

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED
FEB - 8 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
THE BOARD OF TRUSTEES OF)
SOUTHERN ILLINOIS UNIVERSITY,)
)
Defendant.)

Civil Action No. 06-4037-JUF

COMPLAINT

Plaintiff United States of America ("United States") alleges:

1. This action is brought by the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-6(b), 28 U.S.C. § 1345, and 28 U.S.C. § 1343(a)(3).
3. Southern Illinois University ("SIU") is an institution of higher education chartered and funded by the State of Illinois pursuant to state laws.
4. Defendant Board of Trustees of Southern Illinois University ("SIU Board") is a body politic and corporate created pursuant to the laws of the State of Illinois, and is charged with managing, controlling and maintaining SIU.

5. Defendant SIU Board is responsible for establishing the terms, conditions, and other practices that bear upon the employment of individuals at SIU.

6. Defendant SIU Board is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).

7. Defendant SIU Board has maintained and continues to maintain paid fellowship programs open only undergraduate, prospective graduate and doctoral students who are either of a specified race and/or national origin or who are female, as follows:

a. The Proactive Recruitment of Multicultural Professionals for Tomorrow (“PROMPT”) fellowship at SIU has been and remains open only to members of “traditional underrepresented groups” – namely, African Americans, Latino/Hispanic Americans, Asian Americans and Native Americans (“specified minority groups”). Of the approximately 78 PROMPT fellowship recipients from 2000 to the present, 60 have been African Americans, 14 have been Latino/Hispanic Americans, two have been Native Americans, two have been Asian Americans, and none has been either a white or a member of a minority group other than one of PROMPT’s specified minority groups. In exchange for a financial assistance package that includes a monthly stipend and tuition scholarship, PROMPT fellowship recipients are required to commit to working in teaching, research or clinical activities.

b. The Bridge to the Doctorate (“BRIDGE”) fellowship at SIU has been and remains open only to members of “underrepresented minority groups” – namely, Hispanics, African Americans, Native Americans, Alaskan Natives and Pacific Islanders

("specified minority groups"). Of the approximately 27 BRIDGE fellowship recipients during the two years the program has been in effect, 21 have been African Americans, four have been Hispanics, one has been a Native American, one has been a Pacific Islander, and none has been either a white or a member of a minority group other than one of the BRIDGE's specified minority groups. In exchange for a financial assistance package that includes both a fellowship award and a doctoral assistantship appointment, BRIDGE fellowship recipients are required to commit to working in teaching or research activities and to not accept any other full-time or part-time employment.

c. The Graduate Dean's ("GRADUATE DEAN's") fellowship has been and remains open only to women and "traditionally underrepresented students who have overcome social, cultural, or economic conditions that have adversely affected their educational progress" – namely, African Americans, Hispanic Americans, Asian Americans and Native Americans ("specified minority groups"). Of the approximately 27 GRADUATE DEAN's fellowship recipients from 2000 to the present, 16 have been white females, seven have been African Americans (five females and two males), four have been Hispanic Americans (two females and two males), and none has been a white male. In exchange for a financial assistance package that includes a monthly stipend, tuition scholarship and assistantship appointment, GRADUATE DEAN's fellowship recipients are required to commit to working in teaching or research activities during their second year in the program.

8. Defendant SIU Board has violated Section 707 of Title VII,

42 U.S.C. § 2000e-6, by:

a. pursuing and continuing to pursue policies and practices, as described in Paragraph 7, *supra*, that intentionally discriminate against whites on the basis of race, white males on the basis of race and/or gender, and minorities who do not fall within the PROMPT, the BRIDGE and the GRADUATE DEAN's fellowships' specified minority groups on the basis of race and/or national origin and gender, and that deprive or tend to deprive such persons of employment opportunities and compensation on the basis of race, national origin and/or gender; and

b. failing or refusing to take appropriate action to correct the present effects of their intentionally discriminatory employment policies and practices.

9. The policies and practices of defendant SIU Board as described in Paragraphs 7 and 8, *supra*, constitute a pattern or practice of resistance to the full enjoyment by whites, white males and minorities not members of the PROMPT, the BRIDGE and the GRADUATE DEAN's fellowships' specified minority groups of their rights to equal employment opportunities without discrimination on account of race, national origin and/or gender, in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. This pattern or practice is of such a nature and is intended to deny the full exercise of the rights secured by Title VII. Unless restrained by order of this Court, defendant SIU Board will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

10. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays for an order enjoining defendant SIU Board, its officers, employees, successors, and all persons in active concert or participation with it, from engaging in discriminatory employment practices against persons based upon race, national origin or gender, and specifically from:

- a. maintaining any paid fellowships that are set aside, reserved or in any way restricted on the basis of race, national origin or gender;
- b. failing or refusing to recruit, hire, employ, compensate and provide terms, conditions and privileges of employment to, persons for any paid internship position without regard to race, national origin or gender;
- c. failing or refusing to provide make-whole relief, including back pay with interest and other benefits, to those persons who have suffered loss or will suffer loss as a result of defendant SIU Board's intentionally discriminatory policies and practices as alleged in this Complaint; and
- d. failing or refusing to take appropriate non-discriminatory measures to overcome the effects of defendant SIU Board's intentionally discriminatory policies and practices as alleged in this Complaint.

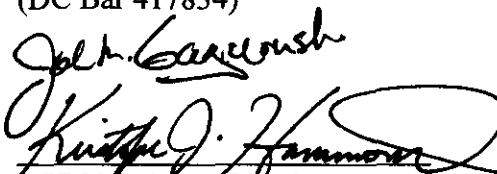
Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

WAN J. KIM
Assistant Attorney General
Civil Rights Division
United States Department of Justice

By:



DAVID J. PALMER
Chief
(DC Bar 417834)



JOHN M. GADZICHOWSKI
Principal Deputy Chief
(WI Bar No. 1014294)

KRISTOFOR J. HAMMOND
Trial Attorney
(VA Bar No. 44133)
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Fax: (202) 514-1005

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS UNITED STATES OF AMERICA</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) David J. Palmer, John M. Gadzichowski, Kristofor J. Hammond U.S. Department of Justice, Civil Rights Division, Employment Litigation Section 950 Pennsylvania Ave., N.W., Patrick Henry Building, Rm 4906 Washington, DC 20530 Phone: (202) 353-3011</p>	<p>DEFENDANTS The Board of Trustees of Southern Illinois University</p> <p>County of Residence of First Listed Defendant <u>Jackson County</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) Jerry D. Blakemore, Mark Brittingham</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:25%;">PTF</td> <td style="width:25%;">DEF</td> <td style="width:25%;">PTF</td> <td style="width:25%;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42, U.S.C. § 2000e, et seq. (Title VII)

Brief description of cause:
Employment discrimination on the basis of race, sex, and national origin

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: February 8, 2006 SIGNATURE OF ATTORNEY OF RECORD: *Kristofor J. Hammond* KEYBOARD(AUSA)

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

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UNITED STATES OF AMERICA,)
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 Plaintiff,)
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 THE BOARD OF TRUSTEES OF)
 SOUTHERN ILLINOIS UNIVERSITY,)
)
 Defendant.)

Civil Action No. 06-4037-JPG

CONSENT DECREE

This action was brought by the United States against the Board of Trustees of Southern Illinois University (“SIU Board”) to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.* (“Title VII”). Title VII prohibits discrimination in employment on the basis of race, sex, national origin and religion. Pursuant to Section 707 of Title VII, 42 U.S.C. § 2000e-6, the Attorney General has authority to bring suit against a state or local government employer where he has reason to believe that a “pattern or practice” of employment discrimination exists.

In its Complaint, the United States alleges that the SIU Board has maintained and continues to maintain the following paid fellowship programs open only to students who are either of a specified race and/or national origin or who are female:

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- a. The Proactive Recruitment of Multicultural Professionals for Tomorrow (“PROMPT”) fellowship at Southern Illinois University (“SIU”) has been and remains open only to members of “traditional underrepresented groups”— namely, African Americans, Latino/Hispanic Americans, Asian Americans and Native Americans (“specified minority groups”). PROMPT fellowship recipients are generally required to commit to working in teaching, research or clinical activities.
- b. The Bridge to the Doctorate (“BRIDGE”) fellowship at SIU has been and remains open only to members of “underrepresented minority groups”— namely, Hispanics, African Americans, Native Americans, Alaskan Natives and Pacific Islanders (“specified minority groups”). BRIDGE fellowship recipients are generally required to commit to working in teaching or research activities and to not accept any other full-time or part-time employment.
- c. The Graduate Dean’s (“GRADUATE DEAN’S”) fellowship at SIU has been and remains open only to women and “traditionally underrepresented students who have overcome social, cultural, or economic conditions that have adversely affected their educational progress”— namely, African Americans, Hispanic Americans, Asian Americans and Native Americans (“specified minority groups”). GRADUATE DEAN’S fellowship recipients are generally required to commit to working in teaching or research activities during their second year in the program.

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The United States alleges in its Complaint that the policies and practices of the SIU Board, as set forth immediately above, intentionally discriminate against whites on the basis of race, white males on the basis of race and/or sex, and minorities who do not fall within one of the specified minority groups on the basis of race and/or national origin; and that these policies and practices deprive or tend to deprive such persons of employment opportunities and compensation on the basis of race, national origin and/or sex.

The SIU Board admits the allegations of the United States as set forth in subparagraphs a, b and c of the preceding paragraph. However, the SIU Board denies that it has engaged in discrimination in violation of Title VII.

The United States and the SIU Board (“the parties”), desiring that this action be settled by appropriate consent decree and without the burdens of protracted litigation, agree to the jurisdiction of this Court over the parties, as well as the subject matter of this action. The parties waive a hearing and findings of fact and conclusions of law on all issues, and further agree to the entry of this Consent Decree as final and binding between themselves solely as to the issues raised in the Complaint filed by the United States. Accordingly, this Decree shall not foreclose the United States from pursuing an investigation of SIU and/or the SIU Board, and/or pursuing suit against SIU and/or the SIU Board, pertaining to matters at SIU other than the PROMPT, BRIDGE and GRADUATE DEAN’S fellowship programs.

This Consent Decree, being entered with the consent of the parties, shall in no way constitute an adjudication or finding on the merits of the case, nor be construed in any respect to be an admission by the SIU Board, or a finding of any violation of any applicable federal law or regulation, or otherwise be admissible in any legal proceeding other than this action. As used in

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this Decree, the term “date of entry of this Decree” is defined as the date on which the Court grants approval to and enters this Consent Decree.

Accordingly, in resolution of the allegations of the United States as set forth in its Complaint filed in this action, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

General Injunctive Relief

1. The SIU Board, by and through its officials, agents, employees, and all persons in active concert or participation with them, shall:
 - a. immediately cease setting aside, reserving or in any way restricting any paid fellowship positions, including those in the PROMPT, BRIDGE and GRADUATE DEAN’S fellowship programs, on the basis of race, national origin or sex;
 - b. hereafter neither establish nor maintain any paid fellowship positions in any fellowship programs that— like those positions in the PROMPT, BRIDGE and GRADUATE DEAN’S fellowship programs —are set aside, reserved or in any way restricted on the basis of race, national origin or sex;
 - c. hereafter consider, hire, employ, compensate and provide terms, conditions and privileges of employment to, persons for any paid fellowship position without discriminating on the basis of race, national origin or sex in violation of Title VII; and
 - d. hereafter not limit recruitment for any paid fellowship positions to members of any particular group or groups on the basis of race, national origin or sex.

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2. Within forty-five (45) days from the date of entry of this Consent Decree, the SIU Board, by and through its officials, agents, employees, and all persons in active concert or participation with them, shall:

- a. cease the publication, distribution or other dissemination of any information that states, suggests or infers that any paid fellowship positions are set aside, reserved or in any way restricted on the basis of race, national origin or sex;
- b. insert in a prominent place on SIU's website, include in all written materials bearing upon paid fellowship programs, and/or positions that are publicized, distributed or otherwise disseminated, and post in a prominent public place in the main office of each College and School at SIU, a notice that states: "Southern Illinois University is an equal opportunity employer and will not discriminate against any person on the basis of race, national origin or sex in violation of Title VII";
- c. provide a copy of this Consent Decree to each SIU administrator who has any role in the recruitment, selection, hire or employment of persons for paid fellowship positions, as well as the Admissions Counselors, Chair or head of each Department and School, Directors, Deans, Vice Chancellors, Chancellors, Vice Presidents and President at SIU; and
- d. for a period of not less than six (6) months from the date of entry hereof, post a copy of this Consent Decree in a prominent public place in the main office for recruitment of each College and School at SIU.

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3. Within one hundred and eighty (180) days from the date of the entry of this Decree, the SIU Board shall provide live mandatory training to all academic recruiters and employees engaged in recruiting activities on behalf of SIU for paid fellowships regarding Title VII's prohibitions against discrimination.

4. The SIU Board shall not retaliate against or in any respect adversely affect any person because that person has opposed allegedly discriminatory policies or practices or has filed a charge with the Equal Employment Opportunity Commission, or because of that person's participation in or cooperation with the initiation, investigation, litigation or administration of this action or this Consent Decree.

5. Notwithstanding any other provision hereof, this Consent Decree shall neither be construed, nor operate, to adversely affect the continued employment and participation of any person in any paid fellowship position at SIU as of January 15, 2006.

Records and Reporting

6. Within forty-five (45) days from the date of entry of this Consent Decree, the SIU Board shall provide the United States with written confirmation that it has complied with the provisions of Paragraphs 1a and 2, *supra*.

7. The SIU Board shall retain during the life of this Consent Decree all records necessary to document the implementation of, and its compliance with, this Decree; and such records retention shall comply with the record-keeping requirements of Title VII as set forth in the regulation 29 C.F.R. § 1602.31.

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8. There shall be two reporting periods per year during the life of this Consent Decree: the first running from January 1 through June 30; and the second running from July 1 through December 31 of each year. Within forty-five (45) days following the last day of each reporting period, the SIU Board shall provide to the United States a detailed report covering the preceding reporting period and containing the following:

- a. documents that reflect its policies and practices, and all activities that it has engaged in to carry out its policies and practices, regarding the recruitment, selection, hire, employment and compensation of persons for all paid fellowship positions funded by SIU during the reporting period, as well as any modifications to such policies and practices;
- b. summaries, in machine-readable formats, as to the number of persons, with numerical breakdowns by race, national origin and sex, who during the reporting period, respectively: applied for any paid fellowship positions funded by SIU; and were selected for such positions; and
- c. a listing, in machine-readable format, of each person in a paid fellowship position funded by SIU at any time during the reporting period, including: such person's name; race, national origin and sex; name of the program providing the fellowship; name of the Department, College or School sponsoring the fellow and/or to which the fellow is assigned; the terms of the person's fellowship (including the monetary package and the duties and activities expected of the person); and the number of years the person has been a fellowship recipient.

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9. The United States shall have the right to review the compliance by the SIU Board with this Consent Decree at any time during its duration. To that end, the United States has the right to inspect and copy any documents, excluding those covered by attorney-client privilege in instances where partial redaction would not adequately protect the privilege, of the SIU Board that are relevant and necessary to monitor such compliance, upon forty-five (45) days written notice to it and without further order of this Court. So also, the SIU Board shall furnish the United States with records, documents and other information relevant to their compliance with this Consent Decree, within forty-five (45) days of any written request for such records, documents or other information and without further order of this Court.

10. Any documents or information that is required to be provided the United States by the SIU Board by this Consent Decree shall be sent to the following address via a delivery service such as FedEx or United Parcel Service: Chief, Employment Litigation Section, Civil Rights Division, U.S. Department of Justice, 601 D Street, N.W., Room 4040, Washington, DC 20004.

Retention of Jurisdiction

11. This Court shall retain jurisdiction over this Consent Decree and this action for the purposes of enforcing the Decree's provisions, resolving any disputes that may arise between the parties under the Decree and entering such orders as may be appropriate. The parties shall attempt to resolve informally any dispute that may arise under this Decree. If, after sixty (60) days the parties are unable to resolve a dispute, then either party may move the Court for a resolution of the issue.

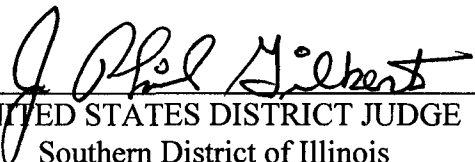
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12. This Consent Decree shall dissolve, and this action shall be dismissed, at the end of two (2) years from the date of entry of this Decree without any further order of this Court.

Costs and Expenses

13. Each party shall bear its own costs and expenses, including attorney's fees.

APPROVED AND ENTERED this 9th day of February 2006.



UNITED STATES DISTRICT JUDGE
Southern District of Illinois

Agreed and Consented To:

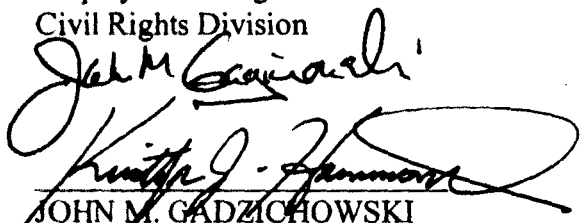
On behalf of the United States of America:

WAN J. KIM
Assistant Attorney General
Civil Rights Division

By:

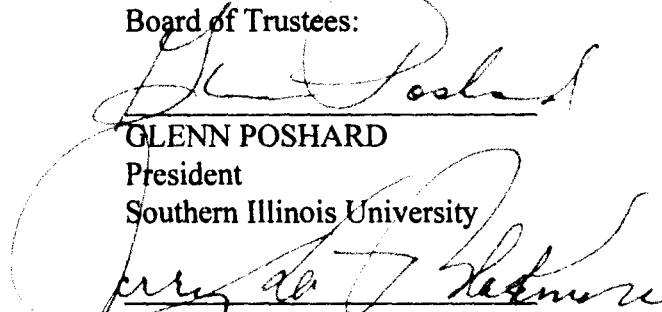


DAVID J. PALMER
Chief
Employment Litigation Section
Civil Rights Division

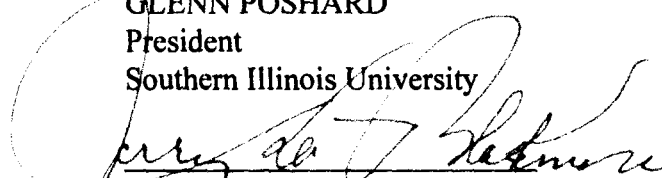


JOHN M. GADZICHOWSKI
(WI Bar No. 1014294)
Principal Deputy Chief
KRISTOFOR J. HAMMOND
(VA Bar No. 44133)
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Washington, DC 20530
Telephone: (202) 353-3011
Facsimile: (202) 514-1005

On behalf of the Southern Illinois University
Board of Trustees:



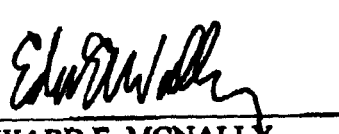
GLENN POSHARD
President
Southern Illinois University



JERRY D. BLAKEMORE
General Counsel
Southern Illinois University



MARK BRITTINGHAM
ASSOCIATE GEN. COUNSEL
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Atty for Defts.



EDWARD E. MCNALLY
United States Attorney
LAURA JONES
Assistant United States Attorney
Southern District of Illinois