

Minutes
Committee on Equal Opportunities
Council on Postsecondary Education
August 23, 2010

The Committee on Equal Opportunities met August 23, 2010, at the Council office. Chair Joseph S. Weis presided.

Roll Call

Members present: Jerome Bowles, Raoul Cunningham, John Johnson, Wendell Thomas, Dennis Jackson, David Welch, Abraham Williams, and Joseph Weis.

Representative Carl Rollins, Aaron Price and Lisa Osborne did not attend.

Approval of Minutes

The minutes of the April 12, 2010, meeting were approved as distributed.

Comments by CPE
President Robert L.
King

President Bob King discussed several items with the Committee:

- The diversity policy as presented is clear and concise. Lisa Osborne who chaired the legal subgroup, and Raoul Cunningham, who chaired the policy subgroup provided great help and leadership.
- There was disagreement among some of us (CEO, institutions, CPE staff), that focused on the question of whether or not the diversity policy as laid out calls for the imposition of quotas. We (CPE) believe very strongly that it does not. But, at the same time, it recognizes that you have to measure something. The real issue is what the measurement require you to do, and, in this model, what the measurement requires you to do is focus on the success or lack of success of strategies that are implemented, in place, or need to be implemented that are designed to try and achieve the kinds of balances needed to achieve diversity.
- The proposed diversity policy was discussed with the CPE during the retreat and received favorable comments.
- Kentucky is one of several states competing for the Race to the Top grant and hopes to be successful.

Action:
Statewide Diversity
Policy

RECOMMENDATION: The staff recommended that the Committee approve and forward to the Council on Postsecondary Education for review and action the 2011-15 Statewide Diversity Policy and Framework for Institutional Diversity Plan Development.

The Commonwealth of Kentucky has had a history of progressive government in the areas of civil and human rights. Kentucky is the first to approach comprehensive inclusiveness at the coordinating board or state

level to help expand the system's approach to diversity. It embraces recruitment, enrollment, retention, and graduation of students, development and retention of staff, long-term planning, academic programs, cultural climate, and internal and community relations.

In 1982, the Council on Higher Education developed The Commonwealth of Kentucky Higher Education Desegregation Plan in response to a U.S. Department of Education Office for Civil Rights (OCR) finding that "the Commonwealth of Kentucky, in violation of Title VI of the Civil Rights Act of 1964, has failed to eliminate the vestiges of its former de jure racially dual system of public higher education." Development of the plan was necessary for Kentucky to meet the requirements of Title VI of the Civil Rights Act of 1964. The duration of the original plan was five years (1982-87). In 1989, The Kentucky Plan for Equal Opportunities in Higher Education (The Kentucky Plan) was created. Its duration was five years (1990-95).

In December 2008, the Commonwealth was released from oversight by the Office for Civil Rights. The action by OCR and a desire by the Commonwealth to build on its past achievements have led Kentucky to embark on a mission to identify innovative strategies to sustain and improve effectiveness in efforts toward recruiting, retaining, and supporting a diverse student body, faculty, and staff and enhancing educational outreach and engagement.

In January 2009, the Commonwealth began the development of a statewide diversity policy through a collaborative process involving CPE, CEO, and the institutions. Citizens were invited to provide input during development of the diversity policy through individual comment, organizations, and public forums. University presidents appointed representatives to serve on the work group responsible for developing the new policy. Also the presidents appointed a subcommittee to communicate directly with the CEO regarding the new diversity policy. At each phase of development the diversity policy was shared with the presidents and others for comment.

Within Kentucky, the legal environment is influenced by SB 398, codified as KRS 164.020 (19). This statute, approved in 1992, requires that the Council on Postsecondary Education not approve new academic programs at institutions which fail to meet equal opportunity objectives. The statute, however, also requires that the administrative regulation implementing the statute contain a waiver provision. 13 KAR 2:060, in keeping with the flexible nature of the expiring plan, contains two waiver provisions -- a qualitative and a quantitative waiver. The quantitative waiver is available to institutions who meet a required number of objectives during a particular year. The qualitative waiver requires action by CPE upon a showing by the institution that plans are in place to help the institution realize equal opportunity objectives. Another administrative regulation will be promulgated providing waiver provisions.

Diversity Policy:

It is the policy of the CPE that to truly prepare students for life and work in an increasingly diverse society the public postsecondary institutions within the Commonwealth shall embrace diversity within constitutional and legal parameters, seek to reflect that diversity in their student body and workforce, and commit to eliminate achievement gaps among all students. This policy is the expression of a vital governmental interest, but does not compel or advocate racial balancing or the establishment of quotas.

Diversity Definition:

Diversity, as a concept, describes an inclusive community of people with varied human characteristics, ideas, and world views related, but not limited, to race, ethnicity, sexual orientation, gender, religion, color, creed, national origin, age, disabilities, socio-economic status, life experiences, geographical region, or ancestry. Diversity in concept expects the creation by institutions of a safe, supportive, and nurturing environment that honors and respects those differences. The policy "focusing on a diverse student body and workforce" advocates the inclusion of students and employees from underserved populations, both historical and ongoing.

Performance Metrics and Assessment:

Using data analysis and gap analysis, institutional performance in each strategic area will be measured to establish the status of each institution toward achieving the objectives of the diversity policy and campus diversity plan.

Adoption of Institutional Diversity Plans:

Institutions will develop and submit campus diversity plans to the Council on Postsecondary Education for review and approval.

Institutional Status (annual assessments):

Assessments related to compliance with KRS 164.020 (19) will be implemented through Administrative Regulation 13 KAR 2:060.

Reaffirmation of the long-standing commitment that Kentucky African American students are fully represented at the public colleges and universities:

Due to Kentucky's past history of operating a de jure segregated system of higher education, vigilance is required to ensure that recent gains in enrollment, retention, and graduation for resident African American students will continue and will be monitored and that the status will be reported by CPE as a component in each institution's plan evaluation.

Policy Oversight:

Pursuant to the direction of the Council, the Committee on Equal Opportunities shall provide oversight of the diversity policy.

Follow-up and Revisions:

Strategies that support the Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development are established for a period of five years and will be reviewed during the fifth year.

The Committee requested that the complete agenda item and the PowerPoint presentation be made a part of the official record and be attached to these minutes.

Additional comments were offered by Christopher Crumrine, past member of the CPE and CEO; James Votruba, President, Northern Kentucky University; Wayne Andrews, President, Morehead State University; and Mary Evans-Sias, President, Kentucky State University.

MOTION: Mr. Welch moved that the recommendation be approved. Mr. Cunningham seconded the motion.

VOTE: The motion passed.

Discussion:
Diversity Policy
Implementation

The staff reported that the Kentucky Revised Statutes establish the Council's responsibility to approve the offering of new degree programs (KRS 164.020(14)) and also limit an institution's eligibility for new degree programs (KRS 164.020(19)) by the requirement that an institution meet its equal opportunity objectives.

The statutory provision presupposes that equal opportunity goals exist and that there is a means to measure those goals. To facilitate the requirement imposed by SB 398, the CPE is required to establish through Administrative Regulation a process to implement the provisions of KRS 164.020(19), including a temporary waiver provision. The resolution requires the Council and institutions to establish policies, plans, and strategies to ensure access and equal educational opportunity. The resolution requires a progress report and determination of institutional status to the Council.

Upon approval of a diversity policy by the CEO and the CPE, the CPE staff/institutional work group will revise the existing KAR to reflect the provision of the new diversity policy. The revised KAR will be submitted to CEO and CPE for review and action.

Discussion:
Institution Campus
Environment Teams

RECOMMENDATION: The staff recommended that the Institution Campus Environment Teams item be held over until the October meeting.

ACTION: By consensus the Committee agreed to receive the Institution Campus Environment Teams item in October.

The Campus Environment Teams (CET) were established by *The Partnership Agreement* between the Commonwealth of Kentucky and the

United States Department of Education Office for Civil Rights. CETs address campus and community issues with the goal of improving the campus climate for minority students by supporting student organizations that enhance the co-curricular experiences of African American students, faculty, professional staff, and administrators, and resolving issues in a manner that respects all persons and their dignity.

Discussion:
GMSCPP Annual
Report

RECOMMENDATION: the staff recommended that the GMSCPP Annual Report be presented at the October meeting.

ACTION: By consensus the Committee agreed to have a full report at the October meeting

The Governor's Minority Student College Preparation Program report highlights academic enrichment programs developed for African American middle and junior high school students at the eight public universities and the Kentucky Community and Technical College System.

Information:
Waivers of KRS
164.020(19)

Staff reported that as of August 23, 2010, no institution has requested to implement new academic programs under the waiver provisions of KRS 164.020(19) and 13 KAR 2:060.

Information:
KDE Press Release:
Results of ACT
Assessments 2010

Staff reported the following information:

KENTUCKY DEPARTMENT OF EDUCATION

FOR IMMEDIATE RELEASE
August 12, 2010

No. 10-043
MEDIA CONTACT: Lisa Y. Gross
Office - (502) 564-2015
Cellular - (502) 330-5063
lisa.gross@education.ky.gov

ACT RESULTS FOR PUBLIC SCHOOL JUNIORS RELEASED

(FRANKFORT, Ky.) – Overall results from the 2010 administration of the ACT to Kentucky's public school juniors show improvements in all subject areas and higher percentages of students ready for college-level coursework. "We are beginning to see the benefits of an early focus on college and career readiness; however, there is much work remaining," said Kentucky Education Commissioner Terry Holliday. "Beginning in 2010-11, as mandated by 2009's Senate Bill 1 (SB 1), high schools across the Commonwealth are required to partner with postsecondary institutions to provide interventions that will ensure more students graduate from high school ready for college and careers. The emphasis of SB 1 is on target with the national focus to regain our competitive edge

in the percentage of adults who have postsecondary degrees. The economy of our Commonwealth and our nation depends on our ability to improve the education levels of the workforce, and this begins with a focus on college- and career-ready graduates.”

Action:
Resolutions of
Service

RECOMMENDATION: The staff recommended that the Committee on Equal Opportunities review and approve resolutions recognizing Mr. Christopher Crumrine and Ms. Phyllis Maclin for their service on the Committee, as members of the CPE, and for their contributions to the equal opportunity planning process while serving on the Committee.

MOTION: Mr. Thomas moved that the recommendation be approved. Mr. Williams seconded the motion.

VOTE: The motion passed.

Comments:
Institutional
Representatives

There were no comments by institutional representatives.

Other Business and
News Articles of
Interest

There was no other business.

Staff indicated that a number of news articles were provided in the agenda book.

Next Meeting

The next meeting is Thursday, October 14, in Louisville, Kentucky.

Adjournment

The meeting adjourned at 12:01 p.m.

KENTUCKY PUBLIC POSTSECONDARY EDUCATION DIVERSITY POLICY AND FRAMEWORK FOR INSTITUTION DIVERSITY PLAN DEVELOPMENT

Committee on Equal Opportunities

August 23, 2010

Kentucky's History

- 1949, the University of Kentucky admits first African American.
 - 1960-63, Commission on Human Rights established by legislature and created by Governor Combs.
 - 1964, March on Capitol in Frankfort, President Johnson ask KY Governor to help pass the Federal Civil Rights Law. Breathitt appointed to Federal Civil Rights Commission
 - 1966, Kentucky enacts civil rights law – first State South of the Mason-Dixon.
 - 1966, KCHR given responsibility to oversee civil rights law implementation.
 - 1968, KY is the first state in the South to enact Fair Housing Law.
 - 1979, KY is notified that its Higher education system retains remnants of the *de jure* segregation policy.
 - 1982 - 2008, CPE develops the Commonwealth of Kentucky Higher Education Desegregation Plan/Operate under Partnership.
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The Legal Landscape

- 1965, President Johnson issues EO 11246 giving affirmative action a permanent framework. .
- 1978, the U S Supreme Court invalidated the U of Cal. Med. School affirmative action plan, but ruled that race can be a factor in the admission.
- 1980, the Supreme Court affirmed that Congress can require state/local projects, receiving federal funds, to set aside 10% for minority businesses.
- 1987, the Supreme Court held that minority set-aside programs are lawful.
- 1992, the Supreme Court in *Fordice* ruled that race neutral programs were not enough to overcome MS history of segregation in Public Higher Ed.
- 1995, the Supreme Court established *strict scrutiny as* the standard of review.
- 2003, the Supreme Court upheld the UofM Law School's flexible admissions program, using race as a factor.
- 1992 – until, KY diversity planning is influenced by SB 398 (KRS 164.020(19)).

Development of Diversity Policy

- 2006, CPE/institutions collaboratively fund and conduct a study of diversity planning in KY Postsecondary Education.
- 2007, the CPE/CEO commission a study to begin developing a statewide diversity policy and plan for Postsecondary Ed.
- 2008, CPE accepts the study by the Civil Rights Project and direct the CEO to move forward with development of a diversity policy/plan.
- 2010, CPE re-direct the CEO to develop only a diversity policy; but institutions to develop diversity plans to implement the statewide policy.



Collaborators in Policy Development

- Committee on Equal Opportunities
- Conference of Presidents
- Institution Legal Counsels
- Institution EEO Representatives
- Institution Chief Academic Officers
- Students and Student Government Representatives
- Kentucky Long-Term Policy Research Commission
- Governor's Office for Minority Empowerment
- Kentucky Association of Blacks in Higher Education
- National Association for the Advancement of Colored People
- Educating Latinos for Kentucky's Future
- Lesbian, Gay, Bi-sexual, and Transgender Group



Diversity Policy

It is the policy of the CPE that to truly prepare students for life and work in an increasingly diverse society the public postsecondary institutions within the Commonwealth shall embrace diversity within constitutional and legal parameters, seek to reflect that diversity in their student body and workforce, and commit to eliminate achievement gaps among all students. This policy is the expression of a vital governmental interest, but does not compel or advocate racial balancing or the establishment of quotas.



Diversity Definition

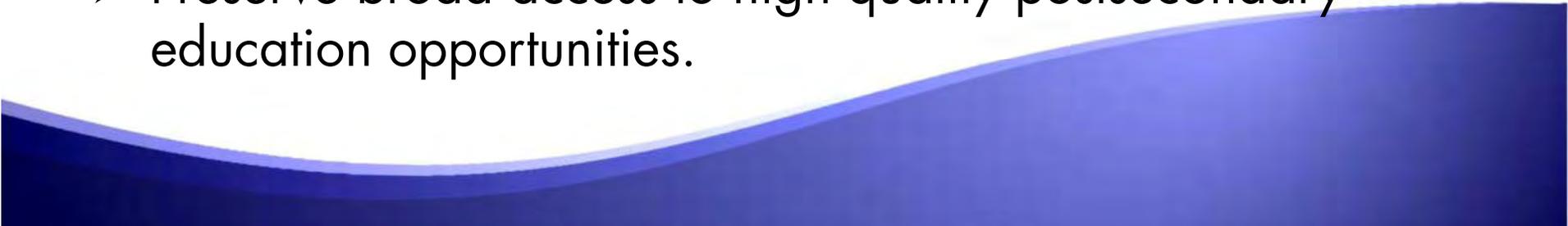
Diversity, as a concept, describes an inclusive community of people with varied human characteristics, ideas, and world views related, but not limited, to race, ethnicity, sexual orientation, gender, religion, color, creed, national origin, age, disabilities, socio-economic status, life experiences, geographical region, or ancestry. Diversity in concept expects the creation by institutions of a safe, supportive, and nurturing environment that honors and respects those differences. The policy “focusing on a diverse student body and workforce” advocates the inclusion of students and employees from historically underserved populations.



Vision and Guiding Principles

- Recognize diversity as a vital component in the state's educational and economic development.
 - Affirm the long-standing commitment that Kentucky African American students are represented at state-supported colleges and universities.
 - Challenge stereotypes and promote awareness and inclusion.
 - Support community engagement, civic responsibility, and service that advance diverse and underserved populations/groups.
 - Nurture, train, and produce students with the ability to interact effectively with people of different cultures.
 - Prepare for Kentucky's businesses, a workforce that is diverse, culturally competent, and highly educated.
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Institutional Diversity Plan Development

- Assure consistency with systemwide and institutional diversity policies and practices.
 - Describe diversity and equal opportunity for students, faculty, administrators, and staff in action plans that also address the campus environment.
 - Implement a system of institutional accountability by using metrics that are specific and measurable.
 - Recognize that equal opportunity is essential to all members of the campus communities.
 - Preserve broad access to high quality postsecondary education opportunities.
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Areas Addressed by Policy & Plans

- Student Body Diversity (undergraduate/graduate)
 - Student Success (retention, graduation, degrees, credentials)
 - Workforce Diversity (faculty, staff, executive/managerial)
 - Campus Climate (environment, strategies, employment retention and promotion)
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Diversity Policy v Statute

Diversity Policy

Campus Diversity Plan

Plan Areas Addressed

Student body diversity, Student success, Workforce diversity,
and Campus climate

Establish Plan Objectives

Student body diversity: statewide or service region
Student success: performance gaps among groups
Workforce diversity: regional or national availability
Campus climate: campus based strategies

Evaluation of Plan Success

Combination of annual CPE analysis and Institution report
A summary report reviewed by CEO
Institution address deficiencies

Evaluation of Policy/Plans (5 Years)

State Statute

Progress on EEO Objectives

Penalty for Non-Performance

CPE postpone approval of new academic programs
Review requests for waivers

Performance Assessment

Students: increased participation
Student success: retention and graduation
Graduate programs: increased participation
Workforce: increased participation
Campus climate: institution report

Annual Evaluation

January each year report status to CEO/CPE
Address waiver requests, if needed
Establish strategies for institution improvement

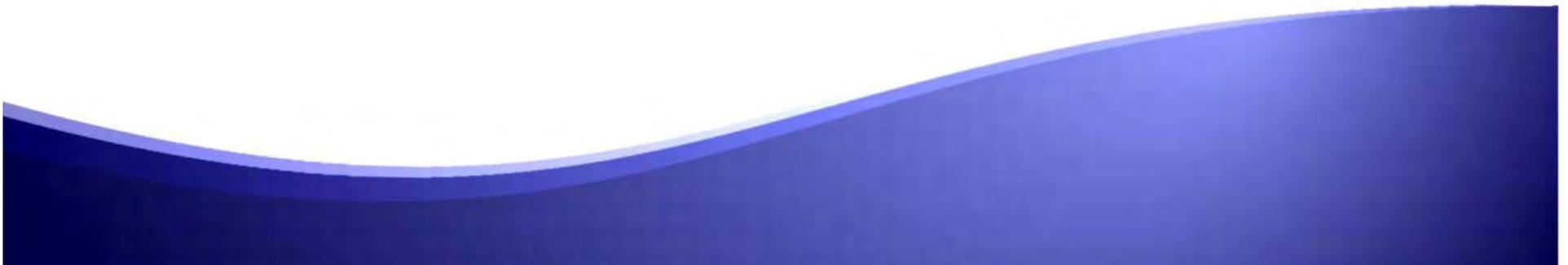
Statute: KRS 164.020(19)

- Council on Postsecondary Education withhold approval of new academic programs at institutions which fail to meet equal opportunity objectives.
- The administrative regulation implementing the provision shall contain a waiver provision.



Performance Metrics & Assessment

KRS 164.020(19) requires that the Council postpone the approval of any new academic program where an institution has failed to meet its equal opportunity goals. Each institution will be measured against its performance in implementing the strategies set out in the statewide diversity policy and the institution's diversity plan. The performance requirements will be set out in 13 KAR 2:060 which will be revised after the statewide diversity plan is adopted.



Next Steps

- Adopt Statewide Diversity Policy.
 - Revise Kentucky Admin. Reg. (13 KAR 2:060).
 - Act on revised Kentucky Admin. Reg. (13 KAR 2:060)
 - Receive and review institution diversity plans.
 - Act on institution diversity plans.
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KENTUCKY PUBLIC POSTSECONDARY EDUCATION DIVERSITY POLICY AND FRAMEWORK FOR INSTITUTION DIVERSITY PLAN DEVELOPMENT

Committee on Equal Opportunities

August 23, 2010

CEO Discussion: Statewide Diversity Policy

Joe: First I'd like to make the motion to except the diversity policy; then we can have the comments.

David said if you have no objection to my making that motion, then I so move that the policy be adopted by this committee and referred to the Council, *seconded by Raoul Cunningham*.

Discussion:

Raoul, I'd like to invite or have anyone that has any comments to make them before we go into discussion.

Dennis: I missed a critical part of the conversation with the attorneys so I don't feel comfortable speaking how the issue with Murray's attorney was finally resolved. One of the critical issues that we faced was measurable, quantifiable goals -did we run afoul of the Supreme Court rulings? What we attempted to do was make those goals as flexible as possible, to put the decision in the hands of the institutions and thus not to require that institutions use racial classifications in order to accomplish their goals. That would run afoul of the law. Now there are attorneys at the institutions that do feel the establishment of specific measurable goals, do run afoul of the law. I happen to think we've taken a very moderate stance, an appropriate stance and we would be sustained legally if we were challenged, but I have to admit that we really are into an area that hasn't been fully tested by the courts.

Everybody is looking at the same court cases, we looked at Hopwood and Podbresky in the past, and more recently we looked at Grutter and Gratz, and the Jefferson County case. We look for guidance from the Supreme Court, but the Supreme Court because of the change of the composition is actually shifting and has shifted over the years, so the question whether or not this plan can meet the scrutiny of this Supreme Court is an unknown quantity, we don't know. I think we've taken a reasonable and moderate stance and I feel very comfortable with the policy and where it is, as a legal standpoint.

David: That's what I wanted to hear, I'm inquiring, I don't see anybody, but I don't see any institutions general counsel here, are there any? None.

May I inquire of Dennis, since this has been drafted and Sherron; the policy has been distributed to all the institutions general counsels?

Sherron: Yes sir, Mr. Welch, not only has it been distributed to all the groups at the institutions, key individuals outside the institutions including all the collaborators that we identified on the screen including some legislators, Sen. Gerald Neal, Rep. Darryl Owens, Rep. Arnold Simpson, Rep. Reginald Meeks, Rep. Derrick Graham, Rep. Jim Glenn, Rep. Carl Rollins (got it twice as a legislator and as a member of this committee). We distributed the policy to the Governor's Office of Minority Empowerment, The governor's general counsel, the KY Department of Educator Quality & Diversity, we have widely distributed this document so we would give individuals ample opportunity, if they had comments to attend this meeting to make those comments or if they wanted to make those comments to staff, we would have it so we could read them and respond back.

David: My question is have you received any comments with regard to, from those to whom it's been distributed, first have you received any comments, then have you received any comments requested to be passed on to this group?

Sherron: I have received no comments to be passed on to this group. I only received a comment from Sen. Neal who indicated he was okay with what we were doing and wanted to be kept informed and in the loop with regard to the next steps. He has a special interest in the development of the administrative regulation relating to KRS 164.020 (19) which relates back to Senate Bill 398 and I have indicated to him that we will keep him informed as we go through and modify the KAR.

David: May I ask if any of the other members of this committee have received any comments?

Raoul: I have heard from one person, Rep. Owen who was supportive of the efforts, and wants to be kept informed as well.

David: Let me ask another question, all of us understand the regulation process, are there public hearings associated with the adopting of the regulation?

Dennis: Yes, it's a legislative approval process, many regulations call for a public hearing to be held and then for presentation both before the administrative regulation review subcommittee and subsequently before a subject matter committee, which would be the education committee, so there is ample opportunity for the public to give comment, we are required to give notice to all interested parties at every stage of the regulation review.

Sherron: And I might add that when we adopted the current administrative regulation, the most recent one, the one we are operating under now, we followed the same process.

David: If this committee should adopt the motion I made and thereby recommend to the Council the adoption of this policy and framework for plans for institutions, would that be considered at an open meeting and will it be an opportunity for input there from these same groups?

Joe: Yes Sir.

David: Will this presentation you presented this morning Sherron or Mr. Chair, will that become a part of the record? It emphasizes different things in different ways, which is probably important. I was concerned with the lack of reference to the study, whether one agreed or disagreed with the study, it was an essential part of what the Council did to get this underway to bring us up to date with regard to the current conditions, and so the study itself will be a part of that record?

Sherron: Yes, yes it will be part of the record.

John: Are we taking questions.

Joe: What I'd like to do, Bob King, president of the Council has arrived and I'd like to give him an opportunity to speak since he was an integral part of getting this whole thing going done, if he would have any comments before we open to the rest of the committee.

Bob: First, I think the policy as presented to you is as clear and concise, and I think precise, frankly as I had hoped it would turn out. During the period that Dennis was out because of illness, I did get more involved in this than I had anticipated with great help and leadership from Lisa Osborne who helped work with the attorneys. David as you pointed out there is a disagreement among some of us, that disagreement focuses on this question of whether or not this policy as laid out calls for the imposition of quotas and we believe very strongly that it does not but at the same time it recognizes that you have to measure something. The real issue in my mind is what does the measurement require you to do? And, in this model what the measurement requires you to do or directs you do is if any campus sees from examining its enrollment, workforce, particularly those two elements; that it is inconsistent with populations in its service territory, if it's a community college, or one of our regional campuses or statewide demographics or one of the larger universities, that would then cause the campus to examine its strategy in terms of addressing those issues, it does not require that a campus change what we believe are carefully considered admission policies or admission criteria.

- It does say campuses are you recruiting in the right places?
- Are you using the right recruiters?
- Do you have the kind of aid packages that are particularly important to students in the groups that may be under represented?
- Are your activities on campus supportive to those students, sufficiently to attract them to any particular campus?

So it really does focus on the success or lack of success of strategies that are implemented or in place, or need to be implemented that are designed to try and achieve the kinds of balances that I think at the end of the day this is really all about.

I'm very comfortable that what we have struck here is a balance between the appropriate utilization of measurement and the kinds of responses this would require of the campuses and not run afoul in any of the requirements in the various Court ruling that Dennis has addressed. I'm pleased how this has turned out and I'll tell you, I'm disappointed that some general Counsels disagree, but, we'll see what happens.

David: What I would be hopeful of, assuming that this committee did adopt and that the Council consider this as openly as we have and did adopt it, that those Council members would be flexible enough to recognize and support strongly the position with which you stated that this is in compliance and we all had our say, so if you've practiced law for over 50 years, you've lost as many as you've won.

Joe: Any other members have any questions or comments.

John: Yes, I have a comment, I guess this is the best we can get, and I don't disagree with anything that David has said based on court rulings and that sort of thing. I have always thought that in the area of human rights and civil rights you try not to make it complicated, you make it simple. I read this a couple times yesterday and I find it NICE. In my mind, years and years I've always said well you have these people or you don't have them, if you don't have them, when are you going to get them. I know people call that quotas, for example I read in here on bullet #7, page 11, it seems to me that there is very little in here that, and I know Sherron that you tried to put the history in here to give a basis as to why we are even having this discussion. There is very little that say we have pushed for a strong move toward full integration, push for integration is one thing, diversity is something else, quotas is another thing, equal opportunity may even be a fifth thing. I think this is probably the best we can get legally, I would like to see something stronger, but I think this is the best we can legally get by with.

David: John I don't disagree with that except for if I was a member of some of these other groups that are being included for the first time in a state policy, I think I would be ecstatic that the group to which I belonged at that point had been recognized as a part of the diversity of this Commonwealth as it is not only in the United States but in the World. I think if I were an institution and I was given this document, I would say there are a lot of challenges in there for the institutions, and we haven't really completed....I would be celebrating and I think somehow we know all the areas that we haven't succeeded in.

John: I just don't believe in giving comfort to people who don't want to do, and seems to me that people can go rest on the basis or criteria of the law, somehow there is what the law requires and there should be a commitment to go beyond what the law requires, and I think President King is trying to drive that home with the universities and trying to build on the concept and I commend you for your work here.

Joe: I haven't been around as long as you David, but I've been around long enough. One of the things we have to remember is this is the policy, and the devil is always in the detail, and the detail is going to come from the universities, at which time we will then have a process to which we will go through their diversity plans which we then can have some dialogue. I think the difference between the plan is, policy creates the structure, the plan then go back to the areas that have the most opportunities, and the most know how, because that's the areas they are supposed to be working in and they are supposed to then tell us this is what we are going to do, and my long assessment is exactly how I take this.

David: I think so and we sit here today and have two presidents of two institutions that have particularly different problems and so forth on their campuses including a race problem and other problems. I think coming from the area that Morehead is serving and knowing the economical disadvantage folks that they serve. A trustee at Berea college many years ago, having heard one of us said that Morehead is the public Berea or maybe he said that Berea is the private Morehead and so far its service and what it serves and recognizing KSU and its particular interest. As I read this thing, it sort of came to me that I was concerned earlier about this change, or not change, but the language policy and plan. I think we've discussed it though enough and I think it has become a plus. I think the discussion has become a plus because I think when I read the document and put it all together, the historic thing, it is all in perspective. Mr. Chairman I think

we owe all that to these people out there. I think what we all want is that all these objectives and all these covered groups, we expect from our presidents and board of regents and their respective committees, high quality of commitment to all of them, to serve all of those people as well. We know that certain institutions, as president King referenced can zero in on some of their problems in a diversity setting, perhaps before when the plan came about there wasn't an incentive. It's going to be a real chore to draft these plans, I'm sure. Many of the institutions have been working on it long enough to come up with something that will not only be helpful but inspire John, me and some of the others to continue on with the battles, not just in the fields of race, but in other fields as well.

Joe: Any other CEO members have comments

Raoul: I'd like to hear from them (speaking of institutional representatives and presidents).

Joe: So would I, Dr. Sias and Dr. Andrews.

Dr. Sias: Good morning.

I guess I could start by thanking the CEO for all the hard work that you've done and the institutional representatives as well. We have come to this point and worked through some strong disagreements, and Bob I want to thank you as well for the hard work you've done; surprise, surprise. We had many conversations and I'm one of those that wasn't too sure about this (kung fu or playing by this African fu)...that serves as the frame work and when we get to the institutional levels we have a chance to do a lot of detail work and preparation, in fact that is when the real work of this committee begins. What struck me this morning when Mr. Jackson was talking is that I'm 60 years old and when that first person was admitted to UK, I wasn't even born 61 years ago, that's been a long journey for KY to go 61 years as we've talked about and discussed how to be inclusive. When Commissioner Holliday first got here one of the things he said in a public speaking engagement was that demography should not determine success, in this case, success, educational opportunity, access to opportunity and I believe that so more today than it ever has been should not be determined by demography. We have taken our discussion, the elephant in the room, and like you Mr. Johnson, I believe while not perfect, probably lurking, this is the best position we are in and Bob I am so thankful that you pushed that we take a position, that we think we can legally defend and I believe that can legally defend this. I say when we put together our campus plans, your work begins, it begins because you will need to give us direction and guidance, but I'd like to tell you we are beginning a journey, this is not a destination, it's the beginning, not the end and the hard part lies in front of us, work hard, over a lot and more importantly by the language in the struggles and the discussions we've had. I'm not ecstatic to be included in this plan, I'm a little disappointed that it took us 61 years, but I'm glad this body has stepped up and said we know that there is still work to be done and I will not back down. KSU stands in a unique place, but we stand ready to work and to do what needs to be done.