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EQUAL EMPLOYMENT OPPORTUNITY AT THE STATE UNIVERSITY OF NEW YORK

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August 1976

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AT THE STATE UNIVERSITY OF NEW YORK

--A report prepared by the New York State Advisory
Committee to the U.S. Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the New York State Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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LETTER OF TRANSMITTAL

NEW YORK STATE ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS
August 1976

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John A. Buggs, Staff Director

Sirs and Madam:

The New York State Advisory Committee submits this report on equal employment opportunity at the State University of New York (SUNY) as part of its responsibility to advise the Commission on relevant civil rights problems within the State.

This report reviews the status of minorities and women in professional positions at SUNY and the progress achieved by the university's affirmative action program since 1971. At the Advisory Committee's request, SUNY conducted its first ethnic census in 1971. Shortly thereafter, SUNY issued a policy statement on equal employment opportunity and began its affirmative action efforts. In 1973 the Advisory Committee reviewed these affirmative action programs and held informal, public hearings in Albany, N.Y. Testimony was received from staff at the central administration and individual SUNY campuses as well as from State and Federal officials and representatives of minority and female organizations.

In the 1973-1974 school year, the university employed 14,815 faculty and administrative personnel. Of that total, about 4.8 percent were black, and 0.9 percent were Puerto Rican; approximately 24.3 percent were women. Minorities and women held a higher percentage of the lower paying professional positions.

In January 1975 SUNY submitted a report to the Advisory Committee updating its EEO achievements.

The Advisory Committee concludes that SUNY's affirmative action efforts have not been adequate. More than 4 years after issuing its policy statement on equal employment opportunity, SUNY has failed to implement and enforce its policy statement. Since 1973 SUNY has not fulfilled its legal obligations to complete campus affirmative action plans as required under Federal regulations. Funding and staffing for the central EEO office have not been adequate.

The Advisory Committee is forwarding a series of recommendations to SUNY and to the State and Federal agencies responsible for enforcing EEO regulations. It is our hope that the Commission will support our recommendations and use its influence to help initiate change in the SUNY system.

Respectfully,

/s/

Franklin H. Williams
Chairman

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Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Jr., Assistant Staff Director for Field Operations.

Final edit and review was conducted in the Commission's Publications Management Division, Washington, D.C., by editor Laura Chin, assisted by Audree B. Holton.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

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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 as amended. 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.

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I. INTRODUCTION

A. A Profile of the SUNY System

The State University of New York (SUNY) was created in 1948 by the State legislature to develop and administer a statewide system of higher education.¹ Since its founding, SUNY has grown from 29 State-supported but unaffiliated campuses to an organized system of 72 institutions. It is the largest, multilevel, centrally-managed system of public higher education in the United States.

The university encompasses 4 university centers, 2 medical centers, 13 colleges of arts and science, 1 nonresidential college, 5 statutory colleges, 3 specialized colleges, 6 agricultural and technical colleges, and 38 locally-sponsored community colleges. A total of 12 campuses offer graduate studies at the doctoral level and 22 at the masters level.

In 1973 the State University employed 28,132 persons, of whom 4,156 were administrative staff and 10,659 were faculty members. Of the professionals,² 90.5 percent were white, 4.8 percent were black, 0.9 percent were of Spanish-speaking background, and 4.9 percent were members of other minority groups. About 24.3 percent were women.³ Clerical and support staff are not within the scope of this report.

SUNY is governed by a 15-member board of trustees appointed by the Governor with the advice and consent of the State senate. The board is empowered to appoint its own officers, the chancellor, and the central administration staff. The trustees exercise direct control over 29 of the 72 units. Excluded from this direct control are the 5 statutory colleges and 38 community colleges. The five statutory colleges are governed by the board of trustees of the universities under which they operate --- Cornell and Alfred. The community colleges are governed by their own quasi-independent boards of trustees.

The chancellor of the State university is appointed by the board of trustees and has final administrative responsibility for the entire university system. The chancellor is responsible for recommending and implementing policies for the board of trustees, formulating and implementing personnel regulations, offering guidelines for budget and program development, establishing academic priorities, and other matters.⁴ The campus presidents have the responsibility for daily administration and the implementation of statewide policies on their campuses. The campus president thus becomes an important figure, both as head of a local unit of the university and as an administrator of systemwide policy.

The chancellor and the campus presidents serve for 5-year terms. A community council is responsible for recommending candidates for president of its campus to the chancellor and the board of trustees. At the end of each 5-year term, a performance evaluation is completed by the chancellor who recommends to the board of trustees whether or not a president should be reappointed. These procedures have been initiated to make the appointment process more sensitive to the interests of the college community and to permit active involvement by the office of the chancellor. However, the final power of appointment rests with the board of trustees.⁵

The central administrative staff of the university system is located in Albany. The chancellor has final administrative responsibility, while a deputy chancellor directs the day-to-day operations. The central staff is divided into 13 divisions, each headed by an associate, deputy, or vice chancellor. Of importance to this report is the division for faculty and staff relations and one of its subdivisions, the office of equal opportunity programs. Directors of offices within divisions of the central staff, such as the director of the office of equal opportunity programs, must go through supervisory channels to communicate with the chancellor.⁶

Every year SUNY receives millions of dollars in public funds from Federal, State, and local governments. SUNY officials estimated that the university received approximately \$70,500,000 or 9.7 percent of its total funds from the Federal Government in fiscal year 1974-75. For the same fiscal year, the State appropriated \$533,700,000 to the SUNY system. An additional \$43,700,000 was received from

the State through grants other than direct appropriations. Approximately \$75,500,000 was received from other sources.⁷

The 38 community colleges receive funds amounting to 50 percent of their capital budgets and approximately two-thirds of their operating budgets from the local governments where they are situated.

B. The Advisory Committee's Concern

Because of the size and importance of SUNY, the New York State Advisory Committee to the U. S. Commission on Civil Rights has been concerned for several years with equal employment opportunities in the system. In 1969 the Advisory Committee appointed a subcommittee to monitor plans, policies, and practices related to equal employment opportunity for minorities and women. The Committee decided to limit its inquiry to faculty and administrative positions within the university.

In the fall of 1969, the subcommittee met with the then Chancellor Samuel B. Gould to discuss the university's policies. The Advisory Committee learned that SUNY did not have a written policy on equal employment opportunity (EEO) or an affirmative action program. The university had not collected detailed statistical data on the numbers and status of minorities and women in the various units of the system.

Since 1969 Advisory Committee members have had numerous conferences with the chancellor, central SUNY officials, and staff at several units of the university system. In June 1973 the Advisory Committee held a 2-day informal, public hearing in Albany to assess progress and problems relating to equal employment opportunities at SUNY.⁹

In the early years, the Advisory Committee restricted its inquiry largely to the analysis of statistics presented by SUNY and of EEO policies at the central administration. Later, members of the Advisory Committee and Commission staff visited nine local units of SUNY and reviewed affirmative action procedures.¹⁰ Conferences were held with local presidents, equal employment opportunity officers, and members of the faculty and administration in an effort to determine how policies were being transmitted and implemented on the local level.

In November 1974 the Advisory Committee sent Chancellor Ernest L. Boyer, who was appointed in 1970, a draft of its findings and recommendations on central SUNY for his comments.¹¹ In response to the draft report, the chancellor submitted in January 1975 a statement to the Advisory Committee listing SUNY's recent EEO achievements.¹² The chancellor also met with the Advisory Committee Subcommittee on SUNY to discuss current EEO developments.¹³ Appropriate references to SUNY's response have been incorporated into this report.

This report analyzes the extent to which the State University of New York has developed a program to assure equal opportunity in faculty and administrative employment. It summarizes the progress made in the past 4 years and points out the failures in SUNY's program. It measures the promises made against the "bottom line" of its employment statistics on faculty and administrative positions.

It is the Advisory Committee's hope that this report will be used by SUNY officials, as well as groups interested in EEO, to promote equality of employment opportunity in the New York State university system.

NOTES TO INTRODUCTION

1. N.Y. Ed. Law, Article 8, Chap. 695, § 350-362 (McKinney 1948).
2. Throughout this report, "professionals" is used to denote both teaching and administrative staff.
3. State of New York, Department of Civil Service, 1973 Seventh Annual Report on the Occupations, Job Status and Ethnic Characteristics of Employees in New York State Agencies (Albany, N.Y.).
4. State of New York, SUNY, Policies of the Board of Trustees 1972 (June 1972), p. 3.
5. The appointment and evaluation process is authorized under the following: State of New York, SUNY, "Guidelines for the Review Process for the Chancellor and Presidents," Oct. 22, 1974.
6. Dr. C. Eugene Kratz, director of equal employment opportunity programs, SUNY, interview in Albany, N.Y., Apr. 23, 1975.
7. Dr. C. Eugene Kratz, director of equal employment opportunity programs, SUNY, letter to Jacques E. Wilmore, Apr. 24, 1975, p. 13. U.S. Commission on Civil Rights, Northeastern Regional Office (USCCRNERO) files.
8. Samuel B. Gould, chancellor, SUNY, interview in Albany, N.Y., fall 1969.
9. U.S., Commission on Civil Rights, New York State Advisory Committee, Transcript of Open Public Meeting, June 6 and 7, 1973, Albany, N.Y., USCCRNERO files.
10. The institutions were: Binghamton (university), Buffalo (college), Buffalo (university), Cobleskill (agricultural and technical college), Oswego (college), Plattsburg (college), Purchase (university), Stony Brook (university), and Upstate Medical Center. In addition, Commission staff reviewed the complaints of and met with employees at a 10th unit of the system, Downstate Medical Center.

11. Jacques E. Wilmore, regional director, USCCRNERO, letter to Ernest L. Boyer, chancellor, SUNY, Nov. 15, 1974, USCCRNERO files.
12. State of New York, SUNY, "State University of New York Response to the Draft Report, New York State Advisory Committee, U.S. Commission on Civil Rights" (January 1975).
13. Chancellor Ernest Boyer, meeting with SUNY Subcommittee in New York, N.Y., Jan. 20, 1975.

II. EEO ACTIVITIES AT CENTRAL SUNY

Since SUNY is a centrally managed system, the chancellor has overall responsibility for EEO policy at all colleges and campuses. Therefore, the development and implementation of EEO programs and affirmative action procedures in the system are highly dependent upon programs and policy directives emanating from central SUNY in Albany.

A. Early Developments

In 1970, following a request from the Advisory Committee for statistical data by race and sex of SUNY's professional staff, the university conducted its first ethnic census of professional staff. Survey results for the fall of 1970 showed that minorities and women were underrepresented and indicated a pattern of de facto discrimination against minorities and women.¹

Of the 9,492 full-time faculty members in 27 institutions surveyed at that time, there were only 158 black men and 80 black women. Blacks were 2.5 percent of the faculty members; Puerto Rican faculty members, 20 men and 12 women, were about 0.3 percent. The 1,939 women made up about 20 percent of the SUNY faculty.²

Figures for full-time administrative staff indicated similar underrepresentation. Only 257 or 8.4 percent of the total were black, 14 or .01 percent were Puerto Rican, and 969 or 31 percent were women.³

After SUNY reviewed the results of the census, university officials took the first steps in setting up an affirmative action program. In February 1971 the office of equal employment opportunity programs was created at the central administration, with Dr. C. Eugene Kratz named director.⁴ At the same time, Chancellor Boyer called for the appointment of EEO officers at each of the 29 campuses.⁵

On June 30, 1971, the board of trustees issued a policy statement calling for equal opportunity in SUNY employment. The statement called for the development of affirmative action programs with goals and timetables and the commitment of the necessary staff and support to assure the effectiveness of these programs.

The statement read, in part:

...It is the policy of State University of New York to provide equal opportunity in employment for all qualified persons; to prohibit discrimination in employment; and to promote the full realization of equal employment opportunity through a positive, continuing program for the university as a whole and for each constituent unit of the university.

...Full, immediate, and continuing realization of this policy in State university is to be undertaken by:

1. Developing affirmative action programs which will: detail actions designed to realize the university's commitment to equal employment; analyze employment patterns within the university; set forth plans to rectify any deficiencies; identify and remove impediments to equal employment opportunity; establish goals and timetables for affirmative action; provide for the internal and external dissemination of university policy; pursue the commitment to equal employment opportunity throughout the institution; and provide for the review, assessment, evaluation, and improvement of university action in carrying out this policy and affirmative action programs.

2. Committing staff and support necessary to make effective the equal employment policies and programs of the university....

...In support of this policy, State university affirms its right to take appropriate action if it or other duly constituted authority should determine that applicable Federal and State equal employment opportunity laws and regulations have been violated, or that the effect and intent of

this policy has been willfully or habitually abrogated.⁶

B. Equal Employment Opportunity at SUNY

The following section includes a summary of SUNY's equal employment opportunity programs at the time of the Advisory Committee's informal hearing in June 1973, and the program's status in January 1975. The 1973 information was obtained at the informal hearing and through the Advisory Committee's investigation. The 1975 data were included in a written statement by Chancellor Boyer to the Advisory Committee in January of that year.⁷

1. Budget

The 1971 policy statement of the board of trustees specifically called for "staff and support" for EEO programs. In 1972, however, the Governor's budget staff cut an item of \$167,000 for EEO from the budget initially proposed by SUNY. According to Dr. Harry Spindler, vice chancellor for finance and administration, this cut was made to keep the 1971-72 budget at the 1970-71 level.⁸

In 1973 SUNY requested approximately \$900,000 to finance the central EEO staff and activities at all university campuses.⁹ The allocation was reduced in the Governor's executive budget to \$150,000, with funds limited to staffing and operating expenses for the central EEO office. Chancellor Boyer appeared before the legislative appropriating committees to support the Governor's reduced budget figure of \$150,000, and to make an additional request for funds in a supplementary budget. Both requests to the legislature were denied.¹⁰ Thus, in 1973 the office of equal employment programs did not have and had never received a direct budget allocation.

Chancellor Boyer reported that in February 1974 the executive budget office authorized each campus to upgrade an existing professional position for a full-time affirmative action officer and to reallocate funds for the salary and office.¹¹ The chancellor also requested each campus to fund campus equal employment opportunity activities through its local campus budget.¹² He estimated that the total direct affirmative action expenditures for all the campuses were approximately \$1,250,000 for the 1974-1975 school year. Expenditures were made for EEO offices, officers, data

analysis, workshops, and recruitment. The chancellor also cited free "computer operation time, space, and significant contribution of personal time" given by the numerous committees operating on local campuses.¹³

2. Staffing

Central Office

In 1973 the central EEO office consisted of a director and a secretary. At that time, a second professional position was authorized but had not been filled.

The EEO office operated in the office of the vice chancellor for personnel and employee relations, who reported to the deputy chancellor. The EEO director's policy recommendations had to be approved by a vice chancellor and a deputy chancellor before reaching the chancellor. At that time, Dr. C. Eugene Kratz, director of EEO programs, recommended that the EEO officer be directly responsible to the chancellor.¹⁴

In January 1975 Chancellor Boyer reported that the second professional position had been filled. One of the responsibilities of the new central staff person was to provide liaison with women's groups. In addition, a position of assistant vice chancellor for affirmative action had been established.¹⁵ The assistant chancellor serves as special assistant to the chancellor, reporting to the vice chancellor on routine matters and to the chancellor on questions of policy. Thus, for the first time, a direct line of communication was established between the EEO office and the chancellor.¹⁶ The position was filled in early 1975.

Campus Offices

In February 1971 Chancellor Boyer sent a memorandum to all campus presidents asking them each to appoint an equal employment opportunity officer "to provide liaison on EEO activities on that campus."¹⁷ Since the request was not accompanied by an allocation of funds to finance EEO activity or by a mandatory requirement to assign at least one full-time staff person to EEO responsibilities, many campuses attempted to meet their responsibilities by appointing an EEO officer who had major assignments in other

areas. Some, however, used existing budget lines for full-time EEO staff.

In February 1974 SUNY obtained approval from the budget division to establish the position of campus-level affirmative action officer. It became possible to legitimize in this position appointments which, until that time, could be made only by "borrowing some other title to perform the function."¹⁸

In January 1975 Chancellor Boyer reported that all SUNY campuses had affirmative action officers and that three-fourths of these officers worked full time on EEO activities.¹⁹

3. EEO Committees

Several ad hoc EEO committees were established throughout the university system during the early 1970s to meet specific requirements, such as the development of the preliminary phases of the affirmative action plan. In addition, two formally constituted EEO committees were considered: a Chancellor's Panel on Equal Employment Opportunity and an Equal Employment Opportunity Office Advisory Group. However, according to Dr. Kratz, "to retain flexibility and guarantee access to a variety of opinions and reactions, neither group was ever organized."²⁰

At the time of the informal hearing, a number of EEO committees operated on individual campuses. In 1974 all SUNY campuses had one or more committees on affirmative action. In general, these committees included representatives of the president's office, operating departments, the affirmative action office, and the personnel office.²¹

In September 1974 the State University Board of Trustees created a subcommittee on affirmative action "to evaluate the progress" made by the university.²² The six-member Affirmative Action Progress Review Committee has met extensively with the central SUNY EEO director, representatives of the Caucus on Women's Rights, and campus EEO staff. In early 1975 it was in the process of collecting reports evaluating affirmative action from each campus president.²³

4. Affirmative Action Plans

Statewide Plan

At the time of the New York Advisory Committee's informal hearing, 2 years after the board of trustees had issued a policy statement calling for an affirmative action plan, the university still had not implemented a plan. The central EEO office, however, had written four reports which were described by Dr. Kratz as "working documents" for affirmative action.²⁴ Three volumes entitled Equal Employment Opportunity Plan, State University of New York were published in July 1972. A fourth document, summarizing and updating the original three, was published in December 1972.²⁵ This document consisted of guidelines within which to develop an EEO plan similar to those in a Federal document Higher Education Guidelines: Executive Order 11246.²⁶ The SUNY guidelines call for the development of the actual EEO plan in the following three steps:

Step 1 - University Descriptive Plan: This step consists of basic guidelines for the development of each campus plan. Essentially, it seeks to:

- a. Develop philosophical bases for university participation in an equal employment plan.
- b. Provide a prescriptive outline for local campus activities.
- c. Identify certain activities which can best be conducted on a university wide basis.
- d. Suggest analyses which might determine accuracy of conclusions reached in tentative studies of university-wide figures.

Step 2 - Individual Campus Plan: Each State-operated campus will develop its own EEO plan which will:

- a. Follow the overall organization, format and philosophical thrust of the university-wide programs.

b. Collect and analyze employee data, compare availability of staff, and develop necessary employment programs for that particular campus.

Step 3 - University Action Plan: When campus plans are completed, a composite plan will be developed at central staff level with campus consultation. It will integrate elements of all sub-plans into one master equal employment opportunity plan for the State University of New York.²⁷

At the time of the informal hearing, both Federal and State governments required SUNY to develop a written affirmative action plan. The U.S. Department of Health, Education, and Welfare (DHEW) required all institutions of higher education contracting with the Federal Government to develop plans with goals and timetables by May 15, 1973.²⁸ Officials from the Office for Civil Rights (OCR) of DHEW testified at the informal hearing that no plan had been submitted as of June 1973.²⁹

Shortly after the informal hearing, SUNY submitted its guidelines to OCR as an interim step in meeting the Federal requirements. However, in November 1973, OCR informed the Advisory Committee that the document was not acceptable either as a plan or an interim plan.³⁰

A year later, OCR again reported on the status of SUNY's affirmative action plan: "To date (December 30, 1974) no SUNY affirmative action plan has been formally submitted and/or reviewed by our office."³¹

Since 1973 the State Division of Human Rights (SDHR) has required SUNY to develop an affirmative action plan. However, Commissioner Ruperto Ruiz of SDHR told the Advisory Committee that he had received only a planning document less than 3 weeks before the informal hearing.³²

At the informal hearing, Dr. Boyer refused to commit himself as to when the plan would be completed and fully operational. He said, however, that it was his "hope and intention" that the campus plans would be finished by the 1973-1974 year.³³

In January 1975 Chancellor Boyer reported that the statewide affirmative action plan had not been completed.

In his statement, however, he said that the plan would be finished by June 1975. He explained the delay by saying that the individual campus plans had to be completed and incorporated into the statewide plan.³⁴

Campus Plans

According to SUNY's December 1972 guidelines, each campus was to have submitted an affirmative action plan to the central EEO office by May 31, 1973.³⁵ At the 1973 informal hearing, university officials stated that the deadline had been extended to October 31, 1973.³⁶

According to Chancellor Boyer's statement, the deadline for filing campus plans was extended to January 1975.³⁷ Nine campuses filed their plans by that time; eight more filed plans between February 1 and March 31, 1975. The remaining 12 campuses were in the process of completing revised plans in April 1975. A list of those campuses and the reasons for their delay is included in Appendix B. Of the 17 plans filed, 12 contained goals and timetables. Of the remaining 12 draft plans, 3 contained goals and timetables.³⁸ Because the Advisory Committee study was limited to central SUNY, neither the plans nor the goals were examined by the Advisory Committee.

5. Recruitment

Several methods of recruitment were being used by the central administration and individual campuses at the time of the informal hearing. According to Dr. Kratz, the primary method was the "academic grapevine"³⁹ or personal referral through the academic community. In addition, the central personnel office received resumes from interested persons and distributed them to the individual campuses.⁴⁰ In 1972 the university expanded its efforts and began advertising in minority publications and education journals.

According to Chancellor Boyer's 1975 statement, the individual campuses retain the primary responsibility for recruitment. He said, however, that 75 percent of the campuses had adopted procedures requiring adequate recruitment of minority and female applicants and had written justifications for hiring decisions.⁴¹

6. SUNY Image in and Liaison with the Community

At the time of the informal hearing, minority and womens' groups representatives criticized their underrepresentation at SUNY. They questioned the commitment made by SUNY officials to EEO, and said that the university's EEO and liaison programs were not effective.

Hector Vasquez, executive director of the National Puerto Rican Forum, said: "SUNY has stated that they are committed to an equal employment opportunity program. The Puerto Rican community has no reason to believe this is so."⁴² He specifically criticized SUNY for failing to consider the Puerto Rican community as a minority group.

Rosalina Martinez, director of ASPIRA of New York, Inc., a Puerto Rican organization concerned with education, analyzed the effects of the underrepresentation of Puerto Ricans at SUNY, saying:

Those of our students who go on to the State university come back to us with an almost universal complaint: Puerto Rican teaching, counselling, and administrative personnel are virtually nonexistent. There is no one they can relate to, no one who understands where they're coming from, their school problems, and personal needs. The result is that Puerto Rican students and their needs are virtually ignored on campus. The results are easy to predict.⁴³

To remedy the situation, ASPIRA offered to help set up a central recruiting office and to maintain close liaison with it.⁴⁴

SUNY's Caucus on Women's Rights was also critical of the university's EEO program. Joan Schulz, co-chairperson of the caucus, said:

The State university has in fact engaged in footdragging and delaying tactics....It has shown almost no evidence of an understanding of or a commitment to affirmative action, and so far all the commitment has been mainly vocal and/or token.⁴⁵

The caucus was particularly critical because SUNY had failed to provide basic employment statistics and had not asked minority and women groups to comment on the

affirmative action guidelines. Ms. Schulz said many of its efforts to communicate with the central SUNY administration were not successful.⁴⁶

By 1974, according to Chancellor Boyer, "frequent and substantive communication" had taken place between the central administration and womens' and minority groups. As the director of equal employment opportunity programs, he and other central administration staff had regular meetings with the Caucus on Women's Rights and had worked with the fair employment practices committee of the university's faculty senate. The board of trustees' affirmative action committee was also in communication with concerned university groups.⁴⁷

In his January 1975 statement, Chancellor Boyer cited programs initiated by the central EEO office to improve the university's program and its relationship with the community. In October 1974 the university held its first affirmative action conference to educate EEO officers. A series of such workshops was scheduled for 1975, he said.⁴⁸

In April 1975 the caucus updated its criticisms of SUNY's affirmative action position in a letter to the Advisory Committee. The caucus criticized SUNY for "the lack of clear, concise guidelines on implementation of affirmative action from central SUNY, the lack of completed and approved written programs, delay in developing a data collection system throughout the SUNY system," and the lack of "adequate child-care services on local campuses."⁴⁹

The caucus wrote:

Unfortunately, we can note no great change in the patterns of underutilization of women at all levels of campus involvement. We encourage a more aggressive stance toward upgrading competent on-the-job staff persons.⁵⁰

The caucus did credit the chancellor and other SUNY staff for setting up more meetings with the caucus to discuss affirmative action and for other changes, including those in the maternity leave policy.⁵¹

7. The Role of the State Division of Human Rights at SUNY

Complaints

Separate informal and formal procedures have been established at SUNY to resolve individual or group complaints of discrimination. Under the informal system, an employee may discuss the grievance with an immediate supervisor and seek resolution without a written complaint. The employee also may go outside the university structure and file a formal complaint with the New York State Division of Human Rights (SDHR) and/or the U.S. Equal Employment Opportunity Commission (EEOC).

If the complaint initially is filed with EEOC, it is referred to SDHR, which has 60 days to act on it under a formal "deferral" arrangement between the two agencies.⁵² After EEOC notifies SDHR that a complaint has been filed, SDHR sends a letter to the complainant asking him or her to "verify" the complaint by filing it anew with SDHR.⁵³ However, the form letter sent to the complaining party fails to mention that verification is required for SDHR to act on the complaint.⁵⁴

According to SDHR officials, two-thirds of the complaints deferred by EEOC are never verified and no action is taken.⁵⁵ If the complainant fails to verify with SDHR after 60 days, SDHR notifies EEOC to proceed with its investigation. Thus, because of the verification requirement, action on a complaint is frequently delayed for 60 days until EEOC regains jurisdiction.

If complaints are filed first with SDHR, the State office does not inform the complaining parties of their rights to also file with EEOC, or to proceed to EEOC after 60 days if SDHR has not acted to the satisfaction of the complainant.⁵⁶

At the informal hearing, the Advisory Committee, convinced that many persons may be confused about their rights, criticized the apparent lack of coordination between SDHR and EEOC. Assistant Commissioner Ruperto Ruiz said he would take up the matter with the SDHR commissioner and report back to the Advisory Committee.⁵⁷ In the following months, no report was received. Commissioner Ruiz stated at a later date that increased funds would be needed from EEOC to enable SDHR to improve the notice procedures.⁵⁸

In August 1973 SDHR entered into a "liaison agreement" with SUNY whereby they both would designate liaison officers to facilitate the handling of complaints against SUNY.⁵⁹ The SUNY liaison officer is the university counsel rather than a staff member in the EEO program area.⁶⁰

The liaison agreement provides, among other things, that SDHR withhold documents from the complainant at SUNY's request:

Where the university liaison officer advises the division that any university documents are confidential or where the university requests that university's reasons for nonappointment, reappointment, or promotion not be disclosed to the complainant, the division agrees that it will respect such confidentiality and will not, directly or indirectly, divulge to the complainant the contents of such confidential documents or such reasons.⁶¹

SDHR's rules of procedure provide, however, that "complainants, respondents, and their attorneys may examine everything in their files, except internal working papers..."⁶² The rules of procedure are thus at variance with the nondisclosure provision in the liaison agreement. Information pertinent to proof of employment discrimination, i.e., the "university's reasons for nonappointment, reappointment, or promotion," are not disclosed, if SUNY so requests.

At the time of the informal hearing, 90 employment discrimination complaints had been filed against SUNY with the SDHR between 1966 and 1972.⁶³ Of these, 58, or 64 percent, were dismissed after a finding of "no probable cause"; 5 were dismissed for lack of jurisdiction; 16 were withdrawn; 3 were "open" pending further determination; 6 were ordered for public hearing; 1 was dismissed for "administrative convenience"; and 1 was designated as "probable cause" and resolved through conciliation.⁶⁴ Four of the six ordered for hearing were sex discrimination complaints filed by women. Thus, 64 complaints or 71 percent were dismissed, while 6, or approximately 7 percent, were ordered for public hearing.

During 1973 and 1974, a total of 95 complaints were filed with SDHR against SUNY.⁶⁵ Of these, 42, or 44 percent,

were dismissed for lack of probable cause; 16 were withdrawn; 23 were "open" pending determination; 5 were ordered for hearing; and 9 were dismissed for lack of jurisdiction. The percentage of those dismissed was about 54 percent. All five complaints ordered for hearings were sex discrimination complaints filed by women.

In 1974, 442 or 14.6 percent of 3,078 employment complaints filed with the SDHR, were ordered for hearing. In comparison, only 6 percent of all SUNY's complaints were ordered for hearing. No probable cause was found in 1,758 or 57 percent of the employment complaints filed.⁶⁶ The percentage of "no probable cause" findings for SUNY complaints for the 6 years prior to 1973 was 64 percent. However, the percentage dropped sharply in the 2 years following to 44 percent (although cases still "open" will affect the latter figure).

Affirmative Action Plans

In March 1973 SUNY became a member of the State's Interdepartmental Committee on Human Rights, an organization made up of representatives of 34 State agencies whose stated purpose is to promote affirmative action in State government.⁶⁷ Set up by an executive order in 1968, the committee required affirmative action plans of all State agencies. The SDHR, the committee's administrative arm, reviews and approves those plans.⁶⁸

At the Advisory Committee's informal hearing, Commissioner Ruiz stated that the division had received SUNY's affirmative action plan.⁶⁹ He later modified his statement to say that he had received only the first part of a three-part plan.⁷⁰ In January 1975 Commissioner Ruiz said that he had not received any further affirmative action documents from SUNY.⁷¹

In June 1975 an SDHR official said that a final affirmative action plan had never been received from SUNY. The spokesperson said, however, that SDHR had made no further requests to SUNY for the plan and that the division's "activity in the area of affirmative action" was limited due to budget limitations and other considerations.⁷²

8. The Role of the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare

The Office for Civil Rights (OCR) of the U.S. Department of Health, Education, and Welfare (DHEW) is charged with enforcing equality of employment opportunity in institutions of higher education receiving Federal funds. It enforces Executive Order No. 11246 and Revised Order No. 4, 41 C.F.R. §60-2, which require affirmative action plans with goals and timetables and periodic compliance reviews of all contractors with the Federal Government, including institutions of higher education.⁷³

SUNY officials estimated that the system received approximately \$70,500,000 in Federal contracts in fiscal year 1974-75.⁷⁴

Compliance Reviews

In early 1971 OCR initiated compliance reviews at four campuses not previously inspected. However, the review at Brockport was discontinued in March 1971 after OCR was denied access to personnel records on the grounds that an agreement with the faculty prohibited Federal inspection. Similarly, a review at Buffalo was discontinued when OCR staff were denied access to records.⁷⁵ The denial of access by the two campuses was in direct violation of Federal regulations.⁷⁶

In an effort to break the impasse, OCR officials met and corresponded with Chancellor Boyer during the summer of 1971. The chancellor wrote to OCR specifying conditions under which he would permit access to personnel records. OCR did not find those conditions acceptable.⁷⁷

In a subsequent letter, OCR stated that in 1971 the regional office referred the problem of access to the national office in Washington, "with a recommendation that enforcement action be instituted."⁷⁸ Because of a change of national staff leadership, no further action was taken until 1973.⁷⁹

At the time of the Advisory Committee's hearing, OCR was still being denied access. No compliance reviews had been conducted for over 2 years, and a complaint filed as early as 1970 was still pending because of SUNY's refusal to give access to personnel records.⁸⁰

Following the June informal hearing, the national office of OCR negotiated a "Memorandum of Understanding"

with SUNY stipulating conditions under which OCR would be given access to records. At that time, OCR decided to focus its limited staff and resources to eliminate the backlog of complaints rather than conduct compliance reviews or review affirmative action plans.⁸¹

Affirmative Action Plans

Federal regulations effective May 15, 1973, require institutions of higher education receiving Federal contracts to develop affirmative action plans. Under these regulations, individual campus or facilities are required to develop such plans.⁸²

At the informal hearing in June, William Valentine, OCR's deputy regional civil rights director, said that the agency had not requested or received a plan from SUNY. In a followup letter in April 1975, OCR officials said that there still had been no formal request for a plan. According to Joel Barken, OCR regional director, institutions of higher education are not required to submit plans until requested, and no time limitation is placed on OCR to request such plans.⁸³ However, Federal regulations do call for "regular conduct of compliance reviews" which include a review of affirmative action plans.⁸⁴

Shortly after the informal hearing, however, SUNY did submit its document containing affirmative action guidelines to OCR. In November 1973 OCR informed the Advisory Committee:

We have decided to advise SUNY that their submission will be accepted by this office as a good faith effort to develop a plan, but we cannot accept it as a plan or even an interim plan.⁸⁵

According to the 1975 letter, OCR emphasized to SUNY that a "complete and acceptable plan must be developed expeditiously."⁸⁶ As of April 1975, however, no such plan had been completed and OCR was unable to specify when it would request one.⁸⁷ Furthermore, OCR had not requested or reviewed any campus affirmative action plans.⁸⁸

Notes to Chapter II

1. William M. Murphy, Subcommittee Chairperson, New York State Advisory Committee, USCCR, "Preliminary Report," June 18, 1971, p. 3, USCCRNERO files (hereafter cited as Murphy Report).
2. Ibid., p.3.
3. Ibid.
4. State of New York, SUNY, "Central Administration Appointment In Equal Employment Opportunity Programs," by Ernest L. Boyer, chancellor, Feb. 3, 1971, USCCRNERO files.
5. State of New York, SUNY, "Memorandum to Presidents," from Ernest L. Boyer, chancellor, Feb. 3, 1971, USCCRNERO files (hereafter cited as EEO Officer Memorandum).
6. State of New York, SUNY, Resolution of the Board of Trustees, "Equal Employment Opportunity in State University of New York," June 30, 1971.
7. State of New York, SUNY, "State University of New York Response to the Draft Report of New York State Advisory Committee, U.S. Commission on Civil Rights" (January 1975) (hereafter cited as SUNY Response).
8. Dr. Harry Spindler, interview in Albany, N.Y., Apr. 23, 1973 (hereafter cited as Spindler Interview).
9. State of New York, "SUNY 1973-1974 Budget Request for Equal Employment Opportunity Programs" (January 1973), USCCRNERO files.
10. U.S., Commission on Civil Rights, New York State Advisory Committee, Transcript of Open Meeting, June 6-7, 1973, Albany, N.Y., June 6, pp. 64-6 (hereafter cited as Transcript); Dr. C. Eugene Kratz, director of equal employment opportunity programs, SUNY, interview, Albany, N.Y., Apr. 23, 1975 (hereafter cited as Kratz Interview).
11. SUNY Response, pp. 14-15.
12. Ibid., p. 2.

13. Ibid., p. 3.
14. Kratz Interview.
15. SUNY Response, p. 3.
16. Ernest L. Boyer, chancellor, interview in New York, N.Y., Jan. 29, 1975.
17. EEO Officer Memorandum.
18. State of New York, SUNY, "Affirmative Action Officers, Memorandum to President," from James F. Kelly, vice chancellor, Jan. 8, 1974, USCCRNERO files.
19. SUNY Response, p. 5.
20. Dr. C. Eugene Kratz, director of equal employment opportunity programs, SUNY, letter to Jacques E. Wilmore, Apr. 24, 1975, p. 3 (hereafter cited as Kratz Letter).
21. Ibid., pp. 3-5.
22. SUNY Response, p. 9.
23. Kratz Letter, p. 2.
24. Kratz Interview.
25. State of New York, SUNY, Equal Employment Opportunity Plan State University of New York (July 1972), and Equal Employment Opportunity in State University of New York (December 1972) (hereafter cited as SUNY's EEO Guidelines).
26. U.S., Department of Health, Education, and Welfare, Office for Civil Rights, Higher Education Guidelines: Executive Order 11246 (October 1972) (hereafter cited as Higher Education Guidelines).
27. SUNY's EEO Guidelines, p. 18 and Higher Education Guidelines.
28. See Section 7 of this chapter for more information on the Federal affirmative action requirement.
29. Transcript, June 7, pp. 94-95.

30. Joel W. Barkan, regional director, OCR, DHEW, letter to Franklin Williams, Chairperson, New York State Advisory Committee, Nov. 14, 1973, USCCRNERO files (hereafter cited as Barkan Letter, Nov. 14, 1973).
31. Joel W. Barkan, letter to Jacques E. Wilmore, regional director, USCCRNERO, Dec. 30, 1974, USCCRNERO files.
32. Transcript, June 7, p. 105.
33. Transcript, June 6, pp. 19-20.
34. SUNY Response, p. 7.
35. SUNY's EEO Guidelines, p. 20.
36. Transcript, June 6, p. 19.
37. SUNY Response, p. 6.
38. Kratz Letter, pp. 9-10.
39. Dr. C. Eugene Kratz, director of equal employment opportunity programs, letter to Dr. William M. Murphy, New York State Advisory Committee, Mar. 24, 1971, p. 2., USCCRNERO files.
40. Ibid., pp. 2-4.
41. SUNY Response, pp. 16-17.
42. Transcript, June 7, p. 236.
43. Transcript, June 7, p. 168.
44. Transcript, June 7, pp. 171-172.
45. Transcript, June 7, pp. 199-200.
46. Ibid., pp. 199-201.
47. SUNY Response, p. 18.
48. Ibid., p. 5.
49. Sheila J. Nickson and Karen Davidson, co-chairpersons for the Caucus on Women's Rights at SUNY, letter to Jacques

E. Wilmore, regional director, USCCRNERO, Apr. 1, 1975, USCCRNERO files.

50. Ibid.

51. Prior to June 1973, SUNY's maternity leave policy permitted leave without pay until 1 year after the birth of the child. In June 27, 1973, the policy was liberalized to allow pregnant employees to use accumulated sick leave credits. In July 1974, in a second revision, paternity leave was included in the definition of "temporary disability." Under this policy, employees may receive additional sick leave credits not to exceed 6 months (Kratz Letter, pp. 10-12).

52. EEO Act of 1972, §706 (C) and (D), 42 U.S.C. 2000e-5 (b) and (c).

53. Ruperto Ruiz, assistant commissioner, regulatory operations bureau, SDHR, interview in New York, N.Y. Jan. 20, 1975 (hereafter cited as Ruiz Interview).

54. Assistant Commissioner Ruiz, letter to Eliot H. Stanley, USCCRNERO staff, Mar. 6, 1975.

55. Ruiz Interview; See also State of New York, SDHR, 1974 Annual Report, which states that in the first 8 months following May 1, 1974 the SDHR received 817 notifications of deferred charges from EEOC, but only 353 were verified.

56. Transcript, June 7, pp. 130-131.

57. Ibid.

58. Ruiz Interview.

59. "Liaison Agreement Between the SDHR and SUNY," signed by Jack M. Sable, commissioner, SDHR, Aug. 6, 1973, and by Ernest L. Boyer, chancellor, SUNY, July 6, 1973, USCCRNERO files (hereafter cited as Liaison Agreement).

60. State of New York, SDHR, "Inter-Office Memorandum to Regional Directors" from Assistant Commissioner Ruiz, June 22, 1973 (prior to formal signing of liaison agreement), USCCRNERO files.

61. Liaison Agreement, clause 4, p. 2.

62. State of New York, SDHR, Office of the Commissioner: "Policy--Information and Publicity,". §001, 5(b) (Apr. 12, 1972).
63. Statement by Ruperto Ruiz, assistant commissioner, SDHR, "Attachment No. 4 - Complaint Record" sub-hearings, June 7, 1973, Albany, N.Y.
64. Ibid.
65. Ruperto Ruiz, assistant commissioner, SDHR, letter to Eliot Stanley, USCCRNERO staff, Jan. 30, 1975, USCCRNERO files.
66. State of New York, SDHR, 1974 Annual Report, Appendix B, Table 4 (January 1975).
67. State of New York, Executive Order No. 27, May 7, 1968.
68. Transcript, June 7, 1973, pp. 104-105.
69. Ruperto Ruiz, assistant commissioner, SDHR, prepared statement for the Advisory Committee's informal hearing, June 7, 1973, Albany, N.Y. pp. 7-8.
70. Transcript, June 7, 1973, p. 105.
71. Ruiz Interview.
72. Lydia Clark, liaison officer, SDHR, telephone interview, June 24, 1975.
73. Higher Education Guidelines, pp. 1-4.
74. Kratz Letter, p. 13.
75. Transcript, June 7, pp. 12, 42, 47-48, 53.
76. 41 C.F.R. 60-1.4(a) (5).
77. Transcript, June 7, p. 6.
78. Joel W. Barkan, regional director, OCR, to Jacques E. Wilmore, Apr. 8, 1975, USCCRNERO files, p. 2 (hereafter cited as Barkan Letter, Apr. 8, 1975).

79. Ibid.
80. Transcript, June 7, pp. 29-30, 88-89.
81. Barkan Letter, Apr. 8, 1975, p. 1.
82. 41 C.F.R. § 60.2 (1973).
83. Barkan Letter, Apr. 8, 1975, pp. 1-2.
84. 41 C.F.R. 60-1.20 (c).
85. Barkan Letter, Nov. 14, 1973.
86. Barkan Letter, Apr. 8, 1975, p. 3.
87. Kratz Letter.
88. Barkan Letter, Apr. 8, 1975, pp. 1-2.

III MINORITIES AND WOMEN AT SUNY

A Statistical Analysis

A. Minorities

According to the most recent figures available, the State university system employed approximately 14,815 persons in faculty and administrative positions in the fall of 1973. Approximately 90.5 percent were white, and 9.5 percent were minority. Of the minorities,¹ 4.8 percent were black, 0.9 percent were of Spanish origin, 0.7 percent were Asian American, and 3.1 percent were members of other minority groups. (See Tables I and II).

The above data were not included in the State's annual ethnic survey. Because of delays in collecting the data, SUNY did not file the required information in time to meet the State's deadline in the fall of 1974. The 1973 data were given to the Advisory Committee in April 1975.²

TABLE I

Faculty and Administrative Staff: White and Minority

Fall 1973

	<u>Faculty</u>	<u>Administrative</u>	<u>Total Professional</u>
Total	10,659	4,156	14,815
White	9,713 (91.12%)	3,702 (89.08%)	13,415 (90.55%)
Minority	946 (8.88%)	454 (10.92%)	1,400 (9.45%)

Source: State University of New York (See Tables B and E in Appendix A).

TABLE II

Faculty and Administrative Staff by Race/Ethnic Group

Fall 1973

	<u>Faculty</u>	<u>Administrative</u>	<u>Total</u>
Total academic staff	10,039	4,156	14,195
Percent of total	100.0%	100.0%	100.0%
Total White	9,137	3,702	12,839
Percent of Total	91.02%	89.08%	90.45%
Total Minority	902	454	1,356
Percent of Total	8.98%	10.92%	9.55%
Black	324	357	681
Percent of Total	3.23%	8.59%	4.80%
Puerto Rican	23	28	51
Percent of Total	0.23%	0.67%	0.36%
Spanish-surnamed	61	11	72
Percent of Total	0.61%	0.26%	0.51%
American Asian	100	3	103
Percent of Total	1.00%	0.07%	0.73%
American Indian	11	6	17
Percent of Total	0.11%	0.14%	0.12%
Other Minorities	383	49	432
Percent of Total	3.82%	1.18%	3.04%

Source: SUNY (See Table A in Appendix A).

According to the 1970 census, blacks make up 10 percent and Puerto Ricans are 3.3 percent of the work force in the State.³ Blacks held 6.2 percent and Puerto Ricans held 0.9 percent of the State's 1,192,000 professional and technical jobs and 3.8 percent and 1.4 percent, respectively, of the State's 607,000 managerial and administrative jobs.

Because of the higher educational qualifications for many SUNY positions, the available pool for minority staff may not correspond with census work force statistics. However, according to one SUNY campus, the available minority pool based on the percentage of minority students enrolled in an institution granting doctoral degrees is 6.0 percent.⁴ (See Table III)

Except for blacks in administrative positions, blacks and Puerto Ricans are underrepresented in professional positions in the State University system in comparison to the statewide average and national percentages of minority doctoral candidates.

Table IV indicates that minorities were concentrated in the lower salaried administrative positions. Minorities held none of the 40 jobs at the top two grade levels and only 5 or about 5.2 percent of the 96 next highest jobs. In contrast they held 375 or 13.6 percent of the 2,759 lowest grade positions. (See Table IV).

TABLE III

Stony Brook Faculty and Available Pools of Minorities

<u>Unit</u>	<u>Total Stony Brook Faculty</u>	<u>Stony Brook Minority No.</u>	<u>Stony Brook Faculty %</u>	<u>Percent Minority in Available Pool</u>
College of Engineering	41.5	10	24.1	5.4
College of Arts and Sciences	560.5	41	7.3	5.8
Humanities	1171	10	5.8	5.5
Mathematics	60.5	5	8.3	5.4
Physical Science	91	11	12.1	4.9
Biological Sciences	40	3	7.5	4.5
Social and Be- haviorial Sciences	206	12	5.8	6.7
Library (academic)	<u>36</u>	<u>4</u>	<u>11.1</u>	<u>10.8</u>
TOTAL	646	55	8.5%	6.0%

¹The pool of available qualified minority members for appointment in the colleges is equated with the percentage of minority students in each graduate field as reported by El-Khawas and Kinzer, Enrollment of Minority Graduate Students at PH.D. Granting Institutions, Higher Education Panel Reports, No. 19 (1974). The pool applicable to academic appointments in the library is derived from the percentage of female minorities in urban professional, technical, and kindred positions in the United States (from 1970 census, 1-392 U.S. Summary).

Source: SUNY.

TABLE IV

Minority Administrative Staff by Grade Level

Fall 1973

Professional Rank	<u>Total</u>	<u>Minority</u>	<u>Percent Minority</u>
All Ranks	4,156	454	10.92%
PR Ungraded	116	8	6.89%
PR-1 (\$7,800-\$13,900)	1,491	187	12.54%
PR-2 (\$12,000-\$17,900)	1,268	188	14.83%
PR-3 (\$15,900-\$21,900)	593	33	5.56%
PR-4 (\$19,900-\$27,800)	348	24	6.89%
PR-5 (\$23,100-\$32,800)	204	9	4.41%
PR-6 (\$27,800-\$39,200)	96	5	5.21%
PR-7 (\$34,100-\$47,400)	33	0	0.00%
PR-8 (\$40,900-\$51,500)	7	0	0.00%

SOURCE: SUNY (Table E in Appendix A).

Minorities also were more heavily represented among non-tenured faculty positions. Table V indicates that minorities held 12.3 percent of the non-tenured positions and 5.7 percent of the tenured positions.

TABLE V
 Minority Faculty By Tenure Status
 Fall 1973

	<u>Total</u>	<u>Minority</u>	<u>Percent Minority</u>
Tenured	5,526	317	5.74%
Non-tenured	5,133	629	12.25%

Source: SUNY (Table C in Appendix A).

B. Women

In the fall of 1973 women made up 22.5 percent of the faculty, 29.0 percent of the administrative staff, and 24.3 percent of the total professional staff. In the State as a whole, according to the 1970 census, women were 38.5 percent of the work force. About 39.1 percent of the State's professional and technical jobs, well above the percentage of female professionals at SUNY, were held by women.

TABLE VI

Faculty And Administrative Staff By Sex

Fall 1973

	<u>Faculty</u>	<u>Administrative</u>	<u>Total</u>
Total	10,659	4,156	14,815
Women	2,398	1,205	3,603
Percent	22.5%	29.0%	24.3%

Source: SUNY (Tables B and E in Appendix A).

As shown in Table VII, women were concentrated in the lower salaried and non-tenured administrative positions at SUNY. Women held none of the top 40 administrative positions. They held only 3 or 3.1 percent of the next 96 positions. Women held 674 or 24.4 percent of the 2,759 lowest grade positions.

TABLE VII

Administrative Staff By Sex and Grade Level

Fall 1973

<u>Professional Rank</u>	<u>Total</u>	<u>Women</u>	<u>Percent Women</u>
All Ranks	4,156	1,205	28.99%
PR Ungraded	116	18	15.52%
PR-1 (\$7,800-\$13,900)	1,491	674	45.20%
PR-2 (\$12,000-\$17,900)	1,268	362	28.55%
PR-3 (\$15,900-\$21,900)	593	88	14.84%
PR-4 (\$19,900-\$27,800)	348	40	11.49%
PR-5 (\$23,100-\$32,800)	204	20	9.80%
PR-6 (\$27,800-\$39,200)	96	3	3.13%
PR-7 (\$34,100-\$47,400)	33	0	0.00%
PR-8 (\$40,900-\$51,500)	7	0	0.00%

Source: SUNY (Table E in Appendix A).

Among the female faculty, women held 14.6 percent of the tenured positions. In contrast, women held 31.1 percent of the non-tenured positions. (See Table VIII)

TABLE VIII

Faculty by Sex and Tenure Status

Fall 1973

	<u>Total</u>	<u>Women</u>	<u>Percent Women</u>
Tenured	5,526	804	14.55%
Non-tenured	5,133	1,594	31.05%

Source: SUNY (Table B in Appendix A)

Minority women are underrepresented at all levels of the faculty positions and to an even greater degree in the tenured positions. They hold 248 or 2.3 percent of the 10,659 faculty positions and 46 or 0.8 percent of the 5,526 tenured positions. They are also underrepresented among the higher paying administrative positions and hold only 2 or 0.3 percent of the 688 highest administrative positions (professional rank 4 or above).⁵

C. Change Over Previous Years

From 1970 to 1973 there has been a net increase in the percentage of minorities and women on the SUNY faculty. The overall composition of the staff, however, has been relatively unchanged. Minority faculty had a net gain of 1.5 percent in 1973; white faculty decreased by 1.5 percent. But the number of minority faculty increased by 241, while the number of white faculty members increased by 926. (See Table IX.)

TABLE IX

Minority Faculty at SUNY: 1970 and 1973

<u>Year</u>	<u>Total Faculty</u>	<u>Minority Faculty</u>	<u>Percent Minority</u>
1970	9,492	705	7.4%
1973	10,659	946	8.9%

Source: SUNY (Table C in Appendix A).

The net increase of women on the faculty was 1.5 percent between 1970 and 1973; for minority women the net gain was 0.5 percent (see Table X). Minority women accounted for only 10.3 percent of all women faculty members at SUNY in 1973. (See Table XI.) Although there was an increase in women and the number of minority women, there was no significant change in the composition of the faculty. Women remained approximately one-fifth of the total faculty; minority women remained about one-fourth of the total minority faculty.

TABLE X

Minority Women Faculty at SUNY: 1970 and 1973

<u>Year</u>	<u>Total Minority</u>	<u>Minority Women</u>	<u>% Minority Women of Total Minority</u>	<u>% Minority Women of Total Faculty</u>
1970	705	170	21.4%	1.8%
1973	946	248	26.3%	2.3%

Source: SUNY.

TABLE XI

Women Faculty at SUNY: 1970 and 1973

<u>Year</u>	<u>Women Faculty</u>	Minority <u>Women</u>	% Minority women of <u>all Women</u>
1970	1,939	170	8.7%
1973	2,398	248	10.3%

Source: SUNY.

Although the number and percentages of minorities and women increased between 1970 and 1973, the State university system did not make consistent or meaningful progress. There has been minimal change in the composition of the faculty even though the university has had a formal policy of promoting equal employment opportunity since 1971.

Notes to Chapter III

1. The breakdown provided by SUNY for minority faculty does not include tenured faculty members now holding administrative positions. The total number on Table II is approximately 600 less than for Table I.
2. Dr. C. Eugene Kratz, director of equal employment opportunity programs, SUNY, letter to Jacques E. Wilmore, Apr. 24, 1975, Tables A through I, included in Appendix A. Data on the race/ethnic group and sex of SUNY employees by department and individual campus are not included since such information was not within the scope of this report.
3. Statistics for the State include private and public employers.
4. State of New York, SUNY at Stony Brook, Affirmative Action Plan (Feb. 7, 1975), Figure 36.
5. See Appendix A, Tables B, D, and E.

IV. FINDINGS AND RECOMMENDATIONS

The 72 institutions of the SUNY system impact upon cities, towns, and communities throughout the State. As an educational institution dedicated to extending the frontiers of knowledge and preparing young minds for life in a complex, interdependent, and multiethnic world, SUNY should be a model of equal employment opportunity. It also should be subject to close public scrutiny.

The New York Advisory Committee recognizes the complexity of bringing about change in a modern "multiversity." Nevertheless, the Advisory Committee concludes that the slow progress in developing an effective affirmative action program is unconscionable and unworthy of a university system of SUNY's size and importance. Many changes have taken place since the Advisory Committee began its study in 1969. For the most part, however, these changes have been too few and delayed too long.

FINDINGS:

The Advisory Committee makes the following specific findings related to EEO activities at SUNY:

The State University of New York

1. In 1973 and 1974, blacks and Puerto Ricans were underrepresented in almost all levels of SUNY's professional jobs. The underrepresentation was most serious at the higher salaried professional positions. Women were also underrepresented in the higher salaried professional categories. Further, the State university lagged behind State government as a whole in hiring minorities and women. Between 1971 and 1972, the first year in which the university system had a formal policy of equal employment opportunity, the number of blacks hired decreased. SUNY also failed to submit employment data by race and sex for the State government's 1973 annual census. The Advisory

Committee considers the above indicative of the low priority assigned to EEO by SUNY.

2. The SUNY Board of Trustees has failed to implement and enforce its excellent EEO policy statement of June 1971. For instance, more than 4 years after the board's statement calling for an affirmative action plan, no systemwide plan had been completed, and many campus plans were still unfinished.

3. The chancellor, as chief executive officer, has been entrusted with carrying out the board of trustees' policies, and must be held accountable for SUNY's failure to complete these affirmative action plans.

4. By failing to complete campus affirmative action plans, by May 15, 1973, SUNY has not fulfilled its legal obligations and should be declared in noncompliance with Federal regulations, which include DHEW regulations, Federal Executive Order No. 11246, and Revised Order No. 4.

5. The Governor and the legislature have failed to provide adequate funds to finance EEO activities at the central and campus levels.

6. Until 1974, the chancellor provided only minimal staffing for the central EEO office and failed to provide direct access for the EEO director to the chief executive. Although some improvement has been made, staffing as of January 1975, was still inadequate to carry out an effective EEO program.

7. The chancellor did not establish a permanent, broadly-based, advisory committee to assist in the development, implementation, and maintenance of affirmative action procedures. The New York State Advisory Committee does not consider the ad hoc subcommittee of the board of trustees or the various temporary committees as serving this purpose.

The exceedingly slow development of local and systemwide affirmative action plans may be attributed, in large part, to the failure of the chancellor to assign appropriate priority to EEO activities, to obtain adequate budgeting for EEO programs, to staff the central EEO office adequately, and to establish a permanent, affirmative action advisory committee.

The U.S. Department of Health, Education, and Welfare

1. The regional office for Civil Rights (OCR) of the U.S. Department of Health, Education, and Welfare (DHEW) has failed to enforce Federal nondiscrimination and affirmative action requirements with respect to the SUNY system, except for the investigation of some individual complaints. OCR has not required SUNY to submit campus affirmative action plans, which were to be developed by May 15, 1973, and has failed to conduct any compliance reviews since 1971.

The New York State Division on Human Rights

1. The New York State Division on Human Rights (SDHR) has not vigorously enforced State requirements for affirmative action by SUNY. The State's Interdepartmental Committee on Human Rights (which is chaired by the Commissioner of SDHR) has not required SUNY to submit an affirmative action plan. Furthermore, the liaison system between SUNY and the State Division on Human Rights for processing complaints filed against SUNY does not establish an impartial system for investigating complaints.

RECOMMENDATIONS

The New York State Advisory Committee to the U.S. Commission on Civil Rights has monitored activities related to equal employment opportunity of the board of trustees, the chancellor, the central equal employment opportunity office, and several individual campuses since 1969. It has received information on changes instituted since the Advisory Committee's open meeting of June 1973. Although the Advisory Committee has not fully evaluated the most recent activities, it commends these efforts to make equality of opportunity a reality in the State university system. Nonetheless, the Advisory Committee believes that SUNY has taken far too long to arrive at its present posture, and feels that this posture still leaves much to be desired. In view of the foregoing, the following recommendations are made:

To the Office for Civil Rights, DHEW:

1. The Office for Civil Rights (OCR) should immediately request and review campus affirmative action plans for the State University of New York. If SUNY fails to submit satisfactory plans, OCR should initiate administrative

hearings or "show cause" proceedings with a view toward termination of Federal contracts until SUNY is in full compliance with Federal regulations.

To the U.S. Equal Employment Opportunity Commission:

1. The Equal Employment Opportunity Commission (EEOC) should investigate EEO at SUNY to determine whether there are grounds for a charge initiated by an EEOC commissioner alleging discrimination because of race and sex.

To the Governor:

1. The Governor should direct the State Division of Human Rights to conduct an investigation into the causes of SUNY's delay in developing acceptable systemwide and campus affirmative action plans, with goals and timetables. The assessment, which should be adequately funded and done in consultation with minority and womens groups, should include recommendations for remedies with appropriate personnel action. A report should be made public within 90 days from the initiation of the study.

2. The Governor should support adequate funding for SUNY's EEO program.

To the SUNY Board of Trustees:

1. The board of trustees should immediately seek a meeting with the Governor and the key leaders of the legislature to urge that the budget for the next fiscal year include adequate funds to staff the central and campus-level equal employment opportunity offices.

2. The board of trustees should take appropriate steps to realize the goals set forth in its policy statement of June 1971 and assure that the statement is hereafter being enforced and monitored effectively.

3. The board of trustees should inform the chancellor that evidence of his ability to implement an effective affirmative action program will be a significant part of the board's evaluation of the chancellor during the 5-year appointment period.

To the Chancellor:

1. The chancellor should submit to OCR and make public a systemwide affirmative action plan within 60 days or less from the publication of this report.
2. The chancellor should issue a memorandum to all campus presidents informing them that evidence of their ability to produce an adequate affirmative action plan with goals and timetables and to implement fully such a plan will be a significant part of the chancellor's evaluation of them during the 5-year appointment period.
3. The central office of equal employment opportunity programs should be expanded beyond the present assistant vice chancellor and two other persons to include personnel who can:
 - a. help complete the campus-level affirmative action plans and monitor the implementation of such plans;
 - b. mount and operate a nationwide outreach and recruitment-referral program to develop a minority and female resource pool to be used by local campuses; and
 - c. assess the affirmative action performance of each unit of the SUNY system on a regular basis.
4. The chancellor should direct the campus EEO committees to hold annual hearings to receive testimony from EEO personnel, staff, and interested groups on progress related to equality of opportunity and to issue an annual report to the public.

To the State Division on Human Rights:

1. The SDHR should review its procedures for processing complaints filed against SUNY with particular attention given to the SUNY liaison officer. The Advisory Committee believes that investigations would be more impartial if the liaison person were eliminated.

APPENDIX A

Statistics on SUNY's Professional
Staff 1973-1974

TABLE A

PRELIMINARY SUMMARY OF FULL-TIME ACADEMIC STAFF BY SEX AND ETHNICITY
 STATE-OPERATED INSTITUTIONS EXCLUDING STATUTORY COLLEGES
 STATE UNIVERSITY OF NEW YORK, FALL 1973

	Total	Men	Women
Total academic staff	10,039 ^a	7,735	2,304
Percent of total (10,039)	100.0	77.0	23.0
Total non-minority	9,137	7,075	2,062
Percent of total (10,039)	91.0	70.5	20.5
Total minority	902	660	242
Percent of total (10,039)	9.0	6.6	2.4
Black	324	188	136
Percent of total (10,039)	3.2	1.9	1.3
Puerto Rican	23	18	5
Percent of total (10,039)	0.2	0.2	b
Spanish-surnamed	61	45	16
Percent of total (10,039)	0.6	0.4	0.2
American Asian	100	84	16
Percent of total (10,039)	1.0	0.8	0.2
American Indian	11	6	5
Percent of total (10,039)	0.1	b	b
Other minorities	383	319	64
Percent of total (10,039)	3.8	3.2	0.6

^aThese totals are less than the totals for full-time faculty arrayed on tables 74/901 and 74/900 because they only include persons with academic titles, excluding tenured faculty who now hold administrative titles.

^bLess than 0.1 percent.

TABLE B

FULL-TIME FACULTY*, FALL, 1973
 By Sex, Tenure Status and Minority Status
 State-Operated Institutions Excluding Statutory Colleges
 STATE UNIVERSITY OF NEW YORK

	Total			Tenured			Non-Tenured		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
ALL FACULTY	10,659	8,261	2,398	5,526	4,722	804	5,133	3,539	1,594
NON-MINORITY FACULTY	9,713	7,563	2,150	5,209	4,451	758	4,504	3,112	1,392
MINORITY FACULTY	946	698	248	317	271	46	629	427	202

*Note: State University of New York Staff do not attain tenure in any administrative capacity

TABLE C

FULL-TIME FACULTY FALL 1973 AND FALL 1970 HEADCOUNT/PERCENT DISTRIBUTION
BY SEX, TENURE STATUS AND MINORITY STATUS, STATE-OPERATED INSTITUTIONS
EXCLUDING STATUTORY COLLEGES, STATE UNIVERSITY OF NEW YORK

	Total			Non-minority			Minority		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	10,659	8,261	2,398	9,713	7,563	2,150	946	698	248
% of grand total (10,659)	100.0	77.5	22.5	91.1	70.9	20.2	8.9	6.6	2.3
Fall 1970	9,492	7,553	1,939	8,787	7,018	1,769	705	535	170
% of grand total (9,492)	100.0	79.6	20.4	92.6	74.0	18.6	7.4	5.6	1.8

	Total			Tenured			Non-tenured		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	10,659	8,261	2,398	5,526	4,722	804	5,133	3,539	1,594
% of grand total (10,659)	100.0	77.5	22.5	51.8	44.3	7.5	48.2	33.2	15.0
Fall 1970	9,492	7,553	1,939	4,204	3,647	557	5,288	3,906	1,382
% of grand total (9,492)	100.0	79.6	20.4	44.3	38.4	5.9	55.7	41.2	14.5

	Total non-minority			Tenured non-minority			Non-tenured non-minority		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	9,713	7,563	2,150	5,209	4,451	758	4,504	3,112	1,392
% of grand total (10,659)	91.1	70.9	20.2	48.8	41.7	7.1	42.3	29.2	13.1
% of non-minority total (9,713)	100.0	77.8	22.2	53.6	45.8	7.8	46.4	32.0	14.4
Fall 1970	8,787	7,018	1,769	4,030	3,495	535	4,757	3,523	1,234
% of grand total (9,492)	92.5	73.9	18.6	42.4	36.8	5.6	50.1	37.1	13.0
% of non-minority total (8,787)	100.0	79.9	20.1	45.9	39.8	6.1	54.1	40.1	14.0

	Total minority			Tenured minority			Non-tenured minority		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	946	698	248	317	271	46	629	427	202
% of grand total (10,659)	8.9	6.6	2.3	3.0	2.6	0.4	5.9	4.0	1.9
% of minority total (946)	100.0	73.7	26.3	33.5	28.6	4.9	66.5	45.1	21.4
Fall 1970	705	535	170	174	152	22	531	383	148
% of grand total (9,492)	7.4	5.6	1.8	1.8	1.6	0.2	5.6	4.0	1.6
% of minority total (705)	100.0	75.9	24.1	24.7	21.6	3.1	75.3	54.3	21.0

TABLE D

FULL-TIME FACULTY FALL 1973 AND FALL 1970 HEADCOUNT AND PERCENT CHANGE
 COMPARED BY SEX, TENURE STATUS AND MINORITY STATUS, STATE-OPERATED
 INSTITUTIONS EXCLUDING STATUTORY COLLEGES, STATE UNIVERSITY OF NEW YORK

	Total			Non-minority			Minority		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	10,659	8,261	2,398	9,713	7,563	2,150	946	698	248
Fall 1970	9,492	7,553	1,939	8,787	7,018	1,769	705	535	170
Change	+ 1,167	+ 708	+ 459	+ 926	+ 545	+ 381	+ 241	+ 163	+ 78
Pct. change	+ 12.2	+ 9.4	+ 23.7	+ 10.5	+ 7.8	+ 21.5	+ 34.2	+ 30.5	+ 45.9

	Total			Tenured			Non-tenured		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	10,659	8,261	2,398	5,526	4,722	804	5,133	3,539	1,594
Fall 1970	9,492	7,553	1,939	4,204	3,647	557	5,288	3,906	1,382
Change	+ 1,167	+ 708	+ 459	+ 1,322	+ 1,075	+ 247	- 155	- 367	+ 212
Pct. change	+ 12.2	+ 9.4	+ 23.7	+ 31.4	+ 29.5	+ 44.3	- 2.9	- 9.4	+ 15.3

	Total non-minority			Tenured non-minority			Non-tenured non-minority		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	9,713	7,563	2,150	5,209	4,451	758	4,504	3,112	1,392
Fall 1970	8,787	7,018	1,769	4,030	3,495	535	4,757	3,523	1,234
Change	+ 926	+ 545	+ 381	+ 1,179	+ 956	+ 223	- 253	- 411	+ 158
Pct. change	+ 10.5	+ 7.8	+ 21.5	+ 29.2	+ 27.4	+ 41.7	- 5.3	- 11.7	+ 12.8

	Total minority			Tenured minority			Non-tenured minority		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
Fall 1973	946	698	248	317	271	46	629	427	202
Fall 1970	705	535	170	174	152	22	531	333	148
Change	+ 241	+ 163	+ 78	+ 143	+ 119	+ 24	+ 98	+ 44	+ 54
Pct. change	+ 34.2	+ 30.5	+ 45.9	+ 82.2	+ 78.3	+ 109.1	+ 18.5	+ 11.5	+ 36.5

PRELIMINARY SUMMARY OF FULL-TIME PROFESSIONAL NON-CLASSIFIED EMPLOYEES EXCLUDING
ACADEMIC STAFF BY SEX, MINORITY STATUS AND PROFESSIONAL RANK, STATE-OPERATED
INSTITUTIONS EXCLUDING STATUTORY COLLEGES, STATE UNIVERSITY OF NEW YORK, FALL 1973

Professional rank	Total						Non-minority						Minority						Percent distribution within professional rank								
	Total			Men			Women			Total			Men			Women			Total			Men			Women		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women			
All ranks	4,156	2,951	1,205	3,702	2,680	1,022	454	271	183	100.0	71.0	29.0	89.1	64.5	24.6	10.9	6.5	4.4	100.0	71.0	29.0	89.1	64.5	24.6	10.9	6.5	4.4
Percent of total (4,156)	100.0	71.0	29.0	89.1	64.5	24.6	10.9	6.5	4.4	100.0	84.5	15.5	93.1	78.4	14.7	6.9	6.0	0.9	100.0	84.5	15.5	93.1	78.4	14.7	6.9	6.0	0.9
PR ungraded ^a	116	98	18	108	91	17	8	7	1	100.0	84.5	15.5	93.1	78.4	14.7	6.9	6.0	0.9	100.0	84.5	15.5	93.1	78.4	14.7	6.9	6.0	0.9
Percent of total (4,156)	2.8	2.4	0.4	2.6	2.2	0.4	0.2	0.2	b	100.0	84.5	15.5	93.1	78.4	14.7	6.9	6.0	0.9	100.0	84.5	15.5	93.1	78.4	14.7	6.9	6.0	0.9
PR-1	1,491	817	674	1,304	721	583	187	96	91	100.0	54.8	45.2	87.5	48.4	39.1	12.5	6.4	6.1	100.0	54.8	45.2	87.5	48.4	39.1	12.5	6.4	6.1
Percent of total (4,156)	35.9	19.7	16.2	31.4	17.4	14.0	4.5	2.3	2.2	100.0	54.8	45.2	87.5	48.4	39.1	12.5	6.4	6.1	100.0	54.8	45.2	87.5	48.4	39.1	12.5	6.4	6.1
PR-2	1,268	906	362	1,080	798	282	188	108	80	100.0	71.5	28.5	85.2	63.0	22.2	14.8	8.5	6.3	100.0	71.5	28.5	85.2	63.0	22.2	14.8	8.5	6.3
Percent of total (4,156)	30.5	21.8	8.7	26.0	19.2	6.8	4.5	2.6	1.9	100.0	71.5	28.5	85.2	63.0	22.2	14.8	8.5	6.3	100.0	71.5	28.5	85.2	63.0	22.2	14.8	8.5	6.3
PR-3	593	505	88	560	481	79	33	24	9	100.0	85.2	14.8	94.4	81.1	13.3	5.6	4.1	1.5	100.0	85.2	14.8	94.4	81.1	13.3	5.6	4.1	1.5
Percent of total (4,156)	14.3	12.2	2.1	13.5	11.6	1.9	0.8	0.6	0.2	100.0	85.2	14.8	94.4	81.1	13.3	5.6	4.1	1.5	100.0	85.2	14.8	94.4	81.1	13.3	5.6	4.1	1.5
PR-4	348	308	40	324	285	39	24	23	1	100.0	88.5	11.5	93.1	81.9	11.2	6.9	6.6	0.3	100.0	88.5	11.5	93.1	81.9	11.2	6.9	6.6	0.3
Percent of total (4,156)	8.4	7.4	1.0	7.8	6.9	0.9	0.6	0.6	b	100.0	88.5	11.5	93.1	81.9	11.2	6.9	6.6	0.3	100.0	88.5	11.5	93.1	81.9	11.2	6.9	6.6	0.3
PR-5	204	184	20	195	175	20	9	9	-	100.0	90.2	9.8	95.6	85.8	9.8	4.4	4.4	-	100.0	90.2	9.8	95.6	85.8	9.8	4.4	4.4	-
Percent of total (4,156)	4.9	4.4	0.5	4.7	4.2	0.5	0.2	0.2	-	100.0	90.2	9.8	95.6	85.8	9.8	4.4	4.4	-	100.0	90.2	9.8	95.6	85.8	9.8	4.4	4.4	-
PR-6	96	93	3	91	89	2	5	4	1	100.0	96.9	3.1	94.8	92.7	2.1	5.2	4.2	1.0	100.0	96.9	3.1	94.8	92.7	2.1	5.2	4.2	1.0
Percent of total (4,156)	2.3	2.2	0.1	2.2	2.2	b	0.1	0.1	b	100.0	96.9	3.1	94.8	92.7	2.1	5.2	4.2	1.0	100.0	96.9	3.1	94.8	92.7	2.1	5.2	4.2	1.0
PR-7	33	33	-	33	33	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-
Percent of total (4,156)	0.8	0.8	-	0.8	0.8	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-
PR-8	7	7	-	7	7	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-
Percent of total (4,156)	0.2	0.2	-	0.2	0.2	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-	100.0	100.0	-	100.0	100.0	-	-	-	-

TABLE E

PRELIMINARY SUMMARY OF MINORITY FULL-TIME PROFESSIONAL NON-CLASSIFIED EMPLOYEES
EXCLUDING ACADEMIC STAFF BY SEX AND PROFESSIONAL RANK, STATE-OPERATED
INSTITUTIONS EXCLUDING STATUTORY COLLEGES, STATE UNIVERSITY OF NEW YORK, FALL, 1973

Professional rank	All minority			Black			Puerto Rican			Spanish-Surnamed			American Asian			American Indian			Other		
	T	M	W	T	M	W	T	M	W	T	M	W	T	M	W	T	M	W	T	M	W
All ranks	454	271	183	357	205	152	28	22	6	11	10	1	3	2	1	6	4	2	49	28	21
% of grand total (4,156*)	10.9	6.5	4.4	8.6	4.9	3.7	0.7	0.6	0.1	0.3	0.3	a	0.1	a	a	0.1	0.1	a	1.2	0.7	0.5
% of total in prof. rank (4,156*)	10.9	6.5	4.4	8.6	4.9	3.7	0.7	0.6	0.1	0.3	0.3	a	0.1	a	a	0.1	0.1	a	1.2	0.7	0.5
PR ungraded ^b	8	7	1	3	2	1	-	-	-	-	1	1	-	-	-	-	-	-	4	4	-
% of grand total (4,156*)	0.2	0.2	a	0.1	a	a	-	-	-	-	a	a	-	-	-	-	-	-	0.1	0.1	-
% of total in prof. rank (116*)	6.9	6.0	0.9	2.6	1.7	0.9	-	-	-	-	0.9	0.9	-	-	-	-	-	-	3.4	3.4	-
PR-1	187	96	91	144	76	68	12	8	4	2	2	-	1	1	1	4	2	2	24	8	16
% of grand total (4,156*)	4.5	2.3	2.2	3.5	1.9	1.6	0.3	0.2	0.1	a	a	-	a	-	-	0.1	a	a	0.6	0.2	0.4
% of total in prof. rank (1,491*)	12.5	6.4	6.1	9.7	5.1	4.6	0.8	0.5	0.3	0.1	0.1	-	0.1	-	-	0.2	0.1	0.1	1.6	0.5	1.1
PR-2	188	108	80	152	77	75	12	11	1	5	5	-	-	-	-	2	2	-	17	13	4
% of grand total (4,156*)	4.5	2.6	1.9	3.7	1.9	1.8	0.3	0.3	a	0.1	0.1	-	-	-	-	a	a	-	0.4	0.3	0.1
% of total in prof. rank (1,268*)	14.8	8.5	6.3	12.0	6.1	5.9	0.9	0.9	a	0.4	0.4	-	-	-	-	0.2	0.2	-	1.3	1.0	0.3
PR-3	33	24	9	27	20	7	2	1	1	1	1	-	1	1	1	-	-	-	2	1	1
% of grand total (4,156*)	0.8	0.6	0.2	0.6	0.4	0.2	a	a	a	a	a	-	a	a	a	-	-	-	a	a	a
% of total in prof. rank (593*)	5.6	4.1	1.5	4.6	3.4	1.2	0.2	0.1	0.1	0.1	0.1	-	0.1	0.1	0.1	-	-	-	0.2	0.1	0.1
PR-4	24	23	1	20	19	1	2	2	-	1	1	-	-	-	-	-	-	-	1	1	-
% of grand total (4,156*)	0.6	0.6	a	0.5	0.5	a	a	a	a	a	a	-	-	-	-	-	-	-	a	a	-
% of total in prof. rank (348*)	6.9	6.6	0.3	5.7	5.4	0.3	0.6	0.6	-	0.3	0.3	-	-	-	-	-	-	-	0.3	0.3	-
PR-5	9	9	-	7	7	-	-	-	-	-	-	-	1	1	1	-	-	-	1	1	-
% of grand total (4,156*)	0.2	0.2	-	0.2	0.2	-	-	-	-	-	-	-	a	a	a	-	-	-	a	a	-
% of total in prof. rank (204*)	4.4	4.4	-	3.4	3.4	-	-	-	-	-	-	-	0.5	0.5	0.5	-	-	-	0.5	0.5	-
PR-6	5	4	1	4	4	-	-	-	-	1	1	1	-	-	-	-	-	-	-	-	-
% of grand total (4,156*)	0.1	0.1	a	0.1	0.1	-	-	-	-	a	a	0	-	-	-	-	-	-	-	-	-
% of total in prof. rank (96*)	5.2	4.2	1.0	4.2	4.2	-	-	-	-	1.0	1.0	1.0	-	-	-	-	-	-	-	-	-
PR-7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
% of grand total (4,156*)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
% of total in prof. rank (33*)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PR-8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
% of grand total (4,156*)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
% of total in prof. rank (7*)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

TABLE F

TABLE G

STATE UNIVERSITY OF NEW YORK
 Salary Range Equivalents
 of the
 Professional Rank (PR) Grades

	Minimum	Normal Maximum
PR 1	\$ 7,833	\$13,900
PR 2	12,027	17,882
PR 3	15,931	21,865
PR 4	19,834	27,747
PR 5	23,152	32,811
PR 6	27,778	39,162
PR 7	34,092	47,359
PR 8	40,881	51,458

Generally, new appointments are made in first quartile of each rank.

PRELIMINARY SUMMARY OF FULL-TIME CLASSIFIED EMPLOYEES BY SEX,
 MINORITY GROUP STATUS AND GRADE, STATE-OPERATED INSTITUTIONS
 EXCLUDING STATUTORY COLLEGES, STATE UNIVERSITY OF NEW YORK, FALL 1973

	Total			Non-minority			Minority			Percent distribution within classified grade								
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total		Non-minority		Minority				
										Men	Women	Total	Men	Women	Total	Men	Women	
Total classified employees	14,017	5,915	8,102	12,077	5,091	6,986	1,940	824	1,116	100.0	42.2	57.8	86.2	36.3	49.9	13.8	5.9	7.9
Percent of total (14,017)	100.0	42.2	57.8	86.2	36.3	49.9	13.8	5.9	7.9									
Total support staff	13,218	5,388	7,830	11,343	4,606	6,737	1,875	782	1,093	100.0	40.8	59.2	85.8	34.8	51.0	14.2	5.9	8.3
Percent of total (14,017)	94.3	38.4	55.9	80.9	32.9	48.0	13.4	5.6	7.8									
SC 1-8	9,508	3,746	5,762	8,115	3,165	4,950	1,393	581	812	100.0	39.4	60.6	85.3	33.3	52.0	14.7	6.1	8.6
Percent of total (14,017)	67.8	26.7	41.1	57.9	22.6	35.3	9.9	4.1	5.8									
SC 9-13	3,487	1,544	1,943	3,074	1,385	1,689	413	159	254	100.0	44.3	55.7	80.2	39.7	48.5	11.8	4.6	7.2
Percent of total (14,017)	24.9	11.0	13.9	21.9	9.9	12.0	2.9	1.1	1.8									
Other ^a	223	98	125	154	56	98	69	42	27	100.0	43.9	56.1	69.1	25.1	44.0	30.9	18.8	12.1
Percent of total (14,017)	1.6	0.7	0.9	1.1	0.4	0.7	0.5	0.3	0.2									
Total professional	799	527	272	734	485	249	65	42	23	100.0	66.0	34.0	91.9	60.7	31.2	8.1	5.2	2.9
Percent of total (14,017)	5.7	3.8	1.9	5.2	3.4	1.8	0.5	0.3	0.2									
SC 14 and above	751	525	226	693	485	208	58	40	18	100.0	69.9	30.1	92.3	64.6	27.7	7.7	5.3	2.4
Percent of total (14,017)	5.4	3.8	1.6	4.9	3.4	1.5	0.4	0.3	0.1									
Other ^b	48	2	46	41	-	41	7	2	5	100.0	4.2	95.8	85.4	-	85.4	14.6	4.2	10.4
Percent of total (14,017)	0.3	-	0.3	0.3	-	0.3	c	c	c									

TABLE H

TABLE I

PRELIMINARY SUMMARY OF MINORITY FULL-TIME CLASSIFIED EMPLOYEES BY SEX AND GRADE
STATE-OPERATED INSTITUTIONS EXCLUDING STATUTORY COLLEGES
STATE UNIVERSITY OF NEW YORK, FALL 1973

	All minority			Black			Puerto Rican			Spanish-surnamed			American Asian			American Indian			Other		
	T	M	W	T	N	W	T	M	W	T	M	W	T	M	W	T	N	W	T	M	W
Total classified employees	1,940	824	1,116	1,635	664	971	98	66	32	88	50	38	13	7	6	12	6	6	94	31	63
% of grand total (14,017*)	13.8	5.9	7.9	11.7	4.7	7.0	0.7	0.5	0.2	0.6	0.3	0.3	0.1	a	a	0.1	a	a	0.7	0.2	0.5
% of total in grade range (14,017*)	13.8	5.9	7.9	11.7	4.7	7.0	0.7	0.5	0.2	0.6	0.3	0.3	0.1	a	a	0.1	a	a	0.7	0.2	0.5
Total support staff	1,875	782	1,093	1,590	638	952	95	64	31	84	47	37	10	6	4	9	3	6	87	24	63
% of grand total (14,017*)	13.4	5.6	7.8	11.3	4.6	6.7	0.7	0.5	0.2	0.6	0.3	0.3	0.1	a	a	0.1	a	a	0.6	0.2	0.4
% of total in grade range (13,218*)	14.2	5.9	8.3	12.0	4.8	7.2	0.7	0.5	0.2	0.6	0.3	0.3	0.1	a	a	0.1	a	a	0.7	0.2	0.5
SG 1-8	1,393	581	812	1,207	472	735	74	51	23	70	38	32	3	1	2	7	2	5	32	17	15
% of grand total (14,017*)	9.9	4.1	5.8	8.6	3.4	5.2	0.5	0.3	0.2	0.5	0.3	0.2	a	a	a	a	a	a	0.2	0.1	0.1
% of total in grade range (9,508*)	14.7	6.1	8.6	12.7	5.0	7.7	0.8	0.6	0.2	0.7	0.4	0.3	a	a	a	0.1	a	0.1	0.4	0.2	0.2
SG 9-13	413	159	254	321	130	191	20	12	8	9	4	5	7	5	2	2	1	1	54	7	47
% of grand total (14,017*)	2.9	1.1	1.8	2.3	0.9	1.4	0.1	0.1	-	0.1	a	a	a	a	a	a	a	a	0.4	a	0.4
% of total in grade range (3,487*)	11.8	4.6	7.2	9.2	3.7	5.5	0.5	0.3	0.2	0.2	0.1	0.1	0.2	0.1	0.1	0.1	a	a	1.5	0.2	1.3
Other ^b	69	42	27	62	36	26	1	1	-	5	5	-	-	-	-	-	-	-	1	-	1
% of grand total (14,017*)	0.5	0.3	0.2	0.4	0.2	0.2	a	a	-	a	a	-	-	-	-	-	-	-	0.4	-	a
% of total in grade range (223*)	30.9	18.8	12.1	27.8	16.1	11.7	0.4	0.4	-	2.2	2.2	-	-	-	-	-	-	-	0.4	-	0.4
Total professional	65	42	23	45	26	19	3	2	1	4	3	1	3	1	2	3	3	-	7	7	-
% of grand total (14,017*)	0.5	0.3	0.2	0.3	0.2	0.1	a	a	a	a	a	a	a	a	a	a	a	-	a	a	-
% of total in grade range (799*)	8.1	5.2	2.9	5.6	3.2	2.4	0.4	0.3	0.1	0.5	0.4	0.1	0.4	0.1	0.3	0.4	0.4	-	0.9	0.9	-
SC 14 and above	58	40	18	40	25	15	3	2	1	3	3	-	2	-	2	3	3	-	7	7	-
% of grand total (14,017*)	0.4	0.3	0.1	0.3	0.2	0.1	a	a	a	a	a	-	a	-	a	a	a	-	a	a	-
% of total in grade range (751*)	7.7	5.3	2.4	5.3	3.3	2.0	0.4	0.3	0.1	0.4	0.4	-	0.3	-	0.3	0.4	0.4	-	0.9	0.9	-
Other ^c	7	2	5	5	1	4	-	-	-	1	-	1	1	1	-	-	-	-	-	-	-
% of grand total (14,017*)	a	a	a	a	a	a	-	-	-	a	-	a	a	a	-	-	-	-	-	-	-
% of total in grade range (48*)	14.6	4.2	10.4	10.4	2.1	8.3	-	-	-	2.1	-	2.1	2.1	2.1	-	-	-	-	-	-	-

APPENDIX B

Status of Campus Affirmative Action
Plans -- April 1975

(From Dr. C. Eugene Kratz, Director.
for EEO Programs, SUNY, letter to
Jacques E. Wilmore, Regional Director,
April 24, 1975)

5. Campuses Filing a "Final" Affirmative Action Plan

As Chancellor Boyer had indicated when he met with you in January, all State-operated campuses of State University have filed an Affirmative Action Plan with the Office of Equal Employment Opportunity Programs. Such Plans will be periodically revised by the originating campus to report progress, conduct new analyses and meet changing conditions. In this sense, no Plan is "final," since each will be reviewed and revised.

State University has used the term "Final" to refer to the version of plans due to this Office by January 31, 1975. Thus, such use of "Final" was intended chronologically and not to indicate an end-product. Toward having all plans up-dated and filed with this Office by January 31, 1975, several steps were taken:

1. Communications in 1974 established the January 31, 1975 date.
2. Affirmative Action Officers were advised of the date in an October, 1974 meeting of State University Affirmative Action Officers.
3. The Executive Vice Chancellor, in a memorandum of November 18, 1974 reminded campus Presidents of the deadline.
4. Memoranda from the Director of Equal Employment Opportunity Programs to the Affirmative Action Officers on July 30, 1974 and March 3, 1975 called for early submission of Plans.

Response to these steps has been:

- 9 campuses filed revised plans by January 31, 1975.
- 8 campuses filed revised plans between February 1, 1975 and March 31, 1975.
- 12 campuses are presently completing their revised plans.

Campuses filing by January 31, 1975 are:

Medical Centers at:

Upstate

State University Colleges at:

Cortland	Plattsburgh
Geneseo	Potsdam
Oneonta	Utica/Rome

Agricultural and Technical Colleges at:

Farmingdale
Morrisville

Campuses filing after January 31, 1975 are:

University Centers at:

Albany Buffalo
Binghamton Stony Brook

Medical Centers at:

Downstate

State University Colleges at:

Brockport
Fredonia
Purchase

Campuses now completing their revised plan, with a notation of the problems encountered, progress made and filing dates set by the campus are shown below.

ARTS AND SCIENCES

Campus and Date
AAP will be filed

Reasons for Delay

Buffalo College
May 20, 1975

New Affirmative Action Officer assumed duties on December 26. Narrative Plan now totally revised, based on 1974 comments from University EEOP Director. Goals and Timetables are being completed. Obtaining correct and adequate data was a significant problem.

Empire State College
April 21, 1975

Doing total Plan revision based on 1974 comments from University Director of EEOP. All campus review processes are complete. Final draft now being typed.

College at New Paltz
May 15, 1975

New Affirmative Action Officer took over in September, 1974. Campus is revising Plan in light of 1974 comments by Director of EEOP. Now in final campus review; will go to the College Council and then be filed with Albany.

College at Oswego

Affirmative Action Officer is having some difficulty in obtaining accurate data, on and off-campus. Chose to emphasize campus action rather than Plan writing. Plan now at the printers.

AGRICULTURAL AND TECHNICAL

Alfred
May 31, 1975

No full-time Affirmative Action Officer. Plan was written under direction of Personnel Officer in midst of other duties. Plan in final drafting.

Canton
May 31, 1975

New Assistant for Affirmative Action added only on January 1st after extensive search which delayed the Plan. Plan being rewritten in light of comments by University EEOP Director. Now in review process.

Cobleskill
May 15, 1975

Affirmative Action Officer became full-time only in 1975. Plan rewritten; 90 percent complete, with new statistics. Data development from computer held up analyses.

Delhi
May 15, 1975

New full-time Affirmative Action Officer took over in September, 1974. Revising Plan on basis of comments by EEOP Director in 1974. Data availability is a major problem. Plan now in final revision stage.

SPECIALIZED COLLEGES

Environmental Sciences
and Forestry
May 15, 1975

New full-time Affirmative Action Officer was appointed late in December. Awaited new statistics. Gave priority to campus processes. Plan in final review.

Maritime
May 31, 1975

Has no full-time Affirmative Action Officer so Business Officer fills split role. Has asked V.P. for an Affirmative Action Committee. Will revise prior draft in light of 1974 comments by Director of University EEOP and submit.

CENTRAL ADMINISTRATION

Central Administration
May 31, 1975

Plan being revised in light of 1974 comments by University Director of EEOP.

6. Plans with Goals and Timetables

Affirmative Action Goals and Timetables for employing women and minorities are required when deficiencies in utilization are identified. Further, the effective analysis of deficiencies and setting meaningful goals requires comparison with data on the availability of persons having, or capable of being trained in, skills requisite to successful job performance. These two factors render significantly difficult the task of developing goals and timetables for employing a staff drawn from a nation-wide labor pool and generally requiring advanced, long-term preparation to fulfill the job requirements. Thus, the absence of goals and timetables in a campus Affirmative Action Plan should be interpreted more as a consequence of not identifying deficiencies or encountering inherent difficulties than willingness to make a commitment to change. With these comments in mind, the following tabulation of Plans with goals and timetables can be viewed in proper perspective.

A. Campuses with "Final" Plans

Campus	Plan Has Goals and Timetables	
	No	Yes
University Centers		
Albany		X
Binghamton		X
Buffalo		X
Stony Brook	X	
Medical Centers		
Downstate, Brooklyn		X
Upstate, Syracuse		X
Colleges of Arts and Sciences		
Brockport		X
Cortland	X	
Fredonia		X
Geneseo		X
Oneonta	X	
Plattsburgh		X
Potsdam	X	
Purchase	X	
Utica/Rome		X
Agricultural and Technical Colleges		
Farmingdale		X
Morrisville	60	X

B. Campuses having only "Draft" Plans for Academic
1974-75

Campus	Plan Has Goals and Timetables?	
	No	Yes
College of Arts and Sciences		
Buffalo	X	
Empire State College	X	
New Paltz	X	
Old Westbury		X
Oswego	X	
Agricultural and Technical Colleges		
Alfred	X	
Canton		X
Cobleskill	X	
Delhi	X	
Specialized Colleges		
Environmental Science and Forestry		X
Maritime	X	
Central Administration	X	

APPENDIX C

Letter from Jacques E. Wilmore,
Regional Director, USCCR, to Joel Barken,
Regional Director, Office for Civil Rights,
U. S. Department of Health, Education, and
Welfare, Mar. 31, 1975, and Response from
Joel Barken to Jacques Wilmore, Apr. 7, 1975

March 31, 1975

Mr. Joel Barkan
Regional Director
Office for Civil Rights, HEW
26 Federal Plaza, Room 3908
New York, New York 10007

Dear Mr. Barkan:

This is to convey to you our appreciation for taking time on March 28, 1975 to meet at your office with Elliot Stanley of this office. Mr. Stanley reports that in addition to yourself, Mr. William Valentine, Deputy Regional Director, and Ms. Susan Blumenson, Chief, Higher Education Branch, sat in on the meeting, which concerned OCR's enforcement of affirmative action at the State University of New York.

Mr. Stanley's notes of the meeting contained several points which I wish to set forth here to make certain that our information is accurate and complete regarding your current relationship with SUNY. If these statements are not accurate, I hope you will quickly reply to me to avoid inaccuracies in our forthcoming report on EEO in SUNY.

1. Your Office has agreed to permit SUNY central to maintain in its files the individual campus affirmative action plans and its own University-wide plan, although this agreement is not in written form.
2. Your Office has never formally requested SUNY to submit to you a copy of either the University-wide Affirmative Action Plan or of any of the individual campus plans.
3. SUNY is required under Executive Order 11246 to develop a written affirmative action plan but until your Office formally requests that the plan be submitted for review, you have no way of determining whether or not the University is in compliance with the Executive Order as regards the affirmative action plan requirement in the Order.
4. The 120-day period which expired on May 15, 1973 was the period within which SUNY was to have developed an affirmative action plan but since you did not request the plan at that time, or subsequent to that date, you lack official knowledge of whether such a plan was ever developed within the requirements of Revised Order No. 4.

5. If you were to request that SUNY's plan be submitted to your office, Revised Order No. 14 requires that you process that submission within 60 days and either approve it or begin enforcement proceedings.

6. Following the Memorandum of Understanding between OCR and SUNY (effective November 8, 1973) your Office has acted on complaints arising from units within SUNY but has not conducted any compliance reviews.

7. At present you do not know whether or when you will request SUNY to submit either its University-wide or individual campus affirmative action plans to you for the purpose of determining whether the University has developed a plan or plans consistent with the requirements of Executive Order 11246.

8. The reasons for your not having requested submission of affirmative action plans from SUNY are:

a. that the University resisted OCR's access to its records for a lengthy period of time, including threatened litigation, prior to the 1973 Memorandum of Understanding;

b. that OCR has a limited staff with which to conduct review of affirmative action plans in Region II;

c. that in terms of allocation of office resources, OCR has given priority to working on affirmative action in City University of New York (CUNY) and in the state system of New Jersey; and

d. that instructions from your Washington office for FY 1975 were to concentrate on reduction of complaint backlog and not to request affirmative action plans during the current fiscal year.

9. You cannot state at this time whether or not SUNY is in compliance with the Executive Order 11246 and Revised Order No. 4.

10. During 1974 your Office has conducted technical assistance programs which were designed to provide training for SUNY's campus affirmative action officers.

11. It is your view that OCR has fully complied with the letter of Revised Order No. 4 in its compliance activities regarding State University of New York.

In addition to the above, I am enclosing a copy of the transcript from June 6-7, 1973 meeting of the New York State Advisory Committee to the U.S. Commission on Civil Rights, containing the responses of OCR

witnesses Valentine and Leahy to questions from the Advisory Committee and staff. In particular I call your attention to the following pages of the transcript, which are marked on the enclosed copy, and ask that you reconcile statements by OCR officials at that time with current OCR assessment of SUNY's compliance with the Executive Order. The marked pages are: 74-77, 78, 80-81, 92-97.

It is my understanding that you are also compiling for us an up-to-date listing of complaints on which your office has acted at SUNY for the period since June 1973, for which we are most grateful. If possible, may we have your response to this letter by April 15? Thank you in advance for your cooperation.

Sincerely yours,

Jacques E. Wilmore
Regional Director

Official file (NY SUNY)
Reading, OFO

EHStanley:ao



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

REGION II

FEDERAL BUILDING

26 FEDERAL PLAZA

NEW YORK, NEW YORK 10007

0 8 APR 1975

OFFICE OF THE
REGIONAL DIRECTOR

Mr. Jacques E. Wilmore
Regional Director
United States Commission on Civil Rights
26 Federal Plaza Room 1639
New York, NY 10007

Dear Mr. Wilmore:

I have carefully reviewed your letter of March 31, 1975, together with Ms. Blumenson and Mr. Valentine, and I am happy to respond to your specific questions. I shall answer the questions in the order in which they appear in your letter.

1. This is correct, but it must be pointed out that SUNY Central has no authority to act for OCR in assessing either the University-Wide Plan or the Individual Campus Plans nor any authority to grant official approval of these plans in terms of the specific requirements of the Executive Order. In other words, SUNY Central is in no way serving as an agent of OCR.

SUNY Central also understands that OCR can and will at any time request any individual Campus Plan and or the University-Wide Plan, and that such plan is to be submitted to OCR at that time.

2. This is a correct statement.

3. This is a correct statement.

4. This is a correct statement.

5. This is a correct statement.

6. This is a correct statement. It might be added that prior to the effective date of November 8, 1973, for the Memorandum of Understanding, this office had received a number of complaints against various campuses of SUNY. OCR was unable to investigate these complaints because of the issue of access to files. Following the Memorandum of Understanding, therefore, OCR has concentrated its efforts on clearing up the accumulated backlog of the complaints prior to the request for, and assessment of any Affirmative Action Plans.

7. It is correct to say that OCR does not now know when we will request Affirmative Action Plans from SUNY. It is not correct to say that OCR does not know whether such requests will be made.

8. A. This statement needs some amplification. Upon our inability to gain necessary access to records in the investigations of complaints, Regional OCR submitted the matter to OCR headquarters with a recommendation that enforcement action be instituted on the basis of the refusal by SUNY to grant necessary access to its records.

The former Director of OCR, Mr. Pottinger, gave serious consideration to initiating enforcement action against SUNY, but before he had made a final determination on his course of action, he left OCR to take an appointment in the Department of Justice. Mr. Pottinger's successor, Mr. Holmes, understandably wished to familiarize himself with the full details of the OCR relationship with SUNY before deciding a course of action and to avoid rushing headlong into a course of action tentatively considered by his predecessor. Mr. Holmes decided to reopen negotiations with SUNY toward the end of reaching a mutual agreement between OCR and SUNY.

The matter of SUNY was therefore out of the hands of the Regional Office, OCR during that period and until OCR headquarters successfully executed the Memorandum of Understanding with SUNY and thereupon turned the matter back to the Regional Office.

B. This is a correct statement.

C. This statement also requires some amplification. In the period of our inability to continue work with SUNY, Region II, OCR turned its attention to other matters within the Region, including City University of New York and the State System of New Jersey. This did not necessarily reflect a higher priority of these other institutions over SUNY.

D. This is correct except for the stated time span. We do not now know whether within the remainder of the Fiscal Year we will still be unable to request Affirmative Action Plans.

9. This is a correct statement in view of the fact that we have not requested nor received any Affirmative Action Plans from SUNY or any of its campuses and have no knowledge of substantive violations of the Executive Order.

10. This is a correct statement.

11. This is a correct statement in as much as revised Order #4 does not require the compliance agency to request Affirmative Action Plans from contractors within any particular time frame.

I have also read the transcript of the testimony provided by Mr. Valentine and Mr. Leahy during the open hearing conducted by the New York Advisory Committee of the U.S. Commission on Civil Rights on June 6 and 7, 1973. I have given particular attention to the pages which you marked. The most significant point of the discussion during that period of the session appeared to me to be whether in fact Mr. Valentine indicated that SUNY is in non-compliance with the Executive Order by virtue of its failure to submit an Affirmative Action Plan to OCR. Mr. Valentine acknowledges that this conclusion was apparently set forth during the testimony and that it was not completely accurate. It might be noted that Mr. Valentine did indicate in his testimony that OCR had not requested a plan or plans from SUNY. It might also be noted that Mr. Valentine indicated that until January 1973, public institutions such as SUNY were not subject to the requirements of a written Affirmative Action Plan.

You might recall that on the first day of the hearing, when SUNY representatives were being questioned, the so-called "Blue Book" was introduced by SUNY as its Affirmative Action Plan. That plan had not been submitted by OCR and we did not know its contents.

However, during the discussions on June 6, it was pretty evident that SUNY's submission was sketchy and it was described, in fact, by a member or members of the panel as merely a "plan to develop a plan". Therefore, even though Mr. Valentine had not officially seen or examined any SUNY plan, it was a pretty safe assumption that an acceptable plan did not exist.

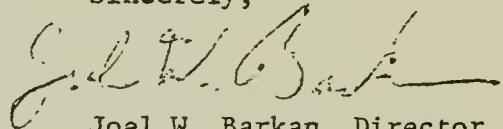
On June 21, 1973, which was subsequent to the hearing, Chancellor Boyer wrote to Mr. Valentine and enclosed a copy of "Equal Educational Opportunity Plan for Affirmative Action in State University of New York" (Blue Book). In his letter, Chancellor Boyer set forth SUNY's projected schedule for the completion of the Individual Campus Plans and the University-Wide Plan. He also invited OCR's attention to the fact that SUNY is a complex, multi-campus institution and that the one hundred and twenty days allowed by the Executive Order for the development of an Affirmative Action Plan constitutes a much greater problem in an institution such as SUNY than in a single campus institution, some of which might have as few as fifty faculty and staff. This letter was discussed with Washington and in December 1973, Mr. Valentine wrote to Dr. Kratz to the effect that OCR had received the "Blue Book" as an indication of a good faith effort to develop an acceptable plan but emphasized that a complete and acceptable plan must be developed expeditiously.

On page 94 of the transcript, reference is made to the fact that OCR specifically requested an Affirmative Action Plan from a private institution (not identified). It should be pointed out that private institutions were subject to the requirement to develop a written Affirmative Action Plan at a much earlier date than were public institutions.

We are enclosing an up-to-date listing of complaints on which this office has acted at SUNY and at other institutions.

I trust this letter adequately responds to the questions which you have raised. Should you have any further questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joel W. Barkan".

Joel W. Barkan, Director
Office for Civil Rights
Region II

Enc.

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