

Gay Lib

July 8, 1974

MEMORANDUM

TO: Mr. Ron Leadbetter
FROM: Charles E. Smith

Thank you for your July 2 memos in regard to action relative to the Elsa H. Fine and Gay People's Alliance cases. This is good news and reflects credit on the quality of your work. You have represented the University in some extremely important and sensitive cases in recent months, and we are pleased with the favorable decisions that have resulted.

CES:cod

cc: Dr. Edward J. Boling
Dr. Joseph E. Johnson
Mr. John C. Baugh

info copy: Mr. Julian Harriss
Mr. Dan Coleman
~~Mr. Daniel Rhea~~

*not supposed to get -
~~see if we can retrieve~~
no, forget it*



The University of Tennessee

PRIMARY CAMPUSES:
Knoxville
Medical Units / Memphis
Martin
Chattanooga
Nashville

Office of General Counsel and Secretary

Suite 810, Andy Holt Tower
Knoxville 37916
Telephone 615/974-3245

July 2, 1974

M E M O R A N D U M

TO: Board of Trustees
Dr. Edward J. Boling
Mr. John C. Baugh
Dr. Joseph E. Johnson
Mr. Charles E. Smith ✓
Dr. Jack E. Reese

FROM: Ronald C. Leadbetter *RCL*

SUBJECT: Appeal of the Gay People's Alliance

Attached please find a copy of a letter dated June 27, 1974, from Mr. Lewis Combs, attorney for the Gay People's Alliance. The letter indicates that the Alliance has decided not to further pursue the matter of recognition and that a lawsuit will not be forthcoming in that regard.

I believe that the firm position taken by the University is largely responsible for the Alliance's apparent decision not to further pursue this matter.

Attachment: Letter dated June 27, 1974

GAULT, COMBS & STEGALL

ATTORNEYS AT LAW

TELEPHONE 615-637-3901

SUITE 8

3408 OAK RIDGE HIGHWAY

KNOXVILLE, TENNESSEE 37921

CHARLES P. GAULT
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RAY A. STEGALL

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SUITE 104

5833 CLINTON HIGHWAY
KNOXVILLE, TENNESSEE 37912

June 27, 1974

Honorable: Ronald C. Ledbetter
Attorney at Law
University Of Tennessee
Office of General Counsel
Suite 810, Andy Holt Tower
Knoxville, Tennessee 37916

Re: Gay People's Alliance

Dear Ron:

This is to acknowledge receipt of the Special Committees
"Findings of Fact and Recommendation".

It would appear that the Alliance has ceased to exist as an
entity and no additional legal proceedings are contemplated
at the present.

Thank you for your cooperation and forbearance in this matter.

Sincerely,



Lewis A. Combs, Jr.

LAC/bg

5833 Clinton Highway



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July 2, 1974

M E M O R A N D U M

TO: Dr. Edward J. Boling
Mr. John C. Baugh
Dr. Joseph E. Johnson
Dr. John W. Prados
Mr. Charles E. Smith ✓
Dr. Jack E. Reese

FROM: Ronald C. Leadbetter *RLB*

SUBJECT: Sex Discrimination Charge Filed by Elsa H. Fine
With the EEOC Against the University

Attached please find a copy of the "Determination" of the EEOC which concludes that the University, through its art department, did not discriminate against the Complainant on the basis of her sex in failing to hire her.

Please let me know if you have any questions on the specifics of this case.

Attachment: Determination



BIRMINGHAM DISTRICT OFFICE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
2121 8TH AVENUE, NORTH
BIRMINGHAM, ALABAMA 35203

In Reply Refer to:
Charge No. TBI4 0229
Case No. YBI4-31¹¹₁₁

Elsa Honig Fine
7008 Sherwood Drive
Knoxville, Tennessee 37919

Charging Party

The University of Tennessee
Cumberland Avenue
Knoxville, Tennessee 37916

Respondent

DETERMINATION

Under the authority vested in me by Section 29 CFR 1601.19b(d) (September 27, 1972), I issue, on behalf of the Commission, the following determination as to the merits of the subject charge.

Respondent is an employer within the meaning of Title VII and the timeliness and all other jurisdictional requirements have been met.

Charging Party alleges that Respondent Employer unlawfully refused to hire her because of her sex (female). She further alleges that she sought a position as a part-time instructor in Black Art History, and that Respondent solicited and hired a male applicant with lesser qualifications.

Respondent denies the allegation and contends that Charging Party and the successful male applicant were accorded an equal opportunity to present credentials and appear personally before a committee of Art Department faculty. Respondent represents that, after considering the qualifications of Charging Party and her male competitor, the faculty voted in favor of the male applicant. Respondent further represents that, notwithstanding the vote of the faculty committee, Charging Party's qualifications were adjudged inferior to those of the male applicant. Respondent contends that the procedure of selection of candidates by faculty vote is always followed and that, while Respondent's regulations do not require the head of a department to

accede to the vote of the faculty, in actual practice, the recommendations of the faculty committee are always followed. In the instant case, the faculty vote was in writing, since Respondent had intimations that Charging Party would take issue with Respondent's decision.

Investigation reveals that Charging Party and a male applicant sought a position as part-time instructor in contemporary Black Art. Respondent solicited the application of the male outside of its normal hiring procedures. Subsequent to its solicitation of the aforementioned male, Charging Party and her male competitor were invited to present credentials and to appear personally before a committee of the Art Department faculty. In an election, a majority of Respondent's faculty voted in favor of the male candidate. The academic credentials of Charging Party and the successful male candidate are not compatible with the credentials of incumbent Art History faculty, but there is no showing that the successful candidate possessed inferior qualifications to Charging Party for the position of part-time instructor in contemporary Black Art. While this Commission cannot substitute its judgement for Respondent's in the matter of qualifications for employment, Respondent's decision in the instant case is supported by the qualifications of the successful male applicant. On the basis of the foregoing evidence, we conclude that there is no reasonable cause to believe that Respondent Employer unlawfully refused to hire Charging Party because of her sex, as alleged.

This determination concludes the Commission's processing of the subject charge. Should the Charging Party wish to pursue this matter further, she may do so by filing a private action in Federal District Court within 90 days of her receipt of Notice of Right to Sue which will be issued by the Department of Justice, and by taking the other procedural steps set out in that Notice of Right to Sue.

On behalf of the Commission:

6/25/74

Clarence Bell
Clarence Bell, District Director