

MINUTES OF MEETING OF BOARD OF REGENTS  
WESTERN KENTUCKY UNIVERSITY  
January 25, 1975

A special meeting of the Board of Regents of Western Kentucky University was held on Saturday, January 25, 1975, at 12:30 p. m., Central Standard Time. The meeting, which coincided with a luncheon, convened in the Executive Room of the Paul L. Garrett Conference Center on the Western campus. Chairman Albert G. Ross presided. He stated that the meeting had been called as a closed session in accordance with Chapter 377, Acts of the Kentucky General Assembly enacted at the 1974 Regular Session, for the purpose of discussing pending litigation in which the University is a party; specifically, Flonnie Strunk vs. Western Kentucky University et al.

A prayer of invocation was given by Mr. Dee Gibson, Jr., Director of Public Affairs and Community Relations.

The following members were present:

Mr. Albert G. Ross  
Dr. William G. Buckman  
Dr. W. Gerald Edds  
Dr. Chalmer P. Embry  
Mr. Gregory L. McKinney  
Mr. W. S. Moss, Jr.  
Mr. Hugh Poland  
Mr. John L. Ramsey

Absent were Mr. Ronald W. Clark and Dr. W. R. McCormack.

Others present, in addition to Mr. Gibson, were Dr. Dero G. Downing, President; Dr. Raymond L. Cravens, Vice President for Academic Affairs and Dean of the Faculties; Dr. John D. Minton, Vice President for Administrative Affairs; Mr. Harry K. Largen, Vice President for Business Affairs and Treasurer; Miss Georgia Bates, Secretary to the Board; Dr. Paul B. Cook, Assistant to the President; Mr. Rhea Lazarus, Staff Assistant, Office of the President; Mr. William E. Bivin, University Attorney; and Mr. J. David Francis, Director of Legal Area Studies.

In presenting the matter for discussion, President Downing stated that the closed session would provide an opportunity for the Board to hear an updated report from Mr. Bivin and Mr. Francis, who has accepted the responsibility of working with the University Attorney in giving direction to the Flonnie Strunk case. Upon their advice and counsel, Dr. Downing added that the University had moved to broaden its base of legal representation. He then called upon Mr. Bivin for a synopsis of pertinent information and facts.

In his review of information which had been provided members of the Board by President Downing, Mr. Bivin stated that Flonnie Strunk had filed a law suit against Western Kentucky University in the United States District Court for the Eastern Division of Kentucky. The suit was described as a sex discrimination complaint which had been brought pursuant to a Federal statute that sets out provisions with regard to employment practices as apply to females. Named as Defendants in the complaint are Western Kentucky University, President Dero G. Downing, and members of the Board of Regents. Mr. Bivin noted here that the listing of Board members named in the official summons, which was served only on the University, President Downing, and on Dr. McCormack, was inaccurate inasmuch as those named did not constitute the governing body at the specific time involved. (He asked members of the Board to send copies of any communications they might receive to President Downing pursuant to an amended complaint.) The University Attorney also pointed out that it was the feeling of legal representation that some deficiencies exist as a matter of law relative to a number of features of the manner and timing in which the complaint had been filed.

Upon authorization by the Board to procure additional legal counsel as needed, Mr. Bivin stated that the Louisville firm of Tarrant, Combs, Blackwell & Bullett had been engaged. He added that inasmuch as the suit seeks not only relief for the Plaintiff but is asserted by her as a class-action suit on behalf of all female employees, the factual and legal issues peculiar to this latter aspect of the case alone justifies employment of outside trial counsel. Following conferences with Attorney Combs and other associates of the firm, Mr. Bivin stated that a motion had been filed for dismissal of the complaint, setting forth the legal deficiencies which were felt to exist as a matter of law, with such motion now pending before the Court. He pointed out that the response to the motion was scheduled to be filed by the Plaintiff on or about February 1. It would be hoped that soon after that date the Judge would set the matter down for a hearing. In the event dismissal does not occur, then the University would go forward with the law suit at which time legal representation might desire a meeting with the Board of Regents to discuss "strategy in the case." In stating that it would be premature at this time to venture a guess as to the outcome, Mr. Bivin did express optimism on the part of outside counsel.

In Mr. Francis's comments, he stated that he had found no policy of the University or of the administration which had violated the rights of Dr. Strunk or of other females; and that while such an action was fairly new to an institution of higher education and was of a serious nature, he was optimistic as to Western's chance of winning the suit. In his opinion, the real issue of the litigation involved only Mrs. Strunk.

In response to an inquiry, it was noted by Mr. Bivin that the relief specified by Mrs. Strunk in the complaint was reinstatement in her previous capacity at Western with back pay from the time of discharge with interest. In the class portion, she asks for similar back pay for members of the class if evidence shows that such members had received less pay than men for comparable services.


In further discussion, the University Attorney briefly reviewed the steps that had been taken by Mrs. Strunk since her allegations were first made against the University in early 1973. Involvement with the U. S. Equal Employment Opportunity Commission resulted in the determination by that agency that discrimination against Flonnie Strunk did occur; but failing in the conciliation process with Western and since the EEOC cannot bring suit against state government, Mrs. Strunk obtained the right to sue, which culminated in the litigation at hand. It was brought out in the discussion that Dr. Strunk has given evidence that she may be in the process of attempting to broaden the discrimination issue to include other institutions of higher education in Kentucky.

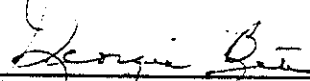
There being no item of business requiring an action of the Board, no action was taken.

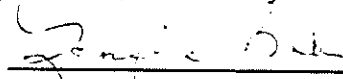
With the discussion having concluded, on a motion by Dr. Buckman with a second by Mr. Moss and carrying unanimously, the meeting was adjourned at approximately 1:35 p. m.

#### CERTIFICATION OF SECRETARY

I hereby certify that the special meeting of the Board of Regents of Western Kentucky University held on January 25, 1975, in the Executive Room of the Paul L. Garrett Conference Center on the Western campus was held in compliance with Chapter 377 of the Acts of the Kentucky General Assembly enacted at the 1974 Regular Session, and I further certify that no votes or actions were taken at said meeting.

  
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Chairman

  
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Georgia Bates, Secretary

  
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Secretary