

Faculty and Administrators: Adversaries or Collaborative Partners?

One of the primary responsibilities historically considered the “sacred” province of faculty is to establish and uphold academic policies and standards for student admission, progression, and graduation. This prerogative includes making judgments about student mastery of knowledge, including its application to performance and safety in the clinical practice arena.

When faculty decisions affect—and delay or terminate—a student’s progression and success in a degree program, more likely than not the student will file an appeal for reconsideration. After the student exercises the program’s channels for appeal, and when the original decision is upheld, faculty members can generally expect the student to lodge a further appeal “up the chain,” leading to one or more administrators becoming involved in adjudicating the student’s claims.

When this happens, faculty and administrators may find themselves in conflict—and contention—over the process for settling such cases, including who has ultimate decision-making authority. It is not uncommon for faculty to complain that administrators have no right to “second guess” faculty decisions and prerogative to determine what constitutes academic success, nor is it uncommon for faculty to feel “unsupported” and that their credibility or professional expertise is being questioned. In such instances, faculty may react defensively, if not angrily, further exacerbating the contentiousness of the situation.

Nurse faculty may especially take umbrage when the administrator, often a dean, provost, or university counsel, is a non-nurse, believing this individual

lacks the expertise to judge the situation. However, just because an administrator is not a nurse does not mean he or she can abdicate the responsibility to gather the facts of the case. Universities routinely address threats of or actual complaints, including formal grievances and, at times, lawsuits. Administrators would be negligent in their duties if they did not question those involved to learn the necessary facts of a given situation to make an informed decision. In such instances, an administrator’s role is not to claim expertise in the subject matter or discipline, but rather to focus on established policies and procedures: Do they exist? Were they communicated clearly and in writing to students? Were they followed? Was the student afforded due process?

Certainly, administrators should ascribe to the tenet that nurse faculty are best qualified to evaluate and make judgments about student performance in the classroom and clinical setting and support their right to do so. At the same time, faculty should exercise caution in automatically equating administrator involvement with failure to support the faculty’s expert judgment. Just as administrators must respect and support faculty expertise and judgments, faculty should recognize and respect that administrators have their own role to play when students appeal academic decisions through established appeal channels, which necessarily involve administrators.

Ideally, faculty and administrators should view each other as partners in the student appeal process and thus work collaboratively, rather than adversarially, to ensure that academic standards are maintained and established policies are

followed. After an appeal or grievance is filed at a level beyond the faculty or school, administrators have a responsibility—to the student, the institution, and the faculty—to also ensure the student’s right to due process was upheld. Faculty should recognize that administrators will need to ask questions, gather information, and establish the facts to reach an informed decision. Ultimately, the goal for both administrators and faculty must be to achieve a resolution that is objective, equitable, and legally defensible for all individuals concerned.

Faculty may question an administrator’s right to gather facts and ask questions, but administrators cannot afford not to do so. They are protecting not only the institution but also the faculty member. Courts historically have been loathe to question or challenge the right of institutions and faculty to determine what accounts for student academic success or failure, but they will rigorously examine the facts to determine whether the institution’s and program’s own policies and procedures were followed. If the faculty member, or the nursing department or school, has not followed established policies and the case ends up in court, the faculty member could be found liable, along with the administrator and the institution.

When administrators have questions or concerns about whether due process or established policies were followed, or when it appears they were not, they should refer the case back to the faculty member or faculty committee for reconsideration, explaining the reasons for concern. They also should explain to the student who has filed an appeal or grievance that the administrator’s role is not to

overturn academic decisions, for which the faculty are solely responsible and best qualified to make, but rather to ensure that established policies have been followed and the student has been afforded due process.

In their review role, administrators also must ensure that existing policies and standards are applied fairly and equitably to all. I have handled at least a dozen cases in which faculty have applied judgments differently with different students, which could be lawsuits waiting to happen. For example, a faculty member permitted one student who failed a course the opportunity to retake a clinical performance examination but denied the same opportunity to another student who had also failed, based on the faculty member's judgment that the former student "had the potential to succeed," whereas the latter "did not." There was nothing in the course syllabus or grad-

ing policy that provided an opportunity for students to retake an examination. It was no more appropriate to permit any student to retake the examination, given that the option had not been provided for in the syllabus, than it was to permit one student to do so yet deny another. In this instance, the faculty member acted outside of established course policies. Needless to say, the student who was denied the opportunity to retake the examination filed a grievance. Had the administrator deferred to the faculty member's "expertise" and "judgment," rather than questioning the faculty member, the administrator would have been complicit in allowing a discriminatory practice to stand, placing herself, the institution, and the faculty member at legal risk.

It is fully the right and responsibility of the faculty to establish the academic standards for their courses and programs, and these should not be overruled by ad-

ministration, provided they are based on prevailing standards and practice within the discipline. But when students file complaints, administrators must exercise due diligence to obtain the facts and ensure that established policies and due process were followed. Faculty members should not assume that administrators don't trust their expertise in the discipline, but rather they should recognize that administrators have a duty to ensure all parties are treated fairly and equitably, including the faculty. Reaching fair, equitable, and evidence-based conclusions in cases of student appeals of academic decisions should be a goal and a collaborative effort of both parties.

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