

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

<b>JOHN F. KNIGHT, JR., et al.,</b>	)	
	)	
<b>Plaintiffs/Plaintiff Intervenors,</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	<b>CIVIL ACTION NO.</b>
	)	<b>CV-83-M-1676-S</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>THE STATE OF ALABAMA, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**RESPONSE OF AUBURN UNIVERSITY  
TO KNIGHT-SIMS PLAINTIFFS'  
INTERROGATORIES REGARDING COMPLIANCE  
WITH APRIL 3, 2002, ORDER**

Defendant Auburn University responds to the Knight-Sims Plaintiffs' Interrogatories as follows:

**INTERROGATORIES**

Defendant incorporates the general objection set forth below as if fully set forth with regard to each specific response.

1. Do you believe that there is a critical mass of African Americans on your faculty?
  - a. If yes, what evidence do you rely on to reach this conclusion?

b. If no, how long do 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?

c. Has your answer to this interrogatory been reviewed by your campus' advisory committee?

i. If yes, please provide all written responses from the committee and from members of the committee.

ii. If no, please explain why your advisory committee has not been consulted.

**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?

a. If yes, what evidence do you rely on to reach this conclusion?

b. 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?

c. Has your answer to this interrogatory been reviewed by your campus' advisory committee?

i. If yes, please provide all written responses from the committee and from members of the committee.

ii. If no, please explain why your advisory committee has not been consulted.

**RESPONSE:** See response to interrogatory 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.

**RESPONSE:** See 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.

**RESPONSE:** See 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.

**RESPONSE:** See attached.

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

**RESPONSE:** See 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.

**RESPONSE:** See 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.

**RESPONSE:** See attached.

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

**RESPONSE:** See attached.

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

**RESPONSE:** See attached.

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

**RESPONSE:** See attached.

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

**RESPONSE:** See attached.

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

**RESPONSE:** See attached.

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 and 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 for the decision maker(s).

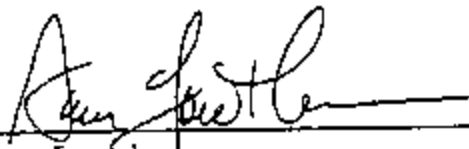
**RESPONSE:** See attached.

**GENERAL OBJECTION**

All documents or information provided herewith are produced for use in this litigation and for no other purpose.

VERIFICATIONS

I, Sam Lowther, Executive Director of Planning and Analysis for Auburn University, have read the above responses to Interrogatories with respect to Auburn University, and state that the facts contained in such answers, some of which were furnished by others, are true to the best of my knowledge, information and belief.

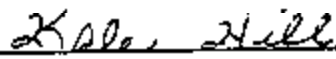
  
\_\_\_\_\_  
Sam Lowther

STATE OF ALABAMA )

LEE COUNTY )

Before me the undersigned, a Notary Public, in and for said County and State, personally appeared Sam Lowther, who under oath, swore that the matters contained in the foregoing are true and correct.

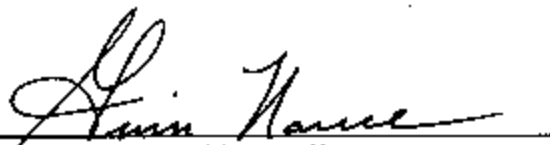
SWORN TO AND SUBSCRIBED before me this 15<sup>th</sup> day of October, 2003.

  
\_\_\_\_\_  
Notary Public  
My commission expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Jul 30, 2005  
BONDED THRU NOTARY PUBLIC UNDERWRITER

**VERIFICATIONS**

I, Guin Nance, Chancellor for Auburn University Montgomery, have read the above responses to Interrogatories with respect to Auburn University Montgomery, and state that the facts contained in such answers, some of which were furnished by others, are true to the best of my knowledge, information and belief.


  
\_\_\_\_\_  
Guin Nance, Chancellor

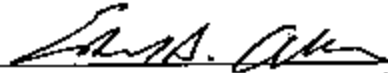
STATE OF ALABAMA )

LEE COUNTY )

Before me the undersigned, a Notary Public, in and for said County and State, personally appeared Guin Nance, who under oath, swore that the matters contained in the foregoing are true and correct.

SWORN TO AND SUBSCRIBED before me this 14<sup>th</sup> day of October, 2003.

  
\_\_\_\_\_  
Notary Public  
My commission expires 12/27/05

  
One of the Attorneys for Defendants,  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following by first class United States mail, properly addressed and postage prepaid, on this the 15<sup>th</sup> day of October, 2003:

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