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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

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JOHN F. KNIGHT, JR., ET AL.,

Plaintiffs and  
Plaintiff Intervenors,

**ENTERED**

APR - 3 2002

UNITED STATES OF AMERICA

Plaintiff,

CIVIL ACTION NUMBER:  
CV-83-M-1676-S

v.

THE STATE OF ALABAMA, ET AL.,

Defendants.

**ORDER**

In resolution of the pending motion by the Knight Plaintiffs concerning employment practices of the predominately white defendant institutions, the Court enters the following Order:

1. Not all predominately white defendant institutions were found by the Court to be deficient or equally deficient in employment practices.
2. Participation in this program cannot be used by the Plaintiffs (US or Knight) or any other party as an admission that a participating institution has failed to comply with the Court's orders, the Constitution, or Title VI of the 1964 Civil Rights Act.

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3. The administrations and boards of trustees for the Defendants shall reaffirm publically the institution's commitment to the goal of increasing black representation in faculty and staff positions.
4. The predominantly white defendant institutions shall increase their recruitment efforts of Alabama students who complete the SREB Doctoral Scholars program where there are job vacancies in disciplines that match the students' interests. Unless an institution wishes to do so, there is no requirement to hire one's own SREB graduate. ACHE will report annually on the instate participation in the SREB program and provide the Defendants with the names, areas of study, enrolled institution, and anticipated graduation date of every student enrolled in the SREB Doctoral Scholars program in Alabama. To the extent possible, ACHE shall track SREB students into their first job and if available, provide first year salary information for the student.
5. The predominantly white defendant institutions shall establish, if not already in existence, a committee whose purpose shall be to advise their respective administrations on the best methods for increasing and retaining black representation on their respective faculties and administrative staffs. Each committee will be appointed by the president, chaired by the provost, and be at least 50 percent black. Where an institution has a black faculty and staff organization that organization will recommend to the president names of individuals to serve on the committee. If asked by the institution's black faculty and staff organization, counsel for Knight Plaintiffs may work with that black faculty or staff group in preparing a list of names to be submitted to the president.
  - A. Each committee shall comprise a minimum of 9 members, and every effort shall be made to appoint at least 33% of the membership from the names submitted by the black faculty or staff organization. All of the members of the committee shall be committed to achieving the objectives of the Remedial Decree.
  - B. Employment and retention decisions for individual faculty or staff positions are not within the purview of the committee. Each committee shall organize itself so that it can best assist the institution in enhancing its recruitment

and retention efforts for African-American faculty and administrators. Each committee shall determine how it wishes to undertake its charge and carry out its duties. To that end, and by way of illustration only, a committee may consider recommending various support mechanisms for new black faculty and staff including mentor/mentee programs. If the committees so elect, they may consider recommending conducting surveys of faculty and administrators to more fully understand the challenges and opportunities each institution faces in hiring and retaining African-American faculty and administrators.

- C. The committees shall be designated and start work as soon as possible, but in every case no later than the start of the Fall Semester 2002. The Court recognize, however, that the time between the end of the spring semester and the start of the fall semester are often non-productive time for the work of faculty committees.
6. Until the termination of the Decree in 2005, or for such period as may be ordered by the Court thereafter, the State shall provide an annual appropriation of \$3 million (\$3,000,000) in new money to supplement the current efforts of the predominantly white defendant institutions to recruit and retain black faculty and administrative staff. (Hereinafter "funds" or "Court funds.") These funds will be allocated in addition to currently allocated resources utilized by the institution in recruiting and retaining African-American employees.
- A. The following predominantly white defendant institutions shall each receive annually for the remainder of the Decree \$100,000 to enhance the institution's black faculty and high-level administrative hiring and retention efforts: ASC, AU, AUM, JSU, TSU, TSUD, TSUM, UA, UAB, UAH, UM, UNA, USA, UWA, and CSCC.
  - B. The remaining \$1.5 million shall be divided among and paid annually to those institutions whose full-time black faculty or full-time EEO-1 staff employment in Fall 2000 is below 6 percent of the total full-time faculty or EEO-1

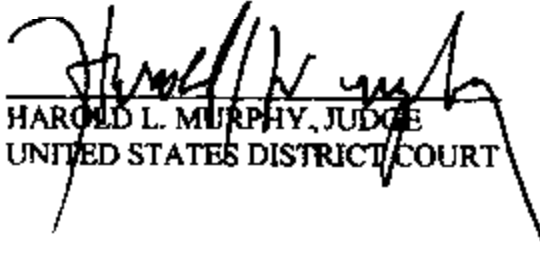
staff as reported to ACHE. Those institutions, hereinafter referred to as the "under 6% institutions," include: AU, AUM, JSU, TSUD, UA, UAB, UAH, UM, UNA, and USA. The \$1.5 million shall be divided among "the under 6% institutions" in the proportion that the FY 2001/2002 ETF appropriation to each bears to the total of the FY 2001/2002 appropriations to all of the "under 6% institutions" for that year. These payments to the "under 6% institutions" shall continue in the amounts determined throughout the term of the decree unless sooner modified or terminated under the provisions of Paragraph D below. Even though the black faculty or EEO-1 staff percentages of an institution may go above or below 6% during the continuation of this program, there shall be no change in the amount initially determined unless ordered by the Court under paragraph D below.

- C. The president shall decide on the allocation of the funds within the organization. The president should, however, carefully consider the recommendation of the committee described in Paragraph 5 above in allocating the funds. The funds can be but need not be budgeted for new faculty or EEO-1 positions. They shall, however, be budgeted in such a way as to increase hiring and retention of African-American faculty and EEO-1 staff. To that end, and by way of illustration only, a department that successfully hires a black faculty or EEO-1 staff member could receive departmental funds to be spent on travel, departmental equipment, research support and the like. Similarly, the funds can be used to provide release time for existing black faculty or EEO-1 staff to aid in the recruitment of new faculty. Funds can also be used to supplement existing black faculty and administrative staff recruitment and retention programs that have proven successful. The intention is to provide the institutions with maximum flexibility in devising appropriate recruitment strategies uniquely tailored to the institution.
- D. Each institution shall annually report how the Court funds are being allocated. After two years of operation under this program, the Court Monitor shall convene a session to examine whether the funding levels under the program are adequate, or should be increased or decreased. It is

recognized, however, that only the Court may order an increase or decrease in the funding of this program or other changes to the program.

- E. Attachment "A" reflects the appropriate distribution of the funds.
7. The annual reports called for in this Order shall be submitted to the Court and the parties at the time the State Defendants submit the Statewide Monitoring Committee's annual report.
  8. None of the provisions in this Order apply to Alabama A&M University or Alabama State University.
  9. The money called for by this Order should come first from any unspent or unallocated funds appropriated by the State of Alabama to meet the obligations of this case. To that end, the State should encumber all unallocated or unspent Title VI funds that remain at the end of a fiscal year. Those funds should then be used to meet the obligations of this Order. If additional funds are necessary they can come from any source the State wishes to use. The funding required by this Order should begin with Fiscal Year 2002-2003. Proration shall apply to the distribution of the funds called for in Paragraphs 6A and 6B of this Order.

IT IS SO ORDERED this 28<sup>th</sup> day of March 2002.

  
HAROLD L. MURPHY, JUDGE  
UNITED STATES DISTRICT COURT

**ATTACHMENT A**

**DISTRIBUTION OF FUNDS CALLED FOR IN PARAGRAPHS 6A AND 6B**

INSTITUTION	FY 2001-02 APPROPRIATION	INDEX	\$1,500,000 DISTRIBUTED ON INDEX	TOTAL	
ATHENS	100,000			100,000	
AU	100,000	181,061,979	0.253	380,220	480,220
AUM	100,000	18,757,192	0.026	39,389	139,389
JSU	100,000	28,157,796	0.039	59,130	159,130
TSU	100,000			--	100,000
TSUD	100,000	5,782,119	0.008	12,142	112,142
TSUM	100,000			--	100,000
UA	100,000	118,104,586	0.165	248,013	348,013
UAB	100,000	209,302,945	0.293	439,525	539,625
UAH	100,000	36,126,600	0.051	75,864	175,864
UM	100,000	14,817,574	0.021	31,116	131,116
UNA	100,000	20,972,666	0.029	44,041	144,041
USA	100,000	81,220,924	0.114	170,559	270,559
UWA	100,000			--	100,000
CSCC	100,000			--	100,000
<b>TOTAL</b>	<b>1,500,000</b>	<b>714,304,381</b>	<b>1.000</b>	<b>1,500,000</b>	<b>3,000,000</b>