

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

**JOHN F. KNIGHT, JR., and ALEASE S.
SIMS, et al., individually and on behalf of
others similarly situated,**

Plaintiffs/Plaintiff Intervenors

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

THE STATE OF ALABAMA, et al.,

Defendants.

**Civil Action No.
CV-83-M-1676-S**

**UNIVERSITY OF NORTH ALABAMA'S RESPONSES
TO KNIGHT-SIMS PLAINTIFFS' DISCOVERY REQUEST
REGARDING COMPLIANCE WITH APRIL 3, 2002 ORDER**

COMES NOW Defendant, University of North Alabama ("UNA"), and in response to Plaintiffs' John F. Knight, Jr., and Alease S. Sims, et al., Discovery Request Regarding Compliance with the April 3, 2002, Order to the Defendant, states as follows:

- 1. Do you believe that there is a critical mass of African Americans on your faculty?**

RESPONSE: UNA objects on the grounds that the request is vague and ambiguous and not sufficiently clear to allow defendant to frame a responsive answer. UNA further objects on the grounds that the request seeks information that is not relevant or material and the request is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, UNA responds as follows: The Court has not required and the University of North Alabama has not adopted "critical mass" as a

standard for measuring the elimination of vestiges of the prior system of *de jure* segregation with respect to faculty or administrative employment. Unlike the University of Michigan Law School, whose student admissions policy was generally described in *Grutter v. Bollinger*, 123 S. Ct. at 2325, 2333 (2003), the University of North Alabama has not attempted to define the concept of "critical mass." Thus, to answer this question would require the use of a definition that neither the Court nor the University of North Alabama has developed with respect to faculty and administrative employment in the context of this *de jure* segregation.

2. Do you believe that there is a critical mass of African Americans in high ranking administrative positions on your campus?

RESPONSE: See answer 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:

Dr. Kaylene Gebert, Chair
White
University of North Alabama
UNA Box 5041
Florence, Alabama 35632-0001
256-765-4258
Vice President for Academic Affairs and Provost, UNA
Date of Appointment: September 12, 2002

Upon Dr. Gebert's resignation from UNA, Dr. Garry Warren assumed the position of chair of the Advisory committee in his capacity as the interim Vice President for Academic Affairs and Provost.

Dr. G. Garry Warren, Chair
White
University of North Alabama

**UNA Box 5041
Florence, Alabama 35632-0001
256-765-4258
Interim Vice President for Academic Affairs and Provost, UNA
Date of Appointment: March 1, 2003**

**Dr. Birdie Bailey
Black
University of North Alabama
UNA Box 5054
Florence, Alabama 35632-0001
256-765-4984
Dean of the College of Nursing and Allied Health, UNA
Date of Appointment: September 12, 2002**

**Mr. Daryl Brown
Black
University of North Alabama
UNA Box 5050
Florence, Alabama 35632-0001
256-765-4187
Instructor in English, UNA
Date of Appointment: September 12, 2002**

**Lt. Spencer Butler
Black
507 Springwood Drive
Florence, Alabama 35634
256-760-6580
Lieutenant, Florence Police Department
Date of Appointment: September 12, 2002**

**Dr. Lelon Davidson
Black
University of North Alabama
UNA Box 5186
Florence, Alabama 35632-0001
256-765-4598
Professor of Education and Assistant to the President for Minority Affairs, UNA
Date of Appointment: September 12, 2002**

**Dr. Ernestine Davis
Black
University of North Alabama
UNA Box 5155
Florence, Alabama 35632-0001**

256-765-4583
Professor of Nursing, UNA
Date of Appointment: September 12, 2002

Mr. Stanley Goldstein
White
104 Moorsgate Drive
Florence, Alabama 35630
256-764-5085
Retired
Date of Appointment: September 12, 2002

Ms. Carol Lyles
White
University of North Alabama
UNA Box 5047
Florence, Alabama 35632-0001
256-765-4201
Director of Alumni Relations, UNA
Date of Appointment: September 12, 2002

Dr. Kathy Lewis-Adler
Black
University of North Alabama
UNA Box 5180
Florence, Alabama 35632-0001
256-765-4414
Assistant Professor of Marketing, UNA
Date of Appointment: September 12, 2002

Ms. Tammie Ricks
Black
SunTrust Bank
P. O. Box 758
Florence, Alabama 35631
256-767-8434
Banker
Date of Appointment: September 12, 2002

Mrs. Patricia Sanders
Black
University of North Alabama
UNA Box 5070
Florence, Alabama 35632-0001
256-765-4780

Instructor in Radio-Television-Film, UNA, and Director of the Alabama Public Radio Shoals Bureau

Date of Appointment: September 12, 2002

4. Please provide the dates of all meeting 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: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, UNA produces pages 0001 through 0063, which are the minutes and notes of the Advisory Committee from which the answer may be derived or ascertained.

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: None. The following nominations to the Advisory Committee were made by other groups and/or individuals:

The Alabama Black Faculty Association nominated the following individuals: Dr. Ernestine Davis, Mr. Daryl Brown, Dr. Teresa Leonard, Dr. Lelon Davidson, Dr. Lisa Minor, Mrs. Jacqueline Winston, Dr. Kathy Lewis-Adler, Mrs. Patricia Sanders, Mr. Robert Hughes, Dr. Chasie Reynolds.

The Committee for the Recruitment and Retention of African-American Faculty and Administration recommended the following individuals for committee membership: Mr. Cedrick Adams, Dr. Margaret Austin, Ms. Margaret Johnson, Mr. Sam Pendleton, Mr. Freddie Hogan, Mr. Stanley Goldstein, Ms. Tammie Ricks, Mr. Emmitt Jimmar, Dr. Dorothy Hardy, Mr. Charles Carter, Rev. Earl Howard, Dr. Kathy Lewis-Adler, Dr. Ernestine Davis, Mrs. Pat Sanders, Mr. Daryl Brown, Dr. Lisa Minor, Mrs. Jackie

Winston, Dr. Lelon Davidson, Dr. Alyce Brown, Dr. Kaylene Gebert (per order), Dr. Birdie Bailey, Dr. Dan Howard.

Dr. Kaylene Gebert, Vice President for Academic Affairs and Provost, recommended the following individuals: Dr. Kathy Lewis-Adler, Dr. Ernestine Davis, Mrs. Pat Sanders, Mr. Daryl Brown, Ms. Tammie Ricks, Mr. Freddie Hogan, Mr. Stanley Goldstein, Mr. Sam Pendleton, Mr. Emmitt Jimmar.

The Committee for the Recruitment and Retention of African-American Faculty and Administration submitted the following individuals to fill a vacancy created by the resignation of Stanley Goldstein: Mr. Cedrick Adams, Ms. Donna Akins, Dr. Margaret Austin, Ms. Bridgette Byrd, Mr. Charles Carter, Mr. Alex DeJarnett, Dr. Dorothy Hardy, Mr. Freddie Hogan, Rev. Earl Howard, Mr. Robert Hughes, Mr. Emmitt Jimmar, Ms. Margaret Johnson, Ms. Audrey McDaniel, Mr. Sam Pendleton, Dr. Chasie Reynolds, and Kathy Stanley.

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

RESPONSE: UNA objects on the grounds that the term "high-ranking" is vague and ambiguous. Subject to and without waiving said objections, UNA responds as follows:

Mr. Robert Bailey
Assistant Professor of Computer Information Systems
Tenure-Track

Dr. Alyce Brown
Associate Professor of Nursing
Tenured

Mr. Daryl Brown
Instructor in English
Tenure-Track

Dr. Lelon Davidson
Professor of Education
Tenured

Dr. Ernestine Davis
Professor of Nursing
Tenured

Mr. Eddie Elsey
Instructor in Music
Tenure-Track

Dr. Felice Green
Professor of Education
Tenured – Retired August 1, 2003

Ms. Emma Haley
Assistant Professor, Supervising Teacher, Kilby School
Tenure-Track

Dr. Teresa Leonard
Associate Professor of Nursing
Tenured

Dr. Kathy Lewis-Adler
Assistant Professor of Marketing
Tenure-Track

Dr. Lisa Minor
Associate Professor of English
Tenured

Mrs. Patricia Sanders
Instructor in Radio-Television-Film, and Director of the Alabama Public Radio Shoals Bureau
Non-Tenure-Track

Mrs. Jackie Winston
Assistant Professor of Social Work
Tenured

Dr. Birdie I. Bailey
Dean of the College of Nursing and Allied Health, Professor of Nursing
Tenured

Mr. Malik Khan
Assistant Professor of Business Law
Non-Tenure-Track

Ms. Alesia Allen
Director of the North Alabama Residential Facility for Adjudicated Females
Staff Position – does not acquire tenure

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:

Dr. Felice Green
Professor of Education
1316 Anna Drive
Tuscumbia, Alabama 35674
256-383-1394
Retired August 1, 2003

Mrs. Tywana McClinton
Academic Secretary/Adjunct Instructor
300 Harding Avenue Apt. B
Muscle Shoals, AL 35661
256-383-8174
Accepted position with Northwest Shoals Community College August 27, 2003

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: UNA objects to the terms “high-ranking” and “considered” on the grounds that the terms are vague and ambiguous. Subject to and without waiving said objection, UNA responds as follows:

Vice President for Fiscal Affairs

- a. **Dr. Steve Smith, White**
- b. **No African-American considered because no African-American applied**
- c. **None**

(Interim) Vice President for Academic Affairs and Provost

- a. **Dr. G. Garry Warren, White**
- b. **Interim appointment only, search in process**
- c. **None**

(Interim) Dean, College of Arts and Sciences

- a. **Dr. Michael B. Moeller, White**
- b. **Interim appointment only**
- c. **None**

Dean, College of Business

- a. **Dr. Kerry P. Gatlin, White**
- b. **No African-American considered because no African-American applied**
- c. **None**

(Interim) Dean, College of Education

- a. **Dr. John Wakefield, White**
- b. **Interim appointment only**
- c. **None**

Assistant Professor, Computer Information Systems – tenure-track

- a. **Mr. Ronald D. Davis, White**
- b. **Dr. Longy O. Anyanwu**
1024 Stillmeadow Ct.
Chesapeake, VA 23320
757-547-7165

Mr. Efosa C. Idemudia
411 4th St.
Cochran, GA 31014
478-934-8557

Ms. Tywana McClinton
300 Harding Avenue, Apt. B
Muscle Shoals, AL 35661
256-383-8174
- c. **Tywana McClinton**
300B Harding Avenue
Muscle Shoals, AL 35661
256-383-8174

Assistant Professor, Criminal Justice – tenure-track

- a. **Dr. John W. Clark, White**
- b. **Mr. Evaristus O. Obinigan**
1005 Elberta Road #72
Warner Robins, GA 31093
- c. **None**

Assistant Professor, Music – tenure-track

- a. **Mr. Ian R. Loepky, White**
- b. **Mr. Garry D. Packwood**
P. O. Box 4743
Baton Rouge, LA 70821
225-336-1597
- c. **None**

Assistant Professor, Modern Foreign Languages – tenure-track

- a. **Dr. Keith Lindley, White**
- b. **Dr. Marie-Ange Somdah**
350 Revere Beach Blvd. #5-5V
Revere, MA 02151
781-485-1455

Dr. Ibrahim B. Amidou
550 Lowell Ave. # 10
Cincinnati, OH 45220
513-221-8069
- c. **None**

Associate Professor, Human Environmental Sciences – tenure-track

- a. **Mr. Dwight Bunn, White**
- b. **No African-American considered because no African-American applied**
- c. **None**

Associate Professor, Education – tenure-track

- a. **Dr. B. Lee Hurren, White**
- b. **No African-American considered because no African-American applied**

- c. None

Assistant Professor, Management – non-tenure-track

- a. Mr. Jeremy Stafford, White
- b. None, position being re-advertised
- c. None

Assistant Professor, Supervising Teacher, Kilby School – tenure-track

- a. Ms. Carrie S. Sanders, White
- b. Ms. Toya M. Rice
1486 Balch Road
Madison, AL 35757
256-652-0815
- c. None

Half-Time Assistant Professor, Social Work – non-tenure-track

- a. Dr. Todd Stanfield, White
- b. None, position not advertised, reassignment of duties
- c. None

Assistant Professor, Business Law – non-tenure-track

- a. Mr. Malik Khan, Black
- b. Mr. Malik Khan
629 Hermitage Drive, Apt. A-3
Florence, AL 35630
256-766-0787/256-436-6721
- c. Mr. Malik Khan
629 Hermitage Drive, Apt. A-3
Florence, AL 35630

256-766-0787/256-436-6721

Associate Professor, Special Education – tenure-track

- a. Dr. Ann Dillon, White**
- b. No African-American considered because no African-American applied**
- c. None**

Associate Professor, Education – tenure-track

- a. Dr. B. Keith Gorham, White**
- b. No African-American considered because no African-American applied**
- c. None**

Instructor, English – non-tenure-track

- a. Ms. Pamela J. Kingsbury, White**
- b. Ms. Lydia Melvin**
318 Norris Ct. # 2
Madison, WI 53708
608-294-9795

Dr. Dorothy C. Hardy
901 N. Pine St.
Florence, AL 35630
256-767-2487

Mrs. Latasha Howell
109 County Road 242
Florence, AL 35633
256-764-0213
- c. None**

Instructor, Computer Science – tenure-track

- a. Ms. Janet L. Truitt, White**

- b. Dr. Longy O. Anyanwu
1024 Stillmeadow Ct.
Chesapeake, VA 23320
757-547-7165**

**Mr. Efosa C. Idemudia
411 4th St.
Cochran, GA 31014
478-934-8557**

**Ms. Tywana McClinton
300 Harding Avenue, Apt. B
Muscle Shoals, AL 35661
256 - 383-8174**

- c. Ms. Tywana McClinton
300 Harding Avenue, Apt. B
Muscle Shoals, AL 35661
256 - 383-8174**

Instructor, Music – tenure-track

- a. Mr. Eddie Elsey, Black**
- b. Mr. Demondrau L. Thurman
7012 Watchman Cir. Apt E
Montgomery, AL 36116
334-270-9055**
- c. None**

Instructor, Librarian – tenure-track

- a. Ms. Darlene Townsend, White**
- b. No African-American considered because no African-American applied**
- c. None**

Instructor, History – tenure-track

- a. Mr. Noe A. Aguado, Hispanic**

- b. **Dr. Cajetan Banseka**
Steinfurter Str. 140
48149 Muenster Germany
0049/251/23 94 677

Mr. Leslie Taylor
7601 Colony Lake Dr.
Boynton Beach, FL 33436
561-966-3887

- c. **None**

Instructor, Accounting – non-tenure-track

- a. **Ms. Andrea James, White**
- b. **Ms. Laura Francis-Gladney**
1615 Logan Dr. # 9
Carbondale, IL 62901
618-549-7199
- c. **None**

Instructor, Computer Information Systems – non-tenure-track

- a. **Mr. Bradford G. Thompson, White**
- b. **Dr. Longy O. Anyanwu**
1024 Stillmeadow Ct.
Chesapeake, VA 23320
757-547-7165

Mr. Efosa C. Idemudia
411 4th St.
Cochran, GA 31014
478-934-8557

Ms. Tywana McClinton
300 Harding Avenue, Apt. B
Muscle Shoals, AL 35661
256 - 383-8174

- c. **Ms. Tywana McClinton**
300 Harding Avenue, Apt. B
Muscle Shoals, AL 35661
256 - 383-8174

Controller

- a. **Ms. Donna Tipps, White**
- b. **No African-American considered because no African-American applied**
- c. **None**

Director of Student Financial Services

- a. **Mr. Ben Baker, White**
- b. **No African-American considered because no African-American applied**
- c. **None**

Coordinator of Academic Advising for At-Risk Students

- a. **Search still active**
- b. **Mr. Laurence M. Watkins**
912 Sterling Boulevard
Sheffield, AL 35660
408-595-7867

Ms. Vicky Kirkman
1006 Clearwater Drive
Florence, AL 35630
256-766-0925

Mr. Ron Collier
2314 Cloyd Boulevard
Florence, AL 35630
256-320-3467

Mr. Rodell Lawrence
11021 Clito Road/PO Box 2989

**Statesboro, GA 30459-2989
912-587-3899/912-587-6251**

**Mr. Johnny Smith
113 S. Kirkman Street
Florence, AL 35630
256-648-1686/256-577-1337**

**Ms. Syreeta Ziegler
413 E. Nassau Avenue, Apt. D
Muscle Shoals, AL 35661
256-386-0305**

**Ms. Celia E. Southward
238 Lewis Street
Muscle Shoals, AL 35661
256-383-5527**

**Ms. Joan J. Williams
101 Dovewood Place
Florence, AL 35633
256-767-7647**

**Ms. Sharon Ward
PO Box 3141
Muscle Shoals, AL 35661
256-314-0702**

**c. Mr. Laurence M. Watkins
912 Sterling Boulevard
Sheffield, AL 35660
408-595-7867**

**Ms. Vicky Kirkman
1006 Clearwater Drive
Florence, AL 35630
256-766-0925**

**Mr. Ron Collier
2314 Cloyd Boulevard
Florence, AL 35630
256-320-3467**

**Mr. Rodell Lawrence
11021 Clito Road/PO Box 2989**

**Statesboro, GA 30459-2989
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**Mr. Johnny Smith
113 S. Kirkman Street
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413 E. Nassau Avenue, Apt. D
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**Ms. Celia E. Southward
238 Lewis Street
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256-383-5527**

**Ms. Joan J. Williams
101 Dovewood Place
Florence, AL 35633
256-767-7647**

**Ms. Sharon Ward
PO Box 3141
Muscle Shoals, AL 35661
256-314-0702**

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

RESPONSE:

**Dr. Philip E. Carlan, White
Dr. Tim Collins, White
Mrs. Katherine Crisler, White
Dr. S. Suzanne Duvall-Zurinsky, White
Dr. Sandra A. Loew, White
Dr. Craig T. Robertson, White**

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

RESPONSE: None. All faculty members who applied for tenure were granted tenure.

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

RESPONSE: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, UNA produces herewith pages 0064 through 0073 from which the answer can be obtained or ascertained. UNA further responds that there were no such recommendations rejected by the President.

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

RESPONSE: None.

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

RESPONSE: UNA is not aware of which, if any, candidates for faculty or administrative positions were SREB graduates.


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).

RESPONSE: Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, UNA produces herewith pages 0074 through 0091 from which the answer can be obtained or

ascertained. UNA further responds that there were no such requests rejected by the President.




Thomas M. Lovett
Attorney for the University of North Alabama

OF COUNSEL:
University of North Alabama
One Harrison Plaza
UNA Box 5023
Florence, AL 35632-0001

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served on all counsel of record on this the 14th day of October 2003, by U.S. Mail, postage prepaid as follows:

Thomas M. Lovett
University of North Alabama
UNA Box 5023
Florence, AL 35632-0001


OF COUNSEL

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Birmingham, AL 35203-3352

Ms. Sarah L. Thompson
2422 Sixth Street
Tuscaloosa, AL 35401

Without Attachments:

For the United States of America:

Mr. Jeremiah Glassman
Ms. Pauline Miller
U.S. Dept. of Justice
950 Pennsylvania Ave., N.W.
PHB 4300
P.O. Box 65958
Washington, DC 20035-5958

For State Superintendent of Education: Board of
Education, K-12 Capacity:

Mr. Reginald L. Sorrels
Office of General Counsel
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Court Monitor:

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For the State of Alabama:

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Mr. Fred D. Gray
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For the University of Alabama System:

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M. Stanford Blanton
John Russell Campbell
Balch & Bingham LLP
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For Jacksonville State University:

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Doster & Woodrow
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Anniston, AL 36202

For the University of Montevallo:

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Bishop, Colvin, Johnson & Kent
1910 First Avenue North
P.O. Box 370404
Birmingham, AL 35237-0404

For Troy State University:

William F. Gardner
William K. Thomas
Cabaniss, Johnston, Gardner, et al.
P.O. Box 830612
Birmingham, AL 35283-0612

William F. Murray, Jr.
Burr & Forman LLP
P.O. Box 830719
Birmingham, AL 35283-0719

For the University of South Alabama:

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307 University Blvd.
131 Administration Bldg.
Mobile, AL 36688

For the University of West Alabama:

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Emond, Vines, Gorham & Waldrep, P.C.
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Birmingham, AL 35203

For Alabama State Board of Education,

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