

PARTNERSHIP AGREEMENT

THE COMMONWEALTH OF KENTUCKY AND THE U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS

Introduction

In May of 1999, the Commonwealth of Kentucky and the United States Department of Education, Office for Civil Rights (OCR), entered into a Partnership for the purpose of improving the educational opportunities for African Americans in Kentucky's public institutions of higher education. As part of the Partnership process, the Commonwealth and OCR examined the status of African Americans regarding access, enrollment, retention, and graduation at the Commonwealth's institutions of higher education. The Partnership process has been a joint, cooperative effort and has not attempted to make legal findings or to conduct any type of legal proceedings.

The result of the Partnership process is the following agreement:

Part I of the agreement provides an historical overview of Kentucky's system of public higher education, including an outline of Kentucky's original five-year desegregation plan and a summary of the Commonwealth's recent efforts to increase African American students' access, retention, and graduation in higher education.

Part II summarizes the development and accomplishments of the Partnership process.

Part III sets forth the commitments that OCR anticipates will bring Kentucky into full compliance with Title VI and the Eordice standards regarding Kentucky's system of public higher education.

I. OVERVIEW OF KENTUCKY'S SYSTEM OF HIGHER EDUCATION

A. Kentucky's System of Public Higher Education

The Commonwealth of Kentucky's system of public postsecondary education consists of eight four-year universities, fourteen community colleges, and fifteen technical colleges. For the purpose of this agreement, the eight public universities and the thirteen community colleges in the Kentucky Community and Technical College System (KCTCS) and the University of Kentucky - Lexington Community College are included. The historically white institutions in the state are Eastern Kentucky University, Morehead State University, Murray State University, Northern Kentucky University, University of Kentucky, University of Louisville and Western Kentucky University. The historically black institution is Kentucky State University.

B. Kentucky's 1982-1987 Desegregation Plan

In 1981, the Office for Civil Rights notified the Commonwealth of Kentucky that it was one of ten states operating a racially segregated system of higher education in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d, et seq.). Over the next several months, Kentucky worked to develop a plan for eliminating the vestiges of the formerly segregated system of higher education.

In 1983, OCR formally accepted the Commonwealth's desegregation plan (the Plan). This comprehensive five-year plan was designed to provide the remedial activities necessary to meet the mandates of Title VI relative to state-supported higher education in Kentucky. The Plan included a wide range of measures and activities in areas such as enhancement of Kentucky's historically black university, desegregating student enrollments through increased recruitment and improved retention programs for African American students and desegregating faculties, staffs and governing boards.

Throughout the five years of the Plan, Kentucky submitted yearly progress reports to OCR detailing the efforts to achieve the goals outlined in the Plan. In 1987, the Commonwealth submitted a final report to OCR describing the accomplishments achieved under the Plan.

C. Summary of Kentucky's Recent Efforts to Increase African American Students' Access, Retention, and Graduation in Higher Education (1987-1999)

Following the Commonwealth's 1987 final report to OCR, the state and its public institutions remained committed to providing equal educational opportunities to African American students. Specifically, the Commonwealth and the eight institutions have undertaken a number of significant initiatives designed to maximize higher education opportunities for African Americans. The following summary provides an overview of some of these initiatives but is not intended to be all-inclusive.

1. The Kentucky Plan for Equal Opportunities in Higher Education (1990-1995)

After the expiration of the initial Plan, the Commonwealth developed a second plan entitled *The Kentucky Plan for Equal Opportunities in Higher Education*, containing the identical goals and objectives of the original OCR-negotiated plan. The duration of this plan was 1990 to 1995. In 1995, the Kentucky Council on Higher Education, the Commonwealth's coordinating agency for higher education, extended the plan for an additional year to allow time to develop a new plan.

2. **The 1997-2002 Kentucky Plan for Equal Opportunities in Postsecondary Education**

The current voluntary plan being implemented by the Commonwealth is entitled *The 1997-2002 Kentucky Plan for Equal Opportunities in Postsecondary Education (The Kentucky Plan – Appendix A)*. This plan was developed collaboratively with input from statewide organizations responsible for postsecondary education in the Commonwealth, advocacy groups and the Commonwealth's postsecondary institutions. *The Kentucky Plan* was approved by the Council on Postsecondary Education (CPE), the successor to the Council on Higher Education, on July 21, 1997. The goals and objectives of this plan are similar to the two previous plans but increase emphasis on student retention and graduation rates. OCR recognizes the continued commitment and diligence of the Commonwealth to address the issue of educational access and equity for Kentucky African American students through *The Kentucky Plan*. Moreover, OCR and the Commonwealth agree that *The Kentucky Plan* will continue to be in effect until its expiration. There are three systemwide objectives to *The Kentucky Plan*:

- ◆ To provide equal educational opportunities for all Kentuckians by striving to increase African American student enrollments;
- ◆ To increase the number of African-Americans employed at all levels at all institutions; and
- ◆ To continue enhancement of the Commonwealth's historically black institution in its important role in the higher education system.

The plan consists of seven specific commitments that each state-supported institution of higher education agreed to in order to achieve the systemwide objectives. Moreover, each institution has developed a specific action plan that articulates the steps for achieving each commitment. These commitments are:

- ◆ To maintain/increase the proportion of Kentucky resident African-American undergraduate students enrolled in higher education;
- ◆ To increase the retention of Kentucky resident African American undergraduate students and the proportion of Kentucky resident African-Americans who graduate to the proportion of white undergraduate students who are retained and who graduate;
- ◆ To increase the proportion of Kentucky resident African-American graduate students enrolled in higher education;
- ◆ To increase the number and proportion of African-American faculty and staff employed by the institutions of higher education;

- ◆ To increase the number of Kentucky resident African-American applicants to, enrollments in, and graduation from first professional programs in dentistry, law, and medicine;
- ◆ To ensure African-American representation on CPE, KCTCS, and on each Board of Trustees or Regents; and
- ◆ To establish and maintain campus programs and activities to accomplish the above.

3. **Committee on Equal Opportunities**

The Committee on Equal Opportunities (CEO) was established in 1987 to ensure the continuation of the Commonwealth's desegregation efforts. CEO is a part of CPE and serves in an advisory capacity to CPE in implementing the equal opportunities objectives. CEO oversees plan development, implementation of general commitments and specific objectives for each institution and the annual evaluation of institutional progress toward implementing those objectives. CPE may withhold approval of new academic programs if an institution fails to make continuous implementation of its equal opportunity objectives. CEO may recommend that CPE grant a temporary waiver to an institution that has not shown progress in all of its objectives. In doing so, the institution must identify the circumstances which impeded the institution's progress and those factors which indicate the probability of success in the future. Based on the presentation of facts by the institution, CEO must recommend to CPE approval or disapproval of the waiver request.

4. **The State System of Postsecondary Education**

Since the implementation of the original desegregation plan, each of Kentucky's eight four-year institutions has initiated numerous strategies to ensure that African American residents have equal access to higher education. To this end, all institutions have programs with middle schools and high schools to increase the number of African Americans attending postsecondary institutions. Several institutions, including the University of Kentucky, the University of Louisville, Northern Kentucky University and Kentucky State University, have joint programs to encourage African Americans to obtain graduate, professional, and doctoral degrees. These programs have had varying degrees of success but all demonstrate the commitment on the part of the universities to achieving the goals of *The Kentucky Plan*.

Kentucky's public system of postsecondary education also includes fourteen community colleges located throughout the Commonwealth: Ashland Community College, Elizabethtown Community College, Hazard Community College, Henderson Community College, Hopkinsville Community College, Jefferson Community College, Lexington Community College, Madisonville Community College, Maysville Community College,

Owensboro Community College, Paducah Community College, Prestonsburg Community College, Somerset Community College, and Southeast Community College. These fourteen institutions are an integral part of the postsecondary system, in that many students, for various reasons, begin at these institutions and later transfer to four-year institutions. To facilitate this transition, the Commonwealth has established a Baccalaureate Program Transfer Framework. A handbook explaining how this program operates is available to all high school and college students, as well as high school guidance counselors. Transfer frameworks for each bachelor's degree program in the state have been established and they consist of all the courses that a student needs for a particular major during their first two years of study. Within the provisions of the Transfer Framework, students are guaranteed that the entire framework package will transfer to any university that offers the particular degree program of interest. The Transfer Framework Program does not only apply for student transfers from community colleges to four-year institutions but from any public postsecondary institution to a university with that particular degree program.

Since 1982, the Commonwealth has also demonstrated a commitment to enhance Kentucky State University, the historically black institution, by spending over \$36 million in capital enhancements in order to preserve the University's heritage and strengthen its position within the higher education system. Under the initial plan, enhancement included the development of a new mission for Kentucky State University, strengthening its academic programs and service to state government, improving funding, and improving the campus facilities and physical plant. These efforts were continued under the subsequent 1990-95 plan. Under *The Kentucky Plan*, enhancement is continued but is seen as a special responsibility shared jointly by the Commonwealth, CPE, and Kentucky State University.

II. DEVELOPMENT OF THE PARTNERSHIP PROCESS

A. United States v. Fordice

On June 26, 1992, the United States Supreme Court issued its decision in United States v. Fordice, 505 U.S. 717, 112 S.Ct. 2727 (1992). In Fordice, which involved the State of Mississippi's formerly de jure segregated system of higher education, the Court spoke about what can and should be required to desegregate a previously segregated state higher education system.

The Court found that, under Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment, race neutral policies alone are not sufficient to determine that a state has effectively discharged its affirmative obligation to dismantle a formerly de jure segregated system of higher education. According to the standards announced by the Court, "[i]f policies traceable to the de jure system are still in force and have discriminatory effects, those policies too must be reformed to the extent practicable and

consistent with sound educational practices." Fordice, 112 S.Ct. at 2737.

The Court urged an examination of "a wide range of factors to determine whether [a] state has perpetuated its formerly de jure segregation in any facet of its institutional system." Fordice, 112 S.Ct. at 2735. As identified by the Court, a few examples of this wide range of possible factors include, but are not limited to, the following: admissions standards; program duplication; institutional mission assignments; and continued operation of an inappropriately large number of previously segregated institutions. The Court went on to note:

If the State perpetuates policies and practices traceable to its prior system that continue to have segregative effects -- whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system -- and such policies are without sound educational justification and can be practicably eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system. Fordice, 112 S.Ct. at 2736.

B. OCR's Federal Register Notice

Responding to inquiries concerning the effect of Fordice, on January 31, 1994, OCR published a Notice in the Federal Register, 59 Fed. Reg. 4271 (1994), outlining the procedures and analysis that the agency planned to follow in future reviews of states with a history of de jure segregated systems of higher education.

The Notice stated that OCR planned to apply the Fordice standard to all pending Title VI evaluations of statewide higher education systems with OCR-accepted desegregation plans that had expired, including Florida, Kentucky, Maryland, Pennsylvania, Texas, and Virginia. Specifically, the Notice explained that OCR planned to examine a wide range of factors to ensure that the vestiges of these States' systems have been eliminated. The comprehensive array of factors that OCR planned to consider included those addressed in Fordice and those reflected in the criteria for acceptable desegregation plans specified in the Department's "Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education," published in the Federal Register on February 12, 1978, (43 Fed. Reg. 6658). 59 Fed. Reg. 4272.

Additionally, OCR reaffirmed in the Notice its position that States may not place an unfair burden upon black students and faculty in the desegregation process and that State systems of higher education may be required to strengthen and enhance historically black institutions. Further, OCR announced that it planned to "strictly scrutinize state proposals to close or merge traditionally or historically black institutions, and any other actions that might impose undue burdens on black students, faculty, or administrators or diminish the unique roles of those institutions." 59 Fed. Reg. 4272.

C. Summary of the Partnership Process

From the conclusion of Kentucky's five-year Plan in 1987 until the current review which officially began in 1999, OCR did not comment upon the status of the Commonwealth's compliance with Title VI. However, in January 1994, Norma V. Cantú, Assistant Secretary for Civil Rights for the Department, informed the Commonwealth of OCR's intent to reexamine the status of Kentucky's desegregation efforts in its state-supported system of higher education. In her February 1999 letter to Governor Paul Patton (Appendix B), Assistant Secretary Cantú acknowledged that since the conclusion of the five-year desegregation plan, Kentucky continued its efforts to enhance educational opportunities for African American students and provide equal educational opportunities for all Kentucky residents. She also indicated OCR's desire to work collaboratively with the Commonwealth to evaluate the state's desegregation efforts.

In response to the February 1999 letter from Assistant Secretary Cantú, Governor Patton indicated the Commonwealth's interest in working with OCR on this endeavor (Appendix C). In March 1999, an introductory meeting was held in Frankfort, Kentucky between representatives of CPE, CEO and OCR. CEO invited OCR to accompany it on the next series of previously scheduled on-site visits. Consequently, OCR visited the University of Louisville on March 31, 1999, the University of Kentucky on April 22, 1999 and Kentucky State University on May 4, 1999. OCR also made separate visits to the University of Louisville on April 14, Kentucky State University on April 23, and the University of Kentucky on May 13, 1999.

The information from OCR's visits, as well as the summaries of previous visits by CEO to Eastern Kentucky University, Morehead State University, Murray State University, Northern Kentucky University and Western Kentucky University, helped identify several areas that need to be addressed to ensure access and equity for African American students in Kentucky. Kentucky officials and OCR recognize that the enhancement of the historically black university, Kentucky State University, will remain an important concern. Information provided by Kentucky demonstrates that numerous enhancement initiatives were implemented as a result of the initial desegregation plan and have continued since that time. Areas of deficiency, however, were noted by OCR such as the condition of several buildings on the campus. In addition, during the CEO campus visit in May, CEO and OCR noted that continued tensions between minority and non-minority faculty and issues affecting campus climate still exist. OCR believes that these areas of concern weaken Kentucky State University's position among postsecondary institutions in the Commonwealth. Moreover, Kentucky and OCR agree that the Commonwealth and all eight universities need to adopt strategies that will create hospitable environments on each campus, that is, an environment that is welcoming to African American students. Since the number of African Americans employed in professional, faculty, managerial, and executive staff positions can affect how African American students perceive a

campus, one strategy for increasing the retention of African American students is for each university to increase the number of African Americans employed in all positions.

During May, 1999, CPE agreed to recommend to the Governor and other state officials that the Commonwealth of Kentucky engage in this review through a partnership approach with OCR. A working group was then appointed to assist in the resolution of this review. Membership on the working group included CEO, CPE, and OCR (Appendix D). The first meeting of the working group was held on June 22, 1999. Representatives from the public postsecondary institutions participated in this meeting and will continue to participate in the review process. At the meeting, OCR informed Kentucky that, based upon its analysis, it would focus the review on the following issues:

1. Enhancement of Kentucky State University; and
2. Enhancement of Initiatives at the historically white colleges and universities in the following areas:
 - a. Campus Climate, including the employment of African Americans at all levels, which will assist in improving campus climates for African American students;
 - b. Student Recruitment; and
 - c. Student Retention.

III. PARTNERSHIP COMMITMENTS

The Commonwealth of Kentucky is committed to ensuring equal access to high quality education for all of the Commonwealth's citizens regardless of race, color, or national origin. Thus, the Commonwealth has been, and will continue to be, engaged in on-going efforts to provide African Americans with the full opportunity to participate in the benefits of public higher education in Kentucky and to assist in providing equal access, retention, and graduation for African American students in the Commonwealth.

In May 1999, the Commonwealth, represented by CPE and CEO, and OCR embarked on a joint venture designed to assess and address the challenges in providing higher education opportunities for African American students in Kentucky. This Partnership was formed in recognition that both Kentucky and the government of the United States, as well as other interested parties and stakeholders, share a common goal of continuing and enhancing equal access to educational opportunity. The Partnership process, as it was developed here, has been a joint, cooperative effort and has not attempted to make legal findings or to conduct any type of legal proceedings.

Throughout the course of the Partnership activities, it has been the expectation that any specific concerns that arose in light of the Fordice decision and Title VI of the Civil Rights Act of 1964 (Title VI) would be addressed within the context of the Partnership process. The commitments

are an expression of the continued effort on the part of the Commonwealth to enhance the opportunities for African Americans to participate in the benefits of higher education and to increase the opportunity for access, retention, graduation and advancement into graduate and professional education programs in the Commonwealth.

OCR has played an integral role in the Partnership process. OCR proposed the Partnership process as a cooperative approach to fulfilling its responsibilities pursuant to Title VI and the Supreme Court decision in Fordice. More specifically, OCR proposed that the Partnership process would include the examination of a wide range of factors to ensure that any vestiges of the prior *de jure* dual system of higher education in Kentucky have been eliminated.

OCR acknowledges the substantial efforts and accomplishments Kentucky has made under its voluntary desegregation plans in support of meeting its obligations under Title VI and Fordice. These legally appropriate steps demonstrate Kentucky's strong, good faith commitment to eliminating the vestiges of the prior segregated system as well as ensuring equal access to higher education. OCR anticipates that successful implementation of the actions outlined in the commitments will effectively address and resolve any remaining Title VI and Fordice issues within the Kentucky public institutions of higher education.

The duration of this agreement will be from the date it is signed through December 31, 2002, although it may be extended as necessary for the completion of certain items committed to herein. During the period of implementation of these commitments, OCR will not initiate enforcement action against Kentucky based on a claim of statewide segregation against African Americans in the Commonwealth's public higher education system, unless good faith efforts to resolve such issues have been attempted and exhausted. At the conclusion of the implementation period, December 31, 2002, the parties will determine whether these commitments have been fully implemented and whether the Title VI and Fordice issues have thereby been resolved. If so, OCR will formally acknowledge, in writing, that Kentucky has eliminated all vestiges of segregation in the public system of higher education, in accordance with Fordice, Title VI, and other applicable federal regulations. It is understood, however, that should the parties not be able, in good faith, to resolve matters by means of this process, OCR reserves the right to determine, by other means, whether the requirements of the law have been satisfied regarding the outstanding issues set forth herein, taking into account Kentucky's accomplishments under this Partnership. It is further understood, however, that should the parties not be able, in good faith, to resolve matters by means of this process, Kentucky reserves the right to seek a judicial determination of whether the requirements of the law have been satisfied.

This agreement may be amended as necessary to enhance the effectiveness of the various initiatives contained herein, or as required by changes in applicable law or policy, upon the agreement of all parties. In the event that either party proposes an amendment, all parties shall be notified and given the opportunity to respond to the proposed amendment. All proposed amendments submitted to OCR shall be responded to within 15 working days.

Although the primary parties to the Partnership are the Commonwealth of Kentucky, CPE, and OCR, each of the public institutions of higher education is also a party in the sense that each institution is agreeing to make its best efforts to fulfill, within the limits of its authority, those commitments within its purview. It is understood that the commitments agreed to herein apply to all applicable branch campuses and any new branch campus(es) that may be established during the life of the Partnership. It is also understood by the parties that when the public agencies or institutions of higher education in Kentucky implement any of the partnership commitments or operate any other programs relating to admissions or financial aid in a race conscious manner, they must operate in conformity with Title VI of the Civil Rights Act of 1964, and its implementing regulation, applicable Federal Court case law, including Fordice, Regents of the University of California v. Bakke, 438 U.S. 265 (1978), and the U.S. Department of Education's published policy regarding race-targeted financial aid, 59 Federal Register 4271 (Feb. 23, 1994), so long as they are controlling law.

The following are the commitments agreed to by the parties to this Partnership:

A. Kentucky Commitments:

1. **Kentucky will work cooperatively with OCR to implement the commitments set forth in this Partnership agreement.**
2. **Continued Enhancement of Kentucky State University (KSU)**

The Commonwealth of Kentucky commits to revitalizing the facilities and academic programs of Kentucky State University, including making appropriate legislative requests. Specifically, Kentucky commits to completing the following actions:

- a. By December 31, 1999, CPE and the University will develop a plan, with specific timeframes, for the renovation of Carver Hall, Hathaway Hall, and Young Hall, which are estimated to cost, in total, \$12.5 million. CPE will request that sufficient funds are authorized and these renovations will be under construction by December 31, 2001.
- b. By December 31, 1999, the University will develop and begin to implement a program of communication and diversity training for all staff to address the continuing division between minority and non-minority faculty and staff. By February 15, 2000, CPE and Kentucky State University will provide OCR with a copy of its plan detailing the training activities that are designed to address the continuing division between minority and non-minority faculty and staff at the University. This plan must include the type of training, the schedule of sessions and the source of the training. This initial plan will have a period of one calendar year at which time CPE and the University will evaluate the effectiveness of the training sessions and, based on this evaluation, draft a new training plan for the

next calendar year. CPE will assist the University in identifying appropriate resources so that the first training session is completed by June 30, 2000.

- c. CPE will ensure that any change in the funding formula will not disadvantage KSU, and will take into account the institution's status as the Commonwealth's historically black university and its unique mission as the Commonwealth's small, liberal arts university. KSU and CPE will periodically review the impact of the benchmark funding process to ensure continued enhancement of KSU. CPE will keep OCR fully apprised, on an on-going basis through the life of this Agreement, concerning funding proposals for KSU.
- d. KSU, the University of Kentucky, the University of Louisville, and CPE will work collaboratively to enhance and strengthen KSU's education program. Specifically, KSU will work to substantially narrow the gap between the performance rate of its students on the PRAXIS II as compared to the Kentucky state-wide performance average. If, in any given year the performance rate of KSU's students on the PRAXIS II declines, KSU will immediately evaluate the education program to identify areas that need improvement and will immediately implement strategies to increase its PRAXIS II performance rate.
- e. The Governor of the Commonwealth and the Governor's Postsecondary Education Nominating Committee will ensure that Kentucky State University's Board of Regents is of the highest caliber. CPE will assist as appropriate. For any and all vacancies occurring during the period of this agreement, individuals possessing a diversity of experiences and background will be recruited to serve on the KSU Board of Regents. Desired credentials for regents include, but are not limited to, a demonstrated commitment to education and to KSU, successful experience operating medium-size or large for-profit or non-profit organizations, demonstrated leadership in the individual's community or their field of work, demonstrated knowledge or successful experience in managing personnel and fiscal/financial affairs, demonstrated success in fundraising, and other qualifications or experience that would be of use in ensuring the vitality and future of KSU.

3. **Continuation of the Commonwealth's Efforts to Enhance Campus Climate, Student Recruitment, and Student Retention for African American Students Attending the Historically White Universities and Kentucky State University.**

The Commonwealth and its public institutions of higher education have long been engaged in efforts to improve the recruitment and retention of African American students in the historically white colleges and universities. The Commonwealth, CPE, and the individual institutions are committed to the continuing support, implementation, and augmentation of these efforts. Specifically, the Commonwealth of Kentucky, CPE, CEO

and the individual institutions, commit to implementing the following actions during the three-year implementation period:

- a. Each Commonwealth university will continue its respective recruitment and retention activities. The universities will continue to implement programs to: (1) encourage economically or educationally disadvantaged middle school students to attend college after completing high school; (2) counsel these students toward the academic and college preparatory courses which will help prepare them for college; and (3) provide academic assistance for under-prepared students who wish to attend college. During the life of this Agreement, CPE will continue statewide programs for middle and high school students designed to assist these students in determining whether to attend college and to assist them in choosing a high school curriculum that will enable them to achieve that goal.
- b. Northern Kentucky University will develop a comprehensive plan to enhance the recruitment of African American students. CPE will review that plan and will assist Northern Kentucky University as appropriate. Strategies to enhance recruitment will include, at a minimum, increased funding/staff resources in the University's recruitment budget above the 1997-98 funding levels, a vigorous marketing strategy for Kentucky African Americans and use of best practice methods from Commonwealth universities experiencing success in this area.
- c. CPE and the University of Louisville will monitor the proposed Pathways to Success Program and Enrollment Management Program to ensure that these programs do not result in diminished access for African American applicants. To this end, beginning on June 30, 2000, and subsequently on June 30, 2001, and June 30, 2002, CPE and the University of Louisville will study new student enrollment, by race, to determine if these programs have a negative effect on African American enrollment. If new enrollment of African American students diminishes, the program will be revised to eliminate the negative trend.
- d. By June 30, 2000, the University of Louisville will monitor and report on the effects of the current student support services system to determine if this system has a deleterious impact on student retention or the delivery of support services to students. As appropriate, the University of Louisville will revise the system to ensure satisfactory service delivery.
- e. The University of Louisville will consider implementing a freshman summer transition program to enhance the University's ability to retain student populations that have had traditionally low retention rates. By June 30, 2000, the University of Louisville will report to OCR its determination whether to adopt the program and the rationale for this decision.

- f. CPE and the following universities will work collaboratively to develop strategies to increase the retention and graduation of African American students:

- Northern Kentucky University
- Murray State University
- University of Louisville
- Western Kentucky University
- Eastern Kentucky University

The universities will identify the barriers encountered by African American students when attempting to complete degrees and implement strategies that address the unique difficulties at each institution. A strategic plan for each university will be developed by June 1, 2000.

- g. CPE and all eight universities will work collaboratively to increase the number of African American students enrolled in Kentucky's professional and graduate schools. To achieve this goal, CPE and the eight institutions will consult with each other to identify successful recruitment programs and share promising practices.
- h. By March 31, 2000, each university in Kentucky will create a campus environment team responsible for addressing campus and campus/community issues with the goal of improving the campus climate for minority students. The universities will continue to support student organizations that enhance the co-curricular experiences of minority students. To this end, CPE and CEO will identify the Commonwealth universities that have experienced success with creating a positive, nurturing environment for African American students and assist the remaining universities in replicating this atmosphere through resource and information sharing. In addition, each of the universities will participate in the conference co-sponsored by CPE and OCR which is planned for spring, 2000, to focus on campus diversity. Each campus environment team will report annually on its activities.
- i. The universities will continue and strengthen their extensive efforts to ensure and enhance the diversity of their faculty, staff and cabinet level positions. Such initiatives may include increased participation with the Southern Regional Educational Board's Compact for Faculty Diversity and such activities as wide-area advertising of vacancies, attendance at conferences in academic disciplines, and maintaining networks of contacts for the purpose of enhancing the diversity of applicant pools for vacancies on campus. The institutions will also continue to implement hiring procedures that ensure minority applicants are given full and fair consideration for the positions for which they are qualified.

- j. Each university will ensure that the person who is delegated responsibility for access and equal opportunity attends, or has reasonable access to, the President's cabinet meetings.
- k. Each institution will semi-annually review the institution's progress and discuss with the institution's cabinet and Board future strategies to provide equal access for African Americans in Kentucky's public system of higher education.

B. OCR Commitments

- 1. OCR commits to providing technical assistance to the Commonwealth, the universities and the community colleges, as requested, in developing programs and activities to enhance the climate for African American students, faculties, and staffs in the campuses of the Commonwealth's public institutions of higher education.
- 2. OCR will provide Kentucky with technical assistance in identifying promising practices to increase African American students' access to, retention in, and graduation from the Commonwealth's public higher education institutions and will share with Kentucky other information relevant to the issues addressed by the Partnership.
- 3. OCR commits to providing technical assistance, as requested, to KSU to assist the University in addressing the division between minority and non-minority faculty and staff.
- 4. OCR will work collaboratively with CPE to host a conference in the spring of 2000 on campus diversity for all institutions of postsecondary education in the Commonwealth.
- 5. OCR will work cooperatively with Kentucky to implement the commitments set forth in this Partnership agreement and will provide regular feedback and constructive assistance to Kentucky on meeting these commitments.
- 6. OCR agrees to complete all review work in a timely manner.

C. Monitoring

CPE, CEO and OCR commit to closely monitoring the institutions' implementation of these commitments through the review of annual reports prepared by each institution. OCR will conduct annual site visits to each institution to assess and report on the institutions' success and to provide technical assistance where necessary. OCR will provide CPE and CEO a report within 60 days of each site visit. A final report will be

prepared by OCR, with discussion and input by CPE and CEO, in March 2003. By May 2003, the Commonwealth and OCR will determine whether the commitments have been fulfilled, thus concluding the review. As noted earlier, if by May 2003 the parties determine that the actions articulated in the agreement have been implemented and the Title VI and Fordice issues have thereby been resolved, OCR will acknowledge formally in writing that Kentucky has eliminated all vestiges of segregation in its public system of higher education. It is also understood, however, that should the parties not be able to resolve matters by means of this process, OCR reserves the right to determine by other means whether the requirements of the law have been satisfied. It is further understood, however, that should the parties not be able, in good faith, to resolve matters by means of this process, Kentucky reserves the right to seek a judicial determination of whether the requirements of the law have been satisfied.

To effectively monitor implementation of the Agreement Commitments, CPE and OCR will consider, among other things, the following information:

1. By January 15, 2001, CPE and Kentucky State University will provide a report on the status of the renovations, stating specifically what has been completed, what remains, and the timeframe for completion. By January 15, 2002, CPE and Kentucky State University will provide documentation showing the status of all renovations.
2. CPE and OCR will review Kentucky State University's training proposal to address the continuing division between its minority and non-minority faculty members. CPE, OCR and Kentucky State University will make modifications and revisions to the plan, as necessary.
3. Beginning on September 30, 2000, and then on September 30, 2001, and September 30, 2002, CPE and KSU will report to OCR on their evaluations of the benchmark funding process and its impact on the continued enhancement of Kentucky State University.
4. Beginning on June 30, 2000, and then on June 30, 2001, and June 30, 2002, CPE will report to OCR on the process used and the efforts made to enhance and strengthen KSU's education program. CPE will also provide the current performance rates for KSU students on the PRAXIS II and the current Kentucky state-wide performance average.
5. Annually, beginning on September 30, 2000, CPE will report to OCR on all new appointments made to the Board of Regents of Kentucky State University.
6. OCR and CPE will review the recruitment and retention programs of each university on an on-going basis.

7. **By June 30, 2000**, CPE and Northern Kentucky University will provide OCR a copy of the university's plan to increase the recruitment of African American students, including all strategies which have been or will be employed to achieve the goals and objectives of the university's recruitment plan.
8. CPE and OCR will review the impact of the University of Louisville's Pathways to Success Program, Enrollment Management Program, student support services delivery system, and summer transition program on African American student retention and graduation rates. Information will be obtained through annual visits to the university and other data collection activities, as needed. CPE and OCR will work with the University of Louisville to identify strategies to strengthen and improve these programs to ensure success for African American students at the university.
9. **By September 30, 2000**, CPE will provide OCR a report of the strategies being employed by the universities listed in commitment A.3.f. to increase retention and graduation rates. CPE will provide OCR with the rates of retention and graduation, by race, both systemwide and for each institution on **September 30, 2000, September 30, 2001 and September 30, 2002**.
10. **By October 30, 2000**, CPE will provide OCR with a report detailing efforts employed by the universities to increase the number of African Americans enrolled in Kentucky's professional and graduate schools. The initiatives shall focus on linking the undergraduate, graduate and professional schools of the universities in collaborative efforts to enroll, retain and graduate African American students.
11. **By June 30, 2000**, CPE will provide OCR with a list of each institution's campus environment team.
12. **By December 31, 2000 and each year thereafter**, CPE will also provide to OCR a copy of the annual report for each institution's campus environment team.
13. **Beginning on October 30, 2000, and subsequently on October 30, 2001, and October 30, 2002**, CPE will report on the impact of the efforts by each of the eight institutions to ensure and enhance the diversity of their faculty, staff and cabinet level positions. Specifically, CPE will report on each institution's performance in the areas of recruitment, hiring, promotion and retention for faculty, staff, and cabinet level positions. In addition, CPE will report on new strategies and employment initiatives planned for the upcoming year for each institution.
14. **By June 30, 2000**, CPE will provide OCR with a list of the names and titles of the

individuals at each university who are responsible for minority affairs/campus diversity. In addition, CPE will provide to OCR a list of any enhancement strategies adopted by the universities regarding the provision of equal access for African Americans in Kentucky's public system of higher education.

APPENDICES

Appendix A	The Kentucky Plan 1997-2002
Appendix B	Norma Cantú's February 1999 letter to Governor Paul Patton
Appendix C	February 4, 1999 letter from Governor Paul Patton
Appendix D	June 1, 1999 letter from Gordon Davies, President of Council on Postsecondary Education, with the list of the members of the Working Group