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Michael S. Pritchard  
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*Editors*

# The Ethical Challenges of Academic Administration



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ISBN 978-90-481-2840-2 e-ISBN 978-90-481-2841-9  
DOI 10.1007/978-90-481-2841-9  
Springer Dordrecht Heidelberg London New York

Library of Congress Control Number: 2009935034

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Printed on acid-free paper

Springer is part of Springer Science+Business Media ([www.springer.com](http://www.springer.com))

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# Introduction: Ethical Tasks of Academic Administrators

**Brian E. Schrag, Elaine E. Englehardt, Michael S. Pritchard,  
and Kerry D. Romesburg**

This book is an invitation to academic administrators, at whatever level, to join with others to reflect on the ethical dimensions of their administrative activities. As such it is intended as a first word, not a final word on the subject. This is the case, in part, because the practical activity of academic administration itself has not been the subject of much sustained ethical reflection.<sup>1</sup>

Academic administrators include department chairs, deans, vice presidents, presidents and others occupying positions at varying levels of administrative responsibility in higher education. We refer to them as academic administrators because, by and large, they come into their positions from the ranks of faculty, typically with no special training or preparation for managing the affairs of the academy. That is, they are academics (for example, professors of biology, chemistry, engineering, literature, mathematics, philosophy, or sociology) who, at least for a time, assume administrative responsibilities.

In the preface to his *Moral Dimensions of Academic Administration*, Rudolph Weingartner claims that in writing his book he was unable to find any references that deal directly and substantively with ethical issues faced by college and university administrators who come into their positions from the faculty. Regarding himself as a pioneer in a relatively unexplored area, he ends his preface with the hope that others will find what he has to say to be sufficiently interesting and important that they might “take up the theme of ethical issues in academic administration and cultivate it further.” Our book does just that.

Since his book’s publication in 1999, there seems to have been little response to Weingartner’s invitation. Rowan & Littlefield, publisher of his book, did issue Paul

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<sup>1</sup>Two notable contemporary exceptions are: Rudolph Weingartner, *The Moral Dimensions of Academic Administration*, Rowman and Littlefield, 1999; and Paul Olscamp, *Moral Leadership and the Presidency*, Rowan and Littlefield, 2003. Other books in the Academic Ethics Series edited by Stephen Cahn focus more on special topics within the university than on the particular responsibilities of academic administrators. Two other somewhat useful and instructive sources are: Edward Shils, *The Academic Ethic*, Chicago, University of Chicago Press, 1994 and Clark Kerr, “The Academic Ethic and the Professoriate” in *Higher Education Cannot Escape History: Issues for the Twenty-First Century*, Albany: State University of New York Press, 1994. For a brief discussion of some additional literature, see the essay by Elaine E. Englehardt.

Olscamp's *Moral Leadership and the Presidency* in 2003. Surprisingly, it makes no reference to Weingartner's book, despite being listed in the same Academic Ethics series, edited by Steven M. Cahn. Perhaps this is because Olscamp focuses exclusively on moral decision-making in the context of the college presidency and trusteeship rather than academic administration in general.

Weingartner outlines the responsibilities of academic administrators by reflecting on the appropriate ends of institutions of higher education; once we understand what those ends are, we will be able to identify the basic responsibilities of academic administrators – primarily, serving as leaders in assisting their own institutions achieve those ends.

Although he says relatively little about the actual, day-to-day struggles of academic administrators, Weingartner does set the stage for reflection on such matters. As he points out, academic administrators attend more to the academic than the clerical side of administrative work. He acknowledges that they perform managerial tasks, but not in any way comparable to business managers. In large part this is because institutions of higher education typically do not (and, according to Weingartner, should not) view themselves as for-profit businesses. Their “business” is the education of students and the advancement of creativity and knowledge. With deliberate vagueness, Weingartner says that academic administrators “work with faculty” and are “concerned with students”:

But there is no single term or perspicuous phrase that conveys what their main activities are . . . for in no normal sense of the term do they *manage* groups of faculty members or students, in the way in registrars manage the clerks, computer programmers, secretaries, etc. who work in their offices. While they do make many decisions autonomously or together with other administrators, most of their most important ones are made in collaboration with their faculty or its representatives (and to a lesser extent with students), in ways that have no real analogue outside the academic world.<sup>2</sup>

Those ways of decision-making are, of course, a function of the specific structures and traditions of the institutions within which academic administrators work; and these settings are by no means identical. Nevertheless, there are some commonalities, and the problems to which they give rise should be somewhat amenable to constructive discussion. Still, such discussion among academic administrators (and those who will become academic administrators) seems to be a rarity.

Weingartner helps us see why this may be so. He claims that there is no profession of academic administrators. The obligations of academic administrators center around the professional obligations of the institutions they represent. However, the careers of most academic administrators begin in particular academic disciplines. Thus, a professor of chemistry may become a department chair, then a dean, and perhaps later a vice-president, or even a president. Most who become chairs or lower level administrators, however, eventually return to their original status as faculty members; and they may have their eyes (and hearts) on this eventual return all along. What prepares a faculty member for the ethical challenges that come with

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<sup>2</sup>Weingartner, p. 33.

these career changes? What, indeed, are the sorts of ethical challenges one is likely to face? The answer to the first question seems to be that, for most, there is no special preparation. The answer to the second is typically learned the hard way, by finding oneself entangled in ethical problems, often taken by surprise. This seems to be so whether we are talking about chairs, deans, vice-presidents, or even presidents.

## **Ethical Tasks of Academic Administrators**

The components of the daily decision-making of academic administrators include legal, economic, managerial and leadership considerations. But ethical considerations are also often a component in these decisions. Invoking legal, economic, managerial and leadership principles cannot substitute for the ethical reflection required when ethical components are present, and decision making which does not take the ethical considerations into account is fatally flawed. Much of the literature in the areas mentioned forms the staple reading diet for many administrators. Yet most such works do not explicitly address the ethical dimensions of administration. That may account for the startling fact reported in Englehardt's essay in this book that, in a conference of academic deans, none could initially identify any ethical problems they faced.

## **Moral Recognition**

Our contention is that administrative decision making in higher education is infused with ethical decision making. This is so whether an academic administrator realizes this or not, either in general or in particular cases. Experience does not come stamped with a warning label indicating it contains ethical issues. The failure of an administrator to recognize the ethical components of academic administrative decision making constitutes a kind of moral blindness. (For an historical example, see Kimball's essay.) Ethical blind spots can prevent the administrator from discerning what decisions promote the institutional mission. Thus, an administrator blind to the ethical problems with discrimination among students may well render bad judgments on behalf of the institution. The first ethical task of the academic administrator is to be able to recognize ethical issues when she or he encounters them. One objective of this book is to enable academic administrators to more easily recognize the ethical issues they encounter. It is one reason we have tried to include a variety of cases and scenarios with ethical components.

## **Taking the Institutional Point of View**

As Curren argues in his essay, one of the central traits of an ethical administrator is a commitment to the good of the institution. When an individual accepts a position as an academic administrator at a particular institution of higher learning, that person

accepts a set of role responsibilities. More specifically, the person agrees to use the authority of that position to promote the mission of the particular institution. The acceptance of that position constitutes a promise to so act and hence incurs an ethical responsibility to keep that promise. Schrag notes the radical shift in perspective this may create for an administrator coming from the faculty ranks. Assuming the institutional perspective may be especially challenging for a department chair who also continues to be in the role of faculty member and for the academic dean who may feel some obligation to advocate for the faculty in institutional deliberations and for both if they foresee falling back into faculty ranks in the future. The essays by Pritchard and Werner vividly highlight this challenge.

At the broadest level, that implicit promise constitutes an obligation by the administrator to adopt the institution's point of view in the discharge of the duties of the office, making decisions and taking actions aimed at promoting the mission of the institution. Thus, as Werner points out in her essay, to carry out of the duties of the office is always to ask, "What is best for the promotion of the mission of this institution?" Both she and Martinelli-Fernandez note the value of a collaborative approach between administrators, faculty, and staff in pursuing institutional mission. Instances of failing to take the institution's point of view at all might include asking instead, "What will promote my best interest?" or "What will promote the best interest of only a subset of members of the institution?" or "What will promote the best interest of some other institution?" (See essays by Romesburg, Werner and Schrag.) Examples of such failures might include the administrator who uses her office to create programs that do not advance the mission of the university but instead make her resume look impressive or that promote the best interests of a subset of the members of the institution at the expense of the institution's mission.

Thus, one of the key ethical considerations for academic administrators at any level must be the mission of the academic institution. (See Donovan's essay for a discussion of both the importance of the mission of an academic institution and the difficulties in determining what it is, or should be.) Colleges and universities are special purpose, mission-driven institutions.

There is not a univocal mission for all the more than 3,000 colleges and universities in the United States. There are, however, two common mission elements, namely: (1) to develop and nurture a community of scholars in order to advance human knowledge; and (2) to develop and nurture a community of learners, in order to develop the individual and make good citizens. The latter aim includes such things as liberal education, professional training, and citizen education.

Some academic institutions put more weight on one of these features, some on the other. But, broadly speaking, they all focus on these two tasks. Both these mission objectives have an ethical component. The advancement of knowledge is thought to have intrinsic value as well as instrumental value for individuals and society. The development of a community of learners is also thought to have intrinsic value for learners as well as the welfare of society, in terms of developing productive and self governing citizens in a pluralistic, democratic society. (In the words of the mission statement of Hampden-Sydney Men's College, founded in 1776, the aim is

to promote “Good Men and Good Citizens.”) Because the institutional mission has an inherently ethical component, the decisions by administrators to advance that mission almost always have an inherently ethical component.

Related to mission, the tasks of college and university administrators cover a wide area of decision-making, including: developing and maintaining academic programs; hiring and maintaining a faculty; attracting, retaining, and educating students who are appropriate to the institution; raising funds to keep the institution operating; and soliciting donors and legislators; and allocating resources. They also have a responsibility to articulate, defend, and communicate the institution’s mission to appropriate stakeholders. Administrators need to communicate through their decisions and actions their adherence to that mission. (See the essays by Romesburg, Kline, Curren, and Kimball.)

At the level of a particular institution, a mission statement has a more specific ethical component or ground. It represents to the institution’s stakeholders what the institution stands for over the long term. As such it provides stability for decision making by stakeholders. It promises to students a certain educational focus, emphasis and environment as they make their decisions on which college to choose. It does the same for faculty who decide to come to the institution. It specifies a vision of the institution that elicits the trust and loyalty of its alumni and donors. When that mission is violated or abruptly changed, those stakeholders may rightfully feel betrayed and withdraw their support. Because of this, respect for the mission statement plays a role in ethical decision making of administrators.

Given the centrality of mission in an academic institution, it is not surprising that it should be central in deliberations regarding actions of the institution. Administrators are presented with a number of ethical issues specifically related to the institution’s mission. Is the mission statement clear enough to be used as a compass, and if not, who has the responsibility to urge its revision. Who “guards” the mission? Is that primarily the job of trustees, the president, other administrators, or the faculty? When should one, as an administrator, raise the issue of reviewing, modifying or radically altering the institution’s mission? As an administrator, what should one do when major constituencies of the institution do not accept a proposed change of mission?

What should one do, as an administrator, if it becomes apparent that another administrator (particularly one who is higher in the administrative hierarchy) is systematically ignoring or undercutting the institution’s mission with regard to funding decisions or program development? What should one do if it is clear that some faculty are not taking the mission seriously in doing their work, for example, in curriculum development or evaluating faculty performance?

At a more specific level, what should one do as an administrator when presented with a decision situation, one alternative of which seems attractive but which is clearly in conflict with the institution’s mission? Should one nevertheless refuse to choose that option, make a principled exception to the mission, or attempt to modify the mission? Is there a difference between making a one-time exception to the mission and being engaged in a pattern of decision making which conflicts with the mission? How should one balance adherence to mission with other considerations,

including the financial well-being of the institution? What weight should be given the mission in making decisions about accepting funding sources for the institution, particularly if those sources distort the mission or tarnish the institution's image as captured in the mission statement? What should be the weight of the mission in decisions regarding allocation of resources? What role should the mission statement play in choosing between two good things for the institution when one cannot have both, or when thinking about the long term impact of decisions?

### ***Exercising Good Ethical Judgment***

Curren argues that a second virtue of the ethical administrator involves the exercise of good judgment. The ethical administrator not only takes the institutional point of view but also exercises good judgment in identifying and promoting those actions which will advance the institutional mission. By "judgment" here we mean a dispositional quality over time – not the quality of a single judgment. Good moral judgment implies a judgment for which reasoned justification can be offered. Conditions that impair good judgment are those that undermine that disposition. In what follows we assume that it is, to at least a significant extent, within the power of the administrator to control those conditions and that effort at control is part of what constitutes an ethical administrator.

### ***Components of Ethical Judgment***

As we have already indicated, one component of good judgment is having a clear understanding of, and respect for, the institutional mission. Lack of clarity on that may lead one to make decisions or introduce or promote programs that do not support the mission or are tangential to its central focus and thus divert the institution and its resources from its mission. That lack of clarity may also lead to poor judgment in hiring decisions, an area that ranks among the most important decisions an administrator can make.

### ***Understanding the Culture of the Institution***

The administrator must also have an understanding of the special culture and history of an institution. These factors can be very important in shaping the identity of the institution. Administrative action and decisions that may appear congruent with the stated mission of the institution may run afoul of legitimate cultural and historical dimensions of the institution and hence may not be a good fit for that particular institution. Consequently the action or decision may not be capable of implementation or may not be worth the cost of trying to implement it. Administrators who are new to an institution may be especially vulnerable to a lack of this component

in good judgment. The essays by Newton, Martinelli-Fernandez, and Werner are extended discussions of the one of those cultural factors, namely, the adversarial culture prevalent in, if not peculiar to, higher education.

### ***Conflicts of Interest***

The good judgment of an administrator can be impaired by the administrator becoming entangled in a conflict of interest. This is a classic case in which good judgment can be impaired. When administrators have an interest that compromises their judgment regarding the promoting of the mission of the institution, the likelihood of poor judgment is significant. (Curren cites the case of a president whose son was an assistant basketball coach at the institution and involved in a violation of recruiting rules.) Ethical administrators will be alert to the possibility of such entanglements and avoid them wherever possible. Short of that, ethical administrators will remove themselves from decisions involving that conflict. Interim administrators are especially vulnerable. A temporary dean or department chair expecting to return to the faculty ranks may have a vested interest in preserving collegial relations with faculty colleagues and that may impair his or her judgment regarding actions that best promote the institution's interest.

Sometimes, to take another example, an administrator will become too wedded to an idea, program, or decision that is in fact consistent with the mission of the institution. But because it is a "pet project" he or she may therefore be incapable of accurately assessing the impact of the decision or program on the institution and its mission. That may lead to an underestimation of the financial, legal or other kinds of costs associated with the proposal. Not all proposals that fit the mission may be prudent for the institution. Of course, sometimes the consequences of a judgment are unforeseeable but in this sort of case, due diligence may not be carried out for fear of facts contradicting the decision.

A related situation occurs when administrators put themselves in a position of an apparent conflict of interest. It may not be an actual conflict of interest and may not actually impair or undermine one's judgment, but to those on the outside, the situation may give them pause and lead them to be less trustful of one's good judgment, and thus the situation may have other consequences harmful to the institution.

### ***Channels of Communication***

Good judgment requires access to as much relevant information as available. That requires that the good administrator maintain open channels of communication throughout the institution. It is very easy for an administrator to signal that she does not want to hear bad news or information that challenges the administrator's position on institutional projects or personnel. Inadequate checks on the assumptions that go into an administrator's decisions can also result in bad judgment.

## ***Moral Considerations in Good Judgment***

Finally, an important component of good judgment is an awareness of relevant moral considerations that ought to be brought into play in a decision. Some of the ethical issues and considerations faced by academic administrators are those that we all face as moral agents (e.g., don't lie, cheat, steal, or kill, be honest, treat people with respect, and treat people fairly). These are what may be called the common rules of morality.<sup>3</sup> These ethical considerations and the obligations they impose on us are not peculiar to academic administrators. At the same time academic administrators are not exempt from such moral obligations merely because of their role as academic administrators or because they think that violating common morality (e.g., lying to the public) will advance the interests of the institution which they serve. The mission of an institution does not trump common morality but functions in the context of common morality. Role responsibilities of academic administrators do not automatically trump common morality any more than do the managerial roles in business or government or the professional roles in engineering, law, accounting, or medicine.

However, some ethical considerations are especially related to the mission of academic institutions and hence to the role of the academic administrator in a particular institution of higher learning. Such special ethical considerations or special weight on certain common ethical obligations may appropriately be brought to bear in decision making in the academic setting. That is to say, some values and moral considerations are elevated or given more weight in virtue of the nature of academic institutions and the role of the administrator in such an institution. Thus, a respect for the truth, and for the pursuit of the truth, as well as respect for all who engage in it, appropriately has a higher weight in an academic institution. That is so in the case of individual relationships on campus. (See for example Kline's essay in this volume.) It is also the case for campus policies and practice. For example, the question: "Should this speaker be allowed to speak on this campus?" takes on different significance when the campus is an academic one, rather than a corporate one. Broadly speaking, it is the academic context which distinguishes the ethical emphasis in decision making for the academic administrator from that of ethical decision making by administrators in other organizations such as those in business, government, or other non-profits.

## **Ethical Decision Making for Action**

Administrators, as do all practitioners, live in a world in which they have to make decisions for action in the context of a limited time frame and with imperfect information. This is, if you will, the stuff of practical ethics. The administrator's reflec-

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<sup>3</sup>For a well known account of common morality see Bernard Gert, *Common Morality: Deciding What to Do*, Oxford University Press, New York, 2004.

tion will not focus on theoretical debates of right or wrong and not often on retrospective judgments of the moral justification of actions already taken. Rather it is the forward looking activity of making decisions for action in areas such as personnel, institutional policy or interpretation of policy that are morally justified.

### ***Individual and Collaborative Decision Making***

Ethical decisions made by academic administrators are sometimes made solely by an individual administrator in the loneliness of her or his administrative office. This is perhaps most often the case for the president since the “buck” often “stops” at the president’s office. However, in the academic context with its emphasis on collegial decision-making, a decision may be made collaboratively by a group, say the president’s cabinet or a department chair and other faculty in the department. At its best, this can be a process of the ideal moral decision maker writ large – the administrators all reasoning together to find the best ethical decision and perhaps collectively identifying better ethical alternatives than they would individually. On the other hand, collaborative decision making can raise ethical problems if the decision is not unanimous and the minority thinks the decision is not ethically justified or the most justified alternative. That may put the minority in the position of being held accountable for the decision or forced to defend a decision that they do not themselves think morally justified. Even if the decision of the group is unanimous, it may create a sense of diminished moral responsibility for the decision which may diminish the ethical diligence of individuals during the deliberation process.

But the collaborative context can also be more complex, as illustrated in the essays by Romesburg, Loui, Werner, Englehardt, Pritchard, Martinelli-Fernandez, and Schrag. It can involve very different but, roughly speaking, equally powerful stakeholders including faculty, students, parents, donors, board members, legislators, and society as a whole. One of the distinguishing features of the academic community for decision making is the presence and status of academics in the decision making process. Faculty, who have been granted tenure, academic freedom and a high degree of autonomy as a means to promoting the advancement of knowledge and student education, play a role in decision making that distinguishes the academic institution from other organizations including business corporations and other not-for-profit institutions. That faculty component, as noted earlier, has traditionally created an adversarial culture not necessarily found in other sorts of institutions.

### ***Reactive and Preventive Ethical Decision-Making***

One can distinguish ethical decision making in three temporal settings. First, the administrator may be put in the position of making a decision in order to “put out a fire.” It may require the administrator to act, and act quickly. For example, deciding whether to allow an invited speaker to appear on campus in the face of a firestorm

of protest from the public. This situation often does not allow much time for careful deliberation. In other instances, a decision for action needs to be made but in a much more deliberative context – for example, whether or not to raise admission standards at the college or university for the following year. Finally, there can be longer range decisions, often of policy, which can be made in the context of cool deliberation that are aimed at identifying a practice which can avoid ethical problems. Thus, there might be a decision which prohibits an administrator from supervising a relative or making decisions that involve the welfare of a relative employed by the institution. Decisions in this latter category are not necessarily aimed at making a decision in response to a particular ethical problem but instead are aimed at avoiding getting into such problems in the first place.

### ***Ethical Deliberation***

As the discussion above suggests, ethical decision making may involve balancing various moral considerations related to the university's mission with each other and with those of common morality. One of the features that is distinctive of practical ethics in general and ethics in higher education administration in particular, is decision making in the context of competing norms as well as other considerations such as financial, legal, or management considerations. The essay by Romesburg especially illustrates the myriad of competing considerations which will present themselves in a case. Somehow those competing considerations have to be reconciled.

James Wallace notes in his latest book, *Norms and Practices*, that one view of ethical decision making is “a more linear conception of deliberation, practical reasoning, that has been influential at least since Aristotle. On the linear view, deliberation begins with a clearly conceived end or result that the agent desires. Deliberation then consists in a search for effective means for realizing that end.” Wallace argues there is “an important alternative to the linear view. . . . It makes considerable difference whether one conceives of practical reasoning as harmonizing conflicting considerations or seeking a means to a preconceived, pre-existing end.” “[O]n the Deweyan view, deliberation frequently begins with a conflict of norms and . . . [o]ne attains a relatively clear and concrete conception of the aimed-at result only when the deliberation is successfully completed and the problem is solved.”<sup>4</sup>

It is our contention that what some have called reasonable moral pluralism is in fact a central feature of all practical activity, including academic administration. In fact the breadth of considerations to be harmonized may be greater in an administrative context than those in a more narrowly focused professional context such as medicine or business or law. There are legitimate conflicting values and practical considerations with which the academic administrator must deal in reaching practical moral judgments regarding his or her own actions as well as collective actions of the academic institution. Usually, that will require the agent to consider alterna-

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<sup>4</sup>James D. Wallace, *Norms and Practices*, 2009, Cornell University Press, Ithaca, NY, p. 22.

tive actions and to think through both the ethical and practical implications of each alternative. Some alternatives will prove to be clearly not justified. For example an action dealing with employees might be clearly legal yet not satisfy ethical considerations. Other solutions may be acceptable and still others might be quite good. The process is unlikely to provide one unique or determinate solution. Solutions to practical moral problems of the institution may involve compromise, arbitration, negotiation, or reconciliation processes.<sup>5</sup>

Although many of the authors in this volume are philosophers by training, as well as having some level of administrative experience, this is not primarily a philosophical treatise on the ethics of academic administration, nor is it written for philosophers, but rather for those who do the hard work of making practical administrative decisions.

Some may assume that reasoning in practical ethics essentially involves importing high-level ethical theory or ethical principles into the discussion from somewhere else, in order to “solve” the ethical issues with which administrators deal. Hence, some might imagine that the focus of a book such as this ought to be a straightforward identification of the ethical issues and the appropriate moral principles, introducing them to administrators and encouraging them to get “handy” with the principles. We think that is a misunderstanding of the nature of practical ethics.

Although we have made an effort to identify some of the central ethical issues administrators face, we have not attempted to assemble a comprehensive essay. Nor have we attempted to provide a comprehensive set of ethical principles administrators might use in making decisions. Ethical principles by themselves are inadequate to provide a decision mechanism for action. Since the focus is on ethical decision making for action, a list of such principles would not be adequate for decision making. Still, as Englehardt’s essay illustrates, there are useful guidelines administrators can bear in mind as they reflect on the ethical challenges they face daily.

In any case, we believe that the specifications of ethical principles will need to be teased out of the actual and particular experience which confronts administrators. It is, if you will, a bottom up approach rather than top down, and that is why we have placed so much emphasis on citing cases and episodes drawn from administrative experience. These are not merely war stories. It is important to be clear on the ethical tasks facing administrators before crafting ethical principles and guidelines that facilitate ethical decision making in this activity.

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<sup>5</sup>For a systematic discussion of these points see Brian Schrag, *Teaching Research Ethics, Science and Engineering Ethics*, vol. 11, 2005. See also Onora O’Neill, “Practical Principles and Practical Judgment,” *Hastings Center Report*, 2005, 31, No. 4 pp. 15–24; Caroline Whitbeck, “Teaching Ethics to Scientists and Engineers: Moral Agents and Moral Problems,” *Science and Engineering Ethics*, 1995, 1 (30), pp. 299–308; Joshua Cohen, “Moral Pluralism and Moral Consensus” in: Copp, D., Hampton, J. and Roemer, J.E., eds. *The Ideal of Democracy*, 1993, Cambridge University Press, UK, New York; Martin Benjamin, *Splitting the Difference: Compromise and Integrity in Ethics and Politics*, 1990, University Press of Kansas, Lawrence.

## ***How Might an Administrator Engage in Ethical Deliberation?***

Having said all this, how exactly should an administrator make ethical decisions?

The essays by Englehardt, Loui, Kline, and Kimball all address that issue at various levels of specificity. To illustrate how trained ethical minds might respond to particular ethical challenges, we conclude our book with a set of short case studies, with commentaries provided by Englehardt, Newton, Poser, Johnson and Curran. This kind of deliberation to find a rational justification for action is particularly important in the culture of the academy which purports to be the bastion of rational inquiry.

A useful kind of reasoning process for trying to resolve a practical ethical problem is illustrated by a model for ethical decision making discussed by Englehardt.<sup>6</sup> In this model, given a situation that requires the ethical solution to a problem, the academic administrator might work through the following seven steps:

1. What are the relevant facts?
2. What are the ethical issues?
3. Who are the primary stakeholders?
4. What are the possible alternative actions of the moral agent?
5. What are the ethical issues and implications raised by each alternative?
6. What are the practical constraints on each alternative?
7. All things considered, what action/actions should be taken (would be morally justified by the agent)?

This is neither a linear nor mechanical reasoning process. Deliberation at any one stage may force the administrator to revisit previous stages. There is no reason to assume that there will be only one acceptable or defensible outcome identified by this process. Ideally the solution should take into account and attempt to harmonize all the moral and practical considerations identified in the first six steps. The philosopher Caroline Whitbeck suggests that this is analogous to a design problem in engineering – one has to solve the problem by “satisfying potentially conflicting considerations simultaneously.”<sup>7</sup> Given this process, it is possible that some alternatives will turn out to be morally unjustifiable; some will be quite good, and others will be at least morally acceptable.

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<sup>6</sup>This model was inspired by a program developed at the Markula Center for Applied Ethics, under the direction of Manuel Velasquez. See <http://www.scu.edu/ethics/practicing/decision/framework.html>. For a discussion of the same approach as applied to research ethics see J. Swazey and S. J. Bird, “Teaching and Learning Research Ethics,” in D. Elliott and J.E. Stern, eds., *Research Ethics: A Reader*, 1997, University Press of New England, Hanover, Chapter 1.

<sup>7</sup>Caroline Whitbeck, *Ethics in Engineering Practice and Research*, Cambridge University Press, 1998, pp. 56–68. Another excellent discussion of this issue is found in Charles E. Harris, Michael S. Pritchard and Michael J. Rabins, *Engineering Ethics: Concepts and Cases*, 4th edition, Wadsworth, 2009, Chapter 3.

A unique feature of this book is that all of its contributors have a rather rare combination of experience in academic administration as well as formal academic background in ethics and ethics education. The contributors either are or have been presidents, vice presidents, deans, department chairs, and directors of institutes or centers. This enables them to focus knowledgeably on the ethical issues which academic administrators face while bringing to bear appropriate ethical analysis, principles and concepts to help make ethical decisions.

The work for this book was nurtured by the Society for Ethics Across the Curriculum (SEAC) and the Association for Practical and Professional Ethics (APPE). Panels on ethical issues in academic administration were offered at the annual meetings of each of these organizations in the 2005–2006 academic year. In the summer of 2006, the Association for Practical and Professional Ethics hosted a workshop focused on these issues, followed by additional panels in 2006–2007 at the annual meetings of SEAC and APPE. At the same time, the Association issued a call to its members for cases on ethical issues in academic administration and began preparation of a set of Cases and Commentaries on Ethics in Academic Administration to be published independently of this volume. A final 2-hour panel “Ethics and Academic Administration: Cases and Commentaries” was presented at the 2008 Annual Meeting of the Association for Practical and Professional Ethics. The results of these presentations and the ensuing discussions, research, and scholarship were the genesis of this book.

We invite the reader to review the essays, case studies, and commentaries and begin the dialogue.

# Ethical Dimensions of Presidential Leadership

Kerry D. Romesburg

**Abstract** The character of an institution of higher education is developed and reflected in the administrative and managerial choices and decisions made each day. Many situations require sound, reasoned, ethically, or principally-based analysis upon which decisions can be based. In this chapter, cases are drawn from a president's perspective and experience to demonstrate some of the conflicting values which can arise in the administration of a college or university. A president occupies a unique position within an institution, and among the many demands and expectations placed upon president leadership, is an imperative for ethical leadership.

**Keywords** Administrative ethics · Presidential decision-making · Presidential responsibilities · Campus ethos

## Introduction

The ethos of an institution is developed in a number of ways. It is reflected in the stated mission and goals of the institution; it is embedded in the institution's history and traditions; and it is continually being created and re-created through the actions and decisions of its leaders. Just as individuals define themselves through the choices and decisions they make, so the character of a college or university is defined by the choices and decisions made by the administration in the daily management of the institution. Decisions and choices are continually being made in the classroom and in every office on campus, and it is this interwoven tapestry of decisions which translates into the character of the academy.

Higher education is not unlike business and industry in this respect. While asserting that companies and businesses have a moral imperative to behave with integrity, in their book, *Decent People, Decent Company*, Robert and Carolyn

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Turknett observe that companies and organizations generally reflect the character and integrity of the leadership.<sup>1</sup> They argue that the responsibility for ethical and moral action comes with serving the public, and they emphasize the importance of the role of leadership in creating an environment of integrity and ethical behavior.

Turknetts' imperative applies equally well to higher education. Rudolph Weingartner makes a similar "imperative" argument in *The Moral Dimensions of Academic Administration*, but he bases the moral obligations for higher education institutions on the charters upon which colleges and universities are founded, the tax exemptions the institutions enjoy as not-for-profit enterprises, and the professional nature of colleges and universities. Weingartner concludes there are moral obligations owed to students and other constituencies, and, like the Turknetts, he too places this responsibility upon the administration of the organization.<sup>2</sup>

More directly, after an examination of the implications of these moral obligations for administrators, Weingartner asserts, "the ethos of a college or university is perhaps expressed even more distinctly not by *what* is done there, but *how* things are done."<sup>3</sup> In other words, he brings the focus back to the realm of day-to-day management and decision-making.

## The Role of the President

In "The Leadership Imperative," a report from the Task Force on the State of the Presidency in American Higher Education for the Association of Governing Boards, the Task Force declares that "no leader comes to personify an institution in the way a president does." It goes on to say, "Presidents . . . represent the institution and embody its values. In public venues, a president's words and actions almost always are taken as expressions of the institution's identity."<sup>4</sup>

A president of a college or university has a fundamental responsibility for maintaining and enhancing the integrity and character of the institution. Possibly more than any other university official, a president must always act as though his or her actions are defining the institution. Hence, in addition to other duties and responsibilities of a college or university president, there is another overriding role and responsibility: to represent the institution, its students, its faculty, its staff, its alumni, its boards, and its constituencies with strong moral and ethical values. It need also be recognized that this responsibility extends well beyond the work day and the work

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<sup>1</sup>Turknett, Robert and Carolyn. *Decent People, Decent Company*. Mountainview, California. Davies-Black Publishing. 2005.

<sup>2</sup>Weingartner, Rudolph H. *The Moral Dimensions of Academic Administration*. Lanham, Maryland. Rowan & Littlefield Publishers, Inc. 1999.

<sup>3</sup>Ibid, p. 98.

<sup>4</sup>Association of Governing Boards. *The Leadership Imperative*. Association of Governing Boards. Washington, D.C. 2006. pp. vi and 4.

place. The president has an inescapable responsibility for society's faith and trust in his or her institution and in higher education in general.

To be sure, all faculty and staff impact and define the character of the institution, but this impact magnifies as one moves from the classroom into administration, and it continues to build as one accepts more responsibility within the college or university. With increased responsibility and visibility comes a concomitant increase in the overriding obligation to the entire academy. If one is not willing to accept this obligation and its accompanying loss of personal privilege, one should not accept the position. This is applicable to all administrative positions: department and division chairs, deans, vice presidents, and most assuredly, presidents. Presidential leadership must include ethical leadership, if the institution's integrity and character are to be maintained and enhanced.

## Decisions – Legal vs. Right

Often in dealing with issues of conflicting opinions and values, the tendency is to frame the issue in terms of its legality. This is fully understandable in an administrative and management setting. A legal review often becomes routine for many actions, and the outcome of a legal review is usually easily and readily understood. What must be cautioned against is assuming that simply because an action is deemed legal, it is also right.

If, during review and deliberations, an action is determined not to be legal, then, for the protection of the institution and the agents involved, it should not be pursued. When university counsel advises against an action on a legal basis, it is seldom sound management for an administrator to ignore counsel advice and act in opposition.

However, the reverse is not necessarily true. When an action has been thoroughly vetted and deemed legal, questions of fairness and rightness may still be raised and examined.

**Case 1:** *Seventeen years earlier, the university received a donation of a personal collection of art. At the time of the gift, the Board adopted a resolution of appreciation to the donor indicating the gift would become a permanent part of the university's collection and would never be sold, in part or in whole. Included with the documentation of the gift was a note from the donor indicating that some of the pieces were acquired by him with the promise they would never be sold, but would be part of a collection to be displayed for public and educational purposes.*

*Now the donor and his spouse are deceased, and their heirs have no relationship with the university. The university's collection has grown considerably and university gallery space is at a premium. In order to expand the gallery and display newly added works, the Dean of Fine Arts suggested the university decommission some of the pieces of the originally-donated collection. The heirs were contacted and had no objection with selling part, or all, of the collection. University Counsel*

*indicated the Board may legally take formal action to reverse the terms of a previously adopted resolution, and with their approval, this particular resolution may be legally amended.*

*The Board Gift Committee and the Board are split on the request of the Dean and they turn to the President for a recommendation.*

## **Standards and Practices**

A number of institutions and state systems have adopted codes of ethics and standards for action. These provide the members of colleges, universities, or systems a set of written guidelines for professional behavior.

Generally, these statements of standards deal with such matters as: conflicts of interest, use of university property, acceptance of gifts, handling confidential information, and outside employment. They may also address relationships between colleagues, relationships between faculty and students, involvement in political activities, and adherence to law.

The adopted policies establish the ethical framework within which an institution or a system of institutions will operate, and it is generally understood they constitute a contractual agreement for those involved. Violations quite often result in a personnel action against the violator.

While never a pleasant experience, those situations dealing with written statutes, policies, or by-laws are often the easiest with which to deal. They may be very time consuming, and they generally involve a variety of other personnel, but they tend to be more standardized. Often special committees, university counsel, board committees, or others are included in the deliberations, but the final decisions and actions are usually well reviewed, well discussed, and well understood.

Where problems arise is when there is a conflict, or the appearance of a conflict, with the policies or practices, or when there is flexibility in the decision.

**Case 2:** *The university solicited bids for furnishing a new facility. One of the firms submitting a bid is owned by an alumnus who is a donor and strong supporter of the institution. The alumnus' father was a member of the university governing board in the past, but not at the time of the bid. The bid from the alumnus' business was not the lowest, but it was not significantly higher than the lower bid. The ex-board member calls the president and asks that consideration be given for the fact the bid is coming from an alumnus and donor.*

*The recommendation of the Facilities Office and the Purchasing Office is to strictly adhere to the standard of awarding to the low bid. The Athletic Office, Development Office, Alumni Office, and some members of the governing board suggest the right thing to do is award the bid to an alumnus and friend of the university. The decision rests with the president.*

## Decision Points

Decision points arise daily, and more often than not, the issues are not directly addressed by policies, practices, or by-laws. Some of these issues seem very major, while others may seem deceptively trivial, but if the institutional character is being defined, then none of these decision points is truly trivial. The question which comes up all too frequently is which action is to be followed when there is a conflict in values? There are times when the best interests of the institution may not be the best interests of an individual. There are times when the action which yields the best interests of the institution violates an administrator's personal ethics or value system. In such times, whose interests prevail? What guidelines are applicable?

It is not realistic to advocate a strict Kantian approach of always doing the right thing regardless of outcomes.<sup>5</sup> This simply is not practical within the realm of daily institutional management. Neither is it reasonable to try to apply a utilitarian calculus to all decisions. Rightly or wrongly, decision making within higher education often includes political consideration of one kind or another and is nearly always grounded in the practical analysis of potential outcomes. Decisions are quite often made more with an eye toward Niccolo Machiavelli than John Rawls.<sup>6</sup> Most presidential decisions are made with the welfare of the institution in mind, and protecting the university is a fundamental justification for actions, but the long range outcomes and impacts are not always evident.

**Case 3:** *The university received a competitive endowment building matching grant for student scholarships. Amidst much fanfare, the table-sized printed "check" for \$1 million was presented to the university president by a local Congressman, and the funds were deposited into the endowment to provide scholarships for qualifying students.*

*Months later, a development staff member, using the successful grant application as a template for another grant, discovers a previously undetected arithmetic error in the application. If corrected, the university would not have qualified for the grant. The staff member meets with the president and reports the discovery, adding that the money has long ago been received and deposited, the granting agency is satisfied, and no one will ever know about the mistake other than herself and the president. She just thought the president should know.*

*Now what?*

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<sup>5</sup>Kant, Immanuel. *Critique of Practical Reason and Other Writings in Moral Philosophy*. L.W. Beck, editor and translator. University of Chicago Press. 1949. p. 348.

<sup>6</sup>Machiavelli, Niccolo. *The Prince* 1531, Daniel Donno, editor and translator. Bantam Classic Edition. 1981; and John Rawls. *A Theory of Justice*. Second Edition. Cambridge, Massachusetts. Harvard University Press. 1999. p. 53.

## Judgment

In the myriad of decisions made on a campus, one must continually be mindful of the welfare of the institution. However, what is best for the institution may not always be perfectly clear. In *Doing Right in a Shrinking World*, the authors assert that, “. . .to be principled is infinitely less important than to do . . . the right thing.”<sup>7</sup> It is argued that due to the immediacy of communication and the openness within which business is conducted in modern society, it is the actions taken which define our ethos more than some self-espoused ethical code. In fact, the authors state that “. . .being principled just doesn’t mean much anymore. . .” They rather brashly claim that what is often heard in today’s interconnected global business climate is, “stop being principled and just do what is right.”<sup>8</sup>

To the perceived leader, whether in business or on a campus, this accelerates and likely increases the loss of personal privilege referenced earlier in this piece. Of course, the real question is – what is the right thing? Personal privilege aside, who is to determine the rightness of actions? Upon what basis is rightness adjudged?

**Case 4:** *The owner of a local mill was a member of the university governing board. The mill was a source of on-going controversy regarding whether or not it was violating air quality standards. State and Federal officials were repeatedly called in to investigate complaints. The results consistently indicated the mill was operating within required guidelines, even though it was also identified as one of the major sources of the local air quality problem.*

*During a campaign to raise funds for campus construction, the mill owner made a multi-million dollar pledge for a specific building project and asked that he be given naming rights for the building. A contingent of faculty and students appeared before the board development committee and argued against accepting the gift and approving naming rights.*

*The committee requested the president recommend the best course of action.*

Determining which decision is the right one can become very complicated, especially when there is conflicting information. The preferred way to proceed would be to verify information, and then reflectively make an informed decision. Unfortunately, this is not always practical. There are times when substantiation is not readily available or maybe not even possible. At such times, reliance is placed upon personal judgment. Relying upon personal judgment without undue influence of personal principle or privilege is an interesting paradox. The action is personal, i.e., based upon personal judgment, yet it demands to be institutionally based, reflecting the interests of the college or university.

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<sup>7</sup>DeThomas, Louis and Neal St. Anthony. *Doing Right in a Shrinking World*. Austin, Texas. Greenleaf Book Group Press. 2006. p. 1.

<sup>8</sup>Ibid, p. 1

**Case 5:** *A long time friend of the university passed away and her nephew made an appointment to see the president. When he arrived he brought a copy of the deceased woman's will and a copy of documents designating him as the executor of her estate. In the will there were some small bequeaths to a few relatives, including the nephew. The woman had no spouse or children. The remainder of her estate was divided equally between the university and another local non-profit organization.*

*The nephew also produced a revised and unsigned will, in which the woman changed the terms and left a considerably larger amount to the nephew. He said she had not gotten around to signing or recording the revised copy before she had taken ill and passed away.*

*The nephew, stating that he realized he had no legal claim to a larger portion of the estate, asked the president to sign another document recognizing the intent of the deceased and the unrecorded will and relinquishing a portion of the university's estate gift to the nephew. The other local non-profit organization had already signed the agreement.*

*University counsel concluded that there was no legal obligation to recognize the unsigned and unrecorded will, and pointed out that there was really no way of knowing whether or not it was genuine. The Vice President for Development recommended against giving up any portion of the university's legal share of the estate, but a Board Trustee, who also was a member of the board of the other non-profit organization which shared in the estate, argued that honoring the unsigned will was the right thing to do.*

## **No Right Decision**

There are times when there may appear to be rights of individuals or applicable statutes or policies involved in an issue, but there may also be the elusive concept of fairness. This can tend to blur decision making lines. In these cases, the question of fairness can come down to, fairness to whom?

**Case 6:** *The student government association plans their very popular annual surfing outing, including surfing instructions for those who want them, a cookout on the beach, and a number of activities. Institutional funds and student organization funds are being used to cover costs. One member of the organization is not able bodied and is confined to a wheelchair. That student objects to the activity and the use of institutional funds for an activity in which she cannot participate. She goes to the Vice President for Student Life and demands the activity be cancelled.*

*The Vice President does not wish to cancel this very popular event, but neither wishes to hold an event which, by its nature, excludes some individuals.*

## **Setting a Precedent**

Quite often administration and management may be driven more by routine and history than by ethical guidelines or even practicality. All too frequently, situations

arise which deal with making exceptions to practices and policies. Whether due to the litigious environment within which higher education functions, or whether due to trying to act fairly, ethically and morally, there seems to be intense aversion to varying from what has been done in the past and to setting a new precedent.

Precedent setting in an administrative context can be a complex matter. Unless one is truly bound by a Kantian-like code which would impose universality to actions, it is valid to question whether action taken in one circumstance binds the individual or institution to the same action time after time. Must a commitment to consistency or fairness prohibit one from varying from past practice or policy?

**Case 7:** *A Dean recruited a new faculty member and negotiated the salary package plus moving expenses, all within the university's policies. The Dean also approved additional compensation for temporary housing until the faculty member sells her home in her previous location. This benefit was not offered any other new faculty and is not provided within university policies. The faculty member accepts and is en route to the new university when the contract offer is reviewed by the Human Resources Department.*

*Human Resources points out that cost of temporary housing expenses has never been covered for faculty and that other new faculty have not been given similar benefits. This could set a precedent which may not be in the institution's interest. The recommendation is to retract the temporary housing allowance.*

*The Dean argues the offer was made in good faith and accepted, that he (the Dean) didn't know he couldn't offer temporary housing, and the faculty member would be placed in a very difficult financial situation if the terms were changed after the fact.*

An argument often encountered in administration is that an action cannot, or should not be taken, due to the obligation of needing to act in the same manner from that point forward. Is this an artifice, or an actual barrier to acting in a manner which otherwise might seem appropriate, justifiable, and right?

**Case 8:** *A marginal student currently enrolled in the Fall term discovers he had completed all of the degree requirements after attending the last summer session. He had met all university graduation requirements and had exactly a 2.00 grade point average, but he didn't know he was eligible to graduate, so he didn't apply for graduation by the published Fall deadline. In meeting with his advisor, the discovery was made.*

*He is an athlete involved in a Fall sport. He now wants to finish his season, drop his classes, get his degree, and get on with his life. By the end of the sport's season, the university drop period will have passed. If he drops, he would receive failing grades and would fall below the 2.00 grade point average required for graduation. He appealed to apply for graduation retroactively.*

*The Registrar rejected his appeal and strongly recommended that no exception be made. The policy is that if students miss the deadline for graduation, they must apply for an upcoming graduation. The Athletic Compliance Officer suggests that providing such an exception could be an NCAA violation. The student argues that he*

*has spent 5 years at the university (including a red shirt year) and could be forced to leave with no degree – a degree he actually earned.*

*The Registrar, the Coach, the Athletic Director, and the Dean of Students come to the president to try to resolve the matter.*

## **Recruitment and Hiring**

Quite often issues arise around recruitment and hiring. Even with well-defined policies and the involvement of Human Resource professionals, cases can become complicated. When questions arise, they often center on matters of fairness, equity, and legality.

**Case 9:** *A five-member departmental screening committee reviewed candidates for a faculty position and was to recommend no fewer than three candidates as finalists to the Department Chair and Dean. The university had a written policy supporting and encouraging diversity in hiring.*

*The department was comprised of all male faculty, as was the departmental screening committee. Two applicants in a shortened pool of candidates were women with terminal degrees and seemingly sound experience. The screening committee invited eight candidates for interviews, including the two women.*

*The three candidates forwarded as finalists were three male applicants, including one individual without a terminal degree. (It should be noted the position announcement required a masters with a doctorate preferred.)*

*The Human Resources liaison to the search recommended to the committee, and then to the dean, that at least one of women should be added to the pool of finalists, since qualifications seemed to have been met and there were no women in the department. Neither the committee nor the dean concurred, so the liaison made the same recommendation to the vice president and president.*

*When consulted, University Counsel advised that there was no specific legal requirement to include either of the female candidates, but to not do so could possibly leave the institution exposed to an allegation of discrimination against a legally protected class.*

*The president had to decide whether or not to intrude into the process.*

Despite adopted statements promoting and advocating diversity, creating an institutional climate of embracing diversity is often quite challenging. Although some diversity issues involving gender or ethnicity may be framed under a protected class argument, a variety of concerns may arise which lie somewhere between legality and a stated philosophical intent. Convincing a particular division or department to support a truly open personnel policy can be very difficult, especially when it represents a departure from institutional, departmental, or divisional history and comfort.

**Case 10:** *A five-member departmental screening committee reviewed candidates for a faculty position and was to recommend no fewer than three candidates as finalists*

to the Department Chair and Dean. The university had a written policy supporting and encouraging diversity in hiring.

The screening committee invited in eight candidates, including three women and five men. One of the eight was an individual whose dissertation area and subsequent professional research and publication record focused on lesbian and homosexual experience in the workplace. Additionally, some of that candidate's listed community service was with gay and lesbian agencies and support organizations.

During the deliberations on the candidates, the Human Resources liaison heard three committee members indicate they did not want a lesbian in their department. When the three finalists were selected, the candidate in question was not among them. The liaison suggested to the committee, and then to the dean, that the candidate in question seemed very qualified for the position and the process should not be influenced by bias on perceived sexual preference. Neither the committee nor the dean concurred, so the liaison raised the same concern with the vice president and president.

When consulted, University Counsel advised that homosexuality is not a protected class under Federal or state law, and there was no legal exposure for the institution. The president had to decide whether or not to intrude into the process.

## Summary

Certainly university administrators would agree that their actions should reflect sound character and integrity. They would also likely attest to a strong sense of duty. But in dealing with daily decision-making by a variety of individuals across a campus, uniformity is unlikely, and possibly not even desired.

Is there a guide for decision-making which would help maintain the character and reputation of an institution? Other than being careful not to violate applicable laws and statutes, is there another rule which is applicable in this environment?

Too often it is difficult, if not impossible, to apply an over-riding ethical system to individual situations and circumstances. Is it better to steer a clear straight moral course with no variations, or is it more reasonable to allow for situational decision making? Does creating exceptions in specific situations place one atop the dreaded slippery slope to no guidelines, no ethics?

Presidential leadership must include ethical leadership. In helping set the moral tone of the university and helping define institutional character, all decision making becomes important. Unfortunately, there is seldom one and only one right course of action, or a single test for determining correct decisions.

Bernard Gert writes that "although there is not always one morally acceptable way of acting, in every moral situation, there are morally better and morally worse ways of acting."<sup>9</sup> Possibly this is the best one can hope for. In daily practice, an

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<sup>9</sup>Gert, Bernard. *Common Morality: Deciding What to Do*. New York. Oxford Press. 2004.

administrator must decide where various actions fall along some moral barometer and then strive to do that which moves the institution toward the morally better end of the scale. The important thing is that the decision making be done within a context of moral or ethical values and not simply convenience or self-interest.

# Academic Ethics in Higher Education Administration: The Dimensions of Decisions

Elaine E. Englehardt

**Abstract** This chapter will examine some cases with ethical components, discuss the current state of scholarship in ethics of higher education administration, and suggest how ethical analysis of problems can strengthen administrative success.

**Keywords** Socratic dictum · Due diligence · Rational justification · Contemplation · Deception

Dr. Jane, a dean, has held numerous positions in higher education administration. First and foremost she is a faculty member. However, she has served as a department chair, associate dean, dean, associate vice president and vice president. Only for the position of academic vice president was Jane asked to make application. She was appointed to all other academic administrative slots. Each position carried with it a myriad of personal, professional and ethical decisions. Dr. Jane received little professional training for these posts, and no ethics training. It is important for Dr. Jane, in her quest to be a successful academic administrator, to have a thorough understanding of ethics and the ethical lapses that can occur in the various relationships between faculty, students, administrators, and the community. This chapter will examine some cases with ethical components, discuss the current state of scholarship in ethics of higher education administration, and suggest how ethical analysis of problems can strengthen administrative success.

Roger, a senior, is scheduled for a family cruise during the winter holidays. Unfortunately, he has a final examination scheduled for the first day of the cruise. A faculty member, Dr. Banks, will only allow Roger to take the final at the scheduled time. Roger asks Dr. Jane to override the decision of the faculty member so that he can go on the scheduled cruise. He explains that his mother scheduled the cruise – that he wouldn't have made the double schedule on purpose. The cruise is important to the family because his father is terminally ill. He also argues that other faculty have allowed him to take early finals. What should Dr. Jane do?

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Is the above case an ethical problem or a tough decision? What has prepared Dr. Jane to find common ground between the student and faculty member? Promotion within the academic side of higher education has often been a matter of politics, personality and place. A faculty member seeking to move upward within the administrative ranks often performs various acts that exhibit qualities of leadership, knowledge and organization. Debates are frequent regarding “professionalization” in some academic administrative posts in higher education. One notion is that a faculty member with a PhD and academic experience in higher education is prepared for an administrative role. Professionalization advocates suggest that academic administrators should receive a certificate of completion to demonstrate acceptable administrative understanding before being placed in an administrative post. For example, the certificate could contain modules in ethics, leadership, budgeting and negotiation. Generally in higher education there are no models or maxims set aside for the faculty member turned academic administrator.

Dr. Jane finds a policy on early finals. It states that only in emergency situations may a student be allowed to take an early final. She contacts Dr. Banks, and he informs her he does not consider the cruise an emergency situation. Dr. Jane can override the faculty member, but ethically should she?

Colleges and Universities have policies and procedures to guide students, faculty and administrators in the basics of daily study, teaching and decision making. The awarding of scholarships, grades, diplomas and other activities can be straight forward as outlined by the policies and procedures. It is especially problematic when these policies or procedures are creatively challenged or blatantly broken. In these instances the academic administrator could employ guidance from the field of ethics.

Dr. Jane holds a meeting with Dr. Banks and Roger. She explains to Dr. Banks that she has confirmed with a physician’s letter that the student’s father has a terminal medical condition. She has also verified the booking of the family cruise, and that finding cruise dates for the family was difficult. The family has informed Dr. Jane in writing that this is probably the last holiday the family will have with Roger’s father, and they would like to spend it together.

The faculty member says he will allow Roger an exception to the policy, but that he will lose 10% of his grade on the test because of the exception to policy. Roger accepts these terms and thanks them both for their help. Dr. Banks asks Roger to leave the room. He informs Dr. Jane that she is a very weak leader to pressure a faculty member to break a policy. He argues that now students in future semesters will request early finals based on Roger’s success. He warns Dr. Jane that he will bring the matter up in a future faculty senate meeting.

In retrospect, Dr. Jane is relieved Dr. Banks allowed the early final. She understands the ethical importance of obeying policy, but believes this is an appropriate exception to policy. In a report to the Vice President and Dr. Banks, she confirms her decision and adds an analysis based on the ethical importance of family relationships based on the work of Nel Noddings. In her case Jane asks for a caring, sympathetic understanding of Roger and his family (Noddings 2003:13–14). Jane wonders about the reaction Dr. Banks will have to this argument. She is certain he would place adherence to rules over sympathy.

In our case the Dean is bridging part of her argument with an ethical analysis. Hopefully, many more academic administrators will develop and publish arguments for their problematic ethical choices. Ethicists at colleges and universities often study the ethics of law, accounting, medicine, communication, engineering, and more. But are ethicists studying the behavior of academics in higher education administration? Professions such as law and medicine have a body of codes of ethics for professional guidance. The same does not exist for administrators in Academia. In a futile search, only one academic code was available. It is a 1975 ethical guidelines statement of the American Association of University Administrators which says:

The administrative function in higher education exists to serve the educational community by facilitating the process of education and by the creation and maintenance of a milieu conducive to the teaching, learning, research and service functions of higher education. The exercise of academic responsibility and academic freedom by administration requires clearly understood conditions of employment parameters of the operation of the offices, career considerations and personal responsibilities and rights (1975).

The AAUA has annual meetings, some with discussions of ethics in higher education administration. The above ethical guideline statement gives little direction for an academic administrator facing an ethical challenge.

Other academic organizations study ethics in specific disciplines, under the rubrics of research, academic misconduct, discrimination, harassment and so forth. The Association for Professional and Practical Ethics ([www.indiana.edu/~appe/](http://www.indiana.edu/~appe/)), and The Society for Ethics Across the Curriculum ([www.rit.edu/~6929www/seac/](http://www.rit.edu/~6929www/seac/)) are two such organizations that study ethics in a variety of disciplines, practices and professions. Only recently have these organizations taken up issues of ethics in higher education administration.

Occasionally national and state organizations may focus a conference and conference proceedings on the role of ethics in higher education. For example, *Ethics in Academia*, edited by S.K. Majumdar et al., is an expanded version of the *Ethics and Academic Integrity* symposium organized at the 73rd annual meeting of the Pennsylvania Academy of Science. Papers from this symposium give moral guidance on a variety of topics from "Ethics in Human Research," to the role of "Ethics Education in Science Curricula." However, only one, a particularly well written essay by Stephanie Shields, discusses ethical issues in academic administration. She explores ethical issues for "Women's Leadership in the University." In this provocative article, Shields asks if women should be told the truth about the obstacles they will face if they seek posts in higher education administration. The entire conference volume is rich in disciplinary content, but is not written to give guidance to higher education administrators with moral dilemmas.

There are several books written about ethics and ethical leadership in primary and secondary education. Some books such as *The Moral Dimensions of Teaching* (1990) by Goodlad et al., look at ethical teaching in higher education, but not specifically administration. There is only sparse discussion of ethics or ethics training for higher education administrators in most of the educational ethics texts.

An exception is Rudolph Weingartner's *The Moral Dimensions of Academic Administration* (1999), which discusses various moral obligations for colleges and universities. Weingartner's concern is not to assist chairs, deans, vice presidents and presidents in making daily moral choices at work. Rather he focuses on the ethical obligations that higher education institutions owe to students and the community. He explains the political morality of past administrative development in higher education and ties this in with the fiscal obligations the institutions have since they are either using taxpayer money or operating as not for profit. Administrators are the moral guardians for ensuring that the college or university is operating responsibly academically and fiscally (Weingartner, 1999).

Also on the moral literature landscape is *The College Administrator's Survival Guide* by C.K. Gunsalus (2006). As Gunsalus describes problems likely to be encountered by chairs, she demonstrates a critical thinking process that can assist them in making sound decisions. However, her emphasis is on how, practically speaking, chairs might best "survive" the challenges they can expect to face. Still, many of her examples illustrate ethical concerns. For example, Gunsalus gives an illustration of due process in a description that focuses on a serious violation of university policy for a student or faculty member. She states that certain policies and procedures will be followed, but also asks the administrator to:

Put yourself in the shoes of the person being accused. What would it take for you to feel that the proceedings were fair? You would want to be able to respond to all the evidence against you, to make your best case on your own behalf, and to feel that you were fully heard. To make your best case, you would need to know in advance what the possible consequences were, so that you would prepare your response with the proper level of seriousness (152).

Gunsalus understands correctly the toughest problems will involve hiring, firing and other decisions that are distinctly financially based. These practical problems are often ethical problems that call for ethical analysis and solutions. Gunsalus doesn't make ethical analysis explicit – because her main focus is on "survival skills" rather than morality or ethics, per se. The strength of her account, however, is that she insists on morally defensible responses to these problems. The hiring of a faculty member is rife with moral implications (217). In this example, Gunsalus explains that a faculty job has long term involvements in salary, and benefits. Additionally, there is a moral responsibility to hire someone who will be a good teacher, scholar, and colleague. The individual selected will be able to invest in housing, and perhaps start a family based on the job. In addition to these fiscal long-term decisions, there are issues of departmental need and fit. Gunsalus notes that issues of race and gender may enter the decision in some departments where underrepresentation in either area is a problem.

## **Addressing the Moral Concerns**

It may be helpful to examine what might help prepare administrators to work through ethical concerns. The kind of reasoning process involved in solving a

practical ethical problem can be illustrated by using a six step model inspired by a model developed at the Markkula Center for Applied Ethics under the direction of Manuel Velasquez and found on the Markkula Center website ([www.scu.edu/ethics/practicing/decision/framework.html](http://www.scu.edu/ethics/practicing/decision/framework.html)). The six steps offer a critical thinking approach which could be useful for an administrator in thinking through the ethical concerns:

1. Pause and identify personal responses to the case.
2. Review the facts of the case.
3. Consult relevant policies and professional ethical codes.
4. Identify and analyze key ethical considerations.
5. Identify legal issues.
6. Identify a plan based on the ethical, professional, and legal issues.

The following case illustrates how this method might be applied: An academic vice president enjoyed working with his exceptional assistant vice president. The assistant vice president had 15 employees directly reporting to him in the areas of budget, public relations and assessment, and performed well in his assignments. The assistant vice president had requested he be given funds to open a new marketing position. The academic vice president believed that marketing would be a valuable tool for his office and secured the funds during the next funding cycle meeting. The vice president reviewed the job description written by the assistant vice president. He also reviewed the files of the three final candidates for the job. Three months after the hire, the vice president learned that the candidate hired for the job was the stepson of his assistant vice president. The vice president believed he has been deceived by the assistant vice president. Vital hiring information was withheld that could affect both of their jobs. The step model can now be applied to this case. The vice president should pause and identify his responses to the case. These responses might include anger, denial, frustration or sorrow. Next, the vice president should review all facts of the case. Is this a clear case of nepotism? Is the stepson directly reporting to the assistant vice president? Did anyone on the search committee know that the stepson had made application for the job and subsequently was selected for the position? Was anyone on the search committee pressured to hire the stepson? Now, the vice president can consult university policies as well as the law. As a state university operating under state law, the stepson cannot work for his father.

What are some ethical guiding principles? The vice president knows the practice of nepotism poses serious ethical problems. If generally practiced, it would result in harm to the university as well as qualified individuals whose fathers didn't work for the university. But if it is justified in this case, consistent thinking would require us to say that it is justified in general. Are deception and breaking of state and university policy acceptable in this and all similar circumstances? Can the hire be allowed in these circumstances? Deception, the breaking of a trust, as well as a serious breach of policy, have occurred. Academic institutions function under the premise that administrators will be truthful, and that rules and procedures will be followed.

An academic vice president needs to trust that if procedures are not followed, he will be given information with an explanation for the choice or behavior. Thus the nepotistic hire is impermissible.

The vice president meets with the assistant vice president and questions him on the hiring of his stepson. The assistant vice president explains that the stepson is not reporting directly to him, but to another supervisor. The vice president explains that since this area is a direct report, the nepotism policy has been broken. The vice president tells the assistant vice president he will no longer be over the budget and public relations aspects of the office. These seven employees will now report to another assistant vice president. He also states that the stepson will be terminated immediately. In addition to a verbal warning, the vice president also puts a letter of warning in the file of his assistant vice president informing him that he will be terminated if there is another fiduciary breach in his area.

Putting a letter in the assistant vice president's file is a very strong measure and could also be seen as an ethical issue. Negative letters in administrator's files are not generally part of academic administration. Individuals in academic administrative posts can be terminated at will from that post. The individual would probably be tenured or on tenure track and could return to the department. Placing the letter in the file is a double punishment. The assistant vice president has received at least one verbal warning and has been demoted. The letter in the file becomes a permanent part of the employee's record and leaves a lasting harm from the situation. Another lasting harm is the termination of the stepson. Since nepotism policy which coincides with state law was broken, the vice president doesn't want to continue with the new employee.

The harms in this situation are extensive. The assistant vice president has discredited himself and his stepson. The stepson is now looking for another job. The vice president is disappointed with the assistant vice president and has reacted with a demotion and negative employee letter. He may never gain full trust again in this employee. The assistant vice president is relieved to keep his position, but understands that his future with this vice president will be clouded by the breach in ethics.

The ethics of this case were decided on the basis of rules and fairness. How does this case differ from the first case of Dr. Jane pushing for an early final for a student? In the first case, Dr. Jane is looking at an exceptional or rare circumstance. She believes that educational policies are important. However, she views the family trip during winter break as important to the welfare of the student and family, particularly because the student's father is terminally ill. She believes more harm may be done to the student's educational progress if he is required to stay home from the family cruise and take his final. She won't be bullied into Dr. Bank's slippery slope logic. Dr. Banks is arguing that one exception means that many students will now ask for exceptions.

In the second case, the vice president would create a further ethical problem by ignoring or allowing the nepotism. In this instance there is a policy problem. It is a problem of an unfair employment practice that does threaten the integrity of the office. Additionally, the hire could be a long-term situation, not a 2 week incident.

## Some Theory

How does higher education go about establishing ethical goals or training for administrators? We know that college teaching is a highly moral undertaking. Part of this morality involves matters of harm, mutual aid, justice and perhaps autonomy. As faculty and administrators we must certify that our students have completed a course of study that may qualify them for a particular practice or profession. Much could go wrong in this process; after all, administrators and faculty are only human.

We all have ethical problems, maybe even daily. How should we approach an ethical situation? It is important to understand a process when we “do” ethics. Thinkers for centuries have tried to define the best way to live a moral life. Their practice typically begins with an act of questioning. Socrates, whose questioning greatly disturbed an Athens at war and ultimately cost him his life (ethics is not a bloodless exercise), justified his approach with the phrase, “the unexamined life is not worth living.” But contemplation is not enough; the contemplation must form a platform for action.

Ethics is often defined through two fundamental, distinguishing characteristics, harm and mutual aid. Most individuals have a basic and universal aversion to harm, physical and psychological. Nobody wants to be harmed in a physical or interpersonal arena or submits to harm without his or her consent. Individuals do not want to be harmed (without their consent), yet most, if not all humans, are inclined to inflict harm on others without their consent. These co-existing realities – the universal human aversion to harm and the universal tendency to inflict harm – are the conditions that make the study of ethics necessary.

Ethics is a system of guidance designed to assist in living within a society, and a primary goal is to establish appropriate constraints on ourselves. We are social animals, and our species would not survive if each of us lived in isolation. That we must live together grounds the positive requirement of doing good for one another. We would not need ethical guidelines if people lived together peaceably and in mutual support without harming one another. The fact that we do not so live is the major condition requiring ethics. Because of a diversity of relations and relationships, we are asked to curb our inclination to do anything that pleases us. These constraints are necessary because we have conflicting interests and selfish desires that can inflict harm on ourselves and others.

An important component in the definition of ethics concerns the concept of rational justification. Ethics as an object of study is located within the discipline of philosophy; as such, work in the field of ethics rests ultimately on reason and its power to justify beliefs and actions. Ethicists generally hold that while reason is not the only guide to truth, it provides the best direction. Ethics involves our analysis of and reflection on moral choices and judgments. Other guides to truth may involve religion, intuition, or advice from trusted others. However, within the study of ethics each of us must accept the difficult challenge of rationally defending our choices and actions. We often need to explain our decisions, and “because it feels right,” is not an appropriate response. It is hard work to understand ourselves and examine how our decisions and actions interact with others. It goes back to our Socratic

dictum that an unconsidered life is not worth living. We must consider carefully our lives and the effect our interactions have on others. Ethics is social, professional and personal. We expect the organizations to which we belong to be ethical. If we volunteer for the Red Cross, we expect the Red Cross to be ethical. If we participate in a specific religious denomination, we expect that organization to behave in morally acceptable ways. The same is true for the colleges and universities where we work. We expect our practices at work to be ethical whether in the classroom, on the sports field, at a social activity or in the administrative suite.

## **Practical Applications**

At a national conference for deans, a presenter asked a group of deans the following questions: (1) What was your toughest ethical problem at work? (2) What did you do? (3) Looking back did you make the right decision?

The deans insisted they couldn't think of any ethical or moral problems that they encountered. It was only by giving specific examples of academic harms that the deans could clearly see that numerous ethical problems crossed their door on a weekly or even daily basis. When the deans wrote their examples as cases, the discussions with their counterparts were stimulating. They were able to assess the case and their action in the case from the various viewpoints of other deans.

In evaluating and assessing ethics, we often find case studies to be a satisfactory approach. The three questions above can be the basis for writing a case. A case can detail a situation or practice. The case can then be analyzed from an ethical point of view to determine proper, right or adequate choices. The analysis can also explain the follies of taking alternative approaches. A case can also help administrators anticipate and ready themselves for additional moral challenges they are likely to face.

Some of the most common ethical problems experienced by the deans included:

- abuse of position
- budget expenditures that are not clearly in the best interest of the institution
- lying
- faulty hiring decisions
- sexual harassment
- discrimination
- allegations of cheating
- laziness
- breaking confidences

The cases that follow did happen. However, these topics are only a sampling of the many cases that chairs, deans, vice presidents and presidents encounter while trying to guide the university.

## Cases

### *The New Dean*

A new dean in the college of humanities was going over budgets late one night. She noticed that a department chair had bought several science books from his budget. Since his area was not in the sciences or closely related to the sciences, she went to the budget officer and asked if there was a mistake in charging these books to this particular departmental account. The budget officer said, "There is no mistake. This is something that your predecessor knew about. Just leave it alone."

The new dean called in the department chair and asked him about the expenditures. He said he had bought the textbooks for his son, but had intended to pay back the account. She expressed her disappointment to him, and said she would get back to him with her decision. The expenditures had been made 6 months prior, but he had not repaid the account.

In consulting with the Vice President about the problem, the dean was informed the decision would be hers. She had only been a dean for 1 month. The former dean was a beloved friend who had died of cancer. The dean wasn't sure why her predecessor would allow the expenditure to go unchecked, but knew the obligation that accompanied state funds.

The decision was made to allow the chair to repay the funds. The dean removed him from his position as department chair, and placed his tenure on probation. It was also determined that he would not be in a fiduciary position again at the institution.

In working through the rational justification, the new dean understood that firing the department head could have been an acceptable option. However, she also had watched this individual spend hundreds of unpaid hours in the production of outstanding plays for the campus and community.

The president of the institution advised firing. The dean in a softer approach saved the reputation of the chair, and allowed for stiff probation. Either choice could have been seen as acceptable.

### *Keep Confidences*

A new vice president was given excellent advice by the president of her university as she began her duties: "Be careful about whatever you say. As a vice president the information you tell people will be told to others. It doesn't matter the level of friendship; the information will be spread," he warned.

The vice president unfortunately tested the president's advice and found he was correct "the hard way." She told some confidential information to a dean. She knew the information was to stay within the group of vice presidents. She knew this dean and his wife very well. In fact she and her husband often went on trips with the dean and his wife. The dean promised that he would not tell another individual; he could keep confidences. The vice president learned that, within a day, the dean had told

two other people; within a week, the dean, forgetting his original source, told the vice president the information. He had learned more about the situation and could add a few details, but the leak was completely the fault of the new vice president.

In order to set things right, the vice president told the president what she had done and asked for his forgiveness. It was hard to admit the truth and the fault. It had taken a long time to work up to the slot of vice president. Now, just weeks in the job, she could be dismissed for her breach of confidence. The vice president received a moral lesson in this experience. She learned the president was correct. An administrator must be extremely careful about sharing information. She learned that it is morally unacceptable for an administrator to share confidential information. She also learned that it was important to admit the wrongdoing and correct the situation immediately. In this way the president would have the opportunity to respond to the untimely release of the confidential information.

### *Sexual Harassment*

The topic of sexual harassment is a concern in higher education administration. A dean found it necessary to investigate a male faculty member who had a predatory reputation. Some students had verbally complained of sexual harassment and hostile environment to the department head and dean. The students generally complained that the faculty member would often befriend divorced female students, and spend a lot of time with them. These students were favored with attention in the classroom. He also asked some of the favored students to meet with him outside of university premises under the pretext of professional training. Other allegations involved flirting, some unwanted touching on the shoulder or arm, or even a hug. Whether watchers of the actions, or victims of the faculty member, the students would not put their complaints in writing. There was a large complaint file on this faculty member filled with notes taken by various administrators. There were no letters or complaints signed by the complaining students. At the time, the terms “sexual harassment” and “hostile environment” were being created.

The faculty member’s dean was contacted by a prominent individual in the community. He reported to the dean that his son’s fiancée had a relationship that was less than wholesome with the faculty member in question. On several occasions the faculty member asked this student to meet him at the local hospital for some out of class experience. No one else in the class met privately with the faculty member. The young woman was uncomfortable with the extra assignment, but didn’t want to get the faculty member in trouble. The prominent community member demanded the dean punish the faculty member for harassment. The dean requested the fiancée contact him immediately for an interview. The fiancée refused to meet with the dean or put anything in writing.

Clearly, the faculty member’s actions were harmful to the students as well as to his department and the university. The dean didn’t talk with the faculty member about the problem because there was no written complaint. It would have been

desirable for the dean to call in the faculty member, explain the verbal complaint, and caution the faculty member about his behavior that was close to sexual harassment. The dean could give further moral justification rather than merely legal justification to the faculty member. Would the faculty member allow his practices to become a universal behavior for all college teachers? Would the faculty member want his daughter treated in a similar manner?

Too often faculty members who become administrators don't know how to sanction their peers. Instead, when nothing is done, the students are harmed in the process.

### ***Positive Ethical Decisions***

An admired administrator had the following habits: If he took a group of investors golfing, he typically paid for his own expenses. If he took his wife to a business luncheon, he generally paid for her meal. His travel expenses were meticulous. If an expense was his, he paid it personally. Many of the expenses that he personally paid could have been paid by the university. They fit under the official policy guidelines. But he didn't want to have impropriety close to his name. He didn't brag about this; it was rather by accident that word spread of his due diligence in paying for his personal expenses.

"Do as I say, not as I do," is a hackneyed expression. In exploring ethical issues in academic administration in higher education do examples of ethical behavior, strong character and unbending character help peers more than ethical analysis? Often the ethical academic administrator will be employing ethical analysis, whether formal or informal, in choices when evident harm exists. Rational justification of ethical choices will often be required in a complex ethics violation. Academic administrators must go to the hard work of defending important choices. The following are questions that we could consider as we collect and assess cases in higher education administration ethics.

- How is ethical conduct definable in higher education?
- Can ethical conduct be enforced in higher education?
- Should ethical conduct be enforced in higher education?
- Do some disciplines require more attention to ethical behavior than others?
- What ethical methodologies could he shared with administrators regarding ethical conduct of employees?
- Should some academic institutions be reconstituted so they can make more meaningful ethical contributions?
- How can administrators model ethical behavior?
- How can administrators inspire ethical choices within the institution?

Understanding ethical choices in higher education administration is an important and growing area. In an ethical manner, faculty seek to advance knowledge to

students and their field. In this endeavor, the administrator must model the importance of ethical behavior, and clearly justify choices made.

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# Through the Looking Glass: Ethics and Academic Administration

Brian E. Schrag

**Abstract** The aim of this chapter is to draw attention to the shift in ethical perspective that is experienced and required as one moves from the role of faculty member to that of an academic administrator. The shift includes a shift to an institutional perspective regarding ethical issues; a shift in the kinds of issues recognized and encountered; a shift and in the kind of ethical reasoning required to address those issues. I argue that there is the shift from moral reasoning for purposes of judging, to that of moral reasoning for the purposes of taking action. I suggest a broad typology of the ethical issues encountered by administrators, including those that arise from institutional culture.

**Keywords** Moral recognition · Ethical issues in academic administration · Ethical reasoning for action · Ethical reasoning of moral critics · Ethics and academic culture · Ethics and mission · Role responsibilities

## Introduction

When I became an Academic Dean at a small college, it was as though I had stepped through the Looking Glass into Alice's Wonderland. The change was that instantaneous and that dramatic. Not only was the administrative culture new and wondrous, but as I looked back through the glass at the academic side, I saw a world I had never really noticed as an academic. A part of that change was the change in ethical perspective, in terms of the ethical issues facing administrators and more fundamentally the kind of ethical reasoning required to address those issues. Although trained as an ethicist, I was surprised at the shift in the kind of practical ethical reasoning required in administration compared to that of a faculty member. I was also surprised by the type and frequency of ethical issues I encountered as a Dean. (I might add that as

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a member of a six college consortium, I participated in monthly meetings with five other Deans and our experiences regarding that shift in perspective were remarkably similar.) Since many faculty members move on to administrative positions, I want to address this shift in perspective that they are likely to encounter.

## Objective

In this chapter I want to reflect on the transition from faculty member to that of an academic dean and in that regard, I want briefly to do several things: (1) Identify the shift in the kind of ethical reasoning I experienced in moving from being a faculty member to being an academic dean; (2) Identify several categories of ethical issues I encountered; and (3) Say a little about what one might do as a Dean to promote discussion on campus about such ethical issues. The aim in this essay is not to give a systematic account of the type of practical ethical reasoning in which administrators, like other practitioners and unlike faculty, must engage. I have tried to give such an account of practical reasoning in another context.<sup>1</sup>

Neither is this essay an attempt at a systematic description or argument for the differences in ethical roles of administrators and faculty. There are essential differences in roles between administrators and faculty, and I have tried to give a systematic account of the ethical role of faculty elsewhere.<sup>2</sup> It may well be that the shift in reasoning is, to some degree, a result of differences in institutional roles but that is not my primary task in this essay. Rather, the aim is to draw attention to a shift to a different kind of ethical reasoning required by administrators from that to which they may have been accustomed as faculty members. (Essays by several of the other authors in this book, Romesburg, Pritchard, Werner, Loui, and Englehardt, reflect that shift as well.)

I will introduce several not untypical scenarios and reflect on the Dean's ethical perspective in each. I should also say that, unlike larger institutions, the Academic Dean at a small college is the ranking administrator after the President, so my experience as a Dean may be somewhat broader and different from other higher level administrators at large universities and, as I will indicate, that may color my remarks. (At larger institutions the chief academic officer may have primary responsibility for advocating for his/her unit and, in an adversarial system, let others speak for other considerations. In my position, I had to deal with issues in the entire institution and weigh the academic program against other institutional concerns.) My own view is that because there are significant differences in role responsibilities for different levels of administrative duties, the degree of shift to practical ethical

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<sup>1</sup>"Teaching Research Ethics," *Science and Engineering Ethics* (2005) **11**: 347–366.

<sup>2</sup>Brian Schrag, "Moral Responsibilities of Faculty and the Ethics of Faculty Governance," Chapter 18 in S.K. Majumdar, H.S. Pitkin, L. P. Bird, E.W. Miller, (ed.) *Ethics in Academia*, The Pennsylvania Academy of Science, 2000, pp. 225–240.

reasoning increases as one moves up the administrative chain and is least dramatic at the departmental chair level and most dramatic at the level of the presidency.

I also want to draw attention to the shift in perspective which administrators experience regarding what are perceived as ethical issues, including ethical behavior of faculty, that are fairly common. Frankly, many faculty members have ethical blind spots, particularly regarding the unethical behavior of faculty, which they do not recognize until they become administrators. (Romesburg, Werner, and Pritchard, in other essays in this section, also touch on this issue.) It is perhaps not surprising that one of the particular ethical challenges in the role of an academic dean is how to deal with faculty who are either unaware of, or refuse to accept, their ethical obligations as faculty members. Many ethical issues involving faculty and higher education are not *sui generis* but are much more common than we may suppose. For example, I was invited by the Dean of a university to do a workshop with faculty on ethical issues for faculty and academic institutions. We agreed that I would send several cases to be distributed to the faculty in advance of my visit, and we would begin with a discussion of those cases. I sent the cases, drawn on my experiences and those of others at institutions I knew. A few days later, an anxious Dean called me to say her faculty was in near revolt after seeing the cases, because she had aired their dirty linen in public! That suggests that this is an area that can be discussed systematically and to the benefit of both faculty and administrators.

To begin the discussion, consider the following scenario:

### ***Retrenchment at the Institution***

*Shortly after the Academic Dean arrives on campus, the Board of Directors of the College meets and, in an effort to address financial problems, mandates a twenty percent reduction of all academic and nonacademic college programs as well as academic and nonacademic staff. A plan is to be developed and implemented within the year. The Dean is given primary responsibility to carry out the directive.*

*The faculty, after spending a year of gathering data, looking at costs of programs, quality of programs, quality of staffing, student enrollments, fit with mission, and having ranked the programs along those dimensions, decide that they do not want to make any recommendations on programs to be cut. Instead, they vote to let the Academic Dean decide on the cuts to the academic program.*

*In part, they do not want to pull the trigger on their friends and colleagues but, in part, they are uncomfortable making the judgments in a fixed period of time, based on weighing tradeoffs between competing moral considerations, practical considerations, and imperfect information.*

## **Shifts in Ethical Reasoning**

This situation illustrates the first of three shifts in ethical thinking from faculty to administrator which I want to discuss, that being the shift from the activity of critic or judge to the activity of choosing a course of action.

### *The Shift from the Activity of Moral Critic or Judge to the Activity of Choosing a Morally Justified Course of Action*

Faculty members, as part of what they appropriately do, spend a lot of time making normative and moral judgments – especially of past actions and behaviors of themselves, of their students, of their colleagues:

- “Have I organized this course appropriately?”
- “Am/was I adequately prepared for class?”
- “Am I teaching in a fair and balanced manner?”
- “Is this a good student paper?”
- “Am I grading students fairly?”
- “Is this research worthwhile?”
- “Is this academic colleague intellectually competent?”
- “Is the scholarship of that colleague excellent?”
- “Should I vote to recommend the tenure of this faculty member?”
- “Is this a good curriculum proposal?”
- “Is this administrator doing his job?”

What is distinctive of this sort of reasoning is that it is primarily the reasoning of the moral judge or critic as opposed to that of what I will call the moral agent. The philosopher Stuart Hampshire draws this distinction.<sup>3</sup>

The moral agent’s ethical task is distinctly different than that of the moral judge or critic. The agent’s objective is different; the modes of deliberation are different. The moral agent’s task is ultimately to come to some practical judgment in order to solve a moral problem connected with the practitioner’s activity and to guide the practitioner’s action or policy for the practice. What is distinctive of such deliberation is the focus on practical judgment to guide action as opposed to retrospective judgment of actions already taken. It is in that sense a forward-looking activity to devise a course of action not already taken. It may involve weighing moral considerations against each other, for example, considerations of distributive justice in admissions against merit; and also moral considerations against institutional, financial and political considerations. It may also involve finding compromises and dealing with less than perfect solutions.

The task of the moral critic or judge on the other hand does not involve devising a solution to a practical problem but rather involves making a judgment of an action already taken, classifying certain moral acts or describing conduct, sometimes for the purposes of praise or blame.

This kind of reasoning also has another characteristic. In much of this sort of reasoning, there is the luxury of a sense of unlimited time. Many of these judgments do not need to be made today – there is always tomorrow.

I do not claim that faculty members are not moral agents in this sense nor do I want to claim that the moral agent does not also engage in the activity of the moral judge or critic; it is a matter of emphasis. I do want to say that a lot of the day-to-day

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<sup>3</sup>Hampshire, Stuart (1949) Fallacies in Moral Philosophy, *Mind* 58: 466–482.

moral reasoning of faculty is that of the judge or critic, rather than the agent. As a faculty member, my perspective was that of an individual moral agent focusing on tasks in my individual professional world. In most cases, as I indicated, it involved an act of judging as distinguished from the process of problem-solving.

When I became an Academic Dean, the scope and nature of my normative and ethical reasoning shifted. From day one I was faced with practical problems in the institution (almost all of which had an ethical component) that had to be solved under severe constraints of time and information. Sometimes, but not always, there were resources and time for substantial but not endless analysis and research, and at the end of the day, some action had to be taken. Some problems involved broad issues of programs/policy: “What should be done about the retention of qualified students?”; “What should be done about inappropriate admission standards?”; “What should be done about inadequate freshman advising?”; “What should be done about an incoherent general education program?” Other problems of course involved particular situations, such as dealing with a faculty member’s inappropriate grading practices or making an exception to academic requirements in the case of a particular student. (This latter is an example of the sort of reasoning about policy which Loui discusses elsewhere in this volume.)

The problems to be solved almost always involved competing moral and prudential considerations, with no clear priority of the moral considerations. Yet one had to act in the face of legitimate and competing moral and practical considerations (legal, prudential, social, technical, and professional) which could sometimes not all be completely or simultaneously satisfied. Because of the plurality of legitimate moral and non-moral considerations, a justified resolution of such a practical ethical problem may involve compromise, arbitration, negotiation, or reconciliation processes. The reasoning can be messy and not simply a case of applying a moral principle to a situation. For example, because this kind of reasoning may well involve compromise, it may involve the administrator in the issue finding a compromise while preserving integrity.<sup>4</sup> The reasoning process may involve a consideration of moral principles but such consideration will usually not by itself yield a practical judgment for action.

### ***The Shift from an Individual Point of View to an Institutional Point of View***

A second but related shift involves the shift from an individual to an institutional point of view. Consider the following scenario:

#### ***Revision of Core General Education Program***

*The college spends several years in discussion of the general education requirements of the college. Action moves back and forth between the educational policies*

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<sup>4</sup>See for example, Benjamin, Martin (1990) *Splitting the Difference: Compromise and Integrity in Ethics and Politics*. University of Kansas Press, Lawrence.

*committee and general faculty meetings but much of the discussion is carried on in the educational policies committee which includes faculty, a student representative, and the Academic Dean.*

*In committee, the Dean observes that for every proposal brought forward, the committee faculty perspective was inevitably and almost exclusively self-interested. "Is this proposal in my best interest?" "Is this proposal in the best interest of my department or my discipline?" "Is this proposal in the best interest of the faculty?" At one point, the student representative on the committee is moved to ask, "Why do you faculty never ask, 'Is this educational program in the long-term best educational interest of the students?'" There was a brief pause, then without responding to the student, the faculty returned to their deliberations.*

Faculty members sometimes seem to operate under the assumption that, as faculty representatives, their primary if not only responsibility is to look out for the faculty. They do not necessarily see that their professional responsibilities as custodians of the school's educational program oblige them to take a wider perspective than their own self-interest. At times they seem to believe that "What is good for the faculty will necessarily be good for the students and good for the institution." There are, of course, some faculty who take that broader perspective but they are the exception that proves the rule.

Most of the normative decisions made by an Academic Dean must be made from, or take into account, the perspective of the institution as a whole. It is not enough to ask, "What should I do?" or "What is in my best interest?" or "What is in the best interest of a particular department?" or "What is in the best interest of the faculty?" One has to ask, "Is this program consistent with the mission of this institution?"; "Is this program in the long term best interests of the institution?"; "As a teaching institution, what is in the long term educational best interest of the students?" I was struck by how *hard* it was for faculty to ask those questions. However, it is my observation that once faculty have had some administrative experience, where they are forced to take the institutional perspective, they find it very difficult to fall back into a narrower point of view. Consider for example the following scenario.

### ***Faculty Budget Review Committee***

*A new Dean observes enormous distrust and anger by faculty toward the administration regarding budgeting for the college. Most faculty members are convinced that the administration is sitting on a significant pot of discretionary funds that administrators can always use for their own projects but which is never available for faculty or the educational program. It is a dysfunctional situation that is inhibiting work at the college. The Dean succeeds in convincing the administration to create a faculty budget advisory committee, which has access to all the college's budget data and makes recommendations on budget allocations across the entire college, including faculty salaries, for the next budget year.*

*The members of the faculty are elated and cannot wait to get their hands on the budget data. They operate in good faith and work very hard. The first year, their initial reaction is that this is very complicated and confusing and takes a lot of*

*time. Their second reaction is dismay that resources are always scarce. There are so many trade-offs. Money put toward one good program means money not allocated for some other good thing. By the third year they come to the Dean and ask that they not be solicited for recommendations for faculty salaries. They know too much about the budget and cannot advocate single-mindedly for the faculty. The amount of criticism and suspicion of the administration regarding budgetary matters is muted for a number of years afterward.*

### ***The Shift Involving Organizational Position and Administrative Culture***

Faculty members in a department have a great deal of autonomy. They can say and do and teach pretty much whatever they wish. As an Academic Dean, one works in an administrative structure that is much more hierarchical and top-down, even in the most collegial of administrations. Like it or not, for coordinating and carrying out actions, there are efficiencies and accountability in operating in such a structure. Rather than being autonomous, the Dean is in the middle between the Board and President on the one hand and the faculty on the other. Sometimes the Dean is expected to articulate and defend to faculty an administrative policy he/she does not really think is the best idea. Sometimes the Dean must represent faculty concerns to the President and Board, which are not fully convincing to the Dean. Sometimes the Dean may need to take a position not really supported by either those above or below him/her.

Board members frequently come from corporate or business experience and assume that top-down perspective as members of the Board. That does filter down to the President and those below on the administrative chart. There is pressure to think of the academic institution as a business. There is pressure to make decisions quickly, which means reduced time for faculty involvement and consultation. There can be a clash of corporate top-down mentality and faculty participatory mentality, with the Dean caught in the middle. As one observer of a particular university noted recently:

*[The board has a] top-down, [model] with a premium on administrators who understand matrix management and can make decisions at an accelerated pace. A tradition of seeking broad consultation and buy-in is caricatured as an outdated model of achieving unanimous consent of all constituencies, which contributes to our problems today.*

That environment creates interesting tensions for a Dean who wishes to raise ethical issues for college practice and policy. Consider the following scenario:

#### ***Debating Admissions Standards***

*The college has a retention problem. It becomes clear that a part of the retention problem is that the very minimal threshold of admissions standards for admitted students results in admitting students who do not have the background to succeed at the college. They inevitably fail. The faculty are quick to criticize the quality*

*of students being admitted, but when it is pointed out that they have the power and authority to set the standards, they are reluctant to act since it might reduce enrollment revenue. The Dean argues that the college has a moral obligation to set the minimal admission standard at a level that makes it reasonable to expect that the admitted student could succeed, given the resources for academic support that the college could provide. The college should not be admitting students whom the faculty know could not succeed.*

*As this admissions standard is being debated, one of the Board members weighs in, raising concern that the college is trying to become an elitist institution. Other administrators, including the President, now begin expressing concern about raising admission standards. The issue quickly becomes characterized as one of elitism, rather than one of the best welfare of admitted students. Later, the Dean learns that the Board member in question has a son applying to the college and he has scores below the minimum the college is considering.*

## **Categories of Ethical Issues**

I want briefly to mention three levels of ethical issues that I encountered as a Dean. These three levels are not intended to be exhaustive. Within each category, I will mention an example or two, which again are not intended to be exhaustive but will illustrate some issues I had not entirely foreseen encountering.

### ***Ethical Issues at the Level of Personal Action or Decision Making***

There are of course many issues at this level but I will mention several I had not anticipated.

- i. A Dean can be the target of efforts at ingratiation by faculty as well as a target for personal attacks, both of which can create in one a very negative reaction toward those faculty members. One challenge is to try to minimize the impact of those actions on one's judgment and fair treatment of those faculty or their ideas.
- ii. Deans are frequently called on to justify publicly a decision or an action. The complete justification may make one look well-justified and reasonable. But that may require divulging confidential information. So the alternative may be giving a less than full justification which may not put one in a very good light. As faculty we are trained to give the most trenchant defense of a position possible. As Dean, the temptation is always there to blurt out, "If I could just tell the whole story, you would understand and see how justified this action is." (For example, a decision to not renew the contract of a popular part-time faculty who, unknown to colleagues, stole resources from the college.)

iii. Deans, by necessity, always live somewhere in the future, thinking years ahead of the faculty. Sometime that involves recognizing changes that need to be made or will be made at the institution long before the faculty and staff are aware. That allows Deans to help set the agenda at the institution. (Of course changes also have a way of being imposed from the outside – sometimes unforeseen by all.) In either case, change can be painful for members of the academic community and create a great deal of stress in their personal as well as professional lives. As a Dean, I found myself struggling with how much change and what rate of change a community and its individuals can absorb. Since Deans have some discretion over introducing initiatives, they have some influence over the pace of change at an institution. To what degree should a Dean try to control the rate of change for the welfare of its members? For example, in 6 years at the college, we went through the following major activities and changes, all of which were interrelated.

1. Major Retrenchment first 3 years
2. Developed a Major Freshman Advising Program
3. Developed a Major Retention Program
4. Carried out an Accreditation 10 year Review
5. First Faculty Handbook Revision in 15 years
6. First Major General Education Review in 10 years
7. Introduced a Systematic Faculty Evaluation Program.

The toll on all was considerable. There are some things over which one may have no control, but where it is possible, a Dean may need to think about the rate at which initiatives are introduced and the impact that rate of change has on faculty and staff.

### ***Dealing with the Ethical or Professional Lapses of Individuals***

Consider the following scenario as an extension of the earlier scenario regarding retrenchment:

#### ***The Case of the Manipulative Faculty Member***

*During the process of cutting back programs at the college, Program X is one of the programs identified in a ranking conducted by the faculty as less central to mission, lower enrollments, less adequately staffed; Program X is near the bottom. The main faculty member in Program X begins to rally his students. He tells his students that they are in danger of not being allowed to complete the program (not true); that no matter what the administration says, the real reason they would cut the program is that they do not see value in the program. He “forgets” to tell them of the faculty data on ranking of Program X. The students are outraged with the administration*

*and mount campaigns within and outside the college to save the program. Other faculty members are disturbed by his behavior but none say anything to him.*

This last case raises two kinds of faculty issues that a Dean may encounter.

1. Faculty untruthfulness towards students and manipulation of students for a faculty member's gain.
2. The issue of the silent bystander. What professional responsibility do faculty members have to speak up when a faculty member is abusing his/her position?

How should the Dean handle this? Should she confront the faculty member about the fact that such manipulation of students is unethical? Should she meet with the students and explain the procedure and information used to arrive at the decision? One of the by-products of the faculty member's behavior is that he has undercut the administration's credibility with students in advance (and thus the capacity for free and open discussion with them) by casting aspersions on administrators' motives and values.

## **Institutional Culture Issues**

A third level is what I will call Institutional Culture Issues. Sometimes the same sorts of issues keep "popping up" because of the presence of a certain sort of culture which gives rise to the same sorts of issues over and over. Dealing with one instance of the issue does not have any long lasting effect until the underlying culture is addressed. Particular ethical issues are in fact generated by a dysfunctional culture, and that raises the question of how one goes about addressing that dysfunctional culture. One of those cultural issues involves the often remarked upon adversarial relation between faculty and administration. (Elsewhere in this volume the essays by Newton and Martinelli-Fernandez address that particular issue in more detail.)

For example, many of the issues that arise at the level of professional lapses in faculty have to do with faculty lack of awareness and thoughtfulness regarding their responsibilities as professionals. Once I was on the administrative side of the desk, I was surprised by how little time faculty thought about their professional responsibilities. Faculty members are reflexive about their rights but slow to recognize that they have professional responsibilities as well as rights. Consider the following scenario:

### ***Faculty Handbook Revision***

*College Y begins a revision of the Faculty Handbook. Much of the handbook is devoted to faculty rights. There is no section in the handbook on the expectation of professional responsibilities of faculty. The Dean turns to the AAUP Redbook and is surprised to realize that (at that time) it basically has nothing about faculty respon-*

*sibilities. (It is telling that the Dean had never discovered that as a faculty member.) Too often the faculty refrain seems to be, "Give us rights but not responsibilities."*

As a faculty member, I am sure I did not give that issue a lot of thought, beyond my responsibilities to my students. I now would argue that we have individual professional responsibilities in interpersonal relations such as the following:

1. Faculty members have a very stringent duty to be honest and truthful in all their dealings with persons inside and outside the academic institution.
2. Faculty members have a strong obligation to avoid abuse of the autonomy and power that comes with the office of faculty member.

But faculty members also have broader responsibilities:

3. The faculty has a moral responsibility to act as trustees for the educational program of their institution, in the context of the educational mission of that institution.
4. The faculty has a responsibility to act as trustees for a community of learners – to help create and maintain a culture that will sustain a community of learners.<sup>5</sup>

In the latter category of acting as trustees for a community of learners, I would include some responsibility of faculty to maintain an environment of civility as a precondition of teaching and scholarship.<sup>6</sup> Academic environments at both the department and institution-wide levels are often notorious for that lack of civility.

In both the case of creating an awareness of faculty responsibility and the case of creating an atmosphere of civility on campus, the issue is one of changing the culture of the institution. The pace of change of the culture can be glacial, particularly in an academic institution.

Once we recognize such responsibilities, that raises the issue of "Bystander Ethics." What obligations do we have, as faculty and administrators, when we see our colleagues breach these obligations? To what degree do we as faculty and administrators have a responsibility to hold our colleagues accountable.

Some may despair of preparing faculty for the ethical issues they will encounter when they become academic administrators or for addressing ethical issues at any of the three levels I have identified. I will close with the observation that perhaps we ought to put as much energy into discussing faculty and administration ethics as we currently do research ethics, which deals with only a subset of the faculty on only a subset of issues. In research science we are beginning to reshape the ethical culture. It strikes me that the kind of case discussions that have been developed and

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<sup>5</sup>I have argued for these responsibilities in "Moral Responsibilities of Faculty and the Ethics of Faculty Governance," in *Ethics and Academia*, S.K. Majumdar, Howard S. Pitkow, Lewis Bird, E. Willard Miller, (eds.); A publication of the Pennsylvania Academy of Sciences, 2000, pp 225–240.

<sup>6</sup>Brian Schrag, "Civility in Academic Institutions," in *Ethics and Academia*, S.K. Majumdar, Howard S. Pitkow, Lewis Bird, E. Willard Miller, (eds.); *Ethics and Academia*, A publication of the Pennsylvania Academy of Sciences, 2000, pp 299–308.

used so effectively in research ethics might be developed for the broader faculty and administration discussions.

It may, for example, be effective for an institution to take the initiative in hosting discussions with administrators and faculty involving ethical cases related to administrative and faculty issues (presumably cases not drawn from that institution). The discussions might involve only administrators or both administrators and faculty. That can provide a safe forum for all participants to raise and discuss ethical issues across faculty and administration. It can be a means of raising awareness and recognition of the ethical issues and one's ethical responsibilities, of teaching and learning how to reason about ethical issues in higher education as well as creating an atmosphere for reestablishing collegiality and trust in the academic community.

This essay (along with other essays in this section) is unapologetically descriptive rather than philosophically analytical or prescriptive. I wish to draw attention to the kind of ethical tasks, particularly the kind of practical ethical reasoning, that faculty members are likely to discover as they move into administration, ethical tasks they may well be unaccustomed to as faculty.

# On the Dark Side: Lessons Learned as Interim Dean

Donna Werner

**Abstract** This paper explores the sorts of challenges faced by a faculty member who takes on an administrative position on an interim basis. The bifurcated role of an interim administrator, and its special vantage point, provide a unique perspective on some of the ethical challenges that arise in higher education administration. The paper also discusses a framework for ethical decision-making in business and tailors it for use by those serving in higher education administration.

**Keywords** Framework · Ethical spheres · Adaptation · Economic agents · Escalation · Intolerance

I recall the concerned look on the face of a colleague when he learned that I had accepted an appointment as Interim Dean for the Humanities and Social Sciences division at my college. “You’re going to the dark side?” he asked. Another colleague asked me to take note of the precise moment that I started looking at the world differently, the moment I became “one of them.” At that time, I was surprised at the trace of animosity in their comments. However, I soon learned that day-to-day decisions required in my new position would make me quite unpopular with some of my colleagues. Consider a case loosely based on one of the ethical challenges faced during my first week on the job<sup>1</sup>:

*One morning, while reviewing expense reports, Jean Edwards, the new interim dean, comes across a request from Eric, a faculty colleague (and good friend) in the Art department. Eric submitted a request to be paid \$800 for two pedestals he built for the Art Gallery. Another faculty member, Carol, approved the request. Carol is not a department chair, but as director of the Gallery, she makes routine purchases for the exhibitions.*

*When asked for more detail, Eric explains that he built two pedestals for the current show. He acknowledges that he does not have receipts for material and admits that he used scrap*

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<sup>1</sup>All of the cases presented herein are based on real-life situations I faced this year in my role as interim dean. However, the names (and some details) have been changed in order to preserve some anonymity for persons involved.

*wood from his home workshop. He also expresses a bit of frustration at all the questions. "Carol has the authority to make purchases for the Gallery. I offered to build the pedestals for her and she accepted. My time is worth the \$800 and she agreed to pay it. Besides, I've done this sort of project before and it has never been an issue."*

*The dean confirms with her secretary that Eric had, in fact, completed similar projects for the Gallery in prior years and that these projects were approved by Dr. Walters, the previous dean. However, after consultation with the other division deans and a careful review of Board Policy, Edwards determines that this request violates the Board Policy on conflict of interest.*

So, what should Dr. Edwards do? What are her obligations? A friend and colleague – someone she trusts and respects – requests payment for a project that is outside the normal scope of his duties as faculty. Evidence suggests that this sort of project had been approved in the past under the previous administration – by a long-term dean who surely understood policies and procedures. Perhaps she should go ahead and approve it as well. The Gallery was in fact using the pedestals for the current exhibition. Although \$800 seems a bit pricey, perhaps it is a reasonable price to pay for two pedestals. In any event, no one is likely to question the expenditure. And, besides, this position as dean is a temporary one. Dr. Edwards will return to faculty status next year and will share an office space right down the hall from Eric. Still, can she ignore her obligation to follow and enforce Board Policy?

Welcome to the dark side. This, and similar situations are faced by deans almost every day. Yet, there is little in the literature that provides guidance for new administrators facing these sorts of challenges. Issues such as these are particularly difficult for those thrust into interim or acting positions. Because of the temporary nature of the assignment, an interim dean finds herself in a somewhat bifurcated role: part-faculty, part-administrator. She has taken on the role of administrator and spends her time on the tasks, assignments, and duties associated with that role. As she gains experience in the position, she may even gain the perspective of an administrator. Her faculty colleagues certainly view her as such. And yet, given the expectation that she will return to faculty status in the very near future, she cannot completely give up the faculty perspective or the commitments associated with that role.

Further, an administrator's success or failure depends a great deal on her relationships with others in the institution. An interim dean faces particular challenges in this regard in that she functions within a context and history of established relationships with faculty colleagues as peers. As her role changes, so does the nature of these relationships. And yet, because she plans a return to faculty status in the near future, she has a vested interest in preserving the nature of these relationships as much as possible.

The bifurcated role of an interim administrator, and its special vantage point, provide a unique perspective on some of the ethical challenges that arise in higher education administration. Here, I share some lessons learned from my year as interim dean – including a useful framework that may help faculty members who have chosen to make the move to the dark side.

## A Helpful Framework

In his book, *Business Ethics: Roles and Responsibilities*, Joseph Badaracco presents a framework for ethical analysis for business professionals and business students.<sup>2</sup> Badaracco suggests that the ethical challenges faced by business professionals often result from conflict among or within four different ethical spheres encompassing our values and responsibilities as persons, as economic agents, as organization leaders, and as participants in cooperative capitalism.<sup>3</sup> For this discussion, my focus is on the first three spheres of this framework which, with some adaptation, are especially helpful for professionals working in higher education administration.

### *Personal Ethics*

The first sphere in Badaracco's model, relevant to persons in all careers and professions, is the sphere of personal values and ethics, which he describes as the "duties, commitments, and ideals that shape and guide individuals' lives."<sup>4</sup> Individual persons, as persons, make judgments about what they value and what they view as right and wrong or good and evil. These judgments may be the result of a process of rational deliberation or the outcome of some intuitive process rooted in a person's life experiences, religious beliefs, family and cultural traditions, or some other source. In any event, these judgments represent aspects of a person's character or true self and are inextricably tied to that person's identity. One's goal, if one strives to live rightly, is to engage in a critical examination of one's values and to live in accord with one's duties, commitments, and ideals as much as possible. It is not unusual, of course, for persons to face conflicts within this personal sphere in terms of situations they face. Consider the following cases:

*Steve Daniels, the Dean of Student Services, calls Dr. Edwards to tell her that she will be hearing soon from Raed, a Criminal Justice student. Raed contacted Daniels to formally complain about a video shown in his Criminal Justice class. "The film is clearly hate speech about Muslims," says Daniels. "The faculty member is in your division. You have to make him stop showing that film."*

*This was not the first time that Edwards had heard talk of "Obsession: the Threat of Radical Islam." Earlier in the week, a close friend and faculty member told her about protesting the screening of the film at a local movie house. Husna, a Muslim, had seen the film and it upset her a great deal. "The film is propaganda by the right designed to promote hatred of Muslims."*

*Raed called later that day to relate the story. He said that his instructor did not attend class that day but instead asked the department chair to cover his classes. The department chair used the class period to show the film. Raed said that it was disturbing to see this video, which portrayed all Muslims as terrorists. He said that he was so stunned that he*

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<sup>2</sup>See Joseph L. Badaracco, Jr., *Business Ethics: Roles and Responsibilities* (Chicago: Irwin, 1995), p.4 ff.

<sup>3</sup>Badaracco, *Business Ethics: Roles and Responsibilities*, 4.

<sup>4</sup>Badaracco, *Business Ethics: Roles and Responsibilities*, 5.

*was speechless. And, he added, there was very little class time left after the video, so there was no substantive discussion of the film.*

*After the phone call, Dr. Edwards stopped by the office of the department chair, Lou Harold, to learn more. Harold quickly dismissed the student's concerns. "The topic for the class meeting was 'Current Issues in Criminal Justice' and we were discussing terrorism. This is certainly something that students studying law enforcement need to be aware of. This is an excellent video. It does a good job of illustrating the lengths to which terrorists will go to achieve their goals. I show this in all my classes." He added, "I just don't understand what Raed is fussing about. There is a disclaimer at the beginning of the film that states that the subject of the film is not all Muslims, but just the terrorists."*

Since 9/11, the interim dean's close friend and colleague, Husna, has focused her time and energy on working in the local community to promote an accurate understanding of Islam and discredit the negative stereotyping and xenophobia. While Edwards has not seen the film, she shares Husna's frustration at the recent escalation of religious intolerance. She is also sympathetic to Raed's discomfort at having to feel such hatred in the classroom. At the same time, as a faculty member, she values academic freedom. She believes that it is essential that faculty members be accorded the right to choose the instructional materials that they believe are most effective to achieve course objectives. In addition, while she holds different political views from Harold, she certainly respects him as a faculty member and colleague. So, how should she respond to this situation?

Or consider:

*One Friday, four weeks into her first semester as interim dean, Jean Edwards receives a phone call from a very upset student, Rob. Rob explains that he had enrolled in a telecourse but because he did not submit any required assignments during the first two weeks, the instructor of record had him administratively withdrawn from the course. Rob insists that he has to get back into the class and asks the dean to re-enroll him. Upon further discussion, she learns that Rob had emergency surgery prior to the start of the semester. He enrolled in the class because he needed to maintain his status as a full-time student so that he could qualify as a dependent on his father's health insurance policy. "My father will likely call you as well. He is a nervous wreck and has no idea where he can come up with the \$35,000 for the surgery. All you have to do is get me back into the class. If I am a full-time student, then I'll be covered."*

College policy is such that students who do not attend class during the first week of the course are administratively withdrawn. In online and telecourse situations, "attendance" is determined by active participation in the course. Tracking attendance in these cases is required for financial aid purposes. In this case, the instructor performed his duties precisely as he should. Still, any person, especially a parent, would be sympathetic to Rob's plight. If the emergency had occurred 3 weeks later, Rob would not have been withdrawn for non-attendance. Is it wrong for the dean to try and persuade the faculty member to accept the student back in the class? What is the best way to respond to this request?

## ***Professional Obligations***

Badaracco's second sphere is best understood as the sphere of *professional* ethical obligations. For business persons, or economic agents as Badaracco calls them, the fundamental professional obligation is to promote the best interests of the organization's stockholders.<sup>5</sup> This obligation, Badaracco explains, does not replace or override one's commitment to one's personal values and moral obligations. Rather, it is an additional duty that one must balance and weigh, along with one's personal values and obligations, when making decisions.

Similarly, persons working in higher education administration have certain professional or role obligations. For example, deans serve as stewards of an institution's funds, whether the institution is funded publicly or privately. Deans possess the authority to expend funds for purchases and for payroll, and with that authority comes responsibility. Financial decisions must be made with special care because the funds have been entrusted to administrators for the purpose of achieving the mission of the institution. Despite faculty claims to the contrary, it is not the case that deans care more about money than students. However, deans must weigh financial considerations when making decisions because these funds have been entrusted to them (by taxpayers or donors). They have a moral responsibility to use these funds wisely. This fiduciary obligation is often the source of conflict between faculty and administrators. Consider a very common event on college campuses, a day we call "decision" day (or, more informally, "cut and chop" day). On the Thursday before classes begin, the academic deans meet to decide which classes will "make," and which classes will be cancelled. Deans dislike cancelling classes a great deal. We realize that we have made a commitment to both faculty and students to offer courses as scheduled. But enrollments are often hard to predict and the fact of the matter is that the institution cannot survive if it offers a large number of courses with very low enrollment. While the small class size may benefit those few students enrolled, the financial burden far outweighs the benefit, especially for an institution facing financial difficulties. Deans must consider the harm and benefit for all current (and prospective) students in the institution, i.e., both long-term and short-term benefit and harm.

Sometimes, of course, the decision is a bit easier to make. For example, consider an instance where there are two online sections of "Intro to Anthropology," one has only eight students, and there are eight open seats in the second section. Clearly, it is economically unsound to offer both online sections and pay two instructors when the eight students can be easily transferred to the section with open seats. But when administrators cancel one section of the course, they upset the faculty member scheduled to teach it. Either she will have to pick up a different course in order to make her load, which may be inconvenient, or, if this is an overload course, then she may not earn as much money this term as she expected.

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<sup>5</sup>Badaracco, *Business Ethics: Roles and Responsibilities*, 8.

Other times, the decision is even more difficult. Deans may choose to cancel a class with very low enrollment even when there are no available seats at a comparable day and time or perhaps there are no available seats at all. Faculty members will insist that this decision illustrates that administrators are concerned only with finances, but the reality is that an institution's resources are limited. For the institution to maintain sufficient funding for capital improvements, fixed costs, salaries and benefits (plus regular increases), utilities, professional development costs, improved technology, and other such expenses, administrators must make these tough choices. Sometimes the decision that must be made is to cancel classes even if there are no available seats in another section.

While this fiduciary responsibility is an important one, it must be balanced with an administrator's primary professional obligation, his obligation as an educator. Of course, educators have a number of professional obligations.<sup>6</sup> For example, as educators, college faculty members are committed to life-long learning and they are obligated to stay current in terms of intellectual advances in their disciplines. Faculty members also have a duty to maintain high academic standards for their students. And, they are obligated to enhance and improve their skills in pedagogy. But each of these duties is a corollary to the primary obligation of all educators, deans and faculty alike. That obligation is to promote and enhance the integrity of their students' learning experience.<sup>7</sup> This commitment to student learning is the guiding moral principle for the actions and choices of an educator. It applies to a wide range of faculty activities including development of course materials, choice of textbooks, and interactions with students. While performing these actions, and making these choices, an educator is tasked with weighing this professional obligation, the commitment to student learning, along with her personal values and commitments.

While a commitment to the integrity of student learning is the primary obligation of faculty members and administrators alike, they sometimes disagree in terms of the best way to meet this commitment. An academic dean, for example, is concerned not simply with the learning experience of individual students enrolled in one particular class, but with all students in all classes in the institution. For example, suppose a Philosophy faculty member designs assignments that require the occasional use of laptops during class time. He may ask to be assigned to the new multi-purpose classroom that contains a closet with thirty new Dell laptops. His concern, rightly so, is the needs of his students. They will benefit from convenient access to these computers and, as their instructor, his obligation is to advocate for them. He does not have to consider factors such as whether or not there are students in other courses who may have greater need or who may gain even more from access to that classroom and its computers. A dean, however, must take into account the needs of all the students in the division and in the college when allocating limited resources. The

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<sup>6</sup>Peter J. Markie provides a helpful analysis of some of these obligations in *A Professor's Duties: Ethical Issues in College Teaching* (Rowman and Littlefield, 1994).

<sup>7</sup>I am grateful to Donna Dare for a number of thoughtful discussions of this topic.

dean's goal, of course, is to find a resolution that meets the needs of both parties, but sometimes that is not possible, especially when resources are limited.

As Badaracco notes "moral claims arising from different spheres of responsibility often collide with each other, creating difficult, sometimes anguishing dilemmas for business executives."<sup>8</sup> This is true in the academic arena as well. Often situations arise when there are conflicts between one's personal desires, inclinations, values and commitments and one's professional responsibility to promote and enhance student learning. Consider the following example:

*Department chairs have submitted course schedules for the summer session. As interim dean, Jean Edwards is responsible for approving the schedules. Upon review, she notes that a Psychology faculty member is scheduled to teach 24 credit hours (all online) over the 8-week summer session (i.e., eight 3-credit hour courses). She consults with the department chairperson, and expresses some concern that the faculty member will not be able to provide a quality learning experience for her students with such a heavy teaching load. "I understand your concern," the department chair replies. "But we're talking about Kelly. She is an excellent teacher. And besides, she's been doing this for the last few years. The previous dean allowed this because of her financial situation due to the death of her husband." The chairperson adds: "I know you're new, so you may not realize that the contract with the faculty union does not specify a maximum load for summer session. So, faculty members can teach as many courses as they want."*

*Dr. Edwards consults with other division deans. One of the deans from a sister campus refers to summer teaching load as a "sacred cow." "We'll never be able to do anything about this. All you have to do is suggest that you plan to limit a faculty member's summer workload and NEA will be in your office so quick your head will spin." Another dean noted that in a previous year, a faculty member had threatened to file a grievance when his dean tried to limit his summer load. "We dropped the issue when we learned that we lacked the support of the Chancellor."*

*Still, as a professional, Dr. Edwards is committed to the quality of the courses in her division and has concerns about any faculty member teaching 24 credit hours in eight weeks. She knows Kelly as a colleague and knows that she is a reasonable person. She stops by Kelly's office to discuss the issue. "Do you have a minute? I want to talk a bit about your summer schedule." Kelly's smile fades and her tone is stern: "There is nothing to discuss. I cannot believe you would question the quality of my courses. Besides, I can teach whatever I want in the summer. If you'd like, I can set up a meeting for us with my NEA rep and he can explain that to you."*

Faculty members gripe that administrators do not pay enough attention to academics, that they do not have a real appreciation for the amount of work that teaching entails, and that they care more about budgets than they care about the needs of students. Faculty also complain that administrators lack an understanding of how difficult it is to teach online classes, that it takes a great deal more time to teach online than to teach in a face-to-face format. And, yet, a faculty member here insists that she be scheduled 24 credit hours (all online) in an 8-week summer session. The mere fact that her dean wants to discuss her teaching load is viewed as a challenge to her integrity. And, in this case, if higher leadership chooses to ignore the issue, should an interim dean ignore it as well? Does it matter that Kelly is a colleague

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<sup>8</sup>Joseph L. Badaracco, Jr., "Business Ethics: Four Spheres of Executive Responsibility," *California Management Review* 34 (Spring 1992): 74.

and friend, a friend who is still struggling with financial difficulties as a result of the death of her husband? Still, how can a dean ignore this situation given her own commitment, as an educator, to the integrity of student learning?

### ***Leadership Responsibilities***

The process of ethical decision making becomes even more complex when we incorporate the third sphere in Badaracco's model. This sphere encompasses leadership responsibilities. Again, it is not the case that these responsibilities supplant other personal and professional obligations. Rather, these are additional responsibilities that must be considered in the decision-making process, along with one's personal values and professional obligations.

According to Badaracco's account, these leadership responsibilities are rooted in the power and authority that leaders exercise over their subordinates and over the environments in which they work, i.e., "the power they exercise over the lives, livelihoods, and welfare of the other people in their organizations."<sup>9</sup> Clearly, business leaders make decisions that may affect a subordinate's salary, work schedule, physical work environment, and opportunities for advancement, to name a few. In addition, they have the ability to shape the environment in more intangible ways that may have an effect on one's sense of security, feeling of accomplishment, and level of self-respect. Badaracco claims that leaders have a moral responsibility to "exercise their leadership of 'company communities' in ways that meet a basic threshold of decency and that show respect for the rights and dignity of employees and managers."<sup>10</sup> He identifies four key factors that leaders can use to shape the climate of their organizations and the attitudes and behaviors of members: goals and shared values, management example, measures and rewards, and recruiting and promotion.<sup>11</sup> In short, an effective leader will ground his actions in the organization's basic goals and shared values. He will communicate those goals and values, act in accord with them, and establish systems and processes that encourage and reward others to act in accord with them as well.

Administrators in higher education also take on these additional leadership responsibilities. However, it is important to note that while the responsibilities may be similar, there are marked differences in the environments. In most business environments, for example, managers make decisions about hiring, salary, promotion, and continued employment. In the academic realm, deans sometimes have very little input into these decisions. Faculty members are generally hired by a committee of faculty members. A new hire's initial salary may be based on an analysis of education and professional experience, not administrator judgment. Salary increases are

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<sup>9</sup>Badaracco, *Business Ethics: Roles and Responsibilities*,268.

<sup>10</sup>Badaracco, *Business Ethics: Roles and Responsibilities*,270.

<sup>11</sup>Badaracco, *Business Ethics: Roles and Responsibilities*,287.

often applied across the board to all faculty members, regardless of performance. Finally, promotion and tenure decisions are also made by faculty committees.

The academic environment also differs from most business environments in terms of the nature of the relationship between administrators and faculty members. In most business environments, there are clear reporting relationships between employees and managers. In higher education institutions, the lines of authority are often not so clearly drawn. What is clear is that administrators and faculty members do not relate to one another as manager/subordinate. Faculty members are highly intelligent, highly educated, highly independent persons. Their positions require a great deal of independent work. It is not surprising, then, that faculty members tend to view themselves as independent contractors. They bristle at any suggestion that they are “employees” of the college or that they “report” to anyone. This presents a minefield for any dean or other administrator who attempts to “manage” them.

Still, despite these differences, deans do have at their disposal a number of Badaracco’s tools to shape the culture of the institution. For example, while deans may have little power in terms of traditional means of reinforcing behavior such as salary and promotion, they may find themselves with funds for travel or released time, or the ability to be a bit more flexible in terms of course and/or room scheduling. A prudent dean uses these perks to reward and encourage desired behavior.

The most important tool in terms of shaping the culture of an organization is that of shared goals and values. An effective academic leader maintains his focus on the mission of the institution and grounds his actions and decisions in that mission and in his commitment to student learning. Even more importantly, he recognizes that these goals and values are not simply his goals and values but that they belong to all faculty and staff in the institution. As such, faculty and staff should be involved in the development of the institution’s specific goals, as well as the strategies and plans for achieving them. That is, the moral responsibility to fulfill the institution’s mission is not simply that of the administrator, it is a joint responsibility.

When an academic leader truly commits to the idea that fulfilling the institution’s mission is a shared responsibility, it can have a profound effect on his management style. Over time, he may grow to realize that some of the challenges he faces ought to be shared as well, i.e., some problems may be better addressed in collaboration with faculty and staff. As Michael Pritchard notes: “If they are considering acting together, then they must reason together; and ‘my problems’ must become ‘our problems’ in deciding what to do.”<sup>12</sup> The most effective academic leaders engage and harness the talents and abilities of their faculty and staff. They make choices that create and reinforce an environment of trust and collaboration. They truly listen to faculty and staff members and treat them with dignity and respect. They are committed to shared governance and involve faculty members in the planning and decision-making processes of the institution as much as possible. From this

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<sup>12</sup>Michael S. Pritchard, *Professional Integrity: Thinking Ethically* (University Press of Kansas, 2006), 114.

perspective, then, administrators and faculty members are not enemies, but partners in a quest to fulfill the college mission.

Further, the most effective academic leaders invite dissension. As Ronald Berenbeim notes, “ethical leaders don’t hide from debate.”<sup>13</sup> The most creative responses to difficult challenges are rarely obvious. By welcoming all voices to the debate – including those with opposing views – academic leaders can gain a broader perspective of the issues. This can lead to more creative solutions.

Of course, in the final analysis, academic leaders often have to make decisions, especially the tough decisions, alone. But these decisions are less difficult when the dean has fostered and maintained a culture of trust and respect, an environment in which faculty and staff members believe that they are heard. The best deans, interim or otherwise, foster and value good relationships with faculty and staff members. These deans do not aim to be liked by their faculty colleagues, but rather strive for mutual respect. The most effective way to achieve this is to treat faculty members *as* colleagues, with respect for their input into the policies, processes, and decisions of the institution. The best deans are also committed to transparency in terms of their actions and decisions, i.e., they consider different perspectives, they remain open to changing a course of action when warranted, and yet, at the same time, they are willing to make the tough decisions when necessary. Finally, they are willing to retain their commitment to their professional obligations even when to do so may not be in their own self-interest.

*A dean from a sister campus, Kim, contacts Jean Edwards, the interim dean, about an issue. He is reviewing the fall schedule and notices that there are studio Art classes in her division that do not meet the required number of hours. “A 3-credit hour studio class has to meet six contact hours a week. I’m emailing you a list of courses in your division that only meet four contact hours. We’ve got to resolve this. Otherwise, why would students take the course on my campus, when they can get the same credit for less time on your campus?”*

*Dr. Edwards reviews the fall schedule and notes that Kim is correct. There are a number of courses that are scheduled for only four contact hours. When she calls the department chair, he explains that these courses have a distance learning component of two hours a week – so in fact the student is engaged in the class for the required six hours a week.*

*The following day, Edwards meets her predecessor for lunch. Dean Walters retired six months earlier. During the conversation, she mentions the issue of the compressed classes. Dean Walters is familiar with the issue. “We agreed to allow the department to do this because of the limited computer studio space. We simply could not schedule all the courses we wanted to schedule if the classes meet for six hours per week. We thought that adding the distance learning component was a creative way to solve the problem.” He sighed, “I had planned to call you because I actually just finished taking one of these courses this past semester. The syllabus states that there is a distance learning component to the class. But in fact there is none.”*

*Dr. Edwards conducts further investigation, including collecting syllabi and talking with instructors (both full time and part time). She learns that while each of the syllabi includes a statement that there is a distance learning component to the course, in fact, there is no such component. When asked, some faculty members readily admit there is no distance learning at all, and that they were instructed by the program coordinator to include the statement*

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<sup>13</sup>Ronald E. Berenbeim, “Ethical Leadership: Maintain an Ethical Culture,” in *Annual Editions: Business Ethics 07/08*, 19th ed., ed. John E. Richardson (McGraw Hill, 2007), 20.

*in their syllabi. Others claim to post a listing of supplemental resources for students on the web; others stated simply that they were willing to respond to student emails when necessary. Not a single faculty member had created a substantive distance learning component to his or her courses.*

*Edwards shares her concerns at a campus leadership team meeting. The VP and other deans suggest that she simply explain to the department chair that the courses may no longer be scheduled for only four hours, but must be scheduled for six. “We will start on the spring schedule in two weeks. They’ll just need to fix it for next semester.”*

*As the meeting ends, the campus President takes Dr. Edwards aside: “I really think you might just want to ignore this for now. This has been going on for about four years. You are ‘interim’ dean right now, and I know that you are planning to apply for the position. Trust me, if you take this issue on, the faculty in the Art department will make sure you don’t get the job. My advice is to drop the issue until you become the dean.”*

## Lessons Learned

A consideration of Badaracco’s framework is a helpful place to start the discussion of ethical issues faced by administrators. But it is only the first step. In the final analysis, deans still have choices to make and actions to take. Sometimes it is difficult to determine the right or best action. Other times, the right choice is obvious and the challenge is how to implement it. In either case, the interim dean is best served if she fosters and maintains a collaborative team of faculty and staff. This human capital is her most valuable resource when facing the day-to-day challenges of an administrative job.

Still, the move to the dark side is a challenging one – filled with a number of important lessons. Here, an interim dean will learn the sad truth that there are faculty members who are not as interested in student learning as they are in their own personal commitments. These faculty members may be consistently late to class, or refuse to make any contribution in terms of service to the department or college. They may fail to keep current in their disciplines, or neglect to update their course materials. Even worse, they may have inappropriate relationships with students or otherwise violate student rights. The reality of the administrative role is that, as a dean, these are the faculty on whom one will spend most of one’s time and energy. The bright side is that this is a very, very small number of faculty. The best deans will not forget this.

An interim dean will also learn that the adversarial nature of the relationship between faculty and administration is very real and it is often at the root of the tensions and ethical challenges that arise in the academic environment. Despite one’s best intentions, on most days, there will be at least one faculty member who is angry with decisions made by his dean. Frankly, a dean who never makes decisions that anger faculty members is probably not doing her job. At the same time, a dean’s leadership style may lessen the number, and severity, of the problems that arise under his watch.

This is the reality of the dark side.

**Acknowledgement** I am grateful to Richard Dees and Elaine E. Englehardt for comments on earlier versions of this paper.

# Caught in the Middle: On Chairing a Department

Michael S. Pritchard

**Abstract** Those who become chairs of academic departments for the first time seldom are well prepared for the ethical challenges they will face. Their background is in a specific academic field (e.g., chemistry, philosophy), not administration. Furthermore, it is unlikely that they will have discussed the kinds ethical issues administrators must deal with. Often they are “caught in the middle” between the expectations of their faculty and those of their deans and other administrators. Finally, they face the challenge of helping their faculty understand that some departmental problems are “ours,” not just “mine” or “yours.”

**Keywords** Academic administrator · Authority · Chair, Expectations · Leadership · Management · Mission · Problems (mine, yours, ours) · Responsibility

Chairing an academic department is the typical entry point for academic administrators. It was for me. In the course of my more than 40 years of teaching philosophy in higher education, I put in two stints as chair of my department – 12 consecutive years the first time, three the second. Hardly ever during all those years did I have a serious discussion of ethics in academic administration with my fellow chairs or my philosophy colleagues. This should seem odd for someone who teaches all kinds of courses in ethics, including professional ethics. Yet, given the paucity of literature on the topic, perhaps it is not unusual. In any case, this essay is offered as a inquiry into a topic that is long overdue for attention in the literature of professional ethics.

## Preparation

Faculty members who become chairs no doubt give some thought to what it might be like to be a chair before agreeing to serve. Some *aspire* to become chairs, either for the long run or as a first step toward becoming a dean, a vice-president, or even a

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president. However, most have more modest aims, at least initially. They see being a chair as a temporary assignment, a job that rotates among a set of faculty who regard themselves first and foremost as teachers and scholars. They agree that someone has to do it, and they are willing to do their fair share – a term of a couple years, after which they will return to the regular faculty. Of course, many stay longer, whether or not this is what they originally had in mind.

In any case, it is unlikely that many have given much thought in advance to the ethical challenges that will befall them. For the most part, faculty spend their professional time teaching and doing research, with occasional interruptions to serve on committees of one sort or another. Although they interact with chairs from time to time, they can (and do) usually keep their professional distance. As Rudolph Weingartner points out, most academic administrators enter their first position without specific training or preparation for what they are about to do<sup>1</sup>:

Very few persons become academic administrators without having at some prior time completed an extensive and arduous educational program. But that educational regimen most likely led to an advanced degree in a specific field—perhaps a Ph.D. in a science or humanistic field or a professional degree such as an M.D. or M.B.A. . . . The vast majority of persons holding academic administrative posts are then professionals in other subjects, but not in academic administration.

Furthermore, should it occur to them to try to anticipate the ethical landscape that lies ahead, there is surprisingly little literature to help them out.

Although its primary focus is on “survival skills” for chairs rather than ethics, C.K. Gunsalus’s recent *The College Administrator’s Survival Guide* provides good advice for those who wish to fulfill their role well.<sup>2</sup> Filled with concrete illustrations of the sorts of problems chairs can expect to face, her book discusses how chairs can survive these challenges. Although she spends little time analyzing the ethical dimensions of these challenges as such, it is clear that the solutions Gunsalus offers are made with the aim of supporting the educational mission of the department and college or university – and doing so without compromising moral integrity.

Such a book would have been quite useful for me 30 some years ago when I first assumed the role of chair of my department. I had just completed my first sabbatical leave, having agreed to become chair upon my return. I had given little thought to what the job might entail. While a graduate student at the University of Wisconsin, I was told that it was commonplace for faculty on leave to return as chair. I didn’t know whether this was supposed to be a reward or punishment. My own colleagues

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<sup>1</sup>Rudolph Weingartner, *The Moral Dimensions of Academic Administration* (New York: Rowman & Littlefield, 1999), p. 37.

<sup>2</sup>C.K. Gunsalus, *The College Administrator’s Survival Guide* (Cambridge, MA: Harvard University Press, 2006). As will become evident below, Gunsalus’s “survival skills” are presented against the backdrop of ethical considerations. However, the Index of her book suggests that ethical analysis is not her major focus of attention. Her favorite ethical appeal is the golden rule, but this is not indexed even once, despite its explicit use on at least four occasions in the text. Mention of fairness occurs throughout the text, but fewer than half of these occurrences are listed. Variants of “ethics” and “morality” appear nowhere in the Index, despite their occasional use in the text.

told me that the best chairs were those who least wanted to become chairs. So, I seemed to qualify on two scores.

It would seem that preparation for the responsibilities that come with assuming administrative roles, for whatever duration, calls for more than typically occurs. Meanwhile, the opening sentences of Gunsalus's *Survival Guide* seem quite appropriate<sup>3</sup>:

One of the most puzzling aspects of higher education is that its front-line leaders are almost always selected for qualities other than an ability to run complex organizations. In fact, it is often seen as virtually disqualifying for a candidate to express anything but the most grudging willingness to assume administrative responsibilities. At least on the surface, the path to becoming a leader in an academic environment is to affect a lack of interest in and preparation for the job.

One would hope that, given the important functions that chairs are, in fact, expected to perform, this situation can be improved.

## The Job

But what do chairs do? In the year I first became chair of my department, philosopher Richard Taylor published a tribute to his Brown University colleague Roderick Chisholm in which he briefly mentioned how he and his fellow faculty perceived department chairs in the 1950s<sup>4</sup>:

I do not recall that anyone during that period raised questions concerning course loads, salaries and stipends. We were aware that there was a departmental chairman when something, such as a parking permit, required a signature.

Taylor's point was that department faculty were absorbed in their discipline, philosophy. They taught their classes, talked about philosophy, and generally went about their scholarly work. Anything else could be regarded as a distraction from "business as usual." That so little attention was given to the chair was simply a small part of the larger picture Taylor painted – an ideal intellectual community where philosophers could give maximum attention to philosophical problems rather than the more mundane problems that administrators might handle.

By 1975, the year I first became chair, it was clear to most faculty that chairs do more than authorize parking permits. As Taylor's comment suggests, chairs were expected to play a significant role in determining course loads, salaries, stipends, and the basic working conditions of faculty. At my own university, faculty dissatisfaction concerning such matters resulted in the establishment of a faculty union for collective bargaining. I voted for unionization while on sabbatical leave. When I returned to campus, not only was I the new chair of our department, I learned that I was no longer a member of the regular faculty. Chairs were defined as part of

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<sup>3</sup>Ibid., p. 1.

<sup>4</sup>In Keith Lehrer, ed., *Analysis and Metaphysics* (Dordrecht-Holland: D. Reidel Publishing Company, 1975), p. 7.

“management,” appointed by deans and serving at their discretion. In effect, I had voted myself out of the faculty unit! Furthermore, I discovered that what had previously been considered by both the dean’s office and my departmental faculty as a rather loosely structured administrative position carrying ill-defined responsibility and authority was now a much more formally structured, contractually defined position.

Gunsalus says, rightly, that those who become chairs assume special *authority*. This authority certainly includes all areas that require a chair’s signature, and these areas can be expected to differ somewhat in both range and detail from institution to institution, especially in institutions that define chairs as part of “management,” as distinct from faculty. In any case, with authority comes responsibility, and a chair’s responsibilities extend beyond that which requires his or her signature. Gunsalus closes her book on college administrators with these words<sup>5</sup>:

Universities are wonderful places. They are filled with smart, dedicated people. It’s your job, as an administrator, to provide an environment that brings out the best in those people. If you don’t, all these quirky and interesting people may find their energies diverted in ways that do not serve the mission of advancing the frontiers of knowledge and fostering the intellectual growth of generations of young men and women. While the outcome is not entirely within your control, in the small piece that is your responsibility, do what you can to leave the institution better than you found it.

For the most part, Gunsalus assumes that what constitutes “the small piece that is your responsibility” is clear enough. What isn’t so clear is how best to go about fulfilling that responsibility in particular circumstances – hence, the need for a “survival guide.”

That chairs play a special role that differs from regular faculty can easily be seen by alternately substituting “chair” and “professor” for “administrator” in the above passage. The first substitution is a good fit, the second is much less so. However, just what those special responsibilities of chairs are may be less clear than Gunsalus’s examples suggest.

My departmental colleagues recommended me because they somehow thought that I would be capable of representing the best interests of our department (and perhaps themselves as individuals). It is also likely that they recalled what I had said a few years earlier about serving on the faculty senate. No one wanted to be faculty senator. I argued that we needed representation. I then urged that, if they agreed with this, everyone in the department should be willing to take a turn. This was greeted with smiles and a huge, collective sigh of relief. I was immediately elected.

The dean concurred with the faculty’s recommendation that I become chair because he thought I was capable of doing whatever he thought chairs should do. However, my colleagues never interviewed me to see what my take on the job would be or to let me know what they thought the best interests of our department were. The dean didn’t interview me or inform me of his expectations either.

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<sup>5</sup>Gunsalus, p. 225.

After a couple of weeks of uncertainty, I asked the dean if he might tell me what my basic responsibilities were. He mentioned scheduling classes and monitoring the slim departmental budget. However, he added that he didn't like getting specific about chair's administrative responsibilities. You learn as you go, he said.

## Getting Started

Greeting me on my desk on my first day on the job was a lengthy and serious letter of complaint urging me to do something. It seemed clear to me that I should do something, but exactly what, and with what ends in mind, was anything but clear to me.

As a faculty member I had taught classes, made professional presentations, published, served on a few committees, attended department meetings, and formed friendships with my departmental colleagues. I participated in the business of the department, but I was only one voice among many, with the same sorts of responsibilities and privileges as the others. One privilege was to distance oneself from problems that make up the daily fare of chairs. If some members of the faculty contested with each other about who would teach what (or when), I could join the fray or ignore it. If the chair was having difficulties with the dean, I might not even notice. Or, noticing, I could simply stand aside and let them go at it.

However, those who become chairs give up such liberties. What was clear to me was the letter on my desk could not simply be ignored. It was my job to do something. Having Gunsalus's book by my side at that time could have helped me think through the promise and pitfalls of various courses of action available to me. Instead, I was on my own – in unfamiliar territory.

Gunsalus comments that, for most chairs, "people problems" are the most difficult ones<sup>6</sup>:

Department heads consistently tell me that the hardest part of their jobs is that they learn things about their colleagues they'd rather not know, and then, all too frequently, they have to *talk* about those uncomfortable topics, too.

Learning how (and when) to talk about such "uncomfortable topics" is, for Gunsalus, a key to survival as a chair. The examples she provides fall into categories familiar to experienced chairs (which is not necessarily to say that they know how best to address the problems they pose):

- Headstrong faculty who insist on special privileges
- Fairness to faculty you may not like personally
- Concerns about the job performance of staff
- Student complaints about teaching
- Sexual harassment

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<sup>6</sup>Ibid., p. 3.

- Faculty crossing the boundaries between the professional and the personal
- Disputes over authorship and intellectual property
- Research misconduct

Gunsalus points out that the initial classification of the category a problem fits into is key to knowing what to do next.<sup>7</sup> Most of her attention focuses on the techniques and strategies one might justifiably (and wisely) use in recognizing problems and in successfully resolving them.

She gives much less attention to basic difficulties chairs may have in framing the ends they should be serving in particular circumstances. She advises that it is important to “remember that your job is to keep the greater good of your department and your institution in mind.”<sup>8</sup> For Gunsalus, this means deciding on the basis of principles rather than personalities, bearing in mind the difference between exercising power for the good of the department and institution rather than simply for personal gain, and acting consistently with the mission of the your institution.

These are appropriate as general aims. However, getting clear-headed about how to think one’s way through these general ideas in particular circumstances can be quite challenging. This is not just a matter of techniques and strategies. It is also a matter of resolving tensions among these ideas and taking into account that some of them may be subject to controversy and change.

Further complications result from institutions changing their missions, or uncertainties about what those missions are (or should be). For example, during critical periods of my serving as chair of our Department of Philosophy, our institution underwent some fundamental changes in its identity and purposes. Traditionally a regional university that emphasized undergraduate education for teachers, careers in business, and other occupations requiring an undergraduate degree, it aspired to become recognized as a “student-centered research institution.” This meant increasing the range and number of Ph.D. programs, as well as the numbers of graduates of those programs. As might be expected, the implications for individual departments (and their chairs) varied greatly. New opportunities rapidly presented themselves, along with questions (and controversy) about how to respond to them responsibly.

## Expectations

There are *expectations* of chairs, however difficult it might be to determine what they are in advance. The faculty expect things from their chair that they do not expect from each other. Deans expect things from their chairs that they do not expect from the regular faculty. These expectations do not necessarily live well side-by-side; they often conflict. How should these conflicts be addressed by a chair? There is probably no general answer to this question (at least not one that is very satisfying).

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<sup>7</sup>Ibid., p. 196.

<sup>8</sup>Ibid.

But when these conflicts arise, it is the chair, not the dean or the faculty, who is caught in the middle.

What should guide a chair in navigating through these challenging waters? The mission of the university? The integrity of one's discipline (which transcends the particular institution that pays one's salary)? The dean's conception of the place and significance of one's department in his/her college? One's colleagues' collective, or individual, vision of what a good department consists in? One's own vision of how things should be? (And what should shape that vision? And what if this vision is not shared by one's colleagues, or by the dean?)

However individualist one may be as a faculty member, it seems that some of this must be given up, or at least seriously modified, when moving into a chair's role. This role is not just about *me* – if it's about me at all. I am there to serve others – but who and in what ways? Gunsalus says, "The best way to maintain a good environment is to have a strong conceptual model of what your role is and a full bag of techniques and strategies available for trying to build and maintain it."<sup>9</sup> Further, she notes, in making decisions, chairs need to carefully consider how what they do will affect stakeholders (e.g., students, faculty, the taxpaying public). They also need to take into account relevant institutional policies and the importance of respecting and establishing precedents.<sup>10</sup>

However, in attending to the flourishing of his or her faculty and department, a chair must also have an eye on both expectations within the college or university and the larger discipline or profession in which they participate<sup>11</sup>:

Outside the university, each faculty member's field or discipline sets professional norms, while the university's internal regulations and culture, both within a department and across the institution, also set expectations for and govern conduct. Membership in good professional standing must be maintained in both institutional and intellectual communities for an individual's career to prosper.

Insofar as a faculty member seems to be unaware of, indifferent to, or otherwise in opposition to these norms, Gunsalus holds, it is the role of the chair to assume leadership. A first step is to make sure that faculty are aware of these norms and their importance.

In part, this first step is a preventive measure. When the norms are violated, it is the job of the chair to intervene. Beyond this, however, is a more positive leadership role a chair can play. As Brian Schrag observes in his essay, faculty may tend to view matters through rather narrow lens, assuming that if they focus primarily on their specific teaching and research commitments, they will have met their responsibilities to students and the institution within which they work. Chairs and other administrators, they may think, will take care of the rest, ensuring that the institution will stay on a course consistent with its mission. In fact, Schrag says, during his tenure as an academic administrator, he noted how difficult it was to get

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<sup>9</sup>Ibid., pp. 213–4.

<sup>10</sup>Ibid., p. 37.

<sup>11</sup>Ibid., p. 221.

faculty to ask questions like, “Is this program consistent with the mission of this institution?” or “Is this program in the long term best interests of the institution (and its students)?”

What Schrag is talking about is illustrated, I think, in many of the challenges I faced as chair of my department. Consider, for example, the problem of scheduling classes. Each semester our department had to prepare a slate of offerings. I routinely asked faculty to indicate what they would like to teach (as well as when). My hope was that faculty members would take into consideration both what they were best qualified to teach and what overall contribution they might make to the department meeting its responsibilities to its students and the institution as a whole. No doubt some did this without additional prodding from the chair. However, it always seemed to me that most did not. Instead, they seemed to consider, first and foremost, what they most *wanted* to teach, as well as when they *wanted* to teach their courses – and how their teaching might best fit in with their current research interests. What contribution this might make to the department meeting its overall obligations to its students and the institution as a whole was, it seemed to me, left to the chair.

Of course, the requests made by individual faculty members, taken together, could be expected to go some distance toward meeting the department’s larger responsibilities. But the fit should not be expected to be a good one, at least not on the first try. Whose job is it to improve that fit? To say that this falls primarily on the chair is to view the challenge of scheduling in something like the following way. Think of this as a set of problems. The chair’s problem is to come up with an acceptable schedule – acceptable to each affected faculty member, while at the same time meeting the department’s larger responsibilities to students and to the institution as a whole. For individual faculty members the problem is to figure out how to come as close as possible to having teaching assignments consistent with what they most want to teach, with when they want to teach, with their research agendas, and with whatever other personal and/or professional ambitions they might have.

So, from the standpoint of a faculty member, there are “*my* problems” (as an individual member of the department) and “*your* problems” (as either another individual member of the department or as chair of the department). However, from my standpoint as chair, it seemed to me that it would be best if each of us, faculty member or chair, would view scheduling classes as “*our* problem.” If this is right, then one of the challenges of a chair is to exercise leadership in such a way that, when appropriate, faculty will approach problems as a shared burden rather than simply as “*mine*” or “*yours*”.<sup>12</sup>

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<sup>12</sup>For further discussion of how problems in groups might best be depicted, see Chapter 8, “Working Together,” in my *Professional Integrity: Thinking Ethically* (Lawrence, KS: University Press of Kansas, 2006).

## In the Trenches

Gunsalus says that she comes from what she calls “the train-wreck school of professional ethics.”<sup>13</sup> When a wreck occurs, the tracks get cluttered with debris and must be cleared so that the train can run again. But in getting the tracks cleared and the train running again, she says, “it’s satisfying to come up with a solution that is as just and even-handed as possible and protects important principles and institutional integrity.”<sup>14</sup> Better yet is preventing the wreck from happening in the first place. Gunsalus says that she regards “preventive efforts far more intellectually challenging and personally satisfying than clean-up efforts. Prevention is less thrilling, but ultimately more creative and subtle work.”<sup>15</sup>

In resolving problems, Gunsalus insists, “[t]he one nonnegotiable element for success is that you bring a sense of professionalism to the role, an understanding that you are taking on a new relationship to the institution and to your colleagues.”<sup>16</sup> Linking success and professionalism in this way makes it clear that Gunsalus is placing ethical boundaries around the role of administrators. What must be borne in mind is that the aim is for success in *fulfilling one’s responsibilities*. This can be understood in terms of what Bernard Gert regards as “doing your duty,” where “duty” means something much less broad than “moral requirement.”<sup>17</sup> As Gert puts it<sup>18</sup>:

In ordinary usage, ‘duty’ is not used in this very wide sense but is restricted to moral requirements that stem from a social role or job or from being in some special circumstances.

Thus, we can speak of the special duties of accountants, nurses, physicians, lawyers, social workers, teachers, and other professionals. These duties may not be characterized in ethical terms as such. For example, one may have a duty to determine the financial assets of one’s company, and there may be straightforward rules for doing this that make no explicit reference to doing honest work. But it is understood that one should follow those rules and not fabricate numbers or engage in other morally inappropriate behavior.

In a great many instances, it is quite clear what, in Gert’s sense, one’s basic duties are. Most of Gunsalus’s cases are like this. What it takes to fulfill them well may be less clear. Here is where her discussion of “survival skills” is very helpful. However, sometimes it is, at least initially, not terribly clear what one’s basic duties are. During my years as chair, I found this as challenging as trying to use effective means in accomplishing what I clearly understood needed to be done.

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<sup>13</sup>Ibid., p. 6.

<sup>14</sup>Ibid., p. 7.

<sup>15</sup>Ibid.

<sup>16</sup>Ibid., p. 12

<sup>17</sup>Bernard Gert, *Common Morality* (New York: Oxford University Press, 2004). It should be noted that, although Gunsalus does make one anecdotal reference to Gert in her book, it is not in regard to his moral rules.

<sup>18</sup>Ibid., p. 53.

So much by way of general remarks. Let's "go into the trenches" and look at some issues that raise fundamental questions that are more about appropriate *ends* than effective *means* of accomplishing those ends ("survival skills").

Here is a fictional case in which the chair is in the unenviable position of being "caught in the middle." It is not the only way, of course, that a chair can get "caught in the middle." And this is by no means the only sort of ethical problem that a chair has to face. But it may be an interesting place to start.

Upstart State U has been developing new Ph.D. programs in the past several years, as part of its endeavor to become recognized as a student-centered research institution. Its Department of Anthropology has a strong M.A. program; but it's faculty members are concerned that, without a Ph.D. program, the department will be at a disadvantage in receiving budgetary support from the college. The majority of the department's faculty believe it would be a good idea to implement a plan to have a Ph.D. program. This is an opportunity to add new faculty lines. Also, they welcome the opportunity to work with Ph.D. level students and to devote more of their time and energies to graduate level teaching and research. A few, however, have serious doubts. The job market for new Ph.D.s in Anthropology is tight, and the state already has three Ph.D. programs in Anthropology. They also wonder if down the road Upstart State will be able to afford all of these Ph.D. programs. In effect, will those departments that have taken on these new responsibilities find themselves even more strapped for resources? Will they be expected to "do more with less"?

The Dean of Arts & Sciences wants more Ph.D. programs in his college, and he has targeted Anthropology as a promising candidate. A new faculty hire or two may come with a new Ph.D. program, along with a few new teaching assistantships. In an attempt to encourage his chairs to be more daring and ambitious, the dean has outlined his own entrepreneurial style and his "five year plan" – at which point he expects to move on to a higher administrative position, most likely at another institution.

What are the chair's responsibilities in such a circumstance? Suppose that, were she only a regular member of the faculty, she would side with the minority who have serious doubts about developing a Ph.D. program. Should she hold her ground and resist pressure from the dean and the majority faculty to push ahead? Would it be all right for her at least to drag her feet, making it more difficult to develop the Ph.D.? If she has it within her power to, in effect, "veto" the idea, would she be justified in doing so? If so, on what grounds? If not, why not? Notice that these are questions about appropriate ends themselves, not about the best means of accomplishing agreed upon ends.

Change the scenario. Imagine that the dean's position is the same, but that it is only a minority of the faculty who favor developing a Ph.D. Now the chair's view matches that of the majority of the faculty, but it is in tension with the dean's. Again, the chair is "caught in the middle". The pressures are real. The dean has "authority" at the college level. He also has the power to reward and punish. The faculty expect the chair to respect their views and to exercise good leadership from the standpoint of their department and the discipline it represents. Would the chair, nevertheless, be justified in resisting these pressures and simply develop her own position based on

what she takes to be the educational and institutional merits of the case, regardless of whether it flies in the face of the dean's position and a few vocal faculty?

Or, imagine that the dean's position is the same, the majority of the faculty are in opposition, but the chair agrees with the dean about the desirability of having a Ph.D. in Anthropology. Once again, the chair is "caught in the middle". So, what is the chair to do? Why, and how? What should guide her in this?

An ideal circumstance, we might think, would be for the central administration, the dean, the chair, and all the faculty to be "on the same page" – either in support of a new Ph.D. or in opposition to it. If all are in support, each will have special responsibilities to help push the plan ahead. We could then ask how a chair might best proceed, without worrying about "local opposition." Of course, this assumes that there aren't reasons beyond the institution itself for not pushing ahead (such as there already being enough Ph.D. programs in Anthropology). To what extent, if any, should the chair's enthusiasm be tempered by this larger picture?

But, of course, ideas do clash over such matters. And there are power struggles. How should a chair deal with a dean whose approach to college matters seems to be "My way or no way?" What if some of the chair's faculty seem to have a similar attitude when it comes to group deliberation and decision-making? Is it acceptable for a chair have such an attitude?

I faced a related set of problems during my second term as chair of my department. Asked by the associate dean of our college what I thought the top priority of the department should be, I answered that I thought that maintaining a robust, comprehensive undergraduate program in philosophy had to remain our top priority. This program included an attractive range of general education courses as well as strong major and minor programs. Next was our growing M.A. program, which had become a very good place for aspiring Ph.D. students to prepare themselves for that next step. However, I added that investing in the M.A. program should not be at the expense of our undergraduate program. Finally, I said that, in my judgment, developing a Ph.D. program was a distant third – and probably not a good idea for our particular institution, the state, or the profession. The associate dean replied that her rankings were the exact opposite of mine!

Shortly after that I had a session with the dean, who urged me to agree to another term as chair. I said I thought it was time for me to return to the faculty. "Don't you want to shepherd in the new Ph.D. in Philosophy?" he asked. I replied that, no, I did not, repeating what I had said earlier to the associate dean. I said that I was not comfortable being chair when the expectations of both the dean's office and the majority of the faculty in my department were that we would be pushing forward with a Ph.D. program. As a faculty member I could continue to express my reservations about developing a Ph.D. program. If we were, nevertheless, going forward with this, it would not be under my leadership.

The dean smiled at me and said he enjoyed a good challenge. It was October. My term would not run out until the next May. "I'll get you to change your mind about staying on by December," he confidently asserted. "No, you won't," I firmly replied. Pausing for a moment, he smiled again and countered, "Ok, I'll do it by March." "No, you won't," I repeated. The bet was on.

In January the dean announced to the college that he was leaving our institution to become provost at another institution. He had completed his “five year plan” in four-and-a-half years. I completed my 3 year term in May and returned to the faculty. Although I did resign, I think I “survived” in my position. For the most part, I think I pursued my responsibilities in ways that were consistent with ends appropriate for my institution, college, department, and profession. But this self-assessment could be off the mark, particularly in regard to my reasons for resigning. My point here is that, whether or not my decision was well grounded, the issues I had to address as chair of the department were ethically complex and important – and different in significant ways from those of regular faculty members.

### **Another Administrative Perspective**

Although this ended my years of service as a chair, my life as an administrator was not finished. Three years later I was asked to serve as Senior Associate Dean of the Graduate College. I had no special preparation for this position either. Formerly operating under the purview of the Vice-President for Academic Affairs, the Graduate College had just been placed under the authority of the Vice-President for Research, who was also appointed Dean of the Graduate College. He agreed on the condition that he could appoint an associate dean to handle day-to-day affairs of the college. Part of my job, I was told, was to help redefine the role and structure of the Graduate College.

Viewing issues from the standpoint of a dean can shed different light on departments and their desired leadership. It was my job to help assess how all the graduate programs in the university were doing. Each time a new program is created, it must be funded. In the case of Ph.D. programs, this involves new allocations for graduate assistantships. In its efforts to become recognized as a first rate student-centered research institution, my university had initiated a large number of new Ph.D. programs in a short period of time. It also made efforts to strengthen already existing ones. When the Vice-President for Research and I looked at the budgeting of assistantships, we discovered a history of one-time fundings – renewed year-after-year. There was very little permanent funding – and needy new programs were cropping up across the curriculum. So, we asked, where is the institutional commitment to our graduate programs to be found? Answers were hard to find, only the hope that the new programs would find ways of obtaining external funding. From this standpoint, it was difficult to be enthusiastic about starting up a new Ph.D. program in Philosophy, and I was relieved that, by now, enthusiasm for such a program had largely disappeared, both at the dean’s level and among my colleagues in Philosophy.

However, to what extent should a chair try to view things from the larger perspective of, say, graduate dean? Or the dean of one’s college? Adam Smith is famous for advising that baker, brewers, and butchers would accomplish more good for society if they minded their own business affairs and let the public good take care of itself

(the work of “the invisible hand”).<sup>19</sup> But what *is* the business of chairs? If they are to serve the interests of all the stakeholders of their institution of higher learning, should they shut their eyes to the perspectives and concerns of those with whom they work outside their departments? (Can the bakers shut their eyes to what their employers and customers want?)

While chair, I was expected to submit annual budget requests. Sometimes the dean would point out that the college budget was going to be very tight next year and that he would appreciate our limiting requests to “essential” items. How seriously should a chair take such requests? Whether or not the college resources are ample or limited, don’t departments compete for those resources? What if other chairs exaggerate their requests in hopes that they will actually get more than is really “essential”? If others inflate, should I? If the dean suspects that chairs inflate, won’t my request be reduced even if I’ve seriously tried to follow the dean’s urgings? This is analogous to the problem of deciding what to write in a letter of recommendation. If others regularly inflate their recommendations, isn’t the person you recommend harmed by your candor? So, the argument goes, in an inflationary world, everyone should inflate. Those who do not (or those they represent) are the losers. Leave it up to the dean to “translate” requests and prioritize.

This sounds like an endorsement of lying. Is this what the dean expects? Could he find it acceptable for individual chairs to do this? What about one’s departmental colleagues? To worry much about this, a cynic might claim, is to fuss too much – there is a “politics” to chairing, a certain amount of “gamesmanship” and “bluffing.” I must admit to feeling uncomfortable with this. Chairs may sometimes find themselves “caught in the middle,” but they need not give up the idea that they are trying to serve their department, their college, their institution, their students, their discipline, and the general public *all at once*. This doesn’t mean that one must literally try to adopt all these perspectives at once; however, willfully distorting reports, requests, and the like seems designed to prevent others from obtaining the sorts of information needed in order to make fully informed, fair-minded decisions.

Early in my first term as chair I submitted a dinner bill to the dean’s office so that I could be reimbursed for paying for our visiting speaker’s dinner and those of two accompanying colleagues. Although the restaurant’s prices were modest, the total bill exceeded the allowable individual limit by a considerable amount. I asked one of the dean’s administrative assistants if an exception to that limit could be made in this case. The answer I received was that it was common for bills to be excessive in this way, but that the limit must be strictly applied. The common solution, I was told, is to make up the names of enough other “guests” who weren’t there to cover the total expenses. “Just write the names of 3 more people and you’ll get all your money back,” she said. “Even if they weren’t there?” I asked. “Yes, that’s the only way you can come out even.”

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<sup>19</sup>Adam Smith, *The Wealth of Nations*, 5th edition, edited by Edwin Canaan (London: Matheun & Co., Ltd), 1904, Chapter II, Section II. (Originally published in 1776.)

In other words, to be treated fairly, I was being told, I needed to lie – in writing! I refused to do this, both because I didn't feel comfortable lying in this case and because I worried about setting a bad precedent for other circumstances in which the stakes might be higher. "You can't balance your budget? Play with the numbers a bit, and you'll come out fine. What? You say you can't lie in order to save a few thousand dollars in your department budget? Well, I remember what you did to get reimbursed the full \$73.47 for that dinner last year – remember? So much for your *principles*."

Perhaps I do fuss too much over such matters. Yet, Gunsalus emphasizes the importance of deciding on principled, professionally respectable considerations rather than personal preference. I agree. However, my point in this essay is that it is not always a straightforward matter to determine where one crosses the line. Drawing a line even in small scale situations has always struck me as the preferable option, even if at some personal expense. But is this really practicable for a chair who wishes to "survive"? And if it is not practicable, is it nevertheless ethically defensible? These questions are among the many, many questions about the responsibilities of chairs that warrant enough reflection to constitute an important area of further inquiry for professional ethics.

# Cardinal Virtues of Academic Administration

Randall Curren

**Abstract** The aim of this paper is to articulate the basic elements of a comprehensive ethic of academic administration, organized around a set of three cardinal virtues: *commitment* to the good of the institution; good administrative *judgment*; and *conscientiousness* in discharging the duties of the office. In addition to explaining this framework and defending its adequacy, the paper develops an account of the nature of *integrity*, and argues that the three cardinal virtues of academic administration can be captured in the concept of integrity in academic administration. The Aristotelian basis for this framework is summarized, and its central ideas are illustrated through a variety of applications.

**Keywords** Virtues · Integrity · Institutional integrity · Academic administration · Professional ethics · Higher education

My aim in this chapter is to sketch the outlines of an ethic of academic administration, organized on Aristotelian principles. A good academic administrator has a variety of desirable traits or virtues, some distinctively ethical and some not, some generically human and some specific to the academic administrator's role.<sup>1</sup> To do the job well, an academic administrator requires stamina, but stamina is not an ethical virtue, and not specific to the role of academic administrator. Possessing administrative skills and public speaking ability are also desirable qualities in an academic administrator. These too are non-ethical, but they are important traits in an academic administrator much more than in a human being as such. One can live well as a human being without these traits, but one would be impaired as an academic administrator without them. Honesty and fairness are ethical virtues no less

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<sup>1</sup>My use of the word "specific" requires some explanation. I distinguish generic ethical virtues, or virtues of common morality, from "specific" ethical virtues associated with specific professional or other roles. To say the latter are "specific" to some role is not meant to imply that they are *unique* to that role. They may also pertain to other roles that are relevantly similar.

essential in academic administrators than in everyone else; they are ethical virtues but not specific to academic administration or any other specific roles. The ethical virtues specific to the role of the academic administrator are the ethical traits specific to performing well in that role, or satisfying the demands of that role. Whatever these virtues are, they will occupy a central place – and generic human virtues a subsidiary, though nevertheless important, place – in any virtue-oriented account of the ethics of academic administration. I'll call the ethical virtues that are specific and basic to academic administration its *cardinal virtues*. An account of these virtues, and of how the others are related to them, would be a good start toward articulating what it means to be an ethical academic administrator. It would lend coherence and focus to the larger enterprise of developing and communicating an ethic of academic administration, whether or not that enterprise includes a prescribed *code* of ethics for academic administrators.

## Thesis

The basic thesis I will defend is that one can organize a comprehensive ethic of academic administration (hereafter, Ethic of AA) around a set of three cardinal virtues: *commitment to the good of the institution*; *good administrative judgment*; and *conscientiousness in discharging the duties of the office* (hereafter, *commitment*; *judgment*; and *conscientiousness*). I argue that all three of these traits are ethical virtues specific and basic to the academic administrator's role, that all three are essential to the articulation of a comprehensive Ethic of AA, and that together they constitute the fundamental elements of a comprehensive Ethic of AA. I argue further that these fundamental elements of a comprehensive Ethic of AA can be captured in the concept of *integrity* in academic administration. Integrity is a useful summative concept in the domain of professional and institutional ethics, and it will contribute to our understanding of the ethics of AA to explicate the concept of integrity and identify the roles of *commitment*, *judgment*, and *conscientiousness* in academic administrative integrity.

The identification of *commitment*, *judgment*, and *conscientiousness* as cardinal virtues of AA (i.e., virtues that are distinctively ethical, and specific and basic to AA) rests on the following reasoning: having accepted the duties of an academic administrative office, it becomes an *ethical* requirement that one *conscientiously* fulfill them for the duration of one's appointment. This is ethical, specific to the role, and basic. Part of the role is acting as an officer of the institution responsible for its well-being, and part of the role is acting as a leader of others within it, with responsibility to lead them in safeguarding and advancing its well-being. In short, the academic administrator must act with a commitment to the well-being or good of the institution. *Commitment* of this kind is specific and basic to the academic administrator's role, as well as complexly ethical. It is a trait essential to being a good academic administrator, hence a virtue. This commitment must be

put into effect, not just in conscientiously discharging the duties of the office, but with *good administrative judgment*. Good judgment is a virtue basic to success in any human endeavor, hence basic to academic administration. In the form of good *administrative* judgment, it is specific to academic administration, and it requires an understanding of higher education in general as well as an understanding of the particulars of one's specific institution. It is an ethical virtue, to the extent that it entails qualities of reasonableness, sensitivity to diverse ethical considerations, and care in one's approach to making decisions. Aristotle classifies good judgment as an intellectual virtue, while insisting that it presupposes all of the moral virtues *and* is essential to any moral virtue being a true virtue. It presupposes all of the moral virtues inasmuch as each of those virtues contributes to the accuracy of moral perception and fund of emotion critical to seeing and being moved by what is ethically important. To the extent that no attribute is a true virtue unless it is mediated by good judgment, it is clear that no set of virtues basic to any domain of practice could be complete unless it *in some way* included good judgment. One might imagine simply treating the other virtues on one's list as entailing good judgment, but the centrality of good judgment to leadership makes it far more perspicuous to count good administrative judgment as a distinct ethical (or ethically laden) virtue of academic administration.<sup>2</sup>

*Commitment, judgment, and conscientiousness* are thus cardinal virtues of AA. One may reasonably ask whether they are the only such virtues, or whether there may be others that are equally basic. There is no good and short answer to this question. A good answer would depend on the adequacy and comparative advantages of the Ethic of AA elaborated on the basis of the three cardinal virtues identified. There

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<sup>2</sup>I am grateful to Peter Markie for pointing out that it might be objected at this point that failures of administrative judgment are often regarded as blameworthy, but not as ethical lapses. This is true, but answerable as an objection to classifying good administrative judgment as an ethical virtue. Not every failure to exemplify an ethical virtue is an instance of behaving unethically. Virtues such as good judgment, courage, self-control, and loyalty enable their possessors to do the right thing in the face of complexity, danger, tempting pleasure, and the expectations arising from relationships. Yet, beyond the observance of certain requirements they are *ideals*, and people who possess the virtues but fail to exhibit them perfectly may fall short of the ideal in ways that do not constitute being unethical. In the case of judgment, it is not unethical to simply run up against the limits of one's imagination, memory, or capacity for sustained analysis. Yet, some failures of good judgment involve moral blindness, callousness, or unreasonable disregard for rules or other ethically significant considerations. In those instances, failures of good judgment will be ethically blameworthy. It might be objected now that I have missed the point, that a person may be disqualified from having the virtue of good judgment (or good administrative judgment) by reason of having *terrible judgment*, but not on account of any ethical deficiencies. However, if this is grounds for declining to classify good administrative judgment as a distinctively ethical virtue, then there are similar grounds for refusing to classify *any* hybrid virtue as ethical. This won't do, because there are good reasons to regard all true moral virtues as hybrids to which good judgment is essential. In any case, it is not essential to the view I am outlining that good administrative judgment be an ethical virtue in any strict sense. It is enough that it be a virtue which is specific and basic to academic administration, as well as "distinctively ethical" or rich in ethical content. If that content is conveniently encapsulated in the idea of good judgment, then it is an idea that can play a useful organizing role in an ethic of AA.

is, however, a very preliminary and intuitive answer that may go some way toward motivating the view. An idea underlying the identification of *commitment*, *judgment*, and *conscientiousness* as individually necessary and jointly sufficient is that administrative conduct begins in aims and acceptance of the duties of the office, takes shape in deliberation and choice that determine the manner in which, and extent to which, those aims and duties will be fulfilled, and finds its completion in execution. Virtues governing these three “phases” of conduct would be individually necessary, and, in an obvious sense, jointly sufficient for goodness or integrity. The conduct of a good academic administrator finds its aims in the good of the institution, is shaped by good judgment in advancing that good and fulfilling the duties of the office, and finds its completion in conscientious follow-through. Failure to act, failure to act with the right ends in view, and failure to act wisely, are failures associated with the three “phases” of action; and if there are only three (ethically salient) phases, then there is an obvious sense in which there are no other basic forms of failure and no other corresponding forms of success. What remains to be seen is whether these forms of failure and success provide the basis of a useful orienting Ethic of AA.

Having set out the basic idea of an Ethic of AA, I will now explain briefly the Aristotelian basis for some of the details to be filled in.<sup>3</sup> I will then elaborate and explain the Ethic of AA these starting points suggest. In doing this, I will illustrate the central ideas and application of the Ethic so outlined through a number of cases, and to that (limited) extent I will also defend its substance and adequacy. The brevity of the resulting treatment of the subject will preclude any claim to having established the adequacy of this conception of an Ethic of AA, let alone its superiority to any competing conception.

## Aristotle on Moral Virtue and Good Judgment

I begin with Aristotle’s conceptions of moral virtue (*aretê*, which may also be translated as “goodness”) and good judgment (*phronêsis*, which may also be translated as “practical wisdom”).<sup>4</sup> Aristotle classifies good judgment as an intellectual virtue, but he also asserts a *unity of virtue* thesis, which holds there are interdependencies between the possession of good judgment and the possession of moral virtue. No moral virtue is a true virtue unless it is guided by good judgment, and no one can develop good judgment without first possessing natural or habituated forms of the moral virtues. Moral virtues are conceived as dispositions of the desiring part of the psyche, and more specifically as dispositions of desire, emotion, and perception that lead us to choose and do what it is reasonable for us to choose and do, all the while *perceiving* our choices and actions to be reasonable. Moral virtues

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<sup>3</sup>I do this with apologies to Aristotle for importing the language of “cardinal virtues” and mapping this language onto the “phases” of conduct.

<sup>4</sup>For textual citations, references, and further detail, see Curren (2000, esp. 201 ff) and Curren (1996).

thereby establish the ends we aim at, while good judgment enables us to achieve those ends. Moral virtues that are not guided by good judgment may serve us in familiar circumstances, but will not reliably guide us to the right or best act, and are thus not true virtues at all, or virtues without qualification. We translate the qualifying terms Aristotle appends to them as “natural” and “habitual”, and our own language sometimes qualifies them as “blind”, as in “He was led astray by blind loyalty to an unscrupulous superior.”<sup>5</sup> The moral virtues are *completed* by good judgment, but the possession of good judgment is only possible if one perceives the world accurately in all its moral particularity. And according to Aristotle, our perceptions are largely shaped by what we have experienced as normal, including what we have experienced as normal in our own conduct; the ways we have habitually acted and the ends we have habitually pursued will seem to us acceptable and good. An aspect of the formation of (habitual) moral virtues or vices is thus the habituation of corresponding perceptions, accurate or inaccurate. Since good judgment requires accurate perceptions, it also requires the possession of the moral virtues. As Aristotle conceives those virtues, they pertain to different spheres and aspects of conduct, such as the sharing or not of wealth, fidelity to significant others, self-restraint in the face of temptation, and courage in the face of danger or threats. A person who lacks any one virtue will be deficient in the perception of associated moral particulars and conception of what is acceptable, and to that extent would suffer impaired judgment.

By Aristotle’s lights, good judgment subsumes particular cases, well perceived, under universal principles acquired through teaching. *Phronêsis* “is concerned not only with universals but with particulars, which become familiar from experience”, he says (*NE* VI.8 1142a13–15).<sup>6</sup> Aristotle is not fully explicit about the extent to which one acquires or comes to believe true ethical generalizations in the course of a good moral upbringing, but there can be no doubt that he thinks a good upbringing alone will not yield *knowledge* of moral “universals” or, in other words, the systematic understanding of the human good required for *phronêsis* or good judgment. Aristotle calls this systematic understanding “political science”, and he advertises himself as a teacher of it, able to prepare citizens and statesmen alike to assist others in living well, and able to educate political scientists who understand how to preserve and guide any city toward the best constitution it can attain (See *NE* I.1–4; X.9; Curren, 2000: 75–79, 82–83).

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<sup>5</sup>The distinction between habitual and true virtues is often not observed in public debate, as in the matter of whether the 9/11 hijackers were courageous. Presumably they were in the former sense, but not the latter.

<sup>6</sup>I will follow convention in citing the *Nicomachean Ethics* as *NE*, and the *Politics* as *Pol.*, using the book (VI), chapter (8), page (1142), column (a), and line (13–15) numbers of Immanuel Bekker’s 1831 edition of the Greek texts. This system of pagination appears in the margins of most modern translations. The translations relied on here are those in Barnes 1984. The “universal” element in *phronêsis* has been played down, even denied, by some commentators, sometimes in connection with efforts to construct radically particularistic forms of virtue ethics. This universal element is repeatedly noted by Aristotle, and emphasized quite emphatically in *NE* X.9.

Behind this is a concept of human virtue or goodness that built upon, and in some respects overcame, a wider notion of virtue (*aretê*). In that wider sense, *aretê* signified the quality of a person or thing that enables it to do its work or play its assigned role well or outstandingly well. Goodness in this sense could be attributed to a human being in a particular role or of a particular kind, such as a runner, but also of a part of a human being, such as an eye, or something non-human, such as a hammer or school, that has a function it is more or less well-designed to serve. There is a remnant of this kind of functionalism in Aristotle's view that *human* virtue, or the virtue of a human being as such, equips its possessor to succeed in the task of living well or leading a flourishing human life. Because other tasks are properly *subsidiary* to that of living well, human flourishing and the virtues it expresses provide a natural measure of the *quality of the roles* people are expected to play. The role of citizen and constellation of traits expected of a citizen must be consistent with human flourishing and the virtue of a person as such, and in the best political system the virtues of a citizen and the virtues of a person will coincide. A good political system enables people to flourish as human beings. Part of how it does that is to legislate in a way that communicates moral truths, hence the need for "political science" or a systematic understanding of ethics and the art of legislation. The Aristotelian ideal is that the roles in *all* institutions would be designed in ways conducive to human flourishing. This is an ideal with particular salience for academic institutions, whose very business is to be communities of the kind Aristotle thought a society should be – communities that promote human flourishing by pursuing inquiry as their highest end.

In the sections that follow, I will draw on these Aristotelian ideas in spelling out the notions of integrity in academic administration, good administrative judgment, commitment to the good of the institution, and leadership.

## Integrity

The three cardinal virtues or fundamental elements of a comprehensive Ethic of AA can be summed up in the concept of *integrity* in academic administration. This requires some explanation, especially since the concept of integrity is itself somewhat complex. Philosophers have noted the existence of two distinct notions of integrity: *rectitude*, or the sum of honesty, fairness, and other such traits; but also being "true to oneself" or true to a coherent set of important commitments (see McFall, 1987). We can presume there are persons who are true to themselves without exhibiting rectitude, and some who exhibit rectitude "in-authentically", but to describe a person without qualification as a "person of integrity" is to attribute integrity in a moral and comprehensive sense. One cannot be a person of integrity without it being the case that one is "true to oneself" in doing the right thing. Integrity in this sense requires fidelity not just to a "core" identity but to a consistent set of important commitments that include the requirements of rectitude or social morality.

This much seems right, but it pertains to what we might call “personal integrity” or the form of integrity associated with common morality and applicable in everyday life. How shall we understand the form of integrity specific to academic administration?

First, we can safely assume that integrity in academic administration entails, but is more than, personal integrity.<sup>7</sup> A university president who misleads his university’s board of trustees about enrollments and revenues, in order to hide the shortcomings of his performance, exhibits a monumental failure of integrity. Honesty is a common virtue and aspect of personal integrity, but it takes on special institutional significance when it is material to the board’s oversight and the president has a responsibility to disclose matters material to that oversight. A president who misleads a board in this way exhibits a failure of integrity with respect to conscientiously discharging the duties of the office. *Acting* with integrity involves fulfilling one’s duties, and *having* integrity involves a disposition to do so.

A lack of integrity may also be discerned in the actions of the dean of a school who fires her assistant without warning by e-mail from out of town, in order to make the position available for a family friend. Sound decisions with an eye to the good of the institution must be matched by forthrightness in explaining the decisions to those affected, and the explaining should be done face-to-face if the decision has serious implications for an employee’s position.<sup>8</sup> This is a requirement of leadership which sometimes requires courage, and the facts in the case described suggest both cowardice and an unsound decision reflecting a conflict of interest or failure of commitment to the good of the institution. In cases such as these, the failure of administrative integrity seems to consist of a failure of personal integrity in carrying out the duties of the office.

Second, we can assume that integrity in academic administration often concerns appropriate use of the powers of one’s office. Obvious failures of administrative integrity involve conflicts of interest and commitment, receipt of gifts that may create conflicts of interest, misappropriation of funds or other resources, breaches of confidentiality, and misuse of privileged information.<sup>9</sup> All such failures of integrity involve failures of conscientiousness, commitment, or judgment in using the powers of one’s office, which are granted solely to enable one to do the work and promote the well-being of one’s academic unit and institution. The failure consists either in

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<sup>7</sup>As Arthur Applbaum has taken great pains to demonstrate, “Institutions and the roles they create ordinarily cannot mint moral permissions to do what otherwise would be morally prohibited” (Applbaum, 1999: 3).

<sup>8</sup>On the obligation to provide explanations, as an aspect of interpersonal respect and especially in the context of established relationships, see Curren (2000: 21–30).

<sup>9</sup>A domain of educational administration for which formal codes of ethics have been drawn up is service on local school boards. New York State’s General Municipal Law (§§806–808) requires all school boards within its jurisdiction to adopt ethics codes, and in 2005 the New York State School Board Association promulgated a sample code (“Sample Policy”), which the various districts have followed closely. Its focus is conflicts of interest, gifts, and confidentiality. These can all be fairly described as pertaining to proper use of the powers of the office. See NYSSBA (2007: §2:81).

allowing one's commitment to the good of the institution to be compromised by pursuit of some extraneous end, in poor judgment that undermines the good of the institution or compromises one's effectiveness in securing the good of the institution, or in a failure of conscientiousness that involves putting oneself in a position of divided loyalty that limits one's freedom to secure the good of the institution.

Somewhat less obvious than abuses and misuses of power are failures to make appropriate uses of one's powers to address problems that require attention. Examples of this would include failures to take appropriate steps to correct discriminatory personnel practices or to address dangerous aspects of student culture, such as hazing and binge drinking. Such examples suggest a third observation, which is that administrative integrity often pertains to acting on behalf of one's institution to ensure that *its* policies and procedures are ethically sound. The terms of bequests must be honored, human subjects must be protected, and the public's interest in the dissemination of research pertaining to public health, environmental hazards, and drug safety must not be sacrificed to proprietary interests. An academic institution must in general treat all those it deals with in an ethical manner, and administrators who have influence or control over institutional decisions and policies must endeavor to ensure it does so. A failure to do so constitutes a failure of administrative integrity.

In sum, we can distinguish three kinds of failure of integrity in academic administration: failures of personal integrity in carrying out the duties of one's office, abuses and misuses of the powers of one's office, and failures to protect and promote the integrity of the institution. Some acts may fall under only one of these categories and others may fall under two or all three. Failures to protect the integrity of the institution have just been introduced in the form of failures to protect the ethical integrity or rectitude of the institution in its dealings with individuals, other institutions, and the public at large.

There is, however, a more encompassing sense in which administrators must act to protect the integrity of their institutions: They must protect their institutions' capacities to succeed in their work without ethical compromise. This is best introduced in connection with two further senses of the word, "integrity", associated with *unity*, *functionality*, and pursuit of a coherent set of commitments. These bear on the idea of *institutional integrity*, which we must understand if we are to understand fully the nature of *administrative integrity*. The linkages between the two are important. Institutional integrity is an important goal of institutional leadership, but also a prerequisite for avoiding ethical difficulty. In pursuing this, we will also be able to provide a more general account of the equivalence between integrity in academic administration and exemplifying the three cardinal virtues of commitment, judgment, and conscientiousness.

Let us consider again the distinction between human virtue and the virtue associated with a specific role or task. We are fundamentally concerned with the virtues *specific* to the academic administrator's role, and these virtues are inextricably bound up with the functionality or *functional integrity* of the institution of which the administrator is a functioning part. In order to specify the virtues required of an administrator playing a specific role in the institution, one must identify the qualities

the institution needs in order to do *its* work, or perform *its* function(s), well. Doing its work is what is sometimes referred to as fulfilling its mission, and it will succeed only to the extent that it has structural unity or coherence and the units within that structure work together harmoniously and effectively (yielding functional integrity). This is material to integrity in the sense of fidelity to a coherent set of important commitments, in this instance a coherent set of institutional commitments. Institutions and artifacts, such as bridges and engines, may be said to have structural and functional integrity, or to lack such integrity if they are coming apart or the parts no longer work together smoothly and reliably. An institution that lacks structural and functional integrity will be impaired in making good on its commitments, and that impairment may in turn create pressures that compromise rectitude.

Three levels of analysis are relevant here. One may think of an educational institution as a *system* that acts in pursuit of a mission (a *rational system*), is more or less well or functionally designed with respect to succeeding in that mission (a *functional system*), and is instantiated in human and other resources in a way that enables it to be more or less successful in that mission (a *human system*).<sup>10</sup> As a human system, the qualities of an institution's faculty, students, staff, administrators, facilities, and revenue streams are joint products of the quality of its leadership and contingencies it cannot control. Circumstances may undermine the adequacy of these resources in ways that necessitate adaptation and sometimes a redefinition or refocusing of mission, downsizing, cost cutting that impairs the institution's functioning, or growth in revenue-generating operations. Such changes may generate tensions within the institution and present administrators with ethical challenges. Circumstances may also change in ways that present new opportunities to strengthen the institution, on the one hand, or inadvertently create structural tensions and attendant ethical difficulties, on the other. In general, the administrator's role is not simply one among others in a predetermined and fixed institutional system, but a role (possibly changing) within a dynamic and changing system – a system that must be managed strategically and with sensitivity to the ethical dimensions of institutional management and change.

Every role in an academic institution has some significance for the unity and functionality of the whole, but academic administrators have a *responsibility* to protect and promote the unity and functional integrity of their units and institutions. The mission and good of their unit and the institution as a whole must be their own, and as definitive of their own professional integrity as being “true to oneself” is definitive of personal integrity. The integrity of the institution is an important goal of academic administration, and commitment to that goal is one aspect of the administrator's integrity. Rectitude is the other basic aspect of personal integrity, and its analog in an institutional setting is a combination of the virtues of both common morality and the requirements of one's office. If sensitivity to the requirements of common morality is basic to exercising good judgment (as I reiterate with some elaboration below), then the exercise of good judgment and conscientiousness in

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<sup>10</sup>This scheme is adapted from Dennett (1971).

fulfilling the duties of one's position would seem to capture the analog of rectitude in the domain of institutional integrity. Putting together the two aspects of integrity yields the anticipated equivalence between integrity in academic administration and the three cardinal virtues of academic administration. The academic administrator's integrity consists of exhibiting a *commitment* to the good of her academic unit and institution, and exercising good administrative *judgment* in acting on that commitment and in *conscientious* fulfillment of the responsibilities of her office.

### Three Threats to Institutional Integrity

The ethical salience of administrative responsibility for the (structural and functional) integrity of the institution can be illustrated through three aspects of universities that challenge their functional integrity: a commitment to fielding winning teams in high-profile sports, corporate funding of research, and nepotism.

Is it part of the *mission* of academic institutions to have winning intercollegiate football and basketball teams? In the US, where many institutions act as if it is, their charters and mission statements seldom provide any supporting rationale. The common defenses of the academic value of athletics don't begin to justify the existence and costs of intercollegiate spectator sports either.<sup>11</sup> Nor can intercollegiate athletic programs justify themselves through the revenues they generate, since even the most successful Division I teams are not net revenue generators when all hidden and capital costs are accounted for (Duderstadt, 2000: 126 ff; Brand, 2006: 16). In short, there is some reason to regard high-profile, spectator sports programs as aspects of university operations that are *extraneous* to, do not support, and in some ways undermine, the institutions' pursuit of their announced missions and fundamental academic functions. They undermine those missions by introducing an objective – the objective of winning games and titles – that is in tension with academic excellence. When academic administrators make it a priority to field winning teams, they may tolerate a number of things they should not. These include diversion of resources away from academic operations, lower academic admissions standards, student cultures that are hostile or indifferent to academic achievement, and compromises of academic integrity (such as cheating and dilution of academic content)

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<sup>11</sup>See Duderstadt (2000), French (2004), Shulman and Bowen (2001). French reviews a set of university mission statements and argues persuasively that none of the standard defenses of the educational value of athletics apply to high-profile intercollegiate sports. He offers as an alternative the unconvincing suggestion that it is part of the mission of universities to provide the public with entertainment (as if there were any shortage of that). Duderstadt explodes the myth that television and ticket revenues cover the costs of high-profile athletic programs. Shulman and Bowen document the negative academic impact of intercollegiate athletics at Ivy League and other Division III institutions. See also, Brand (2006), which defends the educational value of intercollegiate athletics on the grounds that "the mental and the physical should both be part of a sound education" (17), but in doing so ignores French's most potent argument: If participation in athletics has educational value, the investments in *intercollegiate* athletics would be better spent on *intramural sports or club programs* (French, 2004: 3).

that arise from the incompatibility of academic achievement with all-consuming commitment to a sport.<sup>12</sup>

This having been said, it is of course far from clear that high-profile intercollegiate athletics does not also contribute in important ways to the work of specific institutions of higher learning. Because it is of great interest to many students, the creation of successful teams has enabled some institutions to build and sustain student bodies they would not otherwise enjoy.<sup>13</sup> Once in existence, these teams may become important to the identity of the institutions. This can make it unthinkable that they would not continue, and damaging to the institution that would seek to eliminate them. Integrity in the sense of the institution being “true to itself” would suffer. In these circumstances, there is some measure of integration between the intercollegiate athletic programs and academic programs, and the institution’s degree of institutional unity and functionality will depend upon the effectiveness of efforts to mitigate tensions between the two.

Corporate funding of university research presents both opportunity and risk to an institution’s capacity to achieve its academic ends, and administrative decisions regarding the ground-rules for such funding must guard against the hazard to institutional integrity it entails.<sup>14</sup> The rising costs of scientific research and decline of public funding for it present challenges to the academic ideal of pursuing knowledge, including scientific knowledge, in the public interest. Research partnerships with business are an obvious means to fill the funding gap and may be beneficial in transferring the results of research to the public, but they are not always a way to advance the enterprise of research in the public interest. It is not unusual for research funding agreements to allow the business partner to delay publication of results that have commercial potential, to block publication of results that cast doubt on the safety or efficacy of a product (typically, a pharmaceutical product), to prevent the methodology of research studies from becoming public (thereby precluding independent attempts to replicate or verify results), and to review and delete material from research papers prior to submission – i.e., to censor them (Blumenthal et al.,

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<sup>12</sup>See Duderstadt (2000), French (2004), Shulman and Bowen (2001). Duderstadt points out that there are still some sports in which it is possible to compete at a high level and be an exemplary student. These do not include Division I football and basketball. Even in Division III the admissions standards are much lower for athletes, and athletes academically under-perform not only their non-athlete peers, but also relative to students of comparable academic ability. They comprise a much larger proportion of the student body at Divisions III schools, and at some institutions have a more divisive impact on the student culture of their schools.

<sup>13</sup>A good example is UCLA, which began as a normal school with a female student body and launched its football team in order to attract male students.

<sup>14</sup>A prior, much discussed tension exists between the research and teaching functions of modern universities. To say there is a tension is not to insist on any fundamental incompatibility. Rather it is to note that the two may in some respects compete with another, and may do so at some ethical risk in some circumstances. Corporate funding of research poses a particular risk of this kind, when the terms of research funding preclude or substantially delay the publication of results essential to doctoral dissertations.

1997, 1996; Bowie, 1994; Graham, 2000; Krinsky, 2003; McCrary et al., 2000).<sup>15</sup> Academic values and the norms of science demand full disclosure of research findings, and the interests of individual businesses are most efficiently advanced through secrecy and suppression of unfavorable findings, so it is in the nature of university-industry partnerships to pose some risk to institutional integrity, in every sense of the term.

High-profile spectator sports and research partnerships with business both pose risks to academic institutions as *functional systems*. In the former case, functional simplicity is sacrificed in adding what is, in essence, an entertainment division, and the complexity that results is fraught with tensions that pose some risk to core academic functions. In the latter case, contractual arrangements with an external partner alter it systemically. The alteration is *systemic* because authority over the production and flow of academic work is altered. Nepotism is similar in creating conflicts of interest, but it affects institutions as *human systems*. Allowing family members to be in positions of authority over one another does not alter the nature or authority of the positions, but it creates a conflict of interest that may undermine an administrator's full commitment to the good of the institution or may color her perception and judgment of what is acceptable. Strictures against nepotism thereby capture one aspect of an administrator's responsibility to guard her institution against impairment of its capacity to do its work or pursue its defining ends.

Conflicts of interest are a problem for academic institutions. Administrators whose own interests are in conflict because of extraneous entanglements are thereby limited in their pursuit of the good of the institution. Conflicts of interest that become institutionalized within the institution are potentially much more worrisome. They may directly undermine aspects of the institution's core mission, and in doing that may create internal tensions within the institution that create ongoing ethical difficulty.

This brings us to a final, valuable lesson we can draw from these observations about the nature of integrity, namely that the integrity of an officer of an institution *presupposes* institutional integrity. Recall that integrity in the moral and comprehensive sense involves fidelity to a coherent set of important commitments that include the requirements of common morality. It follows that an administrator can only act with integrity in fulfillment of her role-responsibilities if the role presents her with a set of demands compatible with both common morality and the fulfillment of the institution's mission.

## The Foundations of Administrative Judgment

A lesson to be drawn from the unity of virtue doctrine is that although the defining virtues of academic administration will be specific to the role, they will build on and entail all the common virtues, because good judgment in any sphere would be

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<sup>15</sup>I am indebted to Susan Gibbons' knowledge of this literature.

corrupted by moral blind spots. Being fair, trustworthy, honest, and forthright in dealing with faculty, students, families, staff, and others is foundational to being an ethical academic administrator. As common virtues, these are important. They are not distinctive or central features of an Ethic of AA, however. In the scheme I have been describing, we can picture them as arrayed under good administrative judgment, as the first and most basic of its foundations.

In Aristotle's scheme of moral and intellectual virtues, it is the moral virtues that supply the end or target that action aims at, and good judgment that enables one to hit the target. That cannot be the case for the virtues corresponding to a specific role, such as academic administration, where the end is supplied by the nature of the enterprise. Aristotle holds that practices such as medicine and statesmanship aim at certain goods, and it is in the nature of a true physician or statesman to aim at those when exercising the powers of the office. If this is correct, then the good of an academic institution, understood as the goods it aims at together with its capacity to secure those goods, will constitute the fundamental aim to which a good academic administrator will be committed. The nature of the enterprise provides the primary aim, and the preservation and enhancement of the institution's capacity to succeed in that enterprise would be an entailed aim, instrumental to the primary aim. Commitment to these aims, constituting the good of the institution, is a second prerequisite of good administrative judgment. Without commitment to this aim, and practice in orienting himself by it, it is hard to imagine how an academic administrator could perceive the affairs of the institution in the proper light or serve it responsibly or with integrity.

Basic moral integrity and commitment to the good of the institution are both important, but do not supply all the prerequisites for good judgment. As Aristotle understands it, such judgment subsumes particular cases, discerned in all their salient nuances, under universal principles. *Discernment* requires both an intimate knowledge of the particulars of one's own institution, and an attunement to what is ethically salient in the situation at hand. Beyond the obvious foundations for such discernment in study, personal familiarity, and sound ethical orientation, where does such discernment come from? It comes largely from experience, conversation with similarly placed and discerning peers, and from mentoring by discerning academic elders. A primary foundation of administrative judgment is the administrator's experience of her own academic career as a teacher and scholar, artist, or researcher. Such experience is essential to understanding the nature of the academic enterprise, and it offers lessons in what it is like to work under good and bad administrators.

Discernment of what is important in specific situations might also be aided by reflection on, and practice in applying, the equivalent of the "universal" principles Aristotle referred to. But what are those? What forms of systematic knowledge can academic administrators call upon in doing their work? We can begin by setting aside the idea that there is a systematic science of academic leadership, yet insist that there is a basis for some points of consensus regarding the nature of the goods promoted by higher education, and regarding how those goods may be properly and effectively attained. Such knowledge is basic to the operation of higher education, and more or less understood by good administrators. A systematic mapping of its

*ethical* dimension may be possible, perhaps along the lines traced in this paper, and might serve to focus and systematize the administrator's understanding of the Ethics of AA. Its *empirical* dimension is the object of research that takes higher education as its object of study: historical and social science research that sheds light on the dynamics and trajectory of institutions like and unlike one's own. There is no "science" of higher education, yet there is much research to draw on, and administrators responsible for major strategic decisions would be grossly irresponsible if they failed to ground their decisions on whatever relevant research is available.<sup>16</sup>

Finally, it is important to note that the exercise of good administrative judgment bears not only on the substance of decisions, but also on deciding what decisions to take upon oneself, the extent and nature of the consultations and collaborative decision making one engages in, and the manner of execution in communicating decisions. The parameters of an academic administrator's authority are set by the institution and its charter, and respect for the boundaries of one's authority and norms of collective decision making is vital to the institution's welfare. The roles of faculty governance systems, the Board of Trustees, and – in the case of public institutions – state legislatures, are noteworthy. How one communicates, how one guides institutional change, and how one builds and sustains academic community are similarly vital to the institution's welfare. In one sense, these internal matters are all themselves matters of substance, since the task of the academic administrator is in essence to manage the life of an institution that exists to manifest the virtues of academic practices or pursuits. Good judgment in academic administration will therefore rest not only on an insider's feel for and commitment to the academic enterprise, but also some understanding of organizations, cultural stability and change in organizations, motivation, and the nature and forms of leadership.

## **Leadership and Commitment to the Good of the Institution**

I have identified commitment to the good of the institution as one of the cardinal virtues of academic administration, and have more or less identified the good of the institution as the academic goods it aims at together with its capacity to secure those goods. This can now be qualified, to acknowledge that academic institutions have individual identities which may define what is good for them somewhat independently of what contributes to their capacity to fulfill their fundamental academic ends. Academic institutions may have self-declared missions or defining histories of pursuing the basic ends of higher learning with certain priorities, audiences, or special purposes in view. They will have specific academic ends that are compatible

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<sup>16</sup>There are, indeed, graduate programs in higher education studies in which the research in question is taught, but it would be unrealistic to think that these could play a substantial role in the preparation of academic administrators, who will generally have held faculty positions. It is less unrealistic to think that academic administrators might maintain some familiarity with research on higher education through authoritative sources such as the *Almanac of Higher Education*. See e.g., Wechsler (2007).

with, but not entailed by, the general ends of higher education. Particular institutions strike different balances between teaching and research, focus on different areas and levels of general and professional education, serve different kinds of students, have different relationships to their localities, and have many other differences that define their character. An institution's curriculum may be colored by a Jesuit tradition, its student body by a history of serving African-Americans, or its campus life by a long-standing embrace or exclusion of "Greek life" organizations. The institution's good is inseparable from its character and mission, and is thus something more than its success in pursuing its general academic ends and the preservation or strengthening of its capacity to do so.

It is possible, for instance, that a university could better succeed in its essential academic functions without fraternities and sororities, which are, however, too essential to the identity of the institution to be eliminated. Insofar as these Greek organizations are concerned, a commitment to the good of such an institution is perhaps best thought of as a commitment not simply to ensure that these organizations do not interfere with its essential academic functions, but to nurture a campus climate in which they can most beneficially contribute to whatever academically valuable ends their presence makes possible, much as an urban or coastal setting might be regarded as a special or defining academic opportunity. However such matters are best understood, it seems clear that what academic administrators are committed to in committing themselves to the good of their institutions will in some respects vary from one institution to another.

A second important observation about the nature of the commitment involved is that an academic institution's mission cannot be understood in a purely or even dominantly instrumental sense, because the goods belonging to the enterprise of higher education are in large measure internal to the practices of inquiry and learning; i.e., internal to the unimpeded activities of academic communities themselves. If institutions of higher learning do not initiate students into forms of inquiry and other practices (such as the arts) that are more intrinsically rewarding than what they could devote themselves to without a higher education, then they will have failed. Success in such initiation requires that they be communities devoted to the ongoing conduct of such inquiry and practices.

I noted above that, according to Aristotle, it is only in the best political system that the virtue of a citizen (the traits expected of a citizen) coincide with the virtue of a person as such, and that is essentially what makes the best political system the best; it enables people to flourish as human beings. A good institution of higher learning is like a good political system, so understood. It is governed in a way that enables it to be a community or partnership in unimpeded pursuit of academic goods, which is to say an institution in which people drawn to the value of such work are able to flourish in doing it.

Motivation is at the heart of leadership, and academic leadership must be consistent with the pursuit of the intrinsic rewards of membership in an academic community. An administrator who undermines the pursuit of those rewards by promoting the substitution of extrinsic rewards such as money and status is to that extent corrupt; while perhaps not unethical in a conventional sense, her actions would display

a lack of commitment to the goods inherent in academic endeavors. This might occur through enticing faculty into extraneous initiatives with monetary rewards, or channeling graduate students into course work that prepares them to do work for the institution, deflecting them from their intended concentrations and the satisfaction of pursuing their intellectual interests. There is a history of research on intrinsic and extrinsic rewards and work satisfaction, which demonstrates that no measure of extrinsic rewards (such as income, workplace comfort, or status) can compensate for a deficiency of the intrinsic rewards that accompany doing *good work* of one's choosing (Herzberg, 1966; Gardner, 2002). What frustrates the pursuit and attainment of the goods inherent in academic pursuits – the intrinsic rewards of teaching, learning, and discovery – is likely to be *demoralizing* and bad for the institution.

A large body of research in *self-determination theory* confirms the existence of three basic psychological needs – for autonomy, for competence, and for affiliation – and associates the satisfaction of these needs with well-being, as measured by vitality and absence of stress-related psychosomatic disorders, as well as subjective happiness (see Deci & Ryan, 1985, 2000; Ryan & Deci, 2001; Ryan & Frederick, 1997; Ryan et al., 2008; Vallerand, et al., 1992). This implies, among other things, that workers who are able to satisfy their basic psychological needs can be more productive. In an academic setting, where the productivity of many faculty members is largely a matter of initiating students into the forms of human activity our civilization has found to be most cognitively challenging and worthwhile, this is all the more crucial to the success of the enterprise. Academic leadership that is committed to the good of the institution is necessarily also committed to the goods that define the institution's academic mission, and to the fulfillment of those goods in the internal life of the institution as an academic community.

In life, the person of good judgment aims to live the best life. In a profession, it is not the best life for human beings as such that is aimed at, but some aspect of that good, such as health (as in medicine), justice or the vindication of equal rights or dignity (as in law), spiritual or emotional well-being (as in pastoral or psychiatric care), or the development of knowledge, understanding, and human capabilities (as in education). Those goods are only goods inasmuch as they are *aspects* of what is good for human beings in general, yet they are aspects of that good and not the whole of it, and the professions operate within structures that shape and constrain the way in which the goods at stake are promoted. The nature of a profession defines the end, and commitment to advancing that end is a fundamental or cardinal virtue required of those within the profession, whether they are members of the profession *per se*, or officers of the institutions whose mission is to promote the goods advanced by the profession.

Academic administrators are not scholars and educators themselves in their role as administrators, their aim must nevertheless be to advance the fundamental aims shared by all institutions of higher learning (the advancement of knowledge, understanding, and human capabilities) together with those compatible and more specific aims belonging to the character of their specific institution. Consistent with what I have said previously of the role in an institution's good of its capacity to fulfill its aims, an academic institution's good may be said, more broadly, to be defined by its

quality as a community or partnership in pursuit of its aims, which it can only be to the extent that it develops the relevant capabilities of its participants, and allows and relies on their unimpeded exercise of those capabilities in pursuit of the institution's mission. This has implications for the roles of communication, motivation, and reward structures in academic leadership.

The basis for leadership is establishing one's authority, or *having* authority as opposed to merely being *in* a position of authority. This requires that those one would lead believe one "is in a position to know [what] is to be done" (Kleinig, 1982: 213). Leading, or establishing a course and inspiring others to follow, has great advantages over the alternatives, in promoting the good of one's institution. Its basis is:

- a. all the forms of competence and ability essential to inspiring confidence;
- b. demonstrated integrity (commitment, judgment, and conscientiousness), and the timely follow-through and attention to problems it entails;
- c. personal presence, communication, and leading by example,<sup>17</sup>
- d. sound analysis and articulation of principles as a basis for action;
- e. commitment to enabling others to thrive and grow in their work in the institution.

In the concluding section that follows, I will illustrate features of this list together with related aspects of the Ethic of AA I have outlined.

## Concluding Cases

### *The Ineligible Player*<sup>18</sup>

Bill Swan was Chairman of the Board of Trustees of St. Bonaventure University, and by all accounts a man of great personal integrity and a leader deeply devoted to his institution. He was concerned enough about doing the right thing that he carried a Franciscan values pamphlet with him in his suit coat pocket. He was also

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<sup>17</sup>Concerning *personal presence*, Paul Olscamp offers an instructive example of a university president returning to campus immediately when a controversy erupted (Olscamp, 2003: 96–103). By way of contrast, the infamous shooting of thirteen students by members of the Ohio National Guard at Kent State University in 1970 may be partly attributed to its president's failure to cut short a trip and return to his campus to ensure the adequacy of communication with faculty and students when his campus was put under marshal law. Many students and faculty returned to campus after spring break on the morning of the shootings, and assembled on the hill they didn't know they had been forbidden to assemble on, hoping to learn why the campus had been placed under marshal law. (For granting me an interview about her recollection of these events, I owe thanks to Margaret Gordon, who was not involved in the anti-war demonstrations, but was knocked to the ground between Allison Krause, who was killed, and Douglas Wrentmore, who was wounded, in Prentice Hall parking lot, 330 ft from where the guardsmen fired.) For a general chronology and details of President White's role, see Lewis and Hensley (1998), Stone (1971), Tompkins & Anderson (1971).

<sup>18</sup>The facts of this case are based on Lieber (2003) and Gardiner (2003).

clearly an administrator of considerable ability and energy. In the months before his untimely death on August 20th of 2003, he was working 60–80 hour weeks as president and CEO of First Niagara Financial Group, orchestrating a \$356 million acquisition, and simultaneously guiding St. Bonaventure through a men's basketball scandal. In the process of resolving that scandal, he removed the university's president, Robert Wickenheiser, the athletics director, Gothard Lane, the head basketball coach, and the president's son, assistant basketball coach Kort Wickenheiser. He accepted personal responsibility to the extent of taking a week off from work to run the university himself, and held a "Unity Convocation" to bring some closure to the crisis. Speaking at that event, he waved his Franciscan pamphlet and pledged "We will not sacrifice our values for anything – not even athletic glory". A month later, an investigation conducted by the trustees of the university was released, revealing that Swan and Jim Gould, the head of the trustees committee on athletics, had some prior knowledge of the ineligibility problem at the root of the scandal and had chosen not to intervene. Alumni and others reacted with strong and sometimes slanderous criticism, and an influential sports writer for *The Buffalo News* called for Swan's resignation. Though vindicated by the board of trustees, he was eventually so overwhelmed by exhaustion and harsh criticism that he gave St. Bonaventure basketball fans what they seemed to want. One had written that, "Every time Bill Swan opens his mouth, he hangs himself".

Bill Swan did many things right and displayed many virtues. His commitment to his institution was clear, he displayed abundant personal integrity, he was capable and conscientious in obviously important ways, and he was present and engaged with the well-being of his institution as an academic community through the duration of the crisis. It is hard to fault a man so devoted to the good of his institution and to doing the right thing that he would feel "annihilated" by calls for his resignation. Whether one chooses to or not, however, there is more to this tragic story than a cautionary tale about the perils inherent in university sponsorship of spectator sports. It is that, to be sure, but also an illustration of the importance of timely action – an aspect of conscientiousness – and good judgment, unclouded by conflicts of interest. What Bill Swan and Jim Gould had seen and could have acted on in June of 2002, long before the scandal broke late in the 2002–2003 basketball season, was an exchange of e-mails between President Wickenheiser and Gothard Lane, forwarded to them by the latter. Lane had written to Wickenheiser, notifying him that Jamil Terrell, the towering center of the St. Bonaventure basketball team, was ineligible to play because he was admitted as a junior transfer student with only a welding certificate, and not the required junior college (2-year) associates degree. Wickenheiser had written back to Lane, arguing on the basis of his own interpretation of the relevant NCAA standards that Terrell was in fact eligible, and calling for an end to the discussion. Lane was obviously not comfortable with that, or he would not have seen any need to alert the board of trustees, and it is safe to assume that Wickenheiser's judgment in the matter may have been clouded by his son's role in the affair. Swan and Gould chose not to get involved, though the trustee's investigation revealed that Swan told Lane that President Wickenheiser would be held accountable if his interpretation of the NCAA standards proved to be inaccurate.

After Swan's death, President Wickenheiser praised his decision not to get involved, on the rationale that the board of trustees should not be involved in day-to-day operations. There is no doubt some truth in that view, and it might be enough grounds to conclude that Swan was not in any way at fault. One might take the view that, of those two, only Wickenheiser was at fault. But the facts of the case provide some basis for the opposing view. Swan had two reasons to think that this should not have been treated as a routine matter of university operations: the athletic director felt compelled to go over the president's head to secure compliance with NCAA standards, a decision he could not have taken lightly, and the nepotism and associated conflict of interest involved in having the president's son serving three rungs below him in the university hierarchy should have prompted Swan to regard with special concern any disagreement with the president broached by the athletic director interposed between father and son. It would have been natural to ask whether the president's son, Kort, had been involved in recruiting Terrell and whether he might have an interest at stake material to the president's stance. It is likely that Kort did play a role in recruiting Terrell and it is certain that he did have an interest at stake his father was aware of – his win-loss record, a matter of no small importance to an assistant coach who might hope to one day earn a head coach's salary. What entity but the board could have responsibility to guard against conflicts of interest involving the university president?

When the trustees' investigation was issued in April of 2003, it found that President Wickenheiser had exercised undue personal influence over athletics. It cited a "void in thoughtful, authoritative, collaborative leadership", and called for the creation of a broader governing structure to ensure adequate institutional oversight of the basketball program. Wickenheiser was clearly himself over-involved in the day-to-day operations of the athletic program, showed poor judgment, and was largely to blame for the magnitude of the scandal. He might have noticed and acted on the need for structural reforms to ensure compliance with eligibility requirements, and might have articulated a policy on conflicts of interest arising from hierarchical nepotism. Having a fundamental responsibility to protect the integrity of *the institution*, he might have taken steps to safeguard that integrity and better protect it from scandal, in other words.

Whether or not one faults Swan for failing to intervene when he had warning of a problem in June of 2002, what is at issue is whether he failed to act in a timely manner to minimize the damage to his institution. What is at stake is a possible failure of judgment, a failure of conscientiousness in discharging the duties of his office, or both.

### ***The Controversial Speaker***

Let us imagine that an outrageously controversial speaker is invited for a public lecture by a student organization that has been allowed to invite speakers without review and approval by the university administration. Perhaps the speaker is a

holocaust denier, who confounds audiences with cleverly misleading fabrications and fallacious arguments, or a popular celebrity purveyor of polarizing and groundless conspiracy theories. Let us further imagine that the arrangements are set and as the date of the event approaches there is an outcry from community groups and pressure to rescind the invitation. The administration will find itself in a bind. It may stand its ground on a principle of academic freedom, or – less likely – it may find a rationale for canceling the event. In either case, the institution will have suffered some harm. We can imagine cases of this kind that would make us very happy to not be in the position of the university president who must reach a decision, but my interest is not in the nuances of the worst dilemmas. Let us simply acknowledge that universities will typically suffer some harm in such circumstances, and ask what *policy* academic leaders should adopt. What is at issue is once again the timely defense of institutional integrity, but also sound analysis and articulation of the principles that guide academic life (i.e., item *d* on my list of the bases of leadership).

A good starting point for thinking about the problems presented by controversial speakers is the principle that the administration has inalienable responsibility for the good of the institution. Having that responsibility, it should consider whether it is prudent to grant a student group the authority to invite speakers without some prior guidance and provision for faculty collaboration or review and approval. It might retain a right of review and prior approval, perhaps through a faculty panel, and use the retention of that right to ensure the consistency of speaker events with *academic purposes*. There is no *academic purpose* in providing students with mere entertainment, or controversy without serious academic substance, or opportunities for celebrity worship. All of those they can find in abundance elsewhere. Controversy might still arise with such a policy in place, but when it did arise an administrator could take a public stand not simply on an appeal to freedom of speech, but on the basis of a selection process guided by serious academic purpose and professional judgment. The academic and ethical logic of this would be analogous to taking care to stock worthwhile books in libraries, while refusing to remove books once chosen. In both cases, limitations of resources make it inevitable that some selection must occur, and it is no violation of academic freedom or freedom of speech to base selection on professional judgments of academic value.<sup>19</sup>

*Articulating* the principles on which speaker series should operate would be essential to academic leadership in this sphere, whatever policies are adopted. The principles would ideally spell out a conception of the academic purposes of public lectures and debate, and would articulate a suitable understanding of controversy and the place of controversy in education. A starting point for this would be to

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<sup>19</sup>As Julian Lewis, a shadow defense minister in the UK, was quoted as saying in connection with a furor in 2007 over the Oxford Union's invitations to a pair of far right speakers, "The right to free speech should not guarantee access to privileged platforms" (Smith, 2007). Such access is unavoidably selective, and it is no violation of free speech to select speakers with an eye to academic value. The matter of who controls access is, of course, sensitive. The best alternative might be to combine student expressions of interest with a peer review process, relying on faculty members with relevant expertise to judge what is and is not an academically live issue or position.

acknowledge that *rationaly grounded* controversy is essential to inquiry and education, whereas mere disagreement as such has little if any academic value and in some forms may undermine serious inquiry and learning. Disagreement may remind us of the reasons we have for holding the views we do, or may prompt us to examine the evidence and issues more thoroughly, but it may also lead us away from the norms of serious inquiry and debate or obscure the existence of a scholarly consensus grounded in good evidence and sound reason. The most basic question that must be addressed in determining the appropriateness of a speaker is whether the airing of a particular controversy in a particular way advances serious inquiry and learning. There is an important difference between: (1) political or popular controversy, which exists by virtue of someone being willing to assert a view, perhaps without regard to the evidence and sound reasoning (controversy in a *behavioral* sense); and (2) controversy, in the sense of matters unresolved by reason and evidence (controversy that is of *epistemic* significance).<sup>20</sup> What is controversial in only the first sense is likely to serve legitimate educational purposes only to the extent that it is made an object of analysis which *is* rational.

Consider, by way of illustration, three public events from my own undergraduate experience. The first was a lecture by Timothy Leary, famous for his experiments with LSD, who entertained us with the thought that conflict on earth might end if we all lived on special-interest space stations. He offered little more than a cartoon fantasy, but we got to see a cult icon of the 1960s stride on stage as “the Moody Blues” song, “Legend of a Mind”, pulsed through the student union. The second was a debate between a facile, non-scientist guest who argued that biological evolution is incompatible with the second law of thermodynamics and a professor of optics from our own university. In principle, it could have been an intellectually instructive debate, but predictably enough it was not, because the guest was allowed to dictate the terms of engagement in a way that was most unfavorable to honest exchange and clarity. The professor of optics was sent on stage to respond to the guest’s arguments *before* the guest had spoken, making his response all but unintelligible to most of the audience. Without knowing what they were doing, the student committee that arranged the event had stumbled into aiding and abetting a political movement that has shown little respect for reason and evidence.<sup>21</sup> The third event was a lecture by a professor of divinity who had spent a long career at Yale and in the holy lands of the Middle East researching the practices and doctrines of Jesus of Nazareth and his followers. His lecture was an overview of findings that had appeared in a series of scholarly books and articles, centering on the claim that the first Christians were like many other cults of their time in practicing homosexual initiation rites. He argued that Jesus was engaged in one such initiation at the time of his arrest, and read biblical passages that seemed to depict male sexual union.

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<sup>20</sup>See Dearden (1984: 85–86) on *behavioral* and *epistemic* criteria of controversiality or tests of what is controversial.

<sup>21</sup>Robert Pennock (2007) provides an illuminating overview of the history and tactics of the creationist movement.

Any of these three events might have provoked controversy, but only the third was controversial in an epistemically significant and academically meaningful way. Of the three, it was probably the most likely to inspire public protest, but also the one most worthy of defense if protests had erupted. The first served no significant academic purpose, and the second violated the norms of serious academic exchange in a way that robbed it of much of the academic purpose it might have served.

It is no breach of academic freedom if a university cancels an engagement with a speaker who has nothing of academic significance to say, and the university president who explains the cancellation in terms of academic purposes and the character of serious academic discourse will be best equipped to survive the episode unscathed. However, a cancellation might well embolden opponents of robust academic freedom, and be for that reason ill-advised. It will also provide more assurance that academic freedom is being protected if administrators are not parties to such decisions.<sup>22</sup> Far better it would be to establish ground-rules in advance, which communicate the academic values at stake and encourage a better understanding of the nature and norms of serious discourse. Students, who are only in the process of learning what it means to engage in serious inquiry and debate, should not be excluded from the process of selecting speakers, but neither should they be left to their own devices. There is an element of *teaching* in academic leadership, and it should nurture participation in the life of an academic community, which is, as I've said, a partnership in pursuit of the academic goods of inquiry, artistry, and human flourishing.<sup>23</sup>

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<sup>22</sup>The AAUP statement, *Academic Freedom and Outside Speakers* (AAUP, 2007) provides reasonable guidance on (avoiding) cancellations, and defends the academic value of student and faculty autonomy in inviting speakers. My suggestions here are consistent with the statement's key points, while emphasizing a role for administrators in communicating academic values in connection with setting policy, and a role for faculty in collaborating with student groups to ensure that invitations substantially advance academic purposes.

<sup>23</sup>For their perceptive and very helpful comments on earlier drafts of this chapter, I would like to thank Elaine Englehardt, Bob Holmes, Bob Ladenson, Peter Markie, Michael Pritchard, Laura Purdy, Emily Robertson, Tyll van Geel, and Harold Wechsler. I also owe thanks to Brian Schrag and Michael Pritchard, the Association for Practical and Professional Ethics, and the Poynter Center, for organizing, sponsoring, and hosting the workshop on Ethics and Academic Administrators (Indiana University, Bloomington, August 17–18, 2006), which provided an ideal setting and stimulus for my work on this topic.

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# Mission and Academic Administration

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**Abstract** The fundamental purpose of American higher education has changed and adapted as the needs of society have changed. The subsequent missions have reflected those societal needs and aspirations, yet for society at large and those within the profession of higher education the notion of “mission” has become an amorphous idea that doesn’t necessarily connect to the increasingly individualized career of college professors. The challenge for the college administrator in the twenty-first century is to refine, adapt and promulgate a mission that fulfills the needs of the students, the professors and the society at large. The lessons of the past are a powerful force in crafting that vision, one that takes into account the dynamic forces of society, economics, technology and intellectualism.

**Keywords** Zenith · Ushered · Social tensions · Assent · Mission shift · Vacuum

The college experience has held a variety of meanings for people since the first American college opened its doors in 1636. They have “common historical roots yet are deeply embedded in their societies.”<sup>1</sup> For many students today, college is a means to a vocational end; and, for their parents, this is often the motivating factor in college selection. Half of all students enter college with the intention of studying for some form of business,<sup>2</sup> a fact that surely colors the development of curriculum and the overall mission of the institution. Yet vocationalism was not historically an educational objective of a liberal education; the idea that the college experience was a training ground for a job is a relatively recent phenomenon. Instead, liberal arts education had as its end a lofty ideal “about how to construct a community that is fair and balanced and appreciative of all its citizens . . . finding a way of taking

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<sup>1</sup>Philip Altbach, “Patterns in Higher Education Development” in *American Education in the Twenty-First Century, 2nd Edition* Edited by Philip Altbach, Robert Berdahl and Patricia Gumpert (2005) Baltimore, MD: The Johns Hopkins University Press, p. 15.

<sup>2</sup>James Freeman in *Valley News*, Hanover, NH, June 6, 2003, p. C1

everyone's interests into account in the process of making some tough decisions."<sup>3</sup> When Thomas Jefferson called for public education he did so out of a conviction that democracy is utterly dependent upon a well-informed populace. And that form of liberal education will ultimately serve the needs of a professional career as well as personal fulfillment and the demands of citizenship. But Jefferson was writing at a time when less than 5% of the nation's population attended college, and those who did were a homogeneous group that – in large part – agreed to the eighteenth century mission of creating well-informed citizens. The twenty-first century provides innumerable challenges as well as possibilities for understanding the role of higher education in American society. To illustrate this point, take the following case:

*Harrow College<sup>4</sup> was established in 1872 with a clearly defined mission to educate America's young men toward civic virtue, Christian service and professionalism in their careers. The mission was a guiding force in establishing Harrow as a model of higher education in the nineteenth century. Many prominent families sent their sons to the college, and as those sons flourished in business so too did the endowment at Harrow. By the early twentieth century the college was producing men with bedrock Christian values that supported a civic vision of national strength and international dominance that was second to none.*

*Throughout the twentieth century Harrow continued to build on its conservative reputation and, in the process, produced inter-generational families with proud ties to Harrow and its mission. By the mid-century, however, the administration and the trustees voted to sever the religious ties that had served as Harrow's foundation, maintaining the ideological conviction of strong moral values tethered to intellectual pursuits. The ethos of the Harrow community remained conservative, and even though a significant portion of the alumni base had disapproved of removing the explicit religious affiliation, the Harrow President assured his community that the essential nature of education at Harrow would remain the same: Christian ideals tethered to academic excellence. Even during the turbulent 1960s the Harrow administration was able to maintain a steady hand through frequent communication with faculty and alumni about the importance of maintaining the mission. The faculty and students worked together in drafting a code of conduct for all members of the Harrow community: honor, integrity and an inclusion of specific behaviors (e.g., no drinking, drugs, premarital sex or pornography) were included in the code of conduct. The military corps of cadets associated with the college was a strong influence in keeping the honor code intact.*

*In 1975 the college underwent a major shift in its educational mission by voting to admit women. The battle for inclusion of women was hard fought, and caused many alumni to vow never to return to campus, nor to donate any further funds. The administration took these concerns to heart but – in consultation with the board of trustees – voted to amend the mission to include women. The following two decades*

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<sup>3</sup>Ibid, p. C8

<sup>4</sup>Note: this college is a fictitious creation of the author, it seeks to blend truth from many existing colleges and universities in the U.S. today

*were periods of unrest for Harrow, the newly arrived female students felt unwelcome and the male students felt that a heritage built by their fathers and grandfathers had been summarily destroyed in a single vote. The mission of Harrow had changed only slightly, but the resulting disorder reverberated for decades.*

*By 1997 the college was gaining traction with the alumni about the decision to admit women; in fact, many of the women who graduated in the two decades since being admitted were rising in the ranks of business, academia and politics. The women who attended Harrow were largely reflective of the conservative mission that had been developed in 1872, many of the women were even members of the military corps of cadets. Incoming faculty, on the other hand, were different from any previous generation of faculty – they were anxious to accept a tenure-track offer but less than anxious to accept the philosophy that grounded an education at Harrow. For many, the staunchly conservative nature of the curriculum and the ceremonies and activities that supported a century-old educational philosophy was anathema to liberal education in the twenty-first century.*

*When, in 1997, a search committee was formed for a position in the philosophy department, the newly appointed chair decided that the hire could make a statement on behalf of the growing number of faculty who wanted radical ideas infused into the curriculum. One of the applicants was a self-described “radical feminist” whose research explored the limits of free speech associated with pornography. She was fast emerging as an expert on the issue of freedom of expression and the feminist interpretation of pornography. The search committee chair asked the applicant to present a less controversial paper during her campus visit, one that would appeal to the dean, other department chairs, and interested students; she readily agreed and met with universal approval from all who attended the talk on Aristotle’s notion of friendship. The College President was particularly impressed with the talk and hoped that, if hired, this faculty member would be instrumental in shaping the community service component of the curriculum.*

*During the deliberations within the search committee several members expressed concern that the candidate did not fit the “mold” of a Harrow professor. The chair expressed delight at the insight, and said it was time to “shake up the outdated mission” of the college. The professor was hired, and within 2 months of her start at Harrow the word was beginning to spread that the new philosophy professor was teaching a class that included explicit forms of pornography and that she was arguing for the free expression of sexual material. The student honor committee called for a special session, and argued that the professor either discontinue teaching material that was explicitly at odds with Harrow’s mission or – if she refused – that her contract be terminated. The professor refused to change her teaching material, or to limit the references to her research project – she claimed that to do so would violate her right to academic freedom. The college president was concerned, he was receiving unprecedented numbers of inquiries from alumni, parents and – most troubling – from the students themselves.*

Harrow is a fictional college, but the scenario provided is certainly far from fiction. Colleges that established missions in the eighteenth and nineteenth centuries

have largely come into conflict with competing claims for legitimacy. Interestingly though, the struggle for clarity in defining mission is at odds with the public's generally positive perception of higher education as an institution; a recent study found that 66% of Americans say that colleges are teaching the things that they need to know to prosper in society.<sup>5</sup> So while the general public may have positive feelings about the college experience, the specific character and mission of each institution is in jeopardy of fracture if the core values and mission of that institution are not articulated, promulgated and accepted by those involved in the institution. The twenty-first century is witnessing an increase in dialogue concerning meaning in life, and college – for many – is central to that discussion.

These discussions are not new; indeed the role of higher education in forming the social and intellectual fabric of society has been an on-going debate since the nation was formed. And in order to frame the discussion of mission in twenty-first century higher education, it is important to reach back for historical antecedents. Although the models of higher education changed very little from their medieval origins until the late nineteenth century, the changes that occurred throughout the twentieth century created a need for academic administrators who could aid in the shaping and promulgating of a new mission. At its start, American higher education had a distinctly religious origin – the earliest colleges were established for the purpose of ministerial training. The seventeenth and eighteenth centuries witnessed a slow and steady growth in small Protestant establishments such as Harvard and Yale. Agrarian Americans had little use for formal education, other than religious instruction for their ministers. Indeed, until the early nineteenth century, less than 5% of the nation's youth attended college.<sup>6</sup> But for those who did pursue higher education, the educational philosophy was guided by theorists such as Benjamin Rush (1745? – 1813) who established the idea of a “republican education.” This model framed educational philosophy for a significant period and, as such, had a lasting influence on American intellectual life.

As a young medical student in Scotland, Rush's staunch Calvinist beliefs and his American idealism were challenged by the dynamic philosophical trends of eighteenth century Scotland. The Enlightenment ideals of science and practical utility infused the academic environment with wide-ranging discussions of social and economic needs as well as debate in analyzing human nature and society. In applying the intuitive, scientific method to the emerging sciences of economics and social theory – a single, integrating principle of knowledge was theorized to be available, leading theorists and practitioners to conclude that “all truth is one and inseparable.”<sup>7</sup> This insight – the unity of truth – would provide the foundation for the educational philosophy of American higher education throughout the seventeenth and

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<sup>5</sup>Patrick Callan and John Immerwahr, “What Colleges Must Do to Keep the Public's Good Will” in *Chronicle of Higher Education*, January 11, 2008, p. A56.

<sup>6</sup>Derek Bok, *Beyond the Ivory Tower* (1982) Cambridge: Harvard University Press, p. 3.

<sup>7</sup>Julie Reuben, *The Making of the Modern University* (1996) Chicago: University of Chicago Press, p. 17.

eighteenth centuries. The mission of education, according to Rush and many of his contemporaries, was “to conform the principles, morals and manners of our citizens to the republican forms of government.”<sup>8</sup> The ultimate end of the educational process on this view was to produce a homogenous American character – Christian at its core – that strengthened the emotional ties to the country in a way that would encourage the common citizen toward a willingness to die in military service – in defense of those ideals.<sup>9</sup> Rush stated in his educational philosophy that, “it is plain, that I consider it is possible to convert men into republican machines. This must be done if we expect them to perform their parts properly, in the great machine of the government of the state.”<sup>10</sup> Rush’s method of education became known as “faculty psychology”, an educational theory derived in part from his medical studies in Scotland. The mind, Rush believed, was divided into separate and unique parts that each needed cultivation and virtue. A well-rounded educational program was essential in developing an individual who could properly distinguish between good and evil, according to Rush. The product of this system reflected the “harmony of the Newtonian machine.” This system worked well for eighteenth century Americans – the Newtonian harmony and unity of truth blended into a college curriculum that sought to produce men of “Christian character” who were willing to die for those ideals.

Rush’s “faculty psychology” lasted well into the nineteenth century; but the movement reached a zenith in 1828 when Yale College issued its report defending Rush’s method that developed the many different parts of the brain, stating that “the course of instruction which is given to the undergraduates in the college, is not designed to include *professional* studies. Our object is not to teach that which is peculiar to any one of the professions; but to lay the foundation which is common to them all.”<sup>11</sup> The Yale Report served as a template for other colleges as they struggled with the push for increased specialization or curricular overhaul. The early nineteenth century educational mission for higher education, as demonstrated in the Yale Report, sought to produce young men of “Christian character” and “gentlemanly sensibilities” who would serve as solid citizens of a growing republic. However, the mission was in conflict with the changing American society; westward expansion, technological advances, and social tensions surrounding the abolitionist movement would inevitably alter the mission of higher education, even if college presidents and deans were loath to assent.

The nineteenth century ushered in a period of violent student rebellion against organized religion and authority that most historians attribute to the European free-thinking movement. Colleges were rife with student rebellion, ostensibly in revolt against parental discipline – but many educational leaders attributed the chaos to European influenced free-thinking on religion. Skepticism (particularly toward religion) prevailed over the minds of New England college students in early nineteenth

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<sup>8</sup>Lawrence Cremin, *American Education*, (1980) New York: Harper and Row, p. 119.

<sup>9</sup>Joel Spring, *The American School*, (1986) New York: Longman, p. 31.

<sup>10</sup>Lawrence Cremin, *American Education*, (1980) New York: Harper and Row, p. 118.

<sup>11</sup>[http://www.higher-ed.org/resources/Yale\\_Report.htm](http://www.higher-ed.org/resources/Yale_Report.htm)

century, while the rest of the country was swept up in a tide of evangelization. Camp meetings spread like wild fire across the nation, emphasizing an emotional religious orientation that captured the dynamics of group worship, as opposed to a reason-based individual approach toward religion. The revivals achieved 2 goals: they established the US as a fervently religious nation, and they were instrumental in the democratization of the country. Colleges provided a willing partnership in the evangelization of America's nineteenth century youth as they shifted their mission away from merely producing "republican machines" to producing "Christian republican machines". Yale College, for example, became headquarters for the "new army of Christ" in the mid-nineteenth century with President Timothy Dwight pledging to transform the college from "a sink of moral and spiritual pollution" to "a nursery of piety and virtue."<sup>12</sup> The number of colleges expanded dramatically during this time – most with the general mission of reclaiming America's youth for the greater good of American society. The articulation of the mission was set forward by the college president and reinforced by the faculty and staff; with the president as the final word in mission for his college.

Central in the nineteenth century development of educational philosophy that shaped the mission for higher education were a group of men committed to social action: Francis Wayland, President of Brown, Asa Mahan and James Fairchild at Oberlin, Laurens Hickok at Union, and Henry Barnard – editor of the *Journal of Education*. All were committed to addressing the most perplexing problems of the times: the rapid expansion of knowledge and the quest for a unifying principle; the relevancy of that knowledge to self and society; and the moral uses of knowledge. The philosophy of common-sense Scottish realism held strong appeal to these men – the belief in the unity of truth and that knowledge was practical – a connection between knowing what is true and doing what is right was achievable only through education. They, along with Transcendentalists such as Henry David Thoreau, called for a renewed vigor in higher education that would awaken moral duty.

By the mid-nineteenth century, the United States was rapidly expanding its population, growing from 2.8 million in 1780 to 9.6 million in 1820, with over half the white males under the age of 16 in 1810.<sup>13</sup> Westward expansion and a burgeoning economy strained attempts to maintain a unified mission; it was, as one historian has noted, "old ties to community and deference to established elites broke down as people felt their power to move, to rise, and to assert their own judgment."<sup>14</sup> This ideological shift provoked men like Horace Mann and Henry Barnard to focus on education as the vehicle for restoring civic virtue and the fortunes of a democratic society. Barnard, equal only to Mann in influencing nineteenth century public education, saw education as the hope and salvation of the western world. Not unlike many twenty-first century business and political leaders, Barnard's staunch defense of capitalism linked the potential for industrialization with public education and

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<sup>12</sup>Ibid.

<sup>13</sup>Jean Matthews, *Toward a New Society* (1991) Boston: Twayne Publishers, p. 3.

<sup>14</sup>Ibid., p. 4.

(Christian) character formation. His political views were colored by his conservative religious perspective, leading him to begin his career as an outspoken critic of Jacksonian democracy and a defender of the utopian ideal of “regenerating the unfortunate classes through harmonious co-operation of earnest philanthropy, missionary enterprise and sanctified wisdom.”<sup>15</sup> This ideal was, for Barnard, achieved through the common school movement and higher education – an emphasis on a practical education that fostered the ends of capitalism. As the editor of the *Journal of Education*, Henry Barnard was able to influence the social climate of the nation at a time of great upheaval and confusion. His alliance with Horace Mann produced a groundswell of support for the education of the common-man, and an assurance of the preservation of democracy.

Industrialization had transformed the agrarian population into a nationalistic, technologically driven people with a pressing need for an education that reflected that transformation. The needs of the market (steam power, railroads, medicine, etc.) sparked a marked change in higher education curriculum with specialized courses in unique disciplines that were housed in “departments.” The changes from a single, unified curriculum with one specific goal of producing “Christian citizens” to one of specialization and the quest for scientific truth transformed the late-nineteenth century college mission and paved the way for the emerging Research University. The rapid pace of social change in the early twentieth century forced a corresponding shift in educational goals and objectives. And perhaps most significant for higher education administration was an “acceleration of the production of new knowledge and the concomitant rise in the professionalism of teachers and researchers who would shape and control education.”<sup>16</sup> As early as 1893 the need for training administrators in higher education was apparent when G. Stanley Hall offered the first higher education courses during his presidency of Clark University.<sup>17</sup> A psychologist by training, Hall included the study of education as a pivotal professional discipline for reforming higher education to meet the needs of the twentieth century. His goal was to create research universities that exceeded the existing models in Germany and the United States; in order to accomplish that goal he recognized that administrators would be needed to bring the vision to fruition. Hall’s lifelong passion and advocacy for bringing administrators into a professional awareness of their responsibilities resulted in a contagion of academic programs that sought similar goals. By the early 1920s, courses were being taught at Columbia Teachers College, Ohio State, and the University of Chicago that trained graduate students for the administration of colleges.<sup>18</sup> Hall’s ultimate goal of creating the modern

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<sup>15</sup>Merle Curti, *The Social Ideals of American Educators* (1935) New York: Charles Scribner’s Sons, p. 150.

<sup>16</sup>James Bess, *Collegiality and Bureaucracy in the Modern University* (1988) New York: Teachers College Press, p. 1.

<sup>17</sup>Lester Goodchild, “Higher Education as a Field of Study: Its Origins, Programs, and Purposes, 1893–1960” in *Administration as a Profession* Jonathan Fife and Lester Goodchild (Eds.) Number 76, Winter 1991, San Francisco: Josey Bass, p. 15.

<sup>18</sup>*Ibid.*, p. 18.

research university was tethered to his method for achieving the goal: the training of administrators who would understand the mission, promulgate it, and enforce it. The era of the college President as the creator of the mission had begun to fade by the early twentieth century, mission was being created by Trustees, Presidents, faculty, students and the public at large.

The expansion in enrollments during the first half of the twentieth century (doubling during the 1920s<sup>19</sup>) contributed significantly to the emergence of a highly structured bureaucracy in higher education administration that, inevitably, contributed and responded to the changing nature of mission in higher education. No longer was it sufficient to have the college President overseeing the mission of the institution, the sheer size necessitated the creation of a board of trustees who would raise money and provide oversight to the growing administrative ranks. The academic administrator in the modern era (twentieth century and beyond) was charged with a variety of tasks associated with the mission of the institution, but of greatest significance in this era was the individualized nature of institutional mission. The notion of a singular national mission for higher education had given way to a highly specialized and individualized mission for each institution. With the changes in size, scope and function arose the need for a multi-layered administrative pool that could address the complexity of issues associated with the emerging organizational structures. The evolving mission in higher education required, according to G. Stanley Hall and many other early advocates, a professional administrator; but whether that administrator was a PhD in an academic discipline or an educational specialist with a professional degree in education itself became a point of controversy. In reality, most administrators were, and continue to be, scholars within a specific discipline. Therefore, the question remains whether administrators truly understand the changing nature of the profession; most begin their careers on a tenure-track within their field of graduate study, after excelling in publishing and teaching they are awarded tenure. Those who demonstrate a degree of institutional savvy and collegiality are appointed to department chair positions and on through the chain of increasingly more visible and responsible positions of administration. Few of those chosen for administrative positions are given training in basic management or leadership, instead the model for higher education administration is often that of “learning on the job” or “modeling what has been done before”. Hall’s passion for professionalizing administrators has been slow to blossom.

But the academic administrator is, as Rudolph Weingartner rightly recognizes, *sui generis*; nothing like it is to be found in the world of business, medicine, or other standard organizations.<sup>20</sup> The academic administrator is primarily charged with the implementation and oversight of “maintaining a staff of people who are capable of

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<sup>19</sup>Roger Geiger, “The Ten Generations of Higher Education” in Phillip Altbach (Ed.) *American Higher Education in the Twenty-First Century*, 2nd edition (1999) Baltimore, MD: Johns Hopkins University Press, p. 57.

<sup>20</sup>Rudolph Weingartner, *The Moral Dimensions of Academic Administration* (1999) Lanham, MD: Rowman and Littlefield, p. 33.

educating its students in accord with the institution's mission."<sup>21</sup> With the evolving nature of mission in higher education, and the increasing tendency of faculty to move from institution to institution, upholding that central task is difficult. Even if, as Weingartner maintains, institutional purposes or mission are not of much help as guides to administrative action because they are too vague and subject to change, it is, nonetheless, one of the primary tasks of administrators to "translate broadly stated goals into specific workable programs."<sup>22</sup>

The issues that are complicating the task for administrators in their support of a mission range from the commercialization of the educational experience, to governance. One of the key drivers changing academia is the financial cost of a college education, it will consume (on average) one-third of a family's income making it second only to home ownership in a family's financial history. The pressure for "worth" in education has led, over the past few decades, to a consumer mentality among students and faculty alike. According to former Harvard University President Derek Bok, "universities have emerged as the nation's chief source for the three ingredients most essential to continued growth and prosperity: highly trained specialists, expert knowledge, and scientific advances others could transform into valuable new products or life-saving treatments and cures."<sup>23</sup> But it is precisely that money-making activity and a mission that vaguely commits to "excellence", according to Bok, that leads many to charge the multiversity with a hollow center. If, as some charge, the mission has shifted to a profit seeking enterprise, then what is the future of the humanities? Why should a theatre department exist if they produce few, if any, wealthy alumni to contribute to the annual fund? How, in the end, does the administrator manage the competing demands of limited resources in an era of commercialization? One thing is certain, higher education no longer exists in a vacuum but, rather, it ebbs and flows with market forces and responds accordingly. Whatever the reasons, the reality is that the highest enrollment in a US college for 2005 was the on-line University of Phoenix with a staggering 117,309 students.<sup>24</sup> The entrepreneurial experiment in distance learning has proven successful for the University of Phoenix but the mission of that school remains vague, with no mission statement offered on the website. The closest statement to a mission might be found on the home page: "you work hard, a college degree does too."<sup>25</sup> Clearly the pitch is aimed at education as a means to an end in bettering oneself in the workplace. This is a shift in mission, one that strays from the traditional appeal to betterment of the whole person.

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<sup>21</sup>Ibid, p. 33.

<sup>22</sup>Ibid, p. 39.

<sup>23</sup>Derrek Bok, *Universities in the Marketplace* (2003) Princeton, NJ: Princeton University Press, p. 1.

<sup>24</sup>U.S. Department of Education, National Center for Educational Statistics. (2007). *Digest of Educational Statistics*, 2006 (NCES 2007-017), Table 219.

<sup>25</sup><http://www.phoenixdegrees.com>

The latest attempt to re-structure the mission of higher education began, in earnest, in the 1960s. Society constructed new meaning for many social institutions, colleges and universities struggled with attempts to find purpose in education. Was it to revolutionize? Radicalize? Inculcate toward the common good? Create citizens? In 1969 the philosopher Sydney Hook challenged the professoriate to examine their motives; he spoke for many when he claimed that while the needs of society are certainly a central concern for any citizen, it was not, for Hook, the abiding mission of higher education to mollify the violent outbreaks and periodic disruptions of late adolescents. The subordination of scholarship to the political arena would, in his view, not only threaten intellectual tolerance but make a virtue of intolerance. Hook's stand was a minority view in the 1960s when colleges and university administrators were actively dismantling programs that were perceived as non-inclusive, or a-political; the resulting effort to transform curricula to meet the needs of society were widespread and, from some perspectives, devastating. Hook's admonition is not lost in the early twenty-first century. We continue to struggle with the complexity of mission in higher education and, especially, whether that mission should include an explicit values orientation. As recently as May of 2003 the Chronicle of Higher Education featured an article by Stanley Fish that echoed Hook's argument. Fish makes the case that short of a discipleship, a college cannot determine behavior and values outside of the academic realm. The best they can hope for, according to Fish, is producing good researchers, but not good people. This insistence on the neutrality of knowledge as a central feature of the mission in higher education is at odds with theorists such as William Galston. Galston has argued for a mission that includes an emphasis on civic/moral education as a necessary component of democratic society.<sup>26</sup> A key objective in higher education, according to Galston, is in helping students to recognize the moral complexities of a pluralistic world and develop strategies for existing within those complexities. Philosophers such as Martha Nussbaum argue that this new type of liberal education must emphasize critical thought and respectful argument as well as imparting an understanding of the histories and contributions of groups with whom we interact. This broad goal does not, of course, fit neatly into one pedagogical model; rather, it encourages the construction of a fluid means of imparting these skills.

In a recent Chronicle of Higher Education article, Robert Steinberg, Yale professor of education and psychology, pondered the aims of higher education in contemporary America.<sup>27</sup> He used as an example Radovan Karadzic, prosecuted for war crimes in Bosnia. Karadzic, it must be remembered, was a well-educated physician and trained as a psychiatrist. Not unlike Adolph Eichman, Karadzic lived by the belief that doing one's duty trumped moral, critical reflection. Steinberg reflects that "it was once thought that intelligence and/or education would be the answer to many

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<sup>26</sup>William Galston, "Civic Education in the Liberal State" in *Liberalism and the Moral Life* edited by Nancy Rosenblum (1989) Cambridge: Harvard University Press.

<sup>27</sup>Robert Sternberg, (2002) "It's not what you know, but how you use it: teaching for wisdom" *The Chronicle of Higher Education* 48(42), B20.

of the world's problems." In fact, higher education has been the primary goal of educators for the past few decades, increasing SAT scores in order to get children into college. During the twentieth century, he points out, IQ scores increased by an average of about nine points per generation . . . all the while, historic levels of massacres and genocides were taking place – Germany, Bosnia, Rwanda, Barundi, Cambodia, to name a few. Confirming the premise that *knowing* good does not necessarily translate into *doing* good. Whatever benefits go along with increased intelligence, wisdom – the ability to rationally discern the good – is not necessarily one of them. Indeed, focusing exclusively on the academic skills may take away from activities that might help to develop moral judgment. But is this a part of the mission in higher education and, if so, how can administrators accomplish such a large objective? If we take seriously the role of education in shaping democratic processes of liberty, freedom of expression, and the like – then we must re-think the role of education for the twenty-first century. In the post-modern quest for neutrality in higher education a fragmentation of purpose has arisen that has been glossed over with missions that celebrate “excellence” and “leadership for a changing world,” but few colleges offer a roadmap for achieving that goal and even fewer offer administrators a method for implementing and assessing programs devoted to those goals. As one observer has noted, the ethos of a college or university is not found in *what* is done, but in *how* things are done. “Do people work to serve – the faculty to educate students, the registrar to enable students to exercise their course choices, administrators to facilitate the work of the faculty – or do they work to suit their own convenience and to make a buck?”<sup>28</sup> This questions strikes at the heart of mission in higher education for the twenty-first century. Ortega y Gasset wrote over a half century ago that “an institution cannot be built of wholesome usage, until its precise mission has been determined.”<sup>29</sup> Yet the rapid development in knowledge since World War II has narrowed the definition of mission in higher education to include primarily discipline-specific knowledge generation and, concurrently, an academic professionalism and autonomy that produces “rock star” faculty who often serve their own ends rather than that of the university. Administrators have assumed a new and often uncomfortable role: negotiating agents. If the mission extols “excellence” as its core value, then faculty super stars become the demonstrable evidence of success. If, on the other hand, a model of orthopraxis, or right practice, prevails then the mission is defined not by faculty stars, but by how the institution functions. Edward Long describes this model, “the *way* that a community of learning lives and thinks becomes . . . as important as the beliefs it espouses or the body of knowledge with which it is concerned. Ground rules for interaction become more important than correctness either of belief or of knowing. It permits diversity of belief . . . creating a culture of shared

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<sup>28</sup>Rudolph Weingartner, *The Moral Dimensions of Academic Administration* (1999) Lanham, MD: Rowman & Littlefield, p. 98.

<sup>29</sup>Jose Ortega y Gasset, *Mission of the University* (1946) London: Kegan Paul, Trench, Truber and Company, p. 36.

insight and common ground.”<sup>30</sup> But this model cannot stand against the opposing trends of orthodoxy (whether religious or political) or orthognosis (embodying the “canon” of any one specific group) if administrators are uncertain about the mission or their role in shaping it.

The 1997 Boyer Report, published by the Carnegie Foundation for the Advancement of Teaching, correctly criticizes colleges in the US for offering students a curriculum that is disconnected and lacking in any coherent body of knowledge that relates to each other. Students, the report claims, graduate without the ability to think logically, write clearly, or speak coherently. The university has given them too little that will be of real value beyond a credential that will get them a first job. Former Yale President Bart Giamatti’s 3-point educational objective for higher education is illustrative of a well-reasoned attempt to recapture the mission in higher education. The mission as he saw it, includes, (1) to assist the student in maturation and enrichment of selfhood, (2) the dissemination of knowledge – both broad liberal arts and specialized knowledge, and, (3) to enhance the well-being of society.<sup>31</sup> The vast majority of universities can claim success with objective number two, but few remain committed to the ideal of producing good people who will do good work in society.

The task for college administrators in the twenty-first century is to identify the most immediate challenges that face society, and integrate strategies for addressing those problems within the curriculum. But higher education is increasingly seen as a private benefit rather than a public good. Was the subversive message of the department chair at Harrow College in keeping with that mandate? Perhaps, in part; but of greater significance is the tendency of schools like Harrow to narrow their focus of mission to a point that cannot possibly address the larger needs of the society. Additionally, Harrow suffers a problem that is epidemic in higher education – mission ignorance. Faculty are hired for their discipline specific expertise and often are not told or do not care what the institutional mission is; instead of adhering to the specific mission, faculty are increasingly inclined to view their profession as a “portable” commodity that they can take from college to college. This tendency will, in the end, destroy the unique qualities and mission of each college and university. A new day is dawning for higher education, one that takes seriously the changing nature of a transient faculty as well as the need for an education that provides a unifying thread of intellectual and civic meaning for students. The mission in higher education has both national implications, as well as local and parochial implications; our greatest challenge as administrators is to clarify, refine and promulgate an appropriate mission in higher education for the twenty-first century.

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<sup>30</sup>Edward LeRoy Long, Jr. *Higher Education as a Moral Enterprise* (1992) Washington, DC: Georgetown University Press, p. 5.

<sup>31</sup>A. Bartlett Giamatti, *The University and the Public Interest* (1981) New York: Atheneum, pp. 8–11.

# Educated Warfare: Adversary Relations in the Groves of Academe

Lisa H. Newton

**Abstract** Reflecting on the nature, causes, and possible resolutions of the faculty-administration adversarialism is ubiquitous on our campuses. There is no doubt that we have faculty on our campus who simply detest administrators, and we know by hearsay that there are administrators (especially Board members) who detest faculty. The climate of adversarialism does not seem to boil down, at the end, to personal likes and dislikes. There is also no doubt that there is a vast fund of mutual respect and genuine friendship among other faculty and administrators, but those bonds do not seem to end the adversary relationship, or even mitigate it. There doesn't seem to be any institutionalization of the adversarialism, as there is, for instance, in the American judicial system. Then where does it come from, and what can be done about it? I argue that we can come to see adversarialism as good, and learn to live peacefully with it. And conclude that we probably aren't going to do a very good job at living peacefully, but it's still worth the effort of trying. Adversarialism is in the end no more than the inevitably fractious working out of the competition of legitimate visions in a setting where (at our best) every vision is respected and honored, but (even at our best) resources are necessary and limited.

**Keywords** Adversarialism · Warfare · Questioning · Acquisitions · Knowledge · Maximum value · Pyramid · Corporate model · Unions

Asked to reflect on the nature, causes, and possible resolutions of the faculty-administration adversarialism ubiquitous on our campuses, I found myself at a loss even to characterize it. There is no doubt that we have faculty on our campus who simply detest administrators, and we know by hearsay that there are administrators (especially Board members) who detest faculty, but the climate of adversarialism does not seem to boil down, at the end, to personal likes and dislikes. There is also no doubt that there is a vast fund of mutual respect and genuine friendship among other faculty and administrators, but those bonds do not seem to end the adversary

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relationship, or even mitigate it. There doesn't seem to be any institutionalization of the adversarialism, as there is, for instance, in the American judicial system. Then where does it come from, and what can be done about it? Or, as I'll be arguing at the end, how can we come to see it as good, which it is, and learn to live peacefully with it? I'll conclude that we probably aren't going to do a very good job at living peacefully, but it's still worth the effort of trying.<sup>1</sup>

## The Two-Culture Hypothesis

One explanation of academic adversarialism, regularly advanced when the subject comes up, is that faculty spend all their time and work with other faculty, and administrators with other administrators, that they have (you'll notice) different dress codes, follow different hours and interests, and in short, are parts of different "cultures." The reason for adversarialism, then, is that they have a hard time transcending "cultural" barriers to achieve mutual understanding. There never is an anthropologist around when you need one, but from an amateur perspective, I can testify that there is a certain plausibility to the hypothesis. I recall a gathering around the dinner table at a colleague's home, many years ago, when the conversation turned to the ways that our administration was wasting money – after claiming poverty when we asked for a raise! Specifically, the money that was spent on the landscaping, lawns and "those stupid bushes! Unbelievable! *Unbelievable!*" Heads nodded and mutters agreed around the table. Still munching my potato, I volunteered that it all made sense to me, since the beauty of the campus was one of the university's strongest recruiting tools, and we wanted more bright students applying . . . I suddenly became aware of very many sharp little points penetrating me from several angles, and looked up to a truly menacing silence. Shared resentment is a very powerful bond, and I had just got badly crosswise of a mighty flow of warm feelings, spoiling everyone's contentment. I was not invited back to that dinner table; probably just as well. I can imagine easily, just from overheard tidbits at social gatherings that included some of our trustees, the same sort of sharing and bonding around their lunches – "can you imagine, given all we pay them, those professors only work *nine hours a week?* Incredible! *Incredible!*" And if one among them should pause in the middle of a shrimp, to suggest that, you know, those faculty members were the brightest in their classes all the way through school, and they could probably make a whole lot more money than they're making here doing something else . . . I can see the same little sharp points converging on him. Resentment feels good. Don't interfere with my resentment. "Mutual understanding" would require the abandonment

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<sup>1</sup>I have received helpful comments on this and earlier drafts of this paper from three college presidents and several other experienced administrators, including Kerry Romesburg of Jacksonville University, Jeffrey von Arx, S.J., Billy Weitzer, and Rita Duda of Fairfield University, and Stephen Weber of San Diego State University, for all of which I am very grateful. The mistakes and misdirections that remain, of course, are mine.

of *gemutlichkeit*, an end to all that warmth, for there has to be a resented “them” for us to feel really cozy as “us.”

There are other cultural differences, some of which can lead to nasty confrontations simply through misunderstanding. By way of example: consider our use of the verb, “to question.” In the culture of business, inhabited by most trustees and shadowed in all non-profit administration, a decision is made after careful and appropriate deliberation by the appropriate people. “Questions” may be asked by those affected by the decision, but only for clarification; after that, the decision is to be carried out. The time for “questions” is over. Should someone “question” the decision at that point, such questioning would be an act of defiance and insubordination, carrying hostility with it and demanding a clear and authoritative response from the decision maker.

In the culture of academia, by way of contrast, decisions, conclusions, assertions of any kind, are *always* questioned. Nothing is ever beyond inquiry. Re-examination, especially examination of the most basic premises of the decision, is always appropriate. The time to stop discussing never arrives (even though action sometimes has to be taken, on the state that the discussion has reached at that point). “Questioning” is never out of place, questioning is what we *do*. You see the potential for unhappy confrontation: the administrator announces a very reasonable decision at the faculty meeting; the faculty member notes that indeed that is one way to do it, but wonders out loud if that really is the best thing to do; the administrator asks “Are you questioning the decision?” the faculty member answers, “I certainly am,” and then can’t figure out why the administrator promptly turns into some kind of a fascist. After all, questioning is fun; let’s talk for awhile. Administrator and faculty member are simply in two different worlds at that point, and the difference can best be described as cultural.

But if culture were all there were to it, I think we could end adversarialism in a few determined weeks. Cultural hostility cannot survive personal knowledge of the other in any situation where each party is presented in a favorable light or, better yet, where both parties have to cooperate on some task. Most of us have experience designing workshops. In a matter of hours we could devise a set of workshop tasks to be undertaken by teams of faculty, administrators and trustees, which would end cultural hostility for a term. I think there’s more to the issue than culture.

## Two Models of the University

I think it can be shown, at least I intend to try to show, that the “adversarial” relationship of faculty to administration is three-dimensional, complex, and that its peculiar complexity comes from the fact that two different and incompatible models of the university are present in all university dealings, within and without, along with attempts at a third, hybrid, model that purports to reconcile the first two. The models can usefully be called the Corporate, Collegiate, and Hospital models, and they give rise to very different kinds of tension. *Note, in what follows, that in the name*

*of clarity and brevity, I often simplify the structures and issues, and leave myself wide open to the charge of caricaturing and exaggerating. Readers are encouraged to enter their own modifiers, qualifiers, nuances and shading; this is a huge topic, and space does not permit the more comprehensive portrait I might have preferred.*

### ***The University as Corporation***

Let's start out with the Corporate model of the university, the one represented on the Organizational Chart, recognized in the law, and generally presupposed by outsiders – those with no current experience in the Academy. Right beneath the Board of Trustees, who constitute the governing board of the university, the President sits at the top of the chart, possibly closely supported by a Senior Vice President or Provost. Vice Presidents form his retinue, and each Vice President commands a Division of the corporation. Under the Academic Vice President, since it's the faculty we're interested in, are the Deans of the Schools, under them the Department Chairs, and under them the rank and file faculty. Decisions come from the top, and can be made quickly, which is particularly valuable when budgetary emergencies arise or opportunities for acquisitions or new programs appear. The university works in all respects like General Electric, but less efficiently, since the custom of faculty "tenure" makes it difficult to realize the significant cost-cutting that can only come from massive pruning of the payroll in layoffs. (But decisions, for instance, to cut the budgets of all divisions by 10% when necessary, can largely be implemented by cutting other expenses.)

Corporations manufacture things; the University's product is knowledge, information which it sells to its customers, the students (all right, the students' parents), for the students to use in successful careers. The Admissions Department is essentially a sales force, recruiting customers; the faculty are a secondary sales force, presenting the product in such a way as to be maximally valuable to the customers (in relevance to that successful career) and maximally attractive, so that the customers will stay around and expand their purchases. Should the customers express dissatisfaction, it is the responsibility of Department Chairs and Deans to restructure the presentation of the product to serve the customers' needs more completely.

Now, how do adversarial relations manifest themselves in a Corporate model? The Administration has a powerful moral obligation, a charge laid on it by Charter and Board, to preserve the assets of the institution and to ensure its continuing functioning in the community; essentially, the Administration's duty is one of stewardship. Administrators tend to see no alternative to retaining their decision making power and (*vis á vis* the faculty) their freedom of action, in order to make sure that their ability to carry out that duty is not compromised; the duty of stewardship carries with it the obligation not to spend one penny more than is required on the recurrent costs of the enterprise.

Conflict arises because the administration can make decisions that affect the way the faculty does its business without faculty control over the process or faculty input into the decisions. In the Corporate structure, there is no way for those at the bottom of the hierarchy to influence the decisions of those at the top, let alone veto them, for the chart says that they have no power to do so. That breeds resentment, and since there is only one locus of authority, and the administration owns it, that resentment has no clear and effective outlet.

The “adversary” relationship, from the faculty side, then comes from the normal sullen dislike of those who rule, manage, or administer by those who are ruled, managed, or administered. To this resentment is added the perception that administrators determine the faculty payroll in ways unfavorable to the faculty. Should the faculty, like others in that position, decide to do something about it, they will have to focus their resentment outside the pyramid. Very well, then, they will establish a base of power outside of the pyramid, and show that while they cannot change decisions that they do not like, they can surely make it plain that those decisions will not be carried out, by bringing the entire enterprise to a halt, and presenting the customers with the risk that their investment in knowledge may be lost. The result is a faculty union, which asserts and maintains the right to strike.

The situation pictured is a simple power struggle, labor vs. management. What arrangements serve to reconcile the parties to a power struggle? We have typically resorted to the law to arbitrate between parties to such a conflict. Mediation, non-hostile negotiation, sometimes works, but only when backed by threat of strike or other exercise of sheer power. In the early days of unions, owners and managers of the corporation often argued that unions made no sense, since management and labor had a common objective and a common task in front of them, the manufacture of the product and the satisfaction of the customer, and union activities only took time, energy and resources away from those common goals. Unions tended to counter that the manufacture of the product was no part of the worker’s goals (indeed, he often did not know what he was working on), and the customer was management’s responsibility. For the worker, the manufacturing process was just a means to the end of supporting his family. (In the hostile takeovers and leveraged buyouts of the 1980s, we found out that the owners and managers had no more interest in pleasing the customer by manufacturing products than the workers had had, but by that time there were few unions left to say, I told you so.)

All we need for the Corporate model to work is a very clear understanding that in this enterprise, the “employer” is the Administration, the “employee” is the faculty member, and that all our usual understandings about employers and employees apply here. (If a faculty member is rehired as an administrator, he or she simply changes sides in the power face-off, “goes over to the Dark Side”.) It may not sound like a very happy model, and indeed it is unusual to hear faculty claim that their work means no more to them than a path to a paycheck, but if that’s the picture of the University, we are not necessarily in bad shape. Unions function with tenured professors; indeed, in many public universities unions of faculty continue to deal with the university as employer, and do it very well. Faculty in many institutions would argue that this is the only relationship extant, and that they should form a

union and deal through it from now on (whether or not, after Yeshiva,<sup>2</sup> they can call it one). Yet there is lingering dissatisfaction with that result, largely because we have at least one other model operating in the heads of faculty at least, probably among most administrators also, and it yields results that are quite opposed.

### *The University as College*

We may call this second model the College model, unless someone can think of a better term. In the College, the organizational chart is not a pyramid, with power emanating from the top; it is a sphere, with power emanating from the center, and it's a different kind of power. In the center is Truth. Think of it as Light. It shines, and those who want it cluster around it, oriented to it. These are the scholars (think of them as moths. . .). They can spend their entire lives contemplating that particular ray of Truth that most fascinates them, reading about it, thinking, talking with their friends, writing about it, to make it possible for others to understand it too, and maybe those others will also find it fascinating. This is the life that Aristotle characterized in Book X of the *Nicomachean Ethics* as the life of "contemplation," and he recommended it highly. The moral core of this enterprise has nothing to do with stewardship of assets, or indeed with anything material at all – it is a duty of fidelity to that truth, its pursuit, its preservation and its transmission to the friends and students who gather around them.

The problem with living this life is that you have to be independently wealthy, or you'll starve. So the scholars who are not wealthy have to find something to help them make a living, and one thing they can do is teach paying apprentices, or students, to love this truth, so that they too can be fascinated by it. (It's not the only way; historically, scholars have followed all manner of trades and professions, so long as their work left them some time to think.) If the kind of truth that the scholar taught had any practical use at all (medicine, law, divinity, engineering), or supported the kinds that did (science, mathematics, rhetoric, history), quite a few apprentices might gather around, and (usually at the students' demand) quite an apparatus of registering for courses, sitting for exams, attesting to adequate performance and the like, might grow up around them. This is the University, comprised of scholars with some vision of truth that fascinates them, their colleagues in similar or allied disciplines, and several layers of junior scholars, from the newly arrived to those approaching equality with their teachers, equipped with pens, tablets, many books and manuscripts and probably scrolls, maybe chalk and a blackboard, and more recently laptops and smart boards.

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<sup>2</sup>The case in question is *National Labor Relations Board v. Yeshiva University*, 444 U.S. 672, 100 S.Ct. 856; 63 L.Ed. 2nd 115; Decided February 20, 1980 (along with *Yeshiva University Faculty Assn. v. Yeshiva University*, also on certiorari to the same court). The decision affirmed by the Supreme Court held that since university faculty controlled curriculum and other areas for decision, they were not "employees" within the meaning of the National Labor Relations Act – so they had no right to form a union.

Eventually the administrative aspects of the enterprise escape the scholars. For one thing, it is burdensome always to be keeping track of students' records and collecting fees, let alone making sure that the right number of smart boards are delivered to the right classrooms. Blue books are bad enough. For another, at this point the town always gets involved, and wants to tax the tuitions, inspect the buildings, and keep the apprentices from tearing up the town at night with their parties. It needs a recognizable authority to deal with. (When the state decides that education is a good thing for the economy, the university tends to become integrated with the rest of the educational enterprise, including Boards of Regents.) So an administrative apparatus grows up around the edges of the college, keeping the books in the library from being stolen, registering students, handling the fees, dealing with the town (state, other governments) and tending to the non-academic needs of the students. Senior faculty are elected by their colleagues to be Deans and President, to oversee the administrative functions. (By now it should be clear that this is not meant to be an historical overview of the growth of universities. But the schema is valid.)

What form does conflict take in this model? First of all, it's clear that the employment arrow has changed direction. The faculty, who are providing the service that the students are paying for, are the employers, and the administrators are the employees. The faculty, individually responsible only for their own scholarship and teaching, are collectively responsible for the whole conduct of the university; after all, the university really is about what they are doing. They can hire and fire the administrators, monitor, criticize, and change the way they do their work, and do all that is necessary to keep the university in good shape and prospering. (Even at the beginning, it's hard for them to fire other faculty members.) But in the nature of things, it's difficult for them to exercise this authority. They are concentrating on their work and on their apprentice students; they have little time, and quite frankly less talent, for the responsibilities of governance of a large and complex institution. So if they are not extremely careful, and willing to spend all kinds of time doing stuff they dislike, they will find that the administrators are the ones dealing with the outside world as if *they* were the college, and their functions will be carried out in increasingly opaque manner.

Periodically, the faculty take offense at something that has happened in the university, and step back in to take charge of their responsibilities. But since they've been out of the loop for some time, they do not do a good job of this sort of charge-taking, they make mistakes, cause enormous resistance and resentment; so they tend to step back. But not forever. Conflict on this model arises because the employers find the employees operating in ways that they do not like, and about which they can do rather little, even though they are supposed to have a right to exercise control over the area.

Reconciliation of this conflict is difficult, because it's never quite clear what it's about. This is clearly not a power struggle. Everyone in the situation concedes that the faculty are the heart of, indeed *are*, the enterprise, that only they can carry on the research and teaching that attracts and keeps the paying students, and that they have the right, ultimately, to run the place. But there are no clear mechanisms for

the faculty to assume that control, to carry on monitoring even when they have the time and inclination.

The Faculty Committee System was set up to fill this lack, one committee for each Administrative department or section, providing a mechanism for friendly monitoring and exchange of information on an ongoing basis, with the potential to blow a loud whistle if something seems to be going really wrong. It doesn't always work very well, but if we had to find a way to reconcile different perspectives on faculty prerogatives and administrative demands, the committee system will surely be the place to start.

Just looking at those two models, it is clear where the current sources of faculty-administration conflict come from. They are totally incompatible – they can't even agree on who's the employer and who's the employee. Their lines of authority and decision-making power run in different directions; relationships with the students have a different center; they even define the core of the enterprise differently. It will be impossible to run any enterprise successfully without some way to integrate the models.

And that enterprise of integration has a serious motivation. Either model above, carried to its extreme, works out very badly. The college model, which can reach its mature form when by good fortune or ill, administrators retain the directions and expectations of faculty members into their administrative careers, tends to lose track of the numbers, the material dimensions of the enterprise. If enrollment dips, the change may not be noted; if budgets are not met, no imperative for action is felt.<sup>3</sup> The serious charge of stewardship of the assets of the enterprise, laid on the Board of Trustees and the administration, may be forgotten. The college may be a pleasant place to be for awhile, but its existence as an institution is in real doubt.

The corporate model, fully realized, carries other penalties. Corporations fail, not because they get too decentralized, lose focus and spin out of control, but because they become top-heavy – concentrating too many resources at the top of the organizational chart and insulating the top officers from all accountability. The salaries and bonuses and stock options of the top officers balloon beyond all proportion to their work for the company, draining resources in non-productive directions.

In a publicly held corporation in the private sector, accountability can be reinstated at any point. The shareholders own the organization, and in the managers of the pension and other funds that now constitute the majority of shareholders, they have some very canny corporation-watchers. Unless the Board of Directors is

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<sup>3</sup>Bennington College, for instance, was widely accused of "financial mismanagement" leading to the decision by the Board of Trustees in 1993 to restructure Bennington education. Twenty-seven faculty members were summarily dismissed, on the claim that departments and programs were being "pruned" and that the university was in "dire financial straits" and had no alternative but to fire them. Even though Bennington did not have the institution of "tenure," strictly understood, the AAUP disagreed with the claims, and supported 17 members of the dismissed faculty in suing for compensation. (ACADEME March-April 1995, pp. 91–103) The case was eventually settled for \$1.89 million (*Wikipedia*, "Bennington College"). Meanwhile, students and faculty alike defended the management that had led to the trustees' decision, pointing out that Bennington's very lack of structure provided an immensely satisfying atmosphere for study and creative work.

sufficiently proud of, or cowed by, the CEO to allow him all the money he asks for (consider Jack Welch's career at General Electric), should generosity to the CEO and his executives get out of hand, there will be someone to alert the shareholders, and we may be in for a massive sell-off of the stock and a hostile takeover. No one has quite figured out how to do a hostile takeover of a university, so when universities mimic the corporate model, and become subject to the same weaknesses, there is little anyone can do to hold them accountable.

Possibly in an excess of what may be called GE-envy, boards of trustees have sent college presidents' salaries soaring in Welch direction. A survey carried out by the *Chronicle of Higher Education* in 2005 revealed one compensation package (for the president of Lynn University in Boca Raton, Florida) of over \$5 million.<sup>4</sup> (Trustees quickly protested that much of that amount was deferred benefits of one kind or another, but still.) Salaries in excess of \$1 million were found at Wilmington College, Vanderbilt, Middlebury, and of course at Boston University, run by President John Silber on lines laid down by Jack Welch. At that time, 50 private universities paid their presidents more than half a million dollars a year. In 2006, according to that year's survey, a total of 112 presidents of traditional 4-year institutions had compensation packages of \$500,000 or more.<sup>5</sup> Faculty are not the only parties wondering if such compensation is appropriate. The Internal Revenue Service is hard put to figure out why all that money should pass to private hands from tax-deductible contributions. Trustee efforts to defend those salaries in terms appropriate to GE – that “effective presidents are hard to find” and “we need this talent to stay competitive,” for instance – tend to ring false: effective at what? Competing with whom for what? Yet once entrenched, the corporate model tends to perpetuate GE thinking. Fred Whittlesey, the chief compensation officer of the Seattle consulting company PayScale Inc., summarized it well: “Executive pay is going up across the board, and essentially these are executive jobs,” he explained to the *Chronicle*. “Boards of Trustees at universities are responding to a marketplace. A lot of these people would be making a lot more money doing other things.” (That explanation sits particularly poorly with the faculty, who were, as we recall, also bright enough to make a lot more money elsewhere.) It still came as a surprise when the corporate world's most puzzling abuse – rewarding CEOs fired for incompetence with multimillion dollar severance packages – spread to academia; a \$1.3 million severance package followed Benjamin Ladner into retirement after he was fired from American University for abusing his expense account.

How do these extravagances affect the context of adversarialism? If the university could spend this money out of sight of faculty and other stakeholders, and the money were really not needed or wanted by any other activities in the university, possibly no harm would be done: but this public display of executive coddling, in a context

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<sup>4</sup>Reported in *The New York Times*, Michael Janofsky, “University President Salaries Soar Into the Millions,” Tuesday, November 22, 2005. Source *The Tech*, MIT vol. 125 issue 56.

<sup>5</sup>*Chronicle of Higher Education*, 53 (14), 2007 “The Million-Dollar President, Soon to Be Commonplace?”

of cost-cutting on many other fronts, tends to provoke faculty rage and damage faculty performance, distracting them from whatever fidelity to their ray of truth they may have brought with them. Their disillusionment is rapidly communicated to the students (they are, after all, the only ones who see the students with any regularity), and the quality of the student's experience at the university – the product that the university is selling to the students and their parents – drops precipitously. That is a serious problem, and there is no clear way that the corporation can deal with it.

So the university cannot survive as an institution on the college model in its pure form, and the evidence suggests that it cannot retain its moral core on the pure corporate model. We will have to find, or attempt to find, an integration that will keep the strengths of both while shielding the university from the worst weaknesses of each.

### *Musings from a Parallel Profession*

Let me back away from academia for a moment, to compare the models in another field of my professional acquaintance, the practice of medicine – or is it health care? The question is not trivial. We see in this field many of the same tensions, and the change of name underlines one of the problematic transitions.

Not that long ago – possibly less than half a century – “medicine” ran itself, sort of, as an independent autonomous profession. Physicians completed their studies, passed through the difficult initiation of residencies, and went into general or specialized practice, paid only by their patients (with allowances for the poor, who were treated at no or reduced charge), making their own professional judgments, learning from their peers but accountable to no one but themselves and their patients. They were bound by a code of ethics, central to which was the duty to care for each patient, specifically to do nothing that was not directed to the welfare of the patient, that went back almost 2500 years, and which had served the profession well all that time. Autonomy was a structural necessity of the profession; no one who was not a physician could second-guess a physician's judgment, because the public simply did not have the expertise needed to understand what the doctor was doing. Peer groups (medical societies) would step in to solve problems if physicians became impaired and were no longer able to carry out their responsibilities, but there was no systematic appeal to any higher authority at all. “Auxiliary” medical personnel – nurses, aides, secretaries, assistants, X-Ray technicians, lab technicians and the like – answered to the doctor in the care that they administered to every patient or the work done in or for the doctor's office.

A lot of that arrangement has changed. There are good histories out there of how and when the changes happened, tracing the origin of “medical insurance” to the creation of medical benefits during World War II, the rise of Blue Cross and Blue Shield, followed by the massive government involvement in the field through Medicare and Medicaid. This involvement had the inevitable effect: as tax money poured

into medicine, a bureaucracy grew around it; physicians suddenly became wealthy, as more citizens sought medical care and all bills were paid; the new money and interest fueled an amazing explosion of medical technology, making medical care much more valuable but also much more expensive; in the huge system, fraud and corruption were unavoidable; a new bureaucracy grew and hardened around the pursuit of fraud; and physicians suddenly found themselves watched and second-guessed. With the amount of money at stake, the “code of silence” that had forbidden physicians to testify against each other collapsed, and suddenly vast areas of medicine were dominated by lawyers and malpractice insurers. Medical fees rose rapidly to cover the new liability expenses; meanwhile, the money to pay for that explosion of technology raised the cost of every kind of treatment.

The histories continue with the nationwide protest against the high and rising cost of health insurance, on the one hand, and the difficulty of obtaining reasonable health care insurance for the unemployed, and for some categories of ailment, on the other. So President William Clinton and his wife attempted to get a national health care plan adopted, and everyone thought it was going to get through in some form, but no one counted on the huge advertising campaign against it by the private insurers. The plan lost, the insurers won, and we are in the middle of a vast experiment to see if private and public insurance arrangements can run what has become the “health care system,” with physicians as only one group within those supported by it.

Why is this history relevant to our inquiry? Because in the transition, we see with spotlight clarity an actual transition, from professional practice governed by primary commitments that are not monetary, to a profit-oriented system in which the professionals have become the employees at the point of service. (In the literature surrounding the notion of a “profession,” the difficulty of distinguishing the “professional” from other service providers, like sales personnel, is often acknowledged; essentially, the “professional” encounter is marked by a single trait – that the buyer is in no position to beware. The client’s urgent need, which cannot be postponed, and the professional’s superior intricate knowledge, in the nature of that need and that knowledge, give the professional power over the client that according to any professional ethic, must be used with great care, and always for the benefit of the client.) In American Health Care, we have seen in historical reality the sort of conceptual change that occurs in the hypothetical transition from the “college” model to the “corporate” model of the university. The employment arrow, and the direction of control of practice, have turned around, and we are beginning to see the results.

They are not pretty. By now every schoolchild knows that 45 million citizens now have no health care insurance at all, and face bankruptcy with any serious illness. Meanwhile, health care costs continue to rise, terrifying companies with historically generous health care benefits (including universities!), and requiring employees (including faculty) to assume increasing percentages of the costs of health insurance. All this new money is not going to the physicians: there is general agreement that physicians are earning about a third less than they did, on average, 20 years ago, while seeing about twice as many patients in the course of a working day.

Where is all that money going? Again, to the top executives. GE-envy swamped the insurance field a decade ago; CEOs of health insurance companies already have compensation packages in the tens of millions (and sometimes hundreds of millions – William McGuire, CEO of UnitedHealth Group, had a 2005 compensation package of \$124.8 million).<sup>6</sup> Not counting unexercised stock options, executives at the ten largest health insurance plans averaged \$11.7 million in compensation last year.<sup>7</sup> Is this where college presidents' compensation is going? Finally, under the new financial pressures, in the spirit of a new cynicism, the first ugly signs are beginning to appear, of physicians neglecting their original duty of care for their patients. (With the least cynical of intentions, there is little patient care that can be guaranteed in a 10-hour day of consultations limited by the insurer to 6 min each.) The moral core of the profession, taken from the center of professional practice and marginalized as mere personal virtue, is seriously threatened. Is this where faculty performance is going?

The parallels with the academic profession are not perfect, and in the health care area there is much more human good and national treasure at stake than there is in the area of academics. (That goes for most fields other than academics, by the way.) Most obviously, whatever they may have called themselves, the autonomous physicians were always lone rangers; they never gathered into “colleges,” self-governing as organizations and claiming the right to manage their practice collectively. Possibly that professional decision increased their vulnerability to corporate takeover. Physicians were independent businesses, their “private practices” more in competition with each other than in collaboration. (Sinclair Lewis' *Main Street* gives an exemplary picture of that polite, and devious, competition.) Scholars, save for the most individualistic, had always worked as colleagues, if only because no student could be expected to negotiate his higher education with a hundred independent practitioners. There was a natural solidarity among academic professionals that existed only slightly in the medical profession – for when independent practitioners, independent businesses, collaborate for common ends, the result is not a college, but a conspiracy in restraint of trade, inviting an antitrust suit. (The American Medical Association found that out the hard way.) The only real experience that physicians had with collaboration across specialties was in hospitals, where they visited the poor who could not afford to see them in their private offices. In the hospitals, originally all run by religious orders or civic charitable groups, physicians of many specialties collaborated with each other, and more importantly, with the administrators who ran the hospitals and who were responsible for managing what assets they were able to assemble and command. In that setting, the institutional work of the profession corresponded most closely with the work of the university.

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<sup>6</sup>*Forbes Magazine*, forbes.com (executive pay).

<sup>7</sup>“Compensation Monitor: How well do for-profit plans value their executives?” <http://managedcaremag.com/archives>. Data attributed to Families USA, an organization critical of managed care companies, which gathered it from information that the companies sent to the SEC.

### *The University as Hospital?*

These musings lead us to a third model of the university, which we may call the Hospital model, for it deals with the same issues as any large hospital. In the Hospital, everyone seems to agree that the center of the enterprise is the practice of medicine; we want the patients who come into the hospital to be diagnosed correctly and treated appropriately, and only the doctors can decide how to do this. The job of the administrators is to make sure that this happens, by sheltering the physician-patient encounter, supplying the resources for medical practice, and dealing with the community. So far, we have the College model. On the other hand, the protection of the health of the community is very much a public charge, and the state has a strong interest in making sure that the hospital runs well. There are matters that only the state can handle – like making sure that the financial officers are not absconding with the funds, and that the clerks are not demanding Medicare and private insurance reimbursements to which the hospital is not entitled. For the rest, the state requires the hospital administration to exercise general oversight, to establish procedures for identifying sources of medical errors, for instance. The administration of the hospital is solely accountable to the outside community for the overall conduct of the enterprise (individual doctors can always be sued for malpractice, but that's a different matter); so far, we have the Corporate model.<sup>8</sup> Yet the two must coexist, and cooperate effectively, or the enterprise will not be a hospital. In this forced combination, we probably have the best model for what a university is, and why the adversarialism evident in so many of its activities is so intractable, and so necessary.

The adversarialism between physicians and administrators on the Hospital model tracks our observations of academia. In my life as a consultant to hospitals, I tend to deal primarily with physicians, whose distrust of administration is enormous; all administrative changes are attributed to the desire to make more money, even though the hospitals they work in are not for profit. When I deal with the administrators, the refrain of every conversation is that physicians are ignorant of all matters pertaining to the hospital, and that they have no idea of the enormous dimensions of the problems with which the administrators are dealing. Yet on a second question, both admit that the two professional orientations of physician and administrator must find grounds on which to work together, for their mission depends on it. Both parties attest that if the physicians were permitted to practice medicine according to their preferences, the hospital would go bankrupt and cease to function (although the physicians cite the abnormal pressure of malpractice litigation to account for

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<sup>8</sup>Then why compare college presidents with insurance company executives, and not with CEOs of hospitals? Because in the peculiar financial arrangements that govern health care in the US, the hospital is not in control of its own financial destiny – it is as dependent on the current level of government (Medicare and Medicaid) and private reimbursements for care provided as are the physicians. They have no effective say in any rate changes, and find themselves, like the physicians' office managers, desperately trying to keep enough money coming in to keep going, suffering with refusals of reimbursement, and dodging repeated threats of prosecution for fraud.

many of their expenses); both parties agree that the efficient and effective management of hospital resources is necessary for survival. Above all, we need both parties concentrating on their central area of commitment: that the physicians must practice medicine with all their might, undistracted by the financial arrangements that attend the health care system, and that administrators must watch expenses (and the law, the regulators, the accreditors, and the public at large) with all their might, to ensure the hospital's continual operations. Should either party fail, the hospital fails.

But that conclusion is a prescription for conflict and more conflict. And that is as it should be. For the successful hospital is the product of excellence in the implementation of both commitments, to care for the patient and to stewardship of the assets, and the two are very rarely aligned over the short term. The opposition is not a fight, properly understood – the last objective anyone has in mind is to disable the other party, or cause it to function less effectively. Winning would spell disaster. But the very existence of the opposed commitment forces both parties to be clear about their job, and about what they need in order to do their job, and that is all to the good.

Personal hostility, on the other hand, gets in the way of the struggle: It hinders the parties from seeing clearly when an opportunity for compromise and mutual help has arisen, and makes cooperation much more difficult. The inevitable “cultural” differences addressed briefly at the start of this paper also get in the way, fostering misinterpretations and suspicions that obscure real oppositions behind false ones. For this reason many hospitals have gone to conflict management models, mostly involving the kind of workshops that make cooperation central, to keep the opposition from spinning out of control.

For such conflict management, in either university or hospital settings, I think we may borrow another medical term, “palliative treatment.” The purpose of palliative treatment is not to “cure” the patient of his ailment, nor remove the causes of it, but just to lower the pain and make it possible for the patient to continue living and working. In academia, we would probably call conflict management “dialogue” – the meetings, common tasks, and candid conversations about working objectives and difficulties, that temper hostilities and reveal cultural rifts. Periodic lunches with short presentations by administrators on current problems can help, a lot. The point is simply to increase understanding of the workings of the non-medical aspects of the institution on which all parties depend to make their living. There may also be administrators – I haven't met them yet – who could use a briefing on the new problems faced by the physicians in an increasingly insurance-governed world; most seem to understand these, at least in principle.

For reconciliation on the Hospital model on the university front, mutual education can help in both directions. I have personally heard Board members express opinions about what faculty do for a living which can only be described as very ignorant; I have heard opinions from faculty that suggest they have no idea why we even need a Board of Trustees. Presumably some workshops on faculty work and mission for the Board of Trustees could do a great deal to alleviate the ignorance, and possibly improve relationships overall. Periodic sessions to discuss aspects of administrative work (sessions that must be accompanied by lunch, or – in the

hospital or in the university – no one will show up) are an excellent help to education and to the reduction of unnecessary friction. But with the faculty, we may be able to do more than educate. We can continue the process already adopted in some universities, including my own, of cycling senior faculty through the Dean's office for 1-year stints, just to see what life looks like from the Dean's perspective. Even when a theoretical understanding of the institution and its built-in conflicts exists, there is no substitute for the experience of facing administrative problems on a day-to-day basis.

## **Peace**

Peace is not really what we want. Adversarialism is in the end no more than the inevitably fractious working out of the competition of legitimate visions in a setting where (at our best) every vision is respected and honored, but (even at our best) resources are necessary and limited. The two major forces within the university really do pull in different directions, not at all diametrically opposed, but not at all aligned, either. The tension between them is necessary for all parties to get their work done for the pursuit of the truth, the safety of the institution, and the benefit of the student. Our job, I think, is not to try to find some universal solution, which might very well dissolve the university along with the problems, but to adapt to, and enjoy, the bracing air of goals shared and goals disparate.

# Collaborative Administration: Academics and Administrators in Higher Education

Susan A. Martinelli-Fernandez

**Abstract** The central thesis of this paper is that institutions of higher education and their members need to demonstrate their commitment to collaboration. A humanities perspective is used to frame administrative practices and roles, which provides for an articulation, rather than a critique, of power through an examination of key concepts employed in current educational and administrative literature – autonomy, professionalism, and collaboration. This perspective is further delineated by its setting within a state comprehensive university. Additionally, descriptions of roles, responsibilities, and obligations of faculty and administration are provided alongside descriptive and normative evaluations of these roles, offering a view of the University as a place of shared, concrete commitment to collaboration and education. The potential obstacles of “insistent individualism” and corruption are also addressed. Finally, a continuum of collaboration is constructed, with the goal of elaborating ethical collaborative policies that are plausible and possible, through an analysis of various scenarios which arise in university settings.

**Keywords** Bowie (Norman) · Collaboration · Consultation · Gajda (R.) · Relational autonomy · Weingartner (Rudolph)

Some academic administrators, particularly tenured faculty who have moved into administrative positions, ask, “What is a good administrator?” Often times, these individuals are recruited because they have demonstrated certain skills and character traits that make them attractive candidates for these kinds of positions. We find ourselves sometimes puzzling about questions such as: Is a “good” administrator based on an idea of a professional administrator, which is isolated from a specific higher educational institution? Or, alternatively, is our idea of an administrator in the academy attached to a common conception of the good of that particular administrator’s educational institution, whose specified duties and obligations arise out of a particular relationship within a specific institution and not from a role that is

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attached to a general conception of an academic community? Specifically, does she see herself as a member of a very particular institution with goals and values that are unique to the particular place of employment?

Our inquiry, however, needs to be further refined. More specific questions need to be investigated – “What is it to be an ‘academic’ administrator?” and “Is the emphasis on ‘academic’ or ‘administration’?” Thus, one purpose of this paper is to provide guidance in answering these questions, with a goal of determining the qualities of a “good” academic administrator. Further, given that discussions about autonomy are often found at the center of debates about academic leadership styles, academic leaders’ responsibilities, and ethical issues in administration in higher education, this paper also explores the notion of autonomy. Hence, another goal of this paper is to determine how academic administrators understand themselves as autonomous agents inside the academy.

The central thesis of this paper is that institutions of higher education and their members need to demonstrate their commitment to collaboration. A humanities perspective is used to frame administrative practices and roles, which provides for an articulation, rather than a critique, of power through an examination of key concepts employed in current educational and administrative literature – autonomy, professionalism, and collaboration. This perspective is further delineated by its setting within a state comprehensive university. Additionally, descriptions of roles, responsibilities, and obligations of faculty and administration are provided alongside descriptive and normative evaluations of these roles, offering a view of the university as a place of shared, concrete commitment to collaboration and education.<sup>1</sup> The potential obstacles of “insistent individualism” and corruption are also addressed. Finally, a continuum of collaboration is constructed, with the goal of elaborating ethical collaborative policies that are plausible and possible, through an analysis of various scenarios, which arise in university settings.

This paper has four main sections. The first section examines the tension academic administrators experience between their roles as regular faculty and academic administrators. A further complication that is addressed in the second section is the failure in various appeals to the concept of professionalism to help resolve this tension. In the third section, collaboration as a shared value is posed as a solution to the problem of the tension between our roles as departmental faculty and academic administrators. The final section suggests some possible collaborative opportunities. Throughout these discussions, a robust form of autonomy, understood as relational, is used as a heuristic to move from foundational concerns about administrative decision-makers and decision-making to practical issues and potential solutions in administration and administrative ethics in higher education.

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<sup>1</sup>Correspondence with Dr. Mark Mossman.

## **Conceptions of Ourselves as Academics and Administrators: The Tension Between the Roles of Program Faculty and Academic Administrators**

Many faculty *qua* administrators find themselves negotiating differing conceptions of themselves as faculty and as administrators, especially in the early stages of their administrative careers. A common theme concerns the extent to which they operate autonomously. Autonomy, understood as a central feature of its professoriate and administrative personnel, is often discussed in research and scholarship in educational leadership and ethics literature. J.B. Bennett (1998) discusses traditional models of the autonomous self and contrasts one model described as “insistent individualism” to a “relational” model, which includes the virtues of “hospitality and thoughtfulness” (Bennett, 71). Similarly, in the Fall 2006 issue of *The Review of Higher Education*, Elizabeth Allan describes “Four dominant discourses shaping images of leadership. . . autonomy, relatedness, masculinity and professionalism” (Allan, 48). The competing views of an autonomous self and a relational self in administrative leadership and ethics literature are analogous to the same sorts of discussions in other academic areas such as feminist philosophy, moral philosophy and applied ethics. A solution to this may be the same as some have suggested: Autonomy itself is relational (Secker; Stoljar; Martinelli-Fernandez).

### ***Philosophical Conceptions of Autonomy***

There are a number of ways that one can understand autonomy. Yet, two seemingly oppositional conceptions tend to dominate theoretical and practical philosophical literature – viz., a Kantian conception of autonomy and a feminist, relational conception.

#### **Kantian Autonomy**

Kantian autonomous agents recognize and promote their distinctively human capacity for understanding and engaging in actions that reflect a basic respect for the self as free and equal rational beings who can articulate, formulate, and revise visions of what is truly good for themselves and others (Rawls). Kantian autonomy requires acknowledging and acting upon duties and obligations to those known and unknown to us. Duties of justice, understood as “perfect duties,” are ethical requirements that help us discharge the first part of our Kantian duties, i.e., not to merely use each other. We owe these duties to all people, regardless of blood ties and/or familiarity. For example, all moral agents refrain from lying. In contrast, duties of beneficence are imperfect duties, i.e., obligations that arise only when we have a particular relationship within which specified persons can discharge these kinds of obligations (O’Neill; Herman). My godson can call in me in the middle

of the night to request help with a philosophy assignment due the next afternoon. I may be a bit vexed; but I will certainly help. Yet, if one of my students called at that time, I would have a different reaction. My office hours and reasonable access are specified and restricted. Yet, this is not true for those I love. My godson and others close to me can demand and expect certain things of me that others cannot. Understanding that these moral obligations actually arise out of our particular relationships can block typical objections of abstraction, unreflective impartiality, and universality.

Autonomous agents base their actions on a certain kind of principle, the Categorical Imperative. This imperative requires that individuals' decisions are universally applied and formulated such that respect for persons as principled decision-makers is upheld. Often, we find that pre-1970s ethical literature focuses on one of the three various formulations of the Categorical Imperative, the first formulation which emphasizes universalizability – “What if everyone did that.” And, especially in applied ethics readings, this tendency seems to persist (medical ethics, Mappes and DeGrazia, for example). John Rawls seminal 1970s work in political and, I would argue, ethical theory, motivated some scholars to highlight the third formulation of the Categorical Imperative, understanding moral agents as members of a common community of decision- and ends- makers (for example, business ethics, and especially Norman Bowie's work). Even when discussing only one particular feature of the Categorical Imperative, the features of all three of the formulations – universalizability, treating persons as ends and not merely as means, and as members of the community of all persons (in the Kantian technical sense of the term) – are always present (Bowie, 2000).

### **Feminism and Relational Autonomy**

Feminist philosophers have argued that there is a distinction between the concept of autonomy and various conceptions of autonomy (Stoljar and Mackenzie, 2000).<sup>2</sup> It is their central thesis that a feminist reinterpretation of autonomy yields a particular conception of autonomy, called relational autonomy. In other work (Martinelli-Fernandez, 2005), I have criticized this view and argued that autonomy itself has an important relational quality on a fair and reasonable reading of Kant's text. Kantian moral agency requires us to do more than refraining from some activity that harms someone. Fully formed autonomous moral agents do more than avoid using

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<sup>2</sup>Various researchers have grappled with the conception of autonomy, particularly in the late twentieth and early twenty-first centuries. Medical ethicist Barbara Secker makes a distinction between “Kant's concept of autonomy” and “the Kantian concept of autonomy.” Arguing that both concepts may be troublesome when applied to bioethical issues, Secker offers “a more promising concept of patient autonomy.” Unfortunately, this account, like many other attempts at refuting or revising the conception of Kantian autonomy rests upon a simplistic Kantian concept of autonomy, e.g., Mappes's and DeGrazia's introductory remarks in *Biomedical Ethics*, 1996, which perpetuates the dichotomy between autonomy and beneficence (Secker, 1999; Martinelli-Fernandez, 2005).

one another as merely a means to their own goals and plans understood as “ends”; they help one another achieve their ends and, in the best situation, formulate shared ends that all parties seek to achieve.

Hence, the Categorical Imperative itself presupposes a relational autonomy. First, there is the requirement to promote the ends of others, which is part of what it means to be a fully developed autonomous agent. Second, the relationship between the Formula of Humanity and the other formulations of the Categorical Imperative (especially the Formula of the Kingdom of Ends) further support the thesis that all members of a relationship treat each other as fully participating members of the moral community. This means that they share a common set of goals and values as well as some ends, which are unique to each member. All members are to promote these ends.

A central claim of this paper is that a robust conception of autonomy understood as relational is the foundation of full collaboration. This will be in contrast to the idea of autonomy understood as “insistent individualism.” The former conception is the basis of full ethical conduct; the latter conception is minimally self-interested and non-moral – at worst it is a corruption of the relational and ethical values inherent in autonomy.

## *Autonomy, Faculty, and Administrators*

### **Faculty**

As faculty members, seeing ourselves as autonomous could entail a very limited conception of autonomy as the notion of personal autonomy (Christman, 1989), viz., understanding ourselves as independent and free decision makers, bound only by terms of contractual obligations to teach classes, produce research, and engage in service to the university and our “profession”. This is the same as Bennett’s conception of “insistent” “isolated” autonomy, which “emphasizes separation, individual autonomy, privacy, fragmentation and self-sufficiency” (Bennett, 12). If we understood autonomy more robustly, especially as having a relational quality within its very conception, we would see responsibilities and obligations extending beyond contractual obligations. For example, philosophers, would not see themselves as philosopher *qua* philosopher or as professor *qua* professor without understanding that we are members of a particular community at a specific university and thus are constrained by where we are (sic., our particular higher educational institution), which provides limits that free us in a positive and a negative sense. This, in turn, delineates what we are required to teach as well as what we are allowed to teach and who we are teaching (undergraduates, graduate students, or both). We are free and we are constrained. The notion of academic freedom is another example of the duality of freedom. It allows us to choose what and how we teach; yet, we are still limited by the responsibility of the appropriateness of the content for the particular courses we are assigned. We enjoy the privileges of the professoriate, which have concomitant obligations. As Bennett notes.

Members of the academy enjoy conditions that should promote fair and patient inquiry, thoughtfulness, mutual respect, and hospitality – rather than the self-absorption, suspicion and disconnection that the conference illustrated. I left the conference wondering why the academy cannot employ its many freedoms to devise better and more satisfying forms of togetherness, ones that promote the common good rather than pit individuals against each other in diminishing ways, modeling abusive rather than fulfilling uses of power (Bennett, 1998, vii).

There is a balancing act which we perform as “autonomous” faculty; however, few accomplish perfect equilibrium in all areas that faculty are usually expected to perform in. We know faculty members who have exemplary teaching records but less than stellar publishing records. Some have provided great service but no longer publish. Others have magnificent research and publication records and either provide no service to their particular institution or neglect or minimize their teaching duties. Even when faculty researchers are able to “buy out” their classes, it seems that the entrepreneurial trumps learning and teaching. To those who may argue that extramural grant research dollars increase an institution’s budget, consideration needs to be given to the overall dollar loss of the value of the student’s tuition dollar rather than the faculty salary. Add this to the cost of ensuring up-to date equipment, and we can begin to appreciate the difficulty in determining whether that institution really receives financial and educational benefit from the extramural grant activity.

### **Administrators**

Clearly, being autonomous, in the robust sense of being both a free and relational self, as a member of the professoriate is difficult. Will administrative members of institutions of higher education find being autonomous as challenging? In fact, do administrators even have autonomy? On first blush, it certainly seems that the answer is, no, especially if the understanding of autonomy is that of “personal autonomy”. Hours of employment are usually the same as in the “outside” world. We are expected to be available at any time during the “work” week for new tasks as well as for evening and weekend events. We have secretaries or other administrative help and higher level administrators who have our calendars and know most, if not all, of our appointments and activities. For many of us, there is very little ability to set our own schedules or timetables or projects.

Yet reflecting on previous discussions of autonomy and limit, we may see that we also enjoy a constrained freedom. Wiggle room for unimpeded activity is much less in administrative positions, especially for those who are either new in positions or in subordinate ones.<sup>3</sup> Our tasks are given to us; but assuming that we voluntarily entered into our positions, we implicitly accept these “conditions”. At this point, however, the notion of “conditional” freedom under a traditional understanding of autonomy is less than satisfying. Will the notion of being autonomous, accepted as both a free and relational self, help us more in understanding our duties and obligations as (“good”) academic administrators?

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<sup>3</sup>Correspondence with Dr. Joseph Rallo, President Angelo State University.

One last concern about autonomy remains – understanding autonomy as compliance and as pure “technical” rationality (Adams and Balfour, 2004). Certainly, having any citizen follow laws is desirable (taking it for a given that such laws are just and considered as such). Rightly understood, however, compliance with a law is just that – compliance. The ability to conform behavior to rules is a minimum requirement for autonomy. It is certainly not the whole of complete ethical behavior. For example, State of Illinois employees, including faculty and administrators in higher educational institutions, are required to take an ethics test, focusing on gift laws, for example. Clearly, it is important for employees to know various guidelines for conducting business in their institution. But caution is required when one considers whether such tests result in a more ethical employee. She will be more informed and will understand that she must comply with such laws. Is she a “good” and “ethical” administrator as a result of taking the test? While she is on the right path, a more complete robust sense of “good” and “ethical” requires more than compliance. Compliance is an exercise of “technical rationality,” which is a first step in ethical behavior and conduct. Understanding and acting on means/end reasoning is required for the ethical and the autonomous agent. It is not enough, however; that is, the technical ability to understand, act on, and to comply with various rules of our institution is not enough to make us “good” people or administrators (Pritchard, Chapter 10, 158ff). The ends (i.e., the goals) of such reasoning must be the ultimate source of moral goodness and one’s technical ability.

Understanding administrators as autonomous members of an institution poses some challenges, not unique to any discussion of practical and professional ethics. This paper has identified two conceptions of autonomy. One posits autonomy as unrestricted personal freedom, as lack of accommodation and concern for obligations arising out of particular relationships. We identify this as “insistent individualism.” The other conception identifies a more robust form of autonomy as “relational”, which helps move us beyond these challenges. An idea that this paper will take up in a later discussion is a continuum of autonomous agency and collaboration, viz., from the insistent isolated individual whose administrative style is purely consultative to those who are fully relational and are collaborative.

## **Administration and Professionalism: Is “Professionalism” Enough?**

There is an important observation to be made before investigating more fully the notions of “the professional” and “professionalism”, viz., the faculty *qua* administrator’s apologist position. Bennett well-describes this perspective:

One should not readily acknowledge willingness, much less ambition to become a leader, nor should one highlight prior management experience, for that usually arouses suspicion. Instead, one is advised to downplay what may privately be regarded as a great triumph. . . . The successful academic leader needs to honor, while also circumventing, this mythology (Bennett, 85–86).

In addition to this potential undervaluing of the administrator and *a fortiori* her efficacy as an academic leader (even by her own lights), there is an analogous and equally troubling perspective about administrators who do not come from faculty ranks and hold their doctorates in educational administration and/or leadership. We see

Leaders do not enjoy the aura of expertise that comes from the professional credentialism of the academy. Doctorates in educational administration do not command the cachet associated with traditional disciplinary degrees (Bennett, 85).

There is little if any value in calling ourselves “professionals” if those who hold specific credentials in educational leadership (thus seeming trained for this profession) are as undervalued as much as (if not more than) those who hold the “respected” academic credentials and desire to be in administrative leadership roles. While some may maintain that distinguishing between non-academic/instrumental and academic administrative leadership may be helpful (Weingartner, 8 and 33), the resulting dichotomy promotes the same challenge to promoting and maintaining administrative respect and authority.

There are other issues concerning “professional” and “professionalism”; for example, “What kind of professionals are we?” and “Are we (really) professionals?” Bennett discusses two kinds of professionalism. First, there is the notion of “academic professionalism.” This kind of professionalism has its roots in the limited understanding of autonomy as insistent individualism, with a focus on isolation and hierarchy. The second kind of professionalism is “collegial professionalism,” with its roots in the idea of relationships. Bennett writes:

The whole point of the relational model is to deny the walls that insistent individualism erects and maintains. Relationality promotes hospitality and thoughtfulness. Collegial professionalism means competence and dedication – doing the job well and even gracefully. It suggests dignity and highlights commitment to the good of the other, rather than the exclusivity and self-protection that academic professionalism fosters. It calls for and makes possible more honest and candid discourse and relationships. It discourages injudicious and insensitive speech. Excessive privacy, secret balloting, and incomplete peer review reflect the deficiencies of the academy as aggregate, not as collegium (Bennett, 71).

We see that what is at stake in these two kinds of professionalism is how we interact with others or even whether we interact with them at all. Taking Norman Bowie’s fine distinction of an autonomous agent’s “thinking for oneself,” we should add the observation that while one may think *for* herself, she does not think *by* herself. What we will want is a collegial administrator in institutions of higher education who collaborates with others and does not solely consult her own “insistent individualism.” Indeed, we want leaders; academe needs visionaries; however, such visions are not and cannot be through the lens of one (or even several) myopic individual(s), if they are to effectively and ethically guide the university’s mission.

Interestingly, Rudolph Weingartner suggests that perhaps we are not professionals at all; rather “[A]cademic administration is profession-like, in part, precisely because its *roles* (emphasis added) cannot be encompassed by the kind of contract here proposed” (Weingartner, 37). Weingartner believes that being

“adorned with codes . . . is not sufficient to dignify its membership as a profession” (Weingartner, 37). Will reflecting on our roles yield a more robust understanding of collegial administrators in institutions of higher education (IHE)?

Clearly, roles would have us acknowledge our various relationships with the groups and individual members of our IHE. It may help us avoid “insistent individualism;” yet, retain a notion of autonomy and, hence, promote an administrative style, understood as relational. If we add on to these reflections Weingartner’s distinction between two kinds of administrators, instrumental and academic, we might better understand our unique positions as faculty *qua* administrator. Also, we may have a more operational way of moving through the “trenches”. Roles that immediately come to mind are negotiator, evaluator, colleague, leader and, as Lisa Newton and Bowie suggest, educator. Further, within these categories, we could delineate between understanding ourselves as faculty and then administrator, understood as capturing the two types of administrators that Weingartner (as some others) suggest – viz., instrumental vs. academic.

Our focus has been on the academic administrator. The “good” administrator is collegial and goes beyond narrow self-interested professional concerns. She or he is concerned about the good of and for others. Yet, this is not enough to offer a more robust guidance. Additionally, we need to evaluate how we interact with others in our decision-making process. In the next section, we examine a collaborative model of decision-making, based on a continuum of autonomy and respect for self and others.

## Collaboration

### *Collaboration and Consultation*

Those of us who love language will find that “consult” arose in the English language roughly in the late fifteenth/early sixteenth century. We find that its source is French (consulter) and Latin (consultare / consulere) which means to deliberate, counsel, or consult. We can “consult an individual (that is, “to ask the advice or opinion of” another).” We can “deliberate together” (confer).” Or, we could “serve as a consultant.”

Turning to the etymology of “collaborate,” we find that it is derived from the Latin, *com* and *laborare* (to labor) and it appears much later in the English language, in 1871. Merriam-Webster gives us three entries:

1. [T]o work jointly with others or together especially in an intellectual endeavor
2. [T]o cooperate with or willingly assist an enemy of one’s country and especially an occupying force
3. [T]o cooperate with an agency or instrumentality with which one is not immediately connected.

The *Oxford English Dictionary* traces a form of collaboration earlier, to 1802 from an entry made by Jeremy Bentham (*Works X*, 345): “He was a collaborator of Mirabeau” (Volume 1, 613). With no reference to the negative sense of collaborate found in entry two M-W, the definitions cited in *OED* are “To work in conjunction with another or others; to cooperate; especially in a literary or artistic production or the like.”

### **Collaboration/Consultation and Their Differences**

Current literature in education maintains that the difference between collaboration and consultation exists and, perhaps, we may find some support in this, historically – pointing to some potential relationships such as the egalitarian movements of the European Western Enlightenment, the rise of the utilitarianism as a political movement, and an increase in the numbers of well-educated people seeking to participate actively in matters of political, economic, and professional importance.

Scholars such as R. Gajda suggest that consultation is necessary but not sufficient; collaboration must be a goal, minimally and optimally the driving and a measurable source of ventures between educational institutions in joint projects. I would also argue that, alone, consultation fails to promote a complete model of ethical behavior and conduct that goes well beyond our interactions with our colleagues – in fact, consultation, unlike collaboration, will not allow us to provide implicit and explicit roles models to our students. Certainly, consultation is the starting point of collaboration; yet by itself it will be a missed-step to engage in promoting, creating and perhaps even recreating the common good of education. If we return to the descriptions of consult and consultation, we find neither of these terms has a robust sense of cooperation (if at all) and, instead, emphasize individual expertise (a kind of insistent individualism), which fails to acknowledge the potential of community cooperation and creative power. Consultation is necessary but certainly not enough for fruitful, full human interaction and respect or for institutional growth and success.

In contrast, collaboration suggests cooperation and “to work in conjunction with others.” In fact, there is the explicit suggestion of a common good in its description as “working together in an intellectual endeavor (M-W),” and “to cooperate; especially in a literary or artistic production.” If we look at the literature in educational journals, we find that collaboration is often identified as a “strategic alliance” and is also understood in more structural and procedural terms (Gajda, 2004, 2006). Unfortunately, at times this alliance seems to be in the service of an externally derived plan that must be executed and is not a plan or goal that was created by the group responsible for its implementation. Gajda notes that collaboration is “a powerful strategy to achieve a vision otherwise not possible when independent entities work alone” (2004, 65). A further concern is that, sometimes, there is little to recommend many forms of collaboration as ethical. Suggesting that individual members and their goals are understood more instrumentally, Gajda notes, “Intra- and interpersonal needs of individuals have to be addressed if alliances are going to successfully perform” (2004, 69). Perhaps this signals a potential for its corruption,

which is similar to the limits of consultation, sic., an insistent individualism of parties involved, leading to competition rather than cooperation. This possible negative consequence of collaboration will be discussed towards the end of this paper. In the next section, the practice of collaboration is discussed, with a continuum of collaboration established and examined through an evaluation of a course scheduling scenario and an interdisciplinary arts and sciences program that was created at a master's comprehensive public university.

### *Collaboration in Practice*

A recent white paper devoted to "Understanding Collaboration," a resource paper prepared for the Illinois Board of Higher Education (May, 2007), attempts to define collaboration: "The precise meaning of 'collaboration' is elusive, at least in part because the term has been used as a catchall to signify just about any type of inter-organizational or interpersonal relationship" (p. 1). It concludes with the observation that "[c]ollaboration is a process and a structure which organizations use to work together toward goals the partners could not achieve by themselves" (p. 16). While the purpose of this white paper is to help guide P-20 educators on their required true *collaborative* relationships for "No Child Left Behind" grant applications and activities, understanding its use and understanding of "collaboration" will be instructive in examining the relationship between autonomy and administrative leadership.

Various attributes of collaboration are initially explored in this document. Ten are identified (pp. 2–5).

1. Collaboration is intentional, planned and structured.
2. Collaboration has one or more specific purposes that are carefully defined and commonly understood.
3. Collaboration involves strategic activities specifically designed to achieve the goals and purposes.
4. Collaboration involves multiple participating organizations and entities.
5. Collaboration involves shared responsibility for achieving the purposes or goals.
6. Collaboration is based on parity among the participants.
7. Collaboration involves interpersonal interaction.
8. Collaboration involves sharing of resources.
9. Collaboration develops in stages.
10. Collaboration is unique to the context.

Goals 1, 2, 3, 5, and 6 are the same as the characteristics of autonomy and autonomous decision-making and action. The autonomous agent's decision-making is "intentional, planned and structured." An agent's ends are purposive and, as such, are "carefully defined" and "understood." The means by which the autonomous agent's ends are achieved are "specifically designed to achieve the goals and

purposes.” Autonomy, understood as being relational, “involves shared responsibility for achieving the purpose or goals.” And, finally, autonomous agency depends on the idea that people are understood as free and equal members of a moral community, which is “based on parity among the participants.” A collaborative model of administrative leadership, for both an academic administrator and an instrumental administrator, is very much dependent on autonomous agency. An initial problem concerns the idea of “parity among participants” and the notion of “equal;” hence, the question of whether there is real equality or parity among participants in higher administration is taken up later in this section.

“Understanding Collaboration” provides a discussion of a “continuum” of collaboration, which is understood ultimately as a process. Three parts of the process are identified and have been borrowed from N.L. Peterson’s “three distinct states of interaction among organizations:” cooperation, coordination and collaboration, reminiscent of R. Gajda’s integrative continuum model (IBHE, 6). Integration is understood as the same as “partner autonomy”, which is used to examine participating parties’ relationships and interactions.

Accepting a conception of collaboration as a continuum, with the additional goal of “partner autonomy”, let us proceed in refining the three stages, increasing them to at least five, ranging from fully consultative, which lacks any notion of reciprocity or recognition of the goals of others to fully collaborative, including a full sense of reciprocity and the creation of new, shared goals. Additionally, the ability to exercise respect towards others increases as we proceed through these five stages. A scenario regarding setting course schedules will run across the stages, describing interactions between various groups, each group comprised of at least two administrators and one faculty member.<sup>4</sup>

### **Stage One**

Stage one is fully consultative. The Dean’s Office directs the “choice” of courses and their scheduling, offering no other options to and, hence no input from the Department or faculty. There is no parity between the Dean, the chair, and the faculty. The College needs two general education courses to be taught on-line and there is only one faculty who had developed these course for on-line delivery. The Dean’s position is that he needs to provide course scheduling for his College, attracting the greatest number of students. The Chair needs to set schedules for department offerings and, in the interest of the his faculty, prefers to have faculty members initially choose courses they will teach along with the kind of delivery, etc.

While we see that the “self-interest” and goals of the College in terms of effective use of resources and enrollment are addressed, we also see that the “self-interest” and goals of the Department seem ignored. Perhaps the most one can hope for is to avoid disrespect, at this first stage. The Dean could suggest that as primary fiduciary and academic leader, he sees teaching these on-line courses is also in the best

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<sup>4</sup>I thank Dr. Dan Wise for suggesting this example.

interests of the Department and the faculty in that diverse and flexible offerings (such as on-line, general education courses) allow majors and minors to complete the program in a timely manner and are more accessible and attractive to non-majors and non-minors. With the on-line delivery, he suggests that faculty may have more time to engage in their research and scholarly activities.

A key to understanding the ethics of the Dean's decision is to determine whether and, if so, how it contributes to the Department's and the faculty member's success. We see that while the decision was not in the hands of all parties, there is some attention to the "good" of all concerned, at least in terms of the benefit of all concerned. At this stage, however, only a thin sense of respect is exercised and the best that can be accomplished is to avoid treating others as mere means. This means that our respect for others requires our not treating them with disrespect. Fully respecting others will require more "positive action" understood as a positive regard for others. Yet, this positive regard is not a duty in the sense that we can force its performance (or punish one for falling short). In a sense, we are left "free" to decide how best to show this positive regard. One might think of this as a kind of discretionary autonomy that is relational. In effect, we are looking at a continuum of autonomy, especially in its relational sense.<sup>5</sup>

The Dean recognizes the potential benefit for all concerned and, thus, demonstrates some concern for the welfare of the department and faculty. While the chair and faculty have not actively participated in the recognition and setting of these goals, there is no intention to harm anyone in order to achieve the College's goals. Therefore, minimal respect is present.

## Stage Two

Stage Two concerns the partial coordination of interests and goals. While still directive and lacking others' abilities to initially set options, there is an explicit recognition of the ends of others. In setting course schedules, the Dean is still the one who makes the decision. And it is the case that the decision-making process is among unequals. The College has funds for two additional courses and, through an analysis of previous course offerings, determines that student enrollment increases when there is more flexibility in course times/days and when the courses are included in general education requirements. In consultation with a department chair, the Dean decides that evening, weekend, and on-line courses are the kinds of course delivery that would be most attractive to students. The chair consults with her faculty and determines which courses will be taught within these constraints and with an eye to those that the department feels are most attractive based on departmental, individual faculty and student interests. While the Dean has set the parameters of the kind of course and its delivery, there is input into the choice of these kinds of courses and who will be teaching them.

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<sup>5</sup>I thank Michael Pritchard for this point.

### **Stage Three**

At this stage, decisions are made with full coordination, albeit among unequals. The ends of others are fully understood and recognized. There is also a desire to benefit the participating parties. Yet, only one party sets the initial goals. Taking our course scheduling example, let us assume that all the features of stage two are in place. The chair and her department members have decided which courses would be taught, by whom and when. The addition to this example is the Dean's desire to make the lives better of the faculty who volunteer. Perhaps the College is in a position to upgrade the faculty members' computer or printer. There might be an additional conference one of the faculty might like to attend that had not been budgeted from the year, which the College could financially support.

### **Stage Four**

At stage four, full coordination and partial collaboration are present. Partial collaboration will entail the mutual setting of goals. It is partial in that there is a sense of transactional benefit (Bowie, 2000), understood as enlightened self-interest. The sense is "I benefit and you will benefit. We may have different goals, which we will acknowledge and promote." There is, however, no sense of one overarching and motivating shared goal. Interests and goals are aggregated rather than shared. Returning to our setting course and course schedules example, the Dean discusses the availability of funds for two courses at a chairs' council meeting. He asks for input as to how the funds can be used to most effectively support instructional goals of the College and University. All chairs are asked to determine which courses and which methods of delivery their departments can best support. Decision-making is shared at this stage in setting the specific goals of how to best utilize funds designated for courses. Chairs go back to their departments and, after discussions with their faculty, present the Dean with their chosen courses. Each course and its delivery are evaluated and then brought forward to the chairs' council for a vote, which the Dean will honor.

Ultimately, a fully robust form of respect may only be possible at the next, and final stage, for stage five requires a fully coordinated and collaborative goal that all have agreed upon. In fact, we may view this as a newly created shared goal and not merely an aggregate of existing goals.

### **Stage Five**

In this stage, all interactions are fully collaborative (and hence fully coordinated). Full reciprocity is present. Not only are individual values and interests recognized and promoted, new ends/goals are created. Decision-making, ends sharing and ends creating all entail a Bowiean sense of "transformational leadership" (Bowie, 2000).

In returning to our example of course scheduling, we will find some limitation in achieving this final stage that expresses a fully robust ethics of leadership and the

concomitant sense of full respect. Thus far, each stage/step of collaboration has been explored using a fairly common challenge of setting course schedules. In doing so, we find a seemingly intractable obstacle to full collaboration in terms of the creation of new shared ends, hence leaving a limited sense of relational autonomy possible. An earlier observation during the discussion of collaboration at stage one about the challenge of achieving full collaboration was made regarding the non-existence of an opportunity for creation at this stage, for we only envision goals and projects as those that are informed by, and which serve, only one of the participants' perceived needs and desires.

We will need to turn to a different scenario and discuss the possibility for full collaboration and hence the exercise of a fully relational autonomy through an analysis of the development of an interdisciplinary program, which also involves the research interests of faculty and an eye to making individual departmental programs more attractive and completable by students, and serves higher administrative educational goals, long-term as well as short term.

A Liberal Arts and Sciences initiative (MLAS), an interdisciplinary master's degree program in the College of Arts and Sciences, was initially conceived as a response to higher administration's call to have a greater presence at a University's non-residential campus. Initial goals were to increase enrollment at its sister campus located 1½ hours from the main campus, offer an attractive program to the community, and provide access to degree programs to an underserved student population, which was primarily non-traditional. From a non-administrative perspective, there was also a goal to provide an exciting venue allowing faculty members wishing to teach in interdisciplinary areas as well as to provide an occasion to be able to explore their research interests, which cross traditional, disciplinary boundaries. A shared goal among various levels of administration and faculty was the desire to support existing programs, particularly post-baccalaureate certificates (sometimes referred to as graduate certificates).

Applying our five-stage model of collaboration, we see that the initial impetus for creation of this program is located in the first stage, being initiated by higher administrative goals. Yet, the recognition of the goals of the College and the goals of its individual departmental units and its faculty directed the program along the path of the other stages. Faculty members in the appropriate disciplinary areas constructed individual core courses and the entire program proposal was reviewed and recommended by a graduate faculty committee of the College.

Arguably, the program meets the first four stages of collaboration and its criteria. Respect and acting upon the goals of others are achieved; yet, the question of the creation of new goals remains open. Presently, one department accepts one of the core courses as a recommended elective in its own masters program. This department is also considering a post-baccalaureate certificate, which could count towards coursework for the department's own master's degree, and could also be able to be the basis of a MLAS program for interested students who might choose to pursue more advanced graduate work that would be interdisciplinary focused. This department's ability to concentrate on the common good of education, *sic.*, a response

to the question of “What is good for our students” moves the MLAS program into the fifth stage – the creation of a new, shared goal, i.e., the creation of yet another new program which comes out of the faculty in a response to their willingness to contribute to a program initiated by higher administration. It is only at this final stage that we see true collaborative and ethical leadership because all individuals are fully respected. They set the goals that are to be achieved; they do not merely make the discrete, individual goals of others come to fruition. In this example, more than avoiding disrespect has been achieved. A full respect for the decision-making abilities and for the goals of all has been achieved. We now see a fully robust ethical stance towards all members involved, for all 10 attributes of collaboration are present, a large number of which are the same as the characteristics of autonomy (Adams and Balfour, 16).

## **Possibilities for Collaboration**

In reviewing discussions of the five stages of collaboration, it becomes clear that competition, a feature of insistent individualism, has the potential to impede collaboration. Competition, as a catalyst in seeking the cooperation of others, is good; yet, as an end in itself, is harmful to any ultimate goal of collaboration. Collaboration, in the best sense, is a feature of relational autonomy and, as such, is a vehicle for the creation of new goals, shared by its participants. Yet, this may be an ideal, to be strived for but perhaps not easily realizable. If we look at the literature in educational journals, we find that collaboration can be identified as a “strategic alliance” and is also understood in more structural, evaluative and procedural terms (Gajda, 2004, 2006).

Gajda refers to collaboration as an imperative (67ff, 2004, 26, 2006); yet, if we are making an analogy to autonomy and its connection to Kantian theory and imperatives, collaboration may be hypothetical (as a means to achieve a goal or as a conception of happiness) and not categorical (as a morally valuable goal in itself). That is, collaboration, at least in past educational literature, is part of an overall strategic plan that is given to groups and individuals holding membership in these groups. Collaboration, in this sense, is a means to an end, the achievement of the goal or goals of the particular plan. Further, it is a plan that must be executed not created. It is similar to imperatives of skill that allows goals to be identified and achieved and perhaps akin to counsels of prudence understood as a form of happiness/flourishing/success that is indeterminate and, as such, varies for and, hence, unique to each individual. To recap earlier discussions, collaboration has been described as “a powerful strategy to achieve a vision otherwise not possible when independent entities work alone” (Gajda, 2004, 65). Even individual members are understood more instrumentally: “Intra- and inter-personal needs of individuals have to be addressed if alliances are going to successfully perform” (Gajda, 2004, 69). This signals a potential for corruption that may be at the heart

of collaborative failures – unhealthy and often rampant competition and neglected cooperation among colleagues and collaborators as well as among our faculty and administrative colleagues. How can we avoid this?

Let us assume that Gajda is correct that collaboration is an imperative (67ff, 2004; 26, 2006) and then ask, “Whose imperative is it?” The answer is “It is yours, mine, and ours.” Hence, we must assume individual and collective responsibility for our efforts in acting on and creating the common good of education. We also need to understand, accept, and act upon collaboration as our imperative and see it as a process in achieving the common good of education, which, in turn, facilitates student, faculty, administrators and others academic, economic, political, and personal success. All this is what the good administrator does.

Consulting one another is but one step in this collaboration. Creation of a better educational experience for our students is another. This step, however, is an end of such a process and achieved only when interested and involved parties as well as other stakeholders truly participate. Collaboration cannot be mere compliance in achieving an externally created and imposed plan; it is a commitment to effecting in a variety of ways, from a variety of expertise and perspectives, the common good (NSC, 30). What are some steps that we might take?

1. Work with all interested stakeholders, when we make policies, procedures as well as when we create or change academic curricula/programs, etc., including those internal and external to our institution.
2. Include all interested stakeholders in discussing and identifying common areas of concern – faculty, chairs, and administrative personnel in your educational institution as well as representatives from the community (elected officials, members of the chamber of commerce, for example).
3. Cultivate ourselves so that we are the kind of people who seek and foster cooperation and the good for all and not just for ourselves or only those with whom we are closely involved with or aligned to. For example, offer to deliver guest lectures with colleagues in your disciplinary area (not everyone has the same take on, or approach to, their discipline) as well as in other disciplines. Also, have conversations with faculty about inclusive, reciprocal teaching/learning strategies: Ask students for their areas of interest and expertise and connect those to your topic for the day or overall disciplinary area of the class (*National School of Character Award Winning Practices*, 2006). Ask members of the community to contribute to classroom activities and discussions as appropriate. Bring students to extracurricular activities, outside of the classroom and our educational institution. Have group projects that are meaningful and that you help monitor. As we know, collaboration is difficult for educators ourselves. Why would it be any easier for our students?

We will also need to develop mutually disinterested views and more general points of view – rather than being consultants, we need to be colleagues. Often, the mis-steps that I and other educators and administrators make (and, the reality

is that all of us, at one time or another, will err) arise not so much from what we do; rather, it is what we fail to do – model the behavior, the conduct that we expect in our students and our colleagues (understood broadly). Specifically, we often see our particular job, task in isolation from that of others. We are insistent about the importance of our individual charge for educating students in a particular discipline, failing to acknowledge the importance of what others teach; we are insistent about our individual charge as administering certain aspects of the educational experience without regard to the reason why that educational experience is important and what that educational experience actually is.

While Charles Dickens tells us “Mankind is our business,” we need to remind ourselves “Education for the common good is *our* business.” The good administrator consciously embraces the common good, and acts on it as participant in as well as revisionist and creator of this good, in concert with others. To the question of “What can we as educators, administrators, officials, and academics do so that our students understand the common good of education, a good that is individually and collectively good for academic, economic, political, and personal success?” My response is “Consult, collaborate, and create.” These are the characteristics of the good academic administrator. Yet, to actually be able to do so requires our institutions of higher education to demonstrate concretely a real commitment to collaboration. Whether our institutions are seeking to sustain their greatness or are poised to effect incremental or great transformative change, this commitment will not be easy even when desired.<sup>6</sup> We will need to set up institutional structures that promote cooperation towards achieving the university’s shared visions and mission rather than foster rampant insistent individualism. Acting from a sense of self-interest and self-regardingness is a necessary feature of all humans. But without the tempering effect of other-regardingness and respect for and appreciation of the common good, interests of, and regard for, the self will sabotage even the best collaborative intentions. Rather than acting as relational autonomous agents, actors will have the sole motivation of insistent individualism.

The university must be a place where guiding principles of respect, collegiality, and fairness are embedded within the context of a concrete commitment to collaboration on education across and even beyond the university. Ultimately, all institutions of higher education need to develop and implement collaborative policies and institutional organization structures that work and are good, in all senses of this word. Good institutions are good for everyone and will support, encourage, and help create the good administrator.

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# How Should the Policy Apply? Trustworthy Decisions in the Administration of Graduate Academic Programs

Michael C. Loui

**Abstract** Previous work on the ethics of academic administration has ignored the interpretation and application of academic policies. In this essay, I discuss the ethics of administrative decisions based on academic policies. Because no policy can cover every situation, administrators must exercise judgment to interpret policies wisely and to grant exceptions when warranted. Using examples from my experience as a graduate dean, I explain how I endeavored to ensure the trustworthiness of policy-based decisions and decision processes in the administration of graduate programs.

**Keywords** Academic policy · Faculty committee · Graduate dean · Graduate program · Graduate student · Trust · Trustworthy

## Introduction

*True Story, Chapter 1. You are the associate dean for graduate programs at your university. You hear an allegation that two graduate students, husband and wife, falsified their admissions credentials. The woman has recently completed a master's degree at your university. You ask the students' departments to send you their dossiers, including their applications for graduate admission. The students' undergraduate transcripts look legitimate; they bear the official seal of the university that both students attended. You examine the transcripts carefully and notice small discrepancies. For example, the student identification numbers have different numbers of digits. What should you do?*

At first glance, academic administration seems completely straightforward. If an academic policy applies, then the administrator merely makes the decision specified by the policy. If a committee makes the decision, then the administrator

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merely implements the decision. What could be simpler? At second glance, academic administration is not so straightforward. A policy cannot cover every contingency: invariably a situation arises that the policy does not address. In these cases, the administrator must decide how to interpret the relevant policy. In other cases, the application of a general policy may be unwise, and the administrator might decide to grant an exception. For instance, a graduate dean might extend the doctoral time limit for a student who became incapacitated by an illness for a year.

Interpreting policies and granting exceptions require the administrator to exercise judgment, based on good reasons. In turn, the exercise of judgment requires wisdom to reconcile ethical values, both values in the decision itself, and values in the process used to reach the decision. In the academy, the process of making an administrative decision may require consultation with a committee of faculty and students, or with an even broader group of constituents. Consultations with committees observe the traditional academic value of collegiality and the principle of shared governance, by which faculty members and students participate actively in the administration of the institution.

Because collegial deliberation takes time, however, most decisions are made routinely by academic administrators without broad consultation. Although administrators might use delay as a tactic – the administrator’s most powerful weapon is delay – in general, administrators must make decisions quickly because of the sheer volume of work. While administrators do gather relevant facts, they never have sufficient time to study a situation completely. With limited time, administrators nevertheless strive to reach the right decisions.

Previous work on the ethics of academic administration (Tatum 1992; Weingartner 1999) has ignored administrative decisions in the interpretation and application of academic policies. In this essay, I will focus on the ethics of administrative decisions based on academic policies. I will draw on my experience as an associate dean of the Graduate College at the University of Illinois at Urbana-Champaign. For 4 years, I oversaw the administration of about 120 graduate academic programs that enrolled about 8000 graduate students across the campus. I will illustrate how I endeavored to ensure that administrative decisions were trustworthy.

Trust is a cornerstone of all human relationships (Solomon and Flores 2001). In a large organization, no one can function effectively without trusting others to perform their functions. In academic institutions, the need for trust between colleagues is particularly high, because much academic work is performed in isolation: collaborations in research and in teaching occur only occasionally; peer review of research is sporadic; and peer review of teaching is rare. A professor who is the institution’s only expert in eighteenth century British literature would generally not collaborate with other professors at the institution in research in that subject. Usually professors teach their courses without collaborating with colleagues, and without continual oversight by administrators. A professor who teaches an advanced course in a discipline must therefore trust the colleague who teaches the prerequisite course to prepare students adequately, without examining all of the colleague’s classroom sessions and course assignments. Because academic institutions have a special need

for trust, academic administrators have a special duty to promote trust within their institutions.

## **Trustworthy Decisions: Applying Academic Policies**

*True Story, Chapter 2. Among the admissions materials for each student are recommendation letters from three professors. You send copies of these letters individually to the professors, who reply separately that they did not write those letters. In addition, you ask the registrar at the students' undergraduate university to mail you the students' official transcripts. When you compare the official transcripts with the ones in the students' dossiers, they look different. The husband's true undergraduate record was much weaker than what his falsified transcript showed. The wife's undergraduate record was represented accurately by her falsified transcript, except that her official transcript stated that she had been dismissed, without receiving the bachelor's degree, for stealing bus passes and destroying other students' data. What should you do now?*

As a graduate dean, I took responsibility for campus policies that governed academic programs leading to graduate degrees. As at other universities, these policies specify the minimum number of academic credits required for master's and doctoral degrees; the minimum number of credits required within the department or at an advanced level; the maximum number of credits that may be transferred from another institution; the minimum registration required for full-time status; the minimum time that the student must be in residence to receive a degree; the general examinations (qualifying, comprehensive, and preliminary examinations) required for a doctorate; the minimum size and composition of advising committees; the maximum time allowed for pursuing a degree; and the minimum graduate point average required for admission to a graduate program and continuation in the program. These policies define the university's academic standards for graduate programs, and they facilitate the administration of graduate programs in common cases.

An academic policy may also specify a procedure for handling unusual cases, such as the process for dropping a student from a graduate program, the process for hearing a formal grievance, and the process for responding to an allegation of research misconduct. The procedure usually specifies which administrator takes responsibility for which decision; for example, after a committee hears both sides in a grievance brought by a graduate student, the graduate dean decides the outcome. Sometimes a procedure may state that an administrator may make minor changes to a procedure when warranted. For example, the procedure may allow the graduate dean to extend the amount of time required for gathering evidence before a hearing. Or if the procedure specifies a decision-maker who has a conflict of interest for a particular case, then a substitute administrator may be appointed.

Because no policy can cover every possible situation, administrators must use judgment responsibly to interpret policies wisely, and to make principled exceptions

when warranted. For example, while I was a graduate dean, we changed the policy on the composition of doctoral committees to require that at least two members of the committee be tenured professors, because tenured professors have a long-term commitment to excellence in the institution. When we created the policy, however, we had not anticipated that members of some doctoral committees would be retired professors, who no longer have tenure. I interpreted the requirement for tenured members to include professors who had been tenured but had recently retired.

Our policy on doctoral examinations does not specify their locations. I received a request from my own department to conduct a final examination for the doctorate (i.e., a dissertation defense) in San Diego because the student and three of the four doctoral committee members had recently moved to universities in southern California. Because the three committee members were still members of the Graduate Faculty at Illinois (for a limited time), I allowed final examination. I made other exceptions to our policies. In a tragic case, a doctoral student who had nearly completed his dissertation died suddenly. The student's department inquired whether we could award a posthumous degree. My campus has a policy that explicitly prohibits unearned posthumous degrees: every degree must be earned. To satisfy the spirit of this policy, I asked the student's committee to complete the dissertation and to submit it, and I waived the requirement for a final examination, since the dead student could not present his dissertation. His parents came to commencement to receive his doctoral degree. In another case, a doctoral student at Illinois who had earned a master's degree elsewhere committed suicide; because he had earned enough credits for a nonthesis master's degree, I waived the rule against duplicate degrees so that we could present his family with a diploma for the work that he had completed. We could not give these families their sons, but we could grant their earned degrees.

When I considered policy exceptions, I used two ethical tests. First, how would the exception look on the front page of a newspaper? There is nothing worse than being accused of malfeasance on the front page of the student newspaper. Second, could the exception become a general rule? To apply this second, deontological test, I considered whether we could adopt the exception as part of our general policy, even though we would probably not incorporate the exception into the policy because it would apply too rarely.

A department asked me for an exception to our policy on appointments to the Graduate Faculty. The department head wanted graduate faculty standing for a new faculty member who had not yet completed her Ph.D. The head said, "She plans to submit her dissertation in only one or two months." I replied, "No, she does not meet the minimum standard to be a member of the Graduate Faculty." Could we award graduate faculty standing to everyone who did not have a Ph.D. or other evidence of scholarly accomplishment? That could not be a general rule. Usually administrators say "yes" to reasonable requests for exceptions. Administrators really earn their keep when they say "no."

A graduate program wanted to terminate a doctoral student. I asked, "Why?" They replied, "She doesn't seem interested in research." I persisted, "How do you know? Did she not complete a required research paper? Did she fail an examination?" "Well, no," they confessed, "we admitted her by mistake." "Sorry," I said,

“you admitted her, and it is not fair to revoke the admission without adequate reasons. Unless she fails to meet some academic requirement, you must keep her.” Another department tried to change the percentage appointment of a graduate assistant from 25 to 24% in the middle of the academic year to avoid paying his tuition in the spring. Because he had received the assistantship appointment the previous summer, he had already counted on the tuition waiver, and he would have had to borrow thousands of dollars to pay for the unanticipated tuition. I told the department that it could not change the contract in the middle of the year without a good reason. In these two cases, in which no explicit policies applied, it was my duty as an administrator to say “no”: I articulated the viewpoint of the less powerful parties – the graduate students – to ensure that they were treated fairly.

### **Trustworthy Processes: Committee Meetings**

*True Story, Chapter 3. Your university’s policy on falsification of documents includes a paragraph on fraudulent admissions credentials. The policy allows you and the registrar to cancel the registrations of both students without a hearing. The policy does not explicitly address the case of a student who has graduated. After consulting with the university lawyer, you terminate the husband from his doctoral program, and you revoke the wife’s master’s degree. Did you make the right decisions?*

So far, I have described administrative decisions that I made myself, sometimes after I had consulted with a few more experienced administrators. In other cases, I made decisions after conducting meetings of appropriate committees, or after convening meetings of ad hoc committees. Administrators attend many, many meetings. To the faculty, it seems that administrators never do real work because they are always in meetings. Even when a committee meeting appears to be a mere formality, an academic ritual, however, I believe that we should think of the meeting as a form of work that builds trust (Solomon and Flores 2001).

Sometimes the best way to solve a problem or to create a policy is to bring together the right people. A committee of people with diverse backgrounds can meld complementary skills and knowledge to accomplish a goal. I organized an ad hoc meeting of people with knowledge and experience to create a framework for joint baccalaureate/master’s programs, in which a student could earn both a bachelor’s degree and a master’s degree with fewer total credits than earning each degree separately. When one department proposed to create a novel inter-institutional degree program, and another proposed to create ad hoc individualized joint degree programs, I referred the proposals to committees of experienced faculty members. In both cases, we decided that the students and the university would be well served by allowing these innovative programs to operate for trial periods of 3 years, with reviews at the ends of the trial periods to determine whether they should continue. The trial periods would help us gain experience and increase trust in the new ideas.

In another case, I called a meeting of the doctoral committee for a student who was changing advisors because of interpersonal conflicts. The presence of

an outsider – me – minimized the sniping between the participants and kept them focused on the task. I felt like an anti-catalyst: I ensured that nothing exploded.

Making a process more public, getting more people involved, increases trust in the final decisions. Other members of the university community are more likely to accept a decision or policy when they know that a committee of their peers has assented to it. To prevent premature consensus during a meeting, however, I invited disagreement; for example, I would ask for the strongest argument against the most favored alternative. In this way, I tried to recognize the diversity of opinions and avoid “groupthink.” On my campus, we have a long process to approve proposals for new and revised academic programs, with committee meetings at department, college, and campus levels, and beyond. Many professors see this approval process as a series of bureaucratic hurdles to overcome. I see them as opportunities for peer review, improvement, and trust-building.

Even when an outcome may seem obvious, following a formal process increases trust. For example, a doctoral student filed a grievance against his department for terminating him improperly. His case looked weak, but I ran the formal grievance process anyway, with a committee to hear both sides, to treat all parties fairly. Gunsalus (2006, pp. 108–109, 210–211) lists many benefits of formal processes. For example, in one case described by Gunsalus (2006, pp. 201–202), when a faculty member was accused of malfeasance, his university conducted a formal investigation that exonerated him. The accuser continued to send denunciations to political officials, but the credibility of the formal investigation enabled the university to defend itself effectively. Formal investigations of allegations of wrongdoing attempt to balance the moral values of confidentiality and openness. Confidentiality is essential to protect the reputation of the accused if the allegations turn out to be unfounded. Openness is essential to ensure that others trust institutional decisions. The investigation committee achieves this balance by guaranteeing confidentiality at the hearings, yet providing a measure of openness through the involvement of disinterested committee members.

## Conclusion

*True Story, Chapter 4. Your university’s policies allow the students to appeal your actions to the provost. The associate provost conducts a hearing. At the hearing, you explain that you expelled the doctoral student because he would not have been admitted based on his true undergraduate record. Furthermore, if you had detected the woman’s fraudulent transcript while she was still enrolled, you would have canceled her registration because she would not have been admitted without a bachelor’s degree; consequently, you revoked her master’s degree. You acted to preserve the integrity of the university: both students unfairly took places in graduate programs that could have gone to other deserving applicants. The provost sustains your decisions.*

Academic administrators have great power to interpret policies and to grant exceptions. Great power demands great responsibility for exercising good judgment. Using their judgment and experience, academic administrators endeavor to make decisions that serve the best interests of their institutions. Indeed the word *administer* derives from the Latin word *ministrare*, meaning “to serve.” Fundamentally, to administer is to serve. It is an honor to be called to serve in an organization, to build trust through bureaucratic processes, and to be entrusted to render wise decisions. Academic administration is a noble calling, for it demands service with wisdom, for the promotion of trust.

**Acknowledgment** Philip Hillmer suggested improvements to a previous version of this paper.

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# On Telling Faculty the Truth

David Kline

**Abstract** A type of administrative lie (involving department chairs evaluating faculty) is illustrated. After arguing that the model cases are not “white lies” an ethical justification is sought for the practice. Consequentialism, though often assumed by administrators, does not provide a persuasive justification. The resources internal to the chair’s role as a professional are examined and also found to provide insufficient justification. Finally, it is argued that the chair’s role as a teacher and proponent of liberal education is inconsistent with chairs lying to faculty.

**Keywords** Lying · Faculty · Consequentialism · Autonomy · Liberal education

## Introduction

University academic administrators are not particularly virtuous when it comes to lying. A faculty member in a public meeting asked an academic administrator how much the administration’s union contract negotiator was costing the university. The question was an effort to embarrass the university at a time of budget cuts. The response was that the negotiator had been paid \$90,000. This response was given knowing that the university had not received the bill for the bulk of the work done. The actual cost could exceed \$400,000. The response was a lie.

A few philosophers of note have argued that all lies are morally wrong. This strong thesis is often accompanied by considerable attention to the definition of a lie in an effort to avoid implausible consequences of the strong thesis. For the present purpose, a lie is understood as an intentionally deceptive statement and it is assumed that lies are sometimes (though rarely) justified. Sissela Bok’s influential

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work, *Lying*,<sup>1</sup> examines the peculiar features of lying and the possible justifications of lying in a number of contexts; for example, the lawyer/client relationship and the parent/child relationship. She does not examine lying in administrative contexts per se or in academic administrative contexts. This paper is the beginning of such an examination. It is not intended to be comprehensive. I focus on one specific context within the broad category of academic administration. The kind of case I am interested in may not be unique to the academy, but it certainly flourishes there. Once the type is illustrated, I shall focus on the issue of its justification.

## Model Cases

John is a professor of German. He has approached his chair about taking a group of students on a summer study abroad visit to Stade, Germany. He would like funding for the summer before the course is offered to visit Stade and make the proper arrangements. John will not offer the course unless such funding for preparation is provided. German is a program with little student interest. It plays a service and only a service role within the university.

John, a senior faculty member, has done little more than meet his classes for a number of years. On the positive side, a study abroad course might provide inspiration both to the program and to John. On the negative side, John visited Stade on a number of occasions and knows the city and its resources well. He has a history of not following through on projects. Furthermore, the chair is convinced that he does not have the administrative skills and “student affairs” skills to lead a group of students in a foreign country. The chair tells John that though the idea is exciting, the department unfortunately does not have sufficient resources to support John’s “scouting mission.” The chair’s real view is that money could be found, but that it would be squandered investing in John’s possible course.

A wise chair may find alternatives to lying, e.g., providing John a capable graduate student in German History from the university’s excellent History Department to handle the administrative arrangements and ensure appropriate supervision of the students. This would solve the student issues and perhaps bring life to the German program.

But the maneuver is beside the point. It would only lead to embellishing the example; no graduate students are available to avoid this out. This essay is not about whether with sufficient care and imagination one could always avoid lying, but rather, given that administrators do lie, what we should say about it.

Consider another example. Camille is a Professor of English. She has received her chair’s annual evaluation wherein her scholarly work is described as “strong.” She has published two critical reviews and two poems in an online journal. Camille insists that her chair change the evaluation to “excellent,” for she sees herself as having had a very productive year. The chair recognizes Camille as a solid citizen

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<sup>1</sup>Sissela Bok, *Lying* (New York: Vintage Books, 1989).

of the department and college, and a superb teacher. She also sees her as a person with a much inflated view of her poetic accomplishments not only this year but in general. Camille's work is not excellent. Nevertheless, the chair agrees to change the word in contention from "strong" to "excellent." Again, we could play with the example to give the chair a way out. But again, this is not the point; we all recognize the chair's behavior. Does it have any moral justification?

The model cases are instances of academic administrators lying to faculty about the faculty member's abilities. Often the deception is accomplished by blaming lack of support on the vagaries of the budget. The administrator has a definite and considered view on the faculty member's abilities, yet conveys a very different assessment.

## White Lies

Perhaps the department chairs in the model cases told white lies. If so, this would take the wind from the cases, for white lies are of little moral import.

The lies that flatter, add cheer, avoid awkward excuses, or recognize an unwanted gift are commonplace. It is not obvious that they could or should be avoided entirely. The white lie is, of course, a falsehood but it is not intended to do harm and is of little consequence.

The consequences for John and Camille are considerable. When one's supervisor has a negative evaluation of one's performance or capacities, yet does not inform one of this evaluation, one is harmed. For starters, one is deprived of the opportunity to rebut the possibly mistaken evaluation. One is deprived of the opportunity to change one's performance or one's plans and aspirations. Furthermore, the negative evaluation may covertly affect one's assignments, salary, etc. So, the lies of the chairs in the model cases are not white lies.

One might argue that they are not white lies because they are not lies at all. They are euphemisms. John knows administrators have plenty of pockets of cash.

There is something to be said for this line. No doubt much of what would be understood literally as a lie is really part of an understood code which allows the parties to avoid confrontation and save face. Nevertheless, there are cases where there aren't sufficient funds. The general situation has enough ambiguity to allow genuine lies and euphemisms.

## Justification

Given that the cases under discussion present *prima facie* instances of unethical behavior, what contravening justification can be provided? Don't we simply have cases where chairs haven't done their jobs? They are taking the easy way out, avoiding the confrontation and unpleasantness likely to follow from telling the truth. (This may explain their behavior, but hardly provides an ethical justification.) Commonly a consequentialist rationale is operative. Using the Professor of German case, the

chair reasons that telling John the truth will do no good. In fact, it could have quite negative consequences. First of all, John is not going to accept the force of the criticism. There is little chance he will recognize the problems described and do something about them. Secondly, John will be angered by the criticism and likely, out of demoralization and hostility to the administration, become less effective as a teacher. The administrator's professional obligation is to further the institution's teaching and research mission. Telling John the truth, it is believed, will be contrary to that obligation.<sup>2</sup>

There are, at least, two key empirical assumptions behind this argument: (i) faculty are particularly unable to accept criticism from administrators about their abilities and act constructively on that criticism, and (ii) faculty performance, especially in teaching, is highly dependent on faculty morale and faculty morale is reduced when their abilities and accomplishments are subjects of criticism. The empirical assumptions are open to social scientific confirmation or refutation. For the present, I am suggesting that administrators believe them, and if pressed would offer observations from their experience on how academic organizations work as evidence. For example, on (i), the allegiance of faculty is to their discipline. Critics outside the discipline are dismissed as not understanding and valuing the discipline and hence not qualified to pass judgment on the scholarship or teaching of those within it. On (ii), given the freedom and autonomy of faculty and the minimal accountability standards, it is crucial that faculty willingly use their "discretionary time" to further the interests of the institution. Problems with morale can easily lead to a faculty member doing no more than meeting the minimal job expectations.

How should we evaluate this consequentialist argument? It suffers from all the vagaries and indeterminacies of calculation that many real-world consequentialist arguments face. Even if there is some truth in (i) and (ii), which one could certainly question, how is one to be confident they apply to John or Camille? How much experience and of what sorts is required to label them incorrigible? Remember, this may cause them considerable harm.

The consequentialist justification deserves caution and skeptical worries. It is too convenient a rationalization for avoiding the administrator's unpleasant work. Are there alternative justifications for the chairs' lies? Are there moral principles internal to the professional responsibilities of administrators that would sanction such lies?

It will be helpful to look at a different sphere where lying has been extensively studied and discussed, viz., clinical medicine. Though currently a focus on patient autonomy guides the patient/doctor relationship, this has not always been the case. In the first half of the twentieth century a version of paternalism characterized the

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<sup>2</sup>Some chairs may be open to this line of argument given their practice as teachers. An instructor may be concerned that if students are really told the truth about the quality of their work, they will become demoralized and perform ever poorer. This concern is plausibly one cause of grade inflation. See Paul Eisenberg, "The Truth, the Whole Truth and Nothing but the Truth," in *Moral Responsibility and the University: Studies in Academic Ethics*, ed. Stephen Cahn (Philadelphia: Temple University Press, 1990).

relationship. Consider the following from Joseph Collins' essay, "Should Doctors Tell the Truth?"

... the physician soon learns that the art of medicine consists largely in skillfully mixing falsehood and truth in order to provide the patient with an amalgam which will make the metal of life wear and keep men from being poor shrunken things, full of melancholy and indisposition, un-pleasing to themselves and to those who love them.<sup>3</sup>

Collins' point is consequentialist but it is embedded in a broader conception of the physician as professional. The physician's first duty is to the patient's health. Of course, truth-telling is important. But it takes a secondary role when it conflicts with the patient's health.

Had he [a particular patient] been told that he had a disease which was universally believed to be progressive, apprehension would have depressed him so heavily that he would not have been able to offer the resistance to its encroachment which has stood him in such good stead.<sup>4</sup>

There is much to question in Collins' view, e.g., his conception of health, his knowledge of what effects certain information will have on patients, and his assumptions about what patients really want. For present purposes these can be set aside. Collins' view is an illustration of how consequentialism with respect to truth-telling is embedded in a particular professional context. Collins is first committed to his patients and their health. Truth-telling is occasionally sacrificed because of its consequences for serving the primary end.

In the administrative context is there anything analogous to being in the service of the patient and his or her health? If there is it might provide the resources to make lying more plausibly justifiable in the cases under discussion. Put another way, are there values intrinsic to the profession of academic administration that when in conflict with truth-telling take precedent?

Of course, the first question is, is academic administration a profession? What Ernest Greenwood labels systematic theory and authority are two features of nearly all analyses of a profession. Focusing on these features alone is sufficient to show that academic administration is not a profession. Consider systematic theory first.

... the skills that characterize a profession flow from and are supported by a fund of knowledge that has been organized into an internally consistent system, called a body of theory. A profession's underlying body of theory is a system of abstract propositions that describe in general terms the classes of phenomena comprising the profession's focus of interest. Theory serves as a base in terms of which the professional rationalizes his operations in

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<sup>3</sup>Joseph Collins, "Should Doctors Tell the Truth?" in *Bioethics*, ed. Helga Kuhse and Peter Singer (Oxford: Blackwell, 1999), 501.

<sup>4</sup>Collins, "Should Doctors Tell the Truth?" 502.

concrete situations. Acquisition of the professional skill requires a prior or simultaneous mastery of the theory underlying that skill.<sup>5,6</sup>

Department chairs are selected for their post because it is their turn or they are willing to do the job or they seem reasonable, articulate and fair. They have no body of theory common to academic administration which they will apply. The training chairs receive, after the fact, largely consists of familiarizing them with various institutional bureaucratic requirements. Authority is closely related to the body of knowledge criterion.

A nonprofessional occupation has customers; a professional occupation has clients. What is the difference? A customer determines what services and/or commodities he wants, and he shops around until he finds them. His freedom of decision rests upon the premise that he has the capacity to appraise his own needs and to judge the potential of the service or of the commodity to satisfy them. . . . In a professional relationship, however, the professional dictates what is good and evil for the client who has no choice but to accede to professional judgment. Here the premise is that, because he lacks the requisite theoretical background, the client cannot diagnose his own needs or discriminate among the range of possibilities for meeting them.<sup>7</sup>

The professional's authority is more complex and subtle than Greenwood states. But the general point is well taken. The professional has an obligation to do what is best for the client (and society), given the relevant body of knowledge.<sup>8</sup> It is implausible to regard department faculty as clients of the chair. From the point of view of the faculty, the chair has been selected by them to do the bureaucratic chores and represent the vision of the faculty to higher levels of the administration. It is the faculty that determine what is best for them. It is the chair's job to help realize the will of the faculty.

Higher levels of administration undoubtedly have a somewhat different take on the chair's role. He or she is responsible for seeing that the department accomplish certain objectives even if the faculty can not be persuaded of their wisdom. Of course, the chair is also responsible for evaluating faculty. The chair's organizational role is quite complex and structurally provides constant opportunity for one to be in a position of tension between the faculty and central administration. But none of this adds to the plausibility of regarding faculty as *clients*.

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<sup>5</sup>Ernest Greenwood, "Attributes of a Profession," in *Ethical Issues in Engineering*, ed. Deborah G. Johnson (Upper Saddle River, New Jersey: Prentice Hall, 1991) 68–69.

<sup>6</sup>For additional accounts of a profession see Michael D. Bayles, "The Professions" and Everett C. Hughes, "Professions," in *Ethical Issues in Professional Life*, ed. Joan C. Callahan (Oxford: Oxford University Press, 1988).

<sup>7</sup>Ernest Greenwood, "Attributes of a Profession," 70.

<sup>8</sup>Sometimes the obligation to society pulls in a different direction than serving the client. Sometimes it even overrides serving the client. Consider the public health consequences of the over use of antibiotics. Despite the patient's desire to be given an antibiotic prior to the determination of the exact organism causing the infection, the physician may refuse not because it would harm the patient, but because of the contribution of unneeded antibiotics to the diminution of their efficacy.

The effort to find a professional obligation of chairs *qua* academic administrators that might override, or at least be in competition with, the obligation to tell the truth is not promising. Furthermore, as I shall argue, chairs have moral commitments that pull them toward the importance of truth telling.<sup>9</sup> In addition to being administrators, chairs are faculty, hence scholars and teachers. Two values central to the role of scholar/teacher are truth and autonomy.

In scholarly work faculty pursue and disseminate what they take to be knowledge. They especially value truth, and hold their claims to such to very high standards. It is part of being a scholar/teacher to model the value of truth with fellow faculty and especially students. Given the centrality of truth to academic life, not respecting the truth is out of place in a chair dealing with faculty.

As teachers, chairs both design and defend the curriculum. It is students that are their “clients.” Faculty tell students what is good for them both in their major field of study and in their liberal education. Liberal education has many components, but the central notion historically and conceptually is that a liberal education should free one. It should recognize one’s right to autonomy and it should cultivate it. Nearly every western university is committed to this ideal as witnessed by the importance placed on critical thinking and exposing students to a variety of exemplars of how life should be lived. Kenneth Strike in writing about students and autonomy gives the following brief analysis of the concept of autonomy:

Persons have the right to autonomy. What does this mean? Fundamentally, it means that people have a *prima facie* right to be self-governing. Autonomy is complex: it contains at least three components. The first is psychological freedom: this is the capacity for rational judgment and self-control. The second component is the right of self-determination in those areas of life that are properly left to the individual’s discretion: individuals should have the right to choose their own beliefs and their own lifestyle, and they have a number of other rights that limit a government’s or a society’s authority over them. Finally, individuals have the right to participate in collective choices.<sup>10</sup>

Analyses of autonomy are complex and controversial. For present purposes a normative conception of autonomy is being assumed. We want students to decide and choose for themselves. But their decisions should be based on reason and a consideration of the relevant evidence. The enemies of self-governance are habit, prejudice, superstition and mere tradition. One cannot be rationally self-governed in one’s decisions and actions without knowledge of the relevant facts. Anything that would distort or preclude such knowledge undermines one’s rational belief formation process and hence one’s autonomy.

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<sup>9</sup>Even though departmental administration is not a profession, chairs, in virtue of their role, have moral responsibilities. For example, chairs must foster the educational welfare of students. Evaluating faculty honestly is a plausible adjunct to this end. But here again, the “demoralization account” raises its head. Perhaps the best way to encourage good instruction is to not be truthful about the instructor’s performance.

<sup>10</sup>Kenneth Strike, “The Authority of Ideas and the Students’ Right to Autonomy,” in *A Professor’s Duties*, ed. Peter J. Markie (London: Roman & Littlefield, 1994) 103.

Consider again the department chair, as teacher and defender of liberal education, the chair furthers the autonomy of students. It would be odd indeed to hold autonomy at such a high level of importance and in one's administrative functions to act in ways that undermined the autonomy of faculty – namely lying. Lying can distort or deprive one of information relevant to one's life plan. John and Camille need to be told the truth about their abilities. Or at least what the chair thinks is the truth. They may not use it wisely. They may become worse teachers and scholars. But if we think autonomy is important, what they decide to do with the chair's judgments is up to them. So far from the chair having some professional obligation that might supersede the obligation to tell the truth, the chair holds and promotes a value, autonomy, that would be violated by lying to faculty.

It is crucial to the argument that both truth and autonomy are especially peculiar to *chairs as academics*. This, for example, is not the case with the Vice President for Development or the Director of Enrollment Services.

## Conclusion

A species of lying that occurs in academic administrative contexts was described. The crude consequentialist justification for this type of lying is inadequate. Justification based on the professional obligations of administrators is not forthcoming because academic administration is not a profession. Furthermore, as scholar/teachers chairs are committed to the pursuit and dissemination of the truth and the development of the autonomy of their students. There is no principled reason for a chair not valuing truth and autonomy in interacting with faculty as well. Hence lying to faculty, which undermines these values, is not morally justifiable.<sup>11</sup>

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<sup>11</sup>The writing of this paper has been greatly helped by comments on a draft by Dr. Brian Schrag.

# The Paradox of Prejudicially Applying Valid Academic Standards: A Historical Case Study in the Ethics of Academic Administration

Bruce A. Kimball

**Abstract** Among the 60 or so Catholic colleges and universities operating in the United States in the late nineteenth-century, the 24 founded by the Jesuits had the highest academic standards. But the educational merit of the Jesuit B.A. was challenged in the 1890s when Harvard Law School (HLS) declared that only “respectable” bachelor’s degrees of certain colleges would qualify an applicant for admission. None of these were Catholic institutions, whose graduates were therefore excluded from the leading law school in the country. The Harvard president and deans maintained that the identification of “respectable” degrees was based solely upon neutral standards of academic quality. But Catholic educators protested vigorously, and a decade-long debate ensued between Harvard administrators and the Catholics as to whether and how Jesuit education was academically deficient. The decisions of Harvard’s academic administrators had an invidious discriminatory effect and did originate in cultural prejudice against Catholicism. However, the Harvard administrators believed – sincerely and justifiably – that they were making neutral academic judgments. This historical case study examines how the complexity of academic administration fostered and disguised this paradox.

**Keywords** Paradoxical entanglement · Prejudice · Valid standards of academic merit · Meritocratic · Fraction · Exclusion · Jesuit institutions · Sectarianism · Reinstated · Barred

Among the some 60 Catholic colleges and universities operating in the United States in the late nineteenth-century, the 24 founded by the Society of Jesus had the highest academic standards. The Jesuits’ standards and practices drew upon the Society’s *Constitutions* and its application through a detailed “plan of studies.”<sup>1</sup> Convinced of the educational value of their liberal arts, the Jesuits were unreceptive

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<sup>1</sup>Ignatius Loyola, *The Constitutions of the Society of Jesus*, trans. George E. Ganss (St. Louis: Institute of Jesuit Sources, 1970), Part IV, pp. 171–209. Published in 1599 and revised in 1832, the

to reforms in liberal education advanced by the Protestant administrators of American universities in the 1870s and 1880s. Then, in the 1890s, a loud national controversy erupted when the educational merit of the Jesuit B.A. was challenged. The controversy arose in Boston where Catholic immigrants and the Protestant elite rubbed shoulders, and the socio-economic, religious, and cultural differences between them were most pronounced.

In 1891 Harvard Law School (HLS) became the first professional school in the country to require a bachelor's degree for admission, and in 1893 HLS raised the standard higher by declaring that only "respectable" bachelor's degrees of certain colleges would qualify an applicant for admission. The colleges identified by HLS did not include any Catholic institutions, whose graduates were therefore excluded from what was universally regarded as the leading law school in the country. According to the Harvard president and deans, the identification of the "respectable" degrees and colleges was based upon valid standards of academic quality, consistent with the law school's campaign during the 1870s and 1880s to raise standards for admission and academic performance in legal education.<sup>2</sup> But Catholic educators vigorously protested that their colleges were academically rigorous, and a decade-long debate ensued between Harvard administrators and the Catholics as to whether and how Jesuit education was deficient. Catholic educators charged that the Harvard administrators, motivated by sectarian prejudice, were unjustly discriminating against the Catholic colleges under the guise of elevating academic standards. In fact, the decisions of Harvard's academic administrators had a patently discriminatory effect and reflected cultural prejudice against Catholicism. However, the Harvard administrators believed – justifiably – that they were relying on valid academic standards. By way of presenting a historical case study of academic administration, this essay examines the paradoxical entanglement of prejudice with valid standards of academic merit.<sup>3</sup>

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"plan of studies," famously known by its Latin title *ratio studiorum*, specified methods for teaching and outline the authorized steps in an orderly, sequential, systematic course of studies.

<sup>2</sup>See Bruce A. Kimball, *C. C. Langdell, 1826–1906: The Triumph and the Betrayal of Modern Professional Education* (Chapel Hill: University of North Carolina Press, 2009), ch. 8, which places a shorter account of this controversy in a broader context.

<sup>3</sup>This essay builds upon Kathleen A. Mahoney, *Catholic Higher Education in Protestant America: The Jesuits and Harvard in the Age of the University* (Baltimore: Johns Hopkins University Press, 2003), which presents exhaustive research in the Catholic archives. My interpretation diverges from Mahoney's and draws upon some new archival materials related to the Harvard side of the story. I am grateful to Mahoney for supplying me with her typescript compilation of primary sources: Kathleen A. Mahoney, "Correspondence related to the Law School Controversy," Appendix D in "Modernity and the Education of American Catholics: Charles W. Eliot, Harvard Law School, and the Jesuits" (PhD diss., University of Rochester, 1995); Kathleen A. Mahoney, Complete Primary Source Summary related to the Law School Controversy, Typescript on file with author (c. 2000). Some letters are translated from Latin. See also Marcia Graham Synnott, *The Half-Opened Door: Discrimination and Admissions at Harvard, Yale and Princeton, 1900–1970* (Westport, CT: Greenwood, 1979), pp. 40–44; David E. O'Leary, "Jesuit Legal Education at Boston College Law School, Perspectives" (seminar paper on file with Daniel R. Coquillette, Harvard Law School, Spring 2005); Daniel Scales, "The Society of Jesus and Legal Education: Perspectives on Boston

## I

In 1875 HLS established a new admissions policy requiring its students either to “have received a college education” or to have passed an examination signifying its equivalent.<sup>4</sup> Within two decades, about 80 percent of HLS students were college graduates, as compared to about 50 percent at Columbia University law school, which had the second highest percentage of college graduates in the country. The next highest percentages were the law schools at Northwestern University (39 percent), Yale University (31 percent), and the University of Michigan (17 percent). At the end of the nineteenth century, scarcely 5 percent of those admitted to the bar across the nation were college graduates, while 95 percent of HLS students were college graduates.<sup>5</sup>

In 1891 Harvard Law School (HLS) became the first professional school in the country to require a bachelor’s degree for admission, and in spring 1893 HLS raised its singular admissions standard even higher. Growing numbers of college graduates were seeking admission and, while expanding its enrollment, the school also discriminated more selectively among the applicants. Under the new standard, admission as a “regular student” – eligible to earn the law degree – was restricted, as of September 1896, to holders of “respectable” bachelor’s degrees from certain colleges, which were specified on a list issued by HLS.<sup>6</sup> Applicants with a bachelor’s degree not on the list could enter as “special students”; those without a bachelor’s degree could enter as special students if they passed the admissions examination.

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College Law School’s Jesuit Identity” (seminar paper on file with Daniel R. Coquillette, Harvard Law School, Spring 2003).

<sup>4</sup>Harvard Law School, Faculty Minutes (1870–1910), Special Collections, Harvard Law School Library, 27 Feb., 2 July 1875. The admissions examination tested applicants’ “linguistic training” in Latin and a modern foreign language and their knowledge of Blackstone’s Commentaries. By 1877, when that policy first became effective, the faculty had added a further stricture. Only B.A. graduates were automatically admitted to degree candidacy. Holders of other kinds of bachelor’s degrees were admitted without examination when the dean was “satisfied that it represents an amount of linguistic training equal to that” of other students. HLS, Faculty Minutes, 2 July 1875; Harvard Law School, *Catalog 1877–1878* (Cambridge: Harvard University, 1878), 2. In spring 1891 and fall 1892 HLS faculty adopted more restrictive admissions standards. In particular, “special students,” who were ineligible for a degree, were required to take an admissions examination and to pass at least three course examinations annually in order to continue enrolling in the School. See HLS, Faculty Minutes, 23 Mar. 1891, 30 Sept. 1892, 25 Nov. 1892; Harvard University, Corporation Records, Harvard University Archives” (13 April 1891) v. 14, p. 381.

<sup>5</sup>Charles W. Eliot, *Annual Report of the President and Treasurer of Harvard College, 1879–1880* (Cambridge: Harvard University, 1880), 23–25; James Barr Ames, “Annual Report of the Dean of the Law School,” *Annual Report of the President and Treasurer of Harvard College, 1901–1902*, 181; *The Centennial History of the Harvard Law School, 1817–1917* (Cambridge, Mass.: Harvard Law School Assoc, 1918), 139; Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York: Oxford University Press, 1976),] 95.

<sup>6</sup>Quotation is from Eliot, *Annual Report 1892–1893*, 30–31. HLS, Faculty Minutes, 23 Mar., 31 Mar., 18 Apr. 1893; Record of the Law School Faculty meeting with Charles W. Eliot held on April 18, 1893. Charles W. Eliot Papers, Harvard University Archives, box 264–265, f. 1893 May–Dec.

In either case, special students faced much higher academic standards than regular students in order to earn the degree.<sup>7</sup> Given the difficulty of this latter route, the new admissions policy meant, in effect, that if one's degree and alma mater were not on the HLS list then one was barred from pursuing a degree at the leading law school in the country.<sup>8</sup>

Based upon "the colleges whose graduates have entered the School in recent years," the original list of "respectable" degrees was apparently drawn up by Dean Christopher C. Langdell in April 1893, and included the B.A. from 65 colleges and universities, the B.Lit. from 7 institutions, the B.Phil from 12 institutions, and the B.S. from 7 institutions. The list was recorded in the minutes of a Law School faculty meeting and published in the Boston *Herald*:

I. Bachelors of Arts of the following Colleges:

Acadia, Adelbert, Allegheny, Amherst, Bates, Beloit, Boston University, Bowdoin, Brown University, California, University of, Central, Cincinnati, University of, Colby, Columbia, Cornell, Dalhousie, Dartmouth, Denison, DePauw, Drake, Earlham, Georgia, University of, Griswold, Hamilton, Hanover, Harvard, Haverford, Hobart, Illinois College, Illinois, University of, Iowa State University, Johns Hopkins, Northwestern University, Oberlin, Ohio Wesleyan, Olivet, Pennsylvania, University of, Princeton, Racine, Rochester, University of, St. Lawrence University, Toronto, University of, Trinity [College], Tufts, Union College, Vermont, University of, Washington University (Mo.), Washington and Jefferson, Wesleyan University (Ct.), Western Reserve, Williams, Wisconsin, University of, Wittenberg, Yale

II. Bachelors of Literature of the following Colleges:

California, University of, Cincinnati, University of, Cornell, Dartmouth, Michigan, University of, Minnesota, University of, Wisconsin, University of.

III. Bachelors of Philosophy of the following Colleges:

Beloit, Brown, California, University of, Delaware, Drake, Iowa State University, Michigan, University of, Oberlin, Sheffield Scientific School [of Yale]

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<sup>7</sup>HLS, *Catalog 1877-1878*, 2; HLS, Faculty Minutes, 10 Nov. 1891. In order to earn the law degree, special students had to pass all course examinations with the average grade for an honors degree, which had been set at 75. The passing grade fluctuated between 50 and 60. See HLS, Faculty minutes, 10 Nov. 1891; HLS, *Catalog 1879-1880*, 6; HLS Grade Records, v. 0 1869-1876, front pages.

<sup>8</sup>See "The Harvard Idea: You Must Have An A.B. Or You Can't Enter As A Law Student - Without It You Are Not Fit To Practice Law," *Chicago Legal News* (21 Oct. 1893): 62; "The Harvard Departure," *Chicago Legal News* (21 Oct. 1893): 82; Blewett Lee to James B. Thayer (30 Jan. 1894) James B. Thayer Papers, Harvard University Archives, box 17; *Centennial History*, 50-51. Eventually, special students were declared ineligible to earn the degree.

## IV. Bachelors of Science of the following Colleges:

Bowdoin, Cornell, Harvard, Iowa State University, Knox, Massachusetts Institute of Technology.<sup>9</sup>

This new policy – reflecting the meritocratic views of President Charles W. Eliot, Dean Christopher C. Langdell, and his successor Dean James Barr Ames – seriously restricted access to what was universally recognized as the leading law school in the country and, therefore, to the highest rank in the legal profession.<sup>10</sup> This original list of April 1893 was “not intended to be exhaustive, and will doubtless be enlarged from time to time,” observed the HLS faculty, which confided that responsibility to a standing committee composed of Dean Langdell, Professor Ames, and a recently appointed assistant professor in their mold, Samuel Williston.<sup>11</sup> In practice, however, this HLS committee turned the responsibility over to the Committee on Admission from Other Colleges (CAOC) of Harvard College

CAOC evaluated the applications of transfer students and of graduates from other colleges seeking to enter Harvard College to earn a second bachelor’s degree. Harvard considered no other college to be its equal, so the best a graduate from another college could do was to be admitted to the Harvard senior class. To expedite their decision-making, the HLS faculty adopted the policy that if a student were admissible to the senior class at Harvard College, then the student could be admitted as a degree candidate directly into the law school. But CAOC evaluated each personal application individually, and HLS wanted to classify degrees and institutions as qualifying for admission or not. Consequently, HLS asked CAOC to generalize from its decisions about individual cases in recent years and to generate a list of institutions whose graduates had been and likely would be admitted to the Harvard senior class.<sup>12</sup>

In June 1893 after Langdell’s original list was made public, the editor of the leading Catholic newspaper in Boston, *The Pilot*, observed that the list did not include any Catholic institutions. Exclusion of their graduates from HLS not only insulted, but also threatened the leading Catholic colleges. These small colleges each graduated about 15–20 students annually, and had been sending a total of between five and ten graduates to HLS each year. This group included a significant fraction of the graduates at their alma maters, sometimes 10 percent or more. Exclusion from the leading law school in the country injured the career prospects of these graduates, made the Catholic colleges less attractive, and worsened their contemporaneous

<sup>9</sup>HLS, Faculty Minutes, 18 Apr. 1893.

<sup>10</sup>Langdell (1826–1906) served as dean from 1870 to 1895; his protégé Ames (1846–1910) from 1895 to 1910.

<sup>11</sup>HLS, Faculty Minutes, 18 Apr 1893.

<sup>12</sup>Mahoney, *Catholic Higher Education*, 72–79; Mahoney, Correspondence, 450–453. Eliot attended the HLS faculty meeting establishing this policy and likely suggested this mechanism. HLS, Faculty Minutes, 18 Apr. 1893.

problem of declining or stagnant enrollments.<sup>13</sup> The editor of *The Pilot* wrote to Eliot in protest.<sup>14</sup>

It appears that after a certain date, only holders of degrees from certain specified institutions shall be admitted to Harvard Law School. The list of universities and colleges here given does not contain a single name of the many excellent Catholic universities and colleges in the United States and Canada. The omission is strange, and I take the liberty of asking whether or not the list is authentic. I find it hard to believe that Harvard University would discriminate against Catholic institutions of learning. (J. J. Roche to C. W. Eliot, 19 June 1893.)

Eliot replied on the following day:

I am sorry to see that there is no Catholic college on the preliminary list which has been published by the Law School. The result is very far from being intentional. You doubtless observed in the clipping you sent me that the list is "not intended to be exhaustive, and will doubtless be enlarged from time to time." It was based on a list of colleges from which young men have actually entered the Law School in recent years.

There is doubtless some reason for the failure to include a single Catholic college in this preliminary list; and I believe it is to be found in the fact that the program of studies in Catholic colleges is so different from that pursued in the leading Protestant or nondenominational colleges, that, when a young graduate of a Catholic college desires to enter a Protestant or undenominational college with advanced standing, he finds that his studies have, to a considerable extent, not been equivalent to those pursued in the college which he wishes to enter. This diversity of program depends partly on the different historical development of the Catholic colleges, which inherit a great deal directly from the Jesuit schools of the past four centuries, and partly on the fact that the directors of Catholic colleges have generally received only or chiefly the education of priests. I beg to assure you that there was not the slightest intention on the part of the Faculty of the Law School to discriminate against Catholic institutions of learning. The actual result was unintentional; indeed, it was never perceived when the list was under consideration. (C. W. Eliot to J. J. Roche, 20 June 1893.)

The *Pilot* then published the list on the front page with Eliot's explanation, though without his consent. After being published in the *Pilot*, the list and Eliot's reply came to the attention of many leaders of Catholic colleges and universities, including President J. Havens Richards, S.J., of Georgetown University, who was familiar with Harvard, having studied statistics there during the summers of 1879 and 1880. Richards wrote to Eliot:

I cannot believe that you have intended a public attack on the standing of all Catholic colleges; yet your letter seems virtually to amount to that. It is true that in it the difference between Catholic and Protestant colleges is expressed as a want of equivalence in their respective studies; but a want of equivalence which causes the degrees of all Catholic colleges to be refused, while those of obscure Protestant and undenominational institutions are accepted, can be construed only as inferiority. However presumptuous it may seem on my part, I am inclined to believe that some familiarity with the methods and curricula of our

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<sup>13</sup>Mahoney, *Catholic Higher Education*, 14, 71–72, 102, 148, 192, 197.

<sup>14</sup>The following letters are drawn from Mahoney, *Correspondence*, 418–420. See Mahoney, *Catholic Higher Education*, 6, 34–39.

Catholic educational institutions will show that. . .the graduates of reputable Catholic colleges are better prepared for a course of Law, than any other class of students. I take the liberty of sending you by this mail copies of the annual catalog and the examination papers of Georgetown College for the past year. I shall be very much gratified if you manage to find leisure to examine them; and I hope I shall not be considered too bold if I ask that after having satisfied yourself by a fair inquiry, you will make some public retraction of what I cannot help considering a public, though doubtless unintentional, injury. (J. H. Richards to C. W. Eliot, 16 July 1893.)

Eliot replied:

I have examined carefully the catalog and examination papers of Georgetown College; and my examination satisfied me that Georgetown College should be included in the list of colleges whose degrees would admit young men without examination to our Law School as candidates for the degree in Law. In the meantime, however, the Committee of the Law Faculty charged with the preparation and revision of this list had arrived at the same conclusion quite independently of me; so that the list which will appear in our next catalog will contain the name of Georgetown College, and the names of [Boston College and the College of the Holy Cross]. It seems to me that the insertion of these colleges in our list will be the most effective way of repairing such injury as may have been done by the publication of the preliminary list.

On examining my letter to Mr. Roche, I do not find in it anything which I shall be able to "retract". There is a very marked difference between all the Catholic colleges and all the Protestant colleges; and I believe I indicated in that letter the true source of this diversity. It is to be found in the strong inheritance from the famous Jesuit schools, and in the fact that the directors of Catholic colleges are generally priests. The lack of equivalence to which that letter refers is brought out very clearly in the catalog and examination papers of Georgetown College. Moreover, the internal discipline and administration of the Catholic colleges are very different from those of the Protestant colleges. Nevertheless, the graduates of these Catholic colleges may well be admitted without examination to our professional schools as candidates for a degree. That is the practical point; and that Harvard University will do. (C. W. Eliot to J. H. Richards, 4 Aug. 1893.)

When Harvard officially published the list, one institution, Adelbert, was dropped, and 44 institutions were added, including Georgetown, Boston College, and the College of the Holy Cross. These three were the only Catholic colleges among the 108 institutions and 131 bachelor's degrees appearing on the select list that was published in the HLS catalog in September 1893.<sup>15</sup> Despite continuing appeals to Eliot by administrators of Catholic colleges and universities, the University of Notre Dame was the only Catholic institution added to the list between 1893 and 1897, among seventeen other additional degrees and colleges.<sup>16</sup>

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<sup>15</sup>HLS, *Catalog 1893–1894*, 5–8; Harvard University, *Catalog, 1893–1894*, 352–353.

<sup>16</sup>Mahoney, *Catholic Higher Education*, Appendix B.

## II

Though dissatisfied, Catholic educators might have let the matter rest, but two incidents reignited the controversy.<sup>17</sup> In 1897 Jesuit-run Fordham University in New York asked to be added to the Harvard Law School admissions list, on the grounds that all Jesuit colleges were equivalent. Concurrently, J. Frank Quinlan, a Fordham graduate, applied to Harvard Law School; and the reply of Harvard Law Dean Ames provided the Jesuits with new information on the Harvard policy.

In making up our list of selected colleges we have followed, in the main, the rule of putting on any college whose graduates would be admitted to the senior class of Harvard College. A strict adherence to this rule would doubtlessly exclude Georgetown, Holy Cross and Boston College. Although the curriculum may be the same in . . . Fordham, it will hardly be claimed that that college ranks on an equality with Georgetown. We were led to make an exception in favor of Georgetown from a desire not to exclude all Catholic institutions. Holy Cross and Boston were added from the same desire not to appear sectarian. It was probably a mistake to add the last two. But we are willing to go no further. Indeed if we make any change at all we shall remove the last two and possibly Georgetown from the list. You are in error in supposing that we do not rank your degree above a high school diploma. The latter we do not recognize in any way. Your degree would admit you here as a special student without examination. Of course you will have no difficulty in entering as a regular student any other law school in the country. (J. B. Ames to J. F. Quinlan, 10 Aug. 1897.)

Ames thus made the stunning announcement that Jesuit institutions were added to the list not on grounds of academic merit, but in order to avoid the appearance of sectarianism. President Richards of Georgetown promptly replied to Ames

When the law school of Harvard University first gave notice of the change in its requirements for entrance. . . I sent. . . our catalog and examination papers, asking a careful and impartial scrutiny of them. . . President Eliot. . . replied that his examination had quite convinced him that Georgetown should have been included in the list. He remarked at the same time that the committee of the Law Faculty having the subject under consideration had arrived at the same conclusion from independent considerations. It would appear from your letter to Mr. Quinlan that these independent considerations resolved themselves into the desire not to appear sectarian. . . . Though it is undoubtedly true that among the Catholic colleges of the United States, as among those belonging to other denominations and to no denomination, there are a number unworthy of the position to which they aspire and pretend, yet the best colleges of our church are far from admitting in themselves the slightest inferiority to other similar institutions. In Georgetown, for instance, students prepared by the foremost classical high schools of New England are unable to enter higher than the Freshman class. Our four years' curriculum, while differing from that of many colleges of the present day in being almost wholly prescribed, is yet, we believe, both more comprehensive and more thorough than that of non-Catholic colleges. Our methods of teaching, combining as they do the natural and scientific methods, are considered by us as superior to any others in use. As a preparation in particular for the study of law, a more perfect scheme could scarcely, as I venture to think, be devised. A thorough training in systematic philosophy received by all our graduates in their senior year, is of itself an invaluable acquisition

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<sup>17</sup>The following letters are drawn from Mahoney, *Correspondence*, 435–450; Charles W. Eliot to Thomas J. Conaty (24 Oct. 1898), Eliot papers, box 92. See Mahoney, *Catholic Higher Education*, 72–76.

to a lawyer, and no where can it be obtained with a title of the thoroughness which characterizes it in this and other similar Catholic colleges. (J. H. Richards to J. B. Ames, 31 Aug. 1897.)

Ames responded by reconsidering the status not only of Georgetown but also Boston College and Holy Cross, and asked the CAOC whether the graduates of these three colleges were normally admitted to the Harvard College senior class. Informed that they were not, Ames removed Boston College and Holy Cross from the list, but retained Georgetown.<sup>18</sup> There ensued 3 years of extensive correspondence among the administrators of the Jesuit colleges on one side and, on the other, President Eliot, Dean Ames, and the chairman of CAOC, Professor H. C. G. von Jagemann. On 8 March 1898 the president of Boston College wrote to the president of Georgetown:

There is, I think, as you surmised—some intense anti-Catholic feeling somewhere in Harvard. But my impression is that it is congested in one or two heads. As far as I can judge the general feeling at Harvard is very kindly toward us. The athletic authorities there have done us some very substantive favors. . . . Mr. Ames seems to be a testy fellow who, when confronted by a difficulty, cannot refrain from saying something disagreeable. . . . If we are stricken from the list, it will be difficult for Harvard to make our graduates who are accustomed to measure themselves with graduates of Harvard in professional life believe that bigotry did not exclusively give the decision. I doubt if the authorities there wish to raise that issue. (T. Brosnahan to J. H. Richards, 8 Mar. 1898.)

On 10 October 1898 Ames updated Eliot on the situation:

When we made up our list of selected colleges, we included Georgetown, although below standard, because we did not wish to have even the semblance of discriminating against Catholics. Subsequently Boston College and Holy Cross insisted that the curriculum of those colleges was just the same as that at Georgetown, and we added them to the list. Then Fordham made a similar claim. This led us to reconsider our former action, with the result that we decided to drop Boston College and Holy Cross from our list. . . . We thought it well to retain Georgetown for the present. We found on inquiry that graduates of Boston College would not be admitted even to the junior class of Harvard College. This college is therefore two years below our standard. . . . The graduates of these colleges, who have come to the Law School, have made poor records as a rule. Only one of the Holy Cross men has approached the honor mark. (J.B. Ames to C. W. Eliot, 10 Oct. 1898.)

In response to Boston College being dropped from the list, the newly appointed president of Boston College met with the CAOC chairman, H. C. G. von Jagemann, in November 1899 and then appealed again to President Eliot:

The Dean of the Law School had put upon Prof. von Jagemann's committee the responsibility for the Law School's action in regard to Boston College, in as much as the Dean declared that the Law School excluded our graduates because Harvard College did not admit them to Senior, but only to Sophomore. . . . Prof. von Jagemann. . . replied that his Committee never thus rates a college as an institution, but investigates each application for advanced standing, and decides on the merits of each individual case; that he would not say that the Committee

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<sup>18</sup>The University of Notre Dame, run by the Congregation of the Holy Cross and added to the list in 1894–1895, was retained as the other Catholic institution.

would not admit a Boston College graduate to Harvard Senior; that the Law School list was drawn up hastily and carelessly and his committee was not responsible for it....

The Professor told us that the Committee, in making its decisions, was guided by the applicant's statements, confirmed of course by official reports from the former college, and by the description of work done in the College as contained in the Catalog. . . . In view of these facts, the Harvard Committee cannot rate our graduates, as a body, as low as Harvard Sophomores. . . and. . . we have every good reason for protesting, and appealing to you for reconsideration of the Law School's action. (W. G. R. Mullan to C. W. Eliot, 8 Nov. 1899.)

Meanwhile, Professor von Jagemann expressed to Eliot his unhappiness at being caught between the Jesuits and the law school:

The [CAOC] is therefore convinced that its own policy of judging each case on its merits is the wiser one, and as you know, this policy has resulted in comparatively little friction. The list of colleges published by the Law School has caused the Committee considerable trouble. If the Law School adheres to the publication of its list, it would seem just that it alone bear responsibility for it and should not leave the task of defending it to a committee of the Faculty of Arts and Sciences. (H. C. G. von Jagemann to C. W. Eliot, 6 Nov. 1899.)

One week later the HLS faculty voted to end their reliance on the CAOC, and from that point maintained their own list separately.<sup>19</sup> Nevertheless, Eliot wrote to the Jesuits that Boston College would not be reinstated on the list:

The status of the Jesuit colleges has been re-examined by the law school with reference to the exclusion of all but Georgetown from the law school list. Professor von Jagemann has also examined the records of his committee on admission from other colleges. The result is that the law school adheres to its opinion that Georgetown is the best of the Jesuit colleges, and is entitled to stand in the law school list, if any Jesuit college is to be admitted to the list. We admit, however, that it is not clear that any one of the Jesuit colleges ought to stand in that list. I am inclined to believe that Georgetown was originally placed in the list, lest it should seem to some persons that the Catholic colleges have been excluded on religious grounds. Professor von Jagemann is clearly of the opinion from his acquaintance with the cases of Georgetown graduates admitted to Harvard that it deserves to be ranked first among the Jesuit institutions.

He was, however, absolutely right in telling you that his committee does not grade the colleges, except by indirect and slow method of dealing singly with each case of admission from another college to Harvard as it presents itself. In the course of years the record show the manner in which a series of cases from a single institution was dealt with; and hence results a practical rating of that institution, unless, indeed, the single cases show great diversity. . . . I have no doubt that the Law School list needs revision, and that some of the colleges are included in it that ought not to be there. . . . Regretting very much that we are unable to meet your wishes. . . . (C. W. Eliot to W. G. R. Mullan, 8 Dec. 1899.)

The president of Boston College responded a month later:

You have not yet given us any definite, satisfactory explanation of the Law School's action toward Boston College. . . . How could the Law School. . . adhere to its previous decision. . . based on the fact that Harvard College admits our graduates only to sophomore [year], and when Prof. von Jagemann assures us that such a statement about Harvard College is quite unfounded. . . . Our degree represents twenty-five hours of college work per week carried on through four years, under trained teachers employing a thoroughly tested system of instruction. This work is as educationally efficient as that of Harvard, with Harvard's much shorter weekly period, shorter yearly period, fewer advantages for individual

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<sup>19</sup>HLS, Faculty Minutes, 13 Nov. 1899.

instruction, fewer helps to enforce attendance, wider attraction to “snap” courses. The study of philosophy in our entire senior year is, from an educational point of view, far superior to anything at Harvard. . . . The tenor of recent utterances at Harvard, official and professorial, in public and in private, indicates a strong anti-Catholic spirit at Harvard, and justifies the suspicion that Harvard is making a determined effort to discredit all Catholic education in order to fill its halls more surely with Catholic students. (W. G. R. Mullan to C. W. Eliot, 11 Jan. 1900.)

Eliot replied:

I beg you to believe that we are not influenced in the least by the fact that your colleges belong to the Catholic Church. . . . We welcome Catholic students just as we do Protestant, but we have no desire to fill our halls with them. . . . We should be heartily glad, however, if the Jesuit Colleges would so amplify their courses of instruction and raise their standards of admission, that they could be fairly put upon a level with such institutions as, Dartmouth, Amherst, Williams, Haverford, Lafayette, Oberlin, Rutgers, Trinity (Ct), and Wesleyan (Ct). On this level, in the judgment of Harvard University, the Jesuit Colleges in the United States do not stand and have never stood. (C. W. Eliot to W. G. R. Mullan, 17 Jan. 1900.)

While the Jesuits continued to press unsuccessfully for curricular and pedagogical justifications, a second incident increased Catholics’ ire. Eliot published an article in the *Atlantic Monthly* that cited Jesuit colleges as an example of retrograde education due to their “uniform prescribed curriculum,” in contrast to the Harvard system allowing undergraduates to choose their courses.<sup>20</sup> Former Boston College President Timothy Brosnahan immediately drafted a response, which the *Atlantic* refused to publish, claiming it was “not the policy of the magazine to publish articles in controversy.” Nonetheless, in December the *Atlantic* published a response to Eliot by Princeton University Dean Andrew F. West criticizing Eliot’s theories of electivism.<sup>21</sup> This editorial decision sparked charges of bigotry on the grounds that the pages of the *Atlantic* were not open to Catholics to defend themselves.<sup>22</sup> A month later, the Catholic *Sacred Heart Review* published Brosnahan’s response to Eliot and issued a thousand additional copies in pamphlet form that were distributed throughout the country. Brosnahan wrote:

This is the fundamental ground on which the Jesuit method is at variance with the system of elective studies in use at Harvard. That system of itself has no unity. . . . President Eliot has abandoned the doctrine of unity in education. . . . its desertion universally in this country would in the judgment of the Jesuits be disastrous. It would tend to lower the standard of education, to lessen the intrinsic value of a college degree, to give one-sided formation, to unfit men for effective University work. . . . In conclusion, we submit with all due deference that President Eliot’s reflections on Jesuit schools need recension. His declaration that the Jesuit curriculum has been marked by four hundred years of almost changeless uniformity is unfounded. His exaggerated statement that the method of Jesuit schools is justified only by “an unhesitating belief in the Divine Wisdom” of such a method is somewhat humorous, but not convincing. His implied challenge demanding either evidence of a “direct revelation

<sup>20</sup>Charles W. Eliot, “Recent Changes in Secondary Education,” *Atlantic Monthly* 84 (Oct. 1899): 433–444.

<sup>21</sup>Andrew F. West, “Is There a Democracy of Studies,” *Atlantic Monthly* 84 (Dec. 1899): 821–827.

<sup>22</sup>W. Bliss Perry, recalls the episode, in *And Gladly Teach* (Boston: Houghton Mifflin Co., 1935): 170–171.

from on high” as a basis of that method, or its rejection as “absurd and impossible” is a defective dilemma. Why may not a body of men by the mere light of human reason be persuaded of the unwisdom of haphazardness and chaos, and the necessity of unity in college education without being challenged to show their credentials from on high?<sup>23</sup>

Eliot’s *Atlantic Monthly* article, combined with the removal of Boston College and Holy Cross from the HLS list, prompted a great outcry from Catholics across the country, charging Harvard and Eliot with bigotry and harboring “intense anti-Catholic feeling.” After some fruitless replies, Eliot withdrew from the controversy in February 1900 and ceased corresponding with the president of Boston College, who sent his entire correspondence with Eliot to the *Boston Globe*, which printed it.<sup>24</sup>

In 1904 HLS ceased publishing the list and directed prospective applicants to contact the secretary of the law school to ascertain whether their alma mater and degree appeared on the select list. During the decade between 1893 and 1904, the list was enlarged with nearly 50 other colleges and universities, but only two more Catholic colleges were added – the University of Notre Dame in 1894 and Manhattan College in 1900 – and two of the original three Catholic colleges were removed: Boston College and Holy Cross. As a result, only three of the 189 degree programs listed in 1904 were at Catholic institutions.<sup>25</sup>

### III

The paradox of this ethical controversy in academic administration is suggested by the fact that, until 1893, Catholics regarded Eliot as extremely liberal in religious matters. Eliot was widely credited with encouraging the enrollment of Catholics at Harvard and their participation in intellectual and religious affairs. During the 1890s, in fact, Harvard enrolled some 300 Catholics – more than any other Catholic institution in the country. In a sense, Harvard was the largest Catholic college in the country.<sup>26</sup> Eliot’s private communications seemed to confirm this liberality. For example, in December 1893 Eliot wrote privately to Johns Hopkins University President Daniel C. Gilman, “I sympathize with the Roman Catholics in their feeling that Roman Catholic children cannot be satisfactorily brought up in what we call secular schools.”<sup>27</sup>

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<sup>23</sup>Timothy Brosnahan, S.J., “President Eliot and Jesuit College,” *Sacred Heart Review* (13 Jan. 1900): 22, 25, 29–30.

<sup>24</sup>Quotation is from Timothy Brosnahan to J. Havens Richards (8 Mar. 1898) in Mahoney, Correspondence, 443–444. See Mahoney, Primary Source, 61–116; Mahoney, *Catholic Higher Education*, 88, 92–94.

<sup>25</sup>HLS, *Catalog 1903–1904*, 4–7; HLS, *Catalog 1904–1905*, 4.

<sup>26</sup>Quotation is from Charles W. Eliot to James Higgins (12 Jan. 1900) in Mahoney, Correspondence, 460. See 418–420, 474; Mahoney, *Catholic Higher Education*, 13, 21–59.

<sup>27</sup>Eliot to D. C. Gilman (2 Dec. 1893) Daniel Coit Gilman Papers, Milton S. Eisenhower Library, Johns Hopkins University, ms. 1.

By the same token, Eliot, Ames, and other Harvard figures firmly denied any prejudicial motives throughout the controversy between HLS and the Catholic colleges. “There was not the slightest intention on the part of the Faculty of the Law School to discriminate against Catholic institutions of learning,” Eliot wrote to the president of Georgetown University in 1893.<sup>28</sup> As the controversy continued, Eliot insisted even more strongly on this point: “Religious prejudice has nothing whatever to do with the matter.” Catholic college leaders and observers therefore initially gave Eliot, Langdell, Ames, and their colleagues the benefit of the doubt.<sup>29</sup>

But in late 1897 and early 1898, when Ames re-evaluated the standing of Boston College and Holy Cross, Jesuit leaders began to suspect “some very strong hostility to Catholic institutions” and “some intense anti-Catholic feeling” at Harvard.<sup>30</sup> After Boston College and Holy Cross were removed from the list, their alumni roasted Eliot in the public press, and Jesuit educators and hierarchs regarded Eliot as disingenuous and even suspected that Harvard wanted to steal precious enrollments away from Catholic institutions.<sup>31</sup>

The leading historical treatment of the controversy largely adopts the Catholic educators’ view that their rebuttals bested the arguments of Eliot, whose prejudice, stemming from “Protestant-inspired modernism,” was thereby revealed.<sup>32</sup> However, it appears that, paradoxically, both the Catholic charges of sectarian bigotry and Eliot’s appeal to standards of academic merit were justified. In fact, anti-Catholicism was subtly entwined with valid, disinterested judgments about academic merit, and this paradox arose from a number of factors

First was the difficulty of communicating with the Harvard administrators. The Jesuit educators could not determine who was responsible for formulating or amending the list, even as they requested specific points of criticism and sent their catalogs and examination papers to Harvard administrators for review. Responsibility for the list was ambiguous. Langdell drew up the original list, but CAOC supplied the data for enlarging the list, and HLS then issued the list, after submitting it to the Harvard Corporation, which acceded without formally approving it. Subsequently, the HLS standing committee comprising Langdell, Ames and Williston was officially charged to amend the list,<sup>33</sup> but Eliot personally decided to add the Jesuit colleges, and Ames personally decided to remove them. At various points, Eliot, Ames, and CAOC indirectly attributed to others the responsibility for determining the list. For

<sup>28</sup>C. W. Eliot to J. J. Roche, 20 June 1893, in Mahoney, Correspondence, 419–420.

<sup>29</sup>Quotation is from Charles W. Eliot to James Higgins (12 Jan. 1900) in Mahoney, Correspondence, 460. See 418–420, 474; Mahoney, *Catholic Higher Education*, 13, 21–59.

<sup>30</sup>Mahoney, Correspondence, 442, 443.

<sup>31</sup>Mahoney, Primary Source, 98; Mahoney, Correspondence, 444–445, 471–474; Mahoney, *Catholic Higher Education*, 80, 107. See Auerbach, *Unequal Justice*, 50.

<sup>32</sup>Mahoney, *Catholic Higher Education*, 10. See 15, 82, 95–96, 123, 139, 145.

<sup>33</sup>Harvard University, Corporation Records (29 May 1893), v. 15, p. 94; HLS, Faculty Minutes, 18 Apr. 1893. Langdell apparently had little further involvement in the controversy. He is not mentioned in Committee on Admission from Other Colleges, Correspondence, Records, Minutes, or Letterbook, all found in Harvard University Archives.

example, Ames stated that the report of CAOC “obliged” him “to write that we must remove Boston College from our list,”<sup>34</sup> subtly disclaiming responsibility for the decision, while leaving the responsible agent – “we” – vague and ambiguous. Conversely, the CAOC Chairman told a delegation of Jesuits from Boston College that his committee was not responsible for the list.<sup>35</sup>

Out of frustration, the Catholic educators always came back to Eliot demanding a justification for their exclusion from the list. But here lay another difficulty in communication because Harvard administrators were evasive in responding to the Catholic educators, who had great difficulty in obtaining precise explanations about the deficiencies of their colleges. Hence, Catholics complained about bigotry existing “somewhere” in the CAOC or “somewhere in Harvard.”<sup>36</sup> In particular, Eliot was evasive, usually describing the problems indirectly as a “lack of equivalence” to “leading Protestant or undenominational colleges.”<sup>37</sup> Beyond that, “it was not [the role] for a Protestant to make a public statement concerning the inferiority of the Jesuit colleges,” Eliot wrote.<sup>38</sup> In fact, he maintained that Catholic educators were disingenuous, because they knew the problems with their curriculum. Nevertheless, Eliot’s refusal to specify the defects of the Catholic colleges became a matter of public reproach in alumni associations and the newspapers. The difficulty of communicating with Harvard thus heightened the frustration of Catholic college leaders, and induced them to suspect bigotry more strongly.<sup>39</sup>

Despite this evasiveness in communication, the Harvard administrators did occasionally indicate the deficiencies in Catholic colleges. But here arises a second reason for the paradoxical entanglement of anti-Catholicism with valid judgments about academic merit. Both Catholic administrators and those at Harvard adopted inconsistent positions regarding these deficiencies, which pertained to curricular content and to educational purpose.

In terms of content, Eliot wanted the Catholic colleges to reduce the amount of classical letters and increase that of modern subjects, above all, natural sciences. Trained as a chemist, Eliot believed that natural science was the essence of an up-to-date curriculum in the late nineteenth century.<sup>40</sup> But Eliot’s insistence on this point was not consistent with the law school’s position. The HLS admissions exam tested the applicant’s “linguistic ability” in Latin and a modern language, and did

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<sup>34</sup>James B. Ames to Timothy Brosnahan (11 Mar. 1898) in Mahoney, Correspondence, 444. See 436–439, 450–451, 474, 480–481.

<sup>35</sup>W. G. R. Mullan to C. W. Eliot (8 Nov. 1899).

<sup>36</sup>Quotations are from Mahoney, Correspondence, 442, 443. See 419–420, 436–439.

<sup>37</sup>Charles W. Eliot to Roche (20 June 1893) and Charles W. Eliot to J. Havens Richards (4 Aug. 1893) in Mahoney Correspondence, 417–418, 422.

<sup>38</sup>Charles W. Eliot to John O’Brien (14 Feb. 1900) in Mahoney, Correspondence, 470–471.

<sup>39</sup>Mahoney, Primary Source, 85–95, 111–112, 118; Mahoney, Correspondence, 456, 465, 467.

<sup>40</sup>Eliot, “Recent Changes in Secondary Education,” 443. See Mahoney, Correspondence, 495; Mahoney, Primary Source, 112.

not require content knowledge in any other modern subjects.<sup>41</sup> Why should degrees of Catholic colleges be barred from the list for failing to teach subjects that the law school did not require for admission?

While noting that inconsistency, the Catholic educators responded in two somewhat contradictory ways. On the one hand, they sometimes argued that they had added modern science and studies to their prescribed classical curriculum. On the other hand, they most often argued that their classical curriculum provided a much better undergraduate education than did the modern subjects at Eliot's Harvard.<sup>42</sup> Thus, Catholic educators argued that they had already adapted their curriculum to Eliot's wishes, and that they should not do so.

Furthermore, the Catholic educators were being somewhat disingenuous, no less than was Eliot in insisting on the importance of natural science to enter law school. While responding strenuously in public to the charge that their curriculum was retrograde, many Catholic college leaders privately conceded that they needed to add modern studies to their curricula. In fact, the enrollments at Catholic colleges were stagnating or falling, because more and more Catholic parents were sending their children to the Protestant or non-sectarian colleges, which offered more progressive education. Purely for the sake of institutional survival, the Catholic colleges had to modernize, and they knew it.<sup>43</sup>

The problem was that the Catholic educators, particularly the Jesuits, needed permission from Rome in order to change their uniform curriculum; but the Roman hierarchy was unsympathetic and told the American Catholics not to bend to modern educational fads. Consequently, Catholic college leaders faced two contradictory demands.<sup>44</sup> Eliot and Harvard required that they modernize in order to get their graduates into HLS, and the Catholic and Jesuit hierarchy demanded that they resist any accommodation to modernity.

While Brosnahan's view, for example, appeared conservative in the American context, he and other Catholic educators in the United States, unknown to the Protestant leaders of higher education, were proposing to Rome that the Church should make some "Americanist" accommodations to the particular situation of the United States. However, the Roman authorities were engaged at that point in a campaign against "modernism" and liberalism in the Church. The position of the American

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<sup>41</sup> HLS, *Catalog 1877–1878*, 2; HLS, Faculty Minutes, 10 Nov. 1891.

<sup>42</sup>Cf. Brosnahan, "President Eliot and the Jesuit College," 3–30; Timothy Brosnahan, "The Relative Merit of Courses in Catholic and Non-Catholic Colleges for the Baccalaureate," *Proceedings of the Second Annual Conference of the Association of Catholic Colleges of the United States* (1900): 22–44. See Mahoney, Primary Source, 90, 102–107, 112–113; Mahoney, Correspondence, 423–424, 437; Mahoney, *Catholic Higher Education*, 71, 115, 261. In making the latter argument, Catholic leaders generally assumed that studying Greek and Latin letters and philosophy provided better mental discipline and better character development than did studies in modern humanities, social sciences, or natural sciences.

<sup>43</sup>Mahoney, Correspondence, 426; Mahoney, Primary Source, 29–30, 33, 48, 68, 107, 123, 126–127, 136; Mahoney, *Catholic Higher Education*, 7, 12–14, 102–103, 148, 192, 97, 195–238.

<sup>44</sup>Mahoney, Primary Source, 17, 40–46, 135; Mahoney, Correspondence, 428–489; Mahoney, *Catholic Higher Education*, 10, 15, 119, 134, 151–192.

Jesuits was therefore complicated by the fact that, while facing Eliot in front, they were receiving from behind such communications as the following encyclical from the Superior General of the Society of Jesus in 1896.

[Some suggest] to our young scholastics the necessity of [studying] science for the defense of truth and religion. . . . Now as this science comprises many different departments of great diversity, our scholastics are liable to be assailed by this dangerous temptation: They will wish to depart from our time-honored and approved *Ratio Studiorum*...so as to be free to give the best of their talent and the most precious hours of their time to the modern sciences. But. . . the field of modern science is so vast and comprises so many specialties that a thorough and solid grasp of even a single one would demand a man's whole life-time. The necessary consequence therefore would be that he who should undertake to embrace them all, would acquire a true and thorough knowledge neither of the old nor of the new sciences. . . . For the whole plan of modern studies tends to this: that in a brief span of years boys shall receive a slight sprinkling not only of letters but of almost all the sciences. They come forth from college little encyclopedias, as the saying is, and having skimmed the surface of the whole field of all the sciences, they possess of all this nothing solid: a little of everything, on the whole nothing. . . . [T]his system of teaching feeds the boy's vanity instead of sharpening his wits; instead of imparting to him the great principles which are the foundation of literary culture and would little by little make a man of him, his curiosity is excited and in his conceited ignorance he is emboldened to pronounce rash judgments on matters of which he understands nothing.<sup>45</sup>

These inconsistencies in the debate over curricular content point to disagreement over the purposes of education, which lay at the heart of the dispute. The purposes guided the standards of academic merit and arose from competing values and philosophies of life. Here arises a third reason for the paradoxical entangling of anti-Catholicism with valid judgments about academic merit: the disagreement over educational purposes was sublimated and addressed only obliquely.

The founders and reformers of the research universities in the final third of the nineteenth century generally believed that undergraduate education should foster intellectual autonomy and free inquiry in students. Eliot was the foremost proponent of this view, and therefore advocated the study of natural science and its "characteristic occupation. . . , namely, free, impartial, open-minded, truth-seeking."<sup>46</sup> Commensurately, he maintained that natural science should be taught by the laboratory method, and he championed the elective system, believing that electivism suited and enhanced students' capacity for intellectual autonomy and free inquiry.<sup>47</sup> Catholic college leaders did not recognize the fostering of intellectual autonomy and free inquiry as a primary, or even legitimate, goal of undergraduate education. In their view, undergraduate education aimed at relieving doubt and uncertainty by transmitting received truths. Thus, Catholic educators construed science as bod-

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<sup>45</sup>Luis Martín, "On Some Dangers of Our Times," in *Select Letters of Our Very Reverend Fathers General* (Woodstock, MD: Woodstock College, 1900): 501–546.

<sup>46</sup>Charles W. Eliot to Thomas Dwight (8 Sept. 1908), in Mahoney, *Primary Source*, 164.

<sup>47</sup>Charles W. Eliot, "Liberty in Education" (Feb. 1885), published in *Educational Reform: Essays and Addresses* (New York: Century, 1898), 125–148.

ies of “special facts. . . recently discovered” about nature;<sup>48</sup> and they derided Eliot’s elective system at Harvard as a “go as you please” approach, leading to educational anarchy. In fact, “electivism was Protestantism applied to education,” a priestly alumnus of Holy Cross maintained.<sup>49</sup>

The disagreement over educational purpose was exemplified in opposing interpretations of “philosophy.” What Catholic educators meant by “philosophy” was “a vast, compact, thoroughly reasoned, and tested body of philosophic truth” that can be “drilled into every graduate.” Catholic educators therefore considered “philosophy” the heart of undergraduate education, built their curriculum around a “body of philosophic truth,” and viewed that curriculum as vastly superior to all others.<sup>50</sup>

Conversely, the Harvard administrators generally regarded “philosophy” to be a process or method of reasoned deliberation. Eliot maintained, “Philosophical subjects should never be taught with authority. . . . The very word education is a standing protest against dogmatic teaching. The notion that education consists in the authoritative inculcation of what the teacher deems true may be logical and appropriate in a convent, or a seminary for priests, but it is intolerable in universities and public schools, from primary to professional.”<sup>51</sup> This disagreement over educational purpose was fundamental, and leaders of other research universities concurred with Eliot. “Our experience accords with yours regarding the Jesuit colleges,” wrote the president of the University of California to Eliot, “We find that their pupils are not inspired to think for themselves. I do not think this is due to the subjects they teach, but to the whole spirit of the instruction.”<sup>52</sup>

Therefore, notwithstanding Catholics’ charge of bigotry, there existed valid reasons for Eliot’s and Harvard’s depreciation of the undergraduate education at Catholic colleges. Harvard’s curricular content – particularly in modern studies and the natural sciences – was decidedly advanced beyond the Catholic institutions, by their own admission. Harvard’s educational purpose of fostering students’ capacity for intellectual autonomy and free inquiry was not supported or even recognized in the Catholic colleges. It may be argued that neither this curricular content nor this educational purpose were best suited for legal education, but merely adopting those standards did not convict the Harvard administrators of sectarian prejudice. But the Harvard leaders did not apply those standards consistently, and in this way their sectarian prejudice exerted influence.

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<sup>48</sup>Mahoney, Primary Source, 33. See 49, 113.

<sup>49</sup>Quotations are, respectively, in Mahoney, Primary Source, 114, 115.

<sup>50</sup>Quotations are from J. Havens Richards to Catholic Alumni Association of Boston (1897) in Mahoney, Correspondence, 433. See 401–416, 471–474. See also [Timothy Brosnahan], “System of Education,” *Catalog of the Officers and Students of Boston College 1899* (Boston: Boston College, 1899), 31–34.

<sup>51</sup>Charles W. Eliot, Inaugural Address (1869), reprinted as *A Turning Point in Higher Education* (Cambridge: Harvard University Press, 1969), 6.

<sup>52</sup>Benjamin I. Wheeler to Eliot (9 Nov. 1903), Eliot Papers, box 257.

## IV

Visiting Europe as a young man in the mid 1860s, Eliot was repulsed by Catholic ritual and what he considered Catholics' uncritical and unthinking devotion to Church authority, all of which reflected "the extraordinary contrast . . . between Catholicism and freedom of thought." In fact, he wrote, "I hate Catholicism as I do poison, and all the pomp and power of the Church is depressing and mortifying me. . . . [E]ven the good which one recognizes in the mass of superstition and corruption is distressing, because it will lengthen the life and prolong the influence of the Mother of Abominations."<sup>53</sup> Years later, near the end of the controversy over HLS admissions, Eliot reaffirmed his longstanding reservations about Catholicism.

[T]here have been moments in the life of the Catholic Church when it has desired to suppress scientific inquiry, and to prevent individuals from publishing the result of their own studies. . . . [I]n general the Catholic Church has often been opposed to the modern spirit of inquiry. . . . [T]he Church has not understood or been friendly to . . . free, impartial, open-minded, truth-seeking. . . . [H]ow much more Protestant countries have contributed to the progress of science than the Catholic countries. . . . Have you considered how inevitably antagonistic to social and political freedom is the principle of absolute authority which is maintained by the Catholic Church in its own religious domain?<sup>54</sup>

Reflecting on his own Unitarian convictions in 1909, Eliot wrote: "I know I am in the habit of thinking that members of other Christian denominations cannot think much, or reason much, about the dogmas they accept; and when I encounter their defensive arguments they always seem to me weak and archaic. . . . but the[se] sentiments. . . . make me fairly liable to the criticism. . . . that I believe the Unitarians to be the only thinking, reasoning, and independent religionists."<sup>55</sup>

The anti-Catholic disposition reflected in Eliot's statements influenced his assessment and that of his colleagues about the Catholic colleges and the eligibility of their graduates to enter HLS as regular students. The anti-Catholicism of Eliot, Langdell, and Ames operated not in judging the Catholic colleges deficient according to standards of academic merit, but rather in subjecting them to closer scrutiny than other colleges and universities. The injustice occurred in selectively applying the valid academic standards. "[T]he degrees of all Catholic colleges are to be refused, while those of obscure protestant or undenominational institutions are accepted," complained the president of Georgetown.<sup>56</sup> "[P]etty mushroom colleges, born yesterday, . . . have been given the right hand of fellowship by Harvard" while Catholic colleges are excluded, noted the Catholic press.<sup>57</sup> "[C]ertain inferior colleges were put [on the list] which no unbiased man would put on the same class with

<sup>53</sup>Quotations are from Mahoney, Primary Source, 2, 3. See Mahoney, *Catholic Higher Education*, 55–59, 82, 95–96, 123, 139, 145.

<sup>54</sup>Charles W. Eliot to Thomas Dwight (8 Sept. 1908) in Mahoney, Primary Source, 162, 164.

<sup>55</sup>Charles W. Eliot to Jerome D. Greene (2 July c.1909) in Mahoney, Primary Source, 177.

<sup>56</sup>J. Havens Richards to Charles W. Eliot (16 July 1893) in Mahoney, Correspondence, 419.

<sup>57</sup>"Harvard and the Catholic Colleges," *Boston Pilot* (1 July 1893), quoted in Mahoney, Primary Source, 21.

our colleges,” observed the president of Boston College.<sup>58</sup> Harvard “has removed Boston C[ollege] and H[oly] C[ross] from its list. . . . At the same time other notoriously poor little colleges that cannot compete with ours are admitted,” wrote the northeastern Jesuit Provincial to the Jesuit Superior General in Rome.<sup>59</sup>

This closer scrutiny was “erroneous and gravely unjust,” maintained the president of Georgetown.<sup>60</sup> Even van Jagemann, the chairman of CAOC and a Harvard professor, echoed this view after meeting with a delegation from Boston College to explain the evidence and rationale underlying the list. CAOC “did not succeed in persuading the gentlemen that the list of approved colleges published by the law school is just, because we had to admit that this list included some institutions ranking. . . no higher than Boston College.”<sup>61</sup>

The selective and unjust application of academic standards appeared most clearly in Langdell’s original construction of the list and in Ames’s removal of institutions from the list. The original list of April 1893 comprised “the colleges whose graduates have entered the School in recent years,” and therefore included certain small, distant colleges from which one or two graduates had attended HLS in the previous 5 years, including Mount Union, Olivet, Racine, and DePauw.<sup>62</sup> But the original list did not include all such colleges. Dean Langdell – possibly in consultation with President Eliot – culled through the colleges of past graduates.

Having grown up as a virtual orphan in rural poverty on a hardscrabble farm in New Hampshire, Langdell was not a Boston Brahmin. In fact, his rustic manners and rigid personality made him a social outsider throughout his tenure on the HLS faculty. But he had attended the Congregational church in his hometown, and, after marrying the daughter of an Episcopal clergyman in 1880, he and his wife joined Christ Church, Episcopal, in Cambridge. During the Catholic controversy in the 1890s, Langdell and his wife were listed among the 26 families of “devoted workers” constituting “that small nucleus of hard and loyal workers that kept the heart of the parish steadily beating” at the Episcopal church.<sup>63</sup> In 1893, when culling through “the colleges whose graduates have entered the School in recent years,” Langdell eliminated all nine Catholic institutions that had sent graduates to HLS between 1885 and 1893, including Mount St. Mary’s, University of Notre Dame, St. Xavier, College of the Sacred Heart, Manhattan, and the Jesuit institutions of Fordham, Boston College, Georgetown, Holy Cross, and Detroit. While only three

<sup>58</sup> Timothy Brosnahan to J. Havens Richards (7 Nov. 1897) in Mahoney, Correspondence, 440–441.

<sup>59</sup> Edward Purbrick to Luis Martín (Feb. 1899) in Mahoney, Primary Source, 70.

<sup>60</sup> J. Havens Richards to Charles W. Eliot (3 Aug. 1893) Mahoney, Correspondence, 421.

<sup>61</sup> Emphasis added. Hans C. G. von Jagemann to Charles W. Eliot (6 Nov. 1899), Charles W. Eliot Papers, Harvard University Archives, box 114.

<sup>62</sup> Quotation is from HLS, Faculty minutes, 18 Apr. 1893. See HLS, Faculty Minutes, 18 Apr. 1893; *HLS Quinquennial Catalogue*.

<sup>63</sup> Gardiner M. Day, *The Biography of a Church: A Brief History of Christ Church, Cambridge, Massachusetts* (Cambridge: Riverside Press, 1951), pp. 84–85. See Marion E. Langdell, *A Journey through the Years* (Cudahy, WI: [privately printed], 1978), p. 56; Archives of Christ Church, Episcopal (Cambridge, Massachusetts), f. file C-09-4, “List of Voters before 1900.”

of those 18 students completed the LL.B., this graduation rate was not far below the rate of those entire classes at HLS.<sup>64</sup> This elimination of all the Catholic institutions indicates that some selective bias must have operated when Langdell compiled the original list.

The process of removing institutions indicates similar bias. Ames had an impeccable Bostonian pedigree. After attending private schools, he entered Boston Latin School in 1858 at the age of 12 and then Harvard College in 1863, where he was president of the Hasty Pudding Club, captain of the baseball team, member of the Institute of 1770, president of Alpha Delta Phi literary society, and Class Day Orator, elected by his classmates. Following a “grand tour” of Europe, he entered HLS in September 1870 and never left after joining the faculty in 1873. Like Eliot, Ames was a Unitarian and attended the First Parish Church in Cambridge, where he joined the Colonial Club, the Old Cambridge Shakespeare Society, and the Cambridge Social Dramatic Club, as well as the Colonial Society of Massachusetts. Due to “the sweetness and charm of his personality” and “his amiable disposition and his cordial welcome,” the students and colleagues at HLS regarded him with “esteem and love.”<sup>65</sup> In the view Jesuit educators, however, “Mr. Ames seems to be a testy fellow who, when confronted by a difficulty, cannot refrain from saying something disagreeable.”<sup>66</sup> The difference in opinion reflected Ames’s selective application of academic standards.

During the decade that the list was published between 1893 and 1904, only eight degree programs were dropped, six for book-keeping, non-substantive reasons. The B.A. of Adelbert College, the undergraduate college in Western Reserve University, was dropped in 1893 because it duplicated the entry for Western Reserve. In 1896 Wharton School of Finance and Economy (B.Ph.) was stricken, because the degree was subsumed by its parent institution, the University of Pennsylvania, which was added to the list at the same time. In 1896 the A.B. of Clark University was dropped after it was discovered not to exist.<sup>67</sup> In 1897 the A.B. of Griswold College in Iowa was dropped when the degree became unfeasible after the college’s

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<sup>64</sup>Harvard Law School, *Quinquennial Catalog of the Law School of Harvard University, 1817–1934*, ed. Guy H. Holliday (Cambridge: Harvard Law School, 1934). In addition, the compilers of the original list passed over a number of degrees and institutions such as the B.L. of the University of North Carolina; the B.S. of the University of Illinois, Worcester Polytechnic Institute, and Mississippi A. & M. University; and the B.A. of Wofford College, Virginia Military Institute, Missouri State University, Pacific Methodist College, Kansas Normal Institute, the University of New Brunswick, and Franklin and Marshall College. Many of the students with these backgrounds graduated successfully on time, and the graduate from Mississippi A. & M. University, Blewett Lee, was later offered a full professorship at HLS.

<sup>65</sup>[Sarah R. Ames], “Memoir of James Barr Ames,” in James Barr Ames, *Lectures on Legal History and Miscellaneous Legal Essays by James Barr Ames* (Cambridge: Harvard University Press, 1913), pp. 24–25. See also pp. 4–7, 25.

<sup>66</sup>T. Brosnahan to J. H. Richards (8 Mar. 1898), in Mahoney, Correspondence, 435–450.

<sup>67</sup>E-mail from Mott Linn, Clark University Archives (Worcester, Massachusetts), Jan. 2006; <http://libref.clarku.edu/research/archives> (accessed 26 Jan. 2006).

preparatory school closed in 1895.<sup>68</sup> In 1897 the Knox College B.S. degree was dropped in response to the elimination of that degree and the poor performance of one graduate at HLS.<sup>69</sup> In 1903 the Centre College B.A. was dropped after it was merged and briefly renamed Central University of Kentucky, whose bachelor's degree was added to the list at the same time.<sup>70</sup> Only two institutions – Boston College and Holy Cross – were dropped from the list for substantive reasons, as happened when Dean Ames took it upon himself to re-examine their credentials in August 1897. In fact, apart from these two Jesuit institutions, no other colleges, with the partial exception of Knox, were even re-examined for their academic merit after being placed on the list. Although Harvard administrators apparently believed that they were applying valid standards of academic merit, closer scrutiny and more stringent academic standards were applied to the Catholic colleges between 1893 and 1904. Therein lay the injustice.

## V

In the 1890s a national controversy erupted when a challenge was presented to the educational merit of the B.A. degree of the some 60 Catholic colleges and universities in the United States, particularly the 24 founded by the Society of Jesus, which had the highest academic standards. Having become the first professional school in the country to require a bachelor's degree for admission in 1891, HLS in 1893 raised the standard higher by declaring that only “respectable” bachelor's degrees of certain colleges would qualify an applicant for admission. The colleges identified by HLS did not include any Catholic institutions, whose graduates were therefore excluded from what was universally regarded as the leading law school in the country. According to the Harvard president and deans, the identification of the “respectable” degrees and colleges was based upon valid standards of academic quality, but Catholic educators vigorously protested that their colleges were academically rigorous, and a decade-long debate ensued between Harvard administrators and the Catholics as to whether and how Jesuit education was deficient.

This historical case study in the ethics of academic administration reveals that the Harvard administrators both employed valid standards of academic quality, and also made discriminatory decisions reflecting their prejudice toward Catholicism and its colleges. The discrimination lay in the *selective* application of the standards, which had a clearly invidious effect upon the Catholic colleges. Nevertheless, those administrators believed, with justification, that they were employing valid academic standards.

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<sup>68</sup><http://www.qcmemory.org/> (accessed 20 Jan. 2006).

<sup>69</sup>Committee on Admission from Other Colleges, Records, Harvard University Archives, v. 3, p. 8 (14 Oct. 1897); e-mail from Matthew D. Norman, Knox College Archives (Galesburg, Illinois). Jan. 2006.

<sup>70</sup><http://www.library.eku.edu/collections/> (accessed 20 Jan. 2006).

This case study further reveals that this paradox arose, in part, from the evasiveness of the Harvard administrators' communications and from the diffusion and ambiguity of responsibility for making decisions. But most fundamentally this historical case study in the ethics of academic administration attributes this paradox to disagreements over curricula content and educational values and purposes that were obscured by inconsistencies and contradictions on the part of both Catholic educators and Harvard administrators. Those obscuring inconsistencies allowed each side to believe in the moral and academic integrity of its own position without crediting the critique of the other.

# Cases and Commentaries

## One Million Dollar Endowment Matching Grant

Kerry Romesburg

The university received a competitive endowment building matching grant for student scholarships. Amidst much fanfare, the table-sized printed “check” for \$1 million was presented to the university president by a local Congressman, and the funds were deposited into the endowment to provide scholarships for qualifying students. Months later, a development staff member, using the successful grant application as a template for another grant, discovered a previously undetected arithmetic error in the application. If corrected, the university would not have qualified for the grant. The staff member meets with the president and reports the discovery, adding that the money has long ago been received and deposited, the granting agency is satisfied, and no one will ever know about the mistake other than herself and the president. She just thought the president should know.

## Case Analysis

Elaine E. Englehardt

Obtaining funding from grants presents unique possibilities for faculty members. A project is allowed to move forward with adequate funding from a source outside the university. Most likely the project wouldn't have happened without the funding. Grant directors must be very careful in the program management of the grants. This means that the director must be accountable for accomplishing the activities, goals and objectives of the projects. The director must be careful with the financial management of the grants. With a federal grant, if 10% of the project activities are changed there must be permission from the granting agency. This includes any budget expenditures. If major personnel in the original grant are changed, there must also be approval. Many universities have a specific auditor who “keeps the books”

on each federal grant. This means that as faculty, we won't make a silly arithmetical mistake on the grant budget and cause our university shame.

The case upon which I am commenting is a tricky one. The college received a grant for \$1 million based on an intricate federal formula. The grant is for scholarships for needy students. Upon later inspection, a development employee learns of a math error in the formula, and that the college was not qualified to receive the funds. She reports this to the President. She says, "I just thought you'd like to know." Does the President now need to return the funds to the federal agency?

The development staff member was correct; the president must know about this mistake. At this point it is still a mistake. It was an accident. Now that it has been uncovered, it is no longer an innocent mistake. The President will need to act immediately on this information. If a college or university is financially strapped, is it acceptable to commit fraud and keep these funds? What if no one will ever know? It is a rhetorical question. An ethical president wouldn't hesitate to return the money. Some grant recipients, including presidents, aren't ethical. Each year, the US government awards nearly \$450 billion in Federal Assistance agreements or grants. Many of these fund scientific research, further the social sciences, art, literature, and promote cultural enrichment. These funds can also assist in human health, environment, agriculture and criminal justice. To receive the award, a strict RFP or set of rules and guidelines must be followed and answered. If any of the answers or explanations are not honest, correct, or "doable" the institution should contact the granting agency with this information. A president won't know about most grant activities, hence, won't know about fraud that may be committed. However, the president will certainly be asked about any grant fraud that is committed at the university by numerous individuals including the granting agency, the boards of trustees for the university, the press, and others. According to the National Procurement Fraud Task Force, in order of occurrence grant fraud is most often committed by: The grant recipients, bookkeepers, financial staff, contractors, subcontractors, and recipient consultants (NPFTF). How long does it take for a president to learn that a mistake has occurred or that a fraud has taken place? How will the president chose to respond? Grants are awarded to carry out the goals and objectives identified in the grant. Competition for the grants must always be honest, and once given the funds, grant recipients are stewards of these federal funds. The government fraud task force warns, "using federal grant dollars for unjust enrichment, personal gain, or other than their intended use is a form of theft, subject to criminal and civil prosecution under the laws of the United States" (NPFTF). This same federal bureau states that most common types of fraud with grants include: false statements, false claims, embezzlement, theft or bribery, or mail fraud (NPFTF). It is easy to make a simple arithmetical formula mistake in a grant. This case is interesting because it may seem difficult to return \$1 million to the federal government for a project that was intended to give scholarships to needy students. These students may not be able to attend the college if they do not receive this assistance. There is a variety of reasons that the college should keep the money for these needy students. But none of these reasons would be ethical. The president should return the money immediately. Should the president publicize the return of the funds? Yes, because returning the money shows the integrity of the president. The president sets an example for others

that fraud will not be tolerated on any level at the university. Imagine a president who would ask the developmental staff member to ignore this situation. The staff member would have the message that a little fraud is ok, especially if it starts with an innocent mistake. The staff member also has a window into the president's character that few others will see. Not to turn this into a slippery slope, but maybe the two would collaborate in the future to unfairly procure funds. Publicly acknowledging the mistake does show that the college or university has a weakness. However, more importantly it shows a Kantian strength. The funds were returned because they ought to be returned.

There are large rewards for exposing fraud against the federal government. Under federal law, if someone has personal knowledge that an individual, business, city, county or town has provided false information to obtain money from the federal government, they may file a claim to recover more than triple the amount of monies defrauded from the government. This individual then may become entitled to receive between 15% and 30% of the monies recovered by the federal government, as a reward. Additionally, federal law protects individuals against any retaliation and all calls are kept strictly confidential (NPFTF).

Getting the reward isn't part of Kant's formulation. It may help others to do the right thing, but for Kant an act's rightness lies in motive, virtuousness, or fulfilment of moral law, regardless of consequences. The president needed to return the grant funds as soon as the mistake was realized. This falls in line with Kant's definition of a good will when he states: "Nothing can possibly be conceived in the world, or even out of it, which can be called good without qualification, except a good will" (Kant, pp. 9–10).

The president who returns the money most likely does it because of a good will. As Kant notes, "A good will is good not because of what it performs or effects, not by its aptness for the attainment of some proposed end, but simply by virtue of the volition – that is, it is good in itself..." (ibid) In the past this college had received only a few federal grants. Now the president has the dilemma of returning something that could help many disadvantaged students. Kant says this isn't important:

"Even if it should happen that, owing to special disfavour of fortune . . . this will should wholly lack power to accomplish its purpose, if with its greatest efforts it should yet achieve nothing, and there should remain only the good will . . . then, like a jewel, it would still shine by its own light, as a thing which has its whole value in itself. Its usefulness or fruitlessness can neither add to nor take away anything from this value," (Kant, pp. 10–12).

The president should fulfil his duty. A Kantian duty is the obligation to act from reverence for law. If the president kept the money merely to help poor students, Kant would find this act a hypothetical imperative. "If now the action is good only as a means to *something else*, then the imperative is *hypothetical*;" the president would need to return the funds for his action to meet the criterion for a categorical imperative, which Kant states, "if it is conceived as good *in itself* and consequently as being necessarily the principle of a will which of itself conforms to reason, then it is *categorical*..." (Kant, pp. 12–14).

According to Kant, to be a categorical imperative the president must, "Act only on that maxim whereby thou canst at the same time will that it should become a

universal law,” (Kant, p. 30). Following a Kantian example, we know that fraud in any form is wrong. By following an approach that included keeping the money, the president would have betrayed himself, the college, and all the other institutions that were qualified to receive the funds for their students.

Next year another \$450 billion will be available for the competitive granting process. The application can be corrected and resubmitted for this competition or others that may be more appropriate. Next year the president will most likely make administrative decisions through ethical choices.

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## Polluting Donor

By Kerry Romesburg

The owner of a local mill was a member of the university board. The mill was a source of on-going controversy regarding whether or not it was violating air quality standards. State and Federal officials were repeatedly called in to investigate complaints. The results consistently indicated the mill was operating within required guidelines, even though it was also identified as one of the major sources of the local air quality problem.

During a campaign to raise funds for campus construction, the mill owner made a multi-million dollar pledge for a specific building project and asked that he be given naming rights for the building. A contingent of faculty and students appeared before the board development committee and argued against accepting the gift and approving naming rights. The committee requested the president recommend the best course of action.

## Case Analysis

Lisa H. Newton

### *The Question*

Let us understand the case: The university has been offered a very large amount of money to build a building. The donor is a member of the university’s board, who owns the local mill. The mill is continually suspected of illegal pollution, although it always seems to weather inspections in compliance. The mill owner wants his name on the building. Environmentally concerned (and active) students and faculty

protest that the university ought to turn down the money in a rebuke to the polluter. What ought the university (President and Board of Trustees) do about the situation?

In this reaction, I intend to adopt an often-used convention: that every act performed by a University President or other high officer can be understood as a statement reflecting on the mission and objectives of the university, and can be evaluated as a statement in accord with ethics and mission, or as *not* in accord with ethics and mission, in which case it is justifiably condemned. That, clearly is the understanding advanced by the environmental students and faculty, and it seems useful for our purposes.

### ***What to do***

The first warning, whenever a generous gift is offered to add any fixture to the campus, must always be, make sure you need the fixture. It's expensive to build a building, and more expensive to tear it down. But let us suppose this is a needed building, a building for which funds would be sought independent of the mill owner's offer—a new science center, shall we say, with up to date laboratories that will thrill the students and make life much easier for faculty engaged in research. The University, the President and the Board, should specify that under the circumstances, the only acceptable building will be Green: It will be situated to make maximum use of passive solar energy, with solar panels on the roof to produce electricity, using geothermal energy if at all possible and incorporating small windmills in the design—so it produces more energy than it uses, and pollutes not at all. Suggestion: get the protesting students and faculty *and the donor* in on the planning; make it clear that the students' reasoned objections played a part in the university's decision to create a truly Green science building, and that the donor's experience is valued. That done, accept the gift and name the building after the donor. Now, what are we saying by this decision – what statement are we making?

### ***Principles that Govern this Decision***

Every University officer, especially the President, is charged with the task of conserving and enhancing University resources to advance the major purposes of the University – research, teaching, and community service. This building will serve at least the first two, and may be bent to serve the third. Accepting the gift, in the face of on-campus protest, says that the University will not forget those basic responsibilities. On the other hand, recruiting the environmental faculty (and the Engineering School, if we have one) to help design the building says that the University is nevertheless sensitive to the motivation behind the protest, at least the constructive part of the motivation.

Note further that University buildings cost a lot of money and last a very long time; reputations are generally at least partially false, and fleeting. The mill owner is a friend of the University of long standing (even if he only took the position on the board to provide protective coloration); universities have to appreciate their friends,

and show gratitude in some tangible way. The survival of the university depends on the reliability of its relationships. As for evil reputations, John D. Rockefeller, come to think of it, had a well-deserved reputation for evil-doing somewhere between Ivan Boesky and Andy Fastow, at the time he contributed most of his money. Time dims the memory of every reputation, good or evil. And if it doesn't – if the mill owner turns out to have been deliberately concealing massive violations of law for personal gain, and association with him embarrasses the university and hinders future fundraising – we can always take the name off the building. When he was convicted, Ivan Boesky graciously resigned from his honorary boards and requested removal of his name from many of his charitable gifts; and if the mill owner does not so volunteer, well, Texas landfills are full of old ENRON signs.

We should take every opportunity to serve the community by bringing our expertise to bear on perceived community problems, and the acceptance of this gift provides just such an opportunity. While we are working with the donor (and the faculty) to design the building, we have a chance to bring up the environmental problems of the mill. Would the donor like the consultation of the same faculty to help get the DEP off his back? We may, if all works out well, end up with a green science building and a green mill. Incidentally, if he is receptive to that suggestion, the DEP can be called in to help.

The University sends a signal, makes a statement, with its every action. It is obligated, for the sake of its future, not to send mixed signals, not to make statements that say two things at once, where one of them might be counterproductive. If we refuse the money, as the student environmentalists want, we make a statement that we love the environment and disapprove of all actions that degrade the environment. That would be the intended message. But we also say that we tend to jump to conclusions, assuming flagrant environmental offenses when the law has found none, and we assume the worst of people, even people who have been our friends. That's bad enough. But further, we say to all future donors, "Watch out, for we have moral tests for donors. Don't offer us money unless you are (morally) pure as the driven snow (and able to prove it), or prepared to be publicly rejected as not moral enough." The possibility that future donors might be given pause – even repulsed – by such a statement is very real; donors rarely tolerate having their integrity questioned. The university cannot afford to offend them like that.

The conclusion for this case is that the money should be accepted. There is more:

### ***Cases Where the Money Must Not Be Accepted***

There are surely cases where funds should be turned down. Where the proposed project has no academic integrity (I want your Criminal Justice professors to find a way we can put all those people in jail!) or would significantly dislodge the university from its mission (\$4 million for a pet therapy and recreation center, in a university with no other connection to animals of any kind, and obligations for future enhancement from non-grant funds – for instance). Where funds are connected with an inherently disreputable industry, a strong argument can be made against

accepting them, on the basis of the reputation of the university. (Steel mills are not inherently disreputable, only disreputable if they pollute, which can be changed.) I recall some such protest breaking out at the Darden Business School of the University of Virginia, in the old school (before the new one was built); every classroom had been donated by a tobacco company, and we had just found out not only that tobacco was lethal and addictive, but that the tobacco companies had known that for quite some time. That sounds reasonably disreputable. But the Directors of the School pointed out that not only had the funds been donated before anyone had any real reason to know how harmful tobacco was, but also tobacco was, and had been, a major industry in Virginia, and it had been altogether right and proper to accept that grant, as the state's university. Good argument. But many apparently acceptable dollars had been made in the United States through the slave trade. What message would it send to our African American students to find their economics classroom donated to the school by the "Peter John Newton Trade in Negroes: New Shipments Weekly"? If Texas landfills are large enough for ENRON signs, I suspect we can find, in the landfills of Virginia and New England, room for the logos of the slavers. God willing, we will never be confronted with that necessity.

## **Conflict of Interest in Hiring**

Donna Werner

As interim dean, you have been assigned to serve on a search committee for one of the sister campuses. The position is a VP level position and you learn that one of your colleagues, George, (a fellow interim dean) has applied for the position. George is highly respected throughout the district and has been very successful in his year as interim dean.

Based on your review of the applicants, it is clear that George is the strongest of all the candidates. And, in preliminary discussions with other committee members, it is evident that they agree with your assessment.

You are aware of the fact that George has also applied for a dean's position on your own campus and that the President of your campus has offered the position to George. You also learn that the deadline for his decision is prior to the next scheduled meeting of the screening committee for the VP position (at which candidates will be identified for interview).

1. Should you tell George that he is likely to be invited for an interview for the VP position on the other campus? Does it make a difference if you know that George has a strong preference for the VP job?
2. What if your campus, the largest of the campuses in the district, has a number of dean level positions open at this time and is in desperate need of someone with George's experience and abilities? Further, what if your personal preference is that George accepts the dean position at your campus? Should these facts affect what you say to George?

## Fair Practices in Hiring

Donna Werner

As interim dean, you have been assigned to serve on a search committee for a VP level position at your college. Committee members have been assigned to review applications prior to the initial committee meeting where members will choose which candidates to invite for interviews. Consider the following scenarios:

1. One of the candidates (not a particularly strong candidate) has included with his application a letter of recommendation from one of the other members of the search committee – a long time dean from one of the sister campuses. This troubles you but you assume that the issue will come up in the preliminary discussion of the applicants. It does not. Should you raise the issue?
2. If you choose not to raise the issue, does it make a difference if that committee member advocates strongly for this candidate during the discussion? What if this dean advocates so strongly that the candidate makes the short list and will be invited for an interview?
3. Your college roommate worked at the campus of one of the candidates and had already asked you to advocate for her colleague who had applied for the position. She provides several helpful examples that suggest that he would be an excellent candidate for the position. (a) Should you share this information with other committee members? (b) Should you consider this information in your own deliberation about the candidate?
4. Your college roommate worked at the campus of one of the candidates and contacted you to warn you. “He’s a tyrant. In fact, he was asked to leave our college because of his poor treatment of his staff, especially those who are women and minorities.” On his application, the candidate provides an alternative reason for leaving the position at that college. (a) Should you share this information with other committee members? (b) Should you consider this information in your own deliberation about the candidate?

## Case Analyses’

Susan Poser, J.D., Ph.D.

### *General Observations*

These two cases raise, at their core, questions of fairness in hiring, that is, procedural fairness in running a search. They force us to call up and examine our assumptions about and the goals of good hiring processes, and then test potential action against those assumptions and goals. On a more general level, consideration of the issues presented in these cases demonstrates, once again, that decisions about ethical dilemmas are only as good as their reasoned justifications. Before addressing

the specifics of these cases, I think it is worthwhile to consider some assumptions that I believe are almost universally made about the search process. These assumptions overlap substantially with basic tenets of due process. I will briefly describe these assumptions and then move on to more specific commentary.

### **Assumptions About Searches in Higher Education Administration**

- We assume that search committee members share the goal of hiring the best person for the job.
- We assume that search committee members ultimately have the best interests of the institution in mind.
- We assume that search committee members should be free to voice their opinions about the candidates, based on the information provided to them in the search, and bring their unique perspective to the discussion. If this were not true, we would not try to populate search committees with people of diverse views and experiences, based on their personal characteristics, their rank, occupation, etc.
- We assume that the process should be fair, that candidates should begin the process on equal footing and have an equal chance to persuade the committee of their qualifications. We assume that committee members will be as impartial as they can be.
- Yet, we know that in a search that is open to internal candidates, it is difficult to form a committee of people who do not know the internal candidate or candidates, and it may be impossible for search committee members to avoid hearing outside information about candidates. But, again, we assume that, for the most part, search committee members can put aside this information and treat the candidates fairly and impartially.
- Finally, we assume that the search process should produce the most qualified candidate for the position.

### ***Conflict of Interest in Hiring: Internal Candidate***

George has applied for 2 positions: the Vice President position on a sister campus, and you are on the search committee, and a Dean position on your campus. For the Dean position, George has already received an offer.

You are on the Vice President search committee and you know that George is likely to be a strong candidate for Vice President job. You also know that he has been offered the Dean position already and will need to decide before the determination of finalists is made for the Vice President position. The questions are:

- whether you should tell George that is likely to be invited to interview for the Vice President position
- whether that answer changes if you have an institutional and personal interest in having George appointed to the Dean position that has already been offered to him.

Analysis of the problem can initially be broken down into 2 questions. Before deciding whether you *should* tell George about his chances of getting the Vice President position, we must determine whether you *may not* tell him or, alternatively, whether you *may* tell him. The questions can be posed as follows:

- i. Are you under an ethical/moral *obligation* NOT to tell George that he is a strong candidate for the Vice President position?
- ii. Are you under an ethical/moral *obligation* to tell George that he is a strong candidate for the Vice President position?
- iii. If there is no duty one way or the other, what are the considerations that should go into determining if you should tell him?

First, are you under an *obligation* NOT to tell George that he is a strong candidate for the Vice President position?

Initially, this question is one of positive morality, that is, of rules: if the committee has agreed to confidentiality or there is a rule of confidentiality that governs search committees, then you have an obligation not to tell. So, if there are no rules of confidentiality operating that apply to this situation, then this question can be quickly disposed of.

Of course, positive morality in the form of rules or customs do not always solve these kinds of dilemmas, as sometimes rules must be broken in the name of ethics, they can be instructive and might, in a case like this, provide a kind of tie-breaker. That is, as I will discuss below, there are compelling considerations that militate against telling George about his chances at the Vice President position even without rules, so the existence of a rule gives even greater weight to those considerations.

This brings us to the next question.

Are you under an ethical/moral *obligation* to tell George that he is a strong candidate for the Vice President position? Must you tell him? I would answer that question in the negative.

In discussing this question, I will quickly dispense one aspect of it – whether it matters that your personal and professional preference is for George to take the deanship – because this fact should not play a role in deliberations about whether the right thing to do is to tell George. To make the decision based on the needs of the institution alone is to violate the second categorical imperative and to treat George as a means and not as an end. This is not to say that the needs of the institution are irrelevant, but they cannot be in this case the determining factor because it would conflict with respect for George's personhood, his right to be treated as an end and not a means. This tells us one thing about the assumptions that were stated at the beginning of this commentary; they have limits. Having the best interests of the institution in mind does not mean that it should trump respect for the individual.

The question of whether to tell George is difficult because by telling George, you may be trying to help him, but you are also requiring him, in his own mind, to take a substantial risk, to turn down an attractive job offer for a chance at a better job. Even if you are certain that the committee would make him their choice, the question

implies that the committee does not have hiring authority and that someone above the Vice President level will make the hire, and we do not have information about that person's views.

An important element in sorting out ethical questions is considering different perspectives. George knows he has applied for the Vice President position. Thus, if he would prefer that job to the Dean job, then the burden may be on him to ask the search committee chair about his chances. If he is open to grappling with the dilemma that this information might present to him, then he will make this inquiry. He does not have a reasonable expectation that this kind of information would be offered to him, unsolicited, knowing that in general, search committees are obligated, whether by positive rule or not, to be very discrete.

Moreover, an obligation to inform candidates that they are likely to be successful would be very difficult to define. How qualified does the candidate have to be in order to trigger the obligation on a member of the search committee to reveal this information to the candidate? Is it only triggered if the candidate has an offer for another job, as George does, or also if such an offer is likely? What if members of the search committee think a certain candidate will get the position, but they do not know if the candidate has other offers? Thus, any obligation to tell George in this case defies clear definition.

So, I do not think there is an obligation to tell him, and there may be an obligation not to tell him, depending on the agreed upon rules of the committee and the institution. The next question is whether you *should* tell George that he is a strong candidate for the Vice President position. As discussed above, there are potential unintended consequences of revealing this information and creating this dilemma for George. In discussions with the Chair of the Search Committee, it might be determined that in this particular situation, revelation is the appropriate action, I would recommend not revealing this information but if George asked, the Chair should tell him that he looks like a good candidate. But it should be George's decision to make the initial inquiry and thus to decide to take on the dilemma that this would create.

### ***Fair Practices in Hiring – Outside Information***

The questions that accompany this scenario more directly test the assumptions with which this essay began, and highlight the occasional tension among the ethic of fairness, the assumption of institutional loyalty, and the salutary effects of openness and transparency in reaching good decisions. The questions force us to think broadly about the hiring process and the function of the search committee.

When is it appropriate to bring into the search committee deliberations, certain pieces of information to which a committee member alone has access and that are relevant either to the deliberative process, or the candidate's qualifications? This case forces us to balance transparency and fairness through a process that has as its goal hiring the best person for the job.

On the one hand, if the purpose of the search committee is to find the best candidate and participate in a process of deliberation where different views are heard and information leads to consensus, then full transparency within the committee would seem to be the rule and sharing all information about a candidate would ultimately bring the committee to coalesce around the candidate with the best qualifications for the position.

On the other hand, ideals of notice and due process tell us that candidates must be treated equally and must be put on notice of what will and will not be taken into consideration in the decision-making process. A candidate told to provide a resume, a statement of intent, and three references, for example, has a reasonable expectation that this is the information that will be used to deliberate about their qualifications, at least at the initial stages of the search.

At some institutions, search committee members are not permitted to serve as references for candidates. This is reminiscent of the rule for lawyers that, with very limited exceptions, they are not permitted to be witnesses in cases involving their own clients.<sup>1</sup> The theory is that it strains human nature to expect someone to present objective facts or honest opinions when one has a stake in the outcome. Although in the context of a search, it is more accurate to say that the reference often has a preference in the outcome, but not a stake, it is not fair to the rest of the pool if one member of the committee, which is supposed to be evaluating candidates impartially, begins the process as an advocate. This violates basic notions of distributive justice – treating similarly situated people the same.

So, at first glance, fairness requires that the interim dean not serve on the committee. However, if there is no rule against this at this institution, fairness requires that the other members of the search committee be made aware that one of their members is functioning as an advocate and a judge. Disclosure at least puts the rest of the committee on notice that one of their members did not begin the process in a spirit of neutrality and open-mindedness toward the candidates, awaiting to be persuaded by the evidence presented. There is one among them who appears to have entered the process with a closed mind and other members should be free to discount this opinion, or at least be put on notice that it must be tested.

It is worth noting that I am not making much of the information in this scenario that the candidate for whom the Dean is advocating is “not particularly strong.” Analysis of this case should be the same if the candidate were described as “very strong.” The problem here is not the relative quality of the candidate, but the fairness of the process. If the candidate were very strong, the rest of the committee would still need to consider discounting the opinion of the Dean, even though in the end, it might not make a difference as to the outcome.

The preceding discussion addresses both the question of whether one should raise the fact that a member of the committee wrote a reference, and whether, if it is not raised initially, it should be raised at the point that the member advocates strongly

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<sup>1</sup>See Model Rule of Professional Conduct, 3.7 (American Bar Association 2008).

for the candidate. The next questions concern what a search committee member should do with information (both good and bad) about a candidate that was learned through informal channels not part of the search process. Again, the main consideration here is fairness to all of the candidates; the professional obligation to find the best person for the position; and the importance of serving the best interests of the institution. A search committee member learns from (I'll assume) a trusted source first, very good things about the candidate, and, second, very negative things (poor treatment of women and minority staff). What does the committee member do with this information?

This question goes to the heart of the issue of fairness of the process to all of the candidates. The problem with the positive information is that if this is shared, it gives a clear advantage to one candidate, and therefore disadvantages the other candidates who do not happen to have a personal connection to the search committee. It may be that another person in the pool would get similar informal praise, but has no such opportunity. So using this information at this stage of the process violates the assumption that the candidates begin the process on equal footing and have a reasonable expectation that the materials requested by the committee are what they will use in making the determination. However, as the search process proceeds and wider range of references are consulted, it may be appropriate to include this information in the broader dossier of the candidate if the committee makes an effort to gather similar information about the other candidates. The negative information does not create this difficulty. Although it is possible that there is similar negative information about other candidates, the important point here is that this negative information creates a reasonable belief that the person is not qualified for the job. This assumes, of course, that the information is verifiable, not the product of rumor or a personal grudge. The reliability of the information would have to be explored before a member of the committee would share it with the search committee.

The duty to find the best person for the job, and the duty to the institution, would seem to require investigation of this information. If it turns out to be reliable and is then shared, it does not disadvantage the other candidates. The search committee is obligated to try to discover and treat similarly disqualifying information on the other candidates as well. Using this information to form a judgment about the candidate clearly does disadvantage *this* candidate, but the disadvantage was self-imposed. Depending on the circumstances, it might not be appropriate to rely on this information alone to eliminate the candidate, but it should be shared with the committee and considered a fact.

## Prevention and Restoration

Brennan Jacoby and Michael S. Pritchard

The January 5, 2006 issue of *Science Express*, the online version of *Science*, published the results of a study of forest restoration by a group of scientists from Oregon

State University and the Institute of Pacific Islands Forestry in Hawaii.<sup>2</sup> This study offered evidence that postfire logging could significantly reduce restoration and might actually increase the risk of new fires. In 2002 wildfires burned a half-million acres of forestry in southwestern Oregon. Known as the Biscuit Fire, this disaster naturally raised serious questions about how best to clean up the remains and begin a restoration process. The published study suggested that a favored method of restoration, post-fire logging, might make matters worse rather than better.

The first author of the article was Daniel Donato, a graduate student in OSU's College of Forestry. At first glance, this would seem to be cause for celebration in the college – one of their very own graduate students was lead author in a leading science periodical. However, on seeing the *Science Express* publication, a group of faculty in the school quickly organized and sent a letter to Donald Kennedy, Editor of *Science*, urging him to withhold publishing the article in *Science*, due out later that same month. Questioning the study's methodology and analysis, they claimed its apparent findings were unwarranted and could mislead readers.

Responding that the decision to publish the article was based on its standard blind, peer-review process, Kennedy told the faculty that *Science* did not believe in censorship and that, in any case, it was too late to do anything about publishing the article even if *Science* editors had been willing to.<sup>3</sup>

The proper procedure, Kennedy continued, would be for the objectors to submit their critique in a Technical Comment. *Science* published Donato's article in its January 20, 2006 issue.<sup>4</sup>

However, this hardly ended the matter. As revealed in several emails he sent to some of his faculty in the OSU College of Forestry, Dean Hal Salwasser initially seemed to many to lend support to efforts to squelch the article.<sup>5</sup>

Previously, in November 2005, Dean Salwasser himself had offered Congressional testimony in favor of postfire logging bill HR4200, a measure strongly supported by President George W. Bush. While insisting that there is nothing wrong with administrators at land-grant institutions like OSU offering testimony relevant to policy matters in their areas of research, Salwasser acknowledged, "In hindsight, I may have crossed the line a bit into where you're actually advocating for the policy, as opposed to just advocating that what we think is known."<sup>6</sup>

He also questioned whether he should have identified himself as dean of OSU's college rather than simply as a scientist when testifying. Further complicating matters, OSU's College of Forestry receives 12% of its funding from a tax on the log-

<sup>2</sup>D.C. Donato, J.B. Fontaine, J.L. Campbell, W.D. Robinson, J.B. Kauffman, B.E. Law, "Supporting OnLine Material for 'Post-Wildfire Logging Hinders Regeneration and Increases Fire Risk'," *Science Express*, 5 January 2006.

<sup>3</sup>Donald Kennedy, "The Mailbag," *Science*, Vol. 311, 3 March 2006, p. 1213.

<sup>4</sup>D.C. Donato, et.al., "Post-Wildfire Logging Hinders Regeneration and Increases Fire Risk," *Science*, Vol. 311, 20 January 2006, p. 352.

<sup>5</sup>Erik Stokstad, "University Bids to Salvage Reputation After Flap Over Logging Paper," *Science*, Vol. 312, 2 June 2006, p. 1288.

<sup>6</sup>ibid

ging industry. Acknowledging that his college does research that is of interest to those who help finance their program, Salwasser denied that this compromises the scientific integrity of that research.

The public revelation of the events surrounding the publication of Donato's article led Dean Salwasser to express regret at some of the things he said in his emails (e.g., his disparaging reference to environmentalist "goons"). He then established a committee to review what had taken place and to recommend changes in the forestry program that would address questions about academic freedom and the basic mission and operations of the forestry program at OSU.

After the committee completed its work, a faculty/student electronic vote regarding the recommendations and confidence in the dean was conducted. Sixty-six percent of the voters expressed confidence in his ability to lead the college into the future, while 24% expressed no-confidence, and 10% abstained. Following this, Dean Salwasser commented, "[I want to] know people better and I want them to feel comfortable approaching me for candid discussion about ideas, issues and concerns. I will take time to create these opportunities."<sup>7</sup>

## **Case Analysis**

### **"Prevention and Restoration"**

Deborah G. Johnson

#### ***Background Issues and Context***

To put this case in context, it may be helpful to note that during the twentieth Century, universities underwent major transformation that involved a process of "re-norming", re-norming their mission, their conception of the roles of professors and administrators, and many daily practices. A major aspect of this transformation was the cost of doing "big science". Twentieth century science is enormously expensive and this brought a huge infusion of money into universities, especially money for research. Among the many aspects of the university affected, the roles of professor and academic administrator have evolved to entail interacting with a much broader range of constituents including not just faculty and students and higher administration, but research staff, postdocs, public and private funding agencies, advisory boards, intellectual property offices, not to mention professional associations, alumni, parents, and private donors. Managing responsibilities to all of these constituents is a daunting task.

The intensification of industrial involvement in the affairs of the university has been particularly unsettling because it is in tension with the traditional ideology of

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<sup>7</sup>"College of Forestry Expresses Confidence in Dean," *The Daily Barometer* Online, Oregon State University, June 19, 2006. [news@dailybarometer.com]

the university as an ivory tower. As an ivory tower, the university was understood to be a place protected from pecuniary interests and any other influence that might interfere with the production of (pure) knowledge. The ivory tower notion went hand-in-hand with the conception of science as objective and value free. As universities have been transformed, this ideology has stood in somewhat stark contrast to the reality of faculty and administrators seeking support for their research from industry and government and interacting with so many different constituents. And, at the same time, the objectivity of the scientific enterprise has been challenged. What can objectivity mean when funding for research is provided by an interested party or when individuals stake their careers on particular approaches or theories? Science requires and involves a certain kind of objectivity but objectivity cannot mean “disinterested” because scientists clearly have interests – personal, professional, romantic, political, and financial interests. So, as remnants of the ivory tower ideology persist, traditional norms and practices are challenged and new norms for the role of faculty and university administrators continue to evolve. It is in this context that we can place Dean Hal Salwasser and generously suppose that he is trying to protect the interests of the OSU College of Forestry.

### ***Case Analysis***

To get a handle on this case and the ethical questions it raises we can think of the case as involving four issues, each having to do with an action taken by the Dean:

1. Did the Dean do anything wrong in relation to the publication of a paper done by a graduate student from the College of Forestry?
2. Did the Dean do anything wrong in testifying on a policy matter at a public hearing?
3. Is there anything problematic with the College of Forestry being supported by a fund from taxes imposed on the logging industry?
4. Was the Dean’s action after the incident appropriate? That is, was he right to set up a review committee? Should he step down from the position of Dean?

### ***Interference in the Publication Process***

The Dean’s problems began when a group of faculty members of the OSU College of Forestry wrote a letter to the Editor of *Science* urging that an article written by a graduate student in the College (Daniel Donato) be withheld. While Dean Salwasser did not himself join the group in writing the letter, emails reveal that he “initially seemed to many to lend support to efforts to squelch the article.” Thus, we have to address the actions of the faculty group before we consider the Dean’s apparent support of their actions.

The faculty members who wrote the letter to the Editor of *Science* were attempting to interfere with a standard practice in science; that is, the article was accepted for publication after going through a rigorous peer review process, a process that is designed to protect the integrity of science. In requesting that the article be withheld, the faculty group was asking the Editor to violate what might be considered the rules of science. This is *not* to say that individuals are never justified in contacting an editor or trying to stop publication of an article. There are circumstances in which actions of this kind would be appropriate or even obligatory. For example, suppose an individual had good reason to believe that the review process had been undermined – say, she had evidence that an article was fraudulent or plagiarized or that the author had an undisclosed conflict of interest. In these situations, the individual would be justified in contacting the journal editor. However, in the case at hand the primary reason the faculty group had for stopping publication was their belief that the study’s methodology and findings were not right – that the findings were “unwarranted and could mislead readers.” To be sure, it is not uncommon for scientists to disagree about methodology and significance of results, and that is precisely why the review process is designed to eliminate certain kinds of interests from the review process. Peer review is considered a vital part of the processes whereby science achieves reliable or trustworthy knowledge.

While we don’t know the motives of the faculty, the context suggests that members of faculty group might have thought that publication of the article was not in their interests and/or the interests of the College. Whatever their motives, these actions constitute an attempt to interfere with the academic freedom of the graduate student. Academic freedom is generally defended as a means to protect against exactly the sorts of interests that seem to be at work here. Thus, what the faculty group did was wrong, it was unprofessional and a threat to the integrity of science, something upon which their own careers depend.

What about the Dean? Since the faculty engaged in unprofessional conduct, conduct that seems corrupt insofar as they are trying to bypass the peer review process, the Dean was wrong to support them. If he encouraged their action, he is even more complicit. His support of their actions shows poor judgement on his part and poor leadership. As the Dean he should understand the importance of maintaining the integrity of science and academic freedom is at the core of this integrity. Moreover, insofar as the Dean is complicit in trying to bypass the rules of science, his action is a sign that he is not a trustworthy authority; he doesn’t “play by the rules.” Hence, even if the Dean didn’t join in writing the letter, his behaviour undermines his own (moral) authority.

### ***Testifying at the Public Hearing***

Before the incident with the Donato article, the Dean testified at a public hearing and during the public hearings he expressed his opinions on the policy of postfire logging. This makes it clear that the Dean disagrees with the conclusions of Donato’s article or at least that he did at one time. This information suggests a motive for

wanting Donato's article withheld from publication. Nevertheless, the Dean's concerns about his public testimony seem largely to be unfounded. He is described as having two concerns here, one about crossing a line between his scientific expertise and his policy recommendation, and the other about how he represented himself at the hearings.

Policy decisions often require the expertise of scientists and it would be a mistake to think that scientists should refrain from commenting on policy issues. In fact, this case illustrates why scientists should provide their expertise to policy processes. The scientists here have knowledge and are doing research that contributes in important ways to understanding how to most effectively restore forests after fires. Scientists are in the best position to understand the implications of research and hence to know the consequences of adopting one policy over another. To suppose that scientists should not connect their knowledge to policy decisions is to suppose that their knowledge remain useless or to suppose that scientists not contribute to human purposes. So, there seems no reason to believe that the Dean should not have testified. Of course, it would be wrong to give false information or misrepresent the extent to which data supports a position. So, scientists should be careful in how they present and represent research results but they should contribute when they can to policy decisions.

On the matter of how the Dean represents himself at the public hearing, it is a good idea to specify his various roles because these affiliations and roles help those who receive his testimony to put it in an appropriate context. Thus, the Dean is right to think in hindsight that he should have identified himself as Dean of OSU. Still, this is a relatively minor slip by comparison with his other behaviour.

### *Industrial Support for the Department*

The case description hints at two motives for the Dean to have interfered in the publication of Donato's article. The first is that the article provides data that contradicts the Dean's public testimony on postfire logging. The second is the hinted at concern that the logging industry might not like what the Donato's article claims. The suggestion is that Salwasser believes that the logging industry wants to log after fires. Here we see an apparent tension that arises from industry involvement in the university. Oddly, of all of the different ways in which industry is sometimes involved in the affairs of universities, this form of support seems the least likely to interfere with the conduct of research. What we are told is that the College of Forestry receives 12% of its funding from a tax on the logging industry. Unless there are details that are not specified here, it would seem that the logging industry can do nothing to the College if it doesn't like what is published. Since the resources come from a tax, the industry must continue paying no matter what the College does in the way of research.

Of course, even if the logging industry had more power to affect the College, the Dean's concern would be misplaced. He would be pandering to the logging industry instead of giving them knowledge that will be useful to them. He would

be treating the logging industry as if it were corrupt, as if it would want to repress knowledge if it didn't serve their short-term self interest. The case gives us no basing for determining what the logging industry would want here but either way, the Dean is wrong to try to stop publication. Either he is treating the industry unfairly in presuming it is corrupt or, if it is corrupt, he should not be complicit with them in the repression of knowledge.

### *Post Crisis Response*

Finally, when the faculty group's actions were revealed and the Dean's support of the group became known, the Dean recognized that he had a problem. As indicated above, the Dean's behaviour demonstrated poor judgment and poor leadership, so it is not surprising that a portion of the faculty lost confidence in him. In response, the Dean expressed regret and established a committee to review what happened and make recommendations. Here part of the issue is strategic rather than ethical. That is, one might ask whether setting up a review committee was a good strategy to bring resolution to the incident or restore confidence in the Dean. Strategically it does seem a reasonable approach.

The ethical question is whether the Dean should step down or continue on as Dean. The results of the review committee's findings are quite mixed so it is difficult to say whether the Dean should resign or whether the committee should recommend that the Dean resign. While 24% of respondents expressed no-confidence in the Dean, 66% expressed "confidence in his ability to lead the college in the future" and 10% abstained. Given these mixed numbers the question is whether the Dean can function effectively. If he can't function effectively, then it would be better for the College for him to step down. Another issue is whether the Dean is the one who should decide this matter. Generally a Dean serves at the will of a Provost or President, and the Provost or President may be in a better position than Salwasser himself to make this determination. Of course, if the President or Provost asked for the Dean's resignation, he would have to resign. So, the question of resignation is unclear, and depends on a wide range of details that are not specified in the case description. In any case, the review committee has given the Dean information that will be helpful in trying to win back the trust of his faculty.

### *Conclusion*

Having the confidence and trust of the faculty is critical to leadership of an academic unit. In supporting efforts to bypass the journal review process and interfere with the academic freedom of a graduate student, the Dean in this case has rightfully lost the confidence of many of his faculty. Winning back the confidence of the faculty will not be an easy since academic freedom is so central to the integrity of science. The general lesson is that academic administrators should not engage in or support activities that undermine the integrity of their unit's mission.

## Case Analysis

### Academic Freedom and Integrity: The Firestorm Over “Salvage Logging” at Oregon State

Randall Curren

On its face, the case of Daniel Donato and the Oregon State College of Forestry is one of attempted censorship encouraged, and in some measure orchestrated, by the Dean of the College, Hal Salwasser. Dean Salwasser’s sympathies lay with the logging industry and its desire to expand so-called “salvage logging” – the logging of partially burned trees after a forest fire. The College’s projected budget shortfall also gave the Dean an incentive to support more logging,<sup>8</sup> as he did in offering congressional testimony in support of HR 4200, a bill calling for expansion of “salvage logging.” Donato’s research directly challenged industry claims that such logging encourages forest regeneration and reduces fire risk: he “found that the heavy equipment used to remove dead trees in one southern Oregon forest had killed seedlings and left woody debris that increased fire hazard.”<sup>9</sup> Salwasser attempted to suppress and mitigate the policy impact of these findings, produced by a graduate student in his own college, and he did so in a context that suggests a failure of institutional neutrality. Was it the College’s unstated policy to produce research convergent with the logging industry’s interests or wishes? Institutional neutrality is important to the preservation of academic freedom and protection of the public’s interest in knowing the truth, and the case exhibits a rather serious violation of institutional neutrality.

The failures of leadership evident in this case are not simply violations of institutional neutrality and academic freedom, however. The events reported reveal serious problems in the ethos of the College, which the Dean had not only failed to address, but had exacerbated. This would have constituted a serious ethical failing – a failure to support the faculty of the College in doing their work in a collegial and ethical manner – even if the underlying problems in the College had not erupted in the firestorm of conflict and controversy triggered by Donato’s article. The case exhibits conflicts of interest arising from the College’s financial interests and entanglement with the logging industry, but also an apparent conflict of commitment on the part of its dean, which is to say a failure to transcend the commitments of his origins and adopt the perspective of a leader of the College as a whole.<sup>10</sup> Without questioning his commitment to the good of the College, one must question his impartiality and ability to accurately perceive the nature of that good.

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<sup>8</sup>Jeffrey Brainard, “How a Graduate Student Kindled a Firestorm in Forestry Research,” *The Chronicle of Higher Education*, April 21, 2006, 52(33): A27.

<sup>9</sup>Erik Stokstad, “University Bids to Salvage Reputation After Flap Over Logging Paper,” *Science*, 312(5788): June 2006: 1288.

<sup>10</sup>Hal Salwasser was recruited to be Dean of the OSU College of Forestry “after a career in the U.S. Forest Service” (Brainard, 2006).

My commentary will begin with this general failure of leadership, and note its role in the dysfunctional ethos responsible for the events constituting the scandal. That will provide background for my comments on academic freedom, neutrality, and conflicts of interest in the case. The source materials on which the case description are based report that the episode “exposed a deep divide between departments with different perspectives on forest management,” a divide which Dean Salwasser’s “significant failures of leadership” had made worse.<sup>11</sup> The divide in the Oregon State College of Forestry arose from the historical dominance in such schools of an orientation to active forest management and development of new products to increase output and profitability, and the more recent addition of faculty and departments concerned with environmental protection and biodiversity conservation.<sup>12</sup> In addition to the intellectual, generational, and normative aspects of this divide, there were evidently also economic and political aspects to it associated with the role of forestry in the economy and politics of the state of Oregon. The faculty committee on academic freedom found that Salwasser had “fostered the divisions within the college,” charged that the college’s leadership council was “too narrowly focused on industry interests,” and called for greater transparency, a faculty code of conduct, and possible structural reorganization.<sup>13</sup> These findings and recommendations suggest that the College lacked functional coherence and its diverse elements were not adequately unified by a sense of shared values and purpose. In those circumstances, one could expect conflict and lapses of collegiality arising from the perception that the work of others in the college might be detrimental to its interests. I have argued that integrity in academic administration involves a responsibility to secure the integrity of one’s institution, or its capacity to succeed in its work without ethical compromise.<sup>14</sup> The evidence suggests Dean Salwasser failed in this responsibility.

The e-mail messages subpoenaed by state senator Charlie Ringo revealed that Salwasser not only supported faculty of the college in their effort to delay the print publication of the article, but advised industry on how to blunt its impact on public opinion. “It’s clear to me,” Ringo concluded, “that the Dean was acting as the pivotal person in coordinating the response to minimize the political fallout from the Donato paper. . . . [For weeks his] exclusive focus was to diminish the credibility of the paper.”<sup>15</sup> The e-mails revealed not only favoritism toward the priorities of one part of the College over the other, but invidious contempt for environmentalists, whom Salwasser labeled “goons” and compared to Mafia extortionists.<sup>16</sup> It’s hard to imagine that the attitudes reflected in these remarks would not have infected the ethos of the College. Memos were posted anonymously around the College of Forestry, some of them very personal in their attacks on Donato. John Sessions, one

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<sup>11</sup> Stokstad, 2006.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> See, in this volume, my chapter, “Cardinal Virtues of Academic Administration.”

<sup>15</sup> Brainard, 2006.

<sup>16</sup> Stokstad, 2006.

of the six professors at Oregon State who sought to delay publication, demanded “full disclosure” of Donato’s study site and data, while Beverly Law, Donato’s advisor, insisted this would infringe on Donato’s right to continue the research, explaining that study sites are often not disclosed until the end of a study, since “There has been a history of sabotaged research plots in this region.”<sup>17</sup> The hostility and lack of collegial trust in this exchange is palpable.

A conventional diagnosis of the case is that it “illustrates the conflicts of interest that arise when public universities are expected to both produce high-quality, independent scholarship and improve the economies of their states.”<sup>18</sup> This overlooks other important dimensions of the case, however, and it would be true only if public universities were expected to take a very short-term view of the economies of their states. Viewed as a case study in failed academic leadership, several troublesome aspects of the case could be present irrespective of any external economic mandates. A dean rooted in the perspective of one department and field of study may have little comprehension or appreciation of the mission and merits of other departments and their work, may never transcend the pull of sympathetic ties to colleagues in that field of origin, and may never develop and communicate a suitably comprehensive vision of the mission and contributions of the college as a whole. His perceptions and judgment may be impaired by an unrecognized conflict of commitment – a commitment to the values of his intellectual or occupational origins that misinforms and distorts his commitment to the good of the larger academic unit for which he is responsible. Favoritism, divisions, and dysfunction could well result, especially in a context of struggle over the identity or direction of the college. None of that need have anything to do with external economic mandates. The violation of neutrality and “stunning attempt at censorship”<sup>19</sup> in this case might similarly arise from internal intellectual, generational, and normative conflicts that bear on the college’s mission or well-being.

Where money is concerned, it is the institution’s own financial interests that would create a direct conflict of interest. Dean Salwasser’s College of Forestry was facing a \$4 million deficit attributable to declining government funding, and had a substantial short-term financial interest in expanded timber harvests.<sup>20</sup> Other institutions face a conflict of interest and sacrifice a measure of institutional neutrality when they stake their finances on the commercial viability of the forms of medical intervention they are researching, or accept industry research funds that allow companies to block publication of results that cast doubt on the safety or efficacy of their products.<sup>21</sup> The price of abandoning institutional neutrality on questions that have not been conclusively resolved through rational inquiry is that the freedom of individuals to pursue and disseminate research bearing on those questions is

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<sup>17</sup> *Ibid.*

<sup>18</sup> Brainard, 2006.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> See Curren, “Cardinal Virtues.”

suppressed.<sup>22</sup> That is a high price to pay, especially in light of the fact that the long-term interests of society, the economy, and the institution may depend on *knowing the truth*.

What is manifestly not the case is that the College of Forestry faced a fundamental conflict between producing good research and improving the economy of the state of Oregon. If Donato's research findings were correct, then they shed important light on the economic interests of the state and citizens of Oregon. A concern for the state's economy would commend a fair and rational assessment of the research on the actual effects of post-fire logging, not an attempt to suppress it. What is at stake is a conflict between the interest of the timber industry, which is fundamental in moving its capital and operations to wherever in the world it can reap the greatest short-term profits, and the interests of the citizens of Oregon and the US generally. The federal government owns most of the forests in Oregon and has a long-term interest in the regeneration of those forests, but it's not clear that the management of the companies shares that interest. In leading the effort to discredit and suppress Donato's research, Salwasser may have acceded to industry's wishes, but it is not clear that in doing so he advanced the economic interests of the state of Oregon. What is fundamentally important, in my view, is that he not only wronged a student-researcher in his College, and appeared to violate institutional neutrality in doing so, but subverted the public interest in exercising informed, democratic choices regarding the balance of competing interests in federal forest management. If we grant that Salwasser thought he was protecting the public interest, we must still question whether he did so in a way consistent with the role of a university in a democracy. The American Association for the Advancement of Science (AAAS) asserts in its *Principles of Scientific Freedom and Responsibility*, that:

Since all beings have a basic right to participate in the making of decisions affecting them or to have appropriate proxies represent their interests, scientific workers have a special responsibility to take all steps possible to assure that potentially affected parties (or their proxies) have all information necessary to make fully informed decisions.<sup>23</sup>

The AAAS extends this right of individual and collective informed consent to "all present and future inhabitants of the earth," and in doing so affirms a robust kind of democracy and a role for science in advancing it.<sup>24</sup> Dean Salwasser's attempts to advise the logging industry on how to steer public opinion seems quite contrary to any such understanding of democracy and the public interest in making informed decisions about how to balance current economic interests against the long-term

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<sup>22</sup>See Robert L. Simon, *Neutrality and the Academic Ethic* (Lanham, MD: Rowman & Littlefield, 1994). In other instances, individual faculty must refrain from engaging in public interest research – to investigate the extent of public exposures to toxins released by local industries, for instance – or be denied job opportunities for their students, as well as research funds. See Kristin Shrader-Frechette, *Taking Action, Saving Lives* (New York: Oxford University Press, 2007).

<sup>23</sup>AAAS, *Principles of Scientific Freedom and Responsibility*, Revised Draft (Washington, DC: AAAS, 1980), p. 1.

<sup>24</sup>*Ibid.* See also Kristin Shrader-Frechette, *Ethics of Scientific Research* (Lanham, MD: Rowman & Littlefield, 1994), pp. 12 ff and 64 ff.

interests, economic and otherwise, compromised by soil erosion, habitat destruction, and stymied forest regeneration.<sup>25</sup> It may be the responsibility of scientists to make the implications of their research for public policy clear and widely known, but it is surely not the place of scientists or deans to judge the public incapable of rational judgment, economic or otherwise, in the face of limited but possibly significant findings about forest regeneration and fire risk.

Was Dean Salwasser wrong to testify in favor of HR 4200, or wrong to do so in the way he did? I would grant that as a scientist with relevant expertise he had a right to offer testimony, and I would insist that as a dean whose college stood to gain from expanded post-fire logging, he should have disclosed the financial conflict of interest that might color his perception of the legislation's merits. In the interest of protecting institutional neutrality and promoting a fair appraisal of his credibility, he should also have prefaced his testimony with the observation that he was speaking as an individual scientist and not as the dean or spokesperson of his college. Framing his testimony in these ways would have shown respect for the public's right to judge the credibility of his testimony on an informed basis.

The protection of institutional neutrality and academic freedom would require more than this, however. It would require concerted steps to rebalance the governance of the College and promote an ethos of common purpose and collegiality, focused not on the present wishes of industry, presumably, but on the enduring value of truth – of a sound understanding of forest ecosystems, in a world both fragile and essential to human well-being. The OSU College of Forestry celebrated its 100 year anniversary in 2007, and the goals proclaimed at its anniversary website suggest some progress toward a unified vision:

[The goals of our students and scholars are] to better understand forest ecosystems, improve reforestation techniques, protect environmental qualities, create new wood-based products and improve virtually every aspect of forest management and conservation.<sup>26</sup>

Beyond even such manifestations of excellent academic leadership, the protection of institutional neutrality, academic freedom, and research in the public interest will ultimately require a reinvigorated public commitment to funding research in a way that does not ensnare researchers and academic leaders in conflicts of interest. Faced with a choice between having no research funding, and doing research that puts private interests first and the public interest second, what can scientists reasonably be expected to do? The expectation that public universities will become ever more entrepreneurial in replacing declining state and federal funding with private funding, while continuing to do public interest research free of conflicts of interest is quite unrealistic.

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<sup>25</sup>Other studies prior to Donato's had already shown that post-fire logging "poses serious environmental risks, such as soil erosion and reduced habitat for wildlife" (Brainard, 2006).

<sup>26</sup><http://oregonstate.edu/admissions/blog/2007/01/02/osu-forestry-turns-100/> (accessed September 23, 2008).