

COMPLIANCE

DO WE HAVE THE RIGHT FOCUS?

By Deborah L. Smith

Abraham Lincoln once said, "I never had a policy; I have just tried to do my very best each and every day." (Quotegarden) Maybe we could take a lesson from him.

It seems that many of our academic and research institutions focus on compliance "or else" and that the same message is being sent (perhaps unconsciously) by federal agencies as various requirements for additional compliance documentation are imposed. There is no doubt that institutions and individuals should act responsibly, but I wonder if we too often focus on the negative aspects of non-compliance rather than the positive aspects of acting appropriately.

Institutions of higher education are supposed to be places of learning and free exchange of ideas and growth—especially for the benefit of our students. The increasing compliance "burden" that has arisen over the past couple of decades and many institutions' response to it brings to mind the stages of moral development suggested by Lawrence Kohlberg (1971).

Kohlberg postulated that there are six stages of moral development:

STAGE 1 - Obedience and Punishment Orientation - early stages of childhood

STAGE 2 - Individualism and Exchange/Deals

STAGE 3 - Good Interpersonal Relationships - (usually teens)

STAGE 4 - Maintaining the Social Order/Rules

STAGE 5 - Social contract and individual rights

STAGE 6 - Universal Principles

People in Stage 1 are motivated because something bad may happen if they do the wrong thing (get fired, lose accreditation) or because something good will happen if they do the right thing (get promoted, receive accreditation). Are faculty at your institution being pressured to get grants in order to be promoted or retain positions? Is this the message agencies are sending with their "comply or lose funding" mandate?

People in Stage 2 are strongly motivated by "deal making" (*quid pro quo*). They will do something good if they know they will get something of equal value in return. Do you know faculty like that? Or people in your office?

People in Stage 3 are motivated by peer pressure—doing something because "everyone else is doing it" or because other people will not approve if they do the wrong thing. Applied to our research institutions, Stage 3 may be the "front page story" equivalent! How often at high-level staff meetings, do we hear someone ask, "What are our peer institutions doing?"

At Stage 4, people are motivated by laws and rules; maintaining the social order is important to them. As someone recently put it at a research staff meeting, there is "compliance for compliance" sake." Does anyone remember the days of measuring font size and margins for grant applications? Are we considering the reasons for new policies—or are we just going with the tide?

People in Stage 5 do good things in order to support the greater good of society, even if it may not conform to norms or the individual's own benefit.

At Stage 6 people are motivated to do the right thing just because it is the right thing to do; they tend to apply universal principles of justice regardless of who is concerned (no one is "more equal" than others).

Most people are at stage 3 or 4; few ever get to stage 6, per Kohlberg. This is consistent with the Chinese Proverb: "Laws control the lesser man. Right conduct controls the greater one." (Quotegarden)

Kohlberg also suggested that thinking at a specific moral stage may not result in action that reflects that stage. A person may KNOW that a thing is "right" or "wrong" but may act inconsistently with that knowledge (Kohlberg, 1971). Have you ever heard anyone say (or said yourself), "I know I shouldn't do this, but . . ."

Can people learn to be ethical? Kohlberg and others thought so. Recent studies have shown that university leaders believe so. (Maldonado, *et al.*, 2007) Kohlberg suggested that moral stages are determined by interactions with others and that one can move "up" to higher stages by exposure to those higher stages, discussion and interchange, and facing challenges to thinking, leading to higher levels of thinking (Kohlberg, 1971). Isn't this what higher education is supposed to be about . . . challenging thinking and encouraging higher-level thinking? Aren't we supposed to teach this concept to students and to model it for them?

Reginald Ferguson suggested these influences of character development: heredity, early childhood experiences, modeling by important adults and older youth, peer influence, general physical and social environment, communications media, what is taught in schools, and specific situations and roles that elicit corresponding behavior (Crain, 1985).

Ferguson's reference to some of these influences is consistent with Maslow's hierarchy of needs, which many of us may remember from our basic psychology classes.

You may remember that Maslow suggested that people are unable to consider higher-level needs if the lower-level needs are not met: In times of danger, people must focus on safety before they can worry about being lonely! Maslow also suggested that an individual's need level may interfere with ethical thinking, or may cause a regression to a lower stage. (Crain, 1985)

So, what does all of this psychological mumbo-jumbo have to do with compliance? The Office of Research Integrity is reporting increasing cases of scientific misconduct. In its 2008 annual report, the ORI reported that the number of allegations of misconduct had risen from 86 in 1993 to 183 in 2007. They

also reported that 76% of closed cases in 2007 resulted in misconduct findings, compared to 43% in 2006. Of the misconduct findings, about half were falsification and half fabrication/falsification (ORI, 2008).

What is the role of our institutions in helping to move people "up the moral ladder"? By exhibiting higher stages of moral development, institutions can enable students, faculty, and staff to move to higher stages of moral development through exposure and interaction. By promoting a campus climate of integrity, institutions should reach to all levels: faculty, staff, students, (even administrators!) and encompass all activities.

What do our mission statements say about our focus? Interestingly, I find that it's getting harder and harder to locate university mission statements. In years past, the campus mission statement was right up there on the front page and included words like integrity and benefitting mankind.

Do our institutional compliance policies have a positive or negative focus? Even the titles of our policies sometimes reflect the campus attitude.

Consider these two:

- Responsible Conduct of Research – policy promoting the expectation of

proper research procedures, integrity, ethics (positive)

- Scientific Misconduct – policy spelling out what will happen if personnel do not follow the rules (negative)

Each person on a campus or in an institution can help facilitate the process:

Teachers can stay current in their fields, be fair with students, treat students with respect, and model good behavior. Researchers can model integrity in the grant-seeking process and in the laboratory, accurately recording data, treating staff assistants and students fairly, teaching students how fair competition works, giving appropriate credit on publications. Clinicians can treat patients with respect and kindness, treat assistants and residents fairly and respectfully, and follow appropriate charging structures. Mentors can spend quality time with students and provide a good example in their daily activity; they can exhibit collegiality with both colleagues and competitors. Administrators can develop policies with a positive focus and encourage and/or require training to explain the rationale behind policies so that they are not perceived as merely requiring compliance for its own sake.

In our interactions with students, we have the option of demonstrating that we view compliance as a mandate or burden—or we can teach them the reasons behind the rules and demonstrate a commitment to appropriate behavior. Do we show them that we (and they) should do things for the greater good . . . or what's good for us?

With the ever-increasing compliance burden placed on them by funding agencies (the NIH new Conflict of Interest policy being one recent example), institutions may be tempted just to meet the minimum requirements—going through the motions of compliance. If so, they will be missing an opportunity to move their campuses up a level—and missing out on "teachable moments" for students, faculty, and staff. ■



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