


HIGHER EDUCATION SYMPOSIUM
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS
AND
SOUTHERN METHODIST UNIVERSITY

March 31-April 1, 2005

Dallas, Texas

Summary

 *R. Gerald Turner, President, Southern Methodist University*

Presidents' Round Table

1. To diversify its student population, SMU instituted an evening law program. It received 640 applications for 62 slots. The program includes 27% minority students; the day program 23-24% (must be similar for American Bar Association accreditation.)
2. SMU also established a School of Education centered on the graduate level; not just teacher certification with a degree in a content area.
3. SMU also re-instituted a sociology program called "Markets and Culture," which is a blend of public policy, sociology, and business principles.
4. The university has three Presidential Commissions, one each on the status of racial minorities, the status of women (reviews salaries of faculty/staff in rotating years), and the needs of persons with disabilities.

 *Dennis F. Michaelis, President, McLennan Community College, Waco*


Presidents' Round Table

1. McLennan has established alternate systems of program delivery: traditional lecture, Internet, 2 way interactive, and "hybrids" of several methods.
2. The university has partnered with Tarleton State University and UT Arlington to bring bachelor's, master's, and doctoral programs to McLennan, again using multiple delivery systems.
3. McLennan is identifying mid-level employees and providing leadership training to enable them to be prepared for promotion.

 *Ann Stuart, Chancellor and President, Texas Woman's University*

Presidents' Round Table

1. TWU has five campuses, one of which is “virtual.” The virtual campus has its own marketing staff.
2. Student composition is 36% minority; the university does not need to flag race as an admission factor. (20% African American, 12% Hispanic, 4% international)
3. TWU has a high number of first generation students, which means a commitment to financial aid. Under the Bush budget, Pell grants may be reduced or eliminated, so the university is moving towards loans rather than grants. This will be a challenge because they have found that Hispanics are culturally averse to loans.
4. The university expects its virtual campus graduates to increase from 14% to 25% of all graduates.
5. The university has bilingual web-based recruitment materials for its virtual campus.

 *Linda Millstone, Deputy to the Vice President for Equal Opportunity Services, University of Texas at Austin*

Best Practices Round Table

1. The most effective strategy to recruit staff is the football player analogy; identify good candidates early and recruit them (applicable primarily to administrators). Also identify existing and up and coming assistant directors.
2. For retention of staff, consider counter-offers, although you must also keep in mind counterparts for equity purposes. Also consider stretch opportunities for potential candidates, and link to succession planning.
3. Provide an array of “community” services, such as e-mail accounts, computer purchase discounts, software discounts, dead battery assistance, locked car assistance, direct deposit, recreational sports membership, flu shots, pharmacy, employee assistance program, library privileges for spouse, child care, defensive driving lessons, discount tickets for the arts, volunteer opportunities, and self defense classes for women.
4. To develop staff, consider an educational benefit that would cover the cost of tuition and fees for one course a semester up to three classes (pursuant to a degree). Consider an HR Development Calendar that would allow employees to take up to three work-related or personal growth classes per semester. Also consider Covey's 4 Roles of Leadership, 360 Development Assessment, Staff Council, Leadership Council, succession planning, internal policies for promotion.

✚ Franklin A. Tuitt, Assistant Professor, Higher Education Program,
University of Denver

Best Practices Round Table

1. Recruiting Faculty of Color – dispel myths
 - Labor Market Myth – there are no minorities out there
 - Model Minority Myth – there are plenty of minorities out there
 - Level Playing Field Myth – selection based on merit only
 - Diversity Myth – minorities are only interested in diversity-related positions
2. Eliminating procedural challenges: restricting the pool, ignorance about available resources, lack of knowledge about how to conduct a search, narrowly defined job descriptions.
3. Countering perceptual barriers: use of evaluative filters (overall fit, collegiality); use of personal filters (physical characteristics, personality characteristics); debasement filters (questioning candidate's interests, professional invisibility, devaluation of competencies & experience, perceiving candidate's work in racial terms).
4. Minimize labor myths by increasing the size of the pool.
 - Recruit more students of color into Ph.D. programs – grow your own
 - Recruit ABDs
 - Offer professional development opportunities for ABDs
 - Create postdoctoral fellowship opportunities
 - Take advantage of visiting scholar opportunities
 - Increase formal and informal networks with people and organizations that have access to potential candidates of color
5. Reduce procedural pitfalls and challenges: pre-search process (get buy-in from the top; secure resources, e.g. “sweetening the pot” with increasing research funds instead of salary; develop a strategic recruitment plan; create institutional accountability; work to improve campus climate; engage campus neighbors).
6. Reduce procedural pitfalls and challenges: during the search process (assemble a diverse search committee, utilize affirmative action officer, educate search committee members, define job descriptions broadly, create culturally responsive campus visits).
7. Reduce procedural pitfalls and challenges: after the search process (assess search efforts, follow up with candidates who spurned offers, assess long term results, begin retention and advancement measures).
8. Counter perceptual barriers (consult colleagues, educate committee members, hold committee members accountable, follow up with candidates to see what their experience was in the search process).

✚ *Thomas Tunks, Associate Provost for Educational Programs, Southern Methodist University*

Best Practices Round Table

1. SMU formed a Strategic Enrollment Management Group.
2. The university wrote a new admissions policy expressing explicitly the need for diversification.
3. The university provides merit scholarships for 8 semesters only.
4. SMU has increased average SAT scores for first year students at the same time as increasing diversity.

✚ *Charles McGhee, OFCCP Regional Statistician, Dallas*

OFCCP Statistical Analysis

1. OFCCP plans to have three statisticians for the region.
2. Faculty analyses will probably require a more customized model.
3. Variances in hiring process (e.g., number of applicants or number of vacancies) may suggest the need for different time period analyses.
4. OFCCP will eventually put a data tool on its website.
5. Mantel-Haenszel is a statistical tool for handling different time periods and/or qualifications. It computes common impact ratios among several subgroup tables and determines the statistical significance of overall disparities, controlling for the time interval.
6. Breslow Day method will indicate whether a small number of groups is causing the problem, or if it is a problem global (i.e., in all time periods).
7. You need a minimum of 30 individuals in a job group to determine statistical significance, along with a minimum of five minorities and five of each gender; if smaller, must use Fisher's Exact methodology ($p=.05$ equals 2 standard deviations).
8. Breslow Day – if the p value is statistically significant, it is a global problem.
9. Logistic regression (version 13) is another tool (also SAS version 9). These can factor in qualifications.

✚ *Darlene Walker, N. Darlene Walker and Associates, LP*

Computing Faculty Availability and Analyzing Compensation

1. Census 2000 groups all postsecondary teachers together; 53.7% males, 46.3% females, 80% white, 20% minorities.
2. Recommended sources of statistics for faculty and non-faculty

Advanced degrees conferred

National Center for Education Statistics (Integrated Postsecondary Education Data System – IPEDS – fall staff survey (<http://nces.ed.gov/ipeds/>) (Digest of Education Statistics)

Commission on Professionals in Science and Technology (<http://www.cpst.org>); Professional Women & Minorities: A Total Human Resources Data Compendium

National Opinion Research Center (<http://www.norc.org>) – Doctorate Recipients from United States Universities: Summary Report 2000

Faculty by discipline and rank

National Science Foundation (<http://www.nsf.gov/sbe/srs/stats.htm>) - Characteristics of Doctoral Scientists and Engineers in the United States – includes some health science professionals

“The Nelson Diversity Surveys” Nelson, D.J.: Norman, OK, 2002 (<http://cheminfo.chem.ou.edu/faculty/djn/diversity/top50.html>)

Faculty by rank

National Center for Education Statistics (Integrated Postsecondary Education Data System – IPEDS – fall staff survey (<http://nces.ed.gov/ipeds/>) (Digest of Education Statistics)

Non-Faculty

Census data (www.census.gov)

National Center for Education Statistics (Integrated Postsecondary Education Data System – IPEDS – fall staff survey (<http://nces.ed.gov/ipeds/>) (Digest of Education Statistics)

SIC 822 – Colleges, Universities, Professional Schools, and Junior Colleges – by EEO Category


Athletic staff


NCAA – 2001-2 Race Demographics of NCAA Member Institutions (<http://www.ncaa.org/index1.html>)

3. Walker recommends using the Nelson Diversity Surveys when disciplines match. When disciplines don't match, she uses IPEDS for rank. She then creates weights by the number of employees in the discipline divided by the total number of employees in rank. When using the Nelson Diversity Surveys by weight, it creates a huge difference from both the Census statistics and IPEDS.
4. For Assistant Professors, you can also factor in degrees granted (NORC)
5. Walker recommends computation by rank and discipline where data is available.
6. Faculty decision makers should be involved in goal setting.
7. The American Dental Association and American Medical Association also have demographic data.
8. When doing compensation analyses, Walker recommends using regression analyses, grouping together titles, similarly situated, minimum of 30 in group, and possibly training, market, time in grade, performance, skills, internal equity,

- funding sources. Can begin with basic minority/non-minority and male/female ratios of average salaries, then use statistical analysis to determine which job groupings are most affected. The next step would be a cohort analysis in those groups—is there something that can explain the differences?
9. Possible defenses for apparent disparities: business unit, school, college or department; labor market – compression; prior salary


 *Charles Beckenhauer, Associate General Counsel, Baylor University*

 *Robert Canino, Regional Attorney, EEOC Dallas District Office*

 *Michael L. Foreman, Deputy Director of Legal Programs, Lawyers' Committee for Civil Rights Under Law*

Legal Round Table

1. Title VI of the Civil Rights Act also applies to higher education (protects individuals from discrimination on the basis of race, color, or national origin in programs that receive federal financial assistance). Strict scrutiny is applied to affirmative action; in remedy cases, you admit to previous discrimination.
2. Recent Jackson Supreme Court case – although there is no anti-retaliation clause in Title IX, the court ruled that anti-retaliation is part of anti-discrimination, and a complainant will get his/her day in court.
3. Recent Smith Supreme Court case – ADEA does not mention disparate impact, but court interpreted it as implied.
4. *Cuddeback v. Florida Board of Education* (11th Circuit, 2004) – graduate assistants are considered employees under Title VII.
5. Be careful with campus career services office – how do they handle requests for certain types of employees? Same applies to temp agencies.
6. The national average to win a discrimination court case is \$175,000.

 *Paula Wright, Information Service Specialist, U.S. Census Bureau*

2000 Census Update

1. There will be no more long forms in the decennial census; all long form questions will be in the American Community Surveys (ACS). The ACS will provide economic, social, demographic, and housing information every year. However, the ACS will not provide actual population counts; rather, it will provide characteristics, or estimates, only. Population counts will only be done in the decennial censuses.
2. The ACS will provide profiles of every community with 65,000 people or more (sampling every month, every county). For communities less than 20,000, beginning in 2007, profiles will be provided on a three year cumulative basis.
3. Wright does not know how ACS and the EEO Data Tool will interact, if at all.
4. For 2000 Census, only 2% stated they were more than one race.

✚ *Michael C. Fetzer, Dallas/Houston District Director, EEOC*

EEOC Update

1. Recommend the book Voices of Diversity.
2. Legally, you can't use mediation for discovery, but in practice everyone does.
3. Provided fact sheets on the following (contact the System's Office of Equal Opportunity for copies).
 - Training Designed for Your Needs
 - In the Workplace Harassment Issues
 - Complaint Received – Employee Wants Management to Do Nothing
 - In the Workplace National Origin Issues
 - Mediation ... Try It, You'll Like It!!!
 - Ten Basic "Do's and Don'ts" for Ensuring the Freedom to Compete in the Workplace
 - In the Workplace The Glass Ceiling
 - Real World ... Real Rights ... Real Responsibilities!

✚ *Joyce McPeters Morgan, Deputy Regional Director, OFCCP*

✚ *Melissa Speer, Dallas District Director, OFCCP*

OFCCP Update

1. OFCCP has hired a testing expert at its national office.
2. OFCCP is focusing on systemic discrimination.
3. For large job groups, use 2 standard deviations, not the 80% rule.
4. For hiring process audits:
 - 1st analysis at the regional level using 2 standard deviations.
 - If a problem is indicated, OFCCP will ask for logs (e.g., applicant flow, hires); may ask questions about the selection process, then re-run analysis looking for time issues, etc.
 - If there is still a problem, it will shift to the area office, which will request applications, interview statements, job descriptions, etc., and may discuss with HR; analysis will be re-run again.
 - If a problem is still there, OFCCP may conduct an on-site visit or may close the audit.
5. A common problem is the lack of records to explain decisions (e.g., interview notes, post it notes, records of offers—even verbal offers, background checks).
6. Another common problem is managers not following policies and procedures.
7. OFCCP is finding that women are not getting through HR screening for typical male jobs.

8. Use of temp agencies for temp positions that turn into full time positions, or using temp agencies as part of the screening process, requires them to do adverse impact analyses as well—dual employment relationship.