The Myth of Affirmative Action Data

IHELG Monograph

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THE MYTH OF AFFIRMATIVE ACTION DATA

Introduction

There is a national debate currently taking place about affirmative action. Some have described it as "a time bomb primed to detonate in the middle of the American political marketplace" (Congressional Research Service, 1995, p. 1). Higher education is in many ways at the center of the debate, with issues focused on race-based scholarships, contracts with minority-owned firms, student admissions, and faculty hiring. This paper is offered as a contribution to the debate about faculty hiring. West (1994) presents the two sides:

Universities have created the worst possible situation in regard to affirmative action. On the one hand, faculty who are critical of the concept of affirmative action, and the programs that support it, are angry because affirmative action plans exist and because they think faculty women and men of color are getting more favorable treatment than we would otherwise deserve. On the other hand, many faculty who are white women or members of racial and ethnic groups are angry because we still see discrimination all around us. We know that very little, if any, affirmative action has taken place, particularly in regard to faculty hires. At this point, universities have succeeded only in antagonizing those on both sides of the affirmative action debate (West, 1994, p. 161).

What is the status of affirmative action plans for faculty hiring? Are there principles and rules to guide affirmative action/equal employment opportunity officers in preparing these plans? Are consistent, reliable data available for measuring how well institutions are doing in attracting a diverse faculty? How are these data collected, analyzed, disseminated, and used internally?

These and related questions are addressed by this research study. The author believes that there is a myth which has developed around affirmative action data. This myth suggests that there is a consistent set of rules for producing affirmative action plans, that there are reliable data for documenting how well institutions are doing, that checks and balances are in place for monitoring compliance, and that the federal government and the courts are serious in enforcing compliance. This research project was designed to study this myth and see whether it is true.

Federal Regulations

At the institutional level in higher education, the heart of affirmative action lies in an Affirmative Action Plan (AAP). In order to understand how institutions use affirmative action for faculty hiring, it is first necessary to understand what the federal government requires for affirmative action plans. Under Executive Order #11246, as amended by Executive Order 11375, institutions receiving $50,000 or more in federal contracts and employing 50 or more workers are required to have an affirmative action plan. This plan must comply with the Office of Federal Compliance Programs' (OFCCP) "Revised Order 4." Lindgren et al. (1984) explain the five basic requirements placed on federal contractors:
(1) to design and disseminate an equal employment opportunity policy; (2) to assign internal responsibility for effectively implementing that policy; (3) to design and use internal audit, reporting, and review procedures for monitoring progress in implementing that policy and in identifying residual problem areas; (4) to develop and use internal action programs designed to eliminate those problem areas; and (5) to use external action programs that are useful in eliminating those problem areas (Lindgren et al., 1984, p. 33).

The Code of Federal Regulations further states that:

An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to achieve prompt and full utilization of minorities and women, at all levels and in all segments of its work force where deficiencies exist (C.F.R., 41, 60-2.10).

Traditionally, AAPs in higher education consist of official explanations of how institutions are working to eliminate discrimination and sexual harassment on campus, with sections devoted to students, faculty, and staff; to specific employment policies for hiring, termination, grievances, etc.; and to issues effecting women, minorities, veterans, the disabled, religion, and (sometimes) sexual orientation.

Three basic statistical reports are also required by the OFCCP regulations. These include the Work Force Analysis, the Job Group Analysis, and the Availability/Utilization Analysis. In order to determine the availability/utilization analysis, a series of Eight Factor Analyses are also necessary. Only the structure of each report is prescribed by federal regulation. It is in the context of the availability/utilization analysis that institutions document how well they are doing in hiring women and minorities. The results of the availability/utilization analysis are used to set numerical objectives for hiring goals. For this reason, the focus of this study is narrowed to examine the selection of availability statistics and methodologies for calculating eight factor analyses.

Availability Data

The author developed the following list of questions after reviewing the affirmative action plan documents which he prepared in his positions as an institutional researcher at a Doctoral I and at a Research II institution. The responses to these questions provide a database for determining whether there are consistent rules, reliable data, and professional norms for preparing faculty availability/utilization reports.
The Use of Availability Data
Do institutions complete an affirmative action plan with availability data?
How often are these plans produced?
Are availability/utilization analyses reported?
What sources are used for gathering faculty availability data?
Who calculates the availability data?
How are they calculated?
How are availability/utilization data broken out - (college/rank/discipline/track)?

The Use of the Eight-Factor Analysis
Are eight factor analyses produced?
How often are the eight factor analyses updated?
Which of the eight factors are used and how are they weighted?

The Use of Final Availability Statistics
Are numerical goals and/or availability data shared with search committees?
Are the provost and/or academic deans involved in determining availability data?

Differences in Institutional Responses
Do responses to these questions vary by Carnegie classification and type of control?
Do responses to these questions vary by each institution’s level of federal contracts?
Do responses to these questions vary by each institution’s current percentage of women and minorities?

It was determined that many of these questions could only be answered by reviewing a copy of an institution’s affirmative action plan. Certain questions, such as how often new data are gathered, what key sources are relied upon, and whether goals and availability data are shared with search committees, would not normally be included in a standard plan. Therefore, it was necessary to use a supplemental questionnaire for these questions.

Monitoring Compliance

The investigation of checks and balances for monitoring compliance and documentation of whether the federal government and the courts are serious in enforcing compliance was conducted in three ways. First, an exhaustive literature review was conducted using ERIC, LEXIS, THOMAS, and the U.S. House of Representatives World Wide Web site for the Code of Federal Regulations. Second, an organized dialogue was begun with institutional researchers, affirmative action officers, and faculty in the fields of higher education, higher education law, mathematics, and labor economics. Finally, focused telephone interviews were conducted with federal government officials at the Equal Employment Opportunity Commission, at national and regional offices of the Office for Federal Contract Compliance Programs, at the Federal Procurement Data Center, and at the U.S. Department of Education's Office for Civil Rights. These dialogues provided a method for gathering information which is not in the literature base. More importantly, they served as an informal mode of member checking and peer debriefing
about topical questions and methodological issues.

One of the more interesting questions which may be answered by this database is whether private institutions are doing as well as public institutions in hiring minorities and women. A number of private institutions responded to the survey by saying that they are not required to file an affirmative action plan. From a compliance point of view, this conclusion may be in question, since they may receive more than $50,000 in federal contracts. The author has worked with the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education (DOE), the Office of Civil Rights (OCR), and the Office of Federal Contract Compliance Programs (OFCCP) to understand how they determine whether an institution is required to file an Affirmative Action Plan.

According to these officials, a routine report is received from the Federal Procurement Data Center which lists each federal contract awarded during the contract year. The report is broken out by Standard Industrial Code, in this case for educational institutions. All institutions with $50,000 or more in contracts are monitored for compliance. Random audits are conducted and, where it is possible, OFCCP schedules all higher education institutions under a regular audit schedule. OFCCP also receives reports of the EEO-6 data which, similar to the analysis conducted for this study, aggregate gender and minority data for faculty and staff. OFCCP then looks for institutions with low utilization rates within a given region. Institutions with low utilization rates are more likely to be audited. An additional component of this project is to purchase a copy of the Procurement Data Center report and determine how many higher education institutions are actually required to file Affirmative Action Plans. Do some institutions consistently misinterpret Executive Orders 11246 and 11374 and Revised Order No. 4? This question will help determine the credibility of the myth of affirmative action data.

The Equal Opportunity Advisory Council explained the ambiguous role of OFCCP:

Due to the absence of a common interpretation of availability within the federal government and the subjectivity of the determination process, compliance officials are permitted great latitude in their assessments of the methodologies employed by a federal contractor. This latitude is augmented by the fact that the government has issued few regulations which stipulate the manner in which a company should go about determining availability (E.E.A.C., 1978, p. 14).

Nowhere is there a central repository of all affirmative action plans in higher education from which one might examine faculty availability/utilization statistics. According to OFCCP officials, there are no national files of affirmative action plans, only regional files specific to individual audits. Some State Higher Education Executive Offices (SHEEOs) may serve as a review entity for documenting public institutions' efforts for affirmative action, but this effort has not been discussed in the literature. The author is currently in the process of contacting several SHEEOs to determine whether collection of AAPs is a widespread practice and what degree of review takes place. Certainly, there is some centralization of reporting practices at the system office. This has been the author's experience when requesting data directly from institutional
representatives, who have referred the request to their system office for completion.

Survey Methodology

In February, 1995, a mailing was sent to all 765 accredited higher education institutions granting graduate degrees. This mailing included a personalized letter from the Vice President and University Equity Officer for George Mason University, Earl G. Ingram, to each institution’s president. The letter introduced the recipient to the “National Study of Faculty Availability and Utilization” which was being undertaken by George Mason University.

The letter requested the president to share relevant parts of the institution’s affirmative action plan for Fall 1992. These parts included availability/utilization analyses for women and minority faculty by discipline/unit, all appropriate eight-factor analyses, and any backup worksheets which would indicate how the data sources were aggregated or weighted before being entered into the eight factor analyses. Sample reports from George Mason University’s Affirmative Action Plan were included for clarification. It was stressed in the letter that these were standard parts of an affirmative action plan. No elaborate research survey needed to be completed. Rather, the institution needed simply to locate its affirmative action plan for this year and copy the relevant sections.

The mailing included a self-addressed, stamped postcard requesting receipt of the packet and identifying the appropriate contact person at the institution. Using the card, respondents were asked to check whether they expected problems completing the request and whether they needed someone to call them to discuss the project requirements.

The Fall 1992 affirmative action plan statistics were requested because most institutions would probably have completed this cycle year by 1995. Some institutions might still be closing out 1993 data, basing their cycle on the 1993 calendar year, with editing and rewriting through 1994. Institutions were assured that their data would remain confidential and that no data would be released which could be used to identify institutions by name.

Questionnaire

Institutions were requested to complete a one page survey about the sources for availability which they use and how availability statistics are calculated and disseminated. After documenting the name, title, address, and phone number of the respondent, the survey requested open-ended, written responses to the following questions:

1. Did completion of this request present any problems to your office? If yes, describe.
2. How often are new availability data gathered and eight factor analyses produced?
3. If only certain of the eight factors are actually used, please explain why.
4. Are availability data provided to individual faculty search committees for their considerations in selecting a candidate pool?
5. Who is involved in calculating availability data and eight factor analyses?
(6) Are the provost and/or academic deans involved in any way with determining data?
(7) If any of the requested materials are not available, please explain why.

**Ranking of Availability Sources**

In addition to these open-ended questions, respondents were asked to check which sources of faculty availability data are used by their institution. They were asked to rank each of these sources in order of importance, starting with 1 for most important, up to the total number of sources used. All possible primary sources for data were included. Only one secondary source, the CASPAR datasets from NRC and IPEDS, was listed on the survey. CASPAR was listed in part because it involves two new technologies, the release of survey data and search and retrieval software on CD-ROM and by FTP on the Internet.

The availability sources listed on the survey include the following:

N.R.C. Doctoral Recipient Current Year Data
N.R.C. Doctoral Recipient Trend Data
IPEDS Completions/Degrees Conferred Current Year Data
IPEDS Completions/Degrees Conferred Trend Data
Oklahoma Faculty Distribution Survey Data
1990 U.S. Census Data for Post-Secondary Faculty
CASPAR Trend Data for Selected Years
Data from a SHEEO
Data from a Data-Sharing Consortium
Data from a Professional Association
Data from an Accrediting Body
Data from Other Sources

**Survey Follow-Up**

Numerous institutions called to discuss the study, question how the data would be used, or request a copy of the findings. Some concern was expressed, given the current climate of discussion in the Congress and in the national press about affirmative action, that the study was being conducted as a critique of affirmative action. Respondents were told that the purpose of the study was to investigate the validity and replicability of availability and utilization statistics. They were informed that one of the hypotheses of the study is that the calculation of availability statistics may vary widely by type of institution.

There were several complaints by respondents that it took weeks for the request to work its way from the president’s office at an institution to the appropriate office. The deadline for submission of materials was extended whenever requested. A follow-up mailing is currently being conducted. Respondents who sent in the postcard, but have not yet sent in the survey, are being contacted. A second packet of materials is being sent to the presidents of those institutions
which have not yet responded by card, phone, letter, or survey to the request.

Affirmative Action Process Indicators

In addition to the request for AAPs, the questionnaire, and the interviews with the two sets of informants, it is important to find some way to measure overall progress toward faculty diversity. For this reason, the EEOC data were used to calculate utilization rates for women and minorities.

The 765 institutions were identified using the new Carnegie Classification data available for purchase from the Carnegie Foundation. They included all public and private Research I and II, Doctoral I and II, and Masters I and II institutions. The assumption was made that faculty hiring practices at these institutions tap a somewhat common pool of doctoral degree recipients. This pool is perceived to be different than that for Baccalaureate and Associate of Arts institutions which do not usually offer a graduate degree and do not place as much emphasis on the requirement that their faculty earn terminal degrees. Business, Fine Arts, Law, Medical, Teachers College, and Tribal College institutions were excluded because they are small and mostly discipline specific.

The Carnegie Classification data with 3,595 records were linked by FICE code to the NCES IPEDS Institutional Characteristics file for 1993-94, available through the Internet with FTP from the U.S. Department of Education at its Gopher site. The Carnegie data were appended from ASCII into DBase using the file record layout provided in the documentation. The NCES data were uncompressed using PKZip, then appended from ASCII into DBase. DBase was used instead of SAS at this point in the study because the author wanted to be able to see and manipulate the data. For the statistical analyses which are being performed, these data are being converted into a SAS dataset using SAS's DBLOAD and ACCESS procedures.

While FICE code was sufficient to match most of these data, some institutions were missing. These problems related to FICE codes, UNITID, roll-ups to system offices, and naming conventions. These were resolved through the use of the IPEDS crosswalk documentation from NCES. In some cases, dummy or proprietary FICE codes are used in the Carnegie data. As part of the planning phase of this project, the Carnegie data available with CASPAR were used to obtain NRC and NCES data as part of the academic institution data sets. However, the use of the crosswalk between the IPEDS reports and FICE codes proved problematic. When the updated Carnegie data were obtained, the experience was repeated somewhat, but went more quickly with only 765 institutions to match out of the universe of 10,651 IPEDS records in the Institutional Characteristics report.

The name of each institution's president, along with address information, was taken from the Institutional Characteristics file. Also imported were various enrollment data for possible use as peer selection variables. Control, highest degree awarded, and state were available in each file. The data needed for the mailing were copied into a subset and converted from DBase IV into a secondary mail merge file for use with WordPerfect. Macros were written to convert
upper and lower case letters and to align characters accordingly. This secondary file was then used to generate mailing labels and individualized letters. A signature was created as a graphics file using a fax machine/scanner and Presentations software and brought into the final letter.

The 1991 EEO-6 report (the most recent EEOC data available) was downloaded with FTP from the NCES postsecondary Internet site. After uncompressing the file, the two resulting EEOC ASCII files were appended into DBase according to the file structure documentation. The names file lists basic peer demographic data on 3,285 institutions. The data file includes the 92,586 records which are broken out by line of the survey for each FICE code. Although FICE code and UNITID are included in the names file, there were still some problems in matching records. Data for Line 20 of the survey, which totals full-time faculty by gender and race, were available for 3,171 institutions, some of which do not have a unique UNITID. Usable EEO-6 data were obtained for 726 of the 765 institutions in the survey population, although 2 of these were discarded because they had 3 or less total faculty, suggesting a problem in the data. The EEOC data were aggregated by gender within ethnicity. The percent of female and minority full-time faculty was calculated to determine how well each institution is doing in becoming diverse.

The 1991-92 IPEDS Fall Staff Survey is also available as a dataset for faculty availability and utilization. However, this year of the survey breaks out data only for full-time/part-time and gender, where the EEO-6 report also includes race/ethnicity. Most of the survey data are identical, since EEO-6 data were extracted and merged into the IPEDS file. The IPEDS report data were used for institutions which were not required to file the EEO-6 report, and therefore includes a larger population of higher education institutions, including federal institutions, those with 14 or fewer full-time employees, and institutions in "the outlying areas and the state of Hawaii" (NCES, 1995, p. 1). This dataset was downloaded with FTP from the NCES Internet site, unzipped, and appended from ASCII into DBase. After reviewing the attached documentation, it was determined that the EEO-6 data would be better for calculating overall utilization rates for the 724 institutions.

Content Analysis Procedures

The survey and statistical data were entered electronically using DBase data entry screens. Reports of survey responses were indexed and sorted with DBase and printed with WordPerfect. Responses to the open-ended survey questions were content analyzed using emergent, polychotomous coding categories in a process similar to the constant comparative method (Glaser and Strauss, 1967; Lincoln and Guba, 1985). After an exhaustive listing of potential coding categories was developed, these were analyzed looking for substantive differences and collapsed into a more manageable series of coding themes or values. Once this list of coding values emerged, each questionnaire response was recoded within this coding scheme. Each institution's response was counted and a table built to document the data. These tables are summarized for the purposes of this paper, but are available upon request.

The survey rankings of availability sources proved problematic upon data analysis. A
number of schools only checked sources and did not rank them. This kind of forced choice response was not intended to be part of the data gathering process. While data entry was completed for this item, only the data on sources checked will be used in the analyses. The forced choice of ranking is not adequately documented in the survey. Work will be done in the future to use these data in a more useful manner.

Results

Sample Size

As of May 10, 1995, two months after the original deadline of March 10, 1995 for submission of materials, 206 institutions responded to the request for affirmative action data (26.97% response rate). Of these 206, 60 schools (19.9%) chose not to participate in the study for various reasons. Some of these institutions do not prepare Affirmative Action Plan data and others did not want to participate in the study. Some called to discuss the study and said they wanted to participate, but failed to follow up with complete materials. Others sent in the post card, but not the survey. Completed surveys and/or statistical data have been received from 146 institutions with affirmative action plans. Of these, statistical materials were supplied by 140 institutions and the survey was completed by 127 institutions. The breakdown of the sample size and the universe of institutions follows:

<table>
<thead>
<tr>
<th>CARNEGIE CLASSIFICATION</th>
<th>SAMPLE SIZE</th>
<th>SAMPLE CLASS %</th>
<th>% OF UNIVERSE</th>
<th>UNIVERSE SIZE</th>
<th>UNIVERSE CLASS %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>56</td>
<td>27.2%</td>
<td>65.9%</td>
<td>85</td>
<td>11.1%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>27</td>
<td>13.1%</td>
<td>40.9%</td>
<td>66</td>
<td>8.6%</td>
</tr>
<tr>
<td>Master’s I/II</td>
<td>80</td>
<td>38.8%</td>
<td>29.1%</td>
<td>275</td>
<td>35.9%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>153</td>
<td>74.3%</td>
<td>35.9%</td>
<td>426</td>
<td>55.7%</td>
</tr>
<tr>
<td>Private</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>11</td>
<td>5.3%</td>
<td>27.5%</td>
<td>40</td>
<td>5.2%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>9</td>
<td>4.4%</td>
<td>20.0%</td>
<td>45</td>
<td>5.9%</td>
</tr>
<tr>
<td>Master’s I/II</td>
<td>33</td>
<td>16.0%</td>
<td>13.0%</td>
<td>254</td>
<td>33.2%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>53</td>
<td>25.7%</td>
<td>15.6%</td>
<td>339</td>
<td>44.3%</td>
</tr>
<tr>
<td>Total</td>
<td>206</td>
<td>100.0%</td>
<td>26.9%</td>
<td>765</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

As the table indicates, the overall response rate is lower than desired. However, the response rate for some Control/Carnegie categories such as public Research I/II is more acceptable. It is anticipated that the greatest response rates will come from public Research I/II and Doctoral I/II institutions, where there is a higher level of staffing in affirmative action and
institutional research offices and where there has been a traditional mandate for equity and access. The response rate for private Research I/II schools is noticeably above that for other private institutions, perhaps because they are more likely to receive federal contracts and have a higher level of staffing. Private Doctoral I/II and Masters I/II schools which have not yet responded may have discarded the survey request because they do not complete Affirmative Action Plans and/or because their staff are overworked. Phone calls to several public Research I/II institutions who have not sent in all of their materials suggest that these offices are also overworked and are unable to respond to the survey request within the time frame.

The original timetable of the project has been to collect a large proportion of the anticipated response rate within two months of the initial deadline. As materials continue to be received, these will be entered into the database and the results of the descriptive statistics portion of the study will be recalculated. Every effort will be made to increase the response rate as much as possible. While the response rate listed in this draft of the paper may seem too small for detecting possible patterns, the author's goal was to present preliminary findings at the Annual Forum of the Association for Institutional Research (AIR) in Boston at the end of May, 1995. The survey results and review of the methodology for calculating availability data and eight factor analyses are stand-alone projects. The author's hope is that presentation of preliminary findings will help build a dialogue about the project and provide a necessary critique of how to make the report as useful as possible to institutions.

Originally, the AIR proposal for this project stated that three years of affirmative action data would be collected from institutions. As the following findings indicate, the author feels fortunate in being able to receive one year's submission. Many institutions do not prepare data annually. The Fall 1992 cycle should be representative of general practice. The same research questions are of interest, whether one or three years of data are collected. While three years of data may help validate a particular trend in the data, it is suspected that numerous problems would be encountered as a result of missing years of data.

**Process Indicator - Overall Faculty Diversity**

Using the 1991 EEO-6 report, utilization rates were first calculated for each of the 724 institutions with usable data, then aggregated by control and Carnegie classification. The following tables document these results and show a general pattern of faculty diversity for women and minorities. Women appear to have made greater strides in private rather than public institutions, doing less well in Research I/II institutions than in Master's I/II schools.
### TABLE 2: FACULTY DIVERSITY/FEMALE UTILIZATION RATES

<table>
<thead>
<tr>
<th>CARNEGIE CLASSIFICATION</th>
<th>AVG TOTAL # FACULTY</th>
<th>AVG % FEMALE</th>
<th>MIN % FEMALE</th>
<th>MAX % FEMALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>1,456</td>
<td>25.4%</td>
<td>13.0%</td>
<td>50.0%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>598</td>
<td>28.7%</td>
<td>4.0%</td>
<td>71.0%</td>
</tr>
<tr>
<td>Master’s I/II</td>
<td>303</td>
<td>32.6%</td>
<td>0.0%</td>
<td>57.0%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>581</td>
<td>30.5%</td>
<td>0.0%</td>
<td>71.0%</td>
</tr>
<tr>
<td>Private</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>1,145</td>
<td>23.8%</td>
<td>11.0%</td>
<td>42.0%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>330</td>
<td>27.4%</td>
<td>6.0%</td>
<td>45.0%</td>
</tr>
<tr>
<td>Master’s I/II</td>
<td>131</td>
<td>39.1%</td>
<td>10.0%</td>
<td>79.0%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>287</td>
<td>35.6%</td>
<td>6.0%</td>
<td>79.0%</td>
</tr>
<tr>
<td>Total</td>
<td>454</td>
<td>32.7%</td>
<td>0.0%</td>
<td>79.0%</td>
</tr>
</tbody>
</table>

Patterns for women and minorities seem to alternate between doing well in public versus private. Minorities appear to do better in public institutions, but less well in Research I/II schools than in Master's I/II. In private institutions, minorities have done better at Research I/II institutions than in Master's I/II. This suggests that private Research I/II institutions, which probably obtain $50,000 or more in federal contracts, make a substantial commitment to hiring minorities. Feminization of the disciplines may be effecting lower utilization rates for women at the top tier of public and private institutions.

### TABLE 3: FACULTY DIVERSITY/MINORITY UTILIZATION RATES

<table>
<thead>
<tr>
<th>CARNEGIE CLASSIFICATION</th>
<th>AVG TOTAL # FACULTY</th>
<th>AVG % Minority</th>
<th>MIN % Minority</th>
<th>MAX % Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>1,456</td>
<td>11.5%</td>
<td>4.0%</td>
<td>22.0%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>598</td>
<td>12.5%</td>
<td>3.0%</td>
<td>90.0%</td>
</tr>
<tr>
<td>Master’s I/II</td>
<td>303</td>
<td>16.2%</td>
<td>0.0%</td>
<td>93.0%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>581</td>
<td>14.7%</td>
<td>0.0%</td>
<td>93.0%</td>
</tr>
<tr>
<td>Private</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>1,145</td>
<td>13.8%</td>
<td>2.0%</td>
<td>81.0%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>330</td>
<td>12.5%</td>
<td>6.0%</td>
<td>81.0%</td>
</tr>
<tr>
<td>Master’s I/II</td>
<td>131</td>
<td>7.0%</td>
<td>0.0%</td>
<td>78.0%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>287</td>
<td>8.6%</td>
<td>0.0%</td>
<td>81.0%</td>
</tr>
<tr>
<td>Total</td>
<td>454</td>
<td>12.1%</td>
<td>0.0%</td>
<td>93.0%</td>
</tr>
</tbody>
</table>
Survey Results

Most of the respondents indicated that they did not have a problem responding to the request for information. Of those who did encounter problems, these fit into the broad categories of having too great a workload to respond quickly, office relocation, staffing issues, time constraints, and lack of documentation.

Why Some Data Are Not Available

Occasionally, respondents indicated that copies of the requested reports are not available at their institution. Sometimes this is because Affirmative Action Plans simply were not completed, or, if completed, do not include the availability/utilization analyses. Despite inclusion of a sample availability/utilization report, some respondents had difficulty identifying and/or locating their institution's versions of the documents. In some cases, statistical data are not included in the more public affirmative action planning documents. Only 6 institutions responded on the survey that they do not complete an eight factor analysis. However, this figure may be low. In reviewing and analyzing the submitted materials, 52 of the 140 institutions (37.1%) did not include factor analyses. Some admitted that their reliance on Factor Five makes the calculation of eight factor analyses unnecessary. In the case of several respondents, proprietary affirmative action software such as CAAMS was used to generate reports and the institution was not clear whether it could share copies of reports under the licensing agreement.

How Frequently Availability Data Are Updated

A large number of institutions, 62 of the 127 survey respondents (48.8%) report that they produce new Affirmative Action Plans annually with new availability data and eight factor analyses. This is somewhat surprising, given that the production of availability sources, except for NRC data, is somewhat sporadic. At least eight institutions report that they operate on a two year cycle and at least 10 admit that their availability reports are produced on cycles of five or more years. Clearly, a number of institutions do not interpret the regulations to mean that affirmative action documents must be produced annually.

Eight Factor Analyses

Most survey respondents use only a few of the eight factors in their calculations. When the weighting scheme for eight factor analyses was examined, 32 of the 88 schools with eight factor analyses (36.4%) used only Factor Five (the percentage of women and minorities among those having requisite skills in the reasonable recruitment area). Numerous others used combinations of factors four, five, and six, in which factor five was given most of the weight. Sometimes there is an odd choice of factors, such as only using factor or factors 1 and 2, instead of 4 or 5, as is chosen by a number of other institutions.
Sharing Availability Data with Search Committees

Respondents reported various policies for sharing availability data with search committees. Seventy-eight institutions (61.4%) of the 127 survey respondents said they share availability data with search committees in some format. Twenty-eight institutions (22.0%) do not share data as a policy. The rest of the respondents have various other processes for sharing the data with deans, working with departments, or otherwise being proactive in the recruitment process.

Sources Used for Availability

What sources are most often used for gathering faculty availability data? The survey allowed institutions to report multiple data sources, therefore the total number of responses is higher than the number of respondents. The majority of institutions rely on Doctoral Recipient Data from the National Research Council's (NRC) annual survey. Sixty-six of the 127 institutions completing the survey (52.0%) reported that they rely on NRC current year data. Thirty-eight institutions (29.9%) report that they use NRC trend data to aggregate results across survey years. Vander Maerdt (1989) and West (1994) document that NRC data are useful in calculating faculty availability.

Forty-three institutions (33.9%) report that they use 1990 U.S. Census data for post-secondary faculty. The federal regulations used by OFCCP specifically mention the census report as a possible source of availability data. Some of the data used by proprietary affirmative action software such as offered by Biddle and Associates is based on the 1990 census. One institution described the process of choosing occupation codes for roll-up to department availability data. Their programmers had to go outside of the software to choose codes for occupations besides the standard breakout for post-secondary faculty.

Twenty schools (15.7%) report using NCES IPEDS Completions Report (degrees conferred) data for the current year, while another 8 (6.3%) report using IPEDS Completions trend data. Some confusion may exist, the author suspects, in what constitutes current year versus trend data. The documentation of NRC data varies widely across respondents. Some institutions simply use the current year's data and substitute new data as they are published. Some institutions use data from the University of Washington. Others have elaborate weighting schemes for using combinations of discipline specific data for estimating availability for a department.

Six institutions (4.7%) report using the annual Oklahoma Faculty Distribution Survey data of NASULGC institutions, which accompanies the Oklahoma Faculty Salary Survey but is optional and not always completed. Cunningham and Hemmeter (1992) presented a paper at the Southern Association for Institutional Research/Society for College and University Planning (SAIR/SCUP) conference about using the Oklahoma Faculty Salary Survey data for investigating faculty diversity. The authors find that "This method of evaluating faculty diversity would be useful as another measure to identify patterns of discrimination in
employment practices” (Cunningham and Hemmeter, 1992, p. 7).

One institution reported using the EEO-6 report. This data source, while useful for some purposes, only provides data for calculating faculty utilization as a single job group for faculty. At least one school reported that it obtains annual NRC data by institution and compiles special doctoral recipient reports for those institutions which it uses as faculty feeders.

Numerous secondary sources were cited by institutions in their survey responses. These were reviewed to see if any other primary datasets other than NCES completions, NRC doctoral recipient, U.S. Census, and Oklahoma faculty distribution are used. While associations and accrediting agencies collect unique survey data, these are discipline specific (such as law, medicine, or the arts) and are used in conjunction with other primary sources. Two primary, discipline-specific sources which were cited by two or more respondents include data from the American Association of Medical Colleges and the American Bar Association.

Ten institutions reported that they receive their faculty availability data from their SHEEOs. These state governing or coordinating boards have the resources to purchase and analyze large availability datasets and are often involved in statewide review and approval of affirmative action planning documents. Other secondary sources cited include Professional Women and Minorities (13), the Digest of Educational Statistics (7), and the Commission on Professionals in Science and Technology (4). Only one institution mentioned using CASPAR. (Note: Professional Women and Minorities offers an extensive bibliography of secondary and discipline-specific data sources.)

Six institutions reported using data developed by the University of Washington. It is suspected that this number is somewhat higher, but that respondents listed their data source as NRC. According to its materials, Washington uses a combination of NRC and NCES data, weighting each dataset differently for tenured and non-tenured faculty and using different years for trend data. Other NCES degree data are used when the Ph.D. is not the appropriate degree. Several discipline-specific primary sources are also used for medicine, law, and public health.

Two institutions noted that they use data from the 1983 Colorado Study. At least one institution reported that it had stopped using these data because they had not been updated. At least 8 institutions (5.7%) note either in their documentation or in their survey response that they use an outside consultant or proprietary software for calculating these statistics. Among these are Biddle and Associates (4), CAAMS (2), HR Consulting (1), MAAPS (1), and PRI (1).

Who Calculates Availability Data

In 83 cases (65.4%), the affirmative action office is primarily responsible for gathering sources for availability data and calculating the eight factor analyses, either by itself or in conjunction with institutional research, various academic administrators, or other offices. Of these 83 institutions, it appears that at 58 of them (69.9%) the affirmative action office is primarily responsible for their production. Institutional research offices are mentioned by only
12 respondents (9.4%). For another 12 institutions (9.4%), human resources offices are primarily responsible for the production of affirmative action statistics.

**Involvement of Provost and Academic Deans in Determining Data**

When asked whether the institution’s provost and academic deans are involved in determining availability data, 49 respondents (38.6%) reported that the provost and deans are not involved. Among institutions where the provost and deans are involved, there is some variation in their roles. In a few cases, deans are involved in determining which NRC disciplines should be used in calculating availability. Two institutions report involving these offices in deciding on factor weighting for the eight factor analyses. Several respondents report that these offices are involved in monitoring new sources of data for discipline specific availability statistics.

Only six institutions report that these offices are involved in reviewing work at the level of calculations. More probably, the provost and academic deans are involved in examination of utilization results, rather than providing input to availability goals. This suggests that, while it is desirable to have major administrators involved in goal setting, there is some insulation and protection from these offices setting artificially low availability statistics and insulation. Additional information is needed about the interaction between affirmative action offices and major administrators in the use of availability/utilization data. Do AA/EOO personnel serve as change agents by forcing search committees to meet availability statistics in their candidate pools? The results of this survey are inconclusive on this point.

**Analysis of Availability/Utilization Reports**

When the reports of availability/utilization statistics are examined for the 140 institutions which supplied these materials, some interesting patterns are presented in terms of how institutions choose to document faculty data on tenure track, rank, department/college, and ethnicity.

**Tenure Track**

In some affirmative action documents, it is unclear who is included in the utilization analyses. Apparently, tenure track is not broken out at the majority of institutions (78, 55.7%). Eleven institutions out of the 140 providing materials (7.9%) state that only tenure track faculty are included in the data. Eighteen institutions (12.9%) use multiple reports for various combinations of subgrouping definitions, such as full-time, part-time, regular, instruction, instructional and research, research, extension, clinical, or ladder rank faculty. In most cases, only one subgroup is identified. These reports are more useful when different statistics are calculated for different subgroups.

Some schools provide separate availability/utilization reports for different tenure track groups. Of these, 17 (12.1%) separate tenure track versus non-tenure track faculty. Four schools (2.9%) provide separate reports for tenured, tenure track, and non-tenure track faculty. It is
assumed that availability assumptions will be different for each group. This approach may be
much more useful in setting explicit and realistic goals, especially for senior faculty. A couple
of institutions mentioned using the 1983 Colorado study for this purpose. Others use different
sets of NRC trend data for tenured and tenure track faculty.

Faculty Rank

The majority of institutions (110, 78.6%) do not break out availability/utilization data by
faculty rank. Of those which do, 18 (12.9%) use combinations of junior versus senior faculty
and 12 (8.6%) break out the data by each ladder rank. In some cases, separate availability data
are also calculated for each rank or rank group. As in special breakouts for tenured versus tenure
track, this approach offers more accurate data for the specialized availability population.
Institutions which go to the trouble of calculating these separate availability data appear to take
the goal-setting process more seriously. The usual methods involve using different sets of NRC
trend data, usually the past six years for the assistant professor rank and the previous 14 or more
years for the senior ranks. Certainly, availability data for senior ranks are lower. Institutions
will do less well in their utilization if they use current NRC data for these ranks. Trend data
allow them to set more realistic and therefore lower goals.

Department/College

Twenty-two institutions (15.7%) treat all faculty as one large job group, regardless of
their department or discipline. These availability data are the easiest to calculate and the least
accurate. However, they offer benchmarks about an institution's level of faculty diversity,
barring any regional, control, and Carnegie classification differences. Another 29 respondents
(20.7%) analyze availability/utilization at the college/school level (i.e. school of law or college
of arts and sciences).

An analysis of the worksheets provided by institutions of how availability statistics are
calculated suggests that two methods are used for determining data. In the first, general
discipline cluster data such as humanities or life sciences are used, sometimes from aggregate
reports for multiple disciplines (as are available in the NCES data available through CASPAR).
The second method involves a roll-up of disciplines comparable to departments in a
college/school. Thirteen institutions (9.3%) use only the multiple discipline clusters such as
humanities, without any roll-up to college/school.

The majority of institutions (77, 55.0%) break out their data by department, sometimes
also rolling them up to college totals. It appears that no institutions break out utilization data by
discipline within department. The availability calculation worksheets which were available for
some of these 77 institutions show some weighting and roll-up of NRC discipline data into
departments.
Ethnicity

There is a great deal of variation in how institutions choose to break out ethnicity data for faculty. Six schools break out ethnicity within gender and 5 break out gender within ethnicity. This breakout is discussed in one of the subparagraphs of the OFCCP regulations, without clear language as to when it is necessary. One might imply that this level of breakout is necessary only when OFCCP requests it for an audit because of apparent underutilization in this specific job group. Another 42.9% of institutions (60) report ethnicity data for total minority only, without any breakout for African-American, Hispanic, Asian, or Native American data. Forty schools (28.6%) break out each of the four non-white ethnic groups, sometime with totals for all minorities. Twenty-two institutions (15.7%) include only certain of the four groups. Of these, 8 (5.7%) look only at African-American faculty, without breakout out the other groups in any way.

This diversity of methods is not surprising, given regional differences in issues of access. For many schools in the South, the focus has traditionally been on African-Americans. California institutions may collect more data on Asians and Hispanics, Florida and Texas on Hispanics. Certainly, the nomenclature for describing ethnic groups is undergoing tremendous change. For this reason, it was surprising not to find any listings of groupings by Chicano or Latino faculty. Perhaps this is because these data are from 1992 and the issue was not yet popular. One office reported its attempts to locate availability data for Italian Americans. In no cases were the data broken out for any ethnic group other than African-Americans, Hispanics, Asians, and Native Americans. There was no clear documentation of data for non-resident aliens. The use of the terms “Minority Other” and “Other Minority” is often unclear. There were no breakouts by any other type of demographic grouping besides race and gender.

Methods for Determining Underutilization

In most of the utilization analysis documents submitted, the respondents list the total number of faculty in a department or unit, the number of women or minorities, the percentages of utilization, the labor market availability calculated with the eight factor analyses, and whether or not a particular job group is underutilized for women or minorities. The calculation of underutilization is simply the result of subtracting utilization from availability. At least 3 institutions use other criteria to determine underutilization, including the "eight percent" and "two standard deviations" rules are used. In the first case, institutions are underutilized if they do not have 80% of the labor market availability. Second, institutions are considered to be underutilized only if their utilization is lower than two standard deviations of the availability data. It appears that some of the proprietary affirmative action software make these calculations.

This topic was discussed with regional representatives of OFCCP, who were aware of a growing number of institutions using this practice. There is some language about standard deviations and statistical practices in Chapter 60 of the Code of Federal Regulations for Public Contracts and Property Management. When questioned about whether this methodology is appropriate, OFCCP officials stated that they do not attempt to decide whether a particular
methodology is approved. They look for areas of underutilization and try to determine whether better recruiting and hiring practices could be put into place. The author is still in the process of interviewing additional field representatives, the OFCCP officials who are actually involved in audits of higher education institutions. It appears that federal regulations guiding OFCCP do not spell out how routine statistical analyses for affirmative action plans need to be done, simply that they must be done and that efforts must be in place to recruit in areas of underutilization.

**Process Indicator - Use of Sophisticated Breakout Variables**

While most institutions break out their availability/utilization data by department, fewer choose to break out their data by type of tenure track and rank. To evaluate how sophisticated an institution's plan is, two variables were examined: (1) whether the plan is broken out by rank; and (2) whether a plan is broken out by type of tenure track. The majority of institutions already break out their data by department, and breakouts by ethnicity are problematic, so these two variables are not considered to be useful in determining if a plan is sophisticated.

The following table suggests that the higher the Carnegie classification, the greater the percentage of institutions with complex availability/utilization reports. The number of private institutions which submitted complete materials is too low to note differences in control, though the overall rate of 43.8% of privates with complex plans is comparable to the 41.5% of publics.

**TABLE 4: INSTITUTIONS WITH COMPLEX UTILIZATION BREAKOUTS**

<table>
<thead>
<tr>
<th>CARNEGIE CLASSIFICATION</th>
<th># Schools with Materials</th>
<th># with Complex Breakout</th>
<th>% with Complex Breakout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>41</td>
<td>21</td>
<td>51.2%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>23</td>
<td>9</td>
<td>39.1%</td>
</tr>
<tr>
<td>Master's I/II</td>
<td>60</td>
<td>21</td>
<td>35.0%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>124</td>
<td>51</td>
<td>41.1%</td>
</tr>
<tr>
<td>Private</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research I/II</td>
<td>7</td>
<td>5</td>
<td>71.4%</td>
</tr>
<tr>
<td>Doctoral I/II</td>
<td>2</td>
<td>1</td>
<td>50.0%</td>
</tr>
<tr>
<td>Master's I/II</td>
<td>7</td>
<td>1</td>
<td>14.3%</td>
</tr>
<tr>
<td>Subtotal</td>
<td>16</td>
<td>7</td>
<td>43.8%</td>
</tr>
<tr>
<td>Total</td>
<td>140</td>
<td>58</td>
<td>41.4%</td>
</tr>
</tbody>
</table>
Affirmative Action Data for Faculty Hiring: Myth or Fact?

The following statements are put forward as possible patterns in the data. They are not intended to be read as conclusions. Rather, at this stage of the research project, descriptive statistics are being used simply to look for the presence of possible patterns, contrasts, and comparisons. While the response rate from the population universe of 765 Research I/II, Doctoral I/II, and Master's I/II institutions is less than desired, it may be more acceptable for some classifications of institutions such as public Research I/I schools (65.9%). More appropriate quantitative techniques will be applied which take the response rate into account. While it was the initial hope of the author that this AIR paper presentation would include less tentative conclusions, the time line and nature of the task precluded this from occurring.

There appears to be no substantive literature on faculty availability for affirmative action. While there are a number of related areas of study, affirmative action officers and institutional researchers have very little to guide them in their preparation of availability, utilization, and eight factor analyses. The Equal Employment Advisory Council concluded that "federal laws and regulations offer little practical guidance" (EEAC, 1978, p. iii). Interviews with officials from the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs, and the U.S. Department of Education's Office for Civil Rights suggest that while there are benchmarks for determining poor utilization and there are standard sources for data, institutions may do pretty much whatever they want to as long as they make "good faith" efforts.

It is possible, though, after reviewing the wide range of practices used in preparation of the collected materials, to develop case studies of what constitutes "good practice." These cases may serve as benchmarks or process indicators for investigating the myth of affirmative action data.

At least half of the institutions responding do not prepare affirmative action plans on an annual basis. There is wide variation in how frequently they are produced and what statistical analyses they contain. Plans are usually produced by affirmative action/equal opportunity offices, sometimes in conjunction with human resources/personnel and major administrative offices. Institutional research offices do not appear to be involved as a general practice, suggesting that the central databases used for reports may not be as "clean" as official human resource extracts usually are for federal and state reporting.

While some provost and academic deans' offices review final availability data and sometimes suggest alternative sources of discipline-specific data, these offices are usually not involved in setting goals or in weighting and calculating raw data. At most institutions, availability data are shared with search committees, though this process varies. However, a sizable proportion of institutions (22.0%) do not make these valuable data available as part of faculty hiring.

The dominant source used for availability is the National Research Council doctoral
recipient data, followed by U.S. Census data on postsecondary faculty and then IPEDS completions data. The Oklahoma data on faculty diversity are beginning to be used as another primary data source. Some SHEEOs and systems are involved in providing data to institutions and setting guidelines for availability. Several discipline-specific sources have become de facto standards for availability, among them the American Bar Association and the American Association of Medical Colleges. Among secondary sources of data, Professional Women and Minorities and the Digest of Educational Statistics have become standards for some institutions.

Many institutions use trend data, while many others use only current year data. Those using trend data are able to do a better job of calculating availability by rank, with various weighting schemes. Most institutions don't break out their availability/utilization data by rank or combinations of tenure track. The bulk of schools do break their data out by department, with some roll-up for college-level statistics. There is surprising variation in which ethnic groups are broken out, but these probably reflect regional differences in issues of access.

There is also wide variation in how the eight factor analyses are used. Though there appears to be some standardization in using only Factor 5, the percentage of women and minorities in the reasonable recruiting area, other combinations of factors and weighting schemes are used at some institutions. It is in the factor analyses that there appears to be the least standardization and the most room for interpretation.

Only two out of every five institutions produce complex availability and utilization reports which break data out by type of tenure track and/or rank. It appears that the top tier of Carnegie institutions choose to do this more than do other types of schools. These institutions may have the resources for more sophisticated data production, or perhaps they have a greater need for these breakouts in calculating more accurate faculty hiring goals by group. The calculations of faculty diversity which were performed using the EEO-6 data suggest that the top tier of public research institutions does not do as well as doctoral and master's institutions in attracting women or minorities, while the top tier of private institutions does better at attracting minorities. On the surface, there does not appear to be a noticeable relationship between the use of complex availability/utilization reports or data sources and the overall percentage of faculty diversity.

While some professional norms exist about "good practice," these do not appear to be in place at a majority of institutions. The myth that affirmative action data for faculty hiring are consistent, reliable, and part of a system of checks and balances for monitoring and enforcing compliance is just that - a myth. In reality, there is no higher education literature, no research knowledge base, no appropriate training materials for AA/EEOs, no central database, and no cache of documents or federal regulations to guide institutions in their production of affirmative action plans.

While there is some standardization of which sources of data to use, there are no benchmarks for measuring how well institutions are doing in attracting women and minorities. The data which do exist show overwhelmingly that there has been little progress since 1965 in
building a diverse faculty (Gill et al., 1992; NEBHE/WICHE/SREB, 1994; Texas Higher Education Coordinating Board, 1992; Washington and Harvey, 1989; West, 1994).

Despite 30 years of affirmative action since President Johnson signed Executive Order 11246, the federal role in faculty hiring has been minimal at best. OFCCP has been forced to live with a high level of ambiguity in its interpretation of the intent of the regulations, monitoring only those areas of gross underutilization, with little power for monitoring or enforcing compliance.

Overall, the basic philosophy and tools for affirmative action in faculty hiring have never been codified or implemented. Despite the myth, there is no “system” of affirmative action in place and there are no “quotas” for hiring minorities and women, only the “good faith” efforts of homogeneous institutions.

Bibliography


