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Ethical Leadership in Higher Education Admission: Equality vs. Equity

This paper was presented, in part, at the University Council for Educational Administration (UCEA) Convention 2004 in Kansas City, Missouri, on November 14, 2004.

There is no shortage of places in higher education—most noncompetitive colleges could admit more students, but institutions often struggle to get the class that they want. Professionals consider the admission process successful when they are able to configure a class that meets the institution's many missions and notions, rather than just attracting a general group of students who want to learn. Therefore, admission actions and policies to some extent, create a mismatch in supply and demand leading to an artificial shortage.[1]

This shortage leads to admission decisions becoming ethical paradoxes of equity and equality, as admission officers are ethically bound to strive for both. The following case illustrates an ethical dilemma in admission and serves as a springboard for discussion.

A Merit-Based Scholarship

By Mary Beth Kurilko

The applications in question were from two top-achieving students competing for a unique scholarship offered to a single high school senior from the town. Each one had attended strong schools, taken challenging courses, led clubs, started organizations, and were in the top 10 percent of their graduating classes. Despite their similarities, their family situations, genders, races, and ethnic backgrounds were different. The Hispanic male candidate, Juan, came from a single-parent home; that single parent, a father, was a lawyer. The white female student, Courtney, came from an intact home, with both parents having blue-collar hourly wage jobs and neither having attended college.

Academically, while these students were both strong candidates, there was one key difference: their ACT scores.

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[1] Peter Sacks, "Calls Rules: The Fiction of Egalitarian Higher Education," *The Chronicle of Higher Education* The Chronicle Review (July, 2003).

The Hispanic male student's score was four points—a substantial difference on the composite ACT scale—below that of the white student. Jessica, director of admission, knew that if she followed the college's written guidelines for this scholarship, Courtney, with the higher ACT score would get the award.

The decision was exacerbated by the fact that Jessica's college had been enjoying record enrollment numbers during her tenure. She was a shrewd marketer, and she and her team had been able to attract more and better-qualified students. Unfortunately, with increasingly higher ACT scores from their incoming freshmen, more students of color were denied admission. Jessica's graduate work had been in the area of standardized test differentials, so she was acutely aware of this phenomenon. Admittedly, the decline in Hispanic numbers was slight, but some people were starting to notice. Student groups and faculty were agitated about the declining number of Hispanics admitted, and the president of the college was feeling the heat. The issue was compounded by the fact that the town had been experiencing a Hispanic population boom.

On one hand, Jessica understood their concerns. Enrolling a diverse student body was a compelling issue and important enough to allow colleges to consider race as a plus factor in admission. However, recent University of Michigan U.S. Supreme Court cases (*Gratz*, 2003, *Grutter*, 2003) gave Jessica pause; colleges and universities across the country were reevaluating their admission policies to be sure they were legal. These court decisions addressed the use of race in admission, but much of the discussion surrounding them indicated that minority scholarships and financial aid would be the next targets. In sum, the decisions said that race could be a factor in assuring diversity in admission, but there could not be a quota system to ensure minority representation.

Her college had never used an affirmative action policy in admission and the information distributed to the public indicated that the college did not consider race in admission decisions. The scholarship application, however, did ask for race, but the form clearly indicated it as optional and as having no impact on the scholarship decision. If Jessica started to use that piece of information as part of the scholarship decision process, it would feel unethical and might be illegal. Jessica wondered if she could consider race in this scholarship situation— after all, both students would be admitted to the college.

As she was considering, the college president contacted her and said that he had just received an angry call from a member of the college's board. This Hispanic member was outraged at the possibility that a minority student might be passed over for the scholarship due to lower test score. He pointed out that a minority student had never received this scholarship (in fact, few had ever applied).

The president, tired of all the pressure, told Jessica that she should give Juan the scholarship. As she put down the phone, Jessica knew she had to make the most ethically-challenging decision of her career. Traditionally, the admission director made scholarship decisions. Should she allow outside pressures to determine the recipient?

If she chose the minority student, there would likely be no further serious ramifications unless Courtney protested the decision. However, Jessica was considering resigning over this, because the president was overriding her professional judgment. Additionally, Jessica was uneasy about the legality of what the president is asking her to do; choosing a winner based primarily on race seems to be asking for a legal challenge. Ethically, the decision to go against the published scholarship criteria went against Jessica's personal and professional mores.

Discussion of the Dilemma

Ideally admission decisions should match the goals of individual and societal equity, and equality should drive both policy and specific decisions. However, the ideal seldom applies. Rather, admission professionals find a tension between equity and equality; the individual and larger social benefits; and in an artificially-created market shortage.

Equality is an expectation of even-handed treatment, as discussed by Strike, Haller and Soltis, who write, "In any given circumstances, people who are the same in those respects relevant to how they are treated in those circumstances should receive the same treatment."[2] Defined this way, equality concentrates on the individual and the circumstances surrounding him or her. It does not focus on group differences, based on factors such as race, sex, social class, ethnicity, and disability. It assumes that the individual has been assimilated into the society and should not be "hampered by traditional expectations and stereotypes."[3] On the other hand, equity "deals with difference and takes into consideration the fact that this society has many groups in it who have not always been given equal treatment and/or have not had a level field on which to play. These groups have

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[2] K.A. Strike, E.J. Haller and J.F. Soltis, *The ethics of school administration*, 2nd ed. (New York: Teachers College Press, 1988) 45.
[3] I.M. Young, *Justice and the politics of difference.* (Princeton: Princeton University Press, 1990) 157.

been frequently made to feel inferior to those in the mainstream and some have even been oppressed."[4]

Many policy decisions have negatively impacted participation of the disadvantaged in higher education of the past two decades: the shift from need-based to merit-based financial aid; a shrinking pool of financial aid; and the reduction of state support for public higher education occurring at the legislative level. Additionally institutions' desires are often driven by financial need, raising student qualifications. The consequences, albeit unintended, of programs, such as the Hope Scholarship Program and the shift to merit-based institutional scholarships, have worked against both equality and equity. They neither provide all students the same opportunities nor provide an advantage to a specific group. Instead these polices have tended to reinforce the *status quo* and narrow the range of benefiting students able to benefit.

Case law is also a powerful force that impacts participation in higher education, as it has the potential to balloon from a specific case to changing interpretation and application of equity and equality for all, through the Supreme Court. The arguments arising in *Bakke*[5], and more recently *Gratz v. Bollinger*[6] and *Grutter v. Bollinger*[7], have shaped equality and equity decisions for years. Higher education policy and daily admission decisions have the potential to transcend the specific decision and shape future access.

Context

The case study examines the prospective impact of a single case on larger society. Admission decisions provide a particularly poignant illustration because of the prevailing belief that admission to the best-fitting college or university has life-long repercussions. It is tempting to consider admission decisions from two ends of a long continuum: one representing the everyday decisions made by admission officers and the other representing national policy.

Overview of the Multiple Ethical Paradigms

In an attempt to unite the continuum, ethically examining admission in total, professionals must look at decisions through several lenses: The Multiple Ethical Paradigms. Consisting of four lenses or perspectives: justice, critique, care, and the profession, these paradigms were introduced in the work of Starratt (1994), and Shapiro and Stefkovich (2001, 2005).

The ethic of justice focuses on rights and laws and is part of a liberal democratic tradition, which according to Delgado, "is characterized by incrementalism, faith in the legal system, and hope for progress."[8] This ethic raises questions such as: Is there a law or right that would be appropriate for resolving a particular ethical dilemma?; Why is this law or right the correct one for this particular case?; How would the law or right be implemented?

The ethic of critique has been discussed by a number of writers and activists[9] who were not convinced by the analytic and rational approach of the justice paradigm. This ethic asks educators to deal with the hard questions regarding social class, race, gender, and other areas of difference, such as: Who makes the laws; Who benefits from the law, rule, or policy; Who has the power; and Who are the silenced voices?

The ethic of care, developed by feminist scholars[10], challenges the dominant and (what the creators consider) patriarchal ethic of justice. This ethic asks for consideration of the consequences of decisions and actions. It asks questions such as: Who will benefit from what I decide?; Who will be hurt by my actions?; What are the long-term effects of a decision I make today?; And if I am helped by someone now, what should I do in the future about giving back to this individual or to society in general?

The ethic of the profession, in this case, involves ethics in relation to educational decision making for educational leaders. A number of writers in educational administration[11] believe it is important to provide prospective administrators with ethics training. This lens places the student at the center of the decision-making process and takes into account the ethic of the community[12], as well as the personal and professional codes of educational leaders, and those developed by professional organizations. It raises questions such as: What is in the best interest of the student?; Does a proposed resolution take into account my personal and professional codes and/or the code of a professional organization?; Is the ethic of the community considered in my decision-making process?; Ultimately, what is my best professional judgment for resolving or solving this particular dilemma?

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[4] J.P Shapiro and J.A. Stefkovich, *Ethical leadership and decision making in education: Applying theoretical perspectives to complex dilemmas*, 2nd Ed. (Mahwah: Lawrence Erlbaum Associates, 2001) 76.

[5] Howard Ball, *Landmark law cases and American Society.* (Kansas City: University Press of Kansas, 2000)

[6] Gratz v. Bollinger, 539 U.S. 244, 2003.

[7] Grutter v. Bollinger, 539 U.S. 306, 2003.

[8] R. Delgado, *Critical Race Theory: The cutting edge.* (Philadelphia: Temple University Press, 1995) 1.

[9] (e.g., Apple, 1988, 2000, 2001, 2003; Bakhtin, 1981; Bowles and Gintis, 1988; Foucault, 1983; Freire, 1970; Giroux, 1994, 2000, 2003; Greene, 1988; Purpel and Shapiro, 1995; Shapiro and Purpel, 1998, 2004)

[10] (e.g., Beck, 1994; Belenky, Clinchy, Goldberger, and Tarule, 1986; Gilligan, 1982; Gilligan, Ward, and Taylor, 1988; Ginsberg, Shapiro and Brown, 2004; Goldberger, N., Tarule, J., Clinchy, B. and Belenky, M. , 1996; Grogan, 1996; Marshall, 1995; Noddings, 1984, 1992, 2002, 2003; Sernak, 1998; Shapiro and Smith-Rosenberg, 1989; Shapiro, Ginsberg and Brown, 2003)

[11] (Beck, 1994; Beck and Murphy, 1994a, 1994b; Beck, Murphy, and Associates, 1997; Beckner, 2004; Begley, 1999; Begley and Johansson, 1998, 2003; Cambron-McCabe and Foster, 1994; Duke and Grogan, 1997; Mertz, 1997; O'Keefe, 1997; Shapiro and Stefkovich,1997, 1998; Starratt, 1994a; Stefkovich and Shapiro, 1994; Willower, 1999)

[12] (e.g., Furman, 2003, 2004; Ginsberg, Shapiro and Brown, 2004; Stefkovich and Shapiro, 2003)

Application of the Multiple Ethical Paradigms

All ethical dilemmas are complex and many-layered—Jessica has a difficult decision to make. When considering the ethic of justice, she might note that because the scholarship application states that race will not be considered in the competition, so that would seem to dictate that the student with the higher academic qualifications should win the award. This is the established regulation surrounding the competition and it should be adhered to if we view this dilemma in the ethic of justice framework. However, the justice paradigm has been viewed by some scholars as patriarchal[13], and Jessica might turn to the ethic of care as she considers what to do in this case.

The ethic of care requires an administrator to consider multiple voices and to also to be aware of the effect a decision has on others. Here, Jessica could try to be caring toward everyone involved: the students in the scholarship competition, the board members, the president, and herself. However, one student will inevitably suffer some harm as they are denied the scholarship. Also, the president is not exhibiting much care as he simply caves into pressure from the Hispanic board member. Should one student be given the scholarship in an attempt to redress some past inequality?

This leads Jessica to the ethic of critique, perhaps the most powerful paradigm in this dilemma. Is affirmative action still needed in college admission? Are there no race-neutral alternatives to ensure that all academically-qualified students have an equal opportunity to attend college? After the University of Michigan's undergraduate admission office was required to change its minority point bonus system, the school designed a new essay question that asks students to discuss what unique contributions they might make to the institution. A second essay is also now required that asks students to speak about diversity in their own lives. Time will tell if these new strategies help the university build a diverse undergraduate class.

Continuing with this paradigm, it might be asked if a minority will always bring a "diverse" view to a college campus. What about the Hispanic student in our case? Does a minority student from a college-educated, executive parent speak in the same voice as a Latina teenage mother who has grown up in the inner city? Doesn't a white student who is first in her family to attend college have something unique to contribute to the "diversity" of thought at an institution? There is also the consideration that in order for a student to be comfortable expressing ideas, they should be around others who are like them. There should be a critical mass of students with whom they can identify.

It is with this consideration that Jessica turns to the ethic of the profession. It may be that our society has not sufficiently moved far enough beyond our past legacy of segregation and division. Perhaps her college needs to consider changing its scholarship criteria or even adding another scholarship. The ethic of the profession asks that the students be placed at the center, but in this case, it also demands that Jessica follow her own professional and personal codes of ethics. Her personal ethics also may dictate that she clearly articulate her discomfort with his decision. She may even decide that there is too much of a conflict between her ethical codes and what she is being asked to do. The examination of the dilemma under the four paradigms may dictate that Jessica resigns and find a place that more closely matches her ethical codes.

Conclusion

Equality versus equity is an extremely difficult paradox to grapple with under the best of circumstances, but, with this combined framework and approach, educational leaders should be able to make rational decisions in turbulent times.[14/15] The use of ethical lenses allows the possibility of not only a deeper understanding of the case, but also the potential for more effective extrapolation to other inevitable difficult decisions arising in practice. The analysis of the dilemma, using the ethical lenses, provided an opportunity to transcend the moment and consider the larger implications of the conflict as we come to realize that the solution to the problem exists outside the boundaries of the apparently narrow choices available. The solution becomes more than simply making a choice between two students. Instead, it becomes a reexamination of the obstacles preventing colleges and the country from moving beyond the present constricting barriers towards a more inclusive and expansive vision of higher education admission.

[13] Shapiro and Stefkovich, *Ethical leadership and decision making in education.*

[14] S.J. Gross, *Staying centered: Curriculum leadership in a turbulent era* (Alexandria: The Association of Supervision and Curriculum Development, 1998). Gross and Shapiro, 2004

[15] S.J. Gross and J.P. Shapiro, "Using multiple ethical paradigms and turbulence theory in response to administrative dilemmas," International Studies in Educational Administration, 32(2004): 47-62.

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