BURSTING THE BIG DATA BUBBLE

The Case for Intuition-Based Decision Making

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Giving Voice to Intuition in Overcoming Moral Distress

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10.1 Introduction

The term "moral distress" was coined in 1984 by philosopher Andy Jameton (1984, 1992, 1993) within the context of nursing ethics. Moral distress refers to situations in which institutional and organizational cultures coerce individuals into acting in ways that go against their ethical principles. Within the literature, the concept of moral distress has been conceptualized as the situation individuals face when they make "moral judgments about the right course of action to take in a situation, and they are unable to carry it out" (McCarthy and Deady, 2008, p. 254). Alternatively, the individual may decide to pursue the course of action he or she knows is wrong (McCarthy and Deady). Judgments "about the rightness or wrongness of an action may be understood as evaluating an action from the perspective of a particular set of moral values" (McCarthy and Deady, p. 254). The literature has discussed choices made in circumstances of moral distress as being influenced by

individual characteristics (e.g., poor decision making) or institutional realities (e.g., lack of resources). Since Jameton's (1984) description of the concept of moral distress, the phenomenon has been applied to a variety of organizations and institutions, including higher education.

Some of the most frequent instances of moral distress in academia occur when a college or university's written or unwritten policies and practices go against what a decision maker believes is in the best interest of the individual and promotes justice. In such instances, the question becomes how much individual injustice should be countenanced for the sake of long-term organizational reform. This chapter discusses the role of intuition in ethical decision making in academia through analyzing cases that appeal to intuition as applied to exercising leadership that upends existing institutional practices. This discussion concludes with strategies to promote the use of intuition in overcoming moral distress situations on campus. Suggestions for future research are also provided.

Ethics, in its most general sense, is the study of the correct conduct—an examination of those actions that are right and those that are wrong (McCarthy and Deady, 2008). Right actions are those done in accordance with certain moral principles. Wrong actions are those that violate these same principles (Starkey, 2006). Thus, the major challenge for moral theorists is to determine what principles are the correct ones to guide behavior. This is the task of normative ethics: the attempt to arrive at and defend certain norms, standards, and principles such that any act done in accordance with these is correct and any act going against them is incorrect.

There are two broad categories of normative ethical theories: deontological and teleological, or consequentialist (Akaah, 1997). The difference between these two types of theories can be seen in how they respond to the question, "Are there certain actions that are right or wrong regardless of the consequences, or, is the rightness and wrongness of acts wholly dependent upon the consequences?" For deontologists, the correctness of actions can be determined independently of their consequences. Instead, actions are considered correct if and only if they are done out of a sense of duty to certain principles. In contrast, teleological ethical theories are based on the notion that the rightness and wrongness of acts is wholly dependent upon their consequences. The most common form of teleological

ethics is utilitarianism, whereby the rightness and wrongness of acts rests on whether they promote the greatest good, or the least amount of bad, for the greatest number of people (or for everyone involved).

Ethical dilemmas, by their very nature, are such that no matter what course of action one takes, some ethical principle or norm will be violated (Clegg, Kornberger, and Rhodes, 2007). Whether a decision maker appeals to deontological or teleological principles in attempts to resolve an ethical dilemma, the result may be contradictory conclusions, depending on the nature of the dilemma. Some of the most challenging dilemmas arise when deontological principles that dictate a duty to justice and fairness conflict with teleological principles that take into account the likelihood of lasting reform of the organizational culture through the sacrifice of individual rights. The following paragraphs provide examples of how such dilemmas might play out on college campuses.

10.2 Examples from Higher Education

Consider, for instance, the case of the student whose financial circumstances have changed dramatically since entering college.* She has one major course left to complete to fulfill her graduation requirements and is a semester away from graduation. She has used the maximum financial aid for which she is eligible, but can meet the requirement through an online course at another institution. The chair of the department of which she is a member refuses to waive the rule that all required courses for the major be taken on campus. Without this option, the student is unlikely to finish. Although the college is committed to enhancing its retention and graduation rates, the academic appeals committee is unwilling to overturn the decision of the department chair regarding the integrity of the program. Both the dean and the president are approached by the student for help in resolving the matter.

In this case, even if the dean and the president believe that principles of justice and fairness, respect, and dignity are being violated by not allowing the student to take an online course, there may be broader consequences to consider. Suppose, for example, that the decision takes place within the context of a culture that has struggled to demonstrate

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* Identifying information has been changed and/or omitted to protect confidentiality.

practices of shared governance. Overturning a chairperson's decision with respect to the requirements for an academic program may not only have an impact on morale by undermining leadership at the departmental level, it may have a ripple effect with respect to perceptions of top-down administration. Yet, college officers have fiduciary responsibilities that extend beyond those of the department chair. Although faculty and staff have a shared responsibility for the retention of students, the chair is not accountable to the Board of Trustees for graduation rates or student success in the same way as the administrators.

In wrestling with dilemmas such as these, the course of action administrators take often relies on moral intuition (Rooney, 2009). Although moral intuitions are, by definition, noninferential, this does not preclude their being informed by experience. Chassy and Gobet (2011) review defining characteristics that reflect theoretical approaches to intuition. These include: "rapid perception and understanding of the situation at hand, lack of awareness of the processes involved, holistic understanding of the problem situation, the fact that experts' decisions are better than novices' even when they are made without analytical means, and concomitant presence of emotional ['coloring']" (p. 199).

Recent research has shown that decision making is often made in alignment with emotional values (Chassy and Gobet, 2011). Emotions influence cognitive processes that, in turn, influence intuition. The research contends that emotional values draw the individual to the cognitive chunks deemed most relevant in a problem situation. The process that connects emotional values to specific cognitive thoughts thus directs the decision maker to specific problem-solving strategies (Bechara et al., 1996; Chassy and Gobet, 2011). The individual's intuition acknowledges that the problem-solving strategy he or she is led to through this process is the right action to take.

The case where an administrator is convinced that the chair's decision should be overruled is one such example. Here the decision may result from an intuition arising from a deep and abiding commitment to the principle that the institution's primary goal is to educate students to provide them with opportunities necessary to meet the nation's historic mission of promoting participatory democracy. The administrator may have learned from addressing similar types of cases, that when upholding the institution's rules or standards comes into conflict with serving the best interest of the student, if there is no fault on the part of the student

and the harm to the institution's principles would be minimal, it is warranted to override a judgment that goes against the student's interest.

Of course, assessing the level of harm due to bending the rules is the sticking point. Indeed, this dilemma raises the question of whether the harm that occurs to a segment of the institution through the reversal of a policy or practice violates fundamental principles or is simply a way of carrying out principles that could be achieved through other means. Yet, even if there is no other means of protecting principles, such as departmental autonomy that would speak in favor of conformity with the rule, in the end, the harm that would follow might be overridden. Thus, the administrator's appeal to moral intuition in going against the department chair's ruling can be grounded in the principle that, under these specific circumstances, an individual human being's educational success is worth more than any particular rule or uniformity with respect to that rule.

Still, despite the administrative decision maker having a moral intuition that the student should be accommodated, institutional and organizational factors may prevent the implementation of that decision. This is where moral distress arises (Kälvemark et al., 2004). Moral distress is different from the anxiety that comes from simply facing an ethical dilemma. It is the continual overriding of what one regards as the correct moral principles that leads to moral distress. For instance, we often hear as a justification for denying appeals by students with unique circumstances that if we allow an exception in one case, then a dangerous precedent will be set. This response fails to take into account that slippery slope arguments are notoriously weak in assuming that we have no control once we start down a particular path.

Decision makers are capable of discerning circumstances that distinguish one case from another and can act on these distinctions. Yet, undermining the authority of those who believe that rules must be followed at all costs, otherwise the flood gates will be opened, can take a toll on morale. It can also hamper the ability of a leader to achieve lasting reform through a shared commitment to certain institutional objectives such as students getting an education. The dynamic at play is reflected in recent research that suggests moral distress occurs not only as a result of institutional constraints, but also on an individual level where the individual follows his or her moral decision and is confronted with backlash from policies or legal regulations

(Kälvemark et al., 2004). These studies suggest that increasingly, moral distress needs to be understood within the context of ethical decision making (Kälvemark et al., 2004). Giving voice to intuition invites an exploration of specific environmental variables that influence the status of the situation from which moral distress arises.

Suppose, for instance, that the dean disagrees with the ruling of the faculty member in refusing to accommodate the student's desire to take an online course to be able to continue working, and thus pay for her education. Nevertheless, she feels compelled to go against her intuition that the decision should be countered because she considers having department chairs who feel empowered, valued, and respected is critical. Her actions are constrained by an organizational and institutional culture that reflects values she does not share. At the same time, she recognizes that in the long run, she might be able to accomplish cultural reform by gaining the trust of her colleagues.

If the chairs rally around reviewing and revising policies that would prevent these types of cases from occurring in the future, consequentialist or teleological principles could lead one to the conclusion that team morale takes precedence over the educational needs of one student. After all, many other students will be helped by a policy change, a change that could be preempted if the focus is on resistance to change that intends to send a message to the dean from those who feel professionally undermined. The dean's moral distress results from the fact that, in the end, her intuition tells her she should act to protect the student, but she does not feel empowered to do what she believes is ethically correct. Here the context of the moral distress situation occurs within a system of policies and practices that counter the dean's moral choice and the intuitive processes that led her to it. Moral distress is given voice while moral intuition is silenced.

10.3 Campus Strategies and Directions for Future Research

Given that administrators are enjoined to make ethical decisions with the full understanding that no one has a lock on moral rectitude, what are the ways in which moral intuition can be informed and moral distress curtailed? Although moral distress can occur in any institutional setting, there are some approaches we can take to overcome it.

1. *Train people to identify moral dilemmas as the source of their distress.* The nursing profession provides a model of training that focuses on awareness of moral dilemmas and how they contribute to distress. Research highlights the complexity of moral distress within the healthcare system. It was found, for instance, that staff across disciplines often followed their moral intuition only to experience moral distress when their moral choice went against organizational regulations (Kälvemark et al., 2004). Providing access to ethics training in higher education settings is a strategy that promotes learning how to navigate these types of complexities (Kälvemark et al., 2004). Training can include opportunities to discuss case studies or forums where the resolution of moral distress situations are explored. This type of training can "help professionals to understand better their own process of ethical decision-making and create a greater readiness for related situations" (Kälvemark et al., 2004, p. 1083).
2. *Establish forums such as ethics committees to make sure that ethical dilemmas and their resolution continue to be at the forefront of public discussion and private debate.* Having a campus ethics committee contributes to an infrastructure that acknowledges and supports the importance of ethical practice. An ethics committee can also provide training through seminars about moral distress situations that may arise in different aspects of campus life such as student well-being, education financing, educational access, grading, research, and campus housing, among others.
3. *Inventory the obstacles within one's institutions that might prevent people from coming forward with dilemmas, and implement policies and practices that reward voicing concern.* A survey can provide insight about the fears campus constituencies have with reference to expressing ethical concerns. Identifying these perceived threats provides campus leadership an opportunity to encourage voicing moral intuition when confronted with moral distress.
4. *Create a culture where people are expected to do the right thing, so that individuals do not feel at risk by raising ethical issues.* Clegg, Kornberger, and Rhodes (2007) critique how ethics can be broken down by organizations into rules and administrative protocol. In their approach, Clegg, Kornberger, and Rhodes (2007) look at ethical decision making in organizations

as being "non-rule based," or, as they state, "an ethics that involves freedom" (p. 394). Campus leadership can model a commitment to a culture where ethical decision making is considered an opportunity to express freedom and democracy.

5. *Gain the support of superiors.* When an organizational culture has become so well formulated that it overrides a written code of ethics, strong leadership is required to achieve reform and provide a model of change.
6. *Assess the support of staff to nurture and cultivate reform.* As mentioned, research on moral distress in the healthcare system indicates that it occurs among staff at all levels. Similarly, it is important to explore the impact of moral distress situations across campus constituencies (e.g., students, faculty, staff, administrators, alumni, board of trustee members, parents, and the surrounding community). Implementing a survey to assess impact, as mentioned in the third strategy, gives voice to each of these campus partners.
7. *Develop a long-range plan based on role modeling.* Through the aforementioned strategies, higher education leaders can serve as role models that encourage ongoing discussion and deliberation about complex ethical issues. Leaders from different institutions can meet regularly to discuss how their respective leadership styles influence this change.
8. *Develop a sense of self that allows for clear role definition and the understanding that the professional roles we play are just one facet of our lives.* It is important that higher education leaders seek to make institutional decisions that uphold the values of the organization. Having other facets of life allows the leader to experience a sense of value in different ways. As such, the hope is that decisions will be based on an intention to pursue the best interest of the institution, even if leadership backlash is the result. Because the leader has other areas of life that support him or her, there is less risk that a decision will be made to bolster a sense of worth or popularity at the expense of the institution and its values (Horrigan, 2011).

These strategies suggest several areas for research focused on voicing intuition in campus moral distress situations. Recommendations for

future investigation are largely based upon research conducted in the healthcare setting that is relevant for higher education practice. Higher education has gone through, and continues to experience, great change. Research can explore the nature of moral distress in higher education settings and the processes used to cope with this experience (Kälvemark et al., 2004; Musto and Shreiber, 2012). Are there themes associated with moral distress in higher education? If so, what is their impact on campus stakeholders? What are the connections between campus moral distress and retention among constituencies? How does having a positive ethical climate promote retention (Bell and Breslin, 2008)? These are but a few directions for future research.

10.4 Conclusion

The higher education realm is changing rapidly. Stakeholders across campuses face increasingly complex instances of moral distress. Campus dynamics, a lack of institutional resources, and even administrative policies may confound the individual's ability to engage in decision making that reflects his or her moral choice. Acknowledging and supporting the use of intuition is one overall strategy when confronted with such situations. This process can be encouraged by efforts to train individuals to identify the nature and source of their moral distress, establish an infrastructure that promotes discussion of ethical practice, create an environment that supports ethical decision making, garner support for institutional reform from superiors and colleagues, and have a clear sense of self that does not depend upon the institution as the sole source of self-worth and sense of value. Through a combination of these efforts we seek to give voice to intuition and bring transformation to campus life.

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