Seizing Discretion to Advance Full Participation

For a field that depends heavily on its practitioners using their judgment to achieve goals, faculty members can be quite nonchalant about how they use their own, writes KerryAnn O’Meara.

By KerryAnn O’Meara
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When you google the word “discretion,” the first thing that appears is an image of a person with a finger over their lips encouraging secrecy. Discretion is framed as something we choose not to do, such as sharing a colleague’s mistakes with others.

But in my 2020 Association for the Study of Higher Education presidential speech, I encouraged us to think about discretion more actively – about how we as higher education faculty can leverage judgment and discretion to advance equity and full participation. After all, higher education is replete with what Deborah Ball calls “discretionary spaces,” or places where academics make decisions that profoundly affect the full participation of faculty, students and staff.

Whether we look at admissions, teaching and mentoring, promotion and tenure decisions, or peer review of scholarship, faculty judgment and discretion is pervasive. We rely on discretion to accomplish objectives effectively and equitably. In fact, for a field that depends so heavily on its practitioners applying judgment to achieve goals, we can be quite nonchalant about its use and improvement.

Perhaps that is because the stakes of faculty judgment and discretion do not seem as dire to us as in other professional fields. When doctors leave an instrument in a patient, or pilots miss a crucial step in landing a plane, the outcomes can be deadly. Our attention is often drawn to discretion exercised in very public spaces, such as a debate moderator choosing to interrupt a candidate who has gone over time, or a government whistle-blower revealing potential crimes.

Most of the time, faculty use judgment and exercise discretion in domains of practice with subtler, and less public, impacts. However, faculty discretion has consequences nonetheless. Faculty decide whether a student’s home situation during the pandemic is an extenuating circumstance in their inability to complete an assignment on time. Faculty decide which scholars to include in their syllabus and whether or not to report sexual harassment. We make thousands of small decisions like this, all set within the constraints of discretion afforded by our institutions.

And what about those constraints? Ronald Dworkin
https://scholarship.law.edu/cgi/viewcontent.cgi?article=2438&
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administrators to respond equitably to those differences in experiences and contexts. Rather than doing away with faculty discretion, the project of full participation requires attending to how it might be better leveraged, checked and restructured.

By leveraging, I mean using professional development, peer learning, data and practical tools to help faculty see areas within their own spheres of influence where implicit biases and/or structural disadvantages are causing particular members of their community to struggle. For example, Estela Mara Bensimon and James Gray (https://www.tandfonline.com/doi/full/10.1080/00913832020.1732790), tell the story of a community college instructor who analyzed his grade book and saw that Latinx students had perfect attendance but did not submit the homework, which was hurting their grades. After participating in the equity scorecard project (https://cue.usc.edu/tools/the-equity-scorecard/), he introduced a new practice: starting on the homework in class so it could be demystified. His success rates for Latinx students went from 33 percent to 85 percent.

In addition to leveraging equity-minded discretion, we need to add checks and balances to discretionary spaces where we know particular groups, work and ideas are privileged. Hiring is an obvious example. Often search committees will express interest in candidates who can contribute to the diversity of their department but do not meaningfully enact that criteria in their final selection of candidates. Let’s imagine, however, that a dean uses discretion to return a short list of candidates because the committee fails to show how they used their espoused diversity, equity and inclusion criteria in developing it. The dean acts as a check on faculty discretion with equity in mind.

By restructuring discretion, I mean asking hard questions about where faculty hold discretion and whether it is creating or reproducing inequities among groups. For example, the haphazard ways in which faculty are assigned and rewarded for much campus service, DEI and mentoring work often results in women and faculty of historically minoritized identities doing more than male and white peers. If an academic department decides to dismantle that process and implement more intentional rotation of time-intensive service roles, they have restructured discretion to enhance equity and fairness.

Each day, faculty make judgments and exercise discretion without recognizing the possibilities of doing something different. If we look at the project of full participation as in part a project of noticing where, in our own spheres of influence (or donut holes), particular groups lack what they need to flourish and then seizing the opportunity to change that dynamic, we will advance a more just community.

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