

## The Next Lawsuits to Hit Higher Education

It is simply a matter of time before a class-action one is filed against an institution for knowingly using biased instruments in evaluating its faculty, argues Ann Owen.

By [Ann Owen](#)

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Scandals and lawsuits about admissions practices have rocked colleges and universities, helping shatter any meritocratic image that higher education may have held. And it should not be surprising that a culture that is accepting of inequity extends beyond admissions into other essential processes of higher education, such as the recruitment and evaluation of faculty members. In fact, these processes are prime targets for yet more lawsuits.

**Study** after **study** shows that student evaluations of teaching contain bias against women and people of color. Yet it is common practice at many colleges and universities to use such biased instruments as an important element in major personnel decisions, including those involving hiring, reappointments, promotions, salaries and tenure.

Relying on biased instruments to evaluate faculty members is institutional discrimination. Indeed, it is simply a matter of time before a class-action lawsuit is filed against an institution for knowingly using biased instruments in evaluating its faculty.

This bias is often implicit and manifests itself in complicated ways that make it difficult to make a "correction" for it. This is the inherent nature of implicit bias. While it can be identified in systematic patterns in aggregate, it is difficult to know the extent to which it influences the evaluation of any one individual.

Relying on biased instruments holds faculty members from underrepresented groups to a higher standard. It can encourage a counterproductive downward spiral for some people, because it requires those from underrepresented groups to make a greater investment in teaching in order to receive ratings similar to those received by those who aren't subject to this bias.

As the director of a workshop that provides mentoring to female economists, I have listened to hundreds of stories of unequal student expectations and assessments of female faculty. Such faculty members are powerless to do anything but work harder to earn student evaluations that are equal to their male counterparts. The stories come from faculty members at many different types of institutions, but the themes are disturbingly similar: 1) higher expectations of women and people of color for availability and clarity in the

classroom and 2) a willingness to excuse shortcomings of male faculty because of the assumption they're engaged in other "important" work.

Investing more time in teaching comes at a price, often decreasing the amount of time available to spend on scholarly activities that are crucial for successful tenure, promotion and salary reviews. Evidence shows that even student comments about instructor characteristics that should be somewhat objective, such as how much time it takes to return assignments, contain bias. The results are so clear that it is no longer credible for college administrators to claim that they are unaware of this evidence.

Some people argue that a more holistic view of the instructor's record containing other evidence can temper such bias. But that argument contains a clear flaw in logic: if other unbiased evidence exists, why isn't it used instead of student course evaluations? An evaluation process that is one part biased and two parts unbiased is still biased.

Others might argue that student input is important in the evaluation of faculty members. That may be true, but there are many better ways to consider the student impact of a faculty member. In fact, several studies, including one conducted by researchers from the U.S. Air Force Academy, the University of California at Davis and National Bureau of Economic Research, suggest a negative correlation may, in fact, exist between deeper learning and student evaluations of the instructor. A much better system of evaluation of teaching would be to consider the influence that an instructor has on student learning. Instead of collecting and tabulating students' opinions, more direct observation of student outcomes is appropriate. A portfolio of faculty and student work, for example, would result in a much higher quality assessment of teaching.

While this issue certainly matters for individual faculty members, it is of even greater significance to higher education generally, because it determines which faculty members can remain in the classroom to teach an increasingly diverse student body. The bias in student evaluations is strongest in fields in which certain faculty members are underrepresented. For female faculty members, those are the male-dominated fields, such as many STEM fields and economics. For faculty members of color, that is almost every field. Using a biased evaluation system leaves fewer role models for underrepresented students, which then simply perpetuates that pattern and leads to an ever-narrower representation in many important fields of study. This system must be significantly rethought and reformed. Although it would take considerable effort, the stakes are high. It would be well worth the time spent.

## **Bio**

*Ann Owen, Hamilton College's Henry Platt Bristol Professor of Economics and chair of the economics department, has also been director of the American Economic Association's CeMENT Mentoring Workshops for Faculty in Non-Doctoral Programs since 2013. She is a board member of the AEA's Committee on the Status of Women in the Economics Profession. The views expressed here are her own.*

[https://www.insidehighered.com/views/2019/06/24/relying-often-biased-student-evaluations-assess-faculty-could-lead-lawsuits-opinion?utm\\_source=Inside+Higher+Ed&utm\\_campaign=83628cf342-WNU\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_1fcbc04421-83628cf342-199133009&mc\\_cid=83628cf342&mc\\_eid=6f67a838c9](https://www.insidehighered.com/views/2019/06/24/relying-often-biased-student-evaluations-assess-faculty-could-lead-lawsuits-opinion?utm_source=Inside+Higher+Ed&utm_campaign=83628cf342-WNU_COPY_01&utm_medium=email&utm_term=0_1fcbc04421-83628cf342-199133009&mc_cid=83628cf342&mc_eid=6f67a838c9)