

2009

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Publication details

Boyd, WE, 'Evaluating academic governance processes and structures: Ethical dilemmas and academic governance development', paper presented to 7th Annual Australasian Higher Education Evaluation Forum, "Evaluation in a changing higher education landscape: Bradley and Beyond", Byron Bay, NSW, 21-23 October, Southern Cross University, Lismore, NSW. Conference paper available online at <http://www.scu.edu.au/ahgef/index.php/7/>

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Paper submitted to the 7th Annual Australasian Higher Education Evaluation Forum, "Evaluation in a changing higher education landscape: Bradley and Beyond", Southern Cross University, Australia ☒Byron Bay Community Centre 21-23 October, 2009.

Evaluating academic governance processes and structures: Ethical dilemmas and academic governance development

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Abstract

Academic governance is at the core of an educational institution's business. Its value lies in its ability for the institution to delivery a quality curriculum. As such, it needs to be fully understood and implemented by managers, administrators and academics alike. The need for evaluation of academic governance is clear, although there are many ways in which this may be done. This paper assumes that evaluation of academic governance needs to span the scales of policy, process and practice, and proposes an approach to do so. Shapiro's ethical dilemmas approach to examine institution staff practices allows a critical engagement with tensions that arise in any practical setting between the ethics of justice, care, critique and the profession, and thus opens opportunity for an evaluative engagement with governance that not only allows for an assessment of the governance system, but builds the capacity of the institution and its staff to develop, change and implement the body of academic governance that reflects and articulates the institution's core values and vision. The paper illustrates this suggestion with an initial discussion of a critical dilemmas evaluation of academic integrity governance.

Key words

academic governance, evaluation, ethical dilemmas, ethics of justice, ethics of care, ethics of critique, ethics of the profession, academic integrity, academic misconduct, action learning

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Introduction

“... administrators often complain that faculty members mostly ignore their opportunities to be involved in decision making and only become involved when they object strenuously to a particular proposal ... [whereas] faculty who are active in governance echo the view that their colleagues do not offer enough support and are not involved enough, but they also complain about administrative encroachments on their prerogatives ...” (Kaplin, 2006, 213)

“There are many challenges in governance that need to be resolved in the twenty-first century: perhaps new structures and governance forms will be applied to higher education, as developed in the last century, with the emergence of shared governance, campus senates, and state-wide coordinating boards.” (Kezar, n.d.)

The first quote suggests anarchy in the academic governance world; the latter suggests optimism for a functioning system. Whatever the interpretation, these quotes suggest that academic governance is neither fixed nor uncontested. It comprises, in Kezar’s (n.d.) words “... structures, legal relationships, authority patterns, rights and responsibilities and decision-making patterns ... the way that issues affecting the entire institution ... are decided ... the structure and processes, both formal and informal, of decision-making groups and the relationships between and among these groups and individuals”. By such a definition, it is understandable that academic governance embraces complexity and uncertainty. Indeed, any review of academic governance processes and structures across the higher education sector will reveal a diversity of approaches. Furthermore, such review will recognize that academic governance provides a point of connection – decision-making, relationships and communication – between university governors, managers, administrators and academics. It is little wonder, therefore, that observations such as Kaplin’s (2006) can be made. On the up side, if we assume that good academic governance serves the institution of the university well and meaningfully, that is that “effective academic governance is the hallmark of a mature educational institution” (University of Tennessee, n.d.), then there is a duty for universities to be alert to the effectiveness of its body of academic governance. This raises issues of evaluation and assessment, of identifying matters of policy, process and practice, and the means for effective implementation and change management. In this paper, I examine an approach to these matters, building on concepts of critical relationships between ethics, curriculum and governance.

Boyd *et al.* (2008) recently developed a model for curriculum development that addresses values such as the graduate attributes espoused at Southern Cross University and, more widely, concepts of student-centred learning and academic integrity, fairness, rigour and equity espoused cross the higher education system (Biggs, 2003). This model considered the role of ethics in higher education, and especially the transition of a university curriculum from its current ethically-patchy format to one in which the curriculum would “require vertical development

of ethical content ... and horizontal alignment of content and practice throughout a degree program, enhancing students' skills of self-awareness and reflection [and the] result would be an empowered graduate with well developed capacity for ethical decision-making and evolving personal attributes (Boyd *et al.*, 2008, 39-40). More recently, moreover, Boyd & Newton (in press) extended consideration of an ethic-based developmental model to issues of university academic governance. In reviewing the impacts of significant external and internal influence on change within the higher education environment, specifically in relation to global networked education, we asked the question, "How can ... an individual academic deal with these changes ethically, and move out of his or her known theory and practice into the emerging globally networked educational environment?" (p.2).

There are many ways to tackle such a question (e.g. via policy analysis such as that of Elmore (1978, 1983) and MacDonnell & Elmore (1987)). However, in answering this question, it is apparent that the interface between the practices of teaching and learning on the one hand, and institutional processes and structures that frame curriculum on the other, are crucial. Examination of the implementation of policy and the forms of practice that emanate from policy provide windows into institutional and individual understanding and interpretation of the policy. In short, does the policy align with institutional and/or staff values and beliefs, and therefore how well is it implemented (Senge, 1990)? Implementation of university rules and practices frequently present pragmatic difficulties, which, if examined carefully, resolve as ethical dilemmas. Solution of such difficulties and dilemmas may result in an increasing body of regulation, increasingly complex academic governance environment, and teaching and learning restrictions. This has been recognised elsewhere, and consequently there are many frames in which to review and critique educational practice (e.g. Toohey, 1999; Biggs, 2003). Here I examine an alternative approach.

Ethical dilemmas: a frame for evaluating governance?

In considering a critical response to the question of effective change, Boyd & Newton (in press) found a model based on critique of ethical dilemma to be appealing. In tackling similar difficulties, Shapiro and her colleague have adopted an approach to critiquing teaching practice through analysis of the practical implications of the ethics of care, critique, justice and the profession (Shapiro & Stefkovich, 2001; Faircloth, 2004; Shapiro, 2006; see also Leonard, 2005; McCray & Beachum, 2006), as, in Shapiro's (2006) words, a "variety of lenses through which ... education policies may be viewed". Shapiro's (2006) case study demonstrates the use of multiple ethical paradigms to examine ethical dilemmas, moderated in terms of Gross's (1998) turbulence theory; her pragmatic conclusions offer promise:

"The merging of theory with practice is quite a balancing act. The use of ethical dilemmas is one way to accomplish that balance. ... [B]y using authentic teaching materials combined with paradigms and concepts, theory and practice can be beneficial and help to remove educational

administration programs from the charge of being Ivory Towers. It should also assist in making them into learning communities that are relevant, critical and thought-provoking[,] ... should foster moral decision making, and ... help to develop authentic and inspiring educational leaders for the future.” (Shapiro, 2006)

Boyd & Newton (in press) subsequently explored the applicability of this approach to the critique and development of academic governance, in this case from two particular governance perspectives: a broad view of current external pressures on the Australian higher education system and a more focussed view of the governance of academic integrity. We also found that a useful context – contrasting the often-individualistic ethical dilemma focus – was that of Furman’s (2003) ethics of community.

We concluded that, with a specific focus on the tensions between the four ethics of care, critique, justice and the profession, an ethics of community provides a useful context to finding practical solutions to the ethical dilemmas inherent in contemporary curriculum development and delivery. Through consideration of the practices and processes of community, it is possible to frame and critique learning and teaching approaches, policies and administration, to assist students and staff to develop ethical approaches to their scholarship and profession.

Applying the ethical dilemmas model to evaluating academic governance

While the adoption of an ethical dilemmas model remains a sound conceptual potential approach to evaluating developing academic governance, and has indeed been demonstrated to work at a smaller scale in analysing individual educational contexts and processes (e.g. Faircloth, 2004; Normore, 2004; Bredeson, 2005), it remains to be tested at an institutional-wide and governance structural scale. The rest of this paper describes an approach to test this possibility. It does so by describing an emerging project that draws on a unique opportunity. It is rare that a new set of academic governance rules is put into place. One such event is currently under way, at the New University of Kurdistan. This is a newly founded university, in which the body of academic governance has only recently been established (2005-6, revised during 2008). The current body of governance is based on a minimal set of academic rules, drawn from a diversity of (mainly) European and American models.

From that university’s perspective, there is a crucial role in reviewing this early iteration of governance and its implementation. Such a review is planned for early 2010, and I have been invited to conduct the review, building on my diverse academic governance experience at Southern Cross University. This will allow me to not only evaluate the governance processes from a conventional policy analysis perspective, but to also bring an understanding of curriculum development principles, organisational management theory, student focus teaching and learning, and ethical practice principles. The review is specifically focussed on: the examination and review of departmental student handbooks, University statutes,

ordinances, senior management structure, and executive management board processes; the evaluation of the University's strategic and academic plans, code of ethics, code of conduct, and governance structure; the development of quality control and assurance processes; and delivery of staff development workshops. In discussing this remit with the New University of Kurdistan, I have already introduced to the Vice Chancellor the concept of an ethics-based approach to governance development; this has received enthusiastic response. This offers the opportunity to apply – and test – the ethical dilemmas model to a more conventional governance review.

While such tasks could be run merely as a management quality review (cf. previous work on quality audits, management plans and policy implementation at Southern Cross University: e.g. Boyd, 2003, 2006; Boyd & Wilson, 2006), this is a perfect opportunity to test the applicability of Shapiro's ethical dilemmas model as a critical frame for institutional and staff development in relation to both governance and practice. In this context, an action research approach to engaging staff and reviewing governance proves the opportunity to both review and develop the University's academic governance and enhance its implementation. The action research approach also provides for performance evaluation of the underlying concepts (i.e., the ethical dilemmas model), implementation of practice change (inherent in an action research approach), and publication of research outcomes (cf. Boyd, 2001). This approach is inherently a case study (Yin, 2003) rather than analytical one, providing for the diversity of evidence forms likely to be collated (cf. Maykut & Morehouse, 1994), and allowing for a full and deep account of the situation being examined.

Several key elements will progress a full evaluation of academic governance through this approach; these will in part evaluate the body of governance itself, and in part, importantly, evaluate the model of ethical dilemmas as a practical frame for academic governance development. To achieve these ends, there is need for, in the first instance, a review of both the institution's current academic governance processes and structures, and the institution's academic and managerial understanding and implementation of its academic governance processes and structures. Building on this, there is then need for to identify strengths, weaknesses and gaps – a SWOT analysis (Bradford & Duncan, 1999) – in the institution's current academic governance processes and structures.

With these in place, the opportunity is now available to address issues of scale and implementation, i.e. consider the relative roles and effectiveness of policy, process and practice. While it may be tempting at an institutional level to examine governance at the policy and process levels, good policy analysis will link these macro-level characteristics to micro-level workplace practice (Elmore, 1978, 1983; MacDonnell & Elmore, 1987). Consequently, it is important to consider the experience, of those both implementing at a managerial level, and putting into practice at a workplace level, the effects and influences of governance structures and processes. In a successful organisation, alignment between policy, process and practice is strongly evident, and the members of that organisation share values,

beliefs and understandings of the organisational culture (Schon, 1983; Senge, 1990; Robbins, 1993; Goleman, 1998; Ramsden, 1998). To this end, an evaluation of academic governance is well suited to an action research/learning approach (Greenwood & Levin, 1998; Boyd, 2001). This allows evaluation to address all aspects of academic governance with the focus on both staff practice development and institutional process change, providing a medium for active engagement with all participants. Rather than staff at the institution simply being “informants”, they become core participants in considerations of the academic governance of the university. Importantly, they become key participants in the cycles of planning, implementation and review (or, in a social learning context (Keen *et al.*, 2005), cycles of diagnosing-designing-doing-developing), with the core purpose of developing their own skills, capacity and ownership of the processes and practices either in place or being developed.

The final element of the proposed approach builds on both the case study and action research/learning approaches. A reflective practice approach can usefully frame the evaluation of the overall approach (e.g. Schon, 1983; Boud & Walker, 1998; Brown *et al.*, 2005; Campbell & Norton, 2007), both in developing institutional and staff self awareness and capacity, and in evaluating the implementation and effectiveness of the ethical dilemmas model. As such, reflection is an integral part of the action research methodology. A reflective approach requires a prior structured process of measurable tests as well as personal reflection (e.g. Boyd, 1996), both of which need to be planned at the start of the research, and implemented both throughout and following the action research cycles by the participants.

Anticipated outcomes – spotlighting the cracks in the system

This approach to evaluating academic governance is anticipated to have a range of outcomes; change to or support for structures, policies and practices would be justified by benchmarks considered in terms of alignment of institutional and personal values, and of policy, process and practice. The fundamental measure would be one of effectiveness of the institution’ curriculum to deliver the educational product valued by the institution. Importantly, the work should result in an enhanced institutional understanding of its academic governance processes and structures, complemented by an enhanced staff understanding and practice capacity of the implementation of the institutional academic governance processes and structures. This may be informed by a scholarly critique of the process of building academic governance processes and structures in a new higher education institution, whereas in practical terms, the work should identify specific areas for academic governance process and structure development. Assuming the ethical dilemmas model provides a valid basis for evaluation, it is also likely that academic governance at the institution becomes increasingly explicit about its ethical foundations. This, of course, is predicated on a satisfactory scholarly critique of Shapiro’s ethical dilemma model as a frame for academic governance institutional and staff development.

While the action research model described here has yet to be put into practice, Boyd & Newton (in press) have already given some thought, through a reflective mode of enquiry based on their own work in the area of academic integrity, to the type of critique of academic governance that may arise from evaluation against the ethical dilemmas model. In opening their discussion, they noted that Southern Cross University, in managing academic integrity within its curriculum, is moving away from a predominantly policing and punitive response to student academic misconduct to an educative approach. The latter focuses on educating students about ethical professional and academic behaviour, and on facilitative curriculum design limiting opportunity for academic misconduct. With regards to identifying and acting on misconduct, the focus is on fairness, openness and facilitative and predictable responses to proven claims of misconduct. This is a policy response that articulates the ethics of justice, care, critique and the profession, providing the basis to educate students to be professional graduates. Despite Southern Cross University's policy's foundation in justice, care, critique and the profession, our analysis still revealed many dilemmas.

Ethical dilemmas become most apparent where policy is put into practice. With regards to academic integrity, such dilemmas become evident during adoption and embedding of text comparison or analysis software (often shorthand to "plagiarism" software). In the University's recent trial of software (Turnitin® was chosen), principles were developed to underpin use protocols; these are common with those used at other Australian universities (Newton, 2009): the software should be used to develop students' academic integrity and scholarship, and it should be one of many tools used to help identify plagiarism. However, in the trial, students were concerned that: (i) academics assumed they would intentionally plagiarise and that Turnitin was used to catch them out; and (ii) text matching by Turnitin would result in being incorrectly accused of plagiarism. Students sought reassurance that they would not be penalised unfairly for using Turnitin. Alternatively, academics found Turnitin to be useful in supporting established methods for checking possibly plagiarised text. Both students and academics considered the most useful aspect of Turnitin to be its educative capability (Davis, 2008). Despite these positives, many questions remain, and may be to be addressed, Boyd & Newton (in press) assert, though discussion of critical ethical tensions.

The dominant tension lies between the ethics of justice and of care: the need for equity against the university's duty of care towards its students. This manifests itself in overlapping questions. How do students balance individual work and study and their roles in collaborative work, particularly with increasing online collaborative learning? How do students and staff learn new skills in a networked learning environment that may lead to unintentional plagiarism (e.g. shared content in a wiki) (Salmon, 2008)? What is the balance between academic integrity training, education, policing, detection and punishment (Townley & Parsell, 2004)? What is the role for curriculum design in developing academic integrity skills, and how might it compromise other curriculum design aims? If assessment is designed to prevent misconduct, are other learning objectives compromised? How to

balance facilitative, formative or summative assessment? What responsibilities do academics have to educate students in suspected cases of misconduct? Do cultural differences in practices and perceptions of academic integrity need to be considered in cross-cultural teaching situations (cf. Granitz & Loewy, 2007)? Are there intellectual property issues in relation to academic integrity?

Secondly, Boyd & Newton (in press) identified questions reflecting tensions between the ethics of justice, care and the profession. The ethics of the profession is taken to apply to students, academics and managers, and thus concerns individual ethical behaviour and practice. How do pressures of academic honesty compare with pressures to pass (e.g. Naimi, 2007)? Can assessment – the point where academic integrity is measured – be balanced as educational versus commodity? Does institutional management of Turnitin overwhelm principles of care and justice? Does such management compromise intellectual principles (Jenson & de Castell, 2004). Can software be used as an educative rather than punitive tool? What are the “Big Brother” surveillance issues? Who is responsible? Are academic freedom principles compromised? What is professional behaviour, and how does it apply to student learning?

Finally, Boyd & Newton (in press) noted core matters that reflect an essential tension between ethics of justice and the profession. Why is plagiarism privileged over other forms of academic misconduct? Should pedagogic approaches to academic integrity be developed across the curriculum and adopted as institutional policy? If pedagogical approaches to academic integrity are developed across the curriculum, should, indeed, “plagiarism” software be implemented (Jenson & de Castell, 2004)? Is there risk of reliance on software and a potential abridgment of professional responsibility (cf. Donnelly *et al.*, 2006)?

Conclusion

Academic governance is at the core of an educational institution’s core business, and yet it is often complex, possibly misaligned, certainly often misunderstood. Its value lies in its ability for the institution to delivery a quality curriculum, and as such requires to be fully understood and implemented by management, administrators and academics alike. The need for critical evaluation of all or aspects of the body of academic governance is clear. There are many ways in which evaluation may be conducted. In this paper, I have taken the view that evaluation of academic governance needs to span the scales of policy, process and practice, and that by adopting an ethical dilemmas approach, it is possible to examine the practice of implementing academic governance in the daily actions of institution staff. By considering Shapiro’s model of a critical engagement with tensions that arise in any practical setting in terms of the ethics of justice, care, critique and the profession, I suggest there is scope for an evaluative engagement with governance that involves both institutional policy and processes and, importantly, academic staff practice. This approach not only allows for an evaluative assessment of the system, but also builds the capacity of the institution and its staff to develop,

change and truly implement the body of academic governance that ideally reflects and articulates the institution's core values and vision.

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