

Exploring the Principal's Fairness Dilemma

J. Casey Hurley, NASSP Bulletin, May, 1999, pp. 82-85

"That's not fair!" How often do secondary school administrators hear these words? When students or parents disagree with disciplinary decisions, they frequently believe they are being treated unfairly. And this occurs often, despite policies and handbooks that clearly describe consequences for various misbehaviors.

Are principals really so bad at treating students fairly? I think not. My experience suggests that one of the reasons for this accusation is a misunderstanding of the concept of fairness. Exploring this misunderstanding may explain why principals are vulnerable to this accusation and may suggest ways that principals can build fairer schools.

Misconceptions About Fairness

As a high school assistant principal, it became clear to me that, when parents or students exclaimed, "That is not fair!" they usually meant one of two things. Either they meant, "That is not consistent!" or "That is not reasonable!" If they disagreed with the consistency of a decision, they argued that another student received a different consequence for the same offense. If they disagreed with the reasonableness of the decision, they pointed out how the decision would lead to an unreasonable resolution.

For example, some school handbooks indicate that students who cheat on a test are given a grade of "F." And this applies to both the student who receives the answers and the one who gives the answers. This seems reasonable, until the one who gives the answers is an honor student and the one who receives the answers is a student who is already failing the course. The parents of the honor student

could logically argue that it is unreasonable for both boys to receive an F because the student who was to benefit from the cheating would be punished far less than the student who gave the answers.

The following two examples further illustrate how many of us mistake consistency and reasonableness for fairness. Let's say you are driving 75 miles per hour in a 65 mile per hour zone. You have out-of-state license plates. A car with in-state license plates passes you, going 80 miles per hour. One minute later, a state trooper tickets you for exceeding the speed limit. Would you not consider this unfair?" Actually, it is fair, it is just not consistent.

In the second example you are driving 67 miles per hour in a 65 mile per hour zone. Your traveling companion is reading to you a news story about an increase in the number of deaths caused by drunk drivers in your state. The story links the increase in deaths to a shortage of state patrol officers. All of a sudden, to your surprise, you see blue lights flashing in the rearview mirror. A state patrol officer clocked you going 67 miles per hour, and you are going to get a ticket. Aren't you upset with this unfairness? Wouldn't you reason that the officer should spend more time and effort ticketing those drivers who pose a greater danger? Getting a ticket under these circumstances offends your sense of reasonable law enforcement; but, strictly speaking, it is not unfair.

Equating fairness with both consistency and reasonableness creates the fairness dilemma--something that has far-reaching consequences for principals. The above examples illustrate that what is reasonable is sometimes not consistent, and what is consistent is sometimes not reasonable. When principals are forced to choose between what is required according to the written rules and what is reasonable according to the facts of the particular case, they are vulnerable to accusations of unfairness from both sides. If they apply the rules consistently, they may be overturned by a superintendent who values reasonable resolutions. If they

take a reasonable approach they undermine the school rules.

The purpose of this essay is not only to explain this misconception about fairness, but also to review how school governance practices contribute to this dilemma, and to explain how a more comprehensive understanding of fairness can help principals avoid this dilemma while teaching important lessons to students.

How Did We Get Into This Dilemma?

It is not surprising that consistency and reasonableness dominate beliefs about fairness. States and schools contribute to this view by taking a legislative approach to governance. State governments enlist legislatures to establish laws, and schools expect principals and assistant principals to establish the student handbook. In the eyes of some school officials, the more detailed the student handbook, the fairer it is. But this legislative approach to school governance may be where schools have turned down the wrong path.

School officials should remember that, unlike state governments, schools do not have separate legislative, executive and judicial branches of government. Instead, principals are expected to carry out all three functions, which leaves them vulnerable to claims of unfairness concerning both the establishment and the enforcement of school rules. In other words, school rules are often seen as the principals' rules because principals make them and enforce them.

Student handbooks, written by teachers and principals, may contribute to claims of unfairness by forcing principals to choose between consistency and reasonableness. The more specific the handbook the more consistent it may be, but the greater the potential for unreasonableness. The more general the handbook, the more reason can be exercised, but the greater the potential for inconsistency. So, how can principals deal with this dilemma? The answer may lie in teaching a fuller meaning of fairness.

A Comprehensive Meaning of Fairness

One of the consequences of taking a legislative approach to school governance is a missed opportunity to teach a fuller meaning of fairness. A more comprehensive way to look at fairness is to recognize that it is based on an agreement. For example, in order to be licensed, drivers agree to abide by traffic laws. Therefore, it is fair when traffic officers ticket a driver who is exceeding the speed limit, no matter how slightly.

The same point is made in the New Testament (Matthew; 20:1-16). Jesus tells about a vineyard owner who hired four sets of laborers. The first set was hired in the morning, and they worked all day. The second set was hired at noon, and they worked the rest of the day. The third set was hired in midafternoon. And the fourth set was hired in late afternoon. After all workers received the same pay, those hired in the morning complained to the owner. He replied, "I do you no injustice. You agreed on the usual wage, did you not?" The fact that all these workers received the same pay may offend our sense of reason; but, strictly speaking, it is fair because all the workers agreed to it.

Again, the same pay for all these workers offends our sense of reason; but, strictly speaking, it is fair because it was agreed to.

When looked at this way, fairness is grounded in an agreement. And this shifts the burden. Instead of "fairness" being something that school personnel must deliver, this conceptualization suggests that fairness occurs when all members of the school community uphold an agreement.

Instead of taking a legislative approach to school governance, school officials can go further. They can teach students that consistent and reasonable rules are necessary but not sufficient conditions for fairness. They can teach students that consistency is sometimes not reasonable, and reasonableness is

sometimes not consistent. Furthermore, they can teach students that being part of a community means living by an agreement, the spirit of which holds that each member of the community is expected to act responsibly.

Teaching More About Fairness

So, how can school administrators teach all of this in an effort to establish fairer schools? The first step is to create an agreement between the student body and the school community. Few secondary schools involve parents and students in the development of the student handbook; consequently, few student handbooks form a true agreement between the school community and the student body. Schools that require students and parents to sign the handbook understand the importance of having an agreement; but unless students and parents are meaningfully involved in establishing the rules, the agreement is shallow. In order to deepen this agreement, students, parents and teachers must be involved in writing school rules. Those who participate in this activity, however, must remember that the handbook should resemble an agreement, not the state statutes.

The second step is to create an agreement between each student and the school community. A procedure could be developed through which students are given the opportunity to personally agree to abide by the school rules. A deep agreement can only be reached when students make a personal pledge.

Unless school rules are founded on this more comprehensive definition of "fairness," principals will always deal with parents and students who claim, "That is not fair!" (And by association, "You are not fair!" and "The school is not fair!") On the other hand, schools that take both of these steps, have the opportunity to teach young people that "fairness" goes beyond consistency and reasonableness, and being treated fairly involves accepting and living up to their agreement with the school community.