

# Twelve Commandments Of Human Relations For The Diverse Academic Environment Of Colleges And Universities

William Young Davis, University of North Carolina Charlotte  
Caroline Swartz, University of North Carolina Charlotte

## ABSTRACT

*This paper focuses on applying proven industrial relations approaches and sound management practice to address a range of diversity issues in higher education. Issues addressed include the need to set a clear and consistent direction, the importance of effective policy setting and enforcement, the value of positive reinforcement, and the recognition that there are limitations to the university's authority over time away from work. Clear policies, predictable outcomes, and continuous effort at open communication are the foundation for promoting the potential benefits of a diverse university community while guarding against potential disruptions and misunderstandings.*

**Keywords:** Administration, Colleges and universities, Discrimination, Diversity, Diversity management, Higher education, Human resources, Industrial relations

## INTRODUCTION

The pervasive effects of global markets and increasing diversity are as evident in U.S. higher education as business and government. This paper suggests that most diversity issues can be handled by the deliberate, conscious, and consistent application of sound management practices. Twelve guidelines offer effective, non-discriminatory management for college and university administrators in light of the growing diversity on campus. As a group these guidelines provide members of the academic community policies that are transparent, predictable and based on sound management principles applicable in virtually any work environment. These human relations guidelines are comprehensive, although not exhaustive.

## A PROFILE OF ACADEMIC DIVERSITY

Diversity in the academic environments of colleges and universities is an important and increasingly critical fact of life, as the data in Tables 1, 2, and 3 show.

**Table 1: Race/Ethnicity of Students, Fall Enrollment**

	<b>White Non-Hispanic</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian/Pacific Islander</b>	<b>Non-Resident Aliens</b>
<b>2005</b>	66%	13%	11%	7%	3%
<b>1980</b>	81%	9%	4%	2%	3%

Source: US Department of Education, *Digest of Education Statistics: 2006*, Tables 177 and 210.

**Table 2: Other Characteristics of Students, Fall Enrollment**

	<b>Women</b>	<b>Part-Time</b>	<b>Age 25 or Older</b>	<b>Students with Disabilities</b>	<b>Veterans</b>
<b>2005</b>	57%	38%	23%	11% <sup>**</sup>	3% <sup>**</sup>
<b>1980</b>	51%	41%	14%	6% <sup>*</sup>	8% <sup>*</sup>

Source: US Department of Education, *Digest of Education Statistics: 2006*, Tables 177 and 210.

\* US Department of Education, *Digest of Education Statistics: 1995*, Table 204. Data are for 1992–3 academic year.

\*\*US Department of Education, *Digest of Education Statistics: 2006*, Table 210. Data are for 2003–4 academic year.

**Table 3: Race/Ethnicity of Faculty**

	<b>Women</b>	<b>White Non-Hispanic</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian/Pacific Islander</b>	<b>Non-Resident Aliens</b>
<b>2005</b>	41%	78%	5%	3%	7%	NA
<b>1987</b>	27%	89%	3%	2%	5%	4%

Source: Knapp, et. al., 2005 data (2007) and Kirshstein, et. al., 1987 data (1997)

However, college presidents are overwhelmingly white (86%), male (77%) and over age 50 (92%) with less than five years' experience outside higher education (62%) (*Chronicle of Higher Education*, August 25, 2007).

**THE NEED FOR DIVERSITY MANAGEMENT GUIDELINES**

In addition to differences between faculty, staff, and students due to age, sex, race, religion, etc., profound differences exist in personalities within and across groups. Certain members of the academic organization attack their jobs with gusto, while others "just try to get by." How can one set of guidelines apply fairly to very diverse groups of people?

The challenge to academic administrators, from department chairs to the president, or chancellor<sup>1</sup>, of an academic institution, is to respect diversity and avoid discrimination based on unacceptable legal or humanistic differences, while at the same time treating faculty and staff fairly in all decisions. Pitted against this challenge are academic administrators who have never, or only in rare cases, received any guidance in accomplishing this daunting task.

The personalities, styles, and goals of academic administrators vary widely. Some view attaining an administrative position as their last career move. Others are pressed into service, and look forward to their return on a strictly academic role. Whatever their differences, being a successful administrator is extremely difficult. There are basic attitudes, operational frameworks, and actions that separate good to outstanding administrators from mediocre to ineffective administrators.

Compounding the situation is the uniqueness of the academic environment. Faculty members are, to a large extent, independent producers. They are also not easily substitutable, operate with a minimum of supervision, and are subject to a very limited range of disciplinary sanctions. Faculty decisions with regard to curriculum and teaching outcomes are unilateral, protected by academic freedom, and rarely reviewed.

Diversity increases the range of issues and the number of positions relevant to the university community, expanding exponentially the possible issues that administrators and faculty must address. Thus, over time, what was once a demanding job has become increasingly challenging and perhaps even more risky. Without a solid foundation in industrial relations and labor management, any administrator will make mistakes that can be costly to

<sup>1</sup> The term university president will be employed synonymously with university chancellor.

the institution. In the extreme case, the error can end a career precipitously, as the former president of Harvard University, Lawrence H. Summers, learned when he voiced his observations on possible reasons fewer women succeed in science and math in January, 2005.

In general, the approach to coping with diversity issues is through deliberate, conscious, and consistent application of carefully thought-out policies and practices. This paper offers twelve guidelines for effective, non-discriminatory management for college and university administrators in light of the growing diversity on campus. As a group these guidelines provide members of the academic community policies that are transparent and predictable, based on sound management principles applicable in virtually any work environment. These human relations guidelines are comprehensive, although not exhaustive.

## **THE GUIDELINES**

### ***Commandment I: The President of an Educational Institution Should Clearly Enunciate***

- *WHAT Are the Missions of the Academic Institution,*
- *WHY Are These Missions Important to the Institution and Its Constituencies,*
- *WHEN Will the Missions Be Achieved and How Will Success Be Measured, and Most Importantly of all,*
- *HOW Will the Missions Be Accomplished and with What Resources?*

Example: The President of an educational institution writes an open letter to the university community encouraging more progress in diversity. No further action is taken. What result should he or she expect?

In any organization, tone is set at the top. The most important function of a president in an academic environment is to clearly state *what* are the important missions of the institution. If a strategic goal of a college or university is increased diversity, the president of the institution must make this clear, periodically reiterating the goal. The mission statement of the institution should likewise enunciate in straight-forward language that diversity is an important objective.

The president should address *why* increased diversity is important. Being politically correct is not a sufficient reason. Rather, the president should elucidate the advantages. These could include a host of reasons, not limited to those below.

- A diverse university attracts more student, faculty and administrator applicants, increasing the quality and reputation of the institution.
- The university itself will reflect the "real world" exposing students to widely differing cultures and attitudes.
- A diverse faculty provides stronger role models for the diverse student population.
- An inclusive environment teaches students to value others' views and to be flexible, creative, and cooperative in finding and implementing solutions.
- Promoting diversity is a social justice goal that promotes inclusiveness for all groups.

The President should provide dated benchmarks to gauge *when* goals should be achieved. Only by tracking progress year-to-year can the effectiveness of efforts be evaluated. The President must closely monitor effectiveness, complimenting success when it occurs, and urging greater efforts when success is not being realized. Without clearly-defined measures of accomplishment, success or failure cannot be ascertained (Jayne and Dipboye, 2004).

Perhaps most importantly of all, *how* will increased diversity be achieved? Words alone will not guarantee success. Resources must be allocated to achieving greater diversity (Von Bergen, et. al., 2002). All faculty and all administrators should be required to attend professional seminars on campus that explain both the advantages of diversity and the means to achieving greater diversity. The importance of these seminars should not be underestimated. They bestow ownership of the mission on the faculty and administrators. (Cornelius, et. al., 2000) They also provide specific measures to accomplish the stated mission.

**Commandment II:** *The Letter and Spirit of All Anti-discrimination Laws and Policies as Well as Policies Against Sexual Harassment Must be Scrupulously Enforced On a Day-to-Day Basis.*

Examples: A professor's computer screen is facing away from the door, but it is reflected in his office window, visible from the hallway. The professor has a Playboy centerfold picture as the desktop art. Is this sexual harassment?

A male administrator complements a female faculty member on her appearance: "Your clothes are a knockout!" Does this comment constitute sexual harassment?

Study after study reveals that the majority of women will be sexually harassed at some point or several points during their lives, often in the work environment, but also in educational environments. The *AAUP Faculty Gender Equity Indicators 2006* (West and Curtis, 2006) reported that 62% of women college students and 61% of male college students have been sexually harassed, with 80% of the incidents being peer-to-peer. While 20% of the reported sexual harassment occurs in classrooms, only 7% of students report being harassed by a professor.

Any questions regarding the personal aspects of a female by males constitutes sexual harassment, although it is not uncommon for males to fail to recognize that their statements and actions constitute sexual harassment. It is not intent that defines sexual harassment. Questions that can be viewed as intrusive or embarrassing by females cross the line.

Students who admit to having committed sexual harassment often dismiss their actions as inconsequential. The AAUP report (West and Curtis, 2006) stated that 59% of students who committed sexual harassment "thought it was funny," while 32% reported "I thought the person liked it," and 30% answered "It's just part of school life / a lot of people do it/ it's no big deal."

From the University's point of view, sexual harassment is consequential. Courts have awarded damages in cases where teachers have harassed their students (*Franklin v. Gwinnett County Public Schools* (1992)). Beyond that, schools were found liable if administrators are aware of peer-to-peer sexual harassment, yet take no actions to stop the offending behavior (*Davis v. Monroe County Board of Education* (1999) and *Murrell v. School District No. 1* (1999)).

According to the Civil Rights Act of 1964, as amended, businesses are prohibited from discrimination based on age (starting at age 40), sex, race, color, creed, national origin, disability, and pregnancy (for women in companies with over 100 employees). In addition to federal law, many academic institutions have policies prohibiting discrimination based on sexual preference. Sexual harassment in educational institutions is prohibited by Title IX of the Education Amendments of 1972 for schools receiving federal funds and more generally by Titles VI and VII of the Civil Rights Act of 1964, as amended.

What do these laws and policies require in the everyday operation and management of an academic institution? In simple terms, they require a blind eye to the differences between individuals noted above. Except for "affirmative action programs," no preferential treatment, positive or particularly negative, of any nature, should be based on any of characteristics above.

The US Department of Education, Office for Civil Rights recognizes two types of sexual harassment in educational environments. The first is *quid pro quo* harassment which occurs when a "school employee conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature." (US Department of Education, 1997). The second type is hostile environment harassment which occurs when harassing conduct limits the student's ability to benefit from an educational program or activity. (US Department of Education, 1997).

As in the case of diversity seminars discussed above, the prevention of discrimination and sexual harassment requires an educational effort in the form of required seminars for all faculty, administrators, and staff. It is incumbent that university presidents require faculty and staff to attend seminars, similar to those in the case of increasing diversity mentioned above, to ensure that all members of the academic community understand what does, and what does not, constitute illegal discrimination and sexual harassment. These seminars should be offered on different occasions to ensure that everyone attends. The ownership of preventing illegal discrimination should be bestowed on all faculty, administrators, and staff.

Sexual harassment policies and reporting procedures should be incorporated in the university's code of student conduct and addressed during student orientation and periodically thereafter. Policies that cover both intentional and unintentional sexual harassment must be in place; everyone must know what they mean, and the policies must be actively and strictly enforced.

**Commandment III:** *To Avoid Even the Remote Appearance of Unacceptable Discrimination, The Methods of Rationing Limited Resources Should Be Transparent, and the Resulting Decisions Should Be Predictable.*

Examples: The department chair uses a list of faculty in rank and seniority order to distribute benefits (desirable office space, summer school teaching, travel funds, etc.), beginning at the top of the list for each benefit decision. Is this allocation process appropriate?

The college dean allocates resources per faculty member in *inverse* relation to the measured success (publications, grant awards, teaching evaluations, service, etc.) of each department. Will this allocation improve the quality of the college?

The President accepts a student government recommendation to remove the faculty/staff – student parking categories and open parking to all university members regardless of status. Is this the best allocation of campus parking space?

In each of these examples, there are only a limited number of mechanisms available to ration limited resources. The major mechanisms can be divided into three general groups:

1. Subjective:
  - Needs of the institution and its constituencies
  - Favoritism
2. Market Based:
  - Price
3. Rules Based:
  - First come, first serve
  - Luck: pick a number
  - Productivity
  - Strict seniority
  - Rotation/Seniority

Before analyzing the eight choices above, it should be noted that there is no "right system." Some are preferable to others, but other than rationing based on the needs of the institution and its constituencies, a choice between the other seven systems is a value judgment.<sup>2</sup> There is not a single, correct mechanism by which limited resources *should be rationed*. Nor is one system equally applicable in all situations. What are the pros and cons of each system?

---

<sup>2</sup> See Davis & Waggy (2006) for the distinction between science and value judgments in economics.

The first "subjective" rationing system is based on the needs of the institution, and should be at the top of the list at all levels of administration. Realistically, most administrative decisions are judgment calls based on the needs of the institution and its constituencies. However, for some decisions even at the highest level, and for many decisions at lower levels, there is not always a clear-cut "need" that dictates the "right" rationing mechanism.

The second subjective rationing system, favoritism, is wrought with problems of discrimination, and should never be employed. For an administrator to play "favorites" is to demoralize the non-favorites, invite cries of discrimination, and generate a host of costly outcomes from high labor turnover to defending legal actions.

The market-based price system is not generally employed at institutions of higher education because it favors higher income groups, be they students, faculty, or staff, over lower income groups. Some rationing is done by publicly operated schools to the extent that tuition and fees for residents of the state are lower than for out-of-state students. In addition, graduate and professional students are typically charged higher tuition than undergraduates. The concept of variable tuition exists at a few technical schools and at a small number of universities. Students majoring in the natural sciences and engineering pay higher tuition than students majoring in the liberal arts. The justification is cost. Why should French majors subsidize engineering majors? But as just indicated, the appropriateness of this rationing system is a judgment call.

The remaining group of five rule-based systems each have pros and cons, and to slightly varying degrees are objective. Objectivity is critical to meet the important twin criteria of transparency and predictability.

What about first come, first serve? Is the faculty member who first requests a particular office or schedule entitled to it? When and where does the line form? In a world of imperfect information, the vagaries of this rationing system generally rule against it.

Luck, seems reasonable on the surface, but is unlikely to be supported by any group. Should a new faculty member, on board for one month, and the most senior faculty member have an equal "luck of the draw" for a recently vacated corner office, or an equal chance for a preferred teaching schedule?

Rationing by productivity is troublesome for two reasons. First, virtually everyone believes at some level, they are the most productive. "Maybe I did not publish this year, but what about last year?" "My teaching evaluations may be low, but that's because I set high standards." And on it goes! Second, if the faculty member with the strongest publication record receives a more generous travel allowance than other faculty with a weaker publication record, how are the faculty members seeking to improve their research records to compete? And if the faculty members with the stronger research record are white males, and other faculty members with lesser research records are females or members of a minority group, is preferable treatment based on productivity *de facto* discrimination?

Strict seniority was employed in promotion decisions by the Chinese civil service over a thousand years ago, by the Prussian bureaucracy over two centuries ago, by the British civil service for over a hundred and fifty years, and by the U.S. military since the days of Andrew Jackson (Sloan and Witney, 2006). Some would argue that it is the "fairest" method, because more senior faculty should receive preferable treatment over junior faculty. With widespread salary compression and even salary inversion, e.g. junior faculty earning nearly as much as senior faculty, or earning even higher salaries than senior faculty, senior faculty should have at least one rationing mechanism to their advantage. Furthermore this form of rationing is absolutely objective. Nonetheless, it is a value judgment as to its level of fairness.

Rotation/Seniority attempts to level the playing field. Initially, new faculty, and staff are placed at the bottom of rotation/seniority list. In the next round, they move up the rotation/seniority list, and continue up the list until they reach the top, as does everyone through time. It can be argued that this hybrid system is fair, since everyone takes their turn. But is it really fair? Junior faculty *gain* and senior faculty *lose* with a rotation/seniority system vis-à-vis strict seniority.

Where does this discussion leave the administrator? Transparency and predictability are, in general, probably more important than the specific rationing system chosen. At least everyone in the organization understands how and why decisions are made. A lack of consistency and predictability will spawn the belief that the operable rationing system is favoritism. Finally, no rationing system is chiseled in stone, and should be reviewed periodically (Davis, 2005).

**Commandment IV:** *Administrators Should Assume A "Veil of Ignorance" When Establishing Administrative Policies, and Consider Faculty Input Seriously*

Example: The Vice-President for Academic Affairs Office and/or The Dean's Office is preparing a new policy statement on increased publication requirements for promotions and tenure. What role should faculty play?

Decisions within academia are often evaluated as to their fairness as well as their efficiency in reaching stated objectives. Any change in policy implies a change in the distribution of privilege, resources, or rewards. Diversity in the university community sharpens the focus on the perceived fairness of policies and on who the winners and losers are for any given policy change.

John Rawls in his *A Theory of Justice* (1971) argues that when choosing from behind a "veil of ignorance," policy makers will prefer a policy change in which any change is to the advantage of the least advantaged member of the group. The underlying assumption is that individuals are risk adverse, and possess the fear of finding themselves in the lowest position. As a result, policy makers assuming a "veil of ignorance" will tend to fashion policies that they themselves would be comfortable with at some unknown possible future date.

Academic institutions are perhaps the perfect setting for Rawls's contention.<sup>3</sup> All administrative appointments are tenuous. At any given moment, administrators may find themselves subject to policies that they established. This possibility should give all administrators pause, particularly department chairs who, according to one estimate, make as much as 80% of the administrative decisions within a university (Knight and Holen, 1985). Administrators should always ask themselves the question: "if I were a member of Group A, how would I react to a given administrative policy that I am setting forth as an administrator?" and repeat this exercise from the point of view of each group within the university who might be affected by the policy. This question should be in the front of all administrators' minds, as they fashion all policies, not just policies that could eventually be applied to themselves.

Administrators who are collaborative and consultative in their work will reduce negative outcomes (resentment, feelings of exclusion, etc.) while generating positive benefits of increased commitment and involvement in achieving the common goals. (Kirby and Richard, 2000). Collaboration with faculty should be of paramount importance. The input should not be limited to administrative councils or groups such as the administrative council of chairs in a college. The majority of faculty are non-administrative so their views are important for assessing the downside situation of the "veil of ignorance."

**Commandment V:** *All Policies Must be Reasonable, Must be Effectively Communicated to Each Member of the Faculty, Staff, and When Appropriate Students; and Must be Applied Uniformly Unless There Are Clearly Extenuating Circumstances*

Examples: A *de facto* set of policies regarding tenure and promotion decisions has evolved over time. After several years, the *de facto* policies contradict the written policies. Will the university win a law suit brought by a faculty member who meets the written tenure criteria but who was denied tenure on the basis of the *de facto* policies?

---

<sup>3</sup> See Davis, Amato, and Amato (2003) for an experiment testing Rawls's contention in an undergraduate industrial relations class. The results generally supported Rawls's theory.

The chair routinely overlooks small infractions such as a staff member's consistently taking long lunches and a faculty member who is usually unavailable during office hours. When a junior faculty member misses office hours for the first time due to a health emergency, the chair warns the junior faculty about his absence. What happens to department morale?

There should not be two sets of books: one official set, and one operational set. Personnel policies regarding misbehaviors fall into two categories: (1) those spelled out in writing and clearly available to all affected parties, and (2) those that are not spelled out, but represent "obviously improper behavior." Both types should be approached in the same manner by administrators.

Enforcement and non-enforcement of personnel policies establish a situation in industrial relations called "past or actual practice." If policies are enforced uniformly, there is no problem. Policies and past practice are consistent. If policies are not enforced, or not enforced uniformly, "past or actual practice" becomes policy, as opposed to the stated official policy.

In any organization, including academic institutions, the extent to which stated policies are enforced or not enforced, or obviously improper behaviors are addressed or not addressed, becomes common knowledge. There is a natural tendency for humans and many animals in the animal kingdom, to compare their behavior with their peers and to draw conclusions from the comparisons. The classic work illustrating this human tendency is by Thorstein Veblen in his *The Theory of the Leisure Class* (Veblen, 1899). A more recent examination of peer group behavior and interaction is provided by Eban S. Goodstein in his *Economics and the Environment* (Goodstein, 2008). When someone observes that improper behavior is ignored, they assume that either the behavior is *not* improper, or if it is improper, it is taken lightly and there is no penalty. "Actual practice" trumps stated policy or official policy!

Arbitrators will generally rule against management if it fails to apply its policies uniformly. In an environment of diversity, the tendency is to interpret inconsistent personnel policies as some form of discrimination.

There is at least one important possible exception: clear and important extenuating circumstances, *particularly those beyond the control of the individual*. For example, exceptions to stated policies may be granted for temporary health problems or death of a family member.

As in many management matters, effective leadership depends on timely communication without violating any confidential information about the parties. For minor issues, a couple of sentences by the chair during the announcements portion of a faculty meeting suffices. Examples include "The department is 20% over our supplies budget. I'd like to remind you that ...," or "A number of you have expressed concern about ISSUE X. In response, I have done ACTION Y."

***Commandment VI: Policy Enforcement Should be Orientated Toward The Future Success of Faculty and Staff, Not Toward Gotcha and Revenge***

Examples: A staff member is perpetually late for work. A faculty member frequently cuts classes. A faculty member refuses to attend graduation ceremonies or fails to be available during office hours. What is the appropriate action?

The answer is not gotcha and revenge. An administrator's best course of action is to attend to policy violations as quickly as possible. If neglected, the issue can go underground and create a political and divisive working environment. When the issue is serious, the appropriate solution is "progressive discipline," (Holley, et. al., 2004) *emphasizing change and improvement*. Disciplinary actions that do not follow these steps are likely to be overruled by a review board, arbitrator, or judge; and equally important, such actions are likely to be perceived as arbitrary and unfair.



*Progressive Discipline:*

1. *Oral warnings:* Delivering oral warnings face-to-face is for many administrators one of their most difficult tasks, and for good reason. Everyone engages in "cognitive dissidence" (Tavris and Aronson, 2007), justifying being late or whatever. "It was the traffic, or the children, or construction. It was beyond my control."

The conversation must be conducted in private, never in the hallway or in front of peers or students, and without emotion. No conversation should take place if the administrator is upset, or even worse, visibly angry. The administrator must provide specific instances of the misbehavior, including dates and times. They must not minimize the importance of the infraction. The administrator should emphasize corrective action. Is there something that the administrator can do to help correct the situation? Finally, the administrator must take notes of the conversation, and record the time and date of the conversation.

Two, and only two, oral warnings should be given. Excessive oral warnings undermine any corrective response on the part of the employee, and must be avoided. More than two oral warnings in a relatively brief period of time communicate to the employee that the problem is not serious.

2. *Written warning:* If several oral warnings do not produce the desired change in behavior, a single written warning indicating that the problem is serious is called for. The written warning should emphasize change and improvement, but at the same time indicate that the misbehavior must change or there will be serious consequences. A copy of the dated, written warning goes to the employee as well as his personnel file.
3. *Zero merit pay raise:* If the misbehavior continues, the third step is a written statement indicating a zero merit pay raise for the year or appropriate time period. *There can be no equivocation on the zero pay raise.*<sup>4</sup> In the private sector, a suspension would be order. However, a suspension would be unworkable for faculty members, and difficult to impose on a staff member. If suspensions are possible for staff, they should be brief: a 1 or 2-day suspension without pay. The suspension must be in writing with misbehavior spelled out.
4. *Termination:* If the situation does not improve after one of these actions, termination should be considered. However, termination is the "capital punishment" of any work environment. It is obviously the last resort. Handled properly, a termination raises general morale by demonstrating the integrity and meaning of employment and performance policies. If terminations are handled badly, morale deteriorates, faculty and staff turnover increases, and more resources are used unnecessarily to handle administrative matters.

"Progressive discipline" allows the employee at least three or four opportunities to correct his behavior. (Holley, et. al., 2004) A consistent process that is applied consistently will be seen to be fair and unbiased by all members of the university. Further, virtually no review board, arbitrator or judge will rule for an individual if this procedure, or a similar procedure, is followed consistently with all employees.

There are important exceptions to progressive discipline. Anyone in the institution found guilty of dishonesty, stealing, and other major misdeeds is not typically subject to progressive discipline. Even tenured faculty confront termination for egregious infractions or misbehavior. In these egregious cases, the act is considered to be too serious for continued employment, and if guilt is established, termination should occur.

***Commandment VII: Faculty, Staff and Students Are Considered Innocent Against Any Allegations; the "Burden of Proof of Guilt" Is on the Administration for Faculty Transgressions, and on the Faculty for Student Transgression.***

Example: A work-study student for the economics department in economics class X asks a fellow work-study student in the economics department, not in class X, to steal a test for them. The second student says no,

---

<sup>4</sup> See Commandment VIII below.

reports the request to the department chair, but states clearly that they will not testify against the student who made the illicit request. What action should the chair take?

Intent is rarely satisfactory as proof of anything because it is almost impossible to prove. Secondly, an administrator's suspicions or "gut feeling" of dishonesty do not constitute proof. Obtaining convincing proof can be an extremely difficult job for any administrator when everyone is considered innocent until proven guilty. To further complicate matters, most people in any organization, as in the above example, may refuse to testify against a member of the peer group. Even if testimony is offered, it may be a question of one person's word against another person's word.

If there is inadequate or insufficient evidence of an infraction, no direct action should be taken. However, an appropriate response can be taken to the example above. *Without alluding to the incident above directly or indirectly*, all work study students should be called together and warned that dishonesty will be addressed with harsh action. While an administrator may find this "solution" second best, not every problem has a perfect solution.

The growing diversity in academia means that a range of actions may be considered appropriate to a given situation although the institution considers a much narrower range of behavior acceptable. Students in particular may find the institution's expectations puzzling. For example, Codes of Conduct prohibit submitting the same work for credit in two different courses. The student might reasonably believe that since the work is original and relevant to the requirements of each course, the double submission is appropriate.

***Commandment VIII:*** *Whenever an Administrator, Faculty Member, or Staff Member Is Clearly Determined to Have Violated Stated Policies or Engaged in Unacceptable Behavior, No Merit Pay Raise Should be Awarded During That Pay Period*

Example: A young and overzealous faculty member establishes standards in his classes that most students cannot accomplish. The faculty member berates "underachieving" students. The faculty member turns out the lights and tells the students they are too dumb to learn. Women in the class are berated because they cannot serve in combat with men.<sup>5</sup> Grades at the end of the semester are extremely low, with over half the class failing or receiving a grade of D. Many students have complained to the Chair and the Dean. Should this faculty member receive a merit raise?<sup>6</sup>

In virtually any grievance procedure, the awarding of an employee a pay raise signals to the employee that he has performed his responsibilities in a meritorious fashion, or at least, in an acceptable fashion. Arbitrators generally take note if an employee being punished received a pay raise during the time period under question. If so, arbitrators will often side with the employee because they have been rewarded, and not penalized for their misbehavior.

Therefore, the appropriate merit pay raise for uncorrected misconduct is zero. A likely response from the individual could be that he performed 90 percent of his job in an exceptional manner. Unacceptable behavior is unacceptable. If a student only plagiarizes half a term paper, should they receive a passing grade for the half that was not plagiarized?

***Commandment IX:*** *A "Functioning Grievance Procedure" Should be Available for All Administrators, Faculty, Staff, and Student.*

Examples: A university employee is dismissed for submitting a fraudulent expense claim. The fraud is a nominal amount, under \$100. The employee claims he was dismissed for having inadvertently seen inappropriate sexual activity in the Dean's office. What recourse does the employee have?

---

<sup>5</sup> The war in Iraq has blurred the distinction between the roles of men versus women participating in combat.

<sup>6</sup> This discussion is limited to merit pay raises. As a general rule, across-the-board pay raises are usually legislated at public institutions and cannot be withheld.

In the private unionized sector of the economy, grievance procedures are required. The overwhelming majority of disputes are settled by negotiation; less than ten percent reach the final step of arbitration (Sloan and Whitney, 2006). In academic environments, grievance procedures abound, but without the final step of arbitration. Generally, the last step is a decision by the institution's president.

While this modified form of a grievance procedure might seem reasonable, it lacks a truly "disinterested and neutral party" to make the final decision. Herein is the problem. Many administrators are afflicted by the tendency to "stonewall:" to reinforce other administrators' decisions, be they right, or be they wrong. When stonewalling occurs, the grievance procedure is emasculated. How can this undermining of the grievance procedure be guarded against? As stated in Commandment I, the tone of the organization is set at the top. Only the president of the academic institution can ensure that a grievance procedure is one in fact, as well as one in name. The president of the institution bears the responsibility for an effective grievance procedure.

***Commandment X: All Policies, Except Under Unusual Circumstances, Should be Consistent with the Self-Interest of Faculty and Staff***

Example: A Department Chair asks for volunteers to serve as advisors for the Department's majors. Because service is not considered in promotion and tenure decisions or in pay raises, there is no reward, not even in terms of pay raises. What should the chair do if no one volunteers?

As part of employment benefits, staff are allowed to take one course tuition-free each semester. The chair tells the administrator that courses cannot be taken during normal working hours even if the administrator works through lunch to make up the time. How long will it take the staff member to find a more accommodating supervisor?

Every organization has certain tasks that are considered a normal part of the job, whether it is attending graduation ceremonies, filing expense reports, or completing progress report. While not specifically spelled out as each person's job requirements, the employer nonetheless expects each employee to perform a fair share of these tasks. In academia they can include advising students, supervising undergraduate honors theses, teaching independent study courses, completing student evaluations, and the like.

The problem here is a classic one of public goods and the "free rider" problem. When there is no incentive or payback for producing a public good such as departmental, college, and university service, individual altruism may not be sufficient for enough volunteers to step forward. What are the options?

Someone must accept ownership of the problem and this requires eliminating the public good nature of the activity. There must be a reward for essential tasks and duties. Without a direct reward, those who serve feel used, while those not serving feel relieved. Worse still, in a diverse community, those serving may associate their completing the task with a form of discrimination or favoritism for the group who does not serve. With a direct reward, each faculty member can decide individually to serve or not to serve. And since everyone has the same opportunity, the "free rider" problem is solved.

A weakness of this "solution" occurs when the incentive is under priced or overpriced. If the payoff is too high, there may be an excessive supply for providing the particular service. If the payoff is too low, there may be an inadequate supply for providing the service. Either the price must be adjusted, or one of the rationing schemes in Commandment III must be brought to bear.

***Commandment XI: Administrators Should Recognize and Enthusiastically Support the Achievements of Faculty as Well as the Achievements of Other Administrators***

Examples: A faculty member responds to their mediocre teaching evaluations with extra effort, and the teaching evaluations improve dramatically. What should the chair respond?

A faculty member gains acceptance of a paper in a referred journal. Does this accomplishment merit recognition?

A department chair leads the effort to revise and greatly improve the curriculum of the major. Should the dean congratulate the chair?

The obvious answer to each of the above questions is yes. Yet organizations, including those in academe, rarely provide accolades. Annual reviews are clinical and straight forward. It is easy for an administrator to rationalize that the faculty member or other administrator is just "doing their job," and that they do not need additional encouragement. A pat on the back or a comment that you did a great job costs nothing, but can generate enormous benefits. Basic cost/benefit analysis would suggest the following question: when benefits can be gained without any cost or almost no cost, should the action be undertaken?

***Commandment XII: The Time and Activities of Faculty and Staff When Not Representing the Academic Institution Should Be, in General, Beyond the Control or Concern of the Institution***

Examples: A professor is arrested at a beach resort for possession of a small amount of marijuana, found guilty, and given probation. No class time is missed.

A group of students declare their area of a local apartment complex a "clothing optional" zone.

Claiming to speak on behalf of the university, a professor speaks out on a controversial local issue, taking a position contrary to the interests of some of the university's major donors. The professor's claim of representing the university's views have not been approved in advance. What, if any action, should the university president take?

Universities serve diverse constituencies by identifying positions, areas of emphasis, and programs that appeal to certain groups without offending others. Whatever the university's mission, the administration is responsible for deciding on its public positions and for carefully and consistently developing and reinforcing its image.

On the other hand, university administrators, faculty, staff, and students always and everywhere are entitled to their first amendment rights, including free speech. One's place of employment or study is not secret. Potential problems arise for the university because of the temptation for individuals to borrow the authority and good name of the university. Claiming university affiliation lends weight to an argument or position quite apart from the merits of the argument or position itself. The gain in credibility is even greater if one claims to speak on behalf of the institution.

Behaviors of administrators, faculty, and staff that do not directly affect the institution's reputation, such as the first two examples above, should be in a hands-off category of the institution<sup>7</sup>. The last example above is more complex. Managing through the cacophony of voices associated with, and sometimes claiming to speak for the university, requires developing a set of guidelines, communicating them, and enforcing them fairly and consistently.

## **CONCLUSION**

In a diverse academic community, administrators are required to ensure non-discriminatory treatment of all groups. This paper argues that sound industrial relations and management practices can effectively promote a sense of fairness in the workplace. In some cases, additional training is required on issues such as working in a diverse environment, preventing discrimination, and reducing sexual harassment.

---

<sup>7</sup> See Hilgert (1999), Case Number 43 for a case study from the private sector.

Creating a well-functioning diverse community begins with the university president's declaration of the university's mission, priorities, and the corresponding resource allocation. This setting serves as a beacon for transparent, predictable and non-discriminatory policy setting and enforcement, guiding the day-to-day decisions of administrators. This paper lists several guidelines for formulating policies that are consistent with the university's diversity and other objectives *and* in the best interests of the faculty, staff, and students subject to the policies. Several guidelines for enforcement of policies are offered, including one regarding positive feedback for achievements. The final guideline delimits the actions of university members on behalf of the university from actions in their private lives.

## REFERENCES

1. Almanac Issue 2007 – 2008 (2007 August 31). *Chronicle of Higher Education*, LIV (1).
2. Cornelius, Nelarine; Gooch, Larranine; and Todd, Shaun (2000 Spring). Managers Leading Diversity for Business Excellence. *Journal of General Management*, 25 (3) 67 – 78.
3. Davis, William Young (2005 June). Return The "Sunk Costs Are Sunk" Concept to Principles of Economics Textbooks. *Journal of Business & Economic Research*, 3 (6), 79-82.
4. Davis, William Young, Amato, Louis H., and Amato, Christie H. (2003). Mock Labor Relations and a Group Rawlsian Experiment. *Journal of Economics and Economic Education Research*, 10 (1), 35 – 47.
5. Davis, William Young and Waggy, Michael (2006 September). How Prepared Are You for the First Day of Class – or 'Blink,' Does it Matter? *Journal of College Teaching*, 3 (9), 13 – 18.
6. Goodstein, Eban S. (2008). *Economics and the Environment*, Chapter 9). Englewood Cliffs, NJ, Prentice Hall.
7. Grose, Ben (2007 September 28). The Professoriate Is Increasingly Diverse, but That Didn't Happen by Accident. *Chronicle of Higher Education*, 54 (5), B1-B4.
8. Hilgert, Raymond L. (1999). *Cases in Collective Bargaining and Industrial Relations: A Decisional Approach*.
9. Holley, William H. Jr., Jennings, Kenneth M., and Wolters, Roger S. (2004). *The Labor Relations Process* (8<sup>th</sup> edition). Fort Worth, TX: South-Western College Publishers.
10. Jayne, Michele E. A. and Dipboye, Robert L. (2004 Winter). *Human Resource Management*, 43 (4), 409 – 424.
11. Kirshstein, Rita J.; Matheson, Nancy; Jing, Zhongren, and Zimbler, Linda J. (1997 July). *Instructional Faculty and Staff in Higher Education Institutions: Fall 1987 and Fall 1992*. Office of Educational Research and Improvement, US Department of Education.
12. Knapp, Laura G.; Kelly-Reid, Janice E.; Whitmore, Roy W., and Miller, Ellse (2007 March). *Employees in Postsecondary Institutions, Fall 2005 and Salaries of Full-Time Instructional Faculty, 2005 – 06*. National Center for Education Statistics, Institute of Education Sciences, US Department of Education.
13. Knight, W. Hal and Hoken, Michael C. (1985 November/December). Leadership and Perceived Effectiveness of Department Chairpersons. *Journal of Higher Education*, 56 (6), 677 – 690.
14. Office of Civil Rights (1997). *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties*. US Department of Education.
15. Rawls, John (1971). *A Theory of Justice*. Cambridge: Belknap Press of Harvard University Press.
16. Sloan, Arthur A. and Witney, Fred (2006). *Labor Relations* (11th edition). Upper Saddle River, NJ, Pearson Prentice-Hall.
17. Tavis, Carol, Aronson, Elliot (2007). *Mistakes Were Made (but not by me)*. New York: Harcourt, Inc.
18. US Department of Education (2006). *Digest of Education Statistics: 2006*.
19. Veblen, Thorstein (1899, Reprinted 1934). *The Theory of the Leisure Class*. New York: The Modern Library.
20. Von Bergen, C.W.; Soper, Barlow; and Foster, Teresa (2002 Summer). Improving Quality Through Diversity – More Critical Now Than Ever Before. *Leadership and Management in Engineering*, 2 (4), 49 – 53.
21. West, Martha S. and Curtis, John W. (2006). *AAUP Faculty Gender Equity Indicators 2006*. American Association of University Professors.

NOTES