Ethics and the Academy: Lessons from Business Ethics and the Private Sector

WESLEY CRAGG 1
York University

ABSTRACT

Most academics recognize that universities, as institutions, have an obligation to account rigorously for financial expenditures. There is less agreement about teaching and research wherein issues of autonomy and academic freedom enter the debate. Yet here too, demands for accountability are being pressed on the academy. In recent years, the demand for accountability also has been directed with considerable force to the private sector with what appear, in a number of cases, to be dramatic effects. Equally dramatic has been the extent to which the public debate and the response of the private sector to public criticism have linked issues of accountability to ethics. Of particular interest is the idea that accountability is not just a managerial, organizational or political concept. It is also a moral concept, a concept, furthermore, that is central to understanding the status and legitimacy of the modern corporation. My purpose in this paper is to explore this insight and to develop its relevance for understanding and responding to the crisis which contemporary university systems are currently experiencing. I do so not with the idea of persuading the reader that universities should be understood to be, or managed as though they were, private sector corporations. To the contrary, close study of the sort I propose should help to identify important similarities, but also key differences. Both are central to understanding what accountability requires for the contemporary university.
RÉSUMÉ

La plupart des universitaires reconnaissent que les universités, en tant qu’institutions, ont l’obligation de rendre compte avec rigueur de leur gestion financière. En matière d’enseignement et de recherche, où les questions d’autonomie et de liberté universitaire entrent en jeu, l’accord est moins général. Pourtant là aussi, la responsabilité est exigée de l’Université. Au cours des années récentes, la responsabilité exigée instamment du secteur privé semble avoir eu, dans certains cas, des conséquences dramatiques. Le débat public, ainsi que la réaction du secteur privé face aux critiques du public, ont rapproché de façon tout aussi dramatique les questions de responsabilité à la morale. Il est particulièrement intéressant de constater que le concept de responsabilité ne se limite pas aux domaines de la gestion, de l’organisation ou de la politique. C’est également un concept de morale qui est indispensable pour comprendre le statut et la légitimité de la compagnie moderne. Dans cet exposé, j’ai l’intention d’explorer cette perspective et d’en justifier la valeur en vue de mieux comprendre et de répondre à la crise que subit actuellement le réseau universitaire contemporain. Il ne s’agit pas ici de persuader le lecteur que les universités devraient être considérées comme des compagnies du secteur privé. Bien au contraire, l’étude approfondie que j’en fais devrait permettre d’établir non seulement des ressemblances importantes, mais aussi des différences significatives. Tout comme les ressemblances, les différences sont essentielles pour comprendre ce que la notion de responsabilité exige de l’Université de nos jours.

Introduction

One would have to be an ivory tower occupant of singular focus not to notice that the contemporary university with its values, traditions and practices is today under sustained public scrutiny and attack by politicians, editorialists, taxpayers and high profile academics. At the centre of that debate is a demand for accountability. Witness, for example, the topic of the Canadian Council of Ministers of Education second National Consultation on Education, “Accountability in Canadian Education: Are
We Getting What We Value?,”) and the special May 1996 edition of the CAUT Bulletin on “Accountability: By Whom, To Whom, For What, What Cost” (CAUT, 1996). Similar demands have characterized debates over the shape and the funding of higher education throughout the western world. The discussions are not just idle talk. Educational systems are being reshaped. Government involvement in higher education is becoming increasingly intrusive. And to an increasing extent, private sector donors are asking: “What are we getting for our money? What influence do our contributions entitle us to?”

The concept of accountability is no stranger to academics. Most recognize that universities, as institutions, have an obligation to account rigorously for their financial expenditures. There is less agreement when the focus of discussion shifts to the content of teaching or research where issues of autonomy and academic freedom enter the debate. However, even the most partisan defenders of the academy acknowledge accountability obligations. Thus, Joyce Lorimer, writing as President of the Canadian Association of University Teachers, accepts that, “those who work in Canada’s outstanding university system have a duty...to be openly accountable for [its] well-being to the public they serve” and to use “rigorous analysis, exhaustive criticism and vigorous debate” in developing “appropriate accountability measures” in ensuring that this goal is achieved (CAUT, 1996).

The issue of accountability is not restricted, of course, to education or even to the public sector. In recent years it has been directed with considerable force to the private sector where the demand for increased accountability has had apparently dramatic effects. Issues here have ranged from accountability for the use of natural resources and the environmental impacts of industrial activity to issues of social responsibility. Equally dramatic has been the extent to which the public debate and the response of the private sector to public criticism have linked issues of accountability to ethics. The most effective solution to concerns about corporate accountability, many have argued, is self-regulation. And the key to self-regulation, it has been suggested, is a code of ethics designed to provide guidance in dealing with a wide range of accountability issues.
My question in what follows is whether there are lessons here for the academy. Of particular interest is the idea that accountability is not just a managerial, organizational or political concept. It is also a moral concept. As such, it is central to understanding the status and legitimacy of the modern corporation. My purpose in this paper is to explore this insight, and to develop its relevance for understanding and responding to the crisis which contemporary university systems are currently experiencing. I do so not with the idea of persuading the reader that universities should be understood to be or managed as though they were private sector corporations. To the contrary, close study of the sort I propose should help to identify important similarities but also key differences. Both are central to understanding what accountability is required for today's universities.

I begin by reflecting briefly on the growing interest on the part of the private sector in the issue of accountability and the role of ethics in achieving that goal.

**Part I: Accountability, Ethics and the Modern Corporation**

There is no question that the consideration of ethics has achieved significant formal recognition in the management of large national and multi-national corporations (Centre for Business Ethics, 1992). Take, for example, the importance that the corporate world now ascribes to the articulation and implementation of codes of ethics. Large corporations that have no code are now more the exception than the rule (Centre for Business Ethics, 1992). It is true that this trend is most pronounced in the United States. However, its influence is extending rapidly to other countries, of which Canada is just one example (see Berenbeim, 1988; Irvine & Lindsay, 1994; Lefebvre & Singh, 1992). Equally striking is the appearance of ethics officers in the private sector whose primary responsibility is the effective implementation of their company's ethics code. It is true that, as with codes, this development is also largely an American phenomenon. It is equally true, however, that it is a phenomenon that is also spreading rapidly throughout the western world (McFarland, 1996).

I do not want to suggest that these developments imply that ethics is only of recent interest in the business community. On the contrary, there

*The Canadian Journal of Higher Education*  
*Volume XXX, No. 3, 2000*
is little empirical evidence to suggest that the world of business, at least as it impinges on the lives of people in the industrialized world, is either more or less ethical than was the case several decades ago. What has changed, however, is the recognition on the part of an influential segment of the business community that traditional informal approaches to ethics are no longer an adequate way to deal with the ethical complexities of the contemporary world of business.

How is it possible, then, to account for what is undeniably a significant change in attitudes toward ethics in the business community? There are no simple answers to this question. Any complete account should include the following four factors.

1. As little as four or five decades ago, the culture of western European countries was relatively homogeneous. Those applying for employment at all levels of a corporation could be expected to share relatively similar work-related values, and to interpret their ethical responsibilities in relatively similar ways. This is no longer true. The racial, ethnic and religious make-up of industrialized societies has become increasingly diverse and heterogeneous. Social consensus on issues ranging from family, dress, and education to work has dissolved. Assumptions can no longer be made with any confidence about religious upbringing or formative educational influences of employees or job applicants. As a consequence, common understandings of the ethical responsibilities and rights of employees, whether management or labour, as well as the ethical contours of relations with suppliers, clients, owners, shareholders, and other corporate stakeholders, can no longer be taken for granted in business.

2. Second is the emergence of the global market, a phenomenon that has clear implications for multinational companies and exporters. Even local companies having no intention of doing business abroad, must today be prepared to meet competition that might emerge from anywhere in the world. The significant aspect of these developments for present purposes is that there is no evidence of an emerging global business culture
defining ethically appropriate and inappropriate business practice in that market, even though there may be an emerging global market. Corporations are therefore faced with the need to define those practices which they are prepared to tolerate or accept, and those which they will not.

Bribery is a good example of a phenomenon requiring this kind of response. The promise of favoured treatment in response to “under the table” compensation is commonly encountered in the international marketplace, according to seasoned public and private sector observers. Indeed, it is so common that success or failure in a business venture will frequently turn on a willingness to offer a bribe. As a consequence, companies that have no explicit policy on bribery are creating serious risks for themselves and for individual managers who must decide how to respond.  

3. The flattening or delayering of the modern corporation is a third stimulus to the emerging importance of business ethics in the world of business. A good example is the restructuring of companies like IBM that have gone from about ten levels in the corporate hierarchy to about five (Globe and Mail, 1996). As supervisory layers of management are stripped away, controlling employee behaviour using traditional supervisory tools becomes increasingly tenuous, and a shared understanding of responsibilities and rights becomes increasingly important. Accompanying this trend have been shrinking resources, downsizing, and a sharp focus on productivity and profitability. Resulting pressures to cut corners are, by their nature, hard to control using traditional supervisory techniques in a “flattened” organization. 

4. For many, the significance of the described changes have been brought most clearly into focus by the occurrence of what might be described as moral disasters. These are mistakes in judgement that have carried heavy costs for the corporations responsible for them and for their victims. Examples include: Bophal; the Exxon Valdez; the Lockheed bribery scandal that,
Ethics and the Academy

133

together with the Watergate investigations, led to the enactment of the American Foreign Corrupt Practices Act; Barings Bank; Dow Corning and the breast implant controversy; the failure of financial institutions in the late 1980s and early 1990s principally in the United States but also in Canada, for example the collapse of Principal Trust in Alberta (see Anonymous, 1996; Byrne, 1996; Velasquez, 1992).

Scandals of this kind have highlighted the very substantial financial risks that can be triggered by unethical behaviour. They have also raised serious doubts about the capacity of traditional approaches to management and corporate governance to ensure ethically responsible conduct on the part of management and employees in a contemporary business environment. The result has been increasing public scrutiny of corporate conduct accompanied by declining public confidence in the willingness and the ability of the modern corporation to act in ethically responsible ways.

At the centre of these developments is the issue of accountability. What are the responsibilities of private sector corporations? To whom are they responsible? Can private sector corporations be made accountable and, if so, how? Particularly, how is internal and external accountability to be achieved given the cultural heterogeneity of a modern workforce, the global market with its absence of shared understandings of what counts as ethical corporate behaviour and the nature of those responsibilities, and flattened corporate management and supervisory structures?

Key leaders in the corporate community have concluded that the issue of accountability is at its heart an ethical issue. The resulting focus on defining the ethical responsibilities of corporations and their employees and the importance of building ethical corporate cultures has given business ethics the profile it currently has in the business community. Although this response has not been universally endorsed, it has forced the business community and business ethicists to consider what creating an ethical corporate culture might require.

Experience and research have given rise to a number of conclusions. To build an ethical culture, a corporation must first identify, and then articulate, its mission, its core values, and a code setting out the

The Canadian Journal of Higher Education
Volume XXX, No. 3, 2000
principles of conduct it wishes respected in the business conduct of its employees and agents. Second, once it is articulated, the corporate code of conduct must apply uniformly across the whole organization, from the Board through senior management to all employees. Third, if codes are to be effective, they must identify in a persuasive manner those to whom the corporation has a direct responsibility as well as the nature of those responsibilities. Fourth, the corporation promulgating the code must develop an ethical strategy for instilling its ethical vision in all facets of corporate activity. This strategy must include mechanisms for ensuring compliance with and enforcement of its code. Finally, it must create mechanisms that allow independent verification of its commitment to the ethical standards it has put in place through some form of ongoing ethical audits (Ethics Resource Centre, 1990; Pitt & Groskaufmanis, 1990).

All of this raises the following central question: What are the responsibilities of the contemporary corporation? To address this question, corporations are increasingly using the tool of "stakeholder analysis." A corporate stakeholder is anyone with a stake in how a corporation does business. A stake is defined by the Oxford English Dictionary as an interest, something to be gained, or lost, or something at risk. A corporate stakeholder, then, is an individual or group put at risk by, or standing to gain or lose directly from, the activities, actions or decisions of a corporation (see Clarkson, 1995; Freeman, 1984).

Stakeholder analysis is contextualized moral analysis. It requires an understanding of the actual interests of stakeholders and resists giving special status to any one set of those interests in the absence of careful moral justification. Its virtue, seen from the perspective of business ethics, is that it provides a context for identifying and elaborating patterns of accountability. It also helps to clarify the relation of accountability to transparency. If a stakeholder or stakeholder group does not have the information required to determine whether a corporation is living up to its ethical responsibilities and commitments, that corporation's decisions and activities will not be transparent, and the corporation will have failed to meet standards of accountability that working within an ethical framework requires. The end result is that, where accountability is taken
seriously, the interests of a corporation's stakeholders are factored into policy and decision-making in ethically responsible ways.

For skeptics whose response to the account just sketched is disbelief that a powerful business corporation could ever be drawn into the creation of a corporate ethic with the characteristics just described, two observations are in order. First, ethics programs of the sort just described are now quite common, and their effects are increasingly the subject of study and evaluation (Deck, 1994). For example, environmental audits are now a standard feature of reports released to the public by some forest companies. These audits have had the effect of rendering the companies involved accountable for their environmental policies and their implementation to their stakeholders including, of course, their stockholders. Social impact assessments of new projects prior to their implementation are increasingly common, particularly in cross-cultural settings. Such assessments constitute a second example of a positive corporate response to the need for public accountability. Social and ethics audits are a third example of the way in which some corporations are attempting to become more accountable. Both are in their infancy, and their shape or efficacy is still unclear. However, like environmental audits, they constitute a significant illustration of the way in which some corporations are building formal understandings of their ethical responsibilities into their day to day operations. Equally important is the fact that it is now reasonably well established that efforts to implement ethics programs of the sort described can have a significant impact on the way companies are viewed both internally by their employees and externally by the public at large (Ethics Resource Centre, 1994).

The trend just described is, of course, not universally acclaimed. To the contrary, it is vigorously resisted in many quarters. It is not uncommon to have influential business leaders and commentators attacking the idea that formal codes of ethics have a place in business. These critics tend to fall into one of two camps. First there are those who see the market itself as an adequate arbiter of business values. On this view, people will do business with those of their own choosing. Companies with the appropriate market oriented values will survive and prosper. The rest will fail. Alternatively, there are those who, like Milton
Friedman, hold the view that management has obligations only to owners or shareholders (Friedman, 1970; see also Levitt, 1958). Both of these alternatives address the issue of accountability. However, neither can deal adequately with the range of concerns that has led increasing numbers of corporations to adopt and implement formal codes of ethics (Shankman, 1999).

A second observation should now be added to the first. Not all businesses or organizations that have codes have created them with a view to enhancing their accountability to their stakeholders. Professional societies tend to fall into this category. For such organizations, codes can have two purposes, both unrelated to the issue of accountability: a) to enhance internal control; and, b) to shield their members from complaints. They function as shields when implementation focuses on compliance and enforcement in ways that block public scrutiny and public involvement in code implementation and enforcement.

In summary, then, mission statements, statements of core values and codes create public standards or benchmarks by reference to which corporations and other organizations can be held accountable for their activities by their stakeholders. A powerful reason for not articulating, or, alternatively, not publishing or publicizing codes, is to block the kind of scrutiny and therefore accountability to which codes properly articulated can give rise.

If my argument to this point is sound, then the issue of accountability is at the heart of contemporary business ethics, whether looked at from inside or from outside the corporation. What I propose to argue now is that the same is also true of the contemporary university seen from inside, but also from outside of the academy. I propose to build my case by drawing parallels between the situations in which the contemporary corporation and the contemporary university presently find themselves.

**Part II: Drawing Parallels**

Let me begin this discussion with a cautionary note. As a number of readers of this paper have pointed out, building an account of the responsibilities of the contemporary university on an analysis of private sector management systems is potentially hazardous and misleading. The
goods which motivate private sector activity are private not public goods. In contrast, many will argue that universities are public institutions, even where they are privately financed. That is to say, central to their mission is the advancement of public good. This purpose means that the structure and character of university accountability is significantly different from that of private sector corporations (Councelis, 1993).

I do not propose to quarrel with the assumptions underlying the worry just set out except to point out that they do not undermine the structure of my analysis and, therefore, the frame for my comparison. A corporation's accountability is a function of its mission, its understanding of its core values, and its success in convincing its stakeholders to accept that understanding. Universities have missions quite different from those of profit-oriented private enterprise. The central argument of this paper, however, is that they remain accountable to their stakeholders for all of that, and that they have much to learn from business ethics about meeting their responsibilities.

Let me begin my comparison by noting a number of striking parallels.

1. Similar to private sector corporations, the working environment of the contemporary university is no longer culturally homogeneous. For many, this is obscured by the fact that in most universities in the industrialized world, the professoriate does not reflect the diversity of the population at large. If we include the entire population of a contemporary university campus, however, diversity is the rule and not the exception. A visit to most large campuses in Canada or elsewhere in the western world will confirm this observation.

There is a second and deeper dimension to this diversity however. A recent report on intellectual property prepared by a York University task force (1992) points the way here. The report remarks that "[m]embers [of the task force] were surprised to learn from each other and from our informants that there is an astonishing diversity of practice among the various Graduate Programmes [of the university]..." with respect to conventions governing the supervision of graduate students and the co-authorship of publications (York University Task
Force on Ethical Issues in Research, 1992, p. 4). The Arthurs Report to Concordia University's Board of Governors entitled "Integrity in Research" in response to the Fabrikant tragedy revealed a similar phenomenon. That is to say, the values that academics are now bringing to their work are diverse, and reflect a wide variety of approaches and attitudes toward the rules that do and ought to govern research activities. In the academic world, as in the business world, common understandings of ethical responsibilities can no longer be taken for granted at any level of university operations (Kerr, 1994).

2. Academics, particularly those actively engaged in research, work in a globalized environment. Emphasis on private sector funding, private sector partnerships, international research teams and networks, international conferences, the Internet, the role of international institutions like the UN and the World Bank in funding research, and the international character of competition for funding all underlie this development. As in the case of the business community, these developments affect even those academics not directly involved because they shape the environment in which they work. Further, as in the case of the global market, the increasingly global environment in which academics work has not given rise to a global academic or research ethic. Indeed, if the Arthurs Report (1994) on the Fabrikant tragedy at Concordia is to be believed, one of the serious problems Canadian universities face is as follows:

...the almost inescapable pathology of the surrounding research culture, of systems of scholarly assessment, research funding and industry-university-government cooperation which have developed in Canada over the past 25 years, and ultimately of developments in scholarship which, if not universal, are certainly widespread. (Arthurs, 1994, p. 4)

3. Another consideration is the flattened or delayered organization. Here again, superficial features of the contemporary
university disguise a significant similarity. To the eye of the casual observer, it will not be at all obvious that university administrative hierarchical structures are being flattened or delayered. Yet, in important ways, universities are intrinsically non-hierarchical organizations (Counelis, 1993; Kerr, 1994). There are two reasons for this: a) the role of expertise, and b) the centrality of academic freedom.

The unique role of universities as social institutions is to serve as highly-specialized centres for acquiring and disseminating knowledge. As a result, the value of what academics do both collectively and individually can only be assessed by those with specialized expertise, namely other experts who will tend also almost inevitably to be academic colleagues. It follows that the collegium must by necessity be largely self-regulating. Obviously, universities are not unique in this regard. For related reasons, self-regulation is a characteristic of the professions in general. Where the product is expertise, hierarchically organized supervisory systems of control are inherently self-defeating. Where they are imposed, they have the effect of crippling the development and expression of the expertise they are seeking to manage.

What sets universities apart from professional organizations is the centrality of academic freedom to their operations. Conventional wisdom is always the potential victim of the unfettered pursuit of knowledge. It does not follow that boundaries or conditions requiring the supervision of academic inquiry are not possible. However, wherever boundaries to the exercise of academic freedom are not clearly specified and clearly limited in scope, the ability of universities to do their job is significantly curtailed. As a survey of intellectual history will reveal, it is virtually impossible to predict when free inquiry will result in findings and conclusions that either challenge, or are perceived to challenge, values and understandings seen as vital to the welfare of society or its members by particular individuals or groups.
Self-regulating structures are, by their nature, collegial and non-hierarchical. Hence, controlling academic conduct through hierarchical systems of supervision can never be more than illusory in university settings. In this sense, governance and control in the modern corporation is moving toward the kinds of self-regulating structures already found in the academy.

4. Finally, like the corporate community of recent years, the world of higher education has experienced embarrassing and damaging scandals. Of these, the most obvious for Canadian institutions is Concordia's Fabrikant tragedy. There are others: the Philippe Rushton controversy at the University of Western Ontario (Rushton, 1995), the chilly climate allegations and subsequent controversy at the University of British Columbia, recent revelations of post-war CIA and Canadian government sponsored involuntary drug and electroconvulsive therapy research and "psychic driving" experiments on psychiatric patients at the Allan Memorial Institute in Montreal. Needless to say, these kinds of events are not unique to Canadian universities (see Savage, 1994; Steneck, 1994).

In light of these parallels, it is not surprising to find a growing public debate about the accountability of our institutions of higher learning. And similar to developments in the private sector, public debate has led commentators to muse openly about loss of public confidence and the need for externally imposed regulation (Steneck, 1994).

To a remarkable extent, responses to these trends and events in the universities parallel the developments taking place in the private sector. As with private sector corporations, more and more universities are attempting to articulate their "mission" and their core values. They are also being pushed to articulate their ethical responsibilities in the form of codes of ethics. And, as is the case in the private sector, one of the strongest motivations is the desire to avoid government imposed regulation (see Counelis, 1993; Kerr, 1994; Steneck, 1994).

In Canada, much of the leadership has emanated from the national research councils who, together with CAUT, have been attempting to
move the academic community in the direction of formulating codes of conduct for research. The provisions of one of those codes, "Integrity in Research and Scholarship," has been incorporated in a number of university collective agreements. Unfortunately, these initiatives have had little impact as a way of rendering Canadian universities more accountable. To understand why, we need to look at what accountability means for the contemporary university.

To whom is the contemporary university accountable, and for what? The answer lies first in what the mission of the contemporary university is, and to whom the university is responsible for accomplishing that mission. Although the answer to this question will vary in significant ways from institution to institution, the central mission of institutions of higher learning is to acquire and disseminate knowledge. Fulfilling that mission effectively and efficiently, in its specific institutional settings, is the central obligation of each university.¹⁴

To whom does the university have that obligation? The answer here, as with the modern corporation, is to its stakeholders. These will include: funders who provide the means for accomplishing its mission; faculty members and other employees appointed to carry out the university’s mission; students; and the public at large for whom, we shall assume, the advancement and dissemination of knowledge is a public good. This list is not exhaustive, and important details will vary from institution to institution. However, the list is adequate for setting out a framework for addressing the question: to whom are universities accountable?

We are now in a position to say what accountability means for the contemporary university. It means providing stakeholders with the information they require to determine how efficiently and effectively the university’s mission is being pursued both generally, and in particular instances.

Our account, however, is not complete. The university’s ability to account to its stakeholders for the way in which it puts the resources at its disposal to work in the pursuit of its mission is circumscribed by four practices. These four practices, taken together, shape the character of the contemporary university, and determine how it must function. They are, in turn: a) specialization, b) academic freedom, c) tenure, and d) peer review.
One of the striking developments of the last few decades is the trend toward narrowly focussed specialization in matters of research and teaching. If we add to this the heterogeneity of standards and practices that characterize academic disciplines and sub-disciplines as well as the growing importance of interdisciplinary team research, we are confronted with an environment in which the pool of people qualified to judge the quality of the work of colleagues is remarkably limited, even within larger institutions. Consequently, universities now depend even more heavily today than in the past on the self-regulated integrity of individual researchers and teachers in fulfilling their responsibilities. This means that both those with primary responsibility for accounting for the university's use of its resources, (i.e., senior administration) and those to whom the university is accountable must rely heavily on the academic judgement of specialists in assessing how efficiently and effectively a particular university or a university system is contributing to the acquisition, assimilation and dissemination of knowledge.15

Taken alone, the trend toward ever more narrow specialization poses a real challenge to effective evaluation of academic performance by a university's stakeholders and their agents. This trend does not stand alone, however. Added to it is the institution of academic freedom which itself is burdened by the broad interpretation to which it has become subject. Academic freedom is typically defended in public debate as a shield protecting individual academics against interference by non-academic (traditionally political or religious) authorities, whether they act independently of, or in response to, public opinion. To put this second practice in the context of the first, academic freedom is designed to ensure that non-experts will not be allowed to impede experts unjustifiably in their pursuit of knowledge. Or, to put it in the language of the Association of American University Professors (AAUP), academic freedom is protected so that academics are able "to seek and to state the truth as [they] see it."16

What commentators now commonly point out, however, is that external threats to the freedom to pursue the truth, as one chooses to define it, are increasingly insubstantial in contrast to threats emanating from within universities themselves (Shils, 1983). And while there is wide consensus inside the academy on what constitutes an unacceptable
infringement of academic freedom emanating from external sources, there is considerably less consensus when the challenge is an internal one. This lack of consensus is grounded, at least in part, in postmodern theories that regard any form of judgement to be inherently subjective, or, alternatively, inevitably political, culturally conditioned, gender or class biased or ideological in nature. Shadia Drury puts the point in the following way:

Postmodern gurus such as Michel Foucault teach that the liberal ideals of objectivity, impartiality, rationality and fairness are bogus. Every justice is someone's justice and every truth is someone's truth. There is no justice or truth that is common to all men and women, all blacks and whites. The liberal ideal of a colour and gender blind society is an impossibility — worse, it is a scam used by a particular group within society in order to insure, perpetuate and justify its dominance. Postmodernism teaches us that all claims to truth and justice, excellence and merit, are hidden forms of domination. (Interchange, 1996, p. 164)

The effect is to politicize and problematize academic judgement directed toward the assessment of the scholarly quality of teaching and research. As a result, the obstacles confronting effective assessment of academic performance become even more apparent (see Kerr, 1994; Shils, 1993).

The institution of tenure is another defense mechanism that the contemporary university has put in place to facilitate the pursuit of knowledge by its faculty members. In theory, tenure is a practical way of guaranteeing academic freedom. However, once awarded, its practical effect is to shield the performance of academics from meaningful evaluation, except in the most egregious cases.

In the last analysis, the rock which anchors the credibility of self-regulation is peer review. It is a rock, however, which gives evidence of deep fault lines. Note, to begin with, its deeply ethical character. In the absence of intelligent and widely shared respect for, as well as a common or widely shared practical understanding of, the ethical principles on which its credibility rests, it can become a seriously flawed
instrument of evaluation.\textsuperscript{18} Note, too, the pressures that the contemporary university environment, as I have sketched them, bring to bear on peer review: the heterogeneous character of the academic values at work in our institutions; productivity pressures; tenuous attachment of the peer review system to university reward structures; the criticism and attack that peer evaluations can occasion; and so on. That these fault lines run deep is implicit in the ease with which many academics, unhappy with the results of peer review in their own case, criticize those results as reflecting the ideological, political or disciplinary biases of the reviewers. To put the matter in a slightly different way, most of us acknowledge that the commitments that academic freedom are designed to shelter are, or can be, a powerful influence on academic judgement, either alone, or in concert with, finely honed academic self-interest. The academy’s care to ensure due process, with all its trappings, particularly where the interests of tenured academics are likely to be engaged, is surely motivated, at least in part, by just these kinds of self-regarding considerations.

To summarize, the contemporary university is by its nature self-regulating. Because of the nature of its mission, non-specialists, including academic colleagues, are not in a position to evaluate directly the efficiency or effectiveness with which a specific university is pursuing its mission. In the end, therefore, accountability in the contemporary university rests on peer review, and, in consequence, on the integrity of the peer review system and its individual participants. Since stakeholders cannot judge directly the quality of the information they are given, without which they cannot evaluate the effectiveness with which an institution or system is fulfilling its mandate, response to that information will be a function of the confidence stakeholders have in the integrity of the self-regulatory mechanisms put in place by academics themselves.

Part III: Toward Academic Accountability

Faced with the array of challenges discussed above, can a self-governing academy make itself genuinely accountable? If so, what changes need to be made to the way in which it currently organizes its
approach to teaching and research? There are important lessons to be learned here, I suggest, from business ethics and the private sector.

First, the ethical structure of accountability requires of the university careful identification, at its various levels of operation, of its stakeholders and the nature of their stake or interest in university operations. In the end, it is in meeting and being seen to meet its various obligations to them that the university demonstrates accountability. Identifying and meeting its obligations to its stakeholders requires, in turn, a coherent and comprehensive statement of mission, core values, and ethical principles of conduct, which, taken together, I have defined as an ethics code. These values and principles then need to be rearticulated by the various component parts of the university in light of the character of their particular activities. Finally, universities need to develop implementation strategies for their core values and codes that encourage academics to explore the issues associated with ensuring that those values are adequately reflected in the day-to-day operations of their institutions.

Set against these criteria, how do universities measure up? The question, though important, is too large to be explored here in the detail it deserves. However, two examples, one focusing on research and the other on teaching, will help to illustrate possible implications of the position I have sketched for the academy.

It should not be surprising, in light of my earlier discussion, that the institutions responsible for allocating public funds for research purposes have been actively encouraging and leading in the development of codes of conduct. For it is here that the academy is most exposed to demands for public accountability by governments that themselves are held accountable on a regular basis by the electorate. Equally unsurprising is the fact that the two areas that have seen the most explicit attention are animal research, and research involving human subjects. More recently, fraud and misconduct in research have also attracted attention. In a first response to that debate, the three Canadian granting councils, The Natural Science and Engineering Research Council of Canada (NSERC), The Social Science and Humanities Research Council of Canada (SSHRCC) and The Medical Sciences Research Council of Canada (MRCC) have cooperated in the creation of a code entitled “Integrity in Research and Scholarship.”

The Canadian Journal of Higher Education
Volume XXX, No. 3, 2000
Seen from conventional perspectives, this initiative on the part of the Tri-councils should probably be judged a success. The code has won wide critical support. It has been incorporated into at least some faculty collective agreements. And the Tri-councils have made a serious effort at implementation by requiring universities to put procedures in place for ensuring compliance on the threat of a loss of funding.

In spite of all this, as a tool for assisting universities toward accountability in research, the code appears to have had little impact to date. This conclusion is grounded on anecdotal evidence combined with an analysis of the strategies that appear to have dominated code implementation. The anecdotal evidence arises from (unscientific) polling I have done with colleagues in a variety of settings. Very few that I have talked with or queried, either privately or in the course of public debate, are aware of the existence of the code. Even fewer know its contents. And no one I have talked with has ever referred to it for guidance, or knows anyone else who has.

The reasons are not hard to find. To begin with, the code has not been brought effectively to the attention of Canadian academics or university research officers. My evidence for this claim is the experience of a graduate student I asked, in the spring of 1996, to search for teaching and research codes in preparation for participation on a panel that had been asked to address this subject. Her research did not turn up the Tri-councils' code. Having imprecise memories of the existence of a research code, I then undertook my own search. It took several phone calls to university personnel to locate it. In virtually every case, the only code or codes the administrators I contacted were aware of focused exclusively on research involving human subjects.

A second anecdote: In the course of research for this paper, I set another Ph.D. research assistant on the track of university responses to the Tri-councils' request that each university report on its code implementation procedures. When my research assistant approached the relevant authorities in Ottawa, the request for access to university responses was denied. I then called personally with the same request which was again denied. Eventually, I made the request in the course of a face-to-face interview with the senior Tri-council officer responsible for code implementation.
implementation. Once more, my request was denied. The reason, I was told, was that revealing the information would be contrary to the Canadian Privacy Act. I was told that the information was probably available on the Internet. I then directed my assistant, by this time a skilled Internet researcher, to find the information. Her search was largely unsuccessful, from which I concluded that compiling a comprehensive picture of how Canadian universities had decided to implement the Tri-council code on fraud and misconduct in research was impossible at that time. Perhaps, even more telling is the fact that, to the best of my knowledge, no universities or members of their faculties have been refused funding because their universities have failed to put procedures in place to deal with fraud and misconduct in their own institution, a penalty built into the Tri-council code. My conclusion is that as a public accountability tool, the "Research in Integrity and Scholarship" code is, to date, an abject failure.

However, these observations, striking as they are, do not go to the heart of the matter. Indeed, they are potentially counterproductive in as much as they imply that the failure here is an administrative one. To the contrary, the problem lies with a failure to understand the core ethical values that ought to guide code implementation. The information I have been able to glean from my research, as well as from my examination of my own university’s efforts in implementing the code, suggests that Canadian universities are making the classical mistake associated with the implementation of codes, namely, that of confusing implementation with enforcement.

If we look carefully at the Tri-council statement, we see that it has two parts. The first is a one-page statement of "Principles and Responsibilities." The second is entitled "Procedures for Promoting Integrity and for Preventing and Addressing Misconduct in Research." In turn, this second section is broken into three parts. The first lays responsibility for integrity in research squarely on the shoulders of individual researchers. The second identifies the responsibilities of research institutions. The third outlines the Councils’ responsibilities when allegations are made to them.21

If Canadian universities follow the model suggested by these guidelines (and I suspect study would show that they have), their guidelines
will focus on procedures for investigating specific allegations of misconduct made by individual researchers. The effect of this approach is to shift the whole responsibility for detecting and reporting fraud and misconduct onto individual members of the faculty, staff, and the student body. The result is what can be aptly described as the "privatization of responsibility," an approach to implementation and enforcement that relies almost exclusively on whistle blowing. Anyone with any knowledge of the history of whistle blowing will appreciate the burden it places on the individual, the understandable inclination on the part of most people to avoid it at almost all costs, and the full irony of the privatization analogy.

The real point, however, is that compliance and enforcement implementation strategies are largely ineffective, particularly in non-hierarchical organizational structures. Stakeholder analysis suggests why. If we assume that the key stakeholder is an undifferentiated public, then a promise backed by procedures for ensuring that allegations of fraud are properly investigated may seem adequate. If, on the other hand, we identify carefully who research stakeholders really are, a much more complex picture emerges. Included will be research colleagues, the research community, graduate students, academic departments and faculties, research centres, research universities, granting councils, and the many (other) beneficiaries of academic research. The common stake for all these stakeholders is the efficient and effective use of research dollars in the acquisition, assimilation, and dissemination of new knowledge. Hence, ensuring that fraud and misconduct are effectively addressed is clearly a central interest of the whole research community.

How, then, is this interest best protected? Not, I would suggest, through policing or active detective work as a main tactic. There is little evidence that simply increasing levels of policing is likely to have a significant impact on the amount of deviant behaviour. Rather, what is needed is initial consideration of the rationale for creating codes of the sort under discussion.

The function of a code is to assist in creating an environment in which the mission of an institution or organization is efficiently and effectively pursued. As such, its implementation requires a number of
things: that people to whom it applies know it exists; that the issues it raises are understood; that obstacles to its implementation are identified; that experiences to which it is relevant are shared; that assistance with its interpretation is made available; that inquiries, requests for assistance and reported problems are dealt with sensitively and non-judgementally; and then, finally, that the code is fairly and consistently enforced.

Let me now suggest a thought experiment. Imagine that research applicants, both individuals and groups, were required to do the following: sign-off on the research ethics code, a common practice in business (see Pitt & Groskaufmanis, 1990); provide, as a component of the application process for grants, an analysis identifying their research project’s stakeholders, and their stake in the research; develop an ethical analysis protocol setting out an analytical methodology for implementing applicable research codes to their research project; provide a brief review of the literature examining the ethical dimensions of the kind of research they propose to undertake, and/or the methodology to be used; and commit to developing an ethics research protocol for their project, and to review it on a regular basis (Rodriguez, 1992).

Imagine, further, that the institution had an ethics officer (increasingly common in the private sector) with direct access to the most senior levels of the administration, and the university’s Senate and Board of Governors. This person would be responsible for helping to identify potential problems and issues, and for sorting them through in a cooperative, proactive fashion.

Would research undertaken in this way and in this kind of environment result in greater or less accountability? I suggest the answer is obvious. I also suggest that the result would be better research and a much more sympathetic public, as corporations in the private sector have found when they have instituted programs of this nature (Ethics Resource Centre, 1995).

Let me turn, in conclusion, to an even more tendentious area of academic life as it relates to issues of accountability, namely teaching. Here, for reasons already laid out, obstacles to genuine accountability are even more formidable. Clearly, comprehensive coverage is not possible in this
paper. A brief look at the contentious issue of tenure and teaching evaluation will have to suffice.

The standard defense of tenure is that it protects academic freedom, not incompetence, and leaves universities free to terminate faculty appointments for cause. Seen from a legalistic perspective, this is true. But not many people inside or outside the university think this is how it really works. It is a rare Dean who is prepared to enter a negative performance evaluation in a colleague’s personnel file, even when it is widely known that problems exist. The cost in time and nervous energy is simply too great.

This should not be taken to suggest that the tight link in practice between tenure and job security is not a good thing in the present environment. The reason is that, by and large, today’s academics know very little about what is going on in their colleagues’ classrooms on such matters as actual course content (beyond what is in the calendar), pedagogical methods and objectives, or the link between particular courses and the teaching objectives of their department, school or faculty. Course enrollments, and, perhaps, grade profiles are obvious exceptions. The same is true of research. It is not uncommon to find that academics are much better informed about the research of people in other institutions who are working in their own field of specialization than they are about the work of colleagues in their own department or academic unit.

In short, responsibility for teaching as well as research appears to have become individualized and privatized. In this kind of environment, performance reviews that might lead to terminating employment are bound to be extremely worrisome and tendentious. Neither are they likely to render individuals more accountable.

If, on the other hand, the mission of academic units was clearly articulated, stakeholders and their interests clearly identified, and programs and courses linked carefully to both, it would be both reasonable and non-threatening to ask colleagues to link their teaching and research over time to those values and objectives and to share with each other course goals and pedagogical strategies. In such an environment, performance evaluation would be on-going, collegial and development-oriented. Consequently, formal performance reviews at regular intervals would be
much less threatening. This would be particularly true if solid support for career change was made available as a matter of course for those whose talent or enthusiasm for teaching and research was on the decline.

Part V: Concluding Thoughts

What lessons can be learned from the theory and practice of business ethics? The most important lesson is that accountability is, at its core, a moral concept. To ignore this fact is to risk the loss of credibility. To acknowledge it, on the other hand, will require a painful reevaluation of some of the academy's most entrenched practices. Given the crisis in which we now find ourselves, the choice seems clear. It is possible that the emerging discipline of applied ethics will provide some of the tools our institutions of higher learning will need to meet this challenge.

Notes

1 This paper was first presented as a Presidential Address to the Canadian Philosophical Association in June 1996. In revising the paper, I have benefited from the comments of Harry Arthurs, Brock Fenton, Tom Hurka, Denise Taylor, Mark Schwartz, Shirley Katz, Ruth Rosen and Françoise and John Arbukle. Denise Taylor did the background research for the presidential address. Mark Schwartz assisted with the business ethics literature search and subsequent referencing. Ruth Rosen proofread and edited the paper to specifications and John and Françoise Arbukle prepared the French language version of the abstract. I wish to thank all these people for their assistance while acknowledging that responsibility for the ideas developed in the following pages is entirely my own.

2 Illustrations that follow focus largely on the Canadian experience. However, the phenomenon is not exclusively Canadian in nature. For a brief account of public discontent with American higher education, see Counelis (1993).

3 Held in Edmonton, Canada, May 9-12, 1996. The conference brought together 300 education stakeholders from business, labour and the public.

4 Transparency International, an international anti-corruption coalition head-quartered in Berlin, Germany, describes corruption in the global marketplace as
an epidemic. For a detailed account of their analysis, diagnosis and prescriptions, see their web page at: www.transparency.org

5 A good example of the role of ethical misconduct in the collapse of a financial institution is the case of The Principal Group Ltd., a Canadian financial institution whose operations were confined to the province of Alberta. For a discussion of that case, see McLennnan (1990), pp. 49–51.

6 For example, forest companies such as Noranda Forest Inc. produce an environmental report which is referred to in its annual report. Some non-resource companies such as Ben & Jerry's Homemade, Inc. now include an independently conducted social and environmental audit in their annual reports. The Body Shop in Britain also commissions a detailed independent environmental audit which is available to the public, although not included in its annual report.

7 Utilities such as Ontario Hydro (e.g., the Mattagami Complex) and Hydro Quebec (e.g., the Great Whale Project) have engaged in environmental assessments that attempt to take into account impacts upon the Aboriginal communities. For an evaluation of Ontario Hydro's Mattagami Complex environmental assessment impact study see Cragg (1996).

8 One Canadian company currently performing in such audits is EthicScan Canada, which publishes the results of its audits in its newsletter, Corporate Ethics Monitor. EthicScan has also published the results of its audits in two books: Helson, Green, Nitkin, & Stein (1992) and Achar, Nitkin, Otto & Pellizari (1996). To date, only a very few companies have commissioned independent ethics audits. Two Canadian exceptions are the Van City Credit Union (Vancouver) and the Metro Credit Union (Toronto). For commentary on the effectiveness of such audits, see Steiner & Steiner (1991) p. 178.

9 Terence Corcoran, formerly a Globe and Mail business columnist, now with the National Post, would seem to fall into this category.

10 I do take issue with it elsewhere, however. Readers might note that the worry is built on a particular view not of the university but of the character of private enterprise. Underlying my analysis of the accountability of private sector corporate activity is a critique of this view. For further discussion see Cragg (1996), Cragg (1997) and “Ethics and Restructuring: Obstacles, Challenges and Opportunities”, in Restructuring and Beyond: The Ethics of the New Economy, Leo Groarke (ed.), Waterloo: Wilfred Laurier Press, 1998, (pp. 287–301).

11 A report to Concordia University (Canada) by an independent committee of inquiry into academic and scientific integrity, chaired by H.W. Arthurs dated April, 1994.

The Canadian Journal of Higher Education
Volume XXX, No. 3, 2000
Kerr (1994) comments in a similar, though less dramatic, vein on p. 12. The events referred to took place at the Allen Memorial Institute in Montreal (affiliated with McGill University) in the 1950s where Ewen Cameron, a Canadian psychiatrist, conducted brainwashing experiments financed by the CIA. Three books, reviewed in Maclean's (Nov. 14, 1988, p. 62) tell the story in its disturbing detail: Collins (1988); Weinstein (1988); and Thomas (1988).

This mission is implicit in the American Association of University Professors' “Statement of Professional Ethics” which begins: “The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him. His primary responsibility to his subject is to seek and to state the truth as he sees it.”

Assimilation of knowledge is a central academic function since without it, dissemination is inevitably fragmentary and thus ineffective and inefficient.

There was a good deal of controversy throughout the last decade of the last millennium around these issues. An example is a debate that originated in the CPA with respect to employment equity. The debate was launched by a “Report to the Canadian Philosophical Association for the Committee to Study Hiring Policies Affecting Women”. One central issue in this debate was the impact of affirmative action policies on the responsibility of universities to base all hiring decisions on merit criteria only, a theme directly connected to the issue of accountability and the mission of the university. The debate also engaged “climate” and speech code issues, both of which engage academic freedom directly. That debate was continued in the pages of Dialogue, a journal of philosophy published by the Canadian Philosophical Association, for example Vol. XXXV, 1996, with such articles as “Jack and Jill and Employment Equity” (A.D. Irvine), “Who’s Afraid of Feminism” (S. Dwyer), “Promoting the Good: Fekete on Equity Advocacy in Canada” (P. Loptson) and “A Reply to Professor Sumner” (Leo Groarke). Related issues are taken up in Contemporary Moral Issues, 3rd edition, McGraw-Hill (Ryerson: Toronto, Wesley Cragg, ed.)

An extended discussion of climate issues, speech codes and academic freedom was also launched in the pages of Interchange, a quarterly review of education, Vol. 27, No. 2, 1996 in response to an Ontario Government initiative entitled “Framework Regarding Prevention of Harassment and Discrimination in Ontario’s Universities”. Interchange and articles on related issues followed in subsequent issues of Interchange.
The Fabrikant case at Concordia University (Montreal, Canada) and the Rushton case at the University of Western Ontario (London, Ontario) are two recent examples. There are innumerable others.

I say “early response” because this “code” is only the first of a series of codes which the Tri-councils are wrestling with. More recently a great deal of effort has been devoted to producing a much more elaborate code whose focus is research on human subjects entitled “Ethical Conduct for Research Involving Human Subjects”. The codes in question can be found at:

- http://www.sshrc.ca/english/programinfo/policies/integrity.htm

This of course would not happen today as the code is now on the Tri-councils’ website as indicated in the previous note. Its being on the web, however, is no proof that its existence is any better known in the academic community.

The second part begins: “The Councils hold institutions responsible for investigating allegations of misconduct...” It then goes on to speak to the value of promoting an understanding of the issues involved.

References


