

Jamerson Magwood

Dr. Karen Kedrowski

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“Take Affirmative Action”: Women, Employment Struggles, and Institutional Hiring Practices

One of the growing problems for women in the field of higher education is hiring practices. According to Affirmative Action, there must be equal opportunity for every prospective individual for employment, however, in some cases, the hiring of women in higher education falls short. In Marion Kilson’s review essay, “The Status of Women in Higher Education,” she declares that there are problems with qualified women not receiving fair consideration in higher education employment process:

Status decline for women in higher education is [...] revealed in the diminished number of top-level administrators who are women, the decreasing proportion of tenured faculty who are women, and the increasing salary differential between men and women in colleges and universities. (936)

While women do obtain some form of employment in colleges and universities, many of these candidates have the potential of not being considered fairly for their qualifications for positions of authority and responsibility that men typically wield in the academic realm. Because Affirmative Action protects and establishes equilibrium between men and women, not to mention creed and race, the world of academia must respect and represent fairly the growing number of women who receive the proper skills to become those officials and authorities at an institution.

Ever since President Lyndon Johnson enacted Affirmative Action under Executive Order 11246, there have been specific policies changes made to ensure that discrimination in hiring practices were an empty issue. Looking closely at the language of the statute, the executive order explicitly clarifies the goals of affirmative action:

The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. (*Executive Order 11246, As Amended*)

The employer, more particularly now the human resources department, has the responsibility of making sure that when handling employees affirmative action is applied. Affirmative action allows the government to make sure that employers begin making the transition from discriminating and segregating work to permitting acceptance of diversity into the workforce.

These provisions in the Johnson's executive order protect American citizens from discrimination whether they are already an employee or during the hiring process. The federal government initially did not provide any severe penalties or ramifications to the affirmative action other than repealing all federal funds given to a business or institution. According to the *Harvard Law Review*, in a Note titled, "Academic Freedom and Federal Regulation of University Hiring," institutions receive federal grants and funds for various reasons: "For although there is no 'express divestment' of the institution's right to make its own hiring decisions, the threat of withdrawal of federal money is strong enough that, as a practical matter, institutions are

compelled to go along with federal policy” (892). The assessment makes perfect sense, given that federal funds are sometimes crucial for the institution’s ability to provide research and funding for various academic projects.

However, there are problems and misconceptions that arise from the application of affirmative action. First, Affirmative Action is a program developed under a larger umbrella. Second, that umbrella or larger entity is Equal Employment Opportunity (EEO), which coordinates and describes a slew of programs like Affirmative Actions that ensure the rights of those individuals like academics applying for positions at colleges and universities are respected. Many individuals look at Affirmative Action as strictly as a process to obtain a specific demographic or use preferential hiring as a means to base why women or minorities must be hired. This misconception has prompted even more severe judicial involvement to make sure that problems like reverse discrimination do not occur.

In John Nalbandian’s essay, “The U.S. Supreme Court’s ‘Consensus’ on Affirmative Action,” he examines the Court’s perspective and process to provide judicial precedence on affirmative action cases. Nalbandian explains that there are several factors involved in hiring individuals for a position. Some employers consider “social equity” to demonstrate their understanding and value of social equality in the workplace (Nalbandian 41). Nalbandian cites an example where a male and female are both applying for a job promotion, and both individuals are equally qualified, but during the interview process, the male scores slightly higher than the female (40). The employer or hiring authority, using “social equity” hires the women into the position (Nalbandian 40). While hiring authorities should consider allowing diversity and allow women and minorities equal opportunity at employment, the effects of preferential hiring sparks controversy in the eyes of the Court.

Nalbandian asserts that with different opinions written by Supreme Court Justices show that there are specific problems with using statutes like affirmative action to allow preferential hiring because reverse discrimination occurs. He expresses that, “Justice O’Connor has shown no tolerance whatsoever for quotas or for quotas which support to be goals” (43). He justifies that The Court evaluates each case differently, and the problem that occurs with using prior judicial precedence in some cases is unanticipated issues that do not fall under statutes when considering the law. When assessing the Court’s decisions and opinions on cases, they look at prior rulings, but consider different issues like social equity or efficiency in affirmative action. He suggests that “the emphasis on social equity is likely to shift somewhat in favor of a new balance—perhaps tempered by renewed concern for organizational efficiency—based on complementary rather than opposing expressions of social equity and individual rights” (44). Using quotas during hiring process allow for reverse discrimination to appear in hiring practices, and equal opportunity focuses on ensuring that all individuals undergo the same process for employment.

When addressing the problems of hiring practices and affirmative action on the scale of a four-year institution, there many factors to consider. Universities, by law, are required to ensure that the process for employment opportunities remain fair and free from discrimination no matter how insignificant. Human Resources departments at any university or college have to uphold these standards because all qualified applicants must be considered. After interviewing Gail M. O’Steen, the Assistant Director for Human Resources at Winthrop University, the goals of human resources and the university in obtaining a diverse but fair group of faculty members is important, but she maintains that Winthrop will follow proper procedures to ensure legality of the hiring process. Human Resources serve as the neutral between both the administration and

faculty/staff. One of the problems she cites is the conflict between both entities, but human resources only sides with what the law stipulates (*Gail M. O'Steen*).

Human Resource departments, most specifically at Winthrop University, apply search committees to obtain a list of qualified candidates for a specific position. Mostly faculty from the department, needing a new faculty member, or a selected committee undergoes examining applicant credentials. One of the problems that Ms. O'Steen clarified is the conflict of personal choice rather than making sound judgments when selecting choices for interview. Preferential treatment sometimes happens unconsciously when evaluating possible candidates, but the department evaluates the reasons for interviewing specific candidates and ensures that valid claims based off their curriculum vitae or experience become primarily the cited material. Ms. O'Steen expects faculty search committees to be as specific as possible to ensure that fair treatment occurs. She wanted to make clear that the word 'quota' definitely does not apply to Human Resources. The whole process of hiring a faculty member takes time, and Human Resources runs through the paperwork continuously to ensure adherence to state and federal laws as well as state regulations (*Gail M. O'Steen*).

From the perspective of Human Resources, the institution must follow procedures to hire faculty, and sometimes those qualified women or highly qualified individuals that the institution would like to hire must undergo the process. Ms. O'Steen explained that the only actions that Human Resources can take to hopefully obtain preferred candidates like women or African American professors in a department, they must advertisement as much and as widespread as possible. Human Resources reasons that the institution cannot be held accountable for not hiring women strictly, because based on the applicant pool there is either a lack of qualified women academics in that particular field, these applicants choose to apply elsewhere, or those qualified

applicants may not be aware of openings at Winthrop. Hiring based off quotas and forcibly maintaining a specified demographic is against the law. In any case, reverse discrimination becomes just as likely as sex discrimination, so applying quotas and focusing solely on obtaining a female or male in specific open positions is not possible. By maintaining the process that Human Resources uses to acquire new faculty, and monitoring that process with search committees, the institution remains fair in their selection process (*Gail M O'Steen*).

Even with these strong provisions in place, some statistics within the state of South Carolina elucidate some other interesting factors that suggest what institutions appear to lack diversity. According to a report by the South Carolina Human Affairs Commission, each university has a goal of attainment or likely goals of what each school should consider when looking at employed faculty. In Chart G, the level of attainment shows the percentage that each university holds with ensuring they reach their goals, for the South Carolina public institutions, the percent ranges from 63.4% to 85.6%. However, the number of employees becomes a large factor of why these percentages appear so constraining. Colleges and universities that have a large number of faculty members encounter more problems than institutions with less members on their faculty like Francis Marion University or Winthrop University. Where the smaller institutions may obtain one African American faculty member and they reach their goal, other schools such as Clemson University or the University of South Carolina will have to hire a group of ten to twenty to maintain those percentages (*The Status of Equal Employment Opportunity in South Carolina State Government 58-62*).

While the number of faculty can become a problem, by having a larger amount of faculty, hiring based off quota can occur easily to ensure that an institution maintains their continuous federal funding. In addition to the reports showing hard numbers for academics working at

institutions, the perspective they provide is rather limiting and inaccurate. The report does not specify different demographics. Races such as white and black are represented in the report, but under the category of Other Male or Other Female, a combination of races are not classified. These statistics cannot even show the infiltration of diversity into universities, which can further complicate and limit the ability for the state to expect these institutions to uphold a standard of diversity in the workforce (*The Status of Equal Employment Opportunity in South Carolina State Government 185-195*).

While local statistics on faculty employment appear problematic, the American Association of University Professors (AAUP) released their faculty gender report. The study shows the current trends for women obtaining positions at institutions. This report shows the differences in sampling from a state commission to a national representation of where women stand in employment. Women faculty working at doctoral institutions register as 34.1% of the faculty, the master's institutions show women at 42.3%, and baccalaureate institutional types at 41.9%. These numbers follow the full-time employment chart, while under part-time the percentages are much higher with 46.5% at doctoral institutions, 49.8% at master's institutions, and 50.8% at baccalaureate institutions (*AAUP Faculty Gender Equity Indicators 2006 6*). From these numbers, full-time employed men still outweigh women as a majority. The report specifies that women are make up the minority with 36 percentage at full time positions. Sadly, the AAUP asserts that “[t]hirty years ago, women were 22 percent of full-time faculty, and ten years ago they made up 32 percent” (*AAUP Faculty Gender Equity Indicators 2006 6*). These percentages are a stagnant progression, which only further questions the future of women in higher education.

While the numbers and statistics represents a considerable problem for the academic world, but as Gertrude Ezorsky points out in her analysis on women applying for a position at a

university, the departments looking for qualified candidates run the risk of overlooking qualified women. In Ezorsky's essay, "Hiring Women Faculty," she uncovers two different plans that help determine qualified candidates for an open position as "impartial and preferential" (83). The problem occurs with the penalties that universities accrue. An institution is not strictly held responsible for not obtaining their goals for specific candidates like women or minorities in positions. They might desire or prefer diversity in their faculty, but if they are faltering or have compromising numbers for a consistent period, the funds given by the government will be taken away. However, there is preferential tactics to hiring women and minorities at institutions, but these preferential goals go beyond the extent of Affirmative Action and EEO because of the issue of reverse discrimination. Since reverse discrimination has become an issue, the process for employment becomes so cornered and rigid that the variables for which Affirmative Action were placed into effect become increasingly difficult. Departments and search committees would have to consider their overall judgment when explaining to hiring offices why these candidates are qualified and who should receive an interview for an open position.

While women currently deal with employment issues, they also run into problems with receiving competitive salaries in addition to discrimination in the hiring practices. Hiring practices are rather complicated because the goal of the hiring authority is to ensure that the most qualified person receives an open position, but those human resource departments must also maintain open communications nationally to make sure that those qualified applicants are aware and realize that positions are open at their school. Some of the trends the statistics express demonstrate probably a lack of knowledge that positions are open. Ms. Gail O'Steen mentioned that schools like The Citadel would like to receive more women, and their human resources department works hard to procure more women, looking at their own statistics they fall behind

with women employed as faculty (*Gail O'Steen*). Pointing blame becomes difficult because the universities, in general, look to obtaining federal funds. The hiring processes change based on the school because different schools have different sizes, and based on EEO requirements, the larger institutions have to find ways to ensure they receive the federal funding as well as upholding diversity, which also aides in the applicant pool, for prospective students. From the perspective of the statistics and analyzing the hiring processes of human resources, it seems that legislation has presented a cumbersome issue. Every school has its own sets of problems that they would like to hash out to allow for a more diverse faculty; some schools have large quotas to fill, to uphold EEO requirements while some schools could easily hire less faculty members to maintain their goals. Even with state regulated and federal funds regulated to ensure diversity, the growth of faculty diversity will remain stagnant until those more qualified appear before those university search committees.

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