

## LAWSUIT

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said. "Lawsuit settlements would not be something we would normally bring up."

Moseley said the new provost position was not created solely to come to a settlement agreement with Wade, adding that the University would not have created a new position "out of thin air."

"We wouldn't want this misconstrued," he said.

But Wade said administrators "saw no need for any such position," and that it was his and his attorney's suggestions that eventually led to the post's creation.

"The position came about as a result ... of the negotiated settlement of my lawsuit," Wade said. "It was, I thought, a grand idea. But it was a struggle."

### Diversity concerns surface

Moseley said discussions about creating a position to focus solely on campus diversity began prior to the 2001 lawsuit, and the settlement was intended to prove to Wade that the University would follow through with its plans.

"(Wade) wanted assurance that we were going to do that," Moseley said. "And we intended to do that."

Moseley added that the settlement did not expedite the process.

"Did the settlement make us move faster? No," he said.

The issue of diversity grabbed the attention of University administrators in May 1999, when up to 75 protesters invaded Johnson Hall demanding improved campus diversity. By the end of the day, 31 protesters were arrested for refusing to leave the building.

University President Dave Frohn-mayer met with about 60 students early the next morning to form committees to oversee policy changes. Student interns were appointed to research diversity issues and provide recommen-

dations, Moseley said.

"We shared their concerns," Moseley said. "We didn't really want this to be a confrontational thing."

Moseley said students concluded that the University needed to hire some sort of diversity-focused official.

Administrators later decided to hire a consultant to provide further advice on what the University needed to do to successfully deal with diversity issues, Moseley said. In July and October 2001, Western Michigan University President Elson Floyd visited the University to assess the school's racial climate. He completed his report in February 2002.

Wade said it was pressure from the lawsuit that led the University to consult Floyd. Wade said he originally suggested the University retain a diversity consultant during the mediation process preceding the lawsuit, which began in September 2000. He said administrators felt no need for such a "grandiose process."

Court documents from the lawsuit show that Wade and the University awaited Floyd's findings before any monetary settlement between the parties was discussed.

The report's first recommendation was to "establish a new position of Vice Provost for Institutional Responsiveness (or Equity)" at the University.

In September 2002, a national search for the new provost began.

### The settlement's impact

ASUO Multicultural Center Program Adviser Steve Morozumi said the lawsuit, combined with various other pressures from campus community members to improve diversity, probably led to the post's creation.

"The status quo doesn't change unless there's a will to change and there's a pressure to exercise that will," he said.

But, he added, the administration showed it wanted to address the issue by including the provision in the

settlement.

Office of Multicultural Affairs Director Carla Gary said her office and other diversity divisions had been discussing the need for a top diversity player for a number of years, but she said administrators didn't feel it was the appropriate time to take action. Still, Gary said, University members continued to advocate for the position.

"Decisions come when you're getting encouragement," she said.

Gary said it is possible that the lawsuit put pressure on the administration to establish the position. She said sometimes lawsuits aren't about winning — they're about getting people to realize the seriousness of an issue.

"I don't know if it was the tipping point," she said. "It would not surprise me."

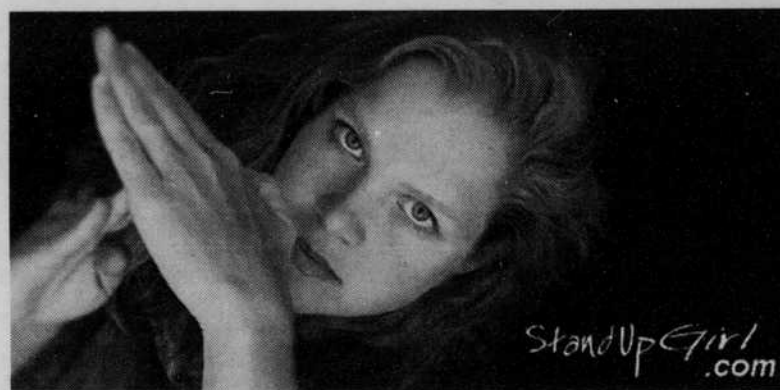
Vincent said he feels the administration's plan to create his position was sincere. Vincent added that he would have hesitated in accepting the job if he thought it had only been created because of legal requirements.

"I would have been very reluctant to take the position," he said. "I get the sense that people felt very enthusiastic about this."

In addition to the creation of Vincent's position, the University and Wade settled the lawsuit with the following provisions:

- The University paid Wade's lawyer \$10,000;
- The University contributed \$98,500 toward Wade's Oregon Public Employee Retirement System account;
- The University paid Wade \$114,537 in additional retirement salary each year from 1997 through 2001;
- The University also agreed to fill the position of Vice President for Student Affairs.

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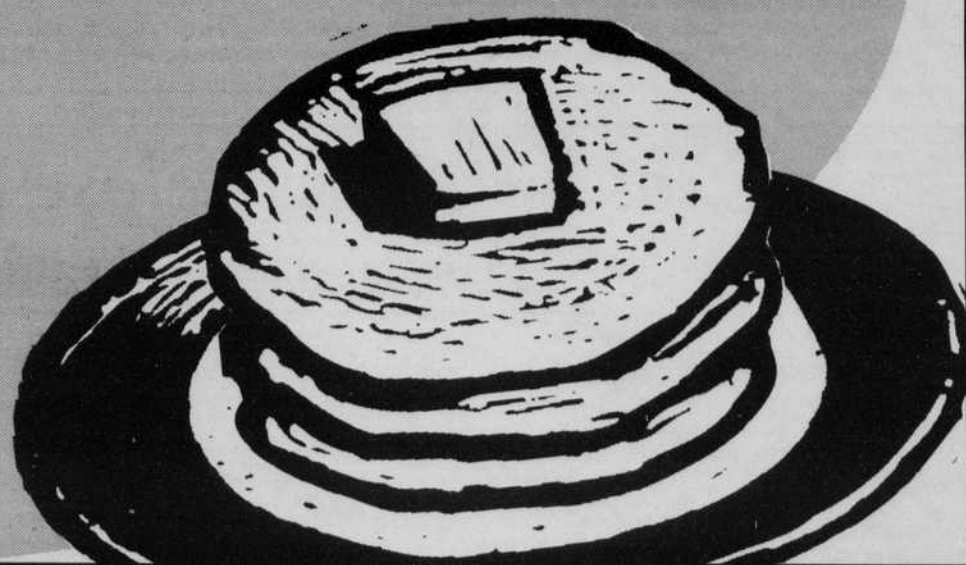
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