

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JOHN F. KNIGHT, JR., and ALEASE )  
S. SIMS, et al., )  
)  
Plaintiffs/Plaintiffs-Intervenors, )  
)  
vs. ) CASE NO. CV 83-M-1676-S  
)  
)  
UNITED STATES OF AMERICA, )  
)  
Plaintiff-Intervenor, )  
)  
THE STATE OF ALABAMA, et al., )  
)  
Defendants. )

**RESPONSE OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF  
ALABAMA TO KNIGHT PLAINTIFFS' DISCOVERY REGARDING  
COMPLIANCE WITH APRIL 3, 2002 ORDER**

Comes now the Board of Trustees of The University of Alabama, and responds and objects to the Knight Plaintiff's Discovery regarding compliance with April 3, 2002 Order.

*1. Do you believe that there is a critical mass of African Americans on your faculty? If yes, what evidence to you rely on to reach this conclusion? If no, how long to you believe it will take, if ever, to achieve such a critical mass of African Americans on your faculty, and how will you know you have achieved it? Has your answer to this interrogatory been reviewed by your campus' advisory committee? If yes, please provide all written responses from the committee and from members of the committee. If no, please explain why your advisory committee has not been consulted.*

UA, UAB, and UAH RESPONSE: Defendant objects to the definition of "critical mass" and the implication that such a concept applies to this *de jure* segregation case. First, neither the Supreme Court nor this Court has defined "critical mass." Second, neither the Supreme Court nor this Court has held that the concept of "critical mass" is a

measure of the elimination of the vestiges of *de jure* segregation. Unlike the University of Michigan Law School, whose voluntary student admissions policy was generally described in *Grutter v. Bollinger*, 123 S. Ct. at 2325, 2333 (2003), Defendant has not attempted to define the concept of "critical mass," nor has Defendant attempted to apply that concept to faculty and administrative employment in the context of this *de jure* segregation case.

Because this interrogatory required a response of a legal nature, the Defendant did not seek a response from its advisory committees.

2. *Do you believe that there is a critical mass of African Americans in high ranking administrative positions on your campus? If yes, what evidence do you rely on to reach this conclusion? If no, how long do you believe it will take, if ever, to achieve such a critical mass of African Americans in high ranking administrative positions, and how will you know you have achieved it? Has your answer to this interrogatory been reviewed by your campus' advisory committee? If yes, please provide all written responses from the committee and from members of the committee. If no, please explain why your advisory committee has not been consulted.*

UA, UAB, and UAH RESPONSE: See UA, UAB, UAH Response # 1.

3. *Please provide the name, race, address, phone number and job position of each person appointed to your campus' advisory committee, giving the date each person was appointed.*

UA RESPONSE: See UA-65 of UAS's 2003 Annual Report and UA response # 3 attached.

UAB RESPONSE: See UAB response # 3 and 5 attached.

UAH RESPONSE: See UAH response # 3 attached.

4. *Please provide the dates of all meetings of the advisory committee, the names of the persons who attended, and copies of all minutes, reports and recommendations produced by the advisory committee, including any dissenting or minority reports.*

UA RESPONSE: See UA-64 through UA-79 of UAS's 2003 Annual Report and UA response # 4 attached.

UAB RESPONSE: See UAB response # 4 attached.

UAH RESPONSE: See UAH response # 4 attached.

5. *Please provide the names of all persons nominated by your campus' black faculty organization and/or the Knight plaintiffs to serve on the advisory committee.*

UA RESPONSE: In May of 2002, the UA Black Faculty and Staff Organization submitted the following names to the President for consideration as persons to serve on the UA advisory committee: Carl Bacon, Mary Chambers, Caryl Cooper, Connie Diggs, Bryan Fair, and Laverne Harris

UAB RESPONSE: See UAB response # 3 and 5 attached.

UAH RESPONSE: UAH does not have a black faculty organization.

6. *Please provide the names, positions and tenure status of all black faculty members and high ranking administrators at your campus.*

UA RESPONSE: See UA response #6 attached.

UAB RESPONSE: See UAB response # 6 attached.

UAH RESPONSE: See UAH response # 6 attached.

7. *Please provide the name, position, current address and phone number of each black faculty member or administrator who left your institution during the past year.*

UA RESPONSE: See UA response # 7 attached.

UAB RESPONSE: See UAB response # 7 attached.

UAH RESPONSE: See UAH response # 7 attached.

8. *Please identify all tenure track and non-tenure track academic and high ranking administrative vacancies at your institution during the 2002-03 school year, and for each vacancy provide:*

- a. *the name and race of each person hired or transferred to fill the vacancy;*
- b. *the name, address and phone number of all African Americans considered for the vacancy;*

*c. the name, address and phone number of all African Americans submitted by the advisory committee and/or by the black faculty organization as candidates for the vacancy.*

UA RESPONSE: See UA-32 to UA-53 in 2003 UAS Annual Report and UA response # 8 attached. As to # 8c, the University's documentation does not capture this information.

UAB RESPONSE: See UAB response # 8 attached. As to # 8c, the University's documentation does not capture this information.

UAH RESPONSE: See UAH response # 8 attached. As to # 8c, none.

*9. Please provide the name and race of each faculty member granted tenure during the year.*

UA RESPONSE: See UA Response # 9 attached.

UAB RESPONSE: See UAB Response # 9 attached.

UAH RESPONSE: See UAH Response # 9 attached.

*10. Please provide the name and race of each faculty member denied tenure during the year.*

UA RESPONSE: No faculty member was denied tenure during the 2002-2003 year.

UAB RESPONSE: No faculty members were denied tenure at the Provost or Presidential level in the 2001-02 and 2002-03 cycles.

UAH RESPONSE: No faculty member was denied tenure during the 2002-2003 year.

*11. Please provide copies of all advisory committee recommendations accepted and all recommendations rejected by the President.*

UA RESPONSE: See pages UA-66 through UA-79 of UAS's 2003 Annual Report.

UAB RESPONSE: See UAB response # 11 attached.

UAH RESPONSE: The Title VI Black Faculty and Administrator Recruitment and Retention Advisory Committee recommendations are under review by the campus community.

12. *Please identify all SREB black scholars enrolled during the year.*

UA RESPONSE: See Attachment 9 of State's 2003 Annual Report.

UAB RESPONSE: 2002-2003 SREB scholars enrolled at UAB were identified in the State's Annual Report at Attachment 9.

UAH RESPONSE: None.

13. *Please identify all SREB graduates considered for a faculty or administrative position during the year and the results.*

UA RESPONSE: During 2002-2003, Mary Ann Kelley was hired as an Assistant Professor in Nursing. Christopher Martin, an SREB scholar, was hired on a one year contract as an instructor in Political Science

UAB RESPONSE: Norris Gunby, a Ph.D. candidate in Health Services Administration at UAB, was being considered for a position as Visiting Instructor in Management in UAB's School of Business. He accepted a position at UAH.

UAH RESPONSE: Dr. Teresa Taylor was employed as an Assistant Professor (Tenure Track) in Communication Arts.

14. *Please provide copies of all written requests by administrators and faculty members for use of the funds made available to your institution by the Court's order of April 3, 2002, submitted to the President or other official(s) authorized to approve same, and for each such request provide:*

a. *any written evidence that the request was reviewed by the advisory committee and any recommendation by the advisory committee concerning the request, and*

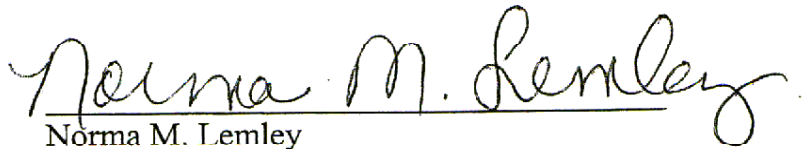
b. *all documents reflecting disposition of the request by the decision maker(s).*

UA RESPONSE: See UA response # 14 attached and UA-66 to UA-79 of UAS Annual Report 2003.

UAB RESPONSE: See UAB response # 14 attached.

UAH RESPONSE: None.

Respectfully Submitted,



Norma M. Lemley  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon all counsel of record by placing a copy of same in the U.S. Mail, first class, postage prepaid and addressed as follows this 15<sup>th</sup> day of October 2003:

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