The impact of equal employment opportunity and affirmative action legislation on Virginia public school divisions as perceived by school personnel officials

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THE IMPACT OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION LEGISLATION ON VIRGINIA PUBLIC SCHOOL DIVISIONS AS PERCEIVED BY SCHOOL PERSONNEL OFFICIALS

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PERCEIVED BY SCHOOL PERSONNEL
OFFICIALS

A Dissertation
Presented to the
Faculty of the School of Education
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree
Doctor of Education

by
John A. Mitchell
April 1982
THE IMPACT OF EQUAL EMPLOYMENT OPPORTUNITY
AND AFFIRMATIVE ACTION LEGISLATION ON
VIRGINIA PUBLIC SCHOOL DIVISIONS AS
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We the undersigned do certify that we have read this
dissertation and that in our individual opinions it is
acceptable in both scope and quality as a dissertation
for the degree of Doctor of Education

Accepted April 1982 by

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CHAPTER I

INTRODUCTION AND BACKGROUND

Statement of the Problem

Since 1964, administrators of the federal government have become involved in public education in many ways. One of the most pervasive programs has been Title VII of the Civil Rights Act of 1964 and subsequent Equal Employment Opportunity and Affirmative Action (EEO/AA) legislation. This federal involvement in local school affairs raises a pertinent question: to what extent and in what areas do school division personnel administrators believe EEO/AA legislation has changed the personnel practices of Virginia public school divisions since the Civil Rights Act of 1964 became applicable to public schools in 1972?

Equal employment opportunity legislation as well as affirmative action legislation potentially requires action on the part of all school divisions. Such actions are an attempt on the part of the federal government to extend the doctrine of equality into an important phase of life, employment. This effort has been underway in the private sector since 1966 and in public institutions since 1972. To date, however, a survey of ERIC files and Dissertation Abstracts reveals that no study has been made to gauge the impact of federal EEO/AA requirements on the public schools; it is probable, therefore, that this comprehensive and potentially powerful federal program has not been adequately assessed. It appears that no attempt has been made to ascertain the sentiments, perceptions, and reactions of those local officials
who must comply with equal employment opportunity and affirmative action legislation. The present study was carried out because it was felt that it could be informative to examine both the effort expended and the sentiment evoked among local public school personnel administrators in their compliance with this area of government regulation. While this study cannot be generalized beyond its geographic location or the single program it considers, it might conceivably encourage similar research either concerning the same federal program in other geographic areas or concerning other related federal programs. The mass of these studies taken together might then provide some insight into the reaction of local government units and their agencies to the multitude of federal programs enacted since 1933.

Statement of the Purpose

The purpose of this study was to investigate public school personnel administrators' perceptions of the extent to which federal civil rights, equal employment opportunity, and affirmative action legislation have affected the personnel policies and practices of Virginia public school divisions since the Civil Rights Act of 1964 became applicable to the public schools in 1972. An additional purpose of this study was to determine if there is a correlation between administrators' perceptions of EEO/AA impact and the characteristics of school divisions. Specifically, the study was designed to determine:

1) if school administrators perceive that implementing EEO/AA requirements has changed hiring efforts and practices since 1972; 2) if school administrators perceive that implementing EEO/AA requirements has changed dismissal procedures since 1972; 3) if school administrators perceive that implementing EEO/AA requirements has forced codification of promotion and selection criteria since 1972; 4) if school administrators perceive that implementing EEO/AA
requirements has caused the cost of personnel efforts to rise beyond the effect of division growth and inflation since 1972; and 5) if the perceived degree of impact in 1-4 above is related to the size, ethnic composition, or urban/nonurban nature of a school system.

Background of the Problem

Historical Development of Equal Employment Opportunity and Affirmative Action

Although the idea of equal opportunity seems to be inherent in the very foundations of the republic and has been at least a nominal part of its basic documents, not until the second half of the twentieth century has the federal government consistently sought to enforce this right. Government efforts to enforce equal opportunity in employment came still later.

In the period immediately following the Civil War, during the Reconstruction Era (1865-1879), Congress, dominated by northern Radical Republicans and free of southern influence, legislated several acts designed to protect the equal rights of southern freedmen. Between 1866 and 1875, Congress enacted eleven such "civil rights acts" and successfully proposed three amendments to the Constitution. Among them were the Civil Rights Act of 1866 which gave broad protection to Negroes as citizens, thus countering the southern "black codes" then being established to return former slaves to

1Declaration of Independence, paragraph 2.
2U.S. Const. amends. V, XIII, XIV, XV, and XXIV.
political, social and economic subservience under state and local law; and
the Acts of May 1866 and March 1867, prohibiting "economic slavery" due to
bad debts. While enforcement of these eleven "civil rights acts" was
sporadic during Reconstruction and virtually ceased after 1879, they remained
on the statute books to serve as an important basis for civil-rights actions
in the twentieth century.

The Civil Rights Act of 1871, more popularly known as the Ku Klux Klan
Act, made states which denied inhabitants "any rights, privileges or
immunities secured by the Constitution ..." by statute, or interpretation of
statute liable to suit for redress of grievances in the federal courts.
Although the Civil Rights Act of 1871 was frequently used to curb the
influence of the Klan in the South, it too fell into disuse when federal
troops who carried the burden of its enforcement were removed from the last
three states of the former Confederacy, South Carolina, Louisiana, and Florida,
in 1879. As was the case of the Civil Rights Act of 1866, the Civil Rights
Act of 1871 has served as a basis for much civil-rights litigation in this
century.

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6 Ibid.
7 Sigler, op. cit., p. 130.
The last of the Reconstruction Era civil-rights acts was the Civil Rights Act of 1875. This act guaranteed to all persons regardless of race or color "the free and equal enjoyment of the accommodations . . . applicable alike to citizens of every race and color . . . ."\(^{11}\) Kenneth Stampp, a noted historian of the period, has determined that "the Civil Rights Act of 1875 was significant . . . because it was the first federal attempt to deal directly with social segregation and discrimination by the states or by private enterprises established to serve the public."\(^{12}\) Stampp determined also that, unfortunately, the Civil Rights Act of 1875 was never vigorously enforced outside the South and that enforcement there ceased in 1879 when federal troops were removed by President Rutherford B. Hayes. Thus, while this act was an attempt by the federal government to impose the doctrine of equal opportunity on the states, it was a half-hearted and short-lived attempt.

In 1883, the United States Supreme Court invalidated the Civil Rights Act of 1875 in a series of cases known as the Civil Rights Cases of 1883.\(^{13}\) The Court found that the act exceeded the power of the federal government as enumerated in the Constitution in that it presumed federal jurisdiction over what the Court defined as purely intrastate matters. The invalidation of the Civil Rights Act of 1875 began a long period in which the Supreme Court and other lower federal courts narrowly interpreted the Constitution and the Fourteenth Amendment, severely limiting any civil-rights action contemplated by the federal government.\(^{14}\) This period of "judicial contraction" continued

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\(^{12}\)Ibid., p. 140.

\(^{13}\)Schwartz, *op. cit.*, p. 778 - the cases referred to here are found in 109 U.S. 3 (1881) cf. Berger, *op. cit.* p. 7.

\(^{14}\)Sigler, *op. cit.*, pp. 130-132.
throughout the remainder of the nineteenth century and the first third of the twentieth.

Beginning with Franklin D. Roosevelt in 1933, each president has made a stronger commitment to federal advocacy and, ultimately, to federal enforcement of the right to equal opportunity. While the Roosevelt Administration did not propose any act dealing specifically with civil rights or equal opportunity, many of the acts of the New Deal included equal opportunity language. Two prime examples of the inclusion of equal opportunity in the language of acts primarily intended for other purposes were the National Industrial Recovery Act and the National Labor Relations Act, also known as the Wagner Act.

Section Eight of the National Labor Relations Act defined unfair labor practices. The language clearly implied equal opportunity in several crucial areas, leading McCulloch to conclude:

Section 8 (3) broadly prohibited "discrimination in regard to hire or tenure of employment of any term or condition of employment to encourage or discourage membership in any labor organization." Workers were also protected from discriminatory wage cuts, layoffs, reassignments to onerous jobs, and a host of other forms of job discrimination.

Section 8 (b) (2) Unions shall not cause an employer to discriminate against employees illegally.

Section 8 (b) (5) Unions shall not charge excessive or discriminatory initiation fees.\(^\text{15}\)

In addition, Section 10 (c) allowed collection of back pay from employers and refund of dues from labor organizations as remedial action where past discrimination could be established.\(^\text{16}\) In sum "the National Labor Relations


Board has held that segregation of employees into separate locals on a racial basis and unequal treatment in representing employees are unfair labor practices and warrant revoking a Union's Certificate . . ." to operate as a bargaining agent before the Board. 17 Thus, as Wilson claims, by 1940 there were at least two avenues available to those who believed they were victims of job discrimination:

If an individual believes that he is discriminated against at work, or is not being hired because of his race, color, religion, national origin or sex, he may consult a private attorney to discuss the possibilities. These include (1) a lawsuit claiming that his union is not representing him fairly in violation of the National Labor Relations Act, (2) a lawsuit claiming that his civil rights are violated in violation of several federal laws passed from 1866-1871 . . . 18

It is significant that the initiative noted here lies solely with the individual and that the federal government takes merely a passive role. In these instances, the individual must prove discrimination and seek a remedy to the situation at his own expense through the courts.

Title II of the National Industrial Recovery Act (NIRA) established codes for various industries expecting federal aid in recovering from the Great Depression. NIRA codes controlled hours, wages and conditions of work by agreement with employees. In all, 557 basic and 189 supplementary codes went into effect. 19 In these codes, the National Recovery Administration, according to Cochran "sought to end some of the worst abuses of child labor, starvation wages and cutthroat pricing . . ." 20 To accomplish this, the NIRA


18 Wilson, op. cit., p. 79.


20 Ibid., p. 47.
established a minimum wage to be paid to all employees of coded industries; thus for its short life, the NIRA was an equal pay act of sorts. Like the Civil Rights Act of 1875, however, the NIRA was declared unconstitutional by the Supreme Court because it exceeded the enumerated powers of the federal government and infringed upon those reserved for the states. In this case, the NIRA had attempted to regulate intrastate trade, solely a state right. The minimum wage/maximum hour provision of the NIRA was revived, however, in the Fair Labor Standards Act of 1938 which was concerned only with interstate trading companies.

In addition to its legislative program, the Roosevelt Administration supported the development of fair employment practices commissions among the states and various federal agencies. In 1940, as an example to the states, President Roosevelt established the first Fair Employment Practices Commission as a labor division in the National Defense Advisory Commission. In June 1941, as a result of pressure by A. Philip Randolph, an influential Negro Union leader, Roosevelt promulgated Executive Order 8802 which established a Committee on Fair Employment Practices within the Office of Production Management (FEPC) "to receive and investigate complaints of discrimination." The FEPC had no enforcement power, but "a president had put the prestige of his office behind a black rights claim." The effect of FEPC was limited

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21 Ibid.


23 Leuchtenburg, op. cit., pp. 262-263.


26 Ibid., p. 134.
because Congress cut off its funds in the summer of 1945. In addition, Roosevelt created a Civil Rights Section within the Justice Department which "pressed sporadically for enforcement of the handful of existing federal rights statutes."  

In the wake of the federal FEPC venture, twenty-nine states and the District of Columbia passed FEPC legislation and established commissions at their level of government. Blumrosen has found that state FEPC agencies have been largely ineffective. His 1961 summary of action by the thirteen most active states commissions verifies this conclusion. By December 1961, 19,439 cases claiming employment discrimination had been brought before the thirteen commissions, but only sixty-two hearings had been held and only twenty-six cease and desist orders had been issued. A mere eighteen court actions had been initiated, almost all of those in New York and Michigan. The failure of state FEPC agencies to act decisively, Blumrosen concluded, was due to the failure of the early civil-rights movement to generate day-in day-out pressures at the local and state levels. Enforcement of FEPC laws, he contended "depended on the good will of individuals. Such good will, while essential, is no substitute for the stern law of political necessity."  

Although President Harry S. Truman was outspoken in his support of civil rights, it was said his attempts to strengthen the FEPC were foiled by a

27 Ibid.  
28 Ibid., p. 133.  
29 Bullock, op. cit., p. 45.  
31 Ibid.  
32 Ibid., p. 10.
southern-dominated Congress. His sole accomplishment in this area was the
1948 integration of the Armed Forces by Executive Order 9981.33

The Eisenhower Administration (1953-1961) limited itself to Executive
Order 10590 and to the Civil Rights Acts of 1957 and 1960. Executive Order
10590 set forth an official policy of non-discrimination in federal employ-
ment, but created no reporting or enforcement mechanism. Instead, it left
the matter up to various department heads.34 In addition, Executive Order
10590 created the President's Committee on Government Employment Policy35
(later renamed the President's Committee on Equal Employment Opportunity
(PCEEO) by President John F. Kennedy in Executive Order 10925 of March 6,
1961)36 to implement Executive Order 10590 by hearing and judging complaints
and by conducting interagency seminar and education programs.

The Civil Rights Act of 1957, the first civil-rights legislation since
1875, was pressed through Congress "thanks mostly to the dogged efforts of
Senate Majority Leader Lyndon B. Johnson."37 The Civil Rights Act of 1957
was a modest step, creating a Civil Rights Commission empowered to investigate
and gather evidence on voting discrimination. In addition, this act
protected the right of blacks to sit on grand or petit juries.38 To the Civil
Rights Act of 1957, the Civil Rights Act of 1960 added the use of federal

33Ibid., p. 3. Truman also created a voluntary Fair Employment Practices
Commission.

34Paul Bullock, Equal Opportunity in Employment (Los Angeles: California

35Ibid.

36Ibid., p. 38.

37Sigler, op. cit., p. 138. The legislative reference is 71. Stat. 634
(1957).

38Ibid.
referees in voting disputes and empowered the Commission to sue the states in voting rights matters.\textsuperscript{39} Although the Civil Rights Act of 1957 had enforcement powers, it was limited mainly to voting rights, deferring action on equal employment opportunity. It was, however, the first promise of direct federal action in the civil-rights area since 1875.

Blumrosen has found that both the Civil Rights Act of 1957 and the Civil Rights Act of 1960 were largely ineffective because they, like the FEP agencies, depended upon the good will of politicians and businessmen to comply voluntarily with the findings of civil-rights agencies. He contended, these two civil-rights acts provided "a vivid demonstration that a change in legal form which is not tailored to the social realities will not change legal results."\textsuperscript{40} In sum, the Civil Rights Acts of 1957 and 1960 put the voice but not the arm of the federal government behind equal opportunity.

It was not until the Kennedy and Johnson Administrations (1961-1969) that the federal government moved from the position of advocating equal employment opportunity to that of enforcing it. The vehicle for this change was a combination of the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964.

The Equal Pay Act of 1963 was an amendment to the Fair Labor Standards Act of 1938 (FLSA), commonly known as the general federal wage-hour law, and was therefore administered by the Wage and Hour Division, United States Department of Labor.\textsuperscript{41} The Equal Pay Act of 1963 required employers to provide equal pay for substantially equal work. The scope of this act was the same as that of FLSA since it included all firms engaged in interstate and

\textsuperscript{39}Ibid. The legislative reference is 74. Stat. 86 (1960).

\textsuperscript{40}Blumrosen, \textit{op. cit.}, pp. 12-13.

foreign commerce. In 1966 and 1974, FLSA amendments extended coverage to public employees, domestics, retail, and agricultural workers. The only exceptions were pay systems based on seniority, merit or quality and/or quantity of production. Exempted from overtime pay and minimum wage requirements but not from equal pay provisions were academic administrative personnel and teachers. Thus, since the amendments of 1966, "school personnel are now entitled to equal pay regardless of sex." In the federal guidelines developed to implement the act and from early litigation concerning it, clear definitions of its meaning and scope have emerged. Equality of work has been defined as equal skill, effort and responsibility. Equal pay for substantially equal work regardless of minor differences of job title or classification has been defined as the intent of the act. As might be expected, the Equal Pay Act of 1963 has served as the basis of much litigation aimed at elimination of sex discrimination among workers.

While the Equal Pay Act of 1963 was aimed mainly at ending discriminatory practices involving workers already on the job, Title VII of the Civil Rights Act of 1964 approached discrimination in employment on a much broader front. Title VII outlawed eight specific employment practices based on race, color, sex, religion, or national origin. These bans covered practices which

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44Conference Board, op. cit., p. 5.

451974 Guidebook, p. 107 and p. 57.


included refusal to hire, refer, or offer equal pay or equal treatment to any person based on race, color, sex, religion or national origin. Title VII also included a ban on segregation of employees; exclusion of some classes of employees from union membership; discrimination in apprenticeships; encouragement of employee discrimination by unions; retaliation for complaints filed; and printing job notices indicating preferences based on the foregoing grounds.48 Going beyond previous acts, Title VII set up a five-member Equal Employment Opportunity Commission (EEOC) to enforce the act in court if need be. While not given direct enforcement powers, the EEOC was empowered to request the Attorney General to sue companies not in compliance. By the end of its first year in operation (June 30, 1966), the EEOC had received a total of 8,854 complaints.49 As early as May 4, 1967, Secretary of Labor Willard W. Wirtz announced that "the 'great majority' of employers had abandoned or reduced discriminatory hiring policies at the 'entry' level," but problems remained in the area of promotions.50 Thus the EEOC had an early and direct impact on the business community. Its impact on the public sector in general, and on the educational community in particular, was much more difficult to gauge because the impact was bound to be indirect. Title VII included among its exemptions all public employees at all levels of government and all education institutions.

The pressure to provide equal opportunity in the mid 1960's did not emerge solely from the Civil Rights Act of 1964. It was part of the fabric of the public school desegregation movement which had begun more than a decade earlier with Brown v. Board of Education of Topeka, 1954 and Brown v. Board

48 Congressional Quarterly Service, op. cit., p. 63.
49 Ibid., p. 31.
50 Ibid.
of Education of Topeka, 1955. Beginning with these decisions, school
desegregation gained momentum throughout the period 1954-1964. When EEOC
became functional in 1965, interest in equal employment opportunity in the
private sector, if one is to consider increased litigation as an indicator,
seemed to lead to increased interest in desegregating school faculties.
Although some litigation predated EEOC, the first clearly defined court case
appeared in 1966 following a year of record job-discrimination complaints to
the EEOC from the business community. In at least three significant decisions
of that year, the courts held that student desegregation and faculty desegre-
gation go hand-in-hand, both stemming from the ban on separate but equal in
Brown v. Board of Education of Topeka, 1954 and subject to the all-deliberate-
speed doctrine of Brown v. Board of Education of Topeka, 1955. Additionally,
these decisions placed on the schools the burden of disproving discrimination
in hiring, dismissing and transferring, thus creating a precedent for later
affirmative action program requirements.

In the first post-Brown case from which a significant decision ensued,
Smith v. Board of Education of Morrilton School District No. 32, the federal
district court held

It is our firm conclusion that the reach of the Brown decisions,
although they specifically concerned only pupil discrimination,
clearly extends to the proscription of the employment and assign-
ment of public school teachers on a racial basis.53


52H. C. Hudgins, Jr., Public School Desegregation: Legal Issues and
Judicial Decisions (Topeka, Kansas: NOLPE, 1973), p. 55; referred to here is
the 1962 case Augustus v. Board, 306 F. 2d 862 and Vick v. County Board, 205 F.
Supp 436 (1962) as well as Board v. Braxton, 362 F. 2d 616, (1964). In each
case the primary concern and judgment involved student desegregation and
faculty desegregation was a minor part of the opinion.

53Smith v. Board of Education of Morrilton School District No. 32, 365
F. 2d 770 (1966) at 779.
In a later decision, Wright v. County School Board of Greensville County, another federal district court took much the same view of faculty desegregation. It upheld the board's overall desegregation plan but invalidated the accompanying faculty desegregation plan instead requiring the plan to "contain well-defined procedures which will be put into effect on definite dates."\(^5^4\)

The decision rendered in Clark v. Board of Education of the Little Rock School District echoed this sentiment,

we are not content at this late date to approve a desegregation plan that contains only a statement of general good intentions. We deem a positive commitment to a reasonable program aimed at ending the segregation of the teaching staff to be necessary for the final approval of a constitutionally adequate plan.\(^5^5\)

In yet another case of that period (Davis v. Board of School Commissioners of Mobile County) the court followed the same pattern.

The 1966 court cases generated by the civil-rights movement were quickly followed by a series of revisions to the Civil Rights Act of 1964. As early as September 24, 1965, the exemption of public employees had been weakened by the promulgation of Executive Order 11246, requiring compliance with Title VII for executors of government contracts. Executive Order 11246 dealt with non-discrimination and affirmative action. Non-discrimination simply meant that contractors must agree to eliminate all discrimination on the basis of race, color, sex, religion or national origin whether deliberate or inadvertent. Affirmative action was quite a different matter. It required a contractor to do more than stop discriminating. He must take action to redress previous discrimination by seeking and employing members of traditionally excluded groups.\(^5^6\)

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\(^5^4\)Wright v. County School Board of Greensville County, 252 F. Supp 378 (1966).


Executive Order 11375 expanded both the classification of "contractors" and the affirmative action requirement, the program began to have an impact on higher education institutions and, to some extent, on public education. Under the provisions of Executive Order 11375, any private institution which held a federal contract or subcontract of $50,000 or more and employed more than fifty persons was required to file an affirmative action program with the Office of Federal Contract Compliance (OFCC). While public institutions meeting the same dollar and employee figure did not need to file an affirmative action plan, they were still required to prove non-discrimination, not to OFCC, but to the Department of Health, Education, and Welfare (HEW). In the view of HEW the difference was slight. The HEW ruling on the subject makes this amply clear.

HEW takes the position that a public institution can best carry out this obligation by conducting the same kinds of analyses required of non-public institutions by organizing into a written program its plans to overcome problems of past discrimination and underutilization.

When the courts loosely defined a federal contractor as one who receives funds, even a grant, from the federal government from which the government can expect the slightest return, many colleges and some public schools found themselves under this requirement. This order was expanded by Executive Order 11478 which applied the constraints of Title VII to all federal agencies. While the pressure of Title VII on public school divisions was mounting, it was still largely indirect. This indirectness ended under the Nixon Administration when in 1972 Congress passed a series of amendments to the Civil Rights Act of 1964,

57 U.S., President, Executive Order 11375 (41 CFR 60).
popularly known as the Equal Employment Opportunity Act of 1972. These amendments lowered the minimum number of employees necessary for coverage under Title VII from the 25 stipulated in the 1964 Act to 15. More importantly, they extended the coverage of Title VII to state and local governments. This was accomplished by redefining the term "person" as it was used in Title VII to include state and local governments, their subdivisions and agencies. The amendments also redefined "employer" and removed state and local governments from the exemptions of the 1964 Act. Termination of the state and local government exemptions created a class of newly-covered public employees excluding only those subject to competitive service or "elected officials and those persons appointed by those officials to work on their personal staffs or in policy-making positions." In addition, another 1972 amendment stated "this section is amended to eliminate the exemption for employees of educational institutions." Now, for the first time since the enactment of the Civil Rights Act of 1964, school system employees could make complaints to the EEOC. The door was now open for the EEOC to have direct impact on the public schools.

While the initial push for EEO/AA legislation quite clearly was tied to the civil-rights movement, much of its impetus in the seventies has come from the women's rights movement. In 1970, the EEOC promulgated regulations that were published as Part 1604 of the Code of Federal Regulations. These were the first guidelines on sex discrimination. Revised Order 4, issued the


62 Congressional Record, (H 1862), March 8, 1972.

following year, set forth the requirement that federal contractors consider sex as well as racial discrimination in compiling their affirmative action programs. Title IX of the Education Amendments of 1972 reaffirmed this position and made it illegal to discriminate based on sex in either pay or conditions of work in either curricular or extracurricular programs. Since 1970, much litigation has occurred in the area of sex discrimination, most of it requiring compliance. In Williams v. McNair (1971), the Supreme Court sustained the legality of sex-segregated schools but in that same year held in another case, Reed v. Reed, that state laws which give preference to men over women violate the Fourteenth Amendment. Non-compliance has also proved costly to the defendants in these cases. In 1971, the University of Wisconsin was ordered to provide $911,000 in retroactive salary equalization to women professors. In 1974, the Supreme Court, in the cases of LaFleur v. Cleveland Board of Education and Cohen v. Chesterfield County Board of Education, held that mandatory leave policies in maternity cases violate the equal protection clause of the Fourteenth Amendment. While not directly related to EEO/AA legislation, both the LaFleur and Cohen decisions may certainly be said to have drawn strength from the movement and, in their outcome, stimulated it.

Following the enactment of the Education Amendments of 1972, the EEOC began to develop a record-keeping and reporting requirement to facilitate

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67 Ibid., p. 438.

Public school compliance with their new mandate. The resulting regulation stated:

Public and private elementary and secondary school systems and districts with 15 or more employees and every individual school, regardless of size within such systems and districts must make and keep all records necessary for the completion and filing of equal employment opportunity Elementary and Secondary Staff Information Report EEO-5, whether or not they are required to file the report in any given year. Such records must generally be kept for a period of two years.69

In addition, a School Reporting Committee was formed to determine annually which systems, districts, and schools were to file reporting form "EEO-5." This committee was composed of representatives of the EEOC, the HEW Office of Civil Rights, and the HEW Education Statistics Office.70 The deadline for filing these reports was initially November 30, 1975, that data covering all activity since October 1, 1974.71

By 1973, with the stage set by the civil-rights and women's rights movements, the EEOC began to initiate field investigations under the auspices of its original mandate,72 rather than react to complaints. This, coupled with its suit authorization and reporting requirements, gave it the ability to compel even the most reluctant districts to comply with the law. Such developments formed the primary basis for the general hypothesis and three of the four minor hypotheses of this study.

General Hypothesis. Public school personnel officials will perceive that the imposition of federal EEO/AA regulations has greatly altered the personnel


70 Ibid., sec. 1602.41.


72 Congressional Quarterly Service, op. cit., p. 31 cf. James C. Harvey, Black Civil Rights During the Johnson Administration (Jackson, Mississippi: University and College Press of Mississippi, 1973), pp. 140-142.
function in Virginia public school divisions.

**Hypothesis I.** Personnel officials of Virginia public school divisions will perceive that the implementation of EEO/AA regulations has caused an increase in both personnel department expenditures and staff requirements beyond that necessitated by division growth and inflation.

**Hypothesis II.** Personnel officials of Virginia public school divisions will perceive that implementation of EEO/AA requirements has necessitated codification of selection, promotion, and transfer criteria and procedures as well as strict adherence to those written criteria and procedures.

**Hypothesis III.** Personnel officials of Virginia public school divisions will perceive that since the implementation of EEO/AA (1972) causes and procedures for non-selection and dismissal of personnel have been modified to coincide with federal standards.

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The Divergent Impact of Equal Employment Opportunity and Affirmative Action Legislation

Few writers have concerned themselves with the impact of EEO/AA legislation at the local school level. Among those who have considered this matter, however, opinion is almost universal that the cost and burden of compliance has been high. Marsee found that the cost of defending against a discrimination complaint, even an obviously unfounded one, was often prohibitive. He concluded

> agencies make a great burden on the institution by demanding volumes of information to be supplied on very short notice . . . this is costly from the standpoint of the institution in time and money . . .

Pottinger, on the other hand, saw EEO as a benefit for two reasons: it forced

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73 Stuart E. Marsee, "Notice of Charge of Employment Discrimination—Prelude to Fact-Finding or Witch Hunt?" (speech presented to UCLA Leadership Committee, February, 1975), pp. 4-5.

institutions to develop a way of keeping track of applicants, and ended ad hoc hiring. He admitted, however, that EEO forced those institutions to bow to outside pressure in the matter of employment for the first time. Beam attempted to determine if the attitudes of a "stratified randomly selected group of employees, including administrators, faculty and classified personnel" in a large urban community college district could be analyzed to develop a prediction formula for other districts. She found no significant differences in attitudes toward EEO/AA based on characteristics of sex or race and thus could not predict the impact or success potential of EEO/AA in other institutions. Kruger surveyed the attitudes of faculty and administrators at a major university to identify subgroups holding different attitudes toward affirmative action programs and issues. She found that females and minority groups generally displayed more interest in, knowledge of, and favorability toward affirmative action than did white males, and that females felt more positively about affirmative action than did all males. Conversely, she found that females and minority group members felt less satisfied with the quality and strength of the affirmative action efforts underway than did white males, but that all minority group members held more favorable attitudes toward affirmative action than did all whites. Thus the Kruger study clearly contradicted the findings reported in Beam's research. In a similar study, Persson


examined the impact of collective bargaining and AA/EEO on personnel officers in institutions of higher education. He found

little to indicate that changes are taking place in the role of the college and university personnel offices under the impact of collective bargaining and programs of affirmative action and equal opportunity employment. The professionalization of the personnel officer, the size of his staff, and his sensitivity to the status of faculty and student employees do not show any significant change under the conditions of impact.

These findings are open to challenge since they are based solely on a mail questionnaire sent to personnel officers who made less than fifty-three percent response.

Differences Based on Ethnic Composition of School Districts

In attempting to assess the possible differences among school divisions in perception of degree of EEO/AA impact, one must turn to the evidence of reaction to other civil-rights legislation and of attitudes toward change in the black-white relationship as well as toward change in general. Perhaps the definitive work in those areas is the 1971 Institute for Social Research (ISR) study, White Attitudes Toward Black People. In that study, a 1968 survey was contrasted with similar 1964 and 1971 surveys. Dealing with equal employment opportunity, the survey compilers asked the question

Some people feel that if Negroes are not getting fair treatment in jobs the government in Washington ought to see to it that they do. How do you feel about it? Should the government in Washington see to it that Negroes get fair treatment in jobs or leave these matters to the state and local communities?

The response differed greatly between white and black respondents. While only thirty-three percent of white respondents felt that the federal government


79 Ibid., p. 129.
should "see to it they get fair treatment," eighty-four percent of black respondents answered in the same manner. Conversely, while only nine percent of black respondents indicated that the federal government should "leave it to the states," forty-six percent of white respondents indicated this. Thus it is clear that, since blacks overwhelmingly supported federal equal-employment-opportunity efforts and whites only marginally supported that idea, higher black concentrations in a given jurisdiction would tend to be related to higher community support for EEO/AA.

In the same study, ISR researchers found that "people from a farm background are generally least positive in their racial orientation, while those from large cities are most positive."\(^{80}\) In the matter of federal intervention, the survey compilers found that "in general, large city people are more favorable toward positive action and farm people are the least."\(^{81}\) This, they concluded, was consistent with earlier findings since "we know from earlier studies that white people living in a rural situation, especially in the South, tend to hold less favorable racial attitudes than one finds among city bred people."\(^{82}\) Based on this evidence, one would then expect the reaction of rural school divisions to EEO/AA to be more negative than that of urban divisions.

In a similar study, also in 1971, the National Opinion Research Center (NORC) found a marked increase in racial tolerance since 1963.\(^{83}\) The increase appeared almost uniformly distributed throughout the country. NORC found an

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\(^{80}\)Ibid., p. 44.

\(^{81}\)Ibid., p. 44.

\(^{82}\)Ibid., p. 46.

exception in this general trend, however, in that "those 'threatened' by blacks
with respect to competition for housing and jobs do show a lower level of
support for integration." The NORC findings support those of ISR and lent
credibility to the hypothesis that school administrators in high black concen-
tration districts tend to perceive greater EEO/AA impact than those in low
black concentration districts where whites are more accustomed to holding a
greater percentage of the power positions in both the community and the
schools.

Working in this same area, Morgan compared the racial attitudes of
administrators in Cedar Rapids, Iowa, a low minority visibility area with
those of similarly positioned administrators in East Orange, New Jersey, a
city with high minority visibility.

The question posed was: Do white administrators who work in
a predominantly minority population school district share the same
perceptions of racial issues as their minority colleagues or of
those white administrators who work in a predominantly white school
district?

The results of this study suggested that minority population
visibility was directly related to responses on some racial
attitudes.

i.e., that administrators in predominantly minority districts paid greater
attention to racial issues and felt that those issues had a greater impact on
their districts than did their colleagues in predominantly white districts.

Maughan's Wisconsin study further confirmed the notion that reactions
to educational programs and practices differ among communities of various

84 Anna Jones Morgan, "Racial Attitudes of School Administrators in a City
With Low Minority Visibility as Compared to the Racial Attitudes of School
Administrators in a City With High Minority Visibility" (unpublished Ed.D.
p. 4927A.

85 Wesley T. Maughan, "A Restudy of the Relationship of Selected Cultural
Characteristics to the Acceptance of Educational Programs and Practices Among
Certain Rural Neighborhoods in Wisconsin" (unpublished Ed.D. dissertation,
ethnic and racial background. He compared the acceptance of selected educational programs and practices between neighborhood groups that were homogeneous in ethnic and religion characteristics and those which were heterogeneous on those bases. His findings supported the idea that heterogeneous neighborhoods were significantly different in their reaction to school programs and practices than were homogeneous neighborhoods and that they tended to be more favorable in their reactions.

In their study of differences between the attitudes of metropolitan and non-metropolitan blacks toward racial prejudice, Kuvlesky and others found that place of residence was related to the intensity of desire for integration. These researchers found that sixty-one percent of metropolitan blacks strongly desired integration while only forty-five percent of town-residing blacks and thirty-two percent of village blacks strongly desired integration. Furthermore, place of residence was found to be related to perceived possibility of racial integration. Only thirty-two percent of town-residing blacks and fifty-four percent of village-residing blacks perceived a strong possibility for racial integration while seventy-nine percent of metropolitan blacks did so. These findings further supported the supposition that reaction to EEO/AA will be both more positive and more strongly perceived in urban (metropolitan) areas than in non-urban (village-town) areas.

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Differences Based On Size of School Districts And On Urban/Non-Urban Nature of School Districts

A study conducted in Michigan by Burt concluded that the attitudes of local school boards "has served as the greatest single impetus to influence Michigan school districts to adopt affirmative action programs." Thus, it appears that variation among school boards along lines of size and type of district in expectations for superintendents would be reflected in different perceptions of EEO/AA impact by superintendents and ultimately by division personnel officers.

Brickell conducted survey research among Virginia school divisions concerning board expectations for their superintendents. He found that significant differences in the expectations school boards hold for their superintendents in the area of staff personnel administration do exist among school boards of systems of various sizes. He concluded "School system size is an influential variable in board member expectations. The greater the disparity with respect to size of enrollment the more likely the difference in expectation." Brickell also found "matters of instructional leadership and financial administration are sources of disagreement between city and county school board members." He was not able, however, to conclude that significant differences existed between city and county board members in their expectations concerning staff personnel administration.

Brickell's findings were in accord with earlier research. Bernard M. Lall, in a 1969 Canadian study, found a significant divergence in the expecta-

88Burt, op. cit.
90Ibid., p. 102.
91Ibid., p. 102.
tions board members held for superintendents among respondents from urban and non-urban districts. In a 1968 North Carolina study, Todd found a like divergence of expectation among boards of school systems of varying sizes.

Similar findings were reported by Simon in a 1966 analysis of the communication functions, a process vital to smooth inter-racial cooperation in school districts. Simon found that

There are significant differences of attitude between superintendents of large and small school districts toward performance of communications functions. Superintendents of large school districts place more importance on performing communications functions than do superintendents of small school districts.

Also in 1966 Morris investigated twenty large and twenty small Virginia school divisions using the Florida Scale of Civic Beliefs. He reached three pertinent conclusions. Small-division school boards appeared more conservative than large-division school boards, but not significantly so. Small-division school boards did not differ from their superintendents in any category on the scale. Finally, the small-division superintendents were more conservative than were the large-division superintendents. Thus, there was clearly a difference in both the beliefs and attitudes of large and small div-


sion administration and in the unanimity of opinion among boards and superintendents.

In the area of sex discrimination, evidence tended to point toward the same large/small division cleavage of attitude. Zumbrun found that superintendents in larger districts had more positive attitudes toward the effectiveness of women as public school administrators and hence were more likely to hire them. In another 1976 study conducted in Michigan, Makulski found that among the forty-five randomly selected districts she queried

the attitudes of respondents from school districts in the population category "urban fringe-town" were significantly more favorable than were attitudes of respondents from school districts in the categories "city" and "rural."

It thus appears reasonable to expect a divergence of perception of EEO/AA impact among Virginia public school divisions based both on size of system and on urban or non-urban nature of the division. The expected relationship was stated in Hypothesis IV and its component parts.

Hypothesis IV. The perceived degree of impact of EEO/AA in Hypotheses I-III will be significantly related to the type of division:

(a) Personnel officials of high black divisions will perceive greater impact than will those of low black divisions.

(b) Personnel officials of urban divisions will perceive greater impact than will those of non-urban divisions.

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(c) Personnel officials of large divisions will perceive greater impact than will those of small divisions.

Summary

A research-based framework has been presented which leads to the development of the stated hypotheses. Chapter II presents a review of the related literature and the judicial background of this highly litigated topic. In Chapter III, the research design, methodology, sample and operational definition of variables are presented. Chapter IV is an analysis of the findings of the study. Finally, in Chapter V conclusions and implications are found.
CHAPTER II

REVIEW OF RELATED LITERATURE

The Judicial Background

The judicial history of equal employment opportunity has been one of complete reversal and deepening commitment. In the nineteenth century and much of the early twentieth, the courts held that enforcement of equal opportunity was beyond the scope of the federal government. The classic cases in this area were the Civil Rights Cases of 1883\(^1\) which invalidated the Civil Rights Act of 1875 and \textit{Plessy v. Ferguson} in which the courts held state enforced segregation under the doctrine of "separate but equal" was legal and not in violation of the Fourteenth Amendment.\(^2\)

While these cases were primarily concerned with racial discrimination, sex discrimination was receiving much the same treatment by the courts.\(^3\) In the area of racial as well as sexual discrimination, there has been much recent litigation, some of which was based on the Reconstruction Civil Rights Acts.\(^4\) As early as 1971, the United States Eighth Circuit Court of Appeals held in a Minnesota case that Section 1981 (CRA 1866) proscribed any discrimination in employment based on race whether the discrimination was

\(^1\)Sigler, \textit{op. cit.}, p. 131.

\(^2\)163 U.S. 537 (1896).

\(^3\)Sigler, \textit{op. cit.}, p. 148.

\(^4\)Here referred to are: \textit{United States Code} Title 42 sect. 1981-1983; the Civil Rights Acts of 1866 and 1871.
against whites or blacks. Furthermore, the courts in an Alabama case held that Section 1981, in providing that all persons within the United States shall be granted equal rights under law, provided an available remedy for discriminatory labor practices. In an earlier case dealing directly with equal employment opportunity in education a Maryland court found that discrimination by state or local school officials between teachers on account of race or color violated both the provisions of the Fourteenth Amendment and Sections 1981–1982 (CRA 1871) requiring equal rights under the law.

Equal employment opportunity enforcement litigation under Title 42 Section 1983 (CRA 1871) was channeled by two decisions rendered in the late 1960's. In 1966 the Supreme Court held that the scope of the act was limited strictly to state actions since Congress could not "create a federal cause of action in favor of persons injured by private individuals who abridge rights which are not federal constitutional rights and statutory rights was well." Thus it appeared that an individual's constitutional and statutory rights must have been violated by a state action before he could bring suit under this section. Also in 1969 a Federal District Court in Minnesota defined the actions of a school board as state actions within the meaning of Section 1983 and thus subjected to its provisions while a New York court concluded that plaintiffs could not have relief against racial segregation under Section 1983 without establishing their injury as resulting from the state action of which

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they complained. This contradicted the earlier finding of the Fifth Circuit Court of Appeals in Arkansas that public school teachers have the right to demand and be shown that race was not the condition upon which employment was granted or denied, and the Fifth Circuit Court of Appeals in a Louisiana case ruled that "wrongful dismissal of teachers entitles them to recover provable damages." The latter findings were, however, more common in the 1970's as exemplified by the opinion of the Fifth Circuit Court of Appeals ruled in a Texas case that black teachers had the right to seek relief from racially motivated nonrenewal of their teaching contracts. Thus it appeared that the Reconstruction Civil Rights Acts, while not intended to deal primarily with employment nor at all with education, were important bases for litigation enforcing equal opportunity employment in education. This was the case before Title VII of the Civil Rights Act of 1964 was made applicable to the public schools in 1972. "As one court stated it, Section 1981 is a major tool in equal employment opportunity for the nation's minorities including Blacks, Indians, aliens, Mexican-Americans and Puerto Ricans." The basis of such a statement may be found in several of the most recent decisions based on Section 1981 in which courts defined its scope as exceeding that of the Civil Rights Act of 1964.

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In addition to the Reconstruction Civil Rights Acts, the National Labor Relations Act (NLRA) has served as the basis of a substantial amount of civil rights and equal employment opportunity litigation. Most of these cases concerned elimination of discrimination by a labor union, an act defined as an unfair labor practice by the NLRA. "The courts reason that discrimination by a union or employer violates the unfair labor practices provisions of the Act," (NLRA 29 USC Sec. 141, et. seq.). In the Miranda and Hughes Tool cases of 1963 and 1964, the NLRB ruled that "arbitrary and invidious discrimination by a union is an unfair labor practice." The courts cited Section 9(A) of the NLRA, which conferred the right and obligation of a union to represent all employees fairly. However, the courts have limited this doctrine.

The U.S. Supreme Court has ruled that an NLRB order requiring a union to cease and desist from coercing not only employees of a particular employer involved, but also those of any other employer was too broad insofar as it was applicable to "any other employer," since the union had coerced employees of only one employer.

In recent litigation, the courts have tied interpretation of the NLRA to consideration of Title VII of the Civil Rights Act of 1964 as amended, thus more clearly appending it to the EEO/AA enforcement effort.

In addition, the NLRB has imposed further limits upon itself by deciding that employer race discrimination is not illegal per se because Congress did

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15PLI, op. cit., p. 32.
16An example case is United Packinghouse Workers v. NLRB, 416 F. 2d 1126 (1969).
17McCulloch, op. cit., p. 170.
18Labor Relations Guidebook, p. 234.
not intend NLRB to deal with race discrimination. Certainly, most judicial actions enforcing equal opportunity and affirmative action have been based on the Civil Rights Act of 1964, as amended. Much of this litigation dealt with clarifying the definition of the prohibited employer practices which formed the heart of Title VII of the Civil Rights Act of 1964.

The courts, in early rulings, established their power of interpretation in EEO cases. Though these rulings did not deal directly with educational matters, they dealt with general employment practices which also apply to educational employment practices. In the case of Beverly v. Lone Star Construction Corporation, the Fifth Circuit Court of Appeals declared that courts are the sole interpreters of Title VII. The court contended that this position was implied by the fact that Congress gave the EEOC no binding enforcement power and allowed the courts power to make independent de novo rulings in EEO matters. Following this line of reasoning, the court stated "we are certainly not bound by the EEOC's interpretation of its own enabling statute." This ruling implied that court findings could be independent of EEOC guidelines.

In their early decisions concerning discrimination in initial hiring, the courts arrived at a definition of discrimination.

A prima facie case of discrimination was established whenever it could be shown that an employment standard or practice had a disparate impact upon the employment opportunities of some protected group.

The courts allowed such practices to continue only on the grounds of business

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20 McCulloch, op. cit., p. 171. A similar decision was later reached concerning sex discrimination.


22 Conference Board, op. cit., p. 21.
necessity which they interpreted narrowly. The courts have seldom found such necessity in educational employment practices.

The basic interpretation of nondiscrimination in promotions and transfers emerged from five lower court decisions and a landmark Supreme Court case. In the *Quarles* case, the courts considered whether a pre-Title VII seniority system which perpetuated discrimination within departments was lawful under the Act as a bona-fide seniority system. The court found that such a system was not lawful, because its intent was to allow equality in promotion based solely on seniority. The result of this seniority system was freezing Negro employees into a pre-existing seniority-based promotion ladder. The court held that this was not the intent of the Congress. In a second case, the courts determined that the use of unvalidated tests as a basis of promotion or transfer may have a discriminatory impact on blacks: "to the extent any whites who have not been subjected to the test requirement are permitted to remain on their jobs, contemporaneously hired Negroes cannot be excluded from those jobs by virtue of the test requirement." An educationally related example was the South Carolina litigation regarding the use of the National Teachers' Examination. Again, the decision was based on disparate impact not on intent. In


the case of Rowe v. General Motors Corporation, the court determined that a
General Motors transfer policy had had discriminatory impact and ordered a
three-point remedy undertaken. The defendant (GMC) was required to train fore-
ment on promotion criteria and to train blacks as foremen. The requirement
that such criteria be stated and written is one that educators have to deal
with commonly. Further GMC was required to reduce promotion criteria to
writing and to post these criteria in the work place.\(^{26}\) It was clear that the
disparate impact of promotion, upgrading and transfer policies on minority
groups would not be permitted by the courts. Furthermore, it was clear that
testing for promotion would have to be validated and that remedial affirmative
action would be required in some cases to correct past discriminatory policies.
The application of these guidelines to educational administration has not yet
been clarified by the courts.

Hiring and promotion test validations then became a major issue in EEO/ AA
litigation. The EEOC Guidelines on Employee Selection stated "a test is
valid if it can be demonstrated that the test is predictive of, or signifi-
cantly related to, the performance of the job or jobs for which candidates are
being evaluated." Three methods of validation were recommended by EEOC.
Criterion-related validity studies would determine that high scorers on the
test became successful workers on the job. Content validity studies would
establish that the test in question was actually a representative sample of
the work to be done on the job. Construction validity studies would show that
"the test measures some characteristic, such as perceptual speed, that is
clearly needed for the particular job."\(^{27}\) Validity studies were required,
however, only for those tests which would be demonstrated to have a disparate
impact.

\(^{26}\) Rowe v. General Motors Corp., 457 F. 2d 348 (1972).
\(^{27}\) Conference Board, op. cit., p. 15.
The landmark case in which the Supreme Court applied this principle was *Griego v. Duke Power Company*. Here the court held that the requirement of a high school diploma or high scores on the Bennett Mechanical Aptitude Test and Wonderlic Personnel Test were not valid conditions for transfer from labor to other departments. Such requirements were in fact violations of Title VII for three reasons. Since only twelve percent of North Carolina blacks were high school graduates while thirty-four percent of North Carolina whites were high school graduates, the requirement would have disparate impact. This would be defensible if it were job-related. It could not be shown to be in any way job-related and thus was not a business necessity. Finally, these requirements could easily be proven invalid since white non-high school graduates previously placed had been doing well in other departments. Therefore the court ordered Duke Power to cease using the requirements in question. The Conference Board concluded "henceforth companies would not have anywhere near as free a hand as they previously had in establishing personnel policies and practices." The result of this line of decision was that unvalidated tests could not be used by administrators in making personnel decisions.

Two important cases set the tone for court interpretations of the Title VII ban on discrimination in compensation. The first of these cases concerned a company's failure to provide equal pay to men and women doing substantially equal work. The company claimed that the extra pay for men was an incentive, a part of a company training program for promotion. The court found that no job-related training program was in progress, denied the company's claim of business necessity and ordered equal pay. In the second case the court found that the defendant had instituted a discriminatory retirement age provi-

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sion in a collectively-bargained fringe benefit package. They held the plan in violation of Title VII.\textsuperscript{30} Thus it appeared that in compensation as in promotion matters the key words would be \textit{disparate impact} and that all forms of compensation, including fringe benefits, would be included in the act's coverage. This compensation litigation seems to have had little effect on educational personnel.

In the area of nondiscrimination in termination of employment, two cases will serve to demonstrate the nature of the court's interpretation. In one case a discriminatory discharge rule prohibiting certain women employees from being married was held to be in violation of Section 703(a)(1).\textsuperscript{31} This ruling was similar to the mandatory unpaid leave ruling for pregnant teachers. In the second case, the discharge of an employee because of repeated garnishments was termed a violation of the act.\textsuperscript{32} In each case, the company had failed to establish the business necessity for a personnel policy which had disparate impact on a minority. In the former case, the discriminatory effect was obviously intended but in the latter merely the result of a seemingly neutral policy. In each case, nevertheless, the company was held to be in violation of Title VII. The Conference Board has stated the crux of the courts' interpretation in each category.

The courts are saying that it is the \textit{results} of an employer's actions and not his intentions, that determine whether or not he is discriminating. They say it is illegal to continue policies, standards, or practices that operate to produce a \textit{disparate impact} on the employment status or opportunities of blacks, women or any other class protected by the law, unless it can be demonstrated that such a discriminatory effect is necessary to the safe and efficient operation of the business. This exception is being narrowly interpreted, with the burden of proof on the employer in establishing "business necessity."


\textsuperscript{31}Sprogis v. United Airlines, Inc., 444 F. 2d 1194 (1971).

Also, the courts are saying that affirmative action is required by law: (1) to seek out and employ qualified members of all protected groups that are represented in the labor force—for opportunities in all parts and at all levels of the organization where they are clearly underrepresented; and (2) to correct and to avoid carrying forward unnecessary adverse impacts resulting from past discrimination.\(^{33}\)

Action by the courts was not always limited to injunctions and orders to eliminate certain practices. In all areas of violation of bans or discrimination, large settlements of back pay were awarded by courts. VEPCO was ordered to pay $250,000 to blacks kept from promotion by a discriminatory system. Lorillard Corporation was required to pay $500,000 to blacks whose access to transfers and promotions had been limited. Household Finance Corporation paid $125,000 in back pay to white collar female workers who had been denied promotion because of sex.\(^{34}\) In the largest settlement on record, American Telephone and Telegraph paid fifteen million dollars in back pay to thousands of employees as lump-sum settlements and fifty million dollars in yearly payments as compensation for wage and promotion discrimination against minority and female employees.\(^{35}\) With the exception of the University of Wisconsin case, the courts do not seem to have reached any decisions directly related to compensation of educational personnel. (cf. footnote 67 ch 1.)

In addition

Lower courts had also established that under the wording of Title VII employers were required to take "affirmative action": (1) to recruit and hire protected groups for jobs from which they previously had been partially or wholly excluded; and (2) to overcome and avoid carrying forward the effects of past discrimination on present employees.\(^{36}\)

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\(^{33}\) Conference Board, op. cit., pp. 1-3.

\(^{34}\) Ross, op. cit., pp. 307-308.

\(^{35}\) Ibid., p. 309.

\(^{36}\) Conference Board, op. cit., p. 23.
Once the basic meaning of the terms used in the nondiscrimination provisions had been settled, attention turned to court definitions of the exemptions from the Title VII ban on discrimination, "business necessity" and "bona fide occupational qualification" (BFOQ). In one case, the Supreme Court invalidated a company policy restricting hiring of women with preschool aged children. This policy was not a BFOQ as defined by Section 703(a) of the Civil Rights Act of 1964, since its restriction was in no demonstrable way related to job necessity. Later a federal court of appeals defined business necessity as different from business convenience and held the latter not to be a BFOQ. Thus customer preferences were a business convenience and not a reason to exclude members of one sex or one race from certain jobs. In subsequent litigation it became clear that to qualify as a BFOQ the business purpose must be sufficiently compelling to override any racial impact: the challenged practice must effectively carry out the business purpose it is alleged to serve; and there must be available no acceptable alternative policies or practices which would better accomplish the business purpose advanced, or accomplish it equally well with a lesser degree of racial impact.

Several policy aims were determined as not constituting a business necessity. They were maintenance of the status quo, conformance to a precedent, avoidance of union pressure, cost of compliance and maintenance of a discriminatory seniority system. Later the courts did decide a case where discriminatory employment was found necessary to assure the safe and efficient operation of a

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The courts have not found the BFOQ applicable to educational situations.

Other action by the courts pointed out the need for affirmative action in recruiting and concluded that efforts to consolidate blacks into previously all white seniority systems could not unduly interfere with the company's right to safe and efficient operation of its plant.

Thus it is clear that the role of the courts has been both widespread and deep in all areas of EEO/AA enforcement and interpretation. As the Conference Board put it:

It is only through the Federal courts that the real impact of Title VII on employers' personnel practices can become clear, because only the courts have real power to interpret and enforce this law.

The Impact of Equal Employment Opportunity and Affirmative Action on Education and Business

Although much had been written about the impact of EEO/AA legislation on the private sector and to some extent on higher education, almost no research had been conducted concerning the impact of EEO/AA on the public schools. A search of Dissertation Abstracts International from 1964 to the present revealed only three related studies. Lee conducted a study aimed at assessing the discrimination patterns in the Flint, Michigan public schools.

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41 Spurlock v. United Airlines, 475 F. 2d 216 (1972), SFEP Cases 197.
44 Conference Board, op. cit., p. 21.
and evaluating the affirmative action program's effectiveness in breaking those patterns. His study was confined to an in-action evaluation rather than a broad-based accounting of EEO/AA impact. In a similar study, Ashmore\textsuperscript{46} examined the practices of school districts in regard to employment of minorities and attempted to develop a model for affirmative action programs. His findings indicated that: 1) all districts reported difficulty in finding minority candidates for available positions; 2) sixty-five percent of those interviewed felt there was a real need for an affirmative action program; 3) all of the districts involved in the study had definite job descriptions for every position in the district; and 4) all districts involved stated that communication of the affirmative action employment program to the staff was necessary, if the program were to be a success. In the most comprehensive study to date, Burt\textsuperscript{47} attempted to determine if Michigan public school districts had increased employment opportunities for blacks in administration over a ten-year period (1964-1974) and to determine if Michigan public school districts had implemented affirmative action programs and/or increased the number of black administrators. Beyond this, he attempted to ascertain what factors may have influenced the actions of school districts in these matters. Having stratified the 594 school districts in Michigan according to student population, he randomly selected twenty-five districts from each of the three strata and administered a questionnaire to the chief school administrator in each of the sample districts. He found that court litigation and the actions of the


National Association of School Boards had no influence on adoption of affirmative action programs by the Michigan districts, but that the existence and actions of agencies responsible for the enforcement of Title VI and Title VII of the Civil Rights Act of 1964 were factors in influencing Michigan school districts to adopt affirmative action policies. In addition, he found that district superintendents perceived the local school board as the greatest single impetus in influencing Michigan school districts to adopt affirmative action policies.

During a search of the Education Index and ERIC since 1964 only four publications concerning public schools and equal employment opportunity legislation were found. Two of these were guideline pamphlets developed by school administrator organizations as an aid to members complying with EEO/AA for the first time. The third was a review of the background and requirements of affirmative action legislation. The fourth article included administrative advice in the areas of job interviews and maternity leave. In addition, two essays pointing out the need for study in the area of EEO/AA were found. Thus, it appeared that only a small amount of scholarly research had been conducted concerning the impact of EEO/AA on the public


schools and that no research had been conducted concerning the reaction of public school officials to EEO/AA requirements. As a result of this absence of material, it became necessary to consider related literature in the fields of higher education and business.

Much of the general and higher education EEO/AA literature was at least partially applicable here. Taking into account some of the unique features of public schools, for instance their lack of concern with admissions and the hiring of women for teaching positions (two of the main college concerns), one could use the higher education literature as an important source of background information.

From the inception of EEOC, most writers concerned themselves with designing and implementing affirmative action programs. As early as 1964, guidelines were set for such plans. Companies were advised to enter a four-step process toward affirmative action. They were to assure their employees and the community at large that they were indeed equal opportunity employers. Once they accomplished this they were then to train first higher, then lower management to accept the idea of equal employment opportunity. Subsequently, these companies were to review internal promotion and benefit plans to eliminate discrimination. Finally, they were to see to it that the central office retained control of the company EEO program.52

Much the same pattern was followed in the findings and recommendations of state reports beginning in 1968.53 This pattern carried over to a series


of higher education equal opportunity statements, but was expanded in specifics. These higher education equal opportunity plans outlined methods of self-enforcement of equal opportunity and mandated periodic checks. Methods to be used in recruitment under these plans include direct contact with faculty members and graduate students at predominantly black institutions, direct contact with groups specifically oriented to and concerned with minority groups (for example the Association of Black Psychologists or the National Organization for Women), and visits to minority graduate schools and their graduates. Other writers advised increasing internal opportunities for the promotion of existing women and minority staff members by such activities as nominating them for internships and other extra-institutional positions to qualify them for promotion to positions of greater responsibility. Foxley maintained there were five basic guidelines for recruiting women and minority faculty.

1. Records of efforts to locate and recruit qualified women and minority group members should be kept by office and departmental administrative personnel for periodic review and progress assessment.

2. Notices of available positions should be published in local, regional, and national publications. They should not specify sex limitations and should include the statement, Equal Opportunity Employer.

3. Application and appointment forms should not require different information for men and women.

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55Pryor, op. cit., p. 4.

4. Information requested during interviews shall be the same for both male and female candidates.

5. Salaries should be determined on the basis of merit only. Such factors as marital status, number of dependents, spouse’s income, or other sources of income shall not be considered in setting salaries.

Kimmel tended to agree with this evaluation and further emphasized that the burden of proof rested on the institution.\(^57\) White added an operational definition of the EEO requirement that a "good faith search" be conducted for the best qualified candidate. To meet this requirement, institutions should keep as evidence letters of inquiry, cancelled checks, and lists of sources notified of the vacancy.\(^58\) Willis viewed this record-keeping as having a great impact on universities. She maintained

the universities, faced with the suspension of federal funds, expressed dismay at the amount of detailed analyses required by the government and at the burden of clerical work.\(^59\)

The National Organization for Women (NOW) further defined the complexity of compliance under Revised Order 4.\(^60\) NOW pointed out that this order required institutions "to assure that there are as many women and minorities in each job classification as could be reasonably expected by their availability."

Reasonable availability was, however, no easy figure to obtain. The figure was actually determined by eight factors. Most important among these were the size of the female and minority labor force and unemployment rate in rela-

\(^57\)Ellen B. Kimmel, "The Status of Faculty Women: A Method for Documentation and Correction of Salary and Rank Inequities Due to Sex," (University of South Florida, 1972).


tion to the total work force, the number and location of women and minorities with appropriate educational background, the number of women and minorities who could be recruited in the immediate vicinity or in reasonable proximity, and the availability of suitable training programs. This would then require as a minimum a skills survey of female and minority employees as well as the amassing of considerable data on the community and the work force.\textsuperscript{61} Certainly Willis' admonition about trouble and expense applied in such a situation.

Expanding this same recruitment theme, Barraza and Donnell\textsuperscript{62} listed five main sources of minority and female recruitment: community organizations, placement centers, military establishments, military separation centers, and minority-centered groups. In a much more comprehensive statement, the Michigan Association of School Administrators (MASA) published ten guidelines for recruiting, hiring, and retraining minority employees.\textsuperscript{63} In addition to those recruiting procedures commonly mentioned, the MASA advised placing minority members on recruiting teams as regular members and clearly defining job qualifications so that all candidates would know "what demands will be made upon the applicant and what the expectations are in terms of professional performance." In the area of employment interviews, Zweiback set forth guidelines for interview questions.\textsuperscript{64} Two rules apply, the questions asked must be designed to provide information pertinent to the job in question and what is asked of one sex must be asked of both.

\textsuperscript{61}\textit{Ibid.}


\textsuperscript{64}Zweiback, \textit{op. cit.}, p. 22.
The most extensive information about the potential impact of EEO on the public schools can be gleaned from examination of the laws themselves and from government publications designed to facilitate compliance with them. Title 29 of the United States Code deals with labor and thus contains the Equal Pay Act of 1963 and its amendments, while Title 42 is concerned with civil rights and therefore EEO itself. This title contains all of the civil rights legislation and many of the pertinent executive orders. Executive orders may be found in the Code of Federal Regulations as may EEOC rules and regulations (for example Part 1604, Guidelines on Sex Discrimination). The exact workings of the EEOC and OFCC enforcement mechanisms are contained in the EEOC Compliance Manual, while a comprehensive explanation of state and federal EEO/AA legislation and regulations is found in the Employment Practices Guide. The absence of state laws (with the exception of an equal pay act) may be verified by consulting the Code of Virginia.

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CHAPTER III

DESIGN OF THE STUDY

It was decided to conduct a descriptive study of data gathered from a survey instrument distributed to personnel administrators in all school divisions. Analysis would be accomplished by comparison of responses to questions through analysis of variance using division size and urban, suburban, non-urban classification of the division as the independent variables and response category as the dependent variable. The specific procedure for development of the instrument and treatment of each section is outlined below.

The Sample

The school division was defined as the basic unit for statistical comparison, inasmuch as each division has the capacity for independent reaction to federal regulations and is the smallest administrative unit capable of doing so. In addition, under Virginia school law, each division, subject only to certification requirements and rather loose state guidelines, may develop its own personnel policies encompassing such EEO/AA-related matters as hiring, dismissal, transfer and promotion practices. Furthermore, since there are one hundred thirty-five public school divisions in Virginia ranging from the highly urban metropolitan divisions in the vicinity of Washington, D.C., to the small, non-ethnic, rural divisions along the West Virginia border, a sense of the total range of reactions to EEO/AA should be conveyed. In order to assure as unbiased and widely-based response as possible, a survey instrument was sent to every school division rather than to a sample of divisions.
The Data
Background Variables

Each of the 135 public school divisions in the commonwealth were classified according to the following characteristics: ethnic concentration in the division, size of the division, and urban-suburban-non-urban nature of the division.

**Ethnic Concentration (ETHCONC).** The Taloe-Murphy Institute population survey of 1974 provided the basis for the operational definition of the ethnic concentration of school divisions. This study produced an ethnic concentration index which revealed the relative concentration of blacks in each locality. This was done by dividing the percentage of the state's black population living in an area by the percentage of the state's total population living in the same area. In the resulting index, a value of +1.00 or more indicated a greater concentration of blacks living in that locality than in the state as a whole. Therefore, for the purpose of this study, high black concentration areas were defined as those localities with scores of more than +1.00 on the Taloe-Murphy index and all others as low black concentration localities. Accordingly, the former was indicated by a code of 2 and the latter by a code of 1.

**Urban-Suburban-Non-Urban Nature of Division (DIVURBAN).** Urban divisions were for the purposes of this study defined as those divisions located entirely in the central city of a Standard Metropolitan Statistical Area (SMSA) as defined by the United States Census Bureau in the 1970 census. This category was assigned a code of 3. Surburban areas were operationally defined as those located in an SMSA but not in its core city. They were assigned a code of 2. All other localities were classified as non-urban and were assigned a code of 1.
The Bureau of the Census defines an SMSA as

a group of contiguous counties which contains at least one city of 50,000 inhabitants or more . . . . In addition to the county or counties containing such a city or cities, contiguous counties are included in an SMSA if, according to certain criteria, they are racially and economically integrated with the central city.¹

Thus the distinction between rural and urban reactions to EEO/AA seems justified in light of the difference in population characteristics. In line with this subdivision, further subdivisions were made by the Census Bureau. A clear distinction was made by the Census Bureau between central city populations and non-central city populations within an SMSA.

The population living in SMSA's is designated as the metropolitan population. The population is subdivided as "inside central city or cities" and "outside central city or cities." The population living outside SMSA's constitutes the non-metropolitan population.²

**Division Size (DIVSIZE).** The total population of each division was used as the basis for categorizing divisions as to size. This was used rather than student population because it afforded a closer comparison to the categories of other background variables which were also based on total population figures. A statewide mean was developed, and all divisions whose population was greater than the mean according to the 1970 census were classed as large and assigned a code of 2 while those with populations less than the state mean were classed as small and assigned a code of 1.

**Survey Instrument Design**

The survey instrument was divided into five areas each yielding data to be analyzed against the background variables.

**Compliance Cost Perception Scores.** This section (Area I) was an attempt to


²Ibid.
ascertain personnel administrators' perceptions of the cost of EEO/AA compliance efforts, both in terms of manhours spent and in terms of increased fiscal burden through the addition of personnel and completion of special recordkeeping and reporting procedures required by EEO. This was done by eliciting categorical responses (1 - strongly disagree, 2 - disagree, 3 - agree, 4 - strongly agree, 5 - no opinion) to statements about EEO/AA requirements and their results. Agreement with all of these statements except 11 and 12 indicated a perception of high EEO/AA impact. Question scores were added to produce an impact perception score. To obtain this result, STRONGLY DISAGREE was scored as 1, DISAGREE as 2, NO OPINION as 3, AGREE as 4, and STRONGLY AGREE as 5 except in the cases of 11 and 12 where the order of scoring was reversed to compensate for the negative nature of the statement.

**Personnel Policy Perception Scores.** Area II was designed to measure the personnel administrators' perceptions of changes EEO/AA had brought in personnel policy. Here the attempt was not to gauge actual changes but perceptions of changes. Scoring was conducted in the same manner as Area I. In this case, however, since there were no negative statements, no scores needed to be inverted.

**Overall Perception of Impact.** Area III was a gauge of personnel administrators' perceptions of the overall effect of EEO/AA. Here the intent was to determine if EEO/AA compliance was viewed as beneficial or bothersome and whether it was seen as a justified federal incursion into local school affairs. Scoring in this area was quite different than in the previous areas. Agreement with statements 1, 2, 5, 9, 10, 11, 12 and 15 indicated perception of non-beneficial impact, while agreement with statements 3, 4, 6, 7, 8, 13, 14, 16 and 17 indicated perception of beneficial impact. The scoring of the first series was then inverted so that the larger the total score the greater
the indication of a perception of beneficial impact.

**Total Scores.** Total scores were calculated by adding the scores of Areas I, II and III. The resulting score gave an indication of the total perceived impact with higher scores indicating greater impact.

**Perceptions of EEO/AA-Related Changes in the Past Two Years.** Area IV was an effort analysis based on personnel administrators' perceptions of the past two years (1975-1977). The purpose of this section was to determine the degree of perceived impact over the period of most intense EEO/AA enforcement. This section was not scored, but frequencies of response categories were reported as an indication of how extensive personnel administrators felt the fiscal, personnel and manhours commitment to EEO/AA compliance had been in the past two years.

**Results of Reliability Pilot Study**

A test of the reliability of the attached survey instrument (Appendix B) was conducted using a graduate-level educational administration class as a test group. The class, composed of nine practicing administrators and eight students training to be administrators, was instructed to complete the survey instrument assuming the role of an administrator with responsibility for EEO/AA affairs in a public school division. Each area was then split into odd and even numbered items and a simple correlation coefficient calculated to determine the internal consistency of the instrument. In Area I the scores of all participants yielded an $R$ of 0.684 but the scores of administrators alone yielded and $R$ of 0.85 which when adjusted to reflect all items

$$\text{reliability on full area} = \frac{2 \times R \text{ on } \frac{1}{2} \text{ test}}{1 + R \text{ on } \frac{1}{2} \text{ test}}$$

rose to $R = 0.94$. In Area II, the split-halves correlation of all participant scores yielded $R = 0.72$
which when adjusted to reflect all items yielded $R = 0.835$. In Area III the results were $R = 0.73$ and $R = 0.839$. It was thus apparent that the internal consistency of the instrument (Areas I, II, and III) was adequate for the intended use.

In order to test the reliability of the survey instrument over time, the section order was changed, and the instrument was readministered to the graduate class. A time lapse of two weeks was allowed to reduce the effect of memory. The resulting area scores were then correlated with the previous ones. The results were as follows:

- **Area I** $R = 0.79$ for all participants
- **Area I** $R = 0.824$ for administrators only
- **Area II** $R = 0.73$ for all participants
- **Area III** $R = 0.69$ for all participants

In addition, Area IV rankings were correlated using the Spearman method. In each question, Rho was greater than 0.97. The value of these figures may be somewhat doubtful, however, because the questions called for response based on data which only personnel officers would generally have and thus were not fully adaptable to this pilot study.

Area V was not tested since the questions called for responses only personnel officers would be likely to have.

**Results of the Validity Check**

To assure the validity of the instrument used in this study, the following procedures were used. Content validity was determined by close comparison of the instrument items with the provisions of EEO requirements and by submission of the instrument on a trial basis to three people thoroughly familiar with EEO/AA regulations and their implementations. All three people...
used were EEO/AA officers of various public institutions (College of William and Mary, Naval Air Rework Facility Norfolk and Virginia Army National Guard). Each submitted a list of changes, additions and deletions to the trial instrument. These modifications were accomplished prior to the reliability study. Validity was further tested by trial submission of the instrument to a group of public school and government agency administrators not included in the study population. These administrators read and scored each section on a 1 to 10 scale for readability as well as clarity using the appended form. Language adjustments were made until an average score of seven in all areas was reached. This too was accomplished prior to the production of a final instrument for use in the reliability study.

_Treatment of the Data-Statistical Procedures_

Analysis of survey perception scores in Area I, II and III was accomplished through analysis of variance using the SPSS program ANOVA. The paradigm for this procedure was the size of the division by the urban-suburban-non-urban classification of the division controlling for the ethnic concentration of the division. The dependent variable in each case was the area impact perception scores drawn from the survey data. This paradigm is shown in Figure 1.
FIGURE 1
A PARADIGM FOR STATISTICAL ANALYSIS OF THE DATA

AREA I PERCEPTION SCORES BY DIVISION

<table>
<thead>
<tr>
<th>URBAN</th>
<th>SUBURBAN</th>
<th>NON-URBAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
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<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
</tbody>
</table>

AREA II PERCEPTION SCORES BY DIVISION

<table>
<thead>
<tr>
<th>URBAN</th>
<th>SUBURBAN</th>
<th>NON-URBAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
</tbody>
</table>

AREA III PERCEPTION SCORES BY DIVISION

<table>
<thead>
<tr>
<th>URBAN</th>
<th>SUBURBAN</th>
<th>NON-URBAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
</tbody>
</table>

The sum of area perception scores from Areas I, II and III were added to create the variable TOTSCORE. The previous operations were then performed on this new variable.

<table>
<thead>
<tr>
<th>URBAN</th>
<th>SUBURBAN</th>
<th>NON-URBAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
<tr>
<td>HIGH</td>
<td>LOW</td>
<td>LARGE</td>
</tr>
<tr>
<td>BLACK</td>
<td>BLACK</td>
<td>SMALL</td>
</tr>
</tbody>
</table>

These tests sought to determine if different classifications of divisions had significantly different area scores.
Analysis of the survey data from Area IV was accomplished by the construction of contingency tables via the SPSS program CROSSTABS. Chi square was generated for each of the five questions. In each case, tables were produced showing the response as dependent variable crosstabulated by the urban/non-urban nature of the division, then by the size of the division, and finally by the ethnic concentration of the division. In all, three tables were produced for each question. The attempt in each case was to determine if the responses of some classes of divisions differed significantly from those of other classes.

Analysis of Area V was conducted by crosstabulation of responses by the types of divisions. As in Area IV, three tables were produced for each variable. In addition, in frequencies of response categories were reported for both Area IV and Area V.
CHAPTER IV

FINDINGS AND INTERPRETATIONS

Tests of Significance of Differences In Compliance Cost Perception Scores of Various Division Classifications

In order to determine if the Area I scores of divisions differed significantly on the basis of the three background variables, scores of the 94 responding divisions were subjected to an analysis of variance. The results of the SPSS subroutine ANOVA conducted with Area I scores as the dependent variable and ETHCONC, DIVSIZE AND DIVURBAN as the independent variables are included in Table 1 below.

TABLE 1
ANALYSIS OF VARIANCE AREA I - COMPLIANCE COST PERCEPTION SCORES BY DIVSIZED ETHCONC COMPARISON OF PCTS LOCAL AND STATE BLKS DIVURBAN-URBAN SUBURBAN NON-URBAN DIVISION CLASS

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>Sum of Squares</th>
<th>DF</th>
<th>Mean Square</th>
<th>F</th>
<th>Signif of F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Effects</td>
<td>470.655</td>
<td>4</td>
<td>117.664</td>
<td>1.530</td>
<td>0.201</td>
</tr>
<tr>
<td>DIVSIZED</td>
<td>22.043</td>
<td>1</td>
<td>22.043</td>
<td>0.287</td>
<td>0.594</td>
</tr>
<tr>
<td>ETHCONC</td>
<td>51.750</td>
<td>1</td>
<td>51.750</td>
<td>0.673</td>
<td>0.414</td>
</tr>
<tr>
<td>DIVURBAN</td>
<td>180.838</td>
<td>2</td>
<td>90.419</td>
<td>1.176</td>
<td>0.314</td>
</tr>
<tr>
<td>2-Way Interactions</td>
<td>260.929</td>
<td>5</td>
<td>52.186</td>
<td>0.678</td>
<td>0.641</td>
</tr>
<tr>
<td>DIVSIZED ETHCONC</td>
<td>41.023</td>
<td>1</td>
<td>41.023</td>
<td>0.533</td>
<td>0.467</td>
</tr>
<tr>
<td>DIVSIZED DIVURBAN</td>
<td>70.520</td>
<td>2</td>
<td>35.260</td>
<td>0.458</td>
<td>0.634</td>
</tr>
<tr>
<td>ETHCONC DIVURBAN</td>
<td>1.342</td>
<td>2</td>
<td>0.671</td>
<td>0.009</td>
<td>0.991</td>
</tr>
<tr>
<td>Explained</td>
<td>731.586</td>
<td>9</td>
<td>81.287</td>
<td>1.057</td>
<td>0.403</td>
</tr>
<tr>
<td>Residual</td>
<td>6460.777</td>
<td>84</td>
<td>76.914</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>7192.363</td>
<td>93</td>
<td>77.337</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

94 Cases Were Processed.
0 Cases (0.0 PCT) Were Missing.
This test revealed no significant relationships either in the main effects or in the two-way interactions. This was true at both the five and one percent levels of confidence.

**Tests of Significance of Differences In Personnel Policy Change Perception Scores of Various Division Classifications**

In order to ascertain if Area II scores differed significantly on the basis of the three background variables, scores of all 94 responding divisions were subjected to an analysis of variance using the SPSS subroutine ANOVA. As in the previous area, ANOVA was performed with the area scores as the dependent variable and the three background variables as independent variables. The results, shown in Table 2 below, were substantially the same as in Area I. Here, too, no significant relationships between the area scores and division classifications were found.

**TABLE 2**

**ANALYSIS OF VARIANCE AREA II - PERSONNEL POLICY CHANGE PERCEPTION SCORE BY DIVSIZED ETHCONC COMPARISON OF PCTS LOCAL AND STATE BLKS DIVURBAN-URBAN SUBURBAN NON-URBAN DIVISION CLASS**

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>Sum of Squares</th>
<th>DF</th>
<th>Mean Square</th>
<th>F</th>
<th>Signif of F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Effects</td>
<td>94.711</td>
<td>4</td>
<td>23.678</td>
<td>0.452</td>
<td>0.771</td>
</tr>
<tr>
<td>DIVSIZED</td>
<td>57.527</td>
<td>1</td>
<td>57.527</td>
<td>1.097</td>
<td>0.298</td>
</tr>
<tr>
<td>ETHCONC</td>
<td>25.119</td>
<td>1</td>
<td>25.119</td>
<td>0.479</td>
<td>0.491</td>
</tr>
<tr>
<td>DIVURBAN</td>
<td>25.877</td>
<td>2</td>
<td>12.938</td>
<td>0.247</td>
<td>0.782</td>
</tr>
<tr>
<td>2-Way Interactions</td>
<td>171.999</td>
<td>5</td>
<td>34.400</td>
<td>0.656</td>
<td>0.658</td>
</tr>
<tr>
<td>DIVSIZED ETHCONC</td>
<td>7.937</td>
<td>1</td>
<td>7.937</td>
<td>0.151</td>
<td>0.698</td>
</tr>
<tr>
<td>DIVSIZED DIVURBAN</td>
<td>165.149</td>
<td>2</td>
<td>82.574</td>
<td>1.575</td>
<td>0.213</td>
</tr>
<tr>
<td>ETHCONC DIVURBAN</td>
<td>35.024</td>
<td>2</td>
<td>17.512</td>
<td>0.334</td>
<td>0.717</td>
</tr>
<tr>
<td>Explained</td>
<td>266.711</td>
<td>9</td>
<td>29.635</td>
<td>0.565</td>
<td>0.822</td>
</tr>
<tr>
<td>Residual</td>
<td>4403.199</td>
<td>84</td>
<td>52.419</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>4669.910</td>
<td>93</td>
<td>50.214</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

94 Cases Were Processed

0 Cases (0.0 PCT) Were Missing.
In an attempt to ascertain whether Area III scores differed significantly on the basis of the three background variables, true scores of each of the 94 divisions which responded to the survey instrument were subjected to an analysis of variance using the SPSS subroutine ANOVA, the same procedure was used as previously. The resulting F scores, shown in Table 3 below, indicated that no significant relationship existed between Area III scores and the various classifications of divisions. This was true of both main effects and of two-way interactions. Thus it appeared that, in each of three initial areas considered separately, no significant relationships of any kind existed at either the one or five percent confidence levels.

TABLE 3

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>Sum of Squares</th>
<th>DF</th>
<th>Mean Square</th>
<th>F</th>
<th>Signif of F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Effects</td>
<td>88.876</td>
<td>4</td>
<td>22.219</td>
<td>0.371</td>
<td>0.829</td>
</tr>
<tr>
<td>DIVSIZED</td>
<td>2.052</td>
<td>1</td>
<td>2.052</td>
<td>0.034</td>
<td>0.854</td>
</tr>
<tr>
<td>ETHCONC</td>
<td>12.168</td>
<td>1</td>
<td>12.168</td>
<td>0.203</td>
<td>0.653</td>
</tr>
<tr>
<td>DIVURBAN</td>
<td>57.119</td>
<td>2</td>
<td>28.559</td>
<td>0.477</td>
<td>0.622</td>
</tr>
<tr>
<td>2-Way Interactions</td>
<td>408.529</td>
<td>5</td>
<td>81.706</td>
<td>1.365</td>
<td>0.246</td>
</tr>
<tr>
<td>DIVSIZED ETHCONC</td>
<td>69.759</td>
<td>1</td>
<td>69.759</td>
<td>1.165</td>
<td>0.283</td>
</tr>
<tr>
<td>DIVSIZED DIVURBAN</td>
<td>165.426</td>
<td>2</td>
<td>82.713</td>
<td>1.382</td>
<td>0.257</td>
</tr>
<tr>
<td>ETHCONC DIVURBAN</td>
<td>234.315</td>
<td>2</td>
<td>117.157</td>
<td>1.957</td>
<td>0.148</td>
</tr>
<tr>
<td>Explained</td>
<td>497.406</td>
<td>9</td>
<td>55.267</td>
<td>0.923</td>
<td>0.510</td>
</tr>
<tr>
<td>Residual</td>
<td>5029.039</td>
<td>84</td>
<td>59.870</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>5526.445</td>
<td>93</td>
<td>59.424</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

94 Cases Were Processed.
0 Cases (0.0 PCT) Were Missing.
Tests of Significance of Differences In Overall Scores of Various Division Classifications

An overall score, derived by adding the scores of Areas I, II and III, was subjected to the same treatment as were each of the previous area scores. The results were similar. No significant relationships were found between the overall scores and the various classifications of divisions. Once again this was true of both main effects and two-way interactions. The results are shown in Table 4 below.

TABLE 4

ANALYSIS OF VARIANCE TOTSCORE - OVERALL SCORE SUM OF AREAS I TO III BY DIVSIZED ETHCONC COMPARISON OF PCTS LOCAL AND STATE BLKS DIVURBAN-URBAN SUBURBAN NON-URBAN DIVISION CLASS

<table>
<thead>
<tr>
<th>Source of Variation</th>
<th>Sum of Squares</th>
<th>DF</th>
<th>Mean Square</th>
<th>F</th>
<th>Signif of F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Effects</td>
<td>1080.987</td>
<td>4</td>
<td>270.247</td>
<td>1.006</td>
<td>0.409</td>
</tr>
<tr>
<td>DIVSIZED</td>
<td>188.028</td>
<td>1</td>
<td>188.028</td>
<td>0.700</td>
<td>0.405</td>
</tr>
<tr>
<td>ETHCONC</td>
<td>75.993</td>
<td>1</td>
<td>75.993</td>
<td>0.283</td>
<td>0.596</td>
</tr>
<tr>
<td>DIVURBAN</td>
<td>247.814</td>
<td>2</td>
<td>123.907</td>
<td>0.461</td>
<td>0.632</td>
</tr>
<tr>
<td>2-Way Interactions</td>
<td>1090.704</td>
<td>5</td>
<td>218.141</td>
<td>0.812</td>
<td>0.544</td>
</tr>
<tr>
<td>DIVSIZED ETHCONC</td>
<td>142.559</td>
<td>1</td>
<td>142.559</td>
<td>0.531</td>
<td>0.468</td>
</tr>
<tr>
<td>DIVSIZED DIVURBAN</td>
<td>665.812</td>
<td>2</td>
<td>332.906</td>
<td>1.239</td>
<td>0.295</td>
</tr>
<tr>
<td>ETHCONC DIVURBAN</td>
<td>117.044</td>
<td>2</td>
<td>58.522</td>
<td>0.218</td>
<td>0.805</td>
</tr>
<tr>
<td>Explained</td>
<td>2171.691</td>
<td>9</td>
<td>241.299</td>
<td>0.898</td>
<td>0.531</td>
</tr>
<tr>
<td>Residual</td>
<td>22561.520</td>
<td>84</td>
<td>268.589</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>24733.211</td>
<td>93</td>
<td>265.948</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

94 Cases Were Processed.
0 Cases (0.0 PCT) Were Missing.

In an effort to assure further that a strong relationship did not exist between the area scores and division classifications, the overall scores were subjected to a multiple classification analysis. In Table 5, it is clearly indicated that such a relationship did not exist. Indeed multiple R squared results showed that only a four percent relationship existed between TOTSCORE and the background variables. The resultant beta scores bear this out.
TABLE 5

MULTIPLE CLASSIFICATION ANALYSIS TOTSCORE - OVERALL
SCORE SUM OF AREAS I TO III BY DIVSIZED ETHCONC
COMPARISON OF PCTS LOCAL AND STATE
BLKS DIVURBAN-URBAN SUBURBAN
NON-URBAN DIVISION CLASS

<table>
<thead>
<tr>
<th>Variable + Category</th>
<th>N</th>
<th>Unadjusted</th>
<th>Adjusted For Independents</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIVSIZED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>76</td>
<td>-1.33</td>
<td>-0.86</td>
</tr>
<tr>
<td>2</td>
<td>18</td>
<td>5.63</td>
<td>3.63</td>
</tr>
<tr>
<td>ETHCONC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Higher Local Conc</td>
<td>58</td>
<td>1.02</td>
<td>0.74</td>
</tr>
<tr>
<td>2</td>
<td>36</td>
<td>-1.64</td>
<td>-1.20</td>
</tr>
<tr>
<td>DIVURBAN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Not in SMSA</td>
<td>75</td>
<td>-1.45</td>
<td>-0.91</td>
</tr>
<tr>
<td>2 In SMSA Not Core City</td>
<td>12</td>
<td>6.41</td>
<td>4.44</td>
</tr>
<tr>
<td>3 SMSA Core City</td>
<td>7</td>
<td>4.53</td>
<td>2.18</td>
</tr>
</tbody>
</table>

Tests of Significance of Difference In Perceptions
of The Impact of Equal Employment Opportunity
And Affirmative Action Over The Past Two
Years Among Classes of School Divisions

Area IVA

Respondents indicated their perceptions of what percentage of the
personnel budget in their divisions over the period 1975-77 had been devoted
to EEO/AA compliance. All of the ninety-four responding chose category 1,
0 to 25 percent. None chose either of the two higher categories, thus
indicating that personnel officers of all divisions without regard to division
size, urban status, or ethnic concentration believed that a very low percentage of the personnel budget had been devoted to EEO/AA compliance during the period of most intense EEO/AA enforcement.

Area IVB

Respondents indicated what percentage of personnel department total manhours they believed had been devoted to EEO/AA compliance over the period 1975-77. Once more, responses were concentrated in the lower categories; 89 divisions indicated category 1, and only five divisions chose category 2 (0 to 25 percent and 25 to 50 percent respectively). No respondent indicated category 3 (50 percent or more). Not only was the response heavily centered in category 1, but also no significant relationship was found between any of the three background variables and the category choices. In the case of division urban status, the significance was only 0.4083, and Cramer's V a mere 0.13806. Division size had almost the same strength relationship with a significance of 0.5263 and a Phi of 0.12560. Ethnic concentration fared even worse with a significance of 0.6949 and a Phi of 0.08922.

Area IVC

Respondents were asked how much of the personnel department staff growth and/or turnover in the past two years (1975-77) they believed had been due to EEO/AA compliance efforts. In this area, as before, category 3 was totally unused, and category 2 was used only once. The remaining 93 respondents chose category 1, 0 to 25 percent. Also, as in the previous cases, there was no significant difference in the category selection based on any of the three background variables. This was obvious since 93 of the 94 responses fell in the same category.
Area IVD

Respondents were asked how much of the personnel department budget increase over the period 1975-77 they believed was attributable to the cost of EEO/AA compliance. The responses in this case were essentially the same as in Area IVC. Once again 93 divisions selected category 1, and only one selected category 2. None picked category 3. As before, no significant differences were found based on any of three background variables.

Area IVE

In this area, when respondents were asked how much of the personnel manhours increase of the previous two years (1975-77) they believed was due to EEO/AA compliance, 90 chose category 1, and only 4 chose category 2. None picked category 3. Once more no significant differences were found among divisions based on any of three background variables.

In summary, the responses to all of these items were nearly uniform. School division personnel officials perceived that little or no change in any of the five areas was due to EEO/AA compliance. This response was not at all related to division size, urban status, or ethnic concentration.

Tests of Significance of Differences In Responses To Area V Items And The Background Variables

In an attempt to determine if responses to the items in Area V, personnel changes and their relation to EEO/AA, were significantly different for the various classes of school divisions, the SPSS subroutine CROSSTABS was conducted. The item responses were used as the dependent variable and the three background variables as independent variables. Thus, in all, three contingency tables were generated for each response item, response by the ethnic concentration of the division, response by the size of division and response by the urban-suburban-rural nature of the division.
In response to the question "in what year did it become necessary for your division to begin keeping records of job interviews," 13 divisions claimed 1974 or earlier, 20 claimed 1975, and 34 claimed 1976. Twenty-seven divisions did not respond. The crosstabulation revealed that there was no significant difference among division responses on the basis of ethnic concentration in the division. The uncertainty coefficient (0.0181) showed that knowing the ethnic concentration level of a division offered almost no improvement in the uncertainty of the response. Furthermore, Cramer's V (0.17177) showed that only a weak association exists between the ethnic concentration level of a division and the year its personnel official believed it began to keep interview records. Crosstabulation of the response categories by the urban-suburban-non-urban class of the division yielded similar results. Significance in this case was 0.8169 still relatively low. Cramer's V was even weaker at 0.10772, and the uncertainty coefficient was nearly the same at 0.01152. Crosstabulation of the response categories by the size of the division also yielded similar results. Significance was 0.6085, only somewhat greater. The uncertainty coefficient was a mere 0.00906, and Cramer's V remained roughly the same at 0.12177. Thus, it is clear that there was no significant difference in response categories based on any of the background variables and that knowing any of them did not significantly reduce the uncertainty of response category choice. It was equally clear from Cramer's V that none of the background variables had a strong relationship to the response category choices.

Here the respondents were asked if the action indicated in VAR02 was EEO caused. Twenty-one divisions responded in the affirmative and 64 in the negative. Nine divisions did not respond. As might be expected from the response to VAR03, there was no significant difference in response based on
any of the three background variables. Neither was the uncertainty of response greatly reduced by knowing any of the background variables. The relationship between response categories and background variables also remained low as indicated by Cramer's V and Phi.

VAR04 Respondents were asked in what year they believed their divisions began filing EEO Form 1. Nine division personnel officials indicated 1975 or before and forty named 1976. Forty-five divisions did not respond to this question. In a cross-tabulation with the three background variables, almost no relationship was revealed. Cramer's V for DIVURBAN was 0.15424 and Phi for ETHCONC and DIVSIZED was 0.05298 and 0.06693 respectively. Significances for cross-tabulation by ethnic concentration (0.9938) and division size (0.9756) were extremely low while the significance for DIVURBAN (0.5583) was moderately low. The Phi and Cramer's V scores were indicative of a very weak relationship between the year divisions began filing EEO-1 and the background variables. Uncertainty coefficients revealed that knowing the ethnic concentration (0.00249), division urban classification (0.03048) or division size (0.00525) contributed almost nothing to reducing the uncertainty of choice.

VAR05 Division personnel officials were asked whether their divisions had a written affirmative action program. Forty-five indicated that they believed their divisions had such a plan while forty-two said they did not, and eight divisions did not respond. When responses were cross-tabulated with division ethnic concentration, a significant difference was revealed at the five but not at the one percent level (0.0518). Phi remained, however, quite low (0.23362), showing that the relationship, while significant, was not very strong. The uncertainty coefficient showed that knowing the ethnic concentration of a division did not greatly reduce the uncertainty of the response to the question.
VAR06 Respondents were asked to name the year in which they believed their written affirmative action program reported in VAR05 began. Only thirty-five divisions responded to the question. Ten division personnel officials who indicated that their divisions had written affirmative action plans failed to name the year in which they believed those plans began. As a result, sixty divisions were nonrespondents to this question. Obviously, the high response failure rate makes results of analysis of this variable tenuous at best. It was significant, however, of the thirty-five respondents, thirty-two claimed that their division began its affirmative action program in 1976, while only two claimed 1975, and none claimed earlier years. When one includes the missing divisions as data in the crosstabulation, a significant difference can be noted in two of the three background variables. In crosstabulation of choices with ethnic concentration, the significance of the missing divisions as a category was .0437 but only 0.1447 when the missing were excluded from the procedure. Still, the relationship between ethnic concentration and the year the division's affirmative action program began was quite strong with a Phi of 0.3873. In crosstabulation with the urban-suburban-rural nature of the division, the change was far less striking, and in neither case did significant difference exist. In the crosstabulation with division size, however, results were similar to those with ethnic concentration. With the missing divisions as a third category, the significance was .0053 or nearly significant at the five percent confidence level, while with the missing divisions excluded the significance was 0.1447. The relationship remained quite strong with a Phi of 0.32730. It should be noted, however, that the high number of missing greatly eroded the value of these results.

VAR07 When division personnel officials of the ninety-four responding divisions were asked if they currently (1977) had a copy of EEOC guidelines on sex
discrimination, eighty-two responded affirmatively, seven negatively, and five failed to respond. Responses were not significantly different based on ethnic concentration (0.139), urban nature (0.3566), or size (0.3693) of the division. None of the background variables had a strong relationship with the responses, and uncertainty coefficients remained low. Thus, knowing any of the three background variables of a division offered little help in predicting the response of that division to the question.

VAR08 Of the ninety-four division personnel officials responding to the question "Do you have a copy of the EEOC Compliance Manual?," seventy-six responded in the affirmative, and twelve in the negative, while six offered no response. There was nearly a significant difference (0.0677) in responses due to ethnic concentration level, but a rather low Phi (0.22875) and uncertainty coefficient (0.04783) in the same case. A much weaker relationship appeared in relation to urban class. Significance in this area was 0.9433 while Cramer's V was a mere 0.03461 indicating a far from significant and very weak relationship between responses and the urban-suburban-non-urban nature of the division. The uncertainty coefficient (0.00119) clearly showed that there was no reduction in the uncertainty of responses gained from knowledge of this background variable. The same may be said of crosstabulation with division size. The significance for the variable was 0.9721. Phi was 0.03731, and the uncertainty coefficient was a mere 0.00160.

VAR09 Respondents were asked whether they believed that their divisions currently (1977) were required to file Form EEO-5. Of the ninety-four potential responses, forty-nine were positive, thirty-three were negative, and twelve were missing. In this case, there was a highly significant difference (0.0051) in response category based on ethnic concentration level. This was true at the one percent confidence level. The Phi score indicated that the
relationship between ethnic concentration and response category was quite high. The uncertainty coefficient, however, remained quite low (0.08399) showing that knowledge of the ethnic concentration level of a division did not greatly reduce the uncertainty of response. Crosstabulation of responses by division urban classification did not yield a significant difference. A significance of 0.4480, coupled with a Cramer's V of 0.13994 and an uncertainty coefficient of 0.01529, clearly showed that this variable had almost no relation to the item response. The same was true of crosstabulation by division size. In this case the significance was 0.4562; Phi was 0.11296; and the uncertainty coefficient was 0.0110. Therefore only ethnic concentration level seemed to have any relationship to whether a division filed EEO-5.

VAR10 Respondents next listed the year in which they believed their divisions began filing EEO-5. Of the forty-nine possible responses, thirty-two named 1976, and two named 1975. Fifteen did not respond. When added to the number who did not respond to the original question (VAR09), the number of missing observations was brought to sixty. The high number of divisions who failed to respond rendered analysis of responses almost meaningless. Using missing responses as a third category, division size and urban nature was found to reveal significantly different response sets (.0243 and .0533), while with the missing responses excluded they did not (0.8188 and 0.5602). Clearly the high number of missing responses rendered the analysis valueless for these two background variables. This greatly eroded the value of the analysis in the case of ethnic concentration where the difference in significance levels was 0.0625 and 0.9597. Therefore, no conclusion could be drawn from this variable.

VAR11 Division personnel officials were asked if they believed that their divisions now filed EEO Form 168A. Twenty-two marked yes, fifty marked no, and twenty-two did not answer. There was no significant difference in response
category based on any of the three background variables. Neither Cramer's $V$ nor Phi showed a strong relationship between response category and any of the background variables. Uncertainty coefficients remained .01 or less.

**VAR12** In a follow-up to VAR11 respondents were asked to name the year during which their division's began to file EEO Form 168A. Only thirteen divisions responded, twelve of them negatively. With eighty-one missing observations, analysis of the data became meaningless.

**VAR13** Division personnel officials were asked if they believed that their division's now filed EEO Form 168B. Fifteen marked yes, fifty-two marked no, and twenty-seven did not respond. There were no significant differences in response categories due to any of the three background variables. Similarly, the Phi and Cramer's $V$ results indicated that not even a moderately strong relationship existed between the background variables and the response categories. Low uncertainty coefficients in each case (less than 0.01550) indicated that knowing any one of the background variables did not reduce the uncertainty of response category selection.

**VAR14** As a follow-up to the response in VAR13, respondents were asked how many forms EEO 168B they filed. Only three divisions responded. Two division personnel officials claimed that their divisions filed four of these forms, while one claimed that his division filed six forms. Ninety-one divisions did not answer. Statistical analysis of this sparse return would have been meaningless.

**VAR15** Division personnel officials were asked when it became necessary for their divisions to keep employee ethnic data. Nine divisions named years of 1974 or earlier, nineteen named 1975, and twenty-eight named 1976. Thirty-eight divisions did not respond. While Cramer's $V$ (0.2946) indicated a moderately strong relationship between the year such data was first kept and
the ethnic concentration level of the division, there was no significant difference (0.1211) of response among the divisions based on this background variable. The relationship between division urban class and the date division personnel officials said that their divisions began keeping ethnic data was similar to that for ethnic concentration. The significance level was 0.112, and Cramer's V was 0.25898. The relationship between the year chosen and the size of the division was much weaker. Cramer's V was only 0.1990, and the significance level was 0.3296. While no significant difference among year selection by personnel officials existed, based on any of the three background variables, a moderately strong relationship was shown to exist between the ethnic concentration level and urban-suburban-non-urban class of the divisions.

VAR16 In conjunction with the data gathered in the previous question, respondents were asked if they believed that the actions indicated were EEO caused. Sixty-five divisions responded, and twenty-nine did not. Of those responding, thirty marked yes, and thirty-five marked no. Nine more divisions responded to this question than to the original question on which it was based. This was likely to have been the result of personnel officials' reluctance to guess at the year the keeping of ethnic data was begun as well their knowledge that the activity began so long ago that it could not be EEO caused. There were not found to be any significant differences among responses based on any of the three background variables. Neither were Phi nor Cramer's V high enough to indicate even a moderately strong relationship between the choice selection and any of the background variables.

VAR17 Personnel officials of all Virginia school divisions were asked if their divisions currently recruited at minority institutions. Eighty-nine divisions responded. Of those responding, fifty-six answered in the affirmative and thirty-three in the negative. There were no significant differences in
responses based on any of the three background variables. Phi and Cramer's V results were too low to indicate even a moderate relationship between the background variables and the answer to this question. Additionally, uncertainty coefficients for each background variable were less than 0.02, indicating that knowing any of these variables did not even moderately reduce the uncertainty of response.

Continuing the area of inquiry started in the previous question, respondents were asked if their division recruited at minority institutions prior to 1972. Seventy-seven division personnel officials answered this question. Forty-five of those believed that their divisions conducted such recruiting prior to 1972; thirty-two did not. Thus, while it is clear that more division personnel officials believed that their divisions now recruited at minority institutions than did so in 1972, there was no significant difference in their responses based on any of the background variables. Phi and Cramer's V scores also made it clear that no strong relationship existed between any of the background variables and the response to this question.

Personnel officials were asked if they believed the divisions they represented currently seek the help of women's groups in recruiting. Eighty-nine divisions responded. Of these, only eight answered affirmatively, and the remaining eighty-one answered negatively. Five divisions which returned survey instruments failed to answer this question. No significant difference in response selection was noted for either ethnic concentration level (0.624) or division size (0.9789). In the case of division urban classification, however, a nearly significant difference was noted. The significance level in this area was 0.0621, nearly significant at the five percent confidence level, while Cramer's V (0.24988) demonstrated a moderately strong relationship between the division urban classification and whether the division personnel
official believed his division currently seeks the help of women's groups in recruiting. A gamma of -0.23220 showing that the tendency was for the personnel officials of divisions which were not in the SMSA of any city to believe that their divisions did not seek such help, while personnel officials of divisions located in SMSA core cities appeared much more likely to perceive that their divisions did seek such assistance.

VAR20 As a continuation of the data requested in the previous question, division personnel officials were asked if they believed that their divisions sought the help of women's groups in recruiting prior to 1972. Of the ninety-four divisions which returned the survey instrument, twenty did not answer this question. Only six answered in the affirmative while sixty-eight answered negatively. As in the previous question, no significant differences in response based on either ethnic concentration or division size (0.7833 and 0.9020 respectively) were found. A highly significant result was, however, noted in the case of division urban class. As previously, both the significance level (0.0016) and Cramer's V (0.41726) demonstrated a strong relationship between the division personnel official's perception that his division asked the help of women's organizations in recruiting prior to 1972 and the urban-suburban-non-urban class of the division. The direction and intensity of gamma (-0.62025) clearly showed that the tendency, as before, was for the less urban division officials to perceive more strongly that their divisions did not seek such help than for the officials of the urban divisions to believe that their divisions actually sought such help.

VAR21 In an attempt to ascertain if division personnel officials had, or believed they had, the basic document of the state EEO/AA program, Executive Order No. 29, respondents were asked to indicate if their divisions had a copy of this document. Of the ninety-four responding divisions, twenty-two did not
answer this question. Fifty-three of the remaining seventy-two selected yes, and nineteen selected no. No significant differences in response categories were noted on the basis of any of the three background variables. Low Phi and Cramer's V results demonstrated that not even a moderate relationship existed between these three variables and the responses.

VAR22 Division personnel officers were asked if their division advertised vacancies outside the state. All but four of the responding divisions answered this question. Forty-one answered yes, and forty-nine answered no. No significant difference in response categories was noted for either division, urban classification, or division size. Low Cramer's V and Phi results (0.13378 and 0.01116) supported the conclusion that not even a moderate relationship existed between either of these two variables and the response selection. Ethnic concentration level did appear, however, to be related to whether vacancies were advertised outside the state. There was a significant difference among divisions of different levels of ethnic concentration in their response to this question. Significance was noted at the five percent confidence level (0.0276) but not at the one percent level. Phi, 0.25503, indicated a moderately strong relationship between this background variable and the responses while gamma, -0.48649, demonstrated that the direction was negative. Thus, divisions with lower local black concentrations than the state average appeared less likely to advertise vacancies outside the state than did divisions with higher black concentrations than the state average.

VAR23 When asked if EEO had increased advertising of vacancies in their divisions, thirty-six of the ninety-four responding personnel officials answered yes, and fifty answered no. Eight did not answer the question. There were no significant differences in responses based on any of the three background variables. Phi and Cramer's V results showed that not even a weak
relationship existed between any of the three background variables and the responses to this question.

VAR24 Division personnel officials were asked if they currently kept lists of sources notified of vacancies. Sixty-one marked yes, twenty-six answered no, and seven of the ninety-four responding officials did not answer this question. In none of the three crosstabulations of the responses by the background variables was Phi or Cramer's V large enough to indicate even a moderate relationship. Neither were any significant differences between responses found for any background variable.

VAR25 In a continuation of the previous question, respondents were asked if they believed their division had kept lists of sources notified of vacancies prior to 1972. Seventeen of the divisions which returned the survey instrument did not answer this question. Twenty-nine of the seventy-seven who did answer marked yes while forty-eight marked no. None of the crosstabulations showed a significant difference between response choices based on any background variable. Phi and Cramer's V results were all 0.15 or lower, showing little or no relationship between the background variables and the responses to this question.

VAR26 Respondents were asked during what year they believed their divisions began routinely recording dismissal causes in detail. Fourteen divisions failed to answer this question. Seven named 1974, forty-eight named 1975, and twenty-five named 1976. None of the crosstabulations with the three background variables yielded significant differences. Cramer's V in the case of division urban class, however, revealed a moderately strong (0.21706) relationship between the urban-suburban-non-urban nature of the division and the year selected.
Division personnel officials were asked in what year they believed hearings were routinely held in dismissal cases in their divisions. Since forty-seven of a potential ninety-four divisions failed to respond to this question, analysis of the data collected is rather questionable. Of those responding, nineteen named 1976 as the year hearings began, fifteen named 1975, and thirteen named 1974 or earlier. No significant differences based on any of the three background variables were found. Cramér's V results did not indicate either moderate or strong relationships between any of the background variables and the response categories.

In a continuation of the effort expended in the previous question, respondents were asked whether they believed their divisions began recording dismissal causes in detail due to EEO/AA. Sixty-one divisions responded negatively, only six responded affirmatively, and twenty-seven failed to answer the question. No significant differences among division responses based on any of the three background variables were found. Likewise Cramér's V and Phi were so small that not even a moderate relationship between any of the background variables and the responses were noted.

Respondents were asked if the hearings noted in the previous question were instituted because of EEO/AA requirements. Four of the division personnel officials believed they were, fifty-five did not, and thirty-five failed to answer. There were no significant differences based on any of the background variables. Phi and Cramér's V results indicated only weak to moderate relationships existed between the background variables and the responses. The high number of missing responses, however, made even these results questionable.
<table>
<thead>
<tr>
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<td>This variable is the division identification number.</td>
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<tr>
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<td>In what year did it become necessary for your division to begin keeping records of job interviews?</td>
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<td>(0.01205)**</td>
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<td>Was this action EEO caused?</td>
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<td>(0.09918)**</td>
<td>(0.00659)**</td>
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<td>In what year did you start filing EEO reports (Form EEO-1)?</td>
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**Missing responses coded and included in calculations as a separate category.
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<th>UNCERTAINTY COEFFICIENT</th>
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<td>Do you have a copy of the EEOC guidelines on sex discrimination?</td>
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<td>10</td>
<td>If yes, what year did you begin to do so?</td>
<td>ETHCONC</td>
<td>(0.0525)**</td>
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<tbody>
<tr>
<td>11</td>
<td>Do you now file EEO Form 168A?</td>
<td>ETHCONC</td>
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<td>(0.12570)**</td>
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<td>12</td>
<td>If yes, what year did you begin</td>
<td>ETHCONC</td>
<td>(0.4197)**</td>
<td>(0.13591)**</td>
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<td>to do so?</td>
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<td>DIVURBAN</td>
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<td>13</td>
<td>Do you now file EEO Form 168B?</td>
<td>ETHCONC</td>
<td>(0.5404)**</td>
<td>(0.11442)**</td>
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<td>14</td>
<td>How many?</td>
<td>With 91 of 94 results missing, analysis is not valid.</td>
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*Missing responses not included.

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<tbody>
<tr>
<td>15</td>
<td>When did it become necessary for you to keep employee ethnic data for all employees?</td>
<td>ETHCONC</td>
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<td>Was this EEO caused?</td>
<td>ETHCONC</td>
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<tbody>
<tr>
<td>18</td>
<td>Did you do so before 1972?</td>
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<td>Do you seek the help of women's action groups in recruiting?</td>
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<td>Did you do so before 1972?</td>
<td>ETHCONC</td>
<td>(0.6103)**</td>
<td>(0.10250)**</td>
<td>(0.00737)**</td>
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<td>Do you have a copy of Governor's Executive Order No. 29 (1974)?</td>
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<td>Do you advertise vacancies outside the state?</td>
<td>ETHCONC</td>
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<td>(0.30138)**</td>
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<td>*0.8739</td>
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<td>Has EEO increased your advertising of vacancies?</td>
<td>ETHCONC</td>
<td>(0.6183)**</td>
<td>(0.10114)**</td>
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<td>*0.7433</td>
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<td>(0.5367)**</td>
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<td>(0.7282)**</td>
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<td>24</td>
<td>Do you now keep lists of sources notified of vacancies?</td>
<td>ETHCONC (0.0800)**</td>
<td>(0.23183)**</td>
<td>(0.05303)**</td>
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<td>Did you do so before 1972?</td>
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<td>(0.09987)**</td>
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<td>During what year were causes for dismissal first routinely recorded in detail?</td>
<td>ETHCONC (0.3923)**</td>
<td>(0.17852)**</td>
<td>(0.01873)**</td>
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<td>What was the first year during which hearings were routinely held in dismissal cases?</td>
<td>ETHCONC</td>
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<td>Were the actions in VAR 26 EEO caused?</td>
<td>ETHCONC</td>
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*Missing responses not included.

**Missing responses coded and included in calculations as a separate category.
CHAPTER V

DISCUSSION AND CONCLUSIONS

The relationship between various school division characteristics and the perceptions of school division personnel officials about the impact of EEO/AA was investigated in this descriptive study. The relationship between the size of the school division, its urban, non-urban nature, or the concentration of minorities within its borders and the perceptions of EEO/AA impact by school division personnel officials was not found to be significant. The predicted relationships were not statistically supported at either the .01 or .05 confidence level.

The specific findings of the investigation are discussed, and conclusions based on these findings are drawn in Chapter V. Discussion and conclusions are presented in six sections. These sections are (a) Division Classification and Personnel Officials' Perceptions of the Cost of the Division EEO/AA Compliance Effort, (b) Division Classification and Personnel Officials' Perceptions of the Changes EEO/AA had brought in Personnel Policy, (c) Division Classification and Division Personnel Officials' Perceptions of the Overall Effect of EEO/AA, (d) Division Classification and Division Personnel Officials' Perceptions of the Total Impact of EEO/AA, (e) Division Classification and Effort Analysis, and (f) Perceived Personnel Changes and their Relation to EEO/AA.

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Division Classification and Personnel Officials' Perceptions of the Cost of Division Compliance with Equal Employment Opportunity and Affirmative Action Legislation

There was found no significant relationship between division size, ethnic concentration, or urbanness and personnel officials' perceptions of the cost of their school divisions' compliance with EEO/AA. This finding indicated that school division personnel officials held similar views of the cost of EEO/AA compliance regardless of the characteristics or composition of their divisions.

Division Classification and Personnel Officials' Perceptions of the Changes Equal Employment Opportunity and Affirmative Action Legislation Has Brought in Personnel Policy

There was found no significant relationship between the size, ethnic composition, or urbanness of divisions and the perceptions of their personnel officials as to changes in personnel policy brought by EEO/AA. This finding indicated that school division personnel officials tended to have similar perceptions of the changes EEO/AA compliance had brought to personnel policy without regard to the characteristics of their divisions.

Division Classification and Division Personnel Officials' Perceptions of the Overall Effect of Equal Employment Opportunity and Affirmative Action Legislation

There was found no significant relationship between the size, ethnic concentration, or urbanness of divisions and division personnel officials' perceptions of the overall impact of EEO/AA. This finding demonstrated that school division personnel officials tended to have similar views of the overall impact of EEO/AA despite differences in the three background variables of their divisions.
Division Classification and Division Personnel
Officials' Perceptions of the Total Impact of
Equal Employment Opportunity and
Affirmative Action Legislation

Even when the first three areas of consideration were combined to form a total score, no significant differences were found among the perceptions of the personnel officials of various classes of school divisions. From this data it can be concluded that school personnel officials, on a statewide basis, viewed the impact of EEO/AA uniformly, whether their divisions were large or small, urban or non-urban, or higher or lower than the state average in percentage of black population.

Division Classification and Effort Analysis

All respondents indicated that less than 25 percent of their divisional personnel budget had been devoted to EEO/AA compliance. Similarly, only five of ninety-four respondents claimed their division devoted between 25 and 50 percent of its personnel department manhours to EEO/AA compliance. None believed that 50 percent of the personnel department manhours were being spent on EEO/AA efforts. There was no significant relationship between the category selection and any or all of the background variables. When asked what percentage of personnel department growth or turnover they believed was due to EEO/AA compliance efforts, all but one respondent indicated less than 25 percent. Response to the question "How much of the personnel department budget increase over the period 1975-1977 was attributable to the cost of EEO/AA compliance?" was identical. Ninety of ninety-four respondents believed that less than 25 percent of their school divisions' increase in personnel department manhours over the period 1975-1977 had been devoted to EEO/AA compliance. The remaining four respondents chose the 25-50 percent range. There was no significant difference in division type in response, however.
From these nearly uniform responses to all items, it may be concluded that school division personnel officials perceived little or no change in staff workload or effort due to EEO/AA compliance over the period of most vigorous enforcement. Furthermore, there was no significant difference in response based on any of the background variables, size, urbanization, and ethnic concentration.

Perceived Personnel Changes and Their Relation to Equal Employment Opportunity and Affirmative Action Legislation

In a majority of the twenty-eight variables (VAR 01 was division identification) included in this section of the study, no significant relationships were found between the responses and the size, urbanization, or ethnic concentration level of the divisions. This was true for variables: 02, 03, 04, 06, 07, 08, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, and 29. Only in the cases of four variables was a significant difference found at all. These were variables 05, 09, 10, and 20.

VAR 05 The question here was "Do you have a written affirmative action program?" A significant relationship between ethnic concentration (ETHCONC) and responses was found (0.0518). The relationship was not strong, however, as noted in a Cramer's V of 0.2362, and was only significant when missing responses were not included. When missing responses were coded and included in the calculations, the result dropped to 0.0954 which is hardly significant. Furthermore, significance was restricted to one background variable.

VAR 09 Among responses to the question "Are you now required to file Form EEO-5?" a significant relationship existed with the background variable ETHCONC. In this case, the relationship was strong with significance being at or below the 1 percent confidence level whether missing cases were included.
A Cramer's V score of 0.33461 tended to support the conclusion that this was a strong relationship. Thus, one may conclude that school division personnel administrators did tend to respond differently to the question according to the ethnic concentration level of their divisions.

VAR 10 While significance was indicated here, the high number of missing cases (sixty) rendered analysis almost meaningless.

VAR 20 School division personnel officials were asked if they believed that their divisions sought the help of women's groups in recruiting prior to 1972. Only one background variable, division urban class, was found to have a significant relationship to responses. Both the significance level (0.0016) and Cramer's V (0.41726) demonstrated a strong relationship between the division personnel official's perception that his division asked the help of women's organizations in recruiting prior to 1972 and the urban-suburban-non-urban class of the division. The direction and intensity of gamma (-0.62025) clearly showed that there was a tendency for the officials of less urban divisions to believe that their divisions did not seek such help and for their counterparts in urban divisions to believe that their divisions actually sought such help.

The real importance of these results lies not in significant relationships found, but in the general absence of such relationships. Of a potential eighty-four relationships (twenty-eight variables and three background variables), only four significant relationships were found. There appeared to be no differential pattern of perception of impact. Responding school division personnel officials did not perceive the impact of EEO/AA, its cost, or the changes it has brought differently on the basis of any of the three background variables.
Implications For Administrative Practice

In this study there were few implications for administrative practice. At most, this study should make administrators aware that the perceptions of school division personnel officials were not always what the stereotypes of various classes of divisions would lead one to believe they ought to be. It should help foster an awareness of and a curiosity about this divergence from common thought. As for improvements in concrete administrative practice, however, this study offers none. Rather it opens the way for other studies which could result in such recommendations.

Implications For Research

The importance of this study lies not in the significant relationship found but in the nearly complete absence of such relationship. The results indicate that personnel officials of various types of school divisions do not significantly differ in their perceptions of the impact of EEO/AA legislation. It does not seem to matter that the district is large, or that it is urban, or even that its population has a high concentration of blacks. This shakes the basic premise that civil rights legislation has its maximum impact in areas where blacks concentrate and concurrently in cities. The implication here is simply that more research must be done to determine if this trend applies to all civil rights legislation or merely wishful thinking on the part of school officials. This need implies that further research must be done not into the perceptions and attitudes of officials, but into the actual personnel records of divisions to determine if, in fact, manhours, budgets, and staffs have increased and if personnel policies have changed. If such research finds the expected increases, the question arises as to why officials do not perceive impact when impact is clearly there. It is clear
then that this research is but the opening of an exploration of the impact of federal legislation on school divisions and thus contains a veritable myriad of implications for further research in the area.
APPENDIX A

DESCRIPTION OF VARIABLES

Area IV

Perceived Percentage of Budget Devoted to EEO/AA Compliance - Respondents indicated what percentage of the personnel department budget over the past two years they believed had been used to comply with EEO/AA requirements. The responses were categorized by requiring the respondent to mark one of three percentage categories: 0-25 percent coded as 1, 25-50 percent coded as 2, or 50 percent or more coded as 3.

Perceived Percentage of Manhours Devoted to EEO/AA Compliance - The same method was used to determine personnel officials' perception of the percentage of the total manhours expended by their personnel departments which were devoted to EEO/AA compliance over the previous two years (1975-1977). Response categories were unchanged.

Perceived Staff Growth/Turnover Due to EEO/AA Compliance - Respondents indicated how much of the personnel department staff growth and turnover during the period 1975-1977 they perceived as due to the requirements of EEO/AA compliance. Response categories remained the same.

Percentage of Budget Increase Perceived Due to EEO/AA Compliance - Respondents indicated how much of the use in the personnel department budget in their divisions during the period 1975-1977 they viewed as due to the cost of compliance to EEO/AA requirements. Response categories were the same as previously.

Percentage of Manhours Increase Perceived as Due to EEO/AA Compliance - Respondents indicated how much they believed the increase in total personnel department manhours over the past two years was attributable to the divisions'
efforts to comply with EEO/AA requirements. Response categories here were
the same as in the previous two questions.

**Area V**

**Personnel Changes and Their Relation to Equal Employment Opportunity and Affirmative Action Legislation**

Area V determined what changes school personnel officials perceived had been necessitated by the implementation of EEO/AA requirements. It was composed of eighteen questions which yielded twenty-eight variables. Each of these responses was categorical in nature and handled as those in Area IV.

**VAR 01** This is the division identification number and was not used in calculation.

**VAR 02** The respondent indicated which year, if any, his division found it necessary to begin keeping job interviews. In this and all year-response items answers were coded by the last digit of the year with all those 1967 and before coded as 7.

**VAR 03** This variable indicated if respondent believed that the start of job interview recordkeeping was EEO caused and was used only if a response was made to VAR 02. Here, as in all yes-no response items, yes was coded 1 and no, 2.

**VAR 05** The respondent indicated whether his division had a written affirmative action program as of the date of the survey.

**VAR 06** Respondents indicated the year their divisions began to use a written affirmative action program. This variable was used only if the answer to VAR 05 was affirmative.

**VAR 07** This variable was used to determine if the respondent's division had a copy of the EEOC guidelines on sex discrimination.
VAR 08 Here the respondent indicated whether his division had a copy of the EEOC Compliance Manual.

VAR 09 Respondents answered the question "Are you now required to file Form EEO-5?" thus indicating whether their divisions were currently reporting the ethnic composition of school staffs to the EEOC.

VAR 10 Respondents indicated the year their divisions began to file Form EEO-5.

VAR 11 This variable was used to determine whether the personnel official believed his division files EEO Form 168A.

VAR 12 If the response to VAR 11 was positive, VAR 12 was used to determine the year EEO Form 168A was first filed.

VAR 13 and VAR 14 This pair of variables was used to gather the same information about EEO Form 168B as VAR 11 and VAR 12 did about EEO Form 168A.

VAR 15 Here school division personnel officials were asked when it became necessary for their divisions to keep employee ethnic data.

VAR 16 As a follow-up to VAR 15, respondents were asked if the action was EEO caused.

VAR 17 This and the following three variables were attempts to determine the range of recruiting efforts and whether personnel officials believed that it had been increased by EEO/AA. Here personnel officials were asked "Do you now recruit at predominantly minority institutions?"

VAR 19 They were asked "Do you seek the help of women's action groups in recruiting?" Both VAR 18 and VAR 20 were used to determine if the actions indicated in the previous variable were also conducted prior to 1972 (i.e., prior to EEO/AA requirements.).

VAR 21 In this case school division personnel officials were asked whether they currently had a copy of Governor's Executive Order No. 29 (1974). A positive response indicated at least knowledge of the state EEO program.
VAR 22 - VAR 25 These questions were used to gauge the range of recruitment advertising and the relationship of such efforts to the advent of EEO/AA.

VAR 22 Respondents were asked to indicate whether their divisions advertise vacancies outside of the state.

VAR 23 Respondents were asked whether EEO had increased advertising of vacancies.

VAR 24 Respondents were asked if their offices kept a list of sources notified of vacancies.

VAR 25 Respondents indicated whether such lists were kept prior to 1972.

VAR 26 - VAR 29 These questions dealt with the perceived impact of EEO/AA on dismissal procedures.

VAR 26 School personnel officials were asked "During what year were causes for dismissal first routinely recorded in detail?"

VAR 27 Respondents were asked to indicate the first year during which hearings were routinely held in dismissal cases.

VAR 28 and VAR 29 Respondents were asked whether they believed that the actions detailed in VAR 26 and VAR 27 were EEO caused.
APPENDIX B

SURVEY - THE IMPACT OF EEO/AA AS PERCEIVED BY SCHOOL DIVISION PERSONNEL OFFICERS IN VIRGINIA

In the following survey a series of statements concerning Equal Employment Opportunity and Affirmative Action Legislation will be presented. The respondent should mark the choice which most clearly represents the reaction of the personnel department in his school district. In each case choices will be: 1 - strongly disagree
2 - disagree
3 - agree
4 - strongly agree
5 - no opinion

Area I - The Cost of the Division's EEO/AA Effort

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1) 1 2 3 4 5 The number of manhours spend on paperwork has risen because of EEO/AA legislation.
2) 1 2 3 4 5 EEO compliance has raised the administrative cost of personnel recruitment.
3) 1 2 3 4 5 EEO compliance has caused us to need more staff in the personnel department.
4) 1 2 3 4 5 EEO requirements change so often we must often print new application forms to conform.
5) 1 2 3 4 5 When we compose our annual budget request, the cost of EEO compliance is a major consideration.
6) 1 2 3 4 5 There is a need for a special staff member to handle EEO matters in this division.
7) 1 2 3 4 5 We expended a great number of manhours developing our affirmative action plan.
8) 1 2 3 4 5 Because of EEO the cost of personnel recordkeeping has gone up.
9) 1 2 3 4 5 EEO has influenced us to spend more time interviewing prospective job candidates than we consider consistent with good management practices.
10) 1 2 3 4 5 EEO has influenced us to interview more people for each job opening than we once found necessary.
Area II - The Changes EEO/AA Has Brought in Personnel Policy

11) 1 2 3 4 5  EEO has had little financial impact on this office.
12) 1 2 3 4 5  Any increase in our staff is due more to division growth than to EEO/AA compliance.
13) 1 2 3 4 5  Our annual EEO reports expend many more manhours than we would otherwise devote to such recordkeeping.

1) 1 2 3 4 5  EEO/AA has influenced our hiring practices in a positive manner.
2) 1 2 3 4 5  EEO/AA has influenced us to modify our promotion practices.
3) 1 2 3 4 5  Our dismissal practices have been greatly changed by EEO/AA.
4) 1 2 3 4 5  Since the enactment of EEO/AA it has become more difficult to dismiss the people than previously.
5) 1 2 3 4 5  Since the enactment of EEO/AA we depend more on written policies in our personnel function than previously.
6) 1 2 3 4 5  EEO/AA has caused us to write our personnel policies more carefully.
7) 1 2 3 4 5  EEO/AA is so pervasive that it has even changed our application form.
8) 1 2 3 4 5  Consideration of EEO/AA requirements is an important factor in our hiring procedure.
9) 1 2 3 4 5  Because of EEO/AA we have had to draw up a rigid interview procedure.
10) 1 2 3 4 5  Since the enactment of EEO/AA we have drawn up an interview procedure more rigid than what we consider consistent with good personnel management procedures.
11) 1 2 3 4 5  Because of EEO/AA we have had to specify the terms and criteria for assignment changes more carefully than we consider consistent with good personnel management procedures.
EEO/AA requirements have influenced us to reduce most of our informal policies to writing.

If it were not for EEO/AA it is unlikely that we would have a personnel policy handbook.

Area III - Perceptions of EEO/AA Effect

EEO/AA asks us to do nothing we would not ordinarily do on our own.

This department is seldom conscious of EEO/AA guidelines in its routine activity.

EEO/AA has led to recruitment of better qualified personnel by this division.

We have a better racial balance in the teaching staff of this division.

EEO/AA has been a valueless nuisance to this school division.

EEO has made this division develop a fairer transfer/assignment policy.

EEO has caused us to develop careful promotion criteria and to promote better qualified people.

EEO has helped make our recruitment effort more efficient.

While its intent is praiseworthy, EEO/AA has done nothing but cause a personnel paperwork burden in this division.

EEO has in some cases required reverse discrimination.

EEO/AA has simply been the federal government's way of controlling local education.

Any changes in personnel policies and practices we have made have been more due to local causes such as the 1968 tenure act than to EEO/AA.

We have placed higher priority on enforcement of EEO/AA than on any state policies of a similar nature.
14) 1 2 3 4 5 There is a need for EEO/AA in this division.

15) 1 2 3 4 5 There has been an increase in discrimination complaints since EEO/AA was implemented.

16) 1 2 3 4 5 There has been a decrease in discrimination complaints since EEO/AA was implemented.

17) 1 2 3 4 5 EEO/AA has improved the overall morale of employees.

Area IV - Effort Analysis

The respondent should indicate his estimate of the division effort at EEO/AA compliance by checking the appropriate box below.

1) What percentage of the personnel budget over the past two years has been devoted to EEO/AA compliance?
   0 - 25% ____  25 - 50% ____  50% + ____

2) What percentage of the personnel department manhours has been devoted to EEO/AA compliance over the past two years?
   0 - 25% ____  25 - 50% ____  50% + ____

3) How much of the personnel department staff growth/turnover in the past two years has been due to EEO/AA compliance?
   0 - 25% ____  25 - 50% ____  50% + ____

4) How much of the personnel department budget rise over the past two years has been due to EEO/AA compliance?
   0 - 25% ____  25 - 50% ____  50% + ____

5) What percentage of increase in total personnel department manhours over the past two years has been attributable to EEO/AA compliance?
   0 - 25% ____  25 - 50% ____  50% + ____
Area V - Personnel Changes and Relation to EEO/AA

1. In what year did it become necessary for your division to begin keeping records of job interviews? __________

2. Was this action EEO caused? Y N

3. In what year did you start filing EEO reports (Form EEO-1)? __________

4. Do you now have a written affirmative action program? Y N
   If yes, what year did it begin? __________

5. Do you have a copy of the EEOC guidelines on sex discrimination? Y N

6. Do you have a copy of the EEOC Compliance Manual? Y N

7. Are you now required to file Form EEO-5? Y N
   If yes, what year did you being to do so? __________

8. Do you now file EEO Form 168A? Y N
   If yes, what year did you begin to do so? __________

9. Do you now file EEO Form 168B? Y N How many? __________

10. When did it become necessary for you to keep employee ethnic data for all employees? __________ Was this EEO caused? Y N

11. Do you now recruit at predominantly minority institutions? Y N
    Did you do so before 1972? Y N

12. Do you seek the help of women's action groups in recruiting? Y N
    Did you before 1972? Y N

13. Do you have a copy of Governor's Executive Order No. 29 (1974)? Y N

14. Do you advertise vacancies outside the state? Y N
    Has EEO increased your advertising of vacancies? Y N

15. Do you now keep lists of sources notified of vacancies? Y N
    Did you do so before 1972? Y N

16. During what year were causes for dismissal first routinely recorded in detail? A. before 1972 B. after 1972 C. before 1964

17. What was the first year during which hearings were routinely held in dismissal cases? __________

18. Were these actions EEO caused? 16 Y N
    17 Y N
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U.S. Constitution, Amendments V, XIII, XIV, XV, and XXIV.
U.S. Declaration of Independence.


U.S. President. Executive Order 11375 (41 CFR 60).


Wright *v.* County School Board of Greensville County, 252 F. Supp 378 (1966).


VITA

John A. Mitchell was born in Cincinnati, Ohio, on March 26, 1948. He attended Morehead State University, Morehead, Kentucky graduating with a B.A. in 1969 and a M.A. in 1973. In 1976 he received a Certificate of Advanced Graduate Study in Education Administration from the College of William and Mary. In May of 1982, he received a Doctorate of Education from the College of William and Mary having majored in education administration. John A. Mitchell has been a social studies teacher in the Virginia Beach City Public Schools since 1969.
ABSTRACT

The purpose of this study was to investigate public school personnel administrator perceptions of the extent to which federal civil rights, equal employment opportunity, and affirmative action legislation have affected the personnel policies and practices of Virginia public school divisions since the Civil Rights Act of 1964 became applicable to the public schools in 1972. An additional purpose of this study was to determine if there is a correlation between administrator perceptions of EEO/AA impact and the characteristics of school divisions.

It was hypothesized that public school personnel officials would perceive that the imposition of federal EEO/AA regulations has greatly altered the personnel function in Virginia public school divisions. It was further hypothesized that personnel officials of Virginia public school divisions would perceive that 1) the implementation of EEO/AA regulations has caused an increase in both personnel department expenditures and staff requirements beyond that necessitated by division growth and inflation; 2) implementation of EEO/AA requirements has necessitated codification of selection, promotion and transfer criteria and procedure as well as strict adherence to them; and 3) since the implementation of EEO/AA (1972), causes and procedures for non-selection and dismissal of personnel have been modified to coincide with federal standards. Finally it was hypothesized that the perceived degree of impact would be related to the type of division—that officials of high black concentration divisions, urban divisions and large divisions would perceive greater impact than those of low black concentration, non-urban or small divisions.

A survey instrument was designed, tested and sent to school personnel officials in all 135 Virginia Public School Divisions. Ninety-four responded.

Analysis was accomplished by comparison of responses to questions through analysis of variance using division size, ethnic concentration level and urban, suburban, non-urban classification of the division as the independent variable and response category as the dependent variable.

It was concluded that there was no significant relationship between the three background variables, division size, ethnic concentration and urbanization and personnel official perceptions of: 1) the cost of their school divisions' compliance with EEO/AA; 2) changes in personnel policy brought by EEO/AA; 3) the overall impact of EEO/AA.

From these data it was concluded that school personnel officials, on a statewide basis, viewed the impact of EEO/AA uniformly, whether their divisions were large or small, urban or non-urban, or higher or lower than the state average in percentage of black population. It was further concluded that these officials perceived little or no change in staff workload or effort due to EEO/AA compliance over the period of most vigorous enforcement.

Further study is needed to determine if actual expenditures and changes confirm the perception of these officials and if the trend of uniform division response holds true for other federal programs. Additional study is also needed to determine if this trend applies in other states or is confined to Virginia.