This monthly legal training session is sponsored by the Division of Institutional Integrity, Office of Legal Affairs

LEADERSHIP INSIGHTS:

Identifying Organizational Trends and Building Practical Strategies

December 5, 2023

Erica Solosky, Associate General Counsel and Director of Ethics, Policy, and Compliance

Scott Deyo University Ombuds





What types of ethical dilemmas do you face?

Today in Higher Education...



EDUCATION JULY 11, 2023

Americans' Confidence in Higher Education Down Sharply

BY MEGAN BRENAN

COLLEGE CHOICE





1 in 4 Prospective Students Ruled Out Colleges Due to Their States' Political Climates

By Eva Surovell | MARCH 27, 2023



I write about higher ed issues, leadership, finance, and

Rusiness Education

6 Reasons Why Higher Education Needs to Be Disrupted

by Tomas Chamorro-Premuzic and Becky Frankiewicz

November 19, 20



innovation.

A. Martin UW Photography/Getty Ima

Summary. While there's currently no clear path to disrupting higher education, there are many pain points that those in the education field and beyond should be confronting. First, there is still a significant mismatch between the jobs people want and those that are actually... more

OPINION | COMMENTARY Follow

Can Politics Get Better When Higher Education Keeps Getting Worse?

Voters have the sense to resist notions like critical race theory. A generation from now, they may not.

By John Ellis Jan. 14. 2022 1:23 pm ET



AUGUST 19, 2019



Americans see value in higher education – whether they graduated from college or not. Most say a college degree is important, if not essential, in helping a young person succeed in the world, and college graduates themselves say their degree helped them grow and develop the skills they needed for the workplace. While fewer than half of today's young adults are enrolled in a two-year or fouryear college, the share has risen steadily over the past several decades. And the economic advantages college graduates have over those without a degree are clear and growing.

iven so, there is an undercurrent of dissatisfaction — even suspicion — among he public about the role colleges play in society, the way <u>admissions decisions</u> re made and the extent to which <u>free speech</u> is constrained on college ampuses. And these views are increasingly linked to partisanship.

acrease in the share of Americans saying colleges have a negative effect on the I.S. is driven by Republicans' changing views $\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2}$

Note: Share of respondents who didn't offer an answer not shown. Source: Pew Research Center surveys of U.S. adults conducted by telephone July 10-15, 2019, June 8-18, 2017, Sept. 15-Oct. 4 Pek. 8-12. 2019.

PEW RESEARCH CENTER



Physical Print Books, keyword "Ethics"

8,910 Results

 Clinical ethics handbook for nurses: emphasizing context, communication and collaboration

Medical research ethics : challenges in the 21st century

Ethical journalism: adopting the ethics of care

- The ethics of global business
- Political ethics: a handbook



Graduate Course Catalog

MSMG	Managerial Ethics & Leadership	SPED	Ethics, Compliance, & Professionalism in Behavior Analysis
MBAD	Business Ethics & Corporate Responsibility	SOWK	Clinical Social Work: Ethics, Theories, & Application
MBAD	Ethics & Global Capitalism	RESP	Health Policy, Law, & Ethics in the Health Professions
ITIS	Information Technology Ethics, Policy, & Security	PPOL	Ethics of Public Policy
HLTH	Ethics & Integrity in Health Research & Practice	PHIL	Research Ethics in the Biological & Behavioral Sciences
HCIP	Health Info Privacy & Security: Law, Ethics, and Tech	PHIL	Ethics & International Affairs
HADM	Health Law & Ethics	PHIL	Ethics of Public Policy
DSBA	Ethics, Privacy, Security and Governance of Big Data	PHIL	Research Ethics in the Biological & Behavioral Sciences
COMM	Communication Ethics	PHIL	Data Ethics
CJUS	Legal and Ethical Issues in Crime Analysis	NUDN	Healthcare Policy & Ethics

Statement on Professional Ethics



- Primary responsibility is to seek and to state the truth
- Encourage the free pursuit of learning
- Respect and defend the free inquiry of colleagues
- Above all else, professors seek to be effective teachers and scholars
- Professors have the rights and obligations of other citizens and measure the urgency of these obligations in the light of their responsibilities to others

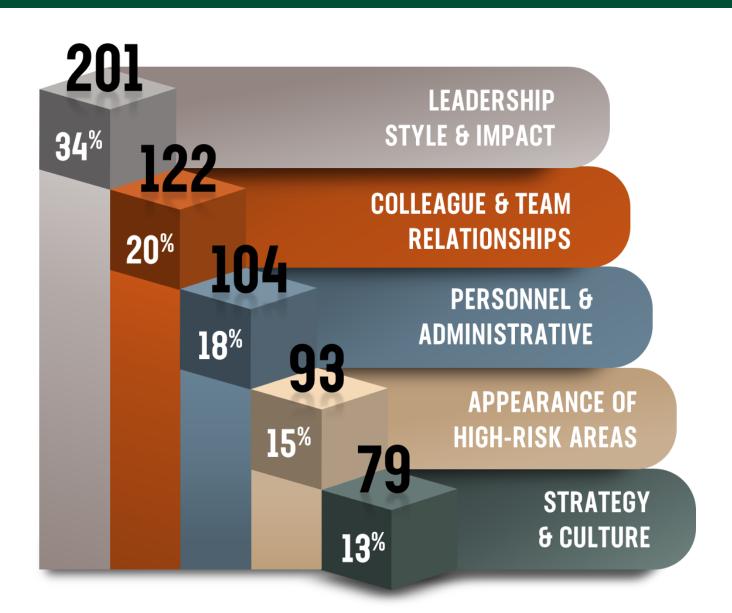
Ethical Principles for College and University Administrators

- Commit to the highest level of integrity
- Uphold the values of fairness and equity
- Strive for accuracy and transparency
- Respect confidentiality and protect the privacy of information
- Support the missions of our institutions
- Actively seek support when concerned about an ethical issue
- Raise voices when ethical standards are not being upheld
- Pursue professional opportunities to acquire new ethical knowledge and practices
- Actively promote and disseminate these Principles



297 VISITORS

599 ISSUES



Top Theme: Leadership Style & Impact

This issue mostly involved interpersonal behaviors of their leader:

- Disrespectful, unfair, disengaging, unresponsive, or unprofessional (57, 10%)
- Not promoting collaboration; not addressing workplace concerns (46, 8%)
- Not communicating frequently, clearly, or transparently (37, 6%)
- Concerns about leader's values, ethics, integrity, and perceived commitment to diversity, equity and inclusion 21 (3.5%)
- Not open to program improvements; not soliciting or valuing new ideas (20, 3%)
- Not committed to improving personally; not aware of their negative impact on others; and not holding themselves accountable (20, 3%)

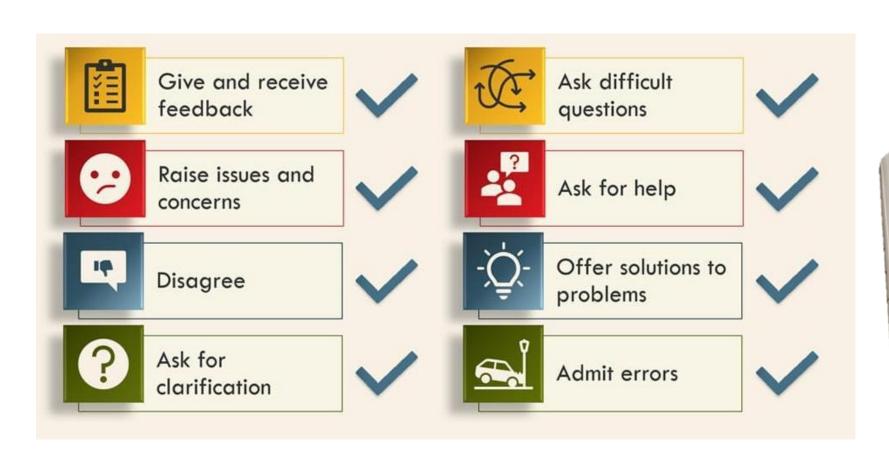


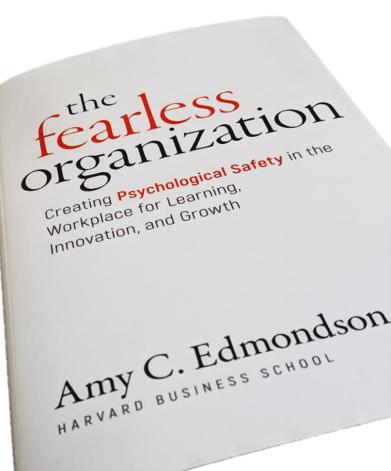
Ombuds Activity – Other Top Issues

- Colleague & Team Relationships: cooperation and collaboration (39, 7%); respect (38, 6%)
- **Personnel & Administrative:** general administrative decisions (41, 7%); adverse actions (18, 3%); and hiring/selection processes (18, 3%)
- Issues with appearance of high-risk:
 - Failure to address serious concerns (16, 3%)
 - "Isms, discrimination, harassment, disability/reasonable accommodation" (15, 3%)
 - Retaliation for speaking up (14, 2%)
 - Bullying/abuse of power (12, 2%)
- Organization, Mission, Strategy, & Culture: diversity, equity, inclusion, & belonging environment (23, 4%); priority setting and funding (20, 3%); and visitors not knowing the decision-making process (20, 3%)

Psychological Safety

Team members feel safe to be vulnerable and take risks





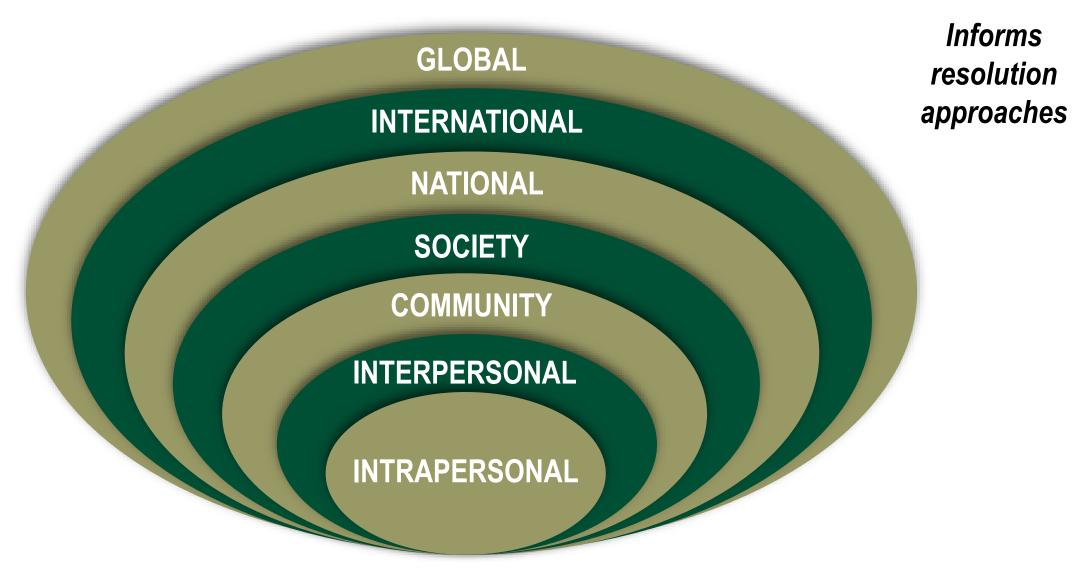
Create Psychological Safety at Work

How will I...?



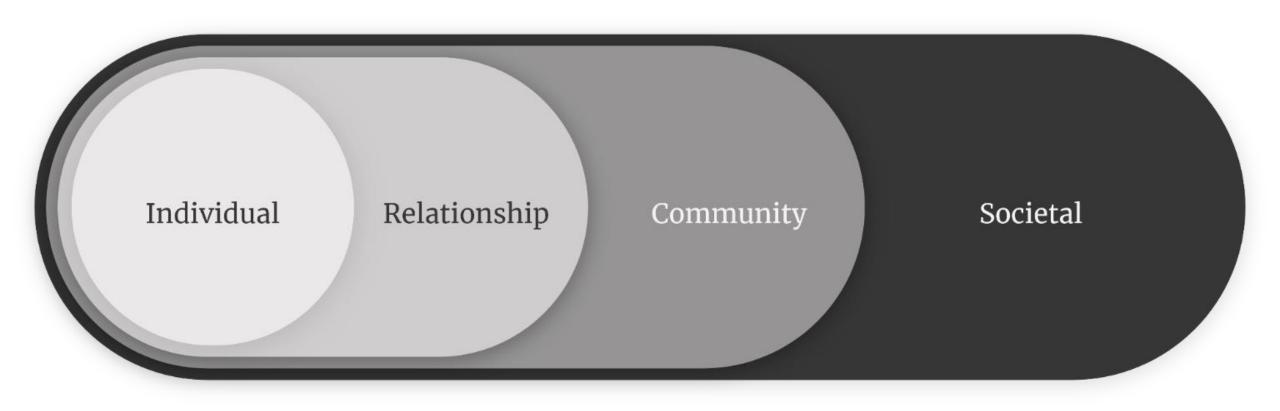
Make a plan.
Write it down.
Follow Through.

Nested Theory of Conflict



Dugan, Maire A. "A Nested Theory of Conflict." A Leadership Journal: Women in Leadership - Sharing the Vision 1 (July, 1996): 9-20. https://emu.edu/cjp/docs/Dugan_Maire_Nested-Model-Original.pdf

Social-Ecological Model: A Framework for Prevention



The Fairness Triangle

RELATIONSHIPS

People-centered communication that emphasizes teamwork, collaboration, and respect

PROCESSES



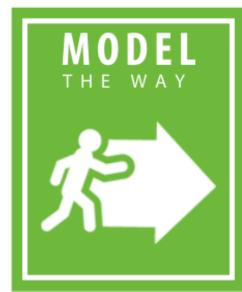
Meaningful and thorough "in-reach"; valuing and giving due consideration of diverse perspectives

DECISIONS



The substantive outcome is lawful, ethical, timely, unbiased, and evidence-based

THE FIVE PRACTICES OF EXEMPLARY LEADERSHIP



CLARIFY
VALUES AND
SET THE
EXAMPLE



FUTURE
AND ENLIST
OTHERS



SEARCH FOR
OPPORTUNITIES
AND
EXPERIMENT
AND TAKE RISKS



FOSTER
COLLABORATION
AND
STRENGTHEN
OTHERS



RECOGNISE
CONTRIBUTIONS
AND CELEBRATE
THE VALUES
AND VICTORIES

A Case Scenario to Ponder

MEDICAL BACKGROUND: Pseudofolliculitis barbae (PFB) is a common inflammatory reaction of the hair follicle, most often on the face as a result of shaving, also known as "razor bumps" or "shaving bumps." PFB can cause pain, skin irritation, rashes, and infection. Although PFB can occur in men of all races, it predominantly affects men of African ancestry (approximately 45–80%).

SITUATION: A federal police agency required officers to use personal protective equipment to defend themselves and others against possible exposure to explosives and chemicals. In this regard, the Agency prohibited them from having any facial hair to facilitate the use of a tight-fitting facemask respirator.

CONCERNS: Ten officers raised concerns about this policy and requested a reasonable accommodation for their skin condition.

Let's think about a framework for thinking through situations like this



A Framework for Ethical Decision-Making







Identify the Issues & Examine the Facts

- What is the issue or dilemma?
- What are the complicating factors?
- What are the facts? (What do we know or need to learn?)
- Who is involved? What are their needs and interests?

Apply Guidelines and Standards



- What does our code of ethics and practice standards say about the situation? Are there conflicting standards?
- What are the applicable policies, guidelines, or laws?
- Is there research or literature available to help inform?
- Who should be consulted?
 (Legal Affairs, Human Resources, ADVANCE, Ombuds)
- Thoroughly and thoughtfully review all information

Evaluate Full Range of Possible Options



- Narrow down 3 potential courses of action. Consider the strengths and limitations of each.
- Would the courses of action:
 - Respectfully balance the needs and interests of everyone involved? Be considered fair & equitable? Not cause undue/unnecessary hardship?
 - Bear scrutiny of others & public?
 - Be consistent with core commitments?

Implement, Document, and Communicate Decision



- Decide on the most appropriate outcome and act
- Document the rationale for the decision, including an explanation of how it best supports the range of needs and interests considered
- Communicate your decision and rationale

Review and Reflect

- Think about both the process and decision
- Have there been any unintended consequences?
- What did you learn? What worked well?
- What could've been done differently for a better outcome?
- Share learning with others to the extent possible



Ethics "P.L.U.S." Filters



"When decisions are classified as being "business" decisions (rather than "ethics" issues), *values* can quickly be left out of consideration and ethical lapses can occur."

P

L

S

Policies - Is it consistent with our policies, procedures and guidelines?

Legal - Is it acceptable under the applicable laws and regulations?

Universal - Does it conform to the universal principles/values my organization has adopted?

Self - Does it satisfy my personal definition of right, good and fair?

Case Scenario – Applied

 Identify the Issues & Examine the Facts

- Police officers at this federal agency were required to wear a bio mask and be clean shaven;
- 10 African American officers shared concerns about this requirement in light of their skin condition

2. Apply Guidelines and Standards

- OSHA regulations that address proper use of tight-fitting masks
- Americans with Disabilities Act & Reasonable Accommodation

- 3. Evaluate Full Range of Possible Options
- What are the needs and interests of the officers? Of the agency?
- What options might exists?

Ethics at UNC Charlotte

- Ethics principles guide UNC System and UNC Charlotte Policies:
 - UNC Policy Manual and Code (examples)
 - Chapter VI Academic Freedom and Tenure
 - 200.1 Dual Memberships and Conflicts of Interest
 - <u>University Policy 804</u>, Standards of Ethical Conduct
- Supporting the University's <u>Mission, Vision, and Guiding</u> Commitments
 - Integrity and Respect: Ensuring the highest academic, professional, and ethical standards and a collegial culture that embraces different perspectives, civil discourse, and free expression, where all University members are treated with respect, fairness, and dignity.



