



WISCONSIN LEGISLATIVE COUNCIL

AFFIRMATIVE ACTION

Room 412 East
State Capitol

January 11, 2007
10:00 a.m. - 6:00 p.m.

[The following is a summary of the January 11, 2007 meeting of the Special Committee on Affirmative Action. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Chair Grothman called the meeting to order. The roll was called and it was determined that a quorum was present. Chair Grothman stated that Representative Fred Kessler was unable to attend the meeting and at his request, Representative Jason Fields would be attending the meeting in his place. Senator Lena Taylor also was present at this meeting.

COMMITTEE MEMBERS PRESENT: Sen. Glenn Grothman, Chair; Reps. Tamara Grigsby and Scott Suder; and Public Members Jean Abramowski, Rudy Binter, Raymond Camosy, Jeffrey Dziedzic, Robert Gregg, Fred Mohs, Kate Wagner, Vicki Washington, Jeremy Wick,

COMMITTEE MEMBERS EXCUSED: Rep. Fred Kessler; and Public Members Ann Nischke, Chi Sather, Kamal Shah, and Noel Williams.

COUNCIL STAFF PRESENT: Mary Matthias, Senior Staff Attorney; and Scott Grosz, Staff Attorney.

APPEARANCES: Maria Monteagudo, Employee Relations Director, City of Milwaukee; Lucia Nunez, Director, Department of Civil Rights, City of Madison; John D. Wiley, Chancellor, and Robert Seltzer, Director of Admissions, University of Wisconsin (UW) – Madison; Larry Rubin, Assistant Vice President for Academic and Student Services and Vicki Washington, Interim Assistant Vice President, Academic Diversity and Development, UW System.

Approval of the Minutes of the October 4 and December 19, 2006 Meetings

Fred Mohs moved, seconded by Vicki Washington, to approve the minutes of the October 4 and December 19, 2006 meetings of the committee. The motion passed on a unanimous voice vote.

Invited Speakers

Maria Monteagudo, Employee Relations Director, City of Milwaukee. Ms. Monteagudo discussed the diversity, affirmative action, and equal employment policies and practices followed by the City of Milwaukee. She described the responsibilities of the Milwaukee Department of Employee Relations to develop and oversee these policies and practices.

Ms. Monteagudo clarified the distinctions that the City of Milwaukee draws between affirmative action, diversity, and equal employment policies. She described the components of affirmative action to include the determination of minimum requirements for job success and desired qualifications and the goal to provide equal access to all qualified applicants. She also stated that Milwaukee affirmative action practices include targeted recruitment.

Ms. Monteagudo stated that Milwaukee's diversity policy is to raise awareness and to celebrate unique skills and perspectives. The city's equal employment policy is to provide equal access and opportunity. Ms. Monteagudo noted that her office staffs the City Service Commission which develops and administers rules for employee hiring. She stated that it was the city's goal to ensure that everyone has equal access and opportunity, demonstrated by employment demographics that represent the community served by public employees. She noted that the city was not legally required to develop an affirmative action plan. She also described the underutilization model used by the city and noted the need to collect data in order to create benchmarks. She described the city policies to be focused on access, not preferential treatment.

Chair Grothman asked Ms. Monteagudo several questions related to the costs of Milwaukee equal employment programs as well as the city's means for determining the race of an applicant. Ms. Monteagudo stated that the primary cost of affirmative action is for two staff positions that work with all other city departments and divisions. She noted that the city determines race through applicant self-identification. Chair Grothman asked Ms. Monteagudo to provide written responses to several detailed questions regarding police and fire department hiring procedures.

In response to questions from Senator Taylor, Ms. Monteagudo discussed how the size of the qualified pools of minority applicants for a particular position is determined as well as issues of cultural competency. She said the city's special recruitment procedures target nontraditional media such as neighborhood newspapers that are more likely to reach minorities. Mr. Gregg noted that special recruitment procedures are often used for the hiring of professionals such as doctors, lawyers, and engineers.

Lucia Nunez, Director, Department of Civil Rights, City of Madison. Ms. Nunez appeared before the committee in order to add to testimony she offered at the committee's December 19, 2006 meeting. She noted that Madison adopted its civil rights ordinance in 1963, before passage of the Federal Civil Rights Act. Ms. Nunez then responded to questions from the committee. She described

the workforce underutilization model used by the City of Madison. She said the city uses the definition of “Hispanic” set forth in federal law and noted that the city determines race through applicant self-identification. In response to a question from Representative Fields, Ms. Nunez stated that without affirmative action, Madison’s workforce would not be representative of the city’s population. Ms. Nunez also responded to questions from Mr. Mohs regarding the efficacy and necessity of affirmative action.

Mr. Gregg noted his desire to hear from an additional speaker on the subject of affirmative action as applied to veterans.

Ms. Nunez responded to questions regarding the amount of racial discrimination in the state. She stated that she felt that racial prejudice is both intentional and unintentional and is still significant in our society. Mr. Gregg noted that the challenges related to defining race are real, and that they continue to confuse. In particular, he noted the confusing classification of persons of Middle Eastern and Indian sub-continental descent. Representative Grigsby noted the philosophical differences underlying discussions of affirmative action and urged the committee to acknowledge the role of institutional racism. Mr. Camosy noted the confusion that often arises through individuals’ different perceptions of the terms racism and racial discrimination. The committee discussed whether conceptual distinctions exist between the terms.

John D. Wiley, Chancellor, and Robert Seltzer, Director of Admissions, University of Wisconsin (UW) – Madison. The representatives from UW-Madison provided handouts and explained the admissions process at UW-Madison. Chancellor Wiley stated that academic qualifications are most important to the process, but that it is hard to rely completely on standardized tests since test scores alone are not great predictors of collegiate success. He stated that UW-Madison admissions procedures have been the same for about 30 years. He said the university has an obligation to serve all residents of the state and the university strives to have a campus that reflects the demographics of the state. Chancellor Wiley noted research that shows all students benefit from an education in a diverse environment. According to Chancellor Wiley, employers have terminated recruiting efforts at UW-Madison because they feel students from universities with minimal diversity will be unable to successfully participate in more diverse business environments. Chair Grothman questioned whether it was appropriate to assume that different races have different viewpoints. He also inquired about the costs of diversity programs and questioned whether the presence of certain residential living communities focused on diversity conflicts with the university’s integration goals.

In response to a question from Representative Grigsby, Chancellor Wiley stated that Wisconsin compares poorly to other Big Ten schools on measures of diversity. However, he also noted that the make-up of the Wisconsin population differs significantly from other states that have Big Ten schools. He also emphasized that minority students come to the university with much different life experiences than nonminority students. Senator Taylor commented on issues of institutional racism and identifiable minorities. Representative Suder suggested that if UW-Madison’s goal is to look like the state, it needs to improve its ability to take income level into account. He also noted that poor families of any race lack opportunities to build cultural competence. Chancellor Wiley responded in agreement with Representative Suder and noted that the income gap between a typical state family and the median UW-Madison applicant’s family needs to be addressed.

Mr. Gregg inquired as to whether UW-Madison offers “points” to minority applicants. Chancellor Wiley stated that it did not and that the admissions process did not utilize a *per se* points system. Mr. Mohs inquired about the success of minority applicants once they are admitted. Chancellor Wiley stated that most minorities who leave the university before graduation do so for nonacademic reasons, measured by whether they are in good academic standing when they leave.

Mr. Seltzer described the admissions process in more detail. He stated that every application is reviewed by at least two people. For applicants on the border line for admission, a third review takes place. Mr. Seltzer agreed to provide the committee with more information on the breakdown of admissions outcomes by minority status for those students receiving a third review. Chancellor Wiley noted that much mythology surrounds the admissions process, but that the notion of the existence of a certain number of admission “spots” may be more applicable to the Law and Medical Schools than it is to undergraduate admissions. Chair Grothman inquired as to whether minority students “pulled up” to tougher schools would be better off at less competitive campuses. Chancellor Wiley responded that other UW campuses actually have lower graduation rates across the board than UW-Madison. He re-emphasized that minority students who leave UW-Madison do so for nonacademic reasons, not because they could not handle the academic rigor.

Chair Grothman asked several questions regarding the handouts pertaining to data classifying admitted and nonadmitted applicants and the categorization of minorities for purposes of the charts on those handouts. He asked the university to provide similar data or admission rates of targeted minority applicants as well as admission rates by gender.

Larry Rubin, Assistant Vice President for Academic and Student Services and Vicki Washington, Interim Assistant Vice President, Academic Diversity and Development, UW System. Ms. Washington clarified the meanings of the terms affirmative action and diversity in the university context. She stated that the term affirmative action refers to employment and contracting practices but does not cover admissions. She noted that benefits of diversity accrue to the institution as well as all students. Mr. Rubin commented on upcoming changes to system-wide admissions policies. He noted that each institution is free to set its admissions bar higher than the system policy. He discussed the multiple factors that make up the comprehensive, individualized admissions policy. Chair Grothman raised concerns about the awareness of minority status and the effect of targeting minorities. He also asked for information on retention rates compared to test scores. Ms. Washington responded to a question asking whether Wisconsin could compare outcomes to California and Washington if Wisconsin were to enact a ban on affirmative action similar to bans in those states. She stated that Wisconsin could not be compared to those states since it differs dramatically in terms of demographics.

Mr. Gregg noted that money spent on diversity programs needs to be considered in light of the total budgets involved. He asked for that information as well as the amount of money spent by the UW system on veterans and disabled persons. Representative Suder asked questions related to the expansion of racial considerations as well as the impact of institutional racism. Ms. Washington explained that institutional racism occurs on group and individual levels and that there are multiple strategies to address the problem. Representative Suder cautioned against shutting out poor rural white applicants under the assumption that they have significant advantages because of their race. Senator Taylor agreed with Representative Suder but noted that universities cannot disregard the unique experiences of identifiable minorities.

Discussion of Committee Assignment

Senator Taylor suggested that the committee had heard from a sufficiently balanced range of speakers. She suggested that the committee email recommendations to Legislative Council staff in order to prepare a summary of options for committee action for discussion at the next meeting. Chair Grothman acknowledged that the committee had heard from a number of sources on the topic of education. He suggested that it could hear from additional sources with regard to contracting. Chair Grothman directed Legislative Council staff to solicit suggestions for legislative options for committee action from the members and compile those suggestions prior to the next committee meeting.

Other Business

There was no other business brought before the committee.

Adjournment

The meeting was adjourned at 6:00 p.m.

SG:tlu