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INTRODUCTION

The Journal of Higher Education Management is published under the auspices and sponsorship of the American Association of University Administrators. The association's purpose in doing so is to provide opportunities (a) for the discussion of the current issues, problems and challenges facing higher education; (b) for the exchange of practical wisdom and techniques in the areas of higher education leadership, policy analysis and development, and institutional management; and (c) for the identification and explication of the principles and standards if college and university administration.

Taken as a whole, the articles contained in this issue certainly cover all three of these purposes. Each article in this issue sustained a rigorous consideration process and was accepted for publication only after a successful blind review by three independent members of our external reviewer panel.

The Journal of Higher Education Management invites you to read, enjoy, analyze, digest, and react. We encourage you consider contributing a thought-provoking piece for a future issue.

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Outlasting the Revolving Door: Resiliency in the Deanship

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The ability to be resilient in the deanship, especially with acute external pressure on teacher education programs, is particularly important for today's practicing deans. Teacher education institutions now must demonstrate positive connections between their preparation of teacher candidates and their teacher candidates' ability to help their P-12 students achieve. Yet, too little attention is given to deans as the leaders of such enterprises.

Education deans are critical for influencing faculty performance and their teacher candidate achievement, and for affecting P-12 teacher performance and student achievement. Even though we might acknowledge the important role of education deans in leading their schools and colleges, research on their leadership characteristics is not really a "hot topic." Some possible reasons might be the revolving door syndrome in a single appointment of about 5 years (Gmelch, Wolverton, Wolverton & Sarros, 1999; Robbins & Schmitt, 1994), lack of formal preparation required to serve in a decanal position, and the lack of state regulations guiding the eligibility of education deans for assuming such positions.

Research on the characteristics and practices of education deans who have the staying power to remain in their positions could contribute to leadership stability, which impacts the ability to positively influence teacher preparation,

teacher development, and P-12 student achievement. Such research might, also, help practicing deans reflect on their own characteristics and practices so that fewer deans revolve out of their positions; and assist prospective deans in understanding ways in which practicing deans are functioning in their positions. This article identifies and explains characteristics and practices that four deans have relied on most frequently to help them function effectively in their positions.

Current Literature on Education Deans

Most research conducted about education deans in the United States focuses on biographical, structural, and contextual factors (Anderson & King, 1987; Blumberg, 1988; Bowen, 1995; Bright & Richards, 2001; Clifford & Guthrie, 1988; Dejnozka, 1978; Denemark, 1983; Gardner, 1992; Geiger, 1989; Gmelch, 1999; Heald, 1982; Howey & Zimpher, 1990; Huffman-Joley, 1992; Jackson, 2000; Judge, 1982; Riggs & Huffman, 1989; Thiessen & Howey, 1998; Wisniewski, 1977). Similar to other academic deans, education deans are positioned in the middle of administrative hierarchies in colleges and universities. Education deans must mediate between administration and faculty (Dill, 1980; Gmelch, 2002; Gould, 1983; Kerr, 1998; McCarty & Reyes, 1987; McGannon, 1987; Morris, 1981; Salmen, 1971; Zimpher, 1995). They arrange and organize personnel and material resources to accomplish objectives of immediate importance. They help faculty move in directions that correspond to the overall mission of the institution (Morsink, 1987). Although it appears that education deans should possess certain characteristics to succeed within their contexts over time, we are unaware of research by currently practicing education deans that uses their own autobiographical and self-reflective comparisons to examine their leadership practices. Bowen's (1995) *The wizard of odds: Leadership journeys of education deans* provides self-reflective narratives from three different deans about their experiences in the role, but these deans already have stepped down from their positions. Their introspective-retrospective accounts of their experiences as deans provide many lessons learned about mismatched expectations. Similar types of self-reflection are needed from those still employed in these positions to better understand characteristics that are used frequently to address situations and challenges.

Theoretical Framework and Methodology

Four deans developed their own vignettes to analyze how they have and continue to negotiate within their professional environments to work effectively with their faculty, influence special initiatives and programs, and work with colleagues, students, alumni, and the community to have the greatest impact on different aspects of teacher education. The deans adapted Eisner's connoisseurship model (1991, 1998) as a theoretical framework for engaging in this study. Eisner's connoisseurship model (1991, 1998) promotes the use of a wide array of experiences, understandings, and information to name and appreciate the different dimensions of situations and experiences, and the way they relate to each other. His approach is interpretive, and includes two major components: connoisseurship and criticism (Willis, 2007). A connoisseur is able to identify the different dimensions of situations and experiences, and their relationships. A connoisseur appreciates a situation, but also critiques the same situation to help others see the subtle and not-so-subtle aspects of a situation. A connoisseur has achieved enough experience to perceive patterns and make interpretations about specific interests or situations (Eisner, 1991). When a connoisseur shares his/her views with others, that person is serving as a critic by illuminating, interpreting, and appraising the qualities of situations, experiences, and phenomena.

To be both a connoisseur and critic, a person needs to engage in a continuing exploration of him or herself and others in an arena of practice, and make public observations through criticism so that others can learn from one's experiences and perceptions before engaging in their own work. In order to be able to make informed and committed judgments, a person needs to reflect about his/her actions and engage in feelings.

Eisner's qualitative research approach draws from the arts and humanities, and is focused on using the approach in teacher education. The four deans believe that his approach can apply to studying leadership characteristics when experienced education deans have a schema for understanding the subtle and not-so-subtle aspects of their situations. His model for studying situations supports the deans' desire to become more aware of the characteristics and qualities of education deans' leadership practices. Leaders who use his model engage in a continuing exploration of self and others, use critical disclosure to enable others to learn from past experiences, reflect about actions and make informed and committed judgments, and work collaboratively with others. To subscribe to Eisner's connoisseur model, the deans described, interpreted,

evaluated, and identified dominant features and pervasive qualities (or "themes") of their leadership experiences (Vars, 2002) through vignette analysis.

Each dean engaged in an introspective-retrospective account of the work involved in the situation described in their vignetes. The deans believed that, because they had a variety of different experiences and challenges over time in the deanship, they developed certain understandings and knowledge about the position that enabled them to both appreciate and critique the subtle and not-so-subtle aspects of situations; thus, serving as both connoisseurs and critics of their leadership practices.

The deans have served in their positions or similar positions for 14 years or more. Together, they have a total of nearly 80 years in a dean's position. The deans followed traditional routes of first serving as tenured faculty and then assuming increasingly more administrative responsibilities before becoming education deans. They were mentored by presidents, provosts, and other deans. They attended leadership in higher education institutes to learn from others in similar positions and reflect on their own actions. The deans represent public and private institutions from different parts of the United States that have small, medium-sized, and large student populations.

Three Phases of the Study

Phase 1: Because the deans have been meeting two times each year at annual conferences for the last ten years, they realized during one of their exchange sessions that common themes kept emerging as they described their current challenges at their respective institutions. They decided that they should write their own vignettes of one special initiative to see if they could identify recurring themes across four vignettes (one for each dean) that revealed similar patterns of behavior or thought. In writing their vignettes, they described the impetus for exploring the idea, ways in which they involved others, processes that they used to initiate and implement an idea, issues that emerged, and ways for sustaining the initiative. The special initiatives included a special community outreach program for minority K-12 students, implementation of a grant for teacher education, development of an early college high school, and development of a teacher leader center.

Once the deans developed and exchanged individual vignettes through email, one dean took the lead to write and circulate a list of themes that seemed to

emerge, using a combination of axial and selective coding (Strauss & Corbin, 1990). Through e-mail discussions of the themes, the deans identified 14 themes that cut across all four vignettes. During their next face-to-face meeting, they used the themes as a starting point for developing a set of characteristics that were prevalent in their collaborative initiatives. They identified seven characteristics, and then as a result of feedback from others, consolidated them into four overarching characteristics. This process took three years. Qualitative analysis led to identifying 14 key themes which were then embedded within four overarching characteristics, as shown in Figure 1 (Author, 2011).

Phase 2. The deans then determined that they needed to study whether these same characteristics and themes would be applicable to two additional situations within their schools and colleges, and the frequency for each characteristic and theme for all three vignettes. Each dean wrote two additional vignettes with the same format as the original vignette; one related to curriculum/program development and one related to personnel issues. The curriculum/program situations included development and implementation of two different doctoral programs, creation of an accelerated program in elementary education, and development of an assistive technology program. The personnel issues included a law suit from a faculty member who was not reappointed, a complaint from a faculty member about the lack of a sufficient raise in relation to job performance, the addition of a position for alumni relations, and the firing of a senior staff member.

The deans listed thoughts, actions, experiences, insights, and conflicts related to different aspects of each vignette, and identified the actual characteristic and theme for each item. They determined ahead of time that they would try to fit each idea into a characteristic and theme, but would asterisk those that did not really fit into any characteristic and theme. Figure 2 provides an example of a partial coding key for a vignette related to a personnel situation for one dean.

The deans then coded their characteristics and themes onto a chart. They used their last name, the category for the vignette (*c*urriculum for program, *i*nitiative for special initiative, or *p*ersonnel), and the item number from the list to include in the chart. For example, the item AP3 (Anonymous for Last Name/Personnel/Item 3) listed in Figure 2 "Worked with my provost to seek approval for technology position" was identified and placed with *#7: Interpersonal/Negotiating Skills: Keep critical persons in the organization informed so that they were willing to support resource needs*. Once all items were coded onto the chart for the four deans, the deans tallied the number of

times that they used each characteristic and theme for each vignette. They then tallied the number of times that they used each characteristic and theme for all three vignettes. Figure 3 provides the results key for the same dean mentioned above for the three vignettes. One dean took the lead to provide a total tally for all 12 vignettes for the four deans to identify the top five themes and the bottom

Figure 1
Characteristics and Themes Identified and Used with Case Studies

Characteristic 1: Vision
- Theme 1: Vision created that fit our contexts and was realized incrementally
- Theme 2: Enable the concept to grow beyond our own vision
- Theme 3: Re-vision the concept as it evolves
- Theme 4: Tap resources

Characteristic 2: Interpersonal/Negotiating Skills
- Theme 5: Responsive to critical persons in the overall organization
- Theme 6: Work closely with key persons within the unit (school, college, or department) and outside the organization
- Theme 7: Keep critical persons in the organization informed so that they were willing to support resource needs
- Theme 8: Negotiate key players' roles and responsibilities to keep them appropriately involved, aware of and respectful of boundaries, and honest about their level of participation and contributions to partnership

Characteristic 3: Managerial Skills
- Theme 9: Negotiate between groups
- Theme 10: Take charge of daily challenges
- Theme 11: Keep the concept alive

Characteristic 4: Confidence Theme 12: Do our homework
- Theme 13: Handle criticism from others
- Theme 14: Have enough confidence to accept disappointments and use them to regroup

five themes used across the situations. After the four deans reviewed the findings, they held a conference call to discuss the findings, identify challenges in coding their thoughts, actions, experiences, and conflicts, and draw

conclusions about their findings. They also discussed ways in which their situations, contexts, personal styles, and dispositions affected their use of characteristics and themes. For example, while two deans depended on interpersonal/negotiating skills to help with their special initiatives, one of the two deans spent more time negotiating between groups to arrive at a consensus,

Figure 2
Example of Partial Coding Key for Personnel Situation for One Dean

- AP1*: Knew that we needed to have a position in technology for master's degree in technology (Theme 4)
- AP2: Created master's degree in technology with faculty that could be for classroom teachers or those interested in serving as school- or district-based technology leaders (Theme 1)
- AP3: Worked with my provost to seek approval for technology position (Theme 7)
- AP4: Worked with faculty to develop an ad for the position, and screen and interview candidates (Theme 6)
- AP5: Worked with faculty to hire faculty member (Theme 6)
- AP6: Met and mentored faculty member numerous times about job responsibilities (Theme 8)
- AP7: Tried to get the faculty on the faculty P&T committee to see faculty member's attributes (Theme 4)
- AP8: Once I knew that faculty member was in trouble, tried to get faculty member to work better with faculty (Theme 9)
- AP9: Tried to get faculty member to conduct research that was more in line with expectations (Theme 9)
- AP10: Celebrated faculty member's accomplishments beyond teaching (Theme 5)

while the other focused on critical persons in the organization to get the needed resources.

In general, the deans discovered that all characteristics and themes were used across the 12 vignettes, yet one's interpersonal/negotiation skills were used most frequently. *Interpersonal/Negotiating Skills: Work closely with key persons within the unit (school, college, or department) and outside the*

Figure 3
Example of One Dean's Coding

	Vision	Vision	Vision	Vision	Interpsl Negtion Skills	Interpsl Negtion Skills	Interpsl Negtion Skills
	Thm 1	Thm 2	Thm 3	Thm 4	Thm 5	Thm 6	Thm 7
Doctoral Programs	AC1, 2, 18	AC15, 16, 17, 22, 36, 40	AC19, 30	AC20, 21	AC4, 9, 12	AC5, 6, 7, 13, 14, 32	AC3, 4, 10, 23, 37
CSI	AI1, 2	AI3, 5	AI4, 39	AI6, 7, 10, 35, 45, 46, 48	AI15, 30, 31, 43	AI14, 15, 20, 21, 27, 28, 38	AI18, 19, 33
Personnel	AP2	AP34	AP35, 37, 38	AP1, 7	AP10, 12, 13, 39, 43, 45	AP4, 5, 18, 32, 40, 41, 48	AP3
Accreditation	AA1, 11		AA35	AA6, 34	AA2	AA3, 5, 23, 30	AA25, 26
External Relations	AER21	AER23	AER22, 24		AER1, 7, 9	AER3, 5, 6, 18	AER2, 4, 10, 17
Total for Case Studies 4 & 5	3	1	3	2	4	8	6
Total for Case Studies 1, 2, 3	6	9	7	11	14	20	0
Overall Total	9	10	10	13	18	28	15
Top Five					*	*	
Bottom Five	+	+	+	+			

Figure 3 (continued)
Example of One Dean's Coding

	Interpsl Negtion Skills	Mgrial Skills	Mgrial Skills	Mgrial Skills	Confi-dence	Confi-dence	Confi-dence
	Thm 8	Thm 9	Thm 10	Thm 11	Thm 12	Thm 13	Thm 14
Doctoral Programs	AC42, 47, 48, 49	AC34, 45, 46	AC22, 35, 44	AC11, 41, 43	AC8, 29, 30, 31	AC38, 39	AC24, 25, 26, 27, 28, 50
CSI	AI12, 18, 34, 40, 44, 49	AI11, 13, 41, 42	AI19	AI17, 22, 23, 24, 25, 26, 29	AI36, 37, 47	AI50, 51, 52	AI32
Personnel	AP6	AP8, 9, 19, 46	AP11, 16, 17, 21, 44	AP36, 47, 49	AP14, 15, 20, 22, 23, 25, 26, 30	AP27, 31, 51	AP24, 28, 29, 33, 42, 50
Accreditation	AA8, 10	AA9, 10	AA12, 13, 15, 19	AA7, 18, 21, 22, 32	AA33	AA16, 17, 27, 28, 31	AA4, 14, 24, 29
External Relations	AER6, 25	AER20	AER8, 13		AER14	AER1	AER11, 12, 19
Total for Case Studies 4 & 5	4	3	6	5	2	6	7
Total for Case Studies 1, 2, 3	11	11	9	13	15	8	13
Overall Total	15	14	15	18	17	14	20
Top Five				*	*		*
Bottom Five		+ (tied w/ #14)					+ (tied w/ #9)

organization was cited most frequently and used by all deans. *Negotiating key players' roles and responsibilities and taking charge of daily challenges* also was used for all 12 vignettes.

The deans determined that they needed to write two additional vignettes to see whether the same characteristics emerged most frequently. They wrote one vignette on accreditation and one vignette on external relations. The accreditation vignettes included challenges in seeking personnel to oversee

accreditation, challenges with faculty in understanding the importance of subscribing to specific accreditation standards, and the process of actually preparing for an accreditation visit. The external relations vignettes included work with college officials and the community to develop special events and sustain a child care center, and challenges with school building leaders to sustain a partnership.

The deans followed the same process as phase 2 of first listing thoughts, actions, experiences, insights, and conflicts for each vignette, identifying a characteristic and them for each item, and then coding their characteristics and themes onto a chart. The deans made sure that they did not look back at the coding for the first three vignettes. As with phase 2, the deans recognized that it is sometimes difficult to decide which theme represented their thoughts and actions. They also found that as themes were identified, other actions and thoughts came to mind that needed to be listed.

Findings

The total tallies for the 20 vignettes indicated that the four deans used all four characteristics and 14 themes across the three vignettes. Individual tallies indicated that the four deans did not use all characteristics and themes for each vignette. Only one characteristic and theme was used across all five vignettes: *Interpersonal/Negotiating Skills: Work closely with key persons within the unit (school, college, or department) and outside the organization.* Figure 4 provides the tallies for the four deans.

The five most frequently used characteristics and themes for the four deans, in rank order from the top, were:

- *Interpersonal/Negotiating Skills: Work closely with key persons within the unit (school, college, or department) and outside the organization*
- *Interpersonal/Negotiating Skills: Responsive to critical persons in the overall organization*
- *Interpersonal/Negotiating Skills: Negotiate key players' responsibilities to keep them appropriately involved, aware of and respectful of boundaries, and honest about their level of participation and contributions to the partnership*
- *Interpersonal/Negotiating Skills: Keep critical persons in the organization informed so that they are willing to support resource needs*
- *Managerial Skills: Take charge of daily challenges*

The least frequently used characteristics and themes for the four deans:

- *Confidence: Handle criticism from others*
- *Vision: Vision created that fit our contexts and was realized incrementally*
- *Vision: Enable the concept to grow beyond our own vision*
- *Confidence: Have enough confidence to accept disappointments and use them to regroup (tied*
- *Managerial Skills: Negotiate between groups*

Of the 516 total selections, 129 (25%) were used for vision, 203 (39%) percent were used for interpersonal/negotiation skills, 104 (20%) were used for managerial skills, and 80 (16%) percent were used for confidence. Recognizing that there were four themes each for vision and interpersonal/negotiating skills

Figure 4
Totals for Four Deans

	Vision	Vision	Vision	Vision	Interpsl Negtion Skills	Interpsl Negtion Skills	Interpsl Negtion Skills
	Thm 1	Thm 2	Thm 3	Thm 4	Thm 5	Thm 6	Thm 7
Case Study 1: PROGRAM	8	10	9	10	10	15	10
Case Study 2: SPECIAL INITIATIVE	5	5	9	10	8	13	12
Case Study 3: PERSONNEL	4	2	6	10	13	16	6
Case Study 4: ACCREDITATION	4	1	2	9	9	10	7
Case Study 5: EXTERNAL RELATIONS	5	6	10	2	8	8	7
Total for Five Case Studies	26	26	36	41	48	62	42
Top 5					*14	*	*
Bottom 5	+ tie	+ tie					

Figure 4 (continued)
Totals for Four Deans

	Interpsl Negtion Skills	Mgrial Skills	Mgrial Skills	Mgrial Skills	Confi-dence	Confi-dence	Confi-dence
	Thm 8	Thm 9	Thm 10	Thm 11	Thm 12	Thm 13	Thm 14
Case Study 1: PROGRAM	AC1, 2, 18	AC15, 16, 17, 22, 36, 40	AC19, 30	AC20, 21	AC4, 9, 12	AC5, 6, 7, 13, 14, 32	AC3, 4, 10, 23, 37
Case Study 2: SPECIAL INITIATIVE	AI1, 2	AI3, 5	AI4, 39	AI6, 7, 10, 35, 45, 46, 48	AI15, 30, 31, 43	AI14, 15, 20, 21, 27, 28, 38	AI18, 19, 33
Case Study 3: PERSONNEL	AP2	AP34	AP35, 37, 38	AP1, 7	AP10, 12, 13, 39, 43, 45	AP4, 5, 18, 32, 40, 41, 48	AP3
Case Study 4: ACCREDITATION	AA1, 11		AA35	AA6, 34	AA2	AA3, 5, 23, 30	AA25, 26
Case Study 5: EXTERNAL RELATIONS	AER21	AER23	AER22, 24		AER1, 7, 9	AER3, 5, 6, 18	AER2, 4, 10, 17
Total for Five Case Studies	3	1	3	2	4	8	6
Top 5	6	9	7	11	14	20	0
Bottom 5	9	10	10	13	18	28	15

and three themes each for managerial skills and confidence, the deans still found that interpersonal/negotiating skills still were cited most frequently.

Comparison of Findings for Phase 3 and Phase 2

A comparison of the most frequently used characteristics and themes for all 20 vignettes revealed very little difference from the 12 vignettes, as shown in Figure 5. All four themes from the Interpersonal//Negotiating Skills category continued to be the most frequently cited. The only major difference was the additional frequency of use of *Managerial Skills: Take charge of daily challenges* for the 20 vignettes rather than *Vision: Tap resources* for the 12 vignettes. The only other difference was the order in which the

Interpersonal/Negotiating Skills appeared, with *Keep critical persons in the organization informed so that they are willing to support resource needs* appearing as the fourth most frequently cited theme rather than the fifth most frequently cited theme.

A comparison of the least frequently used characteristics revealed that the same five appeared for 20 vignettes and 12 vignettes. The only difference was the order in which they appeared with *Confidence: Handle criticism from others* moving to the bottom of least frequently characteristics and themes.

A comparison of the overall percentages for selecting the characteristics was virtually the same. While there were slightly different percentages for citing managerial skills and confidence, the same percentages appeared for citing vision and interpersonal/negotiating skills.

Discussion and Implications

Based on their understanding of Eisner's connoisseurship model (1991, 1998), the four deans believe that they had developed a schema for understanding the subtle and not-so-subtle aspects of their situations. They used these understandings to engage in an introspective-retrospective account/critique of what they did in specific situations, and determined key characteristics and themes that described their thoughts, actions, experiences, insights, and conflicts.

The four deans found that they used the four characteristics and fourteen themes originally identified with the first set of four vignettes. However, the frequency with which they used these characteristics and themes for the 20 vignettes varied. Each dean depended on slightly different sets of characteristics and themes, possibly indicating variations in situations, contexts, personal styles, and dispositions. The five most frequently cited characteristics and themes indicated the deans' perceptions of their need to constantly work with and negotiate with their constituencies. In general, all characteristics served an important purpose, yet one's interpersonal/negotiation skills were used most frequently, indicating a perception of the importance of this characteristic for functioning as deans or middle managers.

Figure 5
Comparison of Findings for Phase 3 and Phase 2

Phase 3: 20 Vignettes	**Phase 2: 12 Vignettes**
Most Frequently Cited	**Most Frequently Cited**
Interpersonal/Negotiating Skills: Work closely with key persons within the unit (school, college, or department) and outside the organization	**Interpersonal/Negotiating Skills**: Work closely with key persons within the unit (school, college, or department) and outside the organization
Interpersonal/Negotiating Skills: Negotiate key players' responsibilities to keep them appropriately involved, aware of and respectful of boundaries, and honest about their level of participation and contributions to the partnership	**Interpersonal/Negotiating Skills**: Negotiate key players' responsibilities to keep them appropriately involved, aware of and respectful of boundaries, and honest about their level of participation and contributions to the partnership
Interpersonal/Negotiating Skills: Responsive to critical persons in the overall organization	**Interpersonal/Negotiating Skills**: Responsive to critical persons in the overall organization
Interpersonal/Negotiating Skills: Keep critical persons in the organization informed so that they are willing to support resource needs	**Vision**: Tap Resources
Managerial Skills: Take charge of daily challenges	**Interpersonal/Negotiating Skills**: Keep critical persons in the organization informed so that they are willing to support resource needs
Least Frequently Cited	**Least Frequently Cited**
Confidence: Handle criticism from others	**Vision**: Vision created that fit our contexts and was realized incrementally
Vision: Vision created that fit our contexts and was realized incrementally	**Vision**: Enable the concept to grow beyond our own vision
Vision: Enable the concept to grow beyond our own vision	**Confidence**: Handle criticism from others
Confidence: Have enough confidence to accept disappointments and use	**Confidence**: Have enough confidence to accept disappointments

them to regroup (tied **Managerial Skills**: Negotiate between groups	and use them to regroup **Managerial Skills**: Negotiate between groups
Number (Percentage) of Selections for Each Characteristic (Total Number of Selections: 518)	**Number (Percentage) of Selections for Each Characteristic** (Total Number of Selections: 351)
129(25%) Vision 205 (39%) Interpersonal/Negotiation Skills 104 (20%) Managerial Skills 80 (16%) Confidence	88 (25%) Vision 135 (39%) Interpersonal/Negotiation Skills 68 (19%) Managerial Skills 60 (17%) Confidence

Interpersonal/Negotiating Skills: Work closely with key persons within the unit (school, college, or department) and outside the organization was cited most frequently and used by all deans for all five vignettes: special initiatives, program development, personnel challenges, accreditation, and external relations. Use of this characteristic/theme seemed to indicate an understanding of the criticality of working with one's colleagues to move ideas forward, subscribe to mandates, and help faculty and administrative colleagues function to capacity.

The deans recognize some limitations to their study. The coding reflects each dean's self-perceptions of what happened in each vignette rather than multiple interpretations of each situation. It was difficult to be systematic about identifying a specific number of characteristics and themes from the vignettes, and there was variability in the way in which each dean interpreted the meaning of the characteristic and theme in relation to the vignette. There also was slight difficulty in identifying a characteristic and theme for each item. As a result, some coding variability may exist.

Even with these limitations, the four deans were able to identify patterns in the way in which they used the characteristics and themes. They found that their interpersonal/negotiation skills appeared to be critical for doing their jobs. *Vision, managerial skills,* and *confidence* were considered essential, but not perceived as first and foremost on a regular basis for these specific vignettes.

Being resilient in the deanship may well be determined by a dean's interpersonal/negotiation skills, i.e., working with, negotiating with, and being responsive to key persons within and outside the organization. However, this key characteristic needs to be anchored by an ability to work with others on a shared vision; use one's managerial skills to take charge of daily challenges; and exhibit sufficient confidence to lead their schools and colleges.

Further research and discussion needs to be conducted with this framework with additional deans and additional vignettes to see which characteristics and themes emerge most frequently, and reasons for such findings. Such research also might identify additional characteristics and themes are needed for education deans. If the themes within interpersonal/negotiation skills continue to be most frequently cited, further research also needs to be conducted to see how, when, and why interpersonal/negotiation skills are used to better understand how this characteristic can be developed in currently practicing and prospective deans.

Education deans can use existing vignettes or create their own vignettes to analyze how they work with their constituencies to pursue program development or special initiatives, address personnel challenges, subscribe to accreditation mandates, and work with constituencies external to the school and college. Other interesting vignette topics could include budget, working with donors, and balancing the vision of central administration with the needs and interests of school-based faculty and staff. Through discussion and coaching, practicing and prospective deans can become connoisseurs and critics of their actions and the impact of these actions, which can be an important source of professional development.

As the four deans discovered, this study helped them to be more self-reflective about their beliefs and actions in working through their own situations. This opportunity to reflect on what they were thinking and doing in relation to a set of characteristics and themes enabled them to see more clearly their own habits of mind and patterns of practice. If such self-reflective opportunities become more pervasive for other deans, it might help them to better envision ways to create cultures that work for them in relation to their stakeholders, which can help in outlasting the revolving door syndrome. Such leadership stability could help to sustain positive educational change which, in turn, moves the field forward.

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The Contemporary International Social Science Research Center: Guidelines for Effective Management

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The recent recession has highlighted many internal challenges that universities have struggled with for years: student quality versus revenue-generating quantity; prestigious research reputations versus the necessities of teaching and service; internationalization versus local missions; and affordability versus tuition hikes predicated upon decreasing state appropriations, dwindling endowments, and rising costs of facilities and maintenance. Successful institutions make tough and sometimes unpopular choices to maintain reputation and ranking. Entire colleges are reorganized or eliminated to meet these new economic conditions. For the surviving disciplines, nothing is guaranteed, and to these colleges the message is clear: become more cost-effective or face elimination. For many departments weighted down by bureaucracy and complacency, change is difficult, if not impossible. However, some, if managed effectively, provide models for creativity, innovation, and self-sufficiency.

This article focuses on those centers typically housed within departments and associated with social science disciplines, as opposed to the medical, physical, or technical sciences. Externally, state budgets have led to the former being viewed as either profit centers or expendable budget items. Internally, centers can be viewed as necessary instruments for faculty collaboration or duplicative, autonomous units that undermine departmental authority. However, as with any organization, the success or failure of a research center depends on how it is managed—a skill not typically acquired during doctoral studies except for

the few students conducting thesis or dissertation research sponsored by a center. Typically, center management skills are acquired on the job, at great financial expense to both the university and the center. While these skills are acquired, the external environment is always changing, and a center's mission may change in response to such shifts as university internationalization. The purpose of this article is to explore some of the issues and challenges facing contemporary international social science research centers and offer effective management strategies for addressing common dilemmas and misperceptions.

Centers and Role Conflict

Geiger (1990) described contemporary organized research units (ORUs) as evolving from agricultural experiment stations, university museums, and observatories in the late 19th century, then developing rapidly after World War II as the U.S. government began funding scientific research. According to Geiger (1990, p. 4), these units were born out of necessity:

Certain types of research did not fit into the departmental structure, usually for reasons of size, cost, duration, and/or purpose: that is, the magnitude and/or expense of the research task itself overshadowed its pedagogical relevance, or the research task was continuous and thus did not fit well with the annual academic rhythms of students and professors and only secondarily to contribute to university instruction. Whichever the case, the solution of such anomalies was to create separate organized units.

From these humble beginnings, federal scientific research accelerated with the space program of the 1950s and 1960s. From social sciences, mounting social problems during this era resulted in President Lyndon B. Johnson's Great Society programs, comprehensively addressing poverty, health, education, and transportation. The number of centers multiplied as research spending continued through the 1970s and 1980s, and then leveled off with recurring state and federal budget crises.

Today, ORUs are viewed by most universities as instrumental to their research mission. For example, Carnegie Mellon has more than 100 research centers and institutes, addressing interests and industries from the humanities, education, social sciences, medicine, and information technology. University centers even have their own national associations, including the Education Association of University Centers (EACU), Association of University Business

and Economic Research (AUBER), and the University Economic Development Association (UEDA).

However, Geiger (1990) pointed out that ORU origins as relatively autonomous entities have resulted in some positive and negative attributes that linger to this day. For example, organizational flexibility makes them more responsive to industry needs, allowing for great innovation; however, their relative autonomy can also create tensions with university departments in matters of appointments or resource allocations. Boardman and Bozeman (2007, pgs. 441-442) explored this inherent "role conflict" and felt it occurs because these units' research efforts are typically organized by problem rather than discipline and are aimed at research application and commercial development. This applied research model contrasts with traditional academic departments, which are primarily concerned with extending basic knowledge and publishing peer-reviewed scholarly articles.

Perhaps the most successful attempt to overcome this center-department dichotomy is the Alfred P. Sloan Foundation's Industry Studies Program, establishing applied research centers dedicated to specific industries at universities across the United States, with the core mission of improving U.S. industrial competitiveness. The first Sloan Industry Center, the International Motor Vehicle Program at the Massachusetts Institute of Technology (MIT), was established in 1990, and the program eventually grew to include 26 centers at 19 universities nationwide. The Sloan Foundation helped launch an independent, freestanding Industry Studies Association (ISA) that allows center directors and faculty to share research findings and effective management strategies. The Sloan Industry Centers emphasize applied, empirical research grounded in direct observation, yet stress the importance of research dissemination through scholarly outlets.

Another well-known program is the Economic Development Administration (EDA) University Center Program. According to the EDA, the program is intended to improve economies of distressed regions, through the mobilization of university resources to address local problems and opportunities. With EDA funding, universities establish and operate research centers that provide technical assistance to public- and private-sector organizations with the goal of enhancing local economic development. There are currently 53 EDA University Centers in 42 U.S. states and territories.

For the most part, Sloan and EDA centers are domestic research programs aimed at improving national economic competitiveness and local economic development.

Yet despite successful center programs and new initiatives, role conflict is a challenge that is likely to persist. Boardman and Boardman (2007) found that role conflict creates more work and prevents university faculty from performing effectively. Stahler and Tash (1994, p, 544) also noted that "collegial envy over privileges bestowed by centers through reduced teaching loads, greater resources, and sometimes higher salaries" and that the "pursuit of external funding is sometimes viewed as opportunism and entrepreneurial

While the relatively limited literature on ORUs' defines issues and challenges associated with role conflict, few articles address what can be done to resolve role conflict from a management perspective.

Larson and Long (2000) offered the following points toward realizing stable academic centers:

- Its mission is consistent with the university's mission.
- The center's initiatives fit within the university's overall research program.
- The center's mission is stable over time.
- Faculty work with or in the center.
- Faculty working in the center maintain ties to their disciplinary departments.
- Faculty meet department/disciplinary expectations, especially regarding the writing and publishing of peer-reviewed papers.
- The center director is a senior scholar.
- The leadership of the center does not turn over on a regular basis.

Despite these points, few articles offer insight into daily management of a successful center.

In sum, this article will explore commonly encountered issues and offer guidelines for effective management of a contemporary, international social science research center, including (1) funding, (2) internal challenges, (3) external challenges, (4) management, (5) outreach, and (6) media relations.

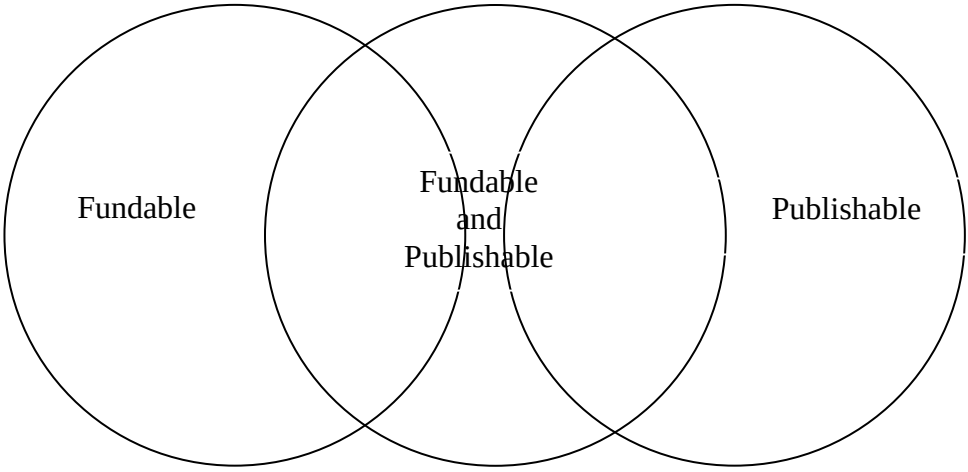
Beyond the Funding Dilemma

Today, universities are struggling to keep the lights on. Indeed, budgetary and funding issues lurk ominously above the university's core functions of education, research, and service. More than ever, centers are looked to for external funding and expected to be self-supporting. However, the increased focus on funding sometime hinders the peer-reviewed publishing requirements of center directors and faculty.

This familiar dilemma can be best illustrated as a simple Venn diagram (Figure 1) with two overlapping circles—one circle labeled "fundable" and the other "publishable." Normally, the center director's goal is to maximize the area where the circles overlap, attracting research that is both fundable and

publishable. In a perfect world, the center's research relevance would ensure that these goals are aligned, generating revenue and providing scholarship opportunities. These centers focus on research questions attractive to both external funding agencies and the editors of peer-reviewed journals. Increasingly, however, centers do not have the luxury of rejecting funding opportunities not directly related to its mission, in the long run sacrificing a sustainable research program that may lead to larger and more prestigious grants. This means work at the margins of the Venn diagram—pursuing fundable research necessary to maintain revenues or publishable research that builds credentials or perhaps even leads to more lucrative opportunities. In this era of budget crisis and fiscal conservatism, coupled with increasing costs and competition over fewer funding opportunities, the middle of the diagram—"the sweet spot"—has grown considerably smaller.

Figure 1
The Funding Dilemma



What types of funding should centers pursue? With few exceptions, social science centers may never obtain a steady stream of large, multiyear projects typical of the medical, physical, and technical sciences. Occasionally, these types of grants may be obtained from federal sources, but at tremendous expense of time, energy, and resources. Positioning the center to pursue such grants may take many months of crafting an acceptable proposal, and even then the university itself may not have legislative or lobbying support to make its

prior work in the research area (occasionally requested as "past performance") known to administrators and reviewers. Critics of a bloated university metropolis may argue that social science centers without such steady streams of research funding should not exist at all.

In the end, the cost of creating a public relations machine to promote research prowess may be substantially more than the grant award. Alternatively, the social science center could become a "proposal machine," generating many small-to-midsize proposals while continuing to cultivate larger funding options. Occasionally, consistent and high-quality work on small-to-midsize grants are rewarded by clients and sponsors in the form of expanding scopes of work and grant or contract funding. In addition, numerous small-to-midsize grants and contracts sometimes demonstrate a wide range of research capabilities better than a single large grant or contract dedicated to some specific question. Fortunately, many social science centers specialize in research areas where there exist some demand from public and private sectors—from assessment and diagnostic tools, to advanced statistical analysis, to economic impact, to geographic information systems (GIS)—a need that is currently filled by private research vendors. Here, a center may find a comfortable niche and realistic revenue stream in pursuing a healthy mix of grants and contracts.

However, it is precisely at this point—working at the fundable margins of the Venn diagram—that a center can become vulnerable, losing sight of the important role that peer-reviewed publications play in advancing careers, mentoring graduate students, working with colleagues at other institutions, and publicizing the academic value of the center's work.

The scope and content of a center can be a tricky proposition, as a successful center can quickly appear to be all things to all people. For some centers, research and service areas are traditionally limited to the state (particularly for some land grant institutions built upon the agricultural extension model) and therefore directly accountable to taxpayers. However, as funding pressures mount, many center directors have become painfully aware that to restrict the geographic scope of a center makes it somewhat hostage to local political jealousies and turf wars that can inhibit a steady flow of funding. A locally restricted center may have a great research and service model, yet little funding vision. As a result, these centers may change courses frequently, lurching fitfully toward the next local funding opportunity.

In this era of globalization, most constituents—even locals—understand that a center with a national or international focus includes them, too. Here, center directors must work hard to maintain a good local, national, and international balance. They must effectively promote local research products, as well as position the center's work as helping the state, the university, and its students' ability to live and work in the global economy. Most importantly, however, residents must see how a return on investment of their taxpayer dollars results in a more viable state economy for students and residents.

Other steams of revenue may come from the center's professional or continuing education programs, targeting non-traditional students and industry associations. A center many also use its dual teaching and research capabilities to serve as a convenient source of certifications, offering prestige and conferring credentials that a professional or industry association cannot offer on its own. For example, a research center may offer economic development certification credits on behalf of a local economic developers association. And a center may realize success in creating relationships with international universities that may result in a flow of students to a college's or department's traditional degree-granting program. For example, given its administrative flexibility, a center may play an active role in a university's goal to attract more students from China or India. However, although some of these activities may

rules may seem arcane. However, it is important to remember that the research award office protects researchers and the university from unfair client expectations that if not spelled out explicitly with a contract can result in lawsuit. Contracts submitted to university research centers can include clauses restricting publication and intellectual copyright. Internally, the research award office can assist researchers with identifying grant opportunities, payment collection, budget management, and in some cases, proposal development, and matching researchers with appropriate funding sources. In addition, such units also provide a documented verifiable record of center activity that may prove useful when the university administration and even other faculty question the center's value.

Social science centers typically are held to the same overhead expectations as the medical, physical, and technical sciences, which often receive multimillion-dollar grants. However, in some cases overhead may be negotiated, and a portion of it may be actually returned to the department or individual researchers for equipment, travel, or material or supplies. By showing monies brought into the university and department from external sources, these resources—culled from a grant's or contract's "indirect costs"—only strengthens the center director's role as a university contributor. Although some faculty may make a distinction between "research" grant and "service" grants, the university is usually grateful for any revenue-producing activity. These grants should be evaluated carefully regarding other potential returns including contributions to overall research brand and publication possibilities.

Ideally, centers galvanize faculty and resources to address a particular research question or focus. However, at times faculty recruitment can also pose a serious internal challenge. The tenure-track requirements for peer-reviewed academic credentials often influence the number, type, and quality of faculty available and willing to conduct center work. Recruiting faculty for center projects may be problematic if they are not rewarded for such activity explicitly within the university's tenure and promotion guidelines. Some of these guidelines are ambiguous, suggesting that such grant work is "highly desirable" and may influence a positive tenure outcome, although not weighted as much as placing articles in top-tiered journals. Indeed, young, bright assistant professors may find their tenure aspirations jeopardized if they work on a project that is high fundable, even prestigious, yet yields little publishable data or data that can only be adapted to journal formats with great difficulty, such as case studies. Similarly, an eager associate professor may find his or her prospects for full professor diminished when sidetracked by center work. Also,

the only faculty that might be available to work on a center project or even direct the center as a full professor may have little interest or financial motivation to make the center successful. It is here that the center director must be creative with personnel, using interns, doctoral students (if available), and faculty secure in their progress toward tenure and full professor, and even those who mainly might be seeking additional income. In some cases, consultants outside the university must be used to complete a project. Even if such a team can be assembled, the members' academic and social skills must fit the needs of the project and the client. Increasingly, the center director's position may be filled by an individual with some private-sector experience and thus experience with creative project and personnel management.

Given these internal conflicts, the overall relationship with the hosting department or school can be good, bad, or indifferent. In the best-case scenarios, the center and the department have a symbiotic relationship involving fluid exchange of faculty and resources, mutually reinforcing one another's goals and objectives. Here, the center may be seen as a value-added function of the department, bringing in additional monies and handling those applied projects that may not fit in well within traditional academic research. Conversely, there may be an unequal balance of power between the center and the department, with the center using its flexibility to accrue power within the university and local community. In addition, center-department relationships can sour when faculty feel they are entitled to the center's funding or data by simply being a department member. It is very important in these situations that the department chair and center director have a relationship based on open dialogue to address issues before they become problems, maintaining the academic and administrative connections between the center and department. However, in some cases, it becomes apparent that the scope of the research center's activities has grown beyond the department's scope, and the center should be reassigned to the dean's, provost's, or president's office.

External Challenges

Of course, a center's competitors may be less than forgiving, and often behind-the-scenes battles may be waged by groups essentially providing the same research product or seeking the same limited resources. These groups and firms (some employing university alumni) may even complain to university officials that the center's activities enjoy an unfair advantage of public university support and hence must be reduced in scope or altered in content. Indeed, because of university support, a center's activities are said to be offered

at a marginally reduced rate or "at cost" depending on the project and its ability to enhance the university's reputation. However, as project costs rise and state appropriations decrease, the fixed costs of doing business among public, private, and nonprofit groups and firms are beginning to approximate one another, resulting in more competition for limited resources.

Private-sector vendors may tell potential clients that university research is the sloppy result of unsupervised students, frequently behind schedule, or dependent on the university's schedule with semester and summer breaks. A center director may respond by pointing out to potential clients that these firms are often expensive and generalist in nature—upon close examination they may lack credentials for the task at hand, unlike many faculty who have labored for years exploring a research question or topic in depth.

Also, other public organizations—including some local agencies—that provide similar services and research may see the center as encroaching on their turf. For example, a state department of commerce may perform numerous functions also researched at the local university, including international business and trade. At the same time, the public expects the center and analogous public state or local agency to be brothers-in-arms, close friends if not close partners. However, the local agency may grow annoyed that it occasionally must answer questions about the center's work from a public that may see the organizations as extensions of one another. This scenario can become especially uncomfortable if the research disseminated by these two organizations seems to contradict one another. As a result, the local agency may want to keep tabs on the center's work without necessarily lending funding or support. These relationships can become awkward, especially in cities and states where the center does not have a standing research contract with the relevant government agency.

Center directors must foster partnerships and collaborations with the local agency—from data sharing to joint research projects to public workshops—yet at the same time realize that the center has a research mission separate from the local agency and that conversely a state agency may have a political agenda that influences the type of research it conducts. For example, a local or state agency may have little interest in international issues that may have broad and far-reaching implications interesting to the public and media. Conversely, the university center may show little interest in a local topic or place that has little interest or publishable potential but claims considerable political clout. The silver lining is that such lack of standing agreements forces a center director to

be entrepreneurial, always cultivating and pruning relationships and partnerships.

Chambers of commerce and economic development organizations are often broad and accessible enough that the center director can promote his or her research products to a larger municipal or regional authority. In turn, the center is recognized as capable of serving many needs and interests outside, but related to, its primary mission or focus. Even other universities can help promote a center's mission as collaborators, e.g., providing interesting local news about how they compete on the athletic field but work collaboratively in the boardroom to improve local economic development or quality of life. This collaboration also serves a political function, demonstrating to taxpayers that local universities are capable of sharing resources and reducing costs. Supportive individuals in a state or community can be designated "Center Fellows"—a modest, but effective way to reward supporters and making them feel as if they have some ownership of the center and its activities. Finally, media outlets such as newspapers, magazines, and websites can be cultivated as "friends" and in turn provided with access to a center's project results and data, if not considered proprietary by the sponsor or clients.

Effective Management

After all these social and political considerations, a director must actually manage the center. Adopting the language of private-sector friends and colleagues, a center director speaks of business development, identifying leads, and cultivating clients. For many new directors trained in traditional academic units, how to conduct business development may prove difficult, even elusive, yet it is critical for identifying potential funding sources. Without previous center experience, a new center director might identify a mentor in a similar, but not directly competitive position—perhaps a dean or department chair with a flair for making things happen. However, much of business development depends upon innate social skills with a healthy dose of intuition. To identify leads and cultivate clients, the center director must mesh with business people and industry leaders, showing true interest and enthusiasm for industry functions as well as association meetings. These functions provide an excellent opportunity to network and exchange business cards with which directors can build a database of potential sponsors and collaborators. With residents who may be supporters, clients, and research subjects, a common touch is crucial in dealing with local residents and the ability to couch complex research findings in everyday language without sounding condescending or obtuse or "dumbing

down" data that may have serious policy implications. Successful center directors accept speaking engagements and present Power Point presentations to make potential clients aware of what his or her center offers. Above all, the center director must appear earnest, professional, and willing to help both in the university and surrounding community.

However, not all work is paid work, and occasionally a center director may provide pro bono work, such as free data collection and/or analysis, if he or she thinks it may lead to future projects and enhance the university's visibility and overall mission. While the university center may not be earning much money (and as nonprofits they are not in the business of making money), it is perhaps in funding its own research and probably advancing the university's reputation that will lead to greater funding and development opportunities for the institution overall. Focusing on institutional reputation is particularly important in this age of ratings and rankings. In most social science disciplines, the grants and contracts are too modest to measure a center's success and value to the university only in monetary terms.

Some clients will know exactly what they want and how they will want the project to be done, while others will only have vague ideas. Consequently, the center director may have to take good notes and essentially write the proposal's content for them. Initial proposals—from purpose to cost—should be open to client suggestions and comments. Some potential clients are never heard from again after a proposal has been submitted to them, while others seem to appear out of nowhere sometime after proposal submission—typically after a meeting in which some board member demanded they demonstrate ROI (return on investment), which may lead to renewed interested in the research project.

Experienced researchers know to ask the grantor organization for a copy of the previous year's successful grant (if not proprietary and available to the public) before writing and formatting their own proposal to the same agency. However, successful proposals and projects ultimately depend on knowing the client. Due diligence about the potential client must be done before accepting the grant or contract—some clients know the research process and have reasonable expectations; some are never happy and will poison the well of future projects.

In the best cases, public officials have access to line-item budgets that can partially support the center. Entire university departments have been budgeted as state or congressional line items. Keeping these individuals happy also

keeps the university happy. However, given that these officials are perpetually seeking votes, they have very little tolerance for controversy or research that contradicts their perspectives. In such cases, the center must be very conscious of its own connection to taxpayer dollars. While cutting-edge research may be newsworthy, it can also attract unwanted attention from bureaucrats, especially if the topic is new or controversial. There is also the problem of public officials wanting to "co-opt" the center's research and use it for their own gain. These individuals must be reminded that the research center has a mission outside the industry and public sector, although it always remains open to suggestions and comments.

Students are at once clients, staff, and products. They often value the applied nature of the center's work, whether directly involved or in the classroom. With appropriate talent, skills, and supervision, students can help shore up staffing deficiencies. Project funds may be used to support doctoral and master's students. Internships with public agencies and private-sector firms can reinforce partnerships and collaborations with these organizations. In some cases, the center's funding scope may also be broadened by placing interns in related industries.

Effective International Outreach

With an ever-increasing range of objectives, activities, and geographic scope, center directors must have a flair for weaving these sometimes disparate pursuits into a coherent narrative and become adept at storytelling. The director tells a story about the successful center and at the same time "sells" the story to the public, university, faculty, and students. The best stories have a recurring theme—a storyline that runs throughout the center's program narrative. For many social sciences, that story line may be "economic development" (see Shafer and Wright, 2010) or increasingly, "international development." In this way, the director positions the center as crucial to the business, industrial, and commercial fortunes of the state and its communities. Another storyline may be "public good"—that information necessary for planning and/or policy. Who among the most cynical of administrators and public officials could disagree with center missions of economic development and quality of life? Yet they do occasionally—and ask how the center is addressing complex, social, cultural, economic, and environmental issues that are typically the domain of government and the private sector.

Globalization and international outreach are important agenda items for many college presidents and administrators. Here, a center's characteristics, size, and flexibility may make it better able to respond to and initiate international programs of collaboration and exchange. For example, a center that forges a partnership with an international university might provide research opportunities for exchange students and visiting scholars related to their home countries. The center might use study-abroad experiences to integrate research and service learning by offering an international experience to students. Centers across universities and across seas may collaborate to bid on an international research project. Also, centers may host conferences that bring quality international scholars to campus.

Of course, many of these activities cost money, especially with regard to travel, making some international relationships difficult to forge and maintain. There is also literally a world of potential university partners, underscoring the importance of selecting an appropriate partner. The center director must focus on international universities that have sufficient resources to help maintain the relationship. Many times, these relationships are rewarding for the positive attention they bring to the university and the center; but again, a balance must be struck between local and global research interests.

Working with the Media

Promotion is as important to a center as it is any business. A center director promotes himself as well as his center, as his words and actions embody the center's missions and values. In addition to public speaking, newspaper articles and press releases are very effective in communicating the center's research activities—most of the center's materials published by the media circulate on the Internet for months and even years. These days, printed newspapers can prove expensive and difficult to amend; however, periodic email newsletters can be very effective in informing supporters and in attracting new clients. Similarly, a good website and perhaps even social network tools such as Facebook and Twitter is crucial to sharing the center's work and announcements and can be used as a marketing tool, providing sample research products and suggesting new product lines, rather than simply be an academic resource or electronic curriculum vitae.

These materials must be compelling and well-written—having access to a professional editor and a graphic designer is a good idea. Center directors should define or target their audience(s) and write to them specifically. Articles

and press releases are then passed on to the university's media office for approval, ensuring that the information released stays "on message" with the university official line. In the best cases, this office is supportive and helps generate new leads through the center's news. However, at any given time, a director may find his news lost in the shuffle. Knowing that a story will likely be lost in the university's media machine, a center director may be tempted to contact the state or national media directly and risk contradicting the official university line. A better strategy for a center director might be to persuade the client to write and disseminate the press release about the project. This gives the project more industry credibility, and also a better chance of being picked up by state and national media as newsworthy to a larger audience. In general, the more the center director circulates among the public and business community, the more the media will view the center as a news source.

News from or about a center must be timely and relevant, as well as interesting to multiple constituents. To this end, a center director sometimes must spend more time after the completion of a project to package and position the work as somehow related to an emerging problem. For example, after 9/11 many social sciences—from communications to urban planning—found issues relevant to homeland security.

Tips for Effective Center Management

- While pursuing research opportunities that are both fundable and publishable, focus on a healthy mix of grants and contracts.
- Become a "proposal machine," generating small-to-midsize proposals while continuing to cultivate larger funding options.
- Adopt a local-to-global ethos, recognizing the impacts of globalization, but also expand funding opportunities.
- Adopt private-sector business practices regarding lead generation, cultivation, and proposal generation, while conforming to university rules and regulations.
- Be creative with center personnel, using a mix of students, faculty, and consultants.
- Foster partnerships with local and state agencies, associations, and private firms, yet at the same time realize that the center has a separate academic mission.
- Partnerships can include data sharing, joint research projects, and public workshops.

- Invest in relevant association membership, events, and industry functions as a means of expanding potential clients and research partners.
- Know your potential client—do your homework to fully understand their needs, motivations, and preferences before committing to a project with them.
- Have a center brand narrative—a theme or story that links most center activities.
- Use the university media office, as well as local, state, and national media, to get the word out.
- An effective web and social network presence may include a description of services offered and downloadable examples of past projects. News articles about the center, resources for clients, and opportunities for partnership with the center may also be communicated through websites and social networks.

Conclusions

The only antidote for the daily stresses of center life may be learning how and where to find balance. For example, seeking contracts in addition to grants may ease some funding pressures. In addition, adopting a "local-to-global" ethic may help provide new funding opportunities. However, a successful center director must always seek middle ground between funded projects and those efforts that simply generate good press and good will. In addition, the successful center director must consistently work in that space between the university and community power brokers and the grassroots clients and supporters in most need of the center's research.

Achieving balance, especially while juggling the basic requirements of research, teaching, and service, can be difficult. However, far from discouraging, center work can be rewarding, even enjoyable. For example, Bunton and Mallon (2007) found although center and institute faculty were more likely to be dissatisfied with their mix of activities, they were more satisfied with job security and autonomy. In addition, Boardman and Corley (2008) found that center affiliation seems to foster collaborations with industry and other universities—making these off-campus interactions an attractive component of center work. Finally, center directors may be allowed to do some limited consulting and often leave or retire from their position with a wealth of business and industry contacts that can last a lifetime. And on a simpler side, like many academics, the center director finds value in friendships created along the way.

In sum, the dire economic consequences of some colleges and universities in the wake of the recent recession promise to change higher education in ways not seen since the turbulent 1960s. For better or for worse, the pursuit of funding will cause all university administrative and academic units to re-evaluate funds and expenditures. However, just as some people see lower stock values as an opportunity to get in on the ground floor, so will some universities see this era as an opportunity to create a leaner, more entrepreneurial institution that achieves a fine balance between industry and academia and becomes more responsive to clients and constituents. If it can address role conflict and adopt successful strategies, the contemporary international social science research center has an opportunity to move from the periphery of the university metropolis toward the center of campus life.

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Early Interventions in the Graduate Admissions Process: Encouraging Helicopter Parents to Land

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It was just another normal day in the graduate admissions office. I was making some phone calls to students who had recently applied to a graduate program to introduce myself as their counselor and to see if they had any initial questions, leaving voicemail messages for most. About a half an hour later, I got a call back from an applicant…or so I thought. I picked up the phone and introduced myself as a graduate admissions counselor and heard a parent identify himself, "Oh, hello, this is Mark's father. I received your message about his application, but he is in New York right now. He does music therapy with the elderly there and even though I'll pass your message along to him I wanted to call back quickly to let you know we've received it."

While letting me know that he had received the message was a nice enough gesture, the father went on to ask me if I had seen the movie *August Rush*. When I said I had, he continued to tell me how his son was so much like August Rush that it is almost uncanny. His son is so intuitive and gifted and the father expressed that he wasn't sure if I was in admissions or not, though I had already introduced myself as being so, but that he hopes I am writing this down and keeping it for reference for when his son's application is reviewed. He also threw in that while his son may not be the best academically, his musical gifts make up for that.

I suppose that would be relevant if we had any form of a music program at my institution (which we don't), and also if a parent's opinion of their child held any weight in the admissions review process (which it doesn't). I'm sure this is just one of many stories that any graduate admissions professional could tell you on the spot. Just when you think you've heard it all, a parent calls and you realize you haven't. And also that you really can't make up this kind of example. So, in a higher education generation characterized by "helicopter

parents" and "millennials" how do graduate admissions professionals address these issues? It is something we deal with almost every day and it's not going away, in fact it's probably only going to get worse.

There's currently little advice or research on this topic specific to graduate admissions, with almost all of the research within these topics being geared towards undergraduate admissions and parental involvement. Fairbanks (2010) comments thoughtfully on what professionals are experiencing by saying, "As the millennial generation, born roughly between 1978 and 2000, grows up, they carry habits, well honed in the undergraduate admissions process, into graduate school" (p. 2). Many parents are very well intentioned, but how do graduate admissions professionals navigate this new generation without much documentation on how or where to start? In this article, I will discuss the gap in literature between parental involvement in the undergraduate versus graduate admissions processes, explain how the expectations of graduate school in general should be reflected in the admissions process and conclude with some recommendations for professionals in the field.

If you Google search "undergraduate admissions and parents" you'll get over 10 pages of related hits from academic and scholarly sources giving advice for professionals and from colleges and universities offering advice for parents and keeping them involved in their child's admissions process. It all seems to make sense and has set the baseline for what is acceptable involvement for parents. Further, these sources inform both parents and professionals in a meaningful way. If you then Google search "graduate admissions and parents" the results look a little bleak. No scholarly sources come up and in fact, no real articles related to parents specifically in the graduate admissions process either. What you'll find are graduate admissions office's web pages, a couple undergraduate parent pages and not a whole lot of useful information for dealing with parents in the graduate admissions process. So, what's the big deal? My first thought was that the advice in the undergraduate admissions arena must be applicable to graduate too. Or maybe that it is assumed that parents aren't involved in graduate admissions (even though we all know this isn't the case).

After reviewing some of the recommendations found for undergraduate, the literature lets parents know that it's okay for them to help their child plan campus visits, to attend open houses and admissions interviews, to help them with their essays, and to even contact the admissions and financial aid offices for their child if questions arise (Bierer, 2011). I would argue then that undergraduate parent principals cannot be transferred into graduate admissions

because, frankly, these things are not acceptable for aspiring graduate students. Yet, this is a time where parents and their children are friends more than ever and are in constant communication, so parental involvement and even helicopter parental involvement carry right into the graduate admissions process as being acceptable.

Part of the reason this involvement is unacceptable is because graduate study is different than undergraduate study in ways that require students to be more autonomous. Increasingly, admissions professionals are looking for this autonomy in their potential graduate students as an indicator of success once enrolled. Veritas Prep. (2009) states, "While the intentions of over-involved helicopter parents are generally benevolent, such intervention can negatively impact their student's chances of admission. Graduate school admissions officers are becoming increasingly sensitive to how well an applicant has defined his or her career goals…when parents lead their child through the application process, this lack of introspection often emerges in the applicant's admissions essay or evaluative interview." (p. 10.) Instead of the undergraduate ideals of flexibility in major, the ability to be "undeclared," and a time marked by self-discovery and learning, graduate school requires that students think of coursework as just the beginning and to think of graduate school as a job, with more reading, more work and more critical grading. Students also have to begin to think about school as something that is assimilating them professionally into their desired field and they have to act as professionals (Kuther, 2011).

If these are the expectations of graduate school, then they should be the expectations in the admissions process as well. As Fairbanks (2009) comments, "If they're not taking ownership of the application process, it makes you wonder – is this person going to take ownership in life, without someone pushing him or her?" (p. 1). It makes you wonder if the person is going to be successful in graduate programs that require students to take ownership in order to succeed. The majority of what you learn in graduate school is sparked by experience, self-actualization and inquiry so how you develop professionally is entirely up to you. The student's parents cannot guide them through the experience and self-actualization process once enrolled and the perceived maturity level of the applicant is scarred when a parent is too involved, making admissions professionals question their aptitude for graduate study and hurting their application in ways it may not have been affected if parents were advised beforehand about the importance of letting their future graduate student take the wheel.

Graduate students at Auburn University surveyed their peers about their preconceptions about graduate life. Respondents reported a variety of things such as expecting it to be an extension of undergraduate work, believing that students who were successful as undergraduates would be automatically successful graduate students, and that graduate school would require more hands-on experience than undergraduate education. However, almost all graduate students surveyed reported having been very unaware of the highly autonomous nature of graduate school (Cox, Cullen & Buskist, 2008). Cox et al. (2008) report that they did not anticipate that professors who served as their major advisors would refuse to hold their hands…The most difficult aspects of becoming a graduate student included increased need for time-management skills, the ability to balance a variety of academic responsibilities and the courage to do graduate school so alone. (p. 28).

I find it interesting and wonder if one of the hardest aspects of graduate school reported as "having to do it alone," is a result of parents being too involved in the admissions process, staging the illusion that the often more caring, comfortable and guided process of undergraduate education will continue into graduate education. One thing I know for sure is that graduate school requires more autonomy, whether it be at a large or small, public or private institution, a nonprofit or for profit, and that students who take ownership of their admissions process demonstrate a capacity for this autonomy, while others who rely heavily on parental involvement do not.

While the current recommendations are scarce, the issue of parental involvement is not going away and graduate education isn't going to become any less autonomous, so it is time we, as professionals, start thinking about how to address it in a meaningful, proactive way and in an approach that is specific to graduate admissions. I share my thoughts below:

1. Host an event for your own undergraduates at your institution.

While all of your current undergraduates may not be applying to your graduate programs, you can educate them in general and help out your fellow graduate admissions professionals by doing so. Hold an "applying to graduate school" or "expectations of graduate school" event for your current juniors and seniors and include slides and information about what is acceptable in the graduate admissions process and how it is going to be different from their undergraduate admissions process. Change can start with this level of conversation.

2. Send information to prospective students about some of the expectations of graduate school and the admissions process.

Whether it be by mail, email or in-person, it is important to not keep the expectations of the admissions process a secret. Let prospective students know from the initial contact what is expected of them. If many of the students whose parents were too involved in the admissions process knew about these expectations upfront, they may have asked their parents to let them take the lead and to begin getting comfortable with asking their own questions and advocating for themselves. There's enough research on the fact that students are the ones enabling their parents when they are too involved to validate the need for more information in this area. As Hoover (2008) states, "It's not just parents hovering, it's students wanting that hovering" (p. 1). Professionals can also encourage prospective students to seek professional advice and essay and resume help from their current professors or supervising professionals at their place of work in addition to their parents. Speaking to current graduate students is also an effective way for prospective students to clarify and feel more at ease with taking control over their admissions process and graduate studies. Offering opportunities for prospective students to converse with your current graduate students is a great way to engage prospective students and give them a chance to hear about expectations from their peers. These types of opportunities should be supported and encouraged by graduate programs by giving small incentives for current students to get involved.

3. Add a parent letter to your communication cycle or develop a potential graduate student parent's webpage.

Again, information is key. I'm willing to bet that if most of the parents who were too involved in the process knew that they were actually negatively affecting their child's chances of admission and how they are perceived, they would take a step back. Or at least think twice before engaging in it. Sometimes it becomes hard for professionals to remember that helicopter parents mean well and in many cases are encouraged by their child, who are the ones asking them to initiate communication with admissions professionals. But a sole admissions professional probably doesn't feel comfortable on a case to case basis telling a parent point blank that they are too involved. Peterson's offers some transferable advice for parents that is general and not too critical, but will get the point across. This advice includes letting the child initiate questions and attend their interviews solo and acknowledging that they are not the ones going

to college, so their child should always have the starring role in this process because they'll be in charge of their own lives after the decision is made ("College Admission," 2011). They advise, "This is the time to teach them to hold their own reins morally, financially, and even clerically" ("College Admission," 2011, p. 1). It is never okay for a parent to call and ask questions on behalf of their child, it is never okay for them to attend admissions interviews and it is never okay for parents to confront admissions professionals about the admissions status of their child. The most important role a parent has in the graduate admissions process is being supportive and caring because their involvement and input does matter to the student and can positively influence their success. But this involvement and input should be communicated as something that happens behind the scenes, individually and personally with their child.

4. When parents become too involved, rely on FERPA.

When you still get the *August Rush* phone calls and feel the effects of the helicopter parent generation, and we will, turn to the law. The Family Educational Rights and Privacy Act of 1974 limits what professionals can tell parents about their child's academic and social information. The law is based on the notion that students are adults and what they do in college and during the admissions process is not their parents' business, without proper consent (White, 2005). This act gives professionals a way to politely and legally say they actually cannot give up any information about a student when the parent calls asking for it. While parents will still call asking general questions and inquiring about information for their child not about their child, this law sets a legal boundary for when parents cross the line of inquiring and intruding.

In conclusion, easing the tensions of helicopter parents and making sure negative parental interactions do not affect the admissions process starts with the prospective student. Boundaries need to be thought about and set before a student begins applying to graduate programs and well before they are admitted into one to ensure that all involved parties are informed and can make decisions based on the information given and expectations set. We will most likely never eradicate the epidemic of inappropriate parental involvement in the graduate admissions process, but early intervention by the student and by the professionals can help ease the current tensions in the field and might even help better prepare students for graduate education and achieving autonomy.

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Legal Precedents for Higher Education Accreditation

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Each year hand-picked teams of higher education faculty and administrators take a few days out of their professional development schedules to attend regional accreditation annual meetings. Colleges facing accreditation visits in the next few years send more faculty than usual, swelling their presence beyond the one or two usual administrators in attendance. Billed as conferences with professional development sessions, these conferences are also complex spaces where politics play out, particularly in the "Annual Business Meetings." At these meetings, the governing body of an accreditation organizations calls for votes on business items including decisions to reaffirm or withdraw the accredited status of an institution. Most votes pass in near unanimous fashion with little fanfare.

However, the June 25, 2009 Annual Meeting of the Southern Association of Colleges and Schools' Commission on Colleges Board of Trustees (SACS-COC) determined the future of Paul Quinn College. In the preceding years, the small historically-black college in Dallas, Texas underwent the intensive process of self-study, review, and response to the SACS-COC site visit team's report. In the site visit team's report back to the SACS-COC the site team found numerous concerns over the financial solvency, assessment, and evaluation practices at Paul Quinn College. Paul Quinn College was not alone as the SACS-COC had taken adverse action against four other institutions (Southern Association of Colleges and Schools Commission on Colleges, 2009). The SACS-COC had voted to suspend the accreditation of numerous other colleges ranging from small community colleges, to research institutes, and large doctoral degree granting universities. The vote passed to remove Paul Quinn College's accredited status; by August 18, 2009 the College's appeal was denied by the SACS-Appeals Committee and Paul Quinn College filed an injunction seeking reinstatement of accredited status on the grounds

that the SACS-COC "violated the College's due process rights under the common law and those set forth in the Higher Education Act" (Paul Quinn College v. The Southern Association of Colleges and Schools, Commission on Colleges, Inc., 2009). To date, Paul Quinn College remains accredited by the SACS-COC (Southern Association of Colleges and Schools Commission on Colleges, 2011) and on April 13, 2011, gained accredited status with the Transnational Association of Christian Colleges and Schools (Paul Quinn College, 2011), a national accreditation organization recognized by the U.S. Department of Education.

While this action made Paul Quinn's legal injunction moot, the potential for reshaping the context of laws governing higher education administration also formed and offers useful insights for higher education administrators. The historically-black college was founded by African Methodist Episcopal ministers in 1872 with the original purpose of educating freed slaves and their children. On his blog, Paul Quinn College's president, Mr. Michael Sorrell, calls the vote on the College's accreditation "the most important event in the 137 year history of the College" (Sorrell, 2009, para. 1). What was unique about these events was the extreme detriment the loss of accreditation represented for Paul Quinn College. Of Paul Quinn College's 567 students, ninety-seven percent receive federal assistant and most require this assistance to attend college[5]. These actions could have sparked a healthy debate over accreditation policies, contract law, and the U.S. Constitution; a debate that has ebbed and flowed in higher education for a half century. As "institutional effectiveness" (Southern Association of Colleges and Schools Commission on Colleges, 2010, p. 25) is one of the most often cited principles in violations of accredited status, assessment practitioners and campus administrators should familiarize themselves with the legal doctrine and history guiding judicial involvement in higher education accreditation. Whether an institution faces eminent legal actions because of adverse accreditation decisions or the practitioner is looking for solid responses to the age-old question of "Do we really have to do assessment and institutional effectiveness?," a review of the legal doctrine and history of accreditation can prove insightful.

In this article we review the legal foundations of accreditation in American higher education. We offer practical guidelines for campus leaders and assessment practitioners seeking to learn more about legal doctrine as well as those interested in compelling participation in assessment and evaluation activities. First, we provide the context and history of accreditation as a voluntary and privately-controlled process. From here, we outline four

important legal concepts we believe every campus leader and assessment practitioner should know regarding accreditation: *reasonable expectations, state action, entwinement,* and *common law due process*. We provide the legal history of these concepts and, subsequently, pinnacle cases in accreditation, focusing primarily on regional accreditation and the cadre of cases supporting these primary legal arguments. From here we synthesize these contexts by spelling out potential future developments in the law guiding American higher education accreditation. As scholars of assessment and higher education law, we offer our thoughts on recent and future developments and examine the shifting relationship between the courts, institutions, and accrediting agencies.

An Overview of Accreditation and Legal Doctrines

Accreditation in American higher education is a process ensuring quality in higher education through peer review. Scholars (Banta & Associates, 2002; Ewell, 2002; Driscoll, de Noriega, & Ramaley, 2006) recognize two distinct forms of accreditation: regional and professional accreditation. Regional accreditation is organized into six geographic areas (Council for Higher Education Accreditation, 2011) whereas professional accreditation is organized according to disciplinary lines usually on a national or global scope (United States Department of Education, 2011). There may also be specialized forms of accreditation, for example the Transnational Association of Christian Colleges and Schools is recognized to accredit religious institutions. Under the Higher Education Act of 1965[1], the U.S. Department of Education Secretary must publish a list of nationally recognized accrediting agencies determined to be credible authorities in education or the discipline. Although certainly concerned with accreditation, the U.S. Department of Education does not accredit institutions directly, reserving this responsibility for those organizations it deems reliable.

The Higher Education Act of 1965 is not, however, the U.S. government's first attempt to address concerns of quality in higher education. The Veterans' Readjustment Assistance Act of 1952[2], a reauthorization of the Servicemen's Readjustment Act of 1944[3], was designed to improve benefits for Korean War Veterans and provided educational benefits with specific stipulations as to the quality of institution at which these benefits could be used. Eligibility for

[1] Higher Education Act of 1965 § 401, 20 U.S.C. 1099b.

[2] The Veterans' Readjustment Assistance Act of 1952 § 3695, 38 U.S.C. § 3695

[3] The Servicemen's Readjustment Act of 1944, 30 U.S.C. 268

federal educational assistance for veterans was limited to students enrolling in institutions accredited by an organization recognized by the U.S. Secretary of Education[12]. Rather than establish a federal ministry of education for higher education institutions, the 1952 Act established the federal government's reliance on accreditation agencies to determine quality.

Further still, regional accreditation served as an established model of peer review well before the veterans' support acts of 1944 and 1952. The familiar peer-review process of constructing a review portfolio and hosting a site visit team has been employed in higher education since the late 1800s (Wellman, 1998). Accrediting bodies formed with the specific intent of recognizing reputable institutions while limiting the expansion of "fly by night" schools. During the late 1800s and early 1900s, American higher education and society were undergoing a great spirit of professionalization and recognition from a professional association became necessary for most institutions to operate as legitimate enterprises (Cohen & Kisker, 2010). The New England Association of Schools and Colleges, Inc., the nation's oldest regional accrediting body, was found in 1885, the Middle States Association, in 1887, and The Southern Association of Colleges and Schools was founded in 1895. By 1923, when the Western Association of Schools and Colleges formed, the familiar structure of American higher education regional accreditation was set and many professional organizations followed suit (Council for Higher Education Accreditation, 2011).

Introduction to Applicable Legal Doctrines

While this structure may be familiar, it may be less familiar to campus leaders that accreditation is a voluntary activity and accrediting bodies are private entities rather than federal agencies. Assessment practitioners and other campus administrators often tout accreditation processes as having strict consequences in terms of federal expenditures and indeed, accreditation is an important key to federal support. However, accreditation is legally viewed as a voluntary professional option to which the institution assents. While countless hours are spent collecting data and generating reports for accreditation agencies—many of which call Washington, D.C. home—they are not governmental bodies and do not hold the same rights, responsibilities, and privileges as state or federal governments. Further, these energies are expended because an institution sought out accredited status; not by governmental mandate or decree. Of course, this view of accreditation neglects the reality that without accredited status an institution is ineligible to receive federal funds

and students may not use federal aid at non-accredited institutions. The vast legal implications of the balance between the private, voluntary, membership-based nature of accreditation and the public funds it protects are at the core of virtually every argument and finding in higher education accreditation lawsuits in the last half century.

Many accreditation agencies have policies in place to distinguish themselves from government agencies; and, as we will, see some agencies neglect to follow their own policies. However, most professional and regional accrediting organizations act as *amici curiae* or "friends of the court," and, though voluntary, one could hardly argue regional and many professional accrediting bodies do not command great respect as lobbying forces, purveyors of accountability, and, occasionally, as sources of expert witness testimony for the judicial system. This privileged status affords great deference to the professional judgments of accreditation organizations. Nonetheless, as private entities, accrediting agencies are prone to corporate, common laws, and contract laws of the state in which they are housed and, as such, are guided by their own articles of incorporation, bylaws, and policies documented in their charters.

In dealing with contract law, courts often rely on the tried and tested legal doctrine of *reasonable expectations*. This doctrine—first laid out by Professor Robert E. Keeton (1970) in *Insurance Law Rights at Variance with Policy Provisions*—has generally been used as a test to protect the weaker party in a contractual relationship; the party with less knowledge of the intricate workings of an agreement or with less economic power. Such contracts are also often referred to as *adhesion contracts* because of the unequal bargaining power which threatens a true equitable *meeting of the minds*, another required element of a valid contract. Speaking specifically of the relationship between an insurance company and the "unsophisticated insured" (p. 964), Keeton developed this concept so as to balance the powers between an individual citizen and a large insurance corporation. It is said that if an average, non-legally-trained citizen carried an objective and generally-accepted expectation that an action will occur as a result of a contract, this expectation should be "honored even though painstaking study of the policy provisions would have negated those expectations" (p. 967).

Across time, the legal doctrine of reasonable expectations has extended to a variety of other realms besides insurance and include the notion that only a judge can determine what a reasonable expectation might be by *sifting the*

evidence and weighing the facts (Henderson, 1990). The plaintiff's lawyers must provide evidence in the form of the contract words or phrasing, related pamphlets, websites, reports, slogans, or other miscellaneous forms to meet the burden of establishing a reasonable expectation. If given enough time and resources, any artifact of a private entity's operations can serve as evidence for a judge to determine if the reasonable expectations doctrine has been met. Websites, communications, marketing efforts, pamphlets, signage, and numerous other artifacts have been used to establish the reasonable expectations a common plaintiff might obtain from an empowered defendant. This is a unique facet of contract law and applies solely to those (usually private) entities engaging in contractual circumstances.

This is not to say that state and federal laws do not apply at all to accrediting agencies or the institutions they represent. A variety of legal "triggers" have developed from case law across decades and the judiciary restricts the powers of private entities if an institution operates in place of the state; a legal concept known as *the state action doctrine.* If state action can be found to exist, the Constitution and governmental policies are brought in to play and, in fact, trump private corporations' policies or bylaws through Article VI, Clause 2 of the U.S. Constitution. This clause of the Constitution is also known as the Supremacy Clause because by its wording it exerts the supremacy of the Federal Constitution over all other law, statutory and common, public and private, within the borders of the United States. Moreover, the concept of state action adheres to the divvying out of federal dollars since the mere receipt of federal funds in any branch of the university triggers state action and applicable Constitutional laws for the entire university (Gehring, 1994). That is, if an organization is found operating as an arm of the government or on the governmental payroll, applicable laws limiting the government apply.

Accreditation agencies tend to serve as mediators of federal policy, seeking to work toward contemporary political aims and lobbying for the efficient and ethical distribution of federal dollars throughout higher education. While accreditation results in the receipt of federal aid for institutions, the accreditation body does not directly provide federal funds to the institutions and in fact never "touches" federal dollars. State and federal governments rely almost exclusively upon accrediting agencies to identify high quality institutions eligible for financial aid and other funds administered by governmental agencies; but the federal government does not—or at least should not—become involved in the governance or finance of accreditation agencies themselves. Instead the federal government relies upon accreditation

agencies to act as a private organization in identifying high quality institutions eligible for aid dollars.

One might consider this governmental reliance on accrediting agencies as *de facto* state action and, as we will see, many institutional legal counselors have argued as such. The complexity of the legal guidelines related to higher education accreditation can be described as a unique balancing act. One the one hand, accreditation agencies are viewed as private, voluntary, membership corporations governed by their bylaws and charters through contractual agreements. On the other hand, the federal government has created a situation wherein its funds are only dispersed to accredited institutions, making accreditation a mandatory condition for most institutions' survival and extending the reach of the government into education considerably.

This quandary is not without prior precedent, though the case law and rulings on this matter are growing more complex. To provide a working knowledge to campus leaders, we outline the arguments and findings of core cases every campus leader should know and present complex questions for the future of the institution/accreditation agency relationship. At the core of this complex relationship are questions such as "Do accrediting bodies, though private, act under the aegis of the state?," and "Does the highly harmful repercussions of losing federal funding by losing accreditation warrant a great

State of North Dakota and then Governor William Langer sought injunctive

found the Associations policies to be sufficiently fair and well-crafted so as to find no arbitrary and capricious behavior.

Secondly, and perhaps most importantly, the *North Dakota* case firmly established the idea that accrediting bodies are voluntary, private organizations. Judge Treanor's response makes no mention of the applications of Constitutional law or federal policies, but instead focuses on the idea that, "the association being purely voluntary is free to fix qualifications for membership, and to provide for termination of membership of institutions which do not meet the standards fixed by the association" (line 699). Judge Treanor concludes his treatise stating, "the remedy of the university and of those responsible for its welfare lies within the constitution and rules of procedure of the Association, which the University has voluntarily assented to. It has a right to be heard and a right to review, and until the day of exhaustion of remedies within the Association, this court has no right to interfere" (line 700). Judge Treanor's arguments have been cited in nearly all major subsequent litigation pertaining to accreditation. His decision not to focus on state action but to highlight the association's right to create its own standards firmly established the power of accreditation agencies to control the conversation on quality in education. Given the clarity with which the North Central Association published its standards, it would be reasonable to expect an institution to be removed from accredited status if a standard were violated. In short, Judge Treanor's decision upheld the concept that the relationship between the institution and accrediting body was nothing more than a standard contract, governed by basic contract theory. There existed two competent parties, to wit the North Central Association and the universities. There was a "meeting of the minds," the criteria and expectations were clear and reasonable such that each party truly understood that to which it was agreeing. Finally, there was "consideration" paid in that the North Central Association would provide its "stamp of approval" and the universities would provide a certain level of mastery in the areas of review; a contract—nothing more and nothing less.

Finally, the *North Dakota* case established a precedent wherein the courts defer to the governing documents and expertise of accreditation agencies in arriving at their rulings. For three decades following the 1938 appellate court finding, the idea that accreditation agencies were subject only to the non-arbitrary application of their own standards and bylaws enjoyed firm footing in American jurisprudence. Judge Treanor's opinion does not explicitly articulate his deference for accreditor's expertise. Instead, his argument to defer to the accrediting agency is presented as a matter of law and he leaves the question of

expertise to be implied in future interpretations of his affirming opinion. However, Judge Treanor's argument that his court had no reason to interfere with the operations is tantamount to latter explicit articulations of a doctrine of deference to accreditation agencies. His argument would form the basis of a later opinion in which the judge clearly argues a wide latitude be afforded the experts of an accreditation organization.

Parsons College v. North Central Association of Colleges and Secondary School (1967).

In the 1960s, Parsons College in Fairfield, Iowa set about an aggressive plan to reinvent itself. Known as *The Parsons Plan* and championed by a newly appointed president, Presbyterian minister Millard Roberts, the college began an aggressive period of growth. The Parsons College administration hoped to fund this period of growth solely off of student tuition and fees with no external gifts or endowments, though it intended to continue to receive federal financial aid from its students. Additionally, President Roberts believed all students should have a second chance and as such, Parsons College began admitting students whose poor academic performance had barred them from admissions or continued studies at other institutions; earning the college the nickname, "Flunk-Out U." The enrollment grew rapidly from about two hundred students in 1960 to more than five thousand in 1967 (Parsons College v. North Central Association of Colleges and Secondary School, 1967, 271 F. Supp. 65 at 67).

decisions about membership or removal from membership must be evidence-based (i.e. not arbitrary or capricious behavior). However, in crafting his opinion, District Judge Julius Hoffman notes the uniqueness of Parsons College's arguments stating, "the controversy presents novel and far-reaching questions concerning the law governing the accreditation of educational institutions and concerning the role of the courts in that evaluative process" (Parsons College v. North Central Association of Colleges and Secondary School, 1967, 271 F. Supp. 65 at 66). The unique contribution of the *Parsons College* case to the legal understanding of accreditation processes is that it directly addresses two conditions implied in the *North Dakota* case: The question of state action and the idea of court deference to the accrediting agency's expertise.

In their arguments for their injunction, Counsel for Parsons College argued that by virtue of the fact that a loss of accreditation meant a loss of federal financial aid, the actions of the accrediting body represented the actions of the federal government. Under their argument, the Fifth or Fourteenth Amendments of the U.S. Constitution should apply, ensuring due process be carried out before depriving an entity of life, liberty, or property. The only condition in which the U.S. Constitution can serve as a justifica

agencies ought to be free to practice given only the limits of their own policies. He notes that the Association's accreditation site visit team consisted of "four experienced educators, trained in evaluative techniques" (line 67) and the Association established seven aspects of consideration in reviewing institutional quality and that these aspects [educational purpose and tasks, resources for carrying out these tasks, administrative organization, programs of instruction and curriculum, faculty quality and morale, student life, and student achievement] were reasonably indicative of a high quality institution. In one of the most often-cited phrases from the Parsons College case, Judge Hoffman writes: "The standards of accreditation are not guides for the layman but for professionals in the field of education" (line 74). Here, Judge Hoffman seems to refute the reasonable expectation doctrine by expanding the focus beyond an unskilled, average citizen. However, in principle, his argument supports the idea that weighing the evidence and sifting the facts is best conducted by trained professionals of reputable stature; the precise kind of evaluators the North Central Association employed. Though augmented, the idea that an average educator should have been able to foresee the deleterious course Parsons College was heading down rings true. Judge Hoffman surmises that "in [accreditation], the courts are traditionally even more hesitant to intervene. The public benefits of accreditation, dispensing information and exposing misrepresentation, would not be enhanced by judicial intrusion" (line 74). If courts remain reluctant to involve themselves in the private affairs of accrediting associations, institutional administrators must be highly familiar with these standards since, given the *Parsons College* case, the avenues for recourse in the judicial system are few and far between.

Judge Hoffman's opinion in the *Parsons College* case also serves as a sort of litmus test of growing sentiments in his time. First, by mere virtue of the fact that a plaintiff argued the applicability of the U.S. Constitution, the issue of whether accreditation in America is a form of state action was forming in the 1960s. Additional proceedings have been carried out—and will be discussed shortly—refuting or augmenting Judge Hoffman's opinion. Yet, the issue of state action has been in virtually every argument related to accreditation since the *Parsons College* case. Judge Hoffman also briefly notes that the Parsons College counsel did not argue for an application of the Sherman Act and other anti-trust laws, pointing the way for potentially fruitful arguments in future cases. In a matter of a few years another institution facing accreditation troubles tested this line of argument in a court of law.

Marjorie Webster Junior College, Inc. v. Middle State Association of Colleges and Secondary Schools (1970).

Marjorie Webster Junior College, Inc. was a small, private, and proprietary junior college in Washington, D.C. The institution alleged that the Middle States Association declined to consider the Junior College for accreditation in 1966 based solely upon the institutions' proprietary status. The plaintiff's counsel argued that the Middle States Association's actions represented a violation of the Sherman Anti-Trust Act[4], a potential argument offered by Judge Hoffman in the *Parsons College* case. The district court agreed, finding the Middle States Association's actions created a monopoly on higher education favoring not-for-profit institutions, thus representing a violation of the Sherman Act. The district court further argued if Marjorie Webster Junior College, Inc. was otherwise qualified, the Association should accredit the college because the decision to exclude proprietary institutions from accreditation was arrived at arbitrarily. Moreover, the trial court contended the Middle Sat

Bazelon argued that educational accreditation rests outside the sphere of commerce and as such, "trade" as defined in the Sherman Act, cannot be applied to educational settings and practices. As such, the complexities of the Marjorie Webster Junior College, Inc. case could not be remedied by the Sherman Act. He did, however, acknowledge that the "developing doctrines of the common law" (Marjorie Webster Junior College, Inc. v. Middle State Association of Colleges and Secondary Schools, 1970, 432 F.2d 650 at 655) provided educational institutions a loosely formed theory of fairness; future cases would site this disclaimer as a call for common law due process.

Perhaps most interestingly, Judge Bazelon argued that a lack of accreditation does *not* appear to render an institution ineligible for federal funds and does not represent a threat to institutional existence writing, "[Marjorie Webster Junior College, Inc. 's] lack of accreditation does not appear to render it, or its

actions. Speaking for his panel of appellate judges, Judge Bazelon writes, "We may assume, without deciding, that either the nature of appellants activities or the federal recognition which they are awarded renders them state action subject to the limitations of the Fifth Amendment. If so, however, the burden remains with appellee to show the unreasonableness of the restriction, not simply in the abstract but as applied specifically to it. We need not decide here the precise limits of those circumstances under which governmental action may restrict or injure the activities or proprietary educational institutions. For reasons already discussed, we conclude that appellee has failed to show that the present restriction was without reasonable basis. Accordingly, it must be upheld." (Marjorie Webster Junior College, Inc. v. Middle State Association of Colleges and Secondary Schools, 1970, 432 F.2d 650 at 656)

We interpret the judge's opinion as either an attempt educate future plaintiffs as to the futility of arguing the applicability of state action or as instructive of how to conduct such an argument. In the case of the latter, Judge Bazelon's opinion outlines that even if state action exists, a college will have a difficult challenge before it in proving undue harm was done by the withdrawal or refusal of accreditation. As Judge Bazelon offered another avenue for schools to still admit aid-eligible students under the NDEA, the argument that undue harm is being done was made moot. Even if accreditation were considered significantly driven by the federal government, Marjorie Webster Junior College, Inc.'s course of redress would still be to demonstrate how these restrictions were arrived at arbitrarily and how it could not survive under the three-letters certification doctrine of the NDEA. In Judge Bazelon's opinion of the legislative environment at that time, though Marjorie Webster Junior College, Inc. could not accept federal funds directly from the NDEA it could still admit students receiving federal aid, and as such was under no threat of closure. However, the NDEA was only authorized for four years of funding and no subsequent legislative action which implements a three-letters certification has come to bare. Despite Judge Bazelon's opinion, without accreditation, Marjorie Webster Junior College, Inc. closed in 1971 and its buildings were sold to the United State Fire Administration for use in fire suppression drills (Mitten & Reynolds, Inc., 1997).

accredited institution. Judge Bazelon's opinion argues no aversive action can come from the loss of accredited status given the practice of three-letters certification. The judge's opinion makes no mention of the political and social implications of denied accredited status. His opinion also represents a twist in the evolution of higher education accreditation law in that it opens the door for potential arguments that state action does exist in accreditation and an institution must prove the unreasonableness of an accrediting body's adverse actions if they are to successfully make this argument. Legal guidelines advanced from these initial cases to provide more complex systems of jurisprudence in determining courses of action in higher education accreditation.

Marlboro Corporation v. The Association of Independent Colleges and Schools (1977).

The facts of the *Marlboro Corporation v. The Association of Independent Colleges and Schools* (AICS) case stem from AICS's withdrawal of accreditation from the Marlboro Corporation, which, under the name of "The Emery School," operated a private, proprietary institution for two-year and non-degree seeking students in the areas of court and conference stenography. The AICS was the only accrediting agency for this particular kind of program recognized by the Department of Education and, as such, acts as the primary gatekeeper for federal student aid dollars. In December 1975, the AICS denied the Emery School's application for accredited status citing a variety of institutional deficiencies and a lack of assessment processes to ensure quality. The school sued, asking for an injunction forcing the AICS to award accredited status on the grounds that the AICS's actions were an arm of the government and did not afford the school due process before depriving them of the funds necessary to exist.

The district court found that the AICS was "not so closely associated with the government that its actions were government actions under *Burton v. Wilmington Parking Authority* (1961). *Burton* sets the long-standing precedent of a test for state action by determining that an agency housed inside a government structure is subject to the same governmental regulations. In *Burton*, a privately-owned restaurant that leased its space within a parking structure owned and operated by a governmental agency, the Wilmington Parking Authority, refused to serve an African American citizen based solely upon the color of his skin. The parking complex was built using federal dollars and operated under the government's authority to provide parking for local

municipal functions. The district court found in favor of the plaintiff, arguing that the restaurant was indeed so inseparably identified as a state entity that it cannot abridge the rights of a citizen. The appellate court, however, reversed arguing that the restaurant was not an entity of the government. Finally, the case found its way to the U.S. Supreme Court where six of the justices believed the appellate court's decision warranted reversal and three dissenting judges urged for more clarification of the facts. The majority opinion held that the restaurant had entered into a fiduciary relationship with the government, was housed within a government building, and, to the reasonable citizen, presented itself as an extension of the government. Thus, the U.S. Constitution's Equal Protection Clause of the Fourteenth Amendment protected Mr. Burton's right to receive service from the restaurant.

Since this ruling, the *Burton* precedent has evolved to include not solely physical housing, but metaphorical relationships between the government and private entities. *Burton* was cited in the seminal "boundary" case in higher education, *Powe v. Miles* (1968). In Powe, Alfred University, a private institution, retained public funding for its College of Ceramics when the State University of New York was founded in 1948. Sections of the act forming the state university system provided for the continued public support specifically for the College of Ceramics at Alfred University. However, the rest of Alfred University was treated as a private entity. During the May 11, 1968 Parents' Day Ceremony, a group of students protested the Vietnam War and a variety of policies they claimed were discriminatory toward African American students. The protestors held signs and sat or stood in front of the reviewing stand of dignitaries observing ROTC drills during the ceremony. Citing the fact that the protestors had not provided prior notice regarding their intent to demonstrate, the Dean of Students asked them to leave the ceremony as they were being a disruption and had not followed institutional policy. The protestors did not move, but the ceremony did proceed with relatively little conflict. The next day, Alfred University's Dean of Students contacted the demonstrators and notified them, pursuant to Alfred University policies, a faculty and staff board had met and recommended to the president that the protestors be expelled from the university. The President agreed, instead, to suspend the students for the remainder of the academic year with permission to reapply for admission in the following year. Some of the students suspended were majoring in ceramics, others majored in classes in one of Alfred's other colleges. The students sued alleging their civil rights protected under the Civil Rights Act, 42 U.S.C. had been violated and seeking an injunction compelling the university to reinstate them immediately and without penalty. The U.S. District Court for the

Western District of new York compared the state's relationship to the College of Ceramics and Alfred University, finding that although the College was housed within a private entity, it was funded and governed by the State of New York. Thus, the court had jurisdiction in deciding on the fates of the ceramics students but not the other students enrolled at Alfred. Nonetheless, the district court found that none of the students' civil rights were violated as all students failed to comply with Alfred University's stated protest policy. Despite this finding, the court in *Powe* articulates the boundaries of state action. If state funding and governance are involved, courts are likely to find state action does exist within an organization.

The *Powe* and *Burton* cases are relevant to the *Marlboro Corporation* (1977) case in that all of these cases essentially address the issue of boundaries between organizations and governing agencies. The *Marlboro Corporation* case raises the question of whether accreditation agencies are structurally and philosophically related to governmental functions such that a reasonable citizen would not recognize the boundaries between governmental and private action. The judges in the *Marlboro Corporation* case (led by Chief Judge Coffin) spell out an important precedent; arguing that accreditation agencies are neither fully-private nor fully-federal, but are, instead, "quasi-public" (line 79). After making this pronunciation, Judge Coffin defers the decision on state action to a later date writing, "we find it unnecessary to decide whether this nexus renders the denial of accreditation government action since, even assuming that constitutional due process applies, the present record does not persuade us that any of Emery's procedural rights have been violated" (line 80). Judge Coffin then devotes the majority of his remaining opinion to spelling out how, across nearly two years, the Emery School received fair notice from the AICS and had multiple opportunities to respond to these motions; completely neglecting in some instances to engage the AICS despite fair notice.

Essentially, Judge Coffin constructed the "no alternative ending" argument as did Judge Bazelon in the *Marjorie Webster Junior College, Inc.* After making the point that a decision on state action in light of the facts of the *Marlboro Corporation* case would result in the same findings no matter what decision was made, Judge Coffin opined on the usefulness of arguing state action anyway. He wrote, "whether the process is measured against constitutional or common law standards, current doctrine teaches that procedural fairness is a flexible concept, in which the nature of the controversy and the competing interests of the parties are considered...the Commission's procedures treat applicants for accreditation like capable professionals seeking the evaluation

and recognition of their peer: we do not think that due process requires any more." (line 81) Finally, Judge Coffin concludes the court's opinion by calling the Emery School's arguments about the vague and untimely manner of the AICS's standards "utterly frivolous" (line 83); He finds in favor of the defendant.

This ruling, however, is unique in that it represents the first development of the applicability of some form of due processes regardless of the applicability of state action doctrine. While the *Marlboro Corporation* case may not have met the scrutiny of Constitutional state action tests, Judge Coffin does argue accreditation procedures must be governed by the "general principles of fairness" (line 82) while also noting fair accreditation processes do not "require a full-blown adversary hearing" (line 82). He found the AICS's polices to represent a basic framework for professional courtesy, impartiality, and fairness and found in favor of the AICS. No mention is made of the deference courts have traditionally afforded accrediting agencies. Instead, Judge Coffin argues a stance that common law due process along with constitutional due process will be the defining central issues in accreditation-based lawsuits for decades to come.

Wilfred Academy of Hair & Beauty Culture v. The Southern Association of Colleges and Schools (1992).

The Wilfred Academy of Hair and Beauty Culture was a collection of six unincorporated cosmetology schools operating under the Wilfred America Education Corporation, headquartered in New York. Wilfred America Education Corporation operated branch campus of its cosmetology schools in Florida, Texas, and California. Beginning in 1982, The Southern Association's Commission on Occupational Education Institutions (COEI) accredited the Tampa, Florida branch and, shortly thereafter, all other branches of the cosmetology school. However, in 1988, the COEI visited all of the branch campuses and determined the Wilfred schools had violated the COEI's dual accreditation policy, failed to refund students' tuition in a timely manner once students withdrew from an institution, the schools did not disclose financial data, and did not submit an annual report in 1986. Wilfred Academy appealed the decision and, subsequently, the SACS committee on appeals upheld the COEI's decision within a matter of a few days. As accreditation was being removed from Wilfred, the Houston, Texas branch filed a lawsuit alleging the SACS-COEI had acted arbitrarily, unreasonably, and hastily in its decision to withdrawal accreditation and sought an injunction to stay the COEI's decision.

Primarily on the issue of the speed with which the SACS-COEI rendered its decision, the Texas State court found the SACS-COEI had acted unreasonably and arbitrarily, thereby granting the injunction and restoring accredited status to the cosmetology schools in 1990.

In contrast, the appellate court took issue with the lower court's findings primarily on the basis that new information had become available about pending federal felony action against Wilfred America Education Corporation executives and campus managers. A Wilfred America Education Corporation officer admitted in a federal court that he had made a number of false statements in the Tampa campus' original accreditation application. Under the lower court's injunction, the SACS-COEI was barred from investigating any Wilfred Academy campus for one year. The Southern Association moved to modify the injunction based upon this new information. Appellate Judge W. Eugene Davis wrote the opinion arguing, "for reasons best known to the district judge, the court denied SACS's motion, preventing SACS from investigating potentially serious violations of COEI's *Polices and Standards*" (Wilfred Academy of Hair & Beauty Culture v. The Southern Association of Colleges and Schools, 1992, 957 F.2d 210 at 213). The appellate court judges agreed these concerns warranted additional follow up and the SACS-COEI should be allowed to investigate this matter specifically on the grounds the courts should be reluctant to become involved in the affairs of private entities.

However, during the course of court proceedings time, Wilfred closed five of its branch campuses and voluntarily relinquished accreditation for the sixth and final campus, making the issue addressed in the lawsuit moot. In most jurisdictions, once the substantive issue before a court is moot, the appeal processes ends. Nonetheless, there was the issue of Wilfred's attorney's fees and "under Texas law, an issue of attorney's fees keeps a suit alive even if the underlying merit issues have become moot" (line 213). Counsel for SACS argued that since the association was based in Atlanta, Georgia law should apply, wherein the case would close since attorney fees are no reason to sustain a moot case. The appellate judges argued that they "need not determine whether they should apply Georgia or Texas law rather than the rule adopted by a number of federal courts" (line 214). Namely, Judge Davis argued the federal courts have deferred to the expertise of professional educational organizations and the courts "have consistently limited their review of decisions of accrediting association to whether the decisions were 'arbitrary and unreasonable' and whether they were supported by 'substantial evidence'" (line 214).

The *Wilfred Academy* case is one in which the substantive issues were slightly more complex than previous cases. For one, Wilfred Academy was a business-like entity, and, perhaps could have argued its case under the Sherman Act with some success. Second, the Wilfred Academy case calls into the question the issue of jurisdiction; with no clear direction rendered by the court. Should an accreditation case be heard in the court presiding over the institution or the accrediting agency? Usually, legal counsel for the plaintiff files their motions in whichever jurisdiction is most favorable to their cause. However, both plaintiffs and defendants have the option of requesting a transfer to another jurisdiction.[7] Finally, whereas previous cases had begun to offer possibilities for the notion that accreditation is a function of the government, the *Wilfred Academy* case reestablishes the courts' distance from and deference to accreditation agency affairs. A similar case (and finding) involving a medical institution would expand the boundaries of findings of no state action in accreditation.

Medical Institute of Minnesota v. National Association of Trade and Technical Schools (1987).

Medical Institute of Minnesota v. National Association of Trade and Technical Schools (NATTS) recrystallizes the central issue of state action in accreditation using direct language that brings the court's stance back to deferring to accrediting agencies as expertly-driven, private organizations. That is, the lasting impression of the *Medical Institute of Minnesota* case comes not in its finding—the *North Dakota, Parsons College,* and *Marlboro Corporation,* and *Wilfred Academy* cases arrived at similar conclusions—but in its direct language that squarely refutes the applicability of state action set out by the *Wilfred Academy* case. The *Medical Institute of Minnesota* case also serves as a rare and important compendium of case law precedent every university legal counselor and campus administrator should read.

The facts of the case are like those of other cases; The Medical Institute of Minnesota was accredited by NATTS and, through a process of institutional decline, lost it accredited status because it failed to refund students in a timely manner, did not collect information on the placement of its graduates, and

[7] *See* St. Andrews Presbyterian College v. The Southern Association of Colleges and Schools, 679 F. Supp. 2d 1320; 2009 U.S. Dist. LEXIS 123603 for explanation of jurisdiction.

could not demonstrate a strong financial base. The Medical Institute of Minnesota argued NATTS' decision was arrived at unfairly as other institutions in far worse shape retained accredited status. The lower court found that NATTS's decision to withdraw was not an act of the government, was neither arbitrary nor unreasonable, and was supported by ample evidence, thus, finding no reason to bar NATTS's actions as a private organization. On appeal, Senior Circuit Judge Floyd Gibson agreed and upheld the ruling, clearly recognizing in his opening remarks of his group opinion that "as long as the Medical Institute of Minnesota remains accredited by an accrediting association approved by the Department of Education, its students are eligible for federal financial aid. NATTS is the only private trade and technical school accrediting association recognized by the Department of Education" (Medical Institute of Minnesota v. National Association of Trade and Technical Schools, 1987, 817 F.2d 1310 at 1311).

Judge Gibson's opinion sets the stage for a direct ruling on the issue of state action and provides the specific test—the public function doctrine—an institution must meet to prove state action indeed occurred. The public function doctrine maintains that only those actions which are reserved exclusively for the federal government must be treated as state action (i.e. declaring war on a foreign military, printing money, etc.). Judge Gibson noted counsel for the Medical Institute of Minnesota cited the *Marjorie Webster Junior College, Inc.* case in their argument because this case found that the actions of an accrediting body constituted state action and the Middle States Association "acted in a quasi-governmental capacity by virtue of its role in the distribution of federal funds under the 'aid to education statutes.' The court in *Marjorie Webster* accepted the same argument being made in the present [*Medical Institute of Minnesota*] case—that since availability of federal funds depends on accreditation, the association is performing a public function when deciding whether to accredit" (line 1313).

Judge Gibson, however, cites two post-*Marjorie Webster* Supreme Court opinions refuting the Medical Institute of Minnesota's argument: *Blum v. Yaretsky* (1982) and *Rendell-Baker v. Kohn* (1982). In the *Blum* (1982) case, the court found that a private nursing home's decision to transfer or discharge patients did not constitute state action even though the decision directly affected the patients' eligibility for Medicaid benefits. The *Rendell-Baker* (1982) case provides relevant precedent by declaring no state action when a private school for maladjusted students terminated faculty members despite the fact that all the students were referrals from the public school system with tuition paid by the

state. In each of these cases, the courts applied the public function doctrine and found nursing home care and the education of maladjusted youths were not under the exclusive prerogative of the government, thus the plaintiffs failed to meet the burdens of the public function doctrine. As such, while funds may be transferring from the Federal government to the private sector, the responsibilities and protections afforded the federal government do not "follow the money." Judge Gibson noted that the Medical Institute of Minnesota argued that accreditation is an exclusive prerogative of the government and that NATTS functions equate to the Department of Education's decision not to provide financial assistance to non-accredited institutions; an "unconvincing" (line 1313) argument Judge Gibson clearly refutes using the *Blum* and *Rendell-Baker* precedents.

However, Judge Gibson did not let the issue of state action in accreditation processes rest with these two supporting cases. Instead, he cites a germinal quotation from another case, *Jackson v. Metropolitan Edison Co*. (1974). In this case, Supreme Court Justice Rehnquist argued "the mere fact that a business is subject to state regulation does not by itself convert its actions into that of the State for the purposes of the Fourteenth Amendment" (line 136). Using this quote, Judge Gibson in the *Medical Institute of Minnesota* case, cautions accreditors to realize they do not have free reign to conduct themselves in any manner. While he instructed the courts to give great deference to accreditation expertise—the cadence of the *North Dakota* and *Parsons College* cases—he also admonishes accreditation agencies to "conform [their] actions to fundamental principles of fairness" (Medical Institute of Minnesota v. National Association of Trade and Technical Schools, 1987, 817 F.2d 1310 at 1314). Judge Gibson's argument related to fairness could stem from the Medical Institute's argument that other colleges with far worse financial records and graduate placement statistics received accreditation. Judge Gibson found this comparison between institutions non-compelling since "simply showing [another college] also had financial and placement problems ignores all of [the other college's] attributes" (line 1314) Judge Gibson found the accreditation agency's standards, processes, and decision to be reasonable, fair, and clearly defined. He agreed with the lower court's ruling and affirmed NATTS's right to dismiss institutions from its roster of accredited organizations. In perhaps the clearest refutation of a plaintiff's arguments, Judge Gibson wrote: "The Medical Institute of Minnesota's arguments are self-defeating. While trying to explain why it didn't comply with NATTS's standards, the Medical Institute of Minnesota admits each violation…It is neither ours nor the district court's role to reweigh the evidence

in this case. The district court found that appeals panel's decision was supported by substantial evidence and we agree." (line 1315)
While the language of the findings in the *Medical Institute of Minnesota* case provides clear precedent, contentions of high school sports in Tennessee would set the stage for another ruling that would challenge once more the issue of state action.

Brentwood Academy v. Tennessee Secondary School Athletic Association (2001).

The Tennessee Secondary School Athletic Association (TSSAA) is a non-profit membership corporation regulating interscholastic sports in schools in Tennessee. Eighty-four percent of Tennessee's schools—virtually all public schools in the state—were voluntary members of the TSSAA and adhered to its policies and practices in the administration of school sports. Membership in the TSSAA provides benefits such as cost savings on concessions, access to trained officials and umpires, and adherence of a state-wide marketed and recognized system of conduct for athletes. Brentwood Academy was a private, parochial, college preparatory school located in the suburbs of Nashville and a notable athletics powerhouse in Tennessee. Following a nearly decade long run of athletic success, public sentiment grew that Brentwood Academy was using its large financial and alumni base to recruit superb players for its sports teams, clearly violating TSSAA policies on recruiting. The TSSA inquired into these allegations and found Brentwood had indeed used undue influence to recruit student athletes. The schools' athletic program was placed on probation for four years, the football and basketball teams were barred from competing in state playoffs for two years, and the school was fined three thousand dollars.

Brentwood Academy sued the TSSAA claiming the sanctions were unconstitutional while the TSSAA countered the U.S. Constitution did not apply as it was not a state actor. The district court found in favor of Brentwood Academy, citing the fact that the TSSAA's members and leaders were all public school officials,

The Brentwood Academy case represents a maturation in the arguments for and against state action. In the lower court, the counsel for Brentwood Academy successfully argued the applicability of state action because the TSSAA's leaders were all paid by the state in their professional (i.e. non-association) roles as principals, superintendents, and athletic directors in public schools. By sifting the evidence and weighing the facts, the lower court arrived at the conclusion that the line between governmental action and private action had become so blurred, no distinction could be made at all. Legal counsel argued very specific facts that not only was due process violated, but the Academy's First Amendment right to assembly was violated by the TSSAA's instructions not to recruit the kinds of players the school desired. Far less mention was made about the arbitrariness and unreasonableness of the TSSAA's actions and more focus was placed on the applicability of Constitutional law. Moreover, the appellate judges' opinion also reflects a maturation of sorts in that the appellate judges' opinions focus more and more on the specific tests for state action. The appeals court in the *Brentwood Academy* case cited the public function doctrine and the *Jackson v. Metropolitan Edison Co.* quotation regarding the necessary limits of state action applying only to those items which are the exclusive prerogative of the government. The issue of state action was growing more complex while remaining the central issue called into question by nearly all plaintiffs in accreditation lawsuits.

In an attempt to provide some clarity on the issue of state action, the case was granted a writ of certiorari with the U.S. Supreme Court in February 2001. The Supreme Court was divided on the issue of whether the TSSAA's actions represented governmental action. Justice Souter, writing for the five-judge majority, claimed "the nominally private character of the Association is overborne by the pervasive entwinement of public institutions and public officials in its composition and workings, and there is no substantial reason to claim unfairness in applying constitutional standards to it" (line 303) The majority opinion developed or at least solidified the then-evolving notion of *entwinement* as a means of deciphering state action. Justice Souter called into question the specific comments and regulations the Tennessee State Board of Education made regarding the TSSAA. Specifically, in 1972 the Tennessee Board of education extended its reach into education via the TSSAA by expressly "designat[ing] [TSSAA as] the organization to supervise and regulate the athletic activities in which the public junior and senior high schools in

Tennessee participate on an interscholastic basis[8]." The justices argued that by virtue of the fact that virtually all public schools in Tennessee were members of the TSSAA and since public school officials led the TSSAA in their official capacity as state employees, the line between the state and the TSSAA as a private organization was so blurred that it could not be delineated at all. Finally, to complement the entwinement of public school officials with the Association from the bottom up, the State of Tennessee has provided for entwinement from top down. State Board members are assigned ex-officio to serve as members of the board of control and legislative council, and the Association's ministerial employees are treated as state employees to the extent of being eligible for membership in the state retirement system. (Brentwood Academy v. Tennessee Secondary School Athletic Association, 2001, 531 U.S. 288 at 300)

These explicit declarations and policies by the Tennessee Board of Education, in the mind of the majority judges, made the actions of the TSSAA a matter of governmentally activity. However, in the dissenting opinion, Justice Thomas stringently dissented, opening his opinion writing, "We have never found state action based upon mere 'entwinement.' Until today, we have found a private organization's acts to constitute state action only when the organization performed a public function; was created, coerced, or encouraged by the government; or acted in a symbiotic relationship with the government. The majority's holding–that the Tennessee Secondary School Athletic Association's enforcement of its recruiting rule is state action–not only extends state-action doctrine beyond its permissible limits but also encroaches upon the realm of individual freedom that the doctrine was meant to protect." (line 300).

Dissenting Justices Thomas, Rehnquist, Scalia, and Kennedy also argued that in applying the traditional, trusted tests for state action the courts must place the burden of persuasion on the plaintiff, not the defendant. The dissenting justices—especially Chief Justice Rehnquist—believed Brentwood Academy failed to meet this burden of persuasion regarding the applicability of state action. Moreover, Justice Thomas directly confronts the majority opinion's creation of the legal theory of entwinement stating the majority justices do not define this new theory of entwinement and argues that the cases used to support this theory of entwinement neither use the term entwinement nor support its

[8] See 1972 Tennessee State Board of Education, Administrative Rules and Regulations, Rule 0520-1-2-.26 (later moved to Rule 0520-1-2-.08).

general theory. In fact, the prior case law goes to great lengths to define the boundaries between state and private action such that a general theory of entwinement was unfounded in Justice Thomas' opinion.

The lasting impression of the *Brentwood Academy* case is that even the U.S. Supreme Court has found it difficult to delineate the boundaries between private accreditation activities and the state. By the slightest of margins, the Supreme Court found due process clause and all other Amendments of the U.S. Constitution applicable to accreditation processes with sufficient evidence of state declaration, designation of authority, and appointment of public officials to private organizations' leadership positions. Because of the unique declarations and involvement of the Tennessee Board of Education in the TSSAA's functions, we are hesitant to point to the Brentwood Academy case as definitive precedent ensuring the applicability of the U.S. Constitution via state action in future accreditation law case. One would be hard pressed to find a case with similar procedural history of the government extending its intrusion into a private entity so extensively, though legal counsel for accreditation agencies may find a review of the facts in the *Brentwood Academy* case be useful in delimiting their boundaries of prudent operation. However, we also recognize that the legal doctrine of entwinement may continue to evolve and mature, gaining or loosing clarity in decades to come. For this reason we refocus our analysis on more recent case precedent from higher education law.

St. Andrews Presbyterian College v. The Southern Association of Colleges and Schools, Inc. (2009).

The *St. Andrews Presbyterian College v. The Southern Association of Colleges and Schools, Inc.* case does not offer new issues to be tested and the facts of this case are similar to the facts of other higher education cases previously mentioned. In June 2007, the SACS-COC revoked the accredited status of St. Andrews Presbyterian College in Laurinburg, North Carolina on the grounds that standards on planning, evaluation, and documentation of financial resources were not met. This action came after nearly seven years of monitoring, reports, and communications between SACS and St. Andrews Presbyterian College. St. Andrews filed a motion of injunctive relief in a North Carolina District court, which granted the injunction on the grounds that St. Andrews' common law due process had been violated. However, SACS requested a transfer to the appellate court in the Georgia circuit since SACS is based in Atlanta and submitted a motion for summary judgment on the basis that no new information bearing on the case was forthcoming. The superior

court found SACS's policies to be fair, evidence based, and, thus, not in violation of any form of due process, as such it granted SACS's request for summary judgment, effectively dismissing St. Andrews' lawsuit. St. Andrews appealed this decision, providing an extension to the original injunction staying SACS's aversive actions against St. Andrews until May 31, 2011. However, in April 2011, Webber International University submitted a substantive change form to SACS, requesting merger with St. Andrews Presbyterian College. At the June 2011 SACS Annual meeting SACS approved the merger, resolving the concerns SACS had with St. Andrews and nullifying the entire course of events.

Two specific facets of the St. Andrews Presbyterian College case warrant further discussion. First, by the turn of the century, the overriding legal jurisprudence being argued and applied to accreditation lawsuits focused almost exclusively on the application of common law due process rather than constitutional due process. The deference once given to accreditation agencies as expertly-driven, private organizations had passed; yet, accreditation agencies were not without "friends" in the courts. The St. Andrews case represents another shift in the argumentation counselors feel will most likely to be accepted as applicable to accreditation lawsuits; no mention is made of Constitutional due process or to the courts' deference to the expertise of accreditation agency members. Instead, common law due process had become the norm. Second, Judge William S. Duffey, Jr.'s opinion cites two other notable accreditation cases—*Thomas M. Cooley Law School v. The American Bar Association* (2006) and *Hiwassee College, Inc. v. The Southern Association of Colleges and Schools, Inc.* (2008). These two cases offer little in terms of new procedural fact or histories that led to aversive accreditation actions. However, their findings provide precedence for the St. Andrews case and contemporary accreditation law and warrant a brief discussion of their findings.

In the *Hiwassee College* case, the college alleged SACS denied it common law due process in the decision to withdraw accreditation. While the college's counsel does argue the applicability the Higher Education Act of 1992 and the U.S. Constitution by virtue of state action on behalf of SACS, the primary issue under consideration in the *Hiwassee College* case arises from an argument of the applicability and limits of common law due process. After spelling out the precedents handed down in many of the previously-discussed cases (specifically, the *Wilfred Academy* and *Marjorie Webster Junior College, Inc.* cases), the circuit court judges quoted *Thomas M. Cooley Law School v. The*

American Bar Association for precedence regarding judicial findings on common law due process. The doctrine of common law due process is intended to serve "as a check on organizations that exercise significant authority in areas of public concern such as accreditation and professional licensing," (Thomas M. Cooley Law School v. The American Bar Association, 459 F.3d 705, 12, 6th Cir. 2006 , line 711) though these areas may not be governed by federal laws triggered by state action. The court in the *Hiwassee* case (and ultimately, the *St. Andrews* case as well) deferred addressing the common law issue taking its direction from the *Cooley* court. Both courts specifically argued the need not to decide whether accrediting agencies "have a common law duty to employ fair procedures when making decisions affecting their members" (line 715), because even if SACS or the American Bar Association were subject to common law due process procedures in withdrawing Hiwassee College and the Thomas M. Cooley Law School's accreditation, neither institution had not been denied due process. Once more the notion that no alternative outcome would have resulted even if due process were or were not aptly applied precluded the necessity for a definitive ruling on a case. The *Hiwassee*, *Cooley*, and *St. Andrews* courts each argue in unique ways that their findings regarding the applicability of common law due process are not definitive because the accreditation bodies afforded great amounts of due process; ultimately, that the accrediting body's actions were not arbitrary and were fair. These three cases set a precedent for judicial action; judges may very well determine first if standards of fairness and non-arbitrariness are met before determining whether a ruling on the applicability of common law due process is necessary.

From this legal history we note a evolution from the stringent deference of the courts to accrediting agencies—as in the North Dakota and Parsons College cases—to the fundamental question of state action raised by cases such as the Marjorie Webster Junior College, Inc. and Wilfred Academy cases, to the emergence of the flexible doctrine of common law due process in contemporary cases. We now direct our attention to synthesizing this legal history and precedent and discussing what this precedent means for the future of higher education accreditation practice and how it might continue to evolve.

Synthesis and Potential Developments in Accreditation Law

We arrange the aforementioned cases to demonstrate an evolution in the legal precedents guiding higher education accreditation; namely, the once-honored deference courts paid to institutions' professional nature has slowly eroded to a

context in which common law due process dominates. With early cases, such as the *North Dakota* and *Parsons College* cases, the courts deferred to the professional nature and expertise of accreditation agencies as peer-review, voluntary organizations populated by educational experts. We still see vestiges of this deference; agencies are still friends of the court. However, the boundaries of this deference have extended to new levels in accreditation agencies' operations and courts are less like to give agencies a pass without first weighing the evidence and sifting the facts.

The erosion of this doctrine of deference began in the 1960s and cases such as *Marjorie Webster, Marlboro Corporation, Wilfred Academy*, and *Medical Institute of Minnesota* offer unique twists in the legal precedent. Student activism of the 1960s, the courts' responses to this activism, and scrutiny of the legal doctrine of *in loco parentis* likely contributed to the courts' extension of their authority into accreditation matter. Whereas prior cases had favored accreditation agencies out of deference to their expertise, these latter cases established a foundation for common law due first articulated by Judge Bazelon in the *Marjorie Webster* case. The primary contribution of these cases was that they instilled the concept of fairness and tests against arbitrary and capricious behavior. These rulings establish principles of fairness in accreditation and that by sifting the evidence and weighing the facts judges can determine what is fair, arbitrary, or capricious behavior. Growing from this focus on fairness, common law due process is often tested by considering the elements necessary to form a contract; competence of involved parties and an equitable "meeting of the minds" being two elements of common law due process most germane in the current contexts. By the 1980s, (with the arguments laid out in the *Medical Institute of Minnesota* case) the concept of fairness had solidified into conventional arguments of common law due process. New concepts and tests have entered the fray; for example, the issues of boundaries and jurisdictions respectively argued under the *Marlboro Corporation* and *Wilfred Academy* case. But the concept of fairness—synonymous with the no arbitrary or capricious behavior doctrine of common law due process—can be viewed as perhaps the most tested and upheld concept in the legal history of higher education accreditation; having stood the test of time when even the courts' deference to accreditation agencies has faded. We see no signals that this concept will disappear from court dockets any time in the near future.

The accountability movement with which most assessment practitioners and higher education leaders are familiar has brought educational institutions and

government agencies into greater contact while accreditation agencies are in an increasingly precarious space between these two entities. Governmental mandates and scarcity of public funds blur the lines between capital and campus; lines the courts had previously kept clear. This offers a unique inversion that potentially forms arguments for institutions seeking legal injunction against accreditation action. Traditional arguments—such as those noted in the *Medical Institute of Minnesota* case—situate accreditation agencies as gatekeepers to federal funds. In actuality, accreditation agencies more aptly serve as *insurance actuarials* for the federal government. By coordinating institutions' self-study processes, accreditation agencies are, in effect, sponsoring or underwriting the quality of an institution as it seeks federal funds. With the accreditation agencie's seal of approval, institution can access funds; without it, institutions are likely to close as seen in the stories of Marjorie Webster College or Parsons College. Reframing the fundamental metaphors undergirding educators and administrators' perceptions of accreditation is vital to the success of accreditation as a formative, peer-driven improvement process.

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such systems will be hard pressed to find fairness or to disavow a connection to state action. While latter cases in the aforementioned history make little or no mention of the voluntary nature of accreditation, should government actions compromise the freedom accreditation agencies have to set their own standards, we believe the judiciary will likely be the only effective line of recourse in reestablishing the freedom, professionalism, and expertise of educators in accreditation as a peer-review process. Accreditation agencies' most-valued commodity, then, rests in the distinctiveness of the language of their standards as standards derived by educators for educational purposes. Accreditation agencies must remain diligent in their pursuit of dialogue with educators about the nature and scope of their standards. If they do not—if dialogue falters or if agencies being to offer a "one size fits all" model closely reflecting state or federal standards—accreditation agencies will likely face a variety of test cases arguing for the *de facto* triggering of state action since state-like standards were developed and applied.

This is, in our opinion, an unlikely development though one accreditation agencies must ward against. Accreditators are guided by superb legal counsel and go to painstaking lengths in exploring and precluding conflicts of interest in their review teams and in preserving the fairness of their standards and policies. As such, we also believe cases will continue to be judged on the notion of common law due process; namely the concepts of fairness or "no arbitrary and capricious behavior." As the primary test for these concepts, judges will likely continue to weigh the evidence and sift the facts as to whether accreditation agencies applied their stated rules and policies fairly. What then is to become of arguments favoring the applicability of Constitutional law (i.e. the triggers for state action)? Common law due process creates a framework of fairness that closely though incompletely replicates the safeguards afforded by the Constitution. It is unlikely, however, that any argument alleging a breach of common law due process will be made without a concomitant argument of a breach of Constitutional rights. We believe judges will continue to defer on the issue of state action and focus more on the elements of contractual law inherent in common law due process.

Though highly-familiar with accreditation efforts, assessment practitioners may be unfamiliar with the concept of common law due process. Yet, assessment practitioners are uniquely situated in higher education institutions and in accreditation processes to respond to or prevent many of the substantive issues sparking the aforementioned cases. The fairness of accrediting agencies' policies are usually questioned once institutions and accrediting agencies are in

conflict. Guided by competent legal counsel for their institutions, assessment practitioners can be tremendous allies in determining and implementing institutional policies and practices that align with accreditation agency policies and timelines thereby preventing many of the initial conflicts leading up to court cases. Reviewing policies and procedures for their alignment with accrediting agency policies is also a recommended good practice in producing quality accrediting reports and can aid in reducing faculty and staff anxiety over accrediting processes.

Assessment practitioners and campus leaders are not lawyers. However, their actions directly influence an institution's response to accreditation pressures. One of the most fruitful tactics an assessment practitioner or campus leader can employ to prevent such conflicts is to support or reframe (as necessary) the dialogue of accreditation in higher education. Accreditation processes have taken on a life of their own in higher education with numerous jokes, narratives, and commentaries being bandied about on campus. Such discourses are reflections of cultural narratives higher education practitioners tell themselves about accreditation. While these discourses warrant further study, we believe most practitioners recognize (in some way) the importance and meaningfulness of accreditation efforts. Accreditation is a reflection of institutional quality and a commitment to excellence. Most higher educators support these narratives, though they seldom do so under the banner of accreditation. It has become easy, if not commonplace, for faculty to joke or lament the role of accreditation in establishing or maintaining institutional quality.

Here, a well-intentioned, people-focused assessment practitioner can do much to realign institutional discourses with the fundamental discourses and purposes of accreditation; namely, institutional quality. Assessment practitioners may find it useful to underscore for faculty and staff the seriousness of accreditation not by delivering an ultimatum but by opening the lines of communication regarding accreditation as a voluntary, peer-driven dialogue about quality in higher education. Assessment practitioners can encourage routine participation in accreditation decisions and discuss pending actions at accreditors' annual meetings. Such vigorous dialogue can be a meaningful and fruitful outlet for faculty energies and will likely result in improved campus responses to accreditation. Scholars have only recently begun to highlight the possibilities for renewed, collegial dialogue between educators and accreditors. Ralph Wolff (2005, p. 78), President of the Senior College Commission of WASC, writes "accreditation stands as a bulwark for quality in an environment where

institutions are buffeted by state priorities to increase access, improve graduation rates, and operate with less financial support (at least in the public sector)." Wolff traces the history of accreditation as a voluntary, peer-driven function depending primarily on institutional dues and more recently to an environment wherein "accreditation has been pressed more demonstrably public priorities that are advanced primarily by the federal government and secondarily by the states" (p. 79). Many faculty and staff lament the involvement of accreditation in institutional quality as highly-intrusive and uninformed. The alternatives—direct federal oversight or less or no focus on institutional quality—would likely be even more lamentable to faculty.

Assessment practitioners can do much to role model for faculty, administrators, and staff that accreditation agencies are in the institution's corner. Effective accreditation agencies have the influence, resources, and leaders to precipitate change in governmental discourse and policy as well as act as a buffer against governmental oversight of education. A strong, dialogically-oriented relationship between institutions and their representative accrediting body should be seen a major asset for an institution. Congressional testimonies from accreditation leaders in the wake of the Spellings Commission Report and the Reauthorization of the Higher Education Act demonstrate agencies' commitment to preserving institutional autonomy and ensuring quality in higher education (Wolff, 2005). Nonetheless, most institution/ accreditation agency relationships are typified by a fair amount of faculty distrust of agencies and a perceived lack of respect for appropriate institutional autonomy (Driscoll, de Noriega, & Ramaley, 2006). Assessment practitioners can be some of the most influential colleagues in redefining this discourse to one founded upon dialogue into what faculty value in higher education and how accreditation agencies can best support these visions.

Despite all of these efforts to reframe the discourse on accreditation on a campus, assessment practitioners will likely be met with resistance or distrust of accreditation. If left unchecked this distrust can be detrimental to the overall purpose accreditation is meant to sustain; namely, institutional quality. This distrust may even contribute to a situation wherein even the most committed assessment practitioners, legal counsel, or campus administrators find themselves pondering the benefits of legal action against an accrediting agency. In this case, we advise assessment practitioners and institutional legal counsel to first consider the fairness and non-arbitrary nature of accreditation policies prior to seeking legal action. This can be a difficult dialogue to have objectively. Campus leaders and faculty may be quick to blame accrediting

agencies while not owning the fear and confusion the threat of losing accredited status brings or an institution's actions in arriving at such a situation. Assessment practitioners whom are current with accreditation agency's developments are uniquely situated at the critical nexus of campus politics, information, and mission support to objectively explore whether agency policies are fair and fairly applied. This objective, realistic conversation will be nearly impossible to conduct if assessment practitioners have previously been detached from institutional dialogue about accreditation. Institutions considering legal action should do so on the grounds that accreditation agencies did not follow their stated policies (i.e. that common law due process was violated). Simply arguing that accreditation represents a significant harm to an institution will likely be fruitless as will arguing accreditation agencies are entities reporting to the federal government. Seeking injunctive relief for the sake of buying time to respond to accrediting agency requests may result in more damage than benefit. On the whole, accreditation in America has refined itself to a point that egregious violations of common law due process will be uncommon. Accreditation, though complex and resource-intensive, remains a fair, non-arbitrary, and voluntary process of peer review in which institutions voluntarily participate.

This is not to say the future of accreditation law will stagnate. Two potential developments have significant importance to the future of accreditation law: 1) Economic factors that may impinge upon the concept of fairness previously tested and upheld, and 2) the concept of entwinement. We focus first on economic factors and their challenges to fairness. The accountability movement has made the tensions between institutional quality and finance mainstays of public discourse. Institutions face increasing calls for greater, more intrusive, resource-intensive systems to measure and disseminate institutional quality. Accreditation standards typically structure the fundamental processes necessary to demonstrate institutional quality (Wolff, 2005). In recent decades institutions have faced additional state and federal mandates for more accountability (Ewell, 2002; Shavelson, 2007). At some point institutions have or will face a limit situation; a point at which they cannot respond to all calls for accountability without diverting significant resources away from their core missions of teaching, research, and service. A variety of potential-impinging factors face institutions in their attempt to engage in accreditation and assessment practices that are meaningful to the institution as a whole. For example, institutions with limited financial bases or that lack the prestige to attract highly- and specifically-skilled institutional researchers and assessment practitioners are at a detriment to those institution that can. Other

factors influencing the ability to attract highly-qualified assessment practitioners might include endowment size as a proxy for institutional prestige, geographic location, outflows from graduate preparation programs, or success of specific academic programs, to name a few (Astin, 1991). To say the least, assessment practitioners—and especially those well-versed in accreditation policy and practice—are a rare and highly-desired commodity not every institution can attract. Should accreditation standards and practices grow in complexity that only a select few, highly-prepared assessment practitioners be able to successfully champion institutions through accreditation processes, test cases that argue accreditation policies are unfair given current fiscal contexts may emerge. Moreover, the fairness that currently underpins accreditation processes would likely be undermined. Judges will be hard pressed to see the fairness in a system in which the largest, most well-endowed institutions can succeed in accreditation while less resource-rich institutions are left only with the courts to redress their concerns. How judges will rule on such arguments or whether they would harken back to the precedent of accreditation as a voluntary effort is beyond our ability to presage. However, institutions may be reaching a point at which their legal counsel could argue the faltering of fairness in highly-prescribed, resource-intensive methods to demonstrate institutional quality.

Second, the concept of entwinement laid out in the *Brentwood Academy* case could be the most significant development in recent history and one that stands to muddy the waters about accreditation law considerably. If this concept takes further root in educational accreditation, it would seem the idea of mere entwinement opens the door for arguments favoring the applicability of Constitutional protections. If so, the courts would afford institutions more protections under constitutional due process such as the fullest extent of notice, the right to counsel, and the right to a full, adversarial hearing. We do not dispute that the potential of entwinement to reorder the legal precedent of higher education accreditation is noteworthy. However, we argue that the facts of the *Brentwood Academy* case are highly-specific and the substantive issue at question in *Brentwood* is whether a high school's Constitutional rights were violated by principals and superintendents (whom also happen to be state officials and employees) serving in peer-organization capacities. Accreditation agencies and site visit teams are populated with individuals who, like the Tennessee school leaders serving on the TSSAA, are often employed at state institutions and eligible for participation in state retirement pensions. Many have complex relationships of varying kinds with state and federal agencies. Accreditation agencies must remain diligent in their exploration of reviewers'

conflicts of interest and preserve the highest standard for their reviewers in this regard. We believe the entwinement concept will prove useful to a plaintiff and provide a judge in the near future with an interesting quandary. As it stands, no cases have emerged to test the limits of the concept of entwinement in higher education.

Finally, we conclude our advice to assessment practitioners noting that in accreditation cases, anything can serve as evidence. Accreditation agencies call upon non-traditional sources of evidence (i.e. newspaper clippings, calls from concerned, alumni, pamphlets) when faced with accreditation or legal situations. In responding to accreditation examinations, assessment practitioners can reframe their definition of evidence for institutional excellence. Whereas standard quantitative data reports comprise the majority of accreditation self-studies, reframing one's definitions of acceptable evidence may be as simple as looking for qualitative data or a mixture of both to underscore and institution's commitment to excellence and success. More novel forms of evidence such as websites, pamphlets, alumni testimonials, or narratives may prove useful. Likewise, assessment practitioners supporting an institutional cause in legal action against accreditation agencies will likely have to account or refute diverse kinds of evidence that may trigger the "no alternative ending" argument judges have made in prior cases. Judges will continue to weigh all available evidence and sift the full gambit of facts. Institutional legal counsel must ensure that a presiding judge has a variety of information over which to mull. Otherwise, the institution faces a likely unpleasant ruling built upon the argument that an accreditation agency's aversive actions were the ultimate outcome regardless of any course of action that could have been taken. In legal settings and in self-study phases, assessment practitioners must free themselves from traditional forms of thinking about accreditation. Assessment practitioners have much more latitude demonstrating their institution's quality than they traditionally have taken and including diverse kinds of data can highlight institutional quality in meaningful ways. Such decisions should be made in consultation with accreditation leaders, but, in our experience, accreditation agencies welcome dialogue about alternative means of demonstrating institutional quality as long as basic requests for data are met.

Certainly the reframing of campus approaches to accreditation we call for require shifts—though not dramatic ones—in an institution's assessment culture, but we believe they are worthwhile and meaningful shifts. Reframing the discourse of accreditation on one's campus may support a more intensive,

realistic, improvement-oriented approach to assessment. This shift could also improve the overall synergy between faculty and administrators and, ultimately, institutions, accreditation agencies, and governmental agencies. Such shifts will not occur overnight nor will they even be immediately measurable. In our opinion, they do represent fundamental shifts campus leaders and supportive assessment practitioners can undertake that may prevent accreditation conflicts altogether or may serve leaders well if they are to support institutional legal action against an accreditation agency. Ultimately, campus leaders must be able to objectively determine if their institution met the standards of accreditation to which they voluntarily assented, whether an accreditation agency's policies and actions were truly fair, and whether an agency's decision to remove accreditation was justified or avoidable. Such deep institutional soul-searching can be challenging, especially if institutional leaders are accustomed to an "us vs. them" discourse of accreditation. Institutions that seek legal action simply on the basis of impending detriment will likely find little support in the courts. With common law due process dominating and the concept of entwinement developing, institutions must realize the burden of proof as to the unreasonableness and unfairness of accreditation agencies' actions still resides—and will likely continue to reside—with the institution. This can be a challenging argument to win; one that must be informed by the aforementioned legal precedents.

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How to Adapt One Proven Best Practice Globalization Project Across Campuses Within the UNC System

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The Innovative Best Practice Model

It is difficult to predict the future yet one fact we all know for sure is that the world is becoming more interconnected and interdependent. Globalization, whether by natural consequences such as climate change or man-made consequences such as global economy or contagious diseases, has become essential in the education of students to be productive citizens of the increasingly more global world. Knowing this, virtually all institutions of higher education have a policy to globalize education, to prepare their students to be globally competent both in knowledge and in skills so they can work efficiently with people from across the globe.

While this need is well-known and the goal is clear, the means to reach this goal is very limited. Few American students read newspapers or watch regular news programs on TV; they are more likely to get some news from social networks, the Internet, the Jon Stewart or Steven Colbert shows, which are not intended to present the news of the world. Few universities, US or elsewhere, require a course to learn about cultures other than one's own and to learn how to work with people from other cultures. Traditionally the only way these

students could accomplish this goal was to study abroad. The theory of study abroad is that by immersing oneself in another country's culture, one can get to know its culture, learn its language and understand better how to work with the local people. In reality many American students who study abroad tend to socialize with other Americans while abroad and only get to experience a few aspects of the local culture. But even when study abroad accomplishes the goal of getting to know other cultures well, few students can afford the experience. In addition to economic barriers, other factors including the political unrest in Mexico and the Arab Spring, natural disasters like the recent tsunami in Japan, and disease outbreaks like H1N1 constrain American students' study abroad. For all these reasons, statistics from IIE, ACE, and the Chronicle of Higher Education, all reported that less than 2% of American students take part in international study opportunities.

If less than 2 % of our students participate in Study Abroad, but 100% of our students live in this same global world, is there another solution to obtaining global experience? If students do go travel outside of the borders of their country, can we bring students from outside into the country? Yes! The project described can bring foreign students into our own classrooms via video conferencing in real time where they can see and hear each other, where they can interact, communicate and learn from each other. Furthermore, this can be done at no additional cost for students and little additional cost for the administration. Students spend no time or monies in traveling, risk no political unrest or contagious diseases.

Today, nearly all universities in nearly all countries use Internet technologies and strive to upgrade and update their connectivity to remain competitive. But "general education" or "foundation" courses typically don't take advantage of these technologies: there is a often a mismatch between the "foundation" of these courses and the realities faced by today's graduates. Some university administrators are cognizant of this and have created processes and committees to review and revise foundation requirements. Because of funding issues surrounding student enrollment in courses at many universities, significant changes in general education are often difficult to affect.

A critical combination of factors have come together inside the University of North Carolina (a system of 17 universities) to enable a significant modernization of general education, with the result that it is becoming more international and more technologically attuned, following reports from both the

system and East Carolina University calling for preparing students to be more "globally competent."

In 2003 a US-born computer-assisted learning specialist and an immigrant cross-cultural psychologist met and discussed the meaning of global competence and the importance of providing global experiences to our students. Thus they began to develop a course with the goal of "global understanding." The course design included four crucial elements: 1) use technology to bring foreign students "live" into our own classrooms so our students can have a global experience; 2) teach knowledge about other countries to our students; 3) provide an experience where students can have direct and personal experience with each othe29(t)28(u)20(d)0( )20(c)2 Tm[(c)34(u)2

developed plans to increase efforts in those areas. But in challenging budget times, the process of increasing offerings of virtual courses appeared to offer an attractive, affordable opportunity to replicate a practice already proven successful by one of its campuses.

The East Carolina GU program was featured as a best practice, a technologically appropriate, affordable response to one of the key goals of the UNC Tomorrow report. Still as schools struggled to respond to a variety of recommendations in the report and as the global recession put budgets under increased pressure, it was difficult for schools to launch revisions to general education courses.

In early 2010, under the leadership of the UNC System president and with the collaboration of the chancellor of East Carolina University, the "UNC-China Technology Grant" program was organized to encourage faculty members at UNC campuses to compete for limited funds to create global understanding courses using technology on their campuses.

In exchange for $5000 grants that would pay for travel by a faculty member to a partner university in China, some inexpensive visualization technology, and minor other expenses (including books and materials), faculty members applying for the program agreed to do several things:

- To find a partner university in China (most campuses had existing memoranda of understanding with one or more Chinese universities, though many of these relationships were not fully developed) and a faculty colleague in China willing to co-teach a course;
- To travel to China for a week to work directly with their colleague in developing the course;
- To offer the course a minimum of two times, once in the fall semester and again in the spring semester (they could choose to offer two different courses);
- To work closely with ECU's technical assistance team to ensure that both technology and pedagogy were successful.

For their part, UNC supporting institutions agreed to fully support the development of the course, including payment of a summer stipend to the UNC faculty member (signed letters of support from both the UNC and Chinese institution were required);

The program required of both faculty members and campuses a further commitment: to carefully review the results of the course and to agree to consider developing more general education courses in other departments using the same model. Faculty members were specifically encouraged to increase awareness of the program on campus, by inviting in students and faculty members to view the classes and participate in them, giving presentations to the faculty senate, seeking publicity for the program in local media outlets.

East Carolina's team was invited by UNC's system office and supported by their chancellor to ensure the successful replication of their GU program on other campuses (ECU's strategic planning document, "East Carolina Tomorrow," sets as a key goal preparing students to be "globally competent."). UNC General Administration provided ECU with a small grant to provide all necessary support to ensure the success of the new campus-based courses, to include preparation for and travel to China with faculty members to assist in communication, course development and addressing of technological challenges and addressing technology, communication and marketing issues once the courses began on campus.

The program attracted wide interest from among campuses in the UNC system. Applications were screened to gauge the depth of the commitment to the project by the UNC School and its partner campus in China; the quality of the proposed course; and the level of commitment by the faculty member to creating a true, majority synchronous teaching and learning experience for students.

As soon as the grant awards were announced, the ECU mentors initiated several video conferences individually with the main faculty of the selected universities. Some of the issues discussed were: the importance of developing a "team" on both partnering institutions including the teacher, the technology assistant, the Chair, Dean and all the way up to the Chancellor; motivate students so they can be enthusiastic in working with partners from another culture who have, different values and priorities and whose English is not the first language. We also let them know that the Chinese university frequently likes the US expert to give a presentation on the area of expertise to a larger audience. Some logistic tips were also shared, like what type of visa they should apply and the easiest/fastest way to apply for Chinese visa were also offered.

The goal of the individual video conference with each UNC institution was to find out about the proposed joint course, the nature and what the US teacher wants to accomplish, how does the US teacher want to collaborate and teach this join course. Based on this information, the mentors can then help them to accomplish their goal by making specific suggestions tailored to their specific course. Some of the issues we talk about include issues like: different kinds of synchronous and asynchronous technology tools; different approaches to use with the Chinese partner since this was definitely the first course of this kind for them also.

In these conferences with the grant recipients, the mentors coordinated the dates to meet each grantee at their respective Chinese partner institution. At each institution we stayed 3 days to go over with the two partner teachers, their tech person and other related personnel to work on the project. The US teacher then stayed on for a couple more days to work out the detailed syllabus and the day to day activities for the course.

After the visits, the mentors kept in touch with our US partners through video conference, and in some cases visited their campuses while they had the link with China. Communication was carried out throughout the Spring semester.

C. Experience at Between Fayetteville State University

The strategic priorities of the Chancellor at Fayetteville State University (FSU) are clearly stated: "FSU will distinguish itself in the preparation of leaders in all disciplinary fields who will compete successfully in the global economy and who will demonstrate 21st century global competencies" As a recipient of the UNC-China Technology Grant, FSU is making another step toward reaching this goal. FSU selected China's Baotou Teachers' College (BTTC), a public comprehensive regional university in Inner Mongolia as their collaborator. The FSU teacher was Dr. Ji Young Kim and the BTTC teacher was Ms Yan Ren. By mutual consent, the ESL course was chosen as the collaborative course. . Eighteen joint sessions were co-taught synchronously with Baotou Teachers' College students and faculty, utilizing low-cost video technology. This project offered a very unique opportunity for FSU students to learn about Chinese culture in a face-to-face environment without leaving their classroom.

The ESL course includes the ESL/ SLA theories, skills through reading selections, teaching demonstration, and cross-cultural activities. . Throughout the course, students broke into small groups to explore specific topics including

cultural values, holidays, weddings, funerals, taboos and other current issues in their own cultures and ESL teaching demonstration using one of the teaching strategies learned from the ESL teaching method course. One-on-one partner conversations using Skype were also implemented. Activities included partner interviews, language learning and teaching experiences, informal opinion exchanges and organized discussions related to the course content. The quality of the participants' eagerness in class discussions and activities were more than satisfactory.

The cross-cultural project was a success. Most students created PowerPoint Presentations that provided an abundance of information and resulted in class discussions causing the presentations to be longer than the allotted time. Overall students who participated in this international program expressed enthusiasm about the success they have experienced in the course, and students realized how important global understanding and intercultural communication skills for their overall performance in college and beyond. Students (American and Chinese) chat with each other during allowed class time using Skype. FSU students continue to practice the few Chinese words learned during the first week of class. It has become a habit among the American students to greet the Chinese students in Chinese. Several students have stated that they have contacted the Chinese students outside of our class session. Their high interest and rapport with the partners have made the sessions very enjoyable.

Students were asked to submit a written reflection on their learning experiences at the end of the semester. The students expressed their overwhelmingly positive comments about our joint sessions and their new found capacity to effectively teach ESL students in their portfolio which was a semester project. They have become knowledgeable about the ESL teaching models and enthusiastic about cultural awareness and global understanding. Many of Chinese students particularly enjoyed ESL teaching demonstrations and Blackboard communication.

While the project was successful overall, there were a few challenges. First, because of the time and academic schedule differences between the two countries, class times were limited. Secondly, our technical staffs had difficulty communicating with Mr. Zhang, Chinese technical staff because of the language barrier. Thirdly, the content delivery of the class sessions has been fantastic when things work. However, we sometimes had audio and video problems caused by bandwidth issues. Lastly, because there were several common readings and writing-intensive assignments, the Chinese students felt

it was very demanding, for they had been exposed to lots of theoretical readings that they had never done before.

Through this program, as instructor, I have learned effective strategies to support cross-cultural teaching efforts through various instructional strategies, course redesign, and revised assessments and to create classroom dynamics that will enhance students' engagement with Chinese partners. The UNC-China Technology Grant has also allowed me to be informed on current ESL teaching methods and practices in China as an English as a Foreign Language context. Although this program has slowed the pace of the class, it has provided a diversified teaching methodology and expanded my knowledge of Second Language pedagogy.

D. Experience Between the University of North Carolina at Pembroke

Globalization is upon and no other disciplines are more aware of this or more affected by it than Economic and Finance areas. As stated in the university's mission statement, University of North Carolina at Pembroke aims to "prepare citizens for engagement in global society…develop their intellectual curiosity…and mold them into responsible stewards of the world."[i] Within the School of Business at UNC-Pembroke, and particularly within the Department of Economics, Finance and Decision Sciences, there has always been a strong desire and commitment to expand globally and to further improve the educational and related opportunities that we offer our students. Already moving in a global direction with international faculty members from China, Thailand, Singapore, Iran, Pakistan, Lebanon, and Ghana, the opportunity for UNCP students and faculty to interact directly with, and to network with, counterparts in China on a regular and fully-engaged basis had extended the reach of the department's teaching so we can better equip our graduates for the challenges they will face in an increasingly globalized economy.

UNCP's location in the rural eastern North Carolina and demographics[i] present a challenge with regard to participation in studies abroad. A relatively smaller than normal percentage of UNCP students and their families have been exposed to travel and foreign cultures than, and as a result, they depend upon the university to, quite literally, broaden their horizons. The offering of a synchronous, team-taught, trans-continental, US-China live video course thus presented a unique opportunity for UNCP's faculty and students alike.

In developing this opportunity, and as a first step, UNCP successfully secured the partnership of the Guangdong University of Business Studies (GUBS), a highly-respected institution located at the heart of China's liveliest and most economically-influential region in China, the Pearl River delta, where, in 1979, the first of China's many important economic reforms took place with the establishment of Special Economic Zones.

UNCP's general relationship with GUBS was already strong at the commencement of the project, dating back to an initial Memorandum of Understanding signed in 2004. Dr. Maysami, Chair of UNCP's School of Business/Department of Economics, Finance, and Decision Sciences, had Maysami hosted a number of students from GUBS.

Academically, the opportunity to teach a course synchronously at two universities across the continents was certainly appealing. Asian Economics (ECN 2410), a general education course at UNC-Pembroke is "an introductory level course focusing on the economic systems of Asian countries, which despite diverse history, culture, politics, and society have demonstrated one similarity: rapid economic growth. Countries discussed will be selected from the Middle East, the Indian subcontinent, and Southeast and North Asia. China and Japan will be discussed in depth."[i]

Dr. Maysami's counterpart, Dr. Bibo Liang, Professor of International Economics at GUBS' School of Economics has regularly taught a course similar to UNCPs Asian Economies, entitled *World Economies*, quite similar to UNCP's entitled *World Economies*. Both institutions agreed to spend the summer developing a jointly taught course designed with similar goals.

The two faculty members for the joint course and agreed to several goals they agreed that there students should accomplish in the areas of communication; critical thinking; problem solving; use social science research methodology; social responsibility; cultural diversity; values and ethics of the other culture.

In May, 2011 Dr. Maysami, accompanied by Professors at East Carolina University made a trip to GUBS to finalize this new virtually co-taught course. The first task was setting up both the necessary hardware and software, and to train their technology persons in using the equipment. Several video tests were made while we were in GUBS, and more tests were made after we returned to UNCP. During the visit time was also spent on the pedagogy aspect. Drs. Liang and Maysami continued to work on the syllabus and course structure.

The purpose was to ensure course objectives, as stated in the UNCP catalog were fully met, while synchronous activities, in and out of class, formed the bulk of teaching and learning.

Synchronous and asynchronous technologies were chosen and tested between the two universities. UNCP semesters generally start two weeks prior to GUBS' and hence the first two weeks of class is spent on training American students on using different technological tools and introducing them to the Chinese culture and economy.

The course is designed around formal lecture on Tuesdays and student-to-student interaction and activities on Thursdays. The Asian Economies covered during the semester are: Turkey, Iran, United Arab Emirates, Pakistan, Bangladesh, India, Singapore, Indonesia, Thailand, and Vietnam. The relations of each country with the United States and China are the concluding part of each section.
All course materials are those available freely online, and were included on Blackboard for easy reference by all students. Students are required to have twice weekly face-to-face sessions with their group members on the other campus. This is done on Tuesdays before conclusion of class, on Thursdays and at other times agreed upon by the group members. They each maintain a journal to keep track of their communication and the specifics of the discussion. In addition, students are required to participate in blogs by posting and commenting on the countries and regions under study each week and to participate in the discussion board activities.

The focal point of the course remains the direct contact between students from UNCP and those at GUBS. Each group prepares two research papers. The first paper is presented by UNCP team members and the GUBS members of the each team present the second paper live.
The class always concludes with a group picture taken at GUBS site with the Chinese students and professors standing next to the big screen showing their UNCP counterparts. While this course was a very successful course, we also encountered some challenges:

Occasional breakdown of the technology, generally in terms of low bandwidth on the Chinese side; Time difference poses a problem, especially in the last three weeks of classes when daylight savings time ends. Students in China would then start class at 10 pm local time. Interestingly, class attendance has been perfect on both sides; Learning styles are different between the two

campuses. While UNCP students are more interactive and ask questions often, GUBS students' learning is more based on the lecture model and then asking questions individually via e-mail. The styles are also different in preparing the two term papers, as well. UNCP students generally apply their library research while GUBS student are more likely to prepare their sections of the paper based on direct quotes from published sources. One of the important takeaways for students on both campuses was understanding and learning to work with the different styles.

E. Summary

An innovative, cost effective, and self sustainable means of providing global experience to students was developed at East Carolina University. Using synchronous video conference students from different countries can come together in the same classroom to learn about each other's culture and to work together on collaborative projects. Over a period of five years, this Global Understanding project has proven to be a very successful one in meeting the need "to prepare students to be globally competent" on every partner campus. Every semester glitches have been worked out and improvements have been made. Currently it has 32 partner universities in 23 countries. After it has proven its success, the UNC system decided to replicate this model on the campuses of other UNC institutions. The replication process has been going on for two years and it is already established in 5 other UNC campuses, proving the model is scalable.

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The University Administrator as a Partner in Meeting the Complexities of the Current Trends in University Administration in Ghana

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We begin this piece with a stipulative definition of who a university administrator is. In this paper, the university administrator does not include such persons as Vice-Chancellors, Pro–Vice Chancellor, Provosts and Deans. The University Administrator is used here to refer that category of non-teaching professionals who render all kinds of professional support service towards promoting the core business of teaching and research in universities. Persons with professional qualifications but primarily engaged as teachers and researchers in the university are also not intended to be covered by the classification of University Administrator. Although some chief executive officers in the universities may argue that they are also administrators, majority of them see themselves as teachers first and administration as ancillary business.

The Partnership

Admittedly, university education started globally as an unequal partnership between the teaching and non-teaching sections of scholarly communities. As church-sponsored universities gave way to circular tertiary education, school administration also became separated from church, schoolmaster from priests and taxes from tithes. The scarcity of vital funds for development eventually also brought along the need for qualified fund managers instead of mere bookkeepers. The many types of professionals in university administration was occasioned by the emerging complex demands to allow the teachers to

concentrate on teaching. The relevance of the university administrator cannot therefore be wished away by anybody. Coupling, decoupling and recoupling over the years have sought to downplay the important role that administrators play in university administration but have not succeeded.

Universities as presently constituted in Ghana, consist of four (4) categories of members. These are:

a. The senior members
b. The senior staff
c. Junior staff, and
d. Junior members

The senior members consist of teaching and non-teaching members who are involved in the policy formulation and implementation processes in the life of any university. If one section is unattended to, its inefficiencies tend to affect the corporate image of the whole institution. A very inefficient non-teaching staff section may cause several difficulties during admissions, registration, examinations, graduation, hall administration appointments, promotions and all forms of formal severance.

Tertiary Reforms

In 1987 the University Rationalization Committee was formed to look extensively at the whole educational system in Ghana. In 1991, the resulting white paper advocated the establishment of the University for Development Studies (UDS) and University College of Education, Winneba (UCEW), a change over to the semester system and the gradual replacement of the General Certificate of Education 'Advanced' Levels with the Senior Secondary school results. The University Rationalization Committee (URC) culminated also in the passing of Provisional National Defense Committee (PNDCL 317) for the National Accreditation Board (NAB) and Act 454 for the National Council for Tertiary Education (NCTE). The regulatory powers of these bodies put a lot of paper work and control systems in the hands of university administrators. No doubt the expansion of access to tertiary education required in the development and enforcement of new mechanisms to ensure that quality is not sacrificed in the name of numbers.

Maintaining the quality assurance threshold is a task that calls for inputs from accountants, registrars, architects, lawyers, engineers, surveyors, programme

analysts librarians and other professionals whose pre-occupation promote the imparting of knowledge. The importance of meetings and the memos which explain or advocate certain policy options or alternatives on the way forward cannot be denied. The ancient Romans in Barrow (1975:155) pointedly advised posterity that: *Nothing does such harm to health as the perpetual change of remedy: no wound comes to a scar if new kinds of dressings are frequently tried and a plant never grows which is often transplanted.*

The administrator being more permanent on the job keeps the scores and frequently reminds actors of what worked perfectly in the past, what is likely to work as well as what is likely to fail.

The Outputs of Universities

Just as the quality of raw materials decides the quality of the finished products in industry, the quality of certain inputs decide how useful the products of universities will be. The main parameters in assessing the relevance or usefulness of products from the universities in my view are:

i. Lecturers
ii. Lecture rooms
iii. Laboratories
iv. Libraries
v. Liquidity
vi. Linkages between systems

Of these indicators, only the first has to do with the quality of teaching staff. The other indicators constitute important services provided by the administrator to produce a conducive learning atmosphere for the teachers and learners in any university. The role of a good library in training was emphasized when Murphy cited Mark Twain as saying "the *man who does not read good books has no advantage over the man who cannot ready".* The good library supplies the stock of textbooks which provide the knowledge needed for a particular curriculum to meet a skill gap.

In every organization, the usefulness of a partner depends largely on what skills a partner brings to the table. As chief advisors to chief executives, administrators are generally expected to know the rules and regulations as well as the accepted procedures that are also in conformity with natural rights. Administrators provide the conducive physical and fiscal environments for

expanding the frontiers of knowledge by seeking the truth, knowing the truth, spreading the truth and thereby diminishing ignorance. Academics believed, and many still believe today that, administration is meant for failures. Administrators were not only perceived as "*overpaid clerical appendages*" but also as a body "of people not to be seen or heard" Kerr (1973:39). There are still several academics in this 21st century who believe that the primary duty of administrators is to record the arguments and decisions of academics at meetings and implement such decision later. Granted that this is the primary occupation of administrators, it is still important that the arguments and decisions be recorded with a certain clarity and precision for posterity.

Truly, when universities started in Ghana, the administrators recruited were non graduates or 1st degree holders. They were not required to have second degrees. It was the exception more than the rule for an administrator to have a terminal degree. It is still very much so in many universities in Ghana Chukwuemeka (1973.63) is reputed to have said: *I have yet to meet a man who when he could be appointed to the academic staff opted for a job that involved the routine perusal of files and dishing out of irrelevant and time-consuming circulars and memoranda.*

It can be very frustrating if in spite of an administrator's commitment, one is seen as not belonging.
Because of the existence of such prejudices, administrators need to earn their respect by using common people to achieve uncommon performance levels and thereby earn some credibility from their academic colleagues. Respectability in any partnership in a community of scholars calls for various forms of continuous learning to meet performance expectations. In the words of Ahuja (1988, 177) the administrator needs "a planned systematic and continuous process of learning and growth designed to induce behavioral change of individuals by cultivating their mental abilities and inherent qualities through the acquisition, understand the use of new knowledge insights and skills". Staggered training programmes both on the job and outside one's own university will progressively remedy any performance deficiencies. Isolated cases of sub-standard performance by some administrators should not continue to be a basis for all administrators to be lumped together as "*overpaid clerical appendages"*

Indeed one can point to damning evidence by some academics, such as one by Prof. Chambers (1983.71) that: *Some universities resemble old-fashioned factories turning out a standard-third-rate, out-of-date products." Yet this will*

not mean that all professors are dated. The same writer (1983) observed that most "research materials remains unprocessed, or if processed, unanalyzed, or if `analyzed, not written up, up or if written up, not read, or if read, not remembered, or if remembered, not used or acted upon.

This does not mean that academics serve no useful purpose in the economic, social political lives of most economies. Neither does the damning revelation by Chambers (1983:8) that most professors "take on more and more and complete less and less, complete it less and less well……" prove that professors are not useful in the global search for sustainable development through quality assurance.

The collegial nature of universities means that any weak link in any of the constituent bodies will affect the overall institutional rating and should be a cause of worry to the other parts and subparts contributing to the efficient running of the larger system. No matter how one looks at a university, the non-teaching partners are now a vital component who need to be trained and motivated at all times. Effah (1993:4) points out that: *The administrator should not be laughing all the time otherwise he will be taken for a clown. Neither should he put on a straight face to frighten people away from him. He simply needs to have a good sense of humor.*

There is no one perfect mould for an administrator or chief executive. They come in all moulds. Drucker (1966.22) observes that: *There are extroverts and aloof returning men, some even morbidly shy. Some are eccentrics, others painfully correct conformists. Some are fat and some are lean. Some are worriers, some are related. Some drunk heavily and some are totally abstainers.* Good leaders come in all makes.

The Funding Maze

I have made this point earlier, but it needs repetition here. Medieval universities were founded by states, philanthropists and churches. As circular universities began to emerge, Church and State affairs were separated. With the drying up of funding for universities, universities also moved from merely using middle level accounting staff as mere bookkeepers to chartered accountants for fund managers. Considerable professionalism is now required in making funding proposals, preparing budget estimates and accounting for both government and donor funds.

When Ghana had only three universities, funds could be released to universities in tranches of five (5) years in advance. This allowed for planning for recruitment stocking of libraries and laboratories and infrastructure development in the universities.

The current debate about full cost recovery and cost-sharing mechanisms is far from over. While the universities seek to justify these innovations as cost-sharing with stakeholders, students resent the practice and cynically refer to it as cost-shifting by the universities to students and parents. The universities too maintain that the deliberate under funding is a students and parents. The universities too maintain that the deliberate under funding is a neglect of the state's social responsibility to provide adequate funds for tertiary education and that there is no other perceived way to maintain a certain minimum quality assurance in the universities for national and international respectability without charging more through the fee-paying option. The case is getting more interesting having been taken to the Supreme Court for interpretation.

The burden of accounting properly for all funds falls not on academics, but on professional accountants and their lieutenants. From quinquienal votes, funding deteriorated rapidly to triennial and further to biennial votes. As the economy experienced a further downturn, funding also deteriorated further from biennial votes to annual and eventually to monthly remittance at the tertiary level. Even this monthly remittance is not reliable and sometimes can be in arrears up to three months for particularly items two and three.

Running a university with limited funding amongst scholars must be a daunting task for any professional. But over the years, through a combination of IGF supplementations, loans from banks, overdrafts and juggling among various investment portfolios, the accountants and other administrators have kept the universities afloat while dialogue and advocacy continue to draw attention to the threat to the future of higher education since money is the life blood of any organization those who manage our limited funds performing a very important role. This is not a job anybody can do and well in the 21st century.

Copeland (1951:8) points out that *The competent administrator… has qualities which are not possessed by many eminent scholars, and the qualities of the competent administrator are no less easy of attainment than that of scholarship.*

Abundant money may not necessarily guarantee good outputs but the lack of cash is bound to create lots of challenges to any university seeking to be a centre of excellence in a globally competitive technology world. The work of administrators is taken lightly but when book and research allowances research funds, salaries and budget deadlines are not paid or met, the resulting disenchantment points powerfully to the importance of the administrator in the pursuit of the so called primary objective for which universities are generally perceived to be established for. Lastly, when the students want to bare their fangs over schools fess, it is the administrators who provide the support services who are targeted. When modest increases in fees do not result in glaring improvements in facilities, the students and lecturers conclude that there is no efficiency in the use of the fees. How else can some explain the use of flashy cars by administrators and air conditioners in our offices?

To disgruntled partners, there is no advantage to the married man going to bed early in darkness to save the cost of candles if such conduct results in a budget for twins in the long run. Austerity measures and sacrifices must be seen to be yielding good dividends. Keeping the score and providing satisfactory answers for all manner of deprivations to all constituencies in the university is the onerous task of the administrator.

Complexities in Universities

The Penchant for Arguments

Universities have earned a name for themselves by engagement in needless arguments. Very simple matters can degenerate in heated arguments in boardrooms in universities. Chambers (1983:30) says about his colleague professors that most times: *They are incapable of writing anything short and clear, or of meeting deadlines. They question priorities instead of getting on with the job. They look for things wrong: they write about failures, not successes.* Furthermore, Chambers (1983:33) observes that "while academics seek problems and criticize, practitioners seek opportunities and act. Academics look for what has gone wrong: practitioners look for what might go right". The broad representation of talents among all the partners in the university partly explains the influences of the constituent disciplines in arguments: Bogue: 91985:64) notes that: *Scientists will want an experiment and philosophers a logical argument. Lawyers will want an adversarial hearing and theologians a reference to the scripture. Sociologists will want an*

opinion poll and artists a panel of judges. Engineers will want a systems study and economists a cost/benefit analysis.

Agreement comes more easily during arguments when members come from the same training professional calling in organizations.

Promotion System

The promotion system among academics is heavily skewed towards publishing. One has to publish or perish. Although publishing is not required for placement at the highest levels of non-teaching professional grouping, communicating effectively is a necessary requirement for survival up there. The import of heavy reliance on accomplished scholarship among academics is that effective teaching is not sufficiently encouraged and rewarded. Yet this is the number one activity that can ensure that the graduates from universities meet the performance expectations of industry, government and the business community. Because good teaching is not rewarding, there are many in universities who publish for promotion and care very little about service to humanity. Leboeuf (1989) points out in the title of his book that what gets rewarded get done and calls this the greatest management principle. Keeping career records, accomplishments, writing minutes and issuing promotion and regret letters to failed candidates is not a particularly pleasant business.

Change versus Conservatism

Universities preach change to respond to the needs of country, industry and business community but are conservative to the marrow. University staff are consultants to governments, donor agencies and distressed businesses and organizations but their own backyards are not better managed than other. Bogue (1985:1) cites Warren Bennis *as saying that "universities are among the worst managed institutions in the country, one reason, incredibly enough is that universities…….. have never deeply studied their own reason incredibly enough is that universities……..* have never deeply studied their own administration. "No doubt an incompetent administrator safely anchored in the centre of things in academia.

There is this often heard joke that if you want to reform a university, you may as well change a cheese or cemetery. The battle lines continue to be drawn in all university campuses between radicals and conservatives. The ever pervading influence of academic freedom and license does not permit

executive control without violent resentment in universities. The different professional leanings, compounded by political colorations' ethnic prejudices and personal ambitions make teamwork a tall order in universities. Many lecturers take pride in introducing chaos even in their teaching approaches and expect the students to introduce order into their chaotic presentation.

Conservatism is a familiar ball game in universities. Prompt responses to changing demands are difficult to achieve. Taggart (1975:95) could not have been nearer to the truth when he observed that:
The history of universities is a very gradual and grudging acceptance of new disciples: as each discipline was at last able to squeeze into the university, the newly accepted disciplines joined the older ones in battling any brash new discipline to rear its ugly head.
The situation may be changing for the better today but the tendency is very much alive in debates over curricula approvals at academic board meetings.

Current Trends

Universities in Ghana have experienced and continue to experience certain transformation as a result of deliberate search for some economics of scale, changing financial fortunes and sometimes deliberate intervention by Government to achieve a fit between global market demands, government policy objectives and introspective educational reforms. The following trends come to mind.

Massification

There has been a massive sudden increase in the number of students receiving tertiary education in Ghana . This sudden increase in tertiary enrolment referred to as the "massification phenomenon" (Mohammed Bhai: 2008) came about through deliberation expansion of access in all the pre-tertiary institutions, the implementation of educational reforms reducing the duration of the pre-tertiary level and donor pressure to expand tertiary education access for a rapid transformation of the ailing economy. The result of this massification is increased pressure on classroom space laboratory space, library space, increase in student loans and cash to keep vital services functioning to meet the desired objectives of markets, universities and policy makers in government. Massification has therefore led to feeling of perceived decline in the quality of university products and warranted the institutionalization of quality assurance standards to uphold and sustain quality. Universities have been compelled to

examine their own strategies and use their scarce resources to achieve a fit between market expectations and skills and knowledge dissemination in the global arena.

Proliferation of Universities

From a single public university in 1948, public universities have now grown to six. There are also ten regional polytechnics but no sign of a private polytechnic. The Ghanaian tertiary education landscape is virtually saturated now with private university colleges seeking to expand further access to tertiary education. This proliferation has almost immediately engaged the attention of the tertiary regulatory agencies such as NCTE, NAB and NAPTEX to strengthen supervision to maintain respectability nationally and internationally for the degree, diplomas and certificates being purportedly issued to deserving tertiary students.

Increasing Professionalization of Non Teaching Staff

From the recruitment of non-graduate staff for on-the-job training and retraining, many university staff are now being recruited from the onset with good professional qualifications to deal with the ever expanding range of jobs administrators are expected to perform. The increasing professionalization of virtually all the support services of universities will in future lead to the accord of greater respect to the roles of administrator as other partners will come to appreciate that the administrator is in a perfectly different sphere of influence in expanding the frontiers of knowledge.

Generating IGF

Increasing under-funding has led to ingenious ways of trying to generate funds to augment what come directly from the consolidate Fund and Constitutional Sources such as GETFund, Scholarships Secretariat and donor agencies. The main difficulty with optimizing income generation (IGF) is the pervading feeling that universities are generally mean in rewarding its staff involved in self evaluation consultancies. Knowledge possession belongs to the realm of intellectual property rights and both academics and non-teaching staff are generally reluctant in investing their expertise, time and resources in-house compared to the expected earnings for similar assignment outside.

University Autonomy

Universities in Ghana continue to dread the Nkrumah era where recruitments, promotions and nominations to serve on boards and committees in the universities were dictated by government. The appointments of chancellors and vice-chancellors are now in the hands of university councils although the chairmen of university councils continue to be appointed by the government of the day. At least vibrant councils can co-operate or oppose any appointed council chairman on matters which affect their constituencies and thereby influence or resist being influenced on matters they are conscientiously opposed to.

Ageing Faculties

Because of poor salaries and other conditions of service, it has not been lately possible to attract renowned professors from abroad and other accomplished scholars from industry/commerce to take up tenure in Ghanaian universities. The massification phenomenon, the desire to survive after one's useful working life and the refusal of the younger generation to take up careers in academia have led to many retires taking post-retirement contracts to support the systems they have built over heir working lives. The collapse of several printing houses and built over their working lives. The collapse of several printing houses and refereed journals has mad upward progression in academia not only a nightmare but a dream nearly impossible to achieve under the present harsh conditions in universities. The result is that the younger academics hardly use their book and research allowances for the purpose for which it was intended and damn the consequences.

Graduate Unemployment

Due to the massification phenomenon, the formal sector has become choked. Even where there are vacancies, World Bank and IMF conditionalities for loans and grants dictate the pace and manner of recruitments to fill vacancies in establishments. The difficulty of graduates to secure jobs have led to many going for graduate qualifications in the belief that higher qualification will make them more competitive. In the meantime, bad economic management has led to only buying and selling in the informal sector, the polytechnics, the vocational and technical schools and universities are not producing graduates who can use their entrepreneurial knowledge to create enterprises and employ themselves and others. Ghanaians do not appear to be ready to pay more yet

for training graduates who will only add to the hordes of other unemployed youths in the streets.

Inclusive Education

Female enrolment at all levels has undeniably increased. Concerns about the feminization of poverty have led to advocacy that the admission and employment of more females through education will not only invariably lower their fecundity rate but increase their productivity rates through enhanced formal and informal sector earnings. The policy of support brilliant but needy students and giving tertiary access to average performers from deprived senior high schools are all mechanisms to bridge the gap between the rural poor and the urban elite. Issues of gender, equity, affordability, access, curricula relevance and marketability are high on the agenda of most universities.

Innovative Teaching and Learning Methodologies

Although chalk and blackboards are still used, they are becoming a thing of the past in some universities. Registration for undergraduate and graduate courses is now possible through on line. Easy questions in assessing students are giving way o multi-choice –question (MCQs). Video conferencing, power point presentations and internet searches are now technologies to bring information to every capable person living wherever there is internet access. Technology does not now require the teacher to be "teaching in front of the room, deciding what was to be learned, in what manner and under what circumstances" as well as "telling, explaining and questioning students while the students listened answered, read and wrote" Cuban (1984.137). PBL approach has changed all this while video conferencing and other teaching methodologies do not require the teacher to be in the front.

Delinking of Admission and Residential Accommodation

The massification phenomenon without corresponding expansion in residential facilities has brought about severe pressures in managing allocation of residential slots. Increased numbers in the rooms have also brought about greater pressures of other services such as electricity, water, toiletries and reading places. Kelvinators provided at vantage points which flowed with milk in the past cannot now even supply could water to students. Decent meals in the Dining Halls are not only over for good: The PAYE system has gone with it too. Private partnership in providing residential facilities on campuses and

adjourning neighbourhoods are now the leeway to cope with increasing demands and dwindling resources.

Conclusion

The administrator is often chastised for many transgressions which are not truly part of his routine duties. Many stakeholders are willing to assign good motives to all the good things that happen in universities to Vice-Chancellors as the chief executives of universities and all the failings of the system to the incompetence of administrators. Truly construed, the administrator does many things but under the direction of chief executives of universities and all the failings of the system to the incompetence of administrators. Truly construed, the administrator does many things but under the direction of chief executives. The administrator advises and executes whatever policies have been designed and approved through the collegial system.

The successes and failures in universities ought to be properly borne collectively by all the partners with stakes in the effective and efficient running of the systems. The administrator who wants to exert himself without the stamp of the authority of the relevant committees is bound to meet with resentment from academia. The administrator may wield a lot of power but that is not to say that he is solely blamable for the many deprivations that can be seen in the universities. It is a collective responsibility. Administrators certainly can improve upon their image through improved services. The administrator needs to be modest in times of crises and train and retrain to gain respectability among the partners in the tertiary system. The struggle for credibility is bound to linger much longer until the unfolding crises of relevance and confidence in universities are considerably reduced. Continuously learning and finding solutions to the emerging complexities in university administration is bound to draw the attention of partners powerfully to the relevance of the job of the university administrator. There is absolutely the need for a rethinking and understanding to make the administrator feel that he belongs and the partners to relish his contribution to the ideals in academia. We care if others show that they care about us. If we do our best and we are still blamed, we can console ourselves that is the price we at least have to pay for joining the profession. Standing together, prospering together and falling together in the upcoming single spine salary structure may have some beneficial effects on the morale of the non-teaching staff in the coming years.

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Redefining the Role of University Administrators: An Indian Scenario

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In the quest for development, primary education is absolutely essential because it creates the base. But higher education is just as important, for it provides the cutting edge. Universities are the life-blood of higher education. Higher education has made a significant contribution to economic development, social progress and political democracy in independent India. It is a source of dynamism for the economy and created social opportunities for people. Successful operation of higher educational institution requires competent administrators who provide instructional leadership and manage the day-to-day activities. They also direct the educational programs of businesses, correctional institutions, and job training and community service organizations. The Era of Globalization has brought out changes at all levels of education. The transformation of economy and society and the advent of information and technology in the twenty first century have brought out many paradigm shifts in management of universities. Globalization has brought out many changes and challenges at all levels of education in academics and administration. Present paper focuses on the changing role of administrator in Indian Universities in the change environment.

Role of University Administrators

Today the role of the administration is to support the academic activities. It is often argued that the administrators are merely sticking with statutes, ordinances, rules and regulations with rigidifying the functioning to the university. On the other hand, the academicians always do not understand the importance of administration and tend to neglect it. The top administrator in the university i.e. Registrar also be neglected by the academicians. The Vice-Chancellor, Executive Councils / Management Councils or other authorities of

the University take the decisions and the Registrar is asked to implement the decision taken by them, or otherwise, the committee is established for administrative purpose and Registrar is one of the members of the Committee, when he has to implement the decisions though it is against his opinion and the rules. Moreover, other administrative officers have no any authority to take decisions, control the staff, no purchasing power, no authority to implement the ideas of him in his unit, etc. He is purely, working as an assistant in the bureaucracy of the university. But he is held responsible for non-doing things which are never directly shouldered upon him. With all the attention being paid to teacher's professional development, it is no surprise that administrators' needs have been neglected over the years. Since most administrators receive their knowledge, training, and skills on the job, with the occasional course, it becomes evident that a greater initiative needs to be taken to prepare administrators for twenty first century.

With this is the situation of the present administration, it is futile to expect the quality of the work in the University set-up. In the context of the current changing social and economic fabric of the country, it appears almost certain to go in for private funding of education. The recent paradigm shift in Indian economic and political philosophy has led to the demand of private Universities so as to meet the challenge of contemplated open economy and the demand for qualitative human resources and high level of Research and Development.

Changing Role of Administrators

The existing university administration system leaves much to be desired and hence call for sweeping reforms. The basic objective and philosophy of administrative reforms should be to reduce unwarranted and unnecessary controls and to provide autonomy with accountability to all those who are involved in university administration. Reduction in controls and decentralization in decision making can avoid needless delays and it can impart new dynamism to administration. Therefore, it is necessary to offer autonomy and freedom to every department / section of the university so that they became independent entities. The Kothari commission stressed the need for autonomous colleges as far back as 1964. The new policy on Education of 1986 also endorsed this timely measure.

The idea of privatization is also outcome of above thinking. Therefore the role of administrators is changing in the changing scenario. The administrators are expected to find out the ways to collect funds to become self-sufficient

University. It is now believed that those who clamor for qualitative education should receive it only at a price. Enhancement of a University fees and rate is inevitable and opposition to it is untenable and unwarranted. The administrators are also expected to endeavor to establish endowments from philanthropists. Income from such endowments can help to improve University finances. The idea of privatization in higher education led this responsibility upon the University administrators today. The administrators are also expected to save a part of its funds and invest the same in income yielding assets and income generated thereby can supplement the scanty resources of the University.

Administrators will also held responsible for avoiding, at all costs, unproductive, extravagant and doubtful expenditure. Considerable economy in the expenditure is expected by the university administrators in the changing scenario. For instance, the school system in the University reduces expenditure on the staff and faculty as well as sharing of the infrastructure. Similarly, under the choice based credit system, the students have the benefit of expertise from all the departments of the university and hence the expenditure on invited faculty from outside or guest lecturers can be reduced to the minimum. Thus changing scenario of the higher education will lead the administrators to think over the improvement in financial position of the university by finding out many measures by augmentation of the internal and external revenue and by economy in expenditure. When the question of accountability comes, certain authority has to be shouldered upon administrator. Responsibility, authority and accountability lead the fairness to the profession of any kind. Today middle level administrators have no any authority and hence they crush between subordinate staff and top administrators.

Effecting a Change

Administrative staff would able to convince the significance of the change(s) made, being made and required to be made. Any change, whether it pertains to an organizational structure, introduction of new machines, equipment and materials, revised working hours, is centered on human beings, who are going to operate under the envisaged / changed conditions. Change calls for a reorientation of the attitudes of the people concerned. A change takes place only when the people affected absorb the meaning behind the change, accept it and adopt it as the new way of working.

Changed Scenario

The administrators must welcome the technology coming in this field. But today, competition poses an organization challenge that cannot be simply by technology or by financial resources. Technological innovations and resource allocation are outcome of human processes. Therefore our ability to complete rests on to organize human beings to such way as to generate opportunity and results rather than impasses, stagnation, bureaucracy and wasteful friction. Hence, interpersonal relations and dialogue have to be recognized as the basic requirement of educational administration to enable people to come together, to keep together and to work together.

Educational institutions are abode of culture where spirit of inquiry questioning and disagreement are deliberately encouraged. To usher in such permissive intellectual climate an educational administrator is expected to possess democratic attitude, scientific temper and philosophical tolerance. Administrators having such attitude and temperament can make an educational institution a true "academic republic". It is major responsibility of the educational administrator to create such conditions and contexts in the educational institutions, which stimulate and inspire the teachers to perform qualitatively better and higher. They would make attempts to develop in the teacher and educational workers a 'life style' which in the words of Alfred North Whitehead (1962) "hates waste, economizes material and prefers good work." To vitalize and mobilize human energy through harmonious human relationship in the educational institutions, educational administrators are expected to orient themselves to the demands of the four soft S's that is Staff, Skills, Style and Superordinate goals for meeting the challenge of change and acceleration.

Redefining the Role of University Administrators in Changed Scenario

Education administrators hold leadership positions with significant responsibility. Most find working with students extremely rewarding, but as the responsibilities of administrators have increased in recent years, so has the stress. The existing university administration system leaves much to be desired and hence call for sweeping reforms. Coordinating and interacting with faculty, parents, students, community members, business leaders, and State and local policymakers can be fast paced and stimulating, but also stressful and demanding. Here are the few roles of administrators in the changed scenario.

1. Advocate for Students

Advocacy is the essential elements of administration. Broadly defined, an advocate is one who acts on behalf of others. Advocacy from the administrator's perspective must focus on organized efforts and actions directed at achieving the educational goals. The administrator can advocate for students individually and collectively. The administrator is usually the first to encounter individual student concerns. The administrators should ascertain whether these concerns are unique to one student or part of a broader issue affecting the delivery of educational services to many students. Through individual interactions, observation of group dynamics, and understanding of departmental attitudes, the clerkship administrator will have opportunities to identify and address issues and optimize learning. To achieve the advocacy, administrator must be,

- knowledgeable about the management and the programmes offered by the organization,
- able to provide accurate, reliable and complete information,
- able to assist with faculty receptor, development and training,
- able to identifying the needs and issues raised by students, faculty and
- aware of appropriate support systems.

2. Advisors

Most of the decisions are made and actions are taken based on the information the administrator provides, so the information must be accurate, current, and applicable to the situation. The advisor helps to make an objective decision and to communicate that decision effectively. To achieve the role of advisor, administrator must,

- understand the policies and philosophies to convey consistent messages to students and faculty,
- understand the needs of the individual student,
- work on continuous self-development as an advisor and
- have access to formal and informal sources of training and dialogue regarding current trends in higher education.

3. Curriculum Manager

Administrator's focus on education is critical because most faculties divide their time among teaching, research and education. Administrator assists the higher authorities in reviewing and assessing elements of curriculum and implementing changes as needed. To become as curriculum manager, administrator must be able to:

- communicate effectively with faculty and other departments,
- review large amounts of information and be able to identify what is relevant,
- present the information to the concerned authorities in a clear, concise, and well-organized manner and
- familiarize with its relevance and application.

4. Change Implementer

Change implies the creation of imbalances in the existent pattern or situation. Change may take place due to changes in business conditions, changes in managerial personnel, technological and psychological reasons, government policy, size of organization, etc. Administrator must be able to identify trends, analyze impact of such changes and help in managing such changes effectively. Change is often met with resistance. Understanding and respecting the reasons for such opposition will help the administrator to ensure that the best approach is used to implement change. To become a change implementer, administrator should have the following skills:

- Task and time management - Administrators must prioritize and complete multiple takes in a timely manner. Administrator should manage time efficiently, work harmoniously with others, and manage information effectively
- Interpersonal skills - Administrator has to interact with people and other departments for various resources and may need to convince them to implement changes successfully and hence interpersonal skill is very much necessary.
- Thinking out of box - Administrators should think out of the box for innovative solutions, operating in ambiguous solutions, making tough on the spot decisions, demonstrating perseverance in the face of adversity, working on an ad-hoc basis until the new systems are established, etc.

- Information management - Administrator also needs to manage information to implement changes. The administrator should collect the required information from various sources and develop the systems for storing and retrieving it. This information may need to be analyzed, synthesized, or processed in some other manner.

5. Educational Researcher

Most administrators do not lead educational research; however, many become involved in all aspects of educational research projects. Administrators can develop their skills as a researcher by working with others who can offer guidance and feedback on projects. The information collected by administrators can form the basis for research. To become as educational researcher the administrator should have following skills:

- Detail orientation and organizational skills - Collecting information as completely and accurately as possible is crucial when conducting studies.
- Thick skin- The study results should be written and submitted to a meeting or journal for peer review. The methodology or significance may be criticized, potentially causing the author to feel as if the hard work of collecting and analyzing the information was a wasted effort. Criticism should not be taken personally. Critiques are learning opportunities to improve and hone research skills.
- Patience - Most meaningful research is not completed in weeks, or months. Information will likely need to be collected for several years to have enough data to report results of any significance. To identify trends or analyze the impact of changes, the data set needs to be large and this takes time.

In addition to these redefined roles, university administrators also play a crucial role in increasing the organizational effectiveness by carrying out the following functions:

1. Reduction in Control and Decentralization of Decision Making – To avoid needless delay, reduction in controls and decentralization in decision making can impart new dynamism to administration. Therefore, it is necessary to offer autonomy and freedom to every department / school of the university so that they became independent entities.

2. Control the Expenditure – Administrators will also held responsible for avoiding, at all costs, unproductive, extravagant and doubtful expenditure. They should keep watch on the objectives of the university and permit the expenditure.

3. Raising Financial Resources – Administrators are expected to find out the ways to collect funds and to establish endowments from philanthropists to become self-sufficient university. The administrators are also expected to save a part of its funds and invest the same in income yielding assets and income generated thereby can supplement the scanty resources of the University.

4. Visionary Leadership – Educational Administrators inspire and lead development and implementation of a shared vision for comprehensive integration of technology to promote excellence and support transformation throughout the organization.

5. Excellence in Professional Practice – Administrators promote an environment of professional learning and innovation that empowers educators to enhance student learning through the infusion of contemporary technologies and digital resources

Conclusion

In this era of globalization, higher educational administrators are expected to posse qualities such as democratic attitude, scientific temper and philosophical tolerance. Administrators having such attitude and temperament can make an educational institution a true "academic republic". It is major responsibility of the educational administrator to create such conditions and contexts in the educational institutions, which stimulate and inspire the teachers to perform qualitatively better and higher. Their role requires knowledge, expertise, skills, and capabilities that must be acquired with experience and mentoring. Thus becoming proficient as an administrator is a significant accomplishment and deserves recognition.

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Admissions Dilemma: Understanding Options and Counseling Toward Fit

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Wheelock College

Jake is a vibrant 18 year old high school senior. He has great ambitions and has worked hard in high school to ensure that he will be able to pursue the path he chooses upon graduation. Although he has interests in some specific fields, he's not positive what career he ultimately wants to pursue. By way of his high school guidance counselor's suggestion, Jake and his parents have ended up in my office at Lake College.

As an Admissions Counselor, part of my job is to sell the school I represent. While most of us chose this career due to a passion for education, and we truly do believe in the value our schools add to a student's experience, let's be honest and admit that part of our job is sales. Schools which are based in tuition-dependent revenue models, (especially private institutions) need students in order to operate. This need often leads to a mentality in admissions offices that overlooks a student's true needs or wants and encourages admissions staff to focus on the "sale." To be fair, this sales approach is often based in the fact that certain parts of many institutions would benefit a broad range of students. But, the fact that there are potential benefits a student could gain from an institution does not mean that a student is likely to succeed or achieve their ultimate goal without serious repercussions, including huge amounts of debt, inefficient learning progress and increased stress based on lack of fit - all potentially leading a student to leave. All of these negative effects happen after the student has enrolled and by this point, admissions professionals have begun to look toward the next year's class, leaving student success and retention to other departments.

So, what happens when Jake is a student who might look like a good fit from the point of view of a college, but might be better served by other options on his way to attaining his goals? And what if Jake doesn't fully understand these

other options but you, as the Admissions professional, do understand? You understand that based on Jake's Estimated Family Contribution, large amounts of loans would be necessary in order to make education at your traditional four year college a reality. You understand that the learning style offered by some non-traditional models, such as online learning, will probably give Jake a better opportunity to learn best based upon his needs and wants. And you understand that the socially accepted stereotype that private, four-year, traditional colleges provide the best education, is not only flawed but ultimately wrong. Nevertheless, to fulfill the enrollment needs of the college, we all hope that students "pick us," putting admissions professionals in an ethical dilemma.

We each have to decide when to take off our "sales" hat and put on our 'counselor' hat. How do we explain to a family what higher education as an industry is beginning to understand: that higher price tags and tradition do not automatically point to the best option? While negative connotations still linger in discussions of community colleges, for-profit institutions or distance learning, the reality is that these options can be BETTER in a lot of ways for a lot of students. Although it isn't time to completely abandon the traditional model, it is time to start having a conversation with students and families that allows them to feel supported in choosing whichever path they prefer, because at the end of the day, there is no One Right Path.

This issue, when fully examined, reaches beyond an individual ethical decision and affects the entirety of higher education. Institutions, to determine their success (not to mention their budgets), measure and report the retention rates of their student bodies. Ultimately, it is in the best interest of the institution to enroll students who are going to persist through to degree completion. High retention and completion rates result in a financial gain based on tuition revenue and are considered to indicate the caliber of an institution. Currently 'among all four-year colleges, just 56 percent of students meet this goal (graduating within six years) (Pathways to Prosperity Project, Harvard Graduate School of Education, 2011). With a focus on enrolling students who will not leave based upon an institution's inability to match student needs, institutions have a vested interest in encouraging honest discussions with prospective students and families. There is a direct correlation between the role an admissions counselor plays and the point at which change could be affected based upon student needs.

We as a group of professionals have the opportunity to become catalysts of change; affecting the way that our field as well as society view higher

education options. This responsibility and opportunity is based upon multiple factors. Our role aligns with the timeline during which students often should be asking intentional questions and working to define their needs. As stewards of 'admissions decisions' we are respected by guidance staff, students and families; often this respect allows our opinions and recommendations to wield influence. As ambassadors for our institutions we have the ability to start a change in focus at the point of first exposure and create systemic change based upon the students that we admit. Admissions counselors face a dilemma when this ability to promote change directly conflicts with the fact that we are being paid by the institution to recruit students and fill enrollment goals. Does your loyalty lie with the immediate goals of the institution, the improvement of higher education, the individual student you are working with, or some combination of these factors?

If we're in agreement about the need for more honest conversations surrounding higher education options, and the appropriate role of admissions professionals to begin these conversations, then it becomes necessary to examine the content of this conversation.

First, what are the options? Second, what benefit does each option provide and what student needs does it address? Finally, how is this process of finding the best option going to benefit a student in a world that still predominantly buys into the stereotype of a traditional model as a "better" model?

1. Community College.

Having been an available option for many years, Community Colleges are a part of the educational system with which many students are familiar. Unfortunately, these institutions are also highly stigmatized. What Community Colleges offer students is a flexible and affordable option. Their tuition is far lower than what students pay for general education or core classes at a four-year college and they typically offer classes at more varied times (midnight classes for example). One important thing to note about this option is the rise in the number of four-year institutions which allow students to easily transfer credits. With this increasingly established option to apply Community College credits toward a further degree if desired, it is an option which can work very well for students who may not be sure exactly what they want to study, want to stay closer to home, want the flexibility of schedule to explore work in certain careers before committing to a pricey degree or simply cannot or don't want to pay the increasingly high price for a four-year degree. Another benefit of a Community College is the focus on teaching. With systems (for all levels of

professors including tenured) that focus less on research, professors are more fully committed to teaching as their primary role; something that has been considered lacking in many four-year institutions. Students are beginning to value this educational model highly as we see Community Colleges now making up the largest post-secondary system (Pathways to Prosperity Project, Harvard Graduate School of Education, 2011).

2. Online Learning.

To the current generation, interactions with technology come as second nature; and as such they are beginning to demand that education utilizes this medium. Online Learning has proven to have strengths that reach far beyond the ease of use based on technology. This model doesn't require physical facilities, cutting costs for institutions. Also, online courses provide a level of flexibility that is unparalleled, allowing students to complete course work, attend lectures and interact with classmates at any time and from any location. Finally, there is a heightened sense of flexibility in terms of degree completion. Often online courses are offered more often (not needing to fit into a classroom booking schedule) and students can more fully determine their own pace; whether accelerated or spread out over time.

There are also benefits to online education that are provided by the for-profit sector. Assessment has become a focus of some for-profit institutions and in this process, we have seen the creation of innovative ways to provide constant feedback and allow student needs to determine the content delivery methods. This gives students in online courses the ability to receive more personalized instruction than is often available in a traditional classroom (Jones, 2011).

3. For-Profit.

While most for-profit institutions function in the online-learning space described above, it is worth mentioning some of the other benefits that can be seen as unique to this type of institution. As for-profit institutions have faced severe scrutiny as well as increased regulations, some institutions have created a system which focuses on student capabilities to succeed (Fain, 2011). This system uses a model that incorporates pre-assessment which determines if there is a disparity between the level of the course and the capabilities of the student. While similarities with this idea can be seen in the traditional concept of pre-requisites, this innovative model focuses on direct assessment and is something that will help students to proceed down a path which is appropriate based on their abilities, allowing them to avoid wasting time and money on a course in which they will struggle to succeed.

4. Experiential Learning.

This option is not brand new to the scene, nor is it intrinsically incompatible with the traditional four-year model, but it is something that is thought to align with the needs of both employers who feel that this generation of professionals are underprepared and students who want to see a direct correlation between their education and how that prepares them to continue their path after graduating (Pathways to Prosperity Project, Harvard Graduate School of Education, 2011). Experiential learning can be manifested in co-op learning models and in certificate/training programs, and is a topic of discussion in the consideration of models which allow credit for life experiences such as those supported by The Council for Adult and Experiential Learning. Experiential Learning can provide students skill development that employers value, opportunities to explore careers in potential areas of interest and flexibility to create a unique learning path.

While all of these options are not a great fit for every student, understanding the benefits of each and feeling empowered to choose free of stereotype would allow students the best chance at success. This shift toward valuing individual strengths and differences of approach would also allow institutions to take ownership for their strengths, much like Harrisburg University's approach discussed by Marcus (2011). Institutions could create a strong, unique identity instead of trying to be all things to all students; something which has diluted our educational system and contributed to rising costs (Brewer & Tierney, 2011).

Let's get back to Jake.

So, what if I tell Jake that he probably should consider other options? What if, like a true counselor, I help him to think of questions to ask himself that will be helpful in determining what his individual needs are and I provide him with information about the range of possibilities and how they can give him the benefits and advantages he's looking for from higher education? What if I truly live out the reason that I quote when people ask me why I got into education "I like advocating for education and working with students to realize their dreams"? Well, maybe by owning my reasoning I will take some flack at work; but I think the explanation of benefits for the field of higher education as well as students is too powerful to be discounted completely by those working in our field. Maybe I'll begin to play my part in educating a generation of students who truly understand and embrace their options, owning their potential and

feeling empowered to choose the path to their goals that serves them best. Maybe admissions professionals are in a more powerful position than we realize, holding in our hands the ability to begin conversations working toward breaking down social misconceptions and stereotypes about higher education options, leading to more successful students and better education.

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An Empirical Investigation of Students' Satisfaction: Evidences from Makerere University Business School

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For long, both managers and regulators of education institutions have pondered on which school variables influence student satisfaction. This question takes on new importance to managers of Education Institutions as we continue to witness increased competition, stringent teaching and research budgets, rapid expansion in student-numbers, decline in staff-student ratio(Cooper, Hinkson and Sharp, 2002), and stern accountability of public funds (Mustafa and Chiang, 2006). For lack of precise answers, Education Institutions rely on presumed relationships between various education-related factors and students satisfaction (Elliot & Shin, 2002).Student satisfaction has been defined by Elliot & Shin (2002) as the favorability of students' subjective evaluation of the various outcomes and experiences associated with education**.** This implies, students' satisfaction-evaluation is typically based on a cognitive process in which students compare the quality of educational service encountered with their prior expectations. Like many African countries, Uganda's Higher Education has until recently been supply-driven (Kasozi, 1994). As such students' satisfaction was not a serious concern for the institutional managers. Nonetheless, with the liberalization of the Higher education subsector, the situation is steadily changing. For instance, with over 24 Universities (National Council for Higher Education, 2008) in Uganda, competition for students has soared. Undoubtedly, Higher education institutions have to grapple with not only the hassle of students' attraction and satisfaction, but also how to retain them. As students transcend from mere consumers of education services to customers (fee payers), enormous pressure is expected on institutions to reciprocate with quality education (Kotler and Fox, 1995; Elliott & Shin, 2002; Cooper et al., 2002).

One such institution in Uganda that has sought to address the challenge quite head on is Makerere University business school. Established by the government of Uganda in 1997, the school is mandated to develop and

standardize business and management education in the country; from the certificate, through the diploma and undergraduate programmes to post graduates level. Whereas the mandate of the school is quite enormous, government financial support is not only meager but dwindling. While several researchers and scholars have predicted a decline in academic quality due to poor funding (Kasozi, 1994; Carrol 2005; Mamdani 2007), studies into students' experiences with the services rendered by such institutions are scanty. We argue that in order to grasp the complexity of the students' learning experience, it is not enough to know the degree to which students are satisfied, it is important to scrutinize the factors that contribute to students' satisfaction. This is the impetus for this extant research.

The Literature

The concept of students' satisfaction

Service quality and customer satisfaction have become important concerns for Universities competing for both home and international students (Douglas, McClelland and Davis, 2007). Douglas et al.(2007) provide three possible explanations for the growing interest of Universities in the subject of students' satisfaction: (1) students' satisfaction with the University is an important outcome that is difficult to subordinate to any other educational outcomes; (2) there is evidence to suggest that satisfaction is related to student performance and (3) that satisfaction is considered to be a predictor of student persistence at University (Tinto, 1993). Other scholars have acknowledged students as important customers of the education service (Alves and Raposo, 2007), and thus the need for education service providers to constantly seek for their opinions regarding the quality of service along the multiple dimensions that characterize the student satisfaction construct (Navarro, Iglesias and Torres, 2005). Certainly, it is expected that when students are satisfied with the education service provider (University, for example), they display loyalty, positive word of mouth actions, etcetera. Conversely, dissatisfaction of students could have plentiful consequences: students' poor performance, quitting or transferring, and negative word of mouth-all harmful to future students' attraction.

Learning resources and students' satisfaction

The criticality of learning resources (e.g., library, internet, books) as an integral part of education quality has been widely studied (Gatfield, Barker and

Graham, 1999). These authors contend that with the changing technology, students expect even more from education institutions. Underscoring the significance of learning resources, Douglas et al.(2007) posit that perceived service quality in Higher education is a product of a number of service encounter evaluations by students such as the library, catering and IT services. We therefore expect an investment in learning resources to be positively related to students' satisfaction. We hypothesize: *Hypothesis 1: Learning resources will positively influence students' satisfaction*

Teaching effectiveness and students' satisfaction

Darling-Hammond (2000) argues that the teachers' professional qualifications, skills, and classroom effectiveness are deep-seated in students' satisfaction. Consequently, Mustafa and Chiang (2006) delineate two variables that produce quality education: (1) teacher performance and (2) course content. While factors such as organizational structures (e.g., class size), climate (e.g., expectations for achievement, safety), policies and procedures (e.g., assessment, discipline) and academic organization (e.g., grouping strategies, curriculum and learning activities) have been found to affect education, with effective teachers, their effect could be controlled. In consequence, teaching effectiveness is expected to benefit students through increased inculcation of life skills, knowledge, and requisite attitudes pertinent to the world of work and the community as a whole. Therefore, hypothesize: *Hypothesis 2: Teaching effectiveness will positively influence students' satisfaction*

Administration and students' satisfaction

According to Pitman (2000), two main relationships have to be managed, short of which could affect service quality in a University. They include (1) relationships involving administrative staff and the academics, and (2) relationships involving administrative staff and students. Besides, Gatfield et al.(1999), and more recently Mustafa and Chiang(2006), contend that the administrative side of higher education has been overlooked which has resulted into conflicts between them and the academic staff. Aware of the centrality of students in a University, it is expected that where there is disharmony between administrative and the academics, students could suffer more that any body else. Therefore, where the administrative services and relationships with students are cordial, and more so if founded on clear communication channels, efficient complaint handling mechanisms, student friendly policies, availability and approachability of administration (Keaveney and Young, 1997); students

would have a positive feeling of the entire campus life. Formally stated: *Hypothesis 3: Administration will positively influence students' satisfaction.*

Career advice and students' satisfaction

Although the role of career advice in schools has been long clarified, research on its link to students' satisfaction has remained scanty and mixed. For example, Longden (2006) in a study on changing student-expectations and their impact on retention rates observed that when students lack a clear future career, their retention in schools is equally and negatively affected. Tinto (2002) argues out the importance of career advice to students. He posits that a mentoring programme, especially for beginner-students is essential to avoid the common pitfalls of students failure to find relevance of some courses, incompatibility between student and institutional expectations, academic boredom, transition difficulties and social isolation. Certainly, when such conditions unfold, students' performance could negatively be affected. Some studies, nonetheless, run counter to the nomological expectation of career advise and students satisfaction. For instance, Tam (2002) argues that students should be responsible, and for that matter, accountable for not only the amount and scope, but also quality of effort they invest in their own learning and development. This implies, probably, a non linear relationship exists between Career advise and students' satisfaction. Despite the conflicting position of career advise in the students' satisfaction function, we hypothesize that: *Hypothesis 4: Career advise will positively influence students' satisfaction.*

Conceptual framework for the study

The conceptual framework undergirding this study postulates learning resources, teaching effectiveness, administration, and career advise as determinants of students satisfaction. Given the multidimensionality of the students' satisfaction construct (Keaveney and Young, 1997), we expect students to consider all the dimensions (learning resources, teaching effectiveness, administration, and career advise) in their cognitive evaluations of satisfaction while on campus. We hypothesize that: *Hypothesis 5: Learning resources, teaching effectiveness, administration, career advice jointly predict students' overall satisfaction.*

Methods

Research design

A survey design was found most appropriate for this research and was conducted by using cross sectional data. The reason for focusing on this method is that descriptive studies rest on specific hypotheses, and they are often concerned with the frequency of occurrence, or association between two or more variables (Harris, 1997). The extant study meets these requirements.

The sample and data collection procedures

The research setting is Makerere university business school and data used in this study was drawn from students. The study population consisted of 11,813 students. This figure was established from the Registrar's Department and was therefore considered reliable. A sample of size 370 students was determined based on Krejcie and Morgan's approach (as cited in Sekaran, 2000) for sample size determination. Since the population is divided into clear, distinct and non-overlapping (Masters, Undergraduate, Diploma and Certificate level students), a stratified sampling approach was adapted. Homogeneity of students within the strata was assumed (Sekaran, 2000). Individual elements to be included in the sample were accordingly randomly selected

Measurement instrument

To be able to explore the determinants of students' satisfaction, a questionnaire was utilized to collection data on the study variables. The questionnaire was based on the measures of Keaveney and Young (1997). These measures were developed, tested, refined, and therefore expected to yield reliable results. Indeed, this empirical research responds to their call to use their tool in order to examine students' satisfaction antecedents. The questionnaire included 7 descriptive items (Student category i.e. local or foreign); type of sponsorship (government or private), study programme (certificate, diploma, undergraduate or post graduate); year of study, gender, age, and marital status.

The dimensions of students' satisfaction were measured using 42 items describing the students' experiences at the University. These measures are also consistent with those used in education, service quality and satisfaction literature (Zeithaml, Berry and Parasuraman, 1993; DeShield, Kara and Kaynak, 2005). Conscious of the fact that students' satisfaction is a product of a

number of service encounter evaluations (Keaveney and Young, 1997; Navarro et al., 2005), a multiple education attribute measure was adopted incorporating student learning resources (10 items); teaching effectiveness (10 items); Administration (17 items); and career advises (5 items). The items were measured on a 5-point Likert scale ranging from 1 = Poor; 2= Fair; 3= Good; 4= Very good; and 5= Excellent. In order to assess the overall students' satisfaction (dependent variable), we incorporated 2 validation items probing future intentions (recommending the institution to others and coming back to the institution if further studies were needed). These were too, measured on a 5-point Likert scale from 1=certainly not; 2 =probably not; 3= not sure; 4= yes probably; and 5= yes certainly. Self administered Questionnaires were issued to students in their respective classes who were encouraged to fill them before lectures would begin. Because of space constraints, the instrument used for data collection is available from the author on request

Reliability of the measures

We adopted Keaveney and Young (1997) measures that have been widely utilized in satisfaction studies (e.g., Navarro et al., 2005; DeShield, Kara and Kaynak, 2005). Nonetheless, a Cronbach's alpha coefficient was calculated as a measure for internal consistency for the total instrument as well as for all the four dimensions. All were found to be adequate for the sample. Specifically, total instrument (α =.9443), learning resources (α =.8283), teaching effectiveness (α =.9025), administration (α =.9243), career advise (α =.9322) and satisfaction (α =.7276). All constructs had their alpha coefficients above the cut-off point of 0.6 (Sekaran, 2000), and 0.7(Nunnually, 1978). Therefore, the scale instrument demonstrates reliability by satisfying the statistical criteria.

Validity of the measures

A number of procedures for establishing validity were undertaken. Face validity, as stated in Diamantopoulos and Schlegelmilch's paper (cited in Akyol and Akehurst, 2003, p.10), "the extent to which a measure seems to capture the characteristics of interest through an agreement between expert and /or non expert judges as to the suitability of the measure", was ascertained. Before the final questionnaire was sent out, it was pre-tested and refined with a number of students from all study levels (certificate, diploma, undergraduate degree programmes and masters) who are known personally to the researchers, thus ensuring that the questions were relevant and phrased in a meaningful manner. On the basis of their comments, some modifications were made on

some items related to the determinants of students' satisfaction. This provided evidence of face validity. On the other hand, content validity (i.e., whether the contents of the instrument adequately represents the property being measured) was assumed since the measures were adopted and had been validated as per procedures of instrument validation (Frankfort-Nachamias and Nachamias, 1996). Similarly, convergent validity (i.e., the requirement for alternative measures of the same construct to correlate strongly with one another thus showing the extent to which a construct really measures the concept) was presumed certain on the same account (adoption of measures). Therefore, based on the above procedures, the measures were considered valid.

Aware that data collected through exclusive use of self report measures are susceptible to common methods variance(and thus a threat to validity), our study sought to avert its magnitude by integrating some negatively worded questions and use of randomized item order, in tandem with mixed rating scales(Meade, Watson and Kroustalis, 2007). Further, our study utilized measures soliciting responses that are factual and verifiable, rather than those requiring enormous cognitive processes-prone to common methods variance (Sharma, Yetton, and Crawfold, 2009). Indeed, our independent and dependent variables were measured by different scale formats. Common scale formats is likely to increase common methods variance in the observed effect size (correlation) compared employing behavioral measures or continuous open-ended scales for at least one of the variables (Sharma et al., 2009).

Analytical methods

The statistical software package SPSS 11.5 for windows was used to analyse the data. Descriptive statistics were used to characterize the variables used on both item (element) and dimension (levels). Correlation coefficients (spearman's rho) were computed between the independent variables and the dependent variable to determine the existence, type and strength of the associations between the dimensions and to establish whether the relationships were significant. Enter method multiple regression analysis was used to examine the amount of determination of the single dimensions of students' satisfaction (Learning resources, teaching effectiveness, administration and career advise) conceptualized to measure students satisfaction. The results demonstrate the overall explanatory power of all predictor variables (R- square) and the relative importance of individual predictors in the specific analysis when the standardized regression coefficient (β = beta) is inspected.

Results

Results from descriptive analysis

Of the 370 questionnaires administered, a total of 333 usable questionnaires were obtained constituting 90% response rate. The sample consisted of 142 males (42.8%) and 190 females (57.2%). About 36% of the respondents were 18 to 22 years old, 48% were between 23 and 27 years old, 15% were 28 to 32 years old and 1% of the students were more than 32 years old. Overall, about 80% of the respondents were local students while 20% were foreign. The feasibility of the instrument was adequate with an average missing data value of 8 %.

Table 1
Measurement Model Estimation

	N	Mean	SD	Collinearity Statistics Tolerance	VIF	Missing Count	Missing Percent
Learners	312	20.00	5.38	.623	1.604	21	6.3
Teaching	306	25.29	7.04	.648	1.543	27	8.1
Admin	284	33.92	11.94	.581	1.721	49	14.7
Career	314	7.87	3.54	.849	1.178	19	5.7
Satis	324	6.48	2.38	-		9	2.7

Multi-collinearity was examined using tolerance values and variance inflation factor (VIF). These indices define the proportion of variability of that variable that is not explained by its linear relationships with the other independent variables in the model (Musil, Jones and Warner, 1998). From the results (Table 1), tolerance values ranged from .581 to .849. As a cutoff point, tolerance values may range from 0.00 to 1.00 and values of 0.1 or less indicate problems with multicollinearity (Norusis, 1995). In our case no multicollinearity existed among the study variables. The VIF of predictors ranged from 1.178 to 1.721. The VIF indicates the strength of the linear association between the predictor and all other remaining predictors. Multicollinearity is a concern when the VIF exceeds 10. This implies all the predictors in our model were free from multicollinearity (Stevens, 1996).

Correlation analysis results

Correlation analysis was used to determine the strength of relationships between the variables in the model. Results from correlation analysis (Table 2) indicate that students satisfaction positively correlated with learning resources ($r = .360$, $p<.01$); teaching effectiveness ($r = .276$, $p<.01$); administration ($r = .335$, $p<.01$), and career advise($r = .184$, $p<.01$).

Table 2
Descriptive Statistics and Correlations (Pearson's Product Moment Correlation)

Variable	Mean	SD	N	Variable

Table 3
Regression Analysis Results

p value for deviation from linearity	.891	.619	.599	.170
R^2	.097	.072	.108	.029

Most respondents (63.1%) indicated that they would recommend the institution to others (i.e. 43.7%+19.4%). When asked whether they would be willing to return to the institution for further studies, 50% of the respondents answered in the affirmative. Although both future intensions items were linearly associated with all the satisfaction dimensions, recommendation of the institution to others was more associated with learning resources (R2 = .109) than teaching effectiveness, administration, or career advise. On the other hand, the students' intention to return to the institution for further studies was more associated with the administration (R2 = .108) than learning resources, teaching effectiveness or career advisory services.

Discussions

Hypothesis 1: Learning resources will positively influence students' satisfaction

Results from correlation analysis indicate a significant moderately weak positive relationship between learning resources and students satisfaction($r = .360$, $p<.01$). These results are supported by Gatfield, Barker and Graham (1999) who underscored the importance of learning resources in the learning process of students. These results are further supported in Douglas, McClelland and Davis (2007) who have emphasized the importance of library resources, information technology and catering services in students' satisfaction.

Hypothesis 2: Teaching effectiveness will positively influence students' satisfaction

Results from correlation analysis indicate a significant weak positive relationship between teaching effectiveness and students' satisfaction($r = .276$, $p<.01$). This finding is consistent with Darling-Hammond (2000) who found a strong link between teacher quality, learning quality and students' satisfaction with the latter represented by the amount and quality of knowledge teachers possess. The results are also supported by Mustafa (2006) who emphasize the importance of teacher performance and course content in education quality.

Hypothesis 3: Administration will positively influence students' satisfaction

Results from correlation analysis indicate a significant moderately positive relationship between administration and students satisfaction($r = .335$, $p<.01$). This finding is in line with earlier study by Pitman (2000) who reported the need for Universities to manage relationships involving administrative staff and academics, and administrative staff and students for better service to students and other customers of the University.

Hypothesis 4: Career advice will positively influence students' satisfaction
Results from correlation analysis indicate a significant weak positive relationship between career advise and students' satisfaction($r = .184$, $p<.01$). This finding is similar to Longden's (2006) view that students, especially beginners, require help in terms of clarifying expectations and academic preparation.

Hypothesis 5: Learning resources, teaching effectiveness, administration, career advise jointly predict students' satisfaction.

The regression analysis results indicate only two independent variables, that is, learning resources ($t = 2.711$, $p \leq .05$) and administration ($t = 1.960$, $p \leq .05$) as significant predictors of students' satisfaction. Similarly, results from future intentions (Table 4) support the regression results; with learning resources ($R2 = .109$) and administration ($R2 = .108$) associated with students' satisfaction. This finding is in line with Zeithaml et al.(1993) who argue that students' satisfaction is a multifaceted concept and that all the dimensions are vital to students' evaluation of service quality and eventual satisfaction. Thus our model for predicting students' satisfaction: y' (Students' satisfaction) =2.662 + 0.201 X Learning resources+ 0.151 X Administration is supported.

Limitations and Directions for Future Research

Some limitations to this study are identified to help drive future research. First, the study was limited to explaining students' satisfaction in Makerere University business school. It might be that the situation is different in other education institutions. Future research should broaden the scope of the study. Second, the study did not cover internal learning contexts such as classroom composition, structure, and social relationships which often intersect with teacher characteristics and instructional behaviour to impact student learning and hence satisfaction. Third, individual characteristics of students as

influencers of satisfaction were not covered in the extant study. This provides a plausible area for future enquiry. Fourth, the low correlations between the independent and dependent variables, summed by the weak model fit(explaining under 14 percent of the variation in students' satisfaction) exposes the weaknesses of adapting models(like the one used in this study). It would suffice future research to consider developing a student-satisfaction model with concepts that are reflective of local education setting in the context of a developing country like Uganda.

Fifth, for the reason that our data collection exclusively used self report measures, we acknowledge the likelihood of common methods variance in our results, which could hurt the validity of the results. While strategies to forestall its severity were implemented, including the use of negatively worded items, randomized item order and application of multiple raters (Meade et al., 2007; Sharma et al., 2009), future research should employ triangulation methodologies in addition to expansion of scope of informants such as lectures and administrative staff. This would reduce potential bias due to common methods variance.

Conclusions and Management Implications

The study sought to achieve two objectives: (i) to assess the level of students' satisfaction on the dimensions of learning resources, teaching effectiveness, administration and career advise and (ii) determine the significant predictors of students' satisfaction. The results indicate learning resources (library, internet, etc) and administration as predictors of students' satisfaction. An analysis of the future intentions of respondents (as a validation of satisfaction) revealed that future patronage intentions were more associated with administration dimension while the ability to recommend the institution to others was more associated with leaning resources (library, computers, etc).

These findings have significant implications to the management of Makerere university business school (and other similar institutions, albeit with modifications). Strategically, these findings provide a basis for rationalalisation of resources in the institution given the students' needs, government policies/ regulations and the resource envelop. The positive and significant relationship between learning resources, administration and students' satisfaction requires management to unequivocally, cultivate and/or strengthen student friendly interactions and services. We recommend a robust training and capacity building intervention for all student-interfacing staff.

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Book Review

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Review of: Cahn, S M. (Ed.) (2011). **Moral Problems in Higher Education**. Philadelphia: Temple University Press.

This volume collects 20 essays and chapters previously published in other volumes or journals. The selections offer defenses of competing positions on 10 different issues including tenure, free speech, sexual harassment, preferential student admissions, preferential faculty appointments, institutional neutrality, restricting research, advancing knowledge, truth telling, and intercollegiate athletics. The volume is largely written by philosophers (16 of the essays) and for philosophers. Thus many of the articles are based on very tightly argued, logical analyses of a particular issue, complete with hypothetical cases, philosophical vocabulary, and arguments from first principles. Occasionally this leads to texts that are at a high level of abstraction rather than about some real problem. An example from an essay "On the Ethics of Inquiry" by Robert Talisse and Scott Aikin, which responds to a previous essay "Constraints on Free Inquiry" by Philip Kitcher:

1. There is an underprivileged class (U).

2. A partial cause for the lack of privilege for those in U is that the belief (B) that those in U are inferior was at a point in the recent past widely held.

3. Insofar as B is presently widely and officially repudiated, society has made moral progress; insofar as B is still present in residual forms, there is room for further progress.

4. Science S can yield evidence for or against B.

5. If S yields even modest evidence in favor of B, recently achieved moral progress will be partially undone.

6. If S yields even strong evidence contrary to B, no significant moral progress will follow.

The argument goes on for 18 such statements, with passages of interpretation layered between the statements. The question being discussed is an important one: should research be restricted if its outcome is possibly harmful to a particular group of people? The authors are trying to code their text so that it is not explicitly referring to sexism or racism, although any reader would understand those are the real issues. While philosophers and logicians are used to this kind of writing, many working administrators and other readers may find it tedious or unnecessarily vague.

Some of the other essays are more personal. For example, the essay "What Good Am I?" by Laurence Thomas is a searching meditation by a black professor that summarizes the many tangible and intangible ways that his presence contributes to the atmosphere on a campus for the good of both majority and minority students. It deepens the levels of trust, intellectual affirmation, and gratitude among all races. Another set of heartfelt essays is on the topic of truth telling by Paul Eisenberg and George Sher. These cover not the gross examples of dishonesty such as the falsification of research data but the more personally nuanced matters such as whether (or how) to write letters of recommendation for a student or colleague who is just acceptable but not so great, whether to recommend students to graduate study, whether to recommend that students take a course from a faculty member whom you know is a poor teacher, and other such everyday quandaries. Ethical theories (Eisenberg brings up Spinoza, Kant, and Descartes) are not very helpful in sorting out these matters. George Sher's essay, "The Letter Writer's Dilemma," contains a nice comic touch: two versions of a letter of recommendation, the first of which would doom the candidate, while the second might give him at least a fighting chance.

A few observations are in order. Many of these works envision the "higher education" being studied as the large, selective, public or private Research I institution where the issues being addressed are salient and a source of conflict, such as tenure, freedom of speech, research ethics, and athletics. Many other types of institutions rarely encounter problems in these areas. No cases or examples bring up the concerns surrounding the growing proprietary institutions, where there is no shared governance, no tenure, no research, no athletics, and very little faculty autonomy. Another important area not addressed is the internationalization of higher education. Many virtues attend to the efforts of institutions to internationalize themselves, but moral dilemmas also pertain. Consider a U.S. institution's branch campus abroad. Is this a form of cultural imperialism and language centralization or a legitimate effort

to create access for students who could not come to the U.S.? Is the recruitment of top international students to the U.S. a form of brain drain for the home countries? Reports of questionable or unethical practices in recruiting international student by agents are often in the press. A number of international partnerships are marked by asymmetry in resources that advantages one group of students or faculty over the other.

This book will be appreciated by readers who are interested in a discursive review of many but not all the ethical issues associated with American higher education. Those who have been active readers of higher education literature will have seen these essays and chapters previously.

Professional Standards of the AAUA

In 1975, the AAUA developed a set of professional standards, which embody the principles of moral and ethical leadership and which define the rights and responsibilities of administrators in higher education. These professional standards were revised in 1994.

Standard 1 – Non-discrimination

(a) An applicant for employment or promotion as an Administrator has the right to consideration without being discriminated against on the grounds of race, gender, sexual orientation, religion (except where exempt by Title VII of the 1964 Civil Rights Act, or other statute), national origin, age, or disability.

(b) An Administrator has the responsibility to perform the duties of his or her office in such a way as to not discriminate on the grounds of race, gender, sexual orientation, religion (except where exempt by Title VII of the 1964 Civil Rights Act, or other statute), national origin, age, or disability.

Standard 2 – Written Terms of Employment

(a) An Administrator has the right to a written statement of the terms of his or her employment, including, but not limited to, statements on salary and fringe benefits, term of office, process of review, and responsibilities of the position.

(b) An Administrator has the responsibility to perform the duties of his or her office as defined in the written statement of the terms of employment or as defined in an official handbook of the institution.

Standard 3 – Institutional Authority and Support

(a) An Administrator has the right to the authority necessary to fulfill the responsibilities of his or her office and to a supportive institutional environment.

(b) An Administrator has the responsibility to use the authority of his or her office and the support provided by the institution to fulfill the responsibilities of his or her office.

Standard 4 – Availability and Use of Resources

(a) An Administrator has the right to the financial, physical, and human resources necessary to fulfill the responsibilities of his or her office.

(b) An Administrator has the responsibility to use the financial, physical, and human resources of his or her office in a way that is consistent with the policies and priorities set by the institution's governing board; and has the responsibility to develop, allocate, and preserve the resources of the institution that are within the limits of his or her office.

Standard 5 – Policy Development and Implementation

(a) An Administrator has the right to participate in the development and implementation of those institutional policies that relate to the authority and responsibilities of his or her office.

(b) An Administrator has the responsibility to participate in the development and implementation of those institutional policies that relate to the authority and responsibilities of his or her office.

Standard 6 – Speaking for the Institution

(a) An Administrator has the right to act as a spokesperson of the institution within the limits of his or her office and subject to the policies of the institution.

(b) An Administrator has the responsibility to act as a spokesperson for the institution within the limits of his or her office, insofar as that function is a requirement of the office.

Standard 7 – Professional Growth and Development

(a) An Administrator has the right to support for his or her professional growth and development by means such as participation in professional activities and attendance at professional meetings and by sharing in sabbaticals, leaves of absence, and other developmental programs of the institution.

(b) An Administrator has the responsibility to improve his or her professional skills, abilities, and performance by means such as participation in professional

activities and attendance at professional meetings and by sharing in sabbaticals, leaves of absence, and other developmental programs of the institution.

Standard 8 – Job Performance Evaluation

(a) An Administrator has the right to regular formal evaluation of his or her job performance, to participate in the evaluation process, and to the timely receipt of the results of those evaluations.

(b) An Administrator has the responsibility for ensuring that his or her subordinates receive regular formal job performance evaluations, that they participate in the evaluation process, and that they receive in a timely manner the results of those evaluations.

Standard 9 – Advancement Within the Institution

(a) An Administrator has the right to be considered for career advancement opportunities within the institution.

(b) An Administrator has the responsibility when positions become available that are within the limits of his or her office to post those positions within the institution and to give consideration to candidates from within the institution.

Standard 10 – Academic Freedom

(a) An Administrator has the right to enjoy the benefits of academic freedom insofar as the concept of academic freedom (as defined by the institution) is applicable to his or her duties.

(b) An Administrator has the responsibility to perform the duties of his or her office in a way that maintains and secures the academic freedom of faculty, students, and administrators, and that maintains and secures the academic freedom of the institution.

Standard 11 – Expression of Personal Opinions

(a) An Administrator has the right to enjoy the benefits of academic freedom insofar as the concept of academic freedom (as defined by the institution) is applicable to his or her duties.

(b) An Administrator has the responsibility when expressing personal opinions on issues that are related to the institution to make clear that he or she is speaking as a private person and not as a representative of the institution.

Standard 12 – Harassment-Free Environment

(a) An Administrator has the right to perform the responsibilities of his or her office without being harassed.

(b) An Administrator has the responsibility to perform the duties of his or her office in a way that creates and maintains an environment in which each person is able to perform his or her responsibilities without being harassed.

Standard 13 – Personal Privacy

(a) An Administrator has the right to privacy in all personal matters, including, but not limited to financial information, religious beliefs, and political views and affiliations, unless this right is specifically limited by statute or the conditions of the particular office.

(b) An Administrator has the responsibility to respect the right of privacy of others, in all personal matters including, but not limited to, financial information, religious beliefs, and political views and affiliations, except where this right of others is specifically limited by statute or the conditions of their office.

Standard 14 – Participation in Associations and Support of Causes

(a) An Administrator has the right to participate in associations and to support causes of his or her choice, subject only to the constraints imposed by institutional responsibilities or conflict of interest considerations.

(b) An Administrator has the responsibility to respect the right of his or her subordinates to participate in associations and to support causes, subject to the constraints imposed by institutional responsibilities or conflict of interest considerations.

Standard 15 – Fair and Equitable Treatment

(a) An Administrator has the right to fair and equitable treatment by his or her superiors and by the institution's administrators and governing board and to receive treatment that is free from arbitrary or capricious action.

(b) An Administrator has the responsibility to treat subordinates fairly and equitably and to avoid arbitrary or capricious actions especially in situations relating to performance evaluations, promotions, demotions and, or, the termination of employment.

Standard 16 – Reappointment and Termination

(a) An Administrator has the right to receive a copy of the institution's policies and procedures relating to the timely notification of reappointment and termination actions, prior to his or her appointment. When these policies and procedures are amended, an administrator has the right to receive the amended policies and procedures.

(b) An Administrator has the responsibility to respect his or her subordinates' rights contained in the institution's policies and procedures relating to the timely notification of reappointment and termination actions.

Standard 17 – Post Employment Support

(a) An Administrator has the right, when his or her termination of employment is for reasons other than for cause, to receive professional and technical support from the institution in seeking new employment.

(b) An Administrator has the responsibility, within the limits of his or her office, to provide professional and technical support to subordinates whose employment is terminated for reasons other than for cause.

Standard 18 – Post Employment References

(a) An Administrator has the right, when ending his or her employment or subsequent to ending his or her employment, to receive a written statement from the institution that reflects clearly and accurately his or her job performance evaluation and the reason for his or her termination of employment.

(b) An Administrator has the responsibility, when requested by a subordinate or former subordinate, for providing a written statement from the institution that reflects clearly and accurately the performance evaluation and the reason for termination of employment of that subordinate or former subordinate.

The Mission of AAUA

The mission of the American Association of University Administrators is to develop and advance superior standards for the profession of higher education administration. Through its policy statements, programs, and services the association emphasizes the responsibility of administrators, at all levels, to demonstrate moral and ethical leadership in the exercise of their duties.
To achieve these ends the association provides, through programs and services, opportunities for the professional development of its members, whether they be employed by colleges, universities, specialized institutions, or professional associations.

Guidelines for Contributors

The purpose of the **Journal of Higher Education Management** is to promote and strengthen the profession of college and university administration the **Journal** provides a forum for:

(a) a discussion of the current issues, problems and challenges facing higher education;

(b) an exchange of practical wisdom and techniques in the areas of higher education leadership, policy analysis and development, and institutional management; and

(c) the identification and explication of the principles and standards of college and university administration.

Manuscripts should be written for the college or university administrator who has the general responsibilities of educational leadership, policy analysis, staff development, and/or institutional management. Practical as well as scholarly-oriented submissions are welcome.

All manuscripts should be submitted electronically to the Editor-in-Chief at DKING@AAUA.ORG. They must be submitted as MSWord documents. One page should be headed with the title of the article and should contain only the complete identification and contact information for all authors. The actual manuscript should contain no identifiable information other than the title of the article. Manuscripts are not restricted to a single style format, but they must conform to the latest standards of a recognized style manual (e.g., APA, Chicago, MLA).

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