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Academic Leadership Journal

Do Colleges and Universities Need Ethics Officers?

by John B. Bennett, University Scholar

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Corporations in this country are creating ethics officers in increasing numbers. Ought higher education do the same? Recent journalistic pieces about business suggest that the corporate position of ethics officer is now almost as familiar as that of chief information officer — and that those in the corporate ethics position play increasingly major roles in setting and reviewing corporate policy. By tradition, higher education institutions have no individual ethics officer. We do not have issues like illegal bribes or defective tires to address, but there are other issues that certainly do qualify. Longstanding scandals in athletics and occasional high-profile abuses in indirect cost billings present familiar and often vexing ethical issues, but there are also other matters to which academic leaders should attend. I examine three of these issues and then consider whether the position of an academic ethics officer makes sense.

I

Let us look first at a widespread and growing problem — the increasing tilt toward a more temporary instructional workforce. In some institutions of higher education there are already more part-time (graduate assistant or adjunct) than full-time instructors. In others the total credit hours taught by the adjunct faculty actually exceed those taught by full-time faculty. Until quite recently, these staffing patterns have been characteristic more of institutions offering associate degrees than of those providing baccalaureate programs. However, now trend lines at almost all institutions are toward greater reliance upon part-time or temporary faculty. They cost far less than full-time faculty and require no long-term institutional commitment.

Part-time faculty can be invaluable resources when used to address specific areas of practice or of specialized knowledge. However, excessive reliance upon them almost always presents ethical issues. It is full-time faculty who do

most student-advising and almost all curriculum development and review. Full-time faculty carry the brunt of assessing program integrity and outcomes. They attend to the academic governance of an institution. They carry on the intellectual 'conversations' that constitute the academy. Part-time faculty are simply not available (or paid) to do these things. As the percentage of full-time faculty in the instructional staff declines, the educational mission of the institution is jeopardized. No one year is likely to tip the balance – the effect is cumulative. And therefore it is likely to escape the kind of ethical appraisal and the study of alternatives that it deserves.

II

Another often overlooked set of questionable ethical practices regards the accuracy of data institutions provide to college guidebooks and ranking magazines like the

U.S. News and World Report.

It was over ten years ago that the press started to report on the freewheeling ways of some colleges and universities in defining to their advantage survey questions to which they were responding. A frequent institutional practice was to exclude the lower test scores of foreign students or those provisionally admitted from the averages reported to the public — thereby placing institutions that carefully tailored and qualified their data at a clear advantage over those who were more scrupulous and honest in their responses.

In subsequent reports, the press found that some institutions submitted to debt-rating agencies different, and more accurate, data on such matters as student SAT scores, admission and retention rates, and institutional financial aid policies than they reported to popular publications. Journalists noted that there were federal penalties for misleading the agencies, but not the media. These concerns about the honesty of institutional practices have continued in recent years and similar questions have now been raised about the scrupulousness with which institutions report their crime statistics. Campus officers have been known to round numbers up (or down, as appropriate) in order to put the best competitive or marketing face on things, claiming or just suspecting that other institutions were doing the same thing. Never mind that doing wrong is hardly justified simply because (some) others may be doing wrong as well.

Institutions that engage in these misrepresentations offer a terrible model to their employees and to the public. They damage the credibility of higher

education. Individuals within these institutions who know what is occurring can scarcely feel supported in their efforts to uphold high standards. Whistle-blowing is one option, but the risks are high and improved outcomes not assured. Finding other constructive ways to correct institutional behavior can be challenging. And surely the public is entitled to honesty and integrity in the institutions to which they have entrusted the functions of education.

III

A third development in higher education with profound ethical dimensions is the creation of for-profit subsidiaries by traditional not-for-profit institutions. In earlier days, academics often referred with understandable pride to the non-profit status of their institutions and compared traditional academic behavior advantageously to what they thought of as the tendency of the profit driven corporate world to cut ethical corners. Even the proprietary 'postsecondary' institutions were regarded as 'unwashed.' Now, however, many traditional colleges and universities are rushing to create their own for-profit subsidiaries. Yet, none of the reasons supporting the earlier concern have changed.

Many of these institutions are creating clear conflicts of interest for themselves as they hasten to create these subsidiaries. Unlike income from other profit-oriented campus activities, these profits are not what tax laws identify as 'unrelated' business income. Rather, they are at the heart of the business of the institution. They are instructional activities, albeit ones delivered through a unit structured to deliver profit. It is the good of the student, however, that must underlie this traditional mission of the institution — not the financial welfare of the investor.

Institutions will need to be both creative and scrupulous to ensure that the good of the student in the for-profit unit is not compromised in favor of investor interests. And they will need to take equal care that the educational experiences of students in both units are roughly equivalent in value. Yet, there is little indication that these and multiple other ethical dimensions of having a for profit subsidiary have been carefully reviewed. Colleges and universities must consider how to continue to solicit alumni and friends for donations, once institutions have themselves created a competing investment alternative. Tax authorities will need persuasive instruction on why a traditional institutional tax-exempt status should be continued. Faculty and students will need reassurance that the traditional mission of the institution will both

continue and prevail.

IV

Although

the academy has not systematically concealed tire separation data that contributed to the death of scores of consumers, our behavior is hardly beyond reproach. There are multiple areas with ethical import, but infrequently examined. In addition to the issues discussed above, many institutions should also be looking closely at fairness in salaries and benefits. Only the threat (or reality) of lawsuits has moved some institutions to a long-overdue examination and adjustment of salaries and personnel policies for women as compared with men of similar credentials and accomplishments. Ethical concerns arise with other institutional dealings with the public. Some institutions with rental properties are accused of negligent or exploitative relations with their tenants. At other institutions, students and their families report feeling that a kind of bait-and-switch tactic has been used. On their tours they see residence halls and classrooms that somehow are less crowded than the ones in which students later find themselves. And some students of higher education argue that our high ideals are also in tension with our increasing tendency to compare our work with that of the corporate world and to claim that college and university presidents and others should be compensated more like corporate leaders.

In short, higher

education in this country has simply have not given ethical concerns the attention they deserve. And we have few resources at hand to aid us. For instance, there is no national faculty membership body with explicit standards of behavior and sanctions for violators. Indeed, the only proxy is the American Association of University Professors and its infrequently referenced Statement on Professional Ethics. And this text was not adopted until 1966, more than a quarter of a century after the famous Statement on Academic Freedom and Tenure — disclosing a greater concern for faculty rights and prerogatives than for faculty obligations. Likewise, all of our regional and most, if not all, of our national program accreditation agencies call for adherence to commonly accepted standards of ethical behavior — but they provide no strict ethical guidelines, nor are clear sanctions specified for those in violation. Self-regulation is left to carry the ball and at present it seems unequal to the task.

In neglecting to attend

to the integrity of our own affairs, we have not been faithful to our fundamental educational purposes. For surely these purposes relate to the covenants we have with society and with our students to support the

common good and advance the welfare of the individual student — not the good or convenience of the faculty and staff, benefits to shareholder investors, or the standing of the institution.

V

For years, college and university faculty and staff have scrutinized the ethical practices of other parts of society. This traditional academic role of social critic is both longstanding and appropriate. But it raises the even longer standing question of who is to guard the guardians. Thus, there is some irony in even considering the establishment of ethical officers in higher education. Establishing an ethics officer would certainly not fix everything. Without the ear of the governing board, the position might not fix anything. Indeed, it could become simply a matter of window dressing. Worse, it might be taken by faculty and staff to mean that they are now off the ethics hook, that they do not have responsibilities to guard their ethical behavior and that of their institution.

So it is probably not a good idea. A better idea is to recall all in higher education to the importance of attending to the integrity of their profession and institution. Boards of governance can play a role by asking probing questions. Faculty and staff pay attention to issues raised by trustees and regents. Issues of institutional honesty and the commonweal should be foremost among these concerns. When governing boards do attend to the full range of academic integrity, it sends a powerful signal to colleges and universities to take matters of ethical integrity more seriously.

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