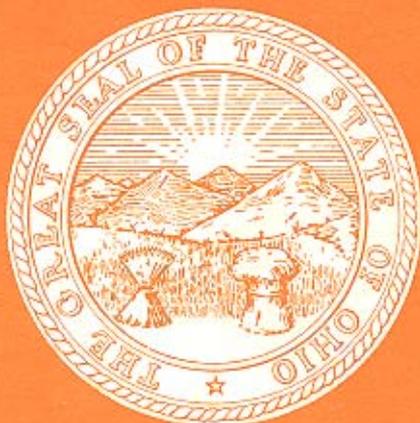


**SECOND ANNUAL REPORT**  
**OF THE**  
**OHIO**  
**CIVIL RIGHTS COMMISSION**  
August 1961



**22 East Gay Street**  
**Columbus 15, Ohio**

# OHIO CIVIL RIGHTS COMMISSION

## SECOND ANNUAL REPORT

August 1961

MICHAEL V. DiSALLE

*Governor*

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*Chairman*

CHARLES G. BISHOP

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Southwest Office, Cincinnati

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Columbus, Ohio

1961

\* As of January 5, 1962.



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Hon. Michael V. DiSalle  
Governor

Hon. Stanley Mechem  
President, Pro-Tem  
Ohio Senate

Hon. Roger Cloud  
Speaker  
Ohio House of  
Representatives

Pursuant to Section 4112.04 (A) (8) of the Revised Code, the Ohio Civil Rights Commission respectfully submits the report of its second year's activities ending July 31, 1961, including the survey conducted relating to the Ohio college and university placement offices with regard to referral and placement of minority students.

RICHARD E. GUGGENHEIM  
*Chairman*

# OHIO CIVIL RIGHTS COMMISSION

Second Annual Report

August 1, 1960

to

July 31, 1961

## FOREWORD

In the brief span of two years, the Legislature of Ohio has enacted two major civil rights laws. The 103rd General Assembly, in 1959, passed a fair employment practices law, "to prevent and eliminate the practice of discrimination in employment against persons because of their race, color, religion, national origin, or ancestry."

In 1961, the 104th General Assembly by the passage of Amended House Bill 918, prohibited discrimination against persons because of their race, color, religion, national origin or ancestry in any "inn, restaurant, eating house, barber shop, public conveyance, by air, land, or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement, except for reasons applicable alike to all persons."

Though in fact the practice of discrimination in places of public accommodation has been unlawful for 77 years, \*a survey conducted by the Ohio Civil Rights Commission entitled "Discrimination in Public Accommodations in Ohio" published in December 1960, established that the intent of this law was widely ignored and through judicial construction, narrowly interpreted.

Amended House Bill 918, therefore, is designed to overcome the deficiencies of the older public accommodations law by replacing ineffective civil or criminal proceedings with administrative investigation and enforcement under the jurisdiction of the Ohio Civil Rights Commission.

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\* Ohio Revised Code, Section 2901.35; originally enacted in 1884 and codified earlier as 81 O.L. 15.

The commission, initially established in 1959, to enforce the fair employment practice law and discharge other powers and duties,<sup>(1)</sup> begins on October 24, 1961, a similar function with respect to public accommodations.

This authority is vested in the Commission by the two principal amendments enacted by the 104th General Assembly, as follows:

Section 4112.01 (I)

“Place of public accommodation” means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public.

Section 4112.02 (G)

For any proprietor or his employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, national origin, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof.

All other provisions of Sections 4112.01 to 4112.08 and Section 4112.99 are applicable to the administration and enforcement of public accommodations, with one exception. The Commission's authority for self-initiated investigation or issuance of complaints applies only to employment practices.<sup>(2)</sup>

In describing the Commission's activities in this second annual report the procedures and methods utilized in dealing with employment practices will, therefore, be virtually identical with respect to public accommodations.

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(1) See Ohio Revised Code, Section 4112.03 and 4112.04 which defines the full powers and duties of the Commission.

(2) See Section 4112.05, par. (B).

## REPORT OF COMMISSION ACTIVITY

(August, 1960 to July 31, 1961)

The Commission's major functions established by statute, and briefly summarized are to :

Receive and investigate charges of employment discrimination and settle these by conciliation or further procedure as prescribed by law.

Prepare a comprehensive educational program in co-operation with the State Department of Education for the public schools and for all other residents of the state, designed to eliminate prejudice among various racial, religious and ethnic groups.

Make periodic surveys of the existence and effect of discrimination on the enjoyment of civil rights by persons within the state; and recommend remedial action, legislative or otherwise, when necessary.

Report to the Governor and Legislature annually on the Commission's investigations, proceedings, hearings, decisions rendered and other work performed.

Shortly after the Commission's appointment by Governor DiSalle on July 29, 1959, it became evident that the initial appropriation of \$100,000 was sufficient to undertake but a small proportion of the broad responsibilities summarized above; and furthermore these functions were restricted to a limited area of the state. For slightly more than six months of its first year, the administrative staff comprised three staff members and two clerical employees.

A request was made for a supplementary allocation of funds which was approved by the Department of Finance and the Emergency Board. Beginning in July 1960, the Commission was able to carry out its administrative plan necessary for the discharge of its statutory functions during the major part of its second year of operations.

In addition to the two regional offices located in Cleveland and Cincinnati to assist persons in northeastern and southwestern Ohio, two more regional offices were established in Toledo and Bellaire to serve the northwestern and southeastern sections of the state.

A survey and research director and an education director were appointed to the state office in Columbus.

The volume of charges alleging discrimination in various aspects of employment in the northeastern region was large enough to cause a serious backlog in investigations and case dispositions. Through the use of unexpended funds accumulated in the first year of operations, two field representatives were employed to assist the regional director.

### **FAIR EMPLOYMENT PRACTICES**

This function of the Commission developed in scope, volume, and complexity during the year, 1960-1961. The volume of charges, investigations, conciliations, and other actions are shown in a chart on page 10.

In diversity of cases investigated the range is inclusive of employers whose work force is only four persons to those having thousands; modest retail outlets to state-wide chain store operations; heavy industry to light manufacturing; agencies of state, county and municipal government; public schools and libraries; public utilities; employment agencies; and labor unions.

The Commission's staff has investigated, conferred on and conciliated cases involving simple problems such as the refusal of a nursing home to employ an attendant because of her race; they have also dealt with problems involving complex hiring, upgrading, transfer, dismissal and training programs. A group of case summaries is included below giving a detailed account of some of those dealt with during the past year.

It is noteworthy that in only two cases during the commission's two years of administration and enforcement was it necessary to issue formal complaints invoking public hearings. These actions, though authorized within the report year will not be heard until September 1961 and cannot be included.

With the exception of these two cases all other charges whether against employers, labor unions, or employment agencies where investigation established discriminatory policies or practices, were settled by conference, persuasion and conciliation.

### **STATUS AND DISPOSITION OF CHARGES**

The chart on page 10 graphically illustrates the increase in volume of case activity in the second year of the Commission's operation.

A first reaction might erroneously conclude that more discrimination in different aspects of employment occurred after the passage of legislation and its administration and enforcement. The contrary fact, however, is evident since many examples of compliance with the intent of the law are known to the Commission.

An additional obvious fact is increasing public awareness of the availability of legal means for seeking a remedy to discriminatory treatment in employment conditions. Also, as referred to earlier, the Commission's added resources in staff and regional offices in the second year offered to potential complainants a means for filing charges.

The categories of case status and dispositions are explained as follows:

*Charges* are written statements under oath alleging unlawful discriminatory practices filed by a person or initiated by the Commission on its own motion subject to investigation.

*Invalid allegations* are charges which a person seeks to file which lack sufficient credibility to merit investigation, exceed time limits prescribed by law, or are not within the jurisdiction of the law. Many allegations, though determined to be invalid, require extensive staff time since the person either needs advice on a problem, explanation of why his allegation is legally deficient, or the discriminatory problem, though genuine, is not subject to existing legal remedy. In the latter instance, information of importance for the Commission's fact-finding responsibility is often secured.

*No Affidavit obtained* refers to charges in which persons have begun an action but failed to complete the required affidavit without which an investigation cannot proceed unless the Commission, for sufficient reason, initiates an investigation on its own motion.

*Dismissed* is a term indicating disposition of charges for the following reasons:

(a) *No probable cause* wherein charges have been investigated and it is established that no unlawful discriminatory practices were found to exist.

(b) *No jurisdiction* is a finding, after investigation, that for reasons not known earlier, that a charge is not legally within the Commission's jurisdiction.

(c) *Charge withdrawn* is the voluntary withdrawal of a charge by a complainant.

*Conciliated* refers to charges in which investigation established probable cause; that is, the discrimination alleged was found to exist. Several types of disposition occur in this category, such as:

(a) *Compliance during investigation* which describes cooperation by respondents in correcting discriminatory practices willingly and promptly.

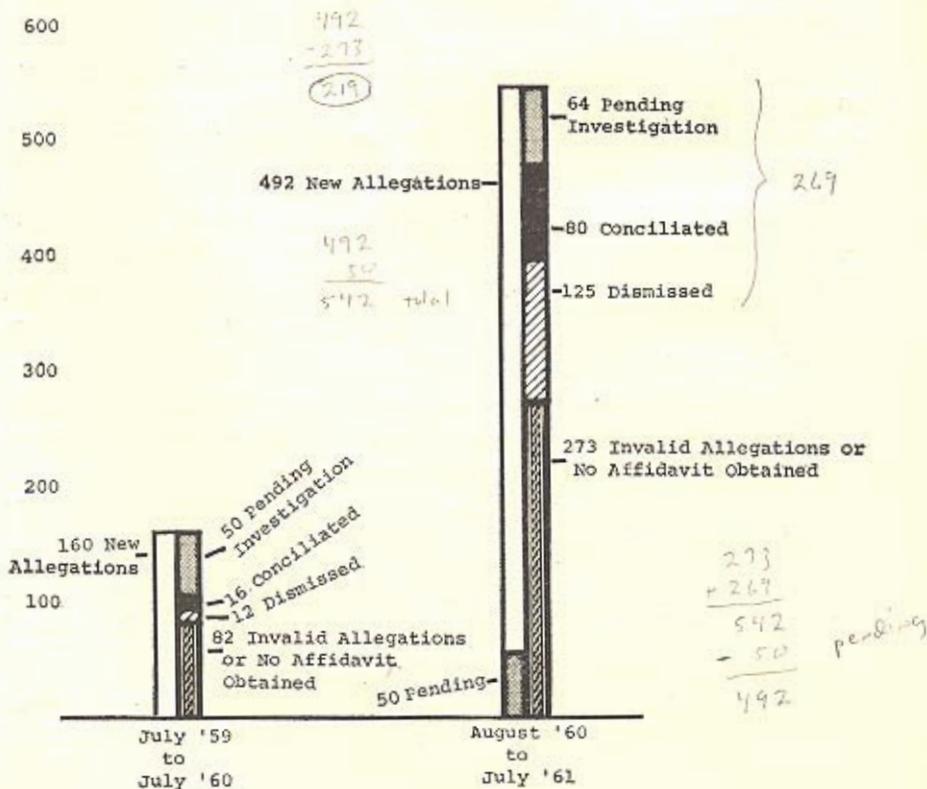
(b) *Conciliation in progress* is a classification of charges in which the respondent has agreed that discriminatory practices have been engaged in and has entered into a compliance agreement with the Commission whereby these practices will be discontinued and that the steps taken in compliance will be periodically reviewed by the respondent and a Commission representative.

(c) *Compliance review completed* is the finding that all steps agreed upon have been taken and dismissal for compliance is ordered.

*Pending Investigation* are those charges received during the report year in which investigations are still incomplete and no determination made as to probable cause or no probable cause. In other words, this is the back-log of unresolved cases.

STATUS AND DISPOSITION OF ALLEGATIONS SINCE THE FORMATION OF THE  
OHIO CIVIL RIGHTS COMMISSION

Cases



## CONCILIATION OF CASES

One of the most important provisions of all fair employment practice laws (now in effect in twenty states) is the conciliation process. The commissions enforcing these laws, such as the Ohio Civil Rights Commission, are regulatory administrative agencies given broad powers delegated by legislative authority. Though equipped with legal power to compel compliance, all except two cases before the Commission to date have been resolved by conference and persuasion leading to conciliation.

Ohio's F.E.P. Act, in Section 4112.05, is explicit in this regard. It states:

(A) "The Commission shall, as provided in this section, prevent any person from engaging in unlawful discriminatory practices, as defined in section 4112.02 of the Revised Code, provided that before instituting the formal hearing authorized by this section *it shall attempt, by informal methods of persuasion and conciliation, to induce compliance with sections 4112.01 to 4112.08, inclusive, and 4112.99 of the Revised Code.*"

(B) . . . If it (the commission) determines after such investigation that it is probable that unlawful discriminatory practices have been or are being engaged in, *it shall endeavor* to eliminate such practices by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors shall be disclosed by any member of the commission or its staff or be used as evidence in any subsequent proceeding. If, after such investigation and conference, the commission is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the complaint as conciliated, and entry of such disposition shall be made on the records of the commission.

In order to encourage conciliation, it provides as quoted above, that "endeavors" are clothed with confidentiality. The Commission may in its discretion, however, disclose the fact that a case has been conciliated.

The exercise of the art of conciliation is a skill which is a special requirement needed by the Commission's staff. Though conciliation is applied in many areas of economic or legal relationships, the area of racial, religious or ethnic relations poses distinct and complex factors.

Entering into the conciliation process in cases of employment discrimination dealt with under Ohio's law are two provisions which affect the nature of the proceedings. One is the statutory provision that in determining whether a respondent has engaged in, or is engaging in any

unlawful discriminatory practice, the evidence shall take into account whether such practice is against the complainant *or others*.<sup>(1)</sup>

Second, the complainant, who is a party to the proceeding, shall *be joined by any person* who is an indispensable party to a complete determination or settlement of a question.<sup>(2)</sup>

Both of these provisions mean that investigations made by the Commission's staff are concerned with a respondent's employment practices and a union's membership practices as they may affect all persons of whatever minority group is involved in a discriminatory treatment.

In entering into conciliation where investigation has established the existence of discriminatory practices, agreement is sought on a proposal which institutes policies and practices eliminating the specific basis of the charge brought by the complainant or complainants, and establishes conditions which seek to assure that future applicants will not similarly be exposed to discrimination.

While conciliation proposals are varied and adapted to particular cases, a typical example follows:

OHIO CIVIL RIGHTS COMMISSION  
CONCILIATION AGREEMENT  
..... COMPANY

In accordance with the Ohio Revised Code, Section 4112.05 (A), the Ohio Civil Rights Commission has adopted a Conciliation Agreement pertaining to the employment policies and practices of the ..... Company's installations and facilities located within the State of Ohio. Specifically those units of said company located in the cities of Cleveland, Columbus, and Cincinnati.

The acceptance and adoption of the provisions set forth below in this Conciliation Agreement can minimize the possibility of discriminatory allegations being levied against ..... Company installations located in the State of Ohio and materially effect compliance with Sections 4112.02 through 4112.08, inclusive, and Section 4112.99 of the Ohio Revised Code; this with specific reference to those provisions having to do with employment.

Nothing stated in any Conciliation Agreement shall be interpreted as an admission by any party of a violation of any provision of Section 4112.02 through 4112.08, inclusive, of the Ohio Revised Code.

<sup>(1)</sup> Section 4112.05 Paragraph G.

<sup>(2)</sup> Section 4112.05 Paragraph D.

The Commission acknowledges the cooperation of the ..... Company personnel in general, the managers of their establishments in Cleveland, Columbus, and Cincinnati, and particularly the President and General Manager of the company in discussing the employment policies and practices in direct relationship to the above referred sections of the Ohio Revised Code.

The Commission, herewith, proposes that :

1. The ..... Company, here-in-after referred to as "the Company", shall convey to the managers and assistant managers, through its President and/or General Manager,
  - a. copies of the laws against discrimination administered by the Ohio Civil Rights Commission,
  - b. copies of the "Guide for Application Forms and Interviews",
  - c. copies of the "Summary of the Principal Provisions of the Fair Employment Practices Law",
  - d. a condensed summary of the pertinent points of the laws specifically applicable and necessary to the proper conduct of units at the local level.
2. The Company re-emphasize to unit managers the importance of posting the "Summary of Principal Provisions of the Fair Employment Practices Law" issued by the Ohio Civil Rights Commission in a conspicuous place where all employees may readily observe it, as required by law.
3. The Company shall notify all sources of recruitment, including public and private employment agencies, with whom they do business, in writing, that consideration and referral of applicants for and to the Company shall include all persons regardless of race, color, religion, national origin, or ancestry.
4. That the managers of those units located in Cleveland, Columbus, and Cincinnati be notified, in writing, of the Company's requirement of a policy of hiring, assignment and re-assignment of personnel without regard as to race, color, religion, national origin, or ancestry in all departmental areas of their installations.
5. That rules and regulations governing privileges and requirements of personnel be applicable to all personnel without regard to race, color, religion, national origin, or ancestry;

- a. this shall not prohibit the establishment and recognition of departmental distinctions in terms of functions and responsibilities.
6. That the use and enjoyment of eating and locker facilities shall be the privilege of all personnel and assignment thereto shall be made without regard to race with the exception of those facilities restricted by sex.
7. That all Company-issued duty apparel worn by employees be devoid of markings except those markings indicative of size.
8. That a common place be provided within each establishment of the Company for the filling-out of self-application forms and the interview of applicants, without regard to race, color, religion, national origin, or ancestry.
9. That the Commission be provided copies of all written instructions, statements of policy and procedure, and related memoranda pertaining to the Agreement.

### COMPLIANCE REPORTS AND REVIEWS

Within 90 days, from the date of this Agreement's execution, the ..... Company shall furnish a Compliance Report to the Ohio Civil Rights Commission stating the progress made in the foregoing Agreement and the Commission may, on its own initiative, make periodic Compliance Reviews until the Commission dismisses the case.

..... Date	..... Date
Ohio Civil Rights Commission	..... Company
By: .....Regional Dir.	By .....President
	.....General Mgr.

A compliance review is to establish a basis for determining that the proposal arrived at is carried out in good faith. Where conditions change, the proposal can be modified on a showing of good cause.

A conciliation proposal is a voluntary procedure, arrived at by "conference and persuasion", as the law prescribes. Its purpose is to "educate" the respondent as to his legal responsibilities but also to evolve

a policy and procedure which prevents the recurrence of discriminatory practices and subsequent charges being filed.

Respondents with whom such proposals have been negotiated have expressed appreciation for the desirable results obtained. In no instance has the policy or practice of non-discrimination in employment caused unfavorable effects.

## GENERAL INVESTIGATIONS

In addition to the specific authority of the Commission "to receive, investigate and pass upon written charges made under oath" it is also empowered to "initiate and undertake on its own motion, investigations of problems of employment discrimination."

Acting upon this provision of law, an investigation has been instituted with a trade union in a craft where general allegations were made of discrimination in admittance to membership and indenture of apprentices. Though intensive efforts were made to determine whether specific persons had, in fact, made application for membership or apprenticeship and been refused for reasons substantially or wholly due to their race, no significant evidence was found to substantiate such a finding at the present time.

Nevertheless, the trade union local admitted that it had never had a Negro member or apprentice in approximately a half-century. At the same time, Negroes work in the craft as contractors, journeymen and apprentices, without union affiliation. It is obvious that some form of "understanding" exists which permits this curious condition to continue.

The Commission, therefore, has not concluded its concern with this situation and is exploring additional means of resolving it. The importance of this investigation emphasizes a need for a penetrating analysis and program dealing with apprenticeship training, since in a number of unionized crafts the historical and persistent absence of Negro apprentices is marked during a period of skilled worker demand.

Since public funds, both Federal and local are involved in the maintenance of trade schools, instruction and equipment, an issue of governmental concern is present.

In seeking to encourage Negro and other minority group youth to apply for apprenticeship opportunities, a long tradition of exclusion has acted as a deterrent. The Commission will continue to investigate all allegations of discrimination in this area and secure cooperation of school guidance and counseling services, employer and union joint apprenticeship committees, the Bureau of Apprentice Training of the U. S. Department of Labor, and community agencies to resolve this problem.

As the agency of state government concerned with denials of civil rights occurring within Ohio, the Commission also acts upon requests referred to it under the executive authority of the Governor.

During the past year, charges were filed with the Office of the Governor, alleging segregation due to race in housing the occupants of the Ohio Soldiers and Sailors Home at Sandusky. Investigation of this charge disclosed that one cottage was used solely to accommodate Negroes and none were housed in other cottages which, in effect, were reserved for only white residents.

After discussion and conferences with the Home's superintendent, this condition has been corrected and now all residents are accommodated on a non-segregated basis.

### SELECTED CASE SUMMARIES

The Ohio F.E.P. Act emphasizes the obligation of the Commission to "induce compliance" by informal methods of conference, persuasion and conciliation. The law further encourages this procedure by barring from disclosure anything said or done during such endeavors, though the authority to publicize the conclusion of successful conciliation is at the discretion of the Commission.

Guided by the law's emphasis, the Commission has thus far chosen not to publicize its conciliated charges or compliance agreements. To illustrate the range and types of cases with which it has dealt in the report year, a selection of case summaries, without identification of parties, follows:

#### I.

A large, metropolitan daily newspaper in the southwest region of the state followed the practice of carrying help wanted advertising which was prohibited under the law. These advertisements requested information of job applicants by employers regarding their race, color, religion, national origin or ancestry. Commission representatives noticed this violation of the law and contacted the advertising manager of the paper under the Commission's self-initiation authority.

After a number of conferences the matter was resolved. The newspaper now does not accept any wording in its employment advertisements which might be a violation of the law in requesting information with regard to race, color, religion, national origin or ancestry of job applicants.

For several weeks after the newspaper adopted the non-discriminatory policy, the advertising department personnel called the Commission office to check the wording of an ad before printing it. After a number of such

inquiries, the paper's personnel became fully cognizant of the requirements of the law and no longer seek Commission advice.

Taking affirmative action in this instance, the paper has notified its advertisers of the law and the policy of compliance. It has printed an instruction sheet outlining the "do's" and "don'ts" of employment advertising consistent with the requirements of the Ohio Fair Employment Practices Act.

## II.

To illustrate the depth and extent that is necessary in investigating charges, this case deals with a suburban school board which was charged with discrimination due to race in the discharge of one of its non-teaching employees for violation of regulations. The complainant has been an employee of the school system for 18 years. While he was well liked and respected by some of his fellow employees, school officials, teachers, pupils and the community leaders, others considered him officious and troublesome.

The investigation in this case covered many months and testimony was received from 26 witnesses. Some of the witnesses were questioned on more than two occasions by Commission representatives. In the course of the investigation the Commission learned that the school board's action was felt to be too severe in dismissing the long-time employee. Other witnesses thought that the board action was correct and justified.

During the investigation the Commission was informed of some unusual practices and actions by school board officials and school management. Despite the discord, ill feeling and questionable practices, the Commission had to sift the facts as they related to the charge. Was the man dismissed because of race? Or was the employee dismissed because of disciplinary actions or for some other reason, just or unjust?

After much investigation, and weighing of evidence, the Commission determined that the employee was not dismissed because of race, and found no probable cause to credit the charge and the case was dismissed.

## III.

The Commission's staff is frequently contacted by persons seeking advice on the wording of help-wanted advertising to determine if they are complying with the Ohio F.E.P. Act.

A specialty school wanted to run an ad for a young lady who would serve as a receptionist in receiving the students of the school. The wording the school officials had chosen for the ad left the impression that the school wanted only young ladies with an Oriental background to apply.

Upon the advice of the Commission representative the school reworded the ad and obtained a number of qualified applicants. The job was filled in a most satisfactory manner and in compliance with the law.

#### IV.

A qualified Negro practical nurse was referred by an employment agency to a medium-sized convalescent home in response to the employer's request. Upon arrival and being personally interviewed by the employer, she was rejected with the statement that "I certainly wish I could use you, for you seem to possess the experience and training we need. However, I regret that I cannot employ you due to the attitude of some of my employees and patients."

The applicant, who subsequently became a complainant, requested that her rejection and its cause be placed in writing. The employer, who later became a respondent, furnished a signed statement.

The complainant contacted one of the Commission offices by telephone and a staff member immediately contacted the respondent and explained the illegality of the action, pointing out the protection that the law provided in terms of derogatory employee action, or reaction, to an employer's effort to comply with the law. The employer immediately contacted the applicant and placed her on the payroll.

This reflects an instance of compliance during investigation, all of which was effected by telephone from over 100 miles distance from the point of violation.

#### V.

After having been exonerated from a charge of racial discrimination some six months before, a chain grocery was confronted with another charge of racial discrimination.

A young Negro carry-out boy had been denied, despite superior education and higher seniority, the opportunity granted white carry-out boys to obtain on-the-job training as a checker at the cash register.

Conferences held between Commission staff and management resulted in a conciliation agreement, embracing over 30 of the company's installations in Ohio. This agreement assures the complainant equal opportunity and assignment to those positions for which he may be qualified. The agreement also assures dissemination of this reaffirmed policy of non-discrimination, in hiring and up-grading, to all levels of responsible supervision, within the divisional jurisdiction.

## VI

The Commission received what is classed as a "third party" charge from an individual who, while not directly involved, was knowledgeable concerning an alleged discriminatory practice. A school board was cited as excluding Negroes from consideration for teaching vacancies. Conferences and a review of records clearly indicated "probable cause" in support of the charge. However, before the investigation was completed the respondent obtained the services of a qualified Negro teacher, the first to be employed in that school system. Thus, the case was entered as "compliance during investigation."

## VII.

The Commission conducts its investigations of allegations of employment discrimination to determine whether the specific complainant had been subjected to unlawful employment discrimination and whether there exists a general pattern of discrimination or exclusion with respect to members of a given race, color, religion, national origin, or ancestry. This procedure may result in a finding of "no probable cause" with respect to an individual but may result in needed remedial procedures disclosed by the investigation.

This was illustrated by the outcome of a charge by a Negro woman against an outlet of a national chain of retail stores. The complainant had applied for a job as a clerk but was not hired. Preliminary investigation soon revealed that, although there were several job openings, the complainant lacked a proficiency in basic business arithmetic which was a legitimate requirement of the job. Her complaint was, therefore, dismissed.

On the other hand, the Commission's investigation revealed that no Negroes were currently employed in office or sales positions. (Only one Negro had been employed in the past in an office position.) The store's manager maintained that there was no intentional exclusion of Negro personnel and asked for advice on the ways and means of broadening the store's recruiting technique. This led to discussions between the store and the Minority Groups Services representative of the local office of the Ohio State Employment Service in which the Commission acted in a liaison capacity.

The result was the employment of two Negro women in a short time: one as a salesperson and one as an office clerk. It is anticipated that this successful experience will lead to an increase in the number of Negro employees.

## VIII.

The Commission received an affidavit from a Negro woman employed by a regional chain of "drive-in" type restaurants employing approximately 300 persons. She alleged that, although Negro women were employed by the firm, they were assigned only to jobs involving kitchen work and food preparation, but were not given employment as waitresses or in other jobs involving direct public contact.

The Commission's investigation thoroughly substantiated the complainant's allegations: a strictly segregated pattern of jobs was found to exist with respect to Negroes, in violation of the provisions of the law which prohibit segregation and limitation of job opportunities. The Commission therefore found "probable cause" with respect to discrimination and authorized its staff to enter into efforts at conciliation.

As a result of conferences between the Commission and the respondent, a comprehensive "conciliation agreement" was prepared and entered into by the Commission and the respondent. Among other things, the agreement called for the dissemination to managerial personnel of a policy statement of non-discrimination in employment, the promotion of qualified incumbent Negro employees to waitress positions, as well as non-discriminatory practices with respect to all other phases of personnel management.

The firm has since employed its first Negro waitress. In addition, standard personnel tests were administered both to white and to Negro kitchen personnel and it was found that both groups fell within the same range of test grades. Promotional opportunities for Negroes will be made available as job openings occur and Negro job applicants will henceforth be evaluated in the same fashion as white applicants. It is anticipated that a strict adherence to non-discriminatory practices will result in an integrated work situation and a broadening of job opportunities for minority groups.

No frictions or other difficulties with the public or other employees were reported in connection with the employment of the first Negro waitress. This case also illustrates the efficacy of the section of the law which provides for a conciliation process in advance of the more formal procedure of public hearings.

## EDUCATION

### School Program

The educational responsibilities of the Ohio Civil Rights Commission under law are essentially of two parts.

First, to prepare a comprehensive education program in cooperation with the state department of education, directed toward students of the public schools of this state, (private and parochial schools have elected to participate) designed to eliminate prejudices among various racial, religious and ethnic groups, and to emphasize the incompatibility of such prejudice with American principles of equality and fair play.

Second, to develop programs similar in purpose for all residents of Ohio.

As a first step in approaching this obligation the Commission appointed a State Educators' Advisory Committee, composed of prominent educators and others representing the state department of education, local boards of education, state and private colleges, and the public, parochial, and private schools.

This group met for the first time on December 16, 1959. The third meeting of the Committee was held in Columbus on February 15, 1961. Thirty-four of the more than fifty-three members attended. Meeting in separate sub-committees, they discussed and proposed, among other things, the following program activities for the Commission to implement a basic educational plan.

#### Plan

1. Organize four regional educators' advisory committees, using present members of the State Educators' Advisory Committee as key persons.
2. Plan four regional conferences for early spring, making a definite effort to have representatives from every school system in each region.
3. Plan and develop a number of conferences for counselling of minority group youth in cooperation with the Ohio Department of Education's Division of Guidance and Testing.
4. Conduct a survey of college and university placement practices. (The full text and recommendations of this survey are reported in the section of the report on page . . .)
5. Visit all Ohio colleges and universities to:

- a. Interest and encourage colleges and universities in establishing summer workshops on human relations or, in lieu of this, including human relations or intergroup relations in summer school programs.
  - b. Discover what the Commission can do to encourage increased enrollment in summer workshops in colleges and universities where they already are established.
6. Work with individual school systems on getting some human relations projects underway.
  7. Expand efforts for acquainting educators with the Commission's program through appearances before educational groups and by making greater use of established journals, conferences, guidance institutes, workshops, and seminars.

### **Regional Educators' Advisory Committees**

Proposal number one resulted in immediate action. On March 17, 22, and 23, 1961, meetings were held in northwestern, northeastern, and southwestern Ohio respectively to nominate the necessary additional members to establish for each region a twenty-five member Educators' Advisory Committee. Action in southeastern Ohio was postponed until late 1961 when a similar committee will be organized in that region.

Persons serving on these regional Advisory Committees are listed in the appendix.

### **Education and Civil Rights Conferences**

Implementing proposal number two above, the first two conferences were held on May 10 and 11 at Kent State and Bowling Green Universities respectively. The purpose of these conferences was to increase understanding of the Ohio Civil Rights Law and its implications for the schools.

In terms of geography the registration record for the two conferences shows that there were over 170 representatives attending from 18 city, 13 county, 20 local, and 7 exempted village school systems. The conferences were planned for school administrators and the majority of the conferees were superintendents, executive heads, and principals.

The programs for both conferences were similar, with the morning being devoted to Ohio's Fair Employment Practices Law, its implications for educators, and the afternoon to the role of educators in the Commission's education program.

In addition to direct participation through attendance, approximately 500 copies of the published reports of these events were mailed to all Ohio school superintendents in the regions covered by the conferences.

Thus even those school administrators who were unable to attend received detailed information regarding the Kent and Bowling Green conferences.

Related to the meetings were pre-conference planning and follow-up visits to many superintendents in the regions involved in the conferences. These visits provided an important opportunity for clarification of many misconceptions which could bar the way for sound understanding of the intention of Ohio's Civil Rights legislation. These visits also stimulated attendance and promoted more meaningful conference participation and understanding.

### **Guidance and Training**

Proposal number three of the education plan has been expanded to utilize the existing structures and organizations in guidance throughout Ohio.

Although counselors will be reached through smaller groups than would seem to be implied in the proposal, they are being reached effectively through associations and programs accepted and respected by their profession.

Implementation of this part of the program, resulted in a plan of action which was jointly agreed upon by the Ohio Department of Education's Division of Guidance and the Commission. This resulted in: (1) an article and flyer in the March/April 1961 *Guidance News & Views* (State Dept. of Educ.) which reaches 2300 Ohio counselors and other educators; (2) a careful analysis of avenues of effective contact with counselors which has already resulted in reaching almost one hundred counselors and is opening up numerous opportunities for increasing an awareness among counselors about the meaning and application of the results of the Fair Employment Practices Law for their profession.

As a result of these efforts, two guidance institutes—Miami University and Ohio State University—now devote time to alerting counselors to the significance of FEP. Also initiated are programs of education designed to reach the Ohio APGA Council, All Ohio Area Guidance Councils, other Counselor Education Institutes, the Ohio School Counselors Association, and—through in-service training programs—counselors employed in Ohio schools through the school systems themselves.

As a result of suggestions made by the State Educators' Advisory Committee in February, the State Department of Education's Division of Guidance also will include material explaining Ohio's Fair Employment Practices Law in its new *Counselors' Handbook* which will be published in the fall of 1961.

The Commission reached school counselors through a number of other channels, such as participation in the Workshop on Racial and Cultural Dimensions in vocational counseling on November 18, 1960, which was sponsored by the Cleveland Urban League and the Division of General Studies of Western Reserve University. Over six hundred school guidance personnel received our education materials at the Eighth All-Ohio Guidance Conference which was held in Columbus on October 21-22, 1960. Counselors also participated in the Education Workshop of the Commission's state-wide Civil Rights Conference, November 30-December 1, 1960.

### **Workshops**

Initial contacts have been made with a number of Ohio's colleges and universities. Although money and leadership are real problems, there is some indication that summer workshops on human relations will be forthcoming. The inclusion of human relations and intergroup education materials in summer school programs and the development of related materials already in these curriculums would appear to be an equally effective motivation for study in these areas.

The Commission's attention also has turned to the support of existing human relations workshops such as those at Western Reserve University, Ohio State University, University of Cincinnati and Kent State University.

Finally the Commission is carefully considering existing courses of higher education where materials related to intergroup relations can be meaningfully introduced, for example: teacher training programs; social study curriculum; business and industrial relations; guidance courses, and others. Opportunities in this direction are unlimited. Discussions at two Ohio universities have initiated interest in this direction.

### **Individual School Systems**

Work with individual school systems has been delayed in order to properly inform and alert school people to the Commission's responsibilities and plans. Projects and programs in the city, county, and exempted village schools of Ohio will be starting in August, 1961.

### **Reaching Educators**

In addition to the specific areas of concentration in education outlined above, it has been considered desirable to inform all educators through established resources such as professional associations, journals, conferences, institutes and committees by special articles, bulletins, talks and discussions.

Thousands of school people have been reached this year through the Ohio Education Association; the Ohio School Board Association; the Ohio Association for Supervision and Curriculum Development; the Ohio Council for the Social Studies; Ohio Institutional Teacher Placement Association; Northwestern Ohio Association of School Administrators; Ohio Vocational Association; Ohio Association of Broadcasters; and the Ohio Department of Education and its various divisions.

Equally valuable to a general program of information and education has been the cooperation of Ohio's public, private and parochial school administrators who have welcomed the Commission's services by participation in program planning.

### **Education and Civil Rights Workshop**

A significant part of the Commission's Statewide Conference was the Education Workshop. Fifty-five educators including members of the State Advisory Committee attended the conference. Twenty-four cities, five different boards of education, and five colleges were represented. In addition, there were representatives from the OEA, the State Department of Education, college students, administrators and personnel from public, private and parochial schools.

The workshop considered the implications of the Ohio Civil Rights Law for education and discussed such topics as guidance, school program, in-service training for teachers, school personnel policies, the human relations climate of Ohio communities, teacher placement officials and their practices, curriculum, visual aids, and the breadth of the Commission's program.

### **PUBLIC INFORMATIONAL AND EDUCATIONAL PROGRAM**

As part of its responsibility to engage in a general education program, applicable to all persons in Ohio, the Commission planned, organized, and convened a statewide civil rights conference held in Columbus on November 30 and December 1, 1960. The program of the conference dealt with four major areas—employment, education, housing and public accommodations. Major addresses, panel discussions and workshops explored each of these subjects.

The keynote address, "Fair Employment Legislation and Manpower Utilization," was given by Carl H. Hageman, Vice President in Industrial Relations of the Union Carbide Corporation. As an officer of one of the nation's largest corporations and a major employer in Ohio, this made a significant contribution.

More than three hundred people, representing management, labor, education, religion and civic organizations, from forty-nine cities in the State attended the Commission's conference. Of significance was the sizeable representation of employers of Ohio workers, many of whom expressed their appreciation for a clearer understanding of the State's F.E.P. Act.

Two other conferences were also held in Columbus. Although they were not initiated by the Commission, their purpose was to explore and interpret the fair employment practices law, and the Commission participated in both.

Appropriately, one of these conferences was for all the industrial relations and employment personnel of the Ford Motor Company's plants in Ohio. The other was sponsored by the United Auto Workers, AFL-CIO, locals throughout the state.

Commissioners and staff are invited to interpret and discuss the work of the agency, problems affecting civil rights, educational programs, manpower utilization and other subjects related to the broad scope of the Commission's concern.

During the report year, 149 different audiences totalling 13,058 in attendance were addressed.

The range of groups concerned with the Commission's activities includes industrial relations personnel, chambers of commerce and trade associations, religious and civic, minority group, fraternal, trade union, social service, high school and college. Also three telecasts and seven radio appearances were made during the year.

Wide-spread newspaper coverage and editorials have appeared throughout the State reporting or commenting on the work of the Commission. Although there were a score of editorials, only four were critical of, or took issue with, some aspect of the agency activities.

Highly encouraging are the steadily increasing invitations to participate in various educational organization programs indicating that school administrators, counsellors, and teachers are becoming more acutely concerned with the question of intergroup relations at the elementary and secondary school level.

Commission publication has continued in the second year supplementing earlier materials. The state-wide civil rights conference speeches and proceedings were reproduced in 500 copies and each person attending received one; the remaining supply was exhausted by requests. Ten thousand copies of the Commission's "Rules and Regulations" have been largely used up by request. Twenty thousand leaflets briefly describing

the legal rights of job seekers, entitled "Equal Job Opportunities are Yours" have been widely distributed.

Each of the educators conferences described in the educational section, had its speeches distributed in several hundred copies each.

The monograph "Discrimination in Public Accommodations," reproduced in one thousand copies, was quickly exhausted. This examination of the legal history and non-enforcement of a seventy-seven-year old statute was of interest to many legislators, college students and law classes.

Finally, all five thousand copies of the Commission's first Annual Report have been distributed, and fifteen thousand copies of the "Guide for Application Forms and Interviews" have been completely utilized.

## SURVEY AND RESEARCH

As is indicated in the tabulation of charges and investigations, the explanation of the case process, the summaries of conciliated cases, the educational responsibilities and other actions of the Commission, it becomes obvious that the administration of the Fair Employment Practices Act, is comprehensive.

These areas of responsibility, as noted, are but two of several which the Commission is charged to undertake. The statute directs, in Section 4112.04, paragraph (A) (7) and (8) that surveys of discrimination shall be conducted and reports prepared on the findings.

During the past year, upon the recommendation of the Educators' Advisory Committee, concurred in by the Commission, it was deemed important that the employment placement practices of colleges and universities in Ohio should be scrutinized since minority group students and graduates attend these institutions and use these facilities.

The F.E.P. Act provides that referral of persons by placement and employment agencies shall be non-discriminatory as to race, color, religion, national origin or ancestry. The survey, its findings and recommendations are incorporated as the last section of the report.

The third major survey which will be undertaken by the Commission is the complex and controversial problem of housing. All evaluations of basic civil rights problems throughout the United States concur that equal opportunities to obtain housing accommodations according to one's means and choice without restriction as to race, color, religion, or ethnic background is one of the most serious problems provoking critical social and economic conditions and ineffective over-all planning for urban communities.



Southwestern Regional Office  
Cincinnati - 2

1 - Regional Director 1 Clerk Stenographer  
This office serves 20 counties

Northwestern Regional Office  
Toledo - 2

1 - Regional Director 1 Clerk Stenographer  
This office serves 27 counties

Southeastern Regional Office  
Bellaire - 2

1 - Regional Director 1 Clerk Stenographer  
This office serves 19 counties

The necessity for obtaining staff well-qualified to perform the duties assigned to them caused some delays in recruitment and appointment. Of the new staff members employed during the past year, all served less than a year and therefore delays occurred in fulfilling the entire program of the Commission.

Thus, during the report year the survey and research director was employed ten and one-half months; the director of education, eight and one-half months; the southeastern regional director ten months; and the northwestern regional director, eight months.

## PLANS FOR THE COMING YEAR

Earlier reference was made to the new public accommodations law resulting from the passage of Amended House Bill No. 918 by the 104th General Assembly. This major addition to the mandatory responsibilities of the Ohio Civil Rights Commission will require additional staff for administration and enforcement. There is a wide range of public accommodations facilities covered by the law, and the existence of discriminatory practices was disclosed in the Commission's study of 1960. This will undoubtedly account for a substantial case load. A request for extra funds is already in preparation to be presented to the Department of Finance and the Emergency Board, since the passage of the new bill carried with it no appropriation.

In addition to this added responsibility, the present staff has been unable to keep current with the constantly increasing number of employment discrimination charges filed. A backlog of 64 employment cases is being carried over into the next year.

The recovery of industrial and commercial enterprise from lower levels of employment can be expected to increase the number of charges filed. Automation, while decreasing unskilled or lower semi-skilled job opportunities, increases demand for promotions and job reclassifications on the basis of ability and merit. Thus, the 219 charges received in this report year can be expected to increase along with the workload imposed by invalid allegations and uncompleted affidavits. The heightened emphasis on merit employment, stimulated also by the President's Equal Employment Opportunity Committee, is already reflected by more employer requests for advice and counsel from the Commission.

Another factor contributing to increased case volume will be due to improved service to communities occasioned by better geographic coverage. For example, the southwestern regional office, located in Cincinnati, has almost exclusively served the cities of Cincinnati and Dayton. Cities such as Hamilton, Middletown and Springfield, though served by the office, have had virtually no opportunity to utilize the limited time available to the regional director.

Similarly, the northeastern regional office in Cleveland, which serves four of Ohio's eight major industrial communities, with a three-man staff, has been unable to offer time and service to cities such as Ashland, Ashtabula, Mansfield, Alliance, Elyria, and others.

Similar examples can be given in other sections of the state. It is evident that the present staff is unable to process cases promptly. Delays in investigation and findings, whether resulting in dismissal or violation are undesirable from the viewpoint of both complainants and respondents.

The Commission also has studied the feasibility of conducting industry-wide surveys to determine effectiveness of compliance with the F. E. P. Act. By this method, trade organization representatives would be invited to work cooperatively with the Commission in correcting and improving conditions which now create wide-spread discriminatory treatment in employment opportunities or conditions.

Thus far, the volume of charges from individual complainants and those cases initiated by authority of the Commission has made it impossible to undertake this type of program with any degree of effective planning and follow-up. Consequently, this approach has been delayed on a state-wide basis.

Future plans in Education, Survey and Research, and Public Accommodations have already been discussed in the sections of this report, dealing with those activities.

It is the Commission's hope to make greater use of Advisory Committees in the coming year and to continue to evaluate and improve upon its administrative procedures and practices consistent with effective public service.

## CONCLUSION

In a general view of the past year's concern with the question of civil rights, the Commission has viewed with interest the growth of new elements and dimensions in the striving of minority groups for the status of equality in treatment and opportunity. Though the Southern states have been the dramatized locale of the "direct action" approach involving "sit-ins," "wade-ins," bus boycotts and other varieties of organized protest to segregated accommodations, Ohio has, together with other northern states, experienced some version of this technique.

Widely separated Ohio cities have had picketing of swimming pools, banks, retail stores, bowling alleys, and other places of employment or accommodation.

In many of these situations, the Commission has been an observer and occasionally a resource for consultation with those affected. The Commission has made itself available to the parties of either side where its services could be useful.

The newly-created jurisdiction in the area of public accommodation which the Commission will exercise will make it possible to deal directly with some of these situations involving public accommodations and facilities.

In Ohio, as elsewhere, the resort to "direct action" techniques is symptomatic of underlying national concerns. On the world scene somewhat similar problems are indicated by "anti-colonialism"; the striving of non-white Asian and African peoples for freedom from domination; and a by-product of the contest between the great centers of power in the world for the alignment of emerging nation-states.

It is hardly surprising that in this political and social turbulence leadership is sometimes initiated by demagogic persons; or that tactics are employed which bypass lawful means; or situations develop that may threaten peaceable methods for the resolution of tensions.

Each such situation requires careful scrutiny, the effort to distinguish the basic elements, and utilizing available groups or persons whose responsible conduct offers some channel of communication.

An agency of state government operating under law and seeking to maintain due process must deal with the elements of this conflict but cannot afford to be dilatory or use "stalling" tactics. Loss of confidence in law and government is a peril that must be avoided. Instead, insight into motivating forces, and patience with impatient people must govern the agency.

To these principles, the Ohio Civil Rights Commission will adhere to effectively serve the people and government of the state of Ohio.

SURVEY  
OF  
OHIO COLLEGE AND UNIVERSITY PLACEMENT OFFICES  
WITH REGARD TO  
JOB-PLACEMENT OF MINORITY STUDENTS

THE OHIO CIVIL RIGHTS COMMISSION  
AUGUST, 1961

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**SURVEY OF  
OHIO COLLEGE AND UNIVERSITY PLACEMENT OFFICES  
WITH REGARD TO  
JOB PLACEMENT OF MINORITY STUDENTS  
INTRODUCTION**

**Purpose of Survey**

The purpose of this survey was to inquire into the experiences, procedures, and practices of Ohio College and University Placement offices with regard to the regulations set forth in the Ohio Fair Employment Practices Law to assist the Ohio Civil Rights Commission in the development of an effective program for the elimination of unlawful discriminatory practices in the development of minority group students.

**Unlawful Discriminatory Practices Defined:**

Section 4112.02 (B) "It shall be an unlawful discriminatory practice: For an employment agency, \* because of race, color, religion, national origin, or ancestry to: (1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise to discriminate against any person; (2) Comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of sections 4112.01 to 4112.07, inclusive, of the Revised Code."

**Authority for Undertaking the Survey:**

Section 4112.04 (7) "The Commission shall: Make periodic surveys of the existence and effect of discrimination because of race, color, religion, national origin, or ancestry on the enjoyment of civil rights by persons within the state."

**Scope of Survey**

The survey included a select list of 41 colleges and universities (Appendix A) in the State of Ohio. All the larger colleges and universities — tax supported, church supported, and privately supported (Table 1) — were included.

A number of these educational institutions had two or more placement offices. In such instances schedules were completed for the offices

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\* The Commission has included college and university job placement offices in the category of employment agencies.

with major responsibilities for placement activities. Related activities of the placement offices were included in this survey, e. g. vocational guidance and counseling, co-op programs, teacher-training and field work assignments, personal recruiting and job order processing.

### **Method of Survey**

Personal interviews were conducted with placement officers at which time a survey schedule was filled in by the survey director or a Commission staff member who had been carefully oriented to the meaning of the questions and the purpose of the survey. A copy of the survey is included in this report as Appendix E.

## **THE RESULTS**

### **Area of Responsibility for Placement Services**

The large number of colleges and universities surveyed (Appendix A) included many too small to require a high degree of specialization in their placement activities. Of the 38 colleges and universities visited 21 had a single placement office serving the entire institution. The balance (17) operated with some degree of specialization: undergraduate, alumni members, and professional colleges. In some of these institutions Department heads carried responsibilities for the placement of their students.

The titles of the persons in charge of the offices indicated that a large number carried other responsibilities in addition to those of placement officer. In these instances much of the routine work of forwarding information to employers is handled by secretaries and other clerical personnel.

### **Policy Statements of the Institution**

Most of the institutions claimed that their policies and practices were consistent with the Ohio FEP Law. However, only three of the placement offices had written statements of any description setting forth the non-discriminatory policy of the placement office services. One institution, on the front side of its placement registration form, had the statement ". . . is governed by the Ohio Fair Employment Practices Act. It is unlawful to include a picture or information relating to race, creed, or color."

An adequate institutional policy statement entitled "Placement Procedures Under Ohio Fair Employment Practices Act" was prepared and adopted by the Ohio State University. A copy of this statement is included in this report as Appendix C. This policy statement examines the Ohio FEP Act, and indicates the procedures to be followed by the placement offices on the campus for full compliance with law.

*It is an acknowledged principle that a sound, concise, unequivocal policy statement is the first step in the elimination of discriminatory practices in job placement. The lack of such a statement places an unfair burden upon the placement officials. Many of the anxieties reported by placement officials and the perpetuation of unlawful practices can be attributed directly to the institution's failure to adopt a sound policy statement and to circulate it among all those officials of the institution who may have administrative responsibilities or some other interest in placement activities.*

### **The Effect of Minority Student Problems on Vocational Guidance and Counseling Services**

Placement officials, three to one, reported that minority student status in no way affected their vocational guidance and counseling services. Many of these officials made the logical point that guidance and counseling were not their responsibilities. However, the examples given by those placement officials who felt that their services of a guidance and counseling nature were affected by minority student status were so plausible and routine that it would nevertheless appear that such services are, in fact, part of the general experience of most placement officials.

Among the examples thus given were:

Placement officials are "aware of school systems and communities which do not accept certain applicants on grounds of race or religion. When applicants are referred, those not acceptable are not included. If an unwanted student inquires about such a position, he or she is discouraged."

"At the time of their initial interviews minority students are advised of their better opportunities for employment re job categories and community racial and religious attitudes."

"A Negro student in business administration was seeking employment that would ultimately lead to a plant management position. He was deliberately exposed early to off-campus recruiters who discouraged this ambition. As a result the student transferred to a law school."

"Minority students are informed of racial and religious barriers to up-grading in certain fields of employment."

"Trends in demands of employers are carefully noted. Currently several employers are seeking Negroes for sales jobs to fill positions in Negro communities."

"Those minority students who appear to have difficulty obtaining a position are steered into areas traditionally open to their group."

"We do not waste a student's time and money by sending him or her to an employer whom we know will not hire persons from his or her racial or religious group."

"An extra effort is expended to place minority students in positions commensurate with their formal training and over-all competence. This usually means special contacts with firms previously closed to minority students."

The tenor of the discussions with practically all placement officials was one of genuine concern for a good placement record wherein all registered students obtained employment. It would be fair to say that 100 per cent placement was the over-riding consideration in most offices. This goal was the basis for the continuation of many known unlawful practices, including, unlawful inquiries on placement registration forms and in the processing of discriminatory job orders.

### **The Co-op Programs**

Only four institutions in the state have co-op programs. The coordinators responsible for student placement indicated that minority students required particular concern. The students themselves help locate positions, and assistance is sought through the established intergroup relations organizations.

One co-op coordinator estimated that out of 500 firms cooperating in the program, not more than 50 have hiring policies which would permit referrals without first identifying the Negro students. In another case it was reported that the coordinators review with employers their hiring practices in order to open up possible placements for minority groups.

Within the past year calls have been received from previously all-white firms seeking Negro secretarial assistance. These firms were under pressure from citizen organizations protesting their all-white policy regarding clerical employees.

A student organization at one institution was calling for a policy statement which would place the co-op program in compliance with the state law: by the elimination of unlawful inquiries job application forms; referrals without regard to race, creed, color, national origin, or ancestry; the refusal to process discriminatory job orders; and the severing of relations with discriminatory employers.

The coordinators for these co-op programs gave the impression that job opportunities for co-op students were too difficult to obtain to permit

them to adopt and implement a policy statement in strict compliance with the Ohio FEP Law.

### **The Effect of Minority Status on Teacher-training and Other Field Work Placements**

The responsibility for the placement of students for practice teaching and other field work did not reside with the placement offices. Nevertheless what happened in these programs was directly related to job placement opportunities. In reply to "Does minority status affect teacher-training or other field work placements?", only ten out of 46 persons replying reported that minority status was a factor in the assignment of these students.

The actual distribution of teaching positions held by Negroes across the state indicates to the Commission that minority status is a stronger factor in determining assignments than is generally acknowledged. Those who reported that assignments are influenced by race or religion took the position expressed by the chairman of one education department who said:

"In the placement of students in off-campus schools and community agencies we must recognize that these students are professional guests there because these institutions are not under the control of the college. In the professional judgements that go into selecting off-campus placements for college students the staff must take into account a great number of factors: academic, personal and professional. Just as in counselling students and in making decisions on curricular requirements, the cultural background is a factor in making placements for professional experiences."

The Ohio Civil Rights Commission has concluded from the many discussions on this subject with placement officials and those in charge of teacher-training and other field work assignments, that the above statement is an accurate description of the various factors determining such assignments. It is highly probable that a sizeable majority follow these principles.

*By catering to the discriminatory practices of schools and other community agencies, those responsible for teacher-training and field work programs help to perpetuate and support unlawful hiring practices.*

### **Interviews by Off-Campus Personnel**

It has become standard practice for representatives of school systems and firms throughout the nation to visit college campuses for the purpose of personal interviews with students. Only four of the 51 placement offices

surveyed reported negatively to the question: Are arrangements made for off-campus personnel recruiters?

Minority status seldom figured in the selection of students for these interviews. Usually a bulletin was posted urging qualified individuals to sign up for appointments; or notices went from the placement office to students who met the specifications, and who then called at the office for an appointment.

In only one out of ten instances did the placement official appear reluctant to expose minority students to recruiters from firms known to bar Negroes or other minorities. One official proudly volunteered the statement that she supplied the recruiter with information on race, religion, and a photograph to "facilitate the interview and protect minority students." In another instance the placement official would review the scheduled appointments with the recruiter and cancel those he did not wish to interview. Race and religion would frequently come up in these pre-interview conferences.

The reported experiences of the placement officials in arranging for interviews by off-campus personnel recruiters demonstrate that there is very little justification for allowing minority student status to in any way influence the selection of students for interview.

A number of placement officials contended that since a student was seen in person in an interview there should be no objection to permitting the interviewer to have a picture of the student. The interviewers insisted that pictures were of inestimable value in recalling traits of the student when writing up the report of the interview. Others, a much smaller number, recognized the disadvantages Negroes and certain other minorities suffered when photographs were attached to applications or given to recruiters.

### **The Placement of Minority Students**

Difficulty in the placement of minority students was reported by only one in three placement offices. This statement must be viewed in the light of facts such as: the majority (six out of nine) of the colleges with appreciable numbers of Negroes did report difficulty; college-trained people were in high demand; the vast majority of the colleges surveyed were without Negroes in graduating classes from 1959 to 1961. See Table No. 2.

The placement of minority students is affected by diverse and complex factors. Race was found to be the dominant basis for discrimination. Negro teachers, in practical terms, are limited to placement in large city systems, although exceptions were noted. General difficulty was reported in placing minority members, especially Negroes, holding secondary teaching certificates.

There is a strong tendency on the part of boards of education in communities dominated by a religious group to place discriminatory job orders favoring that particular denomination. These relationships are frequently so well known that it is not necessary to include this specification in the job order. One placement official considered all Jews difficult to place because one mother had insisted that her daughter be placed in a community where there were eligible males.

The placement official of a church-supported college expressed deep sympathy for boards of education who fervently desired that their teachers be affiliated with some Christian church. He also wanted to protect Negroes and other minority students whom he believed would prefer to avoid the expense and inconvenience of traveling to other communities for interviews where it was believed that members of their group were not wanted.

Difficulty in placing Jews was diminishing at one tax-supported professional college. This improvement was attributed directly to the banning of segregated professional fraternities. These fraternities were active in influencing graduate members to select fellow members for staff additions. Once the fraternities were desegregated or barred, job referrals automatically cut across religious lines. There also were indications that the racial barrier was weakening.

*The heavy demand for scientists and engineers by government and private firms with defense contracts, which include non-discriminatory clauses, have opened up many new fields of employment and opportunities in many sections of the country including the deep South.*

The placement offices were well aware of the salutary effect this employee market had upon their efforts to place minority group members. There appeared to be little or no correlation between the difficulty experienced in placing minority students and the institutional support of the college, i. e., tax, private or church related. (Table No. 2)

### **Legal Problems Posed by the Enactment of the Ohio Fair Employment Practices Act**

The fact that the Fair Employment Practices Law posed certain legal problems for a large number of placement offices appeared to be taken lightly. Approximately 60% of the offices reported they were aware of some unlawful practice involved in their present procedures.

One-half of the placement registration forms which were reviewed requested unlawful information (Table No. 6). Almost half of the placement offices reported receiving discriminatory job orders (Table No. 4) and most of these offices admitted processing such orders (Table No. 5). Other offices provided unlawful information upon request (Table No. 7)

or violated the law through routine administrative procedure (Table No. 8).

These practices of non-compliance must be qualified by the fact that a number of the placement officials who committed violations had discussed the problems at conferences where Commission staff members served as speakers and they had made sincere efforts to resolve their problems through direct inquiries to the Commission's offices. In several instances interpretations relative to unlawful transmission of information were altered by the Commission.

At one time, for example, it was understood that a student could include unlawful information on his registration form if he filed a statement requesting the office to transmit this information. Such an act is illegal. (See section 4112.07 (F) Revised Code.) This created some confusion and hampered the proper enforcement of the law.

### **Placement Registration Forms**

The placement offices attempted to get all graduating students to register with their office on special forms. Many of these forms were adapted from models provided by the Midwest Placement Association. Of the 48 placement registration forms reviewed, 24 requested unlawful specifications as follows: race (6), religion (14), national origin (12), ancestry (2), and photograph (19), (Table No. 6).

Frequently unlawful information was revealed through the answers given to requests for: "church preference," "college activities and organizations," "citizenship," "where were you born," and the attachment of the student's transcript which usually contains certain identifying information which, although proper for a transcript remains unlawful for review by an employer prior to hiring.

Information such as college activities, citizenship, and scholarship are appropriate when the question is properly phrased or the instruction sheet clearly sets forth the manner in which the question may be answered (See Appendix B: Instruction for Registration and Student Registration Blank).

It has been previously stated that there was no apparent correlation between the number of colleges with unlawful inquiries on placement registration forms and the source of institutional support. However, in regard to questions related to religion, the church-supported institutions were responsible for nine of the fourteen unlawful inquiries recorded (Table No. 6).

The answers given in defense of the practice of continuing unlawful inquiries were reiterated by many of the placement officials: "The informa-

tion is helpful in counseling and saves time and embarrassment on the part of the student." "The student's happiness is the concern of this office and therefore this information is necessary in placing a person in circumstances in which he is likely to be happy."

In addition to the college placement registration forms, the employers frequently issued their own publications. It should be noted that these forms need to be screened by the placement office and unlawful inquiries should be obliterated from the form; otherwise the placement office becomes a party to an unlawful practice.

The recommendations of college professors frequently transmit unlawful information. Statements appear such as: "He is a credit to his race," (this invariably means the applicant is a Negro), or, "He is a fine Christian lad." One important use of the policy statement referred to earlier is to inform the faculty of the law governing pre-employment information provided in such recommendations.

### **Discriminatory Job Orders**

Almost half of the placement offices surveyed reported receiving discriminatory job orders (Table No. 4). Whereas only 17 of 46 answered yes to whether or not they processed these orders (Table No. 5), general discussion revealed that practically every placement official was inclined to process discriminatory job orders. Job orders discriminating on the basis of race were twice the number of all other discriminatory specifications combined. The number of discriminating orders in the teaching category was as large as the sum of all other employment categories. Business and industry were the most persistent in requesting photographs. It is noteworthy that government was reported only once for submitting a discriminatory job order.

It was stated that the processing of discriminatory job orders was necessary to retain good placement opportunities. Those few placement offices which were regarded as being in strict compliance with the law were reputed to have poor placement records. Colleges with appreciable numbers of Negro graduates, estimated to be less than a dozen colleges in Ohio, face unfair competition from the other colleges who collectively supply fewer than ten per cent of the total annual Negro graduates.

There were placement officials interviewed whose position was that prejudice was "irrational" but felt that "it still had to be respected." They contended that: "It is too deep-rooted to be eliminated by law; the process involves the changing of basic attitudes through education." Some expressed the opinion, which very likely governed their practice, that: "Boards of education are on sound ground in their insistence that new teachers have church affiliation."

There has been a disproportionate number of discriminatory job orders received by tax-supported institutions in contrast with those received by church and privately-supported institutions (Table No. 4). This can be accounted for in part by the fact that major employers know the racial and religious circumstances of colleges and universities; consequently, by avoiding certain institutions, certain racial and religious representatives are automatically eliminated, making discriminatory specifications on job orders unnecessary.

The two predominantly Negro colleges saw very few off-campus recruiters at their institutions although one of the two reported that there had been an improvement in this situation during the past two years. Needless, to say, these colleges were not being invited to refer applicants for teaching positions to school superintendents serving rural and county school systems.

These factors, in combination, produce a highly restricted job placement pattern for minority students, especially Negroes, in all employment categories with the one exception of government (Table No. 4).

## SUMMARY AND CONCLUSIONS

The actual records and opinions of the placement officials were in keeping with the findings of similar surveys conducted elsewhere.

### 1. Policy Statement

Only one placement office in twenty saw the need for a written policy statement to guide placement offices, faculty personnel and others who directly or indirectly participate in placement activities. *It is a well established fact that basic changes in civil rights must be undergirded by strong policy statements from those in the top echelons. Such a policy statement, elaborating and clarifying the law for ready understanding, is needed to constrain the bigot, strengthen the willing but weak, and shield the minority group student from the over-protective.*

### 2. Vocational Counseling and Guidance

Minority student status materially affected vocational counseling and guidance services. While remaining sympathetic to indignities suffered by members of minority groups when referred to employers antagonistic to them, placement officials have a legal responsibility to press for broader opportunities for all students on the basis of their individual merits without regard to race, color, religion, national origin, or ancestry. This means referring qualified students irrespective of the known antipathies of employers and informing these employers of their mutual liability under the law.

### 3. Job Referrals

Many placement officials were unduly concerned about the possibility of sending applicants where they weren't "wanted"; they were ready to ignore the law in order to avoid the unpleasantness of sending all qualified applicants and embarrassing employers who would then have to either meet their legal responsibilities or do the unlawful screening themselves.

*No student should be discouraged on the basis of race, creed, color, national origin, or ancestry from seeking any position for which he feels qualified on the basis of training, experience, and temperament. By keeping abreast of the rapidly expanding job opportunities for minority students, placement officials could use such information to motivate and raise the aspirations of minority students.*

The quantitative placement record of the placement office was used to justify many unlawful practices. This should be corrected by the administration of the respective institutions.

### 4. Co-op Program

The coordinators in the co-op programs appeared more sensitive to the discriminatory desires of employers than the regular placement officials. This is understandable when they report that nine out of every ten cooperating firms are highly discriminatory. These coordinators, just as in the case of the regular placement officials, have a responsibility to develop programs which enlighten employers with regard to the effect of unlawful discriminatory practices on the supply of skilled workmen and the nation's economy.

### 5. Teacher-Training and Field Work

The problem facing teacher-training and other field work programs are similar to the co-op situation. The officials responsible for these programs are most respectful of the discriminatory attitudes of the schools and other community agencies. Again, the delicacy of the situation notwithstanding, these officials should accept their share of the burden for rectifying the conditions as they are legally parties to the unlawful discriminatory practices which deprive many Ohioans of legally protected civil rights. *It is conceivable that there are agencies which would accept the temporary workers who participate in co-op programs in a deliberate step to prepare the community for full compliance with the law and the acceptance of minority group members as permanent employees where they can qualify.*

## **6. Off-Campus Personnel Recruiters**

The arrangement of appointments for interviews by off-campus personnel recruiters on a non-discriminatory basis does not appear to be a sizeable problem for minority students. The few instances of reported discrimination appear to be based solely upon the naivete or personal prejudice of the placement official. As such, these few abuses should be corrected by the administration office.

## **7. Difficulty in the Placement of Minority Students**

It is still difficult to place minority students properly. Negroes are still the last hired. The field of teaching is one of the most flagrant violators. This may be due to the fact that this is the largest area of placement for Negroes.

Placement officials identified boards of education rather than school superintendents as being primarily responsible for discrimination based upon race and religion.

The large number of job opportunities in business, industry, and government categories in contrast to the small number of Negro graduates trained tends to minimize placement difficulties which currently exist in these fields.

## **8. Legal Problems Posed by the Law**

The practices followed by a large majority of the placement offices exposes them to legal action by the Ohio Civil Rights Commission. The placement registration forms and instruction sheets should be brought into compliance with the law to forestall such action.

*Employers should be informed by the cooperating placement offices of violations on application blanks and job specifications. If the employer ignores this advice, the material should be forwarded to the Commission for investigation.*

## **9. Placement Registration Forms**

Although two years have passed since the law was enacted, a large number of placement registration forms still requested unlawful information. In addition, there were many forms not counted in this already large sum which had unlawful information on the copies which we reviewed with only a line drawn through them instead of being completely blocked out. A number of placement offices gave evidence that they would continue to resist deleting requests for photographs and religious affiliation information. Many also appeared hesitant to do the much needed screening of employer application blanks and letters of recommendation. As many of the placement registration forms were adapted from a form prepared by the

Midwest College Placement Association, some assistance with the problem should be forthcoming from this source .

### **10. Discriminatory Job Orders**

It should be said that for all practical purposes, discriminatory job orders are still being processed by the placement offices. As was suggested by several placement officials, their burden would be lightened and more progress made by correcting the situation at the source—the employer. This does not relieve placement officials of their legal responsibilities to seek job opportunities for all students. Students should be referred and the law cited to recalcitrant employers whenever it is necessary.

## **RECOMMENDATIONS**

To bring the policies and practices of college placement offices in compliance with the Ohio Fair Employment Practices Act and to alleviate various restrictive patterns related to these services—as described in this survey—the following recommendations should be implemented :

1. Each institution should adopt a policy statement for the guidance of placement officials, faculty, and other interested persons, setting forth in unequivocal terms the procedures necessary for all placement activities on the campus—academic, non-teaching, and student—to comply with the Ohio Fair Employment Practices Act.
2. The college administration should take cognizance of the fact that under Ohio law all job opportunities are available to minority students. Consequently, they should utilize their vocational guidance and counseling services—no matter how slight—to motivate these students to seek any employment commensurate with their abilities.
3. Colleges and universities should try to restrict teacher-training and other field work programs to community agencies with non-discriminatory practices and should develop positive programs to increase the number of agencies which are in compliance with the law.
4. Colleges and universities should carefully orient all persons engaged in placement activities and related services—placement officials and office personnel, co-op coordinators, teacher-training directors, chairmen of departments, etc.—with regard to sound non-discriminatory practices.

5. College placement offices should be required to advise employers of instances of unlawful information requested on application blanks or in person. Employers failing to correct such violations should be referred to the Commission for appropriate action.
6. Those firms participating in co-op programs will be especially advised by the Commission of the Ohio Fair Employment Practices Act in order to facilitate referrals on a non-discriminatory basis.
7. The Commission will take a firm stand with regard to the immediate elimination of all unlawful specifications from placement registration forms, and to bar the transmission of such information through employer application blanks, letters of recommendations, and transcripts.
8. Regional directors will be charged with the responsibility for visiting colleges within their regions to assure compliance with regard to:
  - (a) Placement registration forms;
  - (b) Accepting and processing discriminatory job orders.

TABLE NO. 1—The Ohio Colleges and Universities Covered in Survey of Placement Office Practices Showing Institutional Support, 1961.

	INSTITUTIONAL SUPPORT			
	Total	Tax	Church	Private
Colleges & Universities ..	38	9	21	8
Placement Offices .....	51	16	27	8

TABLE NO. 2—Ohio College Placement Offices Reporting Difficulty in Placing Minority Students: Institutional Support by Discriminatory Specifications, 1961.

Institutional Support	Total Reporting Difficulty	DISCRIMINATORY SPECIFICATIONS			
		Race	Religion	National Origin	Ancestry
Total .....	17	15	5	0	0
Tax .....	7	6	3	0	0
Church ....	8	7	1	0	0
Private ....	2	2	1	0	0

TABLE NO. 3—Source of Discriminatory Job Orders Received by Ohio College Placement Offices: Employment Category by Discriminatory Specifications, 1961.

Employment Category	DISCRIMINATORY SPECIFICATIONS					
	Total	Race	Religion	National Origin	Ancestry	Photograph
Total .....	32	22	2	3	0	5
Business ...	7	6	0	0	0	1
Industrial ..	8	5	0	1	0	2
Teaching ..	15	10	1	2	0	2
Government	1	1	0	0	0	0
Church ....	1	0	1	0	0	0

TABLE NO. 4—Source of Discriminatory Job Orders Received by Ohio College Placement Offices: Employment Category by Institutional Support, 1961.

Institutional Support	Total Receiving Discriminatory Job Order	EMPLOYMENT CATEGORY				
		Business	Industrial	Teaching	Gov't.	Church
Total .....	22	6	4	18	1	2
Tax .....	11	4	4	9	1	1
Church .....	10	1	0	9	0	1
Private .....	1	1	0	0	0	0

TABLE NO. 5—Ohio College Placement Offices Processing Discriminatory Job Orders: Employment Category by Institutional Support, 1961.

Institutional Support	Total Processing Discriminatory Job Orders	EMPLOYMENT CATEGORY				
		Business	Industrial	Teaching	Gov't.	Church
Total .....	17	4	3	15	0	1
Tax .....	7	2	2	7	0	0
Church .....	9	1	0	8	0	1
Private .....	1	1	1	0	0	0

TABLE NO. 6—Ohio College Placement Registration Forms Containing Unlawful Inquiries: Discriminatory Inquiries by Institutional Support, 1961.

Unlawful Inquiries	Total	INSTITUTIONAL SUPPORT		
		Tax	Church	Private
Total .....	24	6	15	3
Race .....	6	2	3	1
Religion .....	14	3	9	2
National Origin .....	12	4	6	2
Ancestry .....	2	0	1	1
Photograph .....	19	5	12	2

TABLE NO. 7—Ohio Colleges Placement Offices Providing Unlawful Information Upon Request of Employer: Institutional Support by Discriminatory Specifications, 1961.

Institutional Support	DISCRIMINATORY SPECIFICATIONS					
	Total	Race	Religion	National Origin	Ancestry	Photograph
Total .....	25	9	16	11	3	20
Tax .....	7	3	5	3	0	6
Church ....	14	4	8	6	2	10
Private ....	4	2	3	2	1	4

TABLE NO. 8—Ohio College Placement Offices Providing Unlawful Information as a Matter of Administrative Routine: Institutional Support by Discriminatory Specifications.

Institutional Support	DISCRIMINATORY SPECIFICATIONS				
	Race	Religion	National Origin	Ancestry	Photograph
Total .....	7	14	14	3	17
Tax .....	2	3	4	0	4
Church ....	4	9	8	2	11
Private ....	1	2	2	1	2

## APPENDIX A

## OHIO COLLEGES AND UNIVERSITIES SURVEYED

<i>Name</i>	<i>Location</i>
University of Akron .....	Akron
Antioch College .....	Yellow Springs
Ashland College .....	Ashland
Baldwin-Wallace College .....	Berea
Bluffton College .....	Bluffton
Bowling Green University .....	Bowling Green
Capital University .....	Columbus
Central State College .....	Wilberforce
University of Cincinnati .....	Cincinnati
University of Dayton .....	Dayton
Defiance College .....	Defiance
Denison University .....	Granville
Fenn College .....	Cleveland
Findlay College .....	Findlay
John Carroll University .....	Cleveland
Kent State University .....	Kent
Marietta College .....	Marietta
Miami University .....	Oxford
College of Mount St. Joseph-on-the-Ohio .....	Mt. St. Joseph
Mt. Union College .....	Alliance
Muskingum College .....	New Concord
Oberlin College .....	Oberlin
Ohio Northern University .....	Ada
Ohio State University .....	Columbus
Ohio University .....	Athens

Ohio Wesleyan University .....	Delaware
Otterbein College .....	Westerville
Our Lady of Cincinnati College .....	Cincinnati
Rio Grande College .....	Rio Grande
College of Steubenville .....	Steubenville
University of Toledo .....	Toledo
Western College for Women .....	Oxford
Western Reserve University .....	Cleveland
Wilberforce University .....	Wilberforce
Wilmington College .....	Wilmington
Wittenberg College .....	Springfield
College of Wooster .....	Wooster
Xavier University .....	Cincinnati

**MODEL STUDENT  
REGISTRATION BLANK  
for  
EMPLOYMENT**

**APPENDIX B**

PLACEMENT OFFICE  
112 Law Building  
College of Law  
Ohio State University

**Instructions for Registration**

1. Registration is required of all students. If you have already obtained an association or have definite plans, fill out the blanks anyway and then note at the bottom of the blank or on the reverse side of the blank that you have a job or plans and do not want to be referred for placement. For our alumni records, we would appreciate your telling us what the job is and what your address will be after you take the job.
2. Our office is governed by the provisions of the Ohio Fair Employment Practices Act, Revised Code Sections 4112.01 to 4112.08, inclusive. In all our records, referrals, or publications there is to be no indication of race, color, religion, national origin, or ancestry in any of the information elicited or given. Therefore, in filling out these blanks, please:
  - a. Do not state place of birth;
  - b. Do not state religious preferences;
  - c. In listing activities or memberships, do not list social fraternal organizations by name or any religious foundations or groups. For example: say, rush chairman, social fraternity, do *not* say, President, Tappa Kegga Beer or Board of Trustees, Hoopla Religious Foundation.
  - d. You can, of course, give names of honoraries even though they have Greek letter names.
3. In preparing data sheets for submission to prospective employers, *you as applicants are just as much prohibited from giving information prescribed* as is the employer from asking for it and as we are from furnishing it. Therefore follow the same rules in such preparation and *do not use pictures.*
4. We will want to have individual conferences with each of you who are to be seeking employment to discuss opportunities and such preferences as you might have. Please make arrangements with Mr. Selby or Mrs. Coccia for such conferences at your early convenience.

PLACEMENT OFFICE

College of Law

Ohio State University

**Student Registration Blank**

*PERSONAL DATA*

Name:.....Date of Birth:.....  
Permanent (Home) Address:.....Single....., Married.....  
Children.....  
.....Telephone:.....  
University Address:.....Telephone:.....

*EDUCATION*

	<i>School</i>	<i>Location</i>	<i>Dates Attended</i>
High School.....			
Rank in Class.....		Honors:.....	
College:.....			
Degree:.....		Major Course:.....	
Point-hour average:.....		Rank (if known):.....	Honors:.....
.....			

*EXTRA CURRICULAR ACTIVITIES*

Undergraduate: .....

.....

Law School: .....

.....

*MILITARY SERVICE*

Branch of Service: ....., Dates:.....  
Rank: ....., Assignments:.....

*PERSONAL BACKGROUND*

Father's Name: ....., Business:.....  
Address: ....., City:....., State:.....

*EMPLOYMENT*

	<i>Name</i>	<i>Location</i>	<i>Dates</i>	<i>Type of Work</i>
.....				
.....				
.....				

*REFERENCES*

Hometown: .....

Undergraduate: .....

Law School: .....

Employment: .....

MODEL COLLEGE PLACEMENT  
PROCEDURES

APPENDIX C

PLACEMENT PROCEDURES UNDER OHIO FAIR  
EMPLOYMENT PRACTICES ACT, OHIO REVISED CODE,  
SECTIONS 4112.01, et seq.

BY PROFESSOR PAUL L. SELBY, JR.

ASSISTANT DEAN  
COLLEGE OF LAW  
THE OHIO STATE UNIVERSITY

**1. Assignment**

Committee Chairman John Steele assigned me the task of examining the Ohio Fair Employment Practices Act, regulations promulgated pursuant to it, and possible ramifications of new and proposed regulations or rulings of the Civil Right Commission. The further task was assigned to try to render an opinion as to what procedures should be followed by the placement offices on the Campus in order to comply with the new law.

**2. The Act**

The purpose of the act is to prevent certain practices which are defined as "unlawful discriminatory practices" in employment procedures. The thrust of the act is against practices by employers, employment agencies, labor unions, and employee-applicants themselves.

The act specifically makes its provisions applicable to the State and any of its departments or agencies and all political subdivisions. It therefore is clear that all placement offices on the Campus are subject to the Act. It is equally clear that all the offices, departments, and services on the campus are employers within the meaning of the Act whether they have full, part-time, or student employees.

Section 4112.02 contains the definitions of the practices which are declared to be unlawful. I repeat it, in part, so that the full expanse of coverage can be demonstrated.

"Section 4112.02 UNLAWFUL DISCRIMINATORY PRACTICES.

"It shall be an unlawful discriminatory practice:

"(A) For any employer, because of the race, color, religion, national origin, or ancestry of any person to refuse to hire or other-

wise discriminate against him with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

“(B) For an employemnt agency, because of race, color, religion, national origin or ancestry to :

“(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise to discriminate against any person ;

“(2) Comply with a request from an employer for referral or applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of sections 4112.01 to 4112.07, inclusive, of the Revised Code.

(E) Except where based upon a bona fide occupational qualification certified in advance by the Commission, for any employer, employment agency or labor organization prior to employment or admission to membership to :

“(1) Elicit or attempt to elicit any information concerning the race, color, religion, national origin or ancestry of an applicant for employment or membership ;

“(2) Make or keep a record of the race, color, religion, national origin or ancestry of any applicant for employment or membership ;

“(3) Use any form of application for employment, or personnel or membership blank seeking to elicit information regarding race, color, religion, national origin or ancestry ;

“(4) Print, publish, or cause to be printed or published, any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, national origin, or ancestry ;

“(5) Announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, national origin or ancestry of such group ;

“(6) Utilize in the recruitment or hiring of persons any employment agency, placement service, training school or center, labor organization, or any other employee-referring source known to discriminate against persons because of their race, color, religion, national origin, or ancestry.

"(F) For any person seeking employment to publish or cause to be published any advertisement which specifies or in any manner indicates his race, color, religion, national origin, or ancestry, or expresses a limitation or preference as to the race, color, religion, national origin or ancestry of any prospective employer.

"(G) For any reason to discriminate in any manner against any other person because he has opposed any unlawful practice defined in this Section, or because he has made a charge, testified, assisted or participated in any manner in any investigation, proceeding, or hearing under the provisions of sections 4112.01 to 4112.07, inclusive, of the Revised Code.

"(H) For any person to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of sections 4112.02 to 4112.07, inclusive, of the Revised Code or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice."

### 3. Effect upon Placement Practices

A reading of the quoted sections makes it pretty clear what things can or cannot be done. However, this act and the acts passed in New York and Michigan are quite similar and the regulations and rulings handed down by the Commissions of these sister states will, in all likelihood, be used as precedent for our own commission. Therefore, I will outline some of the recommendations which we have worked out for our own procedures in the Law School with some comments which might be helpful for the other Campus offices.

a. *Personnel records.* I am quite sure that other Colleges keep the same kind of extensive personnel records on their students and graduates which we in Law try to keep. For our academic purposes, it is often necessary to look at a picture of a student or graduate to recall to mind certain things about him. In other instances, we have found that it is necessary to have information about his associations and even his religion. In short, we have found it impossible to envisage a system where we do not have some of the proscribed information in our files and available to our faculty. Therefore, we concluded that we cannot dispense with the regular College personnel records.

Our recourse, therefore, is to set up and keep placement files completely separate from the College personnel records. How long

we will maintain the separate files before putting them in with the regular personnel files will have to depend upon the pressure from that particular student for placement help as an alumnus. Once that student's placement files has been closed, if he asks for help in the future as an alumnus, we will have to take a completely new set of data from him for the placement files.

b. *Completing Placement Records.* All of us, I am sure, take placement personnel information from registrants. Our forms now must be revised. There are some general rules which can be set up with regard to the kinds of questions to be asked. Examples are:

1. Don't ask for pictures.
2. Don't ask where the registrant was born, although you can ask the date of birth.
3. You can ask if he is a U.S. Citizen, but I would not push the question beyond that.
4. You can ask home address and the occupation of the father since this will disclose whether the background is small or large town; the family is professional, business or labor, etc., if it does not reveal national origin, ancestry, race, color, or religion.
5. You can ask for educational data such as high school and college records, their names and locations and dates of attendance.
6. You can ask for military service records such as dates of service, rank or grade, assignments.
7. You can ask for employment experience, together with names of firms, locations, and type of work performed.
8. Of course you can ask for honors, prizes, and honoraries by name, since they are non-discriminatory in membership. However, you must be careful about other types of extra-curricular organization. Our instructions to our students are: to list only the fact that they were members of a social fraternity and if they held an office, to put: President, social fraternity; do not list religious foundations at all; do not list church organizations outside of school and stay away from Masonic Orders, Knights of Columbus, or B'Nai Brith, etc.
9. You can ask for references, but ask that they not be persons whose occupations clearly indicate some of the proscribed types of connections.

Some of you work with alumni who are clearly out-of-state both as to living places and places where they seek placement. I would say that we have to follow the law with respect to them as well as our in-state people.

c. *Relations with Employers.* Rules in this regard are harder to formulate because the differing variety of contacts means that we have to answer the problems as we go along. However, some general principles are:

1. Any information sent out from the offices should be carefully examined to see that there is no hint of the proscribed information.
2. A public-relations outlook would indicate that we devise various publicity methods of letting employers know that we are complying with the Ohio Act.
3. Notice that the Act prohibits us from "failure to refer". This clearly indicates and has been interpreted as indicating that we must do no screening of students prior to referral. We cannot advise employers of any of the proscribed qualifications of any of our registrants and so long as a registrant has the specified job qualifications, he must be referred. This we have to get across to the employers.
4. We also must not answer questions concerning the proscribed information.

d. *Instructions to and Counselling of Students.* With the provisions of the act being clearly applicable to applicants for employment, I am of the opinion that we have a clear duty to instruct our students that they are just as much affected by the provisions of the act as we and the employers are. We ought to tell them that data sheets and letters have been interpreted as "advertisements" within the meaning of the acts of the other states and I am sure they will receive the same treatment in the regulations under our act.

#### **4. Effect on Campus Employment Practices**

While the concern of our committee is with placement practices of persons who are not actual employees of the University, the Committee would be remiss in not calling the attention of our departments and others on the Campus to the fact that the Ohio Fair Employment Practices Act applies with equal vigor to the University. It has been pointed out that there are many places on the Campus where actual limitations are placed upon the persons who will be

hired either for part-time or student help. The law is clear that these limitations cannot be made and the offices involved must accept referrals of all persons who can fulfill the requirements of the job. Not only that, even after interview, these offices must not act on the basis of race, color, religion, national origin or ancestry. This is serious enough that there are many places and jobs where it means that students, for instance, must be hired on a first-come, first-served basis. The point is that, with the agitation that this question has been getting on this Campus, the particular hiring office had better be pretty well prepared to show that the job was filled on the basis of qualifications other than race, color, religion, national origin or ancestry.

#### **5. Recommendation for Publication**

It is recommended: 1. that this memorandum be adopted by the Placement Officers Committee as a guide to the offices served by the committee members; 2. that copies of the memorandum be sent to those officials of the University who may have some interest in the matter or who have administrative responsibilities in the areas affected; and 3. that the Placement Officers Committee prepare material which can be used by the offices in publicity, counselling, and other instances. It should be in such form as to comply with the publication requirements of the law as well as to fulfill the informative aspects of the problem.

## APPENDIX D

### COLLEGE PLACEMENT SURVEY SCHEDULE

#### Instructions for Interviewer

The schedule was designed and intended to be filled in entirely by the interviewer, a staff member of the O.C.R.C., after thorough briefing and orientation by the survey director.

1. *Schedule No.:* this space is to be left vacant by the interviewer; the proper number will be assigned in the state office.
2. *Support:* the appropriate letter may be circled in the field: T = tax supported; C = church supported; P = privately supported. That is, the main source of direct financial support.
3. *Class:* C = undergraduate school; G = graduate school; P = professional school. Refers to academic coverage of institution.
4. *Name of institution:* complete proper name.
5. *City:* where institution is located.
6. *Telephone:* placement office including extension, if listed.
7. *Person interviewed:* placement official providing information.
8. *Position:* title of placement official interviewed.
9. *Area of responsibility for placement services:*
  - a. Entire institution—one office handling all placements.
  - b. Division of institution—more than one placement office connected with institution. Division of institution for which the respondent has responsibility.
10. *Institution's policy re placement services:*

Unless policy statement is in writing, answer question no. If there is a written statement, obtain copy for our record.
11. *Vocational guidance and counselling services:*

Does the placement office attempt to influence minority students on basis of job opportunities in traditional areas of employment.
12. *Co-op program:* work assignments directly related to course of study.

- 12a. *Effect of minority student status:* Are cooperative arrangements maintained with firms which discriminate in acceptance of students?
13. *Teacher-training and other field work assignments:* Are students doing practice teaching assigned in accordance with traditional hiring practices? Are field work students assigned to agencies (e.g. settlement houses, welfare depts., etc.) on non-discriminatory basis?
- 13a. *Specify:* concrete examples of discriminatory practices occurring since August 1, 1959.
14. *Arrangements for off-campus interviewes:* personnel recruiters from areas, i.e., business, industry, education, etc.
15. *Difficulty placing minority students:* are minority students limited to traditional jobs?
- 15a. *Specify:* give examples occurring since August 1, 1959.
16. *Has FEP Act posed legal problems:* has the placement officer found it necessary to perform unlawful acts.
- 16a. *Specify:* give examples.
17. *Discriminatory job specifications:* Do employers request information re race, religion, national origin, ancestry, photograph?
18. *Placement registration forms:* important to examine form. Attach copy to survey schedule.
19. *Seeking information during interview of discriminatory nature.*
20. *Do you supply discriminatory information on request of employer?*
21. *Is discriminatory information provided the employer automatically?* In questions 19 through 21, record respondents answer but note obvious discrepancies in replies.

OHIO CIVIL RIGHTS COMMISSION  
SURVEY OF OHIO COLLEGES AND UNIVERSITIES

1. Schedule No. ....
2. Support: T C P
3. Class: C G P
4. Name of institution .....
5. City ..... 6. Telephone .....
7. Person Interviewed ..... 8. Position .....
9. Area of responsibility for placement services.
- a. Entire institution Yes ..... No .....
- b. Division of institution Yes ..... No .....
- (1) If yes, specify division.....
10. What is the institution's policy re placement services affecting minority students?
11. Are the vocational guidance and counselling services affected by minority student problems? Yes ..... No .....
- 11a. If yes, specify .....
12. Is there a co-op program currently operating? Yes .... No ....
- 12a. If yes, does minority student status affect placement procedures—in what manner .....
13. Does minority status affect teacher-training or other field work placements? Yes ..... No .....
- 13a. If yes, specify .....
14. Are arrangements made for interviews by off-campus personnel recruiters? Yes ..... No .....
- 14a. If yes, is minority status a factor in selecting students for such interviews? .....

15. Do you have any difficulty in placing minority students?  
 Yes ..... No .....
- 15a. If yes, specify .....
16. Has the enactment of the Ohio Fair Employment Practices Act posed any legal problems re placement services? Yes ..... No .....
- 16a. If yes, specify .....
17. Do you receive job orders containing discriminatory specifications?  
 Yes ..... No .....
- 17a. Do you process such orders? Yes ..... No .....
- 17b. What per cent of job orders are discriminatory? .....
- 17c. Source of discriminatory orders by per cent:  
 (1) Business..... Industrial.....  
 (2) Teaching.....  
 (3) Government.....  
 (4) Other.....
18. Do your placement registration forms request information on:  
 (check)  
 Race..... Religion..... National Origin..... Ancestry.....  
 Photograph.....
19. Do you seek information during interview on: (Check)  
 Race..... Religion..... National Origin..... Ancestry.....
20. Do you make available the following information on the request of an employer? (Check)  
 Race..... Religion..... National Origin..... Ancestry.....  
 Photograph.....
21. Is the following information made available to an employer as a matter of administration routine? (Check)  
 Race..... Religion..... National Origin..... Ancestry.....  
 Photograph.....

Name of person conducting interview .....

Date of interview .....

STATE OF OHIO

**LAWS AGAINST DISCRIMINATION**

Administered by

The Ohio Civil Rights Commission

The complete text of laws administered by the Ohio Civil Rights Commission dealing with fair employment practices, (effective July 29, 1959), discrimination in places of public accommodation, (effective October 24, 1961), and other statutory responsibilities of the agency are as follows:

Sec. 4112.01. As used in sections 4112.01 to 4112.08, inclusive, of the Revised Code:

(A) "Person" includes one or more individuals, partnerships, associations, organizations corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(B) "Employer" includes the state, or any political or civil subdivision thereof, any person employing four or more persons within the state, and any person acting in the interest of an employer, directly or indirectly.

(C) "Employee" does not include any individual employed in the domestic service of any person.

(D) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or other mutual aid or protection in relation to employment.

(E) "Employment agency" includes any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place employees.

(F) "Commission" means the Ohio civil rights commission created by section 4112.03 of the Revised Code.

(G) "Discriminate" includes segregate or separate.

(H) "Unlawful discriminatory practice" means any act prohibited by section 4112.02 of the Revised Code.

(I) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, or other place for the sale of merchandise, or any other place of

public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public.

Sec. 4112.02. It shall be an unlawful discriminatory practice:

(A) For any employer, because of the race, color, religion, national origin, or ancestry of any person, to refuse to hire or otherwise to discriminate against him with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

(B) For an employment agency, because of race, color, religion, national origin, or ancestry to:

(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise to discriminate against any person;

(2) Comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of sections 4112.01 to 4112.07, inclusive, of the Revised Code.

(C) For any labor organization to:

(1) Limit or classify its membership on the basis of race, color, religion, national origin, or ancestry;

(2) Discriminate against any person or limit his employment opportunities, or otherwise adversely affect his status as an employee, or his wages, hours, or employment conditions, because of his race, color, religion, national origin, or ancestry.

(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of his race, color, religion, national origin, or ancestry in admission to, or employment in any program established to provide apprentice training.

(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, or labor organization prior to employment or admission to membership, to:

(1) Elicit or attempt to elicit any information concerning the race, color, religion, national origin, or ancestry of an applicant for employment or membership;

(2) Make or keep a record of the race, color, religion, national origin, or ancestry of any applicant for employment or membership;

(3) Use any form of application for employment, or personnel or membership blank seeking to elicit information regarding race, color, religion, national origin, or ancestry; but an employer holding a contract containing a non-discriminatory clause with the government of the United

States or any Department or Agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in his personnel records and may use photographic or fingerprint identification for security purposes;

(4) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, national origin, or ancestry;

(5) Announce or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, national origin, or ancestry of such group;

(6) Utilize in the recruitment or hiring of persons any employment agency, placement service, training school or center, labor organization, or any other employee-referring source known to discriminate against persons because of their race, color, religion, national origin, or ancestry.

(F) For any person seeking employment to publish or cause to be published any advertisement which specifies or in any manner indicates his race, color, religion, national origin, or ancestry, or expresses a limitation or preference as to the race, color, religion, national origin, or ancestry of any prospective employer.

(G) For any proprietor or his employee, keeper, or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, national origin, or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof.

(H) For any person to discriminate in any manner against any other person because he has opposed any unlawful practice defined in this section, or because he has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under the provisions of sections 4112.01 to 4112.07, inclusive, of the Revised Code.

(I) For any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of sections 4112.01 to 4112.07, inclusive, of the Revised Code, or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

Sec. 4112.03. There is hereby created the Ohio civil rights commission to consist of five members, not more than three of whom shall be of the same political party, to be appointed by the governor, with the advice and consent of the senate, one of whom shall be designated by the governor as chairman.

Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the unexpired term of the member whom he shall succeed.

Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Each member of the commission shall be paid an annual salary of five thousand dollars plus necessary and actual expenses while traveling on business of the commission.

Any member of the commission may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges against him and an opportunity to be heard publicly thereon.

Sec. 4112.04. (A) The commission shall:

(1) Establish and maintain a principal office in the city of Columbus and such other offices within the state as it may deem necessary;

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid an annual salary of twelve thousand dollars;

(3) Appoint hearing examiners and other employees and agents as it may deem necessary, fix their compensation and prescribe their duties subject to the provisions of sections 143.01 to 143.48, inclusive, of the Revised Code;

(4) Adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of sections 4112.01 to 4112.08, inclusive, of the Revised Code, and the policies and practice of the commission in connection therewith;

(5) Formulate policies to effectuate the purposes of sections 4112.01 to 4112.08, inclusive, of the Revised Code, and make recommendations to agencies and officers of the state or local subdivisions of government to effectuate such policies;

(6) Receive, investigate and pass upon written charges made under oath of practices prohibited by section 4112.02 of the Revised Code;

(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, national origin, or ancestry on the enjoyment of civil rights by persons within the state;

(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings and hearings it has conducted and their outcome, the decisions it has rendered and the other work performed by it, which report shall include a subdivision (A) (7) of this section and shall include the recommendations of the commission as to remedial action, legislative and otherwise;

(9) Prepare a comprehensive educational program, in cooperation with the department of education, for the students of the public schools of this state and for all other residents thereof, designed to eliminate prejudice among the various racial, religious, and ethnic groups in this state, to further good will among such groups, to emphasize the origin of prejudice against such groups, its harmful effects, and its incompatibility with American principles of equality and fair play.

(B) The commission may:

(1) Meet and function at any place within the state;

(2) Initiate and undertake on its own motion investigations of problems of employment discrimination;

(3) Hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission, and may make rules as to the issuance of subpoenas by individual commissioners. Failure to obey a subpoena issued pursuant to this section shall constitute a contempt punishable, upon the application of the commission, by the common pleas court of the county in which the witness resides, transacts business or is found;

(4) Create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this act. The commission may itself, or it may empower these agencies and councils to: (a) study the problems of discrimination in all or specific fields of human relationships when based on race, color, religion, national origin, or ancestry; and (b) foster through community effort, or otherwise, good will among the groups and elements of the population of the state. Such agencies and councils may make recommendations to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses to those serving on a statewide agency or conciliation council;

(5) Issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize

or eliminate discrimination because of race, color, religion, national origin, or ancestry.

Sec. 4112.05. (A) The Ohio civil rights commission shall, as provided in this section, prevent any person from engaging in unlawful discriminatory practices, as defined in section 4112.02 of the Revised Code, provided that before instituting the formal hearing authorized by this section it shall attempt, by informal methods of persuasion and conciliation, to induce compliance with sections 4112.01 to 4112.08, inclusive, and 4112.99 of the Revised Code.

(B) Whenever it is charged in writing and under oath by a person, referred to as the complainant, that any person, referred to as the respondent, has engaged or is engaging in unlawful discriminatory practices, or upon its own initiative in matters relating to any of the unlawful discriminatory practices enumerated in divisions (A), (B), (C), (D), (E), (F), (H), or (I) of section 4112.02 of the Revised Code, the commission may initiate a preliminary investigation. Such charge shall be filed with the commission within six months after the alleged unlawful discriminatory practices are committed. If it determines after such investigation that it is not probable that unlawful discriminatory practices have been or are being engaged in, it shall notify the complainant that it has so determined and that it will not issue a complaint in the matter. If it determines after such investigation that it is probable that unlawful discriminatory practices have been or are being engaged in, it shall endeavor to eliminate such practices by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors shall be disclosed by any member of the commission or its staff or be used as evidence in any subsequent proceeding. If, after such investigation and conference, the commission is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may treat the complaint as conciliated, and entry of such disposition shall be made on the records of the commission. If the commission fails to effect the elimination of such unlawful discriminatory practices and to obtain voluntary compliance with sections 4112.01 to 4112.08, inclusive, and 4112.99 of the Revised Code, or, if the circumstances warrant, in advance of any such preliminary investigation or endeavors, the commission shall issue and cause to be served upon any person or respondent a complaint stating the charges in that respect and containing a notice of hearing before the commission, a member thereof, or a hearing examiner at a place therein fixed to be held not less than ten days after the service of such complaint. Such place of hearing shall be within the county where the alleged unlawful discriminatory practice has occurred or where the respondent resides or transacts business. The attorney general shall represent the commission at such hearing and present the evidence in support of the complaint. Any com-

plaint issued pursuant to this section must be so issued within one year after the alleged unlawful discriminatory practices were committed.

(C) Any such complaint may be amended by the commission, or a member thereof, or its hearing examiner conducting the hearing, at any time prior to or during the hearing based thereon. The respondent has the right to file an answer or an amended answer to the original and amended complaint and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.

(D) The complainant shall be a party to the proceeding and any person who is an indispensable party to a complete determination or settlement of a question involved in a proceeding shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the acts or practices complained of may be, in the discretion of the person or persons conducting the hearing, permitted to appear for the presentation of oral or written arguments.

(E) In any proceeding, the member, hearing examiner, or commission shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall, in ascertaining the practices followed by the respondent, take into account all evidence, statistical or otherwise, which may tend to prove the existence of a pre-determined pattern of employment or membership, provided that nothing contained in this section shall be construed to authorize or require any person to observe the proportion which persons of any race, color, religion, national origin, or ancestry bear to the total population, or in accordance with any criterion other than the individual qualifications of the applicant.

(F) The testimony taken at the hearing shall be under oath and shall be reduced to writing, and filed with the commission. Thereafter, in its discretion, the commission upon notice may take further testimony or hear argument.

(G) If upon all the evidence the commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice, whether against the complainant or others, the commission shall state its findings of fact, and shall issue and, subject to the provisions of Chapter 119. of the Revised Code, cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such further affirmative or other action as will effectuate the purposes of sections 4112.01 to 4112.08, inclusive, of the Revised Code, including, but not limited to, hiring, reinstatement, or upgrading of employees with, or without, back pay, admission of or restoration to union membership, including a requirement for reports of the manner of compliance. If the commission directs payment of back pay, it shall make allowance for interim earnings. Upon the submission of such

reports of compliance the commission may issue a declaratory order stating that respondent has ceased to engage in unlawful discriminatory practices.

(H) If the commission finds that no probable cause exists for crediting the charges, or, if upon all the evidence, the commission finds that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of the order shall be delivered in all cases to the attorney general and such other public officers as the commission deems proper.

(I) Until a transcript of the record in a case is filed in a court as provided in section 4112.06 of the Revised Code, the commission may, subject to the provisions of Chapter 119. of the Revised Code, at any time, upon reasonable notice, and in such manner as it deems proper, modify or set aside in whole or in part, any finding or order made by it.

Sec. 4112.06. (A) Any complainant, or respondent claiming to be aggrieved by a final order of the commission, including a refusal to issue a complaint, may obtain judicial review thereof, and the commission may obtain an order of court for the enforcement of its final orders, in a proceeding as provided in this section. Such proceeding shall be brought in the common pleas court of the state within any county wherein the unlawful discriminatory practice which is the subject of the commission's order was committed or wherein any respondent required in the order to cease and desist from an unlawful discriminatory practice or to take affirmative action resides or transacts business.

(B) Such proceedings shall be initiated by the filing of a petition in court as provided in division (A) of this section and the service of a copy of the said petition upon the commission and upon all parties who appeared before the commission. Thereupon the commission shall file with the court a transcript of the record upon the hearing before it. The transcript shall include all proceedings in the case, including all evidence and proffers of evidence. The court shall thereupon have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter, upon the record and such additional evidence as the court has admitted, an order enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the commission.

(C) An objection that has not been urged before the commission shall not be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

(D) The court may grant a request for the admission of additional

evidence when satisfied that such additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the commission.

(E) The findings of the commission as to the facts shall be conclusive if supported by substantial evidence on the record and such additional evidence as the court has admitted considered as a whole.

(F) The jurisdiction of the court shall be exclusive and its judgment and order shall be final subject to appellate review. Violation of the court's order shall be punishable as contempt.

(G) The commission's copy of the testimony shall be available at all reasonable times to all parties without cost for examination and for the purposes of judicial review of the order of the commission. The petition shall be heard on the transcript of the record without requirement of printing.

(H) If no proceeding to obtain judicial review is instituted by a complainant, or respondent within thirty days from the service of order of the commission pursuant to this section, the commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(I) All suits brought under this section shall be heard and determined as expeditiously as possible.

Sec. 4112.07. Every person subject to the provisions of sections 4112.01 to 4112.08, inclusive, of the Revised Code, shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the commission which shall set forth excerpts of this chapter and such other relevant information which the commission deems necessary to explain sections 4112.01 to 4112.07, inclusive, of the Revised Code.

Sec. 4112.08. The provisions of sections 4112.01 to 4112.08, inclusive, of the Revised Code, shall be construed liberally for the accomplishment of the purposes thereof and any law inconsistent with any provision hereof shall not apply. Nothing contained in this act shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, national origin, or ancestry.

Sec. 4112.99. Whoever violates section 4112.07 of the Revised Code shall be fined not less than one hundred dollars or more than five hundred dollars.

OHIO CIVIL RIGHTS COMMISSION  
REGIONAL EDUCATORS' ADVISORY COMMITTEES

**NORTHWEST COMMITTEE**

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Guidance Director

Bowling Green High School

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Toledo Board of Education  
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\*C. J. Stackhouse, Superintendent  
Putnam County Schools  
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Shawnee High School  
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Fostoria Public Schools

Philip Bikle  
Guidance  
Donnel High School  
Findlay

Dr. Anthony Deiuolo  
College of Education  
University of Toledo

Dr. Charles Young, Chairman  
Education Department  
Bowling Green State University

Dr. C. Frances Alter, Chairman  
Department of Education  
Ohio Wesleyan University

\* Denotes Membership on State-wide Educators' Advisory Committee.

## NORTHEAST COMMITTEE

Northeast Regional & State Committee Chairman:

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Salem City Schools

\*Dr. Oscar Ritchie  
Associate Professor of Sociology  
Kent State University

\*Dr. Robert K. Carr, President  
Oberlin College

\*Miss Dorothy Katz, Principal  
Madge Youtz School  
Canton

Miss Carol Jaros  
Chagrin Falls Schools

\*Mr. Walter G. Sites, Director  
Pupil Personnel  
Cleveland Hts. Board of Education

\*Mr. Ralph Findley, Member  
Cleveland Board of Education

\*Dr. George Leech, Director  
Counseling and Guidance  
Fenn College

\*Msgr. Clarence Elwell, Supt.  
Cleveland Diocesan Bd. of Education

Mrs. Dorothy Douglas, Counselor  
Rawlings Junior High School  
Cleveland

Mrs. Fred Gerthing  
Ohio Congress of Parents and Teachers  
Youngstown

Miss Elvira C. Wright  
Vienna

Mr. Peter P. Carlin  
Cleveland Schools

Miss I. Berniece Worthington  
Principal  
Bolton Elementary School  
Cleveland

Mr. John W. Hallowell, Headmaster  
Western Reserve Academy  
Hudson

Mr. Morris Slavin  
Woodrow Wilson High School  
Youngstown

Miss Joanne Bozick, Principal  
Lincoln Elementary School  
Barberton

Mr. Charles Querry, Principal  
South High School  
Akron

Mr. Wendell Blausser, Principal  
John Simpson Junior High School  
Mansfield

Mr. Wiley S. Garrett  
Ass't. Supt. of Warren Schools

Miss Gladys Jacobs  
Wooster

\*Miss Maurine Rosch  
Director of Guidance  
Cleveland Board of Education

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\* Denotes Membership on State-wide Educators' Advisory Committee.

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Teachers College  
University of Cincinnati

Mr. Richard Bennett  
Xenia Schools

Mr. R. M. Borst, Superintendent  
Clark County Schools

\*Dr. Ames W. Chapman  
Wilberforce

Mr. Stanley DeZarn, Principal  
Pleasant Street Academy  
Lebanon

\*Mr. Francis L. Dowdell, Counselor  
Robert Taft High School  
Cincinnati

Monsignor William J. Franer  
Ass't. Superintendent of Schools  
Archdiocese of Cincinnati

Mr. Homer Royer, Ass't. Supt.  
Dayton Schools

Mr. Robert Goble  
Student Supervisor  
Miami University

Dr. Karl H. Hertz  
Department of Sociology  
Wittenberg University

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Rill Side Farm  
Springfield

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Middletown Public Schools

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Dayton

Miss Mary Krausz  
Portsmouth

\*Mrs. Robert H. Lunsford  
Hamilton Schools

\*Dr. David Lewis  
Department of Sociology  
Miami University

Mr. Marvin McCullum, Coach  
Taft High School  
Hamilton

Miss N. L. Reiger  
Springfield South High School  
Springfield

Rev. Urban P. Rupp, S.M.  
Chaminade High School  
Dayton

Mrs. Milton Schloss (PTA)  
Cincinnati

Mr. John E. Slaymaker  
Board of Teacher Education  
Wittenberg University

Mrs. Cleon Wingard, Principal  
Woodward High School  
Cincinnati

Mr. Robert G. Wniter, Principal  
Piqua High School

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\* Denotes Membership on State Educators' Advisory Committee.

## SOUTHEAST COMMITTEE <sup>1</sup>

- |  |  |
|--|--|
| Dr. Carl Roberts<br>Associate Professor of Education<br>Ohio University            | Miss Kathleen McAfee<br>Athens Schools   |
| *Dr. A. Eileen Cozart<br>Co-Ordinator of Guidance<br>Jefferson County Schools      | Mrs. C. E. Taft (PTA)<br>Columbus  |
| Dr. Dean Hummel<br>Guidance and Testing<br>State Department of Education           | Mr. Thomas Stevens<br>State Department of Education  |
| *Dr. Herman Peters<br>Professor of Education<br>Ohio State University              | Reverend Robert G. White<br>Principal, Hartley High School<br>Columbus                       |
| *Mr. John Odgers<br>Guidance and Testing<br>State Department of Education          | *Miss Phila Humphreys<br>Elementary Supervisor<br>State Department of Education              |
| *Dr. Bernard Mehl<br>Professor of Education<br>Ohio State University               | Mr. Victor Showalter<br>University High School<br>Columbus                                   |
| *Dr. A. C. May<br>Teachers Certification<br>State Department of Education          | Mr. Charles Weaver<br>Dublin High School   |
| *Dr. Harold J. Bowers<br>Assistant Superintendent<br>State Department of Education | *Mr. Robert L. Frum<br>Supervisor of Instruction<br>Washington County Schools                |
| Miss Margaret Boyd<br>Assistant Superintendent<br>Stuebenville Schools             | Mr. Claude Davis, Principal<br>Washington School<br>Marietta                                 |
| Mr. Austin Lynn<br>Sociology Department<br>Urbana College                          | Dr. Samuel D. Schaff<br>Director of Testing and Vocational<br>Services<br>Denison University |
|  | Dr. George E. Hill<br>Professor of Education<br>Ohio University                              |

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<sup>1</sup> A Chairman has not been selected.

\* Denotes Membership on State Educators' Advisory Committee.

## COMMISSION OFFICES

State Office

Room 554

22 East Gay Street

Columbus 15, Ohio

Telephone CA 1-5527

### Northwest Regional Director

Room 301, Lawyers Building

1302 Ontario Street

Cleveland 13, Ohio

Telephone CH 1-0716

### \*Southeast Regional Director

Room 880

22 East Gay Street

Columbus 15, Ohio

Telephone CA 1-5527

### Northwest Regional Director

Room 411, Gardner Building

Madison & Superior Streets

Toledo 4, Ohio

Telephone CH 1-9164

### Southwest Regional Director

Room 603 Schmidt Building

431 Main Street

Cincinnati 2, Ohio

Telephone CH 1-6605

\* As of January 5, 1962.