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As an Academic Librarian, it is my pleasure to work with students and faculty from across a range of disciplines. When I was asked to join the AIJ Editorial Board in the spring of 2012, I knew it was an opportunity to engage in the type of cross-disciplinary work that is a staple of university librarianship. The chance to work with professors from so many disciplines has proven to be demanding, engaging, and quite a bit of fun.

Inquiry as its own reward is an indulgence that, as academics, we rarely get to pursue. Yet reviewing manuscripts for publication in AIJ is just that sort of work. In the fields of Administration, Nursing, Business, and others, we are exploring questions and studies that seek to address the multitude of issues surrounding these disciplines. It is practical work. The research and writing we are privileged to publish reflects the inquiry and discipline of its authors. As publishers, we want to bring this type of writing to as large an audience as possible.

AIJ is an Open Access journal. It has been since its inception in 2011, and one of my early goals was to have this aspect of our journal fully recognized—to stress the importance of this to our university administrators, our faculty, the other editors and our readers. We are an Open Access journal in design, function, and intent. Our funding model does not charge readers or our institution for access; instead, we provide the journal’s content without charge on the principle that making research freely available to the public supports a greater global exchange of knowledge.

I am pleased to report that, as of April 2013, the Administrative Issues Journal is now indexed in the Directory of Open Access Journals (DOAJ). The DOAJ features more than 8,300 titles and more than 920,000 articles. The global coverage of the directory has expanded greatly, and this expansion reflects the degree to which Open Access is being promoted and demonstrates the vitality of e-scholarship. The current publishing model for academic scholarship is unsustainable. The economics do not make sense in a digital environment. As an Open Access, peer-reviewed journal, AIJ contributes to scholarship and information-sharing in a way that furthers the dialogue of 21st century publishing practices and the goals of scholarship in the digital age.

Our inclusion in DOAJ means the articles in this issue will be uploaded with metadata. The journal articles (in PDF format) will be included in long-term preservation projects. DOAJ statistics show more than 10 million successful requests a month for DOAJ content from all over the world and that web crawlers are fetching the content of DOAJ to be a part of their search engines.

In the end, what Open Access represents to authors means that what you write, the world will read. As a Librarian concerned with access, preservation, and usage, it is a privilege to work alongside my fellow editors and to be a part of a process that is changing the world in which we live.

Frederic W. Murray
Editor-at-Large
Traditional colleges and universities face a unique challenge of increasing the scope of educational operations to accommodate the growing demand for online education. While online enrollments in higher education have grown at a rapid pace, faculty resources have remained stagnant at many institutions due to budget constraints and a sluggish economy. Many administrators in higher education struggle to find a balance between meeting course demands and maintaining quality of instruction while adhering to financial constraints. This paper proposes a model to manage costs by supplementing traditional faculty with virtual faculty who would operate primarily in an online environment and work for a fraction of their market costs. The concept of the virtual professor is facilitated by modern technology that allows remote participation in all aspects of academic responsibility ranging from campus meetings to student advising. This model is of particular significance to universities that are located in geographical areas where it may be difficult to attract and retain qualified faculty.

Keywords: higher education, online faculty, budget constraint, online education

INTRODUCTION

Economic downturns and the increasing growth in online education have changed the traditional scope of colleges and universities. In a recent survey of four-year public universities, 89% report offering some form of online education (Parsad & Lewis, 2008). Many institutions have been forced to maintain academic standards despite experiencing instructor layoffs and employee pay cuts (Simon, Jackson, & Maxwell, 2013). With the growing propensity of colleges and universities using online classes, it has become a challenge for administrators in higher education to provide adequate resources for staffing these classes.

Staffing issues for online classes is complicated by requirements set forth by certain accrediting agencies such as the AACSB and ACBSP mandate that a certain percentage of business faculty have terminal degrees. This requirement drives colleges and universities to find a balance between paying a minimal amount per class for an adjunct instructor versus hiring a full-time tenure-track or tenured professor to teach the class. Accreditation bodies also require business programs to have academically qualified faculty. To meet this requirement, colleges and universities must find a way to adequately staff these classes with professors who have terminal degrees and current research and still provide these resources in a cost-effective manner.

This paper proposes the concept of the virtual professor as a solution to accreditation and staffing woes. A virtual professor is a faculty member who does not physically appear on-campus more than once a month. Instead, they teach classes remotely and participate in campus meetings via electronic means such as Skype. A virtual professor can still maintain the same responsibilities as a traditional professor, including teaching, research, and service. The only difference is the virtual professor uses technology to actively participate in these various activities. For purposes of the accreditation of the college or university, these professors are considered as full time qualified faculty. The biggest advantage to the university lies in the reduced cost of the faculty. First, a virtual professor has no need for office space and does not require the university to provide space, computers, technology, and electricity. Second, a
virtual professor conducts classes in an online format, so there is no need for a physical class space. Third, a virtual professor is willing to accept a significant reduction in salary in exchange for choosing where they live and avoiding possible geographical relocation. With relocation being a non-factor, recruiting faculty becomes less challenging.

PREVALENCE OF ONLINE EDUCATION

The proliferation of the internet has created a huge demand for college courses to be taught online. The growth rate for online enrollments far exceeds the growth in higher education overall (Babson Survey Research Group, 2011). In response to this demand, colleges and universities have created a multitude of online classes and degree programs (Carroll & Burke, 2011) that are accompanied by a range of academic and economic issues.

One promising avenue to help universities contend with the issue of attracting faculty is offering flexibility in instructional methods used by the faculty member and the degree to which the faculty member is on-site and in residence (Bollinger & Wasilik, 2009). Technological advances in communication, collaboration, conferencing, and especially instruction have effectively reduced the amount of time a faculty member has to physically be on campus in the traditional sense. When recruiting new faculty, many potential candidates may be attracted to the flexibility that goes along with online alternatives to being on campus and presenting traditional classroom instruction.

The forces that urged educators to utilize technological advancements to offer distance learning as an educational alternative should also seemingly embrace the use of such advancements to offer faculty the flexibility to operate from a distance, in much the same way that many employees in industry have embraced the option to telecommute (Curran, 2008). A number of societal trends have driven online instruction as one of the most profound revolutions in higher education history. Students have become much more computer savvy and the internet has become a mainstay in the daily lives of all Americans. In addition, Americans have transitioned to more hectic, multi-faceted lifestyles that make the traditional four-year, on-campus collegiate model less practical. The alternative of distance education offers the benefit of higher learning for many people who may not obtain a college degree otherwise, such as those who are full-time employees. This environment can also offer the professor many of the same benefits via telecommuting and interactive online instruction that would be very attractive to many faculty members and minimize recruiting difficulties for a variety of institutions.

THE VIRTUAL PROFESSOR

With the recent economic downturn, college and university budgets have become increasingly tight. University administrators are often reluctant to pay the necessary salary required to hire qualified faculty for business positions. According to AACSB International (2011), the average starting salary for business faculty is $132,000. The concept of the virtual professor allows universities to maintain accreditation while also staying on budget. Instead of hiring a large number of adjunct professors to cover classes, a virtual professor can cover the course load and still allow the institution to meet accreditation and staffing goals. Many schools and colleges of business around the country face obstacles in attempting to attract quality new faculty members to their institution. Obstacles could be issues as simple as budget cuts, or more complex geographical disadvantages such as modest school systems or inadequate housing options. Over the years, traditional schools located in rural areas and smaller towns have faced the challenge of attracting and retaining quality business faculty. Many schools also face the budgetary challenge of attracting academically qualified faculty members in disciplines such as finance and accounting where quality faculty are relatively scarce and the market rates to hire these faculty have become inflated over the years. Overall, it can be difficult for smaller institutions seeking to maintain accreditation standards to attract qualified faculty to smaller towns and rural areas with a budget restrictive salary.

By supplementing the faculty with virtual professors who would operate primarily in an online environment, administrators in higher education are able to fulfill their accreditation requirements at a fraction of the actual market cost. The concept of the virtual professor allows active, remote participation in academic responsibilities and provides a greater degree of flexibility in the work schedule. The virtual professor can still actively participate in student mentoring, advising, committee involvement, and curriculum development. In the same way that technology has changed and enhanced instruction, it has allowed alternatives for faculty contributions through technological media such as Skype, email, online conferencing, and other avenues. Virtual professors can also be instrumental in
maintaining the academic experience and quality of instruction for students. A number of studies in online education indicate that students rate online courses as highly as they do on campus courses and that learning objectives are met equally in both settings (Simon, Jackson, & Maxwell, 2013). The virtual professor is able to post instructional videos and voice messages, and be accessible to the students via email, instant message, chat rooms, and discussion forums online. Many of these online features promote an interactive element that supports a more active learning environment for students and results in higher satisfaction for both students and faculty (Bollinger & Wasilik, 2009).

REFERENCES


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country. He is a former president of the University of South Alabama Alumni Association and was a founder of the Mitchell College of Business Alumni Association at USA. Bennett is a past-president of the Eufaula-Barbour County, Alabama Chamber of Commerce and has served on numerous boards and foundations. He was a member of Leadership Alabama Class XVII.
REFERENCE LETTERS AND THE UNINFORMED BUSINESS EDUCATOR: A U.S. LEGAL PERSPECTIVE

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While providing references to students, business professors have to meet dual demands of giving sincere references to prospective employers while avoiding any potential litigation claims of “defamation” and “violation of privacy” from the students. While the approach of providing bare minimum information may seem to mitigate the risk of litigation claims of defamation from former students, it might serve as a potential pitfall for facing “intentional misrepresentation” liability from the prospective employer. This paper addresses these concerns, together with other legal issues U.S. business educators face in this area of potential liability. Suggestions are offered to those who provide references for the purpose of minimizing the possibility of litigation exposure, either from the student or from his future employer.

Keywords: Reference Letters, Business Educator, Defamation, Violation of Privacy, Protection Guidelines

INTRODUCTION

As business educators we have two responsibilities and objectives: educate our students and provide industry with a competent and skillful workforce. College students, and especially college graduates, often rely on references from their professors when applying for jobs or to further studies in graduate programs due to lack of industry work experience. Oftentimes professors (and sometimes coaches and spiritual leaders) are the only people that have been in a position to observe the students’ characteristics, skills, performance and work ethic. Therefore, it is not uncommon for students to contact their professors, either during their time in college or thereafter, to ask for permission to list the professor as a reference to a potential employer or to ask for a letter of reference for a specific job or graduate program.

Employment references are an important tool that benefits employers with their hiring decisions and assists them to predict the future level of performance for their prospective employees. References also assist in obtaining additional information about job candidates which could not have been retrieved from any other source. Over the past two decades, the demand for letters of reference has increased considerably. Approximately fifty to ninety percent of employers ask for them and utilize them. (See Ziegler, “Employment Law—An Employer’s Duty to Third Parties When Giving Employment Recommendations—Davis v. Board of County Commissioners of Dona Ana County”, 30 N.M. L. REV. 307, 311, see note 16 (2000)). Employment reference information requested generally includes: (1) the applicant’s prior employment and educational background; (2) assessment of the applicant’s personality and character; (3) assessment of the applicant’s work skills and capabilities; and (4) whether or not the reference providers would hire or continue to employ the applicant. Not only employers are asked to provide reference letters, but university professors are frequently called upon to furnish student reference letters to recruiters. Candid and truthful references by professors to potential employers of students serve the dual purpose of assisting a deserving student to get a desired job, as well as helping the employer to make the right choice of applicant for a particular position. However, authors of letters of reference have been subject to a variety of legal actions, both by students and by their prospective employers. While
honest and forthright references serve the best interest of society. U.S. authors, in particular, can face litigation by students on claims of defamation, invasion of privacy, misrepresentation of facts, and interference with prospective employment.

Authors who attempt to circumvent the potential for lawsuit by providing references bare of basic information, or who have provided glowing recommendations that inflate the status of a poor student have not escaped liability. Such wrongful actions have been subject to claims by the hiring institution for negligent referral and intentional misrepresentation (Davis v. Board of County Commissioners of Dona Ana County, 987 P.2d 1172 (N.M. Ct. App 1999)). While a reference letter that appears neutral on its face may seem to reduce the risk of potential legal action for the author, it can have an adverse effect for the potential employer and on the competency level of employees within the workforce. For example, if a school district hires employees with neutral references, it can be subject to a claim of negligent employment if the person hired demonstrates serious misconduct while on the job. A neutral recommendation could also undermine sought-after personal assets such as intelligence and work ethic of a deserving student and make him appear to be unworthy. Professors are constantly challenged to author meaningful letters of recommendation that serve the best interest of both their students and the prospective employers. This challenge is thwarted by the specter of legal action. An understanding of the law by a review of past case authority in this area of litigation can provide professors with the necessary information to mitigate their risk of liability when providing student references.

Brief guidelines on the specifics of writing reference letters have been published in trade journals, professional magazines and in the popular press (e.g., Aamodt et al., 1993; Schneider, 2000; Siegel & Garrett, 1998; Weiss, 2004) and more recently via online resources. However, these resources focus mainly on how to write an efficient recommendation letter. In our literature review, we find that there are limited academic research available to aid professors in the process of writing recommendation letters (Barr & Mcneilly, 2002). While some research has focused on the use of reference letters in academia versus professional fields (Nicklin & Roch, 2009), other research has investigated the bias in writing reference letters (Grote et al., 2001). For example, Cesi and Peters (1984) examined the effects of confidentiality and found that most professors wrote weaker (and perhaps more truthful) reference letters if they were marked confidential compared to non-confidential. Other researchers have focused on the legal aspects of writing reference letters from the employers’ perspective (Clay & Stephens, 1996; Compton & Scribner, 1990; Dannin, 2004; FEPG, 2006; Harshman & Chachere, 2000; Hirschfeld, 2004; McRae, 2007; Peschiera, 2003; Rovella, 1995; Ryan & Lasek, 1991; Verkerke, 1998). To address this research gap on legal issues in writing reference letters in higher education, we aim to bridge the knowledge on how to best aid our students in getting hired or accepted to a graduate program while highlighting important legal issues to uninformed business professors considering writing reference letters for their current and former students. In addition we provide guidelines for writing references (see Table 1).

LIBEL AND NEGLIGENT MISREPRESENTATION – THE BALANCING GAME

The term “negligent misrepresentation” is generally defined as a careless or false statement made within a circumstance where caution and care should have been taken. An important case discussing negligent misrepresentation that relates to employment references is Randi W. v. Muroc Joint Unified School District, 929 P.2d 582 (Cal. 1997). (See also Saxton, 1997). In this decision, the California Supreme Court held that it is the duty of the recommendation writer to truthfully represent the qualifications and character of the subject in question. This same finding was determined by the Texas Supreme Court in the case of Golden Spread Council, Inc. v. Atkins, 926 S.W.2d 287 (Texas 1996). A different outcome was decided in the New York case of Cohen v. Wales 518 N.Y.S.2d 633 (N.Y Appellate Division 1987). This opinion held that the ultimate decision makers of the hiring decision are responsible in law, rather than the writer who recommends candidates. However, there are many jurisdictions wherein courts have held that negligent representation in a reference letter can make the author of the reference liable to the foreseeable third parties who use these letters for their hiring process. This majority view holds true in jurisdictions throughout the United States (Davis v. Board of County Commissioners of Dona Ana County, 987 P2d at 1180 (N.M. Ct. App. 1999)). Case law has established that employers who make employee recommendations, have a duty to exercise reasonable care to not misrepresent an employee’s record whenever such behavior would create a foreseeable risk of physical injury to third parties.
U.S. courts have recognized recovery on behalf of prospective employers and third persons when letters of recommendation are not truthful or forthcoming (Jener v. Allstate Insurance Co., (1995) No. 93-09472 Fla. Cir. Ct.). In this case, the insurance company employer gave a positive reference for an employee who was fired for bringing a gun to work. The prospective employer relied on positive statements in a written reference and hired the individual, who subsequently brought a gun to the new job site and shot several persons in the office cafeteria.

In a more recent decision, the recovery for liability resulting from misrepresentations in reference letters was over 4 million dollars (Kedlec Medical Center v. Lakeview Anesthesia Association, (2008) No. 06-30745). The legal principles that were recognized in recent misrepresentation cases impose liability for writers of letters of reference when such authors are aware of facts that present a substantial and foreseeable risk of harm and are applicable to faculty-authored references. This actionable harm can be to the prospective employer or its employees and other third parties. It should be noted that the courts have also addressed the issue of duty to disclose. It is well-settled that even if a person has no formal duty to disclose a particular fact, in the event one chooses to speak or write, he must communicate enough to prevent the words from being misleading to the recipient (Grozdanich v. Leisure Hills Health Crt., Inc., 25 F. Supp. 2d 953 (1990)).

Negligent misrepresentation lawsuits should not be confused with claims based upon a cause of action of “defamation.” The two claims are separate and distinct, though both may play a role in employment reference liability for the author of letters of recommendation. Unlike the aforementioned cause of action based upon the concept of negligent misrepresentation, the term “defamation” is defined as a wrongful and unprivileged injury to a person’s reputation (N.M. UJI, Civil, 13-1001, SCRA 1978). A defamatory statement typically has a tendency to render the party about whom it is published to appear contemptible or ridiculous to the public, or hinder others from being associated with him or her (Fikes v. Furst, 134 N.M. 602, 81 P.3d 545 (2003)). The term “libel” is a type of defamatory statement that is expressed in a permanent form, such as in a writing or a photograph. Therefore, a letter of reference that contains defamatory language will constitute a cause of action for libel (Jensen v. Hewlett-Packard Co., 18 Cal. Rptr. 2d 83 (1993)).

It should be understood that the broad definition of defamation includes both the legal concepts of “libel” and “slander.” Traditionally, the term “slander” has been used to identify the oral counterpart of defamation. However, more recently, the distinction between libel and slander has effectively disappeared. Case law provides that the lines of distinction between slander and libel have become so significantly blurred that there are ample reasons for abolishing the distinction between them (Newberry v. Allied Stores, 108 N.M. 424, 773 P.2d 1231, (1989)). For the duration of this paper, libel describes oral or written defamation of a person.

In a well-publicized case that eventually reached the U. S. Supreme court, a former student alleged that a professor’s comments in a reference letter defamed him. This case resulted in liability and recovery against the professor (Burt v. Board of Regents of the University of Nebraska, 757 F.2d 242 (10th Cir. 1985)). Subsequent to this landmark case, concerns about defamation suits within the academic community seem to have resulted in a dilution of the content of reference letters. The threat of lawsuits may also have given rise to the practice of professors being more prone to offer verbal references. Though these leave no written trail, they serve neither the applicant’s nor the employer’s best interest. Telephone inquiries, for example, have become popular because recruiters perceive that reference givers are reluctant to go on record with their comments. Ironically, the absence of documentation, which gives telephoning its appeal, can come back to haunt the unwary responding educator. Unless a professor confirms who is calling and why, he risks being accused of negligent dissemination of reference comments. Moreover, lack of documentation can make defending the actual statement extremely difficult. It should be remembered that in the event the defamatory statements are communicated to the person who is defamed, who then orally repeats the defamation to others, the defamation cannot be brought against the originator of the statements (Gonzales v. Nissan Motor Corp., 58 P.3d 1196 (2002)). Similar protection is afforded to forms of written defamation. In the event a defamatory letter is intercepted by a third person who reads it, this circumstance does not constitute publication or negligent communication of the defamatory statements (Chico v. Frazier, 106 N.M. 733, 750 P.2d 473 (1998)). Therefore, if a professor should send a copy of the reference to the student, in the event that letter contains defamation and it is opened and read by a parent or roommate, then it is not actionable libel for purposes of defaming the student in the eyes of the wrongful recipient. In similar fashion, most jurisdictions provide that intra-corporate communications do not constitute publication and can maintain a protection against liability based on a “need-to-know” reasoning. Accordingly, if a professor is
referring one of his/her students to the graduate program within the same University, the communication would not result in liability.

As employer demand for written references is not waning, authors of references need to tool themselves against resulting liability from libel actions. Professors face the dual burden of (1) writing recommendations that are informative and therefore less likely to be ignored and (2) protecting student’s rights. A brief overview of the historical Supreme Court decisions on libel law in the United States provides a clear understanding of how the law of defamation has developed. In the landmark decision of New York Times v. Sullivan, the U.S. Supreme Court established that defamation requires not only a statement of factual error, but that the plaintiff additionally must have a showing of clear and convincing evidence that the publication was made with actual malice (New York Times v. Sullivan, 376 U.S. 254, 84 S. Ct. 710, (1964)). This became known as the “New York Times Rule,” and state jurisdictions have since developed their own definitions of actual malice and ways of determining whether actual malice has been shown. Many states now define a defendant’s actions as malicious whenever the publication was made by a defendant with knowledge that it was false or with a reckless disregard of its veracity (N.M. UJI, Civil, 13-1009, SCRA 1978). A plaintiff may also prove that a publisher negligently failed to check on the veracity of the communication prior to publication. This finding of “negligence” is appropriate whenever the fact-finder determines that a reasonably prudent person could foresee an unreasonable risk of injury to the reputation of another. The fact-finder must also determine that any person acting with an exercise of ordinary care, would not have acted in the same manner under like circumstances as did the plaintiff (N.M. UJI, Civil, 13-1009, SCRA 1978).

Ten years after the New York Times decision, in Gertz v. Welch Inc., the Supreme Court fine-tuned its evolving libel doctrine and created important new law (Gertz v. Welch Inc., 418 U.S. 323, (1974)). No longer would libel plaintiffs be able to prevail without proving that they were harmed in some way by a defendant’s utterance. Moreover, any plaintiff seeking punitive damages, which are designed to punish the author beyond mere compensatory loss, would have to overcome the same obstacles constitutionally mandated for public officials (see Curtis Publishing Co. v. Butts, 388 U.S. 130, 155 (1967); New York Times Co. v. Sullivan 376 U.S. at 285-92, 1964). (See also Compton, Comment, Developing Standards of Care after Time Inc. v. Firestone: Experimentation is Needed, 29 Mercer L. Rev. 841, 842-48, 1978). Furthermore, for a communication to be libelous, it must necessarily be a “false” statement of fact. Statements that constitute communications of opinion rather than statements of fact have historically been treated with particular concern within the context of defamation lawsuits. Courts have adopted the so-called “Gertz Rule,” holding that ideas and opinions are constitutionally protected. Statements which are wholly opinions are generally not actionable as defamatory. For example, if a professor writes that “In my opinion the student lacked judgment,” then this statement will not be subject to defamation claim. To be actionable under law for defamation, the communication must have one statement of fact, or at least imply that the communication is based on existence of undisclosed facts (Fikes v. Furst, 133 N.M. 146, 61 P.3d 855, (2003)). To determine whether a communication is a mere opinion or a fact, for purposes of defamation, the writing requires an evaluation of (1) the entirety of the publication, (2) the extent that the truth or falsity may be determined without resort to speculation, and (3) whether reasonably prudent persons reading the publication would consider the statement as an expression of opinion or a statement of fact (Fikes v. Furst, 133 N.M. 146, 61 P.3d 855 (2003)). In some jurisdictions, the trial court determines in the first instant if the statement is fact or opinion, under the assumption that the statement is explicitly one or the other (Schuler v. McGraw-Hill Companies, Inc., 989 F.Supp. 1377 (1997)).

In 1990, the U.S. Supreme Court altered the Gertz decision by rejecting the notion that statements of opinion could never be the basis of a libel suit in Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990). This case established that statements of opinion may indeed constitute libel in the event they can be sufficiently proven to be true or false. This case has effectively lessened the opinion defense to libel that had typically been adopted by many lower courts. This finding is a significant development for authors of letters of reference made on behalf of students. Often, pre-printed forms that a business or institution requires to be filled out by the professor may specifically ask for opinion information. One way to circumvent pre-printed questions such as these is for the recommender to give enough specific factual data about the candidate so as to allow the institution to draw its own informed conclusions about the concerns raised by these opinion questions.

It should be remembered that in any libel case the law mandates that the burden of proof befalls the plaintiff. If a
student suspects his reputation has been harmed by libelous statements, he should identify four basic elements that must be present in order for libel to have occurred: publication to a third party; identification of the plaintiff; a defamatory statement of fact; and actual injury to the plaintiff. If all the elements are identified, the student may legitimately seek redress. The plaintiff must first prove that the offensive statement was published. The term publication has been defined as an intentional or negligent communication to any person other than the person defamed (N.M. UJI, Civil, 13-1003, SCRA (1978)). Publication is an important requirement in order for defamation to be actionable. There can be no defamation if the communication was not published (N.M. UJI, Civil, 13-1003, SCRA (1978)). In mass media cases, wherein the defendant is a newspaper or a magazine, evidence of publication is readily apparent and normally not a matter of dispute. However, libelous content does not necessarily need to be published in a formal sense. Publication may also occur in the aisles of a retail store, at a public meeting, or in a letter (Martinez v. Sears Roebuck & Co., 81 N.M. 371, 467 P.2d 37, (1970); Dominguez v. Stone, 97 N.M. 211, 638 P.2d 423, (Ct. App. 1981); Brinich v. Jenka, 106 ALR5th 475, (2000) PA Super 209, 757 A.2d 388). If a defamatory statement is made to a person who knows that the statement is untrue, publication has not occurred (Fikes v. Furst, 133 N.M. 146, 61 P.3d 855, (Ct. App. 2003); Silverman v. Progressive Broadcasting, Inc., 125 N.M. 500, 954 P.2d 61, (Ct. App. 1998); N.M. UJI, Civil, 13-1003, SCRA, 1978).

In defamation lawsuits, each of several communications to a third person by the same defendant is a separate publication (Sec. 41-7-1 NMSA, 1978). Once the statement is published for the first time, the clock on statute of limitations will commence. Separate state jurisdictions have statutes of limitations that run for a duration of one to three years from the time of the published defamation (Sec. 37-1-8 NMSA 1978; Jean v. Dugan, 814 F. Supp. 1401, 20 F.3d 255 (1994); Hoke v. Paul, 65 Hawaii 478, 653 P.2d 1155 (1982)). In order to support a claim for defamation, the communication must be concerning, or identifying the plaintiff. Persons can be identified sufficiently by name, address, profession or other characteristics. The plaintiff must prove by a preponderance of the evidence that the communication is concerning the plaintiff. This requirement has been met in circumstances wherein the person to whom it was communicated reasonably understood that it was intended to refer to the named plaintiff. Interestingly, the communication may be concerning the plaintiff even though it is equally applicable to other unnamed persons (N.M. UJI, Civil, 13-1005, SCRA, 1978). Communications must be defamatory and false for libel to occur. Therefore, authors can avoid liability by ensuring that the reference letters contain only truthful assertions of provable veracity.

Interestingly, some recent employment defamation cases hold that a defamatory publication can occur when a plaintiff is under strong compulsion to relate to third parties harmful statements about himself that a defendant might have communicated only to the plaintiff. In one case, for instance, the court recognized a self-publication doctrine for job applicants who felt compelled to divulge to potential employers injurious information that was told to them by previous employers (Lewis v. Equitable Life Assurance Society, 389 N.W.2d 876, Minn., (1986)). A comparable scenario in the educational setting is the following. A campus recruiter asks a student, “I see from your transcript that you received an ‘F’ in managerial accounting. Why did that happen?” Under the doctrine of self-publication, the professor might find himself having to defend against a defamation suit if the student, feeling compelled to answer truthfully, were to reply, “The instructor said I cheated on an exam and therefore gave me an ‘F’ for the course.” In this scenario, the professor may need to prove the truth of the cheating accusation to avoid liability, regardless of whether he did not divulge the accusation to any third party.

**PRIVILEGE TO DEFAME**

A variety of utterances that would otherwise be classified as actionable defamation are protected under the common law doctrine of “privilege.” Under certain conditions, the professor is shielded from liability by the privileged nature of a communication. The theory behind affording privileges is to permit robust freedom of expression without fear of liability in certain settings (see Kalven, “Uninhibited, Robust, and Wide-Open”—A Note on Free Speech and the Warren Court, 67 Mich. L. Rev. 2889, 1968). One commentator believes that the “uninhibited, robust, and wide-open” language was historically the predominant Supreme Court rationale for the defamation privilege (see Anderson, Libel and Press Self-Censorship, 53 Tex. L. Rev. 422, 445, 1975). The doctrine of privilege is intended to encourage open discussion on matters that require unfettered interchange of information. State courts have recognized two categories of privilege: “absolute” and “qualified.” We focus on qualified privilege for the purpose of this paper since absolute privilege is mostly limited to situations that include judicial proceedings, legislative proceedings, executive
communications, consent of the plaintiff, spousal communications and political representations (Neece v. Kantu, 84 N.M. 696, 507 P.2d 443 (1978)). The concept of privilege is not the same as confidentiality. The fact that a defamatory statement is made confidentially does not qualify the communication as privileged. Defamatory words do not become privileged merely because they were communicated under conditions of strict confidence.

Qualified privileges exist under a wider variety of circumstances and occur more frequently than do absolute privileges. A “qualified privilege” is one that immunizes an actor from liability only when the defamation exists within the performance of a legal or moral duty. An example of a qualified privilege is the time-honored attorney-client privilege. A similar qualified privilege is that which attaches to editors of the press for their pre-decisional communications among editors before a story is published (Herbert v. Lando, 568 F.2d 974, 2d Cir., (1977)). Justice Brennen had reasoned as early as 1979 that the law has granted evidentiary qualified privileges to protect “interests and relationships which…are regarded as of sufficient social importance to justify some incidental sacrifice of sources of facts needed in the administration of justice” (Herbert v. Lando, 441 U.S. 153, at 183, (1979)), wherein the Supreme Court reviewed and upheld the actual malice doctrine in the earlier Circuit Court decision (Compton, 1981). Other examples where the courts have extended a qualified privilege include circumstances to protect against mandatory disclosure of journalist’s sources in the context of civil litigation (Baker v. F & F Investment, 470 F2d 778, 2d Cir., (1972); see also Compton, Increasing Press Protection from Libel Through a New Public Official Standard: Herbert v. Lando Revisited, 15 Suffolk University Law Review 79, 79-113 (1981).

According to legal experts, our system of freedom of expression functions to promote the search for truth, and to facilitate social change and to achieve personal self-fulfillment (Emerson, Colonial Intentions and Current Realities of the First Amendment, 125 U. Pa. L. Rev. 737, 747 (1977)). In order to encourage honest and truthful disclosures, most state jurisdictions provide a qualified privilege to individuals who make good faith referrals. A qualified privilege extends only to comments pertaining to the performance or public attributes of an individual in question, and does not include comments that relate to his personal life or habits. Also, it exists only for references which are requested and not for voluntary disclosures of information to the potential employer. A qualified privilege is a question of law in the eyes of both federal and state courts (Mahona-Jojanto, Inc., v. Bank of New Mexico, 79 N.M. 293, 442 P.2d 783 (1968); Edwards v. James Stewart & Co., 82 U.S. App. D.C. 123, 160 F.2d 935 (1947)). Utterances that have been granted a qualified privilege include statements made by an employer about an employee to another person who has a legitimate interest in the matter (Zuniga v. Sears, Roebuck & Co., 100 N.M. 414, 671 P.2d 662, (1983)). Professors who are responding to an employer query for background checks of students can similarly be insulated from claims of defamation. This immunity will attach in the event the former student signed an agreement with the potential employer to release from liability those who provide information pertaining to his background check (Baker v. Bhajan, 117 N.M. 278, 871 P.2d 374 (1994)).

The law generally provides that defamatory communications about prospective employees are privileged communications (White v. Blue Cross and Blue Shield of Massachusetts, 442 Mass 64, 809 N.E. 2d 1034 (2004)). Therefore, if a professor is referring a student who has worked under him to a prospective employer, he is immune from defamation as long as the statement is sincere, pertains to the job performance, and serves the human resource needs. This privilege demonstrates a legislative approval of the free flow of information between the former and the prospective employer. Most state statutes provide employers immunity from liability for comments about the job performance of a current or former employee if the employer is acting in good faith. However, such immunity shall not apply when the reference information supplied was knowingly false or deliberately misleading and was made with any type of malicious purpose. The immunity is overcome if there is an abuse of the qualified privilege to defame, such as actual or express malice that is being shown (Trail v. Boys and Girls Clubs of Northwest Indiana, 845 N. E. 2d 130 (2006)). In an employment scenario, the former plaintiff/employee must carry the burden of proof to show that his former employer abused its conditional privilege in providing information about the employee to the potential employer (DiMarco v. Presbyterian Healthcare Services, 160 P3d 916 (2007)). Accordingly, a student employee of a professor who can establish that the professor’s recommendation was written with wanton or reckless indifference and with notions of ill will, spite, or intent to injure, will cause the professor to lose the qualified privilege and be open to suit for recovery of damages.

In a situation where a privilege is offered as a defense in a defamation case, the judge determines whether the
occasion gives rise to a qualified privilege. In the event that there is a showing at bar that the qualified privilege has been either abused or not abused by clear and convincing evidence, the judge will make that conclusive finding (Mahona- Jojanto, Inc. v. Bank of New Mexico, 79 N.M. 293, 442 P.2d 783 (1968)). However, in cases where the allegation of abuse of privilege is clouded by conflicting facts, the issue of the existence of a qualified privilege becomes a question of fact for the jury (Stewart v. Ging, 64 N.M. 270, 327 P.2d 333 (1958)).

A qualified privilege arises when the communication is made in good faith, the author has a bona fide interest or a duty to perform, and the communication is made to another person with a corresponding interest. If there is no duty to perform or no interest to be served, the communication is not privileged. Interesting case law has gone so far as to establish that even “unsolicited” statements made by a former employer, in a separate document to the attorney general and governor enjoyed a qualified privilege. In such cases, the letter writer may be found to have abused the privilege by acting maliciously or improperly (Baker v. Bhajan, 117 N.M. 278, 871 P.2d 374 (1994)). Within the scenario of letters authored by professors, a reference would have to consist of relevant statements and be written without malice in order to be protected under the doctrine of qualified privilege. The professor must not provide intentionally false information about the student. The falsity of a communication does not always destroy the qualified privilege.

If a false privileged communication is made with probable cause to believe it to be true and without negligence in investigating its truthfulness, there is no liability. Therefore, a qualified privilege generally furnishes protection when good faith is evident and the publication contains relevant information.

The defense of qualified privilege might also be available in circumstances when a professor has occasion to state facts that are outside his personal knowledge and provided by third party comments. It would be necessary for a professor to have personally investigated the veracity of any statement obtained from such third parties that were thereafter passed on in a reference letter. Ordinary negligence in investigating the veracity and truthfulness of third party representations will defeat the qualified privilege. The risk of losing the protection of qualified privilege suggests that professors should abstain from using information they have not personally researched.

The doctrine of qualified privilege can protect even communications of a derogatory nature about the character or attributes of an applicant for employment. This protection is provided upon the qualification that the statements are made in good faith to a potential employer for the employer’s benefit. This is particularly true when such statements are made in response to a legitimate request. The privilege fails if the statements are false or inaccurate unless the author had reasonable grounds on which to believe them. It is essential that the professor act reasonably. Although he may not deliberately lie about the qualifications or conduct of the student, he is free in this context to state his honest opinions on the matter. The professor need not avoid commenting on the character and respectability of the student to the extent that such comments are relevant and material to the hiring decision. The test of relevance is whether the communication has reasonable reference to the decision. However, even such relevant statements may lose their privilege if they contain excessive, violent or improper language. Use of intemperate language in a reference communication should be wholly avoided.

A qualified privilege may also be lost by excessive publication beyond the scope of the privilege. Liability can arise if an unprivileged recipient without a legitimate interest obtains the communication. Accordingly, access to reference letters should be strictly controlled. This does not mean that clerical personnel cannot process the communications. The qualified privilege extends to incidental personnel access in the usual course of business. Similarly, communications to entities such as confidential applicant screening boards and selection committees normally receive protection. Whether there has been excessive publication depends on the particular circumstances of each case, and is a question of fact for the jury to infer from the evidence. Generally, the defendant is protected whenever he avoids negligent or deliberate publication outside the scope of the privilege. Adherence to common sense precautions, such as avoiding the use of post cards to send reference communications, are sufficient to protect against loss of the immunity. It is prudent, though not absolutely necessary, to mark the envelope “confidential.”

**PRIVACY**

While a defamation action protects a person’s name and reputation, privacy law affords protection from unlawful intrusions into a person’s private life. The “truth” of a statement serves as a defense against a defamation claim, though not against a privacy claim. The tort of invasion of privacy was not recognized until the turn of the century, when a
young Louis Brandeis wrote that a cause of action should exist to protect one’s privacy. After the Brandeis writings introduced the tort, four types of privacy invasions achieved legal recognition: (1) Appropriation of a person’s name or likeness, (2) Intrusion upon a person’s seclusion or solitude, (3) Publicity that places a person in a false light in the public eye, and (4) Public disclosure of private facts about a person.

Over the last decades, there had been a dramatic shift in attitudes regarding protection of students’ rights regarding privacy. Disputes over access to student records were significant enough to warrant federal legislation. The Family Educational Rights and Privacy Act, 20 U.S.C. 1232 (Supp. IV, 1974) (FERPA), also known as the Buckley Amendment, defines conditions under which student records can be accessed. FERPA outlines the duties, obligations, and limitations of the student-institution-professor relationship with respect to privacy issues. Several provisions are of direct concern to professors. FERPA mandates that confidential letters of recommendation for which the student has waived the right of inspection are not accessible by the student. Records in the sole possession of the professor that are not otherwise accessible to other parties are also not accessible to the student. Other provisions within FERPA relate to the release of information to third parties. Except for innocuous items considered “directory information,” academic institutions cannot release any information about the student without written consent. Because professors compile evaluative information about students, they are obligated to protect the students’ rights and safeguard against unwarranted publication of this type of information. Consider this hypothetical but realistic conversation over lunch between a recruiter and a professor about a student the recruiter had earlier interviewed. In response to the recruiter’s inquiries, the professor may advertently or inadvertently disclose protected private information. This can give rise to actionable invasions of privacy regardless of a good faith or well meaning motivation on behalf of the professor. Such situations create a dilemma for the professor since it is not customary to obtain written consent for release of any and all information that a recruiter might request. It is paramount that educators maintain the confidentiality of their private records of students when talking to third parties.

**DISCUSSION**

There are solutions for improving the relevance and reliability of reference communications while protecting the rights of students and limiting the legal risks borne by faculty. Authors of references should be careful to limit the content of letters of recommendation to precise, explicit, and unambiguous language. Specific and verifiable information within the recommendation not only enhances the substance of the letter, but is more defensible than generalities. There are ways an educator who cares about students can write meaningful and informative observations in a reference letter so that the student and the potential employer are well served. Some of these methods require conscious planning in order to be effective. Others merely require a modest sensitivity to the needs of the student and the reader. The key is to identify attributes that might not be apparent from the student’s resume and transcript. Many reference letters merely make a perfunctory attempt to duplicate information about student course grades. Faced with large numbers of students, the professor may feel that he knows little else about students other than their course grades. Apart from the issue of how well professors should strive to know their students, it is likely that a modicum of extra effort and reflection would evidence additional relevant information about students.

Certain improvements in reference letters are possible with planning. When a student comes to the office to ask for a recommendation letter, it is too late to reconstruct missing information that could easily been easily documented earlier. For example, class records may not clearly reveal the student’s writing ability. Separate grades on essay portions of examinations may not be evident, and it is difficult to remember how well each student writes. An easy remedy is to code each writing assignment with an indicator of writing quality. A “+” might mean superior, a “−” might mean poor, and a “ok” might mean average quality. Such a system can be made as detailed as desired and will facilitate commenting on an aspect of performance that is relevant to recruiters.

Simple record keeping provides useful information for improving the content of reference letters. Keeping class attendance records allows professors to fairly and objectively answer the “dependability” and “reliability” questions that often appear on reference forms. Homework records also serve as indicators of the level of student commitment. Other informal notes jotted down during or after class can be helpful later. These might include observations about a student’s ability in oral expression, participation in class discussions, preparation for class, an insightful problem solution, or other items that are difficult to recall later.
Impressions obtained during office hour visits by students are often useful. Students, whose questions are well organized, for example, are exhibiting different behavior from those who ask, “Would you please go over Chapter 18 again?” Advisee counseling sessions are particularly revealing of a student’s organizational skills and professional commitment. A quick notation in the advisee’s file is an easy task.

The professor who works with student organizations might find it helpful to take brief notes on specific contributions made by individual students. For example, it might be difficult to remember that a particular student effectively chaired the community-service committee; but this indicator of leadership ability would provide useful information on a reference form. Just a few notes of this type would substantially improve reference letters without requiring substantial time or energy.

An additional technique for constructing useful information on behalf of students is to request them to write an autobiographical sketch. It is also appropriate to ask for a copy of the student’s resume to add content to the reference letter. Aids such as these, in addition to reminding the professor of the student’s activities, can also serve as indicators of articulation and organization skills.

Some student information is always available through the normal process of gathering exam and assignment scores to determine course grades. Certain patterns observable in the “raw data” underlying the course grades may help to create a more informative reference letter. For instance, a pattern of steady improvement during the course would not be evident to someone who is relying on a transcript for information about student performance. A high degree of variability in performance or, conversely, a high degree of consistency is worth a comment. If the professor knows of personal circumstances that have likely affected the student’s work, a note to that effect is useful to the evaluator. Additionally, it may be appropriate to report the student’s rank in the class. This information is usually not evident from the course grade. There is a considerable amount of “reading between the lines” involved in using reference letters. The absence of a comment might be construed as a negative observation. Therefore, a reference that contains a considerable amount of reliable and useful information is more able to provide an accurate understanding of a student’s characteristics.

The law generally recognizes an absolute privilege to a person responding to a reference request where the plaintiff has invited the inquiry. Courts also generally extend at least a qualified privilege to responses absent plaintiff consent. In either circumstance, however, prudence dictates that professors take certain precautions to avoid the possibility acting in such a manner as to lose the privilege (see Table 1, section A).

Adhering to this delineated list of recommendations can enable professors to create useful letters of reference. However, it remains a vigilant task for professors to balance the dual demands of providing sincere references to prospective employers while avoiding any potential litigation claims from the students. Professors should remain on their guard and ever watchful of student rights. Additional advice for educators to heed includes some further guidelines for student references (see Table 1, Section B). In addition to the above suggestions (Peschiera, 2003) recommends that professors add the phrase “without legal responsibility,” to a reference letter to protect against accusations of deceit, however this phrase does not protect against either defamation or negligence.

Another aspect for professors to consider is to educate students in the process of obtaining a reference (Petress, 1999; Range et al., 1991). Professors are sometimes caught in a bind, as educators our objective is to help guide our students and facilitate in the job searching process by preparing the students for life after college. However, sometimes we may not feel comfortable giving certain students a helping hand due to their less than stellar performance or lack of work ethic. Other times professors are more than comfortable to offer a recommendation of a student to a third party. The laws of defamation and libel may not be all that familiar to business professors and especially not recent PhDs and Assistant Professors who have just themselves received an academic position (most likely with the assistance of their professors in addition to their own credentials).

Oftentimes students are unaware of what their current or former professors need in terms of supporting material and the focus of the letter in order to write a quality reference letter. It is clear from our own experiences as well as documented in the literature that students highly differ in their view of reference letters (e.g., from highly valued and useful for employers and students to completely useless (Payne et al., 2006).
Table 1

Guidelines for Reference Letters

<table>
<thead>
<tr>
<th>Section A: Precautions to avoid the possibility to lose absolute privilege</th>
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<tbody>
<tr>
<td>• Obtain the student’s written consent to release information.</td>
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<tr>
<td>• Release only written information.</td>
</tr>
<tr>
<td>• Communicate by closed letter, addressed to an authorized person, not “to whom it may concern”</td>
</tr>
<tr>
<td>• Release only that information that can be supported by objective data and that is personally known to be correct.</td>
</tr>
<tr>
<td>• Release only information that is relevant to the employment decision and that can reasonably be proven.</td>
</tr>
<tr>
<td>• Avoid excessive or abusive language.</td>
</tr>
<tr>
<td>• Always act under a rightful purpose and avoid wrongful motives. Decline to furnish reference information when there might be a problem in these areas.</td>
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</tbody>
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<tr>
<th>Section B: General policy approaches</th>
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<tbody>
<tr>
<td>• Discuss everything good and bad about the student.</td>
</tr>
<tr>
<td>• Give reference letters only to students who are good and deserving.</td>
</tr>
<tr>
<td>• Provide only material facts like student name, course of study, etc.</td>
</tr>
<tr>
<td>• Practice different policy in different situations.</td>
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</table>

CONCLUSION

Reference forms and letters written by professors on behalf of students continue to play a central role in hiring decisions. However, writing such letters can expose professors to legal redress under privacy and defamation laws. A professor may find that he devotes considerable time to writing references that have the potential for significant legal consequences. Since the demand for these references does not appear to be waning, it is in the interests of the student and the prospective employer that these letters be made as informative as possible, while safeguarding against resultant liability. An understanding of the theory and legal reasoning of the past court decisions in defamation and invasion of right to privacy claims can afford substantial protection for the concerns of professors. This paper has discussed some of the essential factors which have determined the outcome of past legal actions taken against authors of references. While the potential to be held liable for defamation or invasion of privacy still remains, there are numerous safeguards which can assist a reference to satisfy legal requisites and avoid grievances by students.

A number of precautionary measures are suggested in the paper that can aid writers of references to mitigate their risks of liability for both libel and misrepresentation. Authoring relevant and reliable references to the correct authority enables professors to provide accurate job placement information about student applicants in the workforce. This serves the best interests of the business community and society as a whole. Certain procedures that require little marginal effort can offer specific useful information about student performance that, because of its objectivity and factual nature is largely invulnerable from defamation lawsuits. Prudence and caution by professors who have access to private student records can prevent the wrongful dissemination of proprietary information within recommendation letters, and prevent invasion of privacy lawsuits by students. Professors have the obligation to provide a truthful, sincere, and relevant representation of facts pertaining to the qualifications of a reference seeker. This can be accomplished without legal consequences if performed within the parameters that the law allows.
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Pay compression and inversion are significant problems for many organizations and are often severe in schools of business in particular. At the same time, there is more insistence on showing accountability and paying employees based on performance. The authors explain and show a detailed example of how to use a Compensation Equity/Performance Matrix (CEPM) approach to rationally and fairly address both of these issues simultaneously. The context is discussed along with the use and limitations of this approach. The CEPM approach can be used by any type of organization facing these problems.

Keywords: compensation, performance pay, salary compression, pay equity, compensation matrix

SALARY COMPRESSION AND INVERSION

This article explores the issues of salary compression and inversion and describes a compensation tool that can help managers and administrators address these difficult compensation challenges in a systematic and strategic fashion. We first briefly explore some of the literature on pay compression and inversion. We then focus on university faculty within colleges and schools of business as our example. We have chosen to look at business faculty because, relative to other occupational groups, and even in comparison to other university faculty groups, salary compression/inversion among business faculty appears to be a severe and almost universal phenomenon. We can give a concrete example of this issue and our approach for this group. Moreover, given recent budgetary problems common to most institutions of higher learning, salary compression/inversion issues are likely to remain particularly difficult to resolve. This is particularly true in a climate in which political and economic concerns increasingly demand accountability and demonstrable performance among all employees, while issues of pay equity often enter only for new faculty being hired at labor market rates. If internal pay equity is largely being ignored, the hiring of new faculty only compounds the equity problem and can lead to a variety of negative organizational outcomes. These dynamics are common in many jobs and organizations, not unique to higher education or business schools. In today’s economic climate, the balancing of performance-based raises and pay equity will be especially important when any money becomes available to distribute to employees. The approach we are describing here can be universally applicable to any organization.

The authors take the position that organizations should try to deal effectively and systematically with both individual performance and pay equity (compression and inversion) in the development of pay structures, the assignment of individual pay increases, and in the manner in which individuals progress through pay ranges. We present a compensation tool we have labeled the Compensation Equity/Performance Matrix (CEPM) as an approach to distributing individual pay increases. The CEPM approach allows organizations to balance salary compression/inversion and performance-based pay issues in a manner that is flexible and consistent with organizational strategic concerns.

The problems of salary compression and inversion have been among the most ubiquitous and irreconcilable compensation issues facing organizations. Both pay compression and inversion are problems that threaten the
integrity of an organization’s pay structure. Pay compression occurs when pay differentials between more senior, higher-level, or more highly skilled employees and newly hired, lower-level, or less skilled employees become small. The more severe case of pay inversion, typically occurs when newly hired employees are brought into an organization at salary levels greater than more senior, skilled, or experienced employees at the same or higher job level.

That the pay compression/inversion problem is tenaciously difficult to resolve can be demonstrated by comparing survey results from the 1970s and 1980s to results of current surveys of human resource management professionals and compensation analysts. One 1978 survey of 845 firms found that 90 percent had salary compression problems (American Compensation Association, 1978). A subsequent American Management Association survey of 613 firms reported that two-thirds had pay compression issues (Steele, 1982). Twenty-five years later, these concerns remain largely unabated. For example, a 2005 IOMA survey reported that salary compression continues to be the most pressing concern among the 500 HR professionals surveyed (IOMA, 2005). A similar survey from 2008 reported that salary compression remained among the top three compensation problems among companies in all sectors and was the top concern in the public sector (IOMA, 2008). The economic climate of the last few years has not provided conditions conducive to helping solve equity issues.

Why are issues of pay compression and inversion considered to be of such concern? This issue has been widely addressed in the management literature. The overriding problem is that pay compression and inversion are a threat to the organization’s competitive advantage, substantively through the mechanism of dysfunctional voluntary turnover (Martocchio, 2006) and its concomitant costs (McAfee & Glassman, 2005). Relatedly, pay compression and inversion have impacts on pay equity, job satisfaction, and organizational commitment (Ladika, 2005; McNatt, Glassman, & McAfee, 2007). Others have even argued that pay inversion is an unethical business practice (Glassman & McAfee, 2005).

Most of the writing on pay compression in the practitioner press is prescriptive. It assumes that pay compression and inversion are undesirable, and the focus is on various tools to address the problem (see, for example, Bergmann & Hills, 1987). The academic literature on pay differentials, however, is more equivocal in its conclusions regarding pay compression. Pfeffer and Langton (1993) describe the theoretical dilemma regarding pay dispersion, noting that many models, including expectancy theory, argue for the motivational impact of pay dispersion when pay is contingent on performance, while contrasting models argue that pay compression is necessary to promote good social relations in the workplace. Similarly, Shaw, Gupta, and Delery (2002) note that pay dispersion, in and of itself, is neither good nor bad, but must be understood within its strategic context. There are complex relationships that exist among various pay for performance mechanisms, work and worker characteristics, pay structures, and various organizational outcomes that require organizations to evaluate pay compression in light of its strategic context.

The research on pay dispersion (pay differentials, pay compression and inversion) seems to suggest that dealing with pay structures is much more complicated than simply eliminating pay compression. The impact of pay compression on organizational outcomes depends on the organization’s compensation strategy within a context defined by the existence and nature of incentive or pay for performance mechanisms, the degree of interdependence among employees, the importance of cooperative working relationships, and the relative levels of vertical (pay differentials across job levels) versus horizontal (differentials within a job level) pay compression. The notion is that, in some circumstances, high pay dispersion with substantial pay differentials both within and across job levels is appropriate, particularly to recognize outstanding performance. In other situations, low dispersion or a high level of pay compression is desirable where employee collegiality and cooperation is important and measures of individual performance are imperfect or differences in pay can be attributed to random or illegitimate factors.

The Salary Compression/Inversion Problem Among University Business Faculty

The problems of salary compression and, in some instances, salary inversion, have been among the most persistent and difficult compensation issues facing colleges and schools of business for decades. The typical pay compression problem in academia occurs with shrinking pay differentials among ranks. In many institutions, the progressive deterioration of pay differentials over several years has exacerbated pay compression to the extent that many business faculty are experiencing the more severe case of pay inversion, occurring when newly hired assistant professors are hired at pay levels greater than current assistant, associate, or even full professors in the same discipline.
Pay compression and inversion are not new problems. More than two decades ago, the Association to Advance Collegiate Schools of Business (AACSB) reported that salary compression was a “worsening problem” which was confirmed then and continues to be now. AACSB historical survey data from 1982 to 1986 showed that the average salary of new assistant professors was 4% more than current assistants, and almost as much as the average salary for associate professors (AACSB Annual Salary Survey, 1986). The pay differential between assistant and associate professors was reduced by more than 55% between the mid-1970s and mid-1980s (Gomez-Mejia & Balkin, 1987).

By 2008, the compression/inversion problem had only become more severe. In its survey of thousands of business faculty in public accredited programs, the AACSB data showed that the pay differential between full and associate professors was 13%, but the differential between associates and assistants was only 2%. More dramatic pay compression and inversion figures emerge when data on new hires is examined. In 2007, newly hired assistant professors were coming in at 2% more than current assistants and even 1% more than current associate professors. In 2007, new doctorates were hired at average rates 10% higher than current assistants, 8% higher than current associates, and only about 7% less than current full professors (AACSB US Salary Survey Report, 2008). The above represented the average situation. For specific institutions, the problem can be even more severe. Despite the concern of administrators and faculty alike, the data clearly shows that little has been done over the last 20 years to address the salary compression/inversion problem.

Why Does Salary Compression/Inversion Exist?

While salary compression is a broad concern across occupations including engineering, law, and others, there are some specific reasons that explain why schools and colleges of business are particularly subject to salary compression and inversion. Graduation data from the US Census Bureau (2008) suggests that while business doctorates granted have been increasing at a rate faster than growth among undergraduate enrollments, they may not have grown at a pace sufficient to keep up with exploding graduate school admissions. Undergraduate degrees granted in business remain at a fairly stable 20-21% of total undergraduate degrees, while Master’s degrees in business have increased from 18.5% of all Master’s degrees in 1980 to about 25% of all Master’s degrees in 2005. During this 25 year period, business doctorates have consistently remained at 2.4-2.8% of all doctoral degrees (U.S. Census Bureau, 2008).

While business doctorates granted have seemed to keep pace with overall growth in business enrollments, there does seem to be a labor market mismatch within doctoral programs. If one views doctoral programs as the training ground for tomorrow’s academicians, the fact that 22% of all students are business majors, but fewer than 3% of all doctoral degrees granted are in business, then there does seem to be an inherent mismatch. When this is coupled with alternative job opportunities for business doctorates outside of academia that other disciplines often lack, an excess of demand relative to supply for business doctorates relative to many other academic disciplines seems to account for much of the salary compression/inversion that exists within business fields.

Another factor contributing to salary compression/inversion for business faculty has been the presence of pay structures with highly developed internal labor markets. Highly developed internal labor markets tend to limit organizational entry to certain jobs. External or market forces are the primary determinant of pay levels for these entry jobs. However, organizational forces that govern internal movement, budgetary constraints, and pay for performance plans, limit the impact of market conditions on non-entry jobs (Milkovich & Newman, 2008). Gomez-Mejia and Balkin (1987) point out that rigid internal labor markets dominate in the academic environment and that 80% of all hiring is done at the assistant professor level. Thus, assistant professor salaries tend to be market-competitive, while pay differentials for internal movement are determined by tradition and budgetary constraints.

THE COMPENSATION EQUITY/PERFORMANCE MATRIX (CEPM)

A compensation approach is typically based on the traditional compensation analyst tool called the merit grid. The merit grid approach to allocating individual pay within organizations using merit pay systems is widely used and is described in most textbooks on compensation (see Milkovich & Newman, 2008), but detailed discussion regarding its application, its advantages, and its limits, are not common in the literature. The application of the CEPM is similar in operation to the traditional merit grid. We have chosen to re-label this tool to eliminate the emotionally-charged and often negative connotations associated with merit pay systems, and to re-focus the technique as a strategic
compensation tool. The focus is less on establishing merit guidelines than it is to balance pay for performance with concerns over pay compression. This article expands the usual mechanical description of the application of the merit grid tool to the consideration of multiple factors that impact its effectiveness. One additional distinction between this CEPM and a traditional merit grid is that pay range position in the matrix is determined by compa-ratios relative to market rather than by pay range position. This difference is important and is discussed below.

The CEPM is an approach to the determination of pay increases that bases an individual faculty member’s annual pay adjustment on a combination of performance and market equity. Specifically, the Compensation Matrix bases pay decisions on three variables:

1. the overall salary increase budget determined by the institution;
2. each faculty member’s salary relative to market pay by rank and specific discipline as determined by salary survey results; and
3. individual performance evaluation results.

The Salary Budget

The most important determinant of the individual pay increase is, of course, the salary budget. The CEPM makes two major critical assumptions about the salary budget:

1. The ability to address both pay for performance and pay compression-related equity issues within the same system depends on securing a salary increase budget that exceeds the overall rate of growth in market wages and salaries.
2. Ideally, all employees who are performing at the expected level or above should get a pay increase at least equivalent to overall market wage growth.

Regarding the first assumption, no compensation system can truly address pay for performance and salary compression/inversion issues simultaneously unless the institution makes a commitment to a salary increase budget that exceeds the growth in the overall wage and salary index. Pay for performance and internal pay equity issues can be marginally addressed with overall pay increase budgets that do not exceed overall market wage growth, but it is impossible to address both pay for performance and market (external) equity issues unless the organization secures a sufficient pay increase budget.

The second assumption is based on standards of simple fairness: any employee who is performing at an acceptable level should be able to maintain his or her standard of living by receiving a pay increase at least equivalent to overall market wage growth. There is considerable disagreement, however, on how this standard is operationally applied. Many institutions use consumer price comparisons (CPI data) within a specific geographical area to index pay, while others use the less volatile BLS wage and salary index (Bureau of Labor Statistics, 2008).

In the CEPM example developed here, the assumption is that the organization’s annual pay increase budget is 4.00% in a year in which overall wage and salary growth is about 2.75%. The objective is to design a system of pay increases that do not exceed the budgeted amount, yet provide all employees who have performed at least at an expected level (Expected Merit) a pay increase of at least 3% to keep them whole with wage growth in the external market. If the available salary budget is less than the annual market wage growth, the organization can either give it all as an across-the-board increase, or the CEPM could still be used as a way of dividing up the restricted resources while ignoring assumption number two above.

Pay Range Position and the Impact of Relevant Labor Markets

The traditional merit grid approach assumes that the organization’s pay system incorporates a fairly traditional set of pay grades with associated pay ranges and assumes that the organization’s employees are fairly uniformly distributed throughout the pay ranges. For organizations with severe problems with market (external) equity, this may not be a valid assumption. An advantage of the CEPM is that this assumption is not important because it does not use pre-established pay ranges. The CEPM determines the equity component of the pay increase based on each individual faculty member’s “compa-ratio” relative to market pay. The compa-ratio is simply defined as an individual faculty
member’s actual salary divided by a market measure (typically market median or mean) based on his or her rank and discipline. A compa-ratio of 1.00 means that the faculty member is “at market,” while a higher (lower) ratio indicates that he or she is above (below) market for his or her rank and discipline.

Determining one’s actual compa-ratio depends very directly on establishing the “relevant labor market” for purposes of a salary survey. The relevant labor market can be defined in several ways, including (1) the geographical areas in which an institution normally recruits for a set of specific jobs; (2) the institution’s product market competitors defined as those organizations that offer similar products or services; and/or (3) the institution’s labor market competitors defined as those organizations with whom the institution competes for employees. The choice of relevant market is important because pay setting is based on surveys taken of companies within the relevant labor market. Since pay varies systematically by several variables, including organizational size, geography, philosophy, and other factors, the choice of the relevant market and survey sample has a very significant impact on pay level. Therefore, the choice of relevant labor market for pay-setting purposes should be based on sound business-related reasons to avoid playing politics with pay and to arrive at accurate and meaningful comparisons that can logically be used to establish external pay equity.

In establishing relevant markets for pay-setting purposes, the survey choice depends on several factors. For example, organizations experiencing a great deal of turnover and problems in attracting applicants will usually focus more heavily on labor market competitors. Organizations with heavy cost pressures focus more on product market competition so that labor costs can be controlled. For many jobs the labor market will vary by job level with lower-level jobs surveyed in a local labor market and higher-level jobs surveyed at regional or national levels. For university faculty the situation is somewhat unique. For virtually all educational fields, the geographical labor market is national or international. Additionally, and unlike the situation in most industries, the labor market competitors faced by a university are also its product market competitors since the great majority of PhDs are employed by universities. For university faculty then, the logical salary comparison is, with a few exceptions, salary data from other universities. The problem, then, is, from the set of all universities which ones should be selected for pay-setting purposes? The answer to that question is that you match the set of universities surveyed to those you compete with for faculty. Typically you would select institutions that match in terms of size, level of accreditation, degree offerings, mission, and other similar variables that determine pay.

One important rule is this: there is nothing to suggest that all programs within a university should be compared to the same set of schools for pay-setting purposes. Organizations compete in several different relevant labor markets and, therefore, rely on salary data that varies both geographically and by industry for different occupational groups and job families. Similar to other organizations, one would not expect a university to use the same pay data set for setting pay ranges for clerical and administrative support employees as it would use for establishing pay for professional and administrative positions. Most universities will actually use several different salary data sets for staff.

Similarly, it is reasonable to assume that a university would use salary data from different sources to set salary levels for academic positions across different disciplines. The selection of a data set for pay comparison purposes should be a function of the level of the program, its size and complexity, the type of degrees it offers, its criticality to the university’s mission, and other practical, strategic, and mission-consistent variables.

Is the choice of relevant labor market really that important? Absolutely. The salary data base decision has a major impact on salary levels. Two of the main data bases available are from the College and University Personnel Association (CUPA) and The Association to Advance Collegiate Schools of Business (AACSB). Differences in salary averages for various ranks and disciplines using the CUPA and AACSB data bases can range from 7% to 31% apart even when sampling same institutional type, with the less selective CUPA data base being lower as evidenced in Table 1, which compares the different compa-ratios.

The labor market as defined by the schools in the CUPA National Faculty Salary Survey is probably less appropriate for business faculty pay-setting purposes than the more specific AACSB data base because the latter provides better job matches for business disciplines. However, the selection of institutions within the AACSB data base (as well as CUPA) represents choices among different “slices” of data based on geography, public or private support, type of degrees granted, areas of specialization, and other variables.
Developing Compa-Ratios for the Compensation Matrix

Table 1 presents a sample of actual historical salary data and merit ratings from the Accounting and CIS departments within the targeted university to demonstrate how compa-ratios were established. The rank and discipline for each faculty member were used to match each to relevant labor market comparison data for both AACSB and CUPA data bases using median salary as the appropriate market measure. The full chart included all 78 faculty members from all departments. Median salary is arguably the best market measure in this circumstance. Although mean and median salary values are fairly similar for assistant and associate professors, salary distributions for full professors are skewed, with the mean salary being considerably greater than the median because of the influence of very large salaries attributed to a rather small number of full professors holding endowed chairs, large grants, etc.

In both data sets, compa-ratios were established by dividing each faculty member’s actual salary by the market median. Both data sets were used to provide examples of how different compa-ratios can be when using different relevant market data. While the data in Table 1 are more constrained, compa-ratios for the AACSB data for the full faculty ranged from .573 to 1.189, with a median compa-ratio of about .87, while the CUPA data base produced a range from .71 to 1.362, with a median of about 1.00. The choice of which data base to use would have an impact on individual salary determination and would have significant political and administrative effects. University administrators could argue that business faculty are paid equitably with the market because the average compa-ratio is about 1.00 using the CUPA data. However, business deans would argue that the AACSB data base is the better relevant labor market comparison and it produces an average compa-ratio of just over .86, suggesting that the average faculty member

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<th>CUPA Data Median $000</th>
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</table>

*Note. AACSB data from all public accredited institutions. CUPA data from all public masters institutions.*
is 14% below market averages. The remainder of the CEPM example uses CUPA data for public accredited schools. Faculty were assigned to pay quartiles using compa-ratios as described below.

Pay Ranges, Pay Quartiles, and Compa-Ratios

The normal application of a merit grid requires that pay ranges have to be specified and that employees are assigned to one of four pay quartiles based on their position in the pay range. In many organizations this is not an issue because pay ranges have been previously established. In a system for classified employees, for example, pay ranges are simply defined as the distance between the minimum and maximum rates for the pay grade. Pay quartiles are established simply by dividing the pay range into four equal increments.

The CEPM approach isn’t limited to the use of pay quartiles. Pay quintiles or other metrics can be used. If an organization is developing a system for unclassified staff or professional, managerial, or administrative employees, no pay ranges may exist. In that case, pay ranges position can be determined based on current pay levels and labor market salary survey data. Pay ranges for jobs could be established based on salary statistics using pay distribution data and assigning individuals to pay quartiles based on their percentile relative to market. For example:

- Q4 pay at the 75th percentile and above
- Q3 pay at the 50th to 74th percentile
- Q2 pay at the 25th to 49th percentile
- Q1 pay below the 25th percentile

Our application of the Compensation Matrix develops pay quartile assignments based on compa-ratio data. In our example, the compa-ratio is the ratio of faculty members current salaries to the market median. These processes allow some flexibility for the organization as it establishes pay range distributions. Using the CUPA data in Table 2 as an example, administrators could establish pay quartiles “at market” such that:

- Q4 compa-ratio above 1.10 relative to market median
- Q3 compa-ratio from 1.00 to 1.09 relative to market median
- Q2 compa-ratio from .95 to .99 relative to market median
- Q1 compa-ratio below .95 relative to market median

This decision rule produces an almost uniform distribution with roughly the same number of faculty in each pay quartile, and 50 percent of the individuals in each of the top two (quartiles 3 and 4) and bottom two (quartiles 1 and 2) pay quartiles. The distributions within a pay range have a substantial impact on the pay increase percentages in the matrix. In a compensation matrix, all else being equal, the highest percentage pay increases are given to employees at the bottom of the pay range, or, in our example, those with the lowest compa-ratios. When an organization defines pay ranges to be at-market, but already has substantial problems with market (external) equity, a substantially greater proportion of employees will be in the lower pay quartiles. This is exactly the type of problem the target university will have if it decides to use AACSB rather than CUPA as market data. Using the AACSB data would result in only about thirteen percent of faculty in the top two pay quartiles if the middle of the pay range was defined by a compa-ratio of 1.00.

This limits the ability to use the Compensation Matrix because larger portions of employees are in the lower pay quartiles that have the larger pay increase percentages. To remedy this problem, the cell increase percentages must be changed or the pay ranges must be redefined to change the employee distributions. Accomplishing the latter is difficult if pay ranges are already well established and reflect the organization’s pay level policy (range midpoints set at market, for example). In this situation, meeting the salary increase budget requires changing the cell values in the matrix. Creating a uniform employee distribution in the matrix is more easily accomplished where pay ranges are not established and each individual’s position in the pay range can be defined by using compa-ratios as in our faculty example. In the CUPA example, the organization targets the market median, and its overall compa-ratio relative to market medians should be 1.00. That is, its average salaries are the same as market medians for those jobs. The
compa-ratio example using the CUPA data reflects this situation by separating the second and third pay quartiles at the compa-ratio of 1. However, using the AACSB data creates a situation where the institution is actually paying below market with an average compa-ratio of about .86. The organization might then want to adjust the pay quartile definition as follows in order to maintain some uniformity in the pay distribution:

- Q4: compa-ratio above .95 relative to market median
- Q3: compa-ratio from .875 to .95 relative to market median
- Q2: compa-ratio from .80 to .85 relative to market median
- Q1: compa-ratio below .80 relative to market median

University data is shown in Table 2. Defining the pay quartiles in this manner produces a distribution in which just under forty eight percent of faculty are in the top two pay quartiles. Generally, organizations will probably want to divide their compa-ratios into fairly evenly distributed categories for whatever database they choose to use.

Performance Evaluation Results

The CEPM approach involves an application of a merit system. Our example assumes that the organization’s approach to merit involves a composite measure in which all employees are categorized into one of five performance categories. A discussion of the developing and application of the performance management system is far beyond the scope of this article, but it goes without saying that the successful application of the CEPM depends heavily on the development of performance criteria and measures that are relevant, fair, accepted by faculty, and that are procedurally adequate.

Table 2 includes an example of composite performance scores from the targeted university using the following merit labels and distributions of performance scores:

- 5 - Very High Merit: 15.4% of all employees
- 4 - High Merit: 33.3% of all employees
- 3 - Expected Merit: 47.4% of all employees
- 2 - Below Expected: 2.6% of all employees
- 1 - Far Below Expected: 1.3% of all employees

In this system, we can identify a limited number of employees who are outstanding performers, and a substantial number whose performance is above the expected level. Most employees are assumed to perform at or above an expected level of performance, and a few employees will have performance below acceptable levels.

Based on the quartile and performance distributions, each cell will contain a specific proportion of the organization’s employees. Based on the actual data for all 78 faculty members, 15.4% of all faculty members were rated as Very High Merit (5) in performance and 19.2% of all faculty members were at the top quartile of the pay range. Based on the data 3.85% of all employees were both top performers and at the top of their pay ranges. This data was used to calculate the proportional distributions for all employees in each of the cells.

Determining Pay Increase Percentages

In Table 2, a set of hypothetical pay increase percentages (shown in boldface) have been added to each cell. The actual CEPM is developed on a spreadsheet to allow the manager to experiment with different pay increase percentages in each cell until the pay increase budget allocation is met. This process is not arbitrary, however. Two variables determine pay increase percentages: performance ratings and position in the pay range. Pay increase percentages should increase as we move from the top-to-bottom and from right-to-left in the matrix.

To reward performance, individuals rated at the top of the performance scale (those rated as “Very High Merit,” for example) will receive a larger percentage increase than with lower merit ratings. Consider, for example, two individuals who are both just above the midpoint of the pay range in pay quartile 3 (Q3). Person A who is at the “Very High Merit” level (5) in performance would receive a 5.25% pay increase, while person B at the “Expected Merit” performance level (3) would receive a 3.25% pay increase.
Since the matrix also is designed to address market (external) equity, those individuals at the bottom of the pay range (in the bottom pay quartile or at Q1) will receive a larger percentage increase than those at the top of the pay range (those at the top pay quartile or Q4), assuming that both individuals have the same merit rating. In the matrix, those in the highest pay quartile and the lowest merit rating (Q4 and “Far Below Expected”) in the upper right of the matrix will always receive the lowest percentage increase (usually no increase), because these individuals are currently at the top of their pay ranges but have poor performance. Those in the bottom pay quartile (Q1) with “Very High Merit” in the lower left of the matrix will always receive the largest percentage increase because they are the organization’s best performers but are at the bottom of the pay range. Table 2 provides an example of one intuitive way in which pay increases might be distributed (the pay increase percentages are in boldface).

Table 2
Compensation Equity/Performance Matrix

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<td>7.69%</td>
<td>7.69%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>19.2%</td>
</tr>
<tr>
<td>Increase %</td>
<td>4.75%</td>
<td>3.50%</td>
<td>2.75%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Impact</td>
<td>0.1827%</td>
<td>0.2692%</td>
<td>0.2115%</td>
<td>0.0000%</td>
<td>0.0000%</td>
<td>0.6635%</td>
</tr>
<tr>
<td><strong>Q3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Employees</td>
<td>2</td>
<td>7</td>
<td>13</td>
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<td>0</td>
<td>28.2%</td>
</tr>
<tr>
<td>Emp. %</td>
<td>2.56%</td>
<td>8.97%</td>
<td>16.67%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>28.2%</td>
</tr>
<tr>
<td>Increase %</td>
<td>5.25%</td>
<td>4.00%</td>
<td>3.25%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Impact</td>
<td>0.1346%</td>
<td>0.3590%</td>
<td>0.5417%</td>
<td>0.0000%</td>
<td>0.0000%</td>
<td>1.0353%</td>
</tr>
<tr>
<td><strong>Q2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees</td>
<td>5.0</td>
<td>8</td>
<td>10</td>
<td>1</td>
<td>0</td>
<td>30.8%</td>
</tr>
<tr>
<td>Emp. %</td>
<td>6.41%</td>
<td>10.26%</td>
<td>12.82%</td>
<td>1.28%</td>
<td>0.00%</td>
<td>30.8%</td>
</tr>
<tr>
<td>Increase %</td>
<td>5.75%</td>
<td>4.50%</td>
<td>3.75%</td>
<td>1.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Impact</td>
<td>0.3686%</td>
<td>0.4615%</td>
<td>0.4808%</td>
<td>0.0128%</td>
<td>0.0000%</td>
<td>1.3237%</td>
</tr>
<tr>
<td><strong>Q1</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Employees</td>
<td>2.0</td>
<td>5</td>
<td>8</td>
<td>1</td>
<td>1</td>
<td>21.8%</td>
</tr>
<tr>
<td>Emp. %</td>
<td>2.56%</td>
<td>6.41%</td>
<td>10.26%</td>
<td>1.28%</td>
<td>1.28%</td>
<td>21.8%</td>
</tr>
<tr>
<td>Increase %</td>
<td>6.50%</td>
<td>5.00%</td>
<td>4.25%</td>
<td>2.00%</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Impact</td>
<td>0.1667%</td>
<td>0.3205%</td>
<td>0.4359%</td>
<td>0.0256%</td>
<td>0.0000%</td>
<td>0.9487%</td>
</tr>
</tbody>
</table>

| Column Totals         | 0.8526%| 1.4103%| 1.6699%| 0.0385%| 0.0000%| 3.9712%|

Notes. Based on CUPA quartile data using all masters institutions. Budgeted overall pay increase of 4%.

Budgetary Impact of Pay Increases
As pay increase percentages are added to the cells, the overall salary increase budget becomes depleted, and the manager must continuously adjust cell entries until the budget is met and the distributions are appropriate. The budgetary impact of selecting a specific pay increase percentage in each cell is determined by multiplying the
proportion of employees who are in each cell of the matrix by the pay increase percentage in each cell. Once that is done, the cell values are added to arrive at a total pay increase percentage. For example, consider those 8 individuals in pay quartile, Q2 who are rated as “High Merit” or a “4” in performance. In Table 2, these 10.26% of all employees receive a 4.5% pay increase. The total pay increase budget will then be affected by slightly less than one-half percent (10.26% * 4.5% = .4615%).

To arrive at the total overall pay increase, we must add the increases in each of the cells (the italicized number at the bottom of each cell). In Table 2 the budgetary impact of the cells in each column are totaled in the row labeled “Column Totals.” As an example, each individual rated “Very High Merit” in performance receives the percentage pay increase shown in bold based on his or her position in the pay quartiles, and the overall impact on the pay increase budget will be .8526% (the value in “Column Totals”). The total impact on the salary increase budget is the sum of the Column Totals:

\[
.8526\% + 1.4103\% + 1.6699\% + .03850\% + .0000\% = 3.9712\%
\]

This total very nearly matches our 4.00% budget. Since the Compensation Matrix is developed on a spreadsheet and automatically recalculates, it is easy to change cell values to meet the pay increase budget or to conduct sensitivity analysis by changing cell entries to explore different pay increase patterns. We could go back and allocate the remaining .0288% of the budget to reach the 4.00% budget allowance.

One additional point is that the rows in the matrix are built on position in the pay range. Pay ranges will, of course be different for jobs at different organizational levels. Two individuals at different job levels, and with far different pay levels, may be in the same pay quartile. One’s salary might be $30,000 a year, and the other's at $65,000 a year, but both could be in the lowest pay quartile (Q1) if both are paid far below the market average for each of their jobs. If higher paid employees are unevenly distributed into lower pay quartiles (which is often the case), the CEPM payout may be slightly higher than the amount budgeted. Therefore, as the last step in the development of the Compensation Matrix, actual salaries need to be inserted in the matrix, the percentage increases applied, and the cell values reconciled with the pay increase budget.

The Logic of the Pay Increase Percentages and the Impact on Pay Differentials

The CEPM approach is designed to address the pay compression/inversion problem within a performance management system. It is, therefore, designed to address two issues simultaneously: (1) pay differentials that violate standards of equity, and (2) pay differentials based on performance. Among university faculty, pay differentials exist for many reasons. Many of the reasons for the existence of pay differentials are random and unrelated to job performance. These include the ability of the individual faculty member to effectively negotiate a favorable initial contract, market salaries at entry, budgetary conditions at the time of promotion, special “deals” made with administrators, and other random factors. Obviously, performance is often a major factor in overall salary level, but many universities have inadequate performance management systems whose operation frequently makes it difficult to justify pay differentials over time. So each organization adopting a CEPM begins with a pay system in which some pay differentials are based on job-related factors, but others are less rational. The CEPM is not a tool that focuses on equal pay but on equitable pay; that is, that individuals with equivalent performance should, over time, be at the same position in pay relative to market. Thus the CEPM is based on two assumptions:

1. Pay should be based on performance and individuals who perform better than others should receive higher percentage pay increases.
2. Standards of pay equity dictate that people at the bottom of a pay range who are performing as well as people at the top of a pay range should be able to progress to the top of the pay range and pay differentials of comparably performing individuals should be reduced over time.

Typical pay ranges for faculty employees can be 10-40% or more. Consider the salary levels and merit ratings for three selected full professors in accounting from Table 1 as shown in Table 3. Before adjustments, the overall pay differential for these three individuals of the same rank and discipline was just over 14.5% from highest to lowest paid. The application of the CEPM reduces the differential to 11.3%, while recognizing the differences in both performance and pay range position. Faculty member C, the strongest performer, receives a much higher pay increase than either
faculty member A or B, and the pay differential is reduced by 3.25% and 2.5% respectively. Note also that the pay differential between two essentially equivalent faculty (A and B) has been reduced by about .5%, reflecting that faculty member A is in a higher pay quartile relative to faculty member B.

Table 3

Pay Levels, Differentials, Merit Ratings for Three Accounting Professors

<table>
<thead>
<tr>
<th>Faculty Member</th>
<th>Current Salary</th>
<th>Current Pay Differentials</th>
<th>Pay Quartile</th>
<th>Merit Rating</th>
<th>Pay Increase Percentage</th>
<th>New Salary</th>
<th>New Pay Differentials</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>101,962</td>
<td>A/C: 14.53%</td>
<td>4</td>
<td>3</td>
<td>2.75%</td>
<td>104,766</td>
<td>A/C: 11.28%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A/B: 10.75%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>A/B: 10.21%</td>
</tr>
<tr>
<td>B</td>
<td>92,068</td>
<td>B/C: 3.42%</td>
<td>3</td>
<td>3</td>
<td>3.25%</td>
<td>95,060</td>
<td>B/C: 0.97%</td>
</tr>
<tr>
<td>C</td>
<td>89,024</td>
<td>-</td>
<td>2</td>
<td>5</td>
<td>5.75%</td>
<td>94,143</td>
<td>-</td>
</tr>
</tbody>
</table>

One additional note is that the CEPM approach can be adjusted to put more or less weight on equity versus performance. The sample matrix in Table 2 is weighted much more on performance than on equity. Our original assumption was that overall wage growth during the plan year is 2.75%, so that is the minimum pay increase percentage for all individuals with performance at acceptable levels and above. Beyond that, differences in equity-based increases are smaller than differences in performance-based increases. Based on unit and organizational missions and values, the CEPM percentages can be altered to place more relative emphasis on performance or more on equity.

Reasons to Utilize a Compensation Equity/Performance Matrix

We have presented a detailed salary analysis showing the operation of a CEPM within a group of tenure-track business faculty at a large public university. The process involves the analysis of a compensation system based on both internal and external equity and involves the careful application of a merit system to the pay determination process. There are several reasons that justify the adoption of this type of system:

1. Fairness: The CEPM is a systematic manner in which to apply a performance-based pay system. It offers a set of decision rules that can be consistently and uniformly applied and reduces the role of chance and favoritism.

2. Performance and equity are addressed concurrently: since the CEPM uses both an individual’s performance evaluation and position in the pay range to establish pay increase percentages, it insures that better performers get higher percentage increases. At the same time it reduces pay differentials among individuals at the same performance level by granting larger percentage increases to individuals at the bottom of the pay range. Over time, this system increases pay differences across individuals who perform at different levels but reduces pay differentials across individuals of the same performance level.

3. Flexibility: The CEPM is an extremely flexible process. It can be applied to any job family. Also, when budgets change, or when performance or pay distributions change, the matrix can be adjusted to match the changes by altering the pay raise percentages in each cell.

4. Strategic Fit: The CEPM can be used to implement compensation strategy in a variety of ways. The relative weights given to performance and pay compression can change with changing organizational goals. If current pay differentials are unjustified relative to performance or other criteria, more weight can be given to the rows (the pay quartiles) to restore equity or reduce pay compression. By contrast, where pay differentials appear to be equitable, organizations can shift emphasis to performance by varying the weights across the columns.

5. Budgets: With the CEPM organizations have inherent controls built into the pay increase process. No separate pool of funds needs to be devoted to equity adjustments because they are built into the system.
6. Pay Discrimination and EEO Issues: The compensation system analysis required by this approach can be useful in detecting systematic differences in pay levels via the comparative analysis of compara-ratios across disciplines and/or ranks. Organizations with concerns regarding pay differentials across gender or racial categories have an automatic tool to address pay inequity. If equally performing protected group members are underpaid relative to majority group members, this will be picked up in the CEPM and pay will be adjusted accordingly.

Issues with the Compensation Equity/Performance Matrix

The CEPM is a very useful tool to address multiple compensation problems, but its use is limited. There are a number of implementation conditions and situational factors that limit its usefulness. These are explored below:

1. It is not a substitute for performance appraisal. The CEPM is not an appraisal tool; it is a means to apply appraisal results in a systematic manner. It is very much dependent on the adequacy of the underlying appraisal instrument. The performance appraisal system has to be a valid system that defines performance appropriately and produces fair and generally accepted results that identify employees performing at different levels.

2. It is dependent on performance distributions. The matrix system works best when employees are distributed throughout the performance categories and pay ranges. If the appraisal system suffers from severe leniency to the extent that a large percentage of employees are in the top two appraisal categories, the differences in pay raise percentages will be negligible and pay increases, by default, will mostly be devoted to pay equity and the compression issue.

3. It is dependent on pay distributions. The matrix works best when employees are distributed throughout the pay quartiles. If organizations are currently far below market rates, but set pay ranges at market medians or means, employees will be aggregated in the lower pay quartiles rather than being distributed across the pay range. This will consequently limit the ability to give equity adjustments of moderate size. In these situations, it may be that organizations target the midpoint of the pay range to be below market (for example, set pay range midpoints at 90% of market median, set them at the 45th percentile, or some similar metric).

4. The ability of the CEPM to address pay compression and performance is limited by the pay increase budget. As a matter of equity, employees who are satisfactory performers expect to receive pay increases that keep them whole with the market. Since 2000, wages and salaries for all civilian workers have increased each year by an average of about 3% (Bureau of Labor Statistics, 2008). In the matrix, few employees are likely to be identified as Below Expected performers. Therefore, pay increase budgets below 4% leave little room to either reward perform or reduce pay compression.

5. The impact of the CEPM on pay compression occurs slowly over time. The CEPM is not a quick fix or an immediate solution to pay compression and inversion problems. Just as the impact of pay compression appears over a period of several years of compensation decisions, the adjustments in the matrix require a number of years (perhaps a decade) to restore pay equity. This approach is incremental and designed to work with annually budgeted funds. Organizations requiring immediate adjustments must use a more direct process and devote a separate pool of funds to equity adjustments.

CONCLUSIONS

Pay compression and inversion remain major concerns of many organizations. Additionally, there is increasing insistence to reward employees relative to performance. The CEPM approach represents an incremental and reasonable way to use a limited annual pay increase budget to address these pay issues. Despite several implementation issues, the CEPM has the potential to reward performance, yet still produce measurable reductions in pay compression and inversion over time.
REFERENCES


ABOUT THE AUTHORS

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DEVELOPING A NEW GRADUATE PROGRAM IN HEALTHCARE MANAGEMENT: EMBRACING THE TRANSFORMATION OF HEALTHCARE MANAGEMENT EDUCATION ON A PATHWAY TO SUCCESS

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Within a sea change in the structure and process of providing health services, the field of health administration education has moved decisively and concretely from a teaching-centered model of education based on the assumption that knowledge equals competency to a learning-centered model. The learning-centered, or student-centered, model is based on the assumption that competency is related to the ability to demonstrate mission- and market-relevant knowledge, skills, values, and attitudes. This article provides a comprehensive, non-prescriptive approach to the development of a new competency-based graduate program in health administration within an urban-based, private university located in the Southwest United States. The authors describe the structure and process used to align the program's competencies and curricula to the market needs by incorporating the healthcare community’s input. The first part of the article addresses the components of the program development framework, including the determination of a program vision and philosophy and the establishment of a program development group and advisory board. The second part concludes with a discussion of the process used in the selection of a competency model and its application to the course curricula.

Keywords: Program Development, Competency, Mission, Advisory-Board, CAHME Accreditation

INTRODUCTION

In 2000 the Institute of Medicine (IOM) published To Err is Human: Building a Safer Health System, a landmark study which focused attention on the need to increase quality of care by reducing medical errors as thousands of American deaths were occurring as the result of preventable medical mistakes (Institute of Medicine, 2000). The study concluded with a clarion call to action and a plan centered on the need to improve patient safety (Institute of Medicine, 2000). In 2001 the IOM produced a follow-on report, Crossing the Quality Chasm: A New System for the 21st Century, which examined the relationship between patient safety and quality from a systems perspective (Institute of Medicine, 2001). In this study researchers expanded the previous focus on patient safety to a more comprehensive examination of the key factors associated with the quality of medical care. This report noted that quality problems were largely systemic and therefore could not be corrected by requiring healthcare providers to work harder at providing the quality of care (Institute of Medicine 2001). The 2001 study identified six factors believed to be closely related to the quality of medical care provided patients on an individual basis and called for all health care organizations to pursue safe, effective, patient-centered, timely, efficient, and equitable care.
The Crossing the Quality Chasm report also recommended that an inter-disciplinary summit be convened to develop a plan to reform health professions education in order to enhance patient care quality and safety. In the summer of 2002, the IOM convened a summit for this purpose. This national meeting, attended by 150 individuals representing various healthcare disciplines and occupations, resulted in the IOM report entitled Health Professions Education: A Bridge to Quality (Institute of Medicine, 2003). This report set forth a vision for all programs and institutions engaged in clinical education, calling for educational reform and recommending the integration of a core set of competencies associated with the following domains: patient-centered care, interdisciplinary teams, outcomes-based practice, quality improvement, and informatics.

Health management educators and practitioners, whose ranks were well represented at the 2003 IOM Summit, were quick to see the need to increase their focus on important educational outcomes, i.e., managerial competencies required by graduates in order to be effective in the workplace (Calhoun, Davidson, Sinioris, Vincent, & Griffith, 2002; Griffith, 2001; Warden & Griffith, 2001). Further, the Joint Commission Whitepaper, Healthcare at the Crossroads stated that accrediting bodies were also providing strong support for outcomes-based, i.e., competency-based, education (2005).

In 2004 the Commission on Accreditation of Health Management Education (CAHME) established the requirement for all CAHME accredited programs to identify a set of competencies related to the program’s mission and the types of positions their students would enter upon graduation (CAHME, 2004). The accrediting body further stipulated that the program’s competencies would be aligned with specific healthcare management content which, together, would be matched with curriculum (CAHME, 2004).

Within this sea of change in the structure and process of providing health services, the field of health administration education has moved decisively and concretely from a teaching-centered model of education based on the assumption that knowledge equals competency to a learning-centered model. The learning-centered, or student-centered, model is based on the assumption that competency is related to the ability to demonstrate mission- and market-relevant knowledge, skills, values and attitudes.

The concept of competency-based curriculum within management related fields has been in the literature for more than four decades (Boyatzis, 1982; Boyatzis, Cowen, & Kolb 1995; Lucia & Lepsinger, 1999; McClelland, 1973). However, it was not until the call for a common set of competencies by the IOM in 2003 that health management education programs and associated professional organizations rigorously engaged in efforts to identify and develop comprehensive sets of competencies for the profession of health administration (Calhoun et al., 2002; Campbell, Lomperis, Gillespie, & Arrington 2006; HLA, 2005; NCHL, 2004).

This article describes and discusses the structure and process used to develop a new competency-based graduate program in health administration within an urban-based, private university located in the Southwest United States. Similar approaches have been used successfully to convert existing content-based graduate health management programs to competency-based models (Campbell, Lomperis, Gillespie, & Arrington, 2006). However, published accounts of the structure and process used to create new competency-based programs are believed to be few, if any. This paper is a detailed, non-prescriptive presentation of the framework, process, and outcomes related to the development of a competency-based graduate program in health administration, within a School of Business.

The first section of this paper addresses the components of a program development framework. Key aspects of this framework involve the determination of a program vision and philosophy, the establishment of a program development group, and the development and application of an advisory board. The second section presents the process used in the selection of the competency model and development of the curriculum.

**PROGRAM DEVELOPMENT FRAMEWORK**

**Program Mission, Vision, and Philosophy**

A foundational step in the development of the University of the Incarnate Word (UIW) Master of Health Administration program was the formulation of a program vision and philosophy statement built upon a mission that centered on the need for a competency-based curriculum built upon the educational requirements of individuals already working
in the healthcare industry.

The first step in the vision and program philosophy creation process was the appointment of a full-time UIW faculty member with experience in academic program development, administration, and teaching within the field of healthcare administration to lead program development efforts. This individual also had significant experience as a healthcare administrator prior to pursuing a career in academics and had been the director of a nationally ranked graduate program in health administration. The following was used as a guide to draft the initial program vision and philosophy statement.

Drucker’s seminal work on the management of non-profit organizations (1990) emphasized the importance of mission clarification in order to answer the following questions: Why does the organization exist, i.e., what is its purpose? In other words, whom does it seek to serve—what need is it seeking to meet? What differentiates this particular organization from those that are similar, i.e., what values characterize the organization and what services will be provided? A multi-dimensional mission component structure developed by strategist Fred David provided a guide that helped answer these and other important mission related questions (2010). The components of David’s model used in this process are discussed in the subsequent paragraphs.

Market. Who is being served? The proposed program was to be located in a large urban setting of over one million people, with a Hispanic population of approximately 63%. The university in which the program is housed also draws students from a geographically dispersed rural area to the south of the city. At the time the program was developed, the graduate health administration education market was served by one full-time traditional Master of Health Administration (MHA) program, which offered courses in a traditional 16 week daytime format. The market was also served by two MBA programs, which offered concentrations in healthcare administration. During the time this program was being developed, individuals who worked full-time and wished to pursue an MHA in a face-to-face format did not have the ability to do so.

Targeted Students. The program was designed to meet the educational needs of working adults, especially, those already employed within an economically significant and growing healthcare industry. At the time the program was developed, the healthcare and bioscience industry had an economic impact of $14.3 billion on the San Antonio MSA (Greater San Antonio Chamber of Commerce, 2005). Further, the city had enjoyed an increase of 20,000 jobs from 1995 to 2005, and over 108,000 individuals were employed in healthcare and biosciences organizations in 2005 (Greater San Antonio Chamber of Commerce, 2005).

Program Philosophy. David uses the term Philosophy to capture the values, beliefs, aspirations, and ethical priorities of the organization (2010). The program is located within a faith-based, mission-centered university with well-articulated and accepted core values. This concept is articulated in the Program’s values statement provided in Figure 1.

Self-Concept. The term Self-Concept refers to the organization’s distinctive competence, i.e., aspects of the program that create a competitive advantage (David, 2010). From its inception, the program was developed to provide a values-based, competency-driven, experientially-oriented health management education. It is this three point practitioner-focused and outcomes-based combination that makes the program distinctive within the San Antonio educational market. As discussed in the next section, this distinctiveness is reinforced by a faculty that may be characterized as practitioner-scholars.

Faculty. It was envisioned from the outset that program faculty would be practitioner-scholars. Specifically, the primary focus of MHA faculty would be on teaching, with a secondary focus on research. Further, it was envisioned that the ideal faculty member would have experience as a healthcare administrator, as well as being qualified academically.

Services. It was envisioned that the program would provide working students the ability to pursue a competency-based, MHA degree delivered in a face-to-face, executive-like format, i.e., part-time, non-working hours, and accelerated 8 week mini-semesters.
Figure 1. Program Values Statement

The Program draws upon the rich history of the Institution that is the University of the Incarnate Word. This relationship guides program direction and provides the value foundation on which the Master in Health Administration Program was developed. The defining Program values are drawn from the institution but manifest themselves in all aspects of the Program. The Program values include the following:

- **Integrity**: The Program seeks to develop students with strong moral character and an unwavering commitment to honesty in all actions.
- **Excellence**: Program excellence is measured by our student’s ability to make a significant and lasting contribution to the profession of healthcare management.
- **Faith**: The Program is committed to educational excellence in a context of faith in Jesus Christ, the Incarnate Word of God.
- **Service**: The Program curriculum includes a global perspective and an emphasis on social justice and community service.
- **Truth**: The faculty and students support one another in the search for and the communication of truth.
- **Education**: The Program aims to educate men and women who will become concerned and enlightened citizens who seek to make a difference in the healthcare management profession.

Based on this mission development framework, a Vision and Philosophy statement was drafted (see Figure 2). This document served as the basis for recruiting program development group and advisory board members, as well as for the eventual creation of mission, vision, and values statements for the program.

Working closely with an “industry champion,” the program’s vision philosophy statement was used as a guide in the recruitment of Program Development Group (PDG) and an Executive Advisory Board membership.

**Industry Champion.** In the case of the UIW MHA development effort, it was the university president who selected the individual who would lead the program development effort. It was also the president who introduced this individual to a local health industry CEO who would serve in the critical role of industry champion. The local CEO possessed four characteristics that proved critical to the success of the program development effort. First, the individual held a strong belief that San Antonio and South Texas were in dire need of additional healthcare managers in the growing healthcare industry. Further, he believed that high-potential candidates for such positions were already working in the industry but the lacked academic preparation necessary to serve in important management positions. He also noted that these individuals did not have an MHA program available to them, where they could pursue a degree while still remaining employed on a full-time basis. Second, the industry champion had extensive healthcare leadership experience, with over 20 years in the multi-site healthcare services field, to include serving as CEO of four different managed care payer organizations and as CEO of a large Multi-Specialty Physician Group. At the time he joined the UIW MHA program development effort, the individual was the founding CEO of a highly successful clinical trials company and was also serving as Chair of the Health and Wellness committee for one of San Antonio’s Chambers of Commerce. Third, he was very well connected within the San Antonio healthcare community, significantly contributing to the PDG’s ability to attract well-respected, educationally oriented, healthcare executives to the programs Executive Advisory Board. Fourth, he held a doctorate of science in biostatistics and had experience teaching at the Ph.D. level for a major university.
This unique combination of characteristics, unified by a passion to meet the needs of the local healthcare industry through targeted education, allowed our industry champion to significantly influence and contribute to the development of a robust, relevant, and locally supported graduate program in healthcare administration. The most significant contributions of our industry champion, who was formally designated as the program’s executive in residence, were in the recruitment of executive advisory board members and in the approach to engaging the board in the identification and development of program competencies.

Program Development Group. Guided by the program vision and philosophy statement, a Program Development Group (PDG) comprised of five individuals was formed. In addition to the executive in residence discussed above, the PDG consisted of four more experienced health administrators, three of whom also possessed doctorates in health services management or research. The fourth was a senior executive and had significant experience teaching health administration at the graduate level. As a group, these individuals represented an average of over 17 years of diverse operational experience as healthcare administrators and a total of 26 years of teaching experience, almost exclusively at the graduate level. This group included a sitting CEO, CIO, and CFO and Deputy Director for Strategy and Programs for a national medical education group. Also in the PDG was an individual with extensive CAHME accreditation site visit experience, as well as experience as a member of the CAHME Accreditation Commission.

Executive Advisory Board. Graduate programs in health administration have a significant and necessarily focused emphasis on the business of healthcare. To further emphasize the connection between health administration and business, the program under study in this paper is located within a school of business. Business program stakeholders, to include faculty, employers, students, and accrediting agencies, provide critical input toward the development of relevant program curriculum directly related to expected program outcomes. Hammond and Moser (2009) suggest that it is especially important to include employers of business school graduates and representatives of local and regional firms with an interest in the success of the business school on advisory boards. Others focused on the development of health administration program curriculum suggest that potential employers bring critical experiential insights to the curriculum development process (de los Santos, Domínguez, & LaFrance, 2011), including the identification of critical environmental trends leading to relevant curriculum (Ireland & Ramsower, 1994). Finally, there is evidence that an advisory board able to provide a diverse stakeholder perspective, may enable academic
programs to better align educational offerings with practitioner expectations (Leisen, Tippins, & Lilly, 2004).

Understanding the value of Advisory Board engagement, the PFG sought to align program competencies with industry-wide operational expectations. Therefore, they formed an executive advisory board to obtain input from local healthcare executives in the program development process. Board membership was comprised of a diverse cross-section of senior healthcare industry executives, including CEO's and Senior Vice Presidents from San Antonio metropolitan area health system, hospital, group practice, insurance, and health research settings.

Arguably, the PDG and Executive Advisory Board members combined to form a very knowledgeable, educationally focused, group of healthcare administration professionals well positioned and suited for the work of developing a competency-based program in healthcare administration. Once the development team was formed, the next step in the program development process was to adopt a competency model and then identify market specific competencies for entry level healthcare administrators.

Competency and Curriculum Development

Review of existing competency models. Several competency models specific to the field of healthcare administration have been developed, in recent years (Campbell et al., 2006; HLA, 2005; NCHL, 2004). These models vary significantly in the number of identified competencies, ranging from as few as 21 in the National Center for Healthcare Leadership (NCHL) model to as many as 300 in the Healthcare Leadership Alliance (HLA) model (HLA, 2005; NCHL, 2004). The NCHL and HLA frameworks are comprehensive collections of competencies required of healthcare administrators over the course of a career, i.e., from entry-level management to CEO, and were developed by health administration scholars and practitioners working in collaboration. A third competency model developed by the health administration faculty at Saint Louis University (Campbell et al., 2006) was based upon the knowledge, skills, values and attitudes required of entry-level healthcare administrators.

Because the Saint Louis University model was focused on the knowledge, skills, values and attitudes required of entry level administrators, and because of the perceived comprehensiveness and intuitive appeal of its six domains—Leadership, Critical Thinking, Management, Science/Analysis, Political and Community Development and Communication—the Saint Louis University model was selected as the guiding framework in the UIW MHA competency development process. Still, as described in our discussion of competency development, components of each of the three models influenced and became a part of the UIW MHA competency model.

Managerial Competence. Competence has been defined as the underlying characteristics of an individual that relate to effective or superior performance in a job (Goleman, Boyatzis, & McKee, 2002). Competence is also referred to as a knowledge, skill, ability, or attitude that positions someone to effectively operate within a given business environment and is generally accepted as the standard for measuring appropriate behavior (Chyung, Stepich & Cox, 2006; Jackson et al., 2007). As previously noted, competency-based curriculum has well recognized and sustained support in the literature (Boyatzis, 1982; Boyatzis, Cowen, & Kolb, 1995; Lucia & Lepsinger, 1999; McClelland, 1973). Further, competencies provide an important link between classroom-based learning and outcomes produced on the job (Chyung et al., 2006; Moon, 2007). Finally, they are required to be aligned with curriculum for programs seeking CAHME accreditation (CAHME 2011).

Leaders in the field of health administration education have responded to the IOM call for educational reform by developing competency-based curriculum built upon the demonstrable knowledge, skills, behaviors, and attitudes believed to be critical to managerial effectiveness (Calhoun, Davidson, Sinioris, Vincent, & Griffith, 2002; Campbell et al., 2006). Linking program competencies to important professional criteria requires that classroom experience be aligned with specific competency knowledge, skills, values and attitudes. This then allows programs to quantify and measure the level at which identified educational outcomes, i.e., competencies, have been achieved (Dominguez, Teachout, & LaFrance, 2009).

UIW MHA Competency Model. As previously discussed, developing competency-based curriculum that reflects contemporary, market specific, operational expectations in terms of the knowledge, skills, values, and attitudes of entry level managers requires input from competent educationally oriented healthcare executives. Using a focus group methodology described in a previous work (de los Santos, Dominguez, & LaFrance, 2011), the PDG sought
competency input from its executive advisory board, using the Saint Louis University model as a working framework. Through an iterative process of information gathering, refinement, review and approval, Advisory Board input was first collected using the six domain Saint Louis University (SLU) framework during a facilitated focus group process. Input was categorized within the SLU framework and then compared and aligned with the competencies from the NCHL, HLA and SLU models to assess the comprehensiveness of the input. The input was found to be most similar with the highly specified NCHL competency model, though several competencies described within the HLA model were also included in the final iteration of the UIW model. A matrix of the Board’s input and associated NCHL/HLA competencies and measures was fed-back, reviewed, and modified by the Advisory Board and PDG to ensure relevancy and appropriateness of both the competencies and their associated measures. The final iteration of the UIW MHA Model (see Table 1) consisted of 24 competencies that were targeted to the needs of San Antonio metropolitan area entry-level health administrators and distributed across a six domain framework similar to that used by SLU.

Curriculum Development. The first step in the curriculum development process was to align the 24 UIW MHA specific competencies and associated measures and dimensions with the 19 healthcare management content areas required by the CAHME at the time the program was developed (CAHME, 2007). This was accomplished by the PDG and reviewed and endorsed by the Executive Advisory Board.

Once the Executive Advisory Board approved the competency-alignment matrix, the PDG added a column to the matrix and matched competencies and required content with specific courses. An example of the outcome of the competency, content area, course alignment process is provided in Table 2. (A full list of the criteria required in 2007 is available at http://www.cahme.org/OfficialCAHMECriteriaFall2008andBeyond.pdf.) This effort culminated in a 15 course, 45 hour graduate degree in health administration.

The final step in the curriculum development process was to sequence the courses. Consistent with the program mission, courses were to be offered in the evening, in 8-week mini-semesters across a 21 month period. Students would be enrolled in a cohort each fall and take one to two courses per mini-semester.

The program was approved by the university in the spring of 2009, and the inaugural class matriculated that fall. At the time this paper was written, the program had graduated its second class. A third cohort of MHA students was one semester away from graduation, with a fourth completing its first year of didactics. Further, the program had participated in a very successful CAHME initial accreditation site visit in October 2012.

CONCLUSION

This paper describes a non-prescriptive structure and process used to develop an integrated competency-based graduate program in healthcare administration. The program focuses on developing the knowledge, skills, values, and attitudes that entry level managers require in order to perform at a consistently high level within South Texas health industry organizations. Critical to the development effort was the use of a mission-driven framework grounded in a clearly articulated vision and philosophy statement. This framework facilitated the effective partnership of a program development group comprised of experienced practitioner-scholars and a diverse, educationally focused, executive advisory board, in the identification and development of market relevant competencies.

Building upon the six domain, entry-level management focus of the Saint Louis University competency model, the University of the Incarnate Word graduate Program Development Group was able to create a market-relevant competency model that incorporated aspects of both the National Center for Healthcare Leadership and the Healthcare Leadership Alliance models. Guided from its inception by the CAHME accreditation process, the Program Development Group was able to use CAHME requirements to align the program’s competencies first to required content, and then to curriculum.

The transformation of healthcare is well underway and, along with it, the transformation of healthcare management education. Many have resisted the powerful forces at play in the healthcare industry, preferring to maintain the status quo for as long as possible. At the University of the Incarnate Word, the Master of Health Administration Program Development Group elected, instead, to embrace the transformation, believing that it offers a pathway to success—to making a difference in the lives of the students and the communities we serve. Results to date are very encouraging,
as we have not only enrolled our fourth cohort of students, but we have also participated in a very successful CAHME accreditation site visit and fully expect to receive initial accreditation in the spring of 2013. Still, only time will tell if our efforts will bear lasting fruit.

Table 1

UIW MHA Competency Model

<table>
<thead>
<tr>
<th>Domain</th>
<th>Competency</th>
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<tbody>
<tr>
<td>Knowledge of the Healthcare</td>
<td>1. Ability to explain issues and advancements in the healthcare industry.</td>
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<td>Environment</td>
<td>2. Ability to apply the basic principles of economics, statistics, and</td>
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<td></td>
<td>epidemiology to health care issues.</td>
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<td>3. Ability to effectively participate in discussions relating to health</td>
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<td>policy at the local, state, and federal levels.</td>
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<td>Critical Thinking and Analysis</td>
<td>4. Ability to break a situation, issue or problem into smaller pieces or</td>
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<td>trace its implications in a step-by-step way.</td>
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<td>5. Ability to apply complex concepts, develop creative solutions, or adapt</td>
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<td>previous solutions in new ways.</td>
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<td>6. Ability to analyze and design, or improve, an organizational process,</td>
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<td>including incorporating the principles of quality management and customer</td>
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<td>satisfaction.</td>
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<td>7. Ability to consider the business, demographic, ethno-cultural, political,</td>
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<td></td>
<td>and regulatory implications of decisions and develop strategies that</td>
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<td></td>
<td>continually improve the long-term success and viability of the</td>
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<td></td>
<td>organization.</td>
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<td>Business and Management Knowledge</td>
<td>8. Ability to hold people accountable to standards of performance with the</td>
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<td>long-term good of the organization in mind.</td>
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<td></td>
<td>9. Ability to reach mutual agreement, or otherwise acceptably resolve a</td>
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<td></td>
<td>situation when there is disagreement or dispute among individuals and</td>
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<td></td>
<td>groups.</td>
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<td></td>
<td>10. Ability to understand and explain financial and accounting information,</td>
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<td>prepare and manage budgets, and make sound long-term investment</td>
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<td></td>
<td>decisions.</td>
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<td>11. Ability to implement staff development and other management practices,</td>
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<td>comply with legal and regulatory requirements, optimize the performance</td>
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<td>of the work force.</td>
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<td></td>
<td>12. Ability to see the potential in and understand the use of administrative</td>
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<td>and clinical technology and decision-support tools in process and</td>
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<td>performance improvement.</td>
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<td></td>
<td>13. Ability to understand and explain the regulatory and administrative</td>
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<td>environment in which the organization functions.</td>
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<td>14. Ability to monitor a “scorecard” of quantitative and qualitative</td>
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<td>measures.</td>
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<td>15. Ability to understand and learn the formal and informal decision-making</td>
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<td>structures and power relationships in an organization or industry.</td>
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<tr>
<td>Political and Community Development</td>
<td>16. Ability to consider priorities and values of multiple constituencies.</td>
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<td>17. Ability to align one’s own and the organization’s priorities with the</td>
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<td>needs and values of the community, including its cultural and ethnocentric</td>
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<td>values and to move health forward in line with populations-based wellness</td>
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<tr>
<td></td>
<td>needs.</td>
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<td></td>
<td>18. Ability to demonstrate ethics, sound professional practices, social</td>
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<td>accountability, and community stewardship.</td>
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<td>Communication</td>
<td>19. Ability to facilitate a group; speak and write in a clear, logical, and</td>
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<td>grammatical manner in formal and informal situations to prepare cogent</td>
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<td>business presentations.</td>
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<td></td>
<td>20. Ability to understand other people including hearing and understanding</td>
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<td></td>
<td>the unspoken or partly expressed thoughts, feelings, and concerns of</td>
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<td>others as well as the ability to communicate one’s position with others.</td>
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<td>Leadership</td>
<td>21. Ability to energize stakeholders and sustain their commitment to</td>
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<td>changes in approaches, processes, and strategies.</td>
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<td></td>
<td>22. Ability to work cooperatively with others, to be a part of a team, to</td>
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<td></td>
<td>work together, as opposed to working separately or competitively.</td>
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<td></td>
<td>23. Ability to persuade, convince, influence, or impress others (individuals</td>
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<td></td>
<td>or groups) in order to get them to go along with or to support one’s</td>
</tr>
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<td>opinion or position.</td>
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<td></td>
<td>24. Ability to demonstrate strong leadership characteristics including</td>
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<td>speaking, acting and living as an ethical leader.</td>
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</tbody>
</table>
Table 2

Competency, Content, and Course Alignment

<table>
<thead>
<tr>
<th>UIW MHA Competency</th>
<th>2008 CAHME Content Area(s)</th>
<th>UIW MHA Course(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competency 2. Ability to apply the basic principles of economics, statistics, and epidemiology to health care issues.</td>
<td>III.B.1 Population health and status assessment</td>
<td>HADM 6302 Healthcare Economics</td>
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<tr>
<td></td>
<td>III.B.12 Statistical analysis and application to decision making</td>
<td>HADM 6303 Population Health and Epidemiology</td>
</tr>
<tr>
<td></td>
<td>III.B.13 Economic analysis and application to decision making</td>
<td>HADM 6350 Quantitative Analysis for Healthcare Managers</td>
</tr>
<tr>
<td>Competency 3. Ability to effectively participate in discussions relating to health policy at the local, state, and federal levels.</td>
<td>III.B.2 Health policy formulation, implementation, and evaluation</td>
<td>HADM 6380 Health Policy</td>
</tr>
</tbody>
</table>

REFERENCES


address CAHME criteria and evaluate program effectiveness. *Journal of Health Administration Education*, 26(3), 207-222.


**ABOUT THE AUTHORS**

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SMALL RURAL SCHOOL DISTRICT CONSOLIDATION IN TEXAS: AN ANALYSIS OF ITS IMPACT ON COST AND STUDENT ACHIEVEMENT

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Tarleton State University

Historically, the number of public school districts in the United States has decreased despite a dramatic increase in the number of students enrolled. Although public school district consolidation has impacted districts of all sizes, since the late 1930’s smaller rural districts facing dwindling community resources have merged or consolidated with each other, resulting in fewer school districts. When school districts consolidate, all aspects of the newly-formed district are affected. Each year, lawmakers and rural public school district officials face dwindling finances, and each year these decision makers question whether to consolidate to avoid fiscal perils. Proponents tout the benefits of fiscal efficiency, a broadened curriculum, and a projected increase in student achievement. Critics argue that the community suffers when the community school closes, students are burdened with new transportation issues, increased academic opportunities do not necessarily impute to greater student performance, and a host of tangible and non-tangible arguments are put forth.

This ex post facto quantitative study examines the fiscal efficiency of small, rural, consolidated school districts by comparing per-pupil expenditures with matched non-consolidated school districts in the state of Texas. The study also examines student achievement levels by comparing passing rate percentages on all Texas state assessment tests for 3rd, 5th, and 8th grade students attending these schools. For before and after consolidation comparison purposes, rural community public schools were matched according to Texas state designated “paired” protocol. Districts meeting Texas Education Agency (TEA) Snapshot criterion for Absorbing districts were matched with Joining districts. Expenditure and student achievement data for Absorbing and Joining districts were collected for the ten-year period from 1999 to 2009. A paired samples t-test measured differences in the district’s efficiency, and the Lawshe-Baker Normative t-test measured differences in student achievement. Four null hypotheses were examined with an a priori alpha level = 0.05. This study, when the data for the joining and absorbing districts was subjected to appropriate t-tests, supports other research that suggests per-pupil expenditures increased and student achievement decreased for the absorbing district.

Keywords: per-pupil expenditures, student achievement, joining and absorbing districts

INTRODUCTION

Public school district consolidation has been and continues to be a nation-wide phenomenon that elicits the attention of a multitude of shareholders, including parents, students, teachers, administrators, lawmakers, and a host of other groups. It has been a lightening rod for the nation for over eight decades.

The highest number of public school districts in the United States was, on record, for the school year 1929-30, with 117,108 (Digest of Education Statistics, 2011, Table 91). Today, the number of public school districts in the United
States has decreased by more than 79% to 13,629 (Table 91). For the same time frame, students enrolled in public elementary and secondary schools has increased by 190%, growing from 25,678,000 in the 1929-30 school year to 49,306,000 for the 2010 school year. For the fall 2012 school year, an estimated 49,642,000 students will have enrolled in public elementary and secondary schools (Table 3).

Setting a new record, in December of 2011, the Memphis City Schools and the Shelby County Schools were combined to become the largest school district consolidation in American history (New York Times, December 5, 2011). This mammoth effort followed an eight-decade trend to consolidate school districts throughout the nation, as pressures have increased to address issues of efficiency and, in recent years, for increased academic accountability.

Although the Memphis/Shelby County consolidation set a high mark for large district consolidation, the reduction in small rural school districts merging or consolidating with each other has been a more common cause for fewer school districts nationwide. Regardless of district size, when school districts consolidate, all aspects of the districts’ operations are impacted. Proponents tout the benefits of fiscal efficiency, a broadened curriculum, and an increase in student achievement. However, there is a growing body of literature questioning the assumptions inherent in the preceding statement. For example, two studies by Duncombe and Yinger (2003 and 2005) concluded that per-pupil expenditures reach cost-to-benefit maximums when the size of the district exceeds 1,500 students, and per-pupil spending begins to increase when district size reaches 6,000 students.

With a continual push for greater efficiencies because of economic and political pressures, school boards have opted to increase class size and to seek ways to increase overall numbers of students attending the district. Although both economic and political agendas have focused on cost variables for delivery of educational services, recent efforts have targeted academic achievement, particularly with respect to state performance accountability standards for students.

In Texas, there are 1,037 public school districts, with 877 identified as rural districts. These rural districts scattered across the state are responsible for providing a quality education for 474,000 students. In addition to the typically shared traits, including sparse population, low property wealth, small student populations, poor quality infrastructure, and geographic isolation (Mathis, 2006), small rural districts share other common challenges. These include a larger migrant student population, higher than state-wide averages for students with special education needs, students with limited English proficiency skills, higher than average teacher turnover rates, and a higher incidence of out-of-field teaching assignments (Jimerson, 2004).

This ex post facto, quantitative study examines the fiscal efficiency of small, rural consolidated school districts by comparing per-pupil expenditures with matched non-consolidated school districts in the state of Texas. Further, the study examines student academic achievement levels by comparing passing rate percentages on state assessment tests for small, rural, consolidated districts with matched non-consolidated small, rural school districts in Texas. For before and after consolidation comparison purposes, rural communities were matched according to a state designated “paired” protocol. Districts meeting Texas Education Agency (TEA) Snapshot criterion for Absorbing Districts were matched with Joining Districts. Then districts were paired with communities with similar profiles, as structured by the TEA Snapshot criterion.

Expenditure and student achievement data were collected before and after consolidation. A paired samples t-test measured differences in efficiency, and the Lawshe-Baker Nomograph t-test measured differences in student achievement. The t-tests reveal a statistical difference in expenditures and in student achievement. Per-pupil expenditures increased and student achievement decreased for the absorbing district.

THE TEXAS DILEMMA

“There is substantial evidence…that the public education system has reached the point where continued improvement will not be possible absent significant change, whether that change takes the form of increased funding, improved efficiencies, or better methods of education.” These words, echoed from the Texas Supreme Court in the 1990 ruling, West Orange-Cove Consolidated, served as a warning that unless fundamental changes in public education took place, the state would fall short of fulfilling its obligation under the U. S. Constitution (Patterson, 2006).
Currently, there is still the threat of Texas falling short of the obligation to provide public education to its student population that grows by about 80,000 students per year. Texas lawmakers, in the 82nd Legislative Session, passed a drastic reduction of $4 billion in the education budget in efforts to balance the State budget. This cut in funding has caused school districts to reduce personnel, eliminate programs, and is forcing school districts, both large and small, to make significant changes in how they will provide a quality education to their students.

During difficult economic times, school districts’ officials, specifically those located in rural communities have to make difficult decisions on how to change. These decisions include the reduction of costs. Faced with increased pressures to be accountable, especially through federal mandates and guidelines from the No Child Left Behind Act of 2001 (NCLB), small rural school districts are also challenged with the task of increasing their students’ achievement levels. To become more efficient and to increase student achievement, a number of these small rural school districts have chosen to consolidate or to merge with other small rural school districts to form one larger consolidated school district. “Bigger is better” is the assumption made about school district consolidation, also known as district reorganization (Bard, Gardener, & Wieland, 2006).

Most school district consolidations, including those in Texas districts, involve small rural school districts. In the past, however, published research about rural education issues has been limited, with relatively few scholars studying rural education issues found specifically in small rural settings. This research void is of particular concern because rural students represent a significant population that is, and has been, affected by local, state, and federal level educational decisions. With the passage of NCLB, the need to enhance the education of rural students has become even more evident. Moreover, small rural school districts require sound guidance on how to improve their students’ academic outcomes (Arnold, 2004). In his study, Arnold (2004) found that school finance is one area where rural education policymakers have sought assistance through research.

Historically, Texas lawmakers have sought strategies to adequately finance public schools. The option of school district consolidation is commonly under consideration. The data from small rural school districts included in this study are important to expand the understanding of school district consolidation in Texas, its failures and its successes, specifically since the districts chose to consolidate after the passage of NCLB. Studies of this nature could serve to inform and provide guidance to district leaders and to other key decision makers currently contemplating school district consolidation. However, is there clear evidence that small-school consolidation makes a real and measureable difference in the areas of financial savings and student achievement for the school districts involved? A review of the literature seems inconclusive. There is research dating from 1960 through 2004 that found no evidence that consolidation has reduced fiscal expenditures per pupil. Contrarily, Bard and his associates (2006) found that school consolidation was a worthy undertaking. Researchers have also conducted a number of studies revealing that small schools have “strengths of smallness” not evident in large schools, which does not support the assumption that the quality of school life is better when small rural schools consolidate with larger ones (Nachtigal, 1982).

Throughout the history of American education, school district consolidation has been a way to solve issues surrounding small rural schools. As early as the mid 1800’s, school district consolidation was thought to provide students a more thorough education. In their report, Herzog and Pittman (1995) wrote that school district consolidation had been the most frequently implemented educational trend of the 20th century as a means of both cutting costs and improving quality.

Advocates for consolidation touted efficiency and a lack of breadth in available course offerings (Brent, Sipple, Killeen, & Wischnowski, 2004). The U.S. Department of Education, in a 1930 pamphlet with information from 105 consolidated schools, detailed several reasons for considering consolidation, including increasing demand on the school, state encouragement, increasing opportunities for students, and efficiency (Self, 2001). School district consolidation could result in a greater specialization of teachers, and districts could save on administrative cost by merging (Self, 2001).

Conversely, further research has found the economic and educational advantages of some large schools and districts has been exaggerated by suggesting that money and resources could be saved by combining two smaller districts into a larger organizational unit. Further, district consolidation could prove to be cost-effective in some cases. However, no compelling evidence exists that school district consolidation is a cost-effective alternative to small rural schools (Brent, et al., 2004). A number of studies found that, in some cases, school district consolidation even worsened
financial, academic, and social outcomes (Patterson, 2006).

Regarding academics, a growing body of literature has reported that small, community schools had positive effects on educational achievement (Mathis, 2006). Students in some rural areas were achieving at high levels despite the challenges faced by rural communities. A number of research studies have indicated that students in small schools and districts appear to have better achievement, particularly students from less affluent communities. On the other hand, in a number of states where consolidation has occurred, standardized test scores were among the lowest in the nation (Silverman, 2005). Studies have shown that larger school districts were found to have more bureaucracy, lower standardized test scores, higher dropout rates, and more problems with violence and drug abuse.

“Critics of school consolidation argue that many places that once provided school no longer do; for they have been improved out of existence” (DeYoung & Howley, 1992). School district consolidation could also create higher transportation costs. Students attending larger consolidated schools received less attention, endured long bus rides, and had fewer chances to participate in extra-curricular activities.

The literature does not provide a clear and distinct set of conclusions about the functions and dysfunctions of consolidation of small rural school districts. It remains unclear whether consolidation improves efficiency and student learning. Educational policy makers have relied solely on the “economies of scale” model from the Industrial Age when deciding whether to consolidate. Their primary goals were to increase fiscal efficiency. Despite uncertainty over the impact of consolidation and growing evidence in support of small schools and districts, due to declining enrollment and budget constraints, small rural schools in Texas constantly face the possibility of consolidation.

The purpose of this study was twofold: to determine if small school districts that made the decision to consolidate actually saved money, and whether these districts had an increase in student achievement. Comparisons were conducted with non-consolidated districts similar in size, classification, property wealth, and tax rate. Before and after consolidation comparisons among consolidated school districts were conducted.

This study used a select sample of small, rural Texas school districts to analyze cost efficiency and to examine the impact on student achievement related to consolidation. The basic research questions were as follows: (1) How does the amount of money spent per pupil in consolidated school districts compare with the amount spent in non-consolidated school districts with similar characteristics? (2) How do these expenditures after consolidation compare with the expenditures before consolidation? (3) How do passing rate percentages on state assessment tests compare between consolidated and matching non-consolidated school districts? (4) How do these indicators of student achievement compare in consolidated school districts before and after consolidation?

THEORETICAL FRAMEWORK

Declining community and student population, state policies and mandates that force small rural school districts to consolidate, the need for greater efficiency due to budgetary cutbacks, and the lack of academic opportunities for students are contributing factors that causes small rural school districts to consider consolidation. Proponents of consolidation argue that the newly combined larger district has the potential for offering a more advanced and diverse curriculum than either of the two pre-consolidation school districts can deliver. The new, larger school district will be able to offer broader opportunities for learning and will be able to increase the number of school activities for students. Such results as increased passing rates on the Texas Assessment of Academic Skills (TAAS) and the Texas Assessment of Knowledge and Skills (TAKS) would validate claims that consolidation leads to increased learning and greater student achievement. (See Figure 1)

RESEARCH QUESTIONS

This study addressed two issues related to the analysis of post-consolidation of small school districts in Texas. One issue examined whether the consolidation of school districts led to increased cost efficiencies. The other issue focused on whether the consolidation of school districts resulted in increased student achievement. Stated differently, were these newly-consolidated small Texas school districts able to save money, lower the cost of delivery of educational programs, consolidate personnel, and reduce a variety of costs through capturing the benefits of the economies of
expanding scales? Moreover, did these new organizational structures and consolidated school organizations have a positive impact on student achievement?

In order to address these questions, a comparison of newly-consolidated small school districts in Texas to closely matched, non-consolidated school districts was conducted. The research questions for this study were:

1. How do expenditures per pupil compare in consolidated and paired non-consolidated school districts?
2. How do expenditures per pupil compare before and after consolidation for specified school districts?
3. How does student achievement compare in specified consolidated and paired non-consolidated school districts?
4. How does student achievement compare before and after consolidation for specified school districts?

**TEXAS SCHOOL EXPENDITURES**

In Texas, public school expenditures are classified as either educational or non-educational. Educational expenditures include (a) instructional costs, which account for expenditures related to interactions between the teachers and students, teacher salaries and benefits, instructional supplies and materials, educational resources, curriculum and staff development; (b) student services costs, which include expenditures for campus leadership salaries, counseling and nursing services and their salaries; (c) operational costs, which consist of transportation, food service, and plant maintenance; and (d) leadership costs, which are associated with central office and central administration expenditures. Non-educational expenditures are identified as (a) facilities funds, which include debt service; (b) funds to support extracurricular activities; and (c) other (Moak, Casey, & Associates, 2006). It is important to note that these expenditures are the same for all Texas school districts, whether classified as rural, urban, or suburban.
When The Elementary and Secondary Education Act (ESEA) was reauthorized as NCLB, its primary function became to close the achievement gap among student groups while simultaneously raising the achievement level for all students. This function would be accomplished through greater accountability, increased flexibility, and parent choice. NCLB imposed new requirements and stiff sanctions for states, districts, and schools that failed to meet required goals. However, in exchange, NCLB gave school districts greater flexibility in using federal funds to meet the new requirements. Key components affecting Texas school districts dealt with assessments, accountability, and teacher qualifications.

- **Assessments:** NCLB required states to develop and implement achievement tests in reading, writing, mathematics, science, and social studies aligned with state academic and achievement standards. Students were tested annually in grades 3-8 and in high school.
- **Accountability:** NCLB required states to develop and implement a single, statewide accountability system that measured progress in test results from year to year.
- **Teacher Qualifications:** NCLB required that teachers in all core subject areas and paraprofessionals met their definition of being “highly qualified” (House Research Organization, 2004).

**THE RURAL SITUATION**

More than 45% of school districts in the United States are located in rural areas, representing over 11.4 million students. In Texas, nearly half a million (474,000) students attend school in rural communities. With approximately 200 counties and 877 of the 1,037 Texas school districts designated as being rural, approximately 24% of students in Texas public schools are enrolled in districts with fewer than 4,999 students. These statistics conclude that approximately 76% of Texas students are enrolled in 160 school districts, with a total of more than 5,000 students (Patterson, 2006). Since the rural population represents less than one-fourth of the state’s total student population, rural students are often disregarded and overlooked in educational policy discussions (Jimerson, 2004).

NCLB posed another set of unique challenges to small, rural, and isolated schools. Provisions that were particularly challenging to Texas rural districts were provisions regarding highly qualified teachers and paraprofessionals and annual yearly progress (Ashford, 2002). A “Braintrust” consisting of members of the Council of Chief State School Officers identified three challenges facing rural and isolated schools in implementing NCLB: annual yearly progress, highly qualified teachers, and the implementation of consequences, specifically public school choice and supplemental educational services (Peabody, 2003).

**EFFECT ON STUDENT ACHIEVEMENT**

Researchers have offered no convincing evidence that students from small rural schools receive a less effective educational program than children in larger schools. Several studies offered evidence that favored small rural schools over larger consolidated systems (Brent, et al., 2004). A preponderance of data showed that small schools provide greater educational benefit than larger schools (Patterson, 2006). Researchers also found small rural schools equal to, or superior to, larger schools on most student behavior measures. Truancy rates, classroom disruption, vandalism, theft, substance abuse, and gang participation were lower in small rural schools (Cushman, 2000). Several other studies confirmed that large schools and districts have more bureaucratic and administrative costs, lower attendance, lower grade point averages, higher dropout rates, and more problems with violence, security and drug abuse (Patterson, 2006). Conversely, Nelson (1985) identified several liabilities to consolidation, including more red tape, teacher disconnectedness, increased discipline problems, and decreased parental involvement.

**STUDY PARTICIPANTS**

The participants for this study consisted of 20 small rural school districts in Texas that consolidated between the years 1999 and 2009 (see Figure 2). Ten districts were identified as Absorbing Districts and 10 were identified as Joining Districts, thus creating 10 consolidated school districts. Currently, Texas has 49 consolidated school districts. For comparison purposes, 20 matching non-consolidated school districts were also included as participants. Matching or like districts that did not consolidate were paired with specific consolidated districts for comparison purposes.
(see Figure 2). Utilizing the school snapshot feature accessed from the TEA website, paired districts were randomly selected from a list of similar school districts. This feature identified districts that had characteristics similar to target districts. Available characteristics were district size, district classification, property wealth, and tax rate, which were used in the matching process. (See Figure 3)

**Figure 2. Texas Consolidated School Districts (1999-2009)**

<table>
<thead>
<tr>
<th>Absorbing Districts</th>
<th>Joining Districts</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrizo Springs ISD</td>
<td>Asherton ISD</td>
<td>1999</td>
</tr>
<tr>
<td>Memphis ISD</td>
<td>Lakeview ISD</td>
<td>2000</td>
</tr>
<tr>
<td>Sudan ISD</td>
<td>Three-Way ISD</td>
<td>2002</td>
</tr>
<tr>
<td>Munday ISD</td>
<td>Goree ISD</td>
<td>2003</td>
</tr>
<tr>
<td>Fort Elliott ISD</td>
<td>Allison ISD</td>
<td>2004</td>
</tr>
<tr>
<td>Haskell ISD</td>
<td>Rochester County Line ISD</td>
<td>2005</td>
</tr>
<tr>
<td>Webb ISD</td>
<td>Miranda City ISD</td>
<td>2005</td>
</tr>
<tr>
<td>Olton ISD</td>
<td>Spade ISD</td>
<td>2006</td>
</tr>
<tr>
<td>Olney ISD</td>
<td>Megarel ISD</td>
<td>2006</td>
</tr>
<tr>
<td>Pewitt ISD</td>
<td>Marietta ISD</td>
<td>2008</td>
</tr>
</tbody>
</table>

**Figure 3. Consolidated School Districts w/ Non-Consolidated Paired Districts**

<table>
<thead>
<tr>
<th>Haskell CISD</th>
<th>Non-Consolidated - 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haskell ISD</td>
<td>Karnack ISD</td>
</tr>
<tr>
<td>Rochester County Line ISD</td>
<td>West Sabine ISD</td>
</tr>
<tr>
<td><strong>Olney CISD</strong></td>
<td>Non-Consolidated - 2</td>
</tr>
<tr>
<td>Olney ISD</td>
<td>Nocona ISD</td>
</tr>
<tr>
<td>Megargel ISD</td>
<td>Danbury ISD</td>
</tr>
<tr>
<td><strong>Olton CISD</strong></td>
<td>Non-Consolidated - 3</td>
</tr>
<tr>
<td>Olton ISD</td>
<td>Lohn ISD</td>
</tr>
<tr>
<td>Spade ISD</td>
<td>Ben Bolt-Palito Blanco ISD</td>
</tr>
<tr>
<td><strong>Pewitt CISD</strong></td>
<td>Non-Consolidated - 4</td>
</tr>
<tr>
<td>Pewitt ISD</td>
<td>Slidell ISD</td>
</tr>
<tr>
<td>Marietta ISD</td>
<td>Ore City ISD</td>
</tr>
<tr>
<td><strong>Fort Elliott CISD</strong></td>
<td>Non-Consolidated - 5</td>
</tr>
<tr>
<td>Fort Elliott ISD</td>
<td>Beckville ISD</td>
</tr>
<tr>
<td>Allison ISD</td>
<td>Sivells Bend ISD</td>
</tr>
<tr>
<td><strong>Munday CISD</strong></td>
<td>Non-Consolidated - 6</td>
</tr>
<tr>
<td>Munday ISD</td>
<td>Wildorado ISD</td>
</tr>
<tr>
<td>Goree ISD</td>
<td>Westphalia ISD</td>
</tr>
<tr>
<td><strong>Webb CISD</strong></td>
<td>Non-Consolidated - 7</td>
</tr>
<tr>
<td>Webb ISD</td>
<td>Follett ISD</td>
</tr>
<tr>
<td>Miranda City ISD</td>
<td>Ezzell ISD</td>
</tr>
<tr>
<td><strong>Memphis CISD</strong></td>
<td>Non-Consolidated - 8</td>
</tr>
<tr>
<td>Memphis ISD</td>
<td>Union Grove ISD</td>
</tr>
<tr>
<td>Lakeview ISD</td>
<td>Richards ISD</td>
</tr>
<tr>
<td><strong>Sudan CISD</strong></td>
<td>Non-Consolidated - 9</td>
</tr>
<tr>
<td>Sudan ISD</td>
<td>Rankin ISD</td>
</tr>
<tr>
<td>Three-Way ISD</td>
<td>Bluff Dale ISD</td>
</tr>
<tr>
<td><strong>Carrizo Springs CISD</strong></td>
<td>Non-Consolidated - 10</td>
</tr>
<tr>
<td>Carrizo Springs ISD</td>
<td>Connally ISD</td>
</tr>
<tr>
<td>Asherton ISD</td>
<td>Olfen ISD</td>
</tr>
</tbody>
</table>
DATA COLLECTION PROCEDURES

To analyze school district efficiency and student achievement, it was necessary to collect and interpret data from before and after consolidation. The Public Education Information Management System (PEIMS) contains all data requested and received by the Texas Education Agency (TEA) about public education. PEIMS contains only the data necessary for the legislature and TEA to perform their function of overseeing public education. PEIMS data includes student demographics and academic performance, personnel, financial, and organizational information.

The Academic Excellence Indicator System (AEIS) includes a wide range of information on the performance of students in each school and district in Texas every year. This information is put into the annual AEIS reports, which are available each year in the fall. For the purpose of this study, the AEIS will provide:

- Results of Texas Assessment of Academic Skills (TAAS)
- Results of Texas Assessment of Knowledge and Skills (TAKS)
- Actual School District Financial Data
- Student Enrollment Data

The Snapshot is a TEA product that provides general information about the characteristics of public school districts in Texas. Topics include a variety of demographic information about students and staff, as well as financial information about school district budgets, property values, and state financial assistance. School district expenditures, as well as student performance data, are also included. The districts’ expenditures per pupil were used to measure school district efficiency. Overall, passing rate percentages on the state assessment were indicators of student achievement.

Expenditures and student performance data were collected for the 10 absorbing school districts, as well as for the 10 districts that merged with them, beginning three years prior to their consolidation through 2009. Expenditures and achievement data for the 20 matching non-consolidated paired-districts were also collected. The numerical data for each variable was represented by the mean of the paired-districts for that variable. For example, District A and District B had expenditures per pupil of $7,000 and $9,000 respectively. The mean of $8,000 represented expenditures per pupil for these non-consolidated paired-districts. Numerical data from the non-consolidated paired-districts were collected and analyzed for the same time as the consolidated school districts.

RESEARCH DESIGN QUESTIONS

Research Question 1

How do expenditures per pupil compare in consolidated and paired non-consolidated school districts? The dependent variable was the district expenditures per pupil beginning three years prior to their consolidation through 2009. The independent variable was the type of district, consolidated or non-consolidated. Using SPSS, the paired-samples $t$-test was utilized to make comparisons and test for significant differences in the group means.

Research Question 2

How do expenditures per pupil compare before and after consolidation in specified school districts? The dependent variable was the post-consolidation expenditures per pupil beginning three years prior to their consolidation until 2009. The independent variable was the pre-consolidation expenditures per pupil. The paired-samples $t$-test using SPSS was utilized to make comparisons and test for significant differences in the group means.

Research Question 3

How does student achievement compare in consolidated and paired non-consolidated school districts? Dependent variables were the passing rate percentages beginning three years prior to their consolidation through 2009. The independent variable was the type of district, consolidated or non-consolidated. The Lawshe-Baker Nomograph $t$-test was used to test the significance of the differences between the two percentages.
Research Question 4

How does student achievement compare before and after consolidation? Dependent variables were the post-consolidation passing rate percentages beginning three years prior to their consolidation until 2009. Independent variables are the pre-consolidation passing rates and completion rates. The Lawshe-Baker Nomograph t-test was used to test the significance of the differences between the two percentages.

ANALYSIS OF THE DATA

First Hypothesis. \( H_0 \)

There is no statistically significant difference in operational and financial efficiencies as measured by the amount of expenditures per pupil between consolidated and paired non-consolidated school districts.

For the first hypothesis, the paired-samples t-test compared the means of per-pupil expenditures between consolidated school districts and their matching non-consolidated pair. The dependent variable was the per-pupil expenditure for each district, while the independent variable was the type of district, consolidated or non-consolidated. The statistics for per-pupil expenditures between consolidated districts and their non-consolidated pair are reported in Table 1 and the test summary is reported in Table 2. Figure 5 represents a visual representation of the distribution of per-pupil expenditures in consolidated school districts, while Figure 6 represents the distribution in non-consolidated school districts.

The statistical result relevant to the null hypothesis is found in Table 2. There was no significant difference in the per-pupil expenditures for consolidated districts (\( M=10395, SD=3653.48 \)) and their non-consolidated pair (\( M=9586, SD=1661.20 \)); \( t (9) =.81, p =.439 \). These results, which are consistent with the null hypotheses, document that there is no difference in per-pupil expenditures, specifically, between consolidated and non-consolidated school districts.

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statistics for Per-Pupil Expenditures for Consolidated &amp; Non-Consolidated Pair</td>
</tr>
<tr>
<td>Mean</td>
</tr>
<tr>
<td>Consolidated PPE</td>
</tr>
<tr>
<td>Non-Consolidated PPE</td>
</tr>
</tbody>
</table>

Second Hypothesis. \( H_0 \)

There is no statistically significant difference in operational and financial efficiencies as measured by the amount of expenditures per pupil before and after consolidation for specified school districts.

For the second hypothesis, the paired-samples t-test compared the mean scores of per pupil expenditures for absorbing districts and for joining districts both before and after consolidation. The dependent variable was the per-pupil expenditures before and after consolidation for each district, while the independent variable was the type of consolidated district, absorbing or joining. The statistics for per-pupil expenditures before and after consolidation are reported in Table 3, and the test summary is reported in Table 4. Figure 7 contains a visual representation of...
the distribution of per-pupil expenditures for absorbing districts before consolidation, while Figure 8 represents
the distribution for absorbing districts after consolidation, and Figure 9 represents a visual representation of the
distribution of per-pupil expenditures for joining districts before consolidation.

The statistical result relevant to the null hypothesis is found in Table 4. For the absorbing districts, there was a significant
difference in the per-pupil expenditures prior to consolidation ($M=9764$, $SD=3823.03$) and after consolidation
($M=10395$, $SD=3653.48$); $t (9) =-3.0$, $p =.015$. These results revealed a difference in per-pupil expenditures for the
absorbing districts before and after consolidation, which resulted in the rejection of the null hypothesis. Per-pupil
expenditures for these districts show an increase after consolidating. As for joining districts, there is no evidence of
a difference in the per-pupil expenditures prior to consolidation ($M=16142$, $SD=14402.71$) and after consolidation
($M=10395$, $SD=3653.48$); $t (9) =1.452$, $p =.180$. These results do not suggest a possible statistical difference in per-pupil
expenditures for the joining districts before and after consolidation.

**Figure 4. Distribution of Per-Pupil Expenditures in Consolidated School Districts**

![Figure 4](image)

**Figure 5. Distribution of the Per-Pupil Expenditures in Non-Consolidated School Districts**

![Figure 5](image)
Figure 6. Distribution of Per-Pupil Expenditures for Absorbing Districts Pre-Consolidation

![Distribution of Per-Pupil Expenditures for Absorbing Districts Pre-Consolidation](image)

Table 3

Statistics for Per-Pupil Expenditures for Districts Pre & Post-Consolidation

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>N</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absorbing District/Pre-Consolidation</td>
<td>9764</td>
<td>10</td>
<td>3823.03</td>
<td>1208.95</td>
</tr>
<tr>
<td>Absorbing District/Post-Consolidation</td>
<td>10395</td>
<td>10</td>
<td>3653.48</td>
<td>1155.33</td>
</tr>
<tr>
<td>Joining District/Pre-Consolidation</td>
<td>16142</td>
<td>10</td>
<td>14402.71</td>
<td>4554.54</td>
</tr>
<tr>
<td>Joining District/Post-Consolidation</td>
<td>10395</td>
<td>10</td>
<td>3653.48</td>
<td>1155.33</td>
</tr>
</tbody>
</table>

Table 4

Test for Per-Pupil Expenditures for Districts Pre & Post-Consolidation

<table>
<thead>
<tr>
<th></th>
<th>t</th>
<th>df</th>
<th>Sig. (2-tailed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absorbing District/Pre &amp; Post Consolidation</td>
<td>-3.0</td>
<td>9</td>
<td>.015</td>
</tr>
<tr>
<td>Joining District/Pre &amp; Post-Consolidation</td>
<td>1.452</td>
<td>9</td>
<td>.180</td>
</tr>
</tbody>
</table>

Third Hypothesis. $H_0^3$

There is no statistically significant difference in student achievement as measured by TAAS or TAKS results for specified consolidated and paired non-consolidated school districts.

For the third hypothesis, because the dependent variable, passing rates, was measured and compared in percentages, the Lawshe-Baker Nomograph $t$-test was used. This $t$-test was utilized to measure the significance of differences in
passing rate percentages between consolidated school districts and their matching non-consolidated pair. The independent variable was the type of district, consolidated or non-consolidated. The test summary for passing rate percentages between consolidated school districts and their non-consolidated pair are reported in Table 5. This table presents a representation of the student counts and the passing rate percentages for the ten consolidated school districts, their ten matching non-consolidated school districts and their corresponding t-values.

These results revealed no statistical difference in passing rates between consolidated districts (M=72, SD=10.69) and their matching non-consolidated pair (M=74, SD=11.39); t < 1.96. Three of these school districts experienced an increase in passing rates and three experienced a decrease. However, overall the results are consistent with the null hypothesis.

Fourth Hypothesis. $H_0^4$

There is no statistically significant difference in student achievement as measured by TAAS or TAKS results before and after consolidation for specified school districts.
For the fourth hypothesis, because the dependent variable, passing rates, was measured and compared in percentages, the Lawshe-Baker Nomograph t-test was used. This t-test was utilized to measure the significance of differences between the passing rate percentages for consolidated districts before and after consolidation. The independent variable was the type of consolidated district, absorbing or joining. The test summary for passing rate percentages before and after consolidation is reported in Table 6. This table presents a representation of the student counts and the passing rate percentages for the 10 consolidated school districts before consolidation, after consolidation, and their corresponding t-values.

These results demonstrate a statistical difference in passing rates for consolidated districts before consolidation ($M=75, \, SD=10.16$) and after consolidation ($M=72, \, SD=10.69$); $t > 1.96$. Four of the consolidated school districts experienced an increase in passing rates before and after consolidation, and four experienced a decrease. However, overall the results did reveal statistical differences in passing rate percentages before and after consolidation, which resulted in the rejection of the null hypothesis. In fact, passing rate percentages in Absorbing school districts decreased.

**Figure 9. Distribution of Per-Pupil Expenditures for Joining Districts Pre-Consolidation**

<table>
<thead>
<tr>
<th>N= 20</th>
</tr>
</thead>
<tbody>
<tr>
<td>JNPPEPST</td>
</tr>
</tbody>
</table>

---

**Summary**

The purpose of this study was to determine if rural school districts in Texas, which consolidated between the years 1999 and 2009, actually saved money, as well as increased their student achievement level. Per-pupil expenditures were used to measure and to compare the cost efficiency of each school district. Passing rate percentages on the state-mandated assessments, TAAS and TAKS were used to measure and compare student achievement. Comparisons were made for consolidated districts and their matching non-consolidated districts with similar characteristics. For each district, both pre-consolidation and post-consolidation data were collected. For the cost efficiency, a paired samples t-test was utilized to measure the significance of differences in per-pupil expenditures. The comparison of per-pupil expenditures revealed a statistical difference for absorbing districts before and after consolidation, but no difference for joining districts. There was no difference in per-pupil expenditures between consolidated districts and their matching non-consolidated school districts.

The Lawshe-Baker Nomograph t-test methodology tested for differences in passing rate percentages. This t-test was used because of the small, limited sample size. The comparison of TAAS and TAKS passing rate percentages did reveal a statistical difference for consolidated school districts before and after consolidation. These school districts experienced a decrease in passing rate percentages. Further testing revealed that there was no difference in passing rate percentages between consolidated school districts and their matching non-consolidated pair.
Table 5
Test Summary for Passing Rates for Consolidated & Matching Non-Consolidated School Districts

<table>
<thead>
<tr>
<th></th>
<th>Consolidated</th>
<th>Passing % Rates</th>
<th>Non-Consolidated</th>
<th>Passing % Rates</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>Count</td>
<td></td>
<td>Count</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
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<td>78</td>
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*Significant difference, p < .05

Table 6
Test Summary for Passing Rates for Districts Pre & Post-Consolidation

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*Significant difference, p < .05

CONCLUSIONS AND RECOMMENDATIONS

With school finances dwindling, Texas lawmakers and rural school district officials question whether to consolidate. Proponents of consolidation argued rural school districts are less efficient and therefore more costly than their larger counterparts. Many state-level policymakers believed that consolidation might improve the efficiencies of rural schools (Nelson, 1985). They also argued that consolidation brought a greater breadth and depth of course offerings
to provide more opportunities for increased student achievement (Brantley, 1983).

Two research questions were addressed in this study. One question analyzed whether the consolidation of school districts would lead to increased cost efficiencies. The other research question focused on whether the consolidation of school districts resulted in increased student achievement. Stated differently, were these rural Texas school districts saving money because of being consolidated, and were their new organizational structures having a positive impact on student achievement?

**Methodology**

To determine if school district consolidation affected cost efficiencies and student achievement, data were collected before and after consolidation. To make comparisons between consolidated and non-consolidated school districts, consolidated districts were matched with non-consolidated districts of similar characteristics. The districts’ per pupil expenditures measured efficiency. Passing rate percentages on the state assessment measured student achievement.

To analyze district cost efficiency and to examine the impact on student achievement, this study addressed questions as follows: How does the amount of money spent per pupil in consolidated school districts compare with the amount spent in non-consolidated school districts with similar characteristics? Furthermore, how do these expenditures after consolidation compare with the expenditures before consolidation? How do passing rates on the state assessment compare between consolidated and matching non-consolidated school districts? As with cost efficiency, how does student achievement compare in school districts before and after consolidation?

**Results**

For the first research question, results of the paired-samples t-test revealed that per-pupil expenditures are no different in consolidated school districts as they are in non-consolidated school districts with similar characteristics. For the second research question, results of the paired-samples t-test did reveal a statistical difference in per-pupil expenditures before and after consolidation. Evidence revealed that absorbing districts experienced a statistically significant increase in per-pupil expenditures after consolidating; however, joining districts did not. These districts did experience a decrease in per pupil expenditures, but the decrease was not statistically significant.

The results suggest that based on per-pupil expenditures, rural Texas school districts did not save money by consolidating. The absorbing districts actually spent more on a per-pupil basis after consolidating. Even though per-pupil expenditures decreased for joining districts, the savings were minimal and, therefore, not statistically significant.

For the third and fourth research questions, results from the Lawshe-Baker Nomograph t-test revealed no difference in student achievement, as measured by passing rate percentages on the TAAS and TAKS between consolidated school districts and non-consolidated school districts with similar or matching organizational characteristics. However, the Lawshe-Baker Nomograph t-test did reveal a statistical difference in student achievement, as measured by passing rate percentages on the state assessment before and after consolidation. The passing rate percentages decreased.

These findings suggest that based on passing rate percentages on the state assessment, rural Texas school districts did not show an increase in student achievement by consolidating, when compared to non-consolidated school districts with similar characteristics. These results also revealed that small rural Texas school districts, after consolidating, actually experienced a decrease in student achievement based on passing rate percentages on the state assessment after consolidating.

**Conclusions**

This study suggests that per-pupil expenditures are no different in consolidated school districts than they are in non-consolidated school districts with similar characteristics. Conversely, the evidence revealed that per-pupil expenditures in consolidated schools are statistically different before and after districts consolidate. Per-pupil expenditures increased for the absorbing districts, while per-pupil expenditures decreased minimally for the joining districts. These findings support the results from previous studies that even though consolidation could prove to be cost-effective in some cases, there has been no compelling evidence that consolidation is a cost-effective alternative to small rural schools (Brent, et al., 2004).
The second part of this study suggests that, based on passing rate percentages on the TAAS and TAKS, student achievement levels are no different in consolidated school districts than they are in non-consolidated school districts with similar characteristics. On the other hand, the evidence did reveal a statistical difference in student achievement after rural Texas school districts consolidated. Overall, student achievement in these consolidated school districts decreased. These findings support previous studies claims that no convincing evidence that students from small rural schools received a less effective educational program than children in larger schools (Patterson, 2006).

**Implications**

When school districts consolidate, smaller rural schools close, which can adversely affect the community. For rural areas, community is a core value, and to rural citizens, consolidation creates a loss of community and culture (Mathis, 2006). The rural school is often the center of community social activities, including recreational, cultural, and civic events. According to Jimerson (2006), local schools serve as the community-centering institution, a repository of local history, and the locus of community pride.

When consolidation occurs, many rural communities because of their geographical isolation, become financially strangled and lose population. Eventually, some communities cease to exist. Consolidation could result in the loss of a sizable employer, a loss that subsequently fosters a decline in retail sales, property values, and tax revenues (Brent et al., 2004).

As Texas lawmakers and educational leaders contemplate school district consolidation, saving money and raising student achievement should not be their only concerns. Instead, they should take into serious consideration the economic and the social impact that consolidating small school districts could have on the communities they serve.

**Limitations**

The sample size of 10 consolidated school districts to analyze student achievement could present a potential threat to the internal validity of this study. The potential concern could be that, from the 56 currently consolidated school districts in Texas, most of the districts have been consolidated since the 1950’s and 1960’s. Due to the constraints of this study, these districts would not be represented.

During the timeframe between 1999 and 2009, Texas school districts administered either the Texas Assessment of Academic Skills (TAAS) or the Texas Assessment of Knowledge and Skills (TAKS) to measure student achievement. This change in assessment presented a challenge because two different state assessments would be used to make comparisons. To alleviate this concern, the researcher used the percentage of students who “passed all tests taken,” which is a common measure for both assessments.

**Recommendations**

School consolidation presents many unique challenges. Consolidation requires planning that should include the identification of needs, goals and objectives, the establishment of procedures, and evaluation or feedback. Most consolidations had a plan, but few followed up with evaluation. The educational needs must be combined with the needs of the community (Self, 2001). There should be no statewide mandates forcing school district consolidation.

Because there is no compelling evidence suggesting that school consolidation is a cost-effective or achievement-effective alternative to small rural schools, state policymakers should take into consideration the quality of education that rural students will receive before moving to consolidation (Silverman, 2005). Claims about the presumed benefits of school district consolidation should be closely questioned.

Instead of consolidating small schools and districts, other measures should be considered to improve fiscal efficiency or educational outcomes. This phenomenon, referred to as “shared services,” allow schools and districts to band together to eliminate duplication and streamline functions and services (Patterson, 2006). Shared services can yield real efficiencies around facilities, transportation, food service, real estate management, procurement, human resources, information technology, security and instruction (Deloitte, 2005). For example, in Lubbock, Texas, the Regional Service Center 17 provides payroll and accounting services to several rural districts. These districts report savings between 50-80 percent annually (Patterson, 2006).
This study focused on how per pupil expenditures and student achievement are affected when rural Texas school districts consolidate. Statistical tests indicated that small rural districts in Texas do not save money by consolidating, and there is no positive impact on student achievement levels. In cases where there were cost savings, the amount saved was minimal. With this in mind, is there a correlation between how small rural school districts spend their money and the achievement level of their students? For instance, how do transportation costs affect student achievement? In Oklahoma, lawmakers and lead educators are currently debating the issue of consolidating small districts to reduce administrative costs and use the savings in other ways such as in the classrooms (Burton, 2010).

The data in this study revealed that overall, students experience a decrease in student achievement after small school districts consolidate. How did students, specifically from joining districts, perform academically after consolidating? Did more of these students graduate from high school and pass the TAAS or TAKS as a result of merging with an absorbing district? Furthermore, how are small rural school districts that chose shared services instead of consolidation performing in the areas of cost efficiency and student achievement? Finally, what are the total economic and social impacts on the community when school districts consolidate? People who live in rural communities fear that when their schools are closed a sense of community is also lost. Critics of consolidation say that, if decision makers focus only on numbers, they miss the value of a school and the community to which it belongs (Burton, 2010).

REFERENCES


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THE IMPACT OF SYMBOLIC SPEECH IN PUBLIC SCHOOLS:
A SELECTIVE CASE ANALYSIS FROM TINKER TO ZAMECNIK

Charles R. Waggoner, Ph.D.
Eastern New Mexico University

The freedom to express the self and the right to a free public education sets the American public school experience apart from those of many other nations. The combination of the two often creates tensions and confrontations that become contentious leading to litigation. For the past fifty years the courts have attempted to balance the symbolic rights of students with the obligation of the school to protect students from bullying, while maintaining decorum that allows all students to pursue an education free from intimidation. Young people express themselves in many ways, often in a symbolic manner that involves the wearing of a t-shirt or other artifacts conveying their self-expression of ideas and idiosyncrasies. When the learning environment is jeopardized as a result of that speech, the courts have been called upon to determine whether or not the suppression of the speech by school officials is appropriate. Tinker v. Des Moines has served as the bedrock case for symbolic speech, and, since then, there are those who have contended that the courts have chipped away at student rights. The case of Zamecnik v. Indian Prairie School District 204 is illustrative of this contention.

Keywords: public schools, student expression, symbolic speech

Wearing a New York Yankee jersey and cap to a game at Fenway Park in Boston during a series between the two baseball clubs is viewed as a provocative action by the hometown crowd. While I was not the only Yankee fan in the park, as there is always a smattering, I was definitely in the minority and the subject of many good-natured and some very profane ridiculing comments as the game progressed and more beer was consumed by the Red Sox faithful.

I could have easily avoided any and all jibing by simply wearing neutral clothing or keeping silent when the Yankees were successful, but this would have seemed that I, a die-hard Yankee fan for fifty years, would have been giving away a part of myself and in some way not being true to my baseball faith. I was fully aware of the reception that I would be given for my Yankee paraphernalia. As my son has pointed out, with the player turnover being what it is, we are only rooting for laundry anyway, and should not take it so seriously.

Do not construe my line of demarcation at Fenway with the egregious way some children are bullied and ridiculed at school. Being a white, mid-sixties Yankees fan in a sea of rabid oppositional fanatics is perhaps as close to being bullied for who I am and what I believe in as I am able to humbly extrapolate from this world at this particular juncture. I have not had many Black Like Me epiphanies in my relatively coddled and bully-free life. I can easily wear a different shirt or go to a game in the Bronx, but many students cannot change who they are, and there then lies the rub. Whether one is shamed because they are of a different religion, a different sexual persuasion, a different color, have a different manner of speaking, are physically or mentally challenged, too fat or too thin, wear glasses, are shorter than average, whatever; bullying, hazing and harassment needs to be stopped at all levels of our society, be it in K-12 education or at universities with world-class marching bands. The courts have been relatively consistent in backing schools when it comes to symbolic speech dealing with drugs, vulgar phrases, and the more obvious ridiculing phrases; however, it is becoming more difficult for school districts to figure out what is acceptable symbolic attire and what crosses the line of harassment and bullying.
Students wearing symbolic messages have created dilemmas for school administrators and school boards at least since the early 1960s when the Fifth Circuit ruled on the wearing of political buttons in the *Blackwell v. Issaquena County Board of Education*. This case, which was a precursor of Tinker in many ways, found in favor of the school district because the wearing of the buttons deteriorated the learning atmosphere of the school, creating a disruption and fist fights. In the more familiar Tinker decision, the Supreme Court of the United States ruled for the students, confirming that students are entitled to all First Amendment guarantees, “symbolic speech being akin to pure speech,” subject only to the provision in which the exercise of these rights creates material and substantial disruption to the educational process. An excerpt from the majority opinion in Tinker is illustrative:

School officials do not possess absolute authority over their students. Students in school as well as out of school are “persons” under our Constitution. They possess fundamental rights which the State must respect…. In our system, students may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. (*Tinker v. Des Moines*)

Based upon the *Tinker* decision, students are entitled to express their views in a symbolic manner most commonly addressed with messages on t-shirts or buttons, but via other forms of expression as well, including jewelry, hair styles, rubber bracelets, tattoos, body piercings, armbands, and styles of clothing, to name just a few. School districts have found it relatively simple, if they have a clear policy in place, to restrict these messages if there is actual evidence of a material and substantial disruption or a clear indication that there will be material and substantial disruption. Just the anticipation of material and substantial disruption or a gut-feeling is not enough. Rather, the presence of actual evidence of disruption must be apparent. The *Tinker* decision made the policy quite clear, and subsequent courts dealing with these types of issues typically reflect on the material and substantial disruption ruling in *Tinker*. Also, clearly indecent or offensive speech may be prohibited. The principal would not have to wait until an actual fight broke out or the classroom became chaotic because a student was wearing a t-shirt that said “fuck the principal.” School administrators need very thick skin, but not this thick if the message is conveyed on school property. It is likely that if such a t-shirt existed, it could be worn outside of school without incidence in some communities.

Messages that communicate vulgar words or mock others based on race, origin, color, sex, or religion may be restricted, and it would be almost impossible to find a school district without policies restricting this version of symbolic expression. The difficulty for schools is that there must be more than just a desire to avoid the discomfort and unpleasantness associated with a view that may be considered unpopular. A t-shirt stating, “Jesus is Not a Homophobe,” raises an entirely different Constitutional question than does a t-shirt picturing an air conditioner with the phrase “Blow Me.”

The dissent of Justice Black in the Supreme Court’s *Tinker* decision should be read in its entirety for a substantially different take on the majority opinion; however, this summary will suffice to illustrate the Justice Black’s contradicting viewpoint:

The Court’s holding in this case ushers in what I deem to be an entirely new era in which the power to control pupils by elected officials of state supported public schools…is in ultimate effect transferred to the Supreme Court…. This particular case here protects the right of school pupils to express their political views all the way “from kindergarten through high school.” One defying pupil was 8 years old…. Only 7 of the 18,000 pupils were in violation of the principal’s edict…. There is evidence that a teacher of mathematics had his lesson period practically “wrecked,” chiefly by disputes with Mary Beth Tinker, who wore her armband for her demonstration…. Nor are public school students sent to the schools at public expense to broadcast political or any other views to educate and inform the public. (*Tinker v. Des Moines*)

A dissent is just that, and Justice Black’s did not carry the day in 1969. Although student speech has been modified by the Supreme Court, particularly in *Bethel School District v. Fraser*, which allows schools to ban pure speech that is lewd or vulgar, and in *Morse v. Frederick*, which amplifies *Tinker* to a degree regarding drug messages as symbolic speech, the “symbolic speech” decision of *Tinker* continues to plague and confuse the public schools over forty years later. Several courts have applied the more deferential standard of *Bethel v. Fraser*. In *Fraser* the case involved actual speech
A school district in Ohio had in place a policy banning clothing with offensive illustrations, drug, and alcohol and tobacco slogans. A student wore a Marilyn Manson t-shirt with an illustration of Jesus with three-heads and the statement, “see no truth, hear no truth.” As nonsensical as the message may appear, the court agreed that the shirt was offensive because it mocked others’ religious beliefs and that the song lyrics of Marilyn Manson were inconsistent and counterproductive to education (Boroff v. Van Wert City Bd. Of Ed.). The Morse v. Frederick decision had not taken place when Boroff was decided, but the reasoning of the court is similar. In Morse the school district had a clear policy against the promotion of drugs, and the “bong hits for Jesus” banner, no matter how opaque it may seem, was deemed inappropriate to district policy.

In 2004, in response to the “Day of Silence,” a student wore a t-shirt to school on the front of which he had written: “BE ASHAMED, OUR SCHOOL EMBRACED WHAT GOD HAD CONDEMNED.” The back of his t-shirt read: “HOMOSEXUALITY IS SHAMEFUL ‘Romans 1:27.’” The principal asked the student to remove the shirt over fears that there would be altercations because the message was too inflammatory. The student refused and was suspended. The 9th Circuit of the U.S. Court of Appeals let the suspension of the student stand, stating that “Advising while in a classroom that gays and lesbians are shameful, and that God disapproves of them….strikes at the very core of the young student’s dignity and self-worth…. However heartfelt, this type of speech is poisonous stuff and we agree that school administrators must have some latitude to prevent in-school speech intended to vilify minority individuals and groups” (Chambers v. Babbitt).

In Harper v. Poway Unified Sch. Dist., the District Court for the Southern District of Ohio, offers a stark contrast to Harper. In the 2005 case, a student wore a black t-shirt with the word “INTOLERANT” and “Jesus said… I am the way, the truth and the life. John 14:6” written in white on the front and, on the back, “Homosexuality is a sin! Islam is a lie! Abortion is murder! Some issues are black and white!” (Nixon v. Northern Local School District Board of Education). Analyzing the case, this court found that the t-shirt “might be potentially offensive from a political viewpoint, but was not vulgar or lewd; therefore, it did not apply under Frazer. Only the Tinker standard could be applied, and there was no evidence of substantial and material disruption. The “rights of others” standard from Tinker did not apply to this silent, passive t-shirt and did not impact other students’ rights to be left alone.
The *Harper and Nixon* decision provides an interesting backdrop for a case that had been percolating in the Seventh Circuit since 2008 and likely brought to conclusion on March 1, 2011. T-shirt messages take on unique perspective when the t-shirt may not create harm with the message, but causes the wearer of the message to become the subject of harassment. A case in point is t-shirts with the message “Day of Silence,” which are worn on the annual Day of Silence by students and others. This national event, which has been practiced for over fifteen years and was organized by the Gay, Lesbian, and Straight Education Network (GLSEN), is intended to bring attention to anti-LGBT (Lesbian, Gay, Bisexual, Transgendered) bullying, harassment, and name-calling in schools. On this day, students take a vow of silence, which they keep unless called upon in class by a teacher. To counter what some groups consider to be a promotion of a homosexual agenda by the Day of Silence, a “Day of Truth,” typically “celebrated” following the “Day of Silence,” has been practiced for the past several years. On this day, students and others are encouraged to wear a “Day of Truth” t-shirt message to encourage, according to the sponsors, a dialogue about same-sex attraction and the biblical truth for sexuality (Christian Students Lead ‘Day of Truth’ to Promote Dialogue on Sexuality, 2012).

Heidi Zamecnik was the original plaintiff in what became known as the *Heidi Zamecnik and Alexander Nuxoll v. Indian Prairie School District #204* case. Zamecnik wore her own t-shirt on the “Day of Truth” in 2006. The front of the shirt read, “My Day of Silence, Straight Alliance.” The back of the shirt read, “Be Happy, Not Gay.” As so often happens in lawsuits, Zamecnik had graduated by the time the case was adjudicated, and a fellow student, Alexander Nuxoll, carried the case forward.

The dean of the school told Heidi that her shirt was offensive to some students and, with the cooperation of her mother, the words “Not Gay” would be marked out and she would be allowed to continue to wear the shirt. In 2007, on the “Day of Truth,” Zamecnik and Nuxoll asked to be allowed to wear the t-shirts again and were denied permission. The school district, in an attempt to reach a compromise, said that they would allow a t-shirt with the message “Be Happy, Be Straight.” Also, the mass-produced Day of Truth shirts would be permitted. The students would not compromise and took the issue to federal court. At first blush, the slogan “Be Happy, Not Gay” would appear to fall between the “Straight Pride” t-shirt, which was allowed by the court in *Chambers v. Babbitt*, and the derogatory message that was disallowed in the *Harper v. Poway* decision. Justice Posner of the Seventh Circuit opined that, “given gay was once employed as a synonym for happy, many might find the play on words to be…cute (Biegel, 2012 p. 160-161).

Some have wondered if it would be appropriate for a student to wear a t-shirt that would substitute the word “gay” for “Be Happy, Not Mormon,” or “Be Happy, Not Muslin.” Would the courts approve such messages? A federal court in Florida disallowed students from wearing the t-shirt “Islam is of the Devil.” Applying the *Tinker* standard, the court concluded “that the school district was on solid constitutional footing prohibiting the wearing of the t-shirts under their dress code because there were a number of documented incidents where the shirts had caused actual disturbance (*Sapp v. School Bd. of Alachua Cnty.*).

Marcia E. Powers, writing in the fall of 2008, contended that the real impact of *Zamecnik/Nuxoll* is the expansive view of “substantial and material disruption” that the Seventh Circuit took. Using all of the major speech cases of *Tinker, Bethel, and Morse*, the court inferred that “substantial disruption” was not limited to the fear of violence or actual violence, but included any speech that would lead to “a decline in students’ test scores, an upsurge in truancy or other symptoms of a sick school” (*Zamecnik v. Indian Prairie School District 204*). The Seventh Circuit in this case has given *Morse* a much broader range than just curtailing the advocating of drug use. Using this line from *Morse*, the Seventh Circuit asserted, “Imagine the psychological effects if the plaintiff wore a t-shirt on which was written ‘blacks have lower IQs than whites’ or ‘a woman’s place is in the home.’ In finding the effects that speech can play psychologically upon a student in the *Tinker* analysis, the Seventh Circuit has given a rationale for school administrators to suppress speech without the fear of or actual substantial and material disruption (Powers, 2012, p. 247).

The previously mentioned case of “Jesus is not a Homophobe” in *Couch v. Wayne Local School District* was filed one year after Zamecnik. The t-shirt in *Couch* was banned by the school because it was “sexual in nature,” and was deemed permissible by an Ohio court to be worn not only on the observance of a “Day of Silence,” but “as the student pleases” (Ohio District Offers Settlement to Student in “Jesus Is not A Homophobe” T-shirt Case, 2012). Local churches in the community did protest the school’s decision to allow the student to wear the t-shirt (Ohio District Ordered to Pay $20,000 in “Jesus is not a Homophobe” T-shirt Suit, 2012). The school district determined that it was easier to allow the t-shirt than to challenge the issue in court.
Students with messages on t-shirts, jewelry of all types, piercings, tattoos, hair styles and color, and much else that can adorn a student all fall into the lumped category of symbolic speech. A student coming to school in a turban makes a statement without saying a word. A student with visible tattoos is making a statement about something. A student reading a Bible during free reading time is symbolically expressing at least a reading preference if not a larger message. Symbolic speech is protectable under the First Amendment if the person displaying the symbol intends to convey a particularized message and there is a "great likelihood" that the message will be understood by those observing it (Spence v. Washington).

Several law suits have been filed throughout the nation over the wearing of the rubber bracelets promoting breast cancer-awareness. The message contained on the bracelet is “I (heart) boobies,” promoted by the Keep A Breast Foundation, a not-for-profit group that created the wristbands to promote breast health awareness, sell for about $4 (Schools Banning I Love Boobies Bracelets, 2012). A Pennsylvania court in 2011 ruled that the rubber bracelets were not offensive. That opinion is being appealed by the school district. The court stated in H., et al. v. Easton Area School District that

On the school’s designated breast cancer awareness day, two female students defied the school’s bracelet prohibition and both were suspended for a day and a half and prohibited from attending an upcoming school dance…. The court concludes that these bracelets cannot reasonably be considered lewd or vulgar under the standard of Fraser. The bracelets are intended to be and they can reasonably be viewed as speech designed to raise awareness of breast cancer and to reduce stigma associated with openly discussing…. nor has the school district presented evidence of a well-founded expectation of material and substantial disruption from wearing these bracelets under Tinker. (H., et al. v. Easton Area School District).

There was evidence that the bracelets did create a problem, as two female students reported that at lunch they were subjected to a statement from a boy indicating that he “wanted boobies,” while making inappropriate gestures with two pieces of candy. The boy admitted to the incident and was suspended from school for a day. The court did not believe that this rose to the level of material and substantial disruption.

Under Tinker, the boobies bracelets would have to create a major disruption to the education process, or the word “boobies” would have to be found inappropriate at some level under Fraser. Under the Fraser standard, “boobies” would need to be considered a vulgar word. It might be a different question for administrators and the courts if the phrase “I (heart) boobies” were to be worn on a t-shirt. Would this be too sexually provocative, and might this t-shirt worn to school be banned under existing school policy? The rubber bracelets continue to be a legal matter for those who choose to wear them to school and for those who wish to ban them outright or have the students turn the message over so that it cannot be read.

In order to be considered vulgar, lewd or obscene, the material must violate three tests, according to the U.S. Supreme Court's decision in Miller v. California. The three tests established by Miller are that “the material must appeal to the prurient or lustful interest; It must describe sexual conduct in a way that is 'patently offensive' to community standards; and taken as a whole, it 'must lack serious literary, artistic, political, or scientific value.' Wearing the “I (heart) boobies” bracelets applied under the wider application of Fraser, and using the test set forth in Miller, it might seem reasonable that the word “boobie” would perhaps elicit more disruptive snickering from fourth-grade students than it would from more mature high school students.

With proper policies in place, it is somewhat easier to censor vulgar, lewd or obscene, messages and words that take hateful umbrage with certain classifications of individuals and to get the courts to agree with the school district. The “See Dick Drink – See Dick Drive – Don’t Be a Dick” t-shirt, which is obviously anti-drinking and driving, has been banned in some schools because of the lewd connation of the word “dick.” A student wearing a t-shirt with the message “Drugs Suck,” was suspended. The suspension was upheld because the court focused on the fact that the word “suck” was vulgar (Broussard v. Sch. Bd. of the City of Norfolk).

Some courts will analyze student dress challenges under the legal analysis of the so-called O'Brien Standard (U.S. v. O'Brien). Under the O'Brien test, a school's dress code or uniform policy will be constitutional if “the policy is authorized under state law; the policy furthers an important governmental interest; the policy is unrelated to the suppression of free expression; and the incidental restriction on First Amendment freedom is no more than necessary to further the
governmental interest” (U.S. v. O’Brien).

Policies in place to prevent all types of bullying are found in every responsible public school district and building in the nation. It is in the best interest of all schools to include content regarding the bullying of GLBT students specifically in their policies. Yet, it remains a very real conundrum for schools on how to balance the freedom to participate in and wear a “Day of Silence” t-shirt with the freedom of other students to participate in and wear a “Day of Truth” t-shirt. It is a slippery slope (lawyers like this term) whether or not a t-shirt with the picture of a cartoon farmer with a hoe and the words “I like working with hoes” is acceptable. For illustration purposes only, I once wore a t-shirt to class that pictured a very obviously old and decrepit squirrel standing under the tree with the caption, “I’m so old I can’t find my nuts.” Principals will not likely confront that particular t-shirt, but sexual innuendos that can and will be developed in the future may be “over the head” of adults until they are pointed out. I remember “Big Johnson” t-shirts being the thing several decades ago, and it took some administrators, me at least, a while to get the joke, and of course, ban the t-shirts. The message on the Co-ed Naked brand was a little less subtle.

In May of 2012, the Illinois Senate rejected an attempt that would have required Illinois schools to adopt a more detailed policy to prevent bullying, with the vote falling several votes short. Since 2007, Illinois has required schools to have bullying prevention policies, but currently law does not provide schools with any guidance about how their bullying prevention policies can most effectively prevent and address bullying (Bully Prevention Policy HB 5290). As is true of every state and community in the nation, bullying and harassment are a problem in Illinois. More than one-third of Illinois students state that they feel unsafe while at school, while a majority of Illinois students say that they were verbally harassed, and one quarter state that they were physically harassed at school this past year (House Bill 5290 – Illinois Schools Anti-Bullying Policy). Illinois currently has a bullying statute, but HB 5290 was to strengthen the act. The statute currently in place in Illinois states that bullying based upon religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identify or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all Illinois school districts and non-public, non-sectarian elementary and secondary schools. To this rather detailed list, HB 5290 adds physical appearance, socioeconomic status, academic status, pregnancy, parenting status, and homelessness (HB 5290 – School Bullying Prevention).

In addition, HB 5290 includes some new mandates and procedures for school districts that include adding the new state definition of bullying (if adopted) into district handbooks and websites; developing mechanisms for anonymous reporting of bullying and identifying the person or persons responsible for promptly investigating and addressing all complaints; and including in district policy specific interventions that can be taken to address bullying, which may include, but are not limited to, restorative measures, social-emotional skill building, counseling, school psychological services, school social work interventions, and community-based services. School district policies have to be filed with the State Board of Education and must be updated every two years. The state board of education promises to provide technical support for the implementation of the district policy. The ‘technical support’ coming from the state is new to HB 5290.

Additions to the Illinois statute do not seem anything but rational to the casual reader, and the act has been widely endorsed, yet HB5290 failed on the third reading in the Illinois Senate. The concern of those voting no or present was that the real purpose of the act was to “lecture students or as a cover to indoctrinate students with a pro-homosexual agenda” (Illinois Senate rejects anti-bullying legislation, 2012). The Illinois Family Institute lobbied for an “opt out” provision that allows students and teachers to skip any lessons to prevent bullying if it violated their religious beliefs. Illinois State Senator Kyle McCarter was quoted as saying, “There are some programs that are not just bullying in general, but some of them tend to have an agenda of being pro-homosexual” (ibid).

Illinois senator Kirk W. Dillard filed an amendment to HB 5290 that states, “No student or school employee shall be required to attend or participate in any bullying program, activity, assembly, or event that may infringe upon her or her free expression or contradict his or her personal, moral, or religious beliefs.”

On the surface, it appeared that Illinois HB5290 might have become a lodestar for anti-bullying legislation around the nation. The bill will go through last minute machinations in the Illinois legislature that are common at the end of
sessions in all legislative bodies, and HB5290 may in fact pass in some manifestation. No bill is ever considered “dead” until the legislature actually bangs the adjournment gavel.

As evidenced by the cases ranging from Blackwell in 1966 to Zamecnik, it might seem obvious that the courts have considered bullying and harassment cases in schools. The cases mentioned are only a tiny fraction of similar cases that have been litigated or settled out of court by summary judgment in the past decades. Tinker, Bethel and Morris certainly helped school boards and educators deal with symbolic speech, and in the case of Bethel, pure speech was amplified a notch by the Seventh Circuit to include speech that would lead to students feeling uncomfortable at certain observable levels, such as truancy. The current Illinois statute on bullying and the proposed changes made by HB5290 contain a laundry list of the attributes and conditions for why students should not be bullied or harassed. The list is long, and it should be. Intolerance has been a problem seemingly since the beginning of civilization, and one wonders if any progress has been made on the goal of civility. No matter what one believes in their spiritual, religious, or philosophical nature, it would seem that the words of Jesus (and many others), “Do unto others as you would have them do unto you,” would be appropriate as a t-shirt, if the saying were not attributed to Jesus on the t-shirt.

The Religious Freedom Education Project has produced a pamphlet entitled Harassment, Bullying and Free Expression: Guidelines for Free and Safe Public Schools, which has been endorsed by many groups, including the National Association of Evangelicals, Islamic Society of North America, and the National Association of State Boards of Education. The pamphlet concludes with this statement:

Public schools in a democratic society should seek to develop strong civic character by teaching and modeling respect for the rights of others. Students should strive to master the skills of civil engagement both in the classroom and in relationships with their peers. Prevention of harassment and bullying is essential for healthy, effective public schools. But that effort must not lead to excessive limitations on the constitutional right of students to freedom of expression. School officials have an obligation to seek the right balance between upholding free speech and maintaining a safe learning environment for all students.

CONCLUSION

At the end of the day, the school administrator is left between the proverbial rock and hard place, strategically positioned on the firing line in student speech conflicts. Common sense will take the administrator only so far in dealing with symbolic speech questions. Policies need to be adopted by the Board of Education that are carefully drawn by attorneys who specialize in First Amendment freedoms. These policies must be clearly communicated to all stakeholders in everyday language, not legalese, preferably with clear examples of what is not acceptable.

One class of school law in the education of school administrators is not sufficient. In-service opportunities and workshops are needed periodically, and all staff needs to be informed and involved. Often First Amendment issues will arise in clubs and organizations that are sponsored and directed by the teaching staff. Given the connection between symbolism and bullying, the stakes are too high to leave these issues to happenstance.

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EFFECTS OF READING STRATEGIES AND THE WRITING PROCESS WITH WRITTEN RECASTS ON SECOND LANGUAGE ACHIEVEMENT

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This study examined the effectiveness of teaching methods used with a second language reading and writing unit. This investigation addressed discrepancies between assessment scores in the four communicative language skill areas of students in beginning-level Spanish classes at a suburban middle school. Accordingly, the purpose of this study was to explore how literacy-based practices that included teaching strategies used with reading, teaching use of the writing process with a writing assignment, and teacher employment of written recasts affect second language achievement. The theoretical base of the study consisted of second language theories and hypotheses that explained how second language learning occurs. The academic achievement of the students exposed to the literacy-based teaching methods was compared with the achievement of students not exposed to literacy-based teaching methods. A purposive convenience sample consisted of 116 students between the ages of 12 and 14 years enrolled in beginning-level Spanish classes. An independent-measures and repeated-measures t tests were used to assess among- and between-group differences from pretest, posttest, and delayed-posttest data collections. The between-groups analysis revealed a statistically-significant result in favor of the experimental group between the pretest and the posttest (t(114), p = .04, d = .36), and between the pretest and the delayed posttest (t(114), p = .03, d = .51). The findings led to a recommendation for further use and study of the methods, with additional assessment tools. The results inform instructional practices that increase students’ opportunities to be exposed to comprehensible language, thus affecting positive social change.

Keywords: tolerance, intolerance, civility, diversity, forbearance, acceptance, acquisition (of language), corrective feedback, corrective recasting, strategy instruction, writing process (process writing)

INTRODUCTION

Researchers in the field of second language instruction, such as Long (2007) and VanPatten and Williams (2007), recognized a need for new teaching methods to meet the demands of a changing society and searched for the most effective methods of aiding learners in knowledge and use of a second language. Brown (2007) explained that the difference between current and past approaches to teaching a second language is the absence of the methods used in the first half of the 20th century because those methods were too narrow to apply to a wide range of learners in a variety of situations. The need to discover new, more effective methods is of particular significance in many schools because of requirements that students demonstrate second language proficiency on assessments. This study aimed to discover effective instructional methods to help students meet the second language proficiencies required of them.

Conscientious classroom teachers have made research-based changes to classroom instruction in an attempt
to improve student-learning outcomes. Richards and Rodgers (2001) contended that teachers searched for more effective ways of teaching a second language for more than 100 years. Debate among teachers and researchers about the best teaching practices centered on several areas, including (a) what the role of grammar should be, (b) how much focus should be on developing accuracy and fluency, (c) how the courses should be designed, (d) what the role of vocabulary was in learning, (e) what skills should be taught directly, (f) how learning theories should be applied in teaching, (g) how much memorization should be expected of learners, (h) what role motivation could play, (i) what the most effective strategies could be, (j) what the most effective techniques could be for teaching the four communication skills, and (k) what role technology should play in second language learning. Long (2007) and VanPatten and Williams (2007) agreed that second language research design and methodology had evolved in recent years, but a comprehensive second language theory was still lacking. As teachers attempted to discover the most effective methods, second language instruction experienced several transitions.

Brown (2007) and VanPatten and Williams (2007) asserted that there were two basic periods of second language instruction prior to the 1990s: the structuralist period and the nonstructuralist period. Richards and Rodgers (2001) explained that, in the 1990s, content-based instruction, task-based language teaching, and competency-based instruction replaced communicative-language teaching and focused on the outcomes of the learner, rather than on the methods of teaching. DuFour and Eaker (1998), Graham (2005), and Lambert et al. (2002) recognized that the famous report A Nation at Risk sparked a new era of improvement initiatives. DuFour and Eaker (1998) reported that more than 300 state and national task forces investigated the condition of public education in America within 2 years of the report (p. 3). According to DuFour and Eaker (1998), this investigation caused educational reform to move to standards-based instruction, also called the restructuring movement. Lambert et al. (2002) explained that because of the new reforms, society demanded different competencies from second-language learners, and instructors were forced to look for new ways to prepare their students.

Richards and Rodgers (2001) asserted that, by the 21st century, second language teachers adopted approaches used in general education, such as cooperative learning, the whole-language approach, and multiple intelligences. However, according to Long (2007) and Richards and Rodgers (2001), second language teachers still debated the best and most effective strategies to employ in the second language classroom. Asher (1993), Krashen (2003), and Ray and Seely (2004) still argued the value of purely communicative methods, while Montrul and Bowles (2010) found fault in completely doing away with direct instruction in vocabulary and grammar. Mok (2009) recently evaluated critical-thinking practices and reported promising findings, yet Gibbons (2002) contended that other second language instructors were compelled to design their curriculum goals to meet the demands of imposed standards and assessments. The debate has not concluded.

The purpose of this quantitative, experimental study was to test the hypothesis that literacy-based teaching methods used with an established curriculum for novice proficiency regular-education students studying Spanish in a suburban middle school would increase the academic achievement of the learners. Specifically, it investigated how teaching strategies used with reading, teaching use of the writing process with a writing assignment, and teacher employment of written recasts would affect second language achievement. It was hoped that more effective instructional practices than those that were used in the past would be identified.

**METHODS**

**Research Question and Hypotheses**

The following research question guided this study: Is there a statistically significant difference between post treatment grammar and vocabulary test scores of a control group that completed an established second language curriculum and an experimental group that completed the same second language curriculum with literacy-based teaching methods employed during the reading and writing activities?

\[ H_0: \text{There is no statistically significant difference between post treatment grammar and vocabulary test scores of a control group that completed an established second language curriculum and an experimental group that completed the same second language curriculum with literacy-based teaching methods employed during the reading and writing activities.} \]
There is a statistically significant difference between post treatment grammar and vocabulary test scores of a control group that completed an established second language curriculum and an experimental group that completed the same second language curriculum with literacy-based teaching methods employed during the reading and writing activities.

**Description of the Design and Approach**

Only one teacher was chosen to administer the entire study to ensure consistency in instruction and grading. The following considerations were important in the selection of the teacher: (a) experience with using a variety of second language instructional methods, (b) basic background knowledge in general education practices, (c) several years of experience working with second language learners, (d) a high level of proficiency in use of the Spanish language, (e) an employee at a public middle school, and (f) a teacher with whom there was no association outside of work. The above criteria were meant to ensure that the participants in both the control group and the experimental group would benefit from a quality instructional experience, to ensure that the teacher had the skills, desire, and dedication necessary to complete the required elements of the study with fidelity, and to eliminate bias. Three meetings were arranged at the teacher’s workplace to provide training in the literacy-based teaching methods. A separate meeting that focused on the administration and scoring of the pretest, posttest, and delayed posttest was also arranged.

A purposive sample was obtained through clustering based on the participants’ enrollment in the beginning-level middle school Spanish classes of the teacher who provided the instruction. In order to participate in the study, the first language of the participants must not have been Spanish. The size of the sample was limited to four classes of approximately 29 participants each, with a total sample size of 116 participants \((n = 116)\). To avoid bias, 52 were placed in the experimental group by randomly selecting two classes from the teacher’s four sections, and 64 from the two remaining classes were placed in the control group. Selection of this sample was based on assertions by Creswell (2003) and Gravetter and Wallnau (2005) that the larger the sample size, the more accurately the results will represent the population. Gravetter and Wallnau (2005) explained that the power of the hypothesis test is significantly reduced with smaller sample sizes. Creswell (2003) further explained that the experiment should be planned so that the size of the treatment group provides the greatest possibility that the outcome is due to experimental manipulation in the study. The sample in this study was large enough to ensure the reliability and validity of the results.

The study began with all participants in the experimental group and the control group receiving initial communicative instruction for approximately 1 week. A pretest was then completed during one class period. The participants then experienced either the control condition or the experimental condition, based on their placement in one of the two groups. The reading and writing activities took between 3 and 4 weeks to complete. The participants in both the experimental group and the control group were then administered a posttest. Two weeks following the posttest, a delayed posttest was administered. An experimental design was preferred to a preexperimental design so that results of a control group could be compared to those of the experimental group, and thus would provide a more complete picture of the findings.

**Initial Instruction**

The initial instruction was not considered the focus of the study, but merited a description. The curriculum used was the normal curriculum adopted by the school district, and was thematically based on vocabulary and grammar topics that logically related to each other. The participants, before the time of the study, were instructed using primarily communicative methods. Presentation of new material occurred through the use of visual aids and electronic presentations. Essential grammar points were directly taught using graphic representations and then examples were provided. Students participated in pair, small-group, and whole-group activities in oral form. A variety of learning games were used to practice the essential grammar and vocabulary. Oral, auditory, reading, and writing activities were practiced, with lesser amounts of class time devoted to reading and writing. Reading and writing assignments were normally completed individually, with teacher support provided to individual students as needed. Exploring culture and making connections between learning in the classroom and the world beyond the classroom was encouraged. The infusion of technology using online vocabulary and grammar practice tools was also part of the classroom routine. Homework was assigned on a nearly daily basis, with a variety of options for the completion of each assignment. Projects were assigned and were evaluated as measures of proficiency. Pretests were given before
the unit, and at the end of each chapter, students normally took a chapter test. The length of time spent on each chapter varied based on the amount of grammar and vocabulary presented and practiced, and based on the teachers’ perceptions of students’ needs for instructional pacing. Typically, the teachers spent between 4 and 6 weeks on any particular chapter.

Reading-Strategy Instruction

The teacher employed literacy-based teaching methods in the form of reading-strategy instruction provided to the participants in the experimental group after the initial instruction and the pretest were completed. The reading-strategy instruction was presented electronically. The presentation provided a brief explanation and/or operational definition of each strategy to be used during the extended second language reading assignment. The strategies included the use of scanning, skimming, guessing, predicting, cognates, phonological awareness, identifying grammar structures, using a dictionary, summarizing, using graphic organizers, and connecting the reading to the participant’s background knowledge. The students were guided on how to use each strategy as it related to the extended reading assignment and were asked to practice each strategy in a small portion of the reading assignment before they completed the entire assignment independently. Some teacher-guided whole-class dialogue took place to explain the ways participants could use strategies to increase their understanding.

Extended Reading

The reading selection matched the proficiency of the participants in the study and was tied to the initial instruction by topic, vocabulary, and grammar structures. It also contained cognates, high-frequency words, a few low-frequency words, and words easily communicated through the title and accompanying drawings. The reading assignment was one page in length and was considered an extended reading because it presented a story in its entirety.

As the students in the experimental group completed the extended-reading assignment, they were encouraged to use the presented strategies. The teacher monitored the use of strategies and made suggestions for strategy use as needed. The students were asked to write in Spanish the key information from the story on a graphic organizer as they completed the assignment. They were asked to circle cognates they found and underline grammar they identified. They were also asked to write any new words they learned from reading, and identify the meaning of the word by either guessing or using a dictionary.

Writing-Process Instruction

Literacy-based teaching methods used with writing were instruction in the writing process, presented to the participants in the experimental group through an electronic presentation. The students were first introduced to the five generally recognized steps in the writing process. The steps of prewriting and drafting were then explained separately, and reasons for using the steps when writing were discussed. Examples of how to use the steps were then given in Spanish and explained in English. The steps of revising, editing, and publishing were explained and discussed in English.

Extended Writing

All participants in the experimental group and the control group wrote either an essay or a story in Spanish of at least five paragraphs in length, using the same prompt. They were instructed to focus on using vocabulary and grammar from the current chapter, but could also include other vocabulary and grammar structures with the purpose of enhancing the content and interest level of their writing piece. The participants in the experimental group were expected to use the writing process as they produced their writing piece. The teacher monitored their use of the writing process and provided suggestions and feedback to aid in producing a quality product. As participants in the experimental group created their drafts, the teacher provided written corrective feedback in the form of recasts, and they were encouraged to repair all erroneous written output. Because the class periods were approximately 47 minutes long, the teacher was able to provide feedback on only a few sentences for each student per class period and then expected them to apply the feedback to other sentences as they continued to write. As recasts were provided, the students began to recognize their own errors and replace them with correct models. The self-correction aided them in producing fewer errors of the same type. As the students revised their own writing and participated in peer
revision, the recasts they received during the drafting phase aided them in recognizing their own errors and the errors of their peers. All participants were given the option to either neatly hand write a final copy or word-process a final copy of the writing piece.

**Control Condition**

The participants in the control group were given the same reading piece and the same writing prompt as the experimental group. However, the participants in the control group did not receive the literacy-based teaching methods—instruction in reading strategies or the writing process—nor did they receive the teacher interventions through recasts. Instead, they were directed to complete the reading and writing assignments as the teacher employed the teaching methods normally used before this study. The teacher provided instructional support to individual students as needed.

**Instrumentation and Materials**

According to Creswell (2003), the three traditional forms of validity to identify when choosing a data-collection instrument are content validity, predictive or current validity, and construct validity. Reliability should be established by the scores resulting from past use of the instrument with reports of internal consistency and test–retest correlations, along with reports of consistency in test administration and scoring. The assessment that served as the testing instrument was a test commonly used by teachers in the district, and it encompassed the vocabulary and grammar that was taught to students in the initial instruction and practiced through the reading and writing assignments. It required students to read and comprehend questions or prompts in Spanish and then write their answers in Spanish according to what they read. Thus, both reading and writing abilities could be assessed through the examination. It required specific responses to each reading prompt, leading to only one correct answer per question, and therefore ensured that all students would be evaluated according to the same criteria. Since only one teacher graded all of the assessments, consistency was ensured. The data obtained from the assessment tool were in the form of raw test scores. The test scores indicated the level of vocabulary and grammar knowledge of the participants on the specific topic of study. The data were converted to a scale from 0 to 100 to determine ranges of scores.

**Data Collection and Analysis**

Initially, descriptive statistics were used to summarize, organize, and simplify the data obtained from the pretest, posttest, and delayed posttest. All statistical analysis was accomplished using quantitative measures. The descriptive statistics analyzed the frequency, mean, and standard deviations, and the variability of the data. An independent-measures and repeated-measures t-tests were used to compare pretest, posttest, and delayed-posttest scores. The results of this analysis indicated whether or not there were statistically significant differences between the 3 test iterations. It was expected that both the experimental group and the control group would experience growth in their scores from the pretest to the posttest. The function of the delayed posttest was to measure retained learning of each group between the posttest and the delayed posttest. For this study the statistic was considered significant at the \( p < .05 \) level, meaning that the chances that the treatment had an effect were significantly higher than expected by chance. Cohen's \( d \) is often used with t tests because it provides a standardized measure of the mean difference between treatments (Gravetter & Wallnau, 2005, p. 282). Therefore, it served as the post hoc test for this study to determine the level of significance greater than chance.

**Test Scoring, Coding, Data Entry, and Screening**

The data were obtained from the administrations of a pretest, a posttest, and a delayed posttest given to each of the participants of the study. The three iterations of the test were scored by the same individual, the teacher who conducted the classroom study. The tests were scored on a 100-point scale. Individual scores for each test were recorded on an Excel spreadsheet. The scores were coded with the letter e representing the experimental group, and the letter c representing the control group, combined with a numerical system that tied each individual to either class 1 or class 2 of their sample group. Names were not included to ensure the anonymity of the individual participants in the study.

The Excel file was converted to SPSS for the subsequent data management and statistical analyses. The data were
screened for missing scores on each of the three test administrations. Several were identified and were replaced with the group mean on that particular test administration, since the sample mean is a predictable measure (Gravetter & Wallnau, 2005, p. 156). The scores were then screened for individual extreme scores (outliers), by group, that might adversely influence the group's mean, and no outliers were found.

Data Analysis

**Analysis 1.** This analysis tested for differences between the experimental and control groups on each of the three administrations of the grammar and vocabulary test. It was expected that the experimental group would score higher than the control group on the posttest and delayed posttest if the literacy-based teaching methods were effective. The independent-samples t test was used for this analysis. The independent-measures t test allows researchers to compare the mean scores of two groups on a chosen variable (Gravetter & Wallnau, 2005), in this study the differing instructional methods. The scores were first examined for normality and homogeneity of variance, which are assumptions underlying the t statistic (Gravetter & Wallnau, 2005, p. 262), and no discrepancies were found.

Table 1 provides the descriptive statistics and the t-test results. Observation of the pretest means indicates that the experimental and control groups were similar on grammar and vocabulary at the beginning of the study (M = 45.56, SD = 21.50 and M = 42.59, SD = 24.20 respectively). Using the .05 level of probability as a reference point, the small difference of 2.97 (Diff column) points was not statistically significant (t(114) = .69, p = .49). This analysis establishes that the two groups were not different in their performance prior to the introduction of the literacy-based instruction to the experimental group.

On the posttest, it can be seen that the experimental group scored higher than the control group. The difference of 7.11 points was statistically significant (t(114) = 2.09, p = .04). Likewise, the difference of 8.59 points in favor of the experimental group on the delayed posttest was also statistically significant (t(114) = 2.93, p = .03). These results thus provide statistical support for the hypothesis that the students who received the literacy-based instruction would score higher on grammar and vocabulary than the students who did not receive the literacy-based instruction.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Experimental</th>
<th>Control</th>
<th>Diff</th>
<th>t(114)</th>
<th>p</th>
<th>Cohen's d</th>
</tr>
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<tr>
<td>Pretest</td>
<td>45.56</td>
<td>42.59</td>
<td>2.97</td>
<td>.69</td>
<td>.49</td>
<td>.12</td>
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<tr>
<td>Posttest</td>
<td>84.33</td>
<td>77.22</td>
<td>7.11</td>
<td>2.09</td>
<td>.04</td>
<td>.36</td>
</tr>
<tr>
<td>Delayed Posttest</td>
<td>86.35</td>
<td>77.77</td>
<td>8.59</td>
<td>2.93</td>
<td>.03</td>
<td>.51</td>
</tr>
</tbody>
</table>

Notes. M = mean. SD = standard deviation. Diff = the difference between the mean scores. t = the t statistic based on the degrees of freedom. p = the probability of a result simply by chance. d = the Cohen's d report of effect size.

Statistical significance only indicates the probability of there being a difference, and provides no information about the importance of a difference. It is recommended that researchers provide a report of the effect size in addition to the statistical significance (Gravetter & Wallnau, 2005). The effect size is an indicator of the practical importance of a difference and can be used regardless of whether or not there is statistical significance. Cohen's d is often used for this purpose, and is shown in the last column of the Table 1. According to Gravetter and Wallnau (2005), one convention for the interpretation of Cohen's d is: A mean difference less than 0.2 standard deviations indicates a small effect size, a mean difference around 0.5 standard deviations indicates a medium effect size, and a mean difference greater than 0.8 standard deviations indicates a large effect size (p. 200).

Using those values, the difference on the pretest (Diff = 2.97) can be interpreted as being not important (d = .12) and
provides further indication that the two groups were similar at the beginning of the study. The posttest effect size ($d = .36$) suggests the difference between the two groups of 7.11 can be considered as small to medium while the delayed posttest difference ($Diff = 8.39$) reflects a medium sized difference in respect to importance.

**Analysis 2.** While primary interest was in determining if the experimental and control groups differed on the three test administrations, this analysis was concerned with the within-group differences over the three test administrations, and not the between-group differences. That is, whether each group differed from time to time on the three test administrations. The paired-sample t test (repeated-measures design) was used for this purpose. A repeated-measures t test allows researchers to study the learning of individuals over time (Gravetter & Wallnau, 2005). Table 2 presents these results for each group. The means for each group are the same as those shown in Table 1, except arranged differently for ease of showing the differences between times one, two, and three within each group. The difference between the posttest – pretest, and the delayed posttest – pretest means for both groups was highly statistically significant ($p > .00$) for both groups. The effect sizes (Cohen’s $d$) indicate these differences to be of very large practical importance. Thus, regardless of group membership, both groups improved greatly over time, except that the experimental group improved somewhat more than the control groups as shown by the results reported in Analysis 1. The delayed posttest – posttest differences, although not statistically significant, show that both groups maintained their performance over that time period.

Table 2

<table>
<thead>
<tr>
<th>Pair</th>
<th>$M_1$</th>
<th>$M_2$</th>
<th>Diff</th>
<th>$t(51)$</th>
<th>$p$</th>
<th>Cohen's $d$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experimental Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Posttest—Pretest</td>
<td>84.33</td>
<td>45.56</td>
<td>38.77</td>
<td>15.85</td>
<td>&gt;.00</td>
<td>1.80</td>
</tr>
<tr>
<td>Delayed Posttest—Pretest</td>
<td>86.35</td>
<td>45.56</td>
<td>40.79</td>
<td>15.92</td>
<td>&gt;.00</td>
<td>1.90</td>
</tr>
<tr>
<td>Delayed Posttest—Posttest</td>
<td>86.35</td>
<td>84.33</td>
<td>2.02</td>
<td>1.31</td>
<td>.20</td>
<td>.09</td>
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<tr>
<td>Control Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Posttest—Pretest</td>
<td>77.22</td>
<td>42.59</td>
<td>34.63</td>
<td>14.20</td>
<td>&gt;.00</td>
<td>1.43</td>
</tr>
<tr>
<td>Delayed Posttest—Pretest</td>
<td>77.77</td>
<td>42.59</td>
<td>35.17</td>
<td>14.47</td>
<td>&gt;.00</td>
<td>1.45</td>
</tr>
<tr>
<td>Delayed Posttest—Posttest</td>
<td>77.77</td>
<td>72.22</td>
<td>.55</td>
<td>.27</td>
<td>.79</td>
<td>.02</td>
</tr>
</tbody>
</table>

Notes: $M_1$ = mean of first assessment listed. $M_2$ = mean of second assessment listed. $Diff$ = the difference between the mean scores. $t$ = the $t$ statistic based on the degrees of freedom. $p$ = the probability of a result simply by chance. $d$ = the Cohen's $d$ report of effect size.

The independent- and repeated-measures t-test results led to a rejection of the null hypothesis and concluded that there is a significant difference between the scores of the two samples. Specifically, the data led to the conclusion that students who were instructed using literacy-based second language teaching methods had higher scores than those instructed using the normal second language teaching methods. Following are the conclusions, interpretations, implications, and recommendations based on the results.

**DISCUSSION**

Continuing is a detailed review of the study that evaluated two instructional models used with second language reading and writing. It was hypothesized that the implementation of literacy-based teaching methods would result in increases in second language vocabulary and grammar acquisition and enhanced reading and writing skills beyond those previously observed by the teachers at the local school. The findings are discussed and recommendations for further research are made.

**Interpretation of the Findings**

The findings of the statistical analysis resulted in a rejection of the null hypothesis that there is no statistically
significant difference between post treatment grammar and vocabulary test scores of a control group that completed an established second language curriculum and an experimental group that completed the same second language curriculum with literacy-based teaching methods employed during the reading and writing activities. Although individual differences such as IQ, gender, and personality can influence scores and outcomes in a hypothesis test (Gravetter & Wallnau, 2005, p. 287), it is highly unlikely that the internal validity was compromised, because both the independent-measures and repeated-measures t tests were used in the analysis. In effect, based on the data, the conclusion was made that there is a significant difference between the posttest scores of the experimental group and the control group. Students instructed using the literacy-based teaching methods had higher scores on the posttest and delayed posttest than did those instructed with the regularly used methods. Therefore, the literacy-based teaching methods employed with the experimental group were effective in aiding beginning learners in the attainment of higher levels of second language acquisition.

Relation of the Findings to the Literature Review

Second language learners at novice proficiencies may need higher levels of support from a more experienced second language user than do second language learners at higher proficiency levels. As proficiency levels increase, the need for support may diminish. Nation (2006) reported that as a second language learner’s lexical coverage nears 98%, the learner is able to acquire new language much as for the first language. Further, as the second language learners’ background knowledge of the sound and letter systems, and of vocabulary, grammar, and language structures of the second language increase, the learners’ dependence on the teacher or other aids diminishes. Carduner (2007), Pellicer-Sánchez and Schmitt (2010), Sang-Keun (2008), and Zhou (2009) found that explicit instruction was helpful to language learners’ ability to use the language. Ammar (2008), Dekhinet (2008), Ishida (2004), Loewen and Philip (2006), Lyster and Izquierdo (2009), Nassaji (2009), Révész and ZhaoHong (2006), and Sheen (2008) all found that providing corrective feedback to second language learners aided in the development of their understanding of the language. Walters (2006) and Zhenui (2007) found that teaching strategies to second language learners aided them in their comprehension, and their ability to use the language. Iwahori (2008) reported that as learners acquired more language strategies, the learners became increasingly independent in their efforts and abilities to use the strategies with the second language. Ito (2009), Pulido (2007), and Walter (2007) all found that as second language proficiency increased, learners were able to independently achieve higher comprehension rates. Therefore, it is assumed that at higher levels of proficiency, learners will less often rely on more proficient language users as the previously used support systems become internalized.

Several activities during the course of the study provided insights into how learners of a second language might achieve acquisition. When the second language learners in this study were introduced to new second language input, they were asked to recognize sound patterns, letter patterns, and some words that were similar to those of their first language. However, much of what the learners saw or heard of the second language was foreign to them. It was with instructional support that the new sounds, letters, and words began to make sense and become familiar to the learners. A more proficient user of the second language, the teacher, provided support in several ways. The teacher used images that related directly to the word or words the learners saw or heard. Images provided clues to the learners about the meanings of the messages. The teacher also employed hand motions or other gestures to make the meanings of the second language messages clear. Support was given in the form of direct instruction in phonetic awareness and syntactic awareness. Support was also delivered in the form of direct instruction of aspectual features of the language. Instruction was given in the use of top-down strategies (Baker & Boonkit, 2004; Yang & Wilson, 2006), including guessing meaning from context, making predictions, using background knowledge, and identifying text structures, and in using bottom-up strategies (Baker & Boonkit, 2004; Yang & Wilson, 2006), such as looking up unknown words in a dictionary or glossary, and analyzing sentence grammar. Processes that aided the learners in organizing information and following through with logical stages of communication were also directly taught. The teacher provided correct models of the language to the learners. Comparisons were made between the first language of the learner and the new, second language. Corrective feedback was provided to the learners when they produced an erroneous second language output. There may have been other forms of support given to the second language learners by the teacher that are not listed here.
Practical Applications of the Findings

The findings have many practical applications. First, the teachers who design second language curriculums with the focus of acquisition of vocabulary and grammar structures in mind may look to the literacy-based teaching methods for guidance. Second, the teachers who are interested in maintaining a communicative atmosphere in the second language classroom while also addressing second language literacy development may also look to the design of this study to guide their choices of learning and teaching activities. Teachers searching for an alternative to presenting grammar structures through a lecture or traditional format, and vocabulary through rote memorization, may find that the literacy-based methods can provide effective, alternative instructional methods. Additionally, teachers preparing their second language learners for proficiency assessments may find that such literacy-based methods can aid the learners in attainment of higher scores. The teaching model in this study may provide solutions to a wide range of second language learning issues.

CONCLUSION

This study compared the vocabulary and grammar assessment scores of beginning second language students who experienced either literacy-based teaching methods or the normally employed teaching methods in reading and writing instruction. The students instructed using the literacy-based methods scored significantly higher than the students instructed using the normal teaching methods. This has important implications for educators in this field. Specifically, educators need to understand that second language teachers and researchers should continue to monitor the effectiveness of both models. The need to find successful methods of instruction in second languages has increased due to the nation’s growing demand for workers fluent in second languages. The impact of more effective second language education is far reaching.

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TOLERANCE AS CIVILITY IN CONTEMPORARY WORKPLACE DIVERSITY INITIATIVES

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George Collier, Ph.D.
Southeastern Oklahoma State University

Valuing diversity emphasizes the awareness, recognition, understanding, and appreciation of human differences and revolves around creating an inclusive environment in which everyone feels esteemed. This generally takes place through a series of management education and training programs that attempt to improve interpersonal relationships among workers by asking participants to become more tolerant—generally understood today as an approval and acceptance of others’ practices, opinions, and beliefs. Because tolerance is such a highly desirable quality in U.S. society, and seemingly one of its few non-controversial values, rarely is its significance questioned. Nevertheless, contemporary interpretations of tolerance may be problematic for multicultural programs. Tolerance understood as respect and civility toward others is offered as a more appropriate and effective tool for easing hostile tensions between individuals and groups and for helping communities move past intractable conflict.

Keywords: tolerance, intolerance, civility, diversity, forbearance, acceptance

INTRODUCTION

Figure 1. Calvin and Hobbes and Tolerance

Bill Watterson (1996), creator of the well-known comic strip Calvin and Hobbes, entertained us with the adventures of a 6-year old named Calvin. In the comic above, Calvin presents a lame defense to his stuffed tiger companion, Hobbes (who is real only to him) for not doing the right thing. Further, Calvin goes on to deny moral value having meaning for a philosophically urbane person such as himself. Hobbes serves as Calvin’s (often sarcastic) alter ego and expresses misgivings about Calvin’s concept of tolerance.
The authors agree with Hobbes concerning the current view of tolerance and tackle this controversial topic and its role in American society and business practice. We begin addressing the topic of tolerance by providing a brief discussion of the concept, identifying the classical meaning as involving forbearance and the contemporary meaning understood as including acceptance. In the next section, we review the idea of intolerance and then offer a discussion on the value of dialogue. The authors then present tolerance interpreted as civility, which falls somewhere between tolerance regarded as forbearance and tolerance viewed as acceptance, as a more appropriate construal of the term. Finally, we address tolerance within the context of diversity training in the workplace and conclude with a summary that emphasizes respect and dignity of all persons, rather than required acceptance and affirmation of everyone’s beliefs, opinions, conduct, or entire ways of life.

**DISCUSSION**

Although held in high regard by Locke (1689/1983), Voltaire (cited in Guterman, 1963), and Mill (1859/1985), the concept of tolerance often lacked widespread recognition. Colesante and Biggs (1999) noted that early Western religious scholars St. Augustine and St. Thomas Aquinas viewed tolerance as a vice that could corrupt society and harm innocent people. Later, tolerance was seen as a permissive practice of allowing a person, practice, or thing of which one disapproved. Rather than being perceived as an evil, tolerance was seen as a relatively detached attitude incorporating the idea of forbearance, in which tolerant individuals “put up with” or endured what they found to be offensive in order to coexist with others (Schwartz, 1996).

While it may once have been good enough for minority groups to be tolerated or “put up with,” today such an understanding of tolerance has become insufferable. What these groups now demand is not tolerance as *endurance*, but tolerance involving acceptance and celebration: “Who are you to ‘tolerate’ me? Who are you to say that my way of life is inferior to yours? Who are you to judge?” (Schwartz, 1996, p. 27). Today, some reject the orthodox definition of tolerance because it is only a half measure (Oberdiek, 2001). This has led Weissberg (2008) to claim that tolerance appears to have changed definition over the years from the obligation not to tolerate the perceived immoral and depraved to the requirement to accept the legitimacy of the morally different.

Contemporary understandings of tolerance involve “the ability to accept the values and beliefs of others” (Lickona, 2002, p. 1) and can be considered “indispensable for any decent society—or at least for societies encompassing deeply divergent ways of life” (Oberdiek, 2001, p. 23) characteristic of many Western cultures. Schwartz (1996), observed, “I think that most of the time what we have in mind when we speak of tolerance is something closer to ‘acceptance,’ or even ‘celebration.’ Acceptance implies approval, and celebration implies *enthusiastic* approval” (p. 24, italics in original). Moreover, the absence of tolerance may well be considered the root of much evil: hate crimes, religious and political persecution, and terrorism (Lickona, 2002).

Weissberg (2008) believes that this new interpretation of tolerance requires affirming the rightness of the nonconventional and nontraditional. We believe that the U.N.’s decision to declare 1995 “The Year of Tolerance” confused toleration and affirmation when it declared tolerance as “respect, acceptance and appreciation of the rich diversity of our world’s cultures, our forms of expression and ways of being human…. It involves the rejection of dogmatism and absolutism” (United Nations Educational, Scientific and Cultural Organization [UNESCO], 1995). Such a definition, we believe, goes too far.

This newly fashioned tolerance often raises suspicion of the idea that something—or someone—may be offensive and rejects the idea that one can be free to express such distaste. To evaluate something as questionable or wrong and publicly say so can be considered xenophobic, insensitive, and offensive. Few ideas or behaviors can be opposed, regardless of how gracious the attempt, without inviting charges of being hateful or some other harsh accusation.

Tolerance as practiced today goes beyond respecting a person’s right to think and behave differently. It demands that practically every ideology, value claim, or personal practice be made morally legitimate. It relentlessly promotes the idea of acceptance and discourages the questioning of other people’s beliefs and lifestyles. Such affirmation and acceptance can be seen as a way of avoiding making difficult moral choices, and a way of disengaging from the challenge of explaining which values are worth upholding. It is far easier to dispense with moral judgment entirely than to explain why a certain way of life or belief should be embraced. In a world where all values are inherently equal
and a proclaimed hierarchy only reflects power, not demonstrable worth, why should anyone embrace capitalism over socialism, Islam in favor of Judaism, or the Democratic Party instead of the Republican Party? Indeed, why hold attachments to anything, since nothing could be better than anything else? To hold strong convictions in today’s relativistic world subjects one to charges of bigotry, dogmatism, and fanaticism where few things can be worth defending.

Hallemeier (2006) suggests that tolerance today is considered essential, a highly desirable quality in U.S. society and one of its few non-controversial values (Kreeft, 2007). Many people insist that, in a world burdened by injustice, inequality, and related bigotry, the best solution to address these evils involves a greater degree of tolerance, generally understood today as an approval of others’ views and behavior (Outcome Document of the Durban Review Conference, 2009). Within the last generation, tolerance rose to the apex of America’s public moral philosophy. Today, many believe a good, moral person to be tolerant, considering tolerance a virtue essential for democracy and civilized life. The lexicon of today’s tolerance supporters requires approving others’ principles and standards. Weissberg (2008) believes that to argue otherwise would invite charges of engaging in “mean-spirited, right-wing polemic endorsing hatefulness” (p. xi). Indeed, one of the worst things that could be said of a person today might be that they are intolerant. Such a moniker helps demonize certain individuals and groups by faulting their worldview as ignorant and bigoted.

Today, many consider tolerance so important that museums dedicated to it can be found in Los Angeles and in New York City. There is even an International Day for Tolerance that is observed on November 16 to educate people about the need for tolerance in society. Vogt (1997) believes that nowhere is this growing emphasis on tolerance more evident than in the prominence given it in education and training programs addressing issues of multiculturalism, inclusion, and diversity.

The modern interpretation of tolerance, however, poses a dilemma: how can individuals be asked to accept all people’s values and practices when they may believe some of those ideas and behaviors to be wrong? How, for example, can one ask supporters on opposite sides of the abortion and gay marriage debates to accept the validity of each other’s perspectives? Recall the highly publicized case of Carrie Prejean, a contestant in the 2009 Miss USA Beauty Pageant. When openly gay pageant judge Perez Hilton questioned her views on gay marriage, Prejean replied that she believed marriage should be between a man and a woman, thus failing to approve gay marriage. Mr. Hilton called Ms. Prejean “the B word” on his popular blog and said he would have liked to have called her something stronger (Hilton, 2009). Consider also how Harvard’s former president, Lawrence Summers, caused a furor in 2005 by speculating, at a private meeting, that innate gender differences might contribute to the paucity of women in top positions in math, science, and engineering at elite universities. In addition, Dr. Summers questioned how much of a role discrimination plays in the scarcity of female professors in science and engineering at such universities. It seems that even broaching the topic was enough to force his resignation (Mansfield, 2006).

These examples seem to suggest that certain views are unacceptable and that, if one sanctions them, they could be considered bigoted, ignorant, and worthy of derision—and could even be terminated from a job, as in Summers’ case. A key question becomes, should everyone be required to approve, affirm, and celebrate all beliefs and conduct, even the following, in the name of tolerance?

- Condoms should be available to elementary school children.
- Islam should be banned because it is the carrier of different values and practices that are so alien to U.S. society that they are a threat to our national cohesion and even to our security.
- People with HIV/AIDS should be sterilized to help prevent the spread of the disease.
- Gay marriage should be banned in all states.

While many might find these comments abhorrent, are those who disagree with such statements prejudiced, hateful, bigoted, rigid, and intolerant? We suspect that this is not the case, since not all beliefs, behaviors, or both must be endorsed—only those largely sanctioned by those within the liberal tradition. Some researchers (e.g., Roberts & Lester, 2006) suggest that tolerance is universally recognized by both critics and supporters as central to liberalism. Self-proclaimed progressive professor Barry Schwartz (1996) noted that “As good liberals in a liberal society—and
especially as citizens of that bastion of liberalism, the academy—we value tolerance.... we deeply believe that
tolerance is the one virtue of character on which a liberal, pluralistic society most depends” (p. 24). Unfortunately, the
graciousness implied in the “appreciate differences” brand of tolerance may be selective, with only those residing on
the political spectrum’s progressive flank deserving acceptance. For example, while gays and civil rights groups are
generally applauded, one might typically find silence when it comes to fundamentalist Christians or the military. Such
a one-sided interpretation of tolerance as acceptance of primarily liberal views often engenders the very divisiveness
it proposes to eliminate.

Beliefs and conduct not aligned with more liberal leanings are readily dismissed. This was illustrated by Professor
Schwartz (1996) who stated that “It is simply not possible for me to approve of committed anti-abortionists
demonstrating outside abortion clinics. And it is simply not possible for me to approve of Jews who won’t allow
women to see, let alone read from the Torah” (p. 28). We agree, and feel that there may be issues and beliefs that
one should not be forced to approve. Furthermore, we concur with Oberdiek (2001) who argued that “It would be
unreasonable—worse, utterly wrong—to demand that we should tolerate every divergent belief, or practice” (p. 4,).

DIVERSITY TRAINING

Promoting and advocating tolerance as acceptance is widespread today and continues to be taught extensively with
its endorsement central to many diversity and multicultural training initiatives (Clements & Jones, 2008). According
to Lansing and Cruser (2009), diversity training is considered so important today that it can be found as a common
topic now incorporated in nearly every major collegiate and graduate business program. Benjamin (1996) observed
that, in higher education, students are told that diversity training should emphasize “tolerance… and respect for
differences in appearance, values and attitudes, perspectives, assumptions, and conduct” (p. 155). Additionally,
Teaching Tolerance Magazine showcases innovative tolerance initiatives across the U.S.

Diversity training can also be found in the workplace. An industry report on training in the United States prepared by
the widely circulated practitioner-oriented Training Magazine indicated that 72% of responding companies offered
some form of diversity training (Galvin, 2003). Additionally, the Society for Human Resource Management found that
67% of U.S. organizations provided multicultural training program initiatives (Esen, 2005). A key component of such
programs involves teaching tolerance. For example, when the key terms “diversity training in the workplace” and
“tolerance” were recently entered in the Google search engine, about 250,000 hits registered, illustrating tolerance
as a key component of inclusion and multicultural training (Von Bergen, 2012).

In these developmental efforts to value diversity, it is often common to hear that individuals should recognize and
acknowledge differences and be inclusive and open to them (Gardenswartz & Rowe, 1993). Hence, trainees are
encouraged to applaud differences and to create a climate of tolerance that entails appreciation, approval, and
acceptance of a myriad of dissimilarities despite some authors’ warnings that excessive emphasis upon the differences
between Americans could produce a Balkanization of U.S. society (Schlesinger, 1992).

In diversity training workshops, participants are frequently told that everything should be considered different—not
better or worse, but equivalent—and that a person’s view should automatically be considered wrong if it rejects the
equal legitimacy of all views. There is a litany of words and phrases that, like bullets from a machine gun, are
shot in rapid fire reflexively to assault the character (using slander, coercion, and pejorative personal attacks) and
motivations of those who may question such an understanding of tolerance (see Figure 2). Supporters of tolerance,
today regarded as acceptance, tell individuals who may question or disagree with them that they should __ (pick one
or more of the verbs in Column 1 from Figure 2) others’ __ (pick one or more of the words in Column 2) and that, if they
do not, then they are subject to being called one or more of the names listed in Column 3. For example, an individual
may be told that if they disagree with a belief in man-made global warming then they are ignorant, uninformed, and
stupid. If someone thinks another is wrong, they are called intolerant (Kouki, 2003).

Those who oppose an understanding of tolerance as an approval of unconditional liberal-leaning opinions and
perspectives are often considered legalistic individuals with non-negotiable doctrinal convictions, deserving, in
some cases, to be terminated from their job. It seems that having firmly-held beliefs inconsistent with politically
liberal biases is problematic. Henle and Holger (2004) indicated that AT&T representatives seemed to have thought
this when they fired Albert Buonanno after he refused to agree to portions of the company’s employee handbook that he believed violated his religious beliefs. At AT&T, all employees were required to sign a written acknowledgment that they had received the firm’s new employee handbook and sign a “Certificate of Understanding.” The certificate contained a statement that the employee signing it “agreed with and accepted” all of the terms and provisions of the handbook, including its policies and rules. The handbook contained a provision that “each person at AT&T Broadband is charged with the responsibility to fully recognize, respect and value the differences among all of us,” including “sexual orientation.” However, Mr. Buonanno’s strongly held religious beliefs regarding the homosexual lifestyle prevented him from approving the practice of homosexuality.

**Figure 2. Sequence of intimidation regarding tolerance**

<table>
<thead>
<tr>
<th>Tolerance requires individuals to</th>
<th>Others’</th>
<th>Or, be considered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accept</td>
<td>Actions</td>
<td>____ phobic</td>
</tr>
<tr>
<td>Affirm</td>
<td>Attitudes</td>
<td>Bigoted</td>
</tr>
<tr>
<td>Agree with</td>
<td>Behaviors</td>
<td>Dogmatic</td>
</tr>
<tr>
<td>Appreciate</td>
<td>Beliefs</td>
<td>Hateful</td>
</tr>
<tr>
<td>Approve</td>
<td>Conduct</td>
<td>Ignorant</td>
</tr>
<tr>
<td>Be open to</td>
<td>Customs</td>
<td>Insensitive</td>
</tr>
<tr>
<td>Celebrate</td>
<td>Ideas</td>
<td>Intolerant</td>
</tr>
<tr>
<td>Embrace</td>
<td>Lifestyles</td>
<td>Judgmental</td>
</tr>
<tr>
<td>Endorse</td>
<td>Opinions</td>
<td>Misguided</td>
</tr>
<tr>
<td>Recognize</td>
<td>Perspectives</td>
<td>Offensive</td>
</tr>
<tr>
<td>Respect</td>
<td>Practices</td>
<td>Narrow-minded</td>
</tr>
<tr>
<td>Sanction</td>
<td>Values</td>
<td>Prejudiced</td>
</tr>
<tr>
<td>Support</td>
<td>Viewpoints</td>
<td>Racist</td>
</tr>
<tr>
<td>Value</td>
<td>Ways of living</td>
<td>Stupid</td>
</tr>
</tbody>
</table>

Buonanno shared his concerns with his immediate supervisor and informed him that he had no problem declaring he would not discriminate against or harass people who were different from him, including homosexuals, but that he could not sign the statement because it contradicted his sincerely held religious beliefs. Mr. Buonanno stated, “As a Christian, I love and appreciate all people regardless of their lifestyle. But I cannot value homosexuality and any different religious beliefs.” AT&T informed Buonanno that they would terminate him should he refuse to sign the certificate. He declined to sign the document, and AT&T immediately terminated his employment. Mr. Buonanno then sued AT&T, resulting in his winning an award of $146,260.00 in damages (Buonanno v. AT&T Broadband LLC, 2004,
According to Hudson (2004), employers should not force workers to adopt beliefs inconsistent with their religious beliefs, and “employees shouldn’t be forced to forswear their religious values in the name of tolerance” (p. 1C). Must we embrace difference or does it suffice if the occurrence of difference is considered to be a normal state of affairs?

**TOLERANCE AS CIVILITY**

We believe that it is extremely important to preserve a notion of tolerance that is neither “putting up with,” which demands too little of us, nor “acceptance,” which demands too much. We offer tolerance incorporating civility as occupying a middle ground which lies somewhere between traditional and contemporary interpretations. This view involves treating people with whom we differ neither with appreciation, acceptance, nor endorsement, but with civility, dignity, and courtesy even as we recognize that some conflict and tension is inevitable (see Figure 3). Individuals, we feel, should be shown basic respect as human beings even if they hold beliefs that others may not value. Like Ury (1999), we believe that “tolerance is...showing respect for the essential humanity in every person” (p. 127).

**Figure 3. Three interpretations of tolerance**

<table>
<thead>
<tr>
<th>Tolerance as Endurance</th>
<th>Tolerance as Civility</th>
<th>Tolerance as Acceptance</th>
</tr>
</thead>
<tbody>
<tr>
<td>------------------------</td>
<td>-----------------------</td>
<td>-------------------------</td>
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</tbody>
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Billante and Saunders (2002) surveyed the literature on civility and suggested three elements that together constitute the term. The first element is respect for others. The second element is civility as public behavior towards strangers. This is similar to Carter’s (1998) view that “civility equips us for everyday life with strangers... We need neither to love them nor to hate them in order to be civil towards them” (p. 58). The third element is self-regulation in the sense that it requires empathy by putting one’s own immediate self-interests in the context of the larger common good and acting accordingly.

Note that respect is accorded the person. Whether his or her ideas or behavior should be tolerated is an entirely different issue. Tolerance of individuals requires that each person’s viewpoint receives a courteous hearing, not that all views have equal worth, merit, or truth. Rejecting another’s ideas or practices should not be equated with disrespect for the person. The view that no person’s beliefs may be any better than another’s can be considered irrational and absurd. It would be inappropriate to tolerate such things as racism, sexism, or hate speech. This view is consistent with renowned psychotherapist Albert Ellis’ (2004) concept of unconditional other-acceptance, which declares that one is not required to “tolerate the antisocial and sabotaging actions of other people.... But you always accept them, their personhood, and you never damn their total selves. You tolerate their humanity while disagreeing with some of their actions” (p. 212, italics in original). Ellis’ observation is consistent with the Kantian perspective that “human beings are to be regarded as worthy of respect as human beings, regardless of how their values differ and whether or not we disapprove of what they do” (Hill, 2000, p. 69). Simply by virtue of their humanity, all people qualify for a status of dignity that should be recognized by all.

Tolerance as advocated here incorporates civility and involves treating others with respect and dignity without necessarily agreeing with or accepting their values, practices, or the importance of these practices to the way of life of the people who engage in them. Key components of tolerance construed as incorporating a large dose of civility include dialogue and openness to others. The richest form of civil dialogue should not be construed as merely an exchange of information, but rather a process in which the participants actively question their own perspectives and include the other as a partner in their cultural self-exploration and learning (Richardson, 2003). Dialogue involves 1) self-exploration, as much as learning about the other, and 2) the articulation of one’s own previously implicit values and assumptions, as much as learning what might be valued by others. This type of exchange can lead to greater self-understanding as well as a thoughtful consideration of another’s perspective. It can also help one recognize and begin to address inconsistencies, tensions, and blind spots in one’s thinking. This kind of dialogue can be a
productive way to question the values and standards of one’s cultural community in light of other viewpoints. At its best, dialogue can be challenging and enriching and can result in greater clarity about, and sometimes alterations in, one’s own worldview. Such dialogue introduces profound possibilities for self-examination and transformation in ways that members of diverse groups understand: what might be good for them, what might be praiseworthy, and how to bring that goodness into being.

Of course, some may hold certain beliefs or practices that are so unacceptable that others who do not share those beliefs cannot enter into dialogue with those who keep them. Covey (1989), in his very successful text, *The 7 Habits of Highly Effective People*, referred to a similar concept when he suggested that people should “seek first to understand, then to be understood” (p. 235). This is similar to empathy and can be intended to improve communication by suggesting that individuals listen with the intent to understand others' perspectives; not listen solely with the intent to reply.

Tolerance as civility allows differing views to have an equal right to exist, although not necessarily to have an equal share in truth. These are different issues. Indeed, the view that all values are equal and immune from criticism might be intolerant of the belief that moral judgments can be made. Tolerance suggesting civility does not excuse individuals from resolving conflicting claims to truth. Can it be considered intolerant to claim the sun as the center of our solar system because others might think the earth to be the center? Should scholars be considered intolerant when they believe one hypothesis true and another false?

Tolerance comprising courteousness recognizes the rights of others to both have and express their opinion. If individuals can learn to respect the rights of all human beings to have and express their understanding of reality, whether they agree with them or not, then everyone will be one step closer to living in a truly charitable world. People can respect those who hold different beliefs by treating them politely and allowing their views a place in community discourse. Persons may strongly disagree with each other’s ideas, and vigorously contend against them in the public square, but still display respect for individuals despite those differences.

Tolerance as civility does not mean accepting another person’s belief; only his or her right to have that belief. It is similar to the famous words (some say falsely) attributed to Voltaire: “I detest what you write, but I would give my life to make it possible for you to continue to write” (Guterman, 1963, p. 143). We can strongly disagree with others’ ideas or conduct and forcefully oppose them in the public square, but we still must show respect for individuals in spite of those differences. People should be inclusive of others, but they should not be required to incorporate those beliefs or approve the behaviors (Kouki, 2003). Persons should listen to and learn from everyone, but not feel obligated to agree with every person, accept their viewpoints, or approve of their conduct. It can be considered a disservice to all when believing that tolerance, respect, charity, and dignity imply never saying or doing anything that might upset someone. Indeed, Barrow (2005) goes so far as to say that protesting that one is being offended by our interpretation is “one of the supreme self-serving acts,” and “that taking offence, when it means treating one’s personal hurt as grounds for punitive response, involves a refusal to show tolerance, to allow freedom or to play fair—for why should you be allowed to say what you want, when others are denied that right by you” (p. 273)?

**Tolerance as Civility in Other Cultures**

The conceptualization of tolerance as civility presented here seems consistent with Eastern and African thinking. Asian societies, particularly countries like China, Japan, and South Korea, stress building harmonious interpersonal relationships through avoidance of conflict and compliance with social norms. Jiang (2006) observed the atmosphere of harmony in the teachings of Confucius, from whom tolerance implies harmony without conformity. Lo (2006) stated that a true Confucianist or Confucianism-inspired person would graciously allow for differences in beliefs and values for the sake of harmony based on benevolence and love, but would but not necessarily feel obligated to accept and endorse them. Similarly, Kani (2006) describes how the concept of Ubuntu is woven into the fabric of South African society. Ubuntu represents a collection of values for treating others with harmony, respect, sensitivity, dignity, and collective unity simply because of a person’s humanness. The Ubuntu value system provides a framework for how people should treat others and values a collective respect for everyone in the system. An imperative delineated from Ubuntu can be that it remains important to treat others as family, i.e., with kindness, compassion, and humility. Indeed, Mangalisco (2001) noted that “treat[ing] others with dignity and respect...is a cardinal point of Ubuntu. Everything
hinges on this canon, including an emphasis on humility, harmony, and valuing diversity” (p. 32).

We believe these African- and Asian-based principles to be clearly consistent with and present a strong argument for tolerance viewed as civility as presented here. As such, there could be important implications for a cross-cultural managerial practice of tolerance construed as respect for others. Managers in charge of multinational firms with operations in African or Asian countries would be well-advised to take heed of the concept of tolerance promulgated here and develop their corporate diversity programs accordingly.

Good people will sincerely disagree, and the issues that divide them by their very nature impassion them. Individuals can, however, disagree without demonizing those with whom they differ. In civility, persons affirm the dignity and essential worth of others even when they express ideas deemed disagreeable or offensive. It is understood that compromise solutions or common ground cannot be found for all issues, but that does not justify engaging in the harsh, vilifying, and over-the-top rhetoric often seen today.

Rising Incivility: An Impediment to Dialogue

Unfortunately, the recent increase of incivility—insensitive, impolite, disrespectful, or rude behavior directed at another person that displays a lack of regard for that person (Cortina, Magley, Williams, & Langhout, 2001)—appears to have quite the opposite effect as increasing levels of boorishness steal from people their dignity and humanity. Indeed, Cortina (2008) views incivility as a form of modern discrimination in organizations. Americans believe their countrymen are “becoming more rude and less civilized,” and a poll by Weber Shandwick (2011) revealed that 94% of respondents considered the general tone and level of incivility in the country to be a problem that has increased over the last several years.

This level of discourtesy fueled the creation of several civility-enhancing institutes, including the Workplace Bullying Institute (n. d.), the Civility Institute (n. d.) at Johns Hopkins University, and the National Institute for Civil Discourse (NICD; n. d.) at the University of Arizona. The NICD, with honorary chairs Presidents George H. W. Bush and Bill Clinton, stands as a national, nonpartisan center for debate, research, education and policy generation regarding civic engagement and civility and constructive engagement in public discourse, where discussion and vigorous debate can take place in a polite and courteous manner. One of the key goals for the institute is to connect with people with diverse viewpoints and to offer a venue for vigorous and respectful debate while allowing for structured dialogue and deliberation that ensures all points of view are expressed and understood. It is through the clash of conflicting ideas and opinions that insights into truth may be gained. Even erroneous views, in the act of their being challenged, can contribute to the overall clarity of public life (Furedi, 2011). The institute inspires the search for more informed and creative decision-making, but does not expect people to change their values or perspectives. Certainly, tolerance, understood as involving civil, respectful relationships, can be a useful instrument utilized by the NICD.

SUMMARY AND CONCLUSION

Tolerance historically meant that persons must be willing to put up with others’ beliefs and conduct that they found objectionable. Today, however, tolerance increasingly means not only approving those views and behaviors with which one may disagree and find objectionable, but also celebrating and endorsing them—at least those having a decidedly liberal tilt. Nonetheless, some (e.g., Lickona, 2002) seem to question the tolerance as acceptance rhetoric imposed on the public today.

Tolerance must incorporate respect and dignity for everyone. Individuals can be tolerant without the requirement to adopt others’ thinking or convictions. Inclusiveness should not demand that differences be denied or proscribed. Tolerance as endorsed here employs respect and civility for persons, since every individual possesses inherent value. It does not require embracing another’s belief; only affirming his or her right to have that belief. Tolerance as civility entails no obligation to esteem others’ ways of life as a morally informed way of life, nor does it decree that we be silent about our differences. Tolerance interpreted as civility does, however, strongly encourage us to explore the terrain between forbearance and acceptance, exploring possibilities of mutual understanding and accommodation along the way.

We advocate civility toward others with whom we disagree—a civility that includes courtesy toward others and
the approval of them as a basic object of moral concern. Civility permits conflict and criticism of others’ beliefs and practices, but it limits the ways in which this conflict can be pursued. For criticism to be civil, it cannot be blind, based on stereotypes or debasing opposing viewpoints, but rather requires knowledge and basic concern for the identity and voice of others.

This approach is similar to various presidential appeals for civility. As a teen, George Washington copied into a school workbook “110 Rules of Civility & Decent Behavior in Company and Conversation.” The first of Washington’s rules of civility said, “Every action done in company ought to be done with some sign of respect to those that are present” (Washington & Brookhiser, 2003, p 1). President George H. W. Bush, in a commencement address at the University of Michigan in 1991, indicated that “We must conquer the temptation to assign bad motives to people who disagree with us” (Bush, 1991/2010). In spring 2009, amid much public controversy and protest demonstrations, President Obama delivered the commencement address at Notre Dame University. Some “pro-life” persons thought that the president should not be invited to speak at a Catholic university because his “pro-choice” position on abortion contradicts Church doctrine, and many objected to the university awarding him an honorary degree. President Obama devoted a section of his address to the protests—not on the merits of one abortion position over another—but rather on public discourse; i.e., on how Americans should engage in public debate on issues with which they fundamentally disagree. Mr. Obama observed that while opposing views would and should be presented with passion and conviction, they could be done “without reducing those with differing views to caricature” (Obama, 2009). Then he suggested a model: “Open hearts. Open minds. Fair-minded words” in the context of “… friendship, civility, hospitality and especially love” (Obama, 2009). These presidential words are remarkably consistent with the interpretation of tolerance as civility suggested here.

We support the idea of a truly pluralistic society, in which differing views have an equal and legal right to exist, but not a society in which ideologically driven interest groups require all to accept their worldviews, where disagreement is often misconstrued as bigotry, stupidity, and hatred, and where tolerance simply means required acceptance. We are reminded of the words of noted English philosopher William Rowe who said: “… those who are most eloquent in demanding freedom for their own views and practices are the first to deny freedom of thought or action to their neighbors” (1930).

Implications for Managers

Weissberg (2008) suggests that those attending diversity workshops that encourage tolerance should respectfully engage trainers regarding their definition of the term and question interpretations that imply that participants should appreciate and affirm all differences and “accept everything” (p. x). We agree with Bennett (2001) that “properly understood, tolerance means treating people with respect and without malice; it does not require us to dissolve social norms or to weaken our commitment to ancient and honorable beliefs” (p. 138). Such an understanding of tolerance, what we refer to as tolerance as civility here, can enhance diversity training program effectiveness and can be a valuable approach to addressing inclusion in organizations and institutions. Tolerating or respecting people, however, must never be confused with accepting and endorsing all their ideas and practices.

Not only is civility an important interpersonal value in the workplace, but it is also a meaningful predictor of organizational performance (King, Dawson, West, Gilrane, Peddie, & Bastin, 2011). Subtle mistreatment characteristics of incivility have been shown to negatively impact job satisfaction, job withdrawal, career salience, psychological distress (Cortina et al., 2001), and self-reported physical health problems (Lim, Cortina, & Magley, 2008). King et al. (2011) observed that firms can improve performance by creating and maintaining norms of civility. Training programs and leadership activities may help employees overcome their (often unconscious) behavioral tendencies to disfavor out-group members by encouraging—indeed demanding—civility in all interactions. Given the resistance and backlash that sometimes arise in response to terms such as “diversity,” “inclusion,” and “discrimination,” it is possible that focusing on civility instead could improve the efficacy of existing multicultural training programs. Some research suggests that addressing civility, incorporating empathy or perspective taking skills (Galinsky, Wang, & Ku, 2008), and reciprocity (Kolm, 2000) may be effective in enhancing civility.
Implications for Further Research

As the discussion and debate on tolerance continues, more research is needed to examine various workplace situations. For example, it would be interesting to know how intolerance and incivility impact customers, suppliers, and other relevant stakeholders in the business. Should diversity training workshops be modified or improved to include more discussion on tolerance? How are bullying and lack of civility related? Do employees and others understand that diversity of thought and ideas could be considered equally important to diversity of gender, race, religion, and other demographic characteristics? Additional research in these areas could help lead toward a breakthrough in understanding the importance of tolerance in the work environment—and in society in general.

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Bruce Macfarlane's *Intellectual Leadership in Higher Education* is a succinct work and one worth reading. In this very brief book, Macfarlane seeks to redefine the terms and nature of intellectual leadership within the university. One could see this as an unenviable task, given the enormous scope of the subject: intellectual values, leadership, and the shape and direction of the modern university. Yet Professor Macfarlane, an Associate Faculty member for Higher Education at the University of Hong Kong, articulates a very clear stance. He believes that modern universities are adrift, that core values of academic freedom and duty are being jeopardized because senior faculty are relinquishing traditional roles of leadership to a hard management style more concerned with measurable data than original thinking. Macfarlane sees the rise of corporate intellectual leadership as counterproductive to originality and creativity in academic life. The diminishment of blue-sky research and compromised teaching by senior faculty is leading to levels of mediocrity that can be expected when administrators rather than educators hold the reins of power. Academics have become too busy with administrative duties handed down from above, and have allowed themselves to drift into a managed state of marginal leadership within their own communities. *Intellectual Leadership* provides an excellent primer on expanded definitions of academic leadership and the roles professors might reclaim.

In Macfarlane’s analysis, the expansion of universities at a global level, and the attendant competition for education monies, has created unrelenting pressure on academics to perform according to, and be judged by a set of metrics focused on grants raised, citations counted, and the type of research that is leading to the “commercialization and corporatization of academic labor.” This trend, he observes, has led to a retreat from engagement—a retreat from the traditional role of intellectual leadership. Macfarlane is concerned with the disposition and skills that academic leadership requires, and is bold enough to offer a proscription. He also notes, in a nod to the 21st century, that university communities, thanks to the rise of digital media, are no longer the only critical voices heard on any number of issues, further eroding the authority and status that was once the sole province of university professors.

The emphasis of renewed leadership duties is placed squarely on the desks of full or chair professors who are expected to have the responsibility, formally and informally, to lead others. Macfarlane’s concern with senior academics, which—as a community of peers—are expected to lead through example, is a sound methodology which leads to a tightly focused discussion on the values of academic freedom and academic duty. These two values are the guideposts upon which the book’s notions of leadership derive. One is reminded of Camus’s belief that civility is the true anchor-pin of enlightened culture, and that expressions of tolerance would do much to soothe the balm of a troubled world. This viewpoint could seem naïve if Macfarlane’s analysis and proscriptions were not grounded in the reality of the modern academic environment. He cites the paucity of literature defining and giving substance to what actually constitutes intellectual leadership, as opposed to the managerial, top-heavy administrative structures that exist on so many
campuses today, and the voluminous literature these structures have spawned. The basis of his research (on defining intellectual leadership) was carried out through a traditional methodology of interviews and surveys (of UK based professors). He also employed an interesting strategy of analyzing the obituaries of leading academics to illustrate perceptions of what is deemed important over the duration of an academic career.

The book is divided into four sections: Leadership and Intellectuals, The Entrepreneurial Academy, Freedom and Duty, and Reengagement. It is in the third section, with its short chapters on professorship, freedom, and duties, that Macfarlane brings home his main point. He writes that the genesis of the book lay in the scant literature on what it means to be a professor in relation to formal duties and activities, as opposed to how to become a professor. That many in the academic world are highly trained specialists in their respective subject disciplines is of course obvious. It is one of many reasons to pursue education at the doctoral level. But as any undergraduate can and will tell you, subject mastery does not automatically equate with good teaching, engagement, or campus leadership. Because of the pressures of working in an entrepreneurial academy, Macfarlane sees a loss, or compromising, of academic freedom: an unbalanced emphasis on applied research with corporate sponsorship stifles original thought and creativity. Whether one agrees with Macfarlane or not, it is true that terms such as knowledge transfer and knowledge exchange have become lingua franca when discussing the missions of the modern university, and, as such, they reduce college campuses to mere assets of intellectual wealth rather than dynamic centers of thought and learning.

Throughout the book, Macfarlane examines the ideals and stereotypes surrounding academic life. A good example can be found in the chapter on Academic Duty (Ch. 8), where the various guises of professorship, such as Mentor, Guardian, Enabler and Ambassador, are discussed. These are the key prescriptive roles Macfarlane offers as remedy to the problems under discussion. Macfarlane takes care to set out the ideal, discuss the stereotype, and take into account the expectations of the roles, keeping the discussion balanced with notes of realism. An interesting revelation from Macfarlane’s research was the finding that, among the professorship interviewed, academic identity is more aligned with subject discipline, rather than with institutional objectives. Is this surprising? Should it be? Do people identify more with their profession than their place of work? According to Macfarlane, yes it is surprising, and a cause for concern. In this he finds evidence for the drift of leadership into a co-opted managed state, with administrators or paraprofessionals forging the direction of universities instead of its senior academics. This becomes a major part of the crisis in intellectual leadership under examination.

Although one of Intellectual Leadership’s strengths is its brevity, a welcome addition would have been the inclusion in the index of the survey instruments used to conduct the research. Also, though it is clear that the bulk of the work references the British system of higher education, one wonders whether this is sufficient for the comprehensive approach the book takes toward the subject. A discussion or chapter on how Macfarlane’s findings are applicable to Europe, Asia, or North America would strengthen the work and perhaps expand its appeal. Intellectual Leadership in Higher Education: Renewing the Role of the University Professor takes a critical stance at a much needed time. The drift towards hard management practices at the university level is observable; the competition for education dollars is a reality. Professor Macfarlane, in his analysis and proscription, is certain of one thing: the drift and its correction are in the hands of the professoriate.