

Administrative Surgery: A Logical Imperative?

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The author uses a fictitious, but ever-so-real, situation to demonstrate the complexity of administration today in what was once a simple Extension setting. As the number of professional and paraprofessional staff increase in an Extension unit, more staff are becoming involved in administrative and supervisory roles. A great need exists for such staff to become concerned and familiar with management correctives in handling personnel problems before resorting to probation, suspension, or termination actions. You'll benefit by reading Warnock's suggestions for administrative surgery.

Prologue

When serious personnel problems arise within an organization, pressures are brought to bear on administrators to take decisive disciplinary action. Today, as never before, administrators and organizational decision makers must thoroughly exhaust management correctives—techniques used to correct situations in which an employee is having difficulty—before resorting to probation, suspension, demotion, or termination.

Case Study of Administrative Surgery

And so it was that in Oswegatchie County, Orville Trueblood was

the head of the Oswegatchie Cooperative Extension Service responsible for 11 professional teachers, 8 teaching aides, 7 secretaries, and 1 maintenance man. Oswegatchie Cooperative Extension Association is a subordinate governmental unit providing informal education programs to county residents in the broad areas of 4-H youth development, agriculture, home economics, and community resource development. Orville is known throughout the county for fairness and objectivity in dealing with people and is held in high esteem by community leaders, youth, and adults.

Recently, Orville was approached by two eminent citizens, a district superintendent of schools

and the majority leader of county legislature. They informed him of a serious faux pas that an Extension home economist made at a public meeting addressing the question of an atomic power plant site. Ms. Smoote ostensibly lost her sense of professionalism and embarrassed a state official from the public utility commission.

Cherrie Smoote has repeatedly placed the Oswegatchie Extension Service in jeopardy with similar public encounters. Moreover, since arriving in the county three years ago, she has alienated coworkers, rarely attends scheduled staff meetings, and has been questioned on many occasions about the accuracy of information she has disseminated through Extension publications.

Over the years Orville and Cherrie have discussed these problems at length; unfortunately, there has been no noticeable change in her decorum or improved attitude toward her work.

Last week, Orville took the "bull by the horns" and asked for a meeting of the Board of Directors of Oswegatchie Cooperative Extension Service. He explained the immutable posture that Ms. Smoote has assumed over past months, taking sufficient time to detail her actions and the resulting criticisms that had been leveled against the Extension Service. After long, careful deliberation, the Board of Directors unanimously asked Orville Trueblood to fire Ms. Smoote.

Three weeks after Cherrie had left Oswegatchie County, Orville re-

ceived a letter from her lawyer asking for a meeting with the Board of Directors to review the disciplinary action that had been taken against his client.

Orville began to perspire slightly on pondering his understanding of "management rights" which he was introduced to in course on supervision in 1966. Subsequently, all of his vital functions increased in tempo as he discussed with an attorney friend events leading to Ms. Smoote's resignation and the tenet of due process—a hazardous concept at best to Orville Trueblood.

A visit and series of letters from Cherrie's attorney precipitated several board meetings to consider where, what, when, and even why questions surrounding the action taken. Emotions flared, residents of Oswegatchie came to Ms. Cherrie Smoote's defense, and aspersion aimed at Orville and others were churned up in the rumor mill.

Post Mortem After Administrative Surgery

This hypothetical yarn is about one of the many dilemmas facing contemporary educational administrators. Fortunately, most administrators aren't actively involved in the disciplinary action process and therefore, often take decisive action with a vague understanding of future repercussions. Only first-hand experience, a law degree, or an understanding of the highly specific rules and procedures governing public employment give an educa-

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tional administrator the legal/procedural frame of reference that's indispensable in the current employment scene.¹

Moreover, the few deans, directors, and educational supervisors with expertise in disciplinary proceedings become much akin to the surgeon who deals in a specialized branch of medicine requiring *unique knowledge, emotional temperament, and experience.*

Surgery is analogous to disciplinary action in the administrative sciences due to certain process commonalities.

FIRST, implementing disciplinary action is more often than not fraught with *intense emotion.* It usually renders the protagonists less than objective during the pre- and post-operational stages, making them act mysteriously. Although human relations training, sensitivity training, and humanistic education are in vogue, most educational administrators in positions of authority have had limited opportunities for this training. Moreover, it's extremely difficult in a classroom setting to simulate real-life, "win-all, lose-all" experiences with concomitant dysfunctions (tainted reputations, lost positions, divided communities).

Brunson and other management theorists agree that the functional (teaching, budgeting, writing) and structural (planning, organizing, leading) aspects of administrative work are far more easily acquired than the perceptual (emotional) skills and tolerances

that are the "musts" of effective disciplinary action.²

A SECOND characteristic of disciplinary action is the degree of uncertainty surrounding it—similar to the suspense of exploratory surgery. This phenomenon is partly due to the legal considerations that few general-type administrators understand. Conclusive legal evidence is difficult to obtain. "Substantial cause" is the judgment of fair-minded, but usually slightly biased, individuals.

Still another cause of uncertainty is the inability of the administrator and governing body to reach consensus on substantial cause and later reduce it to writing. This leads to equivocation, "buck-passing," "boy-whipping," and "scapegoating" . . . anathemas to fair, firm administrators like Orville Trueblood.

FINALLY, disciplinary action is historically a sanction that management reserves to itself. It's an *expedient cure* for the corporate body, which appeals to many resolute organizational leaders in spite of the expected trauma of major surgery. Nevertheless, disciplinary action is essential in certain untenable situations. If this assumption is valid, then how can an administrator proceed to invoke disciplinary action while remaining procedurally accurate and eminently fair at each step of the operation?

Constraints on Malpractice

The phenomenon of unemployment has finally raised its ugly head

in the halls of academe. The supply of teachers exceeds the number of available positions. Hence, teachers are beginning to challenge administrative decisions on questions of tenure. Women and members of minority groups in particular are seeking restitution through civil rights legislation adjudicated in public agencies and the courts.

Costly court battles have been waged recently between disgruntled teachers and the Universities of Wisconsin, Virginia, Vermont, and Stanford. Perhaps the best publicized altercation was the H. Bruce Franklin dismissal at Stanford University—the first tenured professor to be removed in over 70 years.³

Thus, one can argue that a plethora of opportunities are open to individuals seeking redress for unfair or discriminatory employment practices. For just a moment, let's consider a few options that could have been exercised by Cherrie Smoote.

1. Educational institutions receiving federal monies are required to develop and enforce affirmative action plans that preclude discrimination on the basis of sex, age, religion, race, color, ethnic origin.⁴ Grievance procedures are generally part of the affirmative action plan and afford each employee a fair hearing through prescribed informal and formal processes.
2. More educators are being encapsulated in civil service systems with specific labor rela-

tions statutes governing employment practices and labor negotiations. Therefore, administrators and employees alike are subject to explicit guidelines for handling employee grievances and disciplinary actions.

3. Professional organizations such as the American Federation of Teachers, American Association of University Professors, and National Education Association have earmarked monies to help teachers defend their personal rights, the concepts of academic freedom, and tenure. Interestingly, in recent months all three of these teachers' organizations have filed amicus curiae briefs on behalf of teachers involved in two cases now pending before the United States Supreme Court.⁵ Both of these cases center around the question of whether a non-tenured teacher is entitled to a hearing and a statement of cause from his institution before contract discontinuance.
4. The recently established Equal Employment Opportunity Commission is empowered to conduct hearings and investigations for both employees and applicants for employment who feel they've been discriminated against.⁶ In like manner, state human rights commissions provide conferences and formal public hearings for aggrieved employees

who allegedly have been discriminated against because of race, creed, color, national origin, or sex.⁷ Therefore, damages may be awarded to an employee who has been discriminated against for one or more of the above reasons, in compensation or terms, conditions, or privileges of employment.

5. Finally, Cherrie might have sought help from the American Civil Liberties Union or a local legal aid society that's committed to protecting the rights of people who are allegedly misused in society by inequitable systems and the proponents thereof.

Preventive Medicine for the Individual and the Organization

The first line of defense for an educational administrator, after weighing probable time commitments, humanitarian factors, and political/legal sanctions available to the employee, is to use all known techniques and postulates of effective management to help an employee overcome serious shortcomings to maximize his contribution to the organization.

In addition to management correctives, preventive medicine with the individual connotes "fair play," which is the key description to keep in mind when dealing with a problem employee. "Fair play" dictates that the administrator initi-

ate discussions with an employee at the first indication of a serious problem. Accordingly, the employee should be the "first to know" about disapproving reactions and remarks rather than the "last to know."

One danger facing the administrator at the outset is the threat of prejudice, for or against the employee, which could mollify his ability to make an objective appraisal of the situation. All the more reason to keep "fair play" in mind.

When an administrator combines pertinent management correctives and "fair play" at the early stages of a personnel controversy, experience has shown that many serious problems can be avoided. As stronger relations and increased interaction develop between the administrator and employee, the following could result:

- Both parties could understand better actual performance and alleged criticisms.
- The employee could become more productive and effective.
- The employee might come to realize that his needs and aspirations are incongruous with those of the organization. This could lead to a change in employment or career field.

Preventive medicine within an organization implies creating administrative procedures and practices to assure the health and vitality of the organization. When these processes become the modus operandi of an educational organization, prospects for helping troubled em-

employees mend their ways will be enhanced. Moreover, the administrator will be prepared procedurally and technically to invoke disciplinary action—should it become necessary. Here are some of these fundamental practices and procedures.

1. Each employee should have a position description that clearly delineates his responsibilities and job expectations.
2. Appointment letters for new employees should be used and should contain probationary clauses. If an employee is unable to adjust to the organizational setting and position requirements, it's ethically and legally feasible to sever the relationship during the probationary period.
3. At least annually, all employees should be formally evaluated against stated, agreed-on objectives. The performance review should be signed by both the employee and supervisor, even though the employee disagrees with it.
4. Personnel policies should be up to date and reviewed and discussed with all employees and association officers. They should be comprehensive, noting especially: equal rights in employment and grievance, disciplinary, and appeal procedures.
5. When an administrator is counselling a subordinate about problems affecting the individual's work, careful documentation should be main-

tained. Confidential memoranda confirming the discussions and agreements should be exchanged to assure common perceptions of agreed-on changes and improvements.

6. The administrative head of the organization should have ready access to legal counsel.
7. Should an employee resign, regardless of the circumstances, a conference between the resignee and administrator should be held to determine the reason for resignation. Again, written documentation recording the substance of this meeting, should be made.
8. General liability insurance for the organization and its employees and officers should be in force containing personal injury protections. This assures that in the event an individual is "personally injured" due to the publication or utterance of libel or slanderous remarks, any member of the management team will be protected for resulting damages.

Administrative Surgery — The Operative Stage

If the time finally arrives to implement disciplinary action (administrative surgery), the operation will run more smoothly for the administrator when precautions and preparations (preventive medicine) have been effectuated. Thus, before beginning the operation, we must

assume that the administrator and subordinate have discussed the problem and tried to correct it.

The **FIRST** challenge then is to formally show “substantial cause” or deviation from a known and accepted standard. It’s preferable to show cause in writing. Often this is difficult to do particularly if a group of people such as the Board of Directors of the Oswegatchie Cooperative Extension Service is responsible for formalizing the statement of cause and recommended action. A *WARNING*: If the problem can’t be clearly delineated and reduced to writing, the operation should be jettisoned and further corrective management measures tried.

NEXT, the administrator should help the subordinate understand the nature of the problem and identify specific corrective measures to be assessed within a realistic time frame. Detailed notes of pertinent meetings and discussions should be taken and put away for safekeeping.

FINALLY, a recommended judgment and course of action to the responsible administrator in the hierarchy and/or governing body of the organization should be made when an agreed-on deadline is reached. Hopefully, the individual will have improved performance leading to exoneration.

If, however, disciplinary action is to be invoked, the administrator and governing body must decide on a course of action—reduction in pay, demotion, probation, suspen-

sion, termination. In the event of termination, the individual should be notified of the right to appeal to the next highest authority in the organization.

Appeal procedures should be an integral part of the organization’s personnel policies along with employee rights and protections guaranteed under law. An independent hearing might be mutually beneficial; this procedure also should be integrated into the organization’s personnel policies.

Brief Moral to Educational Administrators

Effective management is more important today than ever before since an administrator doesn’t have the clear-cut sanctions and authority he once had. Administrative surgery should be the last resort after management correctives have been completely exhausted and documented. If surgery is inevitable, it must be procedurally correct to the extent that it will stand the test in a court of law or before an administrative hearing.

Epilogue to the Trueblood-Smoote Operation — Who Operated on Whom?

Ms. Cherrie Smoote was reinstated by the Board of Directors of the Oswegatchie Cooperative Extension Association and placed on probation under close supervision

for six months. With little effort, her lawyer convinced the directors that his client hadn't been formally appraised of the seriousness of the problems. He further claimed that she hadn't received sufficient supervision and guidance that she had frequently sought from Mr. Trueblood.

Orville was encouraged to take a two-week vacation to get away from it all! And when he returned, he enrolled at Wegatchie University in "Anatomy and Physiology of Organizations" and "Administrative Law," with the hope of gaining a better understanding of one of the most difficult tasks in educational administration—administrative surgery.

Footnotes

1. John J. Mooney, *Manual of Procedure in Disciplinary Actions* (Albany, New York: New York State Department of Civil Service, 1963).
2. Richard W. Brunson, Sr., "Perceptual Skills in the Corporate Jungle," *Personnel Journal*, LI (January, 1972), 50-53.
3. John A. Crowl, "Costs Mounting in Teacher Suits Against Colleges," *The Chronicle of Higher Education*, VI (March 27, 1972), 1 and 4.
4. *Civil Rights Act*, July 2, 1964, P.L. 88-352, 78 Stat. 241.
5. Crowl, "Costs Mounting," p. 4.
6. *Equal Employment Opportunity Act*, March 24, 1972, P.L. 92-261.
7. New York Executive Law, *Human Rights Law* (McKinney, 1972), Sec. 290.