

Ethical Issues in Institutions of Higher Learning

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Abstract

This paper identifies a number of problems related to ethical conduct that appear to exist in some institutions of higher learning, and proposes solutions to these problems. It employs four short cases to highlight the observed problems. The paper examines these problems by applying ethics theories of utilitarianism, rights, justice, care, and virtue. Finally, the paper concludes by proposing generic policy guidelines that may be applied by any institution in order to address and/or avoid similar ethical problems in the future.

Keywords: Management, Leadership, Ethics

INTRODUCTION

This paper identifies a number of problems related to ethical conduct that appear to exist in various institutions of higher learning, and proposes solutions to these problems. It employs four short cases to highlight the observed problems, and then proposes guidelines to prevent or minimize such problems in the future. In the interest of confidentiality, a euphemistic university with a fictitious name is used; key individuals and departments are also given fictitious names.

Institutions of higher learning are by definition, institutions that deal with people of different backgrounds, cultures, value systems, and ambitions. Whenever people of such diverse attributes come together, this creates a dynamic and interesting conflagration that results in various issues and behaviors. With experience, and sometimes trial and error, colleges and universities learn to deal with these issues. However, it would be useful if there was a repository (even if only virtual) where such experiences can be placed for the benefit of other institutions. This paper hopes to add to such a repository. It should therefore provide some benefit to other similar institutions in the following ways: Firstly, it will allow individuals in colleges and universities to identify ethical issues that they face, and gain insights as to how such issues may be addressed. Secondly, it will allow administrators in colleges and universities to have a frame of reference for understanding the implications of certain ethical issues, and possible ways to address these issues, and/or avoid them in the future. Finally, the proposed generic policy guidelines that will be provided will be applicable to any college or university with similar issues.

The paper proceeds with 7 additional sections: Section 2 provides a review of the literature as it relates to the topic. This includes a brief discussion of the theories of ethics that will be subsequently employed. Section 3 introduces the euphemistic university, Lehman Polytechnic State University (LPSU) — a place of action where all the cases to be discussed in the paper occur. Section 4 describes a scenario of some questionable practices at LPSU, and how they eventually got changed. Section 5 examines some missteps by the president of LPSU, and the resultant consequences. Section 6 examines some missteps by a vice president of LPSU, and the resultant consequences. Section 7 describes and analyzes a case of a questionable peer evaluation at LPSU. Finally, section 8 makes some general observations from the cases presented, and proposes some policy guidelines to ensure and protect professional integrity in institutions of higher learning for the future.

1. LITERATURE REVIEW

Analysis of the literature on organizational ethics clearly shows that there is no full proof ethical theory that will apply to all scenarios and cases that involve ethics. Rather, there are various theories that may be applied to different circumstances. There are 6 schools of thought in ethics that will be applied in to the discussions of this paper: the Utilitarian Principle, the Categorical Imperative Principle, the theories of justice, the theory of the Ethics of Care, the Theory of Virtue Ethics, and the Contract Theory. This section provides a brief clarification of each. Also, since as you will soon see, two of the cases involve some level of discrimination, this phenomenon is also clarified. Finally, clarification is also provided on the principle of integrity, and the Stakeholder Theory.

2.1 The Utilitarian Principle

The Utilitarian Principle was first introduced by Jeremy Bentham (1781), and has since fascinated numerous philosophers and academics. The essence of the principle is that an action is right if its overall net effect on society is to diminish social costs and increase social benefits. While the principle has proven to be useful to organizations in various scenarios, there are evidences that render it inappropriate at best and at worst, a source for unreasonable or immoral acts. This becomes clear if one examines the work of Manuel Velasquez as he examines the pros and cons of the principle (Velasquez 2006, 60-71). Some of the arguments in favor of the principle are as follows: it fits nicely into how governments operate — to maximize benefits to society while reducing harm or setback to the majority; it fits into the natural intuition of business organizations to maximize benefits and reduce drawbacks or risks; it can be used to support values such as honesty, avoiding adultery, not killing, not lying, etc.; it fits into the economic model of maximizing profits and reducing expenses, and is at the base of economic model of perfect competition. Some of the arguments against the utilitarian principle are as follows: measuring utility is not always straightforward or practical; when human lives are at risk, the question of what value is placed on a life is a sensitive one; it is not always clear what should count as a benefit and what should count as an expense; the theory assumes that all goods and services are tradable for others, when in reality, this is not always practical or true.

If one should consider all the arguments for and against the utilitarian theory, it becomes clear that the theory is useful in guiding the operation of a business, but is by no means full proof. At its best, the utilitarian principle is prone to mistakes due to human shortsightedness; at its worst, it is prone to mistakes due to human selfishness.

2.2 The Categorical Imperative Principle

The Categorical Imperative Principle was first introduced by Immanuel Kant in 1785. The essence of the principle is that one should always act in a manner that he/she would be comfortable with if everyone else acted likewise, and the reason for the action is a reason that he/she would be comfortable with if everyone else used it in acting in a similar manner (Sullivan 1989). This principle is similar to that articulated by Jesus Christ in (Matt. 7:12, New King James Version), which states, “Whatever you want men to do to you, do also to them...” — a principle that has become known as the Golden Rule.

Velasquez does an excellent job of presenting the arguments for and against the principle (Velasquez 2006, 78-83). Among the positive arguments in favor of the theory are the following: human beings have positive rights to food, shelter, clothing, health care, and employment; human beings have negative rights such as freedom from injury and fraud, freedom of speech, and freedom of privacy; individuals also have rights to what they have been promised (explicitly or implicitly) in contracts and agreements. Some arguments against the theory are: it is not clear enough to be always useful; it does not provide solutions for situations where there are competing rights.

2.3 Theories of Justice

There are various definitions of justice, but the one by BrainyQuote.com (n.d.) is rather useful: Justice is defined as “the quality of being just; conformity to the principles of righteousness and rectitude in all things; strict performance of moral obligations; practical conformity to human or divine law; integrity in the dealings of men with each other; rectitude; equity; uprightness.” This definition contains a number of significant terms: righteousness, rectitude, moral obligations, conformity to . . . law, integrity, equity, and uprightness. The definition therefore suggests that justice is more than mere law observance; it is about being right. As Velasquez explains, there are three categories of justice: distributive, restrictive, and compensatory (Velasquez 2006, 88). He also describes various perspectives for the application of distributive justice: egalitarianism, capitalism, socialism, libertarianism, and Rawls’ theory of justice as fairness (Velasquez 2006, 89 – 99; Rawls 1999).

While the merits of justice are beyond dispute, many have argued for and against the various theories of justice that have been forwarded. These arguments provide a sober reminder that there is no full proof human system of justice and fairness.

2.4 The Ethics of Care Theories

The theory of the Ethics of Care owes its advancement to Nel Noddings (1984), but has caught the attention of several authors, including Mark Smith (2004), and Velasquez (2006, 100 – 105). The ethics of care theory may be summarized as follows: Firstly, we should nurture and preserve concrete relationships that we have with specific individuals. Secondly, we should specially care for members of our web of close relationships, by attending to their needs, values, desires and well-being. The main argument forwarded against this theory is that it can easily denigrate into unjust favoritism and nepotism.

Another care-based theory that has been developed is the Theory of Due Care (Velasquez 2006, 272 – 278). Ideal for a manufacturing environment, the theory argues that the manufacturer/vendor is in a privileged position of having information about a product/service that consumers may not have. The manufacture/vendor therefore has the obligation to exercise due care for the consumer in areas of design, production, and information dissemination. The theory may also be extended to a service environment, and more particularly an educational institution in the following way: An institution of learning has the responsibility of designing its educational product to fulfill the best interest of the community it serves — the trustees, employees, students (and prospective students), and alumni.

Proponents of the due care theory argue that is if right to hold organizations to moral standards of conduct in order to avoid exploitation of members of the society, and to provide a basis for restitution if and when such exploitation occurs. They also argue that the business organization is in a position of power, relative to the individual consumer, and therefore has a moral obligation to act responsibly. Opponents of the theory offer the following arguments: there is no methodology for determining when a company has exercised adequate amount of due care; the assumption that the manufactured/provider of a good/service can discover risks or weaknesses associated with a product/service is not always valid; the theory appears to be paternalistic, inhibits the manufacturer, and infringes on the free choice of the consumer. These contrasting arguments amplify the point that

there are merits to the ethical theories of caring, but that caution must be exercised in their implementation.

2.5 The Theory of Virtue Ethics

The Theory of Virtue Ethics traces back to the work of ancient philosophers Plato and Aristotle (Stanford Encyclopedia of Philosophy 2007). The theory submits that human action is driven by character. Virtuous character yields virtuous actions; bad character yields bad actions. In explaining the theory of virtue ethics, Velasquez (2006, 113) explains how actions may be judged: an action is morally right if it exhibits or promotes a morally virtuous character; an action is morally wrong if it exhibits or promotes a morally vicious character.

Opponents to the theory of virtue ethics argue that concerns about virtue have no place in business, and that companies should just focus on maximizing their profits. Proponents of the theory argue that profit maximization is not the only responsibility of a company; that companies do not operate in a vacuum, but as part of society, and as such, their conduct is important.

2.6 The Contract Theory

The Contract Theory (Ibid, 265 – 272) purports that a manufacturer/vendor has certain obligations to its customers, and that a sale is actually the implementation of this contract. The company agrees to provide a product/service with certain characteristics and features; the consumer agrees to pay for the product/service. The manufacturer/vendor agrees to the duties of compliance, disclosure, provision of accurate information to consumers, and non-coercion of consumers. In the context of a college or university, the product is education and the customers are the students.

The arguments made against the contract theory include the following: the assumption that the producer often interfaces with the consumer is flawed; the consumer is free to choose a product with its stipulated features, or one without such features; the theory forbids active engagement between buyer and seller to determine the value of a product or service. The arguments in favor of the contract theory are similar to those in favor of the theory of virtue ethics, and other theories that attempt to protect the consumer.

2.7 Discrimination

According to Velasquez (Ibid, 307), discrimination is the wrongful act of distinguishing people not on the basis of individual merit, but on the basis of prejudice or some other reprehensible attribute, and in a manner that places the victim at a significant disadvantage. Discrimination comes mainly in the form of treatment to women and minorities. However, it could also surface based on differences in physical characteristics, social choices, moral choices, or differing values.

2.8 Organizational Integrity

In an article entitled “Managing for Organizational Integrity,” Lynn Sharpe Paine (1994) argues that building and promoting a culture of exemplary behavior is the responsibility of the management of an organization. The paper presents four powerful arguments that are worth mentioning: Firstly, Managers who fail to provide proper leadership to initiate systems that facilitate ethical conduct share the responsibility with those who conceive, execute, and knowingly benefit from corporate misconduct. Secondly, failure on the part of management to provide clear guidelines that discourage unethical conducts is unacceptable, and renders the organization liable for such misconducts. Thirdly, exemplary or unethical conduct is a reflection on the organizational culture and its individuals. Fourthly, ethics should transcend legal behavior to foster exemplary behavior. Organizational integrity sets a much higher ethical standard than legal compliance. This should start by establishing a set of core values, and then building policies and strategies around these values (Ibid, 106 - 109).

Paine emphasizes that organizational integrity should be a collective effort, and outlines five hallmarks of an effective integrity strategy (Ibid, 112): the guiding values are rational, and are clearly communicated; the organizational leaders are committed, credible, and willing to act in support of the established values; the values are integrated into the normal channels of management, and reflected in the critical activities; the organization’s systems and structures support and reinforce its established values; managers possess decision-making skills, knowledge, and required competences to make ethical decisions.

Based on these lofty standards, it appears that most of many organizations fall short in at least one area. Colleges and universities are not exempt from this.

1.9 The Stakeholder Theory

In the article captioned “The Politics of Stakeholder Theory: Some Future Directions” Freeman (1994) questions the submission of Kenneth Goodpastor (1991) that there is a paradox between managers meeting the interest of stockholders and meeting the interest of stakeholders. He also rejects the idea of separating business decisions from moral decisions — an idea he calls the “Separation Thesis.” He argues in favor of expanding the Shareholder Theory (Quinn and Jones, 1995) to a multi-fiduciary interpretation of the Stakeholder Theory, to include stockholders and stakeholders. Freeman then proposes three principles that should drive the operation of managers in corporations (Freeman 1994, 417):

- **Stakeholder Enabling Principle:** “Corporations shall be managed in the interests of stakeholders, defined as employees, financiers, customers, and communities.”
- **Principle of Director Responsibility:** “Directors of the corporation shall have a duty to care to use reasonable judgment to define and direct the affairs of the corporation in accordance with the Stakeholder Enabling Principle.”
- **Principle of Stakeholder Recourse:** “Stakeholders may bring an action against the directors for failure to perform the required duty to care.”

Freeman's work as described here appears to be an attempt at unifying the utilitarian principle and the categorical imperative principle into a revised stakeholder theory. In so doing, he recognizes the merits and limitations of both principles, and is apparently seeking to maximize the benefits of either, while minimizing the respective limitations.

The utilitarian doctrine by itself is seen by its critics to be too callous towards conflicting individual circumstances and at worst, could support the Machiavellian notion that the end justifies the means (Encyclopedia Britannica Online, n.d.). On the other hand, the Kantian doctrine is often seen by its critics as being oblivious of some cases (albeit a few) in which its pursuit would yield an unfavorable outcome. Freeman's work opens opportunities for both groups to further engage. Moreover, since a college/university community represents a perfect scenario for the fusion of trustees, employees, students, and the public, the stakeholder theory is particularly relevant.

2. LEHMAN POLYTECHNIC STATE UNIVERSITY — THE PSEUDO UNIVERSITY

As mentioned in the introduction, four cases with significant ethical implications will be discussed. These situations were observed at four different institutions. However, in the interest of confidentiality, the euphemistic university called Lehman Polytechnic State University (LPSU) will be used. Additionally, phony names will be used to disguise the key individuals in the cases discussed. You may consider LPSU to be a private institution that offers undergraduate and graduate degrees in various disciplines in science, art, humanities, and education. LPSU enjoys both national accreditation and international recognition.

The president of LPSU is Dr. Farnsworth King, a dynamic, transformational leader who is responsible for the success of the institution over the past 15 years. Dr. Sally Maze is the vice president for academic administration and provost (VPAAP). These two individuals are principal players at the institution. Other parties will be introduced as we proceed through the respective cases.

3. QUESTIONABLE EMPLOYMENT POLICIES

This section examines some arguably discriminatory policies of LPSU, their effects on individuals at the institution, and how they were eventually changed.

4.1 The Facts on the Employment Policies

Prior to its surge on the global market as a renown educational institution, LPSU was a private college called Lehman College (LC) that offered various undergraduate degrees in the fields of music, business, science, education, and theology. The senior administration of the college consisted of members of a particular religious organization, and they encouraged others of different persuasions to consider their system of values and beliefs as a better way of life.

LC had some very admirable organizational policies that guided its operation. For instance, the college promoted the maintenance of strong family values. In support of this, the college encouraged

couples to be part of its employ; if an individual was employed, effort would be made to employ the individual's spouse at the nearest opportunity.

There were several other excellent policies in place. However, there were two policies that were found worrisome by Neil Holmes, a consultant who was in the employ of the college: Firstly, LC would provide certain benefits to individuals that shared similar religious persuasions as the administrators, but would deny individuals of other persuasions from these benefits. Secondly, if a couple was in the employ of the college, LC would provide benefits such as housing allowance, traveling expenses, etc. to one of the two individuals, but never both.

As a consultant at LC, these two questionable policies did not affect Neil. However, he was concerned that they were in violation of ethical principles of equity and fair compensation, and appeared to be discriminatory. Moreover, he also observed that they had a negative effect on employees of the college in the following ways: Firstly, newly employed couples were not highly motivated to remain loyal to the organization, thus creating a high level of turnover — the very opposite of what the college desired. Secondly, employees that did not share the religious convictions of the senior administrators were de-motivated because they felt as if they did not belong.

After careful thought and preparation, Neil decided to bring the matter to the attention of the senior administration of LC. This inspired a series of spirited discussions during faculty forums at LC. The administrators were initially defensive, and tried to provide a rationale for their policy. They argued that individuals of similar religious persuasion as theirs were paying tithe to the parent organization, and therefore deserved the additional benefits. Since individuals of other religious persuasions were not obliged to pay tithe and in fact did not, they did not qualify for the additional benefits. Other faculty members countered by arguing that that was not an acceptable basis for the policy, since the effect would be to discourage individuals of other faiths to be inclined to embrace their faith — an end that LC administrators sought to achieve. On the matter of paying benefits to only one member of a household (when more than one members are within the employ of LC), the administrators argued that this was a long-standing tradition of the college. Other faculty members countered that the age of a policy had nothing to do with its morality or immorality.

At the point when Neil withdrew from the employ of LC, these two issues were still being discussed. However, it was clear that the faculty members were winning the discussion, and that the administrators were warming to the idea of reform Today, LC operates as a flourishing university with the new name Lehman Polytechnic State University (LPSU), with over 12,000 students, and a highly diversified faculty. And those two discriminatory policies have been replaced with more equitable ones.

4.2 Analysis of the Facts on the Employment Policies

The policies of benefits to selected individuals based on religious persuasion, and curtailed spousal benefits were both discriminatory, and in violation of the principle of equitable compensation (Velasquez 2006, chap. 1, 2 & 7). Additionally, they ran counter to motivational theory (Capella 2005, chap. 6; Houghton Mifflin Company, n.d.). Obviously, motivation is of paramount importance to organizational success, since it affects performance and productivity (Allen 1998). In this sense, having these policies was not in the best interest of the institution. The behavior of the administrators

of LC can be explained by Leon Festinger's theory of cognitive dissonance (Capella 2005, 82 – 85; Festinger 1957). There was dissonance between the moral virtues that the administrators claimed to support, and their actual deed of implementing institutional policies that appeared to be discriminatory. They attempted to lessen or eliminate the dissonance by first attempting to rationalize their actions. When this failed, they eventually addressed the situation by adjusting the policies to be more consistent with their chosen values.

The existence of discriminatory policies at LC was unfortunate. The courage of Neil Holmes in bringing the matter to discussion was admirable. After their initial attempt to defend the policies, the administrators stepped up, encouraged, and facilitated open discussions of the matter during faculty forums; in the end they took the necessary steps to abandon the flawed policies. There is not enough evidence to say LPSU's current successes have anything to do with its handling of that situation. However, it is certainly a good thing that the institution does not have to deal with those issues today.

4. MISSTEPS OF A PRESIDENT

This section identifies and discusses some missteps by the president of LPSU, and the consequences of those missteps.

5.1 The Facts — Presidential Missteps

LPSU's president, Dr. Farnsworth King was (and still is) a visionary and transformational leader (Johannsen 2004; TransformationalLeadership.net 2007). He had a vision for the institution being a world-reputed place of higher education. Himself from humble beginnings, he was an excellent motivational speaker, inspiring students to strive for excellence. He was very good at attracting new faculty members to the LPSU team. However, he had a serious flaw: he was somewhat arrogant, and due to his one-dimensional communication style, did not know how to keep his employees (including faculty members) happy. Dr. King simultaneously operated as president and human resource director of LPSU.

Bruce and Monique Jones were two young professionals that Dr. King had convinced to join the faculty of LPSU. Monique was a librarian, and Bruce an information technology (IT) professional. The college had just completed the construction of a state of the art library building. The problem was, there were few resources in the library. Monique was the right person to address that problem. She knew how to contact potential donors of resources to the library. She set out to populating the library with resources At first this seemed like an ominous task, but little by little, resources kept coming in After two years, the college library had a look and aura of respectability. Students and faculty members were happy.

While Monique was working on the college library, Bruce was busy working on the computer science curriculum for LPSU. He wanted it to be state of the art. With his former connections in the IT industry, he was able to get IBM to donate 25 new computer systems to the college. These he used to set up a networked computer lab for students in the Computer Science Department. He was also instrumental in revising the computer science curriculum, among other things. Bruce and

Monique were making huge contributions to the advancement of the LPSU vision, and the students were happy.

Then, the unexpected happened. For several weeks, Bruce and Monique were deadlocked with LPSU over the terms for their contract renewal. This created some anxiety for both parties. Dr. King decided to intervene... In a discussion with Monique, Dr. King said some very unkind things, and exhibited a rather callous attitude... On another occasion, he repeated the behavior, and this time shouted at her. Monique decided that that was enough. She immediately resigned from LPSU. In delivering her letter of resignation to Dr. King, some additional harsh words were exchanged. Dr. King was furious, and on the following day, he wrote Bruce to advise him that his contract would not be renewed. So Bruce and Monique left, but not before notifying the LPSU Board of the incidents. Shortly after the departure of Bruce and Monique, the LPSU Board instructed Dr. King to hire a human resource director, advising him that he was neither qualified nor competent to handle the responsibilities of this position. Shortly afterwards, the college hired a vice president for human resources.

The exit of Monique and Bruce from the employ of LPSU turned out to be quite costly to LPSU. It took the instruction one year to find another qualified director of library services, and about two years to find another CS teacher, and a different IT director. During this time, the CS Department suffered severe setbacks, and lost several students to competing institutions.

5.2 Analysis of the Facts — Presidential Missteps

In this particular situation, poor communication techniques by the president of LPSU had an immediate effect on the morale of Bruce and Monique. This significantly affected their motivation levels, prompting the immediate resignation of Monique. Dr. King, no doubt recognized that he had acted unacceptably. He might have felt that keeping Bruce in the employ of LPSU would not be good for his image, so spurred on by his apparently huge ego, he decided to terminate the employment of Bruce. This behavior by Dr. King can also be explained by Festinger's dissonance theory (Capella 2005, 82 – 85; Festinger 1957). Realizing that he had acted unacceptably, he sought to cover it up by firing Bruce.

Dr. King's behavior was also in violation of various ethical principles. It violated the Kantian principle of categorical imperative. Communicating disrespectfully to Monique was unacceptable but not unethical. However, firing Bruce simply because he was unhappy with Bruce's wife was. This act violated the categorical principle because it was arbitrary, and it denied Bruce of a fair treatment on the merit of his work. The act also violated the utilitarian principle. Bruce was a valuable member of the IT team, and one of the backbone computer science (CS) teachers at the time when CS professionals were rare. Given the fact that the position was not filled for two years, during which time the institution lost students from the department, and the library position was not filled for a year, clearly these occurrences were not in the best interest of the institution. Finally, the act failed to apply empathy and due care to Bruce and Monique.

The LPSU Board acted admirably in dealing with the situation. In ordering Dr. King to hire a human resource director, the Board was telling Dr. King that his behavior was unacceptable and that a repeat would not be tolerated. This produced almost immediate positive result.

5. MISSTEPS OF A VICE PRESIDENT

Let us now examine another case in which there were some catastrophic missteps by a vice president of LPSU.

6.1 The Facts — Vice-presidential Missteps

In the capacity as the chair of the Computer Science Department, Serge Beaudoin conducted a market research that informed him that there was a strong need for a degree in multimedia technology in the area where the institution was located. After obtaining his findings, he invited the chairs of the Music Department, and the Art Department respectively, to join him in developing and proposing a new degree in multimedia technology. With much enthusiasm, the proposal was ready in approximately 9 months. The proposal included the rationale for a multimedia technology degree, the related findings of the research that investigated the need for such a program, a proposed curriculum for the program, and a financial analysis that projected significant return on the investment after 18 months.

In came the newly appointed vice president for academic affairs (VPAA), Sally Maze. She requested time to study the proposal. The sponsors of the proposal gladly obliged, and invited her to join their voluntary committee. They provided all the documentation, and with confidence awaited the occasion to present their work to the Academic Affairs Committee (AAC) for ratification. What transpired afterwards was a shocker to Serge, the convener, architect, and author of the proposal: The VPAA, apparently upon realizing that this represented a major achievement by three dedicated chairs, decided that she wanted the credit for herself. She proceeded to remove Serge — the *de facto* chair — from the committee, significantly diluted the proposal, and presented it to the AAC as her own work. A bitter debate ensued To summarize, the end result was a proposed multimedia program lacking credibility and support that subsequently died before it started. In an act of no-confidence in the leadership that was provided by the VPAA, Serge stepped down from the position of department chair, and several other department chairs logged complaints to the board. Eventually, Sally Maze was fired, and Serge was asked to assume chairmanship of the Computer Science Department for a second time.

6.2 Analysis of the Facts — Vice-presidential Missteps

Sally Maze violated a longstanding tradition in academia of giving due credit for scholastic work, and not presenting the work as one's own. In choosing the latter alternative instead of the former, she chose the path of intellectual fraud. This action violated the categorical imperative principle by treating Serge and in his colleagues in a manner that no one should be treated. It also violated the utilitarian principle, since it resulted in loss of potential revenue to the institution. Thirdly, the act violated Rawls' theory of justice as fairness. Finally, it violated the theory of virtue; there is nothing virtuous about taking credit for scholastic work that is not one's own, and attempting to silence dissent by removing the principal author of the work from a voluntary committee that was in the first place initiated by the convener.

This unfortunate account provides some useful lessons: First, the VPAA clearly abused the power and authority of the office, violated the trust of a department chair, failed to honor the obligation of

intellectual property rights, attempted to use the power of the office for profiling, self-indulgence, and control. In so doing, she lost the very control she sought to have, lost the respect and confidence of a significant portion of her department chairs, and eventually lost her job. The second point to be noted is that power holders do not always hold on to power. Serge voluntarily gave up the chairmanship position in support of a greater principle. The third and final point to note from the case is that the VPAA, in failing to demonstrate good judgment, lost credibility. It therefore became virtually impossible for her to continue in the role.

6. QUESTIONABLE PEER EVALUATION

The final case to be examined is one in which a faculty member was unfairly evaluated at LPSU. As usual, the facts of the case will be stated first, followed by an analysis.

7.1 The Facts — Questionable Peer Evaluation

Scott Chisolm entered the employ of LPSU with several years of experience and an impressive track record as an outstanding environmentalist and teacher of environmental science. Upon accepting employment at LPSU, Scott noticed that there were two huge issues that needed urgent attention. The environmental science (ES) curriculum needed revision in order to make it more competitive and relevant to the needs of students. Secondly, the university relied on a student evaluation form, coupled with a loose system of peer evaluation without clearly defined criteria, as the basis for assessment of the efforts of faculty members. Without clear guidelines, peer evaluation teams were at liberty to conduct subjective qualitative evaluations of their peers, based on their own perceptions — such evaluations could be overly positive or overly negative of a colleague. Additionally, there was no evidence that students were appropriately trained on how to conduct course evaluations, or that faculty members were trained on how to conduct peer evaluations.

Scott decided to address the curricular issues first, and with time raise attention to the peer evaluation problem. His preliminary attempt at introducing changes to the ES curriculum was successful. However, his attempts to make more significant changes were met with opposition. The other members of the department became overly defensive because they thought Scott was debunking their previous efforts. To complicate matters, they had several things in common such as ethnicity, and shared values. Scott was of a different ethnicity from the other departmental members, and embraced some different values from them. For instance, Scott had a strong team-work orientation, while his team-members tended to be more individualistic; he had a perfectionist approach to work, while his team members were often less extreme and sometimes seemed willing to settle for above average.

Scott was very thorough in his teaching. He challenged his students to strive for excellence, provided them the resources needed to succeed, and insisted that they make the effort. He often arranged extra tutorials, and would stay late evenings for those who needed extra help. The reaction of students to Scott's teaching was mixed. Some of the senior students did not like the fact that they were being challenged to lift the standard of their performance, and they complained profusely; others were excited and felt that this was a positive change for the department. The first year's peer evaluation reflected this mixed excitement about the changes in the department, and was in general, fairly positive.

The second year was much busier for Scott. Due to limited departmental resources, he carried teaching overloads in both semesters, and served on three standing committees at the university. Halfway through the second semester, he again brought up the matter of curriculum review, and expressed concerns that the department was not addressing the matter with sufficient urgency; he argued that this was not in the best interest of the students. This was met with intense opposition from some faculty members of the department, who apparently felt that their previous efforts were being debunked by Scott. Scott tried to explain that his focus was not that of disparaging the efforts of anyone, but rather to use prior work as a springboard for further refinement in the best interest of the department and its students. Still, negative sentiments were high. After a heated debate, he was informed by Karen Campollo, the ES chair, that the other members did not see any need to improve the ES curriculum. Shortly afterwards, he received e-mails from Karen (sent to all department members) that implicitly accused him of trying to undermine the stability of the department for personal gain. Shocked and concerned, he went to the Dean of Science, Rushmore Frantz, explained the situation to him, showed him the e-mails, and expressed concerns about possible reprisal on his upcoming peer evaluation, due to his effort to improve the quality of the department's curriculum and services to its students. Frantz offered some advice, and the two agreed to monitor the situation.

Then came the peer evaluation. Scott's peer evaluation committee (PEC) consisted of Karen Campollo (as ES chair), Cynthia Carty (a department member and close friend of Karen), and Erron Lazarus (an observer from another department). The understanding was that Karen would be the PEC chair. Statistically, the student evaluations were an improvement over the previous year. He had a 100% pass-rate in 80% of the courses taught, and an average of 90% in the other courses; he also received an increased level of net positive comments on the student evaluations; more significantly, he had earned the respect of the students in the department. Extraordinarily, the peer evaluation was significantly worse than the previous year. The peer evaluation made two commendations: it commended him for being able to add humor to his classes, and being able to adjust to the needs of the students. It then went on to make charges including unclear presentations, fast pace of teaching, unrealistic student expectations, focus on the weaknesses of his students, high drop-out rates, and not meeting students at their level. The peer evaluation also criticized his use of statistics to convey student evaluation and performance as being repetitive, made claims of recurring concerns on issues that were never mentioned before, and charged him of not providing course documentations that were verifiably provided. Finally, on the basis of these allegations, the report recommended that Scott should not be promoted, despite the fact this was understood to be a regular peer evaluation and not an assessment on Scott's fitness for promotion. (Scott had the option of applying for promotion, but had decided to defer that option at the time.)

Scott prepared a detailed response to the PEC report, and on each allegation, showed its inconsistency or inaccuracy. He also showed where the PEC failed to report verifiable facts that would have portrayed his work in a more positive manner, reported personal opinions as facts, and drew conclusions based on those personal opinions. Scott also observed that despite his availability, the PEC made no noticeable attempt to obtain clarification on the pertinent issues either before or after the writing of the report, but was apparently enthusiastic in its misrepresentation of those very issues. He then met with Rushmore to discuss his options. Rushmore advised him to make some adjustments to his response, and to seek a meeting with the PEC. Scott met with Erron Lazarus, to inquire what might have prompted the extraordinarily negative PEC report. Erron mentioned that he

was the author of the report, went on to repeat the negative accusations of the PEC report, and added a few new ones of disingenuousness, student bashing, and possible fudging of student grades. Scott inquired of the Erron if he was aware that the allegations were inconsistent with verifiable facts about his work. Erron responded to the effect that the report was based on what was discussed among the PEC members. He also mentioned with a rather gloating attitude, that the other two PEC members told him that the report would be more effective if he wrote it, so he did. Further pressed by Scott, Erron eventually admitted that he did not understand some of the issues related to Scott's peer evaluation. After a discussion that lasted over 3 hours without any agreement, Scott thanked Erron for his time, and pointed out that there were fundamental differences between them on the issues.

At a second meeting between the two, Erron surprised Scott by hurling some personal attacks and insults at him, making judgments about his personality and character. At that point, Scott determined that it was time to permanently end discussions between them. He indicated to Erron that on the basis of the foregone exchanges, no further discussion between them was necessary.

Scott reported back to Rushmore on his meetings with Erron, revised and submitted his response of objection to the PEC report. In his closing remarks, he pointed out that by reason of its inaccuracies, inconsistencies, misrepresentations, and omissions, the PEC report lacked credibility. He subsequently brought the issue to the attention of Lambert Farnsworth, the newly appointed ES chair. After further probing and contemplation of the issue, Scott informed Lambert and Rushmore that he had come to the conclusion that the PEC report was scandalous and unethical, and should be treated as such. However, in the interest of departmental unity and student morale, he chose not to press the matter any further.

7.2 Analysis of the Facts — Questionable Peer Evaluation

Analysis of this case from an ethical perspective reveals a number of problems. These are as follows:

- a. The literature on peer evaluation describes two forms of evaluation. Formative evaluation is a process that examines the performance effort of a team member, and provides feedback for the purpose of improving that performance; summative evaluation is a process that examines the performance of the team member with a view to making decisions about promotion, salary increase, or continued employment of the individual (Keig and Waggoner 1994; Richardson 2000). The literature also recommends that the two forms of peer evaluation be kept separate, since they serve different purposes (Cornell University 2007; University of Texas at Austin n.d.). At LPSU, there was no clear distinction between formative evaluation and summative evaluation as recommended — a flaw that often leads to a compromise of the integrity of the evaluation exercise. Scott was on the receiving end of this undesirable situation.
- b. There was an absence of clearly defined criteria for evaluating teaching effectiveness. This conflicted with standard procedure for such exercise (Chism 1999; Cornell 2007), and opened the door for the kind of unfair evaluation that Scott experienced.
- c. Faculty members were not trained on how to conduct peer evaluations. This also conflicts with the recommended guidelines for such exercise (Ibid).
- d. The conduct of the PEC was at best questionable on a number of issues. Failing to clarify the issues, and then having Erron write a report that should have been written by Karen, raises a number of flags. Firstly, according to Erron's own admission, he wrote the report because the other two PEC members felt it would be more effective if he did. Erron was not qualified to

write such a report, and as he subsequently admitted to Scott, he did not understand some of the critical issues since he was not an ES professional. This suggests that there was some collusion on the matter. Secondly, consistent with standard requirement for suitability (Chism 1999, 33), if Karen knew that for whatever reason she was unable to assume her designated role on the PEC (which apparently she did), she should have excused herself from the exercise.

- e. In the closing arguments of his response, Scott highlighted the inaccuracies, inconsistencies, misrepresentations, and omissions of the PEC report as the basis for its lack of credibility; he subsequently concluded that the report was unethical. The conclusions of a peer review should be grounded in verifiable facts, not individual perceptions or opinions (Ibid, 33 – 34). With this benchmark, it appears that Scott was unfairly evaluated based on criteria not clearly articulated. This suggests that he might have been penalized due to his difference. Such action violates the principle of diversity (Capella 2005, 18) and is discriminatory (Velasquez 2006, chap. 7).
- f. The treatment meted out to Scott appears to violate ethical theories of utilitarianism, rights, justice, and virtue. The utilitarian principle was violated here because in wrongfully penalizing Scott, the PEC threatened the continued willing service of a colleague who appeared to be very committed to his profession, and the department that he was serving. Scott's right to a fair evaluation was violated. Justice relates to being right, just and fair (BrainyQuote.com n.d.; Rawls 1999; Velasquez 2006, 89 – 99); the treatment that Scott received was neither right, just, nor fair. Virtue relates to exemplary human conduct based on exemplary character (Stanford Encyclopedia of Philosophy 2007); the conduct of the PEC fell short of this benchmark.

7. OBSERVATIONS AND RECOMMENDATIONS

Let us now step back and take a more systemic view of the foregoing discussions, and try to make some observations and recommendations that hopefully will be useful for colleges and universities in the future.

8.1 Observations

Based on the theories and cases discussed in this paper, the following observations can be made:

- First, there is no full proof ethical theory that will apply to all scenarios and cases that involve ethics. Rather, there are various theories that may be applied to different circumstances.
- Second, institutions of higher learning are not immune to ethical misconduct or discrimination. In the cases mentioned in this paper, there were some discriminatory practices that had to be replaced.
- Third, presidents and administrator of colleges/universities sometimes make serious blunders that affect the institution as well as the community it serves. Again referring to LPSU, president Farnsworth King, despite his many talents, erred in his handling of the contract of two of his employees — an error that turned out to be costly to the institution.
- Fourth, college/university administrators sometimes abuse their power and do irrational things that violate established principles of ethics. The conduct of president Farnsworth King and vice president Sally Maze provide us with two examples. One also recalls the recent situation at Harvard University where former president Lawrence Summers was forced to resign because of comments that he made about women in science.

- Finally, unethical conducts in peer evaluations sometimes occur in colleges/universities. The likelihood of this is increased when the guidelines for peer evaluation are either absent or inadequate. Moreover, assuming that faculty members are somehow innately qualified to conduct such evaluations, despite their lack of training, is imprudent. In one of the cases mentioned, this observation was verified.

These observations suggest that institutions of higher learning need to be more vigilant in protecting the integrity of their service. Institutions of higher learning should also take appropriate steps to create and preserve a culture of professional accountability. This is extremely important, since their actions in these matters not only affect the quality of professionals they produce, but also influence the legacy that they leave.

8.2 Recommendations

Most institutions of higher learning pride themselves in providing quality education to the communities they serve. What can these institutions do to ensure and preserve a culture of corporate responsibility? Following are six recommendations:

- Firstly, in each institution, there should be guidelines that not only condemn but also forbid the practice of discrimination. These guidelines must include checks and balances that are reviewed and refined over time.
- Secondly, there should be guidelines in institutions of higher learning to safeguard against the abuse of power. Referring to two of the cases discussed in the paper, president Farnsworth King should not have been allowed to arbitrarily fire Bruce Jones, because of his own failure to communicate appropriately with Bruce's wife Monique, who was also employed at the institution; neither should vice president Sally Maze be allowed to exploit the efforts of Scott Chisolm and his colleagues.
- Thirdly, colleges and universities that employ the practice of peer evaluation should take the necessary steps to ensure that there are clear guidelines to protect the integrity of this exercise. These guidelines should include clearly defined evaluation criteria, thoughtful procedures that ensure and preserve institutional integrity, training of faculty members and students, and other checks and balances to ensure ethical conduct throughout the process.
- Fourthly, faculty members and administrators should be required to participate in some form of training on organizational ethics and peer evaluations.
- Next, where possible, courses offered to students should include discussions about ethics.
- Finally, Freeman's model of the revised stakeholder theory (Freeman, 1994) is ideal for the college/university community, and should be embraced as a starting point for building and preserving a culture of acceptable ethical conduct.

These recommendations should be useful in helping institutions of higher learning to continue on the path of improved program quality, professional excellence and integrity.

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