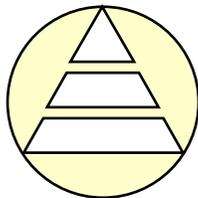
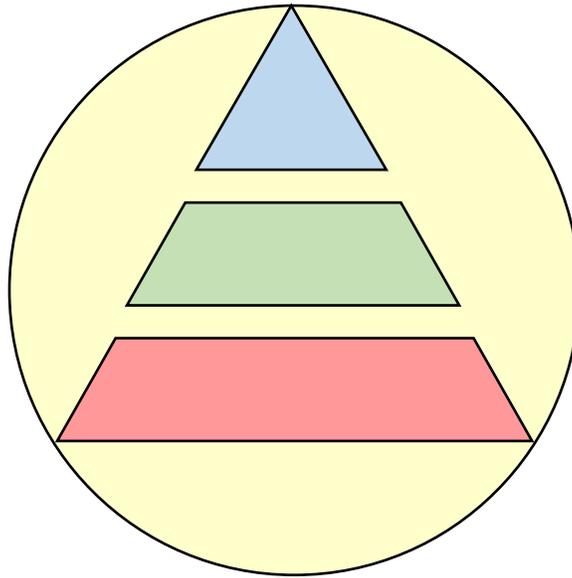
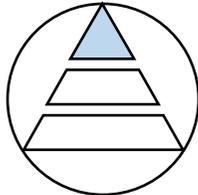


Fairness Pyramid Overview



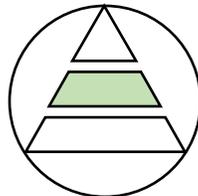
3 Fundamentals of Fairness

- 1) Fairness is **Principled**
- 2) There are **Degrees** of Fairness
- 3) Fairness is **Context** Dependent



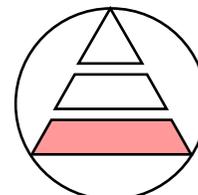
3 Dimensions of Fairness

- 1) **Substantive** Fairness
- 2) **Procedural** Fairness
- 3) **Relational** Fairness



10 Principles of Fairness

- 1) **Proportionality**
- 2) **Accessibility**
- 3) **Confidentiality**
- 4) **Voice**
- 5) **Timeliness**
- 6) **Impartiality**
- 7) **Rationality**
- 8) **Accountability**
- 9) **Flexibility**
- 10) **Dignity**



3 Contexts of Fairness

- 1) **Design**
- 2) **Implementation**
- 3) **Other Contextual Factors**

3 Fundamentals of Fairness

1) Principled

Fairness is neither an exact science, nor is it arbitrary. Rather, it is principled.

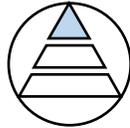


2) Degrees

Fairness is not binary. Perfect fairness is aspirational.

3) Context Dependent

More fairness measures are required for decisions with more serious potential impact.



3 Dimensions of Fairness¹

1) Substantive Fairness

Alternative term: Distributive Justice
Fairness of the **outcome**.

2) Procedural Fairness

Alternative terms: Procedural Justice, Due Process
Fairness of the **process**.

3) Relational Fairness

Alternative terms: Interactional Justice, Inter-personal Justice
Fairness of the **relational interactions**.



10 Principles of Fairness

1) Proportionality (Primarily Substantive, also Procedural and Relational)

Alternative term: Equity

Proportionality does not mean treating everyone equally. Similarly-situated people should be treated similarly. Differently-situated people should be treated differently.

Inherent challenges: How do you determine whether people are similarly or differently situated? Which differences should be taken into consideration?

2) Transparency / Accessibility (Primarily Procedural and Relational)

Alternative terms: Intelligibility, Access, Openness, Informational Justice

Transparency involves making the decision-making easily comprehensible and accessible to all participants, including the least informed participants, thus leveling the playing field. It is not merely passive, but rather requires affirmative effort on the part of those administering the process.

Inherent challenges: Tension between being comprehensive and comprehensible. The more complex a process the harder it is to understand easily.

3) Confidentiality (Primarily Procedural and Relational)

Alternative term: Privacy

Some processes require confidentiality in order to protect participants from public shaming, prejudice or other abuses.

Inherent challenges: Tension with transparency. What should be kept confidential and what should be made transparent?

4) Voice (Primarily Procedural and Relational)

Voice involves providing those impacted by the decision and other important stakeholders an opportunity to meaningfully participate in the decision making process. Processes that provide stakeholders voice include: an opportunity to provide input, a formal hearing, and even inclusion as a decision-maker. Perhaps more important than the process itself is the feeling from stakeholders that decision-makers are making a genuine effort to listen to them and take their ideas seriously.

¹ The Fairness Triangle, which describes substantive, procedural, and relational fairness as the three dimensions of fairness, was developed by Ombudsman Saskatchewan.

Inherent challenges: Providing adequate opportunities for stakeholders to exercise voice. Giving appropriate weight to various voices. Time intensive.

5) **Timeliness** (Primarily Procedural)

Timeliness involves providing adequate timeframes for participants to engage in the process without creating undue burdens.

Inherent challenges: Tension between not providing enough time and too much time. Tension with other procedural measures which typically take time.

6) **Impartiality** (Primarily Procedural and Relational)

Alternative terms: Lack of bias, Trustworthiness

Impartiality pertains predominately to the decision makers, that they are seen as trustworthy and that they have no personal stake in the outcome. Perception is extremely critical. Sometimes concerns about impartiality can be managed by including multiples stakeholders as decision-makers.

Inherent challenges: Unconscious bias in human nature. Tension with voice. Often decisions-makers are disinterested parties.

7) **Rationality** (Primarily Procedural and Substantive)

Alternative term: Well-reasoned

Decisions are well-reasoned based on relevant information.

Inherent Challenges: Not always clear what information is relevant.

8) **Accountability** (Substantive, Procedural, and Relational)

Alternative terms: Appeals, Review

Accountability provides proper review to ensure that decisions are accurate and to correct mistakes. Accountability measures include items like appeals processes, apologies, review processes, and ongoing monitoring.

Inherent challenges: How much review? Time consuming.

9) **Flexibility** (Substantive, Procedural, and Relational)

Alternative terms: Open-mindedness, Discretion

Flexibility means that decision-making is adaptable to the context, and not overly rigid. It requires willingness from decision makers to be flexible and to be able to exercise appropriate discretion and make exceptions when called for.

Inherent challenges: Tension between being too rigid and the exception swallowing the rule.

10) **Dignity** (Primarily Relational)

Alternative term: Respect

Dignity involves acknowledging the inherent value of participants and treating them accordingly.

Inherent challenges: Differing perceptions of what constitutes dignity. The adversarial and punitive nature of some processes.

2+ Contexts of Fairness



1) **Design**

Alternative terms: General, Systemic, Policies and Procedures,

The focus is on whether the process as a whole is fair in its design and whether the system is working as a whole.

2) **Implementation**

Alternative terms: Specific, Instance

The focus is on whether a specific case was fairly determined.

Other Contextual Factors

The type of process involved informs what is considered fair. For instance, an investigation is a specific type of process. So if a process involves an investigation, it will be subject to standards and principles that govern what is considered a fair investigation.

Proportionality

Alternative terms: Equity

The Principle: *Similarly situated people should be treated similarly. Differently situated people should be treated differently.*

Dimensions: Primarily **Substantive**, also **Procedural** and **Relational**

Inherent Challenges:

- *What constitutes a material difference?* Circumstances are often comprised of a complex set of factors and so it can be very difficult to compare any two instances and objectively determine in which ways they are similar and different. Moreover, which differences matter more and in what ways? On what grounds should proportionality be applied? Outcome? Process? Need? Status? For example, consider employment. People can reasonably disagree over which jobs should be compensated over others.
- *How do you maintain consistency across large systems?* The larger the system, the greater number of circumstances and individuals involved in making determinations.
- *Disparate impact.* The principle of proportionality applies in all dimensions: substantive, procedural, and relational. However, even if you are successful in treating people equitably (proportionality in the procedural and relational dimensions), this does not necessarily result in equitable outcomes (proportionality in the substantive dimension). For a whole host of reasons, there are frequent, often unintended disparate impacts.

For these reasons, Proportionality can be very subjective in application and can be very contentious.

Notable Interactions with other Principles:

- *Flexibility.* The principle of Flexibility recognizes the need for decision makers to exercise individual discretion because every situation is different, not every contingency can be anticipated, and sometimes exceptions are warranted. However, individual discretion increases variability and makes it difficult to maintain consistency and proportionality across a system.
- *All principles.* The principle of Proportionality tends to be relevant in the application of all the other principles.

Examples: Disabilities, accommodations, diversity, equity & inclusion, sanction guidelines, consistent policies & procedures

Informal vs. Formal Context: Informal processes often involve mechanisms that allow for rough proportionality, such as giving everyone in a meeting the opportunity to comment. Formal processes may include more rigid rules, such as equal time.

Common Errors:

- *Assuming that equity means equally.* In other words, proportionality does not mean treating everyone the same. For instance, it is not appropriate to deny someone with a disability an accommodation because “they should be treated just like everyone else.”
- *Not allowing sufficient proportionality.* For instance, “Zero Tolerance” policies sound tough but in practice often fail to distinguish between minor and severe policy violations and thus inhibit the ability of an organization to deliver a proportionately appropriate response.

Practical Guidelines:

- *Pro-actively attempt to develop well-reasoned and consistent standards to apply in an equitable way.* For example, the UCR Faculty Senate authored a guidance document is an attempt to provide a consistent set of standards for imposing sanctions in cases of violations of academic integrity.
- *Measure and monitor outcomes, and not just treatment.* In particular, monitor whether historically disadvantaged groups are experiencing worse outcomes in processes involving academic success, merit & promotion, and discipline. When there are disparate impacts, make interventions, and monitor changes on impact.

Accessibility

Alternative terms: Transparency, Intelligibility, Access, Openness, Informational Justice

The Principle: ***Accessibility involves actively working to make information fully comprehensible to all participants, especially the least informed participants.*** Accessibility is not merely passive, but rather requires considerable ongoing effort to make information available and comprehensible. Accessibility recognizes that information is power and works hard to level the playing field.

Dimensions: Primarily **Procedural** and **Relational**

Inherent Challenges:

- *Fundamentally insurmountable power-differentials in informational power.* This is the problem accessibility is trying to solve, but it is an impossible task. Some people will always have greater access to understanding information than others will. For instance, a seasoned administrator of a discipline process will understand the nuances of the process much better than someone facing the possibility of discipline, who is interacting with the process for the first time. Much work can be done to reduce this imbalance but it cannot be eliminated.
- *Tension between being comprehensive and comprehensible.* The more complex a process, the harder it is to understand easily. Information can be simplified to make it easier to understand, but then it is not complete. Achieving both perfectly simple and fully complete is impossible.
- *Requires significant effort and resources.* Accessibility requires anticipating what information may be needed in advance, providing materials, and devoting time to communicate.
- *Lack of clarity.* Sometimes administrators lack information and understanding, hold conflicting interpretations, or are not able to anticipate particular circumstances in advance.

Notable Interactions with other Principles:

- *Confidentiality.* There is a tension between making information needs to be readily available and comprehensible and recognizing that some information needs to be kept confidential.
- *Proportionality.* In a sense, Accessibility is an effort to bring Proportionality to the realm of information in order to level the playing field.
- *Voice.* Accessibility and Voice are complimentary. Accessibility focuses on providing information. Voice emphasizes being open to receiving information.
- *Accountability.* Accessibility provides a degree of Accountability by making information visible and transparent.
- *Timeliness.* Deadlines and timeliness generally should be clear and accessible with plenty of notice.
- *Rationality.* Similarly, the reasoning behind decisions should generally be made widely accessible.

Examples: Providing clear, easy to find information on the web. Access to knowledgeable and dedicated advisors such as counsel or a translator.

Informal vs. Formal Context: Accessibility in informal processes is often framed as “communication.” Accessibility in formal settings can include requirements like notice or access to an advisor or advocate.

Common Errors:

- *Not considering accessibility from the perspective of those least familiar with a process.* Often those overseeing accessibility are quite familiar with the information themselves and do not fully appreciate how little others may understand.
- *Underestimating the complexity and challenge of the task.* Making information widely and deeply comprehensible goes way beyond simply making it available.

Practical Guidelines:

- *Prioritize procedural information.* The process should rarely be a secret. People need to understand it, but often do not. Clarifying the process is a great focal point for accessibility efforts.
- *Intention matters.* When administrators recognize that accessibility is not merely a necessity but a priority to ensure full and fair participation from all parties, their efforts communicate value to participants. Additionally these efforts can identify gaps and areas of confusion.
- *Provide layers of complexity.* It can be helpful to layer information (perhaps in multiple documents) at various levels of complexity to overcome the comprehensive-comprehensible challenge.

Confidentiality

Alternative terms: Privacy

The Principle: *Some information should be kept confidential in order to protect the integrity of a process or to protect participants from public shaming, prejudice or other abuses.*

Dimensions: Primarily **Procedural** and **Relational**

Inherent Challenges:

- *Tension with Accessibility.* What information needs to be readily available and comprehensible and what should be kept confidential? What reasons are compelling enough to maintain confidentiality? Both Confidentiality and Accessibility can be abused. Confidentiality can be used to hide misdeeds, silence others, and hoard information. Accessibility can be used to humiliate, intimidate or fish for damaging information. This tension leads to a lot of conflict over whether confidentiality is appropriate.
- *The complexity of confidentiality.* When you say something is confidential, what do you really mean? What specific information should be kept confidential? By whom? From whom? Under which circumstances? Moreover, who makes this determination?
- *Technology and shifting norms.* Social media and the widespread ability to record using mobile devices is creating challenges for ensuring Confidentiality.

Notable Interactions with other Principles:

- *Accessibility.* See Inherent Challenges above.
- *Dignity.* Often Confidentiality is invoked to preserve and protect Dignity.
- *Voice.* Confidentiality and Voice have a complicated relationship. Confidentiality can enable Voice by allowing people to speak up anonymously. However, Confidentiality can also inhibit Voice by limiting opportunities to speak up or narrowing the audience. Balancing Confidentiality and Voice requires careful process design.
- *Rationality.* Trust in the fairness of the process is lost if Confidentiality inhibits the Rationality of the decision from being fully disclosed.
- *Accountability.* Confidentiality can inhibit Accountability.

Examples: Confidentiality in investigative proceedings, including the fact someone is being investigated and what witnesses are allowed to discuss. Confidentiality in hiring processes. Disclosure of Personnel information. Recording conversations without permission. Disclosures on social media.

Informal vs. Formal Context: In informal processes, confidentiality can mean respecting privacy and exercising discretion. In formal processes there may be strict confidentiality requirements and privileges.

Common Errors:

- *Not being clear about the scope of the Confidentiality.* What is confidential, and under what circumstances?
- *Claiming Confidentiality as an excuse to avoid Accountability.*
- *Not recognizing when Confidentiality is called for.*
- *Breaching Confidentiality.*
- *Expecting Confidentiality in unrealistic circumstances.* Disclosing information to a room of hundreds of people and then telling them to keep it confidential is unrealistic.

Practical Guidelines:

- *Be clear about the purpose of keeping information Confidential.*
- *Do not presume Confidentiality.*

Voice

Alternative term: Listening (Inviting Voice)

The Principle: ***Voice involves providing those impacted by the decision and other important stakeholders an opportunity to participate meaningfully in the decision making process.*** Processes that provide stakeholders voice include: an opportunity to provide input, a formal hearing, and even inclusion as a decision-maker. Perhaps more important than the process itself is the feeling from stakeholders that decision-makers are making a genuine effort to listen to them and take their ideas seriously.

Dimensions: Primarily **Procedural** and **Relational**

Inherent Challenges:

- *Providing adequate opportunities for stakeholders to exercise Voice.* The mechanisms for enabling Voice must be tailored to the type of process and the number of stakeholders involved.
- *Giving appropriate weight to various voices.* The loudest voices are not necessarily the most important.
- *Valuing and balancing both the need to be heard and the need to gather practical information.* Both of these are critical functions of Voice.
- *Allocating sufficient time for Voice without overly delaying the process.*

Notable Interactions with other Principles:

- *Dignity.* Listening to Voice is one of the most critical ways of honoring the Dignity of others.
- *Proportionality.* Giving appropriate weight to various voices.
- *Accessibility.* Accessibility and Voice are complimentary. Accessibility focuses on providing information. Voice emphasizes being open to receiving information.
- *Timeliness.* Voice can be time consuming.
- *Rationality.* It is necessary to hear all the relevant facts and perspectives with an open mind to be able to reach a sound and well-reasoned decision.

Examples: Campus-wide dialogue, town halls, consultations, formal hearings and appeals mechanisms.

Informal vs. Formal Context: In informal settings, Voice is often framed as listening. In formal processes, Voice may include certain procedural requirements, such as a hearing or right of appeal.

Common Errors:

- *Underestimating people's need to be heard.*
- *Not allocating sufficient time in the process for Voice.*

Practical Guidelines:

- *Connect with your motivations.* Intentions leak. When decision-makers truly honor the importance of Voice, participants are likely to notice that and engage meaningfully. If you see it as perfunctory, they will notice that too.
- *Honor the need to be heard.* Listening does not equal agreement, and costs you nothing but time.
- *Listen for the important but quiet voices that are not being heard.*
- *Be clear upfront about what type of Voice is appropriate.* For example, are you seeking consultation or inviting someone to be a decision-maker? Is a written review sufficient or does the circumstance warrant a hearing?
- *Err on the side of too much Voice.* It is likely to take longer than you think. Better to allocate too much time than too little.
- *Voice is still important even after the outcome is decided.* Keep listening.

Timeliness

The Principle: *Timeliness involves providing adequate timeframes for participants to engage in the process without creating undue burdens.*

Dimensions: Primarily **Procedural**

Inherent Challenges:

- *Tension between not providing enough time and too much time.* If the timelines are too short, they do not provide ample time to give adequate attention. When the timelines are too long, the process can be very onerous on the parties involved.
- *Unpredictability.* Some cases can move through a process very smoothly and quickly, while other cases of the same process can be complex or run into unanticipated delays.

Notable Interactions with other Principles:

- *All Principles.* Most of the other principles require more time the more rigorously they are applied.
- *Proportionality.* In some ways, Timeliness is the application of Proportionality in the context of time. Are those administering the process proportionally generous in the timeframes they set for themselves versus those they set for participants?
- *Accessibility.* Are deadlines easily available? Do those unfamiliar with the process have sufficient time to process information and prepare an adequate response? Are administrators communicating when they are not meeting their own timelines?
- *Voice.* What is sufficient time to allow for Voice?
- *Rationality.* Arriving a well-reasoned decision takes time.
- *Accountability.* It is important to monitor timeframes and ensure that they are being met.

Examples: Timeframes, deadlines, anticipating response time, timeframe to file an appeal

Informal vs. Formal Context: In informal processes, Timeliness may involve showing respect for others' time or allowing sufficient time for people to react. In formal process, there may be strict deadlines.

Common Errors:

- *Exceeding administrative timelines.* Many of the policies and procedures that provide timeframes do not provide guidance about what should happen when the timeframes are exceeded. One of the most common complaints participants make about processes is that there is no consequence when those administering the process take longer than the time allotted. Participants frequently feel powerless and extremely frustrated.
- *Not allowing sufficient time for parties to respond.* It can take participants longer to respond than administrators anticipate, particularly when the participants are unfamiliar with the process or wrestling with it emotionally.

Practical Guidelines:

- *Develop a plan in advance, for what will happen if administrators exceed timelines.* Monitor and measure timelines and adjust them to be realistic. Include a communication plan, and mechanisms for addressing cases that are more complex.

Impartiality

Alternative terms: Lack of bias, Trustworthiness

The Principle: ***Impartiality pertains predominately to the decision makers, that they are seen as trustworthy and have no personal stake in the outcome.*** Perception is extremely critical. Sometimes concerns about impartiality can be managed by including multiples stakeholders as decision-makers.

Dimensions: Primarily **Procedural** and **Relational**

Inherent Challenges:

- *Who is truly impartial?* Unconscious bias is part of human nature. Even supposedly independent actors (such as external investigators) have their own interests, in that they are being paid for their work.
- *Those with relevant expertise have pre-formed ideas.* For example in the faculty merit & promotion process, faculty get letters from experts within the field, which is a relatively small subset. Although the reviewers are supposedly anonymous, faculty are often able to recognize their peers, and their proclivities.
- *Decision-makers often wear many hats.* Unlike judges in the judicial system who are unlikely to interact with the parties involved outside of the case, internal decision-makers in the university are often likely to have ongoing interactions with participants.

Notable Interactions with other Principles:

- *Proportionality.* Impartiality is an effort to treat parties proportionally.
- *Voice.* Being Impartial involves listening and being open-minded to all voices in the process.
- *Rationality.* Impartiality involves giving weight to reason rather than to relationships in making determinations.

Examples: Decision-making in disciplinary processes. Daily administrative decisions, such as budgetary allocations.

Informal vs. Formal Context: In informal processes, decision-makers are often not purely impartial as they frequently have a vested interest in the outcome of the decisions they are making. However, there are many actions they can take to be perceived as being more impartial, such as including others into the decision-making, being open-minded, acknowledging their bias etc. In formal processes, specialized impartial decision-makers may be appointed.

Common Errors:

- *Not recognizing and accounting for potential conflicts of interest.*
- *Not having adequate backup systems in place in advance in case of conflicts of interest.*

Practical Guidelines:

- *Pay attention to perceptions.* Perceptions that a decision-maker is biased can derail a process almost as quickly as the reality of a biased decision-maker. “Could participants see me as biased?” is a more helpful question for a decision-maker in anticipating problems than “Am I biased?”
- *Disclose liberally.* Generally, it is wise for decision makers to err on the side of identifying and disclosing potential conflicts of interest. It can often build trust that the decision-maker is in fact impartial because the decision maker has accounted for the potential conflict. Recusal may be the wiser course of action in some circumstances, but recusal is complicated by the reality that university decision-makers inherently are often wearing many hats.

Rationality

Alternative term: Well-reasoned

The Principle: ***Impacted parties are provided with well-reasoned decisions, based on relevant information.*** This does not necessarily mean that a decision will always be correct or that others would reason their way to the same decision.

Dimensions: Substantive, Procedural and Relational

Inherent Challenges:

- *Imperfect information.* Typically, decision-makers do not have direct access to all the relevant information. They often must rely on the imperfect accounts and recollections of others.
- *Not always clear what information is relevant.*
- *Ambiguity in the interpretation and application of rules.*
- *Information gathering and reasoning is time consuming.*
- *Humans are not consistently rational.* “We are not thinking machines that feel, we are feeling machines that think” — António R. Damásio

Notable Interactions with other Principles:

- *Accessibility.* Rationality needs to be visible to those impacted to be effective.
- *Timeliness.* Well-reasoned decisions can take time in order to gather relevant information and conduct a thorough analysis.
- *Impartiality.* Rationality supports Impartiality in that it relies on data and reason rather than prejudice or improper preferences.
- *Accountability.* Rationale provides a level of accountability, demonstrating how the decision was reached.

Examples: A formal report or finding. A verbal explanation for a decision. Providing an explanation for why a large systemic change is required.

Informal vs. Formal Context: In informal processes, Rationality is often framed as explaining “why.” More formal process, may involve a more structured logical written analysis and conclusions.

Common Errors:

- *Failing to provide a clear well-reasoned rationale.* Thorough, logical reasoning is a bit like a math problem. It is a careful step-by-step analysis. Decision-makers can frame the issue poorly, make logical leaps, fail to connect the dots, and jump to conclusions.
- *Premature Decision-making.* It can be tempting for decision-makers to form opinions (often unconsciously) based on early information that influence their reasoning.

Practical Guidelines:

- *Good logical reason requires diligent attention to detail and careful connecting of the dots.*

Accountability

Alternative terms: Appeals, Review, Improvement,

The Principle: ***Accountability is a commitment to own and correct errors, and to monitor and improve processes.***

Accountability measures can be utilized in specific cases, where they include items like appeals processes.

Additionally, accountability measures can be utilized in processes that are used frequently, where they include items like policy reviews, data analysis, and ongoing monitoring. For instance, the complaint process for non-represented staff, PPSM 70 includes appeal mechanisms that provide accountability for any individual complaint. Additionally, PPSM 70 undergoes review and revision, providing accountability to the process generally.

Dimensions: **Substantive**, **Procedural** and **Relational**

Inherent Challenges:

- *How much review?* You can potentially review endlessly, and when people are frustrated they might be willing to exhaust every possible review.
- *Review is time consuming and extends the process.* This can wear on participants without necessarily changing the process.
- *Resource heavy.* Thorough reviews can be costly drawing upon limited human and financial capital.
- *Time, expertise, and bandwidth of reviewers.* Often appeals are considered by the next most senior level of authority in the organizational hierarchy. While these second level decision makers have greater levels authority, they also have other responsibilities and are not as familiar with the nuances of the process. Appeal officer can be a hat they wear occasionally rather than a dedicated job. This challenge can be exasperated further at even higher levels of appeal.

Notable Interactions with other Principles:

- *Proportionality.* Measuring and monitoring outcomes and determining whether they are unintended inequities, particularly for traditionally disadvantaged demographics, provides a degree of Accountability for the overall fairness of a process.
- *Accessibility.* Accessibility provides Accountability by making information widely available for greater scrutiny.
- *Confidentiality.* Similarly, a need for Confidentiality can undercut Accountability by reducing visibility.
- *Voice.* Voice provides accountability by creating space for participants to speak up about problems in the process.
- *Impartiality.* Impartial decision makers provide Accountability that decisions are not determined out of bias.
- *Rationality.* A well-reasoned rationale provides Accountability by clarifying the legitimacy of the decision-making.
- *Flexibility.* When there is a need for an exception, this can create an Accountability challenge because the process is no longer subject to the Accountability measures embedded in the consistent application of the usual process.

Examples: An Appeals process, a policy review, an audit, statistical data analysis, an apology.

Informal vs. Formal Context: In informal processes, Accountability may be framed as a leader's willingness to acknowledge their mistakes. Formal processes may include more structured appeals and review processes.

Common Errors:

- *Not anticipating the need for regular review of the broader policy or practice.* It is important to monitor and measure the outcomes of policies and practices and to have a review plan in place.
- *Cursory Appeals or Review processes.*

Practical Guidelines:

- *Anticipate that there will be errors.* To err is human. Build systems that anticipate and have mechanisms for correcting them.
- *Nonetheless, focus on getting it right the first time.* Appeals are costly in terms of dollars and time to the university, and stress to the participants. When appeals overturn initial outcomes, it is worth investing the time to consider how to prevent the need for that appeal in the future.
- *Apologize.* A good apology demonstrates a commitment from administrators to self-reflect, be honest, hold themselves accountable and prevent problems from recurring.

Flexibility

Alternative terms: Open-mindedness, Discretion

The Principle: **Flexibility means that decision-making is adaptable to the context, and not overly rigid.** It requires willingness from decision makers to be flexible and to be able to exercise appropriate discretion and make exceptions when called for. Flexibility is necessary because rules are imperfect, do not anticipate every circumstance, and cannot be applied mindlessly or mechanistically.

Dimensions: [Substantive](#), [Procedural](#), and [Relational](#)

Inherent Challenges:

- *Tension between being too rigid and becoming inconsistent and allowing the exception swallowing the rule.*

Notable Interactions with other Principles:

- *Proportionality.* Individual discretion increases variability and makes it difficult to maintain consistency and proportionality across a system.
- *Accessibility.* Flexibility can involve improvisation and unpredictability, which can make it harder to be transparent about the process.
- *Accountability.* The need for Flexibility can be claimed in order to avoid Accountability.

Examples: An extension of an academic deadline because of unanticipated family emergency, discretion given to instructors in what sanctions they impose in cases of Academic Integrity violations.

Informal vs. Formal Context: In informal processes, Flexibility may be framed as a willingness to adapt or change course mid-stream. Flexibility in formal process may involve an exception to a rule or policy, or may include built-in discretionary authority.

Common Errors:

- *Being overly rigid even when the results are absurd or clearly harmful.*
- *Being overly flexible to the point where there is no longer any guiding principle, and the rules are meaningless.*

Practical Guidelines:

- *Having a deep appreciation for the underlying spirit of a rule is the key to making good exceptions.*

Dignity

Alternative term: Respect

The Principle: *Dignity involves acknowledging the inherent value of participants and treating them accordingly.*

Dimensions: Primarily Relational

Inherent Challenges:

- *Confusion around the meaning of Respect and Dignity.* “Respect” is the more common term. However, “Respect” has at least three different meanings: (a) admiration, (“I have great respect for her.”) (b) acknowledgement of status (“Show some respect to your elders”) and (c) courtesy (“She is very respectful of others”). These differing meanings lead to confusion and this common disheartening exchange: “You need to show respect!” (meaning courtesy) “No I don’t, respect is earned!” (meaning admiration). “Dignity” is less common and more awkward to use, but it is less ambiguous than “Respect”. Dignity captures the idea that courtesy and kind treatment is owed to someone not because of their behavior, or accomplishments, or our perceptions of him or her, but because of the inherent value of their personhood.
- *Differing perceptions about which behaviors express dignity.* Often these differences can be cultural. For example, looking someone in the eye can be very respectful or disrespectful depending on the cultural context.
- *It is challenging to treat with Dignity those we disagree with, dislike or fear.*

Notable Interactions with other Principles:

- *Many of the other principles serve to honor and elevate the Dignity of participants.*
- *Accessibility.* Accessibility respects their need to understand.
- *Confidentiality.* Confidentiality protects against potential humiliation and reputational harm.
- *Voice.* Voice dignifies their thoughts and perspectives.
- *Timeliness.* Timeliness honors their time.

Examples: A warm welcome, showing appreciation, saying “please”, acknowledging costs, expressing empathy, listening, treating a difficult person with kindness.

Informal vs. Formal Context: Dignity can have both informal and formal expressions. Informal expressions of Dignity, such as a warm greeting may be more salient in informal processes, whereas formal expressions of Dignity, such as strict adherence to norms and protocols are often more pertinent in formalized settings.

Common Errors:

- *Rationalizing poor treatment of others because of conflict or the adversarial intensity of a process.*

Practical Guidelines:

- *Intentions matter.* Dignity must be deeply valued to be extended towards difficult people.