A STRUCTURED APPROACH TO LEGALLY-MANDATED CHANGE IN HIGHER EDUCATION INSTITUTIONS

A thesis presented by
Jacqueline Sylvia Denise Dejean

To
Doctor of Law and Policy Program

In partial fulfillment of the requirements for the degree of Doctor of Law and Policy

College of Professional Studies
Northeastern University
Boston, Massachusetts

June 2015
DEDICATION

I dedicate this accomplishment to my late parents, Justin and Colette, who filled me with a desire to challenge my own limitations and overcome them. I love that they taught me to strive for excellence, did their best to equip me, and made me believe anything was all possible.
ACKNOWLEDGEMENTS

The work involved in conducting the research and in writing this thesis was accomplished with the help of many people.

For their inspiration, knowledge, and expertise, I want to thank the faculty and staff of Northeastern University’s Doctor of Law and Policy Program. In particular, I want to thank Dr. Neenah Estrella-Luna who made herself available from the time I was admitted into the program until the very last page was written. Her advice to me to restructure my priorities in preparation for this program, has been pivotal to my success. Her review of my work and her challenging questions helped me refine my work. Finally, as my advisor, Professor Estrella-Luna, guided me through the thesis process and facilitated my success. Words cannot fully capture how grateful I am for her support in completing this doctoral program.

I want to thank Dr. Kathryn Stanley, my master’s thesis advisor and my doctoral thesis second reader. Dr. Stanley’s encouragement to bring the work I started at the master’s level to completion in a doctoral program has given me the energy I needed stick to my original premise and offer here for public consumption.

Finally, for their assistance in the survey dissemination, I would like to thank my colleagues at the Society of Research Administrators International. Specifically, I wish to thank Elliot Kulakowski, Chief Executive Officer, and the committee that reviewed my proposal and approved it for dissemination to the membership. I would also like to thank Jim Mitchell, Manager of Membership and Corporate Relations, who gave the email distribution a polished look and whose efforts resulted in me exceeding my sample population goal in record time. The empirical paper is the direct result of their assistance and I am deeply grateful to both of them.
ABSTRACT

Regulatory demands contribute to an environment of increasing legal risk for higher education institutions (HEIs). The mandate to increase access and yet lower tuition creates challenging cost constraints. In addition, the cost of non-compliance jeopardizes institutional viability as the HEIs struggle to adjust to the pressure created by polarizing legally-mandated changes. An urgent need exists for a tool to implement legally mandated change. Development of a structured approach to making legally mandated changes will benefit HEIs if that approach maximizes compliance with the law in order to minimize legal liability. This thesis accomplishes two research tasks: 1) conceptualization of a structured approach to making legal changes in higher education institutions and 2) investigating the relationship between the various elements of the model. The theoretical paper outlines the envisioned structured approach titled “Synching the Law.” The basis of Synching the Law includes principles from organizational psychology and therapeutic paradigms and uses action research as its scaffolding. The empirical paper focused on diversity hiring within a sample of research administrative units of U.S. higher education institutions to reveal the disconnection between awareness and action in response to legal changes implemented at the institutional level. The employees’ awareness of the legal requirements is disconnected from their actions. This disconnection requires a resolution that addresses the psychologically embedded reasons underlying those actions. The study reinforced that the law and legal priorities stemming from the law are insufficient to affect the behavior of those who must carry out these rules. Therefore, a model that offers a means of resolving this disconnection would benefit higher education institutions.

Key Words: organizational psychology, action research, legal change, higher education institutions, diversity, disequilibrium, psychological safety, synching, therapeutic, legal agents, rule of law
# TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION 6
CHAPTER 2: RESEARCH METHODS 8
CHAPTER 3: PUBLISHABLE PAPER 1: THEORETICAL MODEL 11
CHAPTER 4: PUBLISHABLE PAPER 2: EMPIRICAL RESEARCH 30
CHAPTER 5: CONCLUSION 59
BIBLIOGRAPHY 62
APPENDICES 67

<table>
<thead>
<tr>
<th>APPENDIX</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPENDIX A: IRB Materials and Approvals</td>
<td>68</td>
</tr>
<tr>
<td>APPENDIX B: Survey instrument</td>
<td>72</td>
</tr>
<tr>
<td>APPENDIX C: Codebook</td>
<td>78</td>
</tr>
</tbody>
</table>
Chapter 1

Introduction

In an environment of increasing legal mandates, higher education institutions need a legal change method that increases regulatory compliance and reduces legal liability. Several trends have exacerbated the effect of legally mandated changes on higher education institutions. The first trend involves the government and funding of higher education. Increasingly, the federal government connects higher education institution’s legal compliance to government funding distributions. This connection between compliance and funding makes the financial penalties for non-compliance very burdensome to institutions (Recalibrating Regulation of Colleges and Universities, 2013). The second trend involves the recent economic crisis and the financial challenges faced by institutions resulting from the recession. The negative impact on some institutions’ endowments increases higher education institutions’ reliance on tuition revenue (Brown & Hoxby, 2015). The third and final trend has been the rising cost of education (MacDonald, 2013; Matthews, 2013). High tuition levels place a university or college education beyond the reach of a growing segment of the population (Evans, 2013). As the external pressures constraining tuition revenue increase, alternative revenue streams continue to shrink. Higher education institutions cannot afford more financial losses.

While this thesis focuses on higher education, other industries would benefit from improved legal compliance. Regulations targeting industries that were perceived to have precipitated the downturn have increased as well (The true cost of compliance, 2011). As a result, industry leaders also seek to mitigate the rising cost of non-compliance (English & Hammond, 2014; The true cost of compliance, 2011). Therefore, it behooves all industries, not just higher education institutions, to seek a method of increasing compliance.
The two-fold objective of this thesis included the conceptualization of *Synching the Law*, a model for making legally mandated change in organizations (Chapter 3), and an investigation of the relationship existing among the elements of *Synching the Law* (Chapter 4). The *Synching the Law* model delivers a means for making legally mandated changes that optimize compliance by addressing resistance to a legally mandated change using a structured approach. The model accomplishes this by synchronizing the law with organizational characteristics. In this way, the model enables an organization to diagnose its compliance risk areas proactively and enhance adaption of the legal change.
Chapter 2
Research Methods

Accomplishing the two-fold objective of this thesis required using two approaches. A literature review accomplished the first objective of creating the model and survey methods were used to investigate the elements of the model and their relationship to each other.

Objective 1: Creating the Synching the Law model

The literature review included a variety of document sources. Two research fields contributed to the structured concept. Organizational psychology served a primary role in the model development. Therapeutic jurisprudence also contributed to a lesser extent. The work of Clayton Alderfer (1980, 1982, 2011) in intergroup dynamics and organizational permeability provided the basis for conceptualizing Synching the Law as an intervention for organizations. The model focuses on addressing the disconnection between knowing and doing within an organization. Alderfer’s work sheds light on the resistance to change that can manifest in organizations. His work also offered a typology for observing organizational behavior and diagnosing an organizations’ adaptability to change. The thesis placed other organizational psychology theories and practices relating to structuring of interventions and psychological approaches to intervention within the context of Alderfer’s research.

The work of David Wexler (1990, 1991) and coauthor, Bruce Winick (2003), on the subject of therapeutic jurisprudence featured less prominently in the thesis. Their concept of the law as a therapeutic agent contributed to the perspective of the model that the law advances the psychological well-being of the organization. The psychologically beneficial, challenging, and neutral effects of the law serve as the structure for the intervention, namely the positioning of legal agents at the center of the change process. While Alderfer’s work focuses attention on changing people, Wexler and Winick’s work focuses attention on the law and its effect on
people. When orchestrating mandated legal change from the non-therapeutic perspective, the law appears unyielding and forced. Inevitably, the approach taken involves training for compliance and then punishing non-compliance.

Together, Alderfer, Wexler and Winick’s work create the foundation for an approach to making legal change that acknowledges a more altruistic purpose of the law with room for organizational interpretation. As a result, *Synching the Law* allows for organizational involvement in the legal change process with an opportunity to address non-compliance using a preemptive and adaptive approach.

**Objective 2: Investigating the relationship between the elements**

To test the elements of the model, research administrators served as the target research population in the empirical paper (Chapter 4). This group formed a specific administrative unit within higher education institutions. These administrators were ideal because the preponderance of their work involved serving as institutional compliance officers in the area of research administration. Therefore, this group understood the importance of legal compliance and the adverse effect of non-compliance on the institution.

To investigate the relationship between different elements of the Synching the Law model, a survey instrument was created specifically for this target population. The survey instrument captured three sections of data: population demographics, organizational characteristics, and preferences for a specific psychological approach. The instrument contained both closed and open questions and used skip logic to isolate the appropriate sample for the study.

The demographic section helped identify the sample in more detail. The second section provided insight into the legal change process based on organizational permeability and individual behavior. The final section shed light on organizational practice and individual
preferences for making changes when allowed a choice between two methods: disequilibrium and psychological safety.
Chapter 3
Publishable Paper 1: Theoretical Model

Synching the Law: A New Model for Conducting Legally Mandated Change in Higher Education Institutions

Abstract

Conflicting regulatory demands on higher education institutions (HEIs) contribute to an environment of increasing legal risk for HEIs. In addition, the increasing cost of non-compliance jeopardizes institutional viability as HEIs struggle to adjust to the pressure created by these legally-mandated changes. HEIs would benefit from implementing legally-mandated change in a way that maximizes compliance and therefore minimizes risks. This paper provides the guidance for making legally-mandated changes that embed effectively within organizations using principles from organizational psychology and therapeutic paradigms. Drawing specifically from action research, organizational permeability, and therapeutic jurisprudence, a structured model that synchronizes the legal rule with an organization’s unique characteristics as defined by the organization’s permeability, was developed. Synchronization of the law with organizational characteristics, also referred to as *synching the law*, allows effective organizational assessment in the context of the legal rule and enables organizational adaption of the legal mandate.
Introduction

The recent economic crisis has intensified government scrutiny of business operations. Industry leaders scramble to respond knowing that non-compliance elicits its own set of costs. In fact, analysts agree that the cost of non-compliance far exceeds that of compliance (English & Hammond, 2014; The true cost of compliance, 2011). Therefore, all industries need guidance on implementing and embedding the law effectively within their institutions. Taking steps that will optimize compliance will, in the long run, minimize both the risks and costs of non-compliance.

Higher education institutions (HEIs) in this heightened regulatory environment find themselves squeezed by stronger mandates. During this period of economic recovery, HEIs cannot afford the loss of government investment. Not only must HEIs seek to avoid non-compliance costs, but also HEIs must respond to maintain their current levels of government funding. This dual dependence on funding makes HEIs particularly vulnerable to the penalties associated with non-compliance. In order to help HEIs mitigate the impact of the current regulatory environment, HEIs need to develop solutions responsive to this changing environment.

Institutional change scholars construct principles and models for designing organizational change strategies to create change solutions that allow organizations to adapt to their environments. These change principles rely on social psychology and organizational change theories. Focusing on an understanding of the psychological basis for changing an individual’s mindset or managing the dynamics of a group, change scholars develop tools that equip change agents to effectively engage institutions in the change process (Eisold, 2005; Gardner, 2006; Morgan, 1997).

Internal or external challenges can drive the institutional necessity of change. For institutions of higher education, legal mandates, such as legislation, statutes, other policies, and
court decisions, serve as major drivers of change bearing serious institutional risks. For example, the institutional changes mandated by U.S. Supreme Court decisions, *Regents v. Bakke, Grutter v. Bollinger, Gratz v. Bollinger*, and *Fisher v. Texas*, shifted the focus of diversity from structural diversity to interactional diversity. Interactional diversity emphasizes real and substantive contact between diverse students in order to achieve a change in mindset and attitude with the end goal of creating future leaders who are capable of functioning optimally in a diverse work environment. In the *Regents v. Bakke* case in particular, Justice Powell turned structural diversity on its ear saying that structural diversity efforts for its own sake was in fact discriminatory. He also asserted that interactional diversity promised to “train leaders ‘through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples’” [and] thus [he] distinguished between desiring a raw number of racial minorities…[and using] those numbers to create a diverse learning environment” (“Education Benefits Realized”, 2010, p.575), a task that structural diversity left unfulfilled. However, despite the risk of facing future litigation or government sanctions for non-compliance, both of which are costly risks for any institution, change scholars have yet to address this growing need for a tool to implement legally-mandated change in higher education institutions.

Currently, institutions facing a changing policy landscape respond on a policy-by-policy basis to develop adequate implementation strategies. In taking unstructured steps to implement regulations, each institution runs the risk of making changes that may not embed in institutional practices. Regulatory changes can fail to embed in an organization for a variety of reasons. Failure to embed can occur as a result of a misinterpretation of the law, the ineffective implementation of the law, or failing to guide institutional enforcers to uphold the law (Kern, 2014; Lipsky, 2010). Creating a remedy requires a solution that addresses each of these risks and removes barriers to embedding change in the psyche of the employees of the organization.
Therefore, it is important to develop a change approach that provides clear guidance on making legally mandated changes. To meet the need for an approach to making legal change, I sought to integrate principles from social and organizational psychology and legal theory. This structured approach is premised on the idea that successful implementation of legal change requires attention to: 1) the legal rule, 2) its procedural application, 3) the cooperation of the institutions’ legal agents, and 4) the organization’s permeability to change. Drawing from specific theories and practices in organizational studies and legal studies, I conceptualized an organizational change approach that can guide higher education institutions with regard to government legal oversight.

**Composition of the Theoretical Framework**

**Action Research and Organizational Change**

Action research (AR) serves as a scaffolding for organizational change. AR provides an iterative, systematic process of engaging organizations in the change process effectively. The stages of action research include: entering and contracting, diagnosing, planning, and implementing change, and evaluating and institutionalizing change (Cummings & Worley, 2001). In change management, an organization in flux must complete the change process in a stable state, otherwise the change will not become embedded within the institutional norms (Cummings & Worley, 2001). AR embraces the well-being of an organization’s members as a primary objective of healthy change. For the purposes of developing this framework, I will specifically focus on placing this model within the second (diagnosing), third (planning) and fourth (implementation) stage of AR.

**Diagnosing Change: Organizational permeability**

The terms “organizational culture” and “organizational climate” are commonly used in educational settings and in education research. A search within Education Resources Information
Center (ERIC) generated a list of 93,249 articles written over the last 20 years using either culture or climate in the research. A similar search using both terms (organizational culture and organizational climate) focusing on education in Google Scholar yielded over three million articles, books, and papers on the subject. The two concepts differ significantly. Organizational climate refers to the employees’ observations of their surroundings and their response to their perception of their surroundings (Schneider, Ehrhart, & Macy, 2013). Organizational culture refers to the embedded norms of an organization that employees exist within and assume as truth (Museus & Jayakumar, 2012; Schneider, Ehrhart, & Macy, 2013). The differences in the definitions has not prevented the conflation of the two terms both in the research literature and in the institutional context (Museus & Jayakumar, 2012). These two much abused concepts often crop up as the only considerations when organizations plan their change efforts.

Neither culture nor climate can inform change managers of their organization’s readiness for change. Beyond the organizational characteristics revealed by the culture or climate, there are more granular approaches to determining organizational readiness and adaptability to change. The other issues to consider include intergroup dynamics, organizational boundedness, and psychological approaches to making change.

**Intergroup Dynamics.** Fundamentally, organizations are systems comprised of people working together toward a common institutional mission (Cummings & Worley, 2001). As such, organizational change requires the shifting of groups of people within the organization from one state of mind to another state of mind in order to yield a different performance outcome. The dynamics of a group undergoing change differs from an individual undergoing change. For example, the tendency of employers and employees to violate their own “stringent legal, religious and ethical principles” demonstrates that a disconnect can arise between an individual’s strongly held norms and the norms assumed by that individual when part of a group (Alderfer,
A structural approach to legally mandated change would be insufficient if crafted apart from an intergroup context. Resistance as evidenced by a group, requires attention to the group’s interactions within the organization, the organization’s identity as infused in its people, and the organizational members’ ability to respond to their environment.

**Underbounded Systems.** The concept of organizational permeability provides a key tool for performing an internal environmental scan of an organization (Alderfer, 1980). Alderfer’s research identified permeability characteristics measured in the boundedness of an organization. His typology of permeability characteristics identifies an organization's lack of structure or an excess amount of rigidity. Optimizing change efforts requires an awareness of an organization's boundedness and then tailoring change efforts in accord with the degree of organizational boundedness. For instance, Alderfer asserts that underbounded institutions (i.e., those lacking structure) experience intergroup dynamics as identity group (e.g. racial category) conflicts. While in overbounded systems (i.e., those that are excessively rigid), intergroup dynamics manifest as task-oriented conflicts (i.e. work performance issues). This does not mean that overbounded systems do not have racist norms. It merely means that, because of the rigidity of the system, these norms manifest differently. Therefore, boundedness plays a key role in understanding the types of conflicts experienced in the workplace, how they are expressed in the workplace, and by extension an organization’s permeability to change efforts.

Identifying the boundedness of an organization at the start of an intervention also means creating the capacity to choose the form of engagement and intervention. Change agents, relying on boundedness theory, can preselect the psychological aim that advances organizational adaptability and enhances implementation methods. Two psychological approaches that may serve as implementation elements in a model include psychological disequilibrium or psychological safety.
**Psychological Approaches.** A review of the organizational psychology literature reveals differing approaches to ensuring healthy outcomes in organizations. The literature agrees that healthy organizations must adapt to their environments. This concept of adaption has found root in both industrial organizations and educational institutions (Heifetz, Grashow & Linsky, 2009; Hoy & Feldman, 1987). Adaption relies on understanding an organization’s internal and external environments prior to a change implementation and during the change process.

*The place for psychological disequilibrium.* Organizational changes create psychological disequilibrium (Heifetz, Grashow, & Linsky, 2009) and disequilibrium has proven to be key in displacing normative beliefs in preparation for change (Gurin, P., Dey, E. Hurtado, S. & Gurin, G., 2002). Therefore, the goal of an adaptive leader is not the absence of psychological stress, but the management of that disequilibrium to achieve optimal change outcomes. Managing the process of an organizational intervention involves orchestrating conflict by establishing a zone of disequilibrium. Specifically, orchestrating change means creating discomfort while regulating the amount of discomfort so that the intergroup interactions persists through the change without breaking down. The premise of this theory is that people change when uncomfortable, but not when stress levels create psychological dysfunction. An over-bounded system may benefit from a shake-up to initiate a constructive change process. For instance, in an overbounded system, role rigidity may mask racial inequities and shaking up the status quo may help the institution make room for new hiring characteristics that include diversity and comply with legal mandates.

*The need for psychological safety.* Psychological safety offers a different approach to organizational change in the context of Alderfer’s boundedness theory. The concept of psychological safety attempts to preserve self-identity in the organization, allowing the engagement of the individual in the group context without fear of reprisal or marginalization (Singh, Winkel, & Selvarajan, 2013). Underbounded organizations experience intergroup
identity conflicts, and therefore may benefit from a psychological safety approach to organizational change (Alderfer, 1980). This allows the institution to manage stress levels and implement changes that will remedy the conflict (Singh et al., 2013).

**Implementing Change – The Legal Environment and its psychological impact**

**Therapeutic jurisprudence.** The organizational psychology literature provides the basis for understanding healthy organizations. Research conducted by psychologists to improve the practice of law provides the remaining principles for the structured approach. Specifically, *therapeutic jurisprudence* (TJ) offers a conceptual framework for organizational change agents (Wexler & Winick, 1991). TJ asserts that the law aims to be therapeutic in protecting or ensuring psychological well-being. When assessing the therapeutic nature of the law, one must assume three possible outcomes: therapeutic, anti-therapeutic and neutral. Finally, the TJ framework states failure of the law can occur at three levels: the rule of law, legal procedure, and through legal agents (Wexler & Winick, 1990). In order to embed a legal mandate, organizational change agents need to pay attention to the beneficial, the challenging, and neutral aspects of the law on the three levels where non-compliance can occur (i.e., the rule of law, the legal procedure, and the legal agent).

**The Structured Approach**

The integrated framework (Figure 1) highlights the critical elements of the structured approach to *synching the law* and shows the process flow from one critical element to the next through the diagnosis, planning, and implementation stages of action research. The four critical elements include: interpreting the law, synching the interpretation, tailoring the procedures, and sensitizing the implementation.
Figure 1. Synching the Law: A Model for Making Legally Mandated Changes in HEIs

Interpreting the Law. Because the law exists outside the institution, the first opportunity for interpreting and understanding the law happens externally. Mandates issued as regulations or statutes and later clarified by court decisions are the most common examples of external interpretation. However, this model recognizes that industry standards, industry guidance, and even industry best practices, can be incorporated by organizations as policy. The institutional policy serves the dual purpose of summarizing the law in the institutional context and outlining the legal procedures for employee standard operations. Because of these external influences on institutional policy development, an understanding of the law often happens via a consortium of higher education institutions agreeing to a standard.

For example, in 2013, the U.S. Supreme Court remanded the Fisher v. Texas case to a lower court requiring the application of strict scrutiny to Texas’ admissions process. In the wake of the Court’s actions, conversations ensued among higher education senior administrators and higher education attorneys regarding the interpretation of and anticipated impact of the Court’s holding (Alston, et al., 2013; Fisher, 2013). Universities participated in discussions to help prepare for the potential new standards and to get guidance from subject matter and legal experts. This combination of legislation and industry standards enters the organization. Then institutions discuss embedding the rules from a procedural standpoint, e.g. what is feasible in terms of manpower or electronic systems, rather than from a psychological perspective, i.e. what will be resisted, why and by whom? The next step in the model describes how to enable the legal change
discussion from the psychological perspective. Table 1 depicts a summary of the process flow for synching the law in an organization.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Interpreting the Law</th>
<th>Synching the Interpretation</th>
<th>Tailoring the Procedures</th>
<th>Sensitizing the Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action</td>
<td>• External legal interpretation enters organization, i.e. regulations, statues, court rulings, industry standards, best practices, etc.</td>
<td>• What are the benefits and challenges of the law to the under- or over-bounded organization?</td>
<td>• Empowered legal agents refine earlier determinations</td>
<td>• Use of disequilibrium or safety approach in roll out of policy to targeted areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Who benefits from the law? Who is challenged by it?</td>
<td>• Gather data about past organizational changes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Empowered legal agents refine earlier determinations</td>
<td>• Use legal benefits, challenges, and neutral areas to craft policy</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Gather data about past organizational changes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Use legal benefits, challenges, and neutral areas to craft policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Use of disequilibrium or safety approach in roll out of policy to targeted areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcome</td>
<td>• Formation of stakeholder group comprised of legal, content, or subject matter experts</td>
<td>• Addition of legal agents to the stakeholder group</td>
<td>• Addition of more legal agents based on refinements, as needed</td>
<td>• Embedded policies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Determine potential benefits, challenges, and neutral aspect of the law.</td>
<td>• Determination of organizational boundedness as related to the law</td>
<td>• Monitor compliance in targeted areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Determination of psychological approach to change</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Evaluate efficacy of targeted procedures</td>
</tr>
</tbody>
</table>

Table 1. Synching the Law Process Flow

**Synching the Interpretation.** Regardless, of how the law is interpreted externally, the application of the legal rule within the organization must be rethought in light of an organization’s permeability. The process of synching the interpretation with the organization’s unique characteristics offers the first opportunity to embed the law successfully in the organization. None of the external interpreters of the law are required to take into consideration the various ways a particular institution may fail to comply with the rule of law. Nor are they
required to frame the standards to accommodate any possible vulnerabilities arising from an institutional misalignment. For example, once the US Supreme Court has held a higher education practice unconstitutional, the assumption made by the Court is that higher education institutions will find a way to comply to avoid the consequences of non-compliance. In April 2015, the Huffington Post reported on the growing number of higher education institutions under investigation for Title IX violations (Kingkade, 2015). An institution guilty of violations faces mandated overhaul of its gender equity and sexual harassment policies and mandatory oversight by the U.S. Office of Civil Rights (OCR). The cost to the institution does not end with the OCR’s overhaul of institutional policies. Additional costs arise as victims file suit against the higher education institution.

Syncing the interpretation involves two steps: 1) understanding the organization’s permeability and 2) then using that understanding to evaluate aspects of the law that will impact the psychological health of the organization and enhance or impair intergroup dynamics. In step one, the organizational agents tasked with the legal implementation assess the legal outcomes as beneficial, challenging, and neutral by asking: how areas of the organization would benefit from the law and what aspects of the organization, what employee groups would be challenged and why, and which aspects of the law would not place a psychological burden or provide a psychological benefit to organizational units. In the second step, information gleaned from step one, would then guide synchronization with the law. For example, a new law may mandate specific record keeping requirements. A sufficiently bounded organization with a robust electronic records keeping system and adequate staffing may treat this part of the mandate as neutral. However, an underbounded record keeping office experiencing role clarity issues due to recent staffing cuts may experience heightened psychological stress associated with an additional task expectation. The increased stress affects performance and undermines the embedding of the
new mandate in the organization. Therefore, for the second organization, a record keeping law poses a challenge.

The understanding acquired from the first two steps informs organizational agents in identifying any aspect of the law that could potentially stress the organization. Synching the interpretation with organizational permeability and psychological health allows an informed selection of legal agents, defined as those who will enforce the law within the institution and those who must carry out the law in their daily work. These legal agents join the content or subject matter experts in the planning and implementation stage. Taking the example provided above of a record keeping mandate in an underbounded record keeping office, a member of the record keeping office would be an ideal legal agent in the stakeholder group for predicting and addressing the level of resistance from their unit. These selected legal agents share the characteristic of being most impacted by the change. These agents will engage in the change process and in the development of the procedures alongside the legal experts that usually participate in the change process.

The final set of data emerging from an understanding of the organization and the rule of law’s impact on organizational health and intergroup dynamics involves understanding the organization’s optimal psychological change approach. The optimal approach (e.g. disequilibrium or safety) for implementation can be determined by evaluating past change efforts and may vary depending on the level at which the institution is affected by the mandated change. For example, in an institution where past changes that created disequilibrium resulted in failed implementations, future changes would benefit from a safety approach rather than a shakeup. This last set of data contributes to psychological approach determination and completes the diagnosis stage.
**Tailoring the Procedures.** Planning requires a high level of engagement within the stakeholder group. This stage focuses on empowering the legal agents to speak as equals with the legal experts. Legal agents have a unique perspective that allows them to comprehend intra-organizational connections in ways that legal experts who function in an inter-organizational space may not fully appreciate. Therefore, the expansion of the stakeholder group with input from legal agents occurs during the planning stage. Stakeholder group leaders must actively seek to add these additional members and empower these late-comers to be active participants.

Without this legal agent empowerment, the stakeholder group may fail to give adequate consideration to the challenges affecting the legal agents. Undervaluing the input of the legal agents will result in a misunderstanding of the aspects of the legal mandate that benefit the organization or the challenges to compliance from the legal agent’s perspective. As a result, the organization will miss the opportunity to mitigate risks in the planning process.

Throughout the planning process the stakeholder group remains mindful of the psychological approaches used successfully in the past by the organization. Augmentation of the data collected in the diagnosis stage will benefit this stage. The organizational history provided by legal agents will reveal when changes assumed to be successful at the organizational level proved to be failures in practice at the department levels of the organization. This contribution of organizational history from their perspective may tweak or entirely change the direction for crafting the implementation of the legal mandate procedures. The group must remain open to the new ideas and contributions that may arise at this point as the ultimate goal of this planning and implementation is not merely managing short term power shifts, but mitigating long term risks.

The remaining planning steps include developing policies with the uniqueness of the organization in mind as identified by the observations made in the previous steps. For example, an institution that habitually fails to submit timely research grant reports suffers most when a
federal law ties federal domestic assistance to timely institutional reporting. When developing a policy in response to reporting failures, addressing why failures happen, and providing reporting assistance to improve compliance as part of the federal domestic assistance regulations increases compliance while reducing the risk of losing federal funding. The legal agents’ challenge, i.e. increased administrative burden, becomes a key aspect of achieving the mandate’s purpose. Augmenting assistance in report preparation by removing the barriers to timely reporting, e.g. improved data storage and data retrieval and improved record keeping targeting the areas that violate, helps routinize report preparations. Not only will it make reporting easier for those who are non-compliant, but it will benefit all those involved in the technical reporting process throughout the organizational system.

**Sensitizing the Implementation.** In the final stage, implementation, the stakeholder group operationalizes the psychological approach to guide the implementation process. Overbounded organizations manifest a rigidity that complicates change efforts. Overcoming the rigidity of overbounded organizations requires more than standard measures. Heifetz, et al. (2009) describes a psychological approach that serves overbounded organizations well. The authors describe the change process as orchestrating conflict, i.e. creating disequilibrium (Heifetz, et al., 2009). The measure of how much disequilibrium to create depends on reviewing past institutional change experiences to develop an understanding of the institution’s rigidity in areas impacted by the law. For example, the institutional policy may need an implementation process which orchestrates conflict in order to challenge institutionalized norms that create an immediate legal risk and cannot wait for incremental change. Alternatively, the institutional policy may challenge legal agents by empowering and equipping them to have the courage to lead the change at their various organizational levels. In either case, the approach aims to push employees impacted by the legal change out of their comfort zones.
In underbounded organizations, a more ideal psychological approach, psychological safety, prioritizes the individual voice while removing punishments associated with expressing one’s opinions (Singh, et al., 2013). For example, in some higher education institutions, any person witnessing harassment can initiate an investigation by reporting it, empowering a community by giving it an effective voice against harassment. Without the correct institutional response, the status quo remains the order of the day and legal compliance remains an inconsistent practice.

With attention to organizational permeability, legal agent input, and psychological approach in mind, moving to implementation requires the same targeted attention addressing training needs by the varying levels of risk. In addition, the level of monitoring of compliance will need tailoring and engagement with legal agents within the departments. Training goes beyond knowing the rules and the procedures. The implementation process includes buy-in and guidance to action. For example, rather than merely providing anti-harassment training for managers focused on protecting the institution from a lawsuit, training that creates an environment that discourages harassment would more effectively embed this legal mandate. Taking this training approach means addressing the mindset that demeans a coworker rather than providing the knowledge needed to investigate and punish after a worker has been demeaned. The psychological approach for the training process, disequilibrium or safety, depends on the organization’s permeability to the change.

**Conclusion**

Organizational change strategies enable organizations to adapt to their changing environments. For HEIs, legal mandates force institutions to make changes or face serious consequences. Sometimes these changes pose serious challenges to the organizations’ norms. Without some guidance to address the psychological stress associated with making legally
mandated changes, institutions will continue to struggle in their efforts to embed legal changes effectively.

The proposed model integrates the concepts developed to enhance organizational performance and organizational health. The process flow of the model emphasizes the integration of well-being in every aspect of the diagnosis, planning, and implementation phases. By designing a new consideration, i.e. synching the law into the legal change process, the model leverages concepts of organizational readiness for change and the optimal method to maintain that readiness throughout the change process. The process succeeds in creating a collective perspective in the stakeholder group made up of legal agents and legal experts allowing blending of the rule of law, the legal procedures, and the legal agents of change, therapeutically.

The theory-driven model proposed here focuses on the internal organizational effort to engage employees in the legal interpretation process by engaging them in understanding the basis of their own resistance, and by extension the resistance of their colleagues, to legal change. The model provides an employee-facing solution designed by employees. The connection between the process and the employees anticipates the underlying and less apparent reasons for resistance to change. This therapeutic perspective combines practices focused on subject matter and legal expertise and adds an organizational group dynamics element.

Further research on the model’s design will clarify the nuances of the model’s individual elements. Investigation of the relationship between various elements in different legal contexts will pinpoint the legal applicability of the model. Comparative studies of various types of organizations undergoing legal changes will provide information on the organizational characteristics. Evaluations of the model in use will increase an understanding of the process from the stakeholders’ perspective. Finally, an evaluation of the process’ flow will aid in understanding the facilitation of a change process using this model.
References


Chapter 4

Publishable Paper 2: Empirical Research

Synching the Law: Resolving the Disconnection between Awareness and Action in Legally Mandated Change in Higher Education Institutions

Abstract

Conflicting regulatory demands on higher education institutions (HEIs) contribute to an environment of increasing legal risk for HEIs. In addition to complying with regulatory changes, the increasing cost of non-compliance jeopardizes institutional viability as HEIs struggle to adjust to the regulatory pressures. The legal risk to HEIs can be attributed to the breakdown that employees experience between their awareness of policies and their follow through in carrying out those legal actions. HEIs would benefit from implementing legally-mandated change in a way that maximizes compliance and therefore minimizes risks. This study investigates the relationship between the elements of a new model, Synching the Law, that synchronizes the law with organizational characteristics allowing the organization to understand itself in the context of the legal rule and adapt successfully to the legal mandate. In so doing, this study reinforces the need for guidance in making legally-mandated changes that embed effectively within organizations using principles from organizational psychology and therapeutic paradigms. The study confirms that psychological decision making cannot solely be affected by an awareness of the rule of law and legal procedures. In fact, setting the law as a priority is insufficient to motivate compliance to the law by those who must carry out these legal rules.
Introduction

Institutional change scholars rely on social psychology constructs, principles or models for designing organizational change strategies. Focusing on an understanding of the psychological basis for changing an individual mindset or managing the dynamics of a group, change scholars often develop tools that equip change agents to effectively engage institutions and steward the change process (Eisold, 2005; Gardner, 2006; Morgan, 1997). Both internal and external challenges can drive the institutional necessity for change. For institutions of higher education a legal mandate, such as, legislation, statutes, other policies and court decisions, serve as major external drivers of change bearing serious institutional risks including fines, non-fiscal punitive measures, loss of prestige and privilege, and public criticism.

Despite the high liability for higher education institutions, change scholars have yet to create a tool for implementing legally mandated change. Ideally, a tool that facilitates institutional compliance while minimizing legal liability would remedy this omission. Currently, institutions facing a changing legislative landscape must respond on a policy-by-policy basis to develop adequate plans. Each institution runs the risk of making changes that may not embed in institutional practices and result in non-compliance. Institutional non-compliance can manifest in several ways: by misinterpreting the law, by ineffectively implementing the law, or by failing to guide institutional enforcers of the law (Kern, 2014; Lipsky, 2010). Creating a remedy requires a solution that addresses each of these risks and removes barriers to effective change from a human behavior perspective.

Synching the Law: A Model for Legally Mandated Change

Framework of the model. The Synching the Law model draws from organizational theory (Alderfer, 1980; Alderfer, 2013; Alderfer & Smith, 1982) and legal therapeutic paradigms. Combining the generally accepted action research with an understanding
organizational behavior and an existing legal intervention, therapeutic jurisprudence, the model addresses how to overcome institutional resistance to legally mandated changes in a way that enhances or maintains organizational well-being and controls the stress often associated with change failures. The model nods to the conventional wisdom of the necessity of institutional policies. The model also equips organizations to incorporate changes to overcome the intergroup dynamics that disconnects awareness of rules and procedures from actions. Thus, the model reduces departures from expected behaviors as required by law, i.e. non-compliance.

**Summary of the Synching the Law Model.** Figure 1 summarizes the model’s four elements: 1) interpreting the law, 2) synching the interpretation, 3) tailoring the procedures, and 4) sensitizing the implementation. Table 1 outlines the model’s process flow.

![Figure 1: Synching the Law: A Model for Making Legally Mandated Changes in HEIs](image)

This project investigated the elements of the *Synching the Law*, a model designed to facilitate legally mandated change in U.S. higher education institutions (HEIs). In an environment of increasing legislative burden on HEIs, this model positions HEIs to comply with the law while reducing legal liability. The model makes a significant contribution to managing change and ensuring legal compliance.
Table 1. Synching the Law Process Flow

<table>
<thead>
<tr>
<th>Stage</th>
<th>Interpreting the Law</th>
<th>Synching the Interpretation</th>
<th>Tailoring the Procedures</th>
<th>Sensitizing the Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action</td>
<td>• External legal interpretation enters organization, i.e. regulations, statues, court rulings, industry standards, best practices, etc.</td>
<td>• What are the benefits and challenges of the law to the under- or over-bounded organization? • Who benefits from the law? Who is challenged by it?</td>
<td>• Empowered legal agents refine earlier determinations • Gather data about past organizational changes • Use legal benefits, challenges, and neutral areas to craft policy</td>
<td>• Use of disequilibrium or safety approach in roll out of policy to targeted areas</td>
</tr>
<tr>
<td>Outcome</td>
<td>• Formation of stakeholder group comprised of legal, content, or subject matter experts • Determine potential benefits, challenges, and neutral aspect of the law.</td>
<td>• Addition of legal agents to the stakeholder group • Determination of organizational boundedness as related to the law • Determination of psychological approach to change</td>
<td>• Addition of more legal agents based on refinements, as needed • Identification of target organizational units • Development of targeted procedural approaches rooted in psychological approaches</td>
<td>• Embedded policies • Monitor compliance in targeted areas • Evaluate efficacy of targeted procedures</td>
</tr>
</tbody>
</table>

Literature Review

Making the Case with Diversity Law in the Higher Education Institution Context

The first and most crucial part of the research involved selection of a legally mandated change. The criteria for this selection included a legal change that has historically resulted in challenges for institutional implementation. Laws that produced psychological stress in the internal stakeholders of the institution provided the best context for this project. The combination of these two criteria, i.e. institutional challenge and stakeholder psychological stress, led to the selection of diversity law and its implementation as the legal context of the project. The long
history of diversity efforts in higher education institutions provided substantial information with regard to institutional compliance.

Decades ago, when HEIs described their responsibility to develop a culturally competent workforce, they meant effecting changes in core areas involving student admissions, enrollment, and retention as the primary focus, with employees and faculty as stakeholders (Worthington, 2012). The approach attempted to develop a culturally competent workforce through the admissions and the retention of diverse students to achieve a student body comprised of a mixture of people with diverse characteristics. US Supreme Court decisions shifted HEI diversity methods from structural diversity achieved through student quotas to interactional diversity rooted in student to student engagement achieved through holistic admissions criteria (Gurin et al., 2002; *Educational Benefits Realized*, 2010).

The preponderance of the literature around HEI diversity strongly favored student-focused diversity initiatives (Worthington, 2012). However, a recognition of the role and importance of the institutional environments of HEIs, also known as campus climate, has emerged in more recent years (Smith, 2011; Worthington, 2012). An emphasis on campus climate integrated the role of diverse faculty in enabling a more comprehensive approach to developing culturally competent students (Igwebuike, 2006; Niemann & Maruyama, 2005). The campus climate focus on diversity initiatives provides an opportunity to include more than students and faculty, but also university administrators. Previous research shows a lack of gender, racial, and ethnic diversity among university leaders (Jackson & O’Callaghan, 2009; McHargh, 2010). This lack of diversity within the administration posed challenges for universities attempting to create culturally competent students as mandated by law (McHargh, 2010; Parker & Villalpando, 2007).
Making the Case with University Research Administration

The extensiveness of HEI organizational hierarchy and the complexity of diversity law applications in HEIs meant limiting the focus of the research to a segment of HEI stakeholders. This limitation created a reasonable and manageable research case. Research Administrators comprise one of many highly skilled university administrative groups. Similar to other university administrative areas, research administration evidences a high level of gender diversity among the general administrative staff, but lacks racial and ethnic diversity among staff. Both female and non-white populations are underrepresented at the executive level of the profession (Nash & Wright, 2013).

The profession of research administration in the United States became firmly established in the 1950s. According to the National Council of University Research Administrators (NCURA) prior to that time, the work of research administration was handled by part time university employees who held other primary duties (Wile, 2008). Federal funding for scholarly research activities grew, so too the regulations governing management both grant and contract processes and funds (Wile, 2008). The research endeavor has become an integral part of university business and identity, as reflected in HEI Carnegie classifications and the prestige associated with grant funding within the academia (Nash & Wright, 2013). The federal regulations governing research administration have also become more complex overtime. The Research Administrators Certification Council (RACC) divides these administrators’ skill set into four categories: project development and administration, legal requirements and sponsor interface, financial management, and general management (RACC, 2014).

Since the launch of NCURA, there has emerged other organizations for the profession. The foremost of these organizations developed initially for non-university administrators is the Society of Research Administrators International (SRA). A review of the journal archives of both
SRA and NCURA revealed a paucity of articles addressing diversity in research priorities despite the increasing federal focus on university development of a diverse future workforce, federal emphasis on increasing the diversity of those conducting research including post-doctoral scholars and graduate students, and the federal requirement to diversify research study participation in gender, race, and ethnicity, e.g. in the Public Health Service Act sec. 2492B, 42U.S.C. sec. 289a-2. Three studies investigated the profiles of research administrators. Roberts and House (2006) conducted a study of research administrators in southeastern United States using 2005 demographic data describing gender and race as white or non-white. Shambrook and Roberts repeated the study in 2010 using national survey data and disaggregating the race/ethnicity category to include: African American, Asian, Hawaiian, Hispanic, Pacific Islander, and Native American. Both the 2006 and 2010 articles showed high representation of women (approximately 50% and 80% female, respectively) and low racial and ethnic diversity (less than 10% non-white). Neither study disaggregated diversity by professional level.

In 2013, Nash and Wright focused their research on the pathway to the highest position of the profession, i.e. chief research officers (CROs), and investigated the demographics of that group. Despite the dominance of women in the profession, less than 40% of CROs are women in doctorate conferring institutions. In research universities with the highest Carnegie classification, the percentage of women in the highest leadership positions was even lower: 15%. Nash and Wright aggregated the race and ethnicity classifications into white and non-white and found six percent of the CROs identified as minorities. Based on the minimal research conducted to date, one would conclude that the research administration profession is predominantly a white female workforce led principally by white men. The lack of diversity at the most competitive HEIs is not singular to offices of research administration, but, as reported by Jackson and O’Callaghan
(2009) and McHargh (2010), is in fact indicative of the lack of diversity of university administration in general.

In the past, entrance into the profession has been through on the job training as exemplified by the short history of the one certification organization for the profession, the Research Administrators Certification Council (RACC) established in 1993 (RACC, 2014). In the last few years, universities have developed degree programs for the training of research administrators at the masters’ level. This newest educational pathway does not change the fact that most current research administrators entered into the field without any prior knowledge of research administration and received training on-the-job.

**Research Design**

The foundation of this study stemmed from a broader interest, i.e. can legally mandated changes be implemented in organizations using a structured approach that incorporates organizational psychology principles? This study was premised on the idea that successful implementation of legal change required attention to the legal rule, legal procedures, and legal agents within the context of an individual organization’s characteristics.

The development of a structured model for embedding legally mandated change in organizations from the conceptual framework has been captured in Figure 1 (p. 32). The first three foundational elements of the model, i.e. legal rule, legal procedure, and legal agents, combined with the psychological approach to embedding change, i.e. either safety or disequilibrium, represent aspects of legal and psychological scholarship that had not been tested together. It was important to understand how these elements manifested in a particular legal context to confirm that the theoretical construct offered a useful framework. The focus here is observing and understanding the incorporation of diversity law considerations during the hiring process as practiced by research administration hiring officers.
Research Questions

In the context of diversity law and higher education, the specific research questions are:

1. Are research administrators aware of diversity laws and the diversity legal procedures of their institutions?
2. Are research administrators’ hiring decisions significantly related to their awareness of diversity law and diversity legal procedures, diversity priorities, training, or a demographic self-identification?
3. What is the preferred change approach of research administrators?

The study confirmed the relationship between the elements of the model in the context of diversity law as practiced by a type of administrative unit of higher education institutions. Specifically, the study revealed that strong correlations exist between awareness of diversity policy, i.e. defined as legal rule incorporated into legal procedures, and institutional priorities. Another strong correlation exists between hiring manager training and racial and gender diversity priorities. However, the only variable correlated to hiring decisions was the hiring managers’ gender identity.

Methods

Data Sources and Collection

The Society of Research Administrators International (SRA) agreed to disseminate the web-based online survey to its membership. The 25-minute survey instrument (Appendix B), created using SurveyMonkey, gathered data in the following categories: 1) hiring manager awareness of diversity policies and practices of their home institution, 2) hiring manager training in the hiring procedures affecting diverse workforce recruitment, and 3) perceptions of the role of diversity in their decision process. Currently, SRA’s membership included over 5000
members from over 50 countries.\(^1\) Assuming that approximately 4000-4500 members were US-based administrators, and, of that number, 10% were hiring managers or participated in the hiring process, a statistically significant sample size of \(n=217\) was achieved.

Organized into six sections, SRA offered the opportunity to cluster data into four of the relevant geographic regions: Northeast, Western, Southern, and Midwest. The two other sections, Canadian and International, were excluded from the survey via a qualifying question. This exclusion was necessary because the diversity mandate applies only to US higher education institutions.

SRA membership included a variety of non-higher education institutions, such as teaching hospitals, research institutes, and other non-profit and for-profit organizations affiliated with HEIs. Information collected about the type of organization helped isolate the sample of interest. Participant demographics (gender, race) and the demographics of the office served by the hiring manager, rounded out the data collected.

De-identified data was stored in password protected cloud files using OneDrive for the duration of the research project. Identifying information deleted from the data set included IP addresses and home institution names. IP addresses were necessary initially to allow respondents to return to their unfinished survey. Home institution names allowed purging of non-higher education institution included in the Type of Institution-Other category. In this way, the survey respondents’ identities remained confidential and did not affect data analysis or the interpretation of the findings. All demographic information was aggregated by racial, ethnic, and gender categories. Data was kept and stored electronically in a password protected cloud and a password

\(^1\) http://srainternational.org/membership
protected file on an external drive. The Institutional Review Board of Northeastern University approved this study (Appendix A).

Data collection provided the connection between the law and compliance to the law. The data collected helped to develop an understanding of how the three aspects of the framework (legal rule, legal procedure and legal agents) connected or failed to connect. Data collected provided insight into the preferences of higher education institution employees for one of two psychological approaches.

**Measures**

The study data involved variables designed to provide an understanding of the population and to investigate the relationship between the elements of the model from the legal agents’ perspective.

**Region.** This study used U.S. regions defined by the Society of Research Administrators International. The SRA divided the US into four categories: Northeast, Southern, Midwest, and Western. The regions served to provide an independent demographic variable to define the study participants.

**Gender.** Gender serves as an independent variable in the study. The study defines gender as male, female, and other. There are two gender variables in this study. One variable captures the participants’ gender. The other variable measures the gender composition of the hiring managers’ organizational units.

**Race and Ethnicity.** The race/ethnicity independent variable allowed a selection of responses including: African American/Black, American Indian or Alaskan Native, Asian, Hispanic, White Non-Hispanic, Multi/racial/Multiethnic and Other. Due to the focus of this research on diversity law, this question was required; the survey did not allow participants to opt out of this question. However, participants who categorized all organizational unit personnel as
“Other” and used the open comment box to write in “prefer not to answer” were deemed to be non-responsive and the data was treated as missing. Participant’s responses of “don’t know,” were coded as missing for the same reason. There are two race/ethnicity variables in this study. This variable captures participants’ race and ethnicity. The other variable measures the racial/ethnic composition of the hiring managers’ organizational units.

**Hiring Manager.** An independent variable in this study and the basis of the participant eligibility criteria, research administration hiring manager, included two categories: hiring manager, i.e. person with authority to both hire and fire, and hiring participant, i.e. person who assists in the hiring process in some manner.

**Type of Institution.** Because SRA membership included “colleges and universities, research hospitals and institutes, government agencies, non-profit funders of research, and industry,” the respondents’ identification included the categories: college, university, university affiliated foundation or other.

**Total Personnel.** Using a fillable grid allowed for the collection of disaggregated gender and racial information about each organizational unit. This variable provided the aggregated data with regard to number of people in each participant’s unit. Total personnel was achieved by adding total males and total females together.

*Total Male.* This variable totaled all males listed in the fillable grid.

*Total Female.* This variable totaled all females listed in the fillable grid.

*Total by Racial Group.* This variable totaled all personnel into each racial category listed in the fillable grid. The categories included: African American/Black, American Indian or Alaskan Native, Asian, Hispanic, White Non-Hispanic, Multi/racial/Multiethnic and Other.

---

2 [www.srainternational.org/about-sra-international](http://www.srainternational.org/about-sra-international)
**Racial Diversity Ratio.** The racial index provided a means of analyzing the level of racial diversity of each office. This diversity index treated diversity as a ratio of white to non-white individuals. The non-white organizational unit totals, i.e. African American/Black, American Indian or Alaskan Native, Asian, Hispanic, Multi/racial/Multiethnic and Other, were combined for the purposes of this ratio. The ratio ranged from -1 to 1. Where -1 and 1 represented 1:1 ratios of non-white to white, or white to non-white, respectively. Zero indicated a non-diverse population that was either all white or all non-white. Otherwise, the ratio measured fractions of diversity by race. The formula for this variable was calculated as follows for each organizational unit:

\[
\text{If } w > nw, \text{ then } nw/w, \text{ but if } w < nw, \text{ then } -1 * w/nw. 
\]

**Gender Diversity Ratio.** In order to measure level of gender diversity, a similar ratio with a range of -1 to 1 comprised of total males to total females and calculated as follows:

\[
\text{If } f > m, \text{ then } m/f, \text{ but if } f < m, \text{ then } -1 * f/m. 
\]

Both the racial and diversity indices provided a measure of actual decision-making. The office compositions reflect the hiring norms of the managers collectively and reflect the intergroup practices of the managers.

**Policy Awareness.** The policy awareness variable served as an indication of level of knowledge of both the legal rule and the legal procedures. The independent variable, policy awareness, measured level of awareness by offering participants a list of typical racial and gender diversity policies at higher education institutions. The policies included in this variable were not meant to be comprehensive, but representative. Of the six policies listed, four were racially-based and two were gender-based policies. The racially based choices included: affirmative action plan, equal employment opportunity policy, institutional diversity plan, and racial anti-harassment policy. The two gender based references included: gender anti-harassment
policy and Title IX coordinators. Thus, resulting in a policy awareness measure ranging from 0 to 6, where 0 equated to no awareness and 6 to total awareness.

**Racial Priority Index.** Three survey questions related to the prioritization of race and ethnicity in various institutional decisions, i.e. student enrollment, faculty recruitment, and hiring of administrative staff form the basis of the racial priority index. Each of the three questions allowed for six responses. Unimportant to very important ranged from 1 to 4, respectively. The other two responses, not applicable and don’t know, were assigned zero values in the racial priority. The index values ranged from 0 to 4 with 4 representing the highest priority. The formula for this variable was calculated as follows:

\[
\text{Sum of three race priority questions’ scale values} \\
\text{Total number of race priority questions}
\]

**Gender Priority Index.** The gender priority index used a similar rationale as the racial priority index. The formula for this variable was calculated as follows:

\[
\text{Sum of three gender priority questions’ scale values} \\
\text{Total number of gender priority questions}
\]

**Hiring Managers’ Racial Recruitment Priority.** This independent variable captured hiring managers’ racial hiring priority by assigning values of 1 to 4, i.e. unimportant to very important.

**Hiring Managers’ Gender Recruitment Priority.** This independent variable captured hiring managers’ gender hiring priority on a scale of 1-4 unimportant to very important.

**Hiring Managers’ Training Received.** This variable measured level of diversity hiring training received by the hiring manager on a six point scale from 1-6. The scale ranged from: “did not need training from my current institution” (0) to “yes, substantial, formal training received from my current institution” (6).
**Hiring Manager Training Needed.** This variable asked of all participants if training in diversity hiring would be beneficial. The two hiring manager training variables provided the opportunity to understand a likely reason for any observed associations between the variables that align with the various model elements.

**Psychological Approach.** The psychological approach measures practices and preferences for two approaches to organizational change: (1) disequilibrium and (2) psychological safety. Disequilibrium enables change by making people uncomfortable with the status quo, while avoiding stress levels so high as to create psychological dysfunction (Heifetz, et al., 2009). Psychological safety preserves individual identity, allowing the engagement of the individual without engendering fear of reprisal or marginalization (Singh, Winkel, & Selvarajan, 2013).

**Data Analysis**

Statistical analysis of data was accomplished using SPSS. Review of the survey data involved uncovering the occurrence of patterns attributable to each aspect of the model. The analytic process looked at the frequency of occurrences and determination of statistically significant correlations through analysis of variance (ANOVA).

**Results**

**Participant Selection Criteria**

Participant eligibility in this study required that the respondent hold a position that involved hiring of research administration personnel at their current institution. Of the 489 survey respondents, 319 participants identified as hiring managers with firing authority or as participants in the hiring process who reviewed resumes, triaged candidates, assisted with candidate interviews, recommended candidates for selection, or all of the above. All other survey respondents were excluded. Of the remaining 319 respondents, the study used the responses of
the 217 participants who completed at least 90% of the questions, i.e. 30 out of 33 questions. Of
the 217 participants making up the research sample, 63.1% identified themselves as hiring
managers and 36.9% self-identified as participants in the hiring process. Table 2 includes
descriptive statistics of the sample population.

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Sample Population Demographic Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variable</td>
<td>Description</td>
</tr>
<tr>
<td>Status</td>
<td>Hiring Managers</td>
</tr>
<tr>
<td></td>
<td>Hiring Participants</td>
</tr>
<tr>
<td>Regions</td>
<td>Northeast</td>
</tr>
<tr>
<td></td>
<td>Southern</td>
</tr>
<tr>
<td></td>
<td>Midwest</td>
</tr>
<tr>
<td></td>
<td>Western</td>
</tr>
<tr>
<td>Type of Institution</td>
<td>University</td>
</tr>
<tr>
<td></td>
<td>College</td>
</tr>
<tr>
<td>Organizational Level</td>
<td>Central Administration</td>
</tr>
<tr>
<td></td>
<td>Department</td>
</tr>
<tr>
<td></td>
<td>Laboratory</td>
</tr>
<tr>
<td></td>
<td>Other</td>
</tr>
<tr>
<td>Size of Research Funding</td>
<td>$1-$19,999,999</td>
</tr>
<tr>
<td></td>
<td>$20,000,000-$39,999,999</td>
</tr>
<tr>
<td></td>
<td>$40,000,000-$59,999,999</td>
</tr>
<tr>
<td></td>
<td>$60,000,000-$79,999,999</td>
</tr>
<tr>
<td></td>
<td>$80,000,000-$99,999,999</td>
</tr>
<tr>
<td></td>
<td>Greater than $100,000,000</td>
</tr>
<tr>
<td>Participants by Race and Ethnicity</td>
<td>African American or Black</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
</tr>
<tr>
<td></td>
<td>White, Non-Hispanic</td>
</tr>
<tr>
<td></td>
<td>Multi-racial/Multi-ethnic</td>
</tr>
<tr>
<td>Participants by Gender</td>
<td>Female</td>
</tr>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>Participants by Year Experience</td>
<td>Less than 1 year</td>
</tr>
<tr>
<td></td>
<td>1-3 years</td>
</tr>
<tr>
<td></td>
<td>4-6 years</td>
</tr>
<tr>
<td></td>
<td>7-9 years</td>
</tr>
<tr>
<td></td>
<td>10 or more years</td>
</tr>
</tbody>
</table>

Descriptive Analysis of the Sample Population

**Institutional demographics.** Participants worked in all 4 geographic areas of the US:
21.7% from Northeast, 36.9% from Southern, 21.2% from Midwest and 20.3% from Western
regions. Ninety-four percent of participants were employed by universities and the remaining 6% were employed by colleges. Over 50% of respondents identified as central administration, about one-third of participants worked in a department, and less than 1% worked in a laboratory. The remainder of participants worked in university affiliated research institutions. The participants’ institutions varied in the amount of research funding received. More than half maintained portfolios of $100 million per year or more in funding. The second largest group (22%) had an annual research funding under $20 million.

**Diversity demographics.** Participant diversity analysis by race and ethnicity revealed that the sample population broke down as follows: 79% White Non-Hispanic, 7.5% African American/Black, 6% Hispanic, 4.2% Asian, and 3.3% Multi-racial. The remaining respondents’ answers, 1.4%, were treated as missing. Gender demographics analysis of all 217 participants revealed 78.8% female and 21.2% male. Although an “other” category for gender was available, none of the hiring managers nor the hiring participants self-identified as “other”.

**Other demographics.** Participants’ number of years of experience shows that 67.3% of the participants have 10 or more years of experience in research administration.

**Descriptive analysis of Office Diversity Composition**

Table 3 below shows the gender and race composition of the research administration offices served by the hiring managers and presents this data side by side with the hiring managers’ gender and race demographics.
Table 3
*Hiring Manager vs. Office Composition by Gender and Race*

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
<th>Manager</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>Female</td>
<td>78.8%</td>
<td>70.4%</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>21.2%</td>
<td>29.6%</td>
</tr>
<tr>
<td>Race</td>
<td>Non-White</td>
<td>20.1%</td>
<td>35.3%</td>
</tr>
<tr>
<td></td>
<td>White</td>
<td>79.9%</td>
<td>64.7%</td>
</tr>
<tr>
<td>Gender/Race</td>
<td>Male/Non-White</td>
<td>2.3%</td>
<td>9.7%</td>
</tr>
<tr>
<td></td>
<td>Male/White</td>
<td>18.9%</td>
<td>18.5%</td>
</tr>
<tr>
<td></td>
<td>Female/Non-White</td>
<td>13.8%</td>
<td>25.6%</td>
</tr>
<tr>
<td></td>
<td>Female/White</td>
<td>65.0%</td>
<td>46.2%</td>
</tr>
</tbody>
</table>

**Descriptive Analysis of Psychological Approaches to Change**

Regardless of the circumstances, the data showed a stronger tendency for psychological safety than for disequilibrium as an approach to making change in an organization (Figure 2).

![Figure 2. Preference for Disequilibrium vs. Psychological Safety Approach to Making Institutional Changes](n=196)
Specifically, respondents reported that institutional change practices tend towards safety (69.9%) over disequilibrium (30.1%). At the office level, 77.6% use a safety approach. The hiring manager’s themselves reported a preference for psychological safety (70.9%) in making organizational change. Finally, the preference for legally mandated change represented the highest percentage, i.e. 83.2%, selecting psychological safety as the preferred approach to making legally mandated changes.

**Regression Analysis**

Table 4 summarizes the ANOVA results of the detailed description of the findings that follow.

<table>
<thead>
<tr>
<th>Description of Variable Correlations</th>
<th>F</th>
<th>p</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy awareness vs. Racial priority</td>
<td>10.080</td>
<td>.002</td>
</tr>
<tr>
<td>Policy awareness vs. Gender priority</td>
<td>5.201</td>
<td>.024</td>
</tr>
<tr>
<td>Racial policy awareness vs. Manager recruitment priority</td>
<td>6.857</td>
<td>.010</td>
</tr>
<tr>
<td>Gender policy awareness vs. Manager recruitment gender priority</td>
<td>.547</td>
<td>.461</td>
</tr>
<tr>
<td>Manager recruitment race/ethnicity priority vs. Racial diversity ratio</td>
<td>.214</td>
<td>.644</td>
</tr>
<tr>
<td>Manager recruitment gender priority vs. Gender diversity ratio</td>
<td>.000</td>
<td>.988</td>
</tr>
<tr>
<td>Policy awareness, Racial priority, vs. Racial diversity ratio</td>
<td>.220</td>
<td>.802</td>
</tr>
<tr>
<td>Policy awareness, Gender priority, vs. Gender diversity ratio</td>
<td>3.244</td>
<td>.041</td>
</tr>
<tr>
<td>Racial policy awareness, Racial priority, vs. Racial diversity ratio</td>
<td>.220</td>
<td>.802</td>
</tr>
<tr>
<td>Gender policy awareness, Gender priority, vs. Gender diversity ratio</td>
<td>2.888</td>
<td>.059</td>
</tr>
<tr>
<td>Training vs. Manager recruitment race/ethnicity priority</td>
<td>12.222</td>
<td>.001</td>
</tr>
<tr>
<td>Training vs. Manager recruitment gender priority</td>
<td>7.781</td>
<td>.006</td>
</tr>
<tr>
<td>Training vs. Racial diversity ratio</td>
<td>1.639</td>
<td>.202</td>
</tr>
<tr>
<td>Training vs. Gender diversity ratio</td>
<td>.018</td>
<td>.893</td>
</tr>
<tr>
<td>Race/ethnicity vs. Manager recruitment race/ethnicity priority</td>
<td>4.829</td>
<td>.029</td>
</tr>
<tr>
<td>Racial/ethnicity vs. Gender priority</td>
<td>3.772</td>
<td>.054</td>
</tr>
<tr>
<td>Gender vs. Race priority</td>
<td>5.365</td>
<td>.022</td>
</tr>
<tr>
<td>Race/ethnicity vs. Manager recruitment gender priority</td>
<td>5.312</td>
<td>.022</td>
</tr>
<tr>
<td>Manager gender vs. Gender diversity ratio</td>
<td>5.972</td>
<td>.015</td>
</tr>
</tbody>
</table>

**Finding 1.** Results of the ANOVA indicated an association between policy awareness and the prioritization of race and gender in hiring. There is a significant positive relationship between policy awareness and race/ethnicity prioritization in institutional practices (F<sub>1,188</sub> =
The regression analysis also demonstrates a significant positive association of policy awareness on gender prioritization in institutional practices ($F_{1, 201} = 5.201$, $p<.05$). A closer analysis reveals that awareness of race and ethnicity specific policies is significant positive association with hiring managers’ prioritization of racial recruitment ($F_{1, 177} = 6.857$, $p<.01$). However, hiring manager’s gender prioritization is not significantly related to gender specific policy awareness ($p=0.461$).

**Finding 2.** When comparing hiring managers’ priorities to the hiring decisions made (as evidenced by the personnel race and gender ratios), the analysis shows that priorities have no significant relationship to hiring actions. The regression analysis shows no significant association between race/ethnicity hiring priorities and the racial/ethnic composition of their unit’s staff ($p=0.644$). Similarly, there is no significant association between hiring manager gender prioritization and the gender ratios ($p=0.988$).

The regression analysis identified a significant positive correlation between three variables: policy awareness, gender priority, and gender ratio ($p=0.041$). More specifically, when comparing gender policy awareness, gender priority, and gender ratio, a significant positive association emerged ($p=0.059$). However, when considering race and ethnicity, no significant correlation existed between policy awareness, racial priority, and race ratio ($p=0.802$). Neither was there a significant association between racial policy awareness, racial priority and race ratio ($p=0.802$).

**Finding 3.** The result of the analysis shows a significant positive relationship between training and hiring manager race/ethnicity priority ($F_{1, 180} = 12.222$, $p<.001$). Training also has a significant positive association with on hiring managers’ gender priority ($F_{1, 181} = 7.781$, $p<.01$). However, there is no significant association between training and the racial/ethnic diversity ratio ($p=0.202$). There is no correlation between training and the gender diversity ratio ($p=0.893$).
**Finding 4.** There is a strong positive correlation between hiring manager’s prioritization of race and ethnicity and hiring manager’s racial demographics ($p = 0.029$). Gender prioritization and hiring manager’s race and ethnicity are significantly correlated ($p=0.054$). Institutional racial priority and hiring managers’ gender are significantly correlated ($p=0.022$). There is a strong, positive association between hiring managers’ gender prioritization and hiring managers’ race and ethnicity ($p=0.022$). Gender diversity ratio and hiring manager gender show a significant positive association ($p=0.015$).

**Discussion**

**Research Question 1: Hiring Priorities**

The connection between policy awareness and priority setting is very apparent from the results of the study. At the institutional level hiring managers are cognizant of the institution’s priorities in relation to diversity related legal rules and legal procedures. This is not a surprising finding as one would hope that a general awareness of the rules would positively correlate to the priorities developed by those within the organization. However, the relationship only holds for race and ethnicity. There is a positive correlation between the level of awareness of racial policies and the importance placed upon the practice of prioritizing racial diversity in the enrollment of students, hiring of faculty, and hiring of administrators as well as in individual manager’s hiring priorities. There is also a positive relationship between training in diversity hiring and both race and gender hiring prioritization.

**Research Question 2: Hiring Decisions**

While one can hope that the awareness of policy and the priority placed on that policy would affect hiring actions, the exact opposite occurs. The study findings indicate that despite the high percentage of women in this field (Roberts & House, 2006; Shambrook & House, 2010) and in this sample, neither gender policy awareness nor gender priority were considered
significant factors. Yet, gender hiring was significantly linked to gender policy and gender priority together. Conversely, significant links emerged between racial policy and racial priority, but there was no link between the two with hiring actions. Therefore, while hiring managers perceived race-based policies and priorities as important and gender-based policies and priorities as unrelated, in a female-manager dominated environment, gender hiring was the norm.

The clearest and most consistent link to hiring actions emerged only when considering the race or gender of the hiring manager. In the white dominated managers group, those most likely hired were white. The gender connection proved to be similar, i.e. women hired women. Finally, white-women managers most likely hired white women. The key concern here is two-fold. First, if personal characteristics drive hiring decisions and hiring managers are unaware of this tendency, then it is unlikely that the hiring managers will change their behavior. Secondly, current practices need to take the managers’ readiness to change their thinking as part of implementing a successful legal change process. Only then can awareness and actions become synchronized.

**Research Question 3: Preferred Change Approach**

Research administration hiring managers indicated a tendency for taking a psychological safety approach to making change at every level (Figure 2). The majority of hiring managers agreed that psychological safety was more evident in the change processes they observe in their higher education context. At both the university level and office level, managers reported tendency for psychological safety approaches to change. However, hiring managers’ also largely agreed that psychological safety was better way to make both institutional and regulatory changes.
Aligning the Model with the Findings

The assumption of the model inherent in its depiction in Figure 1 (p. 32) is that connections between the model’s elements are strengthened by Synching the Law into the organizational psyche. In order to make that case, the research looked into an existing legal change practices and preferences in the current context, which assumes an absence of a structured psychological approach. Prior research argues that the breakdown in legal compliance occurs in three possible ways: 1) misinterpretation of the law, 2) ineffective implementation, and 3) failing to guide institutional enforcers (Kern 2014; Lipsky 2010). This study not only revealed the breakdown of the legal change process as it relates to compliance in diversity law, but exposed a fourth way that the law fails to embed.

The fourth way relates to the identity of the individual making the decision. The research shows that individual identity had a stronger relationship with hiring actions than knowledge of the law. Knowledge of both the law and procedures was measured in terms of awareness and recognition of institutional priority. The findings suggest that intergroup dynamics permeate institutional decision making with regard to race and gender hiring. This remained true in a sample drawn from various US geographic regions, types of higher education institution, and types of office.

Addressing hiring manager identity during the interpreting the law and synching the interpretation steps of the model would have recognized the strength of identity as a psychological construct and addressed it by discussing the nature of this construct and allowing the stakeholder group to create a new shared identity construct that would be embedded in the procedures and tailored for the most resistant organizational units.

The development of a procedure could be enhanced by recognizing that hiring manager identity trumps awareness and priorities. Despite the collective recognition of how important
diversity practices are to the institution, the analysis revealed no significant connection between diversity priorities and hiring practices. Their acknowledgement of diversity’s importance had no significant relationship with how the hiring managers made their hiring decisions except in the case of gender, more specifically, in the hiring of women. Therefore, incorporating identity into the targeting of procedures would have prevented development of procedures based solely on agreement with the legal principles and procedures and focused more on getting hiring managers past their strongly held identity decision paradigms to a newly constructed, psychological identity that more effectively embeds the legal mandate.

This study focused on the rule and procedures related to diversity hiring mandates. The findings show a high correlation between training and awareness, but no such correlation could be made between training and actions. Again, identity, as a psychological construct, connected with diverse hiring decisions in a way that neither awareness nor training connected with diverse hiring decisions. Sensitizing the implementation addresses this issue of considering the psychological approach needed to truly embed the change that would address identity and not just awareness.

Finally, the preponderance of reliance on psychological safety as an approach for embedding legally mandated change at higher education institutions suggests an interesting connection. Under-bounded organizations with flexible boundaries benefit from a psychological safety approach as intergroup conflicts manifest as identity conflicts, while over-bounded organizations tend to exhibit task-oriented conflicts. In the context of diversity and despite their hierarchical structure, higher education institutions are characterized as under-bounded organizations. Within universities, intergroup conflicts will manifest as identity conflicts, including conflicts of racial and gender orientation.
The study findings support the idea of universities as under-bounded within the context of diversity law compliance. The tendency to accept the law and yet not comply with it does not indicate rigidity, but the lack of a structure that would effectively shape behavior. While a semblance of structure exists in higher education, when it comes to implementation design, the clarity and targeting necessary to effectively change unchecked practices does not exist.

**Conclusion**

This study addressed the relationship between the legal rule, legal procedure, legal agents and psychological approach to change, i.e. elements of the *Synching the Law* model. The data collected captured the relationships between different elements of this model from the legal agents’ perspective. The findings of the study helped to identify a disconnection in the flow of legal change between awareness and action. Although action, i.e. hiring decisions, failed to correlate to policy awareness, action connected significantly to legal agents’ demographic identity. Simply stated, hiring managers tended to duplicate themselves in the hiring process with regard to gender and race.

In an industry that is disproportionately white and female (Roberts & House, 2006; Shambrook & Roberts, 2010), self-identification as the basis for decision making means that very little will change without a redefining of identity as part of the intervention. In the larger context of implementing legally mandated change, the research findings indicate that historical uses of psychological approaches provides data for understanding the characteristics of organizations and can be used effectively to make the right changes if developed in conjunction with and targeted at the appropriate legal agents. *Synching the Law* offers a way of addressing disconnections in the legal change process as it moves from awareness to action.
References


[Specifically, Chapter 7: Exploring Plato’s Cave: Organizations as Psychic Prisons].


Chapter 5

Conclusion

The constraints higher education institutions operate within continue to grow. Of particular concern is the ever increasing demand on higher education institutions made by legally mandated changes. These mandates leave little room for making costly legal errors, like non-compliance. The Synching the Law model proposed in this thesis and investigated using quantitative methods provides higher education institutions assistance in making legally mandated changes in a way that minimizes the organizations’ legal liabilities. The fact that legal change can fail at various levels exacerbates the challenge of creating a change solution that addresses these potential points of disconnection.

The literature review identified three main ways that the law may fail to embed in an organization. The thesis identified a fourth way in which the law may fail to embed in an organization. The first three ways that the law can fail to embed include: 1) a misunderstanding of the law, 2) ineffective implementation of the law, and 3) in failing to provide adequate guidance to institutional enforcers. The fourth additional way that the law fails to embed occurs when the legal agents’ psychological norms do not align with the legal change. Synching the Law addresses all four types of failure using principles of organizational psychology and principles of therapeutic jurisprudence. By combining healthy organizational change process with a healthy perspective of the law, Synching the Law takes a preemptive approach to overcoming barriers to legal change in organizations.

The four stages of Synching the Law involve interpreting the law, synching the interpretation, tailoring the procedures, and sensitizing the implementation. Each step functions within the action research intervention approach for making change. Action research phases represented in the model include the diagnosis, planning, and implementation phases of action
research. Situating the model within therapeutic jurisprudence makes the law a driving force for healthy organizational change, rather than a disruptive force carrying severe penalties. The combination of organizational psychology and therapeutic jurisprudence creates an environment that remains open to the input of those most benefited and most challenged by the legal change.

_Synching the Law_ invites those most affected by the law, i.e. legal agents, to sit at the table with the subject matter experts, content experts, and legal experts to shape the legal change from an organizational perspective. It has been said that people embrace the change they help to create, inviting those who resist to dialogue about change at the beginning of the process sheds light on the nature of the psychological norms that must be overcome to achieve a successful change. The power of psychological norms cannot be underestimated.

Individuals will violate their own beliefs and moral codes, as demonstrated here. Hiring managers acknowledged an awareness of diversity rules, the rules importance in institutional decisions and in relation to hiring practices affecting their organizational unit. Yet, the awareness of diversity policies and the importance of diversity showed no significant relationship to their actual hiring decisions in the racial context. This proved consistent in sample population that varied by US geographic region, type of higher education institution, i.e. university or college, and type of organizational unit, i.e. department, central administration and other.

With the regard to organizational permeability and preference for a particular psychological approach, the research revealed that organizational past practices and preferences can shed light on organizational characteristics and optimal psychological approaches to change. The preference for psychological safety could indicate that higher education institutions despite their hierarchical structure are underbounded either within the organizational unit of research administrators or within the institution. Relying on past organizational behavior exposes organizational characteristics useful to making legally mandated changes.
The overall structured approach is both clear and simple making it adaptable to a variety of higher education institutions. Whether considering the law in terms of benefits and challenges or reviewing past change practices, all aspects of the model can be replicated by change agents to embed legal changes within their organizations. Therefore, institutions that employ this approach will proactively and successfully address institutional resistance to legal change regardless of how that resistance manifests. The resulting increased compliance means less legal liability for the institution and reduced costs of non-compliance.

The thesis conceptualized the model and investigated the elemental relationships within the model. Further refinement of the model would include research cases involving a variety of organizations or a variety of legal changes. The study focused solely on one type of administrative unit of higher education institutions. Varying the type of administrative unit within one organization will help clarify the intergroup identity phenomenon evidenced in the thesis research. At the conclusion of this study, the relationships between elements are clear, but the question remains as to whether or not the study results are the effect of researching diversity law implementation in a non-diverse profession. An effort to evaluate the model in the context of successful legal changes can further refine the applicability of the model. In addition, the survey instrument developed in this study requires validation using a larger research sample sufficient for exploratory factor analysis.
Bibliography


APPENDIX A: IRB Materials and Approvals
Notification of IRB Action

Date: December 18, 2014  IRB #: CPS14-12-07
Principal Investigator(s): Neenah Estrella-Luna
                         Jacqueline Dejean
Department: Doctor of Law and Policy
           College of Professional Studies
Address: 20 Belvidere
         Northeastern University
Title of Project: A Structured Approach to Legally-Mandated Change in Higher
                 Education Institutions (HEIs)
Participating Sites: Permission received from SRA
Informed Consent: One (1) unsigned consent

As per CFR 45.46.117(c)(2) signed consent is being waived as the research presents no more than minimal risk of harm to subjects and involves no procedures for which written consent is normally required.

DHHS Review Category: Expedited #6, #7
Monitoring Interval: 12 months

Approval Expiration Date: DECEMBER 17, 2015

Investigator's Responsibilities:
1. Informed consent form bearing the IRB approval stamp must be used when recruiting participants into the study.
2. The investigator must notify IRB immediately of unexpected adverse reactions, or new information that may alter our perception of the benefit-risk ratio.
3. Study procedures and files are subject to audit any time.
4. Any modifications of the protocol or the informed consent as the study progresses must be reviewed and approved by this committee prior to being instituted.
5. Continuing Review Approval for the proposal should be requested at least one month prior to the expiration date above.
6. This approval applies to the protection of human subjects only. It does not apply to any other university approvals that may be necessary.

C. Randall Colvin, Ph.D., Chair
Northeastern University Institutional Review Board

Nan C. Regina, Director
Human Subject Research Protection
APPENDIX A: Recruitment Emails

Recruitment Email (Survey participants)

Dear SRA member,

My name is Jacqueline Dejean. I am a doctoral candidate in the Law & Policy Program in the College of Professional Studies, Northeastern University gathering data for my doctoral thesis. The goal of this project is to assist higher education institutions (HEIs) to facilitate legally mandated changes. This study focuses specifically on diversity law and higher education institutions.

I would greatly appreciate you taking approximately 25 minutes to complete the survey. All of your answers will be kept anonymous and will be reported in aggregate.

In an environment of increasing legislative burden on HEIs, a model that helps HEIs to comply with the law while reducing legal liability would be a significant contribution to managing change and ensuring legal compliance.

I am very sensitive to the time pressures you are under and I have designed this survey for the ease of completion on your part while still assuring that I receive valid and reliable information. This survey is expected to take no more than 25 minutes.

If you wish to participate, please click on this link:
https://www.surveymonkey.com/s/NEURAHiringSurvey

Sincerely,

Jacqueline Dejean
APPENDIX B: Informed Consent

UNSIGNED CONSENT DOCUMENT FOR WEB-BASED ONLINE SURVEYS

(Page 1 of the survey)

Northeastern University: Doctor of Law & Policy in the College of Professional Studies

Name of Investigator(s): Principal Investigator: Neenah Estrella-Luna, PhD; Student Researcher: Jacqueline Dejean

Title of Project: A Structured Approach to Legally-Mandated Change in Higher Education Institutions (HEIs)

Request to Participate in Research

We would like to invite you to participate in a web-based online survey. The survey is part of a research study whose purpose is to develop a feasible change model that can be used to create legally mandated change in higher education institutions (HEIs). This study focuses specifically on diversity law and higher education institutions. This survey should take no more than 25 minutes to complete.

We are asking you to participate in this study because you are a research administrator at an institution of higher education. You must be at least 18 years old to take this survey. The decision to participate in this research project is voluntary. You do not have to participate and you can refuse to answer any question. The possible risks or discomforts of the study are minimal. You may exit the survey at any time.

There are no direct benefits to you from participating in this study. However, your responses may help us learn more about developing a structured approach to making legally mandated change in higher education institutions.

You will not be paid for your participation in this study.

Your part in this study is anonymous to the researcher(s). However, because of the nature of web based surveys, it is possible that respondents could be identified by the IP address or other electronic record associated with the response. Neither the researcher nor anyone involved with this survey will be capturing those data.

Any reports or publications based on this research will use only group data and will not identify you or any individual as being affiliated with this project.

If you have any questions regarding electronic privacy, please feel free to contact Mark Nardone, NU’s Director of Information Security via phone at 617-373-7901, or via email at privacy@neu.edu.

If you have any questions about this study, please feel free to contact Jacqueline Dejean via her Northeastern University email address: dejean.j@husky.neu.edu, the person mainly responsible for the research. You can also contact Neenah Estrella-Luna, PhD, the Principal Investigator, via her email address: n.estrellaluna@neu.edu or via phone: (617)373-6472.

If you have any questions regarding your rights as a research participant, please contact Nan C. Regina, Director, Human Subject Research Protection, 906 Renaissance Park, Northeastern University, Boston, MA 02115. Tel: 617.373.4588, Email: n.regina@neu.edu. You may call anonymously if you wish.

This study has been reviewed and approved by the Northeastern University Institutional Review Board (# xx-xx- xx). [protocol # will be provided to you by the HSRP office].

By clicking on the “Next” you are indicating that you consent to participate in this study. Please print out a copy of this consent form for your records.

Thank you for your time,

Jacqueline Dejean, MAOR, Doctoral Candidate Law & Policy Program, College of Professional Studies

[Signature]

[Date]
APPENDIX B: Survey Instrument
Research Administrators’ Hiring Practices Survey

Participant Information:

1. Please identify your SRA section:
   a. Northeast
   b. Southern
   c. Midwest
   d. Western
   e. Canadian [Skip to end: Thank you for your participation]
   f. International [Skip to end: Thank you for your participation]

2. What is your current job title? ___________________

3. How long have you worked in research administration?
   a. Less than 12 months
   b. 1-3 years
   c. 4-6 years
   d. 7-9 years
   e. 10 years or more

4. Do you currently work in central administration, a department, a laboratory, or other?
   a. Central administration
   b. Department
   c. Laboratory
   d. Other (please specify) ___________________

5. What is your gender?
   a. Female
   b. Male
   c. Other

6. What is your race/ethnicity?
   a. African American or Black
   b. American Indian or Alaskan Native
   c. Asian
   d. Hispanic
   e. White, Non-Hispanic
   f. Multi-racial/multi-ethnic
   g. Other (Please specify) ___________________

7. Are you a hiring manager for your office, i.e. who is responsible for making the firing decisions for your office? Yes No (If yes, skip to organization information section)

8. If you are not a hiring manager, do your job duties include assisting with hiring decisions? Yes No (if No, skip to end. Take to “Thank You for Your Participation” page)

9. Briefly describe in what way(s) you assist with the hiring decisions? [Add response box]

Organization Information

10. Do you work for a college, university, a college/university affiliated research foundation, or other type of institution?
    a. College
    b. University
    c. Affiliated research foundation (please specify) ___________________
d. Other (please specify) ______________________

11. What is the size of your institution’s externally-funded, annual (not cumulative) research award portfolio?
   a. $1 - $19,999,999
   b. $20,000,000 - $39,999,999
   c. $40,000,000 - $59,999,999
   d. $60,000,000 - $79,999,999
   e. $80,000,000 - $99,999,999
   f. Greater than $100,000,000

12. To the best of your knowledge, specify the number of people involved in research administration or sponsored programs in your office:
   a. 10 or less
   b. 11 - 29
   c. 30 or greater

13. Please provide the title of highest ranking research officer at your institution

14. As best as you can, please share the number of people in your office by gender and race:

<table>
<thead>
<tr>
<th></th>
<th>American Indian/Alaskan</th>
<th>Asian</th>
<th>Black or African American</th>
<th>Hispanic</th>
<th>White, Non-Hispanic</th>
<th>Multi-racial/multiethnic</th>
<th>Other</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

15. Does your institution have any of these racial or gender policies in place? (Check all that apply)
   a. Affirmative Action Plan
   b. Equal Employment Opportunity Policy
   c. Institutional Diversity Plan
   d. Racial Anti-Harassment policy
   e. Gender Anti-Harassment policy
   f. Title IX Coordinators
   g. Don’t know
   h. Other (please specify) ______________________

16. How does your organization make these documents available to employees? (Please explain) [Add response box]

17. To the best of your knowledge, does your institution have a mission statement containing the word “diversity”?
   a. Yes, and the mission statement is highly visible
   b. Yes, but the mission statement is not highly visible
   c. Yes, but the mission statement is not visible
   d. No, but my institution has a separate diversity mission statement
   e. No, but the mission statement contains other word(s) related to diversity (please specify)______________
   f. No, neither the idea nor the word “diversity” appears in my institution’s mission statement
18. In your opinion, how important is racial diversity to your institution’s student enrollment decisions?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

19. In your opinion, how important is gender diversity to your institution’s student enrollment decisions?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

20. In your opinion, how important is racial diversity to your institution’s faculty recruitment?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

21. In your opinion, how important is gender diversity to your institution’s faculty recruitment?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

22. In your opinion, how important is racial diversity to your institution’s administrative staff hiring decisions?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

23. In your opinion, how important is gender diversity to your institution’s administrative staff hiring decisions?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
24. As a hiring manager or a person involved in the hiring process, what importance do you place on racial diversity in your office’s hiring decisions?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

25. As a hiring manager or a person involved in the hiring process, what importance do you place on gender diversity in your office’s hiring decisions?
   a. Very important
   b. Important
   c. Somewhat Important
   d. Unimportant
   e. Not applicable
   f. Don’t know

26. In your opinion did you receive the necessary training to incorporate diversity into your hiring practices at your current institution?
   a. Yes, I received substantial, formal training in diversity hiring practices of my current institution.
   b. Yes, I received adequate, formal training from my current institution.
   c. Yes, I received formal training at a previous institution.
   d. No, but I did receive informal training from my current institution.
   e. No, but I did receive informal training from a previous institution.
   f. No, but I did not need training in making hiring decisions from my current institution

27. Please explain the answer you provided in the question above. [Add response box]

28. In your opinion, would diversity hiring training be beneficial? Yes No

**Making Changes**

29. From your perspective, when your institution makes changes, which method is most frequently used?
   a. My institution likes to shake things up
   b. My institution likes to make everyone feel safe

30. From your perspective, when your office makes changes, which method is most frequently used?
   a. My office tends to create disequilibrium
   b. My office fosters a sense of safety

31. In your opinion, which is the better way to make changes at your institution?
   a. By pushing employees out of their comfort zones
   b. By giving employees a sense of security

32. In your opinion, which is the better way to respond to federal or state regulatory changes at your institution?
33. Please use the box below to clarify any of the answers you provided to the questions on this page. [Add response box]
# CODEBOOK

<table>
<thead>
<tr>
<th>Survey Section &amp; Question#</th>
<th>Code1</th>
<th>Themes/Code2</th>
<th>Definition</th>
<th>When to Use</th>
<th>When Not to Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 1 - Participant Information:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q1 Region</td>
<td>Geographic Regions</td>
<td>SRA International Sections</td>
<td>For US Regions</td>
<td>Non-US regions</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Northeast</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Southern</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Midwest</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Western</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Canadian [Skip to end: Thank you for your participation]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>International [Skip to end: Thank you for your participation]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q2</td>
<td>What is your current job title?</td>
<td></td>
<td>Not used</td>
<td>Not used</td>
<td>Not used</td>
</tr>
<tr>
<td>Q3</td>
<td>Lgth (Participants’ years of experience in research administration)</td>
<td>Time span in months or years</td>
<td>Hiring manager experience</td>
<td>Non-Hiring Managers</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Less than 12 months</td>
<td>Less than 12 months</td>
<td>When not in range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1-3 years</td>
<td>1-3 years</td>
<td>When not in range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>4-6 years</td>
<td>4-6 years</td>
<td>When not in range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>7-9 years</td>
<td>7-9 years</td>
<td>When not in range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>10 years or more</td>
<td>10 years or more</td>
<td>When not in range</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q4</td>
<td>Whre (Do you currently work in central administration, a department, a laboratory, or other?)</td>
<td>Organizational Unit</td>
<td>All categories used</td>
<td>No exclusions</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Central administration</td>
<td>Organizational Unit</td>
<td>All categories used</td>
<td>No exclusions</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Department</td>
<td>Organizational Unit</td>
<td>All categories used</td>
<td>No exclusions</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Laboratory</td>
<td>Organizational Unit</td>
<td>All categories used</td>
<td>No exclusions</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Other (please specify)</td>
<td>Organizational Unit</td>
<td>When university affiliated</td>
<td>When not university affiliated</td>
<td></td>
</tr>
<tr>
<td>Q5</td>
<td>Gndr (What is your gender?)</td>
<td>Participant gender</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Female</td>
<td>Female</td>
<td>Non-Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Male</td>
<td>Male</td>
<td>Non-Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Other</td>
<td>Other</td>
<td>Non-Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q6</td>
<td>RceEth (What is your race/ethnicity?)</td>
<td>Participant race and ethnicity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>African American or Black</td>
<td>Participant race and ethnicity</td>
<td>All categories used</td>
<td>No exclusions</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>American Indian or Alaskan Native</td>
<td>Participant race and ethnicity</td>
<td>All categories used</td>
<td>No exclusions</td>
<td></td>
</tr>
</tbody>
</table>
Section 1 - Participant Race and Ethnicity

3 Asian Participant race and ethnicity All categories used No exclusions
4 Hispanic Participant race and ethnicity All categories used No exclusions
5 White, Non-Hispanic Participant race and ethnicity All categories used No exclusions
6 Multi-racial/multi-ethnic Participant race and ethnicity All categories used No exclusions
7 Other (Please specify) Participant race and ethnicity When reflecting race/ethnic identity When not reflecting race/ethnic identity

Q7 HRM1 Are you a hiring manager for your office, i.e. who is responsible for making the hiring decisions for your office? Yes No (If yes, skip to organization information section)
1 Yes Hiring managers Use in sample No exclusions
2 No Non-Hiring Managers Only in Q8

Q8 HRM2 If you are not a hiring manager, do your job duties include assisting with hiring decisions? Yes No (if No, skip to end. Take to “Thank You for Your Participation” page)
1 Yes Participant Hирer Use in sample No exclusions
2 No Non-Participant Hирer Do not use Do not use

9999 Missing

Section 2 - Organization Information

Q10 Whre2 Do you work for a college, university, a college/university affiliated research foundation, or other type of institution?
1 College Type of organization All responses No exclusions
2 University Type of organization All responses No exclusions
3 Affiliated research foundation (please specify) Type of organization HEI affiliated Non-HEI affiliated
4 Other (please specify) Type of organization HEI affiliated Non-HEI affiliated

Q11 Sze$ What is the size of your institution’s externally-funded, annual (not cumulative) research award portfolio?
1 $1 - $19,999,999 Annual research funding Not used Not used
2 $20,000,000 - $39,999,999 Not used Not used
3 $40,000,000 - $59,999,999 Not used Not used
4 $60,000,000 - $79,999,999 Not used Not used
5 $80,000,000 - $99,999,999 Not used Not used
6 Greater than $100,000,000 Not used Not used

Q12 SzeO To the best of your knowledge, specify the number of people involved in research administration or sponsored programs in your office:

Not used Not used Not used
Q13

As best as you can, please share the number of people in your office by gender and race:

<table>
<thead>
<tr>
<th>Code</th>
<th>Category</th>
<th>Gender</th>
<th>Discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>TGINDEX</td>
<td>Total Gender Index</td>
<td>Male</td>
<td>For indices &amp; demographics</td>
</tr>
<tr>
<td>MINDEX</td>
<td>Total Males Index</td>
<td>Male</td>
<td>For indices &amp; demographics</td>
</tr>
<tr>
<td>FINDEX</td>
<td>Total Females Index</td>
<td>Female</td>
<td>For indices &amp; demographics</td>
</tr>
<tr>
<td>GDINDEX</td>
<td>Gender Diversity Ratio</td>
<td>Female</td>
<td>For indices &amp; demographics</td>
</tr>
<tr>
<td>DINDEX</td>
<td>Racial Diversity Ratio</td>
<td>Female</td>
<td>For indices &amp; demographics</td>
</tr>
</tbody>
</table>

Q14 HRO Please provide the title of highest ranking research officer at your
Q15  POL  Does your institution have any of these racial or gender policies in place? (Check all that apply)

1  Affirmative Action Plan  Race related policy
2  Equal Employment Opportunity Policy  Race related policy
3  Institutional Diversity Plan  Race related policy
4  Racial Anti-Harassment policy  Race related policy
5  Gender Anti-Harassment policy  Gender related policy
6  Title IX Coordinators  Gender related policy

0  Don’t know
0  Other (please specify)  Recode to 0-6

Q17  Mssn  To the best of your knowledge, does your institution have a mission statement containing the word “diversity”?

6  Yes, and the mission statement is highly visible  Not used
5  Yes, but the mission statement is not highly visible  Not used
4  Yes, but the mission statement is not visible  Not used
3  No, but my institution has a separate diversity mission statement  Not used
2  No, but the mission statement contains other word(s) related to diversity (please specify)  Not used
1  No, neither the idea nor the word “diversity” appears in my institution’s mission statement  Not used

Q18  PriorR  Racial Priority Index  Scale -1 to 1 (0 = none)  Measuring race/ethnicity priority level in decision making  Measuring gender priority level in decision making

Q19  PriorG  Gender Priority Index  Scale -1 to 1 (0 = none)  Measuring gender priority level in decision making  Measuring race/ethnicity priority level in decision making

Q18  EnR  In your opinion, how important is racial diversity to your institution’s student enrollment decisions?  Reflects priorities as communicated by institution and understood by employees  Used to develop PriorR index
Q19  EnG  In your opinion, how important is gender diversity to your institution’s student enrollment decisions?  Reflects priorities as communicated by institution and understood by employees  Used to develop PriorG index  N/A

Q20  FR  In your opinion, how important is racial diversity to your institution’s faculty recruitment?  Reflects priorities as communicated by institution and understood by employees  Used to develop PriorR index  N/A

Q21  FG  In your opinion, how important is gender diversity to your institution’s faculty recruitment?  Reflects priorities as communicated by institution and understood by employees  Used to develop PriorG index  N/A

Q22  @4R  In your opinion, how important is racial diversity to your institution’s administrative staff hiring decisions?  Reflects priorities as communicated by institution and understood by employees  Used to develop PriorR index  N/A
<table>
<thead>
<tr>
<th>Q23</th>
<th>@4G</th>
<th>In your opinion, how important is gender diversity to your institution’s administrative staff hiring decisions?</th>
<th>Reflects priorities as communicated by institution and understood by employees</th>
<th>Used to develop PriorG index</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>4 Very important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Somewhat Important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Unimportant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 Not applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 Don’t know</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q24</td>
<td>RHrm</td>
<td>As a hiring manager or a person involved in the hiring process, what importance do you place on racial diversity in your office’s hiring decisions?</td>
<td>Reflects the priorities as expressed by hiring managers</td>
<td>Used when hiring manager specific</td>
<td>Non-Hiring manager specific</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Very important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Somewhat Important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Unimportant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 Not applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 Don’t know</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q25</td>
<td>GHrm</td>
<td>As a hiring manager or a person involved in the hiring process, what importance do you place on gender diversity in your office’s hiring decisions?</td>
<td>Reflects the priorities as expressed by hiring managers</td>
<td>Used when hiring manager specific</td>
<td>Non-Hiring manager specific</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Very important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Somewhat Important</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Unimportant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 Not applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0 Don’t know</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q26</td>
<td>Trng</td>
<td>In your opinion did you receive the necessary training to incorporate diversity into your hiring practices at your current institution?</td>
<td>Training as experienced by hiring managers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q27</td>
<td></td>
<td>6 Yes, I received substantial, formal training in diversity hiring practices of my current institution.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 I received adequate, formal training from my current institution.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Yes, I received formal training at a previous institution.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 No, but I did receive informal training from my current institution.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 No, but I did receive informal training from a previous institution.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 No, but I did not need training in making hiring decisions from my current institution</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>9999 Missing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q28</td>
<td>TrngYN</td>
<td>In your opinion, would diversity hiring training be beneficial? Yes No</td>
<td>Reflects hiring managers attitude about training in diversity hiring</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Section 3 - Making Changes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Q29 Inst</strong></td>
<td>From your perspective, when your institution makes changes, which method is most frequently used?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>My institution likes to shake things up</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>My institution likes to make everyone feel safe</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9999</td>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Psychological approach practiced at institutional level</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Q30 Off</strong></td>
<td>From your perspective, when your office makes changes, which method is most frequently used?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>My office tends to create disequilibrium</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>My office fosters a sense of safety</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9999</td>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Psychological approach practiced at organizational unit level</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Q31 Hrm</strong></td>
<td>In your opinion, which is the better way to make changes at your institution?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>By pushing employees out of their comfort zones</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>By giving employees a sense of security</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9999</td>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Preference for psychological approach from hiring manager perspective</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Q32 Regs</strong></td>
<td>In your opinion, which is the better way to respond to federal or state regulatory changes at your institution?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>By creating discomfort with the status quo</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>By creating a sense of security</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9999</td>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hiring manager preference for psychological approach in a legal change context</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>