Tennessee. Dr. Peterson said, "I don't believe that any

institution that is historically black can look to the future while it will remain a predominantly black institution."

In contrast to Dr. Peterson's sentiments, Julius LaVonne Chambers, who said that Tennessee State University is a rape case said, "I was concerned and astonished about the emphasis placed on Tennessee State University. I think the focus of the court was all wrong." We are talking about the integration of the University of Tennessee, and that talks about Memphis State and every other institution in the system, but we are going to have blacks representing 50 percent of the faculty at Tennessee State. Shouldn't we have black faculty members fairly represented at other State institutions?

If we talk about not being able to find blacks to teach in law schools, isn't it important that we develop a mission and an obligation to train black administrators, teachers, and staff members to teach in professional schools? If we talk about not being able to find black administrators, doesn't the State have an obligation to train us and train black administrators?

No court will support an argument that a State-supported institution should be and can maintain an all-black or all-white institution, but that does not suggest that we cannot be placed and that we cannot still be a predominantly black institution.

Mr. Chambers is absolutely correct. We honestly feel that Tennessee State University has provided this State with qualified persons, with persons to go out and make adequate contributions to this country.

Tennessee State has never said that a student cannot come to Tennessee State. We've never discriminated against anyone. By saying that we must become a predominantly white institution, that we must lose our predominantly black heritage, we feel this is totally wrong because there isn't an institution in America that cannot be racially identified, and there are some 3,330 colleges and universities across the country and only 114 are predominantly black institutions.

If we go back some 10 years ago, we find over 200 predominantly black institutions. They've dwindled away because of mergers, because of different injunctions, we've lost our predominantly black institutions.

Is that right? . Is that correct? Should desegregation mean the destruction of predominantly black institutions?

Statement of Rusty Gray

President of the Student Body of the University of Tennessee-Knoxville

Mr. Gray. Last spring at the University of Tennessee-Knoxville there were a couple of isolated incidents that had racial overtones, and it created quite an issue on campus. But I think this same kind of thing was happening nationwide, sort of a resurgence of some of the racist, I don't know if I can say slurs, but just some tension. I don't know if you saw Doonesbury, it was last spring, and had a black gentleman, who was at a college or university sitting at a bar talking to the bartender and the bartender said, "I hear racism is back." When I was reading that, I was thinking, "Gosh, this is obviously beyond the scope of UT," but it's difficult to pinpoint exactly how big the tension is, or if there is tension on a large scale or if those are just isolated incidents.

I think it's important for this board to understand I'm not an administrator. I can't give you the retention rates at UT. I can't give you specific recruitment activities. I can't give you long-term minority plans and faculty ratios and student ratios. Does it hurt this committee, me being not as technical as I could be on specific statistics?

CHAIRMAN BLUMSTEIN. I assure you that we have had many statistics over the course of the day and a subjective, impressionistic report would be quite refreshing.

MR. GRAY. I'm not a minority. I'm not going to try to look through the eyes of a minority student. I'll try, but I can't. I think it's impossible for nonminority students or nonminority people to sit here and tell you what the actual feeling is to be a black student at UTK. I can't sit here and be a black student from UTK, so I'll give you my perceptions, the quality of life and the way I see it.

When I was elected student body president, I had a chance to interview some people for some positions, and I ended up interviewing 130 people. I talked to about 60 black students during the time of those isolated incidents, and I've got a really good perception of what was going on. I thought it was really interesting. It was almost split down the middle.

About half the people said these are isolated incidents, this tension is not as much as played up in the press. Another almost exact half said, "We're about to have an explosion here." Some people are very upset, and if I could pinpoint where it would be, it would be down on new fraternity row. So I really started wondering, what's the story here? Is this an issue at all, or is this a few isolated incidents? Am I missing this?

I think the bottom line is, I picked up a lot of tension that I didn't see before. As a white student, I didn't really see a lot of the tension that these interviews helped me to see. I don't think it's overwhelmingly awful, and I do think the incidents were to some degree isolated. But there was a little underground, a little low tension, there that I was made aware of, and I value that experience.

I want to tell you the major efforts that UTK has taken in addressing this issue, and then I want to tell you what my perceptions of how successful these efforts will be. I don't think I can speak for a minority student, or be an administrator.

First of all, back in the spring the chancellor appointed a task force to research the quality of life of minority students on campus and to look at academics, social activities, extracurricular activities, and find out what the quality of life is for a minority student and how can we improve it, what the areas are that need to be worked on. This committee's been working quite diligently ever since. They have public meetings, usually early in the evenings on weeknights in the law college courtroom, and they're usually packed. Over 100 people usually show up, and a lot of issues have been debated--academic issues about possible grade discrimination and various issues such as this.

Also, Tennessee stepped up recruitment of minority students, and particularly black students, and I can document a couple of the efforts. I used to be a student orientation assistant, and we brought in students and showed them UT, and last summer they started a program. They went to Memphis, and sometimes transportation cost was a problem for people. That's a problem with orientation. People from far away can't take time off from work and they don't have transportation to Knoxville. So they went to Knoxville with a couple of buses, and they brought in two or three

large black student groups that would otherwise have missed the chance to come to orientation. That was part of the recruitment effort. Also, they have been doing mailing campaigns, visiting predominantly black high schools throughout the State, college awareness programs, brochures, and there has been an increased effort to recruit minority students at UT.

Also, there's been the big question, "once you get them there how do you retain them?" The vice chancellor's office recently researched this issue, and they are researching the question of retention--why are the black students, the minority students, not coming back to campus? This has involved quite extensive research. I'm not sure if it's even complete, but it's going on in the vice chancellor of student affairs' office.

Also, there's been a lot of administrative support for the Minority Students Affairs Division of UT, which is a very active part of UT, from tutoring, counseling services, to social activities, programs, extracurricular activities, and the Black Culture Program Council. They brought in Martin Luther King, III. They do a lot of really good programs and participate in homecoming, which is going on right now. Also, there's been action taken by the students to address this issue. You'll see a lot of residence hall programs. The celebration of differences or awareness of cultural differences have been the tones of a lot of these programs. It's gone on in Clement Hall, Hess Hall, a very large residence hall, and our own organizations, the Student Government Association. We sponsored a river boat cruise on the Tennessee River with a black fraternity, and we sold out to 400 people. It was really a good time. I think not only are you seeing efforts by administrators, but you are seeing them by students also. I think that's gone over real well.

I'm not in a fraternity, but I understand that the Greek leadership train their Greek leaders. That was one of the key issues. They brought the black leaders and the black fraternities and white fraternities and sororities, and they discussed different stereotypes they had of each other, and I understand it was a really interesting program during the training. I think the administrators and the students have made an effort.

Being a student in student government and just being an active student, an interested student, even if I wasn't involved in student government at all, I see a lot of the way UT works. I'm convinced that they are really making an effort to address the issue. Sometimes it must seem frustrating to them because it may not seem like there's progress. But some of the things I've named, some of the efforts here, they're really going at it. I just read a report by the assistant vice chancellor of student affairs--and it hasn't been made public yet or approved, so I'm not going to document that here or anything--and I was just quite impressed. I thought, "Boy, these people are spending a lot of time. They are really going at this full speed." I can't give you the long-range specific plans, but I'm convinced by these examples that their efforts are sincere and legitimate.

I guess the question is what degree of success will they have with these efforts. I think it goes back to those isolated instances I was talking about. By looking at some of these isolated incidents you get a better grasp of the success of these efforts. The general point I want to make is that the racial tension on campus in a lot of cases comes from these isolated incidents, when you have a handful of students who were brought up more prejudicially than others, and I can give you a perfect example.

I was already a resident assistant and a resident said he had a black roommate. I thought "These are the eighties, what's going on here?" This guy said, "I'm not going to sleep with no spook." I was immediately shocked. I thought, this is the kind of attitude that is still around, and it may not be overt and explicit all the time, but just one or two times it pops up. There appears to be tremendous underground animosity, the extent of which in some cases may not be so universal. It may just be a handful. When you look at the efforts that UT's making, they are broad and I'm sure they are very similar to a lot of other universities. I haven't been able to research what the other universities have done on the same issue. But when you look at these efforts, they are broad, long-term efforts that I think will make me more aware of cultural differences. Also, so my kids will be more aware, we're looking at sort of a long time solving of this. UT's efforts, just like a lot of other universities

which are doing the same thing, are not going to see immediate results. Because of this you are going to have some prejudiced people and you're not going to convince them at this point to turn around. That goes from blacks who are prejudiced of white and white prejudiced of blacks, and all of the other minority students and vice versa. That goes both ways, but that's going to continue to exist, and these major efforts are not going to target these little, specific problems immediately. I don't think you are going to see immediate effects: they are long term.

My kids, I think my kids' kids, are going to be much less prejudiced because of efforts like this. We're not going to see any miracles in a year or two, but I'm convinced that these isolated incidents are going to become more isolated because of efforts like this. That's my general perception, and I don't know if we're a generation away or I don't know how far away we are, but I think we're moving in the right direction. If we just keep up the efforts, we'll have a better place to live, in the not so far future.

MR. BROWN. It's good to know that UT is trying to beef up its recruiting efforts, but Tennessee State University produces over 40 percent of the State of Tennessee's black graduates, and we take in less than 20 percent.

The problem is, if other State institutions are not producing black graduates, and if we take this away, if we put mandates and deadlines that we must meet saying that Tennessee State University must become predominantly white and we must lose our black heritage, what's going to happen to the younger generation coming from high school? Where will they be able to go to school? Who will they be able to turn to? Can they actually really go to UTK and know that they will graduate?

I was reading in the paper the other day where one of every four persons who attends a predominantly white university never graduates. One of every four black students never graduates from a predominantly white university. Now, for what reasons? Maybe financial, maybe adapting to the environment, or maybe the instructors may not be able to relate. But we must continue to provide services for all Tennesseans, and Tennessee State University.

The students are highly upset that we have mandates set for us to become

a predominantly white institution, and just to cite one example: scholarships are being given to minorities at Tennessee State. A minority at Tennessee State is a white student, and I found out that one of the students happened to be someone who used to stay on the corner of Broad and Eighth right here. A person was picked up off of the streets given an academic scholarship to come to Tennessee State. This was an adult, an older person, but these were just some of the things that are happening that we, the students, feel are not right. Plus scholarship requirements are a lot lower. To go to UT, I believe you must have a B average, three zero.

MR. GRAY. They just changed the admission standards. Melody, do you know what they raised it to?

MELODY. ACT raised to 19.

MR. GRAY. ACT 19, but I don't know.

MR. BROWN. For a black student going to UT, I'm sure he or she can't receive a scholarship with a C average, a 2.5. But for a minority at Tennessee State, a white at Tennessee State, that's all you must have is a two five and participate in extracurricular activity.

Now, are we trying to attract the academically excellent student, or are we just trying to bring white students to Tennessee State University and make this a predominantly white institution? These are just some of the problems we have at Tennessee State, and hopefully this committee can do something about it.

MR. DUPREE. You have managed to capsulize in your short discussion here most of the problems that we have sat here about 8 or 9 hours, listening to the two different sides of. I practice law, and the discussions have raised some questions in my own mind, such as the problems that started out with Allan Bakke in the initial reverse discrimination case. You remember, about medical school admission and the question that a white was passed over because a black was granted a place in medical school admission due to affirmative action. That was the first problem we had.

Now, with Tennessee State we're almost in a situation of people trying to say, separate but equal is now okay as long as the equal is really equal. I'm not sure how it really gets you to address this, but it's an

extremely complicated situation between the information we've had on Tennessee State and the information we've had on UT Knoxville today in regard to scholarships, faculty retention, compliance and so forth. My question is, in order to maintain an historical heritage or historical tradition, does the actual racial component ruin that tradition?

MR. BROWN. No, the actual racial component does not ruin the tradition, but it plays a very important part. You say, "Okay, separate but equal." Just remember, when Tennessee State was first established in 1912, there were some other land grant colleges also established, Middle State Tennessee, and Memphis State. The thing is that Tennessee State University was given much less.

MR. DUPREE. There's no question you weren't equal at that point. What I'm saying is that separate but equal comes out of Brown v. Board of Education that you cited. The general idea was that the judge said, basically, that's garbage, that separate cannot ever be equal. The basis of the idea of Brown is that separate but equal means you can't ever really be equal. We are in a real interesting situation now because in this particular case we're having it presented back to us instead of a minority that's saying, "We're being hurt because we're not getting equal treatment like the other land-grant colleges, and we're not equal, so this is wrong," to a situation where a minority is coming back and saying, "Well, maybe we want to now be separate."

MR. BROWN. No. We're only saying that if other institutions have not made a commitment to training our people, to training black students, and Tennessee State University has to make a 180-degree turn, where will these students receive training?

We're not saying we have to be separate but equal, and we are not saying that Tennessee State should be a predominantly black institution, that we must remain a predominantly black institution, because that's not what it's about.

The Chronicle of Higher Education cited Tennessee State as the most desegregated institution in the country. The only thing we're saying is, "Why must we have deadlines, why must we change over our faculty? What is wrong with the way we are now?"

Once we merged, Tennessee State University had an enrollment of close to 10,000 students. Many students chose to go to other State institutions, Middle Tennessee State.

MR. DUPREE. We've heard figures today that you have probably a net drop of 800 black students after the merger. Would that be appropriate?

MR. BROWN. 800 black students? I'm not sure if it was black students, but I know for some reason or another many students that came from UTN chose not to stay, and before the merger our enrollment was close to 7,000. To this day, our enrollment is around that area, and, we are not trying to re-segregate. We're saying, why must we have mandates? They say it must reflect reasonable composition. The same isn't said for other State institutions like Memphis State. Memphis State is in the predominantly black area, but it does not have the same mandates, doesn't have to make the same commitment to the people in that area. We're saying, is that right?

MR. DUPREE. We have spent a lot of time today also going into the other part of that decision that requires compliance by the other, what we call traditional white schools, in increasing the black component of their students. Something I'm concerned with especially is in their faculty, something we have also been looking at, which was something you were just talking about, and we do think it's something that needs to be looked into.

MR. BROWN. A lot of lip service can take place without us really realizing this. If other State institutions don't have a certain number to accomplish or a certain figure to reach, how do we measure their accomplishment? Other State institutions are supposed to increase their faculty as far as bringing on more black faculty members. But there's a lot of lip service that can take place. Yes, we have shown an increase and we've done our part.

Now, the same for Tennessee State, we have mandates. How come the other State institutions cannot have mandates or figures to reach? We're just trying to make sure that black students in the State of Tennessee can receive access to higher education; that's our primary goal. That's what we want to see, and if Memphis State hasn't made that commitment in the

past, if UTK, any of the other State Board of Regents' schools, Middle Tennessee State, and lot of the others, haven't made the commitment, who will? Why must Tennessee State make a 180-degree turn?

MS. BERZ. You are saying that there are goals and timetables for implementation of desegregation that seem to be unequally applied. Tennessee State is getting all the heat and having to perform, whereas other schools like UTK are not having as much as heat put on them. Yes or no, is that correct?

MR. BROWN. Yes.

MS. BERZ. If we have the goals and timetables, and the assumption is some sort of pie in the sky equality across the board, by definition does that not mean that Tennessee State, which has been a traditionally black institution for all of the neat things that go along with that sort of inculturation, would have a tremendous white influence to the extent that it would water down the black heritage and culture? If so, is that not what you are complaining about?

MR. BROWN. Yes, absolutely. Ten years ago there were over 200 predominantly black institutions. Because of similar lawsuits, because of similar settlements they have had to change over. West Virginia State University and Kentucky State University were once predominantly black institutions. Now it's very hard to even recognize or realize that this school once had a commitment to black students. Now, where is that commitment? We don't want to lose the commitment to our black students.

MS. BERZ. I think Mr. Dupree was trying to say that if you take this stance, aren't you actually saying that, "Hey, we want equality in all kinds of ways, in budget, in physical facilities, in faculty, and all of the things that cause quality of life, but we do want to retain our black identity."

MR. BROWN. Yes ma'am. Why must we give up our predominant black presence just to upgrade our facilities, just to receive some of the things that were supposed to be given to us as a State institution. Why must we lose our predominantly black presence just because in the lawsuit a lot of things have transpired that really don't seem to be in our best interest. If we lose Tennessee State University, how do we know there

will be a commitment to train all Tennesseans?

MS. BERZ. If the University of Tennessee made a commitment tomorrow to train blacks at the level, that would be an equalitarian sort of thing, and if all of a sudden black professors had openings and got hired at UTK and all, would you still feel the same way, or is your basic premise that this is really a neat entity in Tennessee and we don't want to lose it?

MR. BROWN. I would feel that way if that was to happen, but we must be realistic. We have been trying for this to happen ever since the sixties, we have been trying to achieve equality. This is the problem that we're having. And yes, Tennessee State by being a predominantly black institution does afford certain things that other institutions might not afford, such as being able to have teacher communication and teacher relationships, student-teacher relationships, or being able to know that there is someone right there with you or there on your side. I come back to the statement, if we lose this as in the past, there will be a lot of students locked out, a lot of students who won't be able to receive higher education.

CHAIRMAN BLUMSTEIN. You focused upon the court order that seemed to require setting up a goal of a certain racial ratio at Tennessee State. We have heard earlier, and I think Ms. Berz and Mr. Dupree alluded to this, of goals and numbers set up with respect to other State institutions that have racial components, racial ratios. Let's assume away the court order. Tennessee State receives the resources that you would like to have for them, it upgrades the quality of its program, upgrades the physical facilities, it becomes a school on a par with Middle Tennessee State, Austin Peay, other Board of Regents entities.

MR. BROWN. Yes, sir.

CHAIRMAN BLUMSTEIN. Okay, so the equality issue is not there anymore. There's no court order, but all of a sudden Nashville and Williamson County and Rutherford County and Wilson County are all growth areas, in the fastest growing part of the State, and people who are working and adults say, "Hey, this is a good school, we see that there's paint out there, there's better laboratory facilities," and so forth. And all of a sudden, not through any coercive process, but through freedom of choice,

more white students are attracted to Tennessee State as an urban university for all citizens of Middle Tennessee, and the racial ratio changes to exactly what the court order suggests should be the goal, but there's no goal, there's no movement, it happens in the marketplace. Should there be steps to counteract that, in your opinion?

MR. BROWN. No, sir. Let me make this perfectly clear, we want students to come to Tennessee State. We've never turned students away because of race, because of anything. Tennessee State University, I believe, is the most culturally diverse university around. It was stated that we are the most desegregated institution. We want our enrollment to grow, but our problem is, we have mandates, we have numbers to reach and goals to meet. Why is that? How come students just can't come to Tennessee State because they want to? We want to serve, and we are serving the greater Nashville community. Yes, we want to do that, but why must we have mandates?

CHAIRMAN BLUMSTEIN. The question I think we've heard one of the speakers before say that during the time immediately post merger—not you, but other student leaders at Tennessee State made comments about retaining the black identity and the predominantly black presence at Tennessee State. This was before the court settlement that we've described. If it's a natural process—and really there's a matter of indifference about what happens through a natural process, that it's the mandates which are a concern—how do you explain the statements that student leaders have made in the past that suggest that Tennessee State should retain its black tradition and white students really are not welcome to be there if they're going to be eventually taking over the university?

MR. BROWN. We have been a predominantly black institution until the merger, and we still are a predominantly black institution, but like other student leaders, why must we lose that to serve the community? Tennessee State has a lot to offer, and we've never turned students away, but why must we have the mandates and the goals?

We don't want to lose all that Tennessee State has to offer. This goes down to the instruction of teachers, the personal contact with faculty members, and, yes, we have a lot to offer. Even white students coming to Tennessee State learn from the culturally diverse atmosphere, and how come

that just can't take on the natural process? Why must we set down goals and mandates for this to happen when other schools don't have them? That goes back to Memphis State being in a predominantly black setting, being in a predominantly black county. Why isn't it that Memphis State does not have to go out and search and find black students? With the commitment and the qualifications or the requirements that we have, a C average to get into school and that.

MS. BERZ. I attended one of the hearings in the law school and then did some research on some of the other hearings, and I get the feeling that the quality of life for the black student at UTK is a little less than neat, okay? You probably saw this article in the Knoxville Journal after one of the hearings. But at any rate, UT minority students seem to feel isolated. This is all alleged. I didn't witness any of these things actually happening to them. Did you know there's a lot more to perceptions of what's true than is true. So let's deal with the perceptions, and I have the feeling there's a lot of validity to a number of them. Professors make racist remarks.

On two occasions at one of the hearings, professors were said to have told students not to sign up for a black professor's class, trying to get the hours down so the professor would look like she wasn't producing.

MR. GRAY. Was that specifically because the professor was black? I have an advisor who tells me not to take teachers all the time. But race doesn't seem to be even a--

MS. BERZ. I question that practice, too, but in this case, yes, this was a black, this is a black professor and the students seem to feel that that was the reason. The perception is not the same, apparently, of the college experience for black students at UTK as for white students at UTK. Put all the isolated incidents and the student affairs stuff aside, what's going on?

MR. GRAY. I'm not a minority student, it's hard to speak. But there are all kinds of services and organizations, things that are offered to the entire student body. It's curious to me that we have a Central Programming Council that's made up of those who put on all campus events, put on homecoming, the Campus Entertainment Board and the Black Central

Program Council, and that strikes me immediately as curious, and there appears to be--

CHAIRMAN BLUMSTEIN. Is that a university authorized body, the blacks?

MR. GRAY. Yes.

MS. BERZ. Do you still have separate Pan-Hellenics?

MR. GRAY. No, they're not. They're the same. IC's together, also. Rushes are at different times.

MS. BERZ. Why?

MR. GRAY. The black fraternities and sororities prefer to go spring. They don't feel they should force whites or blacks to conform to any one way.

CHAIRMAN BLUMSTEIN. There's no integration among fraternities or sororities.

MR. GRAY. Not forced.

CHAIRMAN BLUMSTEIN. No voluntary?

MR. DUPREE. How about actual?

MR. GRAY. Actual, a few. It's nothing you would notice.

CHAIRMAN BLUMSTEIN. White fraternities at this point do not pledge blacks?

MR. GRAY. It's rare.

CHAIRMAN BLUMSTEIN. What about the reverse, so-called black fraternities and sororities pledge whites?

MR. GRAY. Sometimes, but rarely.

CHAIRMAN BLUMSTEIN. De facto, there's a segregated social life in the Greek system?

MR. GRAY. In the Greek system, definitely, but just in recent years. For instance, All Sing last year, we had Alpha Phi Alpha and Delta Delta Delta do All Sing together. We had Alpha Alpha and Phi Gamma Delta do a large program together. Kappa Sigma [and] Alpha Alpha did the philanthropy together, so you're seeing some programming together, but you're not seeing an actual integration into their respective fraternities or sororities. As I was telling you before about Greek training, their training this year was one of the primary issues of the presidents and the officers of the fraternities and sororities.

MS. BERZ. What about the officers of the student body? Are any of your coofficers black?

MR. GRAY. We have so many committees, I can't give you actual numbers. But we have quite a bit of involvement of minority students in our--

MS. BERZ. Is there a class vice president?

MR. GRAY. Yes.

MS. BERZ. Are any of those black?

MR. GRAY. As far as the officers go, parliamentarian, and vice president and pro tem, four officers, they are white. We have a couple of student search committees which are chaired by blacks. I was also telling you about my administrative committees that I appointed, I would say the percentage was over the percentage of black to white students. Memberships on those committees were actually above the actual ratio.

MS. BERZ. What about the junior, sophomore, and freshman classes, do they have officers?

MR. GRAY. No. There are black candidates who I think have a really good shot at student body elections. In fact, there's a candidate that I have been talking to some to see if he is interested in running. I really don't think UT students would be reluctant to elect a black president.

This is really interesting. You realize at Boys State in Tennessee--I think it's the past 3 out of the last 5 years--three out of five governors of Boys State have been black. One of the governors was one of those guys who was talking to me about running for student body president at UT. I was there. I was at Boys State when the black governor was elected, and it didn't seem shocking to any of us. We knew he was the man.

MR. MAY. If you were black, would you go to UT?

MR. GRAY. It depends. You put black into one big category just like I think people put white in one big category. It seems to me the Memphis blacks seem to be more into their cultural differences, and demand that. While in some other cases some of the black students filter into more of just the general programming opportunities and social opportunities. So I don't know. It depends on what my background was. If I was from a real strong culturally autonomous black background, maybe I wouldn't. But those opportunities are certainly there at UT. Also, UT is making a real

effort, and it's really fallacious to say they are not, because they are really beating their heads against the wall trying to do something. Again, it's a question of just how valid is the issue, how much tension is there? That question still remains.

Notes

1. The executive director of the Tennessee Higher Education Commission reported that there are no community persons on the desegregation monitoring committee. Dr. Arliss Roaden, letter to William F. Muldrow, Dec. 18, 1987 (hereafter cited as Roaden Letter).

2. Dr. Roaden noted that there are 12 members of the desegregation monitoring committee. Ibid.

3. Dr. Roaden noted that three of the desegregation monitoring committee members are black. Ibid.

4. Dr. Roaden said that no official written reports have been issued as a result of the UTK hearings or the statewide convention of black UT faculty and administrators. Subsequent to the forum, a report of the UTK hearings was issued by the UTK Task Force on Race Relations and is available upon request from the Central Regional Division of the U.S. Commission on Civil Rights. Ibid.

5. Dr. Roaden reported that expenditure of desegregation funds at the UT College of Veterinary Medicine included postdoctoral fellowships and a nationwide conference with preveterinary advisors to urge them to encourage blacks to consider UTVM. Ibid.

6. Dr. Roaden disputed the plot theory. Ibid.

7. The letters referred to may be obtained upon request from the U.S. Commission on Civil Rights, Central Regional Division, 911 Walnut, Room 3100, Kansas City, Missouri 64106.

8. The University of Tennessee, incorporated in 1789 as a private institution by action of the Tennessee legislature, was designated Tennessee's 1890 land grant institution authorized to receive State and Federal funds for education, research, and technical assistance. Tenn. Code Ann., Sec. 49-9-102 (1983).

9. Despite a plethora of judicial holdings that such laws were unconstitutional and express prohibitions on discrimination in the receipt and utilization of Federal funds, this statute was not repealed until the Tennessee Constitutional Convention of 1978.

10. Dr. Roaden asserted that funding has been provided for both the III-D Black Staff Development and III-E Black Faculty Development Programs at

TSU. Ibid.

11. Dr. Roaden noted that TSU received \$605,000 in desegregation funds for 1987-1988 and has been recommended by the Tennessee Higher Education Commission to receive \$617,000 in 1988-89. Ibid.

12. Dr. Roaden stated that the desegregation monitoring committee has both the authority and the responsibility to recommend changes it feels will enhance the desegregation process. Ibid.

13. Available from the Central Regional Division of the U.S. Commission on Civil Rights upon request.

APPENDIX A

Geier v. Alexander (1984 Stipulation of Settlement)

Rita Sanders GEIER, et al., Plaintiffs.

United States of America, Raymond Richardson, Jr., et al., H. Coleman McGinnis, et al., Plaintiffs-Intervenors.

v.

Lamar ALEXANDER, et al., Defendants.

No. 5077.

United States District Court,
M.D. Tennessee,
Nashville Division.

Stipulation of Settlement
Aug. 31, 1984.

Decided Sept. 25, 1984.

Parties to civil rights action seeking elimination of racially dual system of higher education in Tennessee presented stipulation of settlement for final approval by court. The District Court, Wiseman, Chief Judge, held that stipulation aimed at eliminating racially dual system of higher education by, inter alia, increasing number of blacks in professional schools and number of whites at predominantly black university would be approved over objections of Department of Justice as legal and reasonable effort to ameliorate effects of past racial discrimination.

Stipulation of settlement approved.

1. Compromise and Settlement ¶61

In regard to settlement agreement in civil rights action aimed at eliminating racially dual system of higher education, it was not necessary to show that black students selected for special black admissions program for professional schools were victims of racial discrimination challenged in action; even assuming that "victim specificity" standard was applicable in assessing settlement, court was not required to trace nexus between specific black child and particular acts of racial discrimination to conclude that individual had suffered effects

participation in special admissions program.

2. Compromise and Settlement ¶70

To arrive at satisfactory settlement in civil rights action aimed at eliminating racially dual system of higher education in state, it was not necessary that evidentiary record be compiled to prove that black youths of state were victims of discrimination and that remedial programs provided for in settlement would benefit them specifically and exclusively; court could properly consider both educational and cultural forces present in society in reaching conclusion that certain group of children had been isolated from society and subjected to disparate and discriminatory treatment.

3. Evidence ¶11

In deciding whether to approve proposed settlement of litigation aimed at eliminating racially dual system of higher education in state, district court could properly take judicial notice of long history of social, economic, and political oppression of blacks within state.

4. Compromise and Settlement ¶61

In context of determining adequacy of settlement agreement in civil rights action aimed at eliminating racial discrimination, classification that aids persons identified as members of victim group is permissible provided there has been some judicial, administrative, or legislative findings of constitutional or statutory violations.

5. Compromise and Settlement ¶61

Proposed settlement in civil rights action aimed at eliminating racially dual system of higher education in Tennessee by, inter alia, increasing number of blacks in professional schools and number of whites at predominantly black university, which had been accepted by plaintiffs, defendant state officials, and NAACP Legal Defense Fund, would be approved over objections of federal Department of Justice, in light of prior findings of racial discrimination in state's schools and likelihood that stipulation would ameliorate effects of such past

Aleta Arthur, John L. Norris, Hollins, Wagster & Yarbrough, Nashville, Tenn., for plaintiff-intervenors (Class Representative of plaintiff class) H. Coleman McGinnis, John Arthur, Ethel Robertson, Harry Fuchs, Lyle McLevain, Darlene Marsh, Martin Deschenes, Delores Pierce and Milliecent Yeargin.

Lewis Laska, J.D., Ph.D. Associate Professor, School of Business, Tennessee State University, Nashville, Tenn., for amicus curiae.

Michael J. Passino, George E. Barrett, Barrett & Ray, P.C., Nashville, Tenn., for plaintiffs.

Avon N. Williams, Jr., Richard H. Dinkins, Nashville, Tenn., Jack Greenberg, Joel Berger, Theodore M. Shaw, William Lann Lee, New York City, and Julius LeVonne Chambers, Charlotte, N.C., for Raymond Richardson, et al.

Julian W. Blackshear, Jr., Robert Smith, Petway & Blackshear, Nashville, Tenn., for amicus curiae TSU Nat. Alumni Ass'n.

Michael Terry, Deputy Atty. Gen., Stephen Doughty, Richard L. Colbert, Asst. Attys. Gen., Nashville, Tenn., Beauchamp Brogan, University of Tennessee, Knoxville, Tenn., James W. Drinnon, Jr., Asst. General Counsel, University of Tennessee; Knoxville, Tenn., for defendants, including Brown, Nicks and Humphries.

Joe B. Brown, U.S. Atty., James C. Thomason, Asst. U.S. Atty., Nashville, Tenn., Nathaniel Douglas, Levern M. Younger, Gen. Litigation Section, Civil Rights Div., U.S. Dept of Justice, Washington, D.C., for plaintiff-intervenor U.S.A.

WISEMAN, Chief Judge.

MEMORANDUM AND ORDER

Before the Court is the Stipulation of Settlement proposed in this case by the original plaintiffs, RITA SANDERS GEIER, et al., plaintiff intervenors, RAYMOND RICHARDSON, JR., et al., plaintiff intervenors, H. COLEMAN MCGINNIS, et al., and defendants represented by the At-

torney General of the State. The Attorney General has announced to the Court that he has obtained the concurrence in the proposed Stipulation of Settlement of the Governor, the Comptroller of the Treasury, the State Board of Regents, the University of Tennessee Board of Trust, and the Tennessee Higher Education Commission. The Settlement has been approved by counsel representing the NAACP Legal Defense Fund.

Absent from the proposed Settlement are the signatures of attorneys for the Civil Rights Division, United States Department of Justice. The Department filed objections to the Settlement. After oral argument on these objections heard August 13, 1984, the Court directed the parties to meet to consider the objections of the Department, and attempt to resolve these differences. On August 31, 1984, the Court was advised that agreement could not be reached with the Department, but all other parties submitted a slightly revised order bearing the signatures of all counsel except the United States Attorney General.

The Department submitted to the Court its proposed alternative to the order of the remaining parties. The Court has examined the proposed alternative very carefully and compared it to the proposed settlement of the other parties.

No party denies that greater progress can and must be made toward eliminating the dual system of higher education in Tennessee. The major difference between the Department of Justice's position and that of the remaining parties lies in whether numerical goals and objectives should be established, and in disagreement over some of the remedial methods chosen.

[1] One of the remedial measures proposed is designed to increase the number of black professionals in Tennessee, and the number of blacks in the professional schools. For five years, beginning in 1985, 75 black sophomore students will be selected for a professional career track to include counseling, guidance and early admission if minimum admission standards are met.

The Justice Department objects to this program, insisting that it is beyond the remedial power of the Court. It argues that there must be a showing that the students selected for the program are victims of the racial discrimination challenged in this case. It would expand the holding of the *Memphis Firefighters* case to school desegregation cases and require "victim specificity." See *Firefighters Local Union No. 1784 v. Stotts*, — U.S. —, — and n. 9, 104 S.Ct. 2576, 2587 and n. 9, 81 L.Ed.2d 483 (1984). See also *University of California Regents v. Bakke*, 438 U.S. 265, 307-09, 98 S.Ct. 2733, 2757, 57 L.Ed.2d 750 (1978).

This Court is conscious of its role in the governmental scheme. Neither in this case, nor in any other, does this Court intend to invade the legislative prerogative nor engage in social engineering. The proposed measures do neither. They are part of a comprehensive remedial plan addressing a recognized but perverse problem. While this Court is not convinced that "victim specificity" is the standard applicable in cases involving public education, it concludes that, even if applicable, the standard is not as narrowly circumscribed in the context of public education as compared to its application in employment cases under Title VII. Public education represents a basic foundation of our society. Accordingly, the Court must consider a much broader range of factors in evaluating the (1) presence and effect of racial discrimination in a state's university system and (2) the appropriate methods by which to eradicate its influence. Further, the standard of victim specificity is not as exacting when considering the effects of past and present racial discrimination as it impacts on persons attending or who will attend public colleges and universities as compared to the employees at a particular work location. This Court need not trace a precise nexus between a specific black child and particular acts of racial discrimination to conclude that the individual has suffered the effects of racial discrimination. Rather, it is sufficient for this Court to base its remedial order on a finding that members

of the defined group have suffered the effects of specific acts of discrimination. *Bakke*, 438 U.S. at 307-08, 98 S.Ct. at 2757; *United Jewish Organizations v. Carey*, 430 U.S. 144, 167-68, 97 S.Ct. 996, 1010-11, 51 L.Ed.2d 229 (1977).

[2.3] This Court rejects the position of the Justice Department that an evidentiary record must be compiled to prove that the black youth of Tennessee are victims of discrimination and that remedial programs will benefit them specifically and exclusively. As Justice Burger noted in *Milliken v. Bradley*, 433 U.S. 267, 287, 97 S.Ct. 2749, 2760, 53 L.Ed.2d 745 (1977) (*Milliken II*), a court may consider both educational and cultural forces present in society in reaching the conclusion that a certain group of children have been isolated from society and subjected to disparate and discriminatory treatment. In dealing with the broad and paramount issue of public education, this Court takes judicial notice of the long history of social, economic and political oppression of blacks in Tennessee—a history marked by years of slavery followed by years of Jim-Crow laws. It is the past and present state of Tennessee's universities that the Court identifies as the specific instance of racial discrimination; its effects are pervasive throughout the black community, affecting practically all black men, women, and children in the state.

[4.5] A classification that aids persons identified as members of a victim group is permissible provided there has been some judicial, administrative or legislative finding of constitutional or statutory violations. *Bakke*, 438 U.S. at 307, 98 S.Ct. at 2757. At an earlier stage of this case, Judge Gray found an unconstitutional *de jure* segregation in Tennessee higher education. *Sanders v. Ellington*, 288 F.Supp. 937, 942 (M.D.Tenn.1968). This proposed decree not only recognizes the existence of residual effects, it recognizes that previous remedial measures have not succeeded in removing such effects. Such a finding creates a compelling interest in vindicating the legal rights of the victims, even if it requires the

extension of certain preferences formulated to aid the individuals overcome the effects of the past unlawful acts. *Id.* This Court is empowered, if not compelled, to implement a remedy formulated to reverse the effects of such treatment. *Geier v. University of Tennessee*, 597 F.2d 1056, 1065 (6th Cir.1979). This Court is convinced that its order today is tailored to redress the nature and extent of violations against specific victims of racial discrimination. *Hills v. Gautreaux*, 425 U.S. 284, 293-94, 96 S.Ct. 1538, 1544, 47 L.Ed.2d 792 (1976); *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 16, 91 S.Ct. 1267, 1276, 28 L.Ed.2d 554 (1971); *Louisiana v. United States*, 380 U.S. 145, 156, 85 S.Ct. 817, 823, 13 L.Ed.2d 709 (1965).

The decree further sets out a five-year interim objective of at least 50 percent white faculty and administration at TSU, and a 1993 objective of 50 percent white full-time undergraduates. The Department objects to both of these as being unconstitutional "quotas."

The heart of the problem is traditionally black TSU. This has been recognized by this Court in previous decrees. *See Sanders v. Ellington*, 288 F.Supp. 937, 943 (M.D.Tenn.1968); *Geier v. Dunn*, 337 F.Supp. 573, 580, 581 (M.D.Tenn.1972); *Geier v. Blanton*, 427 F.Supp. 644, 661 (M.D.Tenn.1977). To paraphrase the Supreme Court in the landmark language of *Swann v. Charlotte-Mecklenburg*, 402 U.S. 1, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971), it is still possible to identify TSU as a black school by reference to its student body, the racial composition of its teachers and staff, the quality of its school buildings and equipment, and the schedules of its athletic teams. Where such is the case "a prima facie case of violation of substantive constitutional rights under the Equal Protection Clause is shown." *Swann*, 402 U.S. at 18, 91 S.Ct. at 1277.

In 1972, this Court observed: the phenomenon of a black Tennessee State, so long as it exists, negates both the contention that defendants have dis-

mantled the dual system of public higher education in Tennessee, as ordered by this court, and the contention that they are, in any realistic sense, on their way to doing so.

Geier v. Dunn, 337 F.Supp. 573, 576 (1972).

In this case, the Court has employed various methods to bring about a unitary system of public higher education. Finding that these methods had been ineffective, particularly as they related to TSU, the Court ordered merger of TSU with University of Tennessee Nashville [UTN] in 1977. *Geier v. Blanton*, 427 F.Supp. 644 (M.D. Tenn.1977).

Since the merger, resegregation has taken place at TSU, and inadequate progress has been made at the remaining colleges and universities. The deterioration at TSU has been particularly disheartening.

The downhill course in student body desegregation is best illustrated by reference to the 1983 Progress Report, Table II. Black first-time freshmen as a percent of total first-time enrollment freshmen from 1979, immediately after the merger, through 1983 was:

1979—	69.7 percent
1980—	85.6 percent
1981—	92.9 percent
1982—	92.5 percent
1983—	90.2 percent

Prior to merger, blacks made up 58 percent of administrators at UTN and TSU (numbers combined). That percentage is now 72.6 percent black. Of the 16 vice-presidents, deans, and president at the merged TSU, only three are white. There are 195 black faculty members at TSU and only 44 at all other State Board of Regents [SBR] institutions combined.

It is obvious the phenomenon of a black TSU still exists, and, just as it did in 1972 in Judge Gray's words, it still negates the contention that the dual system has been dismantled.

The plaintiff intervenors alleged that the TSU President and administration had consciously sought to bring about the resegregation and maintain the black identity of

TSU. They further alleged that the defendants had participated in the effort. A trial of these issues was averted by the proposed settlement decree. Some of the statements attributed to President Humphries would lend credence to the charge. The defendants had control of hiring practices, and their tacit compliance in the scheme may be inferred from the statistical evidence. No doubt the settlement of the case has averted the throwing of stones at a variety of glasshouses. This is to be commended and approved, if possible, despite the objections of the Justice Department.

This Court does not live in a vacuum. During the pendency of this matter there has been a march of TSU students on the courthouse, public statements by student leaders, and letters to the editor by faculty members, all urging and insisting upon the retention of TSU's black identification. Regrettably, this Court has not observed any public statements by community leaders pointing out the paradoxical inconsistency of this position.

The goal of this society, at least since 1954, has been the elimination of state imposed racial segregation. We have been striving for the day when, as Rev. King described it so eloquently, people would be recognized for the content of their character rather than the color of their skin. We must move toward the day when schools are not recognized as "black schools" or "white schools" but when the State of Tennessee operates, and the taxpayers of Tennessee fund, just "schools"—and hopefully, those the best we are able to provide.

A desegregation remedial plan is to be judged by its effectiveness. *Swann, supra*, 401 U.S. at 25, 91 S.Ct. at 1280. This Court has retained jurisdiction to effectuate the decree and to modify the remedies if found to be inefficacious. The parties in this case, through long and serious negotiations, have come up with a series of proposed additional requirements that should have a salutary effect. The numerical objectives for faculty and student body racial mix are clearly defined to be objectives and

not quotas. There is nothing in the decree which limits either race participation. Guideposts and goals are valuable when progress is to be measured. The establishment of a goal or objective encourages effort toward an end. Whether or not the goal is reached or exceeded will only be one of many indicia of the good faith efforts of all the parties to achieve a unitary system, if that issue is ever again in question.

The ultimate goal is *not* any ideal ratio or mix of black and white students or faculty. The goal is a system of higher education in Tennessee tax-supported colleges and universities in which race is irrelevant, in which equal protection and equal application of the laws is a reality. On the road to achieving this state of color-blindness, there must be color-consciousness to overcome the residual effects of past color-based discrimination. The proposed settlement decree is not illegal, and it offers promise of more effective remedies in attacking a seemingly Gordian problem. Counsel and the parties are to be commended for their understanding and generosity toward each other, for their optimism in believing that Tennessee can and should move ahead in this most vital area of service to all of its citizens. This Court applauds the noble motives of all counsel in this case, including the attorneys for the Department of Justice. Sincere and strenuous efforts were made by all counsel to agree on the best courses of action, in common recognition of problems. The fact that final and complete agreement was not reached does not demean the effort nor the actors.

The Court will sign the proposed STIPULATION OF SETTLEMENT submitted by all parties except the Department of Justice.

STIPULATION OF SETTLEMENT

Plaintiffs RITA SANDERS GEIER, et al., and Plaintiffs-Intervenors RAYMOND RICHARDSON, JR., et al., and Plaintiff-Intervenors H. COLEMAN MCGINNIS, et al., having sought further injunctive relief to effectuate statewide desegregation of all

Tennessee institutions of public higher education, and having conducted extensive negotiations with all parties to this lawsuit in an effort to bring about a just resolution of the issues, without further litigation, that will achieve a unitary¹, desegregated system of public higher education in the State of Tennessee.

IT IS HEREBY STIPULATED by and between the undersigned, and subject to this Court's approval, as follows:

1. INTRODUCTION

A. The primary purpose of this Stipulation of Settlement is the elimination of Tennessee's dual system of higher education. This purpose includes the maximization of educational opportunities for black citizens of the State of Tennessee and the improvement of educational opportunities for black citizens of the State of Tennessee. The parties agree that statewide access to public higher education in the State of Tennessee by black students and the degree of black presence in faculty and administrative positions statewide will not be decreased as a result of the implementation of the provisions of this Stipulation. It is the intention of the parties that the dismantling of the dual system shall be accomplished in such a way as to increase access for black students and increase the presence of black faculty and administrators statewide and at the historically white institutions.

B. Defendants commit to continue efforts to achieve their current desegregation objectives and to revision of those objectives as necessary after the pertinent studies referenced herein are completed. It is the intention of defendants through implementation of this plan to achieve desegregation of all institutions of higher education in the state.

C. Each defendant agrees to include a proposed budget for their part of any plan or program developed hereunder and to request adequate funding for each plan or program at their respective stages of the

1. It is the purpose of this order to achieve a unitary desegregated system and not to achieve

normal budgetary process and the Governor will make every effort within the budgetary process to secure adequate funding from the General Assembly. Prior to finalization of this stipulation of settlement, and no later than October 1, 1984, defendants University of Tennessee (UT) and the State Board of Regents (SBR) shall submit to all parties an estimated total amount necessary to implement the plans and programs to be developed hereunder.

D. Defendants agree to begin collecting selected data in accordance with the reporting forms of the Office of Civil Rights (OCR) of the United States Department of Education, but will continue to monitor progress by means of established reporting methods in order to preserve historical comparisons. The data to be utilized will be selected by mutual agreement of all parties prior to finalization of this Stipulation of Settlement, and no later than October 1, 1984.

E. The Desegregation Monitoring Committee will establish a procedure for monitoring and reporting progress to the Court on the desegregation of all institutions. The Committee will identify problem areas and make recommendations to the defendants concerning research and actions that should be undertaken and new programs that should be developed to address problem areas.

F. Progress toward desegregation at Tennessee State University (TSU) shall be placed under the Desegregation Monitoring Committee and shall be monitored in the same manner as is progress in desegregation at the other institutions.

G. Each Monitoring Committee report shall include a description of specific steps taken to implement each provision in this settlement agreement. In areas where sufficient progress has not been made, the Desegregation Monitoring Committee shall include in the monitoring committee report further steps to be taken by the boards to assure progress in this area.

a merger of the existing systems of higher education in Tennessee.

H. Each Desegregation Monitoring Committee report shall include a listing of each presidential/chancellor, vice presidential/vice chancellor and dean position filled during the reporting period at each university, with the number and race of applicants for each position and the race of the person selected.

I. All plans to be developed pursuant to this Stipulation of Settlement shall run for a period of five years and shall contain benchmark objectives to be achieved by the end of each year.

II. STUDENT DESEGREGATION

A. Interim objectives and methodologies for setting long range objectives shall insure the achievement of non-racially identifiable institutions of higher education in Tennessee.

B. Defendants agree that as soon as necessary data are available, and no later than one (1) year from the date of this Stipulation of Settlement, a study will be conducted to ascertain whether there is a statewide disparity in college-going rates among black and white high school graduates in Tennessee, and long-range and interim desegregation objectives will be modified if necessary in an effort to eliminate any statewide disparity. Said study shall be completed no more than 180 days from the date the necessary data are available.

C. Defendants will conduct a study within 180 days to ascertain whether there is a statewide disparity by race in the ratio of graduates of public institutions in Tennessee who enter graduate or professional programs in public institutions in Tennessee, and long-range and interim desegregation objectives will be modified if necessary in an effort to eliminate any statewide disparity.

D. SBR shall immediately establish a 1993 interim objective for Tennessee State University (TSU) of 50% white undergraduate full-time equivalent enrollment. The parties agree that the ultimate long range objectives for the racial composition of the students at TSU will be set on the same

basis as the objectives are set at all other institutions in the State.

E. SBR commits to retain such admission policies at its 2-year institutions for the foreseeable future and for at least five years as will insure educational access to any high school graduate.

F. Defendants will provide within 90 days a statewide survey of admissions and retention requirements for 4-year public institutions. If either governing board should take any steps in the next five years to increase admissions and/or retention requirements and to establish minimum requirements statewide, the Board will:

1. Conduct a desegregation impact analysis prior to the implementation of the new requirements, to ascertain whether these new requirements will have an adverse impact on black students;
2. Authorize institutions to enroll a percentage of new entering classes under alternative admissions standards, said percentage to be determined periodically by the appropriate governing board and to be consistent with the objectives of this Stipulation of Settlement. The rate of alternative admissions at TSU shall in no event be increased beyond the rate for the 1984-85 academic year;
3. Provide for the phasing in of these new requirements;
4. Provide developmental education programs consistent with any master plan as provided in T.C.A. § 49-7-202(c)(1) as approved by the governing board(s) available to students throughout the state to promote retention of those students entering under alternative admissions standards. The funding and standards for these programs will be developed as needed, in accordance with the implementation of parts 1 through 3 of this paragraph II (F); and
5. Each institution, through its respective governing board, will advise the Desegregation Monitoring Committee of the expected impact of in-

creased admission and/or retention standards and will report on its desegregation objectives in light of the new standards, and also will report on alternative means of achieving its desegregation objectives.

6. SBR agrees that the admission standards at TSU will be raised over a period of 5 years. The admission standards shall include a minimum GPA and minimum ACT neither of which shall be lower than those established for MTSU. TSU minimum GPA shall increase to no less than a 2.25 over the next five years.

G. The defendants shall conduct a study within 120 days to determine the feasibility of a plan whereby other-race students shall be accorded tuition discounts, loans, scholarships and/or other incentives for purposes of desegregation. These incentives will also be studied for the purpose of encouraging the retention of other-race students. The plan shall be implemented by the fall semester of 1985 if and to the extent feasible.

H. Within 180 days defendants will identify graduate programs where blacks are underrepresented; defendants will develop a scholarship program for Tennessee residents to achieve graduate desegregation objectives and defendants will request adequate funding for this program pursuant to paragraph I(C) hereinabove; and universities will submit projections for increasing the number of blacks appointed as teaching and research assistants.

I. No public institution of higher education in Tennessee shall actively engage in racial discrimination or practices which discourage enrollment or involvement of other-race persons.

J. UT and SBR shall conduct a study of each of their respective institutions to determine whether any public institution of higher education in Tennessee projects an image as being racially identifiable. UT and SBR each shall appoint members of a

2. "Other-race or minority students" and "other-race or minority faculty" refer to white persons with respect to predominantly black institutions

bi-racial committee to conduct this study. Each committee shall consult with a broad spectrum of residents in the service area, as well as the faculty, students and administration of each institution and shall report its findings and recommendations to the appropriate governing board within 120 days. SBR and UT Boards shall implement changes necessary to create in each institution the image of an institution that serves the citizens of Tennessee on a non-racial basis.

K. Defendants will review various post-secondary developmental education programs and develop within one year a plan designed to address the retention, performance and progression of students at all public institutions.

L. SBR and UT will within 180 days review their financial aid programs to identify any inequities in the awarding of public or private financial aid and, if inequities are identified, implement appropriate measures to eliminate such disparities. The award of merit scholarships shall be reviewed to determine if they are made on any basis other than merit.

M. SBR and UT will monitor, develop and/or coordinate a statewide other-race recruiting program, utilizing bi-racial recruiting teams, for the institutions within the respective systems. This program shall be fully operational within 180 days from the date of this Stipulation of Settlement, and shall contain the following elements:

1. Each predominantly white institution shall utilize a black and each predominantly black institution shall utilize a white for recruiting other-race students. By fall semester, 1985, 50% as an objective of the recruiters used by TSU shall be white.
2. To assist the institutions in identifying prospective other-race students, defendants shall obtain from the Educational Testing Service and the

and black persons with respect to predominantly white institutions.

- American College Testing Program, and provide to each institution each fall, a list of all Tennessee students (by race) still enrolled in high school who took the SAT or ACT and agreed to have their names released.
3. Each institution shall send recruitment literature to each high school in its service area and encourage the high school to disseminate the same to all students, with particular emphasis given to reaching other-race students.
 4. Defendants shall develop and provide to the predominantly white institutions which have graduate and professional programs a list of all black students expected to graduate during that school year from public and private undergraduate institutions in Tennessee, and who agree to have their names and their educational records released. The list shall provide the following information: name of each student, the student's major field, grade point average, and other relevant information. Each predominantly white institution shall actively seek applications from qualified students whose names appear on the list.
 5. Defendants shall obtain and provide to all predominantly white institutions a list of all black students enrolled in Tennessee institutions of public higher education who take the Graduate Record Examination (GRE) and who agree to have their names released. Each predominantly white institution shall solicit applications from among all qualified students whose names appear on the list.
 6. Tennessee's state-supported law schools shall obtain through the SBR and UT Governing Boards a list of black students enrolled in Tennessee's public and private four-year institutions who have taken the Law School Admission Test (LSAT) and agree to have their names released. A comparable list of black students

who have taken the Medical College Admission Test (MCAT) and the Dental Admission Test (DAT) shall be supplied to Tennessee's state-supported medical and dental schools. The professional schools shall actively seek applications from among qualified black students who take the above-named examinations and whose names appear on the appropriate list.

N. Defendants will coordinate the development of a cooperative program to increase the number of black students who enroll in and graduate from professional programs. Every spring beginning in 1985 and for five years ¹⁵ black sophomore students who are Tennessee residents enrolled in Tennessee public institutions will be selected by committees representing the faculties of all state-supported professional schools and all other public universities in the state for pre-enrollment in the state's schools of law, veterinary medicine, dentistry, pharmacy and medicine. There shall be representation by black faculty members on these committees, to the extent available. The professional schools will counsel these students, assist in planning their pre-professional curricula, provide summer programs at the end of their junior and senior years and agree to their admission as first year professional students if they successfully complete their undergraduate work and meet minimum admissions standards. Defendants will consult with other states that have developed similar programs [e.g., Kentucky] and complete development of the program described in this paragraph II, (N), including a proposed budget and projected source of funds, within 180 days.

III. EMPLOYMENT

A. Defendants will review various approaches, including effective programs in other states, to increase the number of qualified black applicants for employment in public institutions of higher education in Tennessee. Defendants will implement the program(s) determined to be feasible and effective to increase the number of

ried black applicants. Defendants will actively recruit in the relevant labor market to increase the black presence, especially in disciplines where blacks are underrepresented, at the predominantly white institutions.

B. Within 180 days, SBR and UT shall develop a plan, including financial and other incentives, to attract white faculty and administrators to TSU and black faculty and administrators to predominantly white institutions. The plan shall be widely publicized at all institutions. The plan shall address credit for prior service and other benefits of any person eligible for participation in the plan, including transferring faculty members to the extent allowed by law.

C. Defendants will within 120 days identify disciplines where blacks are underrepresented and where the national availability pool is small, and request adequate funding through the budgetary process pursuant to § I (C) above to develop a "grow-your-own program," utilizing the public and private universities in Tennessee, to increase the pool of qualified black candidates for employment as faculty and administrators in the public universities.

D. SBR and UT will within 120 days request adequate funding through the budgetary process pursuant to § I (C) above to institute a staff development program, to enable black staff members to obtain advanced degrees and become eligible for positions of higher salary and higher rank within all institutions of higher education in the State of Tennessee.

E. Defendants will develop a plan for a Black Faculty Development Program, including a proposed budget therefor, within 120 days. The program will be designed to increase the number of black faculty with doctoral degrees at all public institutions of higher education.

F. SBR shall immediately establish as a five year interim objective for the desegregation of TSU's faculty and administration

1. "Affirmative action" refers to efforts to increase employment of black staff and faculty or enrollment of black students at historically

(at least 50% white faculty and at least 50% white upper level administrators (president, vice-presidents, deans, department chairs). All other institutions shall increase their efforts to attract and employ other-race faculty and administrators and accomplish their objectives for other-race employment by utilizing the provisions herein. After a period of five years, the defendants shall assess progress made under this plan and set further interim and/or long-range objectives for each institution as may be required to achieve a non-racially identifiable system of higher education.

G. Progress in affirmative action will be a factor in the review of department heads, deans and vice presidents/vice chancellors by institutional presidents and chancellors and in the review of presidents and chancellors by the chief executive officer of each system.

H. The SBR and UT must approve or disapprove, prior to any offer being extended, the recommended choice of the administration at each of its universities for the positions of vice president/vice chancellor, dean and department chair, beginning immediately upon execution of this agreement. This review will take into account the following factors:

1. The credentials and qualifications of the applicant.
2. Affirmative action³ responsibilities of the institution in the system of the Board, and the degree of achievement of institutional desegregation objectives.
3. The degree of commitment to affirmative action on the part of the applicant.

IV. HIGHER EDUCATION IN MIDDLE TENNESSEE

A. SBR and the Tennessee Higher Education Commission (THEC) agree to develop within 180 days a comprehensive plan for the enhancement of Tennessee State

white institutions and enrollment of white students and employment of white staff and faculty at historically black institutions.

University (TSU), with the unique specialized regional and statewide missions, and to implement TSU's mission as the regional urban university for Middle Tennessee. Sufficient funding through the normal budgetary process will be projected in order to achieve success of the provisions of the plan.

B. To the extent that the increase in admission standards at TSU is expected to increase the quality of the student body but have an adverse budgetary impact as a consequence of total enrollment decline, THEC will follow its existing policy of negotiating a wider enrollment range for TSU so as to minimize this budgetary impact.

C. Within 120 days SBR will complete a physical facilities study for TSU that will include: a) a report of a comparative study between TSU and selected regional, predominantly white institutions throughout the State which are comparable, to identify deficiencies in TSU's physical plant and total campus environment; b) an assessment of the cost of bringing all TSU facilities up to standards for safety, health, environmental protection, and access to the handicapped; c) recommendations for changes or alterations necessary to support TSU's new mission.

Within 60 days of completion of the study, SBR will complete a plan to implement necessary renovations, modifications, and new construction at TSU in accordance with the study, such implementation to be completed within five years.

D. SBR will include in the TSU physical facilities plan the total cost of implementation and the proposed source of funds (state appropriations, bond issues, federal sources, etc.). SBR commits to assuring facilities at TSU that are comparable to those at comparable predominantly white institutions and adequate for TSU's enhanced mission.

E. SBR will within 120 days convene presidents and senior academic officers at Austin Peay State University, Middle Tennessee State University and TSU to a) discuss whether program duplication, especially at the post-baccalaureate levels, is a

barrier to the implementation of the state's commitment to enhance TSU and b) develop a plan for the realignment of certain specified programs in order to support TSU's enhanced mission. E.g., post-baccalaureate programs in education will be reviewed and, if necessary, realigned to create a master's degree in urban education at TSU.

F. During the next five years, the SBR will accord TSU first priority for all new graduate program proposals in the Middle Tennessee region. No doctoral programs will be proposed or approved for Middle Tennessee State University or Austin Peay State University during the five-year period. In addition, there will be no net increase of new master's level degree programs at either Middle Tennessee State University or Austin Peay State University during the five-year period.

G. SBR will develop at TSU within 120 days, with appropriate services of experts, needed and effective new programs to be offered at TSU. These proposed programs will be submitted to THEC for review and THEC approval will be obtained prior to implementation of the programs. In exercising its responsibilities of review and approval, the THEC will give special consideration to programs consistent with the aims of this plan.

H. SBR will within 180 days develop at TSU an Institute of Government, funded through the normal budgetary process, offering a degree program and courses for credit in public administration to train qualified administrators as needed for senior and middle level positions in state, county and local government and to conduct research. SBR will provide consultants to TSU to assist in the development of this new program and to recommend how TSU's current program in public administration could be strengthened and the kinds of new programs that should be offered.

I. SBR will request adequate funding pursuant to Paragraph I (C) hereinabove to match any existing or future scholarship programs designed to increase white stu-

dent enrollment at TSU with an identical scholarship program designed to increase black enrollment at Middle Tennessee State University.

J. The Board of Regents shall formulate a plan for the implementation of an educational "consortium" between MTSU and TSU which will require the institutions to establish a common university calendar, publish and disseminate a joint listing of all courses offered at each institution and design registration procedures whereby students at one institution may attend classes at the other for up to 30 hours of credit.

K. The SBR shall within 180 days initiate a study of all facets of administrative functions at all campuses of TSU. Faculty and students from both campuses of the institution will actively participate in this study. Specific recommendations for personnel and other changes necessary to improve the administrative function of all campuses of the university shall be made and implemented by the SBR.

V. Copies of all plans and proposals required to be formulated pursuant to this stipulation shall be submitted to counsel for all parties prior to implementation. Copies of all budget requests for plans or proposals developed pursuant to this Stipulation of Settlement shall be submitted to counsel for all parties to the lawsuit by the THEC upon receipt from UT and SBR.

VI. Each institution in the SBR and UT system shall annually make a substantial number of recruiting visits to other-race high schools.

VII. The governing boards or the institutions under their jurisdiction will conduct a desegregation impact analysis prior to implementing any proposals for the creation of new institutions or initiating changes in the mission of existing institutions. Defendants commit to implementing no such changes which would be inconsistent with provisions of this Stipulation of Settlement or which would adversely affect desegregation of higher education in Tennessee.

VIII. Defendants agree that no institution will be identified as a one-race institution or a predominantly one-race institution in

any official university publication or in any public statement made in an official capacity by any administrator of that institution. Each institution mission statement shall refer to its mission as an institution committed to education of a non-racially identifiable student body.

IX. This Stipulation of Settlement shall not prevent any plaintiff or plaintiffs-intervenors from seeking further relief if funding requested through the normal budgetary process is not provided by the legislature to implement its provisions or is otherwise not provided.

X. If plaintiffs or any of the plaintiffs-intervenors to this lawsuit believe that any defendant or any agent or employee of a defendant is not acting in good faith to implement the provisions of this Stipulation of Settlement, their counsel shall initially bring the matter to the attention of defendants' counsel in writing, with service upon counsel for all other parties, identifying the specific act or acts alleged to be inconsistent with the objectives of this Stipulation of Settlement. The parties will make every effort to resolve such disputes informally without bringing the matter before the Court. However, if efforts at informal resolution of disputes are unsuccessful, any of the plaintiffs or plaintiffs-intervenors to this lawsuit may file a motion with the Court for further injunctive relief to enforce compliance with this Stipulation of Settlement.

Upon the filing of a motion by any party the Court shall hear arguments from counsel for all parties. The Court shall set the motion(s) for hearing within 60 days.

XI. The objectives provided for in this Decree are not to be construed as quotas.

XII. Defendants do not admit that failure to achieve any objective in itself constitutes noncompliance with this Decree.

XIII. Defendants by agreeing to this Stipulation do not admit that they are presently in violation of any constitutional or statutory provision.

TABLE 1

FALL 1984 THROUGH FALL 1986 HEADCOUNT ENROLLMENT AND EMPLOYMENT
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

INSTITUTIONS	STUDENT LEVELS & EMPLOYEES	FALL 1984					FALL 1985					FALL 1986					OBJECTIVES 1990-91 % OTHER-RACE	LONG-RANGE OBJECTIVES % OTHER-RACE
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK		
UNIVERSITIES																		
APSU	Undergraduates	4,885	831	3,830	216	17.01%	4,641	799	3,636	206	17.22%	4,490	742	3,546	192	16.50%	17.00	17.00
	Graduates	426	29	386	11	6.81%	371	21	330	20	5.64%	445	36	390	19	8.09%	6.03	8.4
	Total	5,311	860	4,224	227	16.19%	5,012	820	3,966	226	16.36%	4,943	778	3,954	211	15.74%		
	Administrators	44	1	43	0	2.27%	31	0	31	0	0.00%	29	2	27	0	6.90%	9.70	
	Faculty	190	3	180	7	1.58%	189	5	177	7	2.65%	195	9	178	8	4.62%	5.30	
	Professionals	51	3	48	0	5.88%	66	6	60	0	9.09%	71	4	67	0	5.63%	11.60	
ETSU	Undergraduates	8,292	222	7,745	325	2.68%	8,288	226	7,707	355	2.73%	8,232	202	7,699	331	2.45%	3.35	4.8
	Graduates	1,354	39	1,201	114	2.88%	1,308	40	1,166	102	3.86%	1,504	37	1,352	115	2.46%	3.10	3.1
	Total	9,646	261	8,946	439	2.71%	9,596	266	8,873	457	2.77%	9,736	239	9,051	446	2.45%		
A-1	Administrators	64	0	64	0	0.00%	60	0	60	0	0.00%	62	1	61	0	1.61%	4.00	
	Faculty	433	4	418	11	0.92%	426	7	410	9	1.64%	436	7	422	7	1.61%	3.00	
	Professionals	83	2	80	1	2.41%	88	2	86	0	2.27%	95	3	92	0	3.16%	6.30	
TSU MED.	Medicine	223	15	204	4	6.73%	217	18	193	6	8.29%	223	22	194	7	9.87%	8.10	8.1
	Administrators	9	1	8	0	11.11%	8	1	7	0	12.50%	13	1	11	1	7.69%	15.00	
	Faculty	129	1	118	10	0.78%	137	1	125	11	0.73%	135	1	123	11	0.74%	2.90	
	Professionals	57	1	55	1	1.75%	56	1	54	1	1.79%	67	1	65	1	1.49%	6.30	
	Undergraduates	16,516	3,315	12,903	298	20.07%	16,006	3,197	12,459	350	19.97%	15,420	2,972	12,135	313	19.27%	30.15	40.3
	Graduates	4,213	655	3,446	112	15.55%	4,274	632	3,508	134	14.79%	4,192	602	3,437	153	14.36%	20.60	26.5
MSU	Law	566	47	516	3	8.30%	473	33	435	5	6.98%	434	31	397	6	7.14%	9.00	9.6
	Total	21,295	4,017	16,865	413	18.94%	20,753	3,862	16,402	489	18.61%	20,046	3,605	15,969	472	17.98%		
	Administrators	136	7	129	0	5.15%	114	5	109	0	4.39%	115	4	110	1	3.48%	15.90	
	Faculty	649	17	600	32	2.62%	734	28	670	36	3.81%	752	37	678	37	4.92%	5.00	
	Professionals	207	15	189	3	7.25%	276	20	252	4	7.25%	295	25	265	5	8.47%	12.70	
	Undergraduates	10,060	781	9,060	219	7.76%	10,120	781	9,147	192	7.72%	10,283	872	9,200	211	8.48%	9.61	11.5
NYSU	Graduates	1,168	71	1,017	80	6.08%	1,173	59	1,033	81	5.03%	1,125	59	1,004	62	5.24%	7.50	9.8
	Total	11,228	852	10,077	299	7.59%	11,293	840	10,180	273	7.44%	11,408	931	10,204	273	8.16%		
	Administrators	44	2	42	0	4.55%	44	4	39	1	9.09%	43	3	39	1	6.98%	11.10	
	Faculty	433	8	409	16	1.85%	453	17	421	15	3.75%	461	21	425	15	4.56%	6.90	
	Professionals	68	2	65	1	2.94%	70	4	64	2	5.71%	87	4	83	0	4.60%	7.10	

TABLE-1

FALL 1984 THROUGH FALL 1986 HEADCOUNT ENROLLMENT AND EMPLOYMENT
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

INSTITUTIONS	STUDENT LEVELS & EMPLOYEES	FALL 1984					FALL 1985					FALL 1986					OBJECTIVES 1990-91 % OTHER-RACE	LONG-RANGE OBJECTIVE % OTHER-RACE
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK		
TSU	Undergraduates	6,446	4,685	1,700	101	70.49%	6,078	4,314	1,613	151	70.98%	5,826	4,038	1,635	153	69.31%	45.00	61
	Graduates	1,805	352	612	41	35.02%	928	315	572	41	33.94%	908	281	582	45	30.95%	71.44	76
	Total	7,651	5,037	2,392	222	65.83%	7,006	4,629	2,185	192	66.07%	6,734	4,319	2,217	198	64.14%		
	Administrators	67	47	17	3	70.15%	62	45	15	2	72.58%	74	54	18	2	72.97%	50.00	
	Faculty	353	175	123	55	49.58%	349	181	140	28	51.84%	336	169	136	31	50.30%	51.00	
Professionals	185	73	20	12	69.52%	99	73	24	2	73.74%	90	70	19	1	77.78%	39.00		
TMU	Undergraduates	6,476	126	6,372	178	1.89%	6,715	122	6,427	166	1.82%	6,544	132	6,237	175	2.02%	6.00	6
	Graduates	818	23	698	97	2.81%	969	21	858	90	2.17%	1,081	23	965	93	2.13%	2.55	3
	Total	7,494	149	7,070	275	1.99%	7,684	143	7,285	256	1.86%	7,625	155	7,202	268	2.03%		
	Administrators	66	1	63	2	1.52%	71	1	68	2	1.41%	68	1	64	3	1.47%	7.00	
	Faculty	309	6	283	20	1.94%	326	8	299	19	2.45%	337	18	308	27	2.97%	3.70	
Professionals	185	8	95	2	7.62%	113	8	103	2	7.08%	113	18	100	3	8.85%	13.20		
TOTAL SDR UNIV. (WITH TSU)	Undergraduates	53,075	9,968	41,698	1,417	18.77%	51,848	9,439	40,989	1,420	18.21%	50,803	8,958	40,478	1,375	17.63%		
	Graduates	8,984	1,169	7,360	455	13.01%	9,023	1,088	7,467	468	12.66%	9,255	1,038	7,738	487	11.22%		
	Law	566	47	516	3	8.30%	473	33	435	5	6.98%	434	31	397	6	7.14%		
	Medicine	223	15	204	4	6.73%	217	18	193	6	8.29%	223	22	194	7	9.87%		
	Total	62,848	11,191	49,778	1,879	17.81%	61,561	10,570	49,084	1,899	17.18%	60,715	10,049	48,791	1,875	16.55%		
Administrators	438	59	366	5	13.72%	390	56	329	5	14.36%	404	66	338	8	16.34%			
Faculty	2,496	214	2,131	151	8.57%	2,614	247	2,242	125	9.45%	2,652	254	2,262	136	9.58%			
Professionals	676	104	552	20	15.38%	768	114	643	11	14.84%	818	117	691	18	14.38%			
TOTAL SDR UNIV. (W/O TSU)	Undergraduates	46,429	5,275	39,918	1,236	11.36%	45,770	5,425	39,376	1,269	11.20%	44,977	4,920	38,835	1,222	10.94%		
	Graduates	7,979	817	6,748	414	10.24%	8,095	773	6,895	427	9.55%	8,347	757	7,148	442	9.87%		
	Law	566	47	516	3	8.30%	473	33	435	5	6.98%	434	31	397	6	7.14%		
	Medicine	223	15	204	4	6.73%	217	18	193	6	8.29%	223	22	194	7	9.87%		
	Total	53,197	6,154	47,386	1,657	11.15%	54,555	5,949	46,899	1,707	10.90%	53,981	5,738	46,574	1,677	10.61%		
Administrators	363	12	349	2	3.31%	328	11	314	3	3.35%	330	12	312	6	3.64%			
Faculty	2,143	39	2,008	96	1.82%	2,265	66	2,102	97	2.71%	2,316	85	2,126	185	3.67%			
Professionals	571	31	532	8	5.43%	669	41	619	9	6.13%	728	47	672	9	6.46%			

TABLE I

FALL 1984 THROUGH FALL 1986 HEADCOUNT ENROLLMENT AND EMPLOYMENT
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

INSTITUTIONS	STUDENT LEVELS & EMPLOYEES	FALL 1984				FALL 1985				FALL 1986				OBJECTIVES 1990-91	LONG-RANGE OBJECTIVES		
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK			WHITE	OTHER
I COMMUNITY COLLEGES																	
CSTCC	Undergraduates	4,850	535	4,261	62	11.01%	4,876	433	3,576	67	10.62%	4,821	563	4,103	75	11.68%	14.00
	Administrators	4	0	4	0	0.00%	2	0	2	0	0.00%	7	1	6	0	14.29%	11.10
	Faculty	112	0	103	1	7.14%	110	10	99	1	9.09%	124	12	110	2	9.68%	16.00
	Professionals	27	2	25	0	7.41%	31	1	30	0	3.23%	44	4	40	0	9.09%	0.00
CLCC	Undergraduates	3,102	102	2,949	51	3.29%	3,143	103	2,995	45	3.28%	2,735	92	2,606	37	3.36%	4.00
	Administrators	5	0	5	0	0.00%	4	0	4	0	0.00%	5	0	5	0	0.00%	6.70
	Faculty	85	2	81	2	2.35%	83	2	79	2	2.41%	73	2	68	3	2.74%	5.00
	Professionals	27	2	24	1	7.41%	20	2	25	1	7.14%	26	2	24	0	7.69%	16.70
COPCC	Undergraduates	2,536	150	2,396	10	5.87%	2,604	196	2,397	11	7.53%	3,040	240	2,781	19	7.89%	5.60
	Administrators	10	1	9	0	10.00%	11	1	10	0	9.09%	11	1	10	0	9.09%	20.00
	Faculty	58	3	55	0	5.17%	58	5	53	0	8.62%	59	4	54	1	6.78%	16.90
	Professionals	20	0	20	0	0.00%	25	1	24	0	4.00%	27	1	24	2	3.70%	13.50
BCC	Undergraduates	1,618	197	1,417	4	12.18%	1,611	264	1,347	0	16.39%	1,651	236	1,411	4	14.29%	14.90
	Administrators	12	1	11	0	8.33%	12	1	11	0	8.33%	12	1	11	0	8.33%	20.00
	Faculty	37	4	33	0	10.81%	38	3	35	0	7.89%	40	5	35	0	12.50%	15.60
	Professionals	3	0	3	0	0.00%	3	0	3	0	0.00%	10	1	9	0	10.00%	20.00
JSCC	Undergraduates	2,730	338	2,394	6	12.34%	2,440	304	2,114	22	12.46%	2,445	317	2,076	52	12.97%	16.75
	Administrators	13	1	12	0	7.69%	14	2	12	0	14.29%	13	1	12	0	7.69%	14.30
	Faculty	70	4	64	0	5.71%	68	5	63	0	7.35%	73	7	64	0	9.59%	10.30
	Professionals	11	3	7	1	27.27%	13	3	9	0	23.08%	9	2	6	1	22.22%	23.00
NSCC	Undergraduates	2,427	121	2,280	18	4.99%	2,104	114	1,969	21	5.42%	2,331	122	2,184	25	5.23%	5.00
	Administrators	16	0	16	0	0.00%	15	1	14	0	6.67%	19	2	17	0	10.53%	0.70
	Faculty	49	2	47	0	4.08%	49	2	47	0	4.08%	47	3	44	0	6.38%	5.50
	Professionals	4	1	3	0	25.00%	6	2	4	0	33.33%	4	1	3	0	25.00%	15.00

TABLE 1

FALL 1984 THROUGH FALL 1986 HEADCOUNT ENROLLMENT AND EMPLOYMENT
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

INSTITUTIONS	STUDENT LEVELS & EMPLOYEES	FALL 1984					FALL 1985					FALL 1986					OBJECTIVES 1990-91 % OTHER-RACE	LONG-RANGE OBJECTIVE % OTHER-RACE
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK		
RSCC	Undergraduates	3,587	185	3,438	44	2.93%	3,551	124	3,375	32	3.49%	3,597	117	3,440	32	3.25%	3.00	4.2
	Administrators	18	0	18	0	0.00%	15	0	15	0	0.00%	15	1	14	0	6.67%	11.70	
	Faculty	87	3	81	3	3.45%	83	4	76	3	4.82%	99	5	91	3	5.05%	6.56	
	Professionals	23	1	22	0	4.35%	37	4	33	0	10.81%	27	5	22	0	18.52%	18.30	
SSCC	Undergraduates	4,637	2,668	1,945	32	57.36%	3,789	2,284	1,464	41	60.28%	3,738	2,260	1,434	34	60.59%	49.50	59.1
	Administrators	24	9	15	0	37.50%	24	10	14	0	41.67%	27	14	13	0	51.85%	56.60	
	Faculty	134	49	81	4	36.57%	125	45	76	4	36.00%	132	45	83	4	34.89%	65.10	
	Professionals	33	16	17	0	48.48%	32	12	20	0	37.50%	22	10	12	0	45.45%	58.50	
VSCC	Undergraduates	3,323	184	3,146	73	3.13%	3,131	116	2,936	79	3.70%	3,366	115	3,207	44	3.42%	6.60	9.1
	Administrators	17	1	16	0	5.88%	16	1	15	0	6.25%	18	1	17	0	5.56%	18.20	
	Faculty	81	5	76	0	6.17%	82	5	77	0	6.10%	80	5	75	0	6.25%	15.80	
	Professionals	6	0	6	0	0.00%	7	1	6	0	14.29%	9	1	8	0	11.11%	25.80	
WSCC	Undergraduates	4,023	125	3,877	21	3.11%	3,799	104	3,656	39	2.74%	3,746	144	3,551	51	3.84%	2.00	2.
	Administrators	10	1	8	1	10.00%	9	0	8	1	0.00%	11	1	10	0	9.09%	9.00	
	Faculty	75	4	67	4	5.33%	75	6	66	3	8.00%	75	6	66	3	8.00%	9.20	
	Professionals	27	1	26	0	3.70%	30	3	27	0	10.00%	29	3	26	0	10.34%	10.80	
TOTAL SDR COMMUNITY COLLEGES (ITH SSCC)	Undergraduates	32,869	4,437	28,111	321	13.50%	30,248	4,042	25,849	357	13.36%	31,462	4,206	26,881	375	13.37%		
	Administrators	129	14	114	1	10.85%	122	16	105	1	13.11%	138	23	115	0	16.67%		
	Faculty	788	84	690	14	10.66%	771	87	671	13	11.28%	802	94	692	16	11.72%		
	Professionals	181	26	153	2	14.36%	212	29	181	1	13.68%	207	30	174	3	14.49%		
TOTAL SDR COMMUNITY COLLEGES (NO SSCC)	Undergraduates	28,232	1,777	26,166	289	6.29%	26,459	1,758	24,385	316	6.64%	27,732	1,946	25,447	339	7.02%		
	Administrators	105	5	99	1	4.76%	98	6	91	1	6.12%	111	9	102	0	8.11%		
	Faculty	634	35	609	10	5.35%	646	42	595	9	6.50%	670	49	609	12	7.31%		
	Professionals	148	10	136	2	6.76%	180	17	161	1	9.44%	185	20	162	3	10.81%		
R SYSTEM STAFF	Administrators	14	2	12	0	14.29%	15	2	13	0	13.33%	18	2	16	0	11.11%	13.30	
	Professionals	15	4	11	0	26.67%	12	3	9	0	25.00%	13	3	9	1	23.08%	28.50	

TABLE 1

FALL 1984 THROUGH FALL 1986 HEADCOUNT ENROLLMENT AND EMPLOYMENT
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

INSTITUTIONS	STUDENT LEVELS & EMPLOYEES	FALL 1984					FALL 1985					FALL 1986					OBJECTIVES 1990-91 % OTHER-RACE % OIM	LONG % OIM
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK		
UNIVERSITY OF TENNESSEE																		
UTK	Undergraduates	6,164	802	5,102	100	13.01%	6,155	811	5,141	203	13.18%	6,090	735	5,103	100	12.05%	15.00	
	Graduates	1,310	56	1,197	57	4.27%	1,409	81	1,274	54	5.75%	1,386	93	1,245	48	6.71%	10.00	
	Total	7,474	858	6,379	237	11.40%	7,564	892	6,415	257	11.79%	7,484	828	6,420	228	11.06%		
	Administrators	103	12	91	0	11.65%	100	10	97	1	9.26%	112	11	100	1	9.82%	9.30	
	Faculty	265	12	247	6	4.53%	275	10	255	10	3.64%	278	10	258	10	3.60%	7.30	
	Professionals	90	12	76	2	13.33%	92	14	77	1	15.22%	100	17	82	1	17.00%	15.20	
	UTKOO	Undergraduates	19,945	950	10,107	800	4.76%	19,263	801	17,519	863	4.57%	19,578	871	17,039	860	4.45%	7.50
		Graduates	5,501	232	4,067	482	4.22%	5,465	231	4,030	396	4.23%	5,617	260	4,099	450	4.77%	5.10
		Law	532	30	497	5	5.64%	497	39	457	6	7.05%	474	32	436	6	6.75%	7.00
		Vet. Medicine	100	0	177	3	0.00%	172	0	167	5	0.00%	173	0	167	6	0.00%	4.30
		Total	26,150	1,212	23,728	1,210	4.63%	25,397	1,151	22,976	1,270	4.53%	25,842	1,171	23,341	1,330	4.53%	
		Administrators	282	17	263	2	6.03%	286	16	269	1	5.59%	307	22	284	1	7.17%	6.70
Faculty		1,208	35	1,201	52	2.72%	1,300	41	1,185	74	3.15%	1,395	48	1,273	74	3.44%	4.20	
Professionals		567	24	517	26	4.23%	606	27	538	41	4.46%	710	28	641	41	3.94%	6.50	
UTN		Undergraduates	4,975	715	4,036	224	14.37%	4,703	737	3,778	180	15.67%	4,668	690	3,622	148	15.47%	17.00
		Graduates	391	20	366	5	5.12%	350	15	328	7	4.29%	463	15	444	4	3.24%	9.50
		Total	5,366	735	4,402	229	13.70%	5,053	752	4,106	195	14.00%	4,923	705	4,066	152	14.32%	
		Administrators	54	1	53	0	1.85%	59	3	56	0	5.08%	61	3	58	0	4.92%	5.10
	Faculty	255	2	240	13	0.78%	241	3	225	13	1.24%	251	4	234	13	1.59%	1.60	
	Professionals	65	7	58	0	10.77%	63	6	56	1	9.52%	56	5	50	1	8.93%	9.50	
	UTMHC	Undergraduates	359	21	335	3	5.85%	338	29	305	4	8.58%	302	23	275	4	7.62%	11.20
		Graduates	172	9	154	9	5.23%	183	10	164	9	5.46%	194	11	160	15	5.67%	8.10
		Dentistry	398	9	361	20	2.31%	367	11	339	17	3.00%	354	12	327	15	3.39%	5.90
		Medicine	741	9	703	29	1.21%	703	13	659	31	1.85%	667	13	625	29	1.95%	5.30
		Pharmacy	221	10	205	6	4.52%	209	12	194	3	5.74%	189	7	178	4	3.70%	7.00
		Total	1,803	58	1,750	67	3.04%	1,800	75	1,661	64	4.17%	1,706	66	1,573	67	3.87%	
Administrators		119	9	107	3	7.56%	115	8	103	4	6.96%	128	6	118	4	4.69%	7.00	
Faculty		660	14	610	36	2.12%	672	14	615	43	2.08%	720	21	656	43	2.92%	3.50	
Professionals		1,023	97	931	65	8.87%	1,189	94	1,023	72	7.91%	1,256	103	1,091	72	8.20%	11.90	
UTMCH		Administrators	56	0	55	1	0.00%	56	0	56	0	0.00%	70	0	70	0	0.00%	2.50
		Faculty	83	0	74	9	0.00%	85	0	77	8	0.00%	91	1	82	8	1.10%	4.30
		Professionals	886	16	855	15	1.81%	744	20	905	9	2.12%	1,065	20	1,026	19	1.80%	6.60

FALL 1964 THROUGH FALL 1966 HEADCOUNT (ENROLLMENT AND EMPLOYMENT)
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

SITUATIONS	STUDENT LEVELS & EMPLOYEES	FALL 1964				FALL 1965				FALL 1966				OBJECTIVES 1964-66	LONG-RANGE OBJECTIVE		
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK			WHITE	OTHER
INSTIT. OF AGRIC.	Administrators	31	0	31	0	0.00%	29	0	29	0	0.00%	31	0	31	0	0.00%	5.00
	Faculty	237	4	232	1	1.69%	240	2	242	4	0.81%	259	2	253	4	0.77%	3.00
	Professionals	517	24	491	2	4.62%	524	25	493	6	4.72%	534	23	505	6	4.31%	7.00
OFF-STATE ADMIN.	Administrators	84	1	83	0	1.19%	86	1	85	0	1.16%	89	2	87	0	2.25%	6.00
	Professionals	145	0	144	1	0.00%	155	4	147	2	2.58%	169	5	162	2	2.96%	5.30
TOTAL OF A-6	Undergraduates	31,443	2,400	27,740	1,715	7.91%	30,459	2,450	26,743	1,250	8.07%	30,430	2,319	26,919	1,200	7.62%	
	Graduates	7,374	317	6,504	473	4.30%	7,407	317	6,604	466	4.55%	7,640	307	6,756	517	5.05%	
	Law	532	30	497	5	5.64%	497	39	457	6	7.05%	474	37	436	6	6.75%	
	Dentistry	390	9	361	20	2.31%	367	11	339	17	3.00%	354	12	327	15	3.39%	
	Medicine	741	9	703	29	1.21%	703	13	659	31	1.05%	667	13	625	29	1.95%	
	Pharmacy	271	10	205	6	4.52%	209	12	194	3	5.74%	189	7	170	4	3.70%	
	Vol. Medicine	100	0	177	3	0.00%	172	0	167	5	0.00%	173	0	167	6	0.00%	
	Total	40,001	2,863	36,267	1,751	7.00%	39,014	2,870	35,150	1,706	7.21%	39,955	2,770	35,400	1,777	6.93%	
	Administrators	729	40	683	6	5.49%	739	30	695	6	5.14%	790	44	740	6	5.51%	
	Faculty	2,700	67	2,604	117	2.40%	2,871	70	2,599	152	2.40%	2,994	86	2,756	152	2.87%	
Professionals	3,363	100	3,072	111	5.15%	3,575	190	3,241	137	5.32%	3,870	201	3,547	142	5.17%		
TECH. STAFF	Administrators	16	1	15	0	6.25%	11	1	10	0	9.09%	11	1	10	0	9.09%	15.00
	Professionals	4	1	3	0	25.00%	12	1	11	0	8.33%	9	1	8	0	11.11%	15.00
GRAND TOTAL (WITH 1966 & 1967)	Undergraduates	117,307	16,005	97,549	2,953	14.50%	117,555	15,939	93,501	3,035	14.16%	117,703	15,403	94,770	2,950	13.70%	
	Graduates	16,350	1,404	13,944	920	5.00%	16,450	1,425	14,071	934	6.67%	16,915	1,425	14,406	1,004	6.47%	
	Law	1,090	77	1,013	0	7.01%	970	77	807	11	7.47%	908	63	833	12	6.94%	
	Dentistry	390	9	361	20	2.31%	367	11	339	17	3.00%	354	12	327	15	3.39%	
	Medicine	964	24	907	33	2.49%	920	31	852	37	3.37%	890	35	819	36	3.93%	
	Pharmacy	271	10	205	6	4.52%	209	12	194	3	5.74%	189	7	170	4	3.70%	
	Vol. Medicine	100	0	177	3	0.00%	172	0	167	5	0.00%	173	0	167	6	0.00%	
	Total	136,590	18,491	114,156	3,951	13.54%	131,623	17,490	110,091	4,042	13.27%	132,132	17,025	111,000	4,027	12.00%	
	Administrators	1,310	116	1,190	12	9.00%	1,277	113	1,152	12	8.05%	1,369	136	1,219	10	9.93%	
	Faculty	6,072	365	5,425	287	4.01%	6,204	404	5,512	290	4.51%	6,404	434	5,710	304	4.73%	
Professionals	4,239	315	3,791	133	7.43%	4,577	317	4,085	144	7.34%	4,917	352	4,429	156	7.13%		

TABLE 1

FALL 1984 THROUGH FALL 1986 HIGHER EDUCATION ENROLLMENT AND EMPLOYMENT
IN TENNESSEE PUBLIC INSTITUTIONS
AND ENROLLMENT AND EMPLOYMENT OBJECTIVES

INSTITUTIONS	STUDENT LEVELS & EMPLOYEES	FALL 1984				FALL 1985				FALL 1986				OBJECTIVES 1990-91	LONG-TERM OBJECTIVES		
		TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK	WHITE	OTHER	% BLACK	TOTAL ENROLL.	BLACK			WHITE	OTHER
GRAND TOTAL	Undergraduates	106,104	9,540	93,024	2,740	8.99%	102,680	9,341	90,504	2,843	9.10%	103,147	9,105	91,201	2,761	8.90%	
	Graduates	15,353	1,134	13,332	887	7.39%	15,502	1,110	13,499	893	7.16%	16,007	1,144	13,904	959	7.15%	
(w/o TSU & SSCI)	Law	1,098	77	1,013	8	7.01%	970	72	887	11	7.42%	900	63	833	12	6.94%	
	Dentistry	390	9	361	20	2.31%	367	11	339	17	3.00%	354	12	327	15	3.39%	
	Medicine	960	24	907	33	2.49%	920	31	852	37	3.37%	890	35	819	36	3.93%	
	Pharmacy	221	10	205	6	4.52%	209	12	194	3	5.74%	189	7	178	4	3.70%	
	Vet. Medicine	100	0	177	3	0.00%	172	0	167	5	0.00%	173	0	167	6	0.00%	
	Total	124,310	10,794	109,019	3,697	8.68%	120,870	10,577	106,442	3,009	8.75%	121,640	10,446	107,429	3,793	8.59%	
	Administrators	1,227	60	1,158	9	4.89%	1,191	50	1,123	10	4.07%	1,240	60	1,100	12	5.36%	
	Faculty	5,585	141	5,221	223	2.52%	5,732	178	5,296	258	3.11%	5,980	220	5,491	269	3.68%	
	Professionals	4,101	226	3,754	121	5.51%	4,446	252	4,041	142	5.67%	4,825	272	4,390	155	5.64%	

NOTE: Employment data for State Board of Regents institutions are based upon October revised budgets.

Unrestricted full-time and part-time personnel have been included.

Revised based upon 1986 projections. If not, college-going disparity will have been addressed.

1 Includes UTSI.

10 Several positions at the Tennessee Higher Education Commission were reclassified by the Dept. of Personnel from administrator to professional in 1985.

